

As Introduced

**124th General Assembly
Regular Session
2001-2002**

S. B. No. 123

SENATOR Oelslager

A B I L L

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the purpose of adopting new section numbers as	87
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in the traffic laws, and to make an appropriation.	114
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

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(4510.61), 4507.61 (4510.62), 4507.62 (4510.63), 4507.63 186
(4510.64), 4511.95 (4510.71), and 4511.951 (4510.72) be amended 187
for the purpose of adopting new section numbers as indicated in 188
parentheses; and sections 4508.09, 4510.01, 4510.02, 4510.021, 189
4510.03, 4510.031, 4510.032, 4510.034, 4510.035, 4510.036, 190
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4510.16, 4510.21, 4510.311, 4510.43, 4510.44, 4510.54, 4511.181, 192
4511.194, 4511.197, and 4549.52 of the Revised Code be enacted to 193
read as follows: 194

Sec. 9.981. (A) Sections 9.98 to 9.983 of the Revised Code 195
are applicable to bonds: 196

(1) The payment of the debt service on which is to be 197
provided for directly or indirectly by payments contracted to be 198
made in the bond proceedings by the absolute obligors, being 199
persons other than the issuer; and 200

(2) Which are authorized to be issued under sections 122.39 201
to 122.62, Chapter 165., 902., 3377., 3706., division ~~(D)~~(A)(4) of 202
section 4582.06, division ~~(H)~~(A)(8) of section 4582.31, section 203
4582.48, or Chapter 6121. or 6123. of the Revised Code, 204
notwithstanding other provisions therein. 205

(B) Sections 9.98 to 9.983 of the Revised Code are applicable 206
to bonds issued under Chapters 140., 152., 154., 175., and 349. of 207
the Revised Code, and to any bonds authorized under laws which 208
expressly make those sections applicable. 209

(C) Subject to division (A) of this section, the authority 210
provided in sections 9.98 to 9.983 of the Revised Code is 211
supplemental to and not in derogation of any similar authority 212
provided by, derived from, or implied by, any law, the Ohio 213
Constitution, or any charter, resolution, or ordinance, and no 214
inference shall be drawn to negate the authority thereunder by 215

reason of the express provisions of sections 9.98 to 9.983 of the Revised Code.

(D) Sections 9.98 to 9.983 of the Revised Code shall be liberally construed to permit flexibility in the arrangements therein provided to enhance the issuance of such bonds and provide for terms most beneficial and satisfactory to the persons which undertake to provide for their payment, security, and liquidity.

Sec. 119.062. (A) Notwithstanding section 119.06 of the Revised Code, the registrar of motor vehicles is not required to hold any hearing in connection with an order ~~revoking~~ canceling or suspending a motor vehicle driver's or commercial driver's license pursuant to section ~~4507.16, 4509.24, 4509.291, 4509.31, 4509.33, 4509.37, 4509.39, 4509.42, 4509.66, 4511.191, or 4511.196~~ 2903.06, 2903.08, 2907.24, 2921.331, 4549.02, 4549.021, or 5743.99 or any provision of Chapter ~~2925., 4509., 4510., or 4511.~~ of the Revised Code or in connection with an out-of-service order issued under Chapter 4506. of the Revised Code.

(B) Notwithstanding section 119.07 of the Revised Code, the registrar is not required to use registered mail, return receipt requested, in connection with an order ~~revoking~~ canceling or suspending a motor vehicle driver's or commercial driver's license, or a notification to a person to surrender a certificate of registration and registration plates.

Sec. 733.40. Except as otherwise provided in section 4511.193 of the Revised Code, all fines, forfeitures, and costs in ordinance cases and all fees that are collected by the mayor, ~~or which that~~ in any manner come into ~~his~~ the mayor's hands, or ~~which that~~ are due ~~such the~~ mayor or a marshal, chief of police, or other officer of the municipal corporation, any other fees and expenses ~~which that~~ have been advanced out of the treasury of the

municipal corporation, and all money received by ~~such~~ the mayor 246
for the use of ~~such~~ the municipal corporation, shall be paid by 247
~~him~~ the mayor into ~~such~~ the treasury of the municipal corporation 248
on the first Monday of each month. At the first regular meeting of 249
the legislative authority each month, the mayor shall submit a 250
full statement of all money received, from whom and for what 251
purposes received, and when paid into the treasury. Except as 252
otherwise provided by sections 3375.50 to 3375.52 or ~~4511.99~~ 253
4511.19 of the Revised Code, all fines, and forfeitures collected 254
by the mayor in state cases, together with all fees and expenses 255
collected ~~which~~ that have been advanced out of the county 256
treasury, shall be paid by ~~him~~ the mayor to the county treasury on 257
the first business day of each month. Except as otherwise provided 258
by sections 3375.50 to 3375.52 or ~~4511.99~~ 4511.19 of the Revised 259
Code, the mayor shall pay all court costs and fees collected by 260
the mayor in state cases ~~shall be paid by him~~ into the municipal 261
treasury on the first business day of each month. 262

This section does not apply to fines collected by a mayor's 263
court for violations of division (B) of section 4513.263 of the 264
Revised Code, or for violations of any municipal ordinance that is 265
substantively comparable to that division, all of which shall be 266
forwarded to the treasurer of state as provided in division (E) of 267
section 4513.263 of the Revised Code. 268

Sec. 1547.11. (A) No person shall operate or be in physical 269
control of any vessel underway or shall manipulate any water skis, 270
aquaplane, or similar device on the waters in this state if, at 271
the time of the operation, control, or manipulation, any of the 272
following applies: 273

(1) The person is under the influence of alcohol ~~or~~, a drug 274
of abuse, or ~~the combined influence of alcohol and a drug of~~ 275
~~abuse~~, a combination of them. 276

(2) The person has a concentration of ten-hundredths of one per cent or more by weight of alcohol per unit volume in the person's whole blood+. 277
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(3) The person has a concentration of twelve-hundredths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma. 280
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(4) The person has a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine+. 283
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~~(4)~~(5) The person has a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath. 286
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(B) No person under twenty-one years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this state if, at the time of the operation, control, or manipulation, any of the following applies: 289
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(1) The person has a concentration of at least two-hundredths of one per cent, but less than ten-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood+. 294
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(2) The person has a concentration of at least three-hundredths of one per cent but less than twelve-hundredths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma. 298
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(3) The person has a concentration of at least twenty-eight one-thousandths of one gram, but less than fourteen-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine+. 302
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~~(3)~~(4) The person has a concentration of at least 306

two-hundredths of one gram, but less than ten-hundredths of one 307
gram by weight of alcohol per two hundred ten liters of the 308
person's breath. 309

(C) In any proceeding arising out of one incident, a person 310
may be charged with a violation of division (A)(1) and a violation 311
of division (B)(1), (2), ~~or (3), or (4)~~ of this section, but the 312
person shall not be convicted of more than one violation of those 313
divisions. 314

(D)(1) In any criminal prosecution or juvenile court 315
proceeding for a violation of this section or ~~of an ordinance of~~ 316
~~any municipal corporation relating to operating a vessel or using~~ 317
~~any water skis, aquaplane, or similar device while under the~~ 318
~~influence of alcohol or a drug of abuse~~ for an equivalent 319
violation, the court may admit evidence on the concentration of 320
alcohol ~~or a drug, drugs~~ of abuse, or a combination of them in the 321
defendant's or child's whole blood, blood serum or plasma, urine, 322
or breath at the time of the alleged violation as shown by 323
chemical analysis of the ~~defendant's blood, urine, or breath~~ 324
substance withdrawn, or specimen taken within two hours of the 325
time of the alleged violation. 326

When a person submits to a blood test, only a physician, a 327
registered nurse, or a qualified technician ~~or, chemist, or~~ 328
phlebotomist shall withdraw blood for the purpose of determining 329
~~its~~ the alcohol ~~or, drug of abuse, or alcohol and drug~~ content of 330
the whole blood, blood serum, or blood plasma. This limitation 331
does not apply to the taking of breath or urine specimens. A 332
~~physician, registered nurse, or qualified technician or chemist~~ 333
person authorized to withdraw blood under this division may refuse 334
to withdraw blood ~~for the purpose of determining its alcohol or~~ 335
~~drug of abuse content~~ under this division if, in the that person's 336
opinion of the ~~physician, nurse, or technician or chemist,~~ the 337
physical welfare of the person defendant or child would be 338

endangered by ~~the~~ withdrawing of blood. 339

The whole blood, blood serum or plasma, urine, or breath 340
shall be analyzed in accordance with methods approved by the 341
director of health by an individual possessing a valid permit 342
issued by the director pursuant to section 3701.143 of the Revised 343
Code. 344

~~If (2) In a criminal prosecution or juvenile court proceeding 345
for a violation of division (A) of this section or for a violation 346
of a prohibition that is substantially equivalent to division (A) 347
of this section, if there was at the time the whole blood, blood 348
serum or plasma, urine, or breath was taken a concentration of 349
less than ~~ten hundredths of one per cent by weight of alcohol in 350
the defendant's blood, less than fourteen hundredths of one gram 351
by weight of alcohol per one hundred milliliters of the defendant's 352
urine, or less than ten hundredths of one gram by weight of 353
alcohol per two hundred ten liters of the defendant's breath the 354
applicable concentration of alcohol specified for a violation of 355
division (A)(2), (3), (4), or (5) of this section, that fact may 356
be considered with other competent evidence in determining the 357
guilt or innocence of the defendant or in making an adjudication 358
for the child. This division does not limit or affect a criminal 359
prosecution or juvenile court proceeding for a violation of 360
division (B) of this section or for a violation of a prohibition 361
that is substantially equivalent to that division. 362~~~~

(3) Upon the request of the person who was tested, the 363
results of the chemical test shall be made available to the person 364
or the person's attorney ~~or agent~~ immediately upon ~~the~~ completion 365
of the test analysis. 366

The person tested may have a physician, a registered nurse, 367
or a qualified technician ~~or~~, chemist, or phlebotomist of the 368
person's own choosing administer a chemical test or tests in 369
addition to any administered at the direction of a law enforcement 370

officer, and shall be so advised. The failure or inability to 371
obtain an additional test by a person shall not preclude the 372
admission of evidence relating to the test or tests taken at the 373
direction of a law enforcement officer. 374

A (E)(1) Subject to division (E)(3) of this section, in any 375
criminal prosecution or juvenile court proceeding for a violation 376
of this section or for an equivalent violation, the court shall 377
admit as prima-facie evidence a laboratory report from any 378
forensic laboratory certified by the department of health that 379
contains an analysis of the whole blood, blood serum or plasma, 380
breath, urine, or other bodily substance tested and that contains 381
all of the information specified in this division. The laboratory 382
report shall contain all of the following: 383

(a) The signature, under oath, of any person who performed 384
the analysis; 385

(b) Any findings as to the identity and quantity of alcohol, 386
a drug of abuse, or a combination of them that was found; 387

(c) A copy of a notarized statement by the laboratory 388
director or a designee of the director that contains the name of 389
each certified analyst or test performer involved with the report, 390
the analyst's or test performer's employment relationship with the 391
laboratory that issued the report, and a notation that performing 392
an analysis of the type involved is part of the analyst's or test 393
performer's regular duties; 394

(d) An outline of the analyst's or test performer's 395
education, training, and experience in performing the type of 396
analysis involved and a certification that the laboratory 397
satisfies appropriate quality control standards in general and, in 398
this particular analysis, under rules of the department of health. 399

(2) Notwithstanding any other provision of law regarding the 400
admission of evidence, a report of the type described in division 401

(E)(1) of this section is not admissible against the defendant or child to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's or child's attorney or, if the defendant or child has no attorney, on the defendant or child.

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

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(F) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician ~~or~~ chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and a hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

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~~(E) For the purposes of (G) As used in this section, "operate and section 1547.111 of the Revised Code:~~

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(1) "Equivalent violation" means a violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of this

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section.

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(2) "Operate" means that a vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States coast guard, this state, or a political subdivision and in which the vessel has the right to anchor.

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Sec. 1547.111. (A)(1) Any person who operates or is in physical control of a vessel or uses any water skis, aquaplane, or similar device upon any waters in this state shall be deemed to have given consent to a chemical test or tests ~~of the person's blood, breath, or urine for the purpose of determining its to~~ determine the alcohol or, drug of abuse, or alcohol and drug of abuse content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for the offense of operating or being in physical control of a vessel or ~~using~~ manipulating any water skis, aquaplane, or similar device in violation of section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance. ~~The~~

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(2) The test or tests under division (A) of this section shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person ~~to have been~~ was operating or in physical control of a vessel or ~~using~~ manipulating any water skis, aquaplane, or similar device in violation of section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance. The law enforcement agency by which the officer is employed shall designate which ~~of the test or~~ tests shall be administered.

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(B) Any person who is dead, or unconscious, or who otherwise is in a condition rendering the person incapable of refusal shall

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be deemed ~~not to have withdrawn consent~~ consented as provided by 465
in division (A)(1) of this section, and the test or tests may be 466
administered, subject to sections 313.12 to 313.16 of the Revised 467
Code. 468

(C) Any person under arrest for ~~the offense of operating a~~ 469
~~vessel or using any water skis, aquaplane, or similar device in~~ 470
~~violation of~~ violating section 1547.11 of the Revised Code or a 471
substantially equivalent municipal ordinance shall be advised of 472
the consequences of refusing to submit to a chemical test or tests 473
designated by ~~the law enforcement agency~~ as provided in division 474
(A) of this section. The advice shall be in a written form 475
prescribed by the chief of the division of watercraft and shall be 476
read to the person. The form shall contain a statement that the 477
form was shown to the person under arrest and read to the person 478
~~in the presence of~~ by the arresting officer ~~and either another law~~ 479
~~enforcement officer, a civilian law enforcement employee, or an~~ 480
~~employee of a hospital, first aid station, or clinic, if any, to~~ 481
~~which the person has been taken for first aid or medical~~ 482
~~treatment.~~ The reading of the form shall be witnessed by one or 483
more persons, and the witnesses shall certify to this fact by 484
signing the form. 485

(D) If a law enforcement officer asks a person under arrest 486
for ~~the offense of operating a vessel or using any water skis,~~ 487
~~aquaplane, or similar device in violation of~~ violating section 488
1547.11 of the Revised Code ~~refuses upon the request of a law~~ 489
~~enforcement officer~~ or a substantially equivalent municipal 490
ordinance to submit to a chemical test ~~designated by the law~~ 491
~~enforcement agency~~ or tests as provided in division (A) of this 492
section, ~~after first having been advised~~ if the arresting officer 493
advises the person of the consequences of the person's refusal as 494
provided in division (C) of this section, and if the person 495
refuses to submit, no chemical test shall be given, ~~but the chief,~~ 496

~~upon. Upon receipt of a sworn statement of the law enforcement officer that the arresting law enforcement officer had reasonable grounds to believe the arrested person had been operating a vessel or using any water skis, aquaplane, or similar device while under the influence of alcohol or a drug of abuse, under the combined influence of alcohol and a drug of abuse, or with a prohibited concentration of alcohol in the person's blood, urine, or breath, violated section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance and that the person refused to submit to the chemical test upon the request of the law enforcement officer, and upon receipt of the form as provided in division (C) of this section certifying that the arrested person was advised of the consequences of the refusal, the chief of the division of watercraft shall inform the person by written notice that the person is prohibited from operating or being in physical control of a vessel ~~or, from~~ using any water skis, aquaplane, or similar device, and ~~is prohibited~~ from registering any watercraft in accordance with section 1547.54 of the Revised Code, for one year following the date of the alleged violation of ~~section 1547.11 of the Revised Code~~. The suspension of these operation, physical control, use, and registration privileges shall continue for the entire one-year period, subject to review as provided in this section.~~

If the person under arrest is the owner of the vessel involved in the alleged violation, the law enforcement officer who arrested the person shall seize the watercraft registration certificate and tags from the vessel involved in the violation and forward them to the chief. ~~The chief, in addition to informing the person by written notice that the person is prohibited from operating a vessel or using any water skis, aquaplane, or similar device, and from registering any watercraft in accordance with section 1547.54 of the Revised Code, for one year following the date of the alleged violation,~~ shall retain the impounded

registration certificate and tags, and shall impound all other 530
registration certificates and tags issued to the person in 531
accordance with sections 1547.54 and 1547.57 of the Revised Code, 532
for a period of one year following the date of the alleged 533
violation, subject to review as provided in this section. 534

If the arrested person fails to surrender the registration 535
certificate because it is not on the person of the arrested person 536
or in the watercraft, the law enforcement officer who made the 537
arrest shall order the person to surrender it within twenty-four 538
hours to the law enforcement officer or the law enforcement agency 539
that employs the law enforcement officer. If the person fails to 540
do so, the law enforcement officer shall notify the chief of that 541
fact in the statement the officer submits to the chief under this 542
division. 543

(E) Upon suspending a person's operation, physical control, 544
use, and registration privileges in accordance with division (D) 545
of this section, the chief shall notify the person in writing, at 546
the person's last known address, and inform the person that the 547
person may petition for a hearing in accordance with division (F) 548
of this section. If a person whose operation, physical control, 549
use, and registration privileges have been suspended petitions for 550
a hearing or appeals any adverse decision ~~that is adverse to the~~ 551
~~person~~, the suspension of ~~privileges~~ shall begin at the 552
termination of any hearing or appeal unless the hearing or appeal 553
~~resulted~~ results in a decision favorable to the person. 554

(F) Any person who has been notified by the chief that the 555
person is prohibited from operating or being in physical control 556
of a vessel or using any water skis, aquaplane, or similar device 557
and from registering any watercraft in accordance with section 558
1547.54 of the Revised Code, or who has had the registration 559
certificate and tags of the person's watercraft impounded pursuant 560
to division (D) of this section, within twenty days of the 561

notification or impoundment, may file a petition in the municipal 562
court or the county court, or if the person is a minor in juvenile 563
court, ~~in whose~~ with jurisdiction over the place at which the 564
arrest occurred, agreeing to pay the cost of the proceedings and 565
alleging error in the action taken by the chief under division (D) 566
of this section or alleging one or more of the matters within the 567
scope of the hearing as provided in this section, or both. The 568
petitioner shall notify the chief of the filing of the petition 569
and send the chief a copy of the petition. 570

The scope of the hearing is limited to the issues of whether 571
the law enforcement officer had reasonable grounds to believe the 572
petitioner was operating or in physical control of a vessel or 573
~~using manipulating~~ any water skis, aquaplane, or similar device 574
~~while under the influence of alcohol or a drug of abuse, under the~~ 575
~~combined influence of alcohol and a drug of abuse, or with a~~ 576
~~prohibited concentration of alcohol or a drug of abuse in the~~ 577
~~person's blood, urine, or breath~~ in violation of section 1547.11 578
of the Revised Code or a substantially equivalent municipal 579
ordinance, whether the petitioner was placed under arrest, whether 580
the petitioner refused to submit to the chemical test upon request 581
of the officer, and whether the petitioner was advised of the 582
consequences of the petitioner's refusal. 583

(G)(1) The chief shall furnish the court a copy of the 584
affidavit as provided in division (C) of this section and any 585
other relevant information requested by the court. 586

(2) In hearing the matter and in determining whether the 587
person has shown error in the decision taken by the chief as 588
provided in division (D) of this section, the court shall decide 589
the issue upon the relevant, competent, and material evidence 590
submitted by the chief or the person whose operation, physical 591
control, use, and registration privileges have been suspended. 592

In the proceedings, the chief shall be represented by the 593

prosecuting attorney of the county in which the petition is filed
if the petition is filed in a county court or juvenile court,
except that if the arrest occurred within a city or village within
the jurisdiction of the county court in which the petition is
filed, the city director of law or village solicitor of that city
or village shall represent the chief. If the petition is filed in
the municipal court, the chief shall be represented as provided in
section 1901.34 of the Revised Code.

(3) If the court finds from the evidence submitted that the
person has failed to show error in the action taken by the chief
under division (D) of this section or in one or more of the
matters within the scope of the hearing as provided in division
(F) of this section, or both, the court shall assess the cost of
the proceeding against the person and shall uphold the suspension
of the operation, physical control, use, and registration
privileges provided in division (D) of this section. If the court
finds that the person has shown error in the action taken by the
chief under division (D) of this section or in one or more of the
matters within the scope of the hearing as provided in division
(F) of this section, or both, the cost of the proceedings shall be
paid out of the county treasury of the county in which the
proceedings were held, the chief shall reinstate the operation,
physical control, use, and registration privileges of the person
~~shall be reinstated~~ without charge, and the chief shall return the
registration certificate and tags, if impounded, ~~shall be returned~~
without charge.

(4) The court shall give information in writing of any action
taken under this section to the chief.

(H) At the end of any period of suspension or impoundment
imposed under this section, and upon request of the person whose
operation, physical control, use, and registration privileges were
suspended or whose registration certificate and tags were

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impounded, the chief shall reinstate the person's operation, 626
physical control, use, and registration privileges by written 627
notice and return the certificate and tags. 628

(I) No person who has received written notice from the chief 629
that the person is prohibited from operating or being in physical 630
control of a vessel ~~or~~, from using any water skis, aquaplane, or 631
similar device, and from registering a watercraft, or who has had 632
the registration certificate and tags of the person's watercraft 633
impounded, in accordance with division (D) of this section, shall 634
operate or be in physical control of a vessel or use any water 635
skis, aquaplane, or similar device for a period of one year 636
following the date of the person's alleged violation of section 637
1547.11 of the Revised Code or the substantially equivalent 638
municipal ordinance. 639

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 640
Revised Code is guilty of a felony of the fourth degree. 641

(B) Whoever violates section 1547.10, division (I) of section 642
1547.111, section 1547.13, or section 1547.66 of the Revised Code 643
is guilty of a misdemeanor of the first degree. 644

(C) Whoever violates a provision of this chapter or a rule 645
adopted thereunder, for which no penalty is otherwise provided, is 646
guilty of a minor misdemeanor. 647

(D) Whoever violates section 1547.07 or 1547.12 of the 648
Revised Code without causing injury to persons or damage to 649
property is guilty of a misdemeanor of the fourth degree. 650

(E) Whoever violates section 1547.07 or 1547.12 of the 651
Revised Code causing injury to persons or damage to property is 652
guilty of a misdemeanor of the third degree. 653

(F) Whoever violates division (M) of section 1547.54, 654
division (G) of section 1547.30, or section 1547.131, 1547.25, 655

1547.33, 1547.38, 1547.39, 1547.40, 1547.69, or 1547.92 of the
Revised Code or a rule adopted under division (A)(2) of section
1547.52 of the Revised Code is guilty of a misdemeanor of the
fourth degree.

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

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(1) Except as otherwise provided in division (G)(2) or (3) of
this section, the court shall sentence the offender to a term of
imprisonment of three consecutive days and may sentence the
offender pursuant to section 2929.21 of the Revised Code to a
longer term of imprisonment. In addition, the court shall impose
upon the offender a fine of not less than one hundred fifty nor
more than one thousand dollars.

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The court may suspend the execution of the mandatory three
consecutive days of imprisonment that it is required to impose by
division (G)(1) of this section if the court, in lieu of the
suspended term of imprisonment, places the offender on probation
and requires the offender to attend, for three consecutive days, a
drivers' intervention program that is certified pursuant to
section 3793.10 of the Revised Code. The court also may suspend
the execution of any part of the mandatory three consecutive days
of imprisonment that it is required to impose by division (G)(1)
of this section if the court places the offender on probation for
part of the three consecutive days; requires the offender to
attend, for that part of the three consecutive days, a drivers'
intervention program that is certified pursuant to section 3793.10
of the Revised Code; and sentences the offender to a term of
imprisonment equal to the remainder of the three consecutive days
that the offender does not spend attending the drivers'
intervention program. The court may require the offender, as a
condition of probation, to attend and satisfactorily complete any

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treatment or education programs, 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.

(2) If, within ~~five~~ six years of the offense, the offender
has been convicted of or pleaded guilty to one violation of
section 1547.11 of the Revised Code, of a municipal ordinance
relating to operating a watercraft or manipulating any water skis,
aquaplane, or similar device while under the influence of alcohol,
a drug of abuse, or ~~alcohol and a drug of abuse~~ a combination of
them, of a municipal ordinance relating to operating a watercraft
or manipulating any water skis, aquaplane, or similar device with
a prohibited concentration of alcohol in the whole blood, blood
serum or plasma, breath, or urine, of division (A)(1) of section
2903.06 of the Revised Code, or of division (A)(2), (3), or (4) of
section 2903.06 of the Revised Code or ~~former~~ section 2903.06 or
2903.07 of the Revised Code as they existed prior to March 23,
2000, 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~~ a combination of them, 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. In addition,
the court shall impose upon the offender a fine of not less than
one hundred fifty nor more than one thousand 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.

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(3) If, within ~~five~~ six years of the offense, the offender 720
has been convicted of or pleaded guilty to more than one violation 721
identified in division (G)(2) of this section, the court shall 722
sentence the offender to a term of imprisonment of thirty 723
consecutive days and may sentence the offender to a longer term of 724
imprisonment of not more than one year. In addition, the court 725
shall impose upon the offender a fine of not less than one hundred 726
fifty nor more than one thousand dollars. 727

In addition to any other sentence that it imposes upon the 728
offender, the court may require the offender to attend a drivers' 729
intervention program that is certified pursuant to section 3793.10 730
of the Revised Code. 731

(4) Upon a showing that imprisonment would seriously affect 732
the ability of an offender sentenced pursuant to division (G)(1), 733
(2), or (3) of this section to continue the offender's employment, 734
the court may authorize that the offender be granted work release 735
from imprisonment after the offender has served the three, ten, or 736
thirty consecutive days of imprisonment that the court is required 737
by division (G)(1), (2), or (3) of this section to impose. No 738
court shall authorize work release from imprisonment during the 739
three, ten, or thirty consecutive days of imprisonment that the 740
court is required by division (G)(1), (2), or (3) of this section 741
to impose. The duration of the work release shall not exceed the 742
time necessary each day for the offender to commute to and from 743
the place of employment and the place of imprisonment and the time 744
actually spent under employment. 745

(5) Notwithstanding any section of the Revised Code that 746
authorizes the suspension of the imposition or execution of a 747
sentence or the placement of an offender in any treatment program 748
in lieu of imprisonment, no court shall suspend the ten or thirty 749
consecutive days of imprisonment required to be imposed by 750
division (G)(2) or (3) of this section or place an offender who is 751

sentenced pursuant to division (G)(2) or (3) of this section in
any treatment program in lieu of imprisonment until after the
offender has served the ten or thirty consecutive days of
imprisonment required to be imposed pursuant to division (G)(2) or
(3) of this section. 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 (G)(1) of this section, shall suspend the
three consecutive days of imprisonment required to be imposed by
division (G)(1) of this section or place an offender who is
sentenced pursuant to division (G)(1) of this section in any
treatment program in lieu of imprisonment until after the offender
has served the three consecutive days of imprisonment required to
be imposed pursuant to division (G)(1) of this section.

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

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

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

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

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violation is related to a collision, injury to a person, or damage
to property.

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

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Sec. 1901.024. (A) The board of county commissioners of
Hamilton county shall pay all of the costs of operation of the
Hamilton county municipal court. Subject to sections 3375.50,
3375.53, 4511.19, 4511.193, ~~4511.99~~, and 5503.04 of the Revised
Code and to any other section of the Revised Code that requires a
specific manner of disbursement of any moneys received by a
municipal court, the county shall receive all of the costs, fees,
and other moneys, except fines collected for violations of
municipal ordinances and for violations of township resolutions
adopted pursuant to Chapter 504. of the Revised Code, that are
received by the Hamilton county municipal court and shall receive
fifty per cent of all of the fines for violations of municipal
ordinances and for violations of township resolutions adopted
pursuant to Chapter 504. of the Revised Code that are received by
the court.

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(B) The board of county commissioners of Lawrence county
shall pay all of the costs of operation of the Lawrence county

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municipal court. Subject to sections 3375.50, 3375.53, 4511.19, 815
4511.193, ~~4511.99,~~ and 5503.04 of the Revised Code and to any 816
other section of the Revised Code that requires a specific manner 817
of disbursement of any moneys received by a municipal court, the 818
county shall receive all of the costs, fees, and other moneys, 819
except fines collected for violations of municipal ordinances and 820
for violations of township resolutions adopted pursuant to Chapter 821
504. of the Revised Code, that are received by the Lawrence county 822
municipal court and shall receive fifty per cent of all of the 823
fines for violations of municipal ordinances and for violations of 824
township resolutions adopted pursuant to Chapter 504. of the 825
Revised Code that are received by the court. 826

(C) The board of county commissioners of Ottawa county shall 827
pay all of the costs of operation of the Ottawa county municipal 828
court. Subject to sections 3375.50, 3375.53, 4511.19, 4511.193, 829
~~4511.99,~~ and 5503.04 of the Revised Code and to any other section 830
of the Revised Code that requires a specific manner of 831
disbursement of any moneys received by a municipal court, the 832
county shall receive all of the costs, fees, and other moneys, 833
except fines collected for violations of municipal ordinances and 834
for violations of township resolutions adopted pursuant to Chapter 835
504. of the Revised Code, that are received by the Ottawa county 836
municipal court and shall receive fifty per cent of all of the 837
fines for violations of municipal ordinances and for violations of 838
township resolutions adopted pursuant to Chapter 504. of the 839
Revised Code that are received by the court. 840

(D) The board of county commissioners of a county in which a 841
county-operated municipal court is located shall pay all of the 842
costs of operation of the municipal court. The county in which a 843
county-operated municipal court that is not subject to division 844
(A), (B), or (C) of this section is located shall receive all of 845
the costs, fees, and other moneys, except fines collected for 846

violations of municipal ordinances and for violations of township 847
resolutions adopted pursuant to Chapter 504. of the Revised Code 848
and except as provided in sections 3375.50, 3375.53, and 5503.04 849
of the Revised Code and in any other section of the Revised Code 850
that requires a specific manner of disbursement of any moneys 851
received by a municipal court, that are received by the court. 852

Sec. 1901.31. The clerk and deputy clerks of a municipal 853
court shall be selected, be compensated, give bond, and have 854
powers and duties as follows: 855

(A) There shall be a clerk of the court who is appointed or 856
elected as follows: 857

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 858
Medina, Toledo, Clermont county, Hamilton county, Portage county, 859
and Wayne county municipal courts, if the population of the 860
territory equals or exceeds one hundred thousand at the regular 861
municipal election immediately preceding the expiration of the 862
term of the present clerk, the clerk shall be nominated and 863
elected by the qualified electors of the territory in the manner 864
that is provided for the nomination and election of judges in 865
section 1901.07 of the Revised Code. 866

The clerk so elected shall hold office for a term of six 867
years, which term shall commence on the first day of January 868
following the clerk's election and continue until the clerk's 869
successor is elected and qualified. 870

(b) In the Hamilton county municipal court, the clerk of 871
courts of Hamilton county shall be the clerk of the municipal 872
court and may appoint an assistant clerk who shall receive the 873
compensation, payable out of the treasury of Hamilton county in 874
semimonthly installments, that the board of county commissioners 875
prescribes. The clerk of courts of Hamilton county, acting as the 876
clerk of the Hamilton county municipal court and assuming the 877

duties of that office, shall receive compensation at one-fourth 878
the rate that is prescribed for the clerks of courts of common 879
pleas as determined in accordance with the population of the 880
county and the rates set forth in sections 325.08 and 325.18 of 881
the Revised Code. This compensation shall be paid from the county 882
treasury in semimonthly installments and is in addition to the 883
annual compensation that is received for the performance of the 884
duties of the clerk of courts of Hamilton county, as provided in 885
sections 325.08 and 325.18 of the Revised Code. 886

(c) In the Portage county and Wayne county municipal courts, 887
the clerks of courts of Portage county and Wayne county shall be 888
the clerks, respectively, of the Portage county and Wayne county 889
municipal courts and may appoint a chief deputy clerk for each 890
branch that is established pursuant to section 1901.311 of the 891
Revised Code and assistant clerks as the judges of the municipal 892
court determine are necessary, all of whom shall receive the 893
compensation that the legislative authority prescribes. The clerks 894
of courts of Portage county and Wayne county, acting as the clerks 895
of the Portage county and Wayne county municipal courts and 896
assuming the duties of these offices, shall receive compensation 897
payable from the county treasury in semimonthly installments at 898
one-fourth the rate that is prescribed for the clerks of courts of 899
common pleas as determined in accordance with the population of 900
the county and the rates set forth in sections 325.08 and 325.18 901
of the Revised Code. 902

(d) Except as otherwise provided in division (A)(1)(d) of 903
this section, in the Akron municipal court, candidates for 904
election to the office of clerk of the court shall be nominated by 905
primary election. The primary election shall be held on the day 906
specified in the charter of the city of Akron for the nomination 907
of municipal officers. Notwithstanding section 3513.257 of the 908
Revised Code, the nominating petitions of independent candidates 909

shall be signed by at least two hundred fifty qualified electors
of the territory of the court.

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The candidates shall file a declaration of candidacy and
petition, or a nominating petition, whichever is applicable, not
later than four p.m. of the seventy-fifth day before the day of
the primary election, in the form prescribed by section 3513.07 or
3513.261 of the Revised Code. The declaration of candidacy and
petition, or the nominating petition, shall conform to the
applicable requirements of section 3513.05 or 3513.257 of the
Revised Code.

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If no valid declaration of candidacy and petition is filed by
any person for nomination as a candidate of a particular political
party for election to the office of clerk of the Akron municipal
court, a primary election shall not be held for the purpose of
nominating a candidate of that party for election to that office.
If only one person files a valid declaration of candidacy and
petition for nomination as a candidate of a particular political
party for election to that office, a primary election shall not be
held for the purpose of nominating a candidate of that party for
election to that office, and the candidate shall be issued a
certificate of nomination in the manner set forth in section
3513.02 of the Revised Code.

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Declarations of candidacy and petitions, nominating
petitions, and certificates of nomination for the office of clerk
of the Akron municipal court shall contain a designation of the
term for which the candidate seeks election. At the following
regular municipal election, all candidates for the office shall be
submitted to the qualified electors of the territory of the court
in the manner that is provided in section 1901.07 of the Revised
Code for the election of the judges of the court. The clerk so
elected shall hold office for a term of six years, which term
shall commence on the first day of January following the clerk's

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election and continue until the clerk's successor is elected and
qualified.

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(e) In the Clermont county municipal court, the clerk of
courts of Clermont county shall be the clerk of the municipal
court. The clerk of courts of Clermont county, acting as the clerk
of the Clermont county municipal court and assuming the duties of
that office, shall receive compensation at one-fourth the rate
that is prescribed for the clerks of courts of common pleas as
determined in accordance with the population of the county and the
rates set forth in sections 325.08 and 325.18 of the Revised Code.
This compensation shall be paid from the county treasury in
semimonthly installments and is in addition to the annual
compensation that is received for the performance of the duties of
the clerk of courts of Clermont county, as provided in sections
325.08 and 325.18 of the Revised Code.

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(f) Irrespective of the population of the territory of the
Medina municipal court, the clerk of that court shall be appointed
pursuant to division (A)(2)(a) of this section by the judges of
that court, shall hold office until the clerk's successor is
similarly appointed and qualified, and shall receive pursuant to
division (C) of this section the annual compensation that the
legislative authority prescribes and that is payable in
semimonthly installments from the same sources and in the same
manner as provided in section 1901.11 of the Revised Code.

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(g) Except as otherwise provided in division (A)(1)(g) of
this section, in the Barberton municipal court, candidates for
election to the office of clerk of the court shall be nominated by
primary election. The primary election shall be held on the day
specified in the charter of the city of Barberton for the
nomination of municipal officers. Notwithstanding section 3513.257
of the Revised Code, the nominating petitions of independent
candidates shall be signed by at least two hundred fifty qualified

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electors of the territory of the court.

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The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the seventy-fifth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

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If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Barberton municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

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Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and

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(h) Except as otherwise provided in division (A)(1)(h) of 1007
this section, in the Cuyahoga Falls municipal court, candidates 1008
for election to the office of clerk of the court shall be 1009
nominated by primary election. The primary election shall be held 1010
on the day specified in the charter of the city of Cuyahoga Falls 1011
for the nomination of municipal officers. Notwithstanding section 1012
3513.257 of the Revised Code, the nominating petitions of 1013
independent candidates shall be signed by at least two hundred 1014
fifty qualified electors of the territory of the court. 1015

The candidates shall file a declaration of candidacy and 1016
petition, or a nominating petition, whichever is applicable, not 1017
later than four p.m. of the seventy-fifth day before the day of 1018
the primary election, in the form prescribed by section 3513.07 or 1019
3513.261 of the Revised Code. The declaration of candidacy and 1020
petition, or the nominating petition, shall conform to the 1021
applicable requirements of section 3513.05 or 3513.257 of the 1022
Revised Code. 1023

If no valid declaration of candidacy and petition is filed by 1024
any person for nomination as a candidate of a particular political 1025
party for election to the office of clerk of the Cuyahoga Falls 1026
municipal court, a primary election shall not be held for the 1027
purpose of nominating a candidate of that party for election to 1028
that office. If only one person files a valid declaration of 1029
candidacy and petition for nomination as a candidate of a 1030
particular political party for election to that office, a primary 1031
election shall not be held for the purpose of nominating a 1032
candidate of that party for election to that office, and the 1033
candidate shall be issued a certificate of nomination in the 1034
manner set forth in section 3513.02 of the Revised Code. 1035

Declarations of candidacy and petitions, nominating 1036
petitions, and certificates of nomination for the office of clerk 1037

of the Cuyahoga Falls municipal court shall contain a designation 1038
of the term for which the candidate seeks election. At the 1039
following regular municipal election, all candidates for the 1040
office shall be submitted to the qualified electors of the 1041
territory of the court in the manner that is provided in section 1042
1901.07 of the Revised Code for the election of the judges of the 1043
court. The clerk so elected shall hold office for a term of six 1044
years, which term shall commence on the first day of January 1045
following the clerk's election and continue until the clerk's 1046
successor is elected and qualified. 1047

(i) Except as otherwise provided in division (A)(1)(i) of 1048
this section, in the Toledo municipal court, candidates for 1049
election to the office of clerk of the court shall be nominated by 1050
primary election. The primary election shall be held on the day 1051
specified in the charter of the city of Toledo for the nomination 1052
of municipal officers. Notwithstanding section 3513.257 of the 1053
Revised Code, the nominating petitions of independent candidates 1054
shall be signed by at least two hundred fifty qualified electors 1055
of the territory of the court. 1056

The candidates shall file a declaration of candidacy and 1057
petition, or a nominating petition, whichever is applicable, not 1058
later than four p.m. of the seventy-fifth day before the day of 1059
the primary election, in the form prescribed by section 3513.07 or 1060
3513.261 of the Revised Code. The declaration of candidacy and 1061
petition, or the nominating petition, shall conform to the 1062
applicable requirements of section 3513.05 or 3513.257 of the 1063
Revised Code. 1064

If no valid declaration of candidacy and petition is filed by 1065
any person for nomination as a candidate of a particular political 1066
party for election to the office of clerk of the Toledo municipal 1067
court, a primary election shall not be held for the purpose of 1068
nominating a candidate of that party for election to that office. 1069

If only one person files a valid declaration of candidacy and
petition for nomination as a candidate of a particular political
party for election to that office, a primary election shall not be
held for the purpose of nominating a candidate of that party for
election to that office, and the candidate shall be issued a
certificate of nomination in the manner set forth in section
3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating
petitions, and certificates of nomination for the office of clerk
of the Toledo municipal court shall contain a designation of the
term for which the candidate seeks election. At the following
regular municipal election, all candidates for the office shall be
submitted to the qualified electors of the territory of the court
in the manner that is provided in section 1901.07 of the Revised
Code for the election of the judges of the court. The clerk so
elected shall hold office for a term of six years, which term
shall commence on the first day of January following the clerk's
election and continue until the clerk's successor is elected and
qualified.

(2)(a) Except for the Alliance, Auglaize county, Columbiana
county, Lorain, Massillon, and Youngstown municipal courts, in a
municipal court for which the population of the territory is less
than one hundred thousand and in the Medina municipal court, the
clerk shall be appointed by the court, and the clerk shall hold
office until the clerk's successor is appointed and qualified.

(b) In the Alliance, Lorain, Massillon, and Youngstown
municipal courts, the clerk shall be elected for a term of office
as described in division (A)(1)(a) of this section.

(c) In the Auglaize county municipal court, the clerk of
courts of Auglaize county shall be the clerk of the municipal
court and may appoint a chief deputy clerk for each branch that is
established pursuant to section 1901.311 of the Revised Code, and

assistant clerks as the judge of the court determines are
necessary, all of whom shall receive the compensation that the
legislative authority prescribes. The clerk of courts of Auglaize
county, acting as the clerk of the Auglaize county municipal court
and assuming the duties of that office, shall receive compensation
payable from the county treasury in semimonthly installments at
one-fourth the rate that is prescribed for the clerks of courts of
common pleas as determined in accordance with the population of
the county and the rates set forth in sections 325.08 and 325.18
of the Revised Code.

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(d) In the Columbiana county municipal court, the clerk of
courts of Columbiana county shall be the clerk of the municipal
court, may appoint a chief deputy clerk for each branch office
that is established pursuant to section 1901.311 of the Revised
Code, and may appoint any assistant clerks that the judges of the
court determine are necessary. All of the chief deputy clerks and
assistant clerks shall receive the compensation that the
legislative authority prescribes. The clerk of courts of
Columbiana county, acting as the clerk of the Columbiana county
municipal court and assuming the duties of that office, shall
receive compensation payable from the county treasury in
semimonthly installments at one-fourth the rate that is prescribed
for the clerks of courts of common pleas as determined in
accordance with the population of the county and the rates set
forth in sections 325.08 and 325.18 of the Revised Code.

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(3) During the temporary absence of the clerk due to illness,
vacation, or other proper cause, the court may appoint a temporary
clerk, who shall be paid the same compensation, have the same
authority, and perform the same duties as the clerk.

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(B) Except in the Clermont county, Hamilton county, Medina,
Portage county, and Wayne county municipal courts, if a vacancy
occurs in the office of the clerk of the Alliance, Lorain,

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Massillon, or Youngstown municipal court or occurs in the office 1134
of the clerk of a municipal court for which the population of the 1135
territory equals or exceeds one hundred thousand because the clerk 1136
ceases to hold the office before the end of the clerk's term or 1137
because a clerk-elect fails to take office, the vacancy shall be 1138
filled, until a successor is elected and qualified, by a person 1139
chosen by the residents of the territory of the court who are 1140
members of the county central committee of the political party by 1141
which the last occupant of that office or the clerk-elect was 1142
nominated. Not less than five nor more than fifteen days after a 1143
vacancy occurs, those members of that county central committee 1144
shall meet to make an appointment to fill the vacancy. At least 1145
four days before the date of the meeting, the chairperson or a 1146
secretary of the county central committee shall notify each such 1147
member of that county central committee by first class mail of the 1148
date, time, and place of the meeting and its purpose. A majority 1149
of all such members of that county central committee constitutes a 1150
quorum, and a majority of the quorum is required to make the 1151
appointment. If the office so vacated was occupied or was to be 1152
occupied by a person not nominated at a primary election, or if 1153
the appointment was not made by the committee members in 1154
accordance with this division, the court shall make an appointment 1155
to fill the vacancy. A successor shall be elected to fill the 1156
office for the unexpired term at the first municipal election that 1157
is held more than one hundred twenty days after the vacancy 1158
occurred. 1159

(C)(1) In a municipal court, other than the Auglaize county, 1160
the Columbiana county, and the Lorain municipal courts, for which 1161
the population of the territory is less than one hundred thousand 1162
and in the Medina municipal court, the clerk of the municipal 1163
court shall receive the annual compensation that the presiding 1164
judge of the court prescribes, if the revenue of the court for the 1165

preceding calendar year, as certified by the auditor or chief 1166
fiscal officer of the municipal corporation in which the court is 1167
located or, in the case of a county-operated municipal court, the 1168
county auditor, is equal to or greater than the expenditures, 1169
including any debt charges, for the operation of the court payable 1170
under this chapter from the city treasury or, in the case of a 1171
county-operated municipal court, the county treasury for that 1172
calendar year, as also certified by the auditor or chief fiscal 1173
officer. If the revenue of a municipal court, other than the 1174
Auglaize county, the Columbiana county, and the Lorain municipal 1175
courts, for which the population of the territory is less than one 1176
hundred thousand or the revenue of the Medina municipal court for 1177
the preceding calendar year as so certified is not equal to or 1178
greater than those expenditures for the operation of the court for 1179
that calendar year as so certified, the clerk of a municipal court 1180
shall receive the annual compensation that the legislative 1181
authority prescribes. As used in this division, "revenue" means 1182
the total of all costs and fees that are collected and paid to the 1183
city treasury or, in a county-operated municipal court, the county 1184
treasury by the clerk of the municipal court under division (F) of 1185
this section and all interest received and paid to the city 1186
treasury or, in a county-operated municipal court, the county 1187
treasury in relation to the costs and fees under division (G) of 1188
this section. 1189

(2) In a municipal court, other than the Clermont county, 1190
Hamilton county, Medina, Portage county, and Wayne county 1191
municipal courts, for which the population of the territory is one 1192
hundred thousand or more, and in the Lorain municipal court, the 1193
clerk of the municipal court shall receive annual compensation in 1194
a sum equal to eighty-five per cent of the salary of a judge of 1195
the court. 1196

(3) The compensation of a clerk described in division (C)(1) 1197

or (2) of this section is payable in semimonthly installments from 1198
the same sources and in the same manner as provided in section 1199
1901.11 of the Revised Code. 1200

(D) Before entering upon the duties of the clerk's office, 1201
the clerk of a municipal court shall give bond of not less than 1202
six thousand dollars to be determined by the judges of the court, 1203
conditioned upon the faithful performance of the clerk's duties. 1204

(E) The clerk of a municipal court may do all of the 1205
following: administer oaths, take affidavits, and issue executions 1206
upon any judgment rendered in the court, including a judgment for 1207
unpaid costs; issue, sign, and attach the seal of the court to all 1208
writs, process, subpoenas, and papers issuing out of the court; 1209
and approve all bonds, sureties, recognizances, and undertakings 1210
fixed by any judge of the court or by law. The clerk may refuse to 1211
accept for filing any pleading or paper submitted for filing by a 1212
person who has been found to be a vexatious litigator under 1213
section 2323.52 of the Revised Code and who has failed to obtain 1214
leave to proceed under that section. The clerk shall do all of the 1215
following: file and safely keep all journals, records, books, and 1216
papers belonging or appertaining to the court; record the 1217
proceedings of the court; perform all other duties that the judges 1218
of the court may prescribe; and keep a book showing all receipts 1219
and disbursements, which book shall be open for public inspection 1220
at all times. 1221

The clerk shall prepare and maintain a general index, a 1222
docket, and other records that the court, by rule, requires, all 1223
of which shall be the public records of the court. In the docket, 1224
the clerk shall enter, at the time of the commencement of an 1225
action, the names of the parties in full, the names of the 1226
counsel, and the nature of the proceedings. Under proper dates, 1227
the clerk shall note the filing of the complaint, issuing of 1228
summons or other process, returns, and any subsequent pleadings. 1229

The clerk also shall enter all reports, verdicts, orders, 1230
judgments, and proceedings of the court, clearly specifying the 1231
relief granted or orders made in each action. The court may order 1232
an extended record of any of the above to be made and entered, 1233
under the proper action heading, upon the docket at the request of 1234
any party to the case, the expense of which record may be taxed as 1235
costs in the case or may be required to be prepaid by the party 1236
demanding the record, upon order of the court. 1237

(F) The clerk of a municipal court shall receive, collect, 1238
and issue receipts for all costs, fees, fines, bail, and other 1239
moneys payable to the office or to any officer of the court. The 1240
clerk shall each month disburse to the proper persons or officers, 1241
and take receipts for, all costs, fees, fines, bail, and other 1242
moneys that the clerk collects. Subject to sections 3375.50 and 1243
4511.193 of the Revised Code and to any other section of the 1244
Revised Code that requires a specific manner of disbursement of 1245
any moneys received by a municipal court and except for the 1246
Hamilton county, Lawrence county, and Ottawa county municipal 1247
courts, the clerk shall pay all fines received for violation of 1248
municipal ordinances into the treasury of the municipal 1249
corporation the ordinance of which was violated and shall pay all 1250
fines received for violation of township resolutions adopted 1251
pursuant to Chapter 504. of the Revised Code into the treasury of 1252
the township the resolution of which was violated. Subject to 1253
sections 1901.024 and 4511.193 of the Revised Code, in the 1254
Hamilton county, Lawrence county, and Ottawa county municipal 1255
courts, the clerk shall pay fifty per cent of the fines received 1256
for violation of municipal ordinances and fifty per cent of the 1257
fines received for violation of township resolutions adopted 1258
pursuant to Chapter 504. of the Revised Code into the treasury of 1259
the county. Subject to sections 3375.50, 3375.53, ~~4511.99~~ 4511.19, 1260
and 5503.04 of the Revised Code and to any other section of the 1261

Revised Code that requires a specific manner of disbursement of 1262
any moneys received by a municipal court, the clerk shall pay all 1263
fines collected for the violation of state laws into the county 1264
treasury. Except in a county-operated municipal court, the clerk 1265
shall pay all costs and fees the disbursement of which is not 1266
otherwise provided for in the Revised Code into the city treasury. 1267
The clerk of a county-operated municipal court shall pay the costs 1268
and fees the disbursement of which is not otherwise provided for 1269
in the Revised Code into the county treasury. Moneys deposited as 1270
security for costs shall be retained pending the litigation. The 1271
clerk shall keep a separate account of all receipts and 1272
disbursements in civil and criminal cases, which shall be a 1273
permanent public record of the office. On the expiration of the 1274
term of the clerk, the clerk shall deliver the records to the 1275
clerk's successor. The clerk shall have other powers and duties as 1276
are prescribed by rule or order of the court. 1277

(G) All moneys paid into a municipal court shall be noted on 1278
the record of the case in which they are paid and shall be 1279
deposited in a state or national bank, or a domestic savings and 1280
loan association, as defined in section 1151.01 of the Revised 1281
Code, that is selected by the clerk. Any interest received upon 1282
the deposits shall be paid into the city treasury, except that, in 1283
a county-operated municipal court, the interest shall be paid into 1284
the treasury of the county in which the court is located. 1285

On the first Monday in January of each year, the clerk shall 1286
make a list of the titles of all cases in the court that were 1287
finally determined more than one year past in which there remains 1288
unclaimed in the possession of the clerk any funds, or any part of 1289
a deposit for security of costs not consumed by the costs in the 1290
case. The clerk shall give notice of the moneys to the parties who 1291
are entitled to the moneys or to their attorneys of record. All 1292
the moneys remaining unclaimed on the first day of April of each 1293

year shall be paid by the clerk to the city treasurer, except
that, in a county-operated municipal court, the moneys shall be
paid to the treasurer of the county in which the court is located.
The treasurer shall pay any part of the moneys at any time to the
person who has the right to the moneys upon proper certification
of the clerk.

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(H) Deputy clerks may be appointed by the clerk and shall
receive the compensation, payable in semimonthly installments out
of the city treasury, that the clerk may prescribe, except that
the compensation of any deputy clerk of a county-operated
municipal court shall be paid out of the treasury of the county in
which the court is located. Each deputy clerk shall take an oath
of office before entering upon the duties of the deputy clerk's
office and, when so qualified, may perform the duties appertaining
to the office of the clerk. The clerk may require any of the
deputy clerks to give bond of not less than three thousand
dollars, conditioned for the faithful performance of the deputy
clerk's duties.

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(I) For the purposes of this section, whenever the population
of the territory of a municipal court falls below one hundred
thousand but not below ninety thousand, and the population of the
territory prior to the most recent regular federal census exceeded
one hundred thousand, the legislative authority of the municipal
corporation may declare, by resolution, that the territory shall
be considered to have a population of at least one hundred
thousand.

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(J) The clerk or a deputy clerk shall be in attendance at all
sessions of the municipal court, although not necessarily in the
courtroom, and may administer oaths to witnesses and jurors and
receive verdicts.

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Sec. 1905.01. (A) In all municipal corporations, other than

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Batavia in Clermont county, not being the site of a municipal 1325
court nor a place where a judge of the Auglaize county, Crawford 1326
county, Jackson county, Miami county, Portage county, or Wayne 1327
county municipal court sits as required pursuant to section 1328
1901.021 of the Revised Code or by designation of the judges 1329
pursuant to section 1901.021 of the Revised Code, the mayor of the 1330
municipal corporation has jurisdiction, except as provided in 1331
divisions (B), (C), and (E) of this section and subject to the 1332
limitation contained in section 1905.03 and the limitation 1333
contained in section 1905.031 of the Revised Code, to hear and 1334
determine any prosecution for the violation of an ordinance of the 1335
municipal corporation, to hear and determine any case involving a 1336
violation of a vehicle parking or standing ordinance of the 1337
municipal corporation unless the violation is required to be 1338
handled by a parking violations bureau or joint parking violations 1339
bureau pursuant to Chapter 4521. of the Revised Code, and to hear 1340
and determine all criminal causes involving any moving traffic 1341
violation occurring on a state highway located within the 1342
boundaries of the municipal corporation, subject to the 1343
limitations of sections 2937.08 and 2938.04 of the Revised Code. 1344

(B)(1) In all municipal corporations, other than Batavia in 1345
Clermont county, not being the site of a municipal court nor a 1346
place where a judge of a court listed in division (A) of this 1347
section sits as required pursuant to section 1901.021 of the 1348
Revised Code or by designation of the judges pursuant to section 1349
1901.021 of the Revised Code, the mayor of the municipal 1350
corporation has jurisdiction, subject to the limitation contained 1351
in section 1905.03 of the Revised Code, to hear and determine 1352
prosecutions involving a violation of an ordinance of the 1353
municipal corporation relating to operating a vehicle while under 1354
the influence of alcohol, a drug of abuse, or ~~alcohol~~ and a drug 1355
~~of abuse~~ combination of them or relating to operating a vehicle 1356

with a prohibited concentration of alcohol in the whole blood, 1357
blood serum or plasma, breath, or urine, and to hear and determine 1358
criminal causes involving a violation of section 4511.19 of the 1359
Revised Code that occur on a state highway located within the 1360
boundaries of the municipal corporation, subject to the 1361
limitations of sections 2937.08 and 2938.04 of the Revised Code, 1362
only if the person charged with the violation, within six years of 1363
the date of the violation charged, has not been convicted of or 1364
pleaded guilty to any of the following: 1365

(a) A violation of an ordinance of any municipal corporation 1366
relating to operating a vehicle while under the influence of 1367
alcohol, a drug of abuse, or ~~alcohol and a drug of abuse~~ 1368
combination of them or relating to operating a vehicle with a 1369
prohibited concentration of alcohol in the whole blood, blood 1370
serum or plasma, breath, or urine; 1371

(b) A violation of section 4511.19 of the Revised Code; 1372

(c) A violation of any ordinance of any municipal corporation 1373
or of any section of the Revised Code that regulates the operation 1374
of vehicles, streetcars, and trackless trolleys upon the highways 1375
or streets, ~~in relation~~ to which all of the following apply: 1376

(i) The person, in the case in which the conviction was 1378
obtained or the plea of guilty was entered, had been charged with 1379
a violation of an ordinance of ~~any municipal corporation relating~~ 1380
~~to operating a vehicle while under the influence of alcohol, a~~ 1381
~~drug of abuse, or alcohol and a drug of abuse or relating to~~ 1382
~~operating a vehicle with a prohibited concentration of alcohol in~~ 1383
~~the blood, breath, or urine~~ a type described in division (B)(1)(a) 1384
of this section, or with a violation of section 4511.19 of the 1385
Revised Code; 1386

(ii) The charge of the violation described in division 1387
(B)(1)(c)(i) of this section was dismissed or reduced; 1388

(iii) The violation of which the person was convicted or to 1389
which the person pleaded guilty arose out of the same facts and 1390
circumstances and the same act as did the charge that was 1391
dismissed or reduced. 1392

(d) A violation of a statute of the United States or of any 1393
other state or a municipal ordinance of a municipal corporation 1394
located in any other state that is substantially similar to 1395
section 4511.19 of the Revised Code. 1396

(2) The mayor of a municipal corporation does not have 1397
jurisdiction to hear and determine any prosecution or criminal 1398
cause involving a violation described in division (B)(1)(a) or (b) 1399
of this section, regardless of where the violation occurred, if 1400
the person charged with the violation, within six years of the 1401
violation charged, has been convicted of or pleaded guilty to any 1402
violation listed in division (B)(1)(a), (b), (c), or (d) of this 1403
section. 1404

If the mayor of a municipal corporation, in hearing a 1405
prosecution involving a violation of an ordinance of the municipal 1406
corporation the mayor serves relating to operating a vehicle while 1407
under the influence of alcohol, a drug of abuse, or ~~alcohol and a~~ 1408
~~drug of abuse~~ combination of them or relating to operating a 1409
vehicle with a prohibited concentration of alcohol in the whole 1410
blood, blood serum or plasma, breath, or urine, or in hearing a 1411
criminal cause involving a violation of section 4511.19 of the 1412
Revised Code, determines that the person charged, within six years 1413
of the violation charged, has been convicted of or pleaded guilty 1414
to any violation listed in division (B)(1)(a), (b), (c), or (d) of 1415
this section, the mayor immediately shall transfer the case to the 1416
county court or municipal court with jurisdiction over the 1417
violation charged, in accordance with section 1905.032 of the 1418
Revised Code. 1419

(C)(1) In all municipal corporations, other than Batavia in 1420

Clermont county, not being the site of a municipal court and not
being a place where a judge of a court listed in division (A) of
this section sits as required pursuant to section 1901.021 of the
Revised Code or by designation of the judges pursuant to section
1901.021 of the Revised Code, the mayor of the municipal
corporation, subject to sections 1901.031, 2937.08, and 2938.04 of
the Revised Code, has jurisdiction to hear and determine
prosecutions involving a violation of a municipal ordinance that
is substantially equivalent to division ~~(B)(1) or (D)(2)~~ of (A) of
section 4510.14 or section 4507.02 4510.16 of the Revised Code and
to hear and determine criminal causes that involve a moving
traffic violation, that involve a violation of division ~~(B)(1) or~~
~~(D)(2) of (A) of section 4510.14 or section 4507.02 4510.16~~ of the
Revised Code, and that occur on a state highway located within the
boundaries of the municipal corporation only if all of the
following apply regarding the violation and the person charged:

(a) Regarding a violation of ~~division (B)(1) of~~ section
~~4507.02 4510.16~~ of the Revised Code or a violation of a municipal
ordinance that is substantially equivalent to that division, the
person charged with the violation, within five years of the date
of the violation charged, has not been convicted of or pleaded
guilty to any of the following:

(i) A violation of ~~division (B)(1) of~~ section ~~4507.02 4510.16~~
of the Revised Code;

(ii) A violation of a municipal ordinance that is
substantially equivalent to ~~division (B)(1) of~~ section ~~4507.02~~
4510.16 of the Revised Code;

(iii) A violation of any municipal ordinance or section of
the Revised Code that regulates the operation of vehicles,
streetcars, and trackless trolleys upon the highways or streets,
in a case in which, after a charge against the person of a
violation of a type described in division (C)(1)(a)(i) or (ii) of

this section was dismissed or reduced, the person is convicted of 1453
or pleads guilty to a violation that arose out of the same facts 1454
and circumstances and the same act as did the charge that was 1455
dismissed or reduced. 1456

(b) Regarding a violation of division ~~(D)(2)(A)~~ of section 1457
~~4507.02~~ 4510.14 of the Revised Code or a violation of a municipal 1458
ordinance that is substantially equivalent to that division, the 1459
person charged with the violation, within five years of the date 1460
of the violation charged, has not been convicted of or pleaded 1461
guilty to any of the following: 1462

(i) A violation of division ~~(D)(2)(A)~~ of section ~~4507.02~~ 1463
4510.14 of the Revised Code; 1464

(ii) A violation of a municipal ordinance that is 1465
substantially equivalent to division ~~(D)(2)(A)~~ of section ~~4507.02~~ 1466
4510.14 of the Revised Code; 1467

(iii) A violation of any municipal ordinance or section of 1468
the Revised Code that regulates the operation of vehicles, 1469
streetcars, and trackless trolleys upon the highways or streets in 1470
a case in which, after a charge against the person of a violation 1471
of a type described in division (C)(1)(b)(i) or (ii) of this 1472
section was dismissed or reduced, the person is convicted of or 1473
pleads guilty to a violation that arose out of the same facts and 1474
circumstances and the same act as did the charge that was 1475
dismissed or reduced. 1476

(2) The mayor of a municipal corporation does not have 1477
jurisdiction to hear and determine any prosecution or criminal 1478
cause involving a violation described in division (C)(1)(a)(i) or 1479
(ii) of this section if the person charged with the violation, 1480
within five years of the violation charged, has been convicted of 1481
or pleaded guilty to any violation listed in division 1482
(C)(1)(a)(i), (ii), or (iii) of this section and does not have 1483

jurisdiction to hear and determine any prosecution or criminal
cause involving a violation described in division (C)(1)(b)(i) or
(ii) of this section if the person charged with the violation,
within five years of the violation charged, has been convicted of
or pleaded guilty to any violation listed in division
(C)(1)(b)(i), (ii), or (iii) of this section.

(3) If the mayor of a municipal corporation, in hearing a
prosecution involving a violation of an ordinance of the municipal
corporation the mayor serves that is substantially equivalent to
division ~~(B)(1) or (D)(2)~~ of (A) of section 4510.14 or section
4507.02 4510.16 of the Revised Code or a violation of division
~~(B)(1) or (D)(2)~~ of (A) of section 4510.14 or section 4507.02
4510.16 of the Revised Code, determines that, under division
(C)(2) of this section, mayors do not have jurisdiction of the
prosecution, the mayor immediately shall transfer the case to the
county court or municipal court with jurisdiction over the
violation in accordance with section 1905.032 of the Revised Code.

(D) If the mayor of a municipal corporation has jurisdiction
pursuant to division (B)(1) of this section to hear and determine
a prosecution or criminal cause involving a violation described in
division (B)(1)(a) or (b) of this section, the authority of the
mayor to hear or determine the prosecution or cause is subject to
the limitation contained in division (C) of section 1905.03 of the
Revised Code. If the mayor of a municipal corporation has
jurisdiction pursuant to division (A) or (C) of this section to
hear and determine a prosecution or criminal cause involving a
violation other than a violation described in division (B)(1)(a)
or (b) of this section, the authority of the mayor to hear or
determine the prosecution or cause is subject to the limitation
contained in division (C) of section 1905.031 of the Revised Code.

(E)(1) The mayor of a municipal corporation does not have
jurisdiction to hear and determine any prosecution or criminal

cause involving any of the following: 1516

(a) A violation of section 2919.25 or 2919.27 of the Revised 1517
Code; 1518

(b) A violation of section 2903.11, 2903.12, 2903.13, 1519
2903.211, or 2911.211 of the Revised Code that involves a person 1520
who was a family or household member of the defendant at the time 1521
of the violation; 1522

(c) A violation of a municipal ordinance that is 1523
substantially equivalent to an offense described in division 1524
(E)(1)(a) or (b) of this section and that involves a person who 1525
was a family or household member of the defendant at the time of 1526
the violation. 1527

(2) The mayor of a municipal corporation does not have 1528
jurisdiction to hear and determine a motion filed pursuant to 1529
section 2919.26 of the Revised Code or filed pursuant to a 1530
municipal ordinance that is substantially equivalent to that 1531
section or to issue a protection order pursuant to that section or 1532
a substantially equivalent municipal ordinance. 1533

(3) As used in this section, "family or household member" has 1534
the same meaning as in section 2919.25 of the Revised Code. 1535

(F) In keeping a docket and files, the mayor, and a mayor's 1536
court magistrate appointed under section 1905.05 of the Revised 1537
Code, shall be governed by the laws pertaining to county courts. 1538

Sec. 1905.201. The mayor of a municipal corporation that has 1539
a mayor's court, and a mayor's court magistrate, are entitled to 1540
suspend ~~or revoke~~, and shall suspend ~~or revoke~~, in accordance with 1541
~~division (B) of section 4507.16~~ sections 4510.02, 4510.07, and 1542
4511.99 of the Revised Code, the driver's or commercial driver's 1543
license or permit or nonresident operating privilege of any person 1544
who is convicted of or pleads guilty to a violation of division 1545

(A) of section 4511.19 of the Revised Code, of a municipal 1546
ordinance relating to operating a vehicle while under the 1547
influence of alcohol, a drug of abuse, or ~~alcohol and a drug of~~ 1548
~~abuse~~ a combination of them, or of a municipal ordinance relating 1549
to operating a vehicle with a prohibited concentration of alcohol 1550
in the whole blood, blood serum or plasma, breath, or urine that 1551
is substantially equivalent to division (A) of section 4511.19 of 1552
the Revised Code. The mayor of a municipal corporation that has a 1553
mayor's court, and a mayor's court magistrate, are entitled to 1554
suspend, and shall suspend, in accordance with ~~division (E) of~~ 1555
~~section 4507.16~~ sections 4510.02, 4510.07, and 4511.99 of the 1556
Revised Code, the driver's, or commercial driver's license or 1557
permit or nonresident operating privilege of any person who is 1558
convicted of or pleads guilty to a violation of division (B) of 1559
section 4511.19 of the Revised Code or of a municipal ordinance 1560
relating to operating a vehicle with a prohibited concentration of 1561
alcohol in the whole blood, blood serum or plasma, breath, or 1562
urine that is substantially equivalent to division (B) of section 1563
4511.19 of the Revised Code. 1564

Suspension of a commercial driver's license under this 1565
section shall be concurrent with any period of disqualification or 1566
suspension under section 3123.58, 3123.611, or 4506.16 of the 1567
Revised Code ~~or period of suspension under section 3123.58 of the~~ 1568
~~Revised Code~~. No person who is disqualified for life from holding 1569
a commercial driver's license under section 4506.16 of the Revised 1570
Code shall be issued a driver's license under Chapter 4507. of the 1571
Revised Code during the period for which the commercial driver's 1572
license was suspended under this section, and no person whose 1573
commercial driver's license is suspended under this section shall 1574
be issued a driver's license under Chapter 4507. of the Revised 1575
Code during the period of the suspension. 1576

Sec. 1907.20. (A) The clerk of courts shall be the clerk of 1577
the county court, except that the board of county commissioners, 1578
with the concurrence of the county court judges, may appoint a 1579
clerk for each county court judge, who shall serve at the pleasure 1580
of the board and shall receive compensation as set by the board, 1581
payable in semimonthly installments from the treasury of the 1582
county. An appointed clerk, before entering upon the duties of the 1583
office, shall give bond of not less than five thousand dollars, as 1584
determined by the board of county commissioners, conditioned upon 1585
the faithful performance of the clerk's duties. 1586

The clerks of courts of common pleas, when acting as the 1587
clerks of county courts, and upon assuming their county court 1588
duties, shall receive compensation at one-fourth the rate 1589
prescribed for the clerks of courts of common pleas as determined 1590
in accordance with the population of the county and the rates set 1591
forth in sections 325.08 and 325.18 of the Revised Code. This 1592
compensation shall be paid from the county treasury in semimonthly 1593
installments and is in addition to the annual compensation 1594
received for the performance of the duties of the clerk of a court 1595
of common pleas as provided in sections 325.08 and 325.18 of the 1596
Revised Code. 1597

(B) The clerk of a county court shall have general powers to 1598
administer oaths, take affidavits, and issue executions upon any 1599
judgment rendered in the county court, including a judgment for 1600
unpaid costs, power to issue and sign all writs, process, 1601
subpoenas, and papers issuing out of the court, and to attach the 1602
seal of the court to them, and power to approve all bonds, 1603
sureties, recognizances, and undertakings fixed by any judge of 1604
the court or by law. The clerk shall file and safely keep all 1605
journals, records, books, and papers belonging or appertaining to 1606
the court, record its proceedings, perform all other duties that 1607
the judges of the court may prescribe, and keep a book showing all 1608

receipts and disbursements, which shall be open for public 1609
inspection at all times. The clerk may refuse to accept for filing 1610
any pleading or paper submitted for filing by a person who has 1611
been found to be a vexatious litigator under section 2323.52 of 1612
the Revised Code and who has failed to obtain leave to proceed 1613
under that section. 1614

The clerk shall prepare and maintain a general index, a 1615
docket as prescribed by the court, which shall be furnished by the 1616
board of county commissioners, and such other records as the 1617
court, by rule, requires, all of which shall be the public records 1618
of the court. In the docket, the clerk shall enter at times of the 1619
commencement of an action, the names of the parties in full, the 1620
names of the counsel, and the nature of the proceedings. Under 1621
proper dates, the clerk shall note the filing of the complaint, 1622
issuing of summons or other process, returns, and pleadings 1623
subsequent thereto. The clerk also shall enter all reports, 1624
verdicts, orders, judgments, and proceedings of the court, clearly 1625
specifying the relief granted or orders made in each action. The 1626
court may order an extended record of any of the above to be made 1627
and entered, under the proper action heading, upon the docket at 1628
the request of any party to the case, the expense of which may be 1629
taxed as costs in the case or may be required to be prepaid by the 1630
party demanding the extended record, upon order of the court. 1631

(C) The clerk of a county court shall receive and collect all 1632
costs, fees, fines, penalties, bail, and other moneys payable to 1633
the office or to any officer of the court and issue receipts 1634
therefor, and shall each month disburse the costs, fees, fines, 1635
penalties, bail, and other moneys to the proper persons or 1636
officers and take receipts therefor. Subject to sections 3375.51, 1637
3375.53, 4511.19, 4511.193, and ~~4511.99~~ 5503.04 of the Revised 1638
Code and all other statutes that require a different distribution 1639
of fines, fines received for violations of municipal ordinances 1640

shall be paid into the treasury of the municipal corporation whose 1641
ordinance was violated, fines received for violations of township 1642
resolutions adopted pursuant to Chapter 504. of the Revised Code 1643
shall be paid into the treasury of the township whose resolution 1644
was violated, and fines collected for the violation of state laws 1645
shall be paid into the county treasury. Moneys deposited as 1646
security for costs shall be retained pending the litigation. 1647

The clerk shall keep a separate account of all receipts and 1648
disbursements in civil and criminal cases. The separate account 1649
shall be a permanent public record of the office. On the 1650
expiration of a clerk's term, those records shall be delivered to 1651
the clerk's successor. 1652

The clerk shall have such other powers and duties as are 1653
prescribed by rule or order of the court. 1654

(D) All moneys paid into a county court shall be noted on the 1655
record of the case in which they are paid and shall be deposited 1656
in a state or national bank selected by the clerk. On the first 1657
Monday in January of each year, the clerk shall make a list of the 1658
titles of all cases in the county court that were finally 1659
determined more than one year past in which there remains 1660
unclaimed in the possession of the clerk any funds, or any part of 1661
a deposit for security of costs not consumed by the costs in the 1662
case. The clerk shall give notice of the moneys to the parties 1663
entitled to them or to their attorneys of record. All the moneys 1664
remaining unclaimed on the first day of April of each year shall 1665
be paid by the clerk to the county treasurer. Any part of the 1666
moneys shall be paid by the county treasurer at any time to the 1667
person having the right to them, upon proper certification of the 1668
clerk. 1669

(E)(1) In county court districts having appointed clerks, 1670
deputy clerks may be appointed by the board of county 1671
commissioners. Clerks and deputy clerks shall receive such 1672

compensation payable in semimonthly installments out of the county treasury as the board may prescribe. Each deputy clerk shall take an oath of office before entering upon the duties of the deputy clerk's office and, when so qualified, may perform the duties appertaining to the office of the clerk. The clerk may require any of the deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties.

(2) A clerk of courts acting as clerk of the county court may appoint deputy clerks to perform the duties pertaining to the office of clerk of the county court. Each deputy clerk shall take an oath of office before entering upon the deputy clerk's duties, and the clerk of courts may require the deputy clerk to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties.

(3) The clerk or a deputy clerk of a county court shall be in attendance at all sessions of the court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts.

(F)(1) In county court districts having appointed clerks, the board of county commissioners may order the establishment of one or more branch offices of the clerk and, with the concurrence of the county judges, may appoint a special deputy clerk to administer each branch office. Each special deputy clerk shall take an oath of office before entering upon the duties of the deputy clerk's office and, when so qualified, may perform any one or more of the duties appertaining to the office of clerk, as the board prescribes. Special deputy clerks shall receive such compensation payable in semimonthly installments out of the county treasury as the board may prescribe. The board may require any of the special deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the

deputy clerk's duties.

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The board of county commissioners may authorize the clerk of the county court to operate one or more branch offices, to divide the clerk's time between the offices, and to perform duties appertaining to the office of clerk in locations that the board prescribes.

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(2) A clerk of courts acting as clerk of the county court may establish one or more branch offices for the clerk's duties as clerk of the county court and, with the concurrence of the county court judges, may appoint a special deputy clerk to administer each branch office. Each special deputy clerk shall take an oath of office before entering upon the deputy clerk's duties and, when so qualified, may perform any of the duties pertaining to the office of clerk, as the clerk of courts prescribes. The clerk of courts may require any of the special deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties.

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(G) The clerk of courts of the county shall fix the compensation of deputy clerks and special deputy clerks appointed by the clerk pursuant to this section. Those personnel shall be paid and be subject to the same requirements as other employees of the clerk under the provisions of section 325.17 of the Revised Code insofar as that section is applicable.

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Sec. 2151.354. (A) If the child is adjudicated an unruly child, the court may:

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(1) Make any of the dispositions authorized under section 2151.353 of the Revised Code;

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(2) Place the child on community control under any sanctions, services, and conditions that the court prescribes, as described in division (A)(3) of section 2152.19 of the Revised Code;

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(3) ~~Suspend or revoke~~ Impose a class six suspension of the 1736
driver's license, probationary driver's license, or temporary 1737
instruction permit issued to the child from the range specified in 1738
division (A)(6) of section 4510.02 of the Revised Code and suspend 1739
~~or revoke~~ the registration of all motor vehicles registered in the 1740
name of the child. A child whose license or permit is so suspended 1741
~~or revoked~~ is ineligible for issuance of a license or permit 1742
during the period of suspension ~~or revocation~~. At the end of the 1743
period of suspension ~~or revocation~~, the child shall not be 1744
reissued a license or permit until the child has paid any 1745
applicable reinstatement fee and complied with all requirements 1746
governing license reinstatement. 1747

(4) Commit the child to the temporary or permanent custody of 1748
the court; 1749

(5) If, after making a disposition under division (A)(1), 1750
(2), or (3) of this section, the court finds upon further hearing 1751
that the child is not amenable to treatment or rehabilitation 1752
under that disposition, make a disposition otherwise authorized 1753
under divisions (A)(1), (3), (4), and (7) of section 2152.19 of 1754
the Revised Code, except that the child may not be committed to or 1755
placed in a secure correctional facility, and commitment to or 1756
placement in a detention facility may not exceed twenty-four hours 1757
unless authorized by division (B)(3) of section 2151.312 or 1758
sections 2151.56 to 2151.61 of the Revised Code. 1759

(B) If a child is adjudicated an unruly child for committing 1760
any act that, if committed by an adult, would be a drug abuse 1761
offense, as defined in section 2925.01 of the Revised Code, or a 1762
violation of division (B) of section 2917.11 of the Revised Code, 1763
~~then,~~ in addition to imposing, in its discretion, any other order 1764
of disposition authorized by this section, the court shall do both 1765
of the following: 1766

(1) Require the child to participate in a drug abuse or 1767
alcohol abuse counseling program; 1768

(2) ~~Suspend or revoke~~ Impose a class six license suspension 1769
of the temporary instruction permit, probationary driver's 1770
license, or driver's license issued to the child for a period of 1771
time prescribed by the court or, at the discretion of the court, 1772
until from the range specified in division (A)(6) of section 1773
4510.02 of the Revised Code. The court, in its discretion, may 1774
terminate the suspension if the child attends and satisfactorily 1775
completes a drug abuse or alcohol abuse education, intervention, 1776
or treatment program specified by the court. During the time the 1777
child is attending ~~the~~ a program as described in this division, 1778
the court shall retain ~~any~~ the child's temporary instruction 1779
permit, probationary driver's license, or driver's license ~~issued~~ 1780
~~to the child,~~ and the court shall return the permit or license 1781
~~when the child satisfactorily completes the program~~ if it 1782
terminates the suspension. 1783

(C)(1) If a child is adjudicated an unruly child for being an 1784
habitual truant, in addition to or in lieu of imposing any other 1785
order of disposition authorized by this section, the court may do 1786
any of the following: 1787

(a) Order the board of education of the child's school 1788
district or the governing board of the educational service center 1789
in the child's school district to require the child to attend an 1790
alternative school if an alternative school has been established 1791
pursuant to section 3313.533 of the Revised Code in the school 1792
district in which the child is entitled to attend school; 1793

(b) Require the child to participate in any academic program 1794
or community service program; 1795

(c) Require the child to participate in a drug abuse or 1796
alcohol abuse counseling program; 1797

(d) Require that the child receive appropriate medical or 1798
psychological treatment or counseling; 1799

(e) Make any other order that the court finds proper to 1800
address the child's habitual truancy, including an order requiring 1801
the child to not be absent without legitimate excuse from the 1802
public school the child is supposed to attend for five or more 1803
consecutive days, seven or more school days in one school month, 1804
or twelve or more school days in a school year and including an 1805
order requiring the child to participate in a truancy prevention 1806
mediation program. 1807

(2) If a child is adjudicated an unruly child for being an 1808
habitual truant and the court determines that the parent, 1809
guardian, or other person having care of the child has failed to 1810
cause the child's attendance at school in violation of section 1811
3321.38 of the Revised Code, in addition to any order of 1812
disposition authorized by this section, all of the following 1813
apply: 1814

(a) The court may require the parent, guardian, or other 1815
person having care of the child to participate in any community 1816
service program, preferably a community service program that 1817
requires the involvement of the parent, guardian, or other person 1818
having care of the child in the school attended by the child. 1819

(b) The court may require the parent, guardian, or other 1820
person having care of the child to participate in a truancy 1821
prevention mediation program. 1822

(c) The court shall warn the parent, guardian, or other 1823
person having care of the child that any subsequent adjudication 1824
of the child as an unruly or delinquent child for being an 1825
habitual or chronic truant may result in a criminal charge against 1826
the parent, guardian, or other person having care of the child for 1827
a violation of division (C) of section 2919.21 or section 2919.24 1828

of the Revised Code. 1829

Sec. 2152.19. (A) If a child is adjudicated a delinquent 1830
child, the court may make any of the following orders of 1831
disposition, in addition to any other disposition authorized or 1832
required by this chapter: 1833

(1) Any order that is authorized by section 2151.353 of the 1834
Revised Code for the care and protection of an abused, neglected, 1835
or dependent child. 1836

(2) Commit the child to the temporary custody of any school, 1837
camp, institution, or other facility operated for the care of 1838
delinquent children by the county, by a district organized under 1839
section 2152.41 or 2151.65 of the Revised Code, or by a private 1840
agency or organization, within or without the state, that is 1841
authorized and qualified to provide the care, treatment, or 1842
placement required; 1843

(3) Place the child on community control under any sanctions, 1844
services, and conditions that the court prescribes. As a condition 1845
of community control in every case and in addition to any other 1846
condition that it imposes upon the child, the court shall require 1847
the child to abide by the law during the period of community 1848
control. As referred to in this division, community control 1849
includes, but is not limited to, the following sanctions and 1850
conditions: 1851

(a) A period of basic probation supervision in which the 1852
child is required to maintain contact with a person appointed to 1853
supervise the child in accordance with sanctions imposed by the 1854
court; 1855

(b) A period of intensive probation supervision in which the 1856
child is required to maintain frequent contact with a person 1857
appointed by the court to supervise the child while the child is 1858

seeking or maintaining employment and participating in training,
education, and treatment programs as the order of disposition; 1859
1860

(c) A period of day reporting in which the child is required 1861
each day to report to and leave a center or another approved 1862
reporting location at specified times in order to participate in 1863
work, education or training, treatment, and other approved 1864
programs at the center or outside the center; 1865

(d) A period of community service of up to five hundred hours 1866
for an act that would be a felony or a misdemeanor of the first 1867
degree if committed by an adult, up to two hundred hours for an 1868
act that would be a misdemeanor of the second, third, or fourth 1869
degree if committed by an adult, or up to thirty hours for an act 1870
that would be a minor misdemeanor if committed by an adult; 1871

(e) A requirement that the child obtain a high school 1872
diploma, a certificate of high school equivalence, vocational 1873
training, or employment; 1874

(f) A period of drug and alcohol use monitoring; 1875

(g) A requirement of alcohol or drug assessment or 1876
counseling, or a period in an alcohol or drug treatment program 1877
with a level of security for the child as determined necessary by 1878
the court; 1879

(h) A period in which the court orders the child to observe a 1880
curfew that may involve daytime or evening hours; 1881

(i) A requirement that the child serve monitored time; 1882

(j) A period of house arrest with or without electronic 1883
monitoring; 1884

(k) A period of electronic monitoring without house arrest or 1885
electronically monitored house arrest that does not exceed the 1886
maximum sentence of imprisonment that could be imposed upon an 1887
adult who commits the same act. 1888

A period of electronically monitored house arrest imposed 1889
under this division shall not extend beyond the child's 1890
twenty-first birthday. If a court imposes a period of 1891
electronically monitored house arrest upon a child under this 1892
division, it shall require the child: to wear, otherwise have 1893
attached to the child's person, or otherwise be subject to 1894
monitoring by a certified electronic monitoring device or to 1895
participate in the operation of and monitoring by a certified 1896
electronic monitoring system; to remain in the child's home or 1897
other specified premises for the entire period of electronically 1898
monitored house arrest except when the court permits the child to 1899
leave those premises to go to school or to other specified 1900
premises; to be monitored by a central system that can determine 1901
the child's location at designated times; to report periodically 1902
to a person designated by the court; and to enter into a written 1903
contract with the court agreeing to comply with all requirements 1904
imposed by the court, agreeing to pay any fee imposed by the court 1905
for the costs of the electronically monitored house arrest, and 1906
agreeing to waive the right to receive credit for any time served 1907
on electronically monitored house arrest toward the period of any 1908
other dispositional order imposed upon the child if the child 1909
violates any of the requirements of the dispositional order of 1910
electronically monitored house arrest. The court also may impose 1911
other reasonable requirements upon the child. 1912

Unless ordered by the court, a child shall not receive credit 1913
for any time served on electronically monitored house arrest 1914
toward any other dispositional order imposed upon the child for 1915
the act for which was imposed the dispositional order of 1916
electronically monitored house arrest. 1917

(1) A class six suspension of the driver's license, 1918
probationary driver's license, or temporary instruction permit 1919
issued to the child from the range specified in division (A)(6) of 1920

section 4510.02 of the Revised Code, or a suspension of the 1921
registration of all motor vehicles registered in the name of the 1922
child. A child whose license or permit is so suspended is 1923
ineligible for issuance of a license or permit during the period 1924
of suspension. At the end of the period of suspension, the child 1925
shall not be reissued a license or permit until the child has paid 1926
any applicable reinstatement fee and complied with all 1927
requirements governing license reinstatement. 1928

(4) Commit the child to the custody of the court; 1929

(5) Require the child to not be absent without legitimate 1930
excuse from the public school the child is supposed to attend for 1931
five or more consecutive days, seven or more school days in one 1932
school month, or twelve or more school days in a school year; 1933

(6)(a) If a child is adjudicated a delinquent child for being 1934
a chronic truant or an habitual truant who previously has been 1935
adjudicated an unruly child for being a habitual truant, do either 1936
or both of the following: 1937

(i) Require the child to participate in a truancy prevention 1938
mediation program; 1939

(ii) Make any order of disposition as authorized by this 1940
section, except that the court shall not commit the child to a 1941
facility described in division (A)(2) of this section unless the 1942
court determines that the child violated a lawful court order made 1943
pursuant to division (C)(1)(e) of section 2151.354 of the Revised 1944
Code or division (A)(5) of this section. 1945

(b) If a child is adjudicated a delinquent child for being a 1946
chronic truant or a habitual truant who previously has been 1947
adjudicated an unruly child for being a habitual truant and the 1948
court determines that the parent, guardian, or other person having 1949
care of the child has failed to cause the child's attendance at 1950
school in violation of section 3321.38 of the Revised Code, do 1951

either or both of the following:	1952
(i) Require the parent, guardian, or other person having care of the child to participate in a truancy prevention mediation program;	1953 1954 1955
(ii) Require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child.	1956 1957 1958 1959 1960
(7) Make any further disposition that the court finds proper, except that the child shall not be placed in any of the following:	1961 1962 1963
(a) A state correctional institution, a county, multicounty, or municipal jail or workhouse, or another place in which an adult convicted of a crime, under arrest, or charged with a crime is held;	1964 1965 1966 1967
(b) A community corrections facility, if the child would be covered by the definition of public safety beds for purposes of sections 5139.41 to 5139.45 of the Revised Code if the court exercised its authority to commit the child to the legal custody of the department of youth services for institutionalization or institutionalization in a secure facility pursuant to this chapter.	1968 1969 1970 1971 1972 1973 1974
(B) If a child is adjudicated a delinquent child, in addition to any order of disposition made under division (A) of this section, the court, in the following situations <u>and for the specified period of time</u> , shall suspend the child's temporary instruction permit, restricted license, probationary driver's license, or nonresident operating privilege, or suspend the child's ability to obtain such a permit:	1975 1976 1977 1978 1979 1980 1981
(1) The <u>If the</u> child is adjudicated a delinquent child for	1982

violating section 2923.122 of the Revised Code, ~~with the~~ 1983
~~suspension and denial being~~ impose a class four suspension of the 1984
child's license, permit, or privilege from the range specified in 1985
division (A)(4) of section 4510.02 of the Revised Code or deny the 1986
child the issuance of a license or permit in accordance with 1987
~~division (E)(F)(1)(a), (c), (d), or (e)~~ of section 2923.122 of the 1988
Revised Code. 1989

(2) ~~The~~ If the child is adjudicated a delinquent child for 1990
committing an act that if committed by an adult would be a drug 1991
abuse offense or for violating division (B) of section 2917.11 of 1992
the Revised Code, ~~with~~ impose a class six suspension of the 1993
child's license, permit, or privilege from the range specified in 1994
division (A)(6) of section 4510.02 of the Revised Code. The court, 1995
in its discretion, may terminate the suspension ~~continuing until~~ 1996
if the child attends and satisfactorily completes a drug abuse or 1997
alcohol abuse education, intervention, or treatment program 1998
specified by the court. During the time the child is attending ~~the~~ 1999
a program as described in this division, the court shall retain 2000
~~any~~ the child's temporary instruction permit, probationary 2001
driver's license, or driver's license ~~issued to the child,~~ and the 2002
court shall return the permit or license ~~when the child~~ 2003
~~satisfactorily completes the program~~ if it terminates the 2004
suspension as described in this division. 2005

(C) The court may establish a victim-offender mediation 2006
program in which victims and their offenders meet to discuss the 2007
offense and suggest possible restitution. If the court obtains the 2008
assent of the victim of the delinquent act committed by the child, 2009
the court may require the child to participate in the program. 2010

(D)(1) If a child is adjudicated a delinquent child for 2012
committing an act that would be a felony if committed by an adult 2013
and if the child caused, attempted to cause, threatened to cause, 2014

or created a risk of physical harm to the victim of the act, the court, prior to issuing an order of disposition under this section, shall order the preparation of a victim impact statement by the probation department of the county in which the victim of the act resides, by the court's own probation department, or by a victim assistance program that is operated by the state, a county, a municipal corporation, or another governmental entity. The court shall consider the victim impact statement in determining the order of disposition to issue for the child.

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(2) Each victim impact statement shall identify the victim of the act for which the child was adjudicated a delinquent child, itemize any economic loss suffered by the victim as a result of the act, identify any physical injury suffered by the victim as a result of the act and the seriousness and permanence of the injury, identify any change in the victim's personal welfare or familial relationships as a result of the act and any psychological impact experienced by the victim or the victim's family as a result of the act, and contain any other information related to the impact of the act upon the victim that the court requires.

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(3) A victim impact statement shall be kept confidential and is not a public record. However, the court may furnish copies of the statement to the department of youth services if the delinquent child is committed to the department or to both the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney. The copy of a victim impact statement furnished by the court to the department pursuant to this section shall be kept confidential and is not a public record. The copies of a victim impact statement that are made available to the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney pursuant to this division shall be returned to the court by the person to

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whom they were made available immediately following the imposition 2047
of an order of disposition for the child under this chapter. 2048

(4) The department of youth services shall work with local 2049
probation departments and victim assistance programs to develop a 2050
standard victim impact statement. 2051

(E) If a child is adjudicated a delinquent child for being a 2052
chronic truant or an habitual truant who previously has been 2053
adjudicated an unruly child for being an habitual truant and the 2054
court determines that the parent, guardian, or other person having 2055
care of the child has failed to cause the child's attendance at 2056
school in violation of section 3321.38 of the Revised Code, in 2057
addition to any order of disposition it makes under this section, 2058
the court shall warn the parent, guardian, or other person having 2059
care of the child that any subsequent adjudication of the child as 2060
an unruly or delinquent child for being an habitual or chronic 2061
truant may result in a criminal charge against the parent, 2062
guardian, or other person having care of the child for a violation 2063
of division (C) of section 2919.21 or section 2919.24 of the 2064
Revised Code. 2065

(F)(1) During the period of a delinquent child's community 2066
control granted under this section, authorized probation officers 2067
who are engaged within the scope of their supervisory duties or 2068
responsibilities may search, with or without a warrant, the person 2069
of the delinquent child, the place of residence of the delinquent 2070
child, and a motor vehicle, another item of tangible or intangible 2071
personal property, or other real property in which the delinquent 2072
child has a right, title, or interest or for which the delinquent 2073
child has the express or implied permission of a person with a 2074
right, title, or interest to use, occupy, or possess if the 2075
probation officers have reasonable grounds to believe that the 2076
delinquent child is not abiding by the law or otherwise is not 2077
complying with the conditions of the delinquent child's community 2078

control. The court that places a delinquent child on community control under this section shall provide the delinquent child with a written notice that informs the delinquent child that authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of community control if they have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's community control. The court also shall provide the written notice described in division (E)(2) of this section to each parent, guardian, or custodian of the delinquent child who is described in that division.

(2) The court that places a child on community control under this section shall provide the child's parent, guardian, or other custodian with a written notice that informs them that authorized probation officers may conduct searches pursuant to division (E)(1) of this section. The notice shall specifically state that a permissible search might extend to a motor vehicle, another item of tangible or intangible personal property, or a place of residence or other real property in which a notified parent, guardian, or custodian has a right, title, or interest and that the parent, guardian, or custodian expressly or impliedly permits the child to use, occupy, or possess.

Sec. 2152.21. (A) Unless division (C) of this section applies, if a child is adjudicated a juvenile traffic offender, the court may make any of the following orders of disposition:

(1) Impose costs and one or more financial sanctions in accordance with section 2152.20 of the Revised Code;

(2) ~~Suspend~~ Impose a class six suspension of the child's driver's license, probationary driver's license, or temporary instruction permit from the range specified in division (A)(6) of

section 4510.02 of the Revised Code or suspend the registration of 2110
all motor vehicles registered in the name of the child for a 2111
definite period not exceeding two years. A child whose license or 2112
permit is so suspended is ineligible for issuance of a license or 2113
permit during the period of suspension. At the end of the period 2114
of suspension, the child shall not be reissued a license or permit 2115
until the child has paid any applicable reinstatement fee and 2116
complied with all requirements governing license reinstatement. 2117

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(3) Place the child on community control; 2119

(4) Require the child to make restitution for all damages 2120
caused by the child's traffic violation; 2121

(5)(a) If the child is adjudicated a juvenile traffic 2122
offender for committing a violation of division (A) of section 2123
4511.19 of the Revised Code or of a municipal ordinance that is 2124
substantially equivalent to that division, commit the child, for 2125
not longer than five days, to either of the following: 2126

(i) ~~To the~~ The temporary custody of a detention facility or 2127
district detention facility established under section 2152.41 of 2128
the Revised Code; 2129

(ii) ~~To the~~ The temporary custody of any school, camp, 2130
institution, or other facility for children operated in whole or 2131
in part for the care of juvenile traffic offenders of that nature 2132
by the county, by a district organized under section 2152.41 or 2133
2151.65 of the Revised Code, or by a private agency or 2134
organization within the state that is authorized and qualified to 2135
provide the care, treatment, or placement required. 2136

(b) If an order of disposition committing a child to the 2137
temporary custody of a home, school, camp, institution, or other 2138
facility of that nature is made under division (A)(5)(a) of this 2139
section, the length of the commitment shall not be reduced or 2140

diminished as a credit for any time that the child was held in a
place of detention or shelter care, or otherwise was detained,
prior to entry of the order of disposition.

(6) If, after making a disposition under divisions (A)(1) to
(5) of this section, the court finds upon further hearing that the
child has failed to comply with the orders of the court and the
child's operation of a motor vehicle constitutes the child a
danger to the child and to others, the court may make any
disposition authorized by divisions (A)(1), (3), (4), and (7) of
section 2152.19 of the Revised Code, except that the child may not
be committed to or placed in a secure correctional facility unless
authorized by division (A)(5) of this section, and commitment to
or placement in a detention facility may not exceed twenty-four
hours.

(B) If a child is adjudicated a juvenile traffic offender for
violating division (A) or (B) of section 4511.19 of the Revised
Code, in addition to any order of disposition made under division
(A) of this section, the court shall ~~suspend~~ impose a class six
suspension of the temporary instruction permit, probationary
driver's license, or driver's license issued to the child ~~for a~~
~~definite period of at least three months but not more than two~~
~~years or, at the discretion of the court, until~~ from the range
specified in division (A)(6) of section 4510.02 of the Revised
Code. The court, in its discretion, may terminate the suspension
if the child attends and satisfactorily completes a drug abuse or
alcohol abuse education, intervention, or treatment program
specified by the court. During the time the child is attending ~~the~~
a program as described in this division, the court shall retain
~~any~~ the child's temporary instruction permit, probationary
driver's license, or driver's license issued ~~to the child,~~ and the
court shall return the permit or license ~~when the child~~
~~satisfactorily completes the program~~ if it terminates the

suspension as described in this division. 2173

(C) If a child is adjudicated a juvenile traffic offender for 2174
violating division (B)(1) ~~or (2)~~ of section 4513.263 of the 2175
Revised Code, the court shall impose the appropriate fine set 2176
forth in division (6) of that section ~~4513.99 of the Revised Code.~~ 2177
If a child is adjudicated a juvenile traffic offender for 2178
violating division (B)(3) of section 4513.263 of the Revised Code 2179
and if the child is sixteen years of age or older, the court shall 2180
impose the fine set forth in division (G)(2) of that section 2181
~~4513.99 of the Revised Code.~~ If a child is adjudicated a juvenile 2182
traffic offender for violating division (B)(3) of section 4513.263 2183
of the Revised Code and if the child is under sixteen years of 2184
age, the court shall not impose a fine but may place the child on 2185
probation or community control. 2186

(D) A juvenile traffic offender is subject to sections 2187
4509.01 to 4509.78 of the Revised Code. 2188

Sec. 2743.191. (A) There is hereby created in the state 2189
treasury the reparations fund, which shall be used only for the 2190
payment of awards of reparations that are granted by the attorney 2191
general, the compensation of any personnel needed by the attorney 2192
general to administer sections 2743.51 to 2743.72 of the Revised 2193
Code, the compensation of witnesses as provided in division (B) of 2194
section 2743.65 of the Revised Code, other administrative costs of 2195
hearing and determining claims for an award of reparations by the 2196
attorney general, the costs of administering sections 2907.28 and 2197
2969.01 to 2969.06 of the Revised Code, the costs of investigation 2198
and decision-making as certified by the attorney general, the 2199
provision of state financial assistance to victim assistance 2200
programs in accordance with sections 109.91 and 109.92 of the 2201
Revised Code, the costs of paying the expenses of sex 2202
offense-related examinations and antibiotics pursuant to section 2203
2907.28 of the Revised Code, the cost of printing and distributing 2204

the pamphlet prepared by the attorney general pursuant to section 2205
109.42 of the Revised Code, and, subject to division (D) of 2206
section 2743.71 of the Revised Code, the costs associated with the 2207
printing and providing of information cards or other printed 2208
materials to law enforcement agencies and prosecuting authorities 2209
and with publicizing the availability of awards of reparations 2210
pursuant to section 2743.71 of the Revised Code. All costs paid 2211
pursuant to section 2743.70 of the Revised Code, the portions of 2212
license reinstatement fees mandated by division ~~(E)~~(F)(2)(b) of 2213
section 4511.191 of the Revised Code to be credited to the fund, 2214
the portions of the proceeds of the sale of a forfeited vehicle 2215
specified in division ~~(D)~~(C)(2) of section 4503.234 of the Revised 2216
Code, payments collected by the department of rehabilitation and 2217
correction from prisoners who voluntarily participate in an 2218
approved work and training program pursuant to division 2219
(C)(8)(b)(ii) of section 5145.16 of the Revised Code, and all 2220
moneys collected by the state pursuant to its right of subrogation 2221
provided in section 2743.72 of the Revised Code shall be deposited 2222
in the fund. 2223

(B) In making an award of reparations, the attorney general 2224
shall render the award against the state. The award shall be 2225
accomplished only through the following procedure, and the 2226
following procedure may be enforced by writ of mandamus directed 2227
to the appropriate official: 2228

(1) The attorney general shall provide for payment of the 2229
claimant or providers in the amount of the award. 2230

(2) The expense shall be charged against all available 2231
unencumbered moneys in the fund. 2232

(3) If sufficient unencumbered moneys do not exist in the 2233
fund, the attorney general shall make application for payment of 2234
the award out of the emergency purposes account or any other 2235

appropriation for emergencies or contingencies, and payment out of 2236
this account or other appropriation shall be authorized if there 2237
are sufficient moneys greater than the sum total of then pending 2238
emergency purposes account requests or requests for releases from 2239
the other appropriations. 2240

(4) If sufficient moneys do not exist in the account or any 2241
other appropriation for emergencies or contingencies to pay the 2242
award, the attorney general shall request the general assembly to 2243
make an appropriation sufficient to pay the award, and no payment 2244
shall be made until the appropriation has been made. The attorney 2245
general shall make this appropriation request during the current 2246
biennium and during each succeeding biennium until a sufficient 2247
appropriation is made. If, prior to the time that an appropriation 2248
is made by the general assembly pursuant to this division, the 2249
fund has sufficient unencumbered funds to pay the award or part of 2250
the award, the available funds shall be used to pay the award or 2251
part of the award, and the appropriation request shall be amended 2252
to request only sufficient funds to pay that part of the award 2253
that is unpaid. 2254

(C) The attorney general shall not make payment on a decision 2255
or order granting an award until all appeals have been determined 2256
and all rights to appeal exhausted, except as otherwise provided 2257
in this section. If any party to a claim for an award of 2258
reparations appeals from only a portion of an award, and a 2259
remaining portion provides for the payment of money by the state, 2260
that part of the award calling for the payment of money by the 2261
state and not a subject of the appeal shall be processed for 2262
payment as described in this section. 2263

(D) The attorney general shall prepare itemized bills for the 2264
costs of printing and distributing the pamphlet the attorney 2265
general prepares pursuant to section 109.42 of the Revised Code. 2266
The itemized bills shall set forth the name and address of the 2267

persons owed the amounts set forth in them. 2268

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the 2269
Revised Code: 2270

(A) "Claimant" means both of the following categories of 2271
persons: 2272

(1) Any of the following persons who claim an award of 2273
reparations under sections 2743.51 to 2743.72 of the Revised Code: 2274

(a) A victim who was one of the following at the time of the 2275
criminally injurious conduct: 2276

(i) A resident of the United States; 2277

(ii) A resident of a foreign country the laws of which permit 2278
residents of this state to recover compensation as victims of 2279
offenses committed in that country. 2280

(b) A dependent of a deceased victim who is described in 2281
division (A)(1)(a) of this section; 2282

(c) A third person, other than a collateral source, who 2283
legally assumes or voluntarily pays the obligations of a victim, 2284
or of a dependent of a victim, who is described in division 2285
(A)(1)(a) of this section, which obligations are incurred as a 2286
result of the criminally injurious conduct that is the subject of 2287
the claim and may include, but are not limited to, medical or 2288
burial expenses; 2289

(d) A person who is authorized to act on behalf of any person 2290
who is described in division (A)(1)(a), (b), or (c) of this 2291
section. 2292

(2) Any of the following persons who claim an award of 2293
reparations under sections 2743.51 to 2743.72 of the Revised Code: 2294

(a) A victim who had a permanent place of residence within 2295
this state at the time of the criminally injurious conduct and 2296

who, at the time of the criminally injurious conduct, complied	2297
with any one of the following:	2298
(i) Had a permanent place of employment in this state;	2299
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	2300 2301 2302 2303
(iii) Was retired and receiving social security or any other retirement income;	2304 2305
(iv) Was sixty years of age or older;	2306
(v) Was temporarily in another state for the purpose of receiving medical treatment;	2307 2308
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	2309 2310 2311 2312
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	2313 2314 2315 2316
(viii) Was a full-time student at an academic institution, college, or university located in another state;	2317 2318
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	2319 2320 2321 2322
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	2323 2324
(c) A third person, other than a collateral source, who	2325

legally assumes or voluntarily pays the obligations of a victim, 2326
or of a dependent of a victim, who is described in division 2327
(A)(2)(a) of this section, which obligations are incurred as a 2328
result of the criminally injurious conduct that is the subject of 2329
the claim and may include, but are not limited to, medical or 2330
burial expenses; 2331

(d) A person who is authorized to act on behalf of any person 2332
who is described in division (A)(2)(a), (b), or (c) of this 2333
section. 2334

(B) "Collateral source" means a source of benefits or 2335
advantages for economic loss otherwise reparable that the victim 2336
or claimant has received, or that is readily available to the 2337
victim or claimant, from any of the following sources: 2338

(1) The offender; 2339

(2) The government of the United States or any of its 2340
agencies, a state or any of its political subdivisions, or an 2341
instrumentality of two or more states, unless the law providing 2342
for the benefits or advantages makes them excess or secondary to 2343
benefits under sections 2743.51 to 2743.72 of the Revised Code; 2344

(3) Social security, medicare, and medicaid; 2345

(4) State-required, temporary, nonoccupational disability 2346
insurance; 2347

(5) Workers' compensation; 2348

(6) Wage continuation programs of any employer; 2349

(7) Proceeds of a contract of insurance payable to the victim 2350
for loss that the victim sustained because of the criminally 2351
injurious conduct; 2352

(8) A contract providing prepaid hospital and other health 2353
care services, or benefits for disability; 2354

(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;

(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.

"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code.

(C) "Criminally injurious conduct" means one of the following:

(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of this state;

(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an ~~OMVI~~ OVI violation;

(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code.

(2) For the purposes of any person described in division (A)(2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:

(a) The person engaging in the conduct intended to cause personal injury or death;

(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted;

(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an ~~OMV~~ OVI violation;

(d) The conduct occurred on or after July 25, 1990, the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to a violation of section 2903.08 of the Revised Code.

(3) For the purposes of any person described in division 2416
(A)(1) or (2) of this section, terrorism that occurs within or 2417
outside the territorial jurisdiction of the United States. 2418

(D) "Dependent" means an individual wholly or partially 2419
dependent upon the victim for care and support, and includes a 2420
child of the victim born after the victim's death. 2421

(E) "Economic loss" means economic detriment consisting only 2422
of allowable expense, work loss, funeral expense, unemployment 2423
benefits loss, replacement services loss, cost of crime scene 2424
cleanup, and cost of evidence replacement. If criminally injurious 2425
conduct causes death, economic loss includes a dependent's 2426
economic loss and a dependent's replacement services loss. 2427
Noneconomic detriment is not economic loss; however, economic loss 2428
may be caused by pain and suffering or physical impairment. 2429

(F)(1) "Allowable expense" means reasonable charges incurred 2431
for reasonably needed products, services, and accommodations, 2432
including those for medical care, rehabilitation, rehabilitative 2433
occupational training, and other remedial treatment and care and 2434
including replacement costs for eyeglasses and other corrective 2435
lenses. It does not include that portion of a charge for a room in 2436
a hospital, clinic, convalescent home, nursing home, or any other 2437
institution engaged in providing nursing care and related services 2438
in excess of a reasonable and customary charge for semiprivate 2439
accommodations, unless accommodations other than semiprivate 2440
accommodations are medically required. 2441

(2) An immediate family member of a victim of criminally 2442
injurious conduct that consists of a homicide, a sexual assault, 2443
domestic violence, or a severe and permanent incapacitating injury 2444
resulting in paraplegia or a similar life-altering condition, who 2445
requires psychiatric care or counseling as a result of the 2446
criminally injurious conduct, may be reimbursed for that care or 2447

counseling as an allowable expense through the victim's 2448
application. The cumulative allowable expense for care or 2449
counseling of that nature for each family member of a victim of 2450
that type shall not exceed two thousand five hundred dollars. 2451

(G) "Work loss" means loss of income from work that the 2452
injured person would have performed if the person had not been 2453
injured and expenses reasonably incurred by the person to obtain 2454
services in lieu of those the person would have performed for 2455
income, reduced by any income from substitute work actually 2456
performed by the person, or by income the person would have earned 2457
in available appropriate substitute work that the person was 2458
capable of performing but unreasonably failed to undertake. 2459

(H) "Replacement services loss" means expenses reasonably 2460
incurred in obtaining ordinary and necessary services in lieu of 2461
those the injured person would have performed, not for income, but 2462
for the benefit of the person's self or family, if the person had 2463
not been injured. 2464

(I) "Dependent's economic loss" means loss after a victim's 2465
death of contributions of things of economic value to the victim's 2466
dependents, not including services they would have received from 2467
the victim if the victim had not suffered the fatal injury, less 2468
expenses of the dependents avoided by reason of the victim's 2469
death. If a minor child of a victim is adopted after the victim's 2470
death, the minor child continues after the adoption to incur a 2471
dependent's economic loss as a result of the victim's death. If 2472
the surviving spouse of a victim remarries, the surviving spouse 2473
continues after the remarriage to incur a dependent's economic 2474
loss as a result of the victim's death. 2475

(J) "Dependent's replacement services loss" means loss 2476
reasonably incurred by dependents after a victim's death in 2477
obtaining ordinary and necessary services in lieu of those the 2478
victim would have performed for their benefit if the victim had 2479

not suffered the fatal injury, less expenses of the dependents 2480
avoided by reason of the victim's death and not subtracted in 2481
calculating the dependent's economic loss. If a minor child of a 2482
victim is adopted after the victim's death, the minor child 2483
continues after the adoption to incur a dependent's replacement 2484
services loss as a result of the victim's death. If the surviving 2485
spouse of a victim remarries, the surviving spouse continues after 2486
the remarriage to incur a dependent's replacement services loss as 2487
a result of the victim's death. 2488

(K) "Noneconomic detriment" means pain, suffering, 2489
inconvenience, physical impairment, or other nonpecuniary damage. 2490

(L) "Victim" means a person who suffers personal injury or 2491
death as a result of any of the following: 2492

(1) Criminally injurious conduct; 2493

(2) The good faith effort of any person to prevent criminally 2494
injurious conduct; 2495

(3) The good faith effort of any person to apprehend a person 2496
suspected of engaging in criminally injurious conduct. 2497

(M) "Contributory misconduct" means any conduct of the 2498
claimant or of the victim through whom the claimant claims an 2499
award of reparations that is unlawful or intentionally tortious 2500
and that, without regard to the conduct's proximity in time or 2501
space to the criminally injurious conduct, has a causal 2502
relationship to the criminally injurious conduct that is the basis 2503
of the claim. 2504

(N) "Funeral expense" means any reasonable charges that are 2505
not in excess of five thousand dollars per funeral and that are 2506
incurred for expenses directly related to a victim's funeral, 2507
cremation, or burial. 2508

(O) "Unemployment benefits loss" means a loss of unemployment 2509

benefits pursuant to Chapter 4141. of the Revised Code when the 2510
loss arises solely from the inability of a victim to meet the able 2511
to work, available for suitable work, or the actively seeking 2512
suitable work requirements of division (A)(4)(a) of section 2513
4141.29 of the Revised Code. 2514

(P) "~~OMVI~~ OVI violation" means any of the following: 2515

(1) A violation of section 4511.19 of the Revised Code, of 2516
any municipal ordinance prohibiting the operation of a vehicle 2517
while under the influence of alcohol, a drug of abuse, or ~~alcohol~~ 2518
~~and a drug of abuse~~ combination of them, or of any municipal 2519
ordinance prohibiting the operation of a vehicle with a prohibited 2520
concentration of alcohol in the whole blood, blood serum or 2521
plasma, breath, or urine; 2522

(2) A violation of division (A)(1) of section 2903.06 of the 2523
Revised Code; 2524

(3) A violation of division (A)(2), (3), or (4) of section 2525
2903.06 of the Revised Code or of a municipal ordinance 2526
substantially similar to any of those divisions, if the offender 2527
was under the influence of alcohol, a drug of abuse, or ~~alcohol~~ 2528
~~and a drug of abuse~~ combination of them, at the time of the 2529
commission of the offense; 2530

(4) For purposes of any person described in division (A)(2) 2531
of this section, a violation of any law of the state, district, 2532
territory, or foreign country in which the criminally injurious 2533
conduct occurred, if that law is substantially similar to a 2534
violation described in division (P)(1) or (2) of this section or 2535
if that law is substantially similar to a violation described in 2536
division (P)(3) of this section and the offender was under the 2537
influence of alcohol, a drug of abuse, or ~~alcohol~~ ~~and a drug of~~ 2538
~~abuse~~ combination of them, at the time of the commission of the 2539
offense. 2540

(Q) "Pendency of the claim" for an original reparations application or supplemental reparations application means the period of time from the date the criminally injurious conduct upon which the application is based occurred until the date a final decision, order, or judgment concerning that original reparations application or supplemental reparations application is issued.

(R) "Terrorism" means any activity to which all of the following apply:

(1) The activity involves a violent act or an act that is dangerous to human life.

(2) The act described in division (R)(1) of this section is committed within the territorial jurisdiction of the United States and is a violation of the criminal laws of the United States, this state, or any other state or the act described in division (R)(1) of this section is committed outside the territorial jurisdiction of the United States and would be a violation of the criminal laws of the United States, this state, or any other state if committed within the territorial jurisdiction of the United States.

(3) The activity appears to be intended to do any of the following:

(a) Intimidate or coerce a civilian population;

(b) Influence the policy of any government by intimidation or coercion;

(c) Affect the conduct of any government by assassination or kidnapping.

(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in

which the perpetrator or perpetrators of the activity operate or 2571
seek asylum. 2572

(S) "Transcends the national boundaries of the United States" 2573
means occurring outside the territorial jurisdiction of the United 2574
States in addition to occurring within the territorial 2575
jurisdiction of the United States. 2576

(T) "Cost of crime scene cleanup" means reasonable and 2577
necessary costs of cleaning the scene where the criminally 2578
injurious conduct occurred, not to exceed seven hundred fifty 2579
dollars in the aggregate per claim. 2580

(U) "Cost of evidence replacement" means costs for 2581
replacement of property confiscated for evidentiary purposes 2582
related to the criminally injurious conduct, not to exceed seven 2583
hundred fifty dollars in the aggregate per claim. 2584

(V) "Provider" means any person who provides a victim or 2585
claimant with a product, service, or accommodations that are an 2586
allowable expense or a funeral expense. 2587

(W) "Immediate family member" means an individual who is 2588
related to a victim within the first degree by affinity or 2589
consanguinity. 2590

Sec. 2743.52. (A) The attorney general shall make awards of 2591
reparations for economic loss arising from criminally injurious 2592
conduct, if satisfied by a preponderance of the evidence that the 2593
requirements for an award of reparations have been met. 2594

(B) A court of claims panel of commissioners or a judge of 2595
the court of claims has appellate jurisdiction to order awards of 2596
reparations for economic loss arising from criminally injurious 2597
conduct, if satisfied by a preponderance of the evidence that the 2598
requirements for an award of reparations have been met. 2599

(C) A decision of the attorney general, an order of a court 2600

of claims panel of commissioners, or the judgment of a judge of
the court of claims concerning an ~~OMVI~~ OVI violation shall not be
used as the basis for any civil or criminal action and shall not
be admissible as evidence in any civil or criminal proceeding.

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Sec. 2903.04. (A) No person shall cause the death of another
or the unlawful termination of another's pregnancy as a proximate
result of the offender's committing or attempting to commit a
felony.

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(B) No person shall cause the death of another or the
unlawful termination of another's pregnancy as a proximate result
of the offender's committing or attempting to commit a misdemeanor
of any degree, a regulatory offense, or a minor misdemeanor other
than a violation of any section contained in Title XLV of the
Revised Code that is a minor misdemeanor and other than a
violation of an ordinance of a municipal corporation that,
regardless of the penalty set by ordinance for the violation, is
substantially equivalent to any section contained in Title XLV of
the Revised Code that is a minor misdemeanor.

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(C) Whoever violates this section is guilty of involuntary
manslaughter. Violation of division (A) of this section is a
felony of the first degree. Violation of division (B) of this
section is a felony of the third degree.

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(D) If an offender is convicted of or pleads guilty to a
violation of division (A) or (B) of this section and if the
felony, misdemeanor, or regulatory offense that the offender
committed or attempted to commit, that proximately resulted in the
death of the other person or the unlawful termination of another's
pregnancy, and that is the basis of the offender's violation of
division (A) or (B) of this section was a violation of division
(A) or (B) of section 4511.19 of the Revised Code or of a
substantially equivalent municipal ordinance or included, as an

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element of that felony, misdemeanor, or regulatory offense, the
offender's operation or participation in the operation of a
snowmobile, locomotive, watercraft, or aircraft while the offender
was under the influence of alcohol, a drug of abuse, or alcohol
and a drug of abuse, both of the following apply:

(1) The court shall ~~permanently revoke~~ impose a class one
suspension of the offender's driver's or commercial driver's
license or permit or nonresident operating privilege ~~pursuant to~~
as specified in division (A)(1) of section 4507.16 4510.02 of the
Revised Code.

(2) The court shall impose a mandatory prison term for the
violation of division (A) or (B) of this section from the range of
prison terms authorized for the level of the offense under section
2929.14 of the Revised Code.

Sec. 2903.06. (A) No person, while operating or participating
in the operation of a motor vehicle, motorcycle, snowmobile,
locomotive, watercraft, or aircraft, shall cause the death of
another or the unlawful termination of another's pregnancy in any
of the following ways:

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

(2) Recklessly;

(3) Negligently;

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

(B)(1) Whoever violates division (A)(1) or (2) of this section is guilty of aggravated vehicular homicide and shall be punished as provided in divisions (B)(1)(a) and (b) of this section.

(a) Except as otherwise provided in this division, aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the second degree. Aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the first degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter ~~4507.~~ 4510. or any other provision of the Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section; any traffic-related homicide, manslaughter, or assault offense; three prior violations of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance within the previous six years; or a second or subsequent felony violation of division (A) of section 4511.19 of the Revised Code.

In addition to any other sanctions imposed, the court shall ~~permanently revoke~~ impose upon the offender a class one suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege ~~pursuant to~~ as specified in division (A)(1) of section ~~4507.16~~ 4510.02 of the Revised Code.

(b) Except as otherwise provided in this division, aggravated vehicular homicide committed in violation of division (A)(2) of this section is a felony of the third degree. Aggravated vehicular homicide committed in violation of division (A)(2) of this section is a felony of the second degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter ~~4507.~~ 4510. of the Revised Code or any other provision of the Revised Code or if the offender previously has been convicted of

or pleaded guilty to a violation of this section or any 2694
traffic-related homicide, manslaughter, or assault offense. 2695

In addition to any other sanctions imposed, the court shall 2696
~~suspend~~ impose upon the offender a class two suspension of the 2697
offender's driver's license, commercial driver's license, 2698
temporary instruction permit, probationary license, or nonresident 2699
operating privilege ~~for a definite period of three years to life~~ 2700
~~pursuant to~~ from the range specified in division (A)(2) of section 2701
~~4507.16~~ 4510.02 of the Revised Code. 2702

(2) Whoever violates division (A)(3) of this section is 2703
guilty of vehicular homicide. Except as otherwise provided in this 2704
division, vehicular homicide is a misdemeanor of the first degree. 2705
Vehicular homicide is a felony of the fourth degree if, at the 2706
time of the offense, the offender was driving under a suspension 2707
or revocation imposed under Chapter 4507. or any other provision 2708
of the Revised Code or if the offender previously has been 2709
convicted of or pleaded guilty to a violation of this section or 2710
any traffic-related homicide, manslaughter, or assault offense. 2711

In addition to any other sanctions imposed, the court shall 2712
~~suspend~~ impose upon the offender a class four suspension of the 2713
offender's driver's license, commercial driver's license, 2714
temporary instruction permit, probationary license, or nonresident 2715
operating privilege ~~for a definite period of one to five years~~ 2716
~~pursuant to~~ from the range specified in division (A)(4) of section 2717
~~4507.16~~ 4510.02 of the Revised Code or, if the offender previously 2718
has been convicted of or pleaded guilty to a violation of this 2719
section or any traffic-related homicide, manslaughter, or assault 2720
offense, ~~for a definite period of two to ten years pursuant to a~~ 2721
class three suspension of the offender's driver's license, 2722
commercial driver's license, temporary instruction permit, 2723
probationary license, or nonresident operating privilege from the 2724
range specified in division (A)(3) of that section. 2725

(3) Whoever violates division (A)(4) of this section is 2726
guilty of vehicular manslaughter. Except as otherwise provided in 2727
this division, vehicular manslaughter is a misdemeanor of the 2728
second degree. Vehicular manslaughter is a misdemeanor of the 2729
first degree if, at the time of the offense, the offender was 2730
driving under a suspension imposed under Chapter ~~4507.~~ 4510. or 2731
any other provision of the Revised Code or if the offender 2732
previously has been convicted of or pleaded guilty to a violation 2733
of this section or any traffic-related homicide, manslaughter, or 2734
assault offense. 2735

In addition to any other sanctions imposed, the court shall 2736
~~suspend~~ impose upon the offender a class six suspension of the 2737
offender's driver's license, commercial driver's license, 2738
temporary instruction permit, probationary license, or nonresident 2739
operating privilege ~~for a definite period of three months to two~~ 2740
~~years pursuant to~~ from the range specified in division (A)(6) of 2741
section ~~4507.16~~ 4510.02 of the Revised Code or, if the offender 2742
previously has been convicted of or pleaded guilty to a violation 2743
of this section or any traffic-related homicide, manslaughter, or 2744
assault offense, ~~for a definite period of one to five years~~ 2745
~~pursuant to~~ a class four suspension of the offender's driver's 2746
license, commercial driver's license, temporary instruction 2747
permit, probationary license, or nonresident operating privilege 2748
from the range specified in division (A)(4) of that section. 2749

(C) The court shall impose a mandatory prison term on an 2750
offender who is convicted of or pleads guilty to a violation of 2751
division (A)(1) of this section. The court shall impose a 2752
mandatory prison term on an offender who is convicted of or pleads 2753
guilty to a violation of division (A)(2) or (3) of this section if 2754
either of the following applies: 2755

(1) The offender previously has been convicted of or pleaded 2756
guilty to a violation of this section or section 2903.08 of the 2757

Revised Code.	2758
(2) At the time of the offense, the offender was driving under suspension under Chapter 4507. <u>4510. or any other provision</u> of the Revised Code.	2759 2760 2761
(D)(1) As used in this section:	2762
(a) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	2763 2764
(b) "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code as they existed prior to the effective date of this amendment <u>March 23, 2000.</u>	2765 2766 2767 2768 2769 2770 2771
(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.	2772 2773 2774 2775 2776 2777 2778
Sec. 2903.08. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn in either of the following ways:	2779 2780 2781 2782 2783
(1) As the proximate result of committing a violation of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance;	2784 2785 2786
(2) Recklessly.	2787

(B)(1) Whoever violates division (A)(1) of this section is 2788
guilty of aggravated vehicular assault. Except as otherwise 2789
provided in this division, aggravated vehicular assault is a 2790
felony of the third degree. Aggravated vehicular assault is a 2791
felony of the second degree if, at the time of the offense, the 2792
offender was driving under a suspension imposed under Chapter 2793
~~4507.~~ 4510. or any other provision of the Revised Code or if the 2794
offender previously has been convicted of or pleaded guilty to a 2795
violation of this section; any traffic-related homicide, 2796
manslaughter, or assault offense; three prior violations of 2797
section 4511.19 of the Revised Code or a substantially equivalent 2798
municipal ordinance within the previous six years; or a second or 2799
subsequent felony violation of division (A) of section 4511.19 of 2800
the Revised Code. 2801

In addition to any other sanctions imposed, the court shall 2802
~~suspend~~ impose upon the offender a class three suspension of the 2803
offender's driver's license, commercial driver's license, 2804
temporary instruction permit, probationary license, or nonresident 2805
operating privilege ~~for a definite period of two to ten years~~ 2806
~~pursuant to~~ from the range specified in division (A)(3) of 2807
~~4507.16~~ 4510.02 of the Revised Code or, if the offender previously 2808
has been convicted of or pleaded guilty to a violation of this 2809
section or any traffic-related homicide, manslaughter, or assault 2810
offense, ~~for a definite period of three years to life pursuant to~~ 2811
a class two suspension of the offender's driver's license, 2812
commercial driver's license, temporary instruction permit, 2813
probationary license, or nonresident operating privilege from the 2814
range specified in division (A)(2) of that section. 2815

(2) Whoever violates division (A)(2) of this section is 2816
guilty of vehicular assault. Except as otherwise provided in this 2817
division, vehicular assault is a felony of the fourth degree. 2818
Vehicular assault is a felony of the third degree if, at the time 2819

of the offense, the offender was driving under a suspension 2820
imposed under Chapter ~~4507-~~ 4510. or any other provision of the 2821
Revised Code or if the offender previously has been convicted of 2822
or pleaded guilty to a violation of this section or any 2823
traffic-related homicide, manslaughter, or assault offense. 2824

In addition to any other sanctions imposed, the court shall 2825
~~suspend~~ impose upon the offender a class four suspension of the 2826
offender's driver's license, commercial driver's license, 2827
temporary instruction permit, probationary license, or nonresident 2828
operating privilege ~~for a definite period of one to five years~~ 2829
~~pursuant to~~ from the range specified in division (A)(4) of section 2830
~~4507.16~~ 4510.02 of the Revised Code or, if the offender previously 2831
has been convicted of or pleaded guilty to a violation of this 2832
section or any traffic-related homicide, manslaughter, or assault 2833
offense, ~~for a definite period of two to ten years pursuant to a~~ 2834
class three suspension of the offender's driver's license, 2835
commercial driver's license, temporary instruction permit, 2836
probationary license, or nonresident operating privilege from the 2837
range specified in division (A)(3) of that section. 2838

(C) The court shall impose a mandatory prison term on an 2839
offender who is convicted of or pleads guilty to a violation of 2840
division (A)(1) of this section. The court shall impose a 2841
mandatory prison term on an offender who is convicted of or pleads 2842
guilty to a violation of division (A)(2) of this section if either 2843
of the following applies: 2844

(1) The offender previously has been convicted of or pleaded 2845
guilty to a violation of this section or section 2903.06 of the 2846
Revised Code. 2847

(2) At the time of the offense, the offender was driving 2848
under suspension under Chapter ~~4507-~~ 4510. or any other provision 2849
of the Revised Code. 2850

(D) As used in this section:	2851
(1) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	2852 2853
(2) "Traffic-related homicide, manslaughter, or assault offense" has the same meaning as in section 2903.06 of the Revised Code.	2854 2855 2856
(E) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.	2857 2858 2859 2860 2861 2862 2863
Sec. 2907.24. (A) No person shall solicit another to engage with such other person in sexual activity for hire.	2864 2865
(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of division (A) of this section.	2866 2867 2868 2869
(C)(1) Whoever violates division (A) of this section is guilty of soliciting, a misdemeanor of the third degree.	2870 2871
(2) Whoever violates division (B) of this section is guilty of engaging in solicitation after a positive HIV test. If the offender commits the violation prior to July 1, 1996, engaging in solicitation after a positive HIV test is a felony of the second degree. If the offender commits the violation on or after July 1, 1996, engaging in solicitation after a positive HIV test is a felony of the third degree.	2872 2873 2874 2875 2876 2877 2878
<u>(D) If a person is convicted of or pleads guilty to a violation of any provision of this section, an attempt to commit a</u>	2879 2880

violation of any provision of this section, or a violation of or 2881
an attempt to commit a violation of a municipal ordinance that is 2882
substantially equivalent to any provision of this section and if 2883
the person, in committing or attempting to commit the violation, 2884
was in, was on, or used a motor vehicle, the court, in addition to 2885
or independent of all other penalties imposed for the violation, 2886
shall impose upon the offender a class six suspension of the 2887
person's driver's license, commercial driver's license, temporary 2888
instruction permit, probationary license, or nonresident operating 2889
privilege from the range specified in division (A)(6) of section 2890
4510.02 of the Revised Code. 2891

Sec. 2919.22. (A) No person, who is the parent, guardian, 2892
custodian, person having custody or control, or person in loco 2893
parentis of a child under eighteen years of age or a mentally or 2894
physically handicapped child under twenty-one years of age, shall 2895
create a substantial risk to the health or safety of the child, by 2896
violating a duty of care, protection, or support. It is not a 2897
violation of a duty of care, protection, or support under this 2898
division when the parent, guardian, custodian, or person having 2899
custody or control of a child treats the physical or mental 2900
illness or defect of the child by spiritual means through prayer 2901
alone, in accordance with the tenets of a recognized religious 2902
body. 2903

(B) No person shall do any of the following to a child under 2904
eighteen years of age or a mentally or physically handicapped 2905
child under twenty-one years of age: 2906

(1) Abuse the child; 2907

(2) Torture or cruelly abuse the child; 2908

(3) Administer corporal punishment or other physical 2909
disciplinary measure, or physically restrain the child in a cruel 2910
manner or for a prolonged period, which punishment, discipline, or 2911

restraint is excessive under the circumstances and creates a 2912
substantial risk of serious physical harm to the child; 2913

(4) Repeatedly administer unwarranted disciplinary measures 2914
to the child, when there is a substantial risk that such conduct, 2915
if continued, will seriously impair or retard the child's mental 2916
health or development; 2917

(5) Entice, coerce, permit, encourage, compel, hire, employ, 2918
use, or allow the child to act, model, or in any other way 2919
participate in, or be photographed for, the production, 2920
presentation, dissemination, or advertisement of any material or 2921
performance that the offender knows or reasonably should know is 2922
obscene, is sexually oriented matter, or is nudity-oriented 2923
matter. 2924

(C)(1) No person shall operate a vehicle, streetcar, or 2925
trackless trolley within this state in violation of division (A) 2926
of section 4511.19 of the Revised Code when one or more children 2927
under eighteen years of age are in the vehicle, streetcar, or 2928
trackless trolley. Notwithstanding any other provision of law, a 2929
person may be convicted at the same trial or proceeding of a 2930
violation of this division and a violation of division (A) of 2931
section 4511.19 of the Revised Code that constitutes the basis of 2932
the charge of the violation of this division. For purposes of 2933
~~section~~ sections 4511.191 to 4511.197 of the Revised Code and all 2934
related provisions of law, a person arrested for a violation of 2935
this division shall be considered to be under arrest for operating 2936
a vehicle while under the influence of alcohol, a drug of abuse, 2937
or ~~alcohol and a drug of abuse~~ a combination of them or for 2938
operating a vehicle with a prohibited concentration of alcohol in 2939
the whole blood, blood serum or plasma, breath, or urine. 2940

(2) As used in division (C)(1) of this section, "vehicle," 2941
"streetcar," and "trackless trolley" have the same meanings as in 2942
section 4511.01 of the Revised Code. 2943

(D)(1) Division (B)(5) of this section does not apply to any material or performance that is produced, presented, or disseminated for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the material or performance.

(2) Mistake of age is not a defense to a charge under division (B)(5) of this section.

(3) In a prosecution under division (B)(5) of this section, the trier of fact may infer that an actor, model, or participant in the material or performance involved is a juvenile if the material or performance, through its title, text, visual representation, or otherwise, represents or depicts the actor, model, or participant as a juvenile.

(4) As used in this division and division (B)(5) of this section:

(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code.

(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest.

(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.

(E)(1) Whoever violates this section is guilty of endangering children.

(2) If the offender violates division (A) or (B)(1) of this section, endangering children is one of the following: 2974
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(a) Except as otherwise provided in division (E)(2)(b), (c), or (d) of this section, a misdemeanor of the first degree; 2976
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(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E)(2)(c) or (d) of this section, a felony of the fourth degree; 2978
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(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree; 2983
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(d) If the violation is a violation of division (B)(1) of this section and results in serious physical harm to the child involved, a felony of the second degree. 2986
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(3) If the offender violates division (B)(2), (3), or (4) of this section, except as otherwise provided in this division, endangering children is a felony of the third degree. If the violation results in serious physical harm to the child involved, or if the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, endangering children is a felony of the second degree. 2989
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(4) If the offender violates division (B)(5) of this section, endangering children is a felony of the second degree. 2997
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(5) If the offender violates division (C) of this section, the offender shall be punished as follows: 2999
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(a) Except as otherwise provided in division (E)(5)(b) or (c) of this section, endangering children in violation of division (C) of this section is a misdemeanor of the first degree. 3001
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(b) If the violation results in serious physical harm to the child involved or the offender previously has been convicted of an offense under this section or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E)(5)(c) of this section, endangering children in violation of division (C) of this section is a felony of the fifth degree.

(c) If the violation results in serious physical harm to the child involved and if the offender previously has been convicted of a violation of division (C) of this section, section 2903.06 or 2903.08 of the Revised Code, section 2903.07 of the Revised Code as it existed prior to March 23, 2000, or 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, endangering children in violation of division (C) of this section is a felony of the fourth degree.

(d) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to division (E)(5)(a), (b), or (c) of this section or pursuant to any other provision of law, ~~the court also may impose upon the offender one or both of the following sanctions:~~

~~(i) It may require the offender, as part of the offender's sentence and in the manner described in division (F) of this section, to perform not more than two hundred hours of supervised community service work under the authority of any agency, political subdivision, or charitable organization of the type described in division (F)(1) of section 2951.02 of the Revised Code, provided that the court shall not require the offender to perform supervised community service work under this division unless the offender agrees to perform the supervised community service work.~~

~~(ii) It may suspend the driver's or commercial driver's~~

~~license or permit or nonresident operating privilege of the~~ 3036
~~offender for up to ninety days, and~~ in addition to any suspension 3037
or revocation of the offender's driver's or commercial driver's 3038
license or permit or nonresident operating privilege under Chapter 3039
4506., ~~4507.,~~ 4509., 4510., or 4511. of the Revised Code or under 3040
any other provision of law, the court also may impose upon the 3041
offender a class seven suspension of the offender's driver's or 3042
commercial driver's license or permit or nonresident operating 3043
privilege from the range specified in division (A)(7) of section 3044
4510.02 of the Revised Code. 3045

(e) In addition to any term of imprisonment, fine, or other 3046
sentence, penalty, or sanction imposed upon the offender pursuant 3047
to division (E)(5)(a), (b), (c), or (d) of this section or 3048
pursuant to any other provision of law for the violation of 3049
division (C) of this section, if as part of the same trial or 3050
proceeding the offender also is convicted of or pleads guilty to a 3051
separate charge charging the violation of division (A) of section 3052
4511.19 of the Revised Code that was the basis of the charge of 3053
the violation of division (C) of this section, the offender also 3054
shall be sentenced, in accordance with section ~~4511.99~~ 4511.19 of 3055
the Revised Code, for that violation of division (A) of section 3056
4511.19 of the Revised Code ~~and also shall be subject to all other~~ 3057
~~sanctions that are required or authorized by any provision of law~~ 3058
~~for that violation of division (A) of section 4511.19 of the~~ 3059
~~Revised Code.~~ 3060

(F)(1)(a) ~~If a A court, pursuant to division (E)(5)(d)(i) of~~ 3061
~~this section, requires~~ may require an offender to perform not more 3062
than two hundred hours of supervised community service work under 3063
the authority of an agency, subdivision, or charitable 3064
organization, if the offender agrees to perform the supervised 3065
community service work. The requirement shall be part of the 3066
community control sanction or sentence of the offender, and the 3067

court shall impose the community service in accordance with and 3068
subject to divisions (F)(1)(a) and (b) of this section. The court 3069
may require an offender whom it requires to perform supervised 3070
community service work as part of the offender's community control 3071
sanction or sentence to pay the court a reasonable fee to cover 3072
the costs of the offender's participation in the work, including, 3073
but not limited to, the costs of procuring a policy or policies of 3074
liability insurance to cover the period during which the offender 3075
will perform the work. If the court requires the offender to 3076
perform supervised community service work as part of the 3077
offender's community control sanction or sentence, the court shall 3078
do so in accordance with the following limitations and criteria: 3079

(i) The court shall require that the community service work 3080
be performed after completion of the term of imprisonment imposed 3081
upon the offender for the violation of division (C) of this 3082
section, if applicable. 3083

(ii) The supervised community service work shall be subject 3084
to the limitations set forth in divisions (F)(1)(a) to (c) of 3085
section 2951.02 of the Revised Code. 3086

(iii) The community service work shall be supervised in the 3087
manner described in division (F)(1)(d) of section 2951.02 of the 3088
Revised Code by an official or person with the qualifications 3089
described in that division. The official or person periodically 3090
shall report in writing to the court concerning the conduct of the 3091
offender in performing the work. 3092

(iv) The court shall inform the offender in writing that if 3093
the offender does not adequately perform, as determined by the 3094
court, all of the required community service work, the court may 3095
order that the offender be committed to a jail or workhouse for a 3096
period of time that does not exceed the term of imprisonment that 3097
the court could have imposed upon the offender for the violation 3098
of division (C) of this section, reduced by the total amount of 3099

time that the offender actually was imprisoned under the sentence
or term that was imposed upon the offender for that violation and
by the total amount of time that the offender was confined for any
reason arising out of the offense for which the offender was
convicted and sentenced as described in sections 2949.08 and
2967.191 of the Revised Code, and that, if the court orders that
the offender be so committed, the court is authorized, but not
required, to grant the offender credit upon the period of the
commitment for the community service work that the offender
adequately performed.

(b) If a court, pursuant to ~~this division and~~ division
(E)(5)(d)(i)(F)(1)(a) of this section, orders an offender to
perform community service work as part of the offender's community
control sanction or sentence and if the offender does not
adequately perform all of the required community service work, as
determined by the court, the court may order that the offender be
committed to a jail or workhouse for a period of time that does
not exceed the term of imprisonment that the court could have
imposed upon the offender for the violation of division (C) of
this section, reduced by the total amount of time that the
offender actually was imprisoned under the sentence or term that
was imposed upon the offender for that violation and by the total
amount of time that the offender was confined for any reason
arising out of the offense for which the offender was convicted
and sentenced as described in sections 2949.08 and 2967.191 of the
Revised Code. The court may order that a person committed pursuant
to this division shall receive hour-for-hour credit upon the
period of the commitment for the community service work that the
offender adequately performed. No commitment pursuant to this
division shall exceed the period of the term of imprisonment that
the sentencing court could have imposed upon the offender for the
violation of division (C) of this section, reduced by the total

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amount of time that the offender actually was imprisoned under 3132
that sentence or term and by the total amount of time that the 3133
offender was confined for any reason arising out of the offense 3134
for which the offender was convicted and sentenced as described in 3135
sections 2949.08 and 2967.191 of the Revised Code. 3136

(2) ~~Divisions (E)(5)(d)(i) and Division~~ Division (F)(1) of this 3137
section ~~do~~ does not limit or affect the authority of the court to 3138
suspend the sentence imposed upon a misdemeanor offender and place 3139
the offender on probation or otherwise suspend the sentence 3140
pursuant to sections 2929.51 and 2951.02 of the Revised Code, to 3141
require the misdemeanor offender, as a condition of the offender's 3142
probation or of otherwise suspending the offender's sentence, to 3143
perform supervised community service work in accordance with 3144
division (F) of section 2951.02 of the Revised Code, or to place a 3145
felony offender under a community control sanction. 3146

(G)(1) If a court suspends an offender's driver's or 3147
commercial driver's license or permit or nonresident operating 3148
privilege under division (E)(5)(d)~~(ii)~~ of this section, the period 3149
of the suspension shall be consecutive to, and commence after, the 3150
period of suspension ~~or revocation~~ of the offender's driver's or 3151
commercial driver's license or permit or nonresident operating 3152
privilege that is imposed under Chapter 4506., ~~4507.~~, 4509., 3153
~~4510.~~, or 4511. of the Revised Code or under any other provision 3154
of law in relation to the violation of division (C) of this 3155
section that is the basis of the suspension under division 3156
(E)(5)(d)~~(ii)~~ of this section or in relation to the violation of 3157
division (A) of section 4511.19 of the Revised Code that is the 3158
basis for that violation of division (C) of this section. 3159

(2) An offender is not entitled to request, and the court 3160
shall not grant to the offender, ~~occupational~~ limited driving 3161
privileges ~~under division (G) of this section~~ if the offender's 3162
license, permit, or privilege has been suspended under division 3163

(E)(5)(d)~~(iii)~~ of this section and the offender, within the 3164
preceding ~~seven~~ six years, has been convicted of or pleaded guilty 3165
to three or more violations of one or more of the following: 3166

(a) Division (C) of this section; 3167

(b) Division (A) or (B) of section 4511.19 of the Revised 3168
Code; 3169

(c) A municipal ordinance ~~relating~~ that relates to operating 3170
a vehicle while under the influence of alcohol, a drug of abuse, 3171
or ~~alcohol and a drug of abuse~~; 3172

~~(d) A municipal ordinance relating~~ a combination of them or 3173
that relates to operating a vehicle with a prohibited 3174
concentration of alcohol in the whole blood, blood serum or 3175
plasma, breath, or urine; 3176

~~(e)~~(d) Section 2903.04 of the Revised Code in a case in which 3177
the offender was subject to the sanctions described in division 3178
(D) of that section; 3179

~~(f)~~(e) Division (A)(1) of section 2903.06 or division (A)(1) 3180
of section 2903.08 of the Revised Code or a municipal ordinance 3181
that is substantially similar to either of those divisions; 3182

~~(g)~~(f) Division (A)(2), (3), or (4) of section 2903.06, 3183
division (A)(2) of section 2903.08, or former section 2903.07 of 3184
the Revised Code, or a municipal ordinance that is substantially 3185
similar to any of those divisions or that former section, in a 3186
case in which the jury or judge found that the offender was under 3187
the influence of alcohol, a drug of abuse, or ~~alcohol and a drug~~ 3188
~~of abuse~~ a combination of them; 3189

~~(h)~~(g) A statute of the United States or of any other state 3190
or a municipal ordinance of a municipal corporation located in any 3191
other state that is substantially similar to division (A) or (B) 3192
of section 4511.19 of the Revised Code. 3193

~~(3) Any other offender who is not described in division 3194
(G)(2) of this section and whose license, permit, or nonresident 3195
operating privilege has been suspended under division 3196
(E)(5)(d)(ii) of this section may file with the sentencing court a 3197
petition alleging that the suspension would seriously affect the 3198
offender's ability to continue employment. Upon satisfactory proof 3199
that there is reasonable cause to believe that the suspension 3200
would seriously affect the offender's ability to continue 3201
employment, the court may grant the offender occupational driving 3202
privileges during the period during which the suspension otherwise 3203
would be imposed, except that the court shall not grant 3204
occupational driving privileges for employment as a driver of 3205
commercial motor vehicles to any person who is disqualified from 3206
operating a commercial motor vehicle under section 3123.611 or 3207
4506.16 of the Revised Code or whose commercial driver's license 3208
or commercial driver's temporary instruction permit has been 3209
suspended under section 3123.58 of the Revised Code. 3210~~

(H)(1) If a person violates division (C) of this section and 3211
if, at the time of the violation, there were two or more children 3212
under eighteen years of age in the motor vehicle involved in the 3213
violation, the offender may be convicted of a violation of 3214
division (C) of this section for each of the children, but the 3215
court may sentence the offender for only one of the violations. 3216

(2)(a) If a person is convicted of or pleads guilty to a 3217
violation of division (C) of this section but the person is not 3218
also convicted of and does not also plead guilty to a separate 3219
charge charging the violation of division (A) of section 4511.19 3220
of the Revised Code that was the basis of the charge of the 3221
violation of division (C) of this section, both of the following 3222
apply: 3223

(i) For purposes of the provisions of section ~~4511.99~~ 4511.19 3224
of the Revised Code that set forth the penalties and sanctions for 3225

a violation of division (A) of section 4511.19 of the Revised Code, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute a violation of division (A) of section 4511.19 of the Revised Code;

(ii) For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code and that is not described in division (H)(2)(a)(i) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall constitute a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(I) As used in this section, ~~"community:~~

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code;

(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code.

Sec. 2921.331. (A) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic.

(B) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(C)(1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.

(2) A violation of division (A) of this section is a misdemeanor of the first degree.

(3) Except as provided in divisions (C)(4) and (5) of this section, a violation of division (B) of this section is a misdemeanor of the first degree.

(4) Except as provided in division (C)(5) of this section, a violation of division (B) of this section is a felony of the fourth degree if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that, in committing the offense, the offender was fleeing immediately after the commission of a felony.

(5)(a) A violation of division (B) of this section is a felony of the third degree if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:

(i) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.

(ii) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(b) If a police officer pursues an offender who is violating division (B) of this section and division (C)(5)(a) of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of division (B) of this section, shall consider, along with the factors set forth in sections

2929.12 and 2929.13 of the Revised Code that are required to be	3287
considered, all of the following:	3288
(i) The duration of the pursuit;	3289
(ii) The distance of the pursuit;	3290
(iii) The rate of speed at which the offender operated the	3291
motor vehicle during the pursuit;	3292
(iv) Whether the offender failed to stop for traffic lights	3293
or stop signs during the pursuit;	3294
(v) The number of traffic lights or stop signs for which the	3295
offender failed to stop during the pursuit;	3296
(vi) Whether the offender operated the motor vehicle during	3297
the pursuit without lighted lights during a time when lighted	3298
lights are required;	3299
(vii) Whether the offender committed a moving violation	3300
during the pursuit;	3301
(viii) The number of moving violations the offender committed	3302
during the pursuit;	3303
(ix) Any other relevant factors indicating that the	3304
offender's conduct is more serious than conduct normally	3305
constituting the offense.	3306
(D) If an offender is sentenced pursuant to division (C)(4)	3307
or (5) of this section for a violation of division (B) of this	3308
section, and if the offender is sentenced to a prison term for	3309
that violation, the offender shall serve the prison term	3310
consecutively to any other prison term or mandatory prison term	3311
imposed upon the offender.	3312
(E) <u>In addition to any other sanction imposed for a violation</u>	3313
<u>of this section, the court shall impose a class two suspension</u>	3314
<u>from the range specified in division (A)(2) of section 4510.02 of</u>	3315

the Revised Code. If the offender previously has been found guilty 3316
of an offense under this section, the court shall impose a class 3317
one suspension as described in division (A)(1) of that section. 3318
The court shall not grant limited driving privileges to the 3319
offender. 3320

(F) As used in this section: 3321

(1) "Moving violation" has the same meaning as in section 3322
2743.70 of the Revised Code. 3323

(2) "Police officer" has the same meaning as in section 3324
4511.01 of the Revised Code. 3325

Sec. 2923.01. (A) No person, with purpose to commit or to 3326
promote or facilitate the commission of aggravated murder, murder, 3327
kidnapping, compelling prostitution, promoting prostitution, 3328
aggravated arson, arson, aggravated robbery, robbery, aggravated 3329
burglary, burglary, engaging in a pattern of corrupt activity, 3330
corrupting another with drugs, a felony drug trafficking, 3331
manufacturing, processing, or possession offense, theft of drugs, 3332
or illegal processing of drug documents, the commission of a 3333
felony offense of unauthorized use of a vehicle, or the commission 3334
of a violation of any provision of Chapter 3734. of the Revised 3335
Code, other than section 3734.18 of the Revised Code, that relates 3336
to hazardous wastes, shall do either of the following: 3337

(1) With another person or persons, plan or aid in planning 3338
the commission of any of the specified offenses; 3339

(2) Agree with another person or persons that one or more of 3340
them will engage in conduct that facilitates the commission of any 3341
of the specified offenses. 3342

(B) No person shall be convicted of conspiracy unless a 3343
substantial overt act in furtherance of the conspiracy is alleged 3344
and proved to have been done by the accused or a person with whom 3345

the accused conspired, subsequent to the accused's entrance into
the conspiracy. For purposes of this section, an overt act is
substantial when it is of a character that manifests a purpose on
the part of the actor that the object of the conspiracy should be
completed.

(C) When the offender knows or has reasonable cause to
believe that a person with whom the offender conspires also has
conspired or is conspiring with another to commit the same
offense, the offender is guilty of conspiring with that other
person, even though the other person's identity may be unknown to
the offender.

(D) It is no defense to a charge under this section that, in
retrospect, commission of the offense that was the object of the
conspiracy was impossible under the circumstances.

(E) A conspiracy terminates when the offense or offenses that
are its objects are committed or when it is abandoned by all
conspirators. In the absence of abandonment, it is no defense to a
charge under this section that no offense that was the object of
the conspiracy was committed.

(F) A person who conspires to commit more than one offense is
guilty of only one conspiracy, when the offenses are the object of
the same agreement or continuous conspiratorial relationship.

(G) When a person is convicted of committing or attempting to
commit a specific offense or of complicity in the commission of or
attempt to commit the specific offense, the person shall not be
convicted of conspiracy involving the same offense.

(H)(1) No person shall be convicted of conspiracy upon the
testimony of a person with whom the defendant conspired,
unsupported by other evidence.

(2) If a person with whom the defendant allegedly has
conspired testifies against the defendant in a case in which the

defendant is charged with conspiracy and if the testimony is 3377
supported by other evidence, the court, when it charges the jury, 3378
shall state substantially the following: 3379

"The testimony of an accomplice that is supported by other 3380
evidence does not become inadmissible because of the accomplice's 3381
complicity, moral turpitude, or self-interest, but the admitted or 3382
claimed complicity of a witness may affect the witness' 3383
credibility and make the witness' testimony subject to grave 3384
suspicion, and require that it be weighed with great caution. 3385

It is for you, as jurors, in the light of all the facts 3386
presented to you from the witness stand, to evaluate such 3387
testimony and to determine its quality and worth or its lack of 3388
quality and worth." 3389

(3) "Conspiracy," as used in division (H)(1) of this section, 3390
does not include any conspiracy that results in an attempt to 3391
commit an offense or in the commission of an offense. 3392

(I) The following are affirmative defenses to a charge of 3393
conspiracy: 3394

(1) After conspiring to commit an offense, the actor thwarted 3395
the success of the conspiracy under circumstances manifesting a 3396
complete and voluntary renunciation of the actor's criminal 3397
purpose. 3398

(2) After conspiring to commit an offense, the actor 3399
abandoned the conspiracy prior to the commission of or attempt to 3400
commit any offense that was the object of the conspiracy, either 3401
by advising all other conspirators of the actor's abandonment, or 3402
by informing any law enforcement authority of the existence of the 3403
conspiracy and of the actor's participation in the conspiracy. 3404

(J) Whoever violates this section is guilty of conspiracy, 3405
which is one of the following: 3406

(1) A felony of the first degree, when one of the objects of the conspiracy is aggravated murder, murder, or an offense for which the maximum penalty is imprisonment for life;

(2) A felony of the next lesser degree than the most serious offense that is the object of the conspiracy, when the most serious offense that is the object of the conspiracy is a felony of the first, second, third, or fourth degree;

(3) A felony punishable by a fine of not more than twenty-five thousand dollars or imprisonment for not more than eighteen months, or both, when the offense that is the object of the conspiracy is a violation of any provision of Chapter 3734. of the Revised Code, other than section 3734.18 of the Revised Code, that relates to hazardous wastes;

(4) A misdemeanor of the first degree, when the most serious offense that is the object of the conspiracy is a felony of the fifth degree.

(K) This section does not define a separate conspiracy offense or penalty where conspiracy is defined as an offense by one or more sections of the Revised Code, other than this section. In such a case, however:

(1) With respect to the offense specified as the object of the conspiracy in the other section or sections, division (A) of this section defines the voluntary act or acts and culpable mental state necessary to constitute the conspiracy;

(2) Divisions (B) to (I) of this section are incorporated by reference in the conspiracy offense defined by the other section or sections of the Revised Code.

(L)(1) In addition to the penalties that otherwise are imposed for conspiracy, a person who is found guilty of conspiracy to engage in a pattern of corrupt activity is subject to divisions (B)(2), (3), (4), and (5) of section 2923.32 of the Revised Code.

(2) If a person is convicted of or pleads guilty to 3438
conspiracy and if the most serious offense that is the object of 3439
the conspiracy is a felony drug trafficking, manufacturing, 3440
processing, or possession offense, in addition to the penalties or 3441
sanctions that may be imposed for the conspiracy under division 3442
(J)(2) or (4) of this section and Chapter 2929. of the Revised 3443
Code, both of the following apply: 3444

(a) The provisions of divisions (D), (F), and (G) of section 3445
2925.03, division (D) of section 2925.04, division (D) of section 3446
2925.05, division (D) of section 2925.06, and division (E) of 3447
section 2925.11 of the Revised Code that pertain to mandatory and 3448
additional fines, driver's or commercial driver's license or 3449
permit ~~revocations or suspensions~~, and professionally licensed 3450
persons ~~or persons who have been admitted to the bar by order of~~ 3451
~~the supreme court~~ and that would apply under the appropriate 3452
provisions of those divisions to a person who is convicted of or 3453
pleads guilty to the felony drug trafficking, manufacturing, 3454
processing, or possession offense that is the most serious offense 3455
that is the basis of the conspiracy shall apply to the person who 3456
is convicted of or pleads guilty to the conspiracy as if the 3457
person had been convicted of or pleaded guilty to the felony drug 3458
trafficking, manufacturing, processing, or possession offense that 3459
is the most serious offense that is the basis of the conspiracy. 3460

(b) The court that imposes sentence upon the person who is 3461
convicted of or pleads guilty to the conspiracy shall comply with 3462
the provisions identified as being applicable under division 3463
(L)(2) of this section, in addition to any other penalty or 3464
sanction that it imposes for the conspiracy under division (J)(2) 3465
or (4) of this section and Chapter 2929. of the Revised Code. 3466

(M) As used in this section: 3467

(1) "~~felony~~ Felony drug trafficking, manufacturing, 3468
processing, or possession offense" means any of the following that 3469

is a felony: 3470

(1)(a) A violation of section 2925.03, 2925.04, 2925.05, or 3471
2925.06 of the Revised Code; 3472

(2)(b) A violation of section 2925.11 of the Revised Code 3473
that is not a minor drug possession offense. 3474

(2) "Minor drug possession offense" has the same meaning as 3475
~~defined~~ in section 2925.01 of the Revised Code. 3476

Sec. 2923.122. (A) No person shall knowingly convey, or 3477
attempt to convey, a deadly weapon or dangerous ordnance into a 3478
school safety zone. 3479

(B) No person shall knowingly possess a deadly weapon or 3480
dangerous ordnance in a school safety zone. 3481

(C) No person shall knowingly possess an object in a school 3482
safety zone if both of the following apply: 3483

(1) The object is indistinguishable from a firearm, whether 3484
or not the object is capable of being fired. 3485

(2) The person indicates that the person possesses the object 3486
and that it is a firearm, or the person knowingly displays or 3487
brandishes the object and indicates that it is a firearm. 3488

(D) This section does not apply to officers, agents, or 3489
employees of this or any other state or the United States, or to 3490
law enforcement officers, authorized to carry deadly weapons or 3491
dangerous ordnance and acting within the scope of their duties, to 3492
any security officer employed by a board of education or governing 3493
body of a school during the time that the security officer is on 3494
duty pursuant to that contract of employment, or to any other 3495
person who has written authorization from the board of education 3496
or governing body of a school to convey deadly weapons or 3497
dangerous ordnance into a school safety zone or to possess a 3498
deadly weapon or dangerous ordnance in a school safety zone and 3499

who conveys or possesses the deadly weapon or dangerous ordnance 3500
in accordance with that authorization. 3501

Division (C) of this section does not apply to premises upon 3502
which home schooling is conducted. Division (C) of this section 3503
also does not apply to a school administrator, teacher, or 3504
employee who possesses an object that is indistinguishable from a 3505
firearm for legitimate school purposes during the course of 3506
employment, a student who uses an object that is indistinguishable 3507
from a firearm under the direction of a school administrator, 3508
teacher, or employee, or any other person who with the express 3509
prior approval of a school administrator possesses an object that 3510
is indistinguishable from a firearm for a legitimate purpose, 3511
including the use of the object in a ceremonial activity, a play, 3512
reenactment, or other dramatic presentation, or a ROTC activity or 3513
another similar use of the object. 3514

(E)(1) Whoever violates division (A) or (B) of this section 3515
is guilty of illegal conveyance or possession of a deadly weapon 3516
or dangerous ordnance in a school safety zone. Except as otherwise 3517
provided in this division, illegal conveyance or possession of a 3518
deadly weapon or dangerous ordnance in a school safety zone is a 3519
felony of the fifth degree. If the offender previously has been 3520
convicted of a violation of this section, illegal conveyance or 3521
possession of a deadly weapon or dangerous ordnance in a school 3522
safety zone is a felony of the fourth degree. 3523

(2) Whoever violates division (C) of this section is guilty 3524
of illegal possession of an object indistinguishable from a 3525
firearm in a school safety zone. Except as otherwise provided in 3526
this division, illegal possession of an object indistinguishable 3527
from a firearm in a school safety zone is a misdemeanor of the 3528
first degree. If the offender previously has been convicted of a 3529
violation of this section, illegal possession of an object 3530
indistinguishable from a firearm in a school safety zone is a 3531

felony of the fifth degree. 3532

(F)(1) In addition to any other penalty imposed upon a person 3533
who is convicted of or pleads guilty to a violation of this 3534
section and subject to division (F)(2) of this section, if the 3535
offender has not attained nineteen years of age, regardless of 3536
whether the offender is attending or is enrolled in a school 3537
operated by a board of education or for which the state board of 3538
education prescribes minimum standards under section 3301.07 of 3539
the Revised Code, the court shall impose upon the offender 3540
~~whichever of the following penalties applies:~~ 3541

~~(a) If the offender has been issued a class four suspension 3542
of the offender's probationary driver's license, restricted 3543
license, driver's license, commercial driver's license, temporary 3544
instruction permit, or probationary commercial driver's license 3545
that then is in effect, ~~the court shall suspend for a period of~~ 3546
~~not less than twelve months and not more than thirty-six months~~ 3547
~~that license of the offender.~~ 3548~~

~~(b) If the offender has been issued a temporary instruction 3549
permit that then is in effect, the court shall revoke it and deny 3550
the offender the issuance of another temporary instruction permit, 3551
and the period of denial shall be for not less than twelve months 3552
and not more than thirty-six months.~~ 3553

~~(c) If the offender has been issued a commercial driver's 3554
license temporary instruction permit that then is in effect, the 3555
court shall suspend the offender's driver's license, revoke the 3556
commercial driver's license temporary instruction permit, and deny 3557
the offender the issuance of another commercial driver's license 3558
temporary instruction permit, and the period of suspension plus 3559
the period of denial shall total not less than twelve months and 3560
not more than thirty-six months.~~ 3561

~~(d) If, on the date the court imposes sentence upon the 3562~~

~~offender for a violation of this section, the offender has not
been issued any type of license that then is in effect to operate
a motor vehicle in this state or a temporary instruction permit
that then is in effect, the court from the range specified in
division (A)(4) of section 4510.02 of the Revised Code and shall
deny the offender the issuance of a temporary instruction any
permit for a or license of that type during the period of not less
than twelve months and not more than thirty-six months the
suspension.~~

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~~(e) If the offender is not a resident of this state, the
court shall suspend for a period of not less than twelve months
and not more than thirty-six months impose a class four suspension
of the nonresident operating privilege of the offender from the
range specified in division (A)(4) of section 4510.02 of the
Revised Code.~~

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~~(2) If the offender shows good cause why the court should not
suspend ~~or revoke~~ one of the types of licenses, permits, or
privileges specified in division (F)(1) of this section or deny
the issuance of one of the temporary instruction permits specified
in that division, the court in its discretion may choose not to
impose the suspension, revocation, or denial required in that
division.~~

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~~(G) As used in this section, "object that is
indistinguishable from a firearm" means an object made,
constructed, or altered so that, to a reasonable person without
specialized training in firearms, the object appears to be a
firearm.~~

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Sec. 2925.01. As used in this chapter:

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~~(A) "Administer," "controlled substance," "dispense,"
"distribute," "hypodermic," "manufacturer," "official written
order," "person," "pharmacist," "pharmacy," "sale," "schedule I,"~~

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"schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code. 3594
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(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code. 3597
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(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 3599
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(D) "Bulk amount" of a controlled substance means any of the following: 3602
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(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable: 3604
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(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative; 3609
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(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium; 3613
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(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant; 3616
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(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, 3621
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preparation, or substance that is or contains any amount of a 3624
schedule II opiate or opium derivative; 3625

(e) An amount equal to or exceeding five grams or ten unit 3626
doses of a compound, mixture, preparation, or substance that is or 3627
contains any amount of phencyclidine; 3628

(f) An amount equal to or exceeding one hundred twenty grams 3629
or thirty times the maximum daily dose in the usual dose range 3630
specified in a standard pharmaceutical reference manual of a 3631
compound, mixture, preparation, or substance that is or contains 3632
any amount of a schedule II stimulant that is in a final dosage 3633
form manufactured by a person authorized by the "Federal Food, 3634
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 3635
amended, and the federal drug abuse control laws, as defined in 3636
section 3719.01 of the Revised Code, that is or contains any 3637
amount of a schedule II depressant substance or a schedule II 3638
hallucinogenic substance; 3639

(g) An amount equal to or exceeding three grams of a 3640
compound, mixture, preparation, or substance that is or contains 3641
any amount of a schedule II stimulant, or any of its salts or 3642
isomers, that is not in a final dosage form manufactured by a 3643
person authorized by the Federal Food, Drug, and Cosmetic Act and 3644
the federal drug abuse control laws. 3645

(2) An amount equal to or exceeding one hundred twenty grams 3646
or thirty times the maximum daily dose in the usual dose range 3647
specified in a standard pharmaceutical reference manual of a 3648
compound, mixture, preparation, or substance that is or contains 3649
any amount of a schedule III or IV substance other than an 3650
anabolic steroid or a schedule III opiate or opium derivative; 3651

(3) An amount equal to or exceeding twenty grams or five 3652
times the maximum daily dose in the usual dose range specified in 3653
a standard pharmaceutical reference manual of a compound, mixture, 3654

preparation, or substance that is or contains any amount of a 3655
schedule III opiate or opium derivative; 3656

(4) An amount equal to or exceeding two hundred fifty 3657
milliliters or two hundred fifty grams of a compound, mixture, 3658
preparation, or substance that is or contains any amount of a 3659
schedule V substance; 3660

(5) An amount equal to or exceeding two hundred solid dosage 3661
units, sixteen grams, or sixteen milliliters of a compound, 3662
mixture, preparation, or substance that is or contains any amount 3663
of a schedule III anabolic steroid. 3664

(E) "Unit dose" means an amount or unit of a compound, 3665
mixture, or preparation containing a controlled substance that is 3666
separately identifiable and in a form that indicates that it is 3667
the amount or unit by which the controlled substance is separately 3668
administered to or taken by an individual. 3669

(F) "Cultivate" includes planting, watering, fertilizing, or 3670
tilling. 3671

(G) "Drug abuse offense" means any of the following: 3672

(1) A violation of division (A) of section 2913.02 that 3673
constitutes theft of drugs, or a violation of section 2925.02, 3674
2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 3675
2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 3676
of the Revised Code; 3677

(2) A violation of an existing or former law of this or any 3678
other state or of the United States that is substantially 3679
equivalent to any section listed in division (G)(1) of this 3680
section; 3681

(3) An offense under an existing or former law of this or any 3682
other state, or of the United States, of which planting, 3683
cultivating, harvesting, processing, making, manufacturing, 3684

producing, shipping, transporting, delivering, acquiring, 3685
possessing, storing, distributing, dispensing, selling, inducing 3686
another to use, administering to another, using, or otherwise 3687
dealing with a controlled substance is an element; 3688

(4) A conspiracy to commit, attempt to commit, or complicity 3689
in committing or attempting to commit any offense under division 3690
(G)(1), (2), or (3) of this section. 3691

(H) "Felony drug abuse offense" means any drug abuse offense 3692
that would constitute a felony under the laws of this state, any 3693
other state, or the United States. 3694

(I) "Harmful intoxicant" does not include beer or 3695
intoxicating liquor but means any compound, mixture, preparation, 3696
or substance the gas, fumes, or vapor of which when inhaled can 3697
induce intoxication, excitement, giddiness, irrational behavior, 3698
depression, stupefaction, paralysis, unconsciousness, 3699
asphyxiation, or other harmful physiological effects, and 3700
includes, but is not limited to, any of the following: 3701

(1) Any volatile organic solvent, plastic cement, model 3702
cement, fingernail polish remover, lacquer thinner, cleaning 3703
fluid, gasoline, or other preparation containing a volatile 3704
organic solvent; 3705

(2) Any aerosol propellant; 3706

(3) Any fluorocarbon refrigerant; 3707

(4) Any anesthetic gas. 3708

(J) "Manufacture" means to plant, cultivate, harvest, 3709
process, make, prepare, or otherwise engage in any part of the 3710
production of a drug, by propagation, extraction, chemical 3711
synthesis, or compounding, or any combination of the same, and 3712
includes packaging, repackaging, labeling, and other activities 3713
incident to production. 3714

(K) "Possess" or "possession" means having control over a 3715
thing or substance, but may not be inferred solely from mere 3716
access to the thing or substance through ownership or occupation 3717
of the premises upon which the thing or substance is found. 3718

(L) "Sample drug" means a drug or pharmaceutical preparation 3719
that would be hazardous to health or safety if used without the 3720
supervision of a licensed health professional authorized to 3721
prescribe drugs, or a drug of abuse, and that, at one time, had 3722
been placed in a container plainly marked as a sample by a 3723
manufacturer. 3724

(M) "Standard pharmaceutical reference manual" means the 3725
current edition, with cumulative changes if any, of any of the 3726
following reference works: 3727

(1) "The National Formulary"; 3728

(2) "The United States Pharmacopeia," prepared by authority 3729
of the United States Pharmacopeial Convention, Inc.; 3730

(3) Other standard references that are approved by the state 3731
board of pharmacy. 3732

(N) "Juvenile" means a person under eighteen years of age. 3733

(O) "Counterfeit controlled substance" means any of the 3734
following: 3735

(1) Any drug that bears, or whose container or label bears, a 3736
trademark, trade name, or other identifying mark used without 3737
authorization of the owner of rights to that trademark, trade 3738
name, or identifying mark; 3739

(2) Any unmarked or unlabeled substance that is represented 3740
to be a controlled substance manufactured, processed, packed, or 3741
distributed by a person other than the person that manufactured, 3742
processed, packed, or distributed it; 3743

(3) Any substance that is represented to be a controlled 3744

substance but is not a controlled substance or is a different
controlled substance; 3745
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(4) Any substance other than a controlled substance that a
reasonable person would believe to be a controlled substance 3747
because of its similarity in shape, size, and color, or its 3748
markings, labeling, packaging, distribution, or the price for 3749
which it is sold or offered for sale. 3750
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(P) An offense is "committed in the vicinity of a school" if 3752
the offender commits the offense on school premises, in a school 3753
building, or within one thousand feet of the boundaries of any 3754
school premises. 3755

(Q) "School" means any school operated by a board of 3756
education or any school for which the state board of education 3757
prescribes minimum standards under section 3301.07 of the Revised 3758
Code, whether or not any instruction, extracurricular activities, 3759
or training provided by the school is being conducted at the time 3760
a criminal offense is committed. 3761

(R) "School premises" means either of the following: 3762

(1) The parcel of real property on which any school is 3763
situated, whether or not any instruction, extracurricular 3764
activities, or training provided by the school is being conducted 3765
on the premises at the time a criminal offense is committed; 3766

(2) Any other parcel of real property that is owned or leased 3767
by a board of education of a school or the governing body of a 3768
school for which the state board of education prescribes minimum 3769
standards under section 3301.07 of the Revised Code and on which 3770
some of the instruction, extracurricular activities, or training 3771
of the school is conducted, whether or not any instruction, 3772
extracurricular activities, or training provided by the school is 3773
being conducted on the parcel of real property at the time a 3774
criminal offense is committed. 3775

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.

(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio.

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W)(1) to ~~(35)~~(36) of this section and that qualifies a person as a professionally licensed person.

(W) "Professionally licensed person" means any of the following:

(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;

(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(3) A person who holds a certificate of qualification to

practice architecture issued or renewed and registered under	3807
Chapter 4703. of the Revised Code;	3808
(4) A person who is registered as a landscape architect under	3809
Chapter 4703. of the Revised Code or who holds a permit as a	3810
landscape architect issued under that chapter;	3811
(5) A person licensed as an auctioneer or apprentice	3812
auctioneer or licensed to operate an auction company under Chapter	3813
4707. of the Revised Code;	3814
(6) A person who has been issued a certificate of	3815
registration as a registered barber under Chapter 4709. of the	3816
Revised Code;	3817
(7) A person licensed and regulated to engage in the business	3818
of a debt pooling company by a legislative authority, under	3819
authority of Chapter 4710. of the Revised Code;	3820
(8) A person who has been issued a cosmetologist's license,	3821
manicurist's license, esthetician's license, managing	3822
cosmetologist's license, managing manicurist's license, managing	3823
esthetician's license, cosmetology instructor's license,	3824
manicurist instructor's license, esthetician instructor's license,	3825
or tanning facility permit under Chapter 4713. of the Revised	3826
Code;	3827
(9) A person who has been issued a license to practice	3828
dentistry, a general anesthesia permit, a conscious intravenous	3829
sedation permit, a limited resident's license, a limited teaching	3830
license, a dental hygienist's license, or a dental hygienist's	3831
teacher's certificate under Chapter 4715. of the Revised Code;	3832
(10) A person who has been issued an embalmer's license, a	3833
funeral director's license, a funeral home license, or a crematory	3834
license, or who has been registered for an embalmer's or funeral	3835
director's apprenticeship under Chapter 4717. of the Revised Code;	3836

(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	3837 3838 3839 3840
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	3841 3842 3843
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	3844 3845
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	3846 3847
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	3848 3849 3850 3851
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	3852 3853
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	3854 3855 3856 3857
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	3858 3859
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	3860 3861
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	3862 3863
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	3864 3865

(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	3866 3867
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	3868 3869
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	3870 3871
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	3872 3873
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	3874 3875 3876 3877
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	3878 3879 3880
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	3881 3882 3883
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	3884 3885 3886
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	3887 3888 3889
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	3890 3891
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	3892 3893 3894 3895

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	3896 3897
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	3898 3899 3900
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	3901 3902
<u>(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.</u>	3903 3904 3905
(X) "Cocaine" means any of the following:	3906
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	3907 3908
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	3909 3910 3911 3912
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	3913 3914 3915 3916 3917 3918
(Y) "L.S.D." means lysergic acid diethylamide.	3919
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	3920 3921 3922
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	3923 3924

(BB) An offense is "committed in the vicinity of a juvenile" 3925
if the offender commits the offense within one hundred feet of a 3926
juvenile or within the view of a juvenile, regardless of whether 3927
the offender knows the age of the juvenile, whether the offender 3928
knows the offense is being committed within one hundred feet of or 3929
within view of the juvenile, or whether the juvenile actually 3930
views the commission of the offense. 3931

(CC) "Presumption for a prison term" or "presumption that a 3932
prison term shall be imposed" means a presumption, as described in 3933
division (D) of section 2929.13 of the Revised Code, that a prison 3934
term is a necessary sanction for a felony in order to comply with 3935
the purposes and principles of sentencing under section 2929.11 of 3936
the Revised Code. 3937

(DD) "Major drug offender" has the same meaning as in section 3938
2929.01 of the Revised Code. 3939

(EE) "Minor drug possession offense" means either of the 3940
following: 3941

(1) A violation of section 2925.11 of the Revised Code as it 3942
existed prior to July 1, 1996; 3943

(2) A violation of section 2925.11 of the Revised Code as it 3944
exists on and after July 1, 1996, that is a misdemeanor or a 3945
felony of the fifth degree. 3946

(FF) "Mandatory prison term" has the same meaning as in 3947
section 2929.01 of the Revised Code. 3948

(GG) "Crack cocaine" means a compound, mixture, preparation, 3949
or substance that is or contains any amount of cocaine that is 3950
analytically identified as the base form of cocaine or that is in 3951
a form that resembles rocks or pebbles generally intended for 3952
individual use. 3953

(HH) "Adulterate" means to cause a drug to be adulterated as 3954

described in section 3715.63 of the Revised Code. 3955

Sec. 2925.02. (A) No person shall knowingly do any of the 3956
following: 3957

(1) By force, threat, or deception, administer to another or 3958
induce or cause another to use a controlled substance; 3959

(2) By any means, administer or furnish to another or induce 3960
or cause another to use a controlled substance with purpose to 3961
cause serious physical harm to the other person, or with purpose 3962
to cause the other person to become drug dependent; 3963

(3) By any means, administer or furnish to another or induce 3964
or cause another to use a controlled substance, and thereby cause 3965
serious physical harm to the other person, or cause the other 3966
person to become drug dependent; 3967

(4) By any means, do any of the following: 3968

(a) Furnish or administer a controlled substance to a 3969
juvenile who is at least two years the offender's junior, when the 3970
offender knows the age of the juvenile or is reckless in that 3971
regard; 3972

(b) Induce or cause a juvenile who is at least two years the 3973
offender's junior to use a controlled substance, when the offender 3974
knows the age of the juvenile or is reckless in that regard; 3975

(c) Induce or cause a juvenile who is at least two years the 3976
offender's junior to commit a felony drug abuse offense, when the 3977
offender knows the age of the juvenile or is reckless in that 3978
regard; 3979

(d) Use a juvenile, whether or not the offender knows the age 3980
of the juvenile, to perform any surveillance activity that is 3981
intended to prevent the detection of the offender or any other 3982
person in the commission of a felony drug abuse offense or to 3983

prevent the arrest of the offender or any other person for the 3984
commission of a felony drug abuse offense. 3985

(B) Division (A)(1), (3), or (4) of this section does not 3986
apply to manufacturers, wholesalers, licensed health professionals 3987
authorized to prescribe drugs, pharmacists, owners of pharmacies, 3988
and other persons whose conduct is in accordance with Chapters 3989
3719., 4715., 4723., 4729., 4731., and 4741. of the Revised Code. 3990

(C) Whoever violates this section is guilty of corrupting 3991
another with drugs. The penalty for the offense shall be 3992
determined as follows: 3993

(1) Except as otherwise provided in this division, if the 3994
drug involved is any compound, mixture, preparation, or substance 3995
included in schedule I or II, with the exception of marihuana, 3996
corrupting another with drugs is a felony of the second degree, 3997
and, subject to division (E) of this section, the court shall 3998
impose as a mandatory prison term one of the prison terms 3999
prescribed for a felony of the second degree. If the drug involved 4000
is any compound, mixture, preparation, or substance included in 4001
schedule I or II, with the exception of marihuana, and if the 4002
offense was committed in the vicinity of a school, corrupting 4003
another with drugs is a felony of the first degree, and, subject 4004
to division (E) of this section, the court shall impose as a 4005
mandatory prison term one of the prison terms prescribed for a 4006
felony of the first degree. 4007

(2) Except as otherwise provided in this division, if the 4008
drug involved is any compound, mixture, preparation, or substance 4009
included in schedule III, IV, or V, corrupting another with drugs 4010
is a felony of the second degree, and there is a presumption for a 4011
prison term for the offense. If the drug involved is any compound, 4012
mixture, preparation, or substance included in schedule III, IV, 4013
or V and if the offense was committed in the vicinity of a school, 4014
corrupting another with drugs is a felony of the second degree, 4015

and the court shall impose as a mandatory prison term one of the
prison terms prescribed for a felony of the second degree.

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(3) Except as otherwise provided in this division, if the
drug involved is marihuana, corrupting another with drugs is a
felony of the fourth degree, and division (C) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term on the offender. If the drug involved is marihuana and
if the offense was committed in the vicinity of a school,
corrupting another with drugs is a felony of the third degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

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(D) In addition to any prison term authorized or required by
division (C) or (E) of this section and sections 2929.13 and
2929.14 of the Revised Code and in addition to any other sanction
imposed for the offense under this section or sections 2929.11 to
2929.18 of the Revised Code, the court that sentences an offender
who is convicted of or pleads guilty to a violation of division
(A) of this section or the clerk of that court shall do all of the
following that are applicable regarding the offender:

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(1)(a) If the violation is a felony of the first, second, or
third degree, the court shall impose upon the offender the
mandatory fine specified for the offense under division (B)(1) of
section 2929.18 of the Revised Code unless, as specified in that
division, the court determines that the offender is indigent.

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(b) Notwithstanding any contrary provision of section 3719.21
of the Revised Code, any mandatory fine imposed pursuant to
division (D)(1)(a) of this section and any fine imposed for a
violation of this section pursuant to division (A) of section
2929.18 of the Revised Code shall be paid by the clerk of the
court in accordance with and subject to the requirements of, and
shall be used as specified in, division (F) of section 2925.03 of
the Revised Code.

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(c) If a person is charged with any violation of this section 4048
that is a felony of the first, second, or third degree, posts 4049
bail, and forfeits the bail, the forfeited bail shall be paid by 4050
the clerk of the court pursuant to division (D)(1)(b) of this 4051
section as if it were a fine imposed for a violation of this 4052
section. 4053

(2) The court ~~either shall revoke or, if it does not revoke,~~ 4054
~~shall suspend for not less than six months or more than five~~ 4055
~~years, the driver's or commercial driver's license or permit of~~ 4056
~~any person who is convicted of or pleads guilty to a violation of~~ 4057
~~this section that is a felony of the first degree and shall~~ 4058
suspend for not less than six months nor more than five years the 4059
offender's driver's or commercial driver's license or permit of 4060
~~any person who is convicted of or pleads guilty to any other~~ 4061
~~violation of this section.~~ If an offender's driver's or commercial 4062
driver's license or permit is ~~revoked~~ suspended pursuant to this 4063
division, the offender, at any time after the expiration of two 4064
years from the day on which the offender's sentence was imposed or 4065
from the day on which the offender finally was released from a 4066
prison term under the sentence, whichever is later, may file a 4067
motion with the sentencing court requesting termination of the 4068
~~revocation~~ suspension. Upon the filing of the motion and the 4069
court's finding of good cause for the termination, the court may 4070
terminate the ~~revocation~~ suspension. 4071

(3) If the offender is a professionally licensed person ~~or a~~ 4072
~~person who has been admitted to the bar by order of the supreme~~ 4073
~~court in compliance with its prescribed and published rules,~~ in 4074
addition to any other sanction imposed for a violation of this 4075
section, the court ~~forthwith~~ immediately shall comply with section 4076
2925.38 of the Revised Code. 4077

(E) Notwithstanding the prison term otherwise authorized or 4078
required for the offense under division (C) of this section and 4079

sections 2929.13 and 2929.14 of the Revised Code, if the violation 4080
of division (A) of this section involves the sale, offer to sell, 4081
or possession of a schedule I or II controlled substance, with the 4082
exception of marihuana, and if the court imposing sentence upon 4083
the offender finds that the offender as a result of the violation 4084
is a major drug offender and is guilty of a specification of the 4085
type described in section 2941.1410 of the Revised Code, the 4086
court, in lieu of the prison term that otherwise is authorized or 4087
required, shall impose upon the offender the mandatory prison term 4088
specified in division (D)(3)(a) of section 2929.14 of the Revised 4089
Code and may impose an additional prison term under division 4090
(D)(3)(b) of that section. 4091

Sec. 2925.03. (A) No person shall knowingly do any of the 4092
following: 4093

(1) Sell or offer to sell a controlled substance; 4094

(2) Prepare for shipment, ship, transport, deliver, prepare 4095
for distribution, or distribute a controlled substance, when the 4096
offender knows or has reasonable cause to believe that the 4097
controlled substance is intended for sale or resale by the 4098
offender or another person. 4099

(B) This section does not apply to any of the following: 4100

(1) Manufacturers, licensed health professionals authorized 4101
to prescribe drugs, pharmacists, owners of pharmacies, and other 4102
persons whose conduct is in accordance with Chapters 3719., 4715., 4103
4723., 4729., 4731., and 4741. of the Revised Code; 4104

(2) If the offense involves an anabolic steroid, any person 4105
who is conducting or participating in a research project involving 4106
the use of an anabolic steroid if the project has been approved by 4107
the United States food and drug administration; 4108

(3) Any person who sells, offers for sale, prescribes, 4109

dispenses, or administers for livestock or other nonhuman species 4110
an anabolic steroid that is expressly intended for administration 4111
through implants to livestock or other nonhuman species and 4112
approved for that purpose under the "Federal Food, Drug, and 4113
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 4114
and is sold, offered for sale, prescribed, dispensed, or 4115
administered for that purpose in accordance with that act. 4116

(C) Whoever violates division (A) of this section is guilty 4117
of one of the following: 4118

(1) If the drug involved in the violation is any compound, 4119
mixture, preparation, or substance included in schedule I or 4120
schedule II, with the exception of marihuana, cocaine, L.S.D., 4121
heroin, and hashish, whoever violates division (A) of this section 4122
is guilty of aggravated trafficking in drugs. The penalty for the 4123
offense shall be determined as follows: 4124

(a) Except as otherwise provided in division (C)(1)(b), (c), 4125
(d), (e), or (f) of this section, aggravated trafficking in drugs 4126
is a felony of the fourth degree, and division (C) of section 4127
2929.13 of the Revised Code applies in determining whether to 4128
impose a prison term on the offender. 4129

(b) Except as otherwise provided in division (C)(1)(c), (d), 4130
(e), or (f) of this section, if the offense was committed in the 4131
vicinity of a school or in the vicinity of a juvenile, aggravated 4132
trafficking in drugs is a felony of the third degree, and division 4133
(C) of section 2929.13 of the Revised Code applies in determining 4134
whether to impose a prison term on the offender. 4135

(c) Except as otherwise provided in this division, if the 4136
amount of the drug involved equals or exceeds the bulk amount but 4137
is less than five times the bulk amount, aggravated trafficking in 4138
drugs is a felony of the third degree, and the court shall impose 4139
as a mandatory prison term one of the prison terms prescribed for 4140

a felony of the third degree. If the amount of the drug involved
is within that range and if the offense was committed in the
vicinity of a school or in the vicinity of a juvenile, aggravated
trafficking in drugs is a felony of the second degree, and the
court shall impose as a mandatory prison term one of the prison
terms prescribed for a felony of the second degree.

(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds five times the bulk
amount but is less than fifty times the bulk amount, aggravated
trafficking in drugs is a felony of the second degree, and the
court shall impose as a mandatory prison term one of the prison
terms prescribed for a felony of the second degree. If the amount
of the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, aggravated trafficking in drugs is a felony of the first
degree, and the court shall impose as a mandatory prison term one
of the prison terms prescribed for a felony of the first degree.

(e) If the amount of the drug involved equals or exceeds
fifty times the bulk amount but is less than one hundred times the
bulk amount and regardless of whether the offense was committed in
the vicinity of a school or in the vicinity of a juvenile,
aggravated trafficking in drugs is a felony of the first degree,
and the court shall impose as a mandatory prison term one of the
prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one
hundred times the bulk amount and regardless of whether the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, aggravated trafficking in drugs is a
felony of the first degree, the offender is a major drug offender,
and the court shall impose as a mandatory prison term the maximum
prison term prescribed for a felony of the first degree and may
impose an additional prison term prescribed for a major drug

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offender under division (D)(3)(b) of section 2929.14 of the
Revised Code.

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(2) If the drug involved in the violation is any compound,
mixture, preparation, or substance included in schedule III, IV,
or V, whoever violates division (A) of this section is guilty of
trafficking in drugs. The penalty for the offense shall be
determined as follows:

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(a) Except as otherwise provided in division (C)(2)(b), (c),
(d), or (e) of this section, trafficking in drugs is a felony of
the fifth degree, and division (C) of section 2929.13 of the
Revised Code applies in determining whether to impose a prison
term on the offender.

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(b) Except as otherwise provided in division (C)(2)(c), (d),
or (e) of this section, if the offense was committed in the
vicinity of a school or in the vicinity of a juvenile, trafficking
in drugs is a felony of the fourth degree, and division (C) of
section 2929.13 of the Revised Code applies in determining whether
to impose a prison term on the offender.

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(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds the bulk amount but
is less than five times the bulk amount, trafficking in drugs is a
felony of the fourth degree, and there is a presumption for a
prison term for the offense. If the amount of the drug involved is
within that range and if the offense was committed in the vicinity
of a school or in the vicinity of a juvenile, trafficking in drugs
is a felony of the third degree, and there is a presumption for a
prison term for the offense.

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(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds five times the bulk
amount but is less than fifty times the bulk amount, trafficking
in drugs is a felony of the third degree, and there is a

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presumption for a prison term for the offense. If the amount of
the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in drugs is a felony of the second degree,
and there is a presumption for a prison term for the offense.

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(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty times the bulk
amount, trafficking in drugs is a felony of the second degree, and
the court shall impose as a mandatory prison term one of the
prison terms prescribed for a felony of the second degree. If the
amount of the drug involved equals or exceeds fifty times the bulk
amount and if the offense was committed in the vicinity of a
school or in the vicinity of a juvenile, trafficking in drugs is a
felony of the first degree, and the court shall impose as a
mandatory prison term one of the prison terms prescribed for a
felony of the first degree.

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(3) If the drug involved in the violation is marihuana or a
compound, mixture, preparation, or substance containing marihuana
other than hashish, whoever violates division (A) of this section
is guilty of trafficking in marihuana. The penalty for the offense
shall be determined as follows:

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(a) Except as otherwise provided in division (C)(3)(b), (c),
(d), (e), (f), or (g) of this section, trafficking in marihuana is
a felony of the fifth degree, and division (C) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term on the offender.

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(b) Except as otherwise provided in division (C)(3)(c), (d),
(e), (f), or (g) of this section, if the offense was committed in
the vicinity of a school or in the vicinity of a juvenile,
trafficking in marihuana is a felony of the fourth degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

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(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the

amount of the drug involved equals or exceeds twenty thousand 4268
grams, trafficking in marihuana is a felony of the second degree, 4269
and the court shall impose as a mandatory prison term the maximum 4270
prison term prescribed for a felony of the second degree. If the 4271
amount of the drug involved equals or exceeds twenty thousand 4272
grams and if the offense was committed in the vicinity of a school 4273
or in the vicinity of a juvenile, trafficking in marihuana is a 4274
felony of the first degree, and the court shall impose as a 4275
mandatory prison term the maximum prison term prescribed for a 4276
felony of the first degree. 4277

(g) Except as otherwise provided in this division, if the 4278
offense involves a gift of twenty grams or less of marihuana, 4279
trafficking in marihuana is a minor misdemeanor upon a first 4280
offense and a misdemeanor of the third degree upon a subsequent 4281
offense. If the offense involves a gift of twenty grams or less of 4282
marihuana and if the offense was committed in the vicinity of a 4283
school or in the vicinity of a juvenile, trafficking in marihuana 4284
is a misdemeanor of the third degree. 4285

(4) If the drug involved in the violation is cocaine or a 4286
compound, mixture, preparation, or substance containing cocaine, 4287
whoever violates division (A) of this section is guilty of 4288
trafficking in cocaine. The penalty for the offense shall be 4289
determined as follows: 4290

(a) Except as otherwise provided in division (C)(4)(b), (c), 4291
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 4292
felony of the fifth degree, and division (C) of section 2929.13 of 4293
the Revised Code applies in determining whether to impose a prison 4294
term on the offender. 4295

(b) Except as otherwise provided in division (C)(4)(c), (d), 4296
(e), (f), or (g) of this section, if the offense was committed in 4297
the vicinity of a school or in the vicinity of a juvenile, 4298
trafficking in cocaine is a felony of the fourth degree, and 4299

division (C) of section 2929.13 of the Revised Code applies in 4300
determining whether to impose a prison term on the offender. 4301

(c) Except as otherwise provided in this division, if the 4302
amount of the drug involved equals or exceeds five grams but is 4303
less than ten grams of cocaine that is not crack cocaine or equals 4304
or exceeds one gram but is less than five grams of crack cocaine, 4305
trafficking in cocaine is a felony of the fourth degree, and there 4306
is a presumption for a prison term for the offense. If the amount 4307
of the drug involved is within one of those ranges and if the 4308
offense was committed in the vicinity of a school or in the 4309
vicinity of a juvenile, trafficking in cocaine is a felony of the 4310
third degree, and there is a presumption for a prison term for the 4311
offense. 4312

(d) Except as otherwise provided in this division, if the 4313
amount of the drug involved equals or exceeds ten grams but is 4314
less than one hundred grams of cocaine that is not crack cocaine 4315
or equals or exceeds five grams but is less than ten grams of 4316
crack cocaine, trafficking in cocaine is a felony of the third 4317
degree, and the court shall impose as a mandatory prison term one 4318
of the prison terms prescribed for a felony of the third degree. 4319
If the amount of the drug involved is within one of those ranges 4320
and if the offense was committed in the vicinity of a school or in 4321
the vicinity of a juvenile, trafficking in cocaine is a felony of 4322
the second degree, and the court shall impose as a mandatory 4323
prison term one of the prison terms prescribed for a felony of the 4324
second degree. 4325

(e) Except as otherwise provided in this division, if the 4326
amount of the drug involved equals or exceeds one hundred grams 4327
but is less than five hundred grams of cocaine that is not crack 4328
cocaine or equals or exceeds ten grams but is less than 4329
twenty-five grams of crack cocaine, trafficking in cocaine is a 4330
felony of the second degree, and the court shall impose as a 4331

mandatory prison term one of the prison terms prescribed for a
felony of the second degree. If the amount of the drug involved is
within one of those ranges and if the offense was committed in the
vicinity of a school or in the vicinity of a juvenile, trafficking
in cocaine is a felony of the first degree, and the court shall
impose as a mandatory prison term one of the prison terms
prescribed for a felony of the first degree.

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(f) If the amount of the drug involved equals or exceeds five
hundred grams but is less than one thousand grams of cocaine that
is not crack cocaine or equals or exceeds twenty-five grams but is
less than one hundred grams of crack cocaine and regardless of
whether the offense was committed in the vicinity of a school or
in the vicinity of a juvenile, trafficking in cocaine is a felony
of the first degree, and the court shall impose as a mandatory
prison term one of the prison terms prescribed for a felony of the
first degree.

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(g) If the amount of the drug involved equals or exceeds one
thousand grams of cocaine that is not crack cocaine or equals or
exceeds one hundred grams of crack cocaine and regardless of
whether the offense was committed in the vicinity of a school or
in the vicinity of a juvenile, trafficking in cocaine is a felony
of the first degree, the offender is a major drug offender, and
the court shall impose as a mandatory prison term the maximum
prison term prescribed for a felony of the first degree and may
impose an additional mandatory prison term prescribed for a major
drug offender under division (D)(3)(b) of section 2929.14 of the
Revised Code.

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(5) If the drug involved in the violation is L.S.D. or a
compound, mixture, preparation, or substance containing L.S.D.,
whoever violates division (A) of this section is guilty of
trafficking in L.S.D. The penalty for the offense shall be
determined as follows:

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(a) Except as otherwise provided in division (C)(5)(b), (c), 4364
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 4365
felony of the fifth degree, and division (C) of section 2929.13 of 4366
the Revised Code applies in determining whether to impose a prison 4367
term on the offender. 4368

(b) Except as otherwise provided in division (C)(5)(c), (d), 4369
(e), (f), or (g) of this section, if the offense was committed in 4370
the vicinity of a school or in the vicinity of a juvenile, 4371
trafficking in L.S.D. is a felony of the fourth degree, and 4372
division (C) of section 2929.13 of the Revised Code applies in 4373
determining whether to impose a prison term on the offender. 4374

(c) Except as otherwise provided in this division, if the 4375
amount of the drug involved equals or exceeds ten unit doses but 4376
is less than fifty unit doses of L.S.D. in a solid form or equals 4377
or exceeds one gram but is less than five grams of L.S.D. in a 4378
liquid concentrate, liquid extract, or liquid distillate form, 4379
trafficking in L.S.D. is a felony of the fourth degree, and there 4380
is a presumption for a prison term for the offense. If the amount 4381
of the drug involved is within that range and if the offense was 4382
committed in the vicinity of a school or in the vicinity of a 4383
juvenile, trafficking in L.S.D. is a felony of the third degree, 4384
and there is a presumption for a prison term for the offense. 4385

(d) Except as otherwise provided in this division, if the 4386
amount of the drug involved equals or exceeds fifty unit doses but 4387
is less than two hundred fifty unit doses of L.S.D. in a solid 4388
form or equals or exceeds five grams but is less than twenty-five 4389
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 4390
distillate form, trafficking in L.S.D. is a felony of the third 4391
degree, and the court shall impose as a mandatory prison term one 4392
of the prison terms prescribed for a felony of the third degree. 4393
If the amount of the drug involved is within that range and if the 4394
offense was committed in the vicinity of a school or in the 4395

vicinity of a juvenile, trafficking in L.S.D. is a felony of the
second degree, and the court shall impose as a mandatory prison
term one of the prison terms prescribed for a felony of the second
degree.

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(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds two hundred fifty
unit doses but is less than one thousand unit doses of L.S.D. in a
solid form or equals or exceeds twenty-five grams but is less than
one hundred grams of L.S.D. in a liquid concentrate, liquid
extract, or liquid distillate form, trafficking in L.S.D. is a
felony of the second degree, and the court shall impose as a
mandatory prison term one of the prison terms prescribed for a
felony of the second degree. If the amount of the drug involved is
within that range and if the offense was committed in the vicinity
of a school or in the vicinity of a juvenile, trafficking in
L.S.D. is a felony of the first degree, and the court shall impose
as a mandatory prison term one of the prison terms prescribed for
a felony of the first degree.

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(f) If the amount of the drug involved equals or exceeds one
thousand unit doses but is less than five thousand unit doses of
L.S.D. in a solid form or equals or exceeds one hundred grams but
is less than five hundred grams of L.S.D. in a liquid concentrate,
liquid extract, or liquid distillate form and regardless of
whether the offense was committed in the vicinity of a school or
in the vicinity of a juvenile, trafficking in L.S.D. is a felony
of the first degree, and the court shall impose as a mandatory
prison term one of the prison terms prescribed for a felony of the
first degree.

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(g) If the amount of the drug involved equals or exceeds five
thousand unit doses of L.S.D. in a solid form or equals or exceeds
five hundred grams of L.S.D. in a liquid concentrate, liquid
extract, or liquid distillate form and regardless of whether the

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offense was committed in the vicinity of a school or in the 4428
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4429
first degree, the offender is a major drug offender, and the court 4430
shall impose as a mandatory prison term the maximum prison term 4431
prescribed for a felony of the first degree and may impose an 4432
additional mandatory prison term prescribed for a major drug 4433
offender under division (D)(3)(b) of section 2929.14 of the 4434
Revised Code. 4435

(6) If the drug involved in the violation is heroin or a 4436
compound, mixture, preparation, or substance containing heroin, 4437
whoever violates division (A) of this section is guilty of 4438
trafficking in heroin. The penalty for the offense shall be 4439
determined as follows: 4440

(a) Except as otherwise provided in division (C)(6)(b), (c), 4441
(d), (e), (f), or (g) of this section, trafficking in heroin is a 4442
felony of the fifth degree, and division (C) of section 2929.13 of 4443
the Revised Code applies in determining whether to impose a prison 4444
term on the offender. 4445

(b) Except as otherwise provided in division (C)(6)(c), (d), 4446
(e), (f), or (g) of this section, if the offense was committed in 4447
the vicinity of a school or in the vicinity of a juvenile, 4448
trafficking in heroin is a felony of the fourth degree, and 4449
division (C) of section 2929.13 of the Revised Code applies in 4450
determining whether to impose a prison term on the offender. 4451

(c) Except as otherwise provided in this division, if the 4452
amount of the drug involved equals or exceeds ten unit doses but 4453
is less than fifty unit doses or equals or exceeds one gram but is 4454
less than five grams, trafficking in heroin is a felony of the 4455
fourth degree, and there is a presumption for a prison term for 4456
the offense. If the amount of the drug involved is within that 4457
range and if the offense was committed in the vicinity of a school 4458
or in the vicinity of a juvenile, trafficking in heroin is a 4459

felony of the third degree, and there is a presumption for a
prison term for the offense.

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(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty unit doses but
is less than one hundred unit doses or equals or exceeds five
grams but is less than ten grams, trafficking in heroin is a
felony of the third degree, and there is a presumption for a
prison term for the offense. If the amount of the drug involved is
within that range and if the offense was committed in the vicinity
of a school or in the vicinity of a juvenile, trafficking in
heroin is a felony of the second degree, and there is a
presumption for a prison term for the offense.

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(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds one hundred unit
doses but is less than five hundred unit doses or equals or
exceeds ten grams but is less than fifty grams, trafficking in
heroin is a felony of the second degree, and the court shall
impose as a mandatory prison term one of the prison terms
prescribed for a felony of the second degree. If the amount of the
drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in heroin is a felony of the first degree,
and the court shall impose as a mandatory prison term one of the
prison terms prescribed for a felony of the first degree.

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(f) If the amount of the drug involved equals or exceeds five
hundred unit doses but is less than two thousand five hundred unit
doses or equals or exceeds fifty grams but is less than two
hundred fifty grams and regardless of whether the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in heroin is a felony of the first degree,
and the court shall impose as a mandatory prison term one of the
prison terms prescribed for a felony of the first degree.

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(g) If the amount of the drug involved equals or exceeds two 4492
thousand five hundred unit doses or equals or exceeds two hundred 4493
fifty grams and regardless of whether the offense was committed in 4494
the vicinity of a school or in the vicinity of a juvenile, 4495
trafficking in heroin is a felony of the first degree, the 4496
offender is a major drug offender, and the court shall impose as a 4497
mandatory prison term the maximum prison term prescribed for a 4498
felony of the first degree and may impose an additional mandatory 4499
prison term prescribed for a major drug offender under division 4500
(D)(3)(b) of section 2929.14 of the Revised Code. 4501

(7) If the drug involved in the violation is hashish or a 4502
compound, mixture, preparation, or substance containing hashish, 4503
whoever violates division (A) of this section is guilty of 4504
trafficking in hashish. The penalty for the offense shall be 4505
determined as follows: 4506

(a) Except as otherwise provided in division (C)(7)(b), (c), 4507
(d), (e), or (f) of this section, trafficking in hashish is a 4508
felony of the fifth degree, and division (C) of section 2929.13 of 4509
the Revised Code applies in determining whether to impose a prison 4510
term on the offender. 4511

(b) Except as otherwise provided in division (C)(7)(c), (d), 4512
(e), or (f) of this section, if the offense was committed in the 4513
vicinity of a school or in the vicinity of a juvenile, trafficking 4514
in hashish is a felony of the fourth degree, and division (C) of 4515
section 2929.13 of the Revised Code applies in determining whether 4516
to impose a prison term on the offender. 4517

(c) Except as otherwise provided in this division, if the 4518
amount of the drug involved equals or exceeds ten grams but is 4519
less than fifty grams of hashish in a solid form or equals or 4520
exceeds two grams but is less than ten grams of hashish in a 4521
liquid concentrate, liquid extract, or liquid distillate form, 4522
trafficking in hashish is a felony of the fourth degree, and 4523

division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender. If
the amount of the drug involved is within that range and if the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in hashish is a felony of the
third degree, and division (C) of section 2929.13 of the Revised
Code applies in determining whether to impose a prison term on the
offender.

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(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty grams but is
less than two hundred fifty grams of hashish in a solid form or
equals or exceeds ten grams but is less than fifty grams of
hashish in a liquid concentrate, liquid extract, or liquid
distillate form, trafficking in hashish is a felony of the third
degree, and division (C) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender. If the amount of the drug involved is within that range
and if the offense was committed in the vicinity of a school or in
the vicinity of a juvenile, trafficking in hashish is a felony of
the second degree, and there is a presumption that a prison term
shall be imposed for the offense.

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(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds two hundred fifty
grams but is less than one thousand grams of hashish in a solid
form or equals or exceeds fifty grams but is less than two hundred
grams of hashish in a liquid concentrate, liquid extract, or
liquid distillate form, trafficking in hashish is a felony of the
third degree, and there is a presumption that a prison term shall
be imposed for the offense. If the amount of the drug involved is
within that range and if the offense was committed in the vicinity
of a school or in the vicinity of a juvenile, trafficking in
hashish is a felony of the second degree, and there is a

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presumption that a prison term shall be imposed for the offense. 4556

(f) Except as otherwise provided in this division, if the 4557
amount of the drug involved equals or exceeds one thousand grams 4558
of hashish in a solid form or equals or exceeds two hundred grams 4559
of hashish in a liquid concentrate, liquid extract, or liquid 4560
distillate form, trafficking in hashish is a felony of the second 4561
degree, and the court shall impose as a mandatory prison term the 4562
maximum prison term prescribed for a felony of the second degree. 4563
If the amount of the drug involved is within that range and if the 4564
offense was committed in the vicinity of a school or in the 4565
vicinity of a juvenile, trafficking in hashish is a felony of the 4566
first degree, and the court shall impose as a mandatory prison 4567
term the maximum prison term prescribed for a felony of the first 4568
degree. 4569

(D) In addition to any prison term authorized or required by 4570
division (C) of this section and sections 2929.13 and 2929.14 of 4571
the Revised Code, and in addition to any other sanction imposed 4572
for the offense under this section or sections 2929.11 to 2929.18 4573
of the Revised Code, the court that sentences an offender who is 4574
convicted of or pleads guilty to a violation of division (A) of 4575
this section shall do all of the following that are applicable 4576
regarding the offender: 4577

(1) If the violation of division (A) of this section is a 4578
felony of the first, second, or third degree, the court shall 4579
impose upon the offender the mandatory fine specified for the 4580
offense under division (B)(1) of section 2929.18 of the Revised 4581
Code unless, as specified in that division, the court determines 4582
that the offender is indigent. Except as otherwise provided in 4583
division (H)(1) of this section, a mandatory fine or any other 4584
fine imposed for a violation of this section is subject to 4585
division (F) of this section. If a person is charged with a 4586
violation of this section that is a felony of the first, second, 4587

or third degree, posts bail, and forfeits the bail, the clerk of
the court shall pay the forfeited bail pursuant to divisions
(D)(1) and (F) of this section, as if the forfeited bail was a
fine imposed for a violation of this section. If any amount of the
forfeited bail remains after that payment and if a fine is imposed
under division (H)(1) of this section, the clerk of the court
shall pay the remaining amount of the forfeited bail pursuant to
divisions (H)(2) and (3) of this section, as if that remaining
amount was a fine imposed under division (H)(1) of this section.

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(2) The court shall ~~revoke or~~ suspend the driver's or
commercial driver's license or permit of the offender in
accordance with division (G) of this section.

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(3) If the offender is a professionally licensed person ~~or a
person who has been admitted to the bar by order of the supreme
court in compliance with its prescribed and published rules,~~ the
court ~~forthwith~~ immediately shall comply with section 2925.38 of
the Revised Code.

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(E) When a person is charged with the sale of or offer to
sell a bulk amount or a multiple of a bulk amount of a controlled
substance, the jury, or the court trying the accused, shall
determine the amount of the controlled substance involved at the
time of the offense and, if a guilty verdict is returned, shall
return the findings as part of the verdict. In any such case, it
is unnecessary to find and return the exact amount of the
controlled substance involved, and it is sufficient if the finding
and return is to the effect that the amount of the controlled
substance involved is the requisite amount, or that the amount of
the controlled substance involved is less than the requisite
amount.

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(F)(1) Notwithstanding any contrary provision of section
3719.21 of the Revised Code and except as provided in division (H)

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of this section, the clerk of the court shall pay any mandatory
fine imposed pursuant to division (D)(1) of this section and any
fine other than a mandatory fine that is imposed for a violation
of this section pursuant to division (A) or (B)(5) of section
2929.18 of the Revised Code to the county, township, municipal
corporation, park district, as created pursuant to section 511.18
or 1545.04 of the Revised Code, or state law enforcement agencies
in this state that primarily were responsible for or involved in
making the arrest of, and in prosecuting, the offender. However,
the clerk shall not pay a mandatory fine so imposed to a law
enforcement agency unless the agency has adopted a written
internal control policy under division (F)(2) of this section that
addresses the use of the fine moneys that it receives. Each agency
shall use the mandatory fines so paid to subsidize the agency's
law enforcement efforts that pertain to drug offenses, in
accordance with the written internal control policy adopted by the
recipient agency under division (F)(2) of this section.

(2)(a) Prior to receiving any fine moneys under division
(F)(1) of this section or division (B)(5) of section 2925.42 of
the Revised Code, a law enforcement agency shall adopt a written
internal control policy that addresses the agency's use and
disposition of all fine moneys so received and that provides for
the keeping of detailed financial records of the receipts of those
fine moneys, the general types of expenditures made out of those
fine moneys, and the specific amount of each general type of
expenditure. The policy shall not provide for or permit the
identification of any specific expenditure that is made in an
ongoing investigation. All financial records of the receipts of
those fine moneys, the general types of expenditures made out of
those fine moneys, and the specific amount of each general type of
expenditure by an agency are public records open for inspection
under section 149.43 of the Revised Code. Additionally, a written

internal control policy adopted under this division is such a 4652
public record, and the agency that adopted it shall comply with 4653
it. 4654

(b) Each law enforcement agency that receives in any calendar 4655
year any fine moneys under division (F)(1) of this section or 4656
division (B)(5) of section 2925.42 of the Revised Code shall 4657
prepare a report covering the calendar year that cumulates all of 4658
the information contained in all of the public financial records 4659
kept by the agency pursuant to division (F)(2)(a) of this section 4660
for that calendar year, and shall send a copy of the cumulative 4661
report, no later than the first day of March in the calendar year 4662
following the calendar year covered by the report, to the attorney 4663
general. Each report received by the attorney general is a public 4664
record open for inspection under section 149.43 of the Revised 4665
Code. Not later than the fifteenth day of April in the calendar 4666
year in which the reports are received, the attorney general shall 4667
send to the president of the senate and the speaker of the house 4668
of representatives a written notification that does all of the 4669
following: 4670

(i) Indicates that the attorney general has received from law 4671
enforcement agencies reports of the type described in this 4672
division that cover the previous calendar year and indicates that 4673
the reports were received under this division; 4674

(ii) Indicates that the reports are open for inspection under 4675
section 149.43 of the Revised Code; 4676

(iii) Indicates that the attorney general will provide a copy 4677
of any or all of the reports to the president of the senate or the 4678
speaker of the house of representatives upon request. 4679

(3) As used in division (F) of this section: 4680

(a) "Law enforcement agencies" includes, but is not limited 4681
to, the state board of pharmacy and the office of a prosecutor. 4682

(b) "Prosecutor" has the same meaning as in section 2935.01 4683
of the Revised Code. 4684

(G) When required under division (D)(2) of this section or 4685
any other provision of this chapter, the court ~~either shall revoke~~ 4686
~~or, if it does not revoke, shall suspend for not less than six~~ 4687
~~months or more than five years, the driver's or commercial~~ 4688
~~driver's license or permit of any person who is convicted of or~~ 4689
~~pleads guilty to a violation of this section that is a felony of~~ 4690
~~the first degree and shall suspend for not less than six months or~~ 4691
more than five years the driver's or commercial driver's license 4692
or permit of any person who is convicted of or pleads guilty to 4693
any ~~other~~ violation of this section or any other specified 4694
provision of this chapter. If an offender's driver's or commercial 4695
driver's license or permit is ~~revoked~~ suspended pursuant to this 4696
division, the offender, at any time after the expiration of two 4697
years from the day on which the offender's sentence was imposed or 4698
from the day on which the offender finally was released from a 4699
prison term under the sentence, whichever is later, may file a 4700
motion with the sentencing court requesting termination of the 4701
~~revocation~~ suspension; upon the filing of such a motion and the 4702
court's finding of good cause for the termination, the court may 4703
terminate the ~~revocation~~ suspension. 4704

(H)(1) In addition to any prison term authorized or required 4705
by division (C) of this section and sections 2929.13 and 2929.14 4706
of the Revised Code, in addition to any other penalty or sanction 4707
imposed for the offense under this section or sections 2929.11 to 4708
2929.18 of the Revised Code, and in addition to the forfeiture of 4709
property in connection with the offense as prescribed in sections 4710
2925.42 to 2925.45 of the Revised Code, the court that sentences 4711
an offender who is convicted of or pleads guilty to a violation of 4712
division (A) of this section may impose upon the offender an 4713
additional fine specified for the offense in division (B)(4) of 4714

section 2929.18 of the Revised Code. A fine imposed under division
(H)(1) of this section is not subject to division (F) of this
section and shall be used solely for the support of one or more
eligible alcohol and drug addiction programs in accordance with
divisions (H)(2) and (3) of this section.

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(2) The court that imposes a fine under division (H)(1) of
this section shall specify in the judgment that imposes the fine
one or more eligible alcohol and drug addiction programs for the
support of which the fine money is to be used. No alcohol and drug
addiction program shall receive or use money paid or collected in
satisfaction of a fine imposed under division (H)(1) of this
section unless the program is specified in the judgment that
imposes the fine. No alcohol and drug addiction program shall be
specified in the judgment unless the program is an eligible
alcohol and drug addiction program and, except as otherwise
provided in division (H)(2) of this section, unless the program is
located in the county in which the court that imposes the fine is
located or in a county that is immediately contiguous to the
county in which that court is located. If no eligible alcohol and
drug addiction program is located in any of those counties, the
judgment may specify an eligible alcohol and drug addiction
program that is located anywhere within this state.

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(3) Notwithstanding any contrary provision of section 3719.21
of the Revised Code, the clerk of the court shall pay any fine
imposed under division (H)(1) of this section to the eligible
alcohol and drug addiction program specified pursuant to division
(H)(2) of this section in the judgment. The eligible alcohol and
drug addiction program that receives the fine moneys shall use the
moneys only for the alcohol and drug addiction services identified
in the application for certification under section 3793.06 of the
Revised Code or in the application for a license under section
3793.11 of the Revised Code filed with the department of alcohol

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and drug addiction services by the alcohol and drug addiction program specified in the judgment. 4747
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(4) Each alcohol and drug addiction program that receives in 4749
a calendar year any fine moneys under division (H)(3) of this 4750
section shall file an annual report covering that calendar year 4751
with the court of common pleas and the board of county 4752
commissioners of the county in which the program is located, with 4753
the court of common pleas and the board of county commissioners of 4754
each county from which the program received the moneys if that 4755
county is different from the county in which the program is 4756
located, and with the attorney general. The alcohol and drug 4757
addiction program shall file the report no later than the first 4758
day of March in the calendar year following the calendar year in 4759
which the program received the fine moneys. The report shall 4760
include statistics on the number of persons served by the alcohol 4761
and drug addiction program, identify the types of alcohol and drug 4762
addiction services provided to those persons, and include a 4763
specific accounting of the purposes for which the fine moneys 4764
received were used. No information contained in the report shall 4765
identify, or enable a person to determine the identity of, any 4766
person served by the alcohol and drug addiction program. Each 4767
report received by a court of common pleas, a board of county 4768
commissioners, or the attorney general is a public record open for 4769
inspection under section 149.43 of the Revised Code. 4770

(5) As used in divisions (H)(1) to (5) of this section: 4771

(a) "Alcohol and drug addiction program" and "alcohol and 4772
drug addiction services" have the same meanings as in section 4773
3793.01 of the Revised Code. 4774

(b) "Eligible alcohol and drug addiction program" means an 4775
alcohol and drug addiction program that is certified under section 4776
3793.06 of the Revised Code or licensed under section 3793.11 of 4777
the Revised Code by the department of alcohol and drug addiction 4778

services.

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Sec. 2925.04. (A) No person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance.

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(B) This section does not apply to any person listed in division (B)(1), (2), or (3) of section 2925.03 of the Revised Code to the extent and under the circumstances described in those divisions.

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(C)(1) Whoever commits a violation of division (A) of this section that involves any drug other than marihuana is guilty of illegal manufacture of drugs, and whoever commits a violation of division (A) of this section that involves marihuana is guilty of illegal cultivation of marihuana.

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(2) If the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

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(3) If the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule III, IV, or V, illegal manufacture of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

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(4) If the drug involved in the violation is marihuana, the penalty for the offense shall be determined as follows:

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(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), or (f) of this section, illegal cultivation of marihuana is a minor misdemeanor.

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(b) If the amount of marihuana involved equals or exceeds one 4809
hundred grams but is less than two hundred grams, illegal 4810
cultivation of marihuana is a misdemeanor of the fourth degree. 4811

(c) If the amount of marihuana involved equals or exceeds two 4812
hundred grams but is less than one thousand grams, illegal 4813
cultivation of marihuana is a felony of the fifth degree, and 4814
division (B) of section 2929.13 of the Revised Code applies in 4815
determining whether to impose a prison term on the offender. 4816

(d) If the amount of marihuana involved equals or exceeds one 4817
thousand grams but is less than five thousand grams, illegal 4818
cultivation of marihuana is a felony of the third degree, and 4819
division (C) of section 2929.13 of the Revised Code applies in 4820
determining whether to impose a prison term on the offender. 4821

(e) If the amount of marihuana involved equals or exceeds 4822
five thousand grams but is less than twenty thousand grams, 4823
illegal cultivation of marihuana is a felony of the third degree, 4824
and there is a presumption for a prison term for the offense. 4825

(f) If the amount of marihuana involved equals or exceeds 4826
twenty thousand grams, illegal cultivation of marihuana is a 4827
felony of the second degree, and the court shall impose as a 4828
mandatory prison term the maximum prison term prescribed for a 4829
felony of the second degree. 4830

(D) In addition to any prison term authorized or required by 4831
division (C) or (E) of this section and sections 2929.13 and 4832
2929.14 of the Revised Code and in addition to any other sanction 4833
imposed for the offense under this section or sections 2929.11 to 4834
2929.18 of the Revised Code, the court that sentences an offender 4835
who is convicted of or pleads guilty to a violation of division 4836
(A) of this section shall do all of the following that are 4837
applicable regarding the offender: 4838

(1) If the violation of division (A) of this section is a 4839

felony of the second or third degree, the court shall impose upon
the offender the mandatory fine specified for the offense under
division (B)(1) of section 2929.18 of the Revised Code unless, as
specified in that division, the court determines that the offender
is indigent. The clerk of the court shall pay a mandatory fine or
other fine imposed for a violation of this section pursuant to
division (A) of section 2929.18 of the Revised Code in accordance
with and subject to the requirements of division (F) of section
2925.03 of the Revised Code. The agency that receives the fine
shall use the fine as specified in division (F) of section 2925.03
of the Revised Code. If a person is charged with a violation of
this section that is a felony of the second or third degree, posts
bail, and forfeits the bail, the clerk shall pay the forfeited
bail as if the forfeited bail were a fine imposed for a violation
of this section.

(2) The court shall ~~revoke~~ or suspend the offender's driver's
or commercial driver's license or permit in accordance with
division (G) of section 2925.03 of the Revised Code. If an
offender's driver's or commercial driver's license or permit is
~~revoked~~ suspended in accordance with that division, the offender
may request termination of, and the court may terminate, the
~~revocation~~ suspension in accordance with that division.

(3) If the offender is a professionally licensed person ~~or a~~
~~person who has been admitted to the bar by order of the supreme~~
~~court in compliance with its prescribed and published rules~~, the
court immediately shall comply with section 2925.38 of the Revised
Code.

(E) Notwithstanding the prison term otherwise authorized or
required for the offense under division (C) of this section and
sections 2929.13 and 2929.14 of the Revised Code, if the violation
of division (A) of this section involves the sale, offer to sell,
or possession of a schedule I or II controlled substance, with the

exception of marihuana, and if the court imposing sentence upon
the offender finds that the offender as a result of the violation
is a major drug offender and is guilty of a specification of the
type described in section 2941.1410 of the Revised Code, the
court, in lieu of the prison term otherwise authorized or
required, shall impose upon the offender the mandatory prison term
specified in division (D)(3)(a) of section 2929.14 of the Revised
Code and may impose an additional prison term under division
(D)(3)(b) of that section.

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(F) It is an affirmative defense, as provided in section
2901.05 of the Revised Code, to a charge under this section for a
fifth degree felony violation of illegal cultivation of marihuana
that the marihuana that gave rise to the charge is in an amount,
is in a form, is prepared, compounded, or mixed with substances
that are not controlled substances in a manner, or is possessed or
cultivated under any other circumstances that indicate that the
marihuana was solely for personal use.

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Notwithstanding any contrary provision of division (F) of
this section, if, in accordance with section 2901.05 of the
Revised Code, a person who is charged with a violation of illegal
cultivation of marihuana that is a felony of the fifth degree
sustains the burden of going forward with evidence of and
establishes by a preponderance of the evidence the affirmative
defense described in this division, the person may be prosecuted
for and may be convicted of or plead guilty to a misdemeanor
violation of illegal cultivation of marihuana.

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(G) Arrest or conviction for a minor misdemeanor violation of
this section does not constitute a criminal record and need not be
reported by the person so arrested or convicted in response to any
inquiries about the person's criminal record, including any
inquiries contained in an application for employment, a license,
or any other right or privilege or made in connection with the

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person's appearance as a witness.

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Sec. 2925.05. (A) No person shall knowingly provide money or other items of value to another person with the purpose that the recipient of the money or items of value use them to obtain any controlled substance for the purpose of violating section 2925.04 of the Revised Code or for the purpose of selling or offering to sell the controlled substance in the following amount:

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(1) If the drug to be sold or offered for sale is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish, or schedule III, IV, or V, an amount of the drug that equals or exceeds the bulk amount of the drug;

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(2) If the drug to be sold or offered for sale is marihuana or a compound, mixture, preparation, or substance other than hashish containing marihuana, an amount of the marihuana that equals or exceeds two hundred grams;

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(3) If the drug to be sold or offered for sale is cocaine or a compound, mixture, preparation, or substance containing cocaine, an amount of the cocaine that equals or exceeds five grams if the cocaine is not crack cocaine or equals or exceeds one gram if the cocaine is crack cocaine;

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(4) If the drug to be sold or offered for sale is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., an amount of the L.S.D. that equals or exceeds ten unit doses if the L.S.D. is in a solid form or equals or exceeds one gram if the L.S.D. is in a liquid concentrate, liquid extract, or liquid distillate form;

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(5) If the drug to be sold or offered for sale is heroin or a compound, mixture, preparation, or substance containing heroin, an amount of the heroin that equals or exceeds ten unit doses or

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equals or exceeds one gram; 4934

(6) If the drug to be sold or offered for sale is hashish or 4935
a compound, mixture, preparation, or substance containing hashish, 4936
an amount of the hashish that equals or exceeds ten grams if the 4937
hashish is in a solid form or equals or exceeds two grams if the 4938
hashish is in a liquid concentrate, liquid extract, or liquid 4939
distillate form. 4940

(B) This section does not apply to any person listed in 4941
division (B)(1), (2), or (3) of section 2925.03 of the Revised 4942
Code to the extent and under the circumstances described in those 4943
divisions. 4944

(C)(1) If the drug involved in the violation is any compound, 4945
mixture, preparation, or substance included in schedule I or II, 4946
with the exception of marihuana, whoever violates division (A) of 4947
this section is guilty of aggravated funding of drug trafficking, 4948
a felony of the first degree, and, subject to division (E) of this 4949
section, the court shall impose as a mandatory prison term one of 4950
the prison terms prescribed for a felony of the first degree. 4951

(2) If the drug involved in the violation is any compound, 4953
mixture, preparation, or substance included in schedule III, IV, 4954
or V, whoever violates division (A) of this section is guilty of 4955
funding of drug trafficking, a felony of the second degree, and 4956
the court shall impose as a mandatory prison term one of the 4957
prison terms prescribed for a felony of the second degree. 4958

(3) If the drug involved in the violation is marihuana, 4959
whoever violates division (A) of this section is guilty of funding 4960
of marihuana trafficking, a felony of the third degree, and the 4961
court shall impose as a mandatory prison term one of the prison 4962
terms prescribed for a felony of the third degree. 4963

(D) In addition to any prison term authorized or required by 4964

division (C) or (E) of this section and sections 2929.13 and
2929.14 of the Revised Code and in addition to any other sanction
imposed for the offense under this section or sections 2929.11 to
2929.18 of the Revised Code, the court that sentences an offender
who is convicted of or pleads guilty to a violation of division
(A) of this section shall do all of the following that are
applicable regarding the offender:

(1) The court shall impose the mandatory fine specified for
the offense under division (B)(1) of section 2929.18 of the
Revised Code unless, as specified in that division, the court
determines that the offender is indigent. The clerk of the court
shall pay a mandatory fine or other fine imposed for a violation
of this section pursuant to division (A) of section 2929.18 of the
Revised Code in accordance with and subject to the requirements of
division (F) of section 2925.03 of the Revised Code. The agency
that receives the fine shall use the fine in accordance with
division (F) of section 2925.03 of the Revised Code. If a person
is charged with a violation of this section, posts bail, and
forfeits the bail, the forfeited bail shall be paid as if the
forfeited bail were a fine imposed for a violation of this
section.

(2) The court shall ~~revoke~~ or suspend the offender's driver's
or commercial driver's license or permit in accordance with
division (G) of section 2925.03 of the Revised Code. If an
offender's driver's or commercial driver's license or permit is
~~revoked~~ suspended in accordance with that division, the offender
may request termination of, and the court may terminate, the
~~revocation~~ suspension in accordance with that division.

(3) If the offender is a professionally licensed person ~~or a~~
~~person who has been admitted to the bar by order of the supreme~~
~~court in compliance with its prescribed and published rules~~, the
court immediately shall comply with section 2925.38 of the Revised

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Code. 4997

(E) Notwithstanding the prison term otherwise authorized or 4998
required for the offense under division (C) of this section and 4999
sections 2929.13 and 2929.14 of the Revised Code, if the violation 5000
of division (A) of this section involves the sale, offer to sell, 5001
or possession of a schedule I or II controlled substance, with the 5002
exception of marihuana, and if the court imposing sentence upon 5003
the offender finds that the offender as a result of the violation 5004
is a major drug offender and is guilty of a specification of the 5005
type described in section 2941.1410 of the Revised Code, the 5006
court, in lieu of the prison term otherwise authorized or 5007
required, shall impose upon the offender the mandatory prison term 5008
specified in division (D)(3)(a) of section 2929.14 of the Revised 5009
Code and may impose an additional prison term under division 5010
(D)(3)(b) of that section. 5011

Sec. 2925.06. (A) No person shall knowingly administer to a 5012
human being, or prescribe or dispense for administration to a 5013
human being, any anabolic steroid not approved by the United 5014
States food and drug administration for administration to human 5015
beings. 5016

(B) This section does not apply to any person listed in 5017
division (B)(1), (2), or (3) of section 2925.03 of the Revised 5018
Code to the extent and under the circumstances described in those 5019
divisions. 5020

(C) Whoever violates division (A) of this section is guilty 5021
of illegal administration or distribution of anabolic steroids, a 5022
felony of the fourth degree, and division (C) of section 2929.13 5023
of the Revised Code applies in determining whether to impose a 5024
prison term on the offender. 5025

(D) In addition to any prison term authorized or required by 5026
division (C) of this section and sections 2929.13 and 2929.14 of 5027

the Revised Code and in addition to any other sanction imposed for 5028
the offense under this section or sections 2929.11 to 2929.18 of 5029
the Revised Code, the court that sentences an offender who is 5030
convicted of or pleads guilty to a violation of division (A) of 5031
this section shall do both of the following: 5032

(1) The court shall ~~revoke or~~ suspend the offender's driver's 5033
or commercial driver's license or permit in accordance with 5034
division (G) of section 2925.03 of the Revised Code. If an 5035
offender's driver's or commercial driver's license or permit is 5036
~~revoked~~ suspended in accordance with that division, the offender 5037
may request termination of, and the court may terminate, the 5038
~~revocation~~ suspension in accordance with that division. 5039

(2) If the offender is a professionally licensed person ~~or a~~ 5040
~~person who has been admitted to the bar by order of the supreme~~ 5041
~~court in compliance with its prescribed and published rules,~~ the 5042
court immediately shall comply with section 2925.38 of the Revised 5043
Code. 5044

(E) If a person commits any act that constitutes a violation 5045
of division (A) of this section and that also constitutes a 5046
violation of any other provision of the Revised Code, the 5047
prosecutor, as defined in section 2935.01 of the Revised Code, 5048
using customary prosecutorial discretion, may prosecute the person 5049
for a violation of the appropriate provision of the Revised Code. 5050

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 5051
or use a controlled substance. 5052

(B) This section does not apply to any of the following: 5053

(1) Manufacturers, licensed health professionals authorized 5054
to prescribe drugs, pharmacists, owners of pharmacies, and other 5055
persons whose conduct was in accordance with Chapters 3719., 5056
4715., 4723., 4729., 4731., and 4741. of the Revised Code; 5057

(2) If the offense involves an anabolic steroid, any person 5058
who is conducting or participating in a research project involving 5059
the use of an anabolic steroid if the project has been approved by 5060
the United States food and drug administration; 5061

(3) Any person who sells, offers for sale, prescribes, 5062
dispenses, or administers for livestock or other nonhuman species 5063
an anabolic steroid that is expressly intended for administration 5064
through implants to livestock or other nonhuman species and 5065
approved for that purpose under the "Federal Food, Drug, and 5066
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 5067
and is sold, offered for sale, prescribed, dispensed, or 5068
administered for that purpose in accordance with that act; 5069

(4) Any person who obtained the controlled substance pursuant 5070
to a prescription issued by a licensed health professional 5071
authorized to prescribe drugs. 5072

(C) Whoever violates division (A) of this section is guilty 5073
of one of the following: 5074

(1) If the drug involved in the violation is a compound, 5075
mixture, preparation, or substance included in schedule I or II, 5076
with the exception of marihuana, cocaine, L.S.D., heroin, and 5077
hashish, whoever violates division (A) of this section is guilty 5078
of aggravated possession of drugs. The penalty for the offense 5079
shall be determined as follows: 5080

(a) Except as otherwise provided in division (C)(1)(b), (c), 5081
(d), or (e) of this section, aggravated possession of drugs is a 5082
felony of the fifth degree, and division (B) of section 2929.13 of 5083
the Revised Code applies in determining whether to impose a prison 5084
term on the offender. 5085

(b) If the amount of the drug involved equals or exceeds the 5086
bulk amount but is less than five times the bulk amount, 5087
aggravated possession of drugs is a felony of the third degree, 5088

and there is a presumption for a prison term for the offense. 5089

(c) If the amount of the drug involved equals or exceeds five 5090
times the bulk amount but is less than fifty times the bulk 5091
amount, aggravated possession of drugs is a felony of the second 5092
degree, and the court shall impose as a mandatory prison term one 5093
of the prison terms prescribed for a felony of the second degree. 5094

(d) If the amount of the drug involved equals or exceeds 5095
fifty times the bulk amount but is less than one hundred times the 5096
bulk amount, aggravated possession of drugs is a felony of the 5097
first degree, and the court shall impose as a mandatory prison 5098
term one of the prison terms prescribed for a felony of the first 5099
degree. 5100

(e) If the amount of the drug involved equals or exceeds one 5101
hundred times the bulk amount, aggravated possession of drugs is a 5102
felony of the first degree, the offender is a major drug offender, 5103
and the court shall impose as a mandatory prison term the maximum 5104
prison term prescribed for a felony of the first degree and may 5105
impose an additional mandatory prison term prescribed for a major 5106
drug offender under division (D)(3)(b) of section 2929.14 of the 5107
Revised Code. 5108

(2) If the drug involved in the violation is a compound, 5109
mixture, preparation, or substance included in schedule III, IV, 5110
or V, whoever violates division (A) of this section is guilty of 5111
possession of drugs. The penalty for the offense shall be 5112
determined as follows: 5113

(a) Except as otherwise provided in division (C)(2)(b), (c), 5114
or (d) of this section, possession of drugs is a misdemeanor of 5115
the third degree or, if the offender previously has been convicted 5116
of a drug abuse offense, a misdemeanor of the second degree. If 5117
the drug involved in the violation is an anabolic steroid included 5118
in schedule III and if the offense is a misdemeanor of the third 5119

degree under this division, in lieu of sentencing the offender to 5120
a term of imprisonment in a detention facility, the court may 5121
place the offender on conditional probation pursuant to division 5122
(F) of section 2951.02 of the Revised Code. 5123

(b) If the amount of the drug involved equals or exceeds the 5124
bulk amount but is less than five times the bulk amount, 5125
possession of drugs is a felony of the fourth degree, and division 5126
(C) of section 2929.13 of the Revised Code applies in determining 5127
whether to impose a prison term on the offender. 5128

(c) If the amount of the drug involved equals or exceeds five 5129
times the bulk amount but is less than fifty times the bulk 5130
amount, possession of drugs is a felony of the third degree, and 5131
there is a presumption for a prison term for the offense. 5132

(d) If the amount of the drug involved equals or exceeds 5133
fifty times the bulk amount, possession of drugs is a felony of 5134
the second degree, and the court shall impose upon the offender as 5135
a mandatory prison term one of the prison terms prescribed for a 5136
felony of the second degree. 5137

(3) If the drug involved in the violation is marihuana or a 5138
compound, mixture, preparation, or substance containing marihuana 5139
other than hashish, whoever violates division (A) of this section 5140
is guilty of possession of marihuana. The penalty for the offense 5141
shall be determined as follows: 5142

(a) Except as otherwise provided in division (C)(3)(b), (c), 5143
(d), (e), or (f) of this section, possession of marihuana is a 5144
minor misdemeanor. 5145

(b) If the amount of the drug involved equals or exceeds one 5146
hundred grams but is less than two hundred grams, possession of 5147
marihuana is a misdemeanor of the fourth degree. 5148

(c) If the amount of the drug involved equals or exceeds two 5149
hundred grams but is less than one thousand grams, possession of 5150

marihuana is a felony of the fifth degree, and division (B) of 5151
section 2929.13 of the Revised Code applies in determining whether 5152
to impose a prison term on the offender. 5153

(d) If the amount of the drug involved equals or exceeds one 5154
thousand grams but is less than five thousand grams, possession of 5155
marihuana is a felony of the third degree, and division (C) of 5156
section 2929.13 of the Revised Code applies in determining whether 5157
to impose a prison term on the offender. 5158

(e) If the amount of the drug involved equals or exceeds five 5159
thousand grams but is less than twenty thousand grams, possession 5160
of marihuana is a felony of the third degree, and there is a 5161
presumption that a prison term shall be imposed for the offense. 5162
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(f) If the amount of the drug involved equals or exceeds 5164
twenty thousand grams, possession of marihuana is a felony of the 5165
second degree, and the court shall impose as a mandatory prison 5166
term the maximum prison term prescribed for a felony of the second 5167
degree. 5168

(4) If the drug involved in the violation is cocaine or a 5169
compound, mixture, preparation, or substance containing cocaine, 5170
whoever violates division (A) of this section is guilty of 5171
possession of cocaine. The penalty for the offense shall be 5172
determined as follows: 5173

(a) Except as otherwise provided in division (C)(4)(b), (c), 5174
(d), (e), or (f) of this section, possession of cocaine is a 5175
felony of the fifth degree, and division (B) of section 2929.13 of 5176
the Revised Code applies in determining whether to impose a prison 5177
term on the offender. 5178

(b) If the amount of the drug involved equals or exceeds five 5179
grams but is less than twenty-five grams of cocaine that is not 5180
crack cocaine or equals or exceeds one gram but is less than five 5181

grams of crack cocaine, possession of cocaine is a felony of the 5182
fourth degree, and there is a presumption for a prison term for 5183
the offense. 5184

(c) If the amount of the drug involved equals or exceeds 5185
twenty-five grams but is less than one hundred grams of cocaine 5186
that is not crack cocaine or equals or exceeds five grams but is 5187
less than ten grams of crack cocaine, possession of cocaine is a 5188
felony of the third degree, and the court shall impose as a 5189
mandatory prison term one of the prison terms prescribed for a 5190
felony of the third degree. 5191

(d) If the amount of the drug involved equals or exceeds one 5192
hundred grams but is less than five hundred grams of cocaine that 5193
is not crack cocaine or equals or exceeds ten grams but is less 5194
than twenty-five grams of crack cocaine, possession of cocaine is 5195
a felony of the second degree, and the court shall impose as a 5196
mandatory prison term one of the prison terms prescribed for a 5197
felony of the second degree. 5198

(e) If the amount of the drug involved equals or exceeds five 5199
hundred grams but is less than one thousand grams of cocaine that 5200
is not crack cocaine or equals or exceeds twenty-five grams but is 5201
less than one hundred grams of crack cocaine, possession of 5202
cocaine is a felony of the first degree, and the court shall 5203
impose as a mandatory prison term one of the prison terms 5204
prescribed for a felony of the first degree. 5205

(f) If the amount of the drug involved equals or exceeds one 5206
thousand grams of cocaine that is not crack cocaine or equals or 5207
exceeds one hundred grams of crack cocaine, possession of cocaine 5208
is a felony of the first degree, the offender is a major drug 5209
offender, and the court shall impose as a mandatory prison term 5210
the maximum prison term prescribed for a felony of the first 5211
degree and may impose an additional mandatory prison term 5212
prescribed for a major drug offender under division (D)(3)(b) of 5213

section 2929.14 of the Revised Code. 5214

(5) If the drug involved in the violation is L.S.D., whoever 5215
violates division (A) of this section is guilty of possession of 5216
L.S.D. The penalty for the offense shall be determined as follows: 5217
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(a) Except as otherwise provided in division (C)(5)(b), (c), 5219
(d), (e), or (f) of this section, possession of L.S.D. is a felony 5220
of the fifth degree, and division (B) of section 2929.13 of the 5221
Revised Code applies in determining whether to impose a prison 5222
term on the offender. 5223

(b) If the amount of L.S.D. involved equals or exceeds ten 5224
unit doses but is less than fifty unit doses of L.S.D. in a solid 5225
form or equals or exceeds one gram but is less than five grams of 5226
L.S.D. in a liquid concentrate, liquid extract, or liquid 5227
distillate form, possession of L.S.D. is a felony of the fourth 5228
degree, and division (C) of section 2929.13 of the Revised Code 5229
applies in determining whether to impose a prison term on the 5230
offender. 5231

(c) If the amount of L.S.D. involved equals or exceeds fifty 5232
unit doses, but is less than two hundred fifty unit doses of 5233
L.S.D. in a solid form or equals or exceeds five grams but is less 5234
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 5235
extract, or liquid distillate form, possession of L.S.D. is a 5236
felony of the third degree, and there is a presumption for a 5237
prison term for the offense. 5238

(d) If the amount of L.S.D. involved equals or exceeds two 5239
hundred fifty unit doses but is less than one thousand unit doses 5240
of L.S.D. in a solid form or equals or exceeds twenty-five grams 5241
but is less than one hundred grams of L.S.D. in a liquid 5242
concentrate, liquid extract, or liquid distillate form, possession 5243
of L.S.D. is a felony of the second degree, and the court shall 5244

impose as a mandatory prison term one of the prison terms 5245
prescribed for a felony of the second degree. 5246

(e) If the amount of L.S.D. involved equals or exceeds one 5247
thousand unit doses but is less than five thousand unit doses of 5248
L.S.D. in a solid form or equals or exceeds one hundred grams but 5249
is less than five hundred grams of L.S.D. in a liquid concentrate, 5250
liquid extract, or liquid distillate form, possession of L.S.D. is 5251
a felony of the first degree, and the court shall impose as a 5252
mandatory prison term one of the prison terms prescribed for a 5253
felony of the first degree. 5254

(f) If the amount of L.S.D. involved equals or exceeds five 5255
thousand unit doses of L.S.D. in a solid form or equals or exceeds 5256
five hundred grams of L.S.D. in a liquid concentrate, liquid 5257
extract, or liquid distillate form, possession of L.S.D. is a 5258
felony of the first degree, the offender is a major drug offender, 5259
and the court shall impose as a mandatory prison term the maximum 5260
prison term prescribed for a felony of the first degree and may 5261
impose an additional mandatory prison term prescribed for a major 5262
drug offender under division (D)(3)(b) of section 2929.14 of the 5263
Revised Code. 5264

(6) If the drug involved in the violation is heroin or a 5265
compound, mixture, preparation, or substance containing heroin, 5266
whoever violates division (A) of this section is guilty of 5267
possession of heroin. The penalty for the offense shall be 5268
determined as follows: 5269

(a) Except as otherwise provided in division (C)(6)(b), (c), 5270
(d), (e), or (f) of this section, possession of heroin is a felony 5271
of the fifth degree, and division (B) of section 2929.13 of the 5272
Revised Code applies in determining whether to impose a prison 5273
term on the offender. 5274

(b) If the amount of the drug involved equals or exceeds ten 5275

unit doses but is less than fifty unit doses or equals or exceeds 5276
one gram but is less than five grams, possession of heroin is a 5277
felony of the fourth degree, and division (C) of section 2929.13 5278
of the Revised Code applies in determining whether to impose a 5279
prison term on the offender. 5280

(c) If the amount of the drug involved equals or exceeds 5281
fifty unit doses but is less than one hundred unit doses or equals 5282
or exceeds five grams but is less than ten grams, possession of 5283
heroin is a felony of the third degree, and there is a presumption 5284
for a prison term for the offense. 5285

(d) If the amount of the drug involved equals or exceeds one 5286
hundred unit doses but is less than five hundred unit doses or 5287
equals or exceeds ten grams but is less than fifty grams, 5288
possession of heroin is a felony of the second degree, and the 5289
court shall impose as a mandatory prison term one of the prison 5290
terms prescribed for a felony of the second degree. 5291

(e) If the amount of the drug involved equals or exceeds five 5292
hundred unit doses but is less than two thousand five hundred unit 5293
doses or equals or exceeds fifty grams but is less than two 5294
hundred fifty grams, possession of heroin is a felony of the first 5295
degree, and the court shall impose as a mandatory prison term one 5296
of the prison terms prescribed for a felony of the first degree. 5297

(f) If the amount of the drug involved equals or exceeds two 5298
thousand five hundred unit doses or equals or exceeds two hundred 5299
fifty grams, possession of heroin is a felony of the first degree, 5300
the offender is a major drug offender, and the court shall impose 5301
as a mandatory prison term the maximum prison term prescribed for 5302
a felony of the first degree and may impose an additional 5303
mandatory prison term prescribed for a major drug offender under 5304
division (D)(3)(b) of section 2929.14 of the Revised Code. 5305

(7) If the drug involved in the violation is hashish or a 5306

compound, mixture, preparation, or substance containing hashish, 5307
whoever violates division (A) of this section is guilty of 5308
possession of hashish. The penalty for the offense shall be 5309
determined as follows: 5310

(a) Except as otherwise provided in division (C)(7)(b), (c), 5311
(d), (e), or (f) of this section, possession of hashish is a minor 5312
misdemeanor. 5313

(b) If the amount of the drug involved equals or exceeds five 5314
grams but is less than ten grams of hashish in a solid form or 5315
equals or exceeds one gram but is less than two grams of hashish 5316
in a liquid concentrate, liquid extract, or liquid distillate 5317
form, possession of hashish is a misdemeanor of the fourth degree. 5318
5319

(c) If the amount of the drug involved equals or exceeds ten 5320
grams but is less than fifty grams of hashish in a solid form or 5321
equals or exceeds two grams but is less than ten grams of hashish 5322
in a liquid concentrate, liquid extract, or liquid distillate 5323
form, possession of hashish is a felony of the fifth degree, and 5324
division (B) of section 2929.13 of the Revised Code applies in 5325
determining whether to impose a prison term on the offender. 5326

(d) If the amount of the drug involved equals or exceeds 5327
fifty grams but is less than two hundred fifty grams of hashish in 5328
a solid form or equals or exceeds ten grams but is less than fifty 5329
grams of hashish in a liquid concentrate, liquid extract, or 5330
liquid distillate form, possession of hashish is a felony of the 5331
third degree, and division (C) of section 2929.13 of the Revised 5332
Code applies in determining whether to impose a prison term on the 5333
offender. 5334

(e) If the amount of the drug involved equals or exceeds two 5335
hundred fifty grams but is less than one thousand grams of hashish 5336
in a solid form or equals or exceeds fifty grams but is less than 5337

two hundred grams of hashish in a liquid concentrate, liquid
extract, or liquid distillate form, possession of hashish is a
felony of the third degree, and there is a presumption that a
prison term shall be imposed for the offense.

(f) If the amount of the drug involved equals or exceeds one
thousand grams of hashish in a solid form or equals or exceeds two
hundred grams of hashish in a liquid concentrate, liquid extract,
or liquid distillate form, possession of hashish is a felony of
the second degree, and the court shall impose as a mandatory
prison term the maximum prison term prescribed for a felony of the
second degree.

(D) Arrest or conviction for a minor misdemeanor violation of
this section does not constitute a criminal record and need not be
reported by the person so arrested or convicted in response to any
inquiries about the person's criminal record, including any
inquiries contained in any application for employment, license, or
other right or privilege, or made in connection with the person's
appearance as a witness.

(E) In addition to any prison term authorized or required by
division (C) of this section and sections 2929.13 and 2929.14 of
the Revised Code and in addition to any other sanction that is
imposed for the offense under this section or sections 2929.11 to
2929.18 of the Revised Code, the court that sentences an offender
who is convicted of or pleads guilty to a violation of division
(A) of this section shall do all of the following that are
applicable regarding the offender:

(1)(a) If the violation is a felony of the first, second, or
third degree, the court shall impose upon the offender the
mandatory fine specified for the offense under division (B)(1) of
section 2929.18 of the Revised Code unless, as specified in that
division, the court determines that the offender is indigent.

(b) Notwithstanding any contrary provision of section 3719.21 5369
of the Revised Code, the clerk of the court shall pay a mandatory 5370
fine or other fine imposed for a violation of this section 5371
pursuant to division (A) of section 2929.18 of the Revised Code in 5372
accordance with and subject to the requirements of division (F) of 5373
section 2925.03 of the Revised Code. The agency that receives the 5374
fine shall use the fine as specified in division (F) of section 5375
2925.03 of the Revised Code. 5376

(c) If a person is charged with a violation of this section 5377
that is a felony of the first, second, or third degree, posts 5378
bail, and forfeits the bail, the clerk shall pay the forfeited 5379
bail pursuant to division (E)(1)(b) of this section as if it were 5380
a mandatory fine imposed under division (E)(1)(a) of this section. 5381

(2) The court shall suspend for not less than six months or 5382
more than five years the offender's driver's or commercial 5383
driver's license or permit ~~of any person who is convicted of or~~ 5384
~~has pleaded guilty to a violation of this section.~~ 5385

(3) If the offender is a professionally licensed person ~~or a~~ 5386
~~person who has been admitted to the bar by order of the supreme~~ 5387
~~court in compliance with its prescribed and published rules,~~ in 5388
addition to any other sanction imposed for a violation of this 5389
section, the court ~~forthwith~~ immediately shall comply with section 5390
2925.38 of the Revised Code. 5391

(F) It is an affirmative defense, as provided in section 5392
2901.05 of the Revised Code, to a charge of a fourth degree felony 5393
violation under this section that the controlled substance that 5394
gave rise to the charge is in an amount, is in a form, is 5395
prepared, compounded, or mixed with substances that are not 5396
controlled substances in a manner, or is possessed under any other 5397
circumstances, that indicate that the substance was possessed 5398
solely for personal use. Notwithstanding any contrary provision of 5399
this section, if, in accordance with section 2901.05 of the 5400

Revised Code, an accused who is charged with a fourth degree 5401
felony violation of division (C)(2), (4), (5), or (6) of this 5402
section sustains the burden of going forward with evidence of and 5403
establishes by a preponderance of the evidence the affirmative 5404
defense described in this division, the accused may be prosecuted 5405
for and may plead guilty to or be convicted of a misdemeanor 5406
violation of division (C)(2) of this section or a fifth degree 5407
felony violation of division (C)(4), (5), or (6) of this section 5408
respectively. 5409

(G) When a person is charged with possessing a bulk amount or 5410
multiple of a bulk amount, division (E) of section 2925.03 of the 5411
Revised Code applies regarding the determination of the amount of 5412
the controlled substance involved at the time of the offense. 5413

Sec. 2925.12. (A) No person shall knowingly make, obtain, 5414
possess, or use any instrument, article, or thing the customary 5415
and primary purpose of which is for the administration or use of a 5416
dangerous drug, other than marihuana, when the instrument involved 5417
is a hypodermic or syringe, whether or not of crude or 5418
extemporized manufacture or assembly, and the instrument, article, 5419
or thing involved has been used by the offender to unlawfully 5420
administer or use a dangerous drug, other than marihuana, or to 5421
prepare a dangerous drug, other than marihuana, for unlawful 5422
administration or use. 5423

(B) This section does not apply to manufacturers, licensed 5424
health professionals authorized to prescribe drugs, pharmacists, 5425
owners of pharmacies, and other persons whose conduct was in 5426
accordance with Chapters 3719., 4715., 4723., 4729., 4731., and 5427
4741. of the Revised Code. 5428

(C) Whoever violates this section is guilty of possessing 5429
drug abuse instruments, a misdemeanor of the second degree. If the 5430
offender previously has been convicted of a drug abuse offense, a 5431

violation of this section is a misdemeanor of the first degree. 5432
5433

(D) In addition to any other sanction imposed upon an 5434
offender for a violation of this section, the court shall suspend 5435
for not less than six months or more than five years the 5436
offender's driver's or commercial driver's license or permit ~~of~~ 5437
~~any person who is convicted of or has pleaded guilty to a~~ 5438
~~violation of this section.~~ If the offender is a professionally 5439
licensed person ~~or a person who has been admitted to the bar by~~ 5440
~~order of the supreme court in compliance with its prescribed and~~ 5441
~~published rules,~~ in addition to any other sanction imposed for a 5442
violation of this section, the court ~~forthwith~~ immediately shall 5443
comply with section 2925.38 of the Revised Code. 5444

Sec. 2925.13. (A) No person who is the owner, operator, or 5445
person in charge of a locomotive, watercraft, aircraft, or other 5446
vehicle, as defined in division (A) of section 4501.01 of the 5447
Revised Code, shall knowingly permit the vehicle to be used for 5448
the commission of a felony drug abuse offense. 5449

(B) No person who is the owner, lessee, or occupant, or who 5450
has custody, control, or supervision, of premises or real estate, 5451
including vacant land, shall knowingly permit the premises or real 5452
estate, including vacant land, to be used for the commission of a 5453
felony drug abuse offense by another person. 5454

(C)(1) Whoever violates this section is guilty of permitting 5455
drug abuse. 5456

(2) Except as provided in division (C)(3) of this section, 5457
permitting drug abuse is a misdemeanor of the first degree. 5458

(3) Permitting drug abuse is a felony of the fifth degree, 5459
and division (C) of section 2929.13 of the Revised Code applies in 5460
determining whether to impose a prison term on the offender, if 5461
the felony drug abuse offense in question is a violation of 5462

section 2925.02 or 2925.03 of the Revised Code. 5463

(D) In addition to any prison term authorized or required by 5464
division (C) of this section and sections 2929.13 and 2929.14 of 5465
the Revised Code and in addition to any other sanction imposed for 5466
the offense under this section or sections 2929.11 to 2929.18 of 5467
the Revised Code, the court that sentences a person who is 5468
convicted of or pleads guilty to a violation of division (A) of 5469
this section shall do all of the following that are applicable 5470
regarding the offender: 5471

(1) The court shall suspend for not less than six months or 5472
more than five years the offender's driver's or commercial 5473
driver's license or permit ~~of the offender.~~ 5474

(2) If the offender is a professionally licensed person ~~or a~~ 5475
~~person who has been admitted to the bar by order of the supreme~~ 5476
~~court in compliance with its prescribed and published rules,~~ in 5477
addition to any other sanction imposed for a violation of this 5478
section, the court ~~forthwith~~ immediately shall comply with section 5479
2925.38 of the Revised Code. 5480

(E) Notwithstanding any contrary provision of section 3719.21 5481
of the Revised Code, the clerk of the court shall pay a fine 5482
imposed for a violation of this section pursuant to division (A) 5483
of section 2929.18 of the Revised Code in accordance with and 5484
subject to the requirements of division (F) of section 2925.03 of 5485
the Revised Code. The agency that receives the fine shall use the 5486
fine as specified in division (F) of section 2925.03 of the 5487
Revised Code. 5488

(F) Any premises or real estate that is permitted to be used 5489
in violation of division (B) of this section constitutes a 5490
nuisance subject to abatement pursuant to Chapter 3767. of the 5491
Revised Code. 5492

Sec. 2925.14. (A) As used in this section, "drug paraphernalia" means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:

(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

(3) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

(4) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;

(5) A scale or balance for weighing or measuring a controlled substance;

(6) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;

(7) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;

(8) A blender, bowl, container, spoon, or mixing device for

compounding a controlled substance;	5523
(9) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	5524 5525
(10) A container or device for storing or concealing a controlled substance;	5526 5527
(11) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	5528 5529
(12) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	5530 5531 5532 5533 5534 5535 5536 5537 5538 5539 5540
(B) In determining if an object is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:	5541 5542 5543
(1) Any statement by the owner, or by anyone in control, of the object, concerning its use;	5544 5545
(2) The proximity in time or space of the object, or of the act relating to the object, to a violation of any provision of this chapter;	5546 5547 5548
(3) The proximity of the object to any controlled substance;	5549
(4) The existence of any residue of a controlled substance on the object;	5550 5551
(5) Direct or circumstantial evidence of the intent of the	5552

owner, or of anyone in control, of the object, to deliver it to 5553
any person whom the owner or person in control of the object knows 5554
intends to use the object to facilitate a violation of any 5555
provision of this chapter. A finding that the owner, or anyone in 5556
control, of the object, is not guilty of a violation of any other 5557
provision of this chapter does not prevent a finding that the 5558
object was intended or designed by the offender for use as drug 5559
paraphernalia. 5560

(6) Any oral or written instruction provided with the object 5561
concerning its use; 5562

(7) Any descriptive material accompanying the object and 5563
explaining or depicting its use; 5564

(8) National or local advertising concerning the use of the 5565
object; 5566

(9) The manner and circumstances in which the object is 5567
displayed for sale; 5568

(10) Direct or circumstantial evidence of the ratio of the 5569
sales of the object to the total sales of the business enterprise; 5570

(11) The existence and scope of legitimate uses of the object 5571
in the community; 5572

(12) Expert testimony concerning the use of the object. 5573

(C)(1) No person shall knowingly use, or possess with purpose 5574
to use, drug paraphernalia. 5575

(2) No person shall knowingly sell, or possess or manufacture 5576
with purpose to sell, drug paraphernalia, if the person knows or 5577
reasonably should know that the equipment, product, or material 5578
will be used as drug paraphernalia. 5579

(3) No person shall place an advertisement in any newspaper, 5580
magazine, handbill, or other publication that is published and 5581
printed and circulates primarily within this state, if the person 5582

knows that the purpose of the advertisement is to promote the 5583
illegal sale in this state of the equipment, product, or material 5584
that the offender intended or designed for use as drug 5585
paraphernalia. 5586

(D) This section does not apply to manufacturers, licensed 5587
health professionals authorized to prescribe drugs, pharmacists, 5588
owners of pharmacies, and other persons whose conduct is in 5589
accordance with Chapters 3719., 4715., 4723., 4729., 4731., and 5590
4741. of the Revised Code. This section shall not be construed to 5591
prohibit the possession or use of a hypodermic as authorized by 5592
section 3719.172 of the Revised Code. 5593

(E) Notwithstanding sections 2933.42 and 2933.43 of the 5594
Revised Code, any drug paraphernalia that was used, possessed, 5595
sold, or manufactured in a violation of this section shall be 5596
seized, after a conviction for that violation shall be forfeited, 5597
and upon forfeiture shall be disposed of pursuant to division 5598
(D)(8) of section 2933.41 of the Revised Code. 5599

(F)(1) Whoever violates division (C)(1) of this section is 5600
guilty of illegal use or possession of drug paraphernalia, a 5601
misdemeanor of the fourth degree. 5602

(2) Except as provided in division (F)(3) of this section, 5603
whoever violates division (C)(2) of this section is guilty of 5604
dealing in drug paraphernalia, a misdemeanor of the second degree. 5605

(3) Whoever violates division (C)(2) of this section by 5606
selling drug paraphernalia to a juvenile is guilty of selling drug 5607
paraphernalia to juveniles, a misdemeanor of the first degree. 5608

(4) Whoever violates division (C)(3) of this section is 5609
guilty of illegal advertising of drug paraphernalia, a misdemeanor 5610
of the second degree. 5611

(G) In addition to any other sanction imposed upon an 5612
offender for a violation of this section, the court shall suspend 5613

for not less than six months or more than five years the 5614
~~offender's driver's or commercial driver's license or permit of~~ 5615
~~any person who is convicted of or has pleaded guilty to a~~ 5616
~~violation of this section.~~ If the offender is a professionally 5617
~~licensed person or a person who has been admitted to the bar by~~ 5618
~~order of the supreme court in compliance with its prescribed and~~ 5619
~~published rules,~~ in addition to any other sanction imposed for a 5620
violation of this section, the court ~~forthwith~~ immediately shall 5621
comply with section 2925.38 of the Revised Code. 5622

Sec. 2925.22. (A) No person, by deception, as defined in 5623
section 2913.01 of the Revised Code, shall procure the 5624
administration of, a prescription for, or the dispensing of, a 5625
dangerous drug or shall possess an uncompleted preprinted 5626
prescription blank used for writing a prescription for a dangerous 5627
drug. 5628

(B) Whoever violates this section is guilty of deception to 5629
obtain a dangerous drug. The penalty for the offense shall be 5630
determined as follows: 5631

(1) If the drug involved is a compound, mixture, preparation, 5632
or substance included in schedule I or II, with the exception of 5633
marihuana, deception to obtain drugs is a felony of the fourth 5634
degree, and division (C) of section 2929.13 of the Revised Code 5635
applies in determining whether to impose a prison term on the 5636
offender. 5637

(2) If the drug involved is a dangerous drug or a compound, 5638
mixture, preparation, or substance included in schedule III, IV, 5639
or V or is marihuana, deception to obtain a dangerous drug is a 5640
felony of the fifth degree, and division (C) of section 2929.13 of 5641
the Revised Code applies in determining whether to impose a prison 5642
term on the offender. 5643

(C) In addition to any prison term authorized or required by 5644

division (B) of this section and sections 2929.13 and 2929.14 of
the Revised Code and in addition to any other sanction imposed for
the offense under this section or sections 2929.11 to 2929.18 of
the Revised Code, the court that sentences an offender who is
convicted of or pleads guilty to a violation of division (A) of
this section shall do both of the following:

(1) The court shall suspend for not less than six months or
more than five years the offender's driver's or commercial
driver's license or permit ~~of any person who is convicted of or
has pleaded guilty to a violation of this section.~~

(2) If the offender is a professionally licensed person ~~or a
person who has been admitted to the bar by order of the supreme
court in compliance with its prescribed and published rules,~~ in
addition to any other sanction imposed for a violation of this
section, the court ~~forthwith~~ immediately shall comply with section
2925.38 of the Revised Code.

(D) Notwithstanding any contrary provision of section 3719.21
of the Revised Code, the clerk of the court shall pay a fine
imposed for a violation of this section pursuant to division (A)
of section 2929.18 of the Revised Code in accordance with and
subject to the requirements of division (F) of section 2925.03 of
the Revised Code. The agency that receives the fine shall use the
fine as specified in division (F) of section 2925.03 of the
Revised Code.

Sec. 2925.23. (A) No person shall knowingly make a false
statement in any prescription, order, report, or record required
by Chapter 3719. or 4729. of the Revised Code.

(B) No person shall intentionally make, utter, or sell, or
knowingly possess any of the following that is a false or forged:

(1) Prescription;

(2) Uncompleted preprinted prescription blank used for writing a prescription;	5675 5676
(3) Official written order;	5677
(4) License for a terminal distributor of dangerous drugs as required in section 4729.60 of the Revised Code;	5678 5679
(5) Registration certificate for a wholesale distributor of dangerous drugs as required in section 4729.60 of the Revised Code.	5680 5681 5682
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	5683 5684
(1) A prescription;	5685
(2) An uncompleted preprinted prescription blank used for writing a prescription;	5686 5687
(3) An official written order;	5688
(4) A blank official written order;	5689
(5) A license or blank license for a terminal distributor of dangerous drugs as required in section 4729.60 of the Revised Code;	5690 5691 5692
(6) A registration certificate or blank registration certificate for a wholesale distributor of dangerous drugs as required in section 4729.60 of the Revised Code.	5693 5694 5695
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	5696 5697 5698
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4731., and 4741. of the Revised Code.	5699 5700 5701 5702 5703

(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:

(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, illegal processing of drug documents is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(G) In addition to any prison term authorized or required by division (F) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to any violation of divisions (A) to (D) of this section shall do both of the following:

(1) The court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit ~~of any person who is convicted of or has pleaded guilty to a violation of this section.~~

(2) If the offender is a professionally licensed person ~~or a~~ 5735
~~person who has been admitted to the bar by order of the supreme~~ 5736
~~court in compliance with its prescribed and published rules,~~ in 5737
addition to any other sanction imposed for a violation of this 5738
section, the court ~~forthwith~~ immediately shall comply with section 5739
2925.38 of the Revised Code. 5740

(H) Notwithstanding any contrary provision of section 3719.21 5741
of the Revised Code, the clerk of court shall pay a fine imposed 5742
for a violation of this section pursuant to division (A) of 5743
section 2929.18 of the Revised Code in accordance with and subject 5744
to the requirements of division (F) of section 2925.03 of the 5745
Revised Code. The agency that receives the fine shall use the fine 5746
as specified in division (F) of section 2925.03 of the Revised 5747
Code. 5748

Sec. 2925.31. (A) Except for lawful research, clinical, 5749
medical, dental, or veterinary purposes, no person, with purpose 5750
to induce intoxication or similar physiological effects, shall 5751
obtain, possess, or use a harmful intoxicant. 5752

(B) Whoever violates this section is guilty of abusing 5753
harmful intoxicants, a misdemeanor of the first degree. If the 5754
offender previously has been convicted of a drug abuse offense, 5755
abusing harmful intoxicants is a felony of the fifth degree. 5756

(C) In addition to any other sanction imposed upon an 5757
offender for a violation of this section, the court shall suspend 5758
for not less than six months or more than five years the 5759
offender's driver's or commercial driver's license or permit ~~of~~ 5760
~~any person who is convicted of or has pleaded guilty to a~~ 5761
~~violation of this section.~~ If the offender is a professionally 5762
licensed person ~~or a person who has been admitted to the bar by~~ 5763
~~order of the supreme court in compliance with its prescribed and~~ 5764
~~published rules,~~ in addition to any other sanction imposed for a 5765

violation of this section, the court ~~forthwith~~ immediately shall 5766
comply with section 2925.38 of the Revised Code. 5767

Sec. 2925.32. (A) Divisions (A)(1) and (2) of this section do 5768
not apply to the dispensing or distributing of nitrous oxide. 5769

(1) No person shall knowingly dispense or distribute a 5770
harmful intoxicant to a person age eighteen or older if the person 5771
who dispenses or distributes it knows or has reason to believe 5772
that the harmful intoxicant will be used in violation of section 5773
2925.31 of the Revised Code. 5774

(2) No person shall knowingly dispense or distribute a 5775
harmful intoxicant to a person under age eighteen if the person 5776
who dispenses or distributes it knows or has reason to believe 5777
that the harmful intoxicant will be used in violation of section 5778
2925.31 of the Revised Code. Division (A)(2) of this section does 5779
not prohibit either of the following: 5780

(a) Dispensing or distributing a harmful intoxicant to a 5781
person under age eighteen if a written order from the juvenile's 5782
parent or guardian is provided to the dispenser or distributor; 5783

(b) Dispensing or distributing gasoline or diesel fuel to a 5784
person under age eighteen if the dispenser or distributor does not 5785
know or have reason to believe the product will be used in 5786
violation of section 2925.31 of the Revised Code. Division 5787
(A)(2)(a) of this section does not require a person to obtain a 5788
written order from the parent or guardian of a person under age 5789
eighteen in order to distribute or dispense gasoline or diesel 5790
fuel to the person. 5791

(B)(1) No person shall knowingly dispense or distribute 5792
nitrous oxide to a person age twenty-one or older if the person 5793
who dispenses or distributes it knows or has reason to believe the 5794
nitrous oxide will be used in violation of section 2925.31 of the 5795
Revised Code. 5796

(2) Except for lawful medical, dental, or clinical purposes, 5797
no person shall knowingly dispense or distribute nitrous oxide to 5798
a person under age twenty-one. 5799

(3) No person, at the time a cartridge of nitrous oxide is 5800
sold to another person, shall sell a device that allows the 5801
purchaser to inhale nitrous oxide from cartridges or to hold 5802
nitrous oxide released from cartridges for purposes of inhalation. 5803
The sale of any such device constitutes a rebuttable presumption 5804
that the person knew or had reason to believe that the purchaser 5805
intended to abuse the nitrous oxide. 5806

(4) No person who dispenses or distributes nitrous oxide in 5807
cartridges shall fail to comply with either of the following: 5808

(a) The record-keeping requirements established under 5809
division (F) of this section; 5810

(b) The labeling and transaction identification requirements 5811
established under division (G) of this section. 5812

(C) This section does not apply to products used in making, 5813
fabricating, assembling, transporting, or constructing a product 5814
or structure by manual labor or machinery for sale or lease to 5815
another person, or to the mining, refining, or processing of 5816
natural deposits. 5817

(D)(1) Whoever violates division (A)(1) or (2) or division 5818
(B)(1), (2), or (3) of this section is guilty of trafficking in 5819
harmful intoxicants, a felony of the fifth degree. If the offender 5820
previously has been convicted of a drug abuse offense, trafficking 5821
in harmful intoxicants is a felony of the fourth degree. In 5822
addition to any other sanction imposed upon an offender for 5823
trafficking in harmful intoxicants, the court shall suspend for 5824
not less than six months or more than five years the offender's 5825
driver's or commercial driver's license or permit ~~of any person~~ 5826
~~who is convicted of or has pleaded guilty to trafficking in~~ 5827

~~harmful intoxicants. If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, in addition to any other sanction imposed for trafficking in harmful intoxicants, the court forthwith immediately shall comply with section 2925.38 of the Revised Code.~~

(2) Whoever violates division (B)(4)(a) or (b) of this section is guilty of improperly dispensing or distributing nitrous oxide, a misdemeanor of the fourth degree.

(E) It is an affirmative defense to a charge of a violation of division (A)(2) or (B)(2) of this section that:

(1) An individual exhibited to the defendant or an officer or employee of the defendant, for purposes of establishing the individual's age, a driver's license or permit issued by this state, a commercial driver's license or permit issued by this state, an identification card issued pursuant to section 4507.50 of the Revised Code, for another document that purports to be a license, permit, or identification card described in this division;

(2) The document exhibited appeared to be a genuine, unaltered document, to pertain to the individual, and to establish the individual's age;

(3) The defendant or the officer or employee of the defendant otherwise did not have reasonable cause to believe that the individual was under the age represented.

(F) Beginning July 1, 2000, a person who dispenses or distributes nitrous oxide shall record each transaction involving the dispensing or distributing of the nitrous oxide on a separate card. The person shall require the purchaser to sign the card and provide a complete residence address. The person dispensing or

distributing the nitrous oxide shall sign and date the card. The
person shall retain the card recording a transaction for one year
from the date of the transaction. The person shall maintain the
cards at the person's business address and make them available
during normal business hours for inspection and copying by
officers or employees of the state board of pharmacy or of other
law enforcement agencies of this state or the United States that
are authorized to investigate violations of Chapter 2925., 3719.,
or 4729. of the Revised Code or the federal drug abuse control
laws.

The cards used to record each transaction shall inform the
purchaser of the following:

(1) That nitrous oxide cartridges are to be used only for
purposes of preparing food;

(2) That inhalation of nitrous oxide can have dangerous
health effects;

(3) That it is a violation of state law to distribute or
dispense cartridges of nitrous oxide to any person under age
twenty-one, punishable as a felony of the fifth degree.

(G)(1) Each cartridge of nitrous oxide dispensed or
distributed in this state shall bear the following printed
warning:

"Nitrous oxide cartridges are to be used only for purposes of
preparing food. Nitrous oxide cartridges may not be sold to
persons under age twenty-one. Do not inhale contents. Misuse can
be dangerous to your health."

(2) Each time a person dispenses or distributes one or more
cartridges of nitrous oxide, the person shall mark the packaging
containing the cartridges with a label or other device that
identifies the person who dispensed or distributed the nitrous
oxide and the person's business address.

Sec. 2925.36. (A) No person shall knowingly furnish another a sample drug. 5890
5891

(B) Division (A) of this section does not apply to 5892
manufacturers, wholesalers, pharmacists, owners of pharmacies, 5893
licensed health professionals authorized to prescribe drugs, and 5894
other persons whose conduct is in accordance with Chapters 3719., 5895
4715., 4723., 4725., 4729., 4731., and 4741. of the Revised Code. 5896

(C)(1) Whoever violates this section is guilty of illegal 5897
dispensing of drug samples. 5898

(2) If the drug involved in the offense is a compound, 5899
mixture, preparation, or substance included in schedule I or II, 5900
with the exception of marihuana, the penalty for the offense shall 5901
be determined as follows: 5902

(a) Except as otherwise provided in division (C)(2)(b) of 5903
this section, illegal dispensing of drug samples is a felony of 5904
the fifth degree, and, subject to division (E) of this section, 5905
division (C) of section 2929.13 of the Revised Code applies in 5906
determining whether to impose a prison term on the offender. 5907

(b) If the offense was committed in the vicinity of a school 5908
or in the vicinity of a juvenile, illegal dispensing of drug 5909
samples is a felony of the fourth degree, and, subject to division 5910
(E) of this section, division (C) of section 2929.13 of the 5911
Revised Code applies in determining whether to impose a prison 5912
term on the offender. 5913

(3) If the drug involved in the offense is a dangerous drug 5914
or a compound, mixture, preparation, or substance included in 5915
schedule III, IV, or V, or is marihuana, the penalty for the 5916
offense shall be determined as follows: 5917

(a) Except as otherwise provided in division (C)(3)(b) of 5918
this section, illegal dispensing of drug samples is a misdemeanor 5919

of the second degree. 5920

(b) If the offense was committed in the vicinity of a school 5921
or in the vicinity of a juvenile, illegal dispensing of drug 5922
samples is a misdemeanor of the first degree. 5923

(D) In addition to any prison term authorized or required by 5924
division (C) or (E) of this section and sections 2929.13 and 5925
2929.14 of the Revised Code and in addition to any other sanction 5926
imposed for the offense under this section or sections 2929.11 to 5927
2929.18 of the Revised Code, the court that sentences an offender 5928
who is convicted of or pleads guilty to a violation of division 5929
(A) of this section shall do both of the following: 5930

(1) The court shall suspend for not less than six months or 5931
more than five years the offender's driver's or commercial 5932
driver's license or permit ~~of any person who is convicted of or~~ 5933
~~has pleaded guilty to a violation of this section.~~ 5934

(2) If the offender is a professionally licensed person ~~or a~~ 5935
~~person who has been admitted to the bar by order of the supreme~~ 5936
~~court in compliance with its prescribed and published rules,~~ in 5937
addition to any other sanction imposed for a violation of this 5938
section, the court ~~forthwith~~ immediately shall comply with section 5939
2925.38 of the Revised Code. 5940

(E) Notwithstanding the prison term authorized or required by 5941
division (C) of this section and sections 2929.13 and 2929.14 of 5942
the Revised Code, if the violation of division (A) of this section 5943
involves the sale, offer to sell, or possession of a schedule I or 5944
II controlled substance, with the exception of marihuana, and if 5945
the court imposing sentence upon the offender finds that the 5946
offender as a result of the violation is a major drug offender and 5947
is guilty of a specification of the type described in section 5948
2941.1410 of the Revised Code, the court, in lieu of the prison 5949
term otherwise authorized or required, shall impose upon the 5950

offender the mandatory prison term specified in division (D)(3)(a) 5951
of section 2929.14 of the Revised Code and may impose an 5952
additional prison term under division (D)(3)(b) of that section. 5953
5954

(F) Notwithstanding any contrary provision of section 3719.21 5955
of the Revised Code, the clerk of the court shall pay a fine 5956
imposed for a violation of this section pursuant to division (A) 5957
of section 2929.18 of the Revised Code in accordance with and 5958
subject to the requirements of division (F) of section 2925.03 of 5959
the Revised Code. The agency that receives the fine shall use the 5960
fine as specified in division (F) of section 2925.03 of the 5961
Revised Code. 5962

Sec. 2925.37. (A) No person shall knowingly possess any 5963
counterfeit controlled substance. 5964

(B) No person shall knowingly make, sell, offer to sell, or 5965
deliver any substance that the person knows is a counterfeit 5966
controlled substance. 5967

(C) No person shall make, possess, sell, offer to sell, or 5968
deliver any punch, die, plate, stone, or other device knowing or 5969
having reason to know that it will be used to print or reproduce a 5970
trademark, trade name, or other identifying mark upon a 5971
counterfeit controlled substance. 5972

(D) No person shall sell, offer to sell, give, or deliver any 5973
counterfeit controlled substance to a juvenile. 5974

(E) No person shall directly or indirectly represent a 5975
counterfeit controlled substance as a controlled substance by 5976
describing its effects as the physical or psychological effects 5977
associated with use of a controlled substance. 5978

(F) No person shall directly or indirectly falsely represent 5979
or advertise a counterfeit controlled substance as a controlled 5980

substance. As used in this division, "advertise" means engaging in 5981
"advertisement," as defined in section 3715.01 of the Revised 5982
Code. 5983

(G) Whoever violates division (A) of this section is guilty 5984
of possession of counterfeit controlled substances, a misdemeanor 5985
of the first degree. 5986

(H) Whoever violates division (B) or (C) of this section is 5987
guilty of trafficking in counterfeit controlled substances. Except 5988
as otherwise provided in this division, trafficking in counterfeit 5989
controlled substances is a felony of the fifth degree, and 5990
division (C) of section 2929.13 of the Revised Code applies in 5991
determining whether to impose a prison term on the offender. If 5992
the offense was committed in the vicinity of a school or in the 5993
vicinity of a juvenile, trafficking in counterfeit controlled 5994
substances is a felony of the fourth degree, and division (C) of 5995
section 2929.13 of the Revised Code applies in determining whether 5996
to impose a prison term on the offender. 5997

(I) Whoever violates division (D) of this section is guilty 5998
of aggravated trafficking in counterfeit controlled substances. 5999
Except as otherwise provided in this division, aggravated 6000
trafficking in counterfeit controlled substances is a felony of 6001
the fourth degree, and division (C) of section 2929.13 of the 6002
Revised Code applies in determining whether to impose a prison 6003
term on the offender. 6004

(J) Whoever violates division (E) of this section is guilty 6005
of promoting and encouraging drug abuse. Except as otherwise 6006
provided in this division, promoting and encouraging drug abuse is 6007
a felony of the fifth degree, and division (C) of section 2929.13 6008
of the Revised Code applies in determining whether to impose a 6009
prison term on the offender. If the offense was committed in the 6010
vicinity of a school or in the vicinity of a juvenile, promoting 6011
and encouraging drug abuse is a felony of the fourth degree, and 6012

division (C) of section 2929.13 of the Revised Code applies in 6013
determining whether to impose a prison term on the offender. 6014

(K) Whoever violates division (F) of this section is guilty 6015
of fraudulent drug advertising. Except as otherwise provided in 6016
this division, fraudulent drug advertising is a felony of the 6017
fifth degree, and division (C) of section 2929.13 of the Revised 6018
Code applies in determining whether to impose a prison term on the 6019
offender. If the offense was committed in the vicinity of a school 6020
or in the vicinity of a juvenile, fraudulent drug advertising is a 6021
felony of the fourth degree, and division (C) of section 2929.13 6022
of the Revised Code applies in determining whether to impose a 6023
prison term on the offender. 6024

(L) In addition to any prison term authorized or required by 6025
divisions (H) to (K) of this section and sections 2929.13 and 6026
2929.14 of the Revised Code and in addition to any other sanction 6027
imposed for the offense under this section or sections 2929.11 to 6028
2929.18 of the Revised Code, the court that sentences an offender 6029
who is convicted of or pleads guilty to a violation of division 6030
(B), (C), (D), (E), or (F) of this section shall do both of the 6031
following: 6032

(1) The court shall suspend for not less than six months or 6033
more than five years the offender's driver's or commercial 6034
driver's license or permit ~~of any person who is convicted of or~~ 6035
~~has pleaded guilty to any other violation of this section.~~ 6036

(2) If the offender is a professionally licensed person ~~or a~~ 6037
~~person who has been admitted to the bar by order of the supreme~~ 6038
~~court in compliance with its prescribed and published rules,~~ in 6039
addition to any other sanction imposed for a violation of this 6040
section, the court ~~forthwith~~ immediately shall comply with section 6041
2925.38 of the Revised Code. 6042

(M) Notwithstanding any contrary provision of section 3719.21 6043

of the Revised Code, the clerk of the court shall pay a fine 6044
imposed for a violation of this section pursuant to division (A) 6045
of section 2929.18 of the Revised Code in accordance with and 6046
subject to the requirements of division (F) of section 2925.03 of 6047
the Revised Code. The agency that receives the fine shall use the 6048
fine as specified in division (F) of section 2925.03 of the 6049
Revised Code. 6050

Sec. 2925.38. If a person who is convicted of or pleads 6051
guilty to a violation of section 2925.02, 2925.03, 2925.04, 6052
2925.05, 2925.06, 2925.07, 2925.11, 2925.12, 2925.13, 2925.14, 6053
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 6054
Revised Code is a professionally licensed person, in addition to 6055
any other sanctions imposed for the violation, the court 6056
forthwith, except as otherwise provided in this section, 6057
immediately shall transmit a certified copy of the judgment entry 6058
of conviction to the regulatory or licensing board or agency that 6059
has the administrative authority to suspend or revoke the 6060
offender's professional license. If ~~a~~ the professionally licensed 6061
person who is convicted of or pleads guilty to a violation of any 6062
section listed in this section is a person who has been admitted 6063
to the bar by order of the supreme court in compliance with its 6064
prescribed and published rules, in addition to any other sanctions 6065
imposed for the violation, the court ~~forthwith~~ immediately shall 6066
transmit a certified copy of the judgment entry of conviction to 6067
the secretary of the board of commissioners on grievances and 6068
discipline of the supreme court and to either the disciplinary 6069
counsel or the president, secretary, and ~~chairman~~ chairperson of 6070
each certified grievance committee. 6071

Sec. 2929.01. As used in this chapter: 6072

(A)(1) "Alternative residential facility" means, subject to 6073
division (A)(2) of this section, any facility other than an 6074

offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:

(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.

(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.

(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.

(B) "Bad time" means the time by which the parole board administratively extends an offender's stated prison term or terms pursuant to section 2967.11 of the Revised Code because the parole board finds by clear and convincing evidence that the offender, while serving the prison term or terms, committed an act that is a criminal offense under the law of this state or the United States, whether or not the offender is prosecuted for the commission of that act.

(C) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.

(E) "Community-based correctional facility" means a

community-based correctional facility and program or district 6106
community-based correctional facility and program developed 6107
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 6108

(F) "Community control sanction" means a sanction that is not 6109
a prison term and that is described in section 2929.15, 2929.16, 6110
2929.17, or 2929.18 of the Revised Code. 6111

(G) "Controlled substance," "marihuana," "schedule I," and 6112
"schedule II" have the same meanings as in section 3719.01 of the 6113
Revised Code. 6114

(H) "Curfew" means a requirement that an offender during a 6115
specified period of time be at a designated place. 6116

(I) "Day reporting" means a sanction pursuant to which an 6117
offender is required each day to report to and leave a center or 6118
other approved reporting location at specified times in order to 6119
participate in work, education or training, treatment, and other 6120
approved programs at the center or outside the center. 6121

(J) "Deadly weapon" has the same meaning as in section 6122
2923.11 of the Revised Code. 6123

(K) "Drug and alcohol use monitoring" means a program under 6124
which an offender agrees to submit to random chemical analysis of 6125
the offender's blood, breath, or urine to determine whether the 6126
offender has ingested any alcohol or other drugs. 6127

(L) "Drug treatment program" means any program under which a 6128
person undergoes assessment and treatment designed to reduce or 6129
completely eliminate the person's physical or emotional reliance 6130
upon alcohol, another drug, or alcohol and another drug and under 6131
which the person may be required to receive assessment and 6132
treatment on an outpatient basis or may be required to reside at a 6133
facility other than the person's home or residence while 6134
undergoing assessment and treatment. 6135

(M) "Economic loss" means any economic detriment suffered by a victim as a result of the commission of a felony and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the felony.

(N) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or technical college or vocational study and also includes the completion of primary school, secondary school, and literacy curricula or their equivalent.

(O) "Electronically monitored house arrest" has the same meaning as in section 2929.23 of the Revised Code.

(P) "Eligible offender" has the same meaning as in section 2929.23 of the Revised Code except as otherwise specified in section 2929.20 of the Revised Code.

(Q) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(R) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

(S) "House arrest" means a period of confinement of an eligible offender that is in the eligible offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code, that may be electronically monitored house arrest, and during which all of the following apply:

(1) The eligible offender is required to remain in the eligible offender's home or other specified premises for the

specified period of confinement, except for periods of time during 6167
which the eligible offender is at the eligible offender's place of 6168
employment or at other premises as authorized by the sentencing 6169
court or by the parole board. 6170

(2) The eligible offender is required to report periodically 6171
to a person designated by the court or parole board. 6172

(3) The eligible offender is subject to any other 6173
restrictions and requirements that may be imposed by the 6174
sentencing court or by the parole board. 6175

(T) "Intensive probation supervision" means a requirement 6176
that an offender maintain frequent contact with a person appointed 6177
by the court, or by the parole board pursuant to section 2967.28 6178
of the Revised Code, to supervise the offender while the offender 6179
is seeking or maintaining necessary employment and participating 6180
in training, education, and treatment programs as required in the 6181
court's or parole board's order. "Intensive probation supervision" 6182
includes intensive parole supervision and intensive post-release 6183
control supervision. 6184

(U) "Jail" means a jail, workhouse, minimum security jail, or 6185
other residential facility used for the confinement of alleged or 6186
convicted offenders that is operated by a political subdivision or 6187
a combination of political subdivisions of this state. 6188

(V) "Delinquent child" has the same meaning as in section 6189
2152.02 of the Revised Code. 6190

(W) "License violation report" means a report that is made by 6191
a sentencing court, or by the parole board pursuant to section 6192
2967.28 of the Revised Code, to the regulatory or licensing board 6193
or agency that issued an offender a professional license or a 6194
license or permit to do business in this state and that specifies 6195
that the offender has been convicted of or pleaded guilty to an 6196
offense that may violate the conditions under which the offender's 6197

professional license or license or permit to do business in this 6198
state was granted or an offense for which the offender's 6199
professional license or license or permit to do business in this 6200
state may be revoked or suspended. 6201

(X) "Major drug offender" means an offender who is convicted 6202
of or pleads guilty to the possession of, sale of, or offer to 6203
sell any drug, compound, mixture, preparation, or substance that 6204
consists of or contains at least one thousand grams of hashish; at 6205
least one hundred grams of crack cocaine; at least one thousand 6206
grams of cocaine that is not crack cocaine; at least two thousand 6207
five hundred unit doses or two hundred fifty grams of heroin; at 6208
least five thousand unit doses of L.S.D. or five hundred grams of 6209
L.S.D. in a liquid concentrate, liquid extract, or liquid 6210
distillate form; or at least one hundred times the amount of any 6211
other schedule I or II controlled substance other than marihuana 6212
that is necessary to commit a felony of the third degree pursuant 6213
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6214
Code that is based on the possession of, sale of, or offer to sell 6215
the controlled substance. 6216

(Y) "Mandatory prison term" means any of the following: 6217

(1) Subject to division (Y)(2) of this section, the term in 6218
prison that must be imposed for the offenses or circumstances set 6219
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 6220
division (D) of section 2929.14 of the Revised Code. Except as 6221
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 6222
2925.11 of the Revised Code, unless the maximum or another 6223
specific term is required under section 2929.14 of the Revised 6224
Code, a mandatory prison term described in this division may be 6225
any prison term authorized for the level of offense. 6226

(2) The term of sixty or one hundred twenty days in prison 6227
that a sentencing court is required to impose for a third or 6228
fourth degree felony ~~OMVI~~ OVI offense pursuant to division (G)(2) 6229

of section 2929.13 and division ~~(A)(4) or (8)~~ (G)(1)(d) or (e) of 6230
section ~~4511.99~~ 4511.19 of the Revised Code. 6231

(3) The term in prison imposed pursuant to section 2971.03 of 6232
the Revised Code for the offenses and in the circumstances 6233
described in division (F)(11) of section 2929.13 of the Revised 6234
Code and that term as modified or terminated pursuant to section 6235
2971.05 of the Revised Code. 6236

(Z) "Monitored time" means a period of time during which an 6237
offender continues to be under the control of the sentencing court 6238
or parole board, subject to no conditions other than leading a 6239
law-abiding life. 6240

(AA) "Offender" means a person who, in this state, is 6241
convicted of or pleads guilty to a felony or a misdemeanor. 6242

(BB) "Prison" means a residential facility used for the 6243
confinement of convicted felony offenders that is under the 6244
control of the department of rehabilitation and correction but 6245
does not include a violation sanction center operated under 6246
authority of section 2967.141 of the Revised Code. 6247

(CC) "Prison term" includes any of the following sanctions 6248
for an offender: 6249

(1) A stated prison term; 6250

(2) A term in a prison shortened by, or with the approval of, 6251
the sentencing court pursuant to section 2929.20, 2967.26, 6252
5120.031, 5120.032, or 5120.073 of the Revised Code; 6253

(3) A term in prison extended by bad time imposed pursuant to 6254
section 2967.11 of the Revised Code or imposed for a violation of 6255
post-release control pursuant to section 2967.28 of the Revised 6256
Code. 6257

(DD) "Repeat violent offender" means a person about whom both 6258
of the following apply: 6259

(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in committing, or for an attempt to commit, aggravated murder, murder, involuntary manslaughter, a felony of the first degree other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person, or a felony of the second degree that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person.

(2) Either of the following applies:

(a) The person previously was convicted of or pleaded guilty to, and served a prison term for, any of the following:

(i) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(ii) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed under division (DD)(2)(a)(i) of this section and that resulted in the death of a person or in physical harm to a person.

(b) The person previously was adjudicated a delinquent child for committing an act that if committed by an adult would have been an offense listed in division (DD)(2)(a)(i) or (ii) of this section, the person was committed to the department of youth services for that delinquent act.

(EE) "Sanction" means any penalty imposed upon an offender

who is convicted of or pleads guilty to an offense, as punishment 6291
for the offense. "Sanction" includes any sanction imposed pursuant 6292
to any provision of sections 2929.14 to 2929.18 of the Revised 6293
Code. 6294

(FF) "Sentence" means the sanction or combination of 6295
sanctions imposed by the sentencing court on an offender who is 6296
convicted of or pleads guilty to a felony. 6297

(GG) "Stated prison term" means the prison term, mandatory 6298
prison term, or combination of all prison terms and mandatory 6299
prison terms imposed by the sentencing court pursuant to section 6300
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 6301
includes any credit received by the offender for time spent in 6302
jail awaiting trial, sentencing, or transfer to prison for the 6303
offense and any time spent under house arrest or electronically 6304
monitored house arrest imposed after earning credits pursuant to 6305
section 2967.193 of the Revised Code. 6306

(HH) "Victim-offender mediation" means a reconciliation or 6307
mediation program that involves an offender and the victim of the 6308
offense committed by the offender and that includes a meeting in 6309
which the offender and the victim may discuss the offense, discuss 6310
restitution, and consider other sanctions for the offense. 6311

(II) "Fourth degree felony ~~OMVI~~ OVI offense" means a 6312
violation of division (A) of section 4511.19 of the Revised Code 6313
that, under division (G) of that section 4511.99 ~~of the Revised~~ 6314
~~Code~~, is a felony of the fourth degree. 6315

(JJ) "Mandatory term of local incarceration" means the term 6316
of sixty or one hundred twenty days in a jail, a community-based 6317
correctional facility, a halfway house, or an alternative 6318
residential facility that a sentencing court may impose upon a 6319
person who is convicted of or pleads guilty to a fourth degree 6320
felony ~~OMVI~~ OVI offense pursuant to division (G)(1) of section 6321

2929.13 of the Revised Code and division ~~(A)(4) or (8)~~ (G)(1)(d) 6322
or (e) of section ~~4511.99~~ 4511.19 of the Revised Code. 6323

(KK) "Designated homicide, assault, or kidnapping offense," 6324
"sexual motivation specification," "sexually violent offense," 6325
"sexually violent predator," and "sexually violent predator 6326
specification" have the same meanings as in section 2971.01 of the 6327
Revised Code. 6328

(LL) "Habitual sex offender," "sexually oriented offense," 6329
and "sexual predator" have the same meanings as in section 2950.01 6330
of the Revised Code. 6331

(MM) An offense is "committed in the vicinity of a child" if 6332
the offender commits the offense within thirty feet of or within 6333
the same residential unit as a child who is under eighteen years 6334
of age, regardless of whether the offender knows the age of the 6335
child or whether the offender knows the offense is being committed 6336
within thirty feet of or within the same residential unit as the 6337
child and regardless of whether the child actually views the 6338
commission of the offense. 6339

(NN) "Family or household member" has the same meaning as in 6340
section 2919.25 of the Revised Code. 6341

(OO) "Motor vehicle" and "manufactured home" have the same 6342
meanings as in section 4501.01 of the Revised Code. 6343

(PP) "Detention" and "detention facility" have the same 6344
meanings as in section 2921.01 of the Revised Code. 6345

(QQ) "Third degree felony ~~OMVI~~ OVI offense" means a violation 6346
of division (A) of section 4511.19 of the Revised Code that, under 6347
division (G) of that section ~~4511.99 of the Revised Code~~, is a 6348
felony of the third degree. 6349

(RR) "Random drug testing" has the same meaning as in section 6350
5120.63 of the Revised Code. 6351

(SS) "Felony sex offense" has the same meaning as in section 6352
2957.28 of the Revised Code. 6353

~~(RR)~~(TT) "Body armor" has the same meaning as in section 6354
2941.1411 of the Revised Code. 6355

Sec. 2929.13. (A) Except as provided in division (E), (F), or 6356
(G) of this section and unless a specific sanction is required to 6357
be imposed or is precluded from being imposed pursuant to law, a 6358
court that imposes a sentence upon an offender for a felony may 6359
impose any sanction or combination of sanctions on the offender 6360
that are provided in sections 2929.14 to 2929.18 of the Revised 6361
Code. The sentence shall not impose an unnecessary burden on state 6362
or local government resources. 6363

If the offender is eligible to be sentenced to community 6364
control sanctions, the court shall consider the appropriateness of 6365
imposing a financial sanction pursuant to section 2929.18 of the 6366
Revised Code or a sanction of community service pursuant to 6367
section 2929.17 of the Revised Code as the sole sanction for the 6368
offense. Except as otherwise provided in this division, if the 6369
court is required to impose a mandatory prison term for the 6370
offense for which sentence is being imposed, the court also may 6371
impose a financial sanction pursuant to section 2929.18 of the 6372
Revised Code but may not impose any additional sanction or 6373
combination of sanctions under section 2929.16 or 2929.17 of the 6374
Revised Code. 6375

If the offender is being sentenced for a fourth degree felony 6376
~~OMVI~~ OVI offense or for a third degree felony ~~OMVI~~ OVI offense, in 6377
addition to the mandatory term of local incarceration or the 6378
mandatory prison term required for the offense by division (G)(1) 6379
or (2) of this section, the court shall impose upon the offender a 6380
mandatory fine in accordance with division (B)(3) of section 6381
2929.18 of the Revised Code and may impose whichever of the 6382

following is applicable: 6383

(1) For a fourth degree felony ~~OMVI~~ OVI offense for which 6384
sentence is imposed under division (G)(1) of this section, an 6385
additional community control sanction or combination of community 6386
control sanctions under section 2929.16 or 2929.17 of the Revised 6387
Code; 6388

(2) For a third or fourth degree felony ~~OMVI~~ OVI offense for 6389
which sentence is imposed under division (G)(2) of this section, 6390
an additional prison term as described in division (D)(4) of 6391
section 2929.14 of the Revised Code. 6392

(B)(1) Except as provided in division (B)(2), (E), (F), or 6393
(G) of this section, in sentencing an offender for a felony of the 6394
fourth or fifth degree, the sentencing court shall determine 6395
whether any of the following apply: 6396

(a) In committing the offense, the offender caused physical 6397
harm to a person. 6398

(b) In committing the offense, the offender attempted to 6399
cause or made an actual threat of physical harm to a person with a 6400
deadly weapon. 6401

(c) In committing the offense, the offender attempted to 6402
cause or made an actual threat of physical harm to a person, and 6403
the offender previously was convicted of an offense that caused 6404
physical harm to a person. 6405

(d) The offender held a public office or position of trust 6406
and the offense related to that office or position; the offender's 6407
position obliged the offender to prevent the offense or to bring 6408
those committing it to justice; or the offender's professional 6409
reputation or position facilitated the offense or was likely to 6410
influence the future conduct of others. 6411

(e) The offender committed the offense for hire or as part of 6412
an organized criminal activity. 6413

(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code.

(g) The offender previously served a prison term.

(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.

(i) The offender committed the offense while in possession of a firearm.

(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender.

(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.

(C) Except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense

that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

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(D) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree and for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Notwithstanding the presumption established under this division, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

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(1) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

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(2) A community control sanction or a combination of community control sanctions would not demean the seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender's conduct was less serious than conduct normally constituting the offense are

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applicable, and they outweigh the applicable factors under that
section that indicate that the offender's conduct was more serious
than conduct normally constituting the offense.

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(E)(1) Except as provided in division (F) of this section,
for any drug offense that is a violation of any provision of
Chapter 2925. of the Revised Code and that is a felony of the
third, fourth, or fifth degree, the applicability of a presumption
under division (D) of this section in favor of a prison term or of
division (B) or (C) of this section in determining whether to
impose a prison term for the offense shall be determined as
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the
Revised Code, whichever is applicable regarding the violation.

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(2) If an offender who was convicted of or pleaded guilty to
a felony violates the conditions of a community control sanction
imposed for the offense solely by reason of producing positive
results on a drug test, the court, as punishment for the violation
of the sanction, shall not order that the offender be imprisoned
unless the court determines on the record either of the following:

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(a) The offender had been ordered as a sanction for the
felony to participate in a drug treatment program, in a drug
education program, or in narcotics anonymous or a similar program,
and the offender continued to use illegal drugs after a reasonable
period of participation in the program.

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(b) The imprisonment of the offender for the violation is
consistent with the purposes and principles of sentencing set
forth in section 2929.11 of the Revised Code.

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(F) Notwithstanding divisions (A) to (E) of this section, the
court shall impose a prison term or terms under sections 2929.02
to 2929.06, section 2929.14, or section 2971.03 of the Revised
Code and except as specifically provided in section 2929.20 or

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2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the terms pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape by force when the victim is under thirteen years of age;

(3) Gross sexual imposition or sexual battery, if the victim is under thirteen years of age, if the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and if the victim of the previous offense was under thirteen years of age;

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, or 2903.13 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;

(7) Any offense that is a third degree felony and that is listed in division (DD)(1) of section 2929.01 of the Revised Code if the offender previously was convicted of or pleaded guilty to any offense that is listed in division (DD)(2)(a)(i) or (ii) of section 2929.01 of the Revised Code;

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (D)(1)(a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (D)(1)(d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any sexually violent offense for which the offender also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense;

(12) A violation of division (A)(1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A)(1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction.

(G) Notwithstanding divisions (A) to (E) of this section, if

an offender is being sentenced for a fourth degree felony ~~OMVI~~ OVI offense or for a third degree felony ~~OMVI~~ OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony ~~OMVI~~ OVI offense, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division ~~(A)(4)~~ (G)(1)(d) of section ~~4511.99~~ 4511.19 of the Revised Code ~~or a mandatory term of local incarceration of one hundred twenty days as specified in division (A)(8) of that section.~~ The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to extension under section 2967.11 of the Revised Code, to a period of post-release control under section 2967.28 of the Revised Code, or to any other Revised Code provision that pertains to a prison term.

(2) If the offender is being sentenced for a third degree felony ~~OMVI~~ OVI offense, or if the offender is being sentenced for a fourth degree felony ~~OMVI~~ OVI offense and the court does not impose a mandatory term of local incarceration under division (G)(1) of this section, the court shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division ~~(A)(4)~~ (G)(1)(e) of section ~~4511.99~~ 4511.19 of the Revised Code ~~or a mandatory prison term of one hundred~~

~~twenty days as specified in division (A)(8) of that section.~~ The 6602
court shall not reduce the term pursuant to section 2929.20, 6603
2967.193, or any other provision of the Revised Code. In no case 6604
shall an offender who once has been sentenced to a mandatory term 6605
of local incarceration pursuant to division (G)(1) of this section 6606
for a fourth degree felony ~~OMVI~~ OVI offense be sentenced to 6607
another mandatory term of local incarceration under that division 6608
for any violation of division (A) of section 4511.19 of the 6609
Revised Code. The court shall not sentence the offender to a 6610
community control sanction under section 2929.16 or 2929.17 of the 6611
Revised Code. The department of rehabilitation and correction may 6612
place an offender sentenced to a mandatory prison term under this 6613
division in an intensive program prison established pursuant to 6614
section 5120.033 of the Revised Code if the department gave the 6615
sentencing judge prior notice of its intent to place the offender 6616
in an intensive program prison established under that section and 6617
if the judge did not notify the department that the judge 6618
disapproved the placement. Upon the establishment of the initial 6619
intensive program prison pursuant to section 5120.033 of the 6620
Revised Code that is privately operated and managed by a 6621
contractor pursuant to a contract entered into under section 9.06 6622
of the Revised Code, both of the following apply: 6623

(a) The department of rehabilitation and correction shall 6624
make a reasonable effort to ensure that a sufficient number of 6625
offenders sentenced to a mandatory prison term under this division 6626
are placed in the privately operated and managed prison so that 6627
the privately operated and managed prison has full occupancy. 6628

(b) Unless the privately operated and managed prison has full 6629
occupancy, the department of rehabilitation and correction shall 6630
not place any offender sentenced to a mandatory prison term under 6631
this division in any intensive program prison established pursuant 6632
to section 5120.033 of the Revised Code other than the privately 6633

operated and managed prison. 6634

(H) If an offender is being sentenced for a sexually oriented 6635
offense committed on or after January 1, 1997, the judge shall 6636
require the offender to submit to a DNA specimen collection 6637
procedure pursuant to section 2901.07 of the Revised Code if 6638
either of the following applies: 6639

(1) The offense was a sexually violent offense, and the 6640
offender also was convicted of or pleaded guilty to a sexually 6641
violent predator specification that was included in the 6642
indictment, count in the indictment, or information charging the 6643
sexually violent offense. 6644

(2) The judge imposing sentence for the sexually oriented 6645
offense determines pursuant to division (B) of section 2950.09 of 6646
the Revised Code that the offender is a sexual predator. 6647

(I) If an offender is being sentenced for a sexually oriented 6648
offense committed on or after January 1, 1997, the judge shall 6649
include in the sentence a summary of the offender's duty to 6650
register pursuant to section 2950.04 of the Revised Code, the 6651
offender's duty to provide notice of a change in residence address 6652
and register the new residence address pursuant to section 2950.05 6653
of the Revised Code, the offender's duty to periodically verify 6654
the offender's current residence address pursuant to section 6655
2950.06 of the Revised Code, and the duration of the duties. The 6656
judge shall inform the offender, at the time of sentencing, of 6657
those duties and of their duration and, if required under division 6658
(A)(2) of section 2950.03 of the Revised Code, shall perform the 6659
duties specified in that section. 6660

(J)(1) Except as provided in division (J)(2) of this section, 6661
when considering sentencing factors under this section in relation 6662
to an offender who is convicted of or pleads guilty to an attempt 6663
to commit an offense in violation of section 2923.02 of the 6664

Revised Code, the sentencing court shall consider the factors 6665
applicable to the felony category of the violation of section 6666
2923.02 of the Revised Code instead of the factors applicable to 6667
the felony category of the offense attempted. 6668

(2) When considering sentencing factors under this section in 6669
relation to an offender who is convicted of or pleads guilty to an 6670
attempt to commit a drug abuse offense for which the penalty is 6671
determined by the amount or number of unit doses of the controlled 6672
substance involved in the drug abuse offense, the sentencing court 6673
shall consider the factors applicable to the felony category that 6674
the drug abuse offense attempted would be if that drug abuse 6675
offense had been committed and had involved an amount or number of 6676
unit doses of the controlled substance that is within the next 6677
lower range of controlled substance amounts than was involved in 6678
the attempt. 6679

(K) As used in this section, "drug abuse offense" has the 6680
same meaning as in section 2925.01 of the Revised Code. 6681

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 6682
(D)(2), (D)(3), (D)(4), or (G) of this section and except in 6683
relation to an offense for which a sentence of death or life 6684
imprisonment is to be imposed, if the court imposing a sentence 6685
upon an offender for a felony elects or is required to impose a 6686
prison term on the offender pursuant to this chapter and is not 6687
prohibited by division (G)(1) of section 2929.13 of the Revised 6688
Code from imposing a prison term on the offender, the court shall 6689
impose a definite prison term that shall be one of the following: 6690

(1) For a felony of the first degree, the prison term shall 6691
be three, four, five, six, seven, eight, nine, or ten years. 6692

(2) For a felony of the second degree, the prison term shall 6693
be two, three, four, five, six, seven, or eight years. 6694

(3) For a felony of the third degree, the prison term shall 6695
be one, two, three, four, or five years. 6696

(4) For a felony of the fourth degree, the prison term shall 6697
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 6698
fourteen, fifteen, sixteen, seventeen, or eighteen months. 6699

(5) For a felony of the fifth degree, the prison term shall 6700
be six, seven, eight, nine, ten, eleven, or twelve months. 6701

(B) Except as provided in division (C), (D)(1), (D)(2), 6702
(D)(3), or (G) of this section, in section 2907.02 of the Revised 6703
Code, or in Chapter 2925. of the Revised Code, if the court 6704
imposing a sentence upon an offender for a felony elects or is 6705
required to impose a prison term on the offender and if the 6706
offender previously has not served a prison term, the court shall 6707
impose the shortest prison term authorized for the offense 6708
pursuant to division (A) of this section, unless the court finds 6709
on the record that the shortest prison term will demean the 6710
seriousness of the offender's conduct or will not adequately 6711
protect the public from future crime by the offender or others. 6712

(C) Except as provided in division (G) of this section or in 6713
Chapter 2925. of the Revised Code, the court imposing a sentence 6714
upon an offender for a felony may impose the longest prison term 6715
authorized for the offense pursuant to division (A) of this 6716
section only upon offenders who committed the worst forms of the 6717
offense, upon offenders who pose the greatest likelihood of 6718
committing future crimes, upon certain major drug offenders under 6719
division (D)(3) of this section, and upon certain repeat violent 6720
offenders in accordance with division (D)(2) of this section. 6721

(D)(1)(a) Except as provided in division (D)(1)(e) of this 6722
section, if an offender who is convicted of or pleads guilty to a 6723
felony also is convicted of or pleads guilty to a specification of 6724
the type described in section 2941.141, 2941.144, or 2941.145 of 6725

the Revised Code, the court shall impose on the offender one of
the following prison terms:

(i) A prison term of six years if the specification is of the
type described in section 2941.144 of the Revised Code that
charges the offender with having a firearm that is an automatic
firearm or that was equipped with a firearm muffler or silencer on
or about the offender's person or under the offender's control
while committing the felony;

(ii) A prison term of three years if the specification is of
the type described in section 2941.145 of the Revised Code that
charges the offender with having a firearm on or about the
offender's person or under the offender's control while committing
the offense and displaying the firearm, brandishing the firearm,
indicating that the offender possessed the firearm, or using it to
facilitate the offense;

(iii) A prison term of one year if the specification is of
the type described in section 2941.141 of the Revised Code that
charges the offender with having a firearm on or about the
offender's person or under the offender's control while committing
the felony.

(b) If a court imposes a prison term on an offender under
division (D)(1)(a) of this section, the prison term shall not be
reduced pursuant to section 2929.20, section 2967.193, or any
other provision of Chapter 2967. or Chapter 5120. of the Revised
Code. A court shall not impose more than one prison term on an
offender under division (D)(1)(a) of this section for felonies
committed as part of the same act or transaction.

(c) Except as provided in division (D)(1)(e) of this section,
if an offender who is convicted of or pleads guilty to a violation
of section 2923.161 of the Revised Code or to a felony that
includes, as an essential element, purposely or knowingly causing

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or attempting to cause the death of or physical harm to another, 6757
also is convicted of or pleads guilty to a specification of the 6758
type described in section 2941.146 of the Revised Code that 6759
charges the offender with committing the offense by discharging a 6760
firearm from a motor vehicle other than a manufactured home, the 6761
court, after imposing a prison term on the offender for the 6762
violation of section 2923.161 of the Revised Code or for the other 6763
felony offense under division (A), (D)(2), or (D)(3) of this 6764
section, shall impose an additional prison term of five years upon 6765
the offender that shall not be reduced pursuant to section 6766
2929.20, section 2967.193, or any other provision of Chapter 2967. 6767
or Chapter 5120. of the Revised Code. A court shall not impose 6768
more than one additional prison term on an offender under division 6769
(D)(1)(c) of this section for felonies committed as part of the 6770
same act or transaction. If a court imposes an additional prison 6771
term on an offender under division (D)(1)(c) of this section 6772
relative to an offense, the court also shall impose a prison term 6773
under division (D)(1)(a) of this section relative to the same 6774
offense, provided the criteria specified in that division for 6775
imposing an additional prison term are satisfied relative to the 6776
offender and the offense. 6777

(d) If an offender who is convicted of or pleads guilty to an 6778
offense of violence that is a felony also is convicted of or 6779
pleads guilty to a specification of the type described in section 6780
2941.1411 of the Revised Code that charges the offender with 6781
wearing or carrying body armor while committing the felony offense 6782
of violence, the court shall impose on the offender a prison term 6783
of two years. The prison term so imposed shall not be reduced 6784
pursuant to section 2929.20, section 2967.193, or any other 6785
provision of ~~chapter~~ Chapter 2967. or ~~chapter~~ Chapter 5120. of the 6786
Revised Code. A court shall not impose more than one prison term 6787
on an offender under division (D)(1)(d) of this section for 6788

felonies committed as part of the same act or transaction. If a 6789
court imposes an additional prison term under division (D)(1)(a) 6790
or (c) of this section, the court is not precluded from imposing 6791
an additional prison term under division (D)(1)(d) of this 6792
section. 6793

(e) The court shall not impose any of the prison terms 6794
described in division (D)(1)(a) of this section or any of the 6795
additional prison terms described in division (D)(1)(c) of this 6796
section upon an offender for a violation of section 2923.12 or 6797
2923.123 of the Revised Code. The court shall not impose any of 6798
the prison terms described in division (D)(1)(a) of this section 6799
or any of the additional prison terms described in division 6800
(D)(1)(c) of this section upon an offender for a violation of 6801
section 2923.13 of the Revised Code unless all of the following 6802
apply: 6803

(i) The offender previously has been convicted of aggravated 6804
murder, murder, or any felony of the first or second degree. 6805

(ii) Less than five years have passed since the offender was 6806
released from prison or post-release control, whichever is later, 6807
for the prior offense. 6808

(2)(a) If an offender who is convicted of or pleads guilty to 6809
a felony also is convicted of or pleads guilty to a specification 6810
of the type described in section 2941.149 of the Revised Code that 6811
the offender is a repeat violent offender, the court shall impose 6812
a prison term from the range of terms authorized for the offense 6813
under division (A) of this section that may be the longest term in 6814
the range and that shall not be reduced pursuant to section 6815
2929.20, section 2967.193, or any other provision of Chapter 2967. 6816
or Chapter 5120. of the Revised Code. If the court finds that the 6817
repeat violent offender, in committing the offense, caused any 6818
physical harm that carried a substantial risk of death to a person 6819
or that involved substantial permanent incapacity or substantial 6820

permanent disfigurement of a person, the court shall impose the
longest prison term from the range of terms authorized for the
offense under division (A) of this section.

(b) If the court imposing a prison term on a repeat violent
offender imposes the longest prison term from the range of terms
authorized for the offense under division (A) of this section, the
court may impose on the offender an additional definite prison
term of one, two, three, four, five, six, seven, eight, nine, or
ten years if the court finds that both of the following apply with
respect to the prison terms imposed on the offender pursuant to
division (D)(2)(a) of this section and, if applicable, divisions
(D)(1) and (3) of this section:

(i) The terms so imposed are inadequate to punish the
offender and protect the public from future crime, because the
applicable factors under section 2929.12 of the Revised Code
indicating a greater likelihood of recidivism outweigh the
applicable factors under that section indicating a lesser
likelihood of recidivism.

(ii) The terms so imposed are demeaning to the seriousness of
the offense, because one or more of the factors under section
2929.12 of the Revised Code indicating that the offender's conduct
is more serious than conduct normally constituting the offense are
present, and they outweigh the applicable factors under that
section indicating that the offender's conduct is less serious
than conduct normally constituting the offense.

(3)(a) Except when an offender commits a violation of section
2903.01 or 2907.02 of the Revised Code and the penalty imposed for
the violation is life imprisonment or commits a violation of
section 2903.02 of the Revised Code, if the offender commits a
violation of section 2925.03 or 2925.11 of the Revised Code and
that section classifies the offender as a major drug offender and
requires the imposition of a ten-year prison term on the offender,

if the offender commits a felony violation of section 2925.02, 6853
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6854
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6855
division (C) of section 4729.51, or division (J) of section 6856
4729.54 of the Revised Code that includes the sale, offer to sell, 6857
or possession of a schedule I or II controlled substance, with the 6858
exception of marihuana, and the court imposing sentence upon the 6859
offender finds that the offender is guilty of a specification of 6860
the type described in section 2941.1410 of the Revised Code 6861
charging that the offender is a major drug offender, or if the 6862
court imposing sentence upon an offender for a felony finds that 6863
the offender is guilty of corrupt activity with the most serious 6864
offense in the pattern of corrupt activity being a felony of the 6865
first degree or is guilty of an attempted forcible violation of 6866
section 2907.02 of the Revised Code with the victim being under 6867
thirteen years of age and that attempted violation is the felony 6868
for which sentence is being imposed, the court shall impose upon 6869
the offender for the felony violation a ten-year prison term that 6870
cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 6871
5120. of the Revised Code. 6872

(b) The court imposing a prison term on an offender under 6873
division (D)(3)(a) of this section may impose an additional prison 6874
term of one, two, three, four, five, six, seven, eight, nine, or 6875
ten years, if the court, with respect to the term imposed under 6876
division (D)(3)(a) of this section and, if applicable, divisions 6877
(D)(1) and (2) of this section, makes both of the findings set 6878
forth in divisions (D)(2)(b)(i) and (ii) of this section. 6879

(4) If the offender is being sentenced for a third or fourth 6880
degree felony ~~OMV~~ OVI offense under division (G)(2) of section 6881
2929.13 of the Revised Code, the sentencing court shall impose 6882
upon the offender a mandatory prison term in accordance with that 6883
division. In addition to the mandatory prison term, if the 6884

offender is being sentenced for a fourth degree felony OVI 6885
offense, the court, notwithstanding division (A)(4) of this 6886
section, may sentence the offender to a definite prison term of 6887
not less than six months and not more than thirty months, and if 6888
the offender is being sentenced for a third degree felony OVI 6889
offense, the sentencing court may sentence the offender to an 6890
additional prison term of any duration specified in division 6891
(A)(3) of this section ~~minus~~. In either case, the additional 6892
prison term imposed shall be reduced by the sixty or one hundred 6893
twenty days imposed upon the offender as the mandatory prison 6894
term. The total of the additional prison term imposed under 6895
division (D)(4) of this section plus the sixty or one hundred 6896
twenty days imposed as the mandatory prison term shall equal a 6897
definite term in the range of six months to thirty months for a 6898
fourth degree felony OVI offense and shall equal one of the 6899
authorized prison terms specified in division (A)(3) of this 6900
section for a third degree felony OVI offense. If the court 6901
imposes an additional prison term under division (D)(4) of this 6902
section, the offender shall serve the additional prison term after 6903
the offender has served the mandatory prison term required for the 6904
offense. The court shall not sentence the offender to a community 6905
control sanction under section 2929.16 or 2929.17 of the Revised 6906
Code. 6907

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 6908
mandatory prison term is imposed upon an offender pursuant to 6909
division (D)(1)(a) of this section for having a firearm on or 6910
about the offender's person or under the offender's control while 6911
committing a felony, if a mandatory prison term is imposed upon an 6912
offender pursuant to division (D)(1)(c) of this section for 6913
committing a felony specified in that division by discharging a 6914
firearm from a motor vehicle, or if both types of mandatory prison 6915
terms are imposed, the offender shall serve any mandatory prison 6916
term imposed under either division consecutively to any other 6917

mandatory prison term imposed under either division or under
division (D)(1)(d) of this section, consecutively to and prior to
any prison term imposed for the underlying felony pursuant to
division (A), (D)(2), or (D)(3) of this section or any other
section of the Revised Code, and consecutively to any other prison
term or mandatory prison term previously or subsequently imposed
upon the offender.

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(b) If a mandatory prison term is imposed upon an offender
pursuant to division (D)(1)(d) of this section for wearing or
carrying body armor while committing an offense of violence that
is a felony, the offender shall serve the mandatory term so
imposed consecutively to any other mandatory prison term imposed
under that division or under division (D)(1)(a) or (c) of this
section, consecutively to and prior to any prison term imposed for
the underlying felony under division (A), (D)(2), or (D)(3) of
this section or any other section of the Revised Code, and
consecutively to any other prison term or mandatory prison term
previously or subsequently imposed upon the offender.

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(2) If an offender who is an inmate in a jail, prison, or
other residential detention facility violates section 2917.02,
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender
who is under detention at a detention facility commits a felony
violation of section 2923.131 of the Revised Code, or if an
offender who is an inmate in a jail, prison, or other residential
detention facility or is under detention at a detention facility
commits another felony while the offender is an escapee in
violation of section 2921.34 of the Revised Code, any prison term
imposed upon the offender for one of those violations shall be
served by the offender consecutively to the prison term or term of
imprisonment the offender was serving when the offender committed
that offense and to any other prison term previously or
subsequently imposed upon the offender.

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(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code or if a prison term is imposed for a felony violation of division (B) of section 2921.331 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(a) The offender committed the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(b) The harm caused by the multiple offenses was so great or unusual that no single prison term for any of the offenses committed as part of a single course of conduct adequately reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

(5) When consecutive prison terms are imposed pursuant to division (E)(1), (2), (3), or (4) of this section, the term to be served is the aggregate of all of the terms so imposed.

(F) If a court imposes a prison term of a type described in division (B) of section 2967.28 of the Revised Code, it shall

include in the sentence a requirement that the offender be subject
to a period of post-release control after the offender's release
from imprisonment, in accordance with that division. If a court
imposes a prison term of a type described in division (C) of that
section, it shall include in the sentence a requirement that the
offender be subject to a period of post-release control after the
offender's release from imprisonment, in accordance with that
division, if the parole board determines that a period of
post-release control is necessary.

(G) If a person is convicted of or pleads guilty to a
sexually violent offense and also is convicted of or pleads guilty
to a sexually violent predator specification that was included in
the indictment, count in the indictment, or information charging
that offense, the court shall impose sentence upon the offender in
accordance with section 2971.03 of the Revised Code, and Chapter
2971. of the Revised Code applies regarding the prison term or
term of life imprisonment without parole imposed upon the offender
and the service of that term of imprisonment.

(H) If a person who has been convicted of or pleaded guilty
to a felony is sentenced to a prison term or term of imprisonment
under this section, sections 2929.02 to 2929.06 of the Revised
Code, section 2971.03 of the Revised Code, or any other provision
of law, section 5120.163 of the Revised Code applies regarding the
person while the person is confined in a state correctional
institution.

(I) If an offender who is convicted of or pleads guilty to a
felony that is an offense of violence also is convicted of or
pleads guilty to a specification of the type described in section
2941.142 of the Revised Code that charges the offender with having
committed the felony while participating in a criminal gang, the
court shall impose upon the offender an additional prison term of
one, two, or three years.

(J) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(K) At the time of sentencing, the court shall determine if an offender is eligible for placement in a program of shock incarceration under section 5120.031 of the Revised Code or is eligible for placement in an intensive program prison under section 5120.032 of the Revised Code. The court may recommend the offender for placement in a program of shock incarceration, if eligible, or for placement in an intensive program prison, if eligible, disapprove placement of the offender in a program of shock incarceration or in an intensive program prison, regardless of eligibility, or make no recommendation on placement of the offender.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court approves placement of the offender in a program of shock incarceration or in an intensive program prison, the department shall notify the court if the offender is subsequently placed in the recommended program or prison and shall include with the notice a brief description of the placement.

If the court approves placement of the offender in a program of shock incarceration or in an intensive program prison and the

department does not subsequently place the offender in the
recommended program or prison, the department shall send a notice
to the court indicating why the offender was not placed in the
recommended program or prison.

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If the court does not make a recommendation under this
division with respect to an eligible offender, the department
shall screen the offender and determine if there is an available
program of shock incarceration or an intensive program prison for
which the offender is suited. If there is an available program of
shock incarceration or an intensive program prison for which the
offender is suited, the department shall notify the court of the
proposed placement of the offender and shall include with the
notice a brief description of the placement. The court shall have
ten days from receipt of the notice to disapprove the placement.

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Sec. 2929.15. (A)(1) If in sentencing an offender for a
felony the court is not required to impose a prison term, a
mandatory prison term, or a term of life imprisonment upon the
offender, the court may directly impose a sentence that consists
of one or more community control sanctions authorized pursuant to
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the
court is sentencing an offender for a fourth degree felony ~~OMVI~~
OVI offense under division (G)(1) of section 2929.13 of the
Revised Code, in addition to the mandatory term of local
incarceration imposed under that division and the mandatory fine
required by division (B)(3) of section 2929.18 of the Revised
Code, the court may impose upon the offender a community control
sanction or combination of community control sanctions in
accordance with sections 2929.16 and 2929.17 of the Revised Code.
The duration of all community control sanctions imposed upon an
offender under this division shall not exceed five years. If the
offender absconds or otherwise leaves the jurisdiction of the
court in which the offender resides without obtaining permission

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from the court or the offender's probation officer to leave the 7077
jurisdiction of the court, or if the offender is confined in any 7078
institution for the commission of any offense while under a 7079
community control sanction, the period of the community control 7080
sanction ceases to run until the offender is brought before the 7081
court for its further action. If the court sentences the offender 7082
to one or more nonresidential sanctions under section 2929.17 of 7083
the Revised Code, the court shall impose as a condition of the 7084
nonresidential sanctions that, during the period of the sanctions, 7085
the offender must abide by the law and must not leave the state 7086
without the permission of the court or the offender's probation 7087
officer. The court may impose any other conditions of release 7088
under a community control sanction that the court considers 7089
appropriate, including, but not limited to, requiring that the 7090
offender not ingest or be injected with a drug of abuse and submit 7091
to random drug testing as provided in division (D) of this section 7092
to determine whether the offender ingested or was injected with a 7093
drug of abuse and requiring that the results of the drug test 7094
indicate that the offender did not ingest or was not injected with 7095
a drug of abuse. If the court is sentencing an offender for a 7096
third or fourth degree felony ~~OMVI~~ OVI offense under division 7097
(G)(2) of section 2929.13 of the Revised Code, the court shall not 7098
impose upon the offender any community control sanction or 7099
combination of community control sanctions under section 2929.16 7100
or 2929.17 of the Revised Code. 7101

(2)(a) If a court sentences an offender to any community 7102
control sanction or combination of community control sanctions 7103
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 7104
Revised Code, the court shall place the offender under the general 7105
control and supervision of a department of probation in the county 7106
that serves the court for purposes of reporting to the court a 7107
violation of any condition of the sanctions, any condition of 7108
release under a community control sanction imposed by the court, a 7109

violation of law, or the departure of the offender from this state 7110
without the permission of the court or the offender's probation 7111
officer. Alternatively, if the offender resides in another county 7112
and a county department of probation has been established in that 7113
county or that county is served by a multicounty probation 7114
department established under section 2301.27 of the Revised Code, 7115
the court may request the court of common pleas of that county to 7116
receive the offender into the general control and supervision of 7117
that county or multicounty department of probation for purposes of 7118
reporting to the court a violation of any condition of the 7119
sanctions,⁷ any condition of release under a community control 7120
sanction imposed by the court, a violation of law, or the 7121
departure of the offender from this state without the permission 7122
of the court or the offender's probation officer, subject to the 7123
jurisdiction of the trial judge over and with respect to the 7124
person of the offender, and to the rules governing that department 7125
of probation. 7126

If there is no department of probation in the county that 7127
serves the court, the court shall place the offender, regardless 7128
of the offender's county of residence, under the general control 7129
and supervision of the adult parole authority for purposes of 7130
reporting to the court a violation of any of the sanctions, any 7131
condition of release under a community control sanction imposed by 7132
the court, a violation of law, or the departure of the offender 7133
from this state without the permission of the court or the 7134
offender's probation officer. 7135

(b) If the court imposing sentence upon an offender sentences 7136
the offender to any community control sanction or combination of 7137
community control sanctions authorized pursuant to section 7138
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 7139
offender violates any condition of the sanctions, any condition of 7140
release under a community control sanction imposed by the court, 7141

violates any law, or departs the state without the permission of
the court or the offender's probation officer, the public or
private person or entity that operates or administers the sanction
or the program or activity that comprises the sanction shall
report the violation or departure directly to the sentencing
court, or shall report the violation or departure to the county or
multicounty department of probation with general control and
supervision over the offender under division (A)(2)(a) of this
section or the officer of that department who supervises the
offender, or, if there is no such department with general control
and supervision over the offender under that division, to the
adult parole authority. If the public or private person or entity
that operates or administers the sanction or the program or
activity that comprises the sanction reports the violation or
departure to the county or multicounty department of probation or
the adult parole authority, the department's or authority's
officers may treat the offender as if the offender were on
probation and in violation of the probation, and shall report the
violation of the condition of the sanction, any condition of
release under a community control sanction imposed by the court,
the violation of law, or the departure from the state without the
required permission to the sentencing court.

(B) If the conditions of a community control sanction are
violated or if the offender violates a law or leaves the state
without the permission of the court or the offender's probation
officer, the sentencing court may impose a longer time under the
same sanction if the total time under the sanctions does not
exceed the five-year limit specified in division (A) of this
section, may impose a more restrictive sanction under section
2929.16, 2929.17, or 2929.18 of the Revised Code, or may impose a
prison term on the offender pursuant to section 2929.14 of the
Revised Code. The prison term, if any, imposed upon a violator

pursuant to this division shall be within the range of prison 7174
terms available for the offense for which the sanction that was 7175
violated was imposed and shall not exceed the prison term 7176
specified in the notice provided to the offender at the sentencing 7177
hearing pursuant to division (B)(3) of section 2929.19 of the 7178
Revised Code. The court may reduce the longer period of time that 7179
the offender is required to spend under the longer sanction, the 7180
more restrictive sanction, or a prison term imposed pursuant to 7181
this division by the time the offender successfully spent under 7182
the sanction that was initially imposed. 7183

(C) If an offender, for a significant period of time, 7184
fulfills the conditions of a sanction imposed pursuant to section 7185
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 7186
manner, the court may reduce the period of time under the sanction 7187
or impose a less restrictive sanction, but the court shall not 7188
permit the offender to violate any law or permit the offender to 7189
leave the state without the permission of the court or the 7190
offender's probation officer. 7191

(D)(1) If a court under division (A)(1) of this section 7192
imposes a condition of release under a community control sanction 7193
that requires the offender to submit to random drug testing, the 7194
department of probation or the adult parole authority that has 7195
general control and supervision of the offender under division 7196
(A)(2)(a) of this section may cause the offender to submit to 7197
random drug testing performed by a laboratory or entity that has 7198
entered into a contract with any of the governmental entities or 7199
officers authorized to enter into a contract with that laboratory 7200
or entity under section 341.26, 753.33, or 5120.63 of the Revised 7201
Code. 7202

(2) If no laboratory or entity described in division (D)(1) 7203
of this section has entered into a contract as specified in that 7204
division, the department of probation or the adult parole 7205

authority that has general control and supervision of the offender 7206
under division (A)(2)(a) of this section shall cause the offender 7207
to submit to random drug testing performed by a reputable public 7208
laboratory to determine whether the individual who is the subject 7209
of the drug test ingested or was injected with a drug of abuse. 7210

(3) A laboratory or entity that has entered into a contract 7211
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 7212
shall perform the random drug tests under division (D)(1) of this 7213
section in accordance with the applicable standards that are 7214
included in the terms of that contract. A public laboratory shall 7215
perform the random drug tests under division (D)(2) of this 7216
section in accordance with the standards set forth in the policies 7217
and procedures established by the department of rehabilitation and 7218
correction pursuant to section 5120.63 of the Revised Code. An 7219
offender who is required under division (A)(1) of this section to 7220
submit to random drug testing as a condition of release under a 7221
community control sanction and whose test results indicate that 7222
the offender ingested or was injected with a drug of abuse shall 7223
pay the fee for the drug test if the department of probation or 7224
the adult parole authority that has general control and 7225
supervision of the offender requires payment of a fee. A 7226
laboratory or entity that performs the random drug testing on an 7227
offender under division (D)(1) or (2) of this section shall 7228
transmit the results of the drug test to the appropriate 7229
department of probation or the adult parole authority that has 7230
general control and supervision of the offender under division 7231
(A)(2)(a) of this section. 7232

Sec. 2929.16. (A) The court imposing a sentence for a felony 7233
upon an offender who is not required to serve a mandatory prison 7234
term may impose any community residential sanction or combination 7235
of community residential sanctions under this section. The court 7236
imposing a sentence for a fourth degree felony ~~OMVI~~ OVI offense 7237

under division (G)(1) of section 2929.13 of the Revised Code may 7238
impose upon the offender, in addition to the mandatory term of 7239
local incarceration imposed under that division, a community 7240
residential sanction or combination of community residential 7241
sanctions under this section, and the offender shall serve or 7242
satisfy the sanction or combination of sanctions after the 7243
offender has served the mandatory term of local incarceration 7244
required for the offense. Community residential sanctions include, 7245
but are not limited to, the following: 7246

(1) A term of up to six months at a community-based 7247
correctional facility that serves the county; 7248

(2) Except as otherwise provided in division (A)(3) of this 7249
section and subject to division (D) of this section, a term of up 7250
to six months in a jail; 7251

(3) If the offender is convicted of a fourth degree felony 7252
~~OVI~~ OVI offense and is sentenced under division (G)(1) of section 7253
2929.13 of the Revised Code, subject to division (D) of this 7254
section, a term of up to one year in a jail less the mandatory 7255
term of local incarceration of sixty or one hundred twenty 7256
consecutive days of imprisonment imposed pursuant to that 7257
division; 7258

(4) A term in a halfway house; 7259

(5) A term in an alternative residential facility. 7260

(B) The court that assigns any offender convicted of a felony 7261
to a residential sanction under this section may authorize the 7262
offender to be released so that the offender may seek or maintain 7263
employment, receive education or training, or receive treatment. A 7264
release pursuant to this division shall be only for the duration 7265
of time that is needed to fulfill the purpose of the release and 7266
for travel that reasonably is necessary to fulfill the purposes of 7267
the release. 7268

(C) If the court assigns an offender to a county jail that is not a minimum security misdemeanor jail in a county that has established a county jail industry program pursuant to section 5147.30 of the Revised Code, the court shall specify, as part of the sentence, whether the sheriff of that county may consider the offender for participation in the county jail industry program. During the offender's term in the county jail, the court shall retain jurisdiction to modify its specification upon a reassessment of the offender's qualifications for participation in the program.

(D) If a court sentences an offender to a term in jail under division (A)(2) or (3) of this section and if the sentence is imposed for a felony of the fourth or fifth degree that is not an offense of violence, the court may specify that it prefers that the offender serve the term in a minimum security jail established under section 341.34 or 753.21 of the Revised Code. If the court includes a specification of that type in the sentence and if the administrator of the appropriate minimum security jail or the designee of that administrator classifies the offender in accordance with section 341.34 or 753.21 of the Revised Code as a minimal security risk, the offender shall serve the term in the minimum security jail established under section 341.34 or 753.21 of the Revised Code. Absent a specification of that type and a finding of that type, the offender shall serve the term in a jail other than a minimum security jail established under section 341.34 or 753.21 of the Revised Code.

(E) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a community residential sanction as described in division (A) of this section, at the time of reception and at other times the person in charge of the operation of the community-based correctional facility, jail, halfway house, alternative residential facility, or other place at which the

offender will serve the residential sanction determines to be 7301
appropriate, the person in charge of the operation of the 7302
community-based correctional facility, jail, halfway house, 7303
alternative residential facility, or other place may cause the 7304
convicted offender to be examined and tested for tuberculosis, HIV 7305
infection, hepatitis, including but not limited to hepatitis A, B, 7306
and C, and other contagious diseases. The person in charge of the 7307
operation of the community-based correctional facility, jail, 7308
halfway house, alternative residential facility, or other place at 7309
which the offender will serve the residential sanction may cause a 7310
convicted offender in the community-based correctional facility, 7311
jail, halfway house, alternative residential facility, or other 7312
place who refuses to be tested or treated for tuberculosis, HIV 7313
infection, hepatitis, including but not limited to hepatitis A, B, 7314
and C, or another contagious disease to be tested and treated 7315
involuntarily. 7316

Sec. 2929.17. The court imposing a sentence for a felony upon 7317
an offender who is not required to serve a mandatory prison term 7318
may impose any nonresidential sanction or combination of 7319
nonresidential sanctions authorized under this section. If the 7320
court imposes one or more nonresidential sanctions authorized 7321
under this section, the court shall impose as a condition of the 7322
sanction that, during the period of the nonresidential sanction, 7323
the offender shall abide by the law and shall not leave the state 7324
without the permission of the court or the offender's probation 7325
officer. 7326

The court imposing a sentence for a fourth degree felony ~~OMVI~~ 7327
OVI offense under division (G)(1) of section 2929.13 of the 7328
Revised Code may impose upon the offender, in addition to the 7329
mandatory term of local incarceration imposed under that division, 7330
a nonresidential sanction or combination of nonresidential 7331
sanctions under this section, and the offender shall serve or 7332

satisfy the sanction or combination of sanctions after the 7333
offender has served the mandatory term of local incarceration 7334
required for the offense. Nonresidential sanctions include, but 7335
are not limited to, the following: 7336

(A) A term of day reporting; 7337

(B) A term of electronically monitored house arrest, a term 7338
of electronic monitoring without house arrest, or a term of house 7339
arrest without electronic monitoring; 7340

(C) A term of community service of up to five hundred hours 7341
pursuant to division (F) of section 2951.02 of the Revised Code 7342
or, if the court determines that the offender is financially 7343
incapable of fulfilling a financial sanction described in section 7344
2929.18 of the Revised Code, a term of community service as an 7345
alternative to a financial sanction; 7346

(D) A term in a drug treatment program with a level of 7347
security for the offender as determined necessary by the court; 7348

(E) A term of intensive probation supervision; 7349

(F) A term of basic probation supervision; 7350

(G) A term of monitored time; 7351

(H) A term of drug and alcohol use monitoring, including 7352
random drug testing pursuant to section 2951.05 of the Revised 7353
Code; 7354

(I) A curfew term; 7355

(J) A requirement that the offender obtain employment; 7356

(K) A requirement that the offender obtain education or 7357
training; 7358

(L) Provided the court obtains the prior approval of the 7359
victim, a requirement that the offender participate in 7360
victim-offender mediation; 7361

(M) A license violation report; 7362

(N) If the offense is a violation of section 2919.25 or a 7363
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 7364
Code involving a person who was a family or household member at 7365
the time of the violation, if the offender committed the offense 7366
in the vicinity of one or more children who are not victims of the 7367
offense, and if the offender or the victim of the offense is a 7368
parent, guardian, custodian, or person in loco parentis of one or 7369
more of those children, a requirement that the offender obtain 7370
counseling. This division does not limit the court in requiring 7371
the offender to obtain counseling for any offense or in any 7372
circumstance not specified in this division. 7373

Sec. 2929.18. (A) Except as otherwise provided in this 7374
division and in addition to imposing court costs pursuant to 7375
section 2947.23 of the Revised Code, the court imposing a sentence 7376
upon an offender for a felony may sentence the offender to any 7377
financial sanction or combination of financial sanctions 7378
authorized under this section or, in the circumstances specified 7379
in section 2929.25 of the Revised Code, may impose upon the 7380
offender a fine in accordance with that section. If the offender 7381
is sentenced to a sanction of confinement pursuant to section 7382
2929.14 or 2929.16 of the Revised Code that is to be served in a 7383
facility operated by a board of county commissioners, a 7384
legislative authority of a municipal corporation, or another 7385
governmental entity, the court imposing sentence upon an offender 7386
for a felony shall comply with division (A)(4)(b) of this section 7387
in determining whether to sentence the offender to a financial 7388
sanction described in division (A)(4)(a) of this section. 7389
Financial sanctions that may be imposed pursuant to this section 7390
include, but are not limited to, the following: 7391

(1) Restitution by the offender to the victim of the 7392

offender's crime or any survivor of the victim, in an amount based 7393
on the victim's economic loss. The court shall order that the 7394
restitution be made to the adult probation department that serves 7395
the county on behalf of the victim, to the clerk of courts, or to 7396
another agency designated by the court, except that it may include 7397
a requirement that reimbursement be made to third parties for 7398
amounts paid to or on behalf of the victim or any survivor of the 7399
victim for economic loss resulting from the offense. If 7400
reimbursement to third parties is required, the reimbursement 7401
shall be made to any governmental agency to repay any amounts paid 7402
by the agency to or on behalf of the victim or any survivor of the 7403
victim for economic loss resulting from the offense before any 7404
reimbursement is made to any person other than a governmental 7405
agency. If no governmental agency incurred expenses for economic 7406
loss of the victim or any survivor of the victim resulting from 7407
the offense, the reimbursement shall be made to any person other 7408
than a governmental agency to repay amounts paid by that person to 7409
or on behalf of the victim or any survivor of the victim for 7410
economic loss of the victim resulting from the offense. The court 7411
shall not require an offender to repay an insurance company for 7412
any amounts the company paid on behalf of the offender pursuant to 7413
a policy of insurance. At sentencing, the court shall determine 7414
the amount of restitution to be made by the offender. All 7415
restitution payments shall be credited against any recovery of 7416
economic loss in a civil action brought by the victim or any 7417
survivor of the victim against the offender. 7418

(2) Except as provided in division (B)(1), (3), or (4) of 7419
this section, a fine payable by the offender to the state, to a 7420
political subdivision, or as described in division (B)(2) of this 7421
section to one or more law enforcement agencies, with the amount 7422
of the fine based on a standard percentage of the offender's daily 7423
income over a period of time determined by the court and based 7424

upon the seriousness of the offense. A fine ordered under this 7425
division shall not exceed the statutory fine amount authorized for 7426
the level of the offense under division (A)(3) of this section. 7427

(3) Except as provided in division (B)(1), (3), or (4) of 7428
this section, a fine payable by the offender to the state, to a 7429
political subdivision when appropriate for a felony, or as 7430
described in division (B)(2) of this section to one or more law 7431
enforcement agencies, in the following amount: 7432

(a) For a felony of the first degree, not more than twenty 7433
thousand dollars; 7434

(b) For a felony of the second degree, not more than fifteen 7435
thousand dollars; 7436

(c) For a felony of the third degree, not more than ten 7437
thousand dollars; 7438

(d) For a felony of the fourth degree, not more than five 7439
thousand dollars; 7440

(e) For a felony of the fifth degree, not more than two 7441
thousand five hundred dollars. 7442

(4)(a) Subject to division (A)(4)(b) of this section, 7443
reimbursement by the offender of any or all of the costs of 7444
sanctions incurred by the government, including the following: 7445

(i) All or part of the costs of implementing any community 7446
control sanction; 7447

(ii) All or part of the costs of confinement under a sanction 7448
imposed pursuant to section 2929.14 or 2929.16 of the Revised 7449
Code, provided that the amount of reimbursement ordered under this 7450
division shall not exceed the total amount of reimbursement the 7451
offender is able to pay as determined at a hearing and shall not 7452
exceed the actual cost of the confinement; 7453

(b) If the offender is sentenced to a sanction of confinement 7454

pursuant to section 2929.14 or 2929.16 of the Revised Code that is 7455
to be served in a facility operated by a board of county 7456
commissioners, a legislative authority of a municipal corporation, 7457
or another local governmental entity, one of the following 7458
applies: 7459

(i) If, pursuant to section 307.93, 341.14, 341.19, 341.23, 7460
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code, 7461
the board, legislative authority, or other local governmental 7462
entity requires prisoners convicted of an offense other than a 7463
minor misdemeanor to reimburse the county, municipal corporation, 7464
or other entity for its expenses incurred by reason of the 7465
prisoner's confinement, the court shall impose a financial 7466
sanction under division (A)(4)(a) of this section that requires 7467
the offender to reimburse the county, municipal corporation, or 7468
other local governmental entity for the cost of the confinement. 7469
In addition, the court may impose any other financial sanction 7470
under this section. 7471

(ii) If, pursuant to any section identified in division 7472
(A)(4)(b)(i) of this section, the board, legislative authority, or 7473
other local governmental entity has adopted a resolution or 7474
ordinance specifying that prisoners convicted of felonies are not 7475
required to reimburse the county, municipal corporation, or other 7476
local governmental entity for its expenses incurred by reason of 7477
the prisoner's confinement, the court shall not impose a financial 7478
sanction under division (A)(4)(a) of this section that requires 7479
the offender to reimburse the county, municipal corporation, or 7480
other local governmental entity for the cost of the confinement, 7481
but the court may impose any other financial sanction under this 7482
section. 7483

(iii) If neither division (A)(4)(b)(i) nor (A)(4)(b)(ii) of 7484
this section applies, the court may impose, but is not required to 7485
impose, any financial sanction under this section. 7486

(c) Reimbursement by the offender for costs pursuant to 7487
section 2929.28 of the Revised Code. 7488

(B)(1) For a first, second, or third degree felony violation 7489
of any provision of Chapter 2925., 3719., or 4729. of the Revised 7490
Code, the sentencing court shall impose upon the offender a 7491
mandatory fine of at least one-half of, but not more than, the 7492
maximum statutory fine amount authorized for the level of the 7493
offense pursuant to division (A)(3) of this section. If an 7494
offender alleges in an affidavit filed with the court prior to 7495
sentencing that the offender is indigent and unable to pay the 7496
mandatory fine and if the court determines the offender is an 7497
indigent person and is unable to pay the mandatory fine described 7498
in this division, the court shall not impose the mandatory fine 7499
upon the offender. 7500

(2) Any mandatory fine imposed upon an offender under 7501
division (B)(1) of this section and any fine imposed upon an 7502
offender under division (A)(2) or (3) of this section for any 7503
fourth or fifth degree felony violation of any provision of 7504
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 7505
to law enforcement agencies pursuant to division (F) of section 7506
2925.03 of the Revised Code. 7507

(3) For a fourth degree felony ~~OMVI~~ OVI offense and for a 7508
third degree felony ~~OMVI~~ OVI offense, the sentencing court shall 7509
impose upon the offender a mandatory fine in the amount specified 7510
in division ~~(A)(4)~~ (G)(1)(d) or ~~(8)(e)~~ of section ~~4511.99~~ 4511.19 7511
of the Revised Code, whichever is applicable. The mandatory fine 7512
so imposed shall be disbursed as provided in the division ~~(A)(4)~~ 7513
or ~~(8)~~ of section ~~4511.99~~ of the Revised Code pursuant to which it 7514
is imposed. 7515

(4) Notwithstanding any fine otherwise authorized or required 7516
to be imposed under division (A)(2) or (3) or (B)(1) of this 7517
section or section 2929.31 of the Revised Code for a violation of 7518

section 2925.03 of the Revised Code, in addition to any penalty or
sanction imposed for that offense under section 2925.03 or
sections 2929.11 to 2929.18 of the Revised Code and in addition to
the forfeiture of property in connection with the offense as
prescribed in sections 2925.42 to 2925.45 of the Revised Code, the
court that sentences an offender for a violation of section
2925.03 of the Revised Code may impose upon the offender a fine in
addition to any fine imposed under division (A)(2) or (3) of this
section and in addition to any mandatory fine imposed under
division (B)(1) of this section. The fine imposed under division
(B)(4) of this section shall be used as provided in division (H)
of section 2925.03 of the Revised Code. A fine imposed under
division (B)(4) of this section shall not exceed whichever of the
following is applicable:

(a) The total value of any personal or real property in which
the offender has an interest and that was used in the course of,
intended for use in the course of, derived from, or realized
through conduct in violation of section 2925.03 of the Revised
Code, including any property that constitutes proceeds derived
from that offense;

(b) If the offender has no interest in any property of the
type described in division (B)(4)(a) of this section or if it is
not possible to ascertain whether the offender has an interest in
any property of that type in which the offender may have an
interest, the amount of the mandatory fine for the offense imposed
under division (B)(1) of this section or, if no mandatory fine is
imposed under division (B)(1) of this section, the amount of the
fine authorized for the level of the offense imposed under
division (A)(3) of this section.

(5) Prior to imposing a fine under division (B)(4) of this
section, the court shall determine whether the offender has an
interest in any property of the type described in division

(B)(4)(a) of this section. Except as provided in division (B)(6) 7551
or (7) of this section, a fine that is authorized and imposed 7552
under division (B)(4) of this section does not limit or affect the 7553
imposition of the penalties and sanctions for a violation of 7554
section 2925.03 of the Revised Code prescribed under those 7555
sections or sections 2929.11 to 2929.18 of the Revised Code and 7556
does not limit or affect a forfeiture of property in connection 7557
with the offense as prescribed in sections 2925.42 to 2925.45 of 7558
the Revised Code. 7559

(6) If the sum total of a mandatory fine amount imposed for a 7560
first, second, or third degree felony violation of section 2925.03 7561
of the Revised Code under division (B)(1) of this section plus the 7562
amount of any fine imposed under division (B)(4) of this section 7563
does not exceed the maximum statutory fine amount authorized for 7564
the level of the offense under division (A)(3) of this section or 7565
section 2929.31 of the Revised Code, the court may impose a fine 7566
for the offense in addition to the mandatory fine and the fine 7567
imposed under division (B)(4) of this section. The sum total of 7568
the amounts of the mandatory fine, the fine imposed under division 7569
(B)(4) of this section, and the additional fine imposed under 7570
division (B)(6) of this section shall not exceed the maximum 7571
statutory fine amount authorized for the level of the offense 7572
under division (A)(3) of this section or section 2929.31 of the 7573
Revised Code. The clerk of the court shall pay any fine that is 7574
imposed under division (B)(6) of this section to the county, 7575
township, municipal corporation, park district as created pursuant 7576
to section 511.18 or 1545.04 of the Revised Code, or state law 7577
enforcement agencies in this state that primarily were responsible 7578
for or involved in making the arrest of, and in prosecuting, the 7579
offender pursuant to division (F) of section 2925.03 of the 7580
Revised Code. 7581

(7) If the sum total of the amount of a mandatory fine 7582

imposed for a first, second, or third degree felony violation of 7583
section 2925.03 of the Revised Code plus the amount of any fine 7584
imposed under division (B)(4) of this section exceeds the maximum 7585
statutory fine amount authorized for the level of the offense 7586
under division (A)(3) of this section or section 2929.31 of the 7587
Revised Code, the court shall not impose a fine under division 7588
(B)(6) of this section. 7589

(C)(1) The offender shall pay reimbursements imposed upon the 7590
offender pursuant to division (A)(4)(a) of this section to pay the 7591
costs incurred by the department of rehabilitation and correction 7592
in operating a prison or other facility used to confine offenders 7593
pursuant to sanctions imposed under section 2929.14 or 2929.16 of 7594
the Revised Code to the treasurer of state. The treasurer of state 7595
shall deposit the reimbursements in the confinement cost 7596
reimbursement fund that is hereby created in the state treasury. 7597
The department of rehabilitation and correction shall use the 7598
amounts deposited in the fund to fund the operation of facilities 7599
used to confine offenders pursuant to sections 2929.14 and 2929.16 7600
of the Revised Code. 7601

(2) Except as provided in section 2951.021 of the Revised 7602
Code, the offender shall pay reimbursements imposed upon the 7603
offender pursuant to division (A)(4)(a) of this section to pay the 7604
costs incurred by a county pursuant to any sanction imposed under 7605
this section or section 2929.16 or 2929.17 of the Revised Code or 7606
in operating a facility used to confine offenders pursuant to a 7607
sanction imposed under section 2929.16 of the Revised Code to the 7608
county treasurer. The county treasurer shall deposit the 7609
reimbursements in the sanction cost reimbursement fund that each 7610
board of county commissioners shall create in its county treasury. 7611
The county shall use the amounts deposited in the fund to pay the 7612
costs incurred by the county pursuant to any sanction imposed 7613
under this section or section 2929.16 or 2929.17 of the Revised 7614

Code or in operating a facility used to confine offenders pursuant 7615
to a sanction imposed under section 2929.16 of the Revised Code. 7616

(3) Except as provided in section 2951.021 of the Revised 7617
Code, the offender shall pay reimbursements imposed upon the 7618
offender pursuant to division (A)(4)(a) of this section to pay the 7619
costs incurred by a municipal corporation pursuant to any sanction 7620
imposed under this section or section 2929.16 or 2929.17 of the 7621
Revised Code or in operating a facility used to confine offenders 7622
pursuant to a sanction imposed under section 2929.16 of the 7623
Revised Code to the treasurer of the municipal corporation. The 7624
treasurer shall deposit the reimbursements in a special fund that 7625
shall be established in the treasury of each municipal 7626
corporation. The municipal corporation shall use the amounts 7627
deposited in the fund to pay the costs incurred by the municipal 7628
corporation pursuant to any sanction imposed under this section or 7629
section 2929.16 or 2929.17 of the Revised Code or in operating a 7630
facility used to confine offenders pursuant to a sanction imposed 7631
under section 2929.16 of the Revised Code. 7632

(4) Except as provided in section 2951.021 of the Revised 7633
Code, the offender shall pay reimbursements imposed pursuant to 7634
division (A)(4)(a) of this section for the costs incurred by a 7635
private provider pursuant to a sanction imposed under this section 7636
or section 2929.16 or 2929.17 of the Revised Code to the provider. 7637

(D) A financial sanction imposed pursuant to division (A) or 7638
(B) of this section is a judgment in favor of the state or a 7639
political subdivision in which the court that imposed the 7640
financial sanction is located, except that a financial sanction of 7641
reimbursement imposed pursuant to division (A)(4)(a)(ii) of this 7642
section upon an offender who is incarcerated in a state facility 7643
or a municipal jail is a judgment in favor of the state or the 7644
municipal corporation, a financial sanction of reimbursement 7645
imposed upon an offender pursuant to this section for costs 7646

incurred by a private provider of sanctions is a judgment in favor
of the private provider, and a financial sanction of restitution
imposed pursuant to this section is a judgment in favor of the
victim of the offender's criminal act. The offender subject to the
sanction is the judgment debtor. Imposition of a financial
sanction and execution on the judgment does not preclude any other
power of the court to impose or enforce sanctions on the offender.
Once the financial sanction is imposed as a judgment, the victim,
private provider, state, or political subdivision may bring an
action to do any of the following:

(1) Obtain execution of the judgment through any available
procedure, including:

(a) An execution against the property of the judgment debtor
under Chapter 2329. of the Revised Code;

(b) An execution against the person of the judgment debtor
under Chapter 2331. of the Revised Code;

(c) A proceeding in aid of execution under Chapter 2333. of
the Revised Code, including:

(i) A proceeding for the examination of the judgment debtor
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27
of the Revised Code;

(ii) A proceeding for attachment of the person of the
judgment debtor under section 2333.28 of the Revised Code;

(iii) A creditor's suit under section 2333.01 of the Revised
Code.

(d) The attachment of the property of the judgment debtor
under Chapter 2715. of the Revised Code;

(e) The garnishment of the property of the judgment debtor
under Chapter 2716. of the Revised Code.

(2) Obtain an order for the assignment of wages of the

judgment debtor under section 1321.33 of the Revised Code. 7677

(E) A court that imposes a financial sanction upon an 7678
offender may hold a hearing if necessary to determine whether the 7679
offender is able to pay the sanction or is likely in the future to 7680
be able to pay it. 7681

(F) Each court imposing a financial sanction upon an offender 7682
under this section or under section 2929.25 of the Revised Code 7683
may designate a court employee to collect, or may enter into 7684
contracts with one or more public agencies or private vendors for 7685
the collection of, amounts due under the financial sanction 7686
imposed pursuant to this section or section 2929.25 of the Revised 7687
Code. Before entering into a contract for the collection of 7688
amounts due from an offender pursuant to any financial sanction 7689
imposed pursuant to this section or section 2929.25 of the Revised 7690
Code, a court shall comply with sections 307.86 to 307.92 of the 7691
Revised Code. 7692

(G) If a court that imposes a financial sanction under 7693
division (A) or (B) of this section finds that an offender 7694
satisfactorily has completed all other sanctions imposed upon the 7695
offender and that all restitution that has been ordered has been 7696
paid as ordered, the court may suspend any financial sanctions 7697
imposed pursuant to this section or section 2929.25 of the Revised 7698
Code that have not been paid. 7699

(H) No financial sanction imposed under this section or 7700
section 2929.25 of the Revised Code shall preclude a victim from 7701
bringing a civil action against the offender. 7702

Sec. 2929.19. (A)(1) The court shall hold a sentencing 7703
hearing before imposing a sentence under this chapter upon an 7704
offender who was convicted of or pleaded guilty to a felony and 7705
before resentencing an offender who was convicted of or pleaded 7706
guilty to a felony and whose case was remanded pursuant to section 7707

2953.07 or 2953.08 of the Revised Code. At the hearing, the 7708
offender, the prosecuting attorney, the victim or the victim's 7709
representative in accordance with section 2930.14 of the Revised 7710
Code, and, with the approval of the court, any other person may 7711
present information relevant to the imposition of sentence in the 7712
case. The court shall inform the offender of the verdict of the 7713
jury or finding of the court and ask the offender whether the 7714
offender has anything to say as to why sentence should not be 7715
imposed upon the offender. 7716

(2) Except as otherwise provided in this division, before 7717
imposing sentence on an offender who is being sentenced for a 7718
sexually oriented offense that was committed on or after January 7719
1, 1997, and that is not a sexually violent offense, and before 7720
imposing sentence on an offender who is being sentenced for a 7721
sexually violent offense committed on or after January 1, 1997, 7722
and who was not charged with a sexually violent predator 7723
specification in the indictment, count in the indictment, or 7724
information charging the sexually violent offense, the court shall 7725
conduct a hearing in accordance with division (B) of section 7726
2950.09 of the Revised Code to determine whether the offender is a 7727
sexual predator. The court shall not conduct a hearing under that 7728
division if the offender is being sentenced for a sexually violent 7729
offense and a sexually violent predator specification was included 7730
in the indictment, count in the indictment, or information 7731
charging the sexually violent offense. Before imposing sentence on 7732
an offender who is being sentenced for a sexually oriented 7733
offense, the court also shall comply with division (E) of section 7734
2950.09 of the Revised Code. 7735

(B)(1) At the sentencing hearing, the court, before imposing 7736
sentence, shall consider the record, any information presented at 7737
the hearing by any person pursuant to division (A) of this 7738
section, and, if one was prepared, the presentence investigation 7739

report made pursuant to section 2951.03 of the Revised Code or 7740
Criminal Rule 32.2, and any victim impact statement made pursuant 7741
to section 2947.051 of the Revised Code. 7742

(2) The court shall impose a sentence and shall make a 7743
finding that gives its reasons for selecting the sentence imposed 7744
in any of the following circumstances: 7745

(a) Unless the offense is a sexually violent offense for 7746
which the court is required to impose sentence pursuant to 7747
division (G) of section 2929.14 of the Revised Code, if it imposes 7748
a prison term for a felony of the fourth or fifth degree or for a 7749
felony drug offense that is a violation of a provision of Chapter 7750
2925. of the Revised Code and that is specified as being subject 7751
to division (B) of section 2929.13 of the Revised Code for 7752
purposes of sentencing, its reasons for imposing the prison term, 7753
based upon the overriding purposes and principles of felony 7754
sentencing set forth in section 2929.11 of the Revised Code, and 7755
any factors listed in divisions (B)(1)(a) to (i) of section 7756
2929.13 of the Revised Code that it found to apply relative to the 7757
offender. 7758

(b) If it does not impose a prison term for a felony of the 7759
first or second degree or for a felony drug offense that is a 7760
violation of a provision of Chapter 2925. of the Revised Code and 7761
for which a presumption in favor of a prison term is specified as 7762
being applicable, its reasons for not imposing the prison term and 7763
for overriding the presumption, based upon the overriding purposes 7764
and principles of felony sentencing set forth in section 2929.11 7765
of the Revised Code, and the basis of the findings it made under 7766
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 7767

(c) If it imposes consecutive sentences under section 2929.14 7768
of the Revised Code, its reasons for imposing the consecutive 7769
sentences; 7770

(d) If the sentence is for one offense and it imposes a 7771
prison term for the offense that is the maximum prison term 7772
allowed for that offense by division (A) of section 2929.14 of the 7773
Revised Code, its reasons for imposing the maximum prison term; 7774

(e) If the sentence is for two or more offenses arising out 7775
of a single incident and it imposes a prison term for those 7776
offenses that is the maximum prison term allowed for the offense 7777
of the highest degree by division (A) of section 2929.14 of the 7778
Revised Code, its reasons for imposing the maximum prison term. 7779

(3) Subject to division (B)(4) of this section, if the 7780
sentencing court determines at the sentencing hearing that a 7781
prison term is necessary or required, the court shall do all of 7782
the following: 7783

(a) Impose a stated prison term; 7784

(b) Notify the offender that, as part of the sentence, the 7785
parole board may extend the stated prison term for certain 7786
violations of prison rules for up to one-half of the stated prison 7787
term; 7788

(c) Notify the offender that the offender will be supervised 7789
under section 2967.28 of the Revised Code after the offender 7790
leaves prison if the offender is being sentenced for a felony of 7791
the first degree or second degree, for a felony sex offense, or 7792
for a felony of the third degree in the commission of which the 7793
offender caused or threatened to cause physical harm to a person; 7794

(d) Notify the offender that the offender may be supervised 7795
under section 2967.28 of the Revised Code after the offender 7796
leaves prison if the offender is being sentenced for a felony of 7797
the third, fourth, or fifth degree that is not subject to division 7798
(B)(3)(c) of this section; 7799

(e) Notify the offender that, if a period of supervision is 7800
imposed following the offender's release from prison, as described 7801

in division (B)(3)(c) or (d) of this section, and if the offender
violates that supervision or a condition of post-release control
imposed under division (B) of section 2967.131 of the Revised
Code, the parole board may impose a prison term, as part of the
sentence, of up to one-half of the stated prison term originally
imposed upon the offender;

(f) Require that the offender not ingest or be injected with
a drug of abuse and submit to random drug testing as provided in
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever
is applicable to the offender who is serving a prison term, and
require that the results of the drug test administered under any
of those sections indicate that the offender did not ingest or was
not injected with a drug of abuse.

(4) If the offender is being sentenced for a sexually violent
offense that the offender committed on or after January 1, 1997,
and the offender also is convicted of or pleads guilty to a
sexually violent predator specification that was included in the
indictment, count in the indictment, or information charging the
sexually violent offense or if the offender is being sentenced for
a sexually oriented offense that the offender committed on or
after January 1, 1997, and the court imposing the sentence has
determined pursuant to division (B) of section 2950.09 of the
Revised Code that the offender is a sexual predator, the court
shall include in the offender's sentence a statement that the
offender has been adjudicated as being a sexual predator and shall
comply with the requirements of section 2950.03 of the Revised
Code. Additionally, in the circumstances described in division (G)
of section 2929.14 of the Revised Code, the court shall impose
sentence on the offender as described in that division.

(5) If the sentencing court determines at the sentencing
hearing that a community control sanction should be imposed and
the court is not prohibited from imposing a community control

sanction, the court shall impose a community control sanction. The 7834
court shall notify the offender that, if the conditions of the 7835
sanction are violated, if the offender commits a violation of any 7836
law, or if the offender leaves this state without the permission 7837
of the court or the offender's probation officer, the court may 7838
impose a longer time under the same sanction, may impose a more 7839
restrictive sanction, or may impose a prison term on the offender 7840
and shall indicate the specific prison term that may be imposed as 7841
a sanction for the violation, as selected by the court from the 7842
range of prison terms for the offense pursuant to section 2929.14 7843
of the Revised Code. 7844

(6) Before imposing a financial sanction under section 7845
2929.18 of the Revised Code or a fine under section 2929.25 of the 7846
Revised Code, the court shall consider the offender's present and 7847
future ability to pay the amount of the sanction or fine. 7848

(C)(1) If the offender is being sentenced for a fourth degree 7849
felony ~~OMVI~~ OVI offense under division (G)(1) of section 2929.13 7850
of the Revised Code, the court shall impose the mandatory term of 7851
local incarceration in accordance with that division, shall impose 7852
a mandatory fine in accordance with division (B)(3) of section 7853
2929.18 of the Revised Code, and, in addition, may impose 7854
additional sanctions as specified in sections 2929.15, 2929.16, 7855
2929.17, and 2929.18 of the Revised Code. The court shall not 7856
impose a prison term on the offender. 7857

(2) If the offender is being sentenced for a third or fourth 7858
degree felony ~~OMVI~~ OVI offense under division (G)(2) of section 7859
2929.13 of the Revised Code, the court shall impose the mandatory 7860
prison term in accordance with that division, shall impose a 7861
mandatory fine in accordance with division (B)(3) of section 7862
2929.18 of the Revised Code, and, in addition, may impose an 7863
additional prison term as specified in section 2929.14 of the 7864
Revised Code. The court shall not impose any community control 7865

sanction on the offender. 7866

(D) If the sentencing court determines at the sentencing 7867
hearing that an offender is eligible for placement in a program of 7868
shock incarceration under section 5120.031 of the Revised Code or 7869
in an intensive program prison under section 5120.032 of the 7870
Revised Code, the court, pursuant to division (K) of section 7871
2929.14 of the Revised Code, may recommend placement of the 7872
offender in a program of shock incarceration or an intensive 7873
program prison, disapprove placement of the offender in a program 7874
or prison of that nature, or make no recommendation. The court 7875
shall make a finding that gives its reasons for its recommendation 7876
or disapproval. 7877

Sec. 2929.23. (A) As used in this section: 7878

(1) "Electronic monitoring device" means any of the 7879
following: 7880

(a) Any device that can be operated by electrical or battery 7881
power and that conforms with all of the following: 7882

(i) The device has a transmitter that can be attached to a 7883
person, that will transmit a specified signal to a receiver of the 7884
type described in division (A)(1)(a)(ii) of this section if the 7885
transmitter is removed from the person, turned off, or altered in 7886
any manner without prior court approval in relation to 7887
electronically monitored house arrest or electronically monitored 7888
house detention or without prior approval of the department of 7889
rehabilitation and correction in relation to the use of an 7890
electronic monitoring device for an inmate on transitional control 7891
or otherwise is tampered with, that can transmit continuously and 7892
periodically a signal to that receiver when the person is within a 7893
specified distance from the receiver, and that can transmit an 7894
appropriate signal to that receiver if the person to whom it is 7895
attached travels a specified distance from that receiver. 7896

(ii) The device has a receiver that can receive continuously 7897
the signals transmitted by a transmitter of the type described in 7898
division (A)(1)(a)(i) of this section, can transmit continuously 7899
those signals by telephone to a central monitoring computer of the 7900
type described in division (A)(1)(a)(iii) of this section, and can 7901
transmit continuously an appropriate signal to that central 7902
monitoring computer if the receiver is turned off or altered 7903
without prior court approval or otherwise tampered with. 7904

(iii) The device has a central monitoring computer that can 7905
receive continuously the signals transmitted by telephone by a 7906
receiver of the type described in division (A)(1)(a)(ii) of this 7907
section and can monitor continuously the person to whom an 7908
electronic monitoring device of the type described in division 7909
(A)(1)(a) of this section is attached. 7910

(b) Any device that is not a device of the type described in 7911
division (A)(1)(a) of this section and that conforms with all of 7912
the following: 7913

(i) The device includes a transmitter and receiver that can 7914
monitor and determine the location of a subject person at any 7915
time, or at a designated point in time, through the use of a 7916
central monitoring computer or through other electronic means; 7917

(ii) The device includes a transmitter and receiver that can 7918
determine at any time, or at a designated point in time, through 7919
the use of a central monitoring computer or other electronic means 7920
the fact that the transmitter is turned off or altered in any 7921
manner without prior approval of the court in relation to 7922
electronically monitored house arrest or electronically monitored 7923
house detention or without prior approval of the department of 7924
rehabilitation and correction in relation to the use of an 7925
electronic monitoring device for an inmate on transitional control 7926
or otherwise is tampered with. 7927

(c) Any type of technology that can adequately track or 7928
determine the location of a subject person at any time and that is 7929
approved by the director of rehabilitation and correction, 7930
including, but not limited to, any satellite technology, voice 7931
tracking system, or retinal scanning system that is so approved. 7932

(2) "Certified electronic monitoring device" means an 7933
electronic monitoring device that has been certified by the 7934
superintendent of the bureau of criminal identification and 7935
investigation pursuant to division (C)(1) of this section. 7936

(3) "Eligible offender" means a person who has been convicted 7937
of or pleaded guilty to any offense, except that a person is not 7938
an "eligible offender" if any of the following apply in relation 7939
to the person, the offense, or the person and the offense: 7940

(a) The person is subject to or is serving a term of life 7942
imprisonment. 7943

(b) The person is subject to or is serving a mandatory prison 7944
term imposed under division (F) of section 2929.13, division (D) 7945
of section 2929.14, or any other section of the Revised Code, 7946
provided that, after the person has served all of the mandatory 7947
prison terms so imposed, the person may be an eligible offender 7948
unless excluded by division (A)(3)(a), (c) or (d) of this section. 7949

(c) The offense is a ~~violation of division (A) of section~~ 7951
~~4511.19 of the Revised Code~~ fourth degree felony OVI offense, and 7952
the offender is sentenced for that offense pursuant to division 7953
(G)(1) of section 2929.13 of the Revised Code and is serving the 7954
mandatory term of local incarceration of sixty or one hundred 7955
twenty consecutive days of imprisonment imposed under that 7956
division, provided that, after the person has served all of the 7957
mandatory term of local incarceration so imposed, the person may 7958

be an eligible offender unless excluded by division (A)(3)(a), 7959
(b), or (d) of this section. 7960

(d) The offense is a ~~violation of division (A) of section~~ 7961
~~4511.19 of the Revised Code~~ third or fourth degree felony OVI 7962
offense, and the person is sentenced for that offense pursuant to 7963
division (G)(2) of section 2929.13 of the Revised Code. 7964

(4) "Electronically monitored house arrest" means a period of 7965
confinement of an eligible offender in the eligible offender's 7966
home or in other premises specified by the sentencing court or a 7967
period of confinement of a delinquent child in the child's home or 7968
in other premises specified by the juvenile court, during which 7969
period of confinement all of the following apply: 7970

(a) The eligible offender or child wears, otherwise has 7971
attached to the eligible offender's or child's person, or 7972
otherwise is subject to monitoring by a certified electronic 7973
monitoring device, or the eligible offender or child is subject to 7974
monitoring by a certified electronic monitoring system; 7975

(b) The eligible offender or child is required to remain in 7976
the eligible offender's or child's home or other premises 7977
specified by the sentencing court or juvenile court for the 7978
specified period of confinement, except for periods of time during 7979
which the eligible offender or child is at the eligible offender's 7980
place of employment, at school, or at other premises as authorized 7981
by the sentencing court; 7982

(c) The eligible offender or child is subject to monitoring 7983
by a central system that monitors the certified electronic 7984
monitoring device that is attached to the eligible offender's or 7985
child's person or that otherwise is being used to monitor the 7986
eligible offender or child and that can monitor and determine the 7987
eligible offender's or child's location at any time or at a 7988
designated point in time, or the eligible offender or child is 7989
required to participate in monitoring by a certified electronic 7990

monitoring system; 7991

(d) The eligible offender or child is required by the 7992
sentencing court or juvenile court to report periodically to a 7993
person designated by the court; 7994

(e) The eligible offender or child is subject to any other 7995
restrictions and requirements that may be imposed by the 7996
sentencing court or juvenile court. 7997

(5) "Electronic monitoring system" means a system by which 7998
the location of an eligible offender can be verified 7999
telephonically through the use of voice-activated voice response 8000
technology that conforms with all of the following: 8001

(a) It can be programmed to call the telephone or telephones 8002
assigned to the eligible offender who is the subject of the 8003
monitoring as often as necessary; 8004

(b) It is equipped with a voice recognition system that can 8005
work accurately and reliably under the anticipated conditions in 8006
which it will operate; 8007

(c) It is equipped to perform an alarm function if the 8008
eligible offender who is the subject of monitoring does not 8009
respond to system commands in the manner required. 8010

(6) "Certified electronic monitoring system" means an 8011
electronic monitoring system that has been certified by the 8012
superintendent of the bureau of criminal identification and 8013
investigation pursuant to division (C)(1) of this section. 8014

(7) "Transitional control" means the program of transitional 8015
control established by the department of rehabilitation and 8016
correction under section 2967.26 of the Revised Code, if the 8017
department establishes a program of that nature under that 8018
section. 8019

(B)(1) Any court may impose as a sanction pursuant to 8020

sections 2929.15 and 2929.17 of the Revised Code a period of
electronically monitored house arrest upon an eligible offender
who is convicted of or pleads guilty to a felony, except that the
total of any period of electronically monitored house arrest
imposed upon that eligible offender plus the period of all other
sanctions imposed upon the same eligible offender pursuant to
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised
Code shall not exceed five years. Any court may impose a period of
electronically monitored house arrest upon an eligible offender
who is convicted of or pleads guilty to a misdemeanor in addition
to or in lieu of any other sentence imposed or authorized for the
offense, except that the total of any period of electronically
monitored house arrest imposed upon that eligible offender plus
the period of any sentence of imprisonment imposed upon the same
eligible offender shall not exceed the maximum term of
imprisonment that could be imposed upon the eligible offender
pursuant to section 2929.21 of the Revised Code and except that,
if the offense for which an eligible offender is being sentenced
is a violation of division (A) of section 4511.19 or of division
(~~D~~)(~~2~~) (A) of section ~~4507.02~~ 4510.14 of the Revised Code, the
court may impose a period of electronically monitored house arrest
upon the eligible offender only when authorized by and only in the
circumstances described in division ~~(A)~~(~~G~~) of section ~~4511.99~~
4511.19 or division ~~(B)~~(~~C~~) of section ~~4507.99~~ 4510.14 of the
Revised Code.

If a court imposes a period of electronically monitored house
arrest upon an eligible offender, it shall require the eligible
offender to wear, otherwise have attached to the eligible
offender's person, or otherwise be subject to monitoring by a
certified electronic monitoring device or to participate in the
operation of and monitoring by a certified electronic monitoring
system; to remain in the eligible offender's home or other

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specified premises for the entire period of electronically 8053
monitored house arrest except when the court permits the eligible 8054
offender to leave those premises to go to the eligible offender's 8055
place of employment or to other specified premises; to be 8056
monitored by a central system that monitors the certified 8057
electronic monitoring device that is attached to the eligible 8058
offender's person or that otherwise is being used to monitor the 8059
eligible offender and that can monitor and determine the eligible 8060
offender's location at any time or at a designated point in time 8061
or to be monitored by the certified electronic monitoring system; 8062
to report periodically to a person designated by the court; and, 8063
in return for receiving a period of electronically monitored house 8064
arrest, to enter into a written contract with the court agreeing 8065
to comply with all restrictions and requirements imposed by the 8066
court, agreeing to pay any fee imposed by the court for the costs 8067
of the electronically monitored house arrest imposed by the court 8068
pursuant to division (E) of this section, and agreeing to waive 8069
the right to receive credit for any time served on electronically 8070
monitored house arrest toward any prison term or sentence of 8071
imprisonment imposed upon the eligible offender for the offense 8072
for which the period of electronically monitored house arrest was 8073
imposed if the eligible offender violates any of the restrictions 8074
or requirements of the period of electronically monitored house 8075
arrest, and additionally, it may impose any other reasonable 8076
restrictions and requirements upon the eligible offender. 8077

(2) If an eligible offender violates any of the restrictions 8078
or requirements imposed upon the eligible offender as part of the 8079
eligible offender's period of electronically monitored house 8080
arrest, the eligible offender shall not receive credit for any 8081
time served on electronically monitored house arrest toward any 8082
prison term or sentence of imprisonment imposed upon the eligible 8083
offender for the offense for which the period of electronically 8084

monitored house arrest was imposed. 8085

(C)(1) The superintendent of the bureau of criminal 8086
identification and investigation, in accordance with this section 8087
and rules adopted by the superintendent pursuant to division 8088
(C)(2) of this section, shall certify for use in cases of 8089
electronically monitored house arrest and in relation to an inmate 8090
on transitional control specific types and brands of electronic 8091
monitoring devices and electronic monitoring systems that comply 8092
with the requirements of this section, section 5120.073 of the 8093
Revised Code, and those rules. Any manufacturer that, pursuant to 8094
this division, seeks to obtain the certification of any type or 8095
brand of electronic monitoring device or electronic monitoring 8096
system shall submit to the superintendent an application for 8097
certification in accordance with those rules together with the 8098
application fee and costs of certification as required by those 8099
rules. The superintendent shall not certify any electronic 8100
monitoring device or electronic monitoring system pursuant to this 8101
division unless the application fee and costs have been paid to 8102
the superintendent. 8103

(2) The superintendent, in accordance with Chapter 119. of 8104
the Revised Code, shall adopt rules for certifying specific types 8105
and brands of electronic monitoring devices and electronic 8106
monitoring systems for use in electronically monitored house 8107
arrest and in relation to an inmate on transitional control. The 8108
rules shall set forth the requirements for obtaining the 8109
certification, the application fee and other costs for obtaining 8110
the certification, the procedure for applying for certification, 8111
and any other requirements and procedures considered necessary by 8112
the superintendent. The rules shall require that no type or brand 8113
of electronic monitoring device or electronic monitoring system be 8114
certified unless the type or brand of device or system complies 8115
with whichever of the following is applicable, in addition to any 8116

other requirements specified by the superintendent: 8117

(a) For electronic monitoring devices of the type described 8118
in division (A)(1)(a) of this section, the type or brand of device 8119
complies with all of the following: 8120

(i) It has a transmitter of the type described in division 8121
(A)(1)(a)(i) of this section, a receiver of the type described in 8122
division (A)(1)(a)(ii) of this section, and a central monitoring 8123
computer of the type described in division (A)(1)(a)(iii) of this 8124
section; 8125

(ii) Its transmitter can be worn by or attached to a person 8126
with a minimum of discomfort during normal activities, is 8127
difficult to remove, turn off, or otherwise alter without prior 8128
court approval in relation to electronically monitored house 8129
arrest or prior approval of the department of rehabilitation and 8130
correction in relation to the use of an electronic monitoring 8131
device for an inmate on transitional control, and will transmit a 8132
specified signal to the receiver if it is removed, turned off, 8133
altered, or otherwise tampered with; 8134

(iii) Its receiver is difficult to turn off or alter and will 8135
transmit a signal to the central monitoring computer if it is 8136
turned off, altered, or otherwise tampered with; 8137

(iv) Its central monitoring computer is difficult to 8138
circumvent; 8139

(v) Its transmitter, receiver, and central monitoring 8140
computer work accurately and reliably under the anticipated 8141
conditions under which electronically monitored house arrest will 8142
be imposed by courts or under which an electronic monitoring 8143
device will be used by the department of rehabilitation and 8144
correction in relation to an inmate on transitional control; 8145

(vi) It has a backup battery power supply that operates 8146
automatically when the main source of electrical or battery power 8147

for the device fails. 8148

(b) For electronic monitoring devices of the type described 8149
in division (A)(1)(b) of this section, the type or brand of device 8150
complies with all of the following: 8151

(i) It has a transmitter and receiver of the type described 8152
in divisions (A)(1)(b)(i) and (ii) of this section. 8153

(ii) Its transmitter is difficult to turn off or alter 8154
without prior court approval in relation to electronically 8155
monitored house arrest or without prior approval of the department 8156
of rehabilitation and correction in relation to the use of an 8157
electronic monitoring device for an inmate on transitional 8158
control, and, if the transmitter is turned off or altered in any 8159
manner without prior approval of the court or department or 8160
otherwise is tampered with, the fact that it has been turned off, 8161
altered, or tampered with can be determined at any time, or at a 8162
designated point in time, through the use of a central monitoring 8163
computer or through other electronic means. 8164

(iii) Its receiver is difficult to turn off or alter, and, if 8165
the receiver is turned off, altered, or otherwise tampered with, 8166
the fact that it has been turned off, altered, or tampered with 8167
can be determined at any time, or at a designated point in time, 8168
through the use of a central monitoring computer or through other 8169
electronic means. 8170

(iv) Its central monitoring computer or other means of 8171
electronic monitoring is difficult to circumvent. 8172

(v) Its transmitter, receiver, and central monitoring 8173
computer or other means of electronic monitoring work accurately 8174
and reliably under the anticipated conditions under which 8175
electronically monitored house arrest will be used, or under which 8176
an electronic monitoring device will be used by the department of 8177
rehabilitation and correction in relation to an inmate on 8178

transitional control. 8179

(vi) If it operates on electrical or battery power, it has a 8180
backup battery power supply that operates automatically when the 8181
main source of electrical or battery power for the device fails, 8182
or, if it does not operate on electrical or battery power, it has 8183
a backup method of operation so that it will continue to operate 8184
if its main method of operation fails. 8185

(c) For electronic monitoring systems, the type or brand of 8186
system complies with all of the following: 8187

(i) It can be programmed to call the telephone or telephones 8188
assigned to the person who is the subject of the monitoring as 8189
often as necessary; 8190

(ii) It is equipped with a voice recognition system that can 8191
work accurately and reliably under the anticipated conditions in 8192
which it will operate; 8193

(iii) It is equipped to perform an alarm function if the 8194
person who is the subject of the monitoring does not respond to 8195
system commands in the manner required. 8196

(3) The superintendent shall publish and make available to 8197
all courts and to the department of rehabilitation and correction, 8198
without charge, a list of all types and brands of electronic 8199
monitoring devices and electronic monitoring systems that have 8200
been certified by the superintendent pursuant to division (C)(1) 8201
of this section and information about the manufacturers of the 8202
certified devices and systems and places at which the devices and 8203
systems can be obtained. 8204

(D) The superintendent of the bureau of criminal 8205
identification and investigation shall deposit all costs and fees 8206
collected pursuant to division (C) of this section into the 8207
general revenue fund. 8208

(E)(1) Each county in which is located a court that imposes a period of electronically monitored house arrest as a sentencing sanction or alternative may establish in the county treasury an electronically monitored house arrest fund. The clerk of each court that uses that sentencing sanction or alternative may deposit into the fund all fees collected from eligible offenders upon whom electronically monitored house arrest is imposed pursuant to this section, section 2152.19, or any other section of the Revised Code that specifically authorizes the imposition of electronically monitored house arrest. Each court that imposes electronically monitored house arrest may adopt by local court rule a reasonable daily fee to be paid by each eligible offender upon whom a period of electronically monitored house arrest is imposed as a sentencing sanction or alternative. The fee may include the actual costs of providing house arrest and an additional amount necessary to enable the court to provide electronically monitored house arrest to indigent eligible offenders. The fund may be used only for the payment of the costs of electronically monitored house arrest, including, but not limited to, the costs of electronically monitored house arrest for indigent eligible offenders.

(2) If a fee is adopted pursuant to division (E)(1) of this section, it shall be in addition to any fine specifically authorized or required by any other section of the Revised Code for an eligible offender upon whom a period of electronically monitored house arrest is imposed as a sentencing sanction or alternative.

Sec. 2929.41. (A) Except as provided in division (B) of this section, division (E) of section 2929.14, or division (D) or (E) of section 2971.03 of the Revised Code, a sentence of imprisonment shall be served concurrently with any other sentence of imprisonment imposed by a court of this state, another state, or

the United States. Except as provided in division (B)~~(2)~~(3) of 8241
this section, a sentence of imprisonment for misdemeanor shall be 8242
served concurrently with a prison term or sentence of imprisonment 8243
for felony served in a state or federal correctional institution. 8244

(B)(1) A sentence of imprisonment for a misdemeanor shall be 8245
served consecutively to any other sentence of imprisonment when 8246
the trial court specifies that it is to be served consecutively or 8247
when it is imposed for a misdemeanor violation of section 8248
2907.322, 2921.34, or 2923.131 of the Revised Code. 8249

When consecutive sentences of imprisonment are imposed for 8250
misdemeanor under this division, the term to be served is the 8251
aggregate of the consecutive terms imposed, except that the 8252
aggregate term to be served shall not exceed eighteen months. 8253

~~(3)~~(2) If a court of this state imposes a prison term upon 8254
the offender for the commission of a felony and a court of another 8255
state or the United States also has imposed a prison term upon the 8256
offender for the commission of a felony, the court of this state 8257
may order that the offender serve the prison term it imposes 8258
consecutively to any prison term imposed upon the offender by the 8259
court of another state or the United States. 8260

~~(2)~~(3) A sentence of imprisonment imposed for a misdemeanor 8261
violation of section 4510.11, 4510.14, 4510.16, 4510.21, or 8262
4511.19 ~~or division (B)(1), (C), (D)(1), or (D)(2) of section~~ 8263
~~4507.02~~ of the Revised Code shall be served consecutively to a 8264
prison term that is imposed for a felony violation of section 8265
2903.06, 2903.07, 2903.08, or 4511.19 of the Revised Code or a 8266
felony violation of section 2903.04 of the Revised Code involving 8267
the operation of a motor vehicle by the offender and that is 8268
served in a state correctional institution when the trial court 8269
specifies that it is to be served consecutively. 8270

When consecutive sentences of imprisonment and prison terms 8271

are imposed for one or more misdemeanors and one or more felonies 8272
under this division, the term to be served is the aggregate of the 8273
consecutive terms imposed, and the offender shall serve all terms 8274
imposed for a felony before serving any term imposed for a 8275
misdemeanor. 8276

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 8277
deputy marshal, municipal police officer, township constable, 8278
police officer of a township or joint township police district, 8279
member of a police force employed by a metropolitan housing 8280
authority under division (D) of section 3735.31 of the Revised 8281
Code, member of a police force employed by a regional transit 8282
authority under division (Y) of section 306.35 of the Revised 8283
Code, state university law enforcement officer appointed under 8284
section 3345.04 of the Revised Code, Ohio veterans' home police 8285
officer appointed under section 5907.02 of the Revised Code, or 8286
special police officer employed by a port authority under section 8287
4582.04 or 4582.28 of the Revised Code shall arrest and detain, 8288
until a warrant can be obtained, a person found violating, within 8289
the limits of the political subdivision, metropolitan housing 8290
authority housing project, regional transit authority facilities 8291
or areas of a municipal corporation that have been agreed to by a 8292
regional transit authority and a municipal corporation located 8293
within its territorial jurisdiction, college, university, Ohio 8294
veterans' home, or port authority in which the peace officer is 8295
appointed, employed, or elected, a law of this state, an ordinance 8296
of a municipal corporation, or a resolution of a township. 8297

(2) A peace officer of the department of natural resources or 8298
an individual designated to perform law enforcement duties under 8299
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 8300
arrest and detain, until a warrant can be obtained, a person found 8301
violating, within the limits of the peace officer's or 8302
individual's territorial jurisdiction, a law of this state. 8303

(3) The house sergeant at arms if the house sergeant at arms 8304
has arrest authority pursuant to division (E)(1) of section 8305
101.311 of the Revised Code and an assistant house sergeant at 8306
arms shall arrest and detain, until a warrant can be obtained, a 8307
person found violating, within the limits of the sergeant at ~~arm's~~ 8308
arms's or assistant sergeant at ~~arm's~~ arms's territorial 8309
jurisdiction specified in division (D)(1)(a) of section 101.311 of 8310
the Revised Code or while providing security pursuant to division 8311
(D)(1)(f) of section 101.311 of the Revised Code, a law of this 8312
state, an ordinance of a municipal corporation, or a resolution of 8313
a township. 8314

(B)(1) When there is reasonable ground to believe that an 8315
offense of violence, the offense of criminal child enticement as 8316
defined in section 2905.05 of the Revised Code, the offense of 8317
public indecency as defined in section 2907.09 of the Revised 8318
Code, the offense of domestic violence as defined in section 8319
2919.25 of the Revised Code, the offense of violating a protection 8320
order as defined in section 2919.27 of the Revised Code, the 8321
offense of menacing by stalking as defined in section 2903.211 of 8322
the Revised Code, the offense of aggravated trespass as defined in 8323
section 2911.211 of the Revised Code, a theft offense as defined 8324
in section 2913.01 of the Revised Code, or a felony drug abuse 8325
offense as defined in section 2925.01 of the Revised Code, has 8326
been committed within the limits of the political subdivision, 8327
metropolitan housing authority housing project, regional transit 8328
authority facilities or those areas of a municipal corporation 8329
that have been agreed to by a regional transit authority and a 8330
municipal corporation located within its territorial jurisdiction, 8331
college, university, Ohio veterans' home, or port authority in 8332
which the peace officer is appointed, employed, or elected or 8333
within the limits of the territorial jurisdiction of the peace 8334
officer, a peace officer described in division (A) of this section 8335

may arrest and detain until a warrant can be obtained any person 8336
who the peace officer has reasonable cause to believe is guilty of 8337
the violation. 8338

(2) For purposes of division (B)(1) of this section, the 8339
execution of any of the following constitutes reasonable ground to 8340
believe that the offense alleged in the statement was committed 8341
and reasonable cause to believe that the person alleged in the 8342
statement to have committed the offense is guilty of the 8343
violation: 8344

(a) A written statement by a person alleging that an alleged 8345
offender has committed the offense of menacing by stalking or 8346
aggravated trespass; 8347

(b) A written statement by the administrator of the 8348
interstate compact on mental health appointed under section 8349
5119.51 of the Revised Code alleging that a person who had been 8350
hospitalized, institutionalized, or confined in any facility under 8351
an order made pursuant to or under authority of section 2945.37, 8352
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 8353
Revised Code has escaped from the facility, from confinement in a 8354
vehicle for transportation to or from the facility, or from 8355
supervision by an employee of the facility that is incidental to 8356
hospitalization, institutionalization, or confinement in the 8357
facility and that occurs outside of the facility, in violation of 8358
section 2921.34 of the Revised Code; 8359

(c) A written statement by the administrator of any facility 8360
in which a person has been hospitalized, institutionalized, or 8361
confined under an order made pursuant to or under authority of 8362
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 8363
2945.402 of the Revised Code alleging that the person has escaped 8364
from the facility, from confinement in a vehicle for 8365
transportation to or from the facility, or from supervision by an 8366
employee of the facility that is incidental to hospitalization, 8367

institutionalization, or confinement in the facility and that 8368
occurs outside of the facility, in violation of section 2921.34 of 8369
the Revised Code. 8370

(3)(a) For purposes of division (B)(1) of this section, a 8371
peace officer described in division (A) of this section has 8372
reasonable grounds to believe that the offense of domestic 8373
violence or the offense of violating a protection order has been 8374
committed and reasonable cause to believe that a particular person 8375
is guilty of committing the offense if any of the following 8376
occurs: 8377

(i) A person executes a written statement alleging that the 8378
person in question has committed the offense of domestic violence 8379
or the offense of violating a protection order against the person 8380
who executes the statement or against a child of the person who 8381
executes the statement. 8382

(ii) No written statement of the type described in division 8383
(B)(3)(a)(i) of this section is executed, but the peace officer, 8384
based upon the peace officer's own knowledge and observation of 8385
the facts and circumstances of the alleged incident of the offense 8386
of domestic violence or the alleged incident of the offense of 8387
violating a protection order or based upon any other information, 8388
including, but not limited to, any reasonably trustworthy 8389
information given to the peace officer by the alleged victim of 8390
the alleged incident of the offense or any witness of the alleged 8391
incident of the offense, concludes that there are reasonable 8392
grounds to believe that the offense of domestic violence or the 8393
offense of violating a protection order has been committed and 8394
reasonable cause to believe that the person in question is guilty 8395
of committing the offense. 8396

(iii) No written statement of the type described in division 8397
(B)(3)(a)(i) of this section is executed, but the peace officer 8398
witnessed the person in question commit the offense of domestic 8399

violence or the offense of violating a protection order. 8400

(b) If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense, it is the preferred course of action in this state that the officer arrest and detain that person pursuant to division (B)(1) of this section until a warrant can be obtained. 8401
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If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that family or household members have committed the offense against each other, it is the preferred course of action in this state that the officer, pursuant to division (B)(1) of this section, arrest and detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B)(1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor. 8409
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(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division 8427
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(B)(3)(b) of this section that the officer arrest that person, the 8432
officer shall articulate in the written report of the incident 8433
required by section 2935.032 of the Revised Code a clear statement 8434
of the officer's reasons for not arresting and detaining that 8435
person until a warrant can be obtained. 8436

(d) In determining for purposes of division (B)(3)(b) of this 8437
section which family or household member is the primary physical 8438
aggressor in a situation in which family or household members have 8439
committed the offense of domestic violence or the offense of 8440
violating a protection order against each other, a peace officer 8441
described in division (A) of this section, in addition to any 8442
other relevant circumstances, should consider all of the 8443
following: 8444

(i) Any history of domestic violence or of any other violent 8445
acts by either person involved in the alleged offense that the 8446
officer reasonably can ascertain; 8447

(ii) If violence is alleged, whether the alleged violence was 8448
caused by a person acting in self-defense; 8449

(iii) Each person's fear of physical harm, if any, resulting 8450
from the other person's threatened use of force against any person 8451
or resulting from the other person's use or history of the use of 8452
force against any person, and the reasonableness of that fear; 8453

(iv) The comparative severity of any injuries suffered by the 8454
persons involved in the alleged offense. 8455

(e)(i) A peace officer described in division (A) of this 8456
section shall not require, as a prerequisite to arresting or 8457
charging a person who has committed the offense of domestic 8458
violence or the offense of violating a protection order, that the 8459
victim of the offense specifically consent to the filing of 8460
charges against the person who has committed the offense or sign a 8461
complaint against the person who has committed the offense. 8462

(ii) If a person is arrested for or charged with committing 8463
the offense of domestic violence or the offense of violating a 8464
protection order and if the victim of the offense does not 8465
cooperate with the involved law enforcement or prosecuting 8466
authorities in the prosecution of the offense or, subsequent to 8467
the arrest or the filing of the charges, informs the involved law 8468
enforcement or prosecuting authorities that the victim does not 8469
wish the prosecution of the offense to continue or wishes to drop 8470
charges against the alleged offender relative to the offense, the 8471
involved prosecuting authorities, in determining whether to 8472
continue with the prosecution of the offense or whether to dismiss 8473
charges against the alleged offender relative to the offense and 8474
notwithstanding the victim's failure to cooperate or the victim's 8475
wishes, shall consider all facts and circumstances that are 8476
relevant to the offense, including, but not limited to, the 8477
statements and observations of the peace officers who responded to 8478
the incident that resulted in the arrest or filing of the charges 8479
and of all witnesses to that incident. 8480

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 8481
this section whether to arrest a person pursuant to division 8482
(B)(1) of this section, a peace officer described in division (A) 8483
of this section shall not consider as a factor any possible 8484
shortage of cell space at the detention facility to which the 8485
person will be taken subsequent to the person's arrest or any 8486
possibility that the person's arrest might cause, contribute to, 8487
or exacerbate overcrowding at that detention facility or at any 8488
other detention facility. 8489

(g) If a peace officer described in division (A) of this 8490
section intends pursuant to divisions (B)(3)(a) to (g) of this 8491
section to arrest a person pursuant to division (B)(1) of this 8492
section and if the officer is unable to do so because the person 8493
is not present, the officer promptly shall seek a warrant for the 8494

arrest of the person. 8495

(h) If a peace officer described in division (A) of this 8496
section responds to a report of an alleged incident of the offense 8497
of domestic violence or an alleged incident of the offense of 8498
violating a protection order and if the circumstances of the 8499
incident involved the use or threatened use of a deadly weapon or 8500
any person involved in the incident brandished a deadly weapon 8501
during or in relation to the incident, the deadly weapon that was 8502
used, threatened to be used, or brandished constitutes contraband, 8503
and, to the extent possible, the officer shall seize the deadly 8504
weapon as contraband pursuant to section 2933.43 of the Revised 8505
Code. Upon the seizure of a deadly weapon pursuant to division 8506
(B)(3)(h) of this section, section 2933.43 of the Revised Code 8507
shall apply regarding the treatment and disposition of the deadly 8508
weapon. For purposes of that section, the "underlying criminal 8509
offense" that was the basis of the seizure of a deadly weapon 8510
under division (B)(3)(h) of this section and to which the deadly 8511
weapon had a relationship is any of the following that is 8512
applicable: 8513

(i) The alleged incident of the offense of domestic violence 8514
or the alleged incident of the offense of violating a protection 8515
order to which the officer who seized the deadly weapon responded; 8516

(ii) Any offense that arose out of the same facts and 8517
circumstances as the report of the alleged incident of the offense 8518
of domestic violence or the alleged incident of the offense of 8519
violating a protection order to which the officer who seized the 8520
deadly weapon responded. 8521

(4) If, in the circumstances described in divisions (B)(3)(a) 8522
to (g) of this section, a peace officer described in division (A) 8523
of this section arrests and detains a person pursuant to division 8524
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 8525
this section, a peace officer described in division (A) of this 8526

section seizes a deadly weapon, the officer, to the extent 8527
described in and in accordance with section 9.86 or 2744.03 of the 8528
Revised Code, is immune in any civil action for damages for 8529
injury, death, or loss to person or property that arises from or 8530
is related to the arrest and detention or the seizure. 8531

(C) When there is reasonable ground to believe that a 8532
violation of division (A)(1), ~~(B)(2)~~, or ~~(C)(3)~~ of section 4506.15 8533
or a violation of section 4511.19 of the Revised Code has been 8534
committed by a person operating a motor vehicle subject to 8535
regulation by the public utilities commission of Ohio under Title 8536
XLIX of the Revised Code, a peace officer with authority to 8537
enforce that provision of law may stop or detain the person whom 8538
the officer has reasonable cause to believe was operating the 8539
motor vehicle in violation of the division or section and, after 8540
investigating the circumstances surrounding the operation of the 8541
vehicle, may arrest and detain the person. 8542

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 8543
municipal police officer, member of a police force employed by a 8544
metropolitan housing authority under division (D) of section 8545
3735.31 of the Revised Code, member of a police force employed by 8546
a regional transit authority under division (Y) of section 306.35 8547
of the Revised Code, special police officer employed by a port 8548
authority under section 4582.04 or 4582.28 of the Revised Code, 8549
township constable, police officer of a township or joint township 8550
police district, state university law enforcement officer 8551
appointed under section 3345.04 of the Revised Code, peace officer 8552
of the department of natural resources, individual designated to 8553
perform law enforcement duties under section 511.232, 1545.13, or 8554
6101.75 of the Revised Code, the house sergeant at arms if the 8555
house sergeant at arms has arrest authority pursuant to division 8556
(E)(1) of section 101.311 of the Revised Code, or an assistant 8557
house sergeant at arms is authorized by division (A) or (B) of 8558

this section to arrest and detain, within the limits of the 8559
political subdivision, metropolitan housing authority housing 8560
project, regional transit authority facilities or those areas of a 8561
municipal corporation that have been agreed to by a regional 8562
transit authority and a municipal corporation located within its 8563
territorial jurisdiction, port authority, college, or university 8564
in which the officer is appointed, employed, or elected or within 8565
the limits of the territorial jurisdiction of the peace officer, a 8566
person until a warrant can be obtained, the peace officer, outside 8567
the limits of that territory, may pursue, arrest, and detain that 8568
person until a warrant can be obtained if all of the following 8569
apply: 8570

(1) The pursuit takes place without unreasonable delay after 8571
the offense is committed; 8572

(2) The pursuit is initiated within the limits of the 8573
political subdivision, metropolitan housing authority housing 8574
project, regional transit authority facilities or those areas of a 8575
municipal corporation that have been agreed to by a regional 8576
transit authority and a municipal corporation located within its 8577
territorial jurisdiction, port authority, college, or university 8578
in which the peace officer is appointed, employed, or elected or 8579
within the limits of the territorial jurisdiction of the peace 8580
officer; 8581

(3) The offense involved is a felony, a misdemeanor of the 8582
first degree or a substantially equivalent municipal ordinance, a 8583
misdemeanor of the second degree or a substantially equivalent 8584
municipal ordinance, or any offense for which points are 8585
chargeable pursuant to ~~division (G) of section 4507.021~~ 4510.036 8586
of the Revised Code. 8587

(E) In addition to the authority granted under division (A) 8588
or (B) of this section: 8589

(1) A sheriff or deputy sheriff may arrest and detain, until 8590
a warrant can be obtained, any person found violating section 8591
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 8592
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 8593
portion of any street or highway that is located immediately 8594
adjacent to the boundaries of the county in which the sheriff or 8595
deputy sheriff is elected or appointed. 8596

(2) A member of the police force of a township police 8597
district created under section 505.48 of the Revised Code, a 8598
member of the police force of a joint township police district 8599
created under section 505.481 of the Revised Code, or a township 8600
constable appointed in accordance with section 509.01 of the 8601
Revised Code, who has received a certificate from the Ohio peace 8602
officer training commission under section 109.75 of the Revised 8603
Code, may arrest and detain, until a warrant can be obtained, any 8604
person found violating any section or chapter of the Revised Code 8605
listed in division (E)(1) of this section, other than sections 8606
4513.33 and 4513.34 of the Revised Code, on the portion of any 8607
street or highway that is located immediately adjacent to the 8608
boundaries of the township police district or joint township 8609
police district, in the case of a member of a township police 8610
district or joint township police district police force, or the 8611
unincorporated territory of the township, in the case of a 8612
township constable. However, if the population of the township 8613
that created the township police district served by the member's 8614
police force, or the townships that created the joint township 8615
police district served by the member's police force, or the 8616
township that is served by the township constable, is sixty 8617
thousand or less, the member of the township police district or 8618
joint police district police force or the township constable may 8619
not make an arrest under division (E)(2) of this section on a 8620
state highway that is included as part of the interstate system. 8621

(3) A police officer or village marshal appointed, elected, 8622
or employed by a municipal corporation may arrest and detain, 8623
until a warrant can be obtained, any person found violating any 8624
section or chapter of the Revised Code listed in division (E)(1) 8625
of this section on the portion of any street or highway that is 8626
located immediately adjacent to the boundaries of the municipal 8627
corporation in which the police officer or village marshal is 8628
appointed, elected, or employed. 8629

(4) A peace officer of the department of natural resources or 8630
an individual designated to perform law enforcement duties under 8631
section 511.232, 1545.13, or 6101.75 of the Revised Code may 8632
arrest and detain, until a warrant can be obtained, any person 8633
found violating any section or chapter of the Revised Code listed 8634
in division (E)(1) of this section, other than sections 4513.33 8635
and 4513.34 of the Revised Code, on the portion of any street or 8636
highway that is located immediately adjacent to the boundaries of 8637
the lands and waters that constitute the territorial jurisdiction 8638
of the peace officer. 8639

(F)(1) A department of mental health special police officer 8640
or a department of mental retardation and developmental 8641
disabilities special police officer may arrest without a warrant 8642
and detain until a warrant can be obtained any person found 8643
committing on the premises of any institution under the 8644
jurisdiction of the particular department a misdemeanor under a 8645
law of the state. 8646

A department of mental health special police officer or a 8647
department of mental retardation and developmental disabilities 8648
special police officer may arrest without a warrant and detain 8649
until a warrant can be obtained any person who has been 8650
hospitalized, institutionalized, or confined in an institution 8651
under the jurisdiction of the particular department pursuant to or 8652
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 8653

2945.40, 2945.401, or 2945.402 of the Revised Code and who is 8654
found committing on the premises of any institution under the 8655
jurisdiction of the particular department a violation of section 8656
2921.34 of the Revised Code that involves an escape from the 8657
premises of the institution. 8658

(2)(a) If a department of mental health special police 8659
officer or a department of mental retardation and developmental 8660
disabilities special police officer finds any person who has been 8661
hospitalized, institutionalized, or confined in an institution 8662
under the jurisdiction of the particular department pursuant to or 8663
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 8664
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 8665
violation of section 2921.34 of the Revised Code that involves an 8666
escape from the premises of the institution, or if there is 8667
reasonable ground to believe that a violation of section 2921.34 8668
of the Revised Code has been committed that involves an escape 8669
from the premises of an institution under the jurisdiction of the 8670
department of mental health or the department of mental 8671
retardation and developmental disabilities and if a department of 8672
mental health special police officer or a department of mental 8673
retardation and developmental disabilities special police officer 8674
has reasonable cause to believe that a particular person who has 8675
been hospitalized, institutionalized, or confined in the 8676
institution pursuant to or under authority of section 2945.37, 8677
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 8678
Revised Code is guilty of the violation, the special police 8679
officer, outside of the premises of the institution, may pursue, 8680
arrest, and detain that person for that violation of section 8681
2921.34 of the Revised Code, until a warrant can be obtained, if 8682
both of the following apply: 8683

(i) The pursuit takes place without unreasonable delay after 8684
the offense is committed; 8685

(ii) The pursuit is initiated within the premises of the 8686
institution from which the violation of section 2921.34 of the 8687
Revised Code occurred. 8688

(b) For purposes of division (F)(2)(a) of this section, the 8689
execution of a written statement by the administrator of the 8690
institution in which a person had been hospitalized, 8691
institutionalized, or confined pursuant to or under authority of 8692
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 8693
2945.402 of the Revised Code alleging that the person has escaped 8694
from the premises of the institution in violation of section 8695
2921.34 of the Revised Code constitutes reasonable ground to 8696
believe that the violation was committed and reasonable cause to 8697
believe that the person alleged in the statement to have committed 8698
the offense is guilty of the violation. 8699

(G) As used in this section: 8700

(1) A "department of mental health special police officer" 8701
means a special police officer of the department of mental health 8702
designated under section 5119.14 of the Revised Code who is 8703
certified by the Ohio peace officer training commission under 8704
section 109.77 of the Revised Code as having successfully 8705
completed an approved peace officer basic training program. 8706

(2) A "department of mental retardation and developmental 8707
disabilities special police officer" means a special police 8708
officer of the department of mental retardation and developmental 8709
disabilities designated under section 5123.13 of the Revised Code 8710
who is certified by the Ohio peace officer training council under 8711
section 109.77 of the Revised Code as having successfully 8712
completed an approved peace officer basic training program. 8713

(3) "Deadly weapon" has the same meaning as in section 8714
2923.11 of the Revised Code. 8715

(4) "Family or household member" has the same meaning as in 8716

section 2919.25 of the Revised Code. 8717

(5) "Street" or "highway" has the same meaning as in section 8718
4511.01 of the Revised Code. 8719

(6) "Interstate system" has the same meaning as in section 8720
5516.01 of the Revised Code. 8721

(7) "Peace officer of the department of natural resources" 8722
means an employee of the department of natural resources who is a 8723
natural resources law enforcement staff officer designated 8724
pursuant to section 1501.013, a forest officer designated pursuant 8725
to section 1503.29, a preserve officer designated pursuant to 8726
section 1517.10, a wildlife officer designated pursuant to section 8727
1531.13, a park officer designated pursuant to section 1541.10, or 8728
a state watercraft officer designated pursuant to section 1547.521 8729
of the Revised Code. 8730

Sec. 2935.27. (A)(1) If a law enforcement officer issues a 8731
citation to a person pursuant to section 2935.26 of the Revised 8732
Code and if the minor misdemeanor offense for which the citation 8733
is issued is an act prohibited by Chapter 4511., 4513., or 4549. 8734
of the Revised Code or an act prohibited by any municipal 8735
ordinance that is substantially similar to any section contained 8736
in Chapter 4511., 4513., or 4549. of the Revised Code, the officer 8737
shall inform the person, if the person has a current valid Ohio 8738
driver's or commercial driver's license, of the possible 8739
consequences of the person's actions as required under division 8740
(E) of this section, and also shall inform the person that the 8741
person is required either to appear at the time and place stated 8742
in the citation or to comply with division (C) of section 2935.26 8743
of the Revised Code. 8744

(2) If the person is an Ohio resident ~~who~~ but does not have a 8745
current valid Ohio driver's or commercial driver's license or if 8746
the person is a resident of a state that is not a member of the 8747

nonresident violator compact, of which this state is a member 8748
pursuant to section ~~4511.95~~ 4510.71 of the Revised Code, the 8749
~~officer shall bring the person before the court with which the~~ 8750
~~citation is required to be filed, by local rule, may prescribe a~~ 8751
procedure for the setting of a reasonable security ~~by the court~~ 8752
pursuant to division (F) of this section. As an alternative to 8753
this procedure, that court by local rule may prescribe a procedure 8754
for the setting of a reasonable security by the person without the 8755
person appearing before the court. 8756

(B) A person who ~~appears before a court to have~~ has security 8757
set under division (A)(2) of this section shall be given a receipt 8758
or other evidence of the deposit of the security by the court. 8759

(C) Upon compliance with division (C) of section 2935.26 of 8760
the Revised Code by a person who was issued a citation, the clerk 8761
of the court shall notify the court. The court shall immediately 8762
return any sum of money, license, or other security deposited in 8763
relation to the citation to the person, or to any other person who 8764
deposited the security. 8765

(D) If a person who has a current valid Ohio driver's or 8766
commercial driver's license and who was issued a citation fails to 8767
appear at the time and place specified on the citation, fails to 8768
comply with division (C) of section 2935.26 of the Revised Code, 8769
or fails to comply with or satisfy any judgment of the court 8770
within the time allowed by the court, the court shall declare the 8771
~~forfeiture~~ suspension of the person's license. Thirty days after 8772
the declaration of ~~forfeiture~~, the court shall enter information 8773
relative to the ~~forfeiture~~ suspension on a form approved and 8774
furnished by the registrar of motor vehicles, and forward the form 8775
to the registrar. The registrar shall suspend the person's 8776
driver's or commercial driver's license, send written notification 8777
of the suspension to the person at the person's last known 8778
address, and order the person to surrender the person's driver's 8779

or commercial driver's license to the registrar within forty-eight 8780
hours. No valid driver's or commercial driver's license shall be 8781
granted to the person until the court having jurisdiction of the 8782
offense that led to the suspension orders that the ~~forfeiture~~ 8783
suspension be terminated. The court shall so order if the person, 8784
after having failed to appear in court at the required time and 8785
place to answer the charge or after having pleaded guilty to or 8786
been found guilty of the violation and having failed within the 8787
time allowed by the court to pay the fine imposed by the court, 8788
thereafter appears to answer the charge and pays any fine imposed 8789
by the court or pays the fine originally imposed by the court. The 8790
court shall inform the registrar of the termination of the 8791
~~forfeiture~~ suspension by entering information relative to the 8792
termination on a form approved and furnished by the registrar and 8793
sending the form to the registrar as provided in this division. 8794
~~The court also shall charge and collect from the person~~ shall pay 8795
to the bureau of motor vehicles a fifteen-dollar processing fee to 8796
cover the costs of the bureau ~~of motor vehicles~~ in administering 8797
this section. ~~The clerk of the court shall transmit monthly all~~ 8798
~~such processing fees to the registrar for~~ shall deposit the fees 8799
so paid into the state bureau of motor vehicles fund created by 8800
section 4501.25 of the Revised Code. 8801

In addition, upon receipt of the copy of the declaration of 8802
~~forfeiture~~ suspension from the court, neither the registrar nor 8803
any deputy registrar shall accept any application for the 8804
registration or transfer of registration of any motor vehicle 8805
owned or leased by the person named in the declaration of 8806
~~forfeiture~~ suspension until the court having jurisdiction of the 8807
offense that led to the ~~forfeiture~~ suspension orders that the 8808
~~forfeiture~~ suspension be terminated. However, for a motor vehicle 8809
leased by a person named in a declaration of ~~forfeiture~~ 8810
suspension, the registrar shall not implement the preceding 8811
sentence until the registrar adopts procedures for that 8812

implementation under section 4503.39 of the Revised Code. Upon 8813
receipt by the registrar of an order terminating the ~~forfeiture~~ 8814
suspension, the registrar shall take such measures as may be 8815
necessary to permit the person to register a motor vehicle owned 8816
or leased by the person or to transfer the registration of such a 8817
motor vehicle, if the person later makes application to take such 8818
action and the person otherwise is eligible to register the motor 8819
vehicle or to transfer the registration of it. 8820

The registrar is not required to give effect to any 8821
declaration of ~~forfeiture~~ suspension or order terminating a 8822
~~forfeiture~~ suspension unless the order is transmitted to the 8823
registrar by means of an electronic transfer system. 8824

If the person who was issued the citation fails to appear at 8825
the time and place specified on the citation and fails to comply 8826
with division (C) of section 2935.26 of the Revised Code and the 8827
person has deposited a sum of money or other security in relation 8828
to the citation under division (A)(2) of this section, the deposit 8829
immediately shall be forfeited to the court. 8830

This section does not preclude further action as authorized 8831
by division (F) of section 2935.26 of the Revised Code. 8832

(E) A law enforcement officer who issues a person a minor 8833
misdemeanor citation for an act prohibited by Chapter 4511., 8834
4513., or 4549. of the Revised Code or an act prohibited by a 8835
municipal ordinance that is substantially similar to any section 8836
contained in Chapter 4511., 4513., or 4549. of the Revised Code 8837
shall inform the person that if the person does not appear at the 8838
time and place stated on the citation or does not comply with 8839
division (C) of section 2935.26 of the Revised Code, the person's 8840
driver's or commercial driver's license will be suspended, the 8841
person will not be eligible for the reissuance of the license or 8842
the issuance of a new license or the issuance of a certificate of 8843
registration for a motor vehicle owned or leased by the person, 8844

until the person appears and complies with all orders of the 8845
court. The person also is subject to any applicable criminal 8846
penalties. 8847

(F) A court setting security under division (A)(2) of this 8848
section shall do so in conformity with sections 2937.22 and 8849
2937.23 of the Revised Code and the Rules of Criminal Procedure. 8850

Sec. 2937.221. (A) A person arrested without warrant for any 8851
violation listed in division (B) of this section, and having a 8852
current valid Ohio driver's or commercial driver's license, if the 8853
person has been notified of the possible consequences of the 8854
person's actions as required by division (C) of this section, may 8855
post bond by depositing the license with the arresting officer if 8856
the officer and person so choose, or with the local court having 8857
jurisdiction if the court and person so choose. The license may be 8858
used as bond only during the period for which it is valid. 8859

When an arresting officer accepts the driver's or commercial 8860
driver's license as bond, the officer shall note the date, time, 8861
and place of the court appearance on "the violator's notice to 8862
appear," and the notice shall serve as a valid Ohio driver's or 8863
commercial driver's license until the date and time appearing 8864
thereon. The arresting officer immediately shall forward the 8865
license to the appropriate court. 8866

When a local court accepts the license as bond or continues 8867
the case to another date and time, it shall provide the person 8868
with a card in a form approved by the registrar of motor vehicles 8869
setting forth the license number, name, address, the date and time 8870
of the court appearance, and a statement that the license is being 8871
held as bond. The card shall serve as a valid license until the 8872
date and time contained in the card. 8873

The court may accept other bond at any time and return the 8874
license to the person. The court shall return the license to the 8875

person when judgment is satisfied, including, but not limited to,
compliance with any court orders, unless a suspension or
~~revocation~~ cancellation is part of the penalty imposed.

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Neither "the violator's notice to appear" nor a court-
granted card shall continue driving privileges beyond the
expiration date of the license.

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If the person arrested fails to appear in court at the date
and time set by the court or fails to satisfy the judgment of the
court, including, but not limited to, compliance with all court
orders within the time allowed by the court, the court may ~~declare~~
~~the forfeiture of~~ impose a class seven suspension of the person's
license from the range specified in division (A)(7) of section
4510.02 of the Revised Code. Thirty days after the ~~declaration of~~
~~forfeiture~~ suspension, the court shall forward the person's
license to the registrar. The court also shall enter information
relative to the ~~forfeiture~~ suspension on a form approved and
furnished by the registrar and send the form to the registrar, ~~who~~
and the registrar shall ~~suspend the license and~~ send written
notification of the suspension to the person at the person's last
known address. No valid driver's or commercial driver's license
shall be granted to the person until the expiration of the period
of the suspension or, prior to the expiration of that period, the
court having jurisdiction orders that the ~~forfeiture be~~ suspension
is terminated. ~~The~~ If the court terminates the suspension, the
court shall inform the registrar of the termination ~~of the~~
~~forfeiture~~ by entering information relative to the termination on
a form approved and furnished by the registrar and sending the
form to the registrar. ~~The court also shall charge and collect~~
~~from~~ Upon the expiration or termination of the suspension, the
person shall pay to the bureau of motor vehicles a processing fee
of fifteen dollars to cover the costs of the bureau ~~of motor~~
~~vehicles~~ in administering this section. ~~The clerk of the court~~

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~~shall transmit monthly all such processing fees to the registrar~~ 8908
~~for~~ shall deposit the fees so paid into the state bureau of motor 8909
vehicles fund created by section 4501.25 of the Revised Code. 8910

In addition, upon receipt from the court of the copy of the 8911
~~declaration of forfeiture~~ suspension, neither the registrar nor 8912
any deputy registrar shall accept any application for the 8913
registration or transfer of registration of any motor vehicle 8914
owned by or leased in the name of the person named in the 8915
~~declaration of forfeiture~~ suspension until the expiration of the 8916
period of the suspension or, prior to the expiration of that 8917
period, the court having jurisdiction over the offense that led to 8918
the suspension issues an order terminating the ~~forfeiture~~ 8919
suspension. However, for a motor vehicle leased in the name of a 8920
person named in a ~~declaration of forfeiture~~ suspension, the 8921
registrar shall not implement the preceding sentence until the 8922
registrar adopts procedures for that implementation under section 8923
4503.39 of the Revised Code. Upon the expiration of the suspension 8924
or upon receipt by the registrar of ~~such~~ an order terminating the 8925
suspension, the registrar also shall take ~~such the~~ measures as may 8926
~~be~~ necessary to permit the person to register a motor vehicle the 8927
person owns or leases or to transfer the registration of ~~such~~ a 8928
motor vehicle the person owns or leases if the person later makes 8929
a proper application and otherwise is eligible to be issued or to 8930
transfer a motor vehicle registration. 8931

(B) Division (A) of this section applies to persons arrested 8932
for violation of: 8933

(1) Any of the provisions of Chapter 4511. or 4513. of the 8934
Revised Code, except sections 4511.19, 4511.20, 4511.251, and 8935
4513.36 of the Revised Code; 8936

(2) Any municipal ordinance substantially similar to a 8937
section included in division (B)(1) of this section; 8938

(3) Any bylaw, rule, or regulation of the Ohio turnpike 8939

commission substantially similar to a section included in division 8940
(B)(1) of this section. 8941

Division (A) of this section does not apply to those persons 8942
issued a citation for the commission of a minor misdemeanor under 8943
section 2935.26 of the Revised Code. 8944

(C) No license shall be accepted as bond by an arresting 8945
officer or by a court under this section until the officer or 8946
court has notified the person that, if the person deposits the 8947
license with the officer or court and either does not appear on 8948
the date and at the time set by the officer or the court, if the 8949
court sets a time, or does not satisfy any judgment rendered, 8950
including, but not limited to, compliance with all court orders, 8951
the license will be suspended, and the person will not be eligible 8952
for reissuance of the license or issuance of a new license, or the 8953
issuance of a certificate of registration for a motor vehicle 8954
owned or leased by the person until the person appears and 8955
complies with any order issued by the court. The person also is 8956
subject to any criminal penalties that may apply to the person. 8957

Sec. 2937.222. (A) On the motion of the prosecuting attorney 8958
or on the judge's own motion, the judge shall hold a hearing to 8959
determine whether an accused person charged with aggravated murder 8960
when it is not a capital offense, murder, a felony of the first or 8961
second degree, a violation of section 2903.06 of the Revised Code, 8962
a violation of section 2903.211 of the Revised Code that is a 8963
felony, or a felony ~~OMVI~~ OVI offense shall be denied bail. The 8964
judge shall order that the accused be detained until the 8965
conclusion of the hearing. Except for good cause, a continuance on 8966
the motion of the state shall not exceed three court days. Except 8967
for good cause, a continuance on the motion of the accused shall 8968
not exceed five court days unless the motion of the accused waives 8969
in writing the five-day limit and states in writing a specific 8970

period for which the accused requests a continuance. A continuance 8971
granted upon a motion of the accused that waives in writing the 8972
five-day limit shall not exceed five court days after the period 8973
of continuance requested in the motion. 8974

At the hearing, the accused has the right to be represented 8976
by counsel and, if the accused is indigent, to have counsel 8977
appointed. The judge shall afford the accused an opportunity to 8978
testify, to present witnesses and other information, and to 8979
cross-examine witnesses who appear at the hearing. The rules 8980
concerning admissibility of evidence in criminal trials do not 8981
apply to the presentation and consideration of information at the 8982
hearing. Regardless of whether the hearing is being held on the 8983
motion of the prosecuting attorney or on the court's own motion, 8984
the state has the burden of proving that the proof is evident or 8985
the presumption great that the accused committed the offense with 8986
which the accused is charged, of proving that the accused poses a 8987
substantial risk of serious physical harm to any person or to the 8988
community, and of proving that no release conditions will 8989
reasonably assure the safety of that person and the community. 8990

The judge may reopen the hearing at any time before trial if 8991
the judge finds that information exists that was not known to the 8992
movant at the time of the hearing and that that information has a 8993
material bearing on whether bail should be denied. If a municipal 8994
court or county court enters an order denying bail, a judge of the 8995
court of common pleas having jurisdiction over the case may 8996
continue that order or may hold a hearing pursuant to this section 8997
to determine whether to continue that order. 8998

(B) No accused person shall be denied bail pursuant to this 8999
section unless the judge finds by clear and convincing evidence 9000
that the proof is evident or the presumption great that the 9001
accused committed the offense described in division (A) of this 9002

section with which the accused is charged, finds by clear and
convincing evidence that the accused poses a substantial risk of
serious physical harm to any person or to the community, and finds
by clear and convincing evidence that no release conditions will
reasonably assure the safety of that person and the community.

(C) The judge, in determining whether the accused person
described in division (A) of this section poses a substantial risk
of serious physical harm to any person or to the community and
whether there are conditions of release that will reasonably
assure the safety of that person and the community, shall consider
all available information regarding all of the following:

(1) The nature and circumstances of the offense charged,
including whether the offense is an offense of violence or
involves alcohol or a drug of abuse;

(2) The weight of the evidence against the accused;

(3) The history and characteristics of the accused,
including, but not limited to, both of the following:

(a) The character, physical and mental condition, family
ties, employment, financial resources, length of residence in the
community, community ties, past conduct, history relating to drug
or alcohol abuse, and criminal history of the accused;

(b) Whether, at the time of the current alleged offense or at
the time of the arrest of the accused, the accused was on
probation, parole, post-release control, or other release pending
trial, sentencing, appeal, or completion of sentence for the
commission of an offense under the laws of this state, another
state, or the United States or under a municipal ordinance.

(4) The nature and seriousness of the danger to any person or
the community that would be posed by the person's release.

(D)(1) An order of the court of common pleas denying bail

pursuant to this section is a final appealable order. In an appeal 9033
pursuant to division (D) of this section, the court of appeals 9034
shall do all of the following: 9035

(a) Give the appeal priority on its calendar; 9036

(b) Liberally modify or dispense with formal requirements in 9037
the interest of a speedy and just resolution of the appeal; 9038

(c) Decide the appeal expeditiously; 9039

(d) Promptly enter its judgment affirming or reversing the 9040
order denying bail. 9041

(2) The pendency of an appeal under this section does not 9042
deprive the court of common pleas of jurisdiction to conduct 9043
further proceedings in the case or to further consider the order 9044
denying bail in accordance with this section. If, during the 9045
pendency of an appeal under division (D) of this section, the 9046
court of common pleas sets aside or terminates the order denying 9047
bail, the court of appeals shall dismiss the appeal. 9048

(E) As used in this section: 9049

(1) "Court day" has the same meaning as in section 5122.01 of 9050
the Revised Code. 9051

(2) "Felony ~~OMVI~~ OVI offense" means a third degree felony 9052
~~OMVI~~ OVI offense and a fourth degree felony ~~OMVI~~ OVI offense. 9053

(3) "Fourth degree felony ~~OMVI~~ OVI offense" and "third degree 9054
felony ~~OMVI~~ OVI offense" have the same meanings as in section 9055
2929.01 of the Revised Code. 9056

Sec. 2937.46. (A) The supreme court of Ohio ~~may~~, in the 9057
interest of uniformity of procedure in the various courts, and for 9058
the purpose of promoting prompt and efficient disposition of cases 9059
arising under the traffic laws of this state and related 9060
ordinances, ~~makes~~ may make uniform rules for practice and 9061

procedure in courts inferior to the court of common pleas not 9062
inconsistent with the provisions of Chapter 2937. of the Revised 9063
Code, including, but not limited to: 9064

~~(A)~~(1) Separation of arraignment and trial of traffic and 9065
other types of cases; 9066

~~(B)~~(2) Consolidation of cases for trial; 9067

~~(C)~~(3) Transfer of cases within the same county for the 9068
purpose of trial; 9069

~~(D)~~(4) Designation of special referees for hearings or for 9070
receiving pleas or bail at times when courts are not in session; 9071

~~(E)~~(5) Fixing of reasonable bonds, and disposition of cases 9072
in which bonds have been forfeited. 9073

~~All of said (B) Except as otherwise specified in division (K)~~ 9074
~~of section 4511.19 of the Revised Code, all of the rules described~~ 9075
~~in division (A) of this section, when promulgated by the supreme~~ 9076
~~court, shall be fully binding on all courts inferior to the court~~ 9077
~~of common pleas and on the court of common pleas in relation to~~ 9078
~~felony violations of division (A) of section 4511.19 of the~~ 9079
~~Revised Code and shall effect a cancellation of any local court~~ 9080
~~rules inconsistent therewith with the supreme court's rules.~~ 9081

Sec. 2937.99. (A) No person shall fail to appear as required, 9082
after having been released pursuant to section 2937.29 of the 9083
Revised Code. Whoever violates this section is guilty of failure 9084
to appear and shall be punished as set forth in division (B) or 9085
(C) of this section. 9086

(B) If the release was in connection with a ~~charge of the~~ 9087
~~commission of a felony~~ charge or pending appeal after conviction 9088
of a felony, failure to appear is a felony of the fourth degree. 9089

(C) If the release was in connection with a ~~charge of the~~ 9090

~~commission of a~~ misdemeanor charge or for appearance as a witness, 9091
failure to appear is a misdemeanor of the first degree. 9092

(D) This section does not apply to misdemeanors and related 9093
ordinance offenses arising under Chapters 4501., 4503., 4505., 9094
4507., 4509., 4510., 4511., 4513., 4517., 4549., and 5577. of the 9095
Revised Code, except that this section does apply to violations of 9096
sections 4511.19, 4549.02, and 4549.021 of the Revised Code and 9097
ordinance offenses related to sections 4511.19, 4549.02, and 9098
4549.021 of the Revised Code. 9099

Sec. 2951.02. (A)(1) In determining whether to suspend a 9100
sentence of imprisonment imposed upon an offender for a 9101
misdemeanor and place the offender on probation or whether to 9102
otherwise suspend a sentence of imprisonment imposed upon an 9103
offender for a misdemeanor pursuant to division (A) of section 9104
2929.51 of the Revised Code, the court shall consider the risk 9105
that the offender will commit another offense and the need for 9106
protecting the public from the risk, the nature and circumstances 9107
of the offense, and the history, character, and condition of the 9108
offender. 9109

(2) An offender who has been convicted of or pleaded guilty 9110
to a misdemeanor shall not be placed on probation and shall not 9111
otherwise have the sentence of imprisonment imposed upon the 9112
offender suspended pursuant to division (A) of section 2929.51 of 9113
the Revised Code if either of the following applies: 9114

(a) The offender is a repeat or dangerous offender. 9115

(b) The misdemeanor offense involved was not a violation of 9116
section 2923.12 of the Revised Code and was committed while the 9117
offender was armed with a firearm or dangerous ordnance. 9118

(B) The following do not control the court's discretion but 9119
the court shall consider them in favor of placing an offender who 9120
has been convicted of or pleaded guilty to a misdemeanor on 9121

probation or in favor of otherwise suspending the offender's	9122
sentence of imprisonment pursuant to division (A) of section	9123
2929.51 of the Revised Code:	9124
(1) The offense neither caused nor threatened serious harm to	9125
persons or property, or the offender did not contemplate that it	9126
would do so.	9127
(2) The offense was the result of circumstances unlikely to	9128
recur.	9129
(3) The victim of the offense induced or facilitated it.	9130
(4) There are substantial grounds tending to excuse or	9131
justify the offense, though failing to establish a defense.	9132
(5) The offender acted under strong provocation.	9133
(6) The offender has no history of prior delinquency or	9134
criminal activity, or has led a law-abiding life for a substantial	9135
period before commission of the present offense.	9136
(7) The offender is likely to respond affirmatively to	9137
probationary or other court-imposed treatment.	9138
(8) The character and attitudes of the offender indicate that	9139
the offender is unlikely to commit another offense.	9140
(9) The offender has made or will make restitution or	9141
reparation to the victim of the offender's offense for the injury,	9142
damage, or loss sustained.	9143
(10) Imprisonment of the offender will entail undue hardship	9144
to the offender or the offender's dependents.	9145
(C)(1) When an offender who has been convicted of or pleaded	9146
guilty to a misdemeanor is placed on probation or the sentence of	9147
that type of offender otherwise is suspended pursuant to division	9148
(A) of section 2929.51 of the Revised Code, the probation or other	9149
suspension shall be at least on condition that, during the period	9150

of probation or other suspension, the offender shall abide by the
law and shall not leave the state without the permission of the
court or the offender's probation officer. In the interests of
doing justice, rehabilitating the offender, and ensuring the
offender's good behavior, the court may impose additional
requirements on the offender. Compliance with the additional
requirements imposed under this division also shall be a condition
of the offender's probation or other suspension. The additional
requirements so imposed may include, but shall not be limited to,
any of the following:

(a) A requirement that the offender make restitution pursuant
to section 2929.21 of the Revised Code for all or part of the
property damage that is caused by the offender's offense and for
all or part of the value of the property that is the subject of
any theft offense that the offender committed;

(b) If the offense is a violation of section 2919.25 or a
violation of section 2903.13 of the Revised Code involving a
person who was a family or household member at the time of the
violation, if the offender committed the offense in the vicinity
of one or more children who are not victims of the offense, and if
the offender or the victim of the offense is a parent, guardian,
custodian, or person in loco parentis of one or more of those
children, a requirement that the offender obtain counseling. This
division does not limit the court in imposing a requirement that
the offender obtain counseling for any offense or in any
circumstance not specified in this division.

(c) A requirement that the offender not ingest or be injected
with a drug of abuse and submit to random drug testing and
requiring that the results of the drug test indicate that the
offender did not ingest or was not injected with a drug of abuse.
If the court requires the offender to submit to random drug
testing under division (C)(1)(c) of this section, the county

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department of probation, the multicounty department of probation, 9183
or the adult parole authority, as appropriate, that has general 9184
control and supervision of offenders who are on probation or other 9185
suspension or are under a nonresidential sanction, shall cause the 9186
offender to submit to random drug testing pursuant to section 9187
2951.05 of the Revised Code. 9188

(2) During the period of a misdemeanor offender's probation 9189
or other suspension or during the period of a felon's 9190
nonresidential sanction, authorized probation officers who are 9191
engaged within the scope of their supervisory duties or 9192
responsibilities may search, with or without a warrant, the person 9193
of the offender, the place of residence of the offender, and a 9194
motor vehicle, another item of tangible or intangible personal 9195
property, or other real property in which the offender has a 9196
right, title, or interest or for which the offender has the 9197
express or implied permission of a person with a right, title, or 9198
interest to use, occupy, or possess if the probation officers have 9199
reasonable grounds to believe that the offender is not abiding by 9200
the law or otherwise is not complying with the conditions of the 9201
offender's probation or other suspension or the conditions of the 9202
offender's nonresidential sanction. If a felon who is sentenced to 9203
a nonresidential sanction is under the general control and 9204
supervision of the adult parole authority, as described in 9205
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 9206
parole authority field officers with supervisory responsibilities 9207
over the felon shall have the same search authority relative to 9208
the felon during the period of the sanction as is described under 9209
this division for probation officers. The court that places the 9210
offender on probation or suspends the misdemeanor offender's 9211
sentence of imprisonment pursuant to division (D)(2) or (4) of 9212
section 2929.51 of the Revised Code or that sentences the felon to 9213
a nonresidential sanction pursuant to section 2929.17 of the 9214

Revised Code shall provide the offender with a written notice that
informs the offender that authorized probation officers or adult
parole authority field officers with supervisory responsibilities
over the offender who are engaged within the scope of their
supervisory duties or responsibilities may conduct those types of
searches during the period of probation or other suspension or
during the period of the nonresidential sanction if they have
reasonable grounds to believe that the offender is not abiding by
the law or otherwise is not complying with the conditions of the
offender's probation or other suspension or the conditions of the
offender's nonresidential sanction.

(D) The following do not control the court's discretion but
the court shall consider them against placing an offender who has
been convicted of or pleaded guilty to a misdemeanor on probation
and against otherwise suspending the offender's sentence of
imprisonment pursuant to division (A) of section 2929.51 of the
Revised Code:

(1) The offender recently violated the conditions of pardon,
post-release control pursuant to section 2967.28 of the Revised
Code, or a probation or suspension pursuant to division (A) of
section 2929.51 of the Revised Code, previously granted the
offender.

(2) There is a substantial risk that, while at liberty during
the period of probation or other suspension, the offender will
commit another offense.

(3) The offender is in need of correctional or rehabilitative
treatment that can be provided best by the offender's commitment
to a locally governed and operated residential facility.

(4) Regardless of whether the offender knew the age of the
victim, the victim of the offense was sixty-five years of age or

older or permanently and totally disabled at the time of the 9246
commission of the offense. 9247

(E) The criteria listed in divisions (B) and (D) of this 9248
section shall not be construed to limit the matters that may be 9249
considered in determining whether to suspend sentence of 9250
imprisonment and place an offender who has been convicted of or 9251
pleaded guilty to a misdemeanor on probation or whether to 9252
otherwise suspend the offender's sentence of imprisonment pursuant 9253
to division (A) of section 2929.51 of the Revised Code. 9254

(F)(1) When an offender is convicted of or pleads guilty to a 9255
misdemeanor, the court may require the offender, as a condition of 9256
probation or as a condition of otherwise suspending the offender's 9257
sentence pursuant to division (A) of section 2929.51 of the 9258
Revised Code, in addition to the conditions of probation or other 9259
suspension imposed pursuant to division (C) of this section, to 9260
perform supervised community service work under the authority of 9261
health districts, park districts, counties, municipal 9262
corporations, townships, other political subdivisions of the 9263
state, or agencies of the state or any of its political 9264
subdivisions, or under the authority of charitable organizations 9265
that render services to the community or its citizens, in 9266
accordance with this division. Supervised community service work 9267
shall not be required as a condition of probation or other 9268
suspension under this division unless the offender agrees to 9269
perform the work offered as a condition of probation or other 9270
suspension by the court. The court may require an offender who 9271
agrees to perform the work to pay to it a reasonable fee to cover 9272
the costs of the offender's participation in the work, including, 9273
but not limited to, the costs of procuring a policy or policies of 9274
liability insurance to cover the period during which the offender 9275
will perform the work. 9276

A court may permit any offender convicted of a misdemeanor to 9277

satisfy the payment of a fine imposed for the offense by 9278
performing supervised community service work as described in this 9279
division if the offender requests an opportunity to satisfy the 9280
payment by this means and if the court determines the offender is 9281
financially unable to pay the fine. 9282

The supervised community service work that may be imposed 9283
under this division shall be subject to the following limitations: 9284

(a) The court shall fix the period of the work and, if 9285
necessary, shall distribute it over weekends or over other 9286
appropriate times that will allow the offender to continue at the 9287
offender's occupation or to care for the offender's family. The 9288
period of the work as fixed by the court shall not exceed an 9289
aggregate of two hundred hours. 9290

(b) An agency, political subdivision, or charitable 9291
organization must agree to accept the offender for the work before 9292
the court requires the offender to perform the work for the 9293
entity. A court shall not require an offender to perform 9294
supervised community service work for an agency, political 9295
subdivision, or charitable organization at a location that is an 9296
unreasonable distance from the offender's residence or domicile, 9297
unless the offender is provided with transportation to the 9298
location where the work is to be performed. 9299

(c) A court may enter into an agreement with a county 9300
department of job and family services for the management, 9301
placement, and supervision of offenders eligible for community 9302
service work in work activities, developmental activities, and 9303
alternative work activities under sections 5107.40 to 5107.69 of 9304
the Revised Code. If a court and a county department of job and 9305
family services have entered into an agreement of that nature, the 9306
clerk of that court is authorized to pay directly to the county 9307
department all or a portion of the fees collected by the court 9308
pursuant to this division in accordance with the terms of its 9309

agreement.

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

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(2) When an offender is convicted of a felony, the court may impose pursuant to sections 2929.15 and 2929.17 of the Revised Code a sanction that requires the offender to perform supervised community service work in accordance with this division and under the authority of any agency, political subdivision, or charitable organization as described in division (F)(1) of this section. The court may require an offender who is ordered to perform the work to pay to it a reasonable fee to cover the costs of the offender's participation in the work, including, but not limited to, the costs of procuring a policy or policies of liability insurance to cover the period during which the offender will perform the work.

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A court may permit an offender convicted of a felony to satisfy the payment of a fine imposed for the offense pursuant to section 2929.18 of the Revised Code by performing supervised community service work as described in this division if the court determines that the offender is financially unable to pay the fine.

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The supervised community service work that may be imposed under this division shall be subject to the limitations specified in divisions (F)(1)(a) to (d) of this section, except that the court is not required to obtain the agreement of the offender to impose supervised community work as a sanction. Additionally, the

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total of any period of supervised community service work imposed 9342
on an offender under this division plus the period of all other 9343
sanctions imposed pursuant to sections 2929.15, 2929.16, 2929.17, 9344
and 2929.18 of the Revised Code shall not exceed five years. 9345

(G)(1) When an offender is convicted of a violation of 9346
section 4511.19 of the Revised Code, a municipal ordinance 9347
relating to operating a vehicle while under the influence of 9348
alcohol, a drug of abuse, or alcohol and a drug of abuse, or a 9349
municipal ordinance relating to operating a vehicle with a 9350
prohibited concentration of alcohol in the blood, breath, or 9351
urine, the court may require, as a condition of probation in 9352
addition to the required conditions of probation and the 9353
discretionary conditions of probation that may be imposed pursuant 9354
to division (C) of this section, any suspension ~~or revocation~~ of a 9355
driver's or commercial driver's license or permit or nonresident 9356
operating privilege, and all other penalties provided by law or by 9357
ordinance, that the offender operate only a motor vehicle equipped 9358
with an ignition interlock device that is certified pursuant to 9359
section ~~4511.83~~ 4510.43 of the Revised Code. 9360

(2) When a court requires an offender, as a condition of 9361
probation pursuant to division (G)(1) of this section, to operate 9362
only a motor vehicle equipped with an ignition interlock device 9363
that is certified pursuant to section ~~4511.83~~ 4510.43 of the 9364
Revised Code, the offender immediately shall surrender the 9365
offender's driver's or commercial driver's license or permit to 9366
the court. Upon the receipt of the offender's license or permit, 9367
the court shall issue an order authorizing the offender to operate 9368
a motor vehicle equipped with a certified ignition interlock 9369
device, deliver the offender's license or permit to the bureau of 9370
motor vehicles, and include in the abstract of the case forwarded 9371
to the bureau pursuant to section ~~4507.021~~ 4510.036 of the Revised 9372
Code the conditions of probation imposed pursuant to division 9373

(G)(1) of this section. The court shall give the offender a copy 9374
of its order, and that copy shall be used by the offender in lieu 9375
of a driver's or commercial driver's license or permit until the 9376
bureau issues a restricted license to the offender. 9377

(3) Upon receipt of an offender's driver's or commercial 9378
driver's license or permit pursuant to division (G)(2) of this 9379
section, the bureau of motor vehicles shall issue a restricted 9380
license to the offender. The restricted license shall be identical 9381
to the surrendered license, except that it shall have printed on 9382
its face a statement that the offender is prohibited from 9383
operating a motor vehicle that is not equipped with an ignition 9384
interlock device that is certified pursuant to section ~~4511.83~~ 9385
4510.43 of the Revised Code. The bureau shall deliver the 9386
offender's surrendered license or permit to the court upon receipt 9387
of a court order requiring it to do so, or reissue the offender's 9388
license or permit under section ~~4507.54~~ 4510.52 of the Revised 9389
Code if the registrar destroyed the offender's license or permit 9390
under that section. The offender shall surrender the restricted 9391
license to the court upon receipt of the offender's surrendered 9392
license or permit. 9393

(4) If an offender violates a requirement of the court 9394
imposed under division (G)(1) of this section, the court may 9395
impose a class seven suspension of the offender's driver's or 9396
commercial driver's license or permit or nonresident operating 9397
privilege ~~may be suspended as provided in~~ from the range specified 9398
in division (A)(7) of section ~~4507.16~~ 4510.02 of the Revised Code. 9399
On a second or subsequent violation, the court may impose a class 9400
four suspension of the offender's driver's or commercial driver's 9401
license or permit or nonresident operating privilege from the 9402
range specified in division (A)(4) of section 4510.02 of the 9403
Revised Code. 9404

(H) As used in this section: 9405

(1) "Repeat offender" and "dangerous offender" have the same meanings as in section 2935.36 of the Revised Code. 9406
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(2) "Firearm" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. 9408
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(3) "Theft offense" has the same meaning as in section 2913.01 of the Revised Code. 9410
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(4) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code. 9412
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(5) "Ignition interlock device" has the same meaning as in section ~~4511.83~~ 4510.01 of the Revised Code. 9414
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Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the Revised Code: 9416
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(A) "First offender" means anyone who has been convicted of an offense in this state or any other jurisdiction and who previously or subsequently has not been convicted of the same or a different offense in this state or any other jurisdiction. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, provided that a court may decide as provided in division (C)(1)(a) of section 2953.32 of the Revised Code that it is not in the public interest for the two or three convictions to be counted as one conviction. 9418
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For purposes of, and except as otherwise provided in, this division, a conviction for a minor misdemeanor, ~~a conviction~~ for a 9434
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violation of any section in Chapter ~~4507., 4510., 4511., 4513., or~~ 9436
4549. of the Revised Code, or ~~a conviction~~ for a violation of a 9437
municipal ordinance that is substantially similar to any section 9438
in those chapters is not a previous or subsequent conviction. ~~A~~ 9439
However, a conviction for a violation of section 4511.197, 9440
4511.192, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 9441
4549.07 or sections 4549.41 to 4549.46 of the Revised Code, or a 9442
conviction for a violation of section 4510.11 or 4510.14 of the 9443
Revised Code that is based upon the offender's operation of a 9444
vehicle during a suspension imposed under section 4511.191 or 9445
4511.196 of the Revised Code, for a violation of a substantially 9446
equivalent municipal ordinance that is substantially similar to 9447
any of those sections, for a felony violation of Title XLV of the 9448
Revised Code, or for a violation of a substantially equivalent 9449
former law of this state or former municipal ordinance shall be 9450
considered a previous or subsequent conviction. 9451

(B) "Prosecutor" means the county prosecuting attorney, city 9452
director of law, village solicitor, or similar chief legal 9453
officer, who has the authority to prosecute a criminal case in the 9454
court in which the case is filed. 9455

(C) "Bail forfeiture" means the forfeiture of bail by a 9456
defendant who is arrested for the commission of a misdemeanor, 9457
other than a defendant in a traffic case as defined in Traffic 9458
Rule 2, if the forfeiture is pursuant to an agreement with the 9459
court and prosecutor in the case. 9460

(D) "Official records" has the same meaning as in division 9461
(D) of section 2953.51 of the Revised Code. 9462

(E) "Official proceeding" has the same meaning as in section 9463
2921.01 of the Revised Code. 9464

Sec. 2953.36. Sections 2953.31 to 2953.35 of the Revised Code 9465
do not apply to any of the following: 9466

(A) Convictions when the offender is subject to a mandatory 9467
prison term; 9468

(B) Convictions under section 2907.02, 2907.03, 2907.04, 9469
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 9470
2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised 9471
Code, or a conviction for a violation of a municipal ordinance 9472
that is substantially similar to any section contained in any of 9473
those chapters; 9474

(C) convictions of an offense of violence when the offense is 9475
a misdemeanor of the first degree or a felony and when the offense 9476
is not a violation of section 2917.03 of the Revised Code and is 9477
not a violation of section 2903.13, 2917.01 or 2917.31 of the 9478
Revised Code that is a misdemeanor of the first degree; 9479

(D) Convictions of an offense in circumstances in which the 9480
victim of the offense was under eighteen years of age when the 9481
offense is a misdemeanor of the first degree or a felony; 9482

(E) Convictions of a felony of the first or second degree; 9483

(F) Bail forfeitures in a traffic case as defined in Traffic 9484
Rule 2. 9485

Sec. 3123.55. Notice shall be sent to the individual 9486
described in section 3123.54 of the Revised Code in compliance 9487
with section 3121.23 of the Revised Code. The notice shall specify 9488
that a court or agency has determined the individual to be in 9489
default under a child support order or that the individual is an 9490
obligor under a child support order who has failed to comply with 9491
a subpoena or warrant issued by a court or agency with respect to 9492
a proceeding to enforce a child support order, that a notice 9493
containing the individual's name and social security number or 9494
other identification number may be sent to the registrar of motor 9495
vehicles, and that, if the registrar receives that notice and 9496

determines that the individual is the individual named in that 9497
notice and the registrar has not received notice under section 9498
3123.56 or 3123.57 of the Revised Code, all of the following will 9499
occur: 9500

(A) The registrar and all deputy registrars will be 9501
prohibited from issuing to the individual a driver's or commercial 9502
driver's license, motorcycle operator's license or endorsement, or 9503
temporary instruction permit or commercial driver's temporary 9504
instruction permit. 9505

(B) The registrar and all deputy registrars will be 9506
prohibited from renewing for the individual a driver's or 9507
commercial driver's license, motorcycle operator's license or 9508
endorsement, or commercial driver's temporary instruction permit. 9509

(C) If the individual holds a driver's or commercial driver's 9510
license, motorcycle operator's license or endorsement, or 9511
temporary instruction permit or commercial driver's temporary 9512
instruction permit, ~~it~~ the registrar will be suspended impose a 9513
class F suspension under division (B)(6) of section 4510.02 of the 9514
Revised Code if the registrar determines that the individual is 9515
the individual named in the notice sent pursuant to section 9516
3123.54 of the Revised Code. 9517

(D) If the individual is the individual named in the notice, 9518
the individual will not be issued or have renewed any license, 9519
endorsement, or permit, and no suspension will be lifted with 9520
respect to any license, endorsement, or permit listed in this 9521
section until the registrar receives a notice under section 9522
3123.56 or 3123.57 of the Revised Code. 9523

Sec. 3123.58. (A) On receipt of a notice pursuant to section 9524
3123.54 of the Revised Code, the registrar of motor vehicles shall 9525
determine whether the individual named in the notice holds or has 9526
applied for a driver's license or commercial driver's license, 9527

motorcycle operator's license or endorsement, or temporary 9528
instruction permit or commercial driver's temporary instruction 9529
permit. If the registrar determines that the individual holds or 9530
has applied for a license, permit, or endorsement and the 9531
individual is the individual named in the notice and does not 9532
receive a notice pursuant to section 3123.56 or 3123.57 of the 9533
Revised Code, the registrar immediately shall provide notice of 9534
the determination to each deputy registrar. The registrar or a 9535
deputy registrar may not issue to the individual a driver's or 9536
commercial driver's license, motorcycle operator's license or 9537
endorsement, or temporary instruction permit or commercial 9538
driver's temporary instruction permit and may not renew for the 9539
individual a driver's or commercial driver's license, motorcycle 9540
operator's license or endorsement, or commercial driver's 9541
temporary instruction permit. The registrar or a deputy registrar 9542
also shall ~~suspend~~ impose a class F suspension of the license, 9543
permit, or endorsement held by the individual under division 9544
(B)(6) of section 4510.02 of the Revised Code. 9545

(B) Prior to the date specified in section 3123.52 of the 9546
Revised Code, the registrar of motor vehicles or a deputy 9547
registrar shall do only the following with respect to an 9548
individual if the registrar makes the determination required under 9549
division (A) of this section and no notice is received concerning 9550
the individual under section 3123.56 or 3123.57 of the Revised 9551
Code: 9552

(1) Refuse to issue or renew the individual's commercial 9553
driver's license or commercial driver's temporary instruction 9554
permit; 9555

(2) Impose a class F suspension under division (B)(6) of 9556
section 4510.02 of the Revised Code on the individual with respect 9557
to the license or permit held by the individual. 9558

Sec. 3123.59. Not later than seven days after receipt of a notice pursuant to section 3123.56 or 3123.57 of the Revised Code, the registrar of motor vehicles shall notify each deputy registrar of the notice. The registrar and each deputy registrar shall then, if the individual otherwise is eligible for the license, permit, or endorsement and wants the license, permit, or endorsement, issue a license, permit, or endorsement to, or renew a license, permit, or endorsement of, the individual, or, if the registrar imposed a class F suspension of the individual's license, permit, or endorsement ~~was suspended~~ pursuant to division (A) of section 3123.58 of the Revised Code, remove the suspension. On and after the date specified in section 3123.52 of the Revised Code, the registrar or a deputy registrar shall remove, after receipt of a notice under section 3123.56 or 3123.57 of the Revised Code, a disqualification class F suspension imposed on an individual with respect to a ~~commercial driver's license or commercial driver's temporary instruction permit~~ pursuant to division (B) of section ~~3123.611~~ 3123.58 of the Revised Code. The registrar or a deputy registrar may charge a fee of not more than twenty-five dollars for issuing or renewing or removing the suspension of a license, permit, or ~~for removing a disqualification~~ endorsement pursuant to this section. The fees collected by the registrar pursuant to this section shall be paid into the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code.

Sec. 3123.613. Prior to the date specified in section 3123.52 of the Revised Code, instead of the notice provisions described in divisions (A), (B), (C), and (D) of section 3123.55 of the Revised Code, the notice shall specify that all of the following will occur:

(A) The registrar of motor vehicles and all deputy registrars will be prohibited from issuing to, or renewing for, the

individual a commercial driver's license or commercial driver's
temporary instruction permit. 9592
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(B) If the individual holds a commercial driver's license or 9594
commercial driver's temporary instruction permit, the registrar 9595
will impose a ~~disqualification as defined in class F suspension~~ 9596
under division (B)(6) of section 4506.01 4510.02 of the Revised 9597
Code with respect to the license or permit if the registrar 9598
determines that the individual is the individual named in the 9599
notice sent pursuant to section 3123.54 of the Revised Code. 9600

(C) If the individual is the individual named in the notice, 9601
the individual will not be issued, and the disqualification will 9602
not be removed with respect to, any license or permit listed in 9603
this section until the registrar receives a notice under section 9604
3123.56 or 3123.57 of the Revised Code. 9605

Sec. 3327.10. (A) No person shall be employed as driver of a 9606
school bus or motor van, owned and operated by any school district 9607
or educational service center or privately owned and operated 9608
under contract with any school district or service center in this 9609
state, who has not received a certificate from the educational 9610
service center governing board in case such person is employed by 9611
a service center or by a local school district under the 9612
supervision of the service center governing board, or by the 9613
superintendent of schools, in case such person is employed by the 9614
board of a city or exempted village school district, certifying 9615
that such person is at least eighteen years of age and is of good 9616
moral character and is qualified physically and otherwise for such 9617
position. The service center governing board or the 9618
superintendent, as the case may be, shall provide for an annual 9619
physical examination that conforms with rules adopted by the state 9620
board of education of each driver to ascertain ~~his~~ the driver's 9621
physical fitness for such employment. Any certificate may be 9622

revoked by the authority granting the same on proof that the 9623
holder has been guilty of failing to comply with division (D)(1) 9624
of this section, or upon a conviction or a guilty plea for a 9625
violation, or any other action, that results in a loss or 9626
suspension of driving rights. Failure to comply with such division 9627
may be cause for disciplinary action or termination of employment 9628
under division (C) of section 3319.081, or section 124.34 of the 9629
Revised Code. 9630

(B) No person shall be employed as driver of a school bus or 9631
motor van not subject to the rules of the department of education 9632
pursuant to division (A) of this section who has not received a 9633
certificate from the school administrator or contractor certifying 9634
that such person is at least eighteen years of age, is of good 9635
moral character, and is qualified physically and otherwise for 9636
such position. Each driver shall have an annual physical 9637
examination which conforms to the state highway patrol rules, 9638
ascertaining ~~his~~ the driver's physical fitness for such 9639
employment. Any certificate may be revoked by the authority 9640
granting the same on proof that the holder has been guilty of 9641
failing to comply with division (D)(2) of this section. 9642

(C) Any person who drives a school bus or motor van must give 9643
satisfactory and sufficient bond except a driver who is an 9644
employee of a school district and who drives a bus or motor van 9645
owned by the school district. 9646

(D) No person employed as driver of a school bus or motor van 9647
under this section who is convicted of a traffic violation or who 9648
has had ~~his~~ the person's commercial driver's license suspended ~~or~~ 9649
~~revoked~~ shall drive a school bus or motor van until ~~such~~ the 9650
person has filed a written notice of ~~such~~ the conviction, ~~or~~ 9651
suspension, ~~or revocation~~ as follows: 9652

(1) If ~~he~~ the person is employed under division (A) of this 9653

section, ~~such~~ the person shall file the notice ~~shall be filed~~ with 9654
the superintendent, or a person designated by the superintendent, 9655
of the school district for which ~~such~~ the person drives a school 9656
bus or motor van as an employee or drives a privately owned and 9657
operated school bus or motor van under contract. 9658

(2) If employed under division (B) of this section, ~~such~~ the 9659
person shall file the notice ~~shall be filed~~ with the employing 9660
school administrator or contractor, or a person designated by the 9661
administrator or contractor. 9662

(E) In addition to resulting in possible revocation of a 9663
certificate as authorized by divisions (A) and (B) of this 9664
section, a violation of division (D) of this section is a minor 9665
misdemeanor. 9666

Sec. 3793.02. (A) The department of alcohol and drug 9667
addiction services shall promote, assist in developing, and 9668
coordinate or conduct programs of education and research for the 9669
prevention of alcohol and drug addiction and for the treatment, 9670
including intervention, of alcoholics and persons who abuse drugs 9671
of abuse, including anabolic steroids. Programs established by the 9672
department shall include abstinence-based prevention and treatment 9673
programs. 9674

(B) In addition to the other duties prescribed by this 9675
chapter, the department shall do all of the following: 9676

(1) Promote and coordinate efforts in the provision of 9677
alcohol and drug addiction services by other state agencies, as 9678
defined in section 1.60 of the Revised Code; courts; hospitals; 9679
clinics; physicians in private practice; public health 9680
authorities; boards of alcohol, drug addiction, and mental health 9681
services; alcohol and drug addiction programs; law enforcement 9682
agencies; and related groups; 9683

(2) Provide for education and training in prevention, 9684

diagnosis, treatment, and control of alcohol and drug addiction 9685
for medical students, physicians, nurses, social workers, 9686
professional counselors, psychologists, and other persons who 9687
provide alcohol and drug addiction services; 9688

(3) Provide training and consultation for persons who 9689
supervise alcohol and drug addiction programs and facilities; 9690

(4) Develop measures for evaluating the effectiveness of 9691
alcohol and drug addiction services, including services that use 9692
methadone treatment, and for increasing the accountability of 9693
alcohol and drug addiction programs; 9694

(5) Provide to each court of record, and biennially update, a 9695
list of the treatment and education programs within that court's 9696
jurisdiction that the court may require an offender, sentenced 9697
pursuant to ~~division (A) of section 4511.99~~ 4511.19 of the Revised 9698
Code, to attend; 9699

(6) Print and distribute the warning sign described in 9700
sections 3313.752, 3345.41, and 3707.50 of the Revised Code. 9701

(C) The department may accept and administer grants from 9702
public or private sources for carrying out any of the duties 9703
enumerated in this section. 9704

(D) Pursuant to Chapter 119. of the Revised Code, the 9705
department shall adopt a rule defining the term "intervention" as 9706
it is used in this chapter in connection with alcohol and drug 9707
addiction services. The department may adopt other rules as 9708
necessary to implement the requirements of this chapter. 9709

Sec. 3793.10. A drivers' intervention program may be used as 9710
an alternative to a term of imprisonment for an offender sentenced 9711
pursuant to ~~division (A)(1)(G)(1)(a)~~ of section ~~4511.99~~ 4511.19 of 9712
the Revised Code, if it is certified by the director of alcohol 9713
and drug addiction services pursuant to this section. No drivers' 9714

intervention program shall be used as an alternative to a term of 9715
imprisonment that is imposed pursuant to division ~~(A)(2), (3),~~ 9716
~~(4), (6), (7)~~ (G)(1)(b), (c), (d), or (8)(e) of section ~~4511.99~~ 9717
4511.19 of the Revised Code. 9718

To qualify for certification by the director and to receive 9719
funds from the statewide treatment and prevention fund created by 9720
section 4301.30 of the Revised Code in any amounts and at any 9721
times that the director determines are appropriate, a drivers' 9722
intervention program shall meet state minimum standards that the 9723
director shall establish by rule. The rules shall include, but are 9724
not limited to, standards governing program course hours and 9725
content, qualifications of program personnel, methods of 9726
identifying and testing participants to isolate participants with 9727
alcohol and drug abuse problems, referral of such persons to 9728
alcohol and drug addiction programs, the prompt notification of 9729
courts by program operators of the completion of the programs by 9730
persons required by courts to attend them, and record keeping, 9731
including methods of tracking participants for a reasonable time 9732
after they have left the program. 9733

The director shall issue a certificate to any qualified 9734
drivers' intervention program. The certificate is valid for three 9735
years. 9736

Sec. 3937.31. (A) Every automobile insurance policy shall be 9737
issued for a period of not less than two years or guaranteed 9738
renewable for successive policy periods totaling not less than two 9739
years. Where renewal is mandatory, "cancellation," as used in 9740
sections 3937.30 to 3937.39 of the Revised Code, includes refusal 9741
to renew a policy with at least the coverages, included insureds, 9742
and policy limits provided at the end of the next preceding policy 9743
period. No insurer may cancel any such policy except pursuant to 9744
the terms of the policy, and in accordance with sections 3937.30 9745

to 3937.39 of the Revised Code, and for one or more of the 9746
following reasons: 9747

(1) Misrepresentation by the insured to the insurer of any 9748
material fact in the procurement or renewal of the insurance or in 9749
the submission of claims thereunder; 9750

(2) Loss of driving privileges through suspension, 9751
~~revocation~~, or expiration of the driver's or commercial driver's 9752
license of the named insured or any member of the named insured's 9753
family covered as a driver; provided that the insurer shall 9754
continue the policy in effect but exclude by endorsement all 9755
coverage as to the person whose driver's license has been 9756
suspended ~~or revoked~~ or has expired, if the person is other than 9757
the named insured or the principal operator; 9758

(3) Nonpayment of premium, which means failure of the named 9759
insured to discharge when due any of the named insured's 9760
obligations in connection with the payment of premiums on a 9761
policy, or any installment of such premiums, whether the premium 9762
is payable directly to the insurer or its agent or indirectly 9763
under any premium finance plan or extension of credit; 9764

(4) The place of residence of the insured or the state of 9765
registration or license of the insured automobile is changed to a 9766
state or country in which the insurer is not authorized to write 9767
automobile coverage. 9768

This section does not apply in the case of a cancellation if 9769
the insurer has indicated its willingness to issue a new policy 9770
within the same insurer or within another insurer under the same 9771
ownership or management as that of the insurer that has issued the 9772
cancellation. 9773

(B) Sections 3937.30 to 3937.39 of the Revised Code do not 9774
prohibit: 9775

(1) Changes in coverage or policy limits, cancellation, or 9776

nonrenewal for any reason at the request or with the consent of	9777
the insured;	9778
(2) Lawful surcharges, adjustments, or other changes in	9779
premium;	9780
(3) Policy modification to all policies issued to a	9781
classification of risk which do not effect a withdrawal or	9782
reduction in the initial coverage or policy limits;	9783
(4) An insurer's refusing for any reason to renew a policy	9784
upon its expiration at the end of any mandatory period, provided	9785
such nonrenewal complies with the procedure set forth in section	9786
3937.34 of the Revised Code.	9787
(C) Sections 3937.30 to 3937.39 of the Revised Code do not	9788
apply to any policy or coverage that has been in effect less than	9789
ninety days at the time notice of cancellation is mailed by the	9790
insurer, unless it is a renewal policy.	9791
(D) Renewal of a policy does not constitute a waiver or	9792
estoppel with respect to grounds for cancellation that existed	9793
before the effective date of such renewal.	9794
(E) Nothing in this section prohibits an insurer from	9795
incorporating into a policy any changes that are permitted or	9796
required by this section or other sections of the Revised Code at	9797
the beginning of any policy period within the two-year period set	9798
forth in division (A) of this section.	9799
Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48,	9800
4301.49, 4301.62, or 4301.70 or division (B) of section 4301.691	9801
of the Revised Code is guilty of a minor misdemeanor.	9802
(B) Whoever violates section 4301.15, division (A)(2) or (D)	9803
of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I)	9804
of section 4301.631, or section 4301.64 or 4301.67 of the Revised	9805
Code is guilty of a misdemeanor of the fourth degree.	9806

If an offender who violates section 4301.64 of the Revised Code was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall ~~suspend~~ impose a class seven suspension of the offender's temporary instruction permit, probationary driver's license, or driver's license ~~for a period of six months from the range specified in division (A)(7) of section 4510.02 of the Revised Code~~. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years.

(C) Whoever violates division (D) of section 4301.21, or section 4301.251, 4301.58, 4301.59, 4301.60, 4301.632, 4301.633, 4301.66, 4301.68, or 4301.74, division (B), (C), (D), (E), or (F) of section 4301.69 of the Revised Code, or division (C), (D), (E), (F), (G), or (I) of section 4301.691 of the Revised Code is guilty of a misdemeanor of the first degree.

If an offender who violates section 4301.632 of the Revised Code was under the age of eighteen years at the time of the offense and the offense occurred while the offender was the operator of or a passenger in a motor vehicle, the court, in addition to any other penalties it imposes upon the offender, shall ~~suspend~~ impose a class seven suspension of the offender's temporary instruction permit or probationary driver's license ~~for a period of six months from the range specified in division (A)(7) of section 4510.02 of the Revised Code~~. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the

offender shall not be eligible to be issued such a license or 9839
permit for a period of six months. If the offender has not 9840
attained the age of fifteen years and six months, the offender 9841
shall not be eligible to be issued a temporary instruction permit 9842
until the offender attains the age of sixteen years. 9843

(D) Whoever violates division (B) of section 4301.14, or 9844
division (A)(1) or (3), (B), or (C) of section 4301.22 of the 9845
Revised Code is guilty of a misdemeanor of the third degree. 9846

(E) Whoever violates section 4301.63 or division (B) of 9847
section 4301.631 of the Revised Code shall be fined not less than 9848
twenty-five nor more than one hundred dollars. The court imposing 9849
a fine for a violation of section 4301.63 or division (B) of 9850
section 4301.631 of the Revised Code may order that the fine be 9851
paid by the performance of public work at a reasonable hourly rate 9852
established by the court. The court shall designate the time 9853
within which the public work shall be completed. 9854

(F)(1) Whoever violates section 4301.634 of the Revised Code 9855
is guilty of a misdemeanor of the first degree. If, in committing 9856
a first violation of that section, the offender presented to the 9857
permit holder or the permit holder's employee or agent a false, 9858
fictitious, or altered identification card, a false or fictitious 9859
driver's license purportedly issued by any state, or a driver's 9860
license issued by any state that has been altered, the offender is 9861
guilty of a misdemeanor of the first degree and shall be fined not 9862
less than two hundred fifty and not more than one thousand 9863
dollars, and may be sentenced to a term of imprisonment of not 9864
more than six months. 9865

(2) On a second violation in which, for the second time, the 9866
offender presented to the permit holder or the permit holder's 9867
employee or agent a false, fictitious, or altered identification 9868
card, a false or fictitious driver's license purportedly issued by 9869
any state, or a driver's license issued by any state that has been 9870

altered, the offender is guilty of a misdemeanor of the first
degree and shall be fined not less than five hundred nor more than
one thousand dollars, and may be sentenced to a term of
imprisonment of not more than six months. The court also may
~~suspend~~ impose a class seven suspension of the offender's driver's
or commercial driver's license or permit or nonresident operating
privilege ~~or deny the offender the opportunity to be issued a~~
~~driver's or commercial driver's license for a period not exceeding~~
~~sixty days~~ from the range specified in division (A)(7) of section
4510.02 of the Revised Code.

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(3) On a third or subsequent violation in which, for the
third or subsequent time, the offender presented to the permit
holder or the permit holder's employee or agent a false,
fictitious, or altered identification card, a false or fictitious
driver's license purportedly issued by any state, or a driver's
license issued by any state that has been altered, the offender is
guilty of a misdemeanor of the first degree and shall be fined not
less than five hundred nor more than one thousand dollars, and may
be sentenced to a term of imprisonment of not more than six
months. The court also shall ~~suspend~~ impose a class six suspension
of the offender's driver's or commercial driver's license or
permit or nonresident operating privilege ~~or deny the offender the~~
~~opportunity to be issued a driver's or commercial driver's license~~
~~for a period of ninety days~~ from the range specified in division
(A)(6) of section 4510.02 of the Revised Code, and the court may
order that the suspension or denial remain in effect until the
offender attains the age of twenty-one years. The court also may
order the offender to perform a determinate number of hours of
community service, with the court determining the actual number of
hours and the nature of the community service the offender shall
perform.

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(G) Whoever violates section 4301.636 of the Revised Code is

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guilty of a felony of the fifth degree. 9903

(H) Whoever violates division (A)(1) of section 4301.22 of 9904
the Revised Code is guilty of a misdemeanor, shall be fined not 9905
less than five hundred and not more than one thousand dollars, 9906
and, in addition to the fine, may be imprisoned for a definite 9907
term of not more than sixty days. 9908

(I) Whoever violates division (A) of section 4301.69 or 9909
division (H) of section 4301.691 of the Revised Code is guilty of 9910
a misdemeanor, shall be fined not less than five hundred and not 9911
more than one thousand dollars, and, in addition to the fine, may 9912
be imprisoned for a definite term of not more than six months. 9913

Sec. 4501.01. As used in this chapter and Chapters 4503., 9914
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 9915
Revised Code, and in the penal laws, except as otherwise provided: 9916

(A) "Vehicles" means everything on wheels or runners, 9917
including motorized bicycles, but does not mean vehicles that are 9918
operated exclusively on rails or tracks or from overhead electric 9919
trolley wires and vehicles that belong to any police department, 9920
municipal fire department, or volunteer fire department, or that 9921
are used by such a department in the discharge of its functions. 9922

(B) "Motor vehicle" means any vehicle, including mobile homes 9923
and recreational vehicles, that is propelled or drawn by power 9924
other than muscular power or power collected from overhead 9925
electric trolley wires. "Motor vehicle" does not include motorized 9926
bicycles, road rollers, traction engines, power shovels, power 9927
cranes, and other equipment used in construction work and not 9928
designed for or employed in general highway transportation, 9929
well-drilling machinery, ditch-digging machinery, farm machinery, 9930
trailers that are used to transport agricultural produce or 9931
agricultural production materials between a local place of storage 9932
or supply and the farm when drawn or towed on a public road or 9933

highway at a speed of twenty-five miles per hour or less, 9934
threshing machinery, hay-baling machinery, corn sheller, 9935
hammermill and agricultural tractors, machinery used in the 9936
production of horticultural, agricultural, and vegetable products, 9937
and trailers that are designed and used exclusively to transport a 9938
boat between a place of storage and a marina, or in and around a 9939
marina, when drawn or towed on a public road or highway for a 9940
distance of no more than ten miles and at a speed of twenty-five 9941
miles per hour or less. 9942

(C) "Agricultural tractor" and "traction engine" mean any 9943
self-propelling vehicle that is designed or used for drawing other 9944
vehicles or wheeled machinery, but has no provisions for carrying 9945
loads independently of such other vehicles, and that is used 9946
principally for agricultural purposes. 9947

(D) "Commercial tractor," except as defined in division (C) 9948
of this section, means any motor vehicle that has motive power and 9949
either is designed or used for drawing other motor vehicles, or is 9950
designed or used for drawing another motor vehicle while carrying 9951
a portion of the other motor vehicle or its load, or both. 9952

(E) "Passenger car" means any motor vehicle that is designed 9953
and used for carrying not more than nine persons and includes any 9954
motor vehicle that is designed and used for carrying not more than 9955
fifteen persons in a ridesharing arrangement. 9956

(F) "Collector's vehicle" means any motor vehicle or 9957
agricultural tractor or traction engine that is of special 9958
interest, that has a fair market value of one hundred dollars or 9959
more, whether operable or not, and that is owned, operated, 9960
collected, preserved, restored, maintained, or used essentially as 9961
a collector's item, leisure pursuit, or investment, but not as the 9962
owner's principal means of transportation. "Licensed collector's 9963
vehicle" means a collector's vehicle, other than an agricultural 9964
tractor or traction engine, that displays current, valid license 9965

tags issued under section 4503.45 of the Revised Code, or a 9966
similar type of motor vehicle that displays current, valid license 9967
tags issued under substantially equivalent provisions in the laws 9968
of other states. 9969

(G) "Historical motor vehicle" means any motor vehicle that 9970
is over twenty-five years old and is owned solely as a collector's 9971
item and for participation in club activities, exhibitions, tours, 9972
parades, and similar uses, but that in no event is used for 9973
general transportation. 9974

(H) "Noncommercial motor vehicle" means any motor vehicle, 9975
including a farm truck as defined in section 4503.04 of the 9976
Revised Code, that is designed by the manufacturer to carry a load 9977
of no more than one ton and is used exclusively for purposes other 9978
than engaging in business for profit. 9979

(I) "Bus" means any motor vehicle that has motor power and is 9980
designed and used for carrying more than nine passengers, except 9981
any motor vehicle that is designed and used for carrying not more 9982
than fifteen passengers in a ridesharing arrangement. 9983

(J) "Commercial car" or "truck" means any motor vehicle that 9984
has motor power and is designed and used for carrying merchandise 9985
or freight, or that is used as a commercial tractor. 9986

(K) "Bicycle" means every device, other than a tricycle that 9987
is designed solely for use as a play vehicle by a child, that is 9988
propelled solely by human power upon which any person may ride, 9989
and that has either two tandem wheels, or one wheel in front and 9990
two wheels in the rear, any of which is more than fourteen inches 9991
in diameter. 9992

(L) "Motorized bicycle" means any vehicle that either has two 9993
tandem wheels or one wheel in the front and two wheels in the 9994
rear, that is capable of being pedaled, and that is equipped with 9995
a helper motor of not more than fifty cubic centimeters piston 9996

displacement that produces no more than one brake horsepower and 9997
is capable of propelling the vehicle at a speed of no greater than 9998
twenty miles per hour on a level surface. 9999

(M) "Trailer" means any vehicle without motive power that is 10000
designed or used for carrying property or persons wholly on its 10001
own structure and for being drawn by a motor vehicle, and includes 10002
any such vehicle that is formed by or operated as a combination of 10003
a semitrailer and a vehicle of the dolly type such as that 10004
commonly known as a trailer dolly, a vehicle used to transport 10005
agricultural produce or agricultural production materials between 10006
a local place of storage or supply and the farm when drawn or 10007
towed on a public road or highway at a speed greater than 10008
twenty-five miles per hour, and a vehicle that is designed and 10009
used exclusively to transport a boat between a place of storage 10010
and a marina, or in and around a marina, when drawn or towed on a 10011
public road or highway for a distance of more than ten miles or at 10012
a speed of more than twenty-five miles per hour. "Trailer" does 10013
not include a manufactured home or travel trailer. 10014

(N) "Noncommercial trailer" means any trailer, except a 10015
travel trailer or trailer that is used to transport a boat as 10016
described in division (B) of this section, but, where applicable, 10017
includes a vehicle that is used to transport a boat as described 10018
in division (M) of this section, that has a gross weight of no 10019
more than three thousand pounds, and that is used exclusively for 10020
purposes other than engaging in business for a profit. 10021

(O) "Mobile home" means a building unit or assembly of closed 10022
construction that is fabricated in an off-site facility, is more 10023
than thirty-five body feet in length or, when erected on site, is 10024
three hundred twenty or more square feet, is built on a permanent 10025
chassis, is transportable in one or more sections, and does not 10026
qualify as a manufactured home as defined in division (C)(4) of 10027
section 3781.06 of the Revised Code or as an industrialized unit 10028

as defined in division (C)(3) of section 3781.06 of the Revised Code. 10029
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(P) "Semitrailer" means any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer. 10031
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(Q) "Recreational vehicle" means a vehicular portable structure that meets all of the following conditions: 10041
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(1) It is designed for the sole purpose of recreational travel. 10043
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(2) It is not used for the purpose of engaging in business for profit. 10045
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(3) It is not used for the purpose of engaging in intrastate commerce. 10047
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(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended. 10049
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(5) It is not regulated by the public utilities commission pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 10051
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(6) It is classed as one of the following: 10053

(a) "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty square feet of space when erected on site. "Travel trailer" includes a tent-type fold-out camping 10054
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trailer as defined in section 4517.01 of the Revised Code. 10059

(b) "Motor home" means a self-propelled recreational vehicle 10060
that has no fifth wheel and is constructed with permanently 10061
installed facilities for cold storage, cooking and consuming of 10062
food, and for sleeping. 10063

(c) "Truck camper" means a nonself-propelled recreational 10064
vehicle that does not have wheels for road use and is designed to 10065
be placed upon and attached to a motor vehicle. "Truck camper" 10066
does not include truck covers that consist of walls and a roof, 10067
but do not have floors and facilities enabling them to be used as 10068
a dwelling. 10069

(d) "Fifth wheel trailer" means a vehicle that is of such 10070
size and weight as to be movable without a special highway permit, 10071
that has a gross trailer area of four hundred square feet or less, 10072
that is constructed with a raised forward section that allows a 10073
bi-level floor plan, and that is designed to be towed by a vehicle 10074
equipped with a fifth-wheel hitch ordinarily installed in the bed 10075
of a truck. 10076

(e) "Park trailer" means a vehicle that is commonly known as 10077
a park model recreational vehicle, meets the American national 10078
standard institute standard A119.5 (1988) for park trailers, is 10079
built on a single chassis, has a gross trailer area of four 10080
hundred square feet or less when set up, is designed for seasonal 10081
or temporary living quarters, and may be connected to utilities 10082
necessary for the operation of installed features and appliances. 10083

(R) "Pneumatic tires" means tires of rubber and fabric or 10084
tires of similar material, that are inflated with air. 10085

(S) "Solid tires" means tires of rubber or similar elastic 10086
material that are not dependent upon confined air for support of 10087
the load. 10088

(T) "Solid tire vehicle" means any vehicle that is equipped 10089

with two or more solid tires. 10090

(U) "Farm machinery" means all machines and tools that are 10091
used in the production, harvesting, and care of farm products, and 10092
includes trailers that are used to transport agricultural produce 10093
or agricultural production materials between a local place of 10094
storage or supply and the farm when drawn or towed on a public 10095
road or highway at a speed of twenty-five miles per hour or less. 10096

(V) "Owner" includes any person, firm, or corporation other 10097
than a manufacturer or dealer that has title to a motor vehicle, 10098
except that in sections 4505.01 to 4505.19 of the Revised Code, 10099
"owner" includes in addition manufacturers and dealers. 10100

(W) "Manufacturer" and "dealer" include all persons, firms, 10101
and corporations that are regularly engaged in the business of 10102
manufacturing, selling, displaying, offering for sale, or dealing 10103
in motor vehicles, at an established place of business that is 10104
used exclusively for the purpose of manufacturing, selling, 10105
displaying, offering for sale, or dealing in motor vehicles. A 10106
place of business that is used for manufacturing, selling, 10107
displaying, offering for sale, or dealing in motor vehicles shall 10108
be deemed to be used exclusively for those purposes even though 10109
snowmobiles or all-purpose vehicles are sold or displayed for sale 10110
thereat, even though farm machinery is sold or displayed for sale 10111
thereat, or even though repair, accessory, gasoline and oil, 10112
storage, parts, service, or paint departments are maintained 10113
thereat, or, in any county having a population of less than 10114
seventy-five thousand persons at the last federal census, even 10115
though a department in a place of business is used to dismantle, 10116
salvage, or rebuild motor vehicles by means of used parts, if such 10117
departments are operated for the purpose of furthering and 10118
assisting in the business of manufacturing, selling, displaying, 10119
offering for sale, or dealing in motor vehicles. Places of 10120
business or departments in a place of business used to dismantle, 10121

salvage, or rebuild motor vehicles by means of using used parts 10122
are not considered as being maintained for the purpose of 10123
assisting or furthering the manufacturing, selling, displaying, 10124
and offering for sale or dealing in motor vehicles. 10125

(X) "Operator" includes any person who drives or operates a 10126
motor vehicle upon the public highways. 10127

(Y) "Chauffeur" means any operator who operates a motor 10128
vehicle, other than a taxicab, as an employee for hire; or any 10129
operator whether or not the owner of a motor vehicle, other than a 10130
taxicab, who operates such vehicle for transporting, for gain, 10131
compensation, or profit, either persons or property owned by 10132
another. Any operator of a motor vehicle who is voluntarily 10133
involved in a ridesharing arrangement is not considered an 10134
employee for hire or operating such vehicle for gain, 10135
compensation, or profit. 10136

(Z) "State" includes the territories and federal districts of 10137
the United States, and the provinces of Canada. 10138

(AA) "Public roads and highways" for vehicles includes all 10139
public thoroughfares, bridges, and culverts. 10140

(BB) "Manufacturer's number" means the manufacturer's 10141
original serial number that is affixed to or imprinted upon the 10142
chassis or other part of the motor vehicle. 10143

(CC) "Motor number" means the manufacturer's original number 10144
that is affixed to or imprinted upon the engine or motor of the 10145
vehicle. 10146

(DD) "Distributor" means any person who is authorized by a 10147
motor vehicle manufacturer to distribute new motor vehicles to 10148
licensed motor vehicle dealers at an established place of business 10149
that is used exclusively for the purpose of distributing new motor 10150
vehicles to licensed motor vehicle dealers, except when the 10151
distributor also is a new motor vehicle dealer, in which case the 10152

distributor may distribute at the location of the distributor's 10153
licensed dealership. 10154

(EE) "Ridesharing arrangement" means the transportation of 10155
persons in a motor vehicle where the transportation is incidental 10156
to another purpose of a volunteer driver and includes ridesharing 10157
arrangements known as carpools, vanpools, and buspools. 10158

(FF) "Apportionable vehicle" means any vehicle that is used 10159
or intended for use in two or more international registration plan 10160
member jurisdictions that allocate or proportionally register 10161
vehicles, that is used for the transportation of persons for hire 10162
or designed, used, or maintained primarily for the transportation 10163
of property, and that meets any of the following qualifications: 10164

(1) Is a power unit having a gross vehicle weight in excess 10165
of twenty-six thousand pounds; 10166

(2) Is a power unit having three or more axles, regardless of 10167
the gross vehicle weight; 10168

(3) Is a combination vehicle with a gross vehicle weight in 10169
excess of twenty-six thousand pounds. 10170

"Apportionable vehicle" does not include recreational 10171
vehicles, vehicles displaying restricted plates, city pick-up and 10172
delivery vehicles, buses used for the transportation of chartered 10173
parties, or vehicles owned and operated by the United States, this 10174
state, or any political subdivisions thereof. 10175

(GG) "Chartered party" means a group of persons who contract 10176
as a group to acquire the exclusive use of a passenger-carrying 10177
motor vehicle at a fixed charge for the vehicle in accordance with 10178
the carrier's tariff, lawfully on file with the United States 10179
department of transportation, for the purpose of group travel to a 10180
specified destination or for a particular itinerary, either agreed 10181
upon in advance or modified by the chartered group after having 10182
left the place of origin. 10183

(HH) "International registration plan" means a reciprocal 10184
agreement of member jurisdictions that is endorsed by the American 10185
association of motor vehicle administrators, and that promotes and 10186
encourages the fullest possible use of the highway system by 10187
authorizing apportioned registration of fleets of vehicles and 10188
recognizing registration of vehicles apportioned in member 10189
jurisdictions. 10190

(II) "Restricted plate" means a license plate that has a 10191
restriction of time, geographic area, mileage, or commodity, and 10192
includes license plates issued to farm trucks under division (K) 10193
of section 4503.04 of the Revised Code. 10194

(JJ) "Gross vehicle weight," with regard to any commercial 10195
car, trailer, semitrailer, or bus that is taxed at the rates 10196
established under section 4503.042 of the Revised Code, means the 10197
unladen weight of the vehicle fully equipped plus the maximum 10198
weight of the load to be carried on the vehicle. 10199

(KK) "Combined gross vehicle weight" with regard to any 10200
combination of a commercial car, trailer, and semitrailer, that is 10201
taxed at the rates established under section 4503.042 of the 10202
Revised Code, means the total unladen weight of the combination of 10203
vehicles fully equipped plus the maximum weight of the load to be 10204
carried on that combination of vehicles. 10205

(LL) "Chauffeured limousine" means a motor vehicle that is 10206
designed to carry nine or fewer passengers and is operated for 10207
hire on an hourly basis pursuant to a prearranged contract for the 10208
transportation of passengers on public roads and highways along a 10209
route under the control of the person hiring the vehicle and not 10210
over a defined and regular route. "Prearranged contract" means an 10211
agreement, made in advance of boarding, to provide transportation 10212
from a specific location in a chauffeured limousine at a fixed 10213
rate per hour or trip. "Chauffeured limousine" does not include 10214
any vehicle that is used exclusively in the business of funeral 10215

directing. 10216

(MM) "Manufactured home" has the same meaning as in division 10217
(C)(4) of section 3781.06 of the Revised Code. 10218

(NN) "Acquired situs," with respect to a manufactured home or 10219
a mobile home, means to become located in this state by the 10220
placement of the home on real property, but does not include the 10221
placement of a manufactured home or a mobile home in the inventory 10222
of a new motor vehicle dealer or the inventory of a manufacturer, 10223
remanufacturer, or distributor of manufactured or mobile homes. 10224

(OO) "Electronic" includes electrical, digital, magnetic, 10225
optical, electromagnetic, or any other form of technology that 10226
entails capabilities similar to these technologies. 10227

(PP) "Electronic record" means a record generated, 10228
communicated, received, or stored by electronic means for use in 10229
an information system or for transmission from one information 10230
system to another. 10231

(QQ) "Electronic signature" means a signature in electronic 10232
form attached to or logically associated with an electronic 10233
record. 10234

(RR) "Financial transaction device" has the same meaning as 10235
in division (A) of section 113.40 of the Revised Code. 10236

(SS) "Limited driving privileges" means the privilege to 10237
operate a motor vehicle that a court grants under section 4510.021 10238
of the Revised Code to a person whose driver's or commercial 10239
driver's license or permit or nonresident operating privilege has 10240
been suspended. 10241

Sec. 4501.022. (A) The registrar of motor vehicles shall 10242
determine the necessary or appropriate method by which written 10243
notice of an order ~~revoking or~~ suspending a motor vehicle driver's 10244
or commercial driver's license or requiring the surrender of a 10245

certificate of registration and registration plates may be 10246
provided to the person holding the license or the certificate of 10247
registration and registration plates. Division (A) of this section 10248
does not apply if the registrar is required to provide 10249
notification by use of a method specified by law. 10250

(B) Pursuant to rules adopted by the registrar, the bureau of 10251
motor vehicles shall implement proof of mailing procedures to 10252
provide verification that written notice of an order ~~revoking or~~ 10253
suspending a motor vehicle driver's or commercial driver's license 10254
or requiring the surrender of a certificate of registration and 10255
registration plates was sent to the person holding the license or 10256
the certificate of registration and registration plates. 10257

Sec. 4501.17. There is hereby created in the state treasury 10258
the ~~OMVI~~ OVI fines fund. The fund shall consist of fine money 10259
received by the state highway patrol pursuant to ~~division (A) of~~ 10260
section ~~4511.99~~ 4511.19 of the Revised Code, and shall be used by 10261
the state highway patrol to enforce that section ~~4511.19 of the~~ 10262
~~Revised Code~~ and to conduct programs to inform the public of the 10263
dangers of, and laws governing, the operation of motor vehicles 10264
while under the influence of alcohol. 10265

Sec. 4501.19. There is hereby created in the state treasury 10266
the law enforcement reimbursement fund. The law enforcement 10267
reimbursement fund shall consist of fees collected by the 10268
registrar of motor vehicles under division (A)~~(6)~~(5) of section 10269
4503.233 of the Revised Code, and shall be used to make payments 10270
to law enforcement agencies in accordance with that division. 10271
However, the director of budget and management may transfer excess 10272
money from the law enforcement reimbursement fund to the bureau of 10273
motor vehicles fund created in section 4501.25 of the Revised Code 10274
if the registrar determines that the amount of money in the law 10275

enforcement reimbursement fund exceeds the amounts required to be 10276
paid by division (A)~~(6)~~(5) of section 4503.233 of the Revised 10277
Code, and the registrar requests the director to make the 10278
transfer. All investment earnings of the law enforcement 10279
reimbursement fund shall be credited to the fund. 10280

Sec. 4501.25. There is hereby created in the state treasury 10281
the state bureau of motor vehicles fund. The fund shall consist of 10282
all money collected by the registrar of motor vehicles, including 10283
taxes, fees, and fines levied, charged, or referred to in Chapters 10284
4501., 4503., 4505., 4506., 4507., 4509., ~~4510.~~, 4511., 4517., 10285
4519., and 4521., and sections 3123.59, 2935.27, 2937.221, 10286
4738.06, 4738.13, and 4738.18 of the Revised Code unless otherwise 10287
designated by law. The fund shall be used to pay the expenses of 10288
administering the law relative to the powers and duties of the 10289
registrar of motor vehicles. All investment earnings of the fund 10290
shall be retained by the fund. 10291

Sec. ~~4507.25~~ 4501.34. (A) The registrar of motor vehicles may 10292
adopt and publish rules to govern ~~his~~ the registrar's proceedings. 10293
All proceedings of the registrar shall be open to the public, and 10294
all documents in ~~his~~ the registrar's possession ~~shall be~~ are 10295
public records. ~~He~~ The registrar shall adopt a seal bearing the 10296
inscription: "Motor Vehicle Registrar of Ohio." The seal shall be 10297
affixed to all writs and authenticated copies of records, and, 10298
when it has been so attached, ~~such~~ the copies shall be received in 10299
evidence with the same effect as other public records. All courts 10300
shall take judicial notice of the seal. 10301

(B) Upon the request of any person accompanied by a 10302
nonrefundable fee of two dollars per name, the registrar may 10303
furnish lists of names and addresses as they appear upon the 10304
applications for driver's licenses, provided that any further 10305

information contained in the applications shall not be disclosed. 10306
~~All The registrar shall pay all the fees collected shall be paid~~ 10307
~~by the registrar~~ into the state treasury to the credit of the 10308
state bureau of motor vehicles fund established in section 4501.25 10309
of the Revised Code. 10310

This division does not apply to the list of qualified driver 10311
licensees required to be compiled and filed pursuant to section 10312
2313.06 of the Revised Code. 10313

Sec. ~~4507.26~~ 4501.35. An order, except an order relating to a 10314
license as defined in section 119.01 of the Revised Code, made by 10315
the registrar of motor vehicles may be reversed, vacated, or 10316
modified by the court of common pleas of Franklin county, or by 10317
the court of common pleas in the county in which the party 10318
affected is a resident, or in which the matter complained of 10319
arose. 10320

Sec. ~~4507.27~~ 4501.36. A proceeding to obtain the reversal, 10321
vacation, or modification of an order of the registrar of motor 10322
vehicles shall be by appeal~~7~~. Any party to the proceedings before 10323
the registrar shall file notice of which shall be filed the appeal 10324
in the court of common pleas on or before the expiration of thirty 10325
days from date of entry of ~~such the~~ order, ~~by any party to the~~ 10326
~~proceedings before the registrar. Such. The~~ court shall set ~~such~~ 10327
the appeal for hearing and take ~~such any~~ testimony as is necessary 10328
to decide the matter. ~~At~~ The court shall give the registrar at 10329
least ten days' notice of the time and place of ~~such the~~ hearing 10330
~~shall be given to the registrar.~~ 10331

Sec. ~~4507.28~~ 4501.37. No court may reverse, suspend, or delay 10332
any order made by the registrar of motor vehicles, or enjoin, 10333
restrain, or interfere with the registrar or a deputy registrar in 10334
the performance of official duties, except as provided in ~~sections~~ 10335

~~4507.01 to 4507.39, inclusive, this chapter and Chapter 4507. or 4510.~~ of the Revised Code. 10336
10337

Sec. ~~4507.29~~ 4501.38. Upon the request of the registrar of 10338
motor vehicles, the prosecuting attorney of the county in which 10339
any proceedings are pending, shall aid in any investigation, 10340
prosecution, hearing, or trial ~~had held~~ under ~~sections 4507.01 to~~ 10341
~~4507.39, this chapter or Chapter 4506., 4507., 4510., or 4511.~~ of 10342
the Revised Code, and shall institute and prosecute ~~such any~~ 10343
actions or proceedings for the enforcement of ~~such the~~ sections 10344
~~contained in those chapters,~~ and for the punishment of all 10345
violations ~~thereof of those sections,~~ as the registrar directs. 10346

Sec. 4503.033. (A) Annually, on or before the thirty-first 10347
day of January, every deputy registrar shall file with the 10348
registrar of motor vehicles on a form prescribed by the registrar, 10349
a statement disclosing all of the following: 10350

(1) The name of the person filing the statement, and, if 10351
applicable, of his spouse and of members of his immediate family; 10352

(2) Any contribution made within the previous calendar year 10353
by the person and, if applicable, by his spouse and by members of 10354
his immediate family to each of the following: 10355

(a) Any political party; 10356

(b) Any candidate for the office of governor, attorney 10357
general, secretary of state, treasurer of state, auditor of state, 10358
member of the senate or house of representatives of the general 10359
assembly, or to the campaign committee of any such candidate. 10360

(3) The month, day, and year in which the contribution was 10361
made; 10362

(4) The full name and address of each person, political 10363
party, or campaign committee to which a contribution was made; 10364

(5) The value in dollars and cents of the contribution. 10365

(B) No person shall knowingly fail to file, on or before the 10366
filing deadline under this section, a statement that is required 10367
by division (A) of this section. 10368

(C) No person shall knowingly make a false statement in a 10369
statement that is required to be filed under division (A) of this 10370
section. 10371

(D) On and after ~~the effective date of this amendment~~ March 10372
2, 1994, the statement required by division (A) of this section 10373
shall be accompanied by a filing fee of twenty-five dollars. If 10374
the statement required by division (A) of this section is not 10375
filed by the date on which it is required to be filed, the 10376
registrar of motor vehicles shall assess a late filing fee as 10377
prescribed in division (F) of section 102.02 of the Revised Code. 10378
The registrar shall deposit all fees he receives under this 10379
division into the general revenue fund of the state. 10380

(E) Not later than the date a deputy registrar is required to 10381
file a statement under division (A) of this section, the deputy 10382
registrar shall file a copy of the statement with the office of 10383
the secretary of state. The secretary of state shall keep the 10384
copies of all statements filed with his office under this division 10385
only for the purpose of making them available for public 10386
inspection. 10387

(F) Whoever violates division (B) of this section shall be 10388
fined one thousand dollars. Whoever violates division (C) of this 10389
section shall be fined ten thousand dollars. 10390

Sec. 4503.05. (A) No person shall use a motor vehicle 10391
registered as a noncommercial motor vehicle ~~as defined in section~~ 10392
~~4501.01 of the Revised Code~~ for other than the purposes set forth 10393
in ~~that~~ section 4501.01 of the Revised Code. 10394

(B) Whoever violates this section is guilty of a misdemeanor 10395
of the fourth degree. 10396

Sec. 4503.061. (A) All manufactured and mobile homes shall be 10397
listed on either the real property tax list or the manufactured 10398
home tax list of the county in which the home has situs. Each 10399
owner shall follow the procedures in this section to identify the 10400
home to the county auditor of the county containing the taxing 10401
district in which the home has situs so that the auditor may place 10402
the home on the appropriate tax list. 10403

(B) When a manufactured or mobile home first acquires situs 10404
in this state and is subject to real property taxation pursuant to 10405
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 10406
owner shall present to the auditor of the county containing the 10407
taxing district in which the home has its situs the certificate of 10408
title for the home, together with proof that all taxes due have 10409
been paid and proof that a relocation notice was obtained for the 10410
home if required under this section. Upon receiving the 10411
certificate of title and the required proofs, the auditor shall 10412
place the home on the real property tax list and proceed to treat 10413
the home as other properties on that list. After the auditor has 10414
placed the home on the tax list of real and public utility 10415
property, the auditor shall deliver the certificate of title to 10416
the clerk of the court of common pleas that issued it pursuant to 10417
section 4505.11 of the Revised Code, and the clerk shall 10418
inactivate the certificate of title. 10419

(C)(1) When a manufactured or mobile home subject to a 10420
manufactured home tax is relocated to or first acquires situs in 10421
any county that has adopted a permanent manufactured home 10422
registration system, as provided in division (F) of this section, 10423
the owner, within thirty days after the home is relocated or first 10424
acquires situs under section 4503.06 of the Revised Code, shall 10425

register the home with the county auditor of the county containing 10426
the taxing district in which the home has its situs. For the first 10427
registration in each county of situs, the owner or vendee in 10428
possession shall present to the county auditor an Ohio certificate 10429
of title, certified copy of the certificate of title, or 10430
memorandum certificate of title as such are required by law, and 10431
proof, as required by the county auditor, that the home, if it has 10432
previously been occupied and is being relocated, has been 10433
previously registered, that all taxes due and required to be paid 10434
under division (H)(1) of this section before a relocation notice 10435
may be issued have been paid, and that a relocation notice was 10436
obtained for the home if required by division (H) of this section. 10437
If the owner or vendee does not possess the Ohio certificate of 10438
title, certified copy of the certificate of title, or memorandum 10439
certificate of title at the time the owner or vendee first 10440
registers the home in a county, the county auditor shall register 10441
the home without presentation of the document, but the owner or 10442
vendee shall present the certificate of title, certified copy of 10443
the certificate of title, or memorandum certificate of title to 10444
the county auditor within fourteen days after the owner or vendee 10445
obtains possession of the document. 10446

(2) When a manufactured or mobile home is registered for the 10447
first time in a county and when the total tax due has been paid as 10448
required by division (F) of section 4503.06 of the Revised Code or 10449
divisions (E) and (H) of this section, the county treasurer shall 10450
note by writing or by a stamp on the certificate of title, 10451
certified copy of certificate of title, or memorandum certificate 10452
of title that the home has been registered and that the taxes due, 10453
if any, have been paid for the preceding five years and for the 10454
current year. The treasurer shall then issue a certificate 10455
evidencing registration and a decal to be displayed on the street 10456
side of the home. Such certificate is valid in any county in this 10457

state during the year for which it is issued. 10458

(3) For each year thereafter, the county treasurer shall 10459
issue a tax bill stating the amount of tax due under section 10460
4503.06 of the Revised Code, as provided in division (D)(6) of 10461
that section. When the total tax due has been paid as required by 10462
division (F) of section 4503.06 of the Revised Code, the county 10463
treasurer shall issue a certificate evidencing registration that 10464
shall be valid in any county in this state during the year for 10465
which the certificate is issued. 10466

(4) The permanent decal issued under this division is valid 10467
during the period of ownership, except that when a manufactured 10468
home is relocated in another county the owner shall apply for a 10469
new registration as required by this section and section 4503.06 10470
of the Revised Code. 10471

(D)(1) All owners of manufactured or mobile homes subject to 10472
the manufactured home tax being relocated to or having situs in a 10473
county that has not adopted a permanent registration system, as 10474
provided in division (F) of this section, shall register the home 10475
within thirty days after the home is relocated or first acquires 10476
situs under section 4503.06 of the Revised Code and thereafter 10477
shall annually register the home with the county auditor of the 10478
county containing the taxing district in which the home has its 10479
situs. 10480

(2) Upon the annual registration, the county treasurer shall 10481
issue a tax bill stating the amount of annual manufactured home 10482
tax due under section 4503.06 of the Revised Code, as provided in 10483
division (D)(6) of that section. When a manufactured or mobile 10484
home is registered and when the tax for the current one-half year 10485
has been paid as required by division (F) of section 4503.06 of 10486
the Revised Code, the county treasurer shall issue a certificate 10487
evidencing registration and a decal. Such certificate and decal 10488
are valid in any county in this state during the year for which 10489

they are issued. The decal shall be displayed on the street side 10490
of the home. 10491

(3) For the first annual registration in each county of 10492
situs, the county auditor shall require the owner or vendee to 10493
present an Ohio certificate of title, certified copy of the 10494
certificate of title, or memorandum certificate of title as such 10495
are required by law, and proof, as required by the county auditor, 10496
that the manufactured or mobile home has been previously 10497
registered, if such registration was required, that all taxes due 10498
and required to be paid under division (H)(1) of this section 10499
before a relocation notice may be issued have been paid, and that 10500
a relocation notice was obtained for the home if required by 10501
division (H) of this section. If the owner or vendee does not 10502
possess the Ohio certificate of title, certified copy of the 10503
certificate of title, or memorandum certificate of title at the 10504
time the owner or vendee first registers the home in a county, the 10505
county auditor shall register the home without presentation of the 10506
document, but the owner or vendee shall present the certificate of 10507
title, certified copy of the certificate of title, or memorandum 10508
certificate of title to the county auditor within fourteen days 10509
after the owner or vendee obtains possession of the document. When 10510
the county treasurer receives the tax payment, the county 10511
treasurer shall note by writing or by a stamp on the certificate 10512
of title, certified copy of the certificate of title, or 10513
memorandum certificate of title that the home has been registered 10514
for the current year and that the manufactured home taxes due, if 10515
any, have been paid for the preceding five years and for the 10516
current year. 10517

(4) For subsequent annual registrations, the auditor may 10518
require the owner or vendee in possession to present an Ohio 10519
certificate of title, certified copy of the certificate of title, 10520
or memorandum certificate of title to the county treasurer upon 10521

payment of the manufactured home tax that is due. 10522

(E)(1) Upon the application to transfer ownership of a 10523
manufactured or mobile home for which manufactured home taxes are 10524
paid pursuant to division (C) of section 4503.06 of the Revised 10525
Code the clerk of the court of common pleas shall not issue any 10526
certificate of title that does not contain or have attached both 10527
of the following: 10528

(a) An endorsement of the county treasurer stating that the 10529
home has been registered for each year of ownership and that all 10530
manufactured home taxes imposed pursuant to section 4503.06 of the 10531
Revised Code have been paid or that no tax is due; 10532

(b) An endorsement of the county auditor that the 10533
manufactured home transfer tax imposed pursuant to section 322.06 10534
of the Revised Code and any fees imposed under division (F) of 10535
section 319.54 of the Revised Code have been paid. 10536

(2) If all the taxes have not been paid, the clerk shall 10537
notify the vendee to contact the county treasurer of the county 10538
containing the taxing district in which the home has its situs at 10539
the time of the proposed transfer. The county treasurer shall then 10540
collect all the taxes that are due for the year of the transfer 10541
and all previous years not exceeding a total of five years. The 10542
county treasurer shall distribute that part of the collection owed 10543
to the county treasurer of other counties if the home had its 10544
situs in another county during a particular year when the unpaid 10545
tax became due and payable. The burden to prove the situs of the 10546
home in the years that the taxes were not paid is on the 10547
transferor of the home. Upon payment of such taxes, the county 10548
auditor shall remove all remaining taxes from the manufactured 10549
home tax list and the delinquent manufactured home tax list, and 10550
the county treasurer shall release all liens for such taxes. The 10551
clerk of courts shall issue a certificate of title, free and clear 10552
of all liens for manufactured home taxes, to the transferee of the 10553

home. 10554

(3) Once the transfer is complete and the certificate of 10555
title has been issued, the transferee shall register the 10556
manufactured or mobile home pursuant to division (C) or (D) of 10557
this section with the county auditor of the county containing the 10558
taxing district in which the home remains after the transfer or, 10559
if the home is relocated to another county, with the county 10560
auditor of the county to which the home is relocated. The 10561
transferee need not pay the annual tax for the year of acquisition 10562
if the original owner has already paid the annual tax for that 10563
year. 10564

(F) The county auditor may adopt a permanent registration 10565
system and issue a permanent decal with the first registration as 10566
prescribed by the tax commissioner. 10567

(G) When any manufactured or mobile home required to be 10568
registered by this section is not registered, the county auditor 10569
shall impose a penalty of one hundred dollars upon the owner and 10570
deposit the amount to the credit of the county real estate 10571
assessment fund to be used to pay the costs of administering this 10572
section and section 4503.06 of the Revised Code. If unpaid, the 10573
penalty shall constitute a lien on the home and shall be added by 10574
the county auditor to the manufactured home tax list for 10575
collection. 10576

(H)(1) Before moving a manufactured or mobile home on public 10577
roads from one address within this state to another address within 10578
or outside this state, the owner of the home shall obtain a 10579
relocation notice, as provided by this section, from the auditor 10580
of the county in which the home is located if the home is 10581
currently subject to taxation pursuant to section 4503.06 of the 10582
Revised Code. The auditor shall charge five dollars for the 10583
notice, and deposit the amount to the credit of the county real 10584
estate assessment fund to be used to pay the costs of 10585

administering this section and section 4503.06 of the Revised Code. The auditor shall not issue a relocation notice unless all taxes owed on the home under section 4503.06 of the Revised Code that were first charged to the home during the period of ownership of the owner seeking the relocation notice have been paid. If the home is being moved by a new owner of the home or by a party taking repossession of the home, the auditor shall not issue a relocation notice unless all of the taxes due for the preceding five years and for the current year have been paid. A relocation notice issued by a county auditor is valid until the last day of December of the year in which it was issued.

(2) If a manufactured or mobile home is not yet subject to taxation under section 4503.06 of the Revised Code, the owner of the home shall obtain a relocation notice from the dealer of the home. Within thirty days after the manufactured or mobile home is purchased, the dealer of the home shall provide the auditor of the county in which the home is to be located written notice of the name of the purchaser of the home, the registration number or vehicle identification number of the home, and the address or location to which the home is to be moved. The county auditor shall provide to each manufactured and mobile home dealer, without charge, a supply of relocation notices to be distributed to purchasers pursuant to this section.

(3) The notice shall be in the form of a one-foot square yellow sign with the words "manufactured home relocation notice" printed prominently on it. The name of the owner of the home, the home's registration number or vehicle identification number, the county and the address or location to which the home is being moved, and the county in which the notice is issued shall also be entered on the notice.

(4) The relocation notice must be attached to the rear of the home when the home is being moved on a public road. Except as

provided in division (H)(5) of this section, no person shall drive 10618
a motor vehicle moving a manufactured or mobile home on a public 10619
road from one address to another address within this state unless 10620
a relocation notice is attached to the rear of the home. 10621

(5) If the county auditor determines that a manufactured or 10622
mobile home has been moved without a relocation notice as required 10623
under this division, the auditor shall impose a penalty of one 10624
hundred dollars upon the owner of the home and upon the person who 10625
moved the home and deposit the amount to the credit of the county 10626
real estate assessment fund to pay the costs of administering this 10627
section and section 4503.06 of the Revised Code. If the home was 10628
relocated from one county in this state to another county in this 10629
state and the county auditor of the county to which the home was 10630
relocated imposes the penalty, that county auditor, upon 10631
collection thereof, shall cause an amount equal to the penalty to 10632
be transmitted from the county real estate assessment fund to the 10633
county auditor of the county from which the home was relocated, 10634
who shall deposit the amount to the credit of the county real 10635
estate assessment fund. If the penalty on the owner is unpaid, the 10636
penalty shall constitute a lien on the home and the auditor shall 10637
add the penalty to the manufactured home tax list for collection. 10638
If the county auditor determines that a dealer that has sold a 10639
manufactured or mobile home has failed to timely provide the 10640
information required under this division, the auditor shall impose 10641
a penalty upon the dealer in the amount of one hundred dollars. 10642
The penalty shall be credited to the county real estate assessment 10643
fund and used to pay the costs of administering this section and 10644
section 4503.06 of the Revised Code. 10645

(I) Whoever violates division (H)(4) of this section is 10646
guilty of a minor misdemeanor. 10647

Sec. 4503.066. (A)(1) To obtain a reduction in the assessable 10648

value of a manufactured or mobile home under section 4503.065 of 10649
the Revised Code, the owner of the home shall file an application 10650
with the county auditor of the county in which the home is 10651
located. An application for reduction in assessable value based 10652
upon a physical disability shall be accompanied by a certificate 10653
signed by a physician, and an application for reduction in 10654
assessable value based upon a mental disability shall be 10655
accompanied by a certificate signed by a physician or psychologist 10656
licensed to practice in this state. The certificate shall attest 10657
to the fact that the applicant is permanently and totally 10658
disabled, shall be in a form that the department of taxation 10659
requires, and shall include the definition of totally and 10660
permanently disabled as set forth in section 4503.064 of the 10661
Revised Code. An application for reduction in assessable value 10662
based upon a disability certified as permanent and total by a 10663
state or federal agency having the function of so classifying 10664
persons shall be accompanied by a certificate from that agency. 10665

(2) Each application shall constitute a continuing 10666
application for a reduction in assessable value for each year in 10667
which the manufactured or mobile home is occupied by the applicant 10668
and in which the amount of the reduction in assessable value does 10669
not exceed either the amount or per cent of the reduction for the 10670
year in which the application was first filed. Failure to receive 10671
a new application or notification under division (B) of this 10672
section after a certificate of reduction has been issued under 10673
section 4503.067 of the Revised Code is prima-facie evidence that 10674
the original applicant is entitled to the reduction in assessable 10675
value calculated on the basis of the information contained in the 10676
original application. The original application and any subsequent 10677
application shall be in the form of a signed statement and shall 10678
be filed not later than the first Monday in June. The statement 10679
shall be on a form, devised and supplied by the tax commissioner, 10680

that shall require no more information than is necessary to
establish the applicant's eligibility for the reduction in
assessable value and the amount of the reduction to which the
applicant is entitled. The form shall contain a statement that
signing such application constitutes a delegation of authority by
the applicant to the county auditor to examine any financial
records that relate to income earned by the applicant as stated on
the application for the purpose of determining eligibility under,
or possible violation of, division (C) or (D) of this section. The
form also shall contain a statement that conviction of willfully
falsifying information to obtain a reduction in assessable value
or failing to comply with division (B) of this section shall
result in the revocation of the right to the reduction for a
period of three years.

(3) A late application for a reduction in assessable value
for the year preceding the year for which an original application
is filed may be filed with an original application. If the auditor
determines that the information contained in the late application
is correct, the auditor shall determine both the amount of the
reduction in assessable value to which the applicant would have
been entitled for the current tax year had the application been
timely filed and approved in the preceding year, and the amount
the taxes levied under section 4503.06 of the Revised Code for the
current year would have been reduced as a result of the reduction
in assessable value. When an applicant is permanently and totally
disabled on the first day of January of the year in which the
applicant files a late application, the auditor, in making the
determination of the amounts of the reduction in assessable value
and taxes under division (A)(3) of this section, is not required
to determine that the applicant was permanently and totally
disabled on the first day of January of the preceding year.

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The amount of the reduction in taxes pursuant to a late application shall be treated as an overpayment of taxes by the applicant. The auditor shall credit the amount of the overpayment against the amount of the taxes or penalties then due from the applicant, and, at the next succeeding settlement, the amount of the credit shall be deducted from the amount of any taxes or penalties distributable to the county or any taxing unit in the county that has received the benefit of the taxes or penalties previously overpaid, in proportion to the benefits previously received. If, after the credit has been made, there remains a balance of the overpayment, or if there are no taxes or penalties due from the applicant, the auditor shall refund that balance to the applicant by a warrant drawn on the county treasurer in favor of the applicant. The treasurer shall pay the warrant from the general fund of the county. If there is insufficient money in the general fund to make the payment, the treasurer shall pay the warrant out of any undivided manufactured or mobile home taxes subsequently received by the treasurer for distribution to the county or taxing district in the county that received the benefit of the overpaid taxes, in proportion to the benefits previously received, and the amount paid from the undivided funds shall be deducted from the money otherwise distributable to the county or taxing district in the county at the next or any succeeding distribution. At the next or any succeeding distribution after making the refund, the treasurer shall reimburse the general fund for any payment made from that fund by deducting the amount of that payment from the money distributable to the county or other taxing unit in the county that has received the benefit of the taxes, in proportion to the benefits previously received. On the second Monday in September of each year, the county auditor shall certify the total amount of the reductions in taxes made in the current year under division (A)(3) of this section to the tax commissioner who shall treat that amount as a reduction in taxes

for the current tax year and shall make reimbursement to the 10746
county of that amount in the manner prescribed in section 4503.068 10747
of the Revised Code, from moneys appropriated for that purpose. 10748

(B) If in any year after an application has been filed under 10749
division (A) of this section the owner no longer qualifies for the 10750
reduction in assessable value for which the owner was issued a 10751
certificate or qualifies for a reduction that is less than either 10752
the per cent or amount of the reduction to which the owner was 10753
entitled in the year the application was filed, the owner shall 10754
notify the county auditor that the owner is not qualified for a 10755
reduction in the assessable value of the home or file a new 10756
application under division (A) of this section. 10757

During January of each year, the county auditor shall furnish 10758
each person issued a certificate of reduction in value, by 10759
ordinary mail, a form on which to report any changes in total 10760
income that would have the effect of increasing or decreasing the 10761
reduction to which the person is entitled, changes in ownership of 10762
the home, including changes in or revocation of a revocable inter 10763
vivos trust, changes in disability, and other changes in the 10764
information earlier furnished the auditor relative to the 10765
application. The form shall be completed and returned to the 10766
auditor not later than the first Monday in June if the changes 10767
would affect the level of reduction in assessable value. 10768

(C) No person shall knowingly make a false statement for the 10769
purpose of obtaining a reduction in assessable value under section 10770
4503.065 of the Revised Code. 10771

(D) No person shall knowingly fail to notify the county 10772
auditor of any change required by division (B) of this section 10773
that has the effect of maintaining or securing a reduction in 10774
assessable value of the home in excess of the reduction allowed 10775
under section 4503.065 of the Revised Code. 10776

(E) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 4503.064 to 4503.069 of the Revised Code.

(F) Whoever violates division (C), (D), or (E) of this section is guilty of a misdemeanor of the fourth degree.

Sec. 4503.10. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff or chief of police of the municipal or township police with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times

established by the registrar pursuant to section 4503.101 of the Revised Code. A motor vehicle owner also may elect to renew a motor vehicle registration by electronic means using electronic signature in accordance with rules adopted by the registrar. Except as provided in division (J) of this section, applications for registration shall be made on blanks furnished by the registrar for that purpose, containing the following information:

(1) A brief description of the motor vehicle to be registered, including the name of the manufacturer, the factory number of the vehicle, the year's model, and, in the case of commercial cars, the gross weight of the vehicle fully equipped computed in the manner prescribed in section 4503.08 of the Revised Code;

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides;

(3) The district of registration, which shall be determined as follows:

(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding

registration year and during the preceding period of the current 10840
registration year, have been paid. Each application for 10841
registration shall be signed by the owner, either manually or by 10842
electronic signature, or pursuant to obtaining a limited power of 10843
attorney authorized by the registrar for registration, or other 10844
document authorizing such signature. If the owner elects to renew 10845
the motor vehicle registration with the registrar by electronic 10846
means, the owner's manual signature is not required. 10847

(7) The owner's social security number, if assigned, or, 10848
where a motor vehicle to be registered is used for hire or 10849
principally in connection with any established business, the 10850
owner's federal taxpayer identification number. 10851

(B) Each time the applicant first registers a motor vehicle 10852
in the applicant's name, the applicant shall present for 10853
inspection a certificate of title or a memorandum certificate 10854
showing title to the motor vehicle to be registered in the 10855
applicant. When a motor vehicle inspection and maintenance program 10856
is in effect under section 3704.14 of the Revised Code and rules 10857
adopted under it, each application for registration for a vehicle 10858
required to be inspected under that section and those rules shall 10859
be accompanied by an inspection certificate for the motor vehicle 10860
issued in accordance with that section. The application shall be 10861
refused if any of the following applies: 10862

(1) The application is not in proper form. 10863

(2) The application is prohibited from being accepted by 10864
division (D) of section 2935.27, division (A) of section 2937.221, 10865
division (A) of section 4503.13, division (B) of section ~~4507.168~~ 10866
4510.22, or division (B)(1) of section 4521.10 of the Revised 10867
Code. 10868

(3) A certificate of title or memorandum certificate of title 10869
does not accompany the application. 10870

(4) All registration and transfer fees for the motor vehicle, 10871
for the preceding year or the preceding period of the current 10872
registration year, have not been paid. 10873

(5) The owner or lessee does not have an inspection 10874
certificate for the motor vehicle as provided in section 3704.14 10875
of the Revised Code, and rules adopted under it, if that section 10876
is applicable. 10877

This section does not require the payment of license or 10878
registration taxes on a motor vehicle for any preceding year, or 10879
for any preceding period of a year, if the motor vehicle was not 10880
taxable for that preceding year or period under sections 4503.02, 10881
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 10882
Revised Code. When a certificate of registration is issued upon 10883
the first registration of a motor vehicle by or on behalf of the 10884
owner, the official issuing the certificate shall indicate the 10885
issuance with a stamp on the certificate of title or memorandum 10886
certificate and on the inspection certificate for the motor 10887
vehicle, if any. The official also shall indicate, by a stamp or 10888
by such other means as the registrar prescribes, on the 10889
registration certificate issued upon the first registration of a 10890
motor vehicle by or on behalf of the owner the odometer reading of 10891
the motor vehicle as shown in the odometer statement included in 10892
or attached to the certificate of title. Upon each subsequent 10893
registration of the motor vehicle by or on behalf of the same 10894
owner, the official also shall so indicate the odometer reading of 10895
the motor vehicle as shown on the immediately preceding 10896
certificate of registration. 10897

The registrar shall include in the permanent registration 10898
record of any vehicle required to be inspected under section 10899
3704.14 of the Revised Code the inspection certificate number from 10900
the inspection certificate that is presented at the time of 10901
registration of the vehicle as required under this division. 10902

(C) In addition, a charge of twenty-five cents shall be made 10903
for each reflectorized safety license plate issued, and a single 10904
charge of twenty-five cents shall be made for each county 10905
identification sticker or each set of county identification 10906
stickers issued, as the case may be, to cover the cost of 10907
producing the license plates and stickers, including material, 10908
manufacturing, and administrative costs. Those fees shall be in 10909
addition to the license tax. If the total cost of producing the 10910
plates is less than twenty-five cents per plate, or if the total 10911
cost of producing the stickers is less than twenty-five cents per 10912
sticker or per set issued, any excess moneys accruing from the 10913
fees shall be distributed in the same manner as provided by 10914
section 4501.04 of the Revised Code for the distribution of 10915
license tax moneys. If the total cost of producing the plates 10916
exceeds twenty-five cents per plate, or if the total cost of 10917
producing the stickers exceeds twenty-five cents per sticker or 10918
per set issued, the difference shall be paid from the license tax 10919
moneys collected pursuant to section 4503.02 of the Revised Code. 10920

(D) Each deputy registrar shall be allowed a fee of two 10921
dollars and twenty-five cents for each application for 10922
registration and registration renewal notice the deputy registrar 10923
receives, which shall be for the purpose of compensating the 10924
deputy registrar for the deputy registrar's services, and such 10925
office and rental expenses, as may be necessary for the proper 10926
discharge of the deputy registrar's duties in the receiving of 10927
applications and renewal notices and the issuing of licenses. 10928

(E) Upon the certification of the registrar, the county 10929
sheriff or local police officials shall recover license plates 10930
erroneously or fraudulently issued. 10931

(F) Each deputy registrar, upon receipt of any application 10932
for registration or registration renewal notice, together with the 10933
license fee and any local motor vehicle license tax levied 10934

pursuant to Chapter 4504. of the Revised Code, shall transmit that 10935
fee and tax, if any, in the manner provided in this section, 10936
together with the original and duplicate copy of the application, 10937
to the registrar. The registrar, subject to the approval of the 10938
director of public safety, may deposit the funds collected by 10939
those deputies in a local bank or depository to the credit of the 10940
"state of Ohio, bureau of motor vehicles." Where a local bank or 10941
depository has been designated by the registrar, each deputy 10942
registrar shall deposit all moneys collected by the deputy 10943
registrar into that bank or depository not more than one business 10944
day after their collection and shall make reports to the registrar 10945
of the amounts so deposited, together with any other information, 10946
some of which may be prescribed by the treasurer of state, as the 10947
registrar may require and as prescribed by the registrar by rule. 10948
The registrar, within three days after receipt of notification of 10949
the deposit of funds by a deputy registrar in a local bank or 10950
depository, shall draw on that account in favor of the treasurer 10951
of state. The registrar, subject to the approval of the director 10952
and the treasurer of state, may make reasonable rules necessary 10953
for the prompt transmittal of fees and for safeguarding the 10954
interests of the state and of counties, townships, municipal 10955
corporations, and transportation improvement districts levying 10956
local motor vehicle licensetaxes. The registrar may pay service 10957
charges usually collected by banks and depositories for such 10958
service. If deputy registrars are located in communities where 10959
banking facilities are not available, they shall transmit the fees 10960
forthwith, by money order or otherwise, as the registrar, by rule 10961
approved by the director and the treasurer of state, may 10962
prescribe. The registrar may pay the usual and customary fees for 10963
such service. 10964

(G) This section does not prevent any person from making an 10965
application for a motor vehicle license directly to the registrar 10966

by mail, by electronic means, or in person at any of the 10967
registrar's offices, upon payment of a service fee of two dollars 10968
and twenty-five cents for each application. 10969

(H) No person shall make a false statement as to the district 10970
of registration in an application required by division (A) of this 10971
section. Violation of this division is falsification under section 10972
2921.13 of the Revised Code and punishable as specified in that 10973
section. 10974

(I)(1) Where applicable, the requirements of division (B) of 10975
this section relating to the presentation of an inspection 10976
certificate issued under section 3704.14 of the Revised Code and 10977
rules adopted under it for a motor vehicle, the refusal of a 10978
license for failure to present an inspection certificate, and the 10979
stamping of the inspection certificate by the official issuing the 10980
certificate of registration apply to the registration of and 10981
issuance of license plates for a motor vehicle under sections 10982
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 10983
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 10984
4503.47, and 4503.51 of the Revised Code. 10985

(2)(a) The registrar shall adopt rules ensuring that each 10986
owner registering a motor vehicle in a county where a motor 10987
vehicle inspection and maintenance program is in effect under 10988
section 3704.14 of the Revised Code and rules adopted under it 10989
receives information about the requirements established in that 10990
section and those rules and about the need in those counties to 10991
present an inspection certificate with an application for 10992
registration or preregistration. 10993

(b) Upon request, the registrar shall provide the director of 10994
environmental protection, or any person that has been awarded a 10995
contract under division (D) of section 3704.14 of the Revised 10996
Code, an on-line computer data link to registration information 10997
for all passenger cars, noncommercial motor vehicles, and 10998

commercial cars that are subject to that section. The registrar
also shall provide to the director of environmental protection a
magnetic data tape containing registration information regarding
passenger cars, noncommercial motor vehicles, and commercial cars
for which a multi-year registration is in effect under section
4503.103 of the Revised Code or rules adopted under it, including,
without limitation, the date of issuance of the multi-year
registration, the registration deadline established under rules
adopted under section 4503.101 of the Revised Code that was
applicable in the year in which the multi-year registration was
issued, and the registration deadline for renewal of the
multi-year registration.

(J) Application for registration under the international
registration plan, as set forth in sections 4503.60 to 4503.66 of
the Revised Code, shall be made to the registrar on forms
furnished by the registrar. In accordance with international
registration plan guidelines and pursuant to rules adopted by the
registrar, the forms shall include the following:

(1) A uniform mileage schedule;

(2) The gross vehicle weight of the vehicle or combined gross
vehicle weight of the combination vehicle as declared by the
registrant;

(3) Any other information the registrar requires by rule.

Sec. 4503.102. (A) The registrar of motor vehicles shall
adopt rules to establish a centralized system of motor vehicle
registration renewal by mail or by electronic means. Any person
owning a motor vehicle that was registered in the person's name
during the preceding registration year shall renew the
registration of the motor vehicle not more than ninety days prior
to the expiration date of the registration either by mail or by
electronic means through the centralized system of registration

established under this section, or in person at any office of the registrar or at a deputy registrar's office.

(B)(1) No less than forty-five days prior to the expiration date of any motor vehicle registration, the registrar shall mail a renewal notice to the person in whose name the motor vehicle is registered. The renewal notice shall clearly state that the registration of the motor vehicle may be renewed by mail or electronic means through the centralized system of registration or in person at any office of the registrar or at a deputy registrar's office and shall be preprinted with information including, but not limited to, the owner's name and residence address as shown in the records of the bureau of motor vehicles, a brief description of the motor vehicle to be registered, notice of the license taxes and fees due on the motor vehicle, the toll-free telephone number of the registrar as required under division (D)(1) of section 4503.031 of the Revised Code, and any additional information the registrar may require by rule. The renewal notice shall be sent by regular mail to the owner's last known address as shown in the records of the bureau of motor vehicles.

(2) If the application for renewal of the registration of a motor vehicle is prohibited from being accepted by the registrar or a deputy registrar by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section ~~4507.168~~ 4510.22, or division (B)(1) of section 4521.10 of the Revised Code, the registrar is not required to send a renewal notice to the vehicle owner or vehicle lessee.

(C) The owner of the motor vehicle shall verify the information contained in the notice, sign it either manually or by electronic means, and return it, either by mail or electronic means, or the owner may take it in person to any office of the registrar or of a deputy registrar, together with a financial transaction device number, when permitted by rule of the

registrar, check, or money order in the amount of the registration 11062
taxes and fees payable on the motor vehicle and a mail fee of two 11063
dollars and twenty-five cents plus postage as indicated on the 11064
notice, if the registration is renewed by mail, and an inspection 11065
certificate for the motor vehicle as provided in section 3704.14 11066
of the Revised Code. If the motor vehicle owner chooses to renew 11067
the motor vehicle registration by electronic means, the owner 11068
shall proceed in accordance with the rules the registrar adopts. 11069

(D) If all registration and transfer fees for the motor 11070
vehicle for the preceding year or the preceding period of the 11071
current registration year have not been paid, if division (D) of 11072
section 2935.27, division (A) of section 2937.221, division (A) of 11073
section 4503.13, division (B) of section ~~4507.168~~ 4510.22, or 11074
division (B)(1) of section 4521.10 of the Revised Code prohibits 11075
acceptance of the renewal notice, or if the owner or lessee does 11076
not have an inspection certificate for the motor vehicle as 11077
provided in section 3704.14 of the Revised Code, if that section 11078
is applicable, the license shall be refused, and the registrar or 11079
deputy registrar shall so notify the owner. This section does not 11080
require the payment of license or registration taxes on a motor 11081
vehicle for any preceding year, or for any preceding period of a 11082
year, if the motor vehicle was not taxable for that preceding year 11083
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 11084
4503.16 or Chapter 4504. of the Revised Code. 11085

(E)(1) Failure to receive a renewal notice does not relieve a 11086
motor vehicle owner from the responsibility to renew the 11087
registration for the motor vehicle. Any person who has a motor 11088
vehicle registered in this state and who does not receive a 11089
renewal notice as provided in division (B) of this section prior 11090
to the expiration date of the registration shall request an 11091
application for registration from the registrar or a deputy 11092
registrar and sign the application manually or by electronic means 11093

and submit the application and pay any applicable license taxes 11094
and fees to the registrar or deputy registrar. 11095

(2) If the owner of a motor vehicle submits an application 11096
for registration and the registrar is prohibited by division (D) 11097
of section 2935.27, division (A) of section 2937.221, division (A) 11098
of section 4503.13, division (B) of section ~~4507.168~~ 4510.22, or 11099
division (B)(1) of section 4521.10 of the Revised Code from 11100
accepting the application, the registrar shall return the 11101
application and the payment to the owner. If the owner of a motor 11102
vehicle submits a registration renewal application to the 11103
registrar by electronic means and the registrar is prohibited from 11104
accepting the application as provided in this division, the 11105
registrar shall notify the owner of this fact and deny the 11106
application and return the payment or give a credit on the 11107
financial transaction device account of the owner in the manner 11108
the registrar prescribes by rule adopted pursuant to division (A) 11109
of this section. 11110

(F) Every deputy registrar shall post in a prominent place at 11111
the deputy's office a notice informing the public of the mail 11112
registration system required by this section and also shall post a 11113
notice that every owner of a motor vehicle and every chauffeur 11114
holding a certificate of registration is required to notify the 11115
registrar in writing of any change of residence within ten days 11116
after the change occurs. The notice shall be in such form as the 11117
registrar prescribes by rule. 11118

(G) The two dollars and twenty-five cents fee, plus postage 11119
and any financial transaction device surcharge collected by the 11120
registrar for registration by mail, shall be paid to the credit of 11121
the state bureau of motor vehicles fund established by section 11122
4501.25 of the Revised Code. 11123

(H) Pursuant to section 113.40 of the Revised Code, the 11124
registrar may implement a program permitting payment of motor 11125

vehicle registration taxes and fees, driver's license and 11126
commercial driver's license fees, and any other taxes, fees, 11127
penalties, or charges imposed or levied by the state by means of a 11128
financial transaction device. The registrar may adopt rules as 11129
necessary for this purpose. 11130

(I) For persons who reside in counties where tailpipe 11131
emissions inspections are required under the motor vehicle 11132
inspection and maintenance program, the notice required by 11133
division (B) of this section shall also include the toll-free 11134
telephone number maintained by the Ohio environmental protection 11135
agency to provide information concerning the locations of 11136
emissions testing centers. 11137

Sec. 4503.11. (A) Except as provided by sections 4503.103, 11138
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 11139
person who is the owner or chauffeur of a motor vehicle operated 11140
or driven upon the public roads or highways shall fail to file 11141
annually the application for registration or to pay the tax 11142
therefor. 11143

(B) Except as provided by sections 4503.12 and 4503.16 of the 11144
Revised Code, the taxes payable on all applications made under 11145
sections 4503.10 and 4503.102 of the Revised Code shall be the sum 11146
of the tax due under division (B)(1)(a) or (b) of this section 11147
plus the tax due under division (B)(2)(a) or (b) of this section: 11148

(1)(a) If the application is made before the second month of 11149
the current registration period to which the motor vehicle is 11150
assigned as provided in section 4503.101 of the Revised Code, the 11151
tax due is the full amount of the tax provided in section 4503.04 11152
of the Revised Code; 11153

(b) If the application is made during or after the second 11154
month of the current registration period to which the motor 11155
vehicle is assigned as provided in section 4503.101 of the Revised 11156

Code, and prior to the beginning of the next such registration 11157
period, the amount of the tax provided in section 4503.04 of the 11158
Revised Code shall be reduced by one-twelfth of the amount of such 11159
tax, rounded upward to the nearest cent, multiplied by the number 11160
of full months that have elapsed in the current registration 11161
period. The resulting amount shall be rounded upward to the next 11162
highest dollar and shall be the amount of tax due. 11163

(2)(a) If the application is made before the sixth month of 11164
the current registration period to which the motor vehicle is 11165
assigned as provided in section 4503.101 of the Revised Code, the 11166
amount of tax due is the full amount of local motor vehicle 11167
license taxes levied under Chapter 4504. of the Revised Code; 11168

(b) If the application is made during or after the sixth 11169
month of the current registration period to which the motor 11170
vehicle is assigned as provided in section 4503.101 of the Revised 11171
Code and prior to the beginning of the next such registration 11172
period, the amount of tax due is one-half of the amount of local 11173
motor vehicle license taxes levied under Chapter 4504. of the 11174
Revised Code. 11175

(C) Whoever violates this section is guilty of a misdemeanor 11176
of the fourth degree. 11177

Sec. 4503.12. (A) Upon the transfer of ownership of a motor 11178
vehicle, the registration of the motor vehicle expires and the 11179
original owner immediately shall remove the license plates from 11180
the motor vehicle, except that: 11181

~~(A)~~(1) If a statutory merger or consolidation results in the 11182
transfer of ownership of a motor vehicle from a constituent 11183
corporation to the surviving corporation, or if the incorporation 11184
of a proprietorship or partnership results in the transfer of 11185
ownership of a motor vehicle from the proprietorship or 11186
partnership to the corporation, the registration shall be 11187

continued upon the filing by the surviving or new corporation, 11188
within thirty days of such transfer, of an application for an 11189
amended certificate of registration, unless such registration is 11190
prohibited by division (D) of section 2935.27, division (A) of 11191
section 2937.221, division (B) of section ~~4507.168~~ 4510.22, or 11192
division (B)(1) of section 4521.10 of the Revised Code. The 11193
application shall be accompanied by a service fee of two dollars 11194
and twenty-five cents, a transfer fee of one dollar, and the 11195
original certificate of registration. Upon a proper filing, the 11196
registrar of motor vehicles shall issue an amended certificate of 11197
registration in the name of the new owner. 11198

~~(B)~~(2) If the death of the owner of a motor vehicle results 11199
in the transfer of ownership of the motor vehicle to the surviving 11200
spouse of the owner or if a motor vehicle is owned by two persons 11201
under joint ownership with right of survivorship established under 11202
section 2106.17 of the Revised Code and one of those persons dies, 11203
the registration shall be continued upon the filing by the 11204
surviving spouse of an application for an amended certificate of 11205
registration, unless such registration is prohibited by division 11206
(D) of section 2935.27, division (A) of section 2937.221, division 11207
(A) of section 4503.13, division (B) of section ~~4507.168~~ 4510.22, 11208
or division (B)(1) of section 4521.10 of the Revised Code. The 11209
application shall be accompanied by a service fee of two dollars 11210
and twenty-five cents, a transfer fee of one dollar, the original 11211
certificate of registration, and, in relation to a motor vehicle 11212
that is owned by two persons under joint ownership with right of 11213
survivorship established under section 2106.17 of the Revised 11214
Code, by a copy of the certificate of title that specifies that 11215
the vehicle is owned under joint ownership with right of 11216
survivorship. Upon a proper filing, the registrar shall issue an 11217
amended certificate of registration in the name of the surviving 11218
spouse. 11219

~~(C)~~(3) If the original owner of a motor vehicle that has been transferred makes application for the registration of another motor vehicle at any time during the remainder of the registration period for which the transferred motor vehicle was registered, the owner, unless such registration is prohibited by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division ~~(E)~~(D) of section 4503.234, division (B) of section ~~4507.168~~ 4510.22, or division (B)(1) of section 4521.10 of the Revised Code, may file an application for transfer of the registration and, where applicable, the license plates, accompanied by a service fee of two dollars and twenty-five cents, a transfer fee of one dollar, and the original certificate of registration. The transfer of the registration and, where applicable, the license plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed thirty days. During that thirty-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the public roads and highways in this state.

At the time of application for transfer, the registrar shall compute and collect the amount of tax due on the succeeding motor vehicle, based upon the amount that would be due on a new registration as of the date on which the transfer is made less a credit for the unused portion of the original registration beginning on that date. If the credit exceeds the amount of tax due on the new registration, no refund shall be made. In computing the amount of tax due and credits to be allowed under this division, the provisions of division (B)(1)(a) and (b) of section 4503.11 of the Revised Code shall apply. As to passenger cars,

noncommercial vehicles, motor homes, and motorcycles, transfers 11252
within or between these classes of motor vehicles only shall be 11253
allowed. If the succeeding motor vehicle is of a different class 11254
than the motor vehicle for which the registration originally was 11255
issued, new license plates also shall be issued upon the surrender 11256
of the license plates originally issued and payment of the fees 11257
provided in divisions (C) and (D) of section 4503.10 of the 11258
Revised Code. 11259

~~(D)~~(4) The owner of a commercial car having a gross vehicle 11260
weight or combined gross vehicle weight of more than ten thousand 11261
pounds may transfer the registration of that commercial car to 11262
another commercial car the owner owns without transferring 11263
ownership of the first commercial car, unless registration of the 11264
second commercial car is prohibited by division (D) of section 11265
2935.27, division (A) of section 2937.221, division (A) of section 11266
4503.13, division (B) of section ~~4507.168~~ 4510.22, or division 11267
(B)(1) of section 4521.10 of the Revised Code. At any time during 11268
the remainder of the registration period for which the first 11269
commercial car was registered, the owner may file an application 11270
for the transfer of the registration and, where applicable, the 11271
license plates, accompanied by a service fee of two dollars and 11272
twenty-five cents, a transfer fee of one dollar, and the 11273
certificate of registration of the first commercial car. The 11274
amount of any tax due or credit to be allowed for a transfer of 11275
registration under this division shall be computed in accordance 11276
with division ~~(C)~~(A)(3) of this section. 11277

No commercial car to which a registration is transferred 11278
under this division shall be operated on a public road or highway 11279
in this state until after the transfer of registration is 11280
completed in accordance with this division. 11281

~~(E)~~(5) Upon application to the registrar or a deputy 11282
registrar, a person who owns or leases a motor vehicle may 11283

transfer special license plates assigned to that vehicle to any other vehicle that the person owns or leases or that is owned or leased by the person's spouse. The application shall be accompanied by a service fee of two dollars and twenty-five cents, a transfer fee of one dollar, and the original certificate of registration. As appropriate, the application also shall be accompanied by a power of attorney for the registration of a leased vehicle and a written statement releasing the special plates to the applicant. Upon a proper filing, the registrar or deputy registrar shall assign the special license plates to the motor vehicle owned or leased by the applicant and issue a new certificate of registration for that motor vehicle.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(C) As used in division ~~(E)~~(A)(5) of this section, "special license plates" means either of the following:

(1) Any license plates for which the person to whom the license plates are issued must pay an additional fee in excess of the fees prescribed in section 4503.04 of the Revised Code, Chapter 4504. of the Revised Code, and the service fee prescribed in division (D) or (G) of section 4503.10 of the Revised Code;

(2) License plates issued under section 4503.44 of the Revised Code.

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon application and proof of purchase of the vehicle, may be issued a temporary license placard or windshield sticker for the motor vehicle.

The purchaser of a vehicle applying for a temporary license placard or windshield sticker under this section shall execute an affidavit stating that the purchaser has not been issued previously during the current registration year a license plate

that could legally be transferred to such vehicle. 11315

Placards or windshield stickers shall be issued only for the 11316
applicant's use of the vehicle to enable the applicant to legally 11317
operate the motor vehicle while proper title, license plates, and 11318
a certificate of registration are being obtained, and shall be 11319
displayed on no other motor vehicle. 11320

Placards or windshield stickers issued under this section are 11321
valid for a period of thirty days from date of issuance and are 11322
not transferable or renewable. 11323

The fee for such placards or windshield stickers is two 11324
dollars plus a fee of two dollars and twenty-five cents for each 11325
such placard issued by a deputy registrar. 11326

(B) The registrar of motor vehicles may issue to a motorized 11327
bicycle dealer or a licensed motor vehicle dealer temporary 11328
license placards to be issued to purchasers for use on vehicles 11329
sold by the licensed dealer, in accordance with rules prescribed 11330
by the registrar. The dealer shall notify the registrar within 11331
forty-eight hours of proof of issuance on a form prescribed by the 11332
registrar. 11333

The fee for each such placard issued by the registrar to a 11334
licensed motor vehicle dealer is two dollars plus a fee of two 11335
dollars and twenty-five cents. 11336

(C) The registrar of motor vehicles, at the registrar's 11337
discretion, may issue a temporary license placard. Such a placard 11338
may be issued in the case of extreme hardship encountered by a 11339
citizen from this state or another state who has attempted to 11340
comply with all registration laws, but for extreme circumstances 11341
is unable to properly register the citizen's vehicle. 11342

(D) The registrar shall adopt rules, in accordance with 11343
division (B) of section 111.15 of the Revised Code, to specify the 11344
procedures for reporting the information from applications for 11345

temporary license placards and windshield stickers and for 11346
providing the information from these applications to law 11347
enforcement agencies. 11348

(E) Temporary license placards issued under this section 11349
shall bear a distinctive combination of seven letters, numerals, 11350
or letters and numerals, and shall incorporate a security feature 11351
that, to the greatest degree possible, prevents tampering with any 11352
of the information that is entered upon a placard when it is 11353
issued. 11354

(F) Whoever violates division (A) of this section is guilty 11355
of a misdemeanor of the fourth degree. Whoever violates division 11356
(B) of this section is guilty of a misdemeanor of the first 11357
degree. 11358

(G) As used in this section, "motorized bicycle dealer" means 11359
any person engaged in the business of selling at retail, 11360
displaying, offering for sale, or dealing in motorized bicycles 11361
who is not subject to section 4503.09 of the Revised Code. 11362

Sec. 4503.19. (A) Upon the filing of an application for 11363
registration and the payment of the tax for registration, the 11364
registrar of motor vehicles or a deputy registrar shall determine 11365
whether the owner previously has been issued license plates for 11366
the motor vehicle described in the application. If no license 11367
plates previously have been issued to the owner for that motor 11368
vehicle, the registrar or deputy registrar shall assign to the 11369
motor vehicle a distinctive number and issue and deliver to the 11370
owner in the manner that the registrar may select a certificate of 11371
registration, in the form that the registrar shall prescribe, and, 11372
except as otherwise provided in this section, two license plates, 11373
duplicates of each other, and a validation sticker, or a 11374
validation sticker alone, to be attached to the number plates as 11375
provided in section 4503.191 of the Revised Code. The registrar or 11376

deputy registrar also shall charge the owner any fees required 11377
under division (C) of section 4503.10 of the Revised Code. 11378
Trailers, manufactured homes, mobile homes, semitrailers, the 11379
manufacturer thereof, the dealer, or in transit companies therein, 11380
shall be issued one license plate only and one validation sticker, 11381
or a validation sticker alone, and the license plate and 11382
validation sticker shall be displayed only on the rear of such 11383
vehicles. A commercial tractor that does not receive an 11384
apportioned license plate under the international registration 11385
plan shall be issued two license plates and one validation 11386
sticker, and the validation sticker shall be displayed on the 11387
front of the commercial tractor. An apportioned vehicle receiving 11388
an apportioned license plate under the international registration 11389
plan shall be issued one license plate only and one validation 11390
sticker, or a validation sticker alone; the license plate shall be 11391
displayed only on the front of a semitractor and on the rear of 11392
all other vehicles. School buses shall not be issued license 11393
plates but shall bear identifying numbers in the manner prescribed 11394
by section 4511.764 of the Revised Code. The certificate of 11395
registration and license plates and validation stickers, or 11396
validation stickers alone, shall be issued and delivered to the 11397
owner in person or by mail. Chauffeured limousines shall be issued 11398
license plates, a validation sticker, and a livery sticker as 11399
provided in section 4503.24 of the Revised Code. In the event of 11400
the loss, mutilation, or destruction of any certificate of 11401
registration, or of any license plates or validation stickers, or 11402
if the owner chooses to replace license plates previously issued 11403
for a motor vehicle, or if the registration certificate and 11404
license plates have been impounded as provided by division 11405
~~(F)~~(B)(1) of section 4507.02 and ~~division (A)(4)~~ of section 11406
4507.16 of the Revised Code, the owner of a motor vehicle, or 11407
manufacturer or dealer, may obtain from the registrar, or from a 11408

deputy registrar if authorized by the registrar, a duplicate 11409
thereof or new license plates bearing a different number, if the 11410
registrar considers it advisable, upon filing an application 11411
prescribed by the registrar, and upon paying a fee of one dollar 11412
for such certificate of registration, a fee of two dollars for 11413
each set of two license plates, or one dollar for each single 11414
license plate or validation sticker. In addition, each applicant 11415
for a replacement certificate of registration, license plate, or 11416
validation sticker shall pay the fees provided in divisions (C) 11417
and (D) of section 4503.10 of the Revised Code. 11418

Additionally, the registrar and each deputy registrar who 11419
either issues license plates and a validation sticker for use on 11420
any vehicle other than a commercial tractor, semitrailer, or 11421
apportioned vehicle, or who issues a validation sticker alone for 11422
use on such a vehicle and the owner has changed the owner's county 11423
of residence since the owner last was issued county identification 11424
stickers, also shall issue and deliver to the owner either one or 11425
two county identification stickers, as appropriate, which shall be 11426
attached to the license plates in a manner prescribed by the 11427
director of public safety. The county identification stickers 11428
shall identify prominently by name or number the county in which 11429
the owner of the vehicle resides at the time of registration. 11430

(B) Whoever violates this section is guilty of a minor 11431
misdemeanor. 11432

Sec. 4503.21. (A) No person who is the owner or operator of a 11433
motor vehicle shall fail to display in plain view on the front and 11434
rear of the motor vehicle the distinctive number and registration 11435
mark, including any county identification sticker and any 11436
validation sticker issued under sections 4503.19 and 4503.191 of 11437
the Revised Code, furnished by the director of public safety, 11438
except that a manufacturer of motor vehicles or dealer therein, 11439

the holder of an in transit permit, and the owner or operator of a 11440
motorcycle, motorized bicycle, manufactured home, mobile home, 11441
trailer, or semitrailer shall display on the rear only. A motor 11442
vehicle that is issued two license plates shall display the 11443
validation sticker only on the rear license plate, except that a 11444
commercial tractor that does not receive an apportioned license 11445
plate under the international registration plan shall display the 11446
validation sticker on the front of the commercial tractor. An 11447
apportioned vehicle receiving an apportioned license plate under 11448
the international registration plan shall display the license 11449
plate only on the front of a commercial tractor and on the rear of 11450
all other vehicles. All license plates shall be securely fastened 11451
so as not to swing, and shall not be covered by any material that 11452
obstructs their visibility. 11453

No person to whom a temporary license placard or windshield 11454
sticker has been issued for the use of a motor vehicle under 11455
section 4503.182 of the Revised Code, and no operator of that 11456
motor vehicle, shall fail to display the temporary license placard 11457
in plain view from the rear of the vehicle either in the rear 11458
window or on an external rear surface of the motor vehicle, or 11459
fail to display the windshield sticker in plain view on the rear 11460
window of the motor vehicle. No temporary license placard or 11461
windshield sticker shall be covered by any material that obstructs 11462
its visibility. 11463

(B) Whoever violates this section is guilty of a minor 11464
misdemeanor. 11465

Sec. 4503.231. (A) No motor vehicle registered in the name of 11466
a person whose certificate of registration and identification 11467
license plates have been impounded as provided by division 11468
~~(F)~~(B)(1) of section 4507.02 of the Revised Code, shall be 11469
operated ~~or driven~~ on any highway in this state unless it displays 11470

~~identification restricted~~ license plates ~~which that~~ are a 11471
different color from those regularly issued and carry a special 11472
serial number that may be readily identified by law enforcement 11473
officers. The registrar of motor vehicles shall designate the 11474
color and serial number to be used on ~~such restricted~~ license 11475
plates, which shall remain the same from year to year and shall 11476
not be displayed on any other motor vehicles. 11477

The bureau of motor vehicles shall adopt rules providing for 11478
the decentralization of the issuance of ~~identification restricted~~ 11479
license plates under this section. The rules shall provide for the 11480
issuance of the ~~identification restricted~~ license plates by at 11481
least one agency in each county. 11482

No person operating a motor vehicle displaying restricted 11483
license plates as described in this division shall knowingly 11484
disguise or obscure the color of the restricted plate. 11485

(B) If a person has been granted limited driving privileges 11486
with a condition of the privileges being that the person must 11487
display on the vehicle that is driven under the privileges 11488
restricted license plates that are described in this section, all 11489
of the following apply: 11490

(1) If a motor vehicle to be driven under the limited driving 11491
privileges is owned by the person's employer and if the person is 11492
required to operate that motor vehicle in the course and scope of 11493
the person's employment, the person may operate that vehicle 11494
without displaying on that vehicle restricted license plates that 11495
are issued under this section if the employer has been notified 11496
that the person has limited driving privileges and of the nature 11497
of the restriction and if the person has proof of the employer's 11498
notification in the person's possession while operating the 11499
employer's vehicle for normal business duties. A motor vehicle 11500
owned by a business that is partly or entirely owned or controlled 11501

by the person with the limited driving privileges is not a motor vehicle owned by an employer, for purposes of this division. 11502
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(2) If a motor vehicle to be driven under the limited driving privileges is registered in a state other than this state, instead of displaying on that vehicle restricted license plates that are issued under this section, the person with the limited driving privileges shall display on the vehicle a decal, as prescribed by the registrar of motor vehicles, that states that the vehicle is subject to limited driving privileges in this state and that describes the restriction. The decal shall be displayed on the bottom left corner of the back window of the vehicle or, if there is no back window, on the bottom left corner of the windshield of the vehicle. The bureau of motor vehicles shall adopt rules providing for the decentralization of the issuance of the decals described in this division, with the rules providing for the issuance of the decals by at least one agency in each county. 11505
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(C) Whoever violates this section is guilty of a minor misdemeanor. 11520
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Sec. 4503.233. ~~(A)(1) As used in this section, "vehicle owner" means either of the following:~~ 11522
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~~(a) The person in whose name is registered, at the time of the offense, a vehicle that is subject to an immobilization order issued under division (A)(2) of this section;~~ 11524
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~~(b) A person to whom, at the time of the offense, the certificate of title to a vehicle 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 of the offense for which the vehicle is subject to an immobilization order issued under division (A)(2) of~~ 11527
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~~this section.~~ 11533

(2) If a court is required to order the immobilization of a 11534
vehicle for a specified period of time pursuant to ~~division (B)(1)~~ 11535
~~or (2), (C)(1) or (2), or (E)(1) of section 4507.99, pursuant to~~ 11536
~~division (A)(2)(b),, (6)(b), or (7)(b) of section 4511.99,~~ 11537
~~pursuant to division (B)(1) or (2) or (C)(1) or (2) of section~~ 11538
~~4507.361, or pursuant to division (B)(2)(i) or (ii) of section~~ 11539
4510.11, 4510.14, 4510.16, 4510.41, 4511.19, 4511.193, or 4511.203 11540
of the Revised Code, the court shall issue an immobilization 11541
order, ~~subject to section 4503.235 of the Revised Code,~~ in 11542
accordance with this division and for the period of time specified 11543
in the particular ~~division~~ section, and the immobilization under 11544
the order shall be in accordance with this section. The court, at 11545
the time of sentencing the offender for the offense relative to 11546
which the immobilization order is issued or as soon thereafter as 11547
is practicable, shall give a copy of the order to the offender or 11548
the offender's counsel ~~and to the vehicle owner or the vehicle~~ 11549
~~owner's counsel~~. The court promptly shall send a copy of the order 11550
to the registrar on a form prescribed by the registrar and to the 11551
person or agency it designates to execute the order. 11552

The order shall indicate the date on which it is issued, 11553
shall identify the vehicle that is subject to the order, and shall 11554
specify all of the following: 11555

(a) The period of the immobilization; 11556

(b) The place at which the court determines that the 11557
immobilization shall be carried out, provided that the court shall 11558
not determine and shall not specify that the immobilization is to 11559
be carried out at any place other than a commercially operated 11560
private storage lot, a place owned by a law enforcement or other 11561
government agency, or a place to which one of the following 11562
applies: 11563

(i) The place is leased by or otherwise under the control of a law enforcement or other government agency. 11564
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(ii) The place is owned by the offender, the offender's spouse, or a parent or child of the offender. 11566
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(iii) The place is owned by a private person or entity, and, prior to the issuance of the order, 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. 11568
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(iv) The place is a public street or highway on which the vehicle is parked in accordance with the law. 11573
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(c) The person or agency designated by the court to execute the order, which shall be either the law enforcement agency that employs the law enforcement officer who seized the vehicle, a bailiff of the court, another person the court determines to be appropriate to execute the order, or the law enforcement agency with jurisdiction over the place of residence of the vehicle owner; 11575
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(d) That neither the registrar nor a deputy registrar will be permitted to accept an application for the license plate registration of any motor vehicle in the name of the vehicle owner until the immobilization fee is paid. 11582
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~~(3)~~(2) The person or agency the court designates to immobilize the vehicle shall seize or retain that vehicle's license plates and forward them to the bureau of motor vehicles. 11586
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~~(4)~~(3) In all cases, the ~~vehicle owner~~ offender shall be assessed an immobilization fee of one hundred dollars, and the immobilization fee shall be paid to the registrar before the vehicle may be released to the ~~vehicle owner~~ offender. Neither the registrar nor a deputy registrar shall accept an application for the registration of any motor vehicle in the name of the ~~vehicle~~ 11589
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~~owner~~ offender until the immobilization fee is paid. 11595

~~(5)~~(4) If the vehicle subject to the order is immobilized 11596
pursuant to the order and is found being operated upon any street 11597
or highway in this state during the immobilization period, it 11598
shall be seized, removed from the street or highway, and 11599
criminally forfeited and disposed of pursuant to section 4503.234 11600
of the Revised Code. 11601

~~(6)~~(5) The registrar shall deposit the immobilization fee 11602
into the law enforcement reimbursement fund created by section 11603
4501.19 of the Revised Code. Money in the fund shall be expended 11604
only as provided in division (A)~~(6)~~(5) of this section. If the 11605
court designated in the order a court bailiff or another 11606
appropriate person other than a law enforcement officer to 11607
immobilize the vehicle, the amount of the fee deposited into the 11608
law enforcement reimbursement fund shall be paid out to the county 11609
treasury if the court that issued the order is a county court, to 11610
the treasury of the municipal corporation served by the court if 11611
the court that issued the order is a mayor's court, or to the city 11612
treasury of the legislative authority of the court, both as 11613
defined in section 1901.03 of the Revised Code, if the court that 11614
issued the order is a municipal court. If the court designated a 11615
law enforcement agency to immobilize the vehicle and if the law 11616
enforcement agency immobilizes the vehicle, the amount of the fee 11617
deposited into the law enforcement reimbursement fund shall be 11618
paid out to the law enforcement agency to reimburse the agency for 11619
the costs it incurs in obtaining immobilization equipment and, if 11620
required, in sending an officer or other person to search for and 11621
locate the vehicle specified in the immobilization order and to 11622
immobilize the vehicle. 11623

In addition to the immobilization fee required to be paid 11624
under division (A)~~(4)~~(3) of this section, the ~~vehicle owner~~ 11625
offender may be charged expenses or charges incurred in the 11626

removal and storage of the immobilized vehicle. 11627

(B) If a court issues an immobilization order under division 11628
(A)~~(2)~~(1) of this section, the person or agency designated by the 11629
court to execute the immobilization order promptly shall 11630
immobilize or continue the immobilization of the vehicle at the 11631
place specified by the court in the order. The registrar shall not 11632
authorize the release of the vehicle or authorize the issuance of 11633
new identification license plates for the vehicle at the end of 11634
the immobilization period until the immobilization fee has been 11635
paid. 11636

(C) Upon receipt of the license plates for a vehicle under 11637
this section, the registrar shall destroy the license plates. At 11638
the end of the immobilization period and upon the payment of the 11639
immobilization fee that must be paid under this section, the 11640
registrar shall authorize the release of the vehicle and authorize 11641
the issuance, upon the payment of the same fee as is required for 11642
the replacement of lost, mutilated, or destroyed license plates 11643
and certificates of registration, of new license plates and, if 11644
necessary, a new certificate of registration to the ~~vehicle owner~~ 11645
offender for the vehicle in question. 11646

(D)(1) If a court issues an immobilization order under 11647
division (A) of this section, the immobilization period commences 11648
on the day on which the vehicle in question is immobilized. If the 11649
vehicle in question had been seized under section ~~4507.38~~ 4510.41 11650
or 4511.195 of the Revised Code, the time between the seizure and 11651
the beginning of the immobilization period shall be credited 11652
against the immobilization period specified in the immobilization 11653
order issued under division (A) of this section. No vehicle that 11654
is ~~impounded~~ immobilized under this section is eligible to have 11655
~~special restricted~~ license plates ~~of the type described in~~ under 11656
section 4503.231 of the Revised Code issued for that vehicle. 11657

11658

(2) If a court issues an immobilization order under division 11659
(A) of this section, if the vehicle subject to the order is 11660
immobilized under the order, and if the vehicle is found being 11661
operated upon any street or highway of this state during the 11662
immobilization period, it shall be seized, removed from the street 11663
or highway, and criminally forfeited, and disposed of pursuant to 11664
section 4503.234 of the Revised Code. No vehicle that is forfeited 11665
under this provision shall be considered contraband for purposes 11666
of section 2933.41, 2933.42, or 2933.43 of the Revised Code, but 11667
shall be held by the law enforcement agency that employs the 11668
officer who seized it for disposal in accordance with section 11669
4503.234 of the Revised Code. 11670

(3) If a court issues an immobilization order under division 11671
(A) of this section, and if the vehicle is not claimed within 11672
seven days after the end of the period of immobilization or if the 11673
~~vehicle owner~~ offender has not paid the immobilization fee, the 11674
person or agency that immobilized the vehicle shall send a written 11675
notice to the ~~vehicle owner~~ offender at the ~~vehicle owner's~~ 11676
offender's last known address informing the ~~vehicle owner~~ offender 11677
of the date on which the period of immobilization ended, that the 11678
~~vehicle owner~~ offender has twenty days after the date of the 11679
notice to pay the immobilization fee and obtain the release of the 11680
vehicle, and that if the ~~vehicle owner~~ offender does not pay the 11681
fee and obtain the release of the vehicle within that twenty-day 11682
period, the vehicle will be forfeited under section 4503.234 of 11683
the Revised Code to the entity that is entitled to the 11684
immobilization fee. 11685

(4) An ~~owner of a~~ offender whose motor vehicle ~~that~~ is 11686
subject to an immobilization order issued under division (A) of 11687
this section shall not sell the motor vehicle without approval of 11688
the court that issued the order. If such an ~~owner~~ offender wishes 11689
to sell the motor vehicle during the immobilization period, the 11690

~~owner~~ offender shall apply to the court that issued the 11691
immobilization order for permission to assign the title to the 11692
vehicle. If the court is satisfied that the sale will be in good 11693
faith and not for the purpose of circumventing the provisions of 11694
division (A)~~(2)~~(1) of this section, it may certify its consent to 11695
the ~~owner~~ offender and to the registrar. Upon receipt of the 11696
court's consent, the registrar shall enter the court's notice in 11697
the ~~owner's~~ offender's vehicle license plate registration record. 11698

If, during a period of immobilization under an immobilization 11699
order issued under division (A) of this section, the title to the 11700
immobilized motor vehicle is transferred by the foreclosure of a 11701
chattel mortgage, a sale upon execution, the cancellation of a 11702
conditional sales contract, or an order of a court, the involved 11703
court shall notify the registrar of the action, and the registrar 11704
shall enter the court's notice in the ~~owner's~~ offender's vehicle 11705
license plate registration record. 11706

Nothing in this section shall be construed as requiring the 11707
registrar or the clerk of the court of common pleas to note upon 11708
the certificate of title records any prohibition regarding the 11709
sale of a motor vehicle. 11710

(5) If the title to a motor vehicle that is subject to an 11711
immobilization order under division (A) of this section is 11712
assigned or transferred without court approval between the time of 11713
arrest of the ~~person who was operating the vehicle at the time of~~ 11714
offender who committed the offense for which such an order is to 11715
be issued and the time of the actual immobilization of the 11716
vehicle, the court shall order that, for a period of two years 11717
from the date of the order, neither the registrar nor any deputy 11718
registrar shall accept an application for the registration of any 11719
motor vehicle in the name of the ~~owner of the~~ offender whose 11720
vehicle ~~that~~ was assigned or transferred without court approval. 11721
The court shall notify the registrar of the order on a form 11722

prescribed by the registrar for that purpose. 11723

(E)(1) The court with jurisdiction over the case, after 11724
notice to all interested parties including lienholders, and after 11725
an opportunity for them to be heard, if the ~~vehicle-owner~~ offender 11726
fails to appear in person, without good cause, or if the court 11727
finds that the ~~vehicle-owner~~ offender does not intend to seek 11728
release of the vehicle at the end of the period of immobilization 11729
or that the ~~vehicle-owner~~ offender is not or will not be able to 11730
pay the expenses and charges incurred in its removal and storage, 11731
may order that title to the vehicle be transferred, in order of 11732
priority, first into the name of the entity entitled to the 11733
immobilization fee under division (A)~~(6)~~(5) of this section, next 11734
into the name of a lienholder, or lastly, into the name of the 11735
owner of the place of storage. 11736

A lienholder that receives title under a court order shall do 11737
so on the condition that it pay any expenses or charges incurred 11738
in the vehicle's removal and storage. If the entity that receives 11739
title to the vehicle is the entity that is entitled to the 11740
immobilization fee under division (A)~~(6)~~(5) of this section, it 11741
shall receive title on the condition that it pay any lien on the 11742
vehicle. The court shall not order that title be transferred to 11743
any person or entity other than the owner of the place of storage 11744
if the person or entity refuses to receive the title. Any person 11745
or entity that receives title may either keep title to the vehicle 11746
or may dispose of the vehicle in any legal manner that it 11747
considers appropriate, including assignment of the certificate of 11748
title to the motor vehicle to a salvage dealer or a scrap metal 11749
processing facility. The person or entity shall not transfer the 11750
vehicle to the person who is the vehicle's immediate previous 11751
owner. 11752

If the person or entity assigns the motor vehicle to a 11753
salvage dealer or scrap metal processing facility, the person or 11754

entity shall send the assigned certificate of title to the motor 11755
vehicle to the clerk of the court of common pleas of the county in 11756
which the salvage dealer or scrap metal processing facility is 11757
located. The person or entity shall mark the face of the 11758
certificate of title with the words "FOR DESTRUCTION" and shall 11759
deliver a photocopy of the certificate of title to the salvage 11760
dealer or scrap metal processing facility for its records. 11761

(2) Whenever a court issues an order under division (E)(1) of 11762
this section, the court also shall order removal of the license 11763
plates from the vehicle and cause them to be sent to the registrar 11764
if they have not already been sent to the registrar. Thereafter, 11765
no further proceedings shall take place under this section, but 11766
the ~~vehicle owner~~ offender remains liable for payment of the 11767
immobilization fee described in division (A)~~(4)~~(3) of this section 11768
if an immobilization order previously had been issued by the 11769
court. 11770

(3) Prior to initiating a proceeding under division (E)(1) of 11771
this section, and upon payment of the fee under division (B) of 11772
section 4505.14 of the Revised Code, any interested party may 11773
cause a search to be made of the public records of the bureau of 11774
motor vehicles or the clerk of the court of common pleas, to 11775
ascertain the identity of any lienholder of the vehicle. The 11776
initiating party shall furnish this information to the clerk of 11777
the court with jurisdiction over the case, and the clerk shall 11778
provide notice to the vehicle owner, the defendant, any 11779
lienholder, and any other interested parties listed by the 11780
initiating party, at the last known address supplied by the 11781
initiating party, by certified mail or, at the option of the 11782
initiating party, by personal service or ordinary mail. 11783

As used in this section, "interested party" includes the 11784
~~vehicle owner~~ offender, all lienholders, ~~the defendant~~, the owner 11785
of the place of storage, the person or entity that caused the 11786

vehicle to be removed, and the person or entity, if any, entitled 11787
to the immobilization fee under division (A)~~(6)~~(5) of this 11788
section. 11789

Sec. 4503.234. (A) ~~As used in this section, "vehicle owner"~~ 11790
~~means the person in whose name is registered a vehicle that is~~ 11791
~~subject to an order of forfeiture issued under this section.~~ 11792

~~(B)~~ If a court is required by section 4503.233, 4503.236, 11793
4507.361, ~~4507.99~~, 4510.11, 4510.14, 4510.16, 4510.41, 4511.19, 11794
4511.193, or ~~4511.99~~ 4511.203 of the Revised Code to order the 11795
criminal forfeiture of a vehicle, the order shall be issued and 11796
enforced in accordance with this division, subject to division 11797
~~(C)~~(B) of this section ~~and section 4503.235 of the Revised Code.~~ 11798
An order of criminal forfeiture issued under this division shall 11799
authorize an appropriate law enforcement agency to seize the 11800
vehicle ordered criminally forfeited upon the terms and conditions 11801
that the court determines proper. No vehicle ordered criminally 11802
forfeited pursuant to this division shall be considered contraband 11803
for purposes of section 2933.41, 2933.42, or 2933.43 of the 11804
Revised Code, but ~~shall be held by~~ the law enforcement agency that 11805
employs the officer who seized it shall hold the vehicle for 11806
disposal in accordance with this section. A forfeiture order may 11807
be issued only after the ~~vehicle owner~~ offender has been provided 11808
with an opportunity to be heard. The prosecuting attorney shall 11809
give the ~~vehicle owner~~ offender written notice of the possibility 11810
of forfeiture by sending a copy of the relevant uniform traffic 11811
ticket or other written notice to the ~~vehicle owner~~ offender not 11812
less than seven days prior to the date of issuance of the 11813
forfeiture order. A vehicle is subject to an order of criminal 11814
forfeiture pursuant to this division upon the conviction of the 11815
offender of or plea of guilty by the offender to a violation of 11816
division (A) of section 4503.236, ~~division (B)(1) or (D)(2) of~~ 11817
~~section 4507.02, section 4507.33~~ 4510.11, 4510.14, 4510.16, or 11818

4511.203, or division (A) of section 4511.19 of the Revised Code, 11819
or a municipal ordinance that is substantially equivalent to 11820
~~division (A) of section 4503.236, division (B)(1) or (D)(2) of~~ 11821
~~section 4507.02, section 4507.33, or division (A) of section~~ 11822
~~4511.19 of the Revised Code~~ any of those sections or divisions. 11823

~~(C)(B)~~(1) Prior to the issuance of an order of criminal 11824
forfeiture pursuant to ~~division (B)~~ of this section, the law 11825
enforcement agency that employs the law enforcement officer who 11826
seized the vehicle shall conduct or cause to be conducted a search 11827
of the appropriate public records that relate to the vehicle and 11828
shall make or cause to be made reasonably diligent inquiries to 11829
identify any lienholder or any person or entity with an ownership 11830
interest in the vehicle. The court that is to issue the forfeiture 11831
order also shall cause a notice of the potential order relative to 11832
the vehicle and of the expected manner of disposition of the 11833
vehicle after its forfeiture to be sent to any lienholder or 11834
person who is known to the court to have any right, title, or 11835
interest in the vehicle. The court shall give the notice by 11836
certified mail, return receipt requested, or by personal service. 11837

(2) No order of criminal forfeiture shall be issued pursuant 11838
to ~~division (B)~~ of this section if a lienholder or other person 11839
with an ownership interest in the vehicle establishes to the 11840
court, by a preponderance of the evidence after filing a motion 11841
with the court, that the lienholder or other ~~that~~ person neither 11842
knew nor should have known after a reasonable inquiry that the 11843
vehicle would be used or involved, or likely would be used or 11844
involved, in the violation resulting in the issuance of the order 11845
of criminal forfeiture or the violation of the order of 11846
immobilization issued under section 4503.233 of the Revised Code, 11847
that the lienholder or other ~~that~~ person did not expressly or 11848
impliedly consent to the use or involvement of the vehicle in that 11849
violation, and that the lien or ownership interest was perfected 11850

pursuant to law prior to the seizure of the vehicle under section 11851
4503.236, ~~4507.38~~, or 4510.41, 4511.195, or 4511.203 of the 11852
Revised Code. If the lienholder or holder of the ownership 11853
interest satisfies the court that these criteria have been met, 11854
the court shall preserve ~~the holder's~~ the lienholder's or other 11855
person's lien or interest, and the court either shall return the 11856
vehicle to the holder, ~~the holder's~~ or shall order that the ~~the~~ 11857
~~holder's~~ proceeds of any sale held pursuant to division ~~(D)~~(C)(2) 11858
of this section be paid to the lienholder or holder of the 11859
interest less the costs of seizure, storage, and maintenance of 11860
the vehicle. The court shall not return a vehicle to a lienholder 11861
or a holder of an ownership interest ~~under division (C)(2) of this~~ 11862
~~section~~ unless the lienholder or holder submits an affidavit to 11863
the court that states that the lienholder or holder will not 11864
return the vehicle to the person from whom the vehicle was seized 11865
pursuant to the order of criminal forfeiture or to any member of 11866
that person's family and will not otherwise knowingly permit that 11867
person or any member of that person's family to obtain possession 11868
of the vehicle. 11869

(3) No order of criminal forfeiture shall be issued pursuant 11870
to ~~division (B) of~~ this section if a person with an interest in 11871
the vehicle establishes to the court, by a preponderance of the 11872
evidence after filing a motion with the court, that the person 11873
neither knew nor should have known after a reasonable inquiry that 11874
the vehicle had been used or was involved in the violation 11875
resulting in the issuance of the order of criminal forfeiture or 11876
the violation of the order of immobilization issued under section 11877
4503.233 of the Revised Code, that the person did not expressly or 11878
impliedly consent to the use or involvement of the vehicle in that 11879
violation, that the interest was perfected in good faith and for 11880
value pursuant to law between the time of the arrest of the 11881
offender and the final disposition of the criminal charge in 11882
question, and that the vehicle was in the possession of the 11883

~~vehicle owner~~ interest holder at the time of the perfection of the 11884
interest. If the court is satisfied that the interest holder has 11885
met these criteria, the court shall preserve ~~the holder's~~ the 11886
interest holder's interest, and the court either shall return the 11887
vehicle to the interest holder ~~the holder's~~ or order that the ~~the~~ 11888
~~holder's~~ proceeds of any sale held pursuant to division ~~(D)~~(C) of 11889
this section be paid to the holder of the interest less the costs 11890
of seizure, storage, and maintenance of the vehicle. The court 11891
shall not return a vehicle to an interest holder ~~under division~~ 11892
~~(C)(3) of this section~~ unless the holder submits an affidavit to 11893
the court stating that the holder will not return the vehicle to 11894
the person from whom the holder acquired ~~the holder's~~ the holder's 11895
interest, nor to any member of that person's family, and the 11896
holder will not otherwise knowingly permit that person or any 11897
member of that person's family to obtain possession of the 11898
vehicle. 11899

~~(D)~~(C) A vehicle ordered criminally forfeited to the state 11900
pursuant to ~~division (B)~~ of this section shall be disposed of as 11901
follows: 11902

(1) It shall be given to the law enforcement agency that 11903
employs the law enforcement officer who seized the vehicle, if 11904
that agency desires to have it; 11905

(2) If a vehicle is not disposed of pursuant to division 11906
~~(D)~~(C)(1) of this section, the vehicle shall be sold, without 11907
appraisal, if the value of the vehicle is two thousand dollars or 11908
more as determined by publications of the national auto dealer's 11909
association, at a public auction to the highest bidder for cash. 11910
Prior to the sale, the prosecuting attorney in the case shall 11911
cause a notice of the proposed sale to be given in accordance with 11912
law. The court shall cause notice of the sale of the vehicle to be 11913
published in a newspaper of general circulation in the county in 11914
which the court is located at least seven days prior to the date 11915

of the sale. The proceeds of a sale under this division or 11916
division ~~(G)~~(F) of this section shall be applied in the following 11917
order: 11918

(a) First, they shall be applied to the payment of the costs 11919
incurred in connection with the seizure, storage, and maintenance 11920
of, and provision of security for, the vehicle, any proceeding 11921
arising out of the forfeiture, and if any, the sale. 11922

(b) Second, the remaining proceeds after compliance with 11923
division ~~(D)~~(C)(2)(a) of this section, shall be applied to the 11924
payment of the value of any lien or ownership interest in the 11925
vehicle preserved under division ~~(C)~~(B) of this section. 11926

(c) Third, the remaining proceeds, after compliance with 11927
divisions ~~(D)~~(C)(2)(a) and (b) of this section, shall be applied 11928
to the appropriate funds in accordance with divisions (D)(1)(c) 11929
and (2) of section 2933.43 of the Revised Code, provided that the 11930
total of the amount so deposited under this division shall not 11931
exceed one thousand dollars. The remaining proceeds deposited 11932
under this division shall be used only for the purposes authorized 11933
by those divisions and division (D)(3)(a)(ii) of that section. 11934

(d) Fourth, the remaining proceeds after compliance with 11935
divisions ~~(D)~~(C)(2)(a) and (b) of this section and after deposit 11936
of a total amount of one thousand dollars under division 11937
~~(D)~~(C)(2)(c) of this section shall be applied so that fifty per 11938
cent of those remaining proceeds is paid into the reparation fund 11939
established by section 2743.191 of the Revised Code, twenty-five 11940
per cent is paid into the drug abuse resistance education programs 11941
fund created by division ~~(L)~~(F)(2)(e) of section 4511.191 of the 11942
Revised Code and shall be used only for the purposes authorized by 11943
division ~~(L)~~(F)(2)(e) of that section, and twenty-five per cent is 11944
applied to the appropriate funds in accordance with division 11945
(D)(1)(c) of section 2933.43 of the Revised Code. The proceeds 11946
deposited into any fund described in section 2933.43 of the 11947

Revised Code shall be used only for the purposes authorized by 11948
division (D)(1)(c), (2), and (3)(a)(ii) of that section. 11949

~~(E)~~ Notwithstanding (D) Except as provided in division (E) of 11950
section 4511.203 of the Revised Code and notwithstanding any other 11951
provision of law, neither the registrar of motor vehicles nor any 11952
deputy registrar shall accept an application for the registration 11953
of any motor vehicle in the name of any person, or register any 11954
motor vehicle in the name of any person, if both of the following 11955
apply: 11956

(1) Any vehicle registered in the person's name was 11957
criminally forfeited under ~~division (B)~~ of this section and 11958
section 4503.233, 4503.236, 4507.361, ~~4507.99~~ 4510.10, 4510.11, 11959
4510.14, 4510.16, 4510.41, 4511.19, 4511.193, or ~~4511.99~~ 4511.203 11960
of the Revised Code; 11961

(2) Less than five years have expired since the issuance of 11962
the most recent order of criminal forfeiture issued in relation to 11963
a vehicle registered in the person's name. 11964

~~(F)~~(E) If a court is required by section 4503.233, 4503.236, 11965
4507.361, ~~4507.99~~ 4510.10, 4510.11, 4510.14, 4510.16, 4510.41, 11966
4511.19, 4511.193, or ~~4511.99~~ 4511.203 of the Revised Code to 11967
order the criminal forfeiture to the state of a vehicle, and the 11968
title to the motor vehicle is assigned or transferred, and 11969
division ~~(E)~~(B)(2) or (3) of this section applies, in addition to 11970
or independent of any other penalty established by law, the court 11971
may fine the offender the value of the vehicle as determined by 11972
publications of the national auto dealer's association. The 11973
proceeds from any fine imposed under this division ~~(F)~~ of this 11974
~~section~~ shall be distributed in accordance with division ~~(D)~~(4) 11975
(C)(2) of this section. 11976

~~(G)~~(F) As used in ~~division (D)~~ of this section and divisions 11977
(D)(1)(c), (D)(2), and (D)(3)(a)(ii) of section 2933.43 of the 11978
Revised Code in relation to proceeds of the sale of a vehicle 11979

under division ~~(D)~~(C) of this section, "prosecuting attorney" 11980
includes the prosecuting attorney, village solicitor, city 11981
director of law, or similar chief legal officer of a municipal 11982
corporation who prosecutes the case resulting in the conviction or 11983
guilty plea in question. 11984

(G) If the vehicle to be forfeited has an average retail 11985
value of less than two thousand dollars as determined by 11986
publications of the national auto dealer's association, no public 11987
auction is required to be held. In such a case, the court may 11988
direct that the vehicle be disposed of in any manner that it 11989
considers appropriate, including assignment of the certificate of 11990
title to the motor vehicle to a salvage dealer or a scrap metal 11991
processing facility. The court shall not transfer the vehicle to 11992
the person who is the vehicle's immediate previous owner. 11993

If the court assigns the motor vehicle to a salvage dealer or 11994
scrap metal processing facility and the court is in possession of 11995
the certificate of title to the motor vehicle, it shall send the 11996
assigned certificate of title to the motor vehicle to the clerk of 11997
the court of common pleas of the county in which the salvage 11998
dealer or scrap metal processing facility is located. The court 11999
shall mark the face of the certificate of title with the words 12000
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 12001
of title to the salvage dealer or scrap metal processing facility 12002
for its records. 12003

If the court is not in possession of the certificate of title 12004
to the motor vehicle, the court shall issue an order transferring 12005
ownership of the motor vehicle to a salvage dealer or scrap metal 12006
processing facility, send the order to the clerk of the court of 12007
common pleas of the county in which the salvage dealer or scrap 12008
metal processing facility is located, and send a photocopy of the 12009
order to the salvage dealer or scrap metal processing facility for 12010
its records. The clerk shall make the proper notations or entries 12011

in the clerk's records concerning the disposition of the motor 12012
vehicle. 12013

Sec. 4503.236. (A) No person shall operate a motor vehicle or 12014
permit the operation of a motor vehicle upon any public or private 12015
property used by the public for vehicular travel or parking 12016
knowing or having reasonable cause to believe that the motor 12017
vehicle has been ordered immobilized pursuant to an immobilization 12018
order issued under section 4503.233 of the Revised Code. 12019

(B) A motor vehicle that is operated by a person during a 12021
violation of division (A) of this section shall be criminally 12022
forfeited to the state in accordance with the procedures contained 12023
in section 4503.234 of the Revised Code, ~~but such forfeiture is~~ 12024
~~subject to section 4503.235 of the Revised Code.~~ 12025

(C) Whoever violates division (A) of this section is guilty 12026
of a misdemeanor of the second degree. 12027

Sec. 4503.28. (A) No person who is a manufacturer of, dealer 12028
in, or distributor of motor vehicles shall fail to file an 12029
application for registration and to pay the tax ~~therefor~~ for the 12030
registration and to apply for and pay the legal fees for as many 12031
certified copies ~~thereof~~ of the registration as the law requires. 12032

(B) Whoever violates this section is guilty of a misdemeanor 12033
of the fourth degree. 12034

Sec. 4503.30. (A) Any placards issued by the registrar of 12035
motor vehicles and bearing the distinctive number assigned to a 12036
manufacturer, dealer, or distributor pursuant to section 4503.27 12037
of the Revised Code may be displayed on any motor vehicle, other 12038
than commercial cars, or on any motorized bicycle owned by the 12039
manufacturer, dealer, or distributor, or lawfully in the 12040

possession or control of the manufacturer, or the agent or 12041
employee of the manufacturer, the dealer, or the agent or employee 12042
of the dealer, the distributor, or the agent or employee of the 12043
distributor, and shall be displayed on no other motor vehicle or 12044
motorized bicycle. A placard may be displayed on a motor vehicle, 12045
other than a commercial car, owned by a dealer when the vehicle is 12046
in transit from a dealer to a purchaser, when the vehicle is being 12047
demonstrated for sale or lease, or when the vehicle otherwise is 12048
being utilized by the dealer. A vehicle bearing a placard issued 12049
to a dealer under section 4503.27 of the Revised Code may be 12050
operated by the dealer, an agent or employee of the dealer, a 12051
prospective purchaser, or a third party operating the vehicle with 12052
the permission of the dealer. 12053

Such placards may be displayed on commercial cars only when 12054
the cars are in transit from a manufacturer to a dealer, from a 12055
distributor to a dealer or distributor, or from a dealer to a 12056
purchaser, or when the cars are being demonstrated for sale or 12057
lease, and shall not be displayed when the cars are being used for 12058
delivery, hauling, transporting, or other commercial purpose. 12059

(B) Whoever violates this section is guilty of a misdemeanor 12060
of the third degree. 12061

Sec. 4503.301. (A) A manufacturer, dealer, or distributor of 12062
motor vehicles may apply for a reasonable number of commercial car 12063
demonstration placards. The application shall show the make of 12064
commercial cars, commercial tractors, trailers, and semitrailers 12065
manufactured, dealt, or distributed in and shall show the taxing 12066
district in which the applicant's place of business is located. 12067
12068

Upon the filing of such application and the payment of an 12069
annual fee of five hundred dollars and appropriate postage as 12070
required by the registrar of motor vehicles, the registrar shall 12071

assign to the applicant a distinctive placard and number. Such 12072
placards shall be known as "commercial car demonstration 12073
placards," and shall expire on a date prescribed by the registrar. 12074
Upon the first application by any person for such placards, the 12075
registrar shall prorate the annual fee in accordance with section 12076
4503.11 of the Revised Code; for all renewals or replacements of 12077
such placards, the registrar shall collect the full amount of the 12078
annual fee. 12079

Commercial car demonstration placards may be displayed on 12080
commercial cars, commercial tractors, trailers and semitrailers 12081
owned by the manufacturer, dealer, or distributor, when those 12082
vehicles are operated by or being demonstrated to a prospective 12083
purchaser. In addition to the purposes permitted by section 12084
4503.30 of the Revised Code, the placards provided for in this 12085
section may be displayed on vehicles operated or used for 12086
delivery, hauling, transporting, or any other lawful purpose. When 12087
such placards are used, the placards provided for in section 12088
4503.30 of the Revised Code need not be displayed. 12089

The operator of any commercial car, commercial tractor, 12090
trailer, or semitrailer displaying the placards provided for in 12091
this section, at all times, shall carry with the operator a letter 12092
from the manufacturer, dealer, or distributor authorizing the use 12093
of such manufacturer's, dealer's, or distributor's commercial car 12094
demonstration placards. 12095

When such placards are used on any commercial car or 12096
commercial tractor, such power unit shall be considered duly 12097
registered and licensed for the purposes of section 4503.38 of the 12098
Revised Code. 12099

(B) No manufacturer, dealer, or distributor of motor vehicles 12100
shall use the commercial car demonstration placard for purposes 12101
other than those authorized by this section. 12102

(C) Whoever violates division (B) of this section is guilty 12103
of a misdemeanor of the third degree. 12104

Sec. 4503.32. (A) No person shall use the license placards 12105
provided for in section 4503.31 of the Revised Code contrary to 12106
said section. 12107

(B) Whoever violates this section is guilty of a misdemeanor 12108
of the third degree. 12109

Sec. 4503.34. (A) No person who is a drive-away operator or 12110
trailer transporter, or both, engaged in the business of 12111
transporting and delivering new motor vehicles or used motor 12112
vehicles, or both, by means of the full mount method, the saddle 12113
mount method, the tow bar method, the tow-away method, or any 12114
combination thereof, or under their own power, shall fail to file 12115
an application as required by section 4503.33 of the Revised Code, 12116
and to pay the fees therefor and to apply for and pay the legal 12117
fees for as many certified copies thereof as said section 12118
requires. 12119

(B) Whoever violates this section is guilty of a minor 12120
misdemeanor. 12121

Sec. 4503.39. With regard to a motor vehicle leased by or in 12122
the name of a person named in a ~~declaration of forfeiture~~ 12123
suspension order, the registrar of motor vehicles shall adopt 12124
procedures as indicated in division (D) of section 2935.27, 12125
division (A) of section 2937.221, and division (B) of section 12126
~~4507.168~~ 4510.22 of the Revised Code. The procedures shall 12127
prescribe the information and methodology necessary to implement 12128
those divisions. 12129

Sec. 4503.44. (A) As used in this section and in section 12130

4511.69 of the Revised Code:	12131
(1) "Person with a disability that limits or impairs the ability to walk" means any person who, as determined by a physician or chiropractor, meets any of the following criteria:	12132
	12133
	12134
(a) Cannot walk two hundred feet without stopping to rest;	12135
(b) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;	12136
	12137
	12138
(c) Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest;	12139
	12140
	12141
	12142
	12143
(d) Uses portable oxygen;	12144
(e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association;	12145
	12146
	12147
	12148
(f) Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition;	12149
	12150
(g) Is blind.	12151
(2) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports persons with disabilities that limit or impair the ability to walk on a regular basis in a motor vehicle that has not been altered for the purpose of providing it with special equipment for use by handicapped persons. This definition does not apply to division (J) of this section.	12152
	12153
	12154
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	12156
	12157
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	12159

(3) "Physician" means a person licensed to practice medicine 12160
or surgery or osteopathic medicine and surgery under Chapter 4731. 12161
of the Revised Code. 12162

(4) "Chiropractor" means a person licensed to practice 12163
chiropractic under Chapter 4734. of the Revised Code. 12164

(B) Any organization or person with a disability that limits 12165
or impairs the ability to walk may apply to the registrar of motor 12166
vehicles for a removable windshield placard or, if the person owns 12167
or leases a motor vehicle, the person may apply for the 12168
registration of any motor vehicle the person owns or leases. In 12169
addition to one or more sets of license plates or one placard, a 12170
person with a disability that limits or impairs the ability to 12171
walk is entitled to one additional placard, but only if the person 12172
applies separately for the additional placard, states the reasons 12173
why the additional placard is needed, and the registrar, in the 12174
registrar's discretion, determines that good and justifiable cause 12175
exists to approve the request for the additional placard. When a 12176
motor vehicle has been altered for the purpose of providing it 12177
with special equipment for a person with a disability that limits 12178
or impairs the ability to walk, but is owned or leased by someone 12179
other than such a person, the owner or lessee may apply to the 12180
registrar or a deputy registrar for registration under this 12181
section. The application for registration of a motor vehicle owned 12182
or leased by a person with a disability that limits or impairs the 12183
ability to walk shall be accompanied by a signed statement from 12184
the applicant's personal physician or chiropractor certifying that 12185
the applicant meets at least one of the criteria contained in 12186
division (A)(1) of this section and that the disability is 12187
expected to continue for more than six consecutive months. The 12188
application for a removable windshield placard made by a person 12189
with a disability that limits or impairs the ability to walk shall 12190
be accompanied by a prescription from the applicant's personal 12191

physician or chiropractor prescribing such a placard for the
applicant, and by a signed statement certifying that the applicant
meets at least one of the criteria contained in division (A)(1) of
this section. The physician or chiropractor shall state on the
prescription the length of time the physician or chiropractor
expects the applicant to have the disability that limits or
impairs the applicant's ability to walk. The application for a
removable windshield placard made by an organization shall be
accompanied by such documentary evidence of regular transport of
persons with disabilities that limit or impair the ability to walk
by the organization as the registrar may require by rule and shall
be completed in accordance with procedures that the registrar may
require by rule. The application for registration of a motor
vehicle that has been altered for the purpose of providing it with
special equipment for a person with a disability that limits or
impairs the ability to walk but is owned by someone other than
such a person shall be accompanied by such documentary evidence of
vehicle alterations as the registrar may require by rule.

(C) When an organization, a person with a disability that
limits or impairs the ability to walk, or a person who does not
have a disability that limits or impairs the ability to walk but
owns a motor vehicle that has been altered for the purpose of
providing it with special equipment for a person with a disability
that limits or impairs the ability to walk first submits an
application for registration of a motor vehicle under this section
and every fifth year thereafter, the organization or person shall
submit a signed statement from the applicant's personal physician
or chiropractor, a completed application, and any required
documentary evidence of vehicle alterations as provided in
division (B) of this section, and also a power of attorney from
the owner of the motor vehicle if the applicant leases the
vehicle. Upon submission of these items, the registrar or deputy

registrar shall issue to the applicant appropriate vehicle 12225
registration and a set of license plates and validation stickers, 12226
or validation stickers alone when required by section 4503.191 of 12227
the Revised Code. In addition to the letters and numbers 12228
ordinarily inscribed thereon, the license plates shall be 12229
imprinted with the international symbol of access. The license 12230
plates and validation stickers shall be issued upon payment of the 12231
regular license fee as prescribed under section 4503.04 of the 12232
Revised Code and any motor vehicle tax levied under Chapter 4504. 12233
of the Revised Code, and the payment of a service fee equal to the 12234
amount specified in division (D) or (G) of section 4503.10 of the 12235
Revised Code. 12236

(D)(1) Upon receipt of a completed and signed application for 12237
a removable windshield placard, a prescription as described in 12238
division (B) of this section, documentary evidence of regular 12239
transport of persons with disabilities that limit or impair the 12240
ability to walk, if required, and payment of a service fee equal 12241
to the amount specified in division (D) or (G) of section 4503.10 12242
of the Revised Code, the registrar or deputy registrar shall issue 12243
to the applicant a removable windshield placard, which shall bear 12244
the date of expiration on both sides of the placard and shall be 12245
valid until expired, revoked, or surrendered. Every removable 12246
windshield placard expires as described in division (D)(2) of this 12247
section, but in no case shall a removable windshield placard be 12248
valid for a period of less than sixty days. Removable windshield 12249
placards shall be renewable upon application as provided in 12250
division (B) of this section, and a service fee equal to the 12251
amount specified in division (D) or (G) of section 4503.10 of the 12252
Revised Code shall be charged for the renewal of a removable 12253
windshield placard. The registrar shall provide the application 12254
form and shall determine the information to be included thereon. 12255
The registrar also shall determine the form and size of the 12256

removable windshield placard, the material of which it is to be 12257
made, and any other information to be included thereon, and shall 12258
adopt rules relating to the issuance, expiration, revocation, 12259
surrender, and proper display of such placards. Any placard issued 12260
after October 14, 1999, shall be manufactured in a manner that 12261
allows the expiration date of the placard to be indicated on it 12262
through the punching, drilling, boring, or creation by any other 12263
means of holes in the placard. 12264

(2) At the time a removable windshield placard is issued to a 12265
person with a disability that limits or impairs the ability to 12266
walk, the registrar or deputy registrar shall enter into the 12267
records of the bureau of motor vehicles the last date on which the 12268
person will have that disability, as indicated on the accompanying 12269
prescription. Not less than thirty days prior to that date and all 12270
removable windshield placard renewal dates, the bureau shall send 12271
a renewal notice to that person at the person's last known address 12272
as shown in the records of the bureau, informing the person that 12273
the person's removable windshield placard will expire on the 12274
indicated date not to exceed five years from the date of issuance, 12275
and that the person is required to renew the placard by submitting 12276
to the registrar or a deputy registrar another prescription, as 12277
described in division (B) of this section, and by complying with 12278
the renewal provisions prescribed in division (D)(1) of this 12279
section. If such a prescription is not received by the registrar 12280
or a deputy registrar by that date, the placard issued to that 12281
person expires and no longer is valid, and this fact shall be 12282
recorded in the records of the bureau. 12283

(3) At least once every year, on a date determined by the 12284
registrar, the bureau shall examine the records of the office of 12285
vital statistics, located within the department of health, that 12286
pertain to deceased persons, and also the bureau's records of all 12287
persons who have been issued removable windshield placards and 12288

temporary removable windshield placards. If the records of the 12289
office of vital statistics indicate that a person to whom a 12290
removable windshield placard or temporary removable windshield 12291
placard has been issued is deceased, the bureau shall cancel that 12292
placard, and note the cancellation in its records. 12293

The office of vital statistics shall make available to the 12294
bureau all information necessary to enable the bureau to comply 12295
with division (D)(3) of this section. 12296

(4) Nothing in this section shall be construed to require a 12297
person or organization to apply for a removable windshield placard 12298
or special license plates if the parking card or special license 12299
plates issued to the person or organization under prior law have 12300
not expired or been surrendered or revoked. 12301

(E) Any person with a disability that limits or impairs the 12302
ability to walk may apply to the registrar or a deputy registrar 12303
for a temporary removable windshield placard. The application for 12304
a temporary removable windshield placard shall be accompanied by a 12305
prescription from the applicant's personal physician or 12306
chiropractor prescribing such a placard for the applicant, and by 12307
a signed statement certifying that the applicant meets at least 12308
one of the criteria contained in division (A)(1) of this section 12309
and that the disability is expected to continue for six 12310
consecutive months or less. The physician or chiropractor shall 12311
state on the prescription the length of time the physician or 12312
chiropractor expects the applicant to have the disability that 12313
limits or impairs the applicant's ability to walk, which cannot 12314
exceed six months from the date of the prescription. Upon receipt 12315
of an application for a temporary removable windshield placard, 12316
presentation of the prescription and the signed statement from the 12317
applicant's personal physician or chiropractor, and payment of a 12318
service fee equal to the amount specified in division (D) or (G) 12319
of section 4503.10 of the Revised Code, the registrar or deputy 12320

registrar shall issue to the applicant a temporary removable
windshield placard. The temporary removable windshield placard
shall be of the same size and form as the removable windshield
placard, shall be printed in white on a red-colored background,
and shall bear the word "temporary" in letters of such size as the
registrar shall prescribe. A temporary removable windshield
placard also shall bear the date of expiration on the front and
back of the placard, and shall be valid until expired,
surrendered, or revoked, but in no case shall such a placard be
valid for a period of less than sixty days. The registrar shall
provide the application form and shall determine the information
to be included on it. The registrar also shall determine the
material of which the temporary removable windshield placard is to
be made and any other information to be included on the placard
and shall adopt rules relating to the issuance, expiration,
surrender, revocation, and proper display of those placards. Any
temporary removable windshield placard issued after October 14,
1999, shall be manufactured in a manner that allows for the
expiration date of the placard to be indicated on it through the
punching, drilling, boring, or creation by any other means of
holes in the placard.

(F) If an applicant for a removable windshield placard is a
veteran of the armed forces of the United States whose disability,
as defined in division (A)(1) of this section, is
service-connected, the registrar or deputy registrar, upon receipt
of the application, presentation of a signed statement from the
applicant's personal physician or chiropractor certifying the
applicant's disability, and presentation of such documentary
evidence from the department of veterans affairs that the
disability of the applicant meets at least one of the criteria
identified in division (A)(1) of this section and is
service-connected as the registrar may require by rule, but

without the payment of any service fee, shall issue the applicant 12353
a removable windshield placard that is valid until expired, 12354
surrendered, or revoked. 12355

Upon a conviction of a violation of division (H), (I), or (J) 12356
of this section, the court shall report the conviction, and send 12357
the placard or parking card, if available, to the registrar, who 12358
thereupon shall revoke the privilege of using the placard or 12359
parking card and send notice in writing to the placardholder or 12360
cardholder at that holder's last known address as shown in the 12361
records of the bureau, and the placardholder or cardholder shall 12362
return the placard or card if not previously surrendered to the 12363
court, to the registrar within ten days following mailing of the 12364
notice. 12365

Whenever a person to whom a removable windshield placard or 12366
parking card has been issued moves to another state, the person 12367
shall surrender the placard or card to the registrar; and whenever 12368
an organization to which a placard or card has been issued changes 12369
its place of operation to another state, the organization shall 12370
surrender the placard or card to the registrar. 12371

(G) Subject to division (F) of section 4511.69 of the Revised 12372
Code, the operator of a motor vehicle displaying a removable 12373
windshield placard, temporary removable windshield placard, 12374
parking card, or the special license plates authorized by this 12375
section is entitled to park the motor vehicle in any special 12376
parking location reserved for persons with disabilities that limit 12377
or impair the ability to walk, also known as handicapped parking 12378
spaces or disability parking spaces. 12379

(H) No person or organization that is not eligible under 12380
division (B) or (E) of this section shall willfully and falsely 12381
represent that the person or organization is so eligible. 12382

No person or organization shall display license plates issued 12383

under this section unless the license plates have been issued for 12384
the vehicle on which they are displayed and are valid. 12385

(I) No person or organization to which a removable windshield 12386
placard or temporary removable windshield placard is issued shall 12387
do either of the following: 12388

(1) Display or permit the display of the placard on any motor 12389
vehicle when having reasonable cause to believe the motor vehicle 12390
is being used in connection with an activity that does not include 12391
providing transportation for persons with disabilities that limit 12392
or impair the ability to walk; 12393

(2) Refuse to return or surrender the placard, when required. 12394
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(J)(1) No person or organization to which a parking card is 12396
issued shall do either of the following: 12397

(a) Display or permit the display of the parking card on any 12398
motor vehicle when having reasonable cause to believe the motor 12399
vehicle is being used in connection with an activity that does not 12400
include providing transportation for a handicapped person; 12401

(b) Refuse to return or surrender the parking card, when 12402
required. 12403

(2) As used in division (J) of this section: 12404

(a) "Handicapped person" means any person who has lost the 12405
use of one or both legs or one or both arms, who is blind, deaf, 12406
or so severely handicapped as to be unable to move about without 12407
the aid of crutches or a wheelchair, or whose mobility is 12408
restricted by a permanent cardiovascular, pulmonary, or other 12409
handicapping condition. 12410

(b) "Organization" means any private organization or 12411
corporation, or any governmental board, agency, department, 12412
division, or office, that, as part of its business or program, 12413

transports handicapped persons on a regular basis in a motor 12414
vehicle that has not been altered for the purposes of providing it 12415
with special equipment for use by handicapped persons. 12416

(K) If a removable windshield placard, temporary removable 12417
windshield placard, or parking card is lost, destroyed, or 12418
mutilated, the placardholder or cardholder may obtain a duplicate 12419
by doing both of the following: 12420

(1) Furnishing suitable proof of the loss, destruction, or 12421
mutilation to the registrar; 12422

(2) Paying a service fee equal to the amount specified in 12423
division (D) or (G) of section 4503.10 of the Revised Code. 12424

Any placardholder or cardholder who loses a placard or card 12425
and, after obtaining a duplicate, finds the original, immediately 12426
shall surrender the original placard or card to the registrar. 12427

(L) The registrar shall pay all fees received under this 12428
section for the issuance of removable windshield placards or 12429
temporary removable windshield placards or duplicate removable 12430
windshield placards or cards into the state treasury to the credit 12431
of the state bureau of motor vehicles fund created in section 12432
4501.25 of the Revised Code. 12433

(M) For purposes of enforcing this section, every peace 12434
officer is deemed to be an agent of the registrar. Any peace 12435
officer or any authorized employee of the bureau of motor vehicles 12436
who, in the performance of duties authorized by law, becomes aware 12437
of a person whose placard or parking card has been revoked 12438
pursuant to this section, may confiscate that placard or parking 12439
card and return it to the registrar. The registrar shall prescribe 12440
any forms used by law enforcement agencies in administering this 12441
section. 12442

No peace officer, law enforcement agency employing a peace 12443
officer, or political subdivision or governmental agency employing 12444

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

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

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(O) Whoever violates this section is guilty of a misdemeanor
of the fourth degree.

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Sec. 4503.46. (A) For the purposes of this section, "prisoner
of war" means any regularly appointed, enrolled, enlisted, or
inducted member of the military forces of the United States who
was captured, separated, and incarcerated by an enemy of the
United States at any time, and any regularly appointed, enrolled,
or enlisted member of the military forces of Great Britain,
France, any of the countries that comprised the former Union of
Soviet Socialist Republics, Australia, Belgium, Brazil, Canada,
China, Denmark, Greece, the Netherlands, New Zealand, Norway,
Poland, South Africa, or any of the countries that comprised the
former Yugoslavia who was a citizen of the United States at the
time of such appointment, enrollment, or enlistment, and was
captured, separated, and incarcerated by an enemy of this country
during World War II.

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(B) Any person who has been a prisoner of war may apply to 12476
the registrar of motor vehicles for the registration of one 12477
passenger car, noncommercial motor vehicle, or other vehicle of a 12478
class approved by the registrar the person owns or leases. The 12479
application shall be accompanied by written evidence in the form 12480
of a record of separation, a letter from one of the armed forces 12481
of the United States or other country as provided in division (A) 12482
of this section, or other evidence as the registrar may require by 12483
rule, that such a person was a prisoner of war and was honorably 12484
discharged or is presently residing in this state on active duty 12485
with one of the branches of the armed forces of the United States, 12486
or was a prisoner of war and was honorably discharged or received 12487
an equivalent discharge or release from one of the armed forces of 12488
such other country. 12489

Upon receipt of an application for registration of a motor 12490
vehicle under this section, and presentation of satisfactory 12491
evidence of such prisoner-of-war status, the registrar shall issue 12492
to the applicant the appropriate vehicle registration and a set of 12493
license plates. In addition to the letters and numbers ordinarily 12494
inscribed thereon, the license plates shall be inscribed with the 12495
words "FORMER POW." The license plates shall be issued without 12496
payment of any registration fee or service fee as required by 12497
division (B) of section 4503.04 and sections 4503.10 and 4503.102 12498
of the Revised Code, and without payment of any applicable county, 12499
township, or municipal motor vehicle tax levied under Chapter 12500
4504. of the Revised Code. 12501

(C) The spouse of a deceased former prisoner of war who has 12502
not remarried, if the deceased person received or was eligible to 12503
receive special license plates issued under division (B) of this 12504
section, may apply to the registrar for the registration of the 12505
spouse's personal motor vehicle without the payment of any fee or 12506
tax as provided by division (B) of this section. The application 12507

for registration shall be accompanied by documentary evidence of 12508
the deceased person's status as a former prisoner of war and by 12509
any other evidence that the registrar requires by rule. 12510

Upon receipt of an application for registration under this 12511
division and presentation of satisfactory evidence as required by 12512
this division and by the registrar, the registrar shall issue to 12513
the spouse the appropriate vehicle registration and a set of 12514
license plates as provided in division (B) of this section. 12515

(D) No person who is not a former prisoner of war or spouse 12516
of a deceased former prisoner of war who has not remarried shall 12517
willfully and falsely represent that the person is such a former 12518
prisoner of war or spouse, for the purpose of obtaining license 12519
plates under this section. 12520

(E) No person shall own or lease a motor vehicle bearing 12521
license plates issued under this section unless the person is 12522
eligible to be issued the license plates. 12523

(F) Whoever violates this section is guilty of a misdemeanor 12524
of the fourth degree. 12525

Sec. 4503.47. (A) Any person who is a volunteer firefighter 12526
may apply to the registrar of motor vehicles for the registration 12527
of one passenger car or other vehicle of a class approved by the 12528
registrar the person owns or leases. The application shall be 12529
accompanied by such written evidence as the registrar may require 12530
by rule, that the person is a volunteer firefighter. 12531

Upon receipt of an application for the registration of a 12532
passenger car or other vehicle of a class approved by the 12533
registrar under this section and presentation of satisfactory 12534
evidence of such volunteer firefighter status, the registrar shall 12535
issue to the applicant the appropriate vehicle registration and a 12536
set of license plates and a validation sticker, or a validation 12537

sticker alone when required by section 4503.191 of the Revised Code. In addition to the letters and numbers ordinarily inscribed thereon, the license plates shall be inscribed with the letters "F.D." inside a Maltese cross emblem. The license plates and validation stickers shall be issued upon payment of the regular license fees as prescribed under section 4503.04 of the Revised Code and any local motor vehicle tax levied under Chapter 4504. of the Revised Code, and upon the payment of an additional fee of ten dollars for issuance under this section. The fee shall be for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of such license plates, and shall be transmitted by the registrar to the treasurer of state for deposit in the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code. No person shall apply for more than one set of volunteer firefighter license plates annually.

The chief of a fire department or the fire chief shall immediately notify the registrar whenever any person under the chief's supervision is no longer a volunteer firefighter.

Whenever a person is no longer eligible to be issued volunteer firefighter license plates, the person shall surrender the volunteer firefighter license plates to the bureau in exchange for plates without the "F.D." emblem. A fee of five dollars shall be charged for the services required in the issuing of replacement plates when an individual is no longer eligible to be issued volunteer firefighter license plates.

Application for volunteer firefighter license plates may be made, and such license plates and replacement plates shall be issued, at any time of year.

No person who is not a volunteer firefighter shall willfully and falsely represent that the person is a volunteer firefighter for the purpose of obtaining volunteer firefighter license plates

under this section. No person shall own a vehicle bearing such license plates unless the person is eligible to be issued such license plates. 12570
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(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree. 12573
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Sec. 4503.471. (A) Any person who is a member in good standing of the international association of firefighters may apply to the registrar of motor vehicles for the registration of any passenger car, noncommercial vehicle, motor home, or other vehicle of a class approved by the registrar that the person owns or leases and the issuance of international association of firefighters license plates. The application shall be accompanied by the written evidence that the registrar may require by rule showing that the person is a member in good standing of the international association of firefighters. The application for international association of firefighters license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. 12575
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Upon receipt of an application for registration of a vehicle under this section and presentation of satisfactory evidence showing that the person is a member in good standing of the international association of firefighters, the registrar shall issue to the applicant the appropriate vehicle registrations, sets of license plates and validation stickers, or validation stickers alone when required by section 4503.191 of the Revised Code. 12588
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In addition to the letters and numbers ordinarily inscribed on the license plates, international association of firefighters license plates shall be inscribed with a Maltese cross emblem designed by the international association of firefighters and approved by the registrar. International association of firefighters license plates shall bear county identification 12595
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stickers that identify the county of registration by name or
number. 12601
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The license plates and validation stickers shall be issued 12603
upon payment of the regular license fee as prescribed under 12604
section 4503.04 of the Revised Code, payment of any local motor 12605
vehicle tax levied under Chapter 4504. of the Revised Code, and 12606
payment of an additional fee of ten dollars for the purpose of 12607
compensating the bureau of motor vehicles for additional services 12608
required in the issuing of license plates under this section. If 12609
the application for international association of firefighters 12610
license plates is combined with a request for a special reserved 12611
license plate under section 4503.40 or 4503.42 of the Revised 12612
Code, the license plate and validation sticker shall be issued 12613
upon payment of the fees and taxes contained in this division and 12614
the additional fee prescribed under section 4503.40 or 4503.42 of 12615
the Revised Code. The registrar shall deposit the additional fee 12616
of ten dollars in the state bureau of motor vehicles fund created 12617
by section 4501.25 of the Revised Code. 12618

Whenever a person no longer is eligible to be issued 12619
international association of firefighters license plates, the 12620
person shall surrender the international association of 12621
firefighters license plates to the bureau in exchange for license 12622
plates without the Maltese cross emblem described in this section. 12623
A fee of five dollars shall be charged for the services required 12624
in the issuing of replacement plates when a person no longer is 12625
eligible to be issued international association of firefighters 12626
license plates. 12627

A person may make application for international association 12628
of firefighters license plates at any time of year, and the 12629
registrar shall issue international association of firefighters 12630
license plates and replacement plates at any time of year. 12631

(B) No person who is not a member in good standing of the 12632

international association of firefighters shall willfully and 12633
falsely represent that the person is a member in good standing of 12634
the international association of firefighters for the purpose of 12635
obtaining international association of firefighters license plates 12636
under this section. No person shall own or lease a vehicle bearing 12637
international association of firefighters license plates unless 12638
the person is eligible to be issued international association of 12639
firefighters license plates. 12640

(C) Whoever violates division (B) of this section is guilty 12641
of a misdemeanor of the fourth degree. 12642

Sec. 4505.101. (A) The owner of any repair garage or place of 12643
storage in which a motor vehicle with a value of less than two 12644
thousand five hundred dollars has been left unclaimed for fifteen 12645
days or more following completion of the requested repair or the 12646
agreed term of storage may send by certified mail, return receipt 12647
requested, to the last known address of the owner a notice to 12648
remove the motor vehicle. If the motor vehicle remains unclaimed 12649
by the owner for fifteen days after the mailing of the notice, and 12650
the person on whose property the vehicle has been abandoned has 12651
received the signed receipt from the certified mail or has been 12652
notified that the delivery was not possible, the person shall 12653
obtain a certificate of title to the motor vehicle in the person's 12654
name in the manner provided in this section. 12655

The owner of the repair garage or place of storage that 12656
mailed the notice shall execute an affidavit that all of the 12657
requirements of this section necessary to authorize the issuance 12658
of a certificate of title for the motor vehicle have been met. The 12659
affidavit shall set forth the value of the motor vehicle when 12660
unclaimed as determined in accordance with standards fixed by the 12661
registrar of motor vehicles; the length of time that the motor 12662
vehicle has remained unclaimed; the expenses incurred with the 12663

motor vehicle; that a notice to remove the vehicle has been mailed 12664
to the titled owner, if known, by certified mail, return receipt 12665
requested; and that a search of the records of the bureau of motor 12666
vehicles has been made for outstanding liens on the motor vehicle. 12667

No affidavit shall be executed or filed under this section 12668
until after a search of the records of the bureau of motor 12669
vehicles has been made. If the research reveals any outstanding 12670
lien on the motor vehicle, the owner of the repair garage or place 12671
of storage of the motor vehicle shall notify the mortgagee or 12672
lienholder by certified mail, return receipt requested, stating 12673
where the motor vehicle is located and the value of the vehicle. 12674
Unless the mortgagee or lienholder claims the motor vehicle within 12675
fifteen days from the mailing of the notice, the mortgagee's 12676
mortgage or the lienholder's lien shall be invalid. 12677

Upon presentation by the owner of the repair garage or place 12678
of storage of the affidavit, showing compliance with all 12679
requirements of this section to the clerk of courts of the county 12680
in which the repair garage or place of storage is located, the 12681
clerk of courts shall issue a certificate of title, free and clear 12682
of all liens and encumbrances, to the owner of the place of 12683
storage. 12684

The value of the motor vehicle, as determined in accordance 12685
with standards fixed by the registrar of motor vehicles, less 12686
expenses incurred by the owner of such repair garage or place of 12687
storage, shall be paid to the clerk of courts for deposit into the 12688
county general fund upon receipt of the certificate of title. 12689

(B) Whoever violates this section shall be fined not more 12690
than two hundred dollars, imprisoned not more than ninety days, or 12691
both. 12692

Sec. 4505.102. (A) If a pawnbroker licensed under Chapter 12693
4727. of the Revised Code makes a loan that is secured by a motor 12694

vehicle, watercraft, or outboard motor and has taken possession of 12695
the motor vehicle, watercraft, or outboard motor and the 12696
certificate title to the motor vehicle, watercraft, or outboard 12697
motor, and the owner of the motor vehicle, watercraft, or outboard 12698
motor fails to redeem or pay interest on the loan for which the 12699
motor vehicle, watercraft, or outboard motor was pledged within 12700
two months from the date of the loan or the date on which the last 12701
interest payment is due, and the pawnbroker notifies the owner by 12702
mail, with proof of mailing, as required by division (A) of 12703
section 4727.11 of the Revised Code, of the possible forfeiture of 12704
the motor vehicle, watercraft, or outboard motor, and the owner 12705
fails to redeem the motor vehicle, watercraft, or outboard motor 12706
within the thirty-day period required by that division to be 12707
specified in the notice, the pawnbroker shall proceed to obtain a 12708
certificate of title to the motor vehicle, watercraft, or outboard 12709
motor in the pawnbroker's name in the manner provided in this 12710
section. 12711

(B) The pawnbroker shall execute an affidavit stating all of 12712
the following: 12713

(1) That the pawnbroker is a pawnbroker licensed under 12714
Chapter 4727. of the Revised Code; 12715

(2) That the pawnbroker has made a loan to the owner of a 12716
motor vehicle, watercraft, or outboard motor, and the security for 12717
the loan is the motor vehicle, watercraft, or outboard motor; 12718

(3) That both the motor vehicle, watercraft, or outboard 12719
motor and the certificate of title to the motor vehicle, 12720
watercraft, or outboard motor are in the possession of the 12721
pawnbroker; 12722

(4) That the owner of the motor vehicle, watercraft, or 12723
outboard motor has failed to redeem the pledged motor vehicle, 12724
watercraft, or outboard motor or pay interest on the loan for 12725

which the motor vehicle, watercraft, or outboard motor was pledged 12726
within two months from the date of the loan or the date on which 12727
the last interest payment was due; 12728

(5) That the pawnbroker has notified the owner of the motor 12729
vehicle, watercraft, or outboard motor by mail, with proof of 12730
mailing, as required by division (A) of section 4727.11 of the 12731
Revised Code, and the owner has failed to redeem the motor 12732
vehicle, watercraft, or outboard motor within the thirty-day 12733
period required by that division to be specified in the notice. 12734

Upon presentation by the pawnbroker of a copy of the 12735
affidavit, a copy of the pawn form, a copy of the proof of 12736
mailing, and the certificate of title to the motor vehicle, 12737
watercraft, or outboard motor, the clerk of the court of common 12738
pleas of the county in which the last certificate of title to the 12739
motor vehicle, watercraft, or outboard motor was issued shall 12740
issue, if the record shows no lien or encumbrances exist, a 12741
certificate of title, free and clear of all liens and 12742
encumbrances, to the pawnbroker. 12743

(C) No person shall execute or present the affidavit required 12744
by this section, knowing any entry on the affidavit to be false. 12745
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(D) Whoever violates this section shall be fined not more 12747
than two hundred dollars, imprisoned not more than ninety days, or 12748
both. 12749

Sec. 4505.11. (A) Each owner of a motor vehicle and each 12750
person mentioned as owner in the last certificate of title, when 12751
the motor vehicle is dismantled, destroyed, or changed in such 12752
manner that it loses its character as a motor vehicle, or changed 12753
in such manner that it is not the motor vehicle described in the 12754
certificate of title, shall surrender the certificate of title to 12755
that motor vehicle to the clerk of the court of common pleas who 12756

issued it, and thereupon the clerk, with the consent of any 12757
holders of any liens noted thereon, shall enter a cancellation 12758
upon the clerk's records and shall notify the registrar of motor 12759
vehicles of the cancellation. 12760

Upon the cancellation of a certificate of title in the manner 12761
prescribed by this section, the clerk and the registrar of motor 12762
vehicles may cancel and destroy all certificates and all 12763
memorandum certificates in that chain of title. 12764

(B) Where an Ohio certificate of title or salvage certificate 12765
of title to a motor vehicle is assigned to a salvage dealer, the 12766
dealer is not required to obtain an Ohio certificate of title or a 12767
salvage certificate of title to the motor vehicle in the dealer's 12768
own name if the dealer dismantles or destroys the motor vehicle, 12769
indicates the number of the dealer's motor vehicle salvage 12770
dealer's license thereon, marks "FOR DESTRUCTION" across the face 12771
of the certificate of title or salvage certificate of title, and 12772
surrenders the certificate of title or salvage certificate of 12773
title to the clerk of the court of common pleas as provided in 12774
division (A) of this section. If the salvage dealer retains the 12775
motor vehicle for resale, the dealer shall make application for a 12776
salvage certificate of title to the motor vehicle in the dealer's 12777
own name as provided in division (C)(1) of this section. 12778
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(C)(1) When an insurance company declares it economically 12780
impractical to repair such a motor vehicle and has paid an agreed 12781
price for the purchase of the motor vehicle to any insured or 12782
claimant owner, the insurance company shall receive the 12783
certificate of title and the motor vehicle and proceed as follows. 12784
Within thirty days the insurance company shall deliver the 12785
certificate of title to the clerk of the court of common pleas and 12786
shall make application for a salvage certificate of title. The 12787
clerk shall issue the salvage certificate of title on a form, 12788

prescribed by the registrar, that shall be easily distinguishable 12789
from the original certificate of title and shall bear the same 12790
number and information as the original certificate of title. 12791
Except as provided in division (C)(2) of this section, the salvage 12792
certificate of title shall be assigned by the insurance company to 12793
a salvage dealer or any other person for use as evidence of 12794
ownership upon the sale or other disposition of the motor vehicle, 12795
and the salvage certificate of title shall be transferrable to any 12796
other person. The clerk shall charge a fee of four dollars for the 12797
cost of processing each salvage certificate of title. 12798

(2) If an insurance company considers a motor vehicle as 12799
described in division (C)(1) of this section to be impossible to 12800
restore for highway operation, the insurance company may assign 12801
the certificate of title to the motor vehicle to a salvage dealer 12802
or scrap metal processing facility and send the assigned 12803
certificate of title to the clerk of the court of common pleas of 12804
the county in which the salvage dealer or scrap metal processing 12805
facility is located. The insurance company shall mark the face of 12806
the certificate of title "FOR DESTRUCTION" and shall deliver a 12807
photocopy of the certificate of title to the salvage dealer or 12808
scrap metal processing facility for its records. 12809

(3) If an insurance company declares it economically 12810
impractical to repair a motor vehicle, agrees to pay to the 12811
insured or claimant owner an amount in settlement of a claim 12812
against a policy of motor vehicle insurance covering the motor 12813
vehicle, and agrees to permit the insured or claimant owner to 12814
retain possession of the motor vehicle, the insurance company 12815
shall not pay the insured or claimant owner any amount in 12816
settlement of the insurance claim until the owner obtains a 12817
salvage certificate of title to the vehicle and furnishes a copy 12818
of the salvage certificate of title to the insurance company. 12819

(D) When a self-insured organization, rental or leasing 12820

company, or secured creditor becomes the owner of a motor vehicle 12821
that is burned, damaged, or dismantled and is determined to be 12822
economically impractical to repair, the self-insured organization, 12823
rental or leasing company, or secured creditor shall do one of the 12824
following: 12825

(1) Mark the face of the certificate of title to the motor 12826
vehicle "FOR DESTRUCTION" and surrender the certificate of title 12827
to the clerk of the court of common pleas for cancellation as 12828
described in division (A) of this section. The self-insured 12829
organization, rental or leasing company, or secured creditor 12830
thereupon shall deliver the motor vehicle, together with a 12831
photocopy of the certificate of title, to a salvage dealer or 12832
scrap metal processing facility and shall cause the motor vehicle 12833
to be dismantled, flattened, crushed, or destroyed. 12834

(2) Obtain a salvage certificate of title to the motor 12835
vehicle in the name of the self-insured organization, rental or 12836
leasing company, or secured creditor, as provided in division 12837
(C)(1) of this section, and then sell or otherwise dispose of the 12838
motor vehicle. If the motor vehicle is sold, the self-insured 12839
organization, rental or leasing company, or secured creditor shall 12840
obtain a salvage certificate of title to the motor vehicle in the 12841
name of the purchaser from the clerk of the court of common pleas 12842
of the county in which the purchaser resides. 12843

(E) If a motor vehicle titled with a salvage certificate of 12844
title is restored for operation upon the highways, application 12845
shall be made to the clerk of the court of common pleas for a 12846
certificate of title. Upon inspection by the state highway patrol, 12847
which shall include establishing proof of ownership and an 12848
inspection of the motor number and vehicle identification number 12849
of the motor vehicle and of documentation or receipts for the 12850
materials used in restoration by the owner of the motor vehicle 12851
being inspected, which documentation or receipts shall be 12852

presented at the time of inspection, the clerk, upon surrender of
the salvage certificate of title, shall issue a certificate of
title for a fee prescribed by the registrar. The certificate of
title shall be in the same form as the original certificate of
title, shall bear the same number as the salvage certificate of
title and the original certificate of title, and shall bear the
words "REBUILT SALVAGE" in black boldface letters on its face.
Every subsequent certificate of title, memorandum certificate of
title, or duplicate certificate of title issued for the motor
vehicle also shall bear the words "REBUILT SALVAGE" in black
boldface letters on its face. The exact location on the face of
the certificate of title of the words "REBUILT SALVAGE" shall be
determined by the registrar, who shall develop an automated
procedure within the automated title processing system to comply
with this division. The clerk shall use reasonable care in
performing the duties imposed on the clerk by this division in
issuing a certificate of title pursuant to this division, but the
clerk is not liable for any of the clerk's errors or omissions or
those of the clerk's deputies, or the automated title processing
system in the performance of those duties. A fee of forty dollars
in fiscal year 1998 and fifty dollars in fiscal year 1999 and
thereafter shall be assessed by the state highway patrol for each
inspection made pursuant to this division and shall be deposited
into the state highway safety fund established by section 4501.06
of the Revised Code.

(F) No person shall operate upon the highways in this state a
motor vehicle, title to which is evidenced by a salvage
certificate of title, except to deliver the motor vehicle pursuant
to an appointment for an inspection under this section.

(G) No motor vehicle the certificate of title to which has
been marked "FOR DESTRUCTION" and surrendered to the clerk of the
court of common pleas shall be used for anything except parts and

scrap metal. 12885

(H)(1) Except as otherwise provided in this division, an 12886
owner of a manufactured or mobile home that will be taxed as real 12887
property pursuant to division (B) of section 4503.06 of the 12888
Revised Code shall surrender the certificate of title to the 12889
auditor of the county containing the taxing district in which the 12890
home is located. An owner whose home qualifies for real property 12891
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 12892
the Revised Code shall surrender the certificate within fifteen 12893
days after the home meets the conditions specified in those 12894
divisions. The auditor shall deliver the certificate of title to 12895
the clerk of the court of common pleas who issued it. 12896

(2) If the certificate of title for a manufactured or mobile 12897
home that is to be taxed as real property is held by a lienholder, 12898
the lienholder shall surrender the certificate of title to the 12899
auditor of the county containing the taxing district in which the 12900
home is located, and the auditor shall deliver the certificate of 12901
title to the clerk of the court of common pleas who issued it. The 12902
lienholder shall surrender the certificate within thirty days 12903
after both of the following have occurred: 12904

(a) The homeowner has provided written notice to the 12905
lienholder requesting that the certificate of title be surrendered 12906
to the auditor of the county containing the taxing district in 12907
which the home is located; 12908

(b) The homeowner has either paid the lienholder the 12909
remaining balance owed to the lienholder, or, with the 12910
lienholder's consent, executed and delivered to the lienholder a 12911
mortgage on the home and land on which the home is sited in the 12912
amount of the remaining balance owed to the lienholder. 12913

(3) Upon the delivery of a certificate of title by the county 12914
auditor to the clerk of the court, the clerk of the court shall 12915

inactivate it and retain it for a period of thirty years. 12916

(4) Upon application by the owner of a manufactured or mobile 12917
home that is taxed as real property pursuant to division (B) of 12918
section 4503.06 of the Revised Code and that no longer satisfies 12919
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 12920
section, the clerk of court shall reactivate the record of the 12921
certificate of title that was inactivated under division (H)(3) of 12922
this section and shall issue a new certificate of title, but only 12923
if the application contains or has attached to it all of the 12924
following: 12925

(a) An endorsement of the county treasurer that all real 12926
property taxes charged against the home under Title LVII of the 12927
Revised Code and division (B) of section 4503.06 of the Revised 12928
Code for all preceding tax years have been paid; 12929

(b) An endorsement of the county auditor that the home will 12930
be removed from the real property tax list; 12931

(c) Proof that there are no outstanding mortgages or other 12932
liens on the home or, if there are such mortgages or other liens, 12933
that the mortgagee or lienholder has consented to the reactivation 12934
of the certificate of title. 12935

(I)(1) Whoever violates division (F) of this section shall be 12936
fined not more than two thousand dollars, imprisoned not more than 12937
one year, or both. 12938

(2) Whoever violates division (G) of this section shall be 12939
fined not more than one thousand dollars, imprisoned not more than 12940
six months, or both. 12941

Sec. 4505.111. (A) Every motor vehicle, other than a motor 12942
vehicle as provided in divisions (C), (D), and (E) of section 12943
4505.11 of the Revised Code, that is assembled from component 12944
parts by a person other than the manufacturer, shall be inspected 12945

by the state highway patrol prior to issuance of title to the 12946
motor vehicle. The inspection shall include establishing proof of 12947
ownership and an inspection of the motor number and vehicle 12948
identification number of the motor vehicle, and any items of 12949
equipment the director of public safety considers advisable and 12950
requires to be inspected by rule. A fee of forty dollars in fiscal 12951
year 1998 and fifty dollars in fiscal year 1999 and thereafter 12952
shall be assessed by the state highway patrol for each inspection 12953
made pursuant to this section, and shall be deposited in the state 12954
highway safety fund established by section 4501.06 of the Revised 12955
Code. 12956

(B) Whoever violates this section shall be fined not more 12957
than two thousand dollars, imprisoned not more than one year, or 12958
both. 12959

Sec. 4505.15. (A) Manufacturers and importers shall appoint 12960
and authorize agents who shall sign manufacturer's or importer's 12961
certificates. The registrar of motor vehicles may require that a 12962
certified copy of a list containing the names and the facsimile 12963
signatures of the authorized agents be furnished ~~him~~ the registrar 12964
and be forwarded to each clerk of the court of common pleas in the 12965
respective counties within the state, and the registrar may 12966
prescribe the form of authorization to be used by manufacturers or 12967
importers and the method of certification of the names of said 12968
agents. 12969

(B) Whoever violates this section shall be fined not more 12970
than two hundred dollars, imprisoned not more than ninety days, or 12971
both. 12972

Sec. 4505.17. (A) Every sheriff, chief of police, constable, 12973
state highway patrol trooper, employee of the state highway 12974
patrol, and designated officer of the department of public safety, 12975

having knowledge of a stolen motor vehicle, immediately shall 12976
furnish the registrar of motor vehicles with full information 12977
concerning such theft. 12978

Whenever the registrar receives a report of the theft or 12979
conversion of a motor vehicle, whether the same has been 12980
registered or not and whether owned in this or any other state, 12981
the registrar shall make a distinctive record thereof, including 12982
the make of the stolen vehicle and its manufacturer's vehicle 12983
identification number. The registrar shall prepare a report 12984
listing motor vehicles stolen and recovered as disclosed by the 12985
reports submitted to the registrar, to be distributed as the 12986
registrar determines advisable. 12987

In the event of the receipt from any clerk of the court of 12988
common pleas of a copy of a certificate of title to such a motor 12989
vehicle, the registrar immediately shall notify the rightful owner 12990
thereof and the clerk who issued such certificate of title, and 12991
if, upon investigation, it appears that such certificate of title 12992
was improperly issued, the registrar immediately shall cancel the 12993
certificate. 12994

In the event of the recovery of a stolen or converted motor 12995
vehicle, the owner immediately shall notify the registrar, who 12996
shall remove the record of the theft or conversion from the 12997
registrar's file. 12998

(B) Whoever violates this section shall be fined not more 12999
than two hundred dollars, imprisoned not more than ninety days, or 13000
both. 13001

Sec. 4505.18. (A) No person shall: 13002

~~(A)~~(1) Operate in this state a motor vehicle for which a 13003
certificate of title is required without having such certificate 13004
in accordance with sections 4505.01 to 4505.21 of the Revised 13005

Code, or upon which the certificate of title has been canceled; 13006

~~(B)~~(2) Display or display for sale or sell as a dealer or 13007
acting on behalf of a dealer, a motor vehicle without having 13008
obtained a manufacturer's or importer's certificate or a 13009
certificate of title therefor as provided in sections 4505.01 to 13010
4505.21 of the Revised Code; 13011

~~(C)~~(3) Fail to surrender any certificate of title or any 13012
certificate of registration or license plates upon cancellation of 13013
the same by the registrar of motor vehicles and notice thereof as 13014
prescribed in sections 4505.01 to 4505.21 of the Revised Code; 13015

~~(D)~~(4) Fail to surrender the certificate of title to the 13016
clerk of the court of common pleas as provided in sections 4505.01 13017
to 4505.21 of the Revised Code, in case of the destruction or 13018
dismantling or change of a motor vehicle in such respect that it 13019
is not the motor vehicle described in the certificate of title; 13020

~~(E)~~(5) Violate any rules promulgated pursuant to sections 13021
4505.01 to 4505.21 of the Revised Code.; 13022

~~(F)~~(6) Except as otherwise provided in Chapter 4517. of the 13023
Revised Code, sell at wholesale a motor vehicle the ownership of 13024
which is not evidenced by an Ohio certificate of title, or the 13025
current certificate of title issued for the motor vehicle, or the 13026
manufacturer's certificate of origin, and all title assignments 13027
that evidence the seller's ownership of the motor vehicle, and an 13028
odometer disclosure statement that complies with section 4505.06 13029
of the Revised Code and subchapter IV of the "Motor Vehicle 13030
Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 13031
1981. 13032

(B) This section does not apply to persons engaged in the 13033
business of warehousing or transporting motor vehicles for the 13034
purpose of salvage disposition. 13035

(C) Whoever violates this section shall be fined not more 13036

than two hundred dollars, imprisoned not more than ninety days, or 13037
both. 13038

Sec. 4505.181. (A) Notwithstanding divisions ~~(B)~~, ~~(E)~~ (A)(2), 13039
(5), and ~~(F)~~ (6) of section 4505.18 of the Revised Code, a motor 13040
vehicle dealer or person acting on behalf of a motor vehicle 13041
dealer may display, offer for sale, or sell a used motor vehicle 13042
without having first obtained a certificate of title for the 13043
vehicle in the name of the dealer as required by this chapter if 13044
the dealer or person acting on behalf of the dealer complies with 13045
divisions (A)(1)(a) and (A)(2) of this section, or divisions 13046
(A)(1)(b) and (A)(2) of this section, as follows: 13047

(1)(a) If the dealer has been licensed as a motor vehicle 13048
dealer for less than the three-year period prior to the date on 13049
which the dealer or person acting on behalf of the dealer 13050
displays, offers for sale, or sells the used motor vehicle for 13051
which the dealer has not obtained a certificate of title in the 13052
name of the dealer, or if the attorney general has paid a retail 13053
purchaser of the dealer under division (C) of this section within 13054
three years prior to such date, the dealer posts with the attorney 13055
general's office in favor of this state a bond of a surety company 13056
authorized to do business in this state, in an amount of not less 13057
than twenty-five thousand dollars, to be used solely for the 13058
purpose of compensating retail purchasers of motor vehicles who 13059
suffer damages due to failure of the dealer or person acting on 13060
behalf of the dealer to comply with this section. The dealer's 13061
surety shall notify the registrar and attorney general when a bond 13062
is canceled. Such notification of cancellation shall include the 13063
effective date of and reason for cancellation. 13064

(b) If the dealer has been licensed as a motor vehicle dealer 13065
for longer than the three-year period prior to the date on which 13066
the dealer or person acting on behalf of the dealer displays, 13067
offers for sale, or sells the used motor vehicle for which the 13068

dealer has not obtained a certificate of title in the name of the 13069
dealer and the attorney general has not paid a retail purchaser of 13070
the dealer under division (C) of this section within three years 13071
prior to such date, the dealer pays one hundred fifty dollars to 13072
the attorney general for deposit into the title defect recision 13073
fund created by section 1345.52 of the Revised Code. 13074

(2) Possesses a bill of sale for each motor vehicle proposed 13075
to be displayed, offered for sale, or sold under this section and 13076
a properly executed power of attorney or other related documents 13077
from the prior owner of the motor vehicle giving the dealer or 13078
person acting on behalf of the dealer authority to have a 13079
certificate of title to the motor vehicle issued in the name of 13080
the dealer, and retains copies of all such documents in the 13081
dealer's or person's files until such time as certificate of title 13082
in the dealer's name is issued for each such motor vehicle by the 13083
clerk of the court of common pleas. Such documents shall be 13084
available for inspection by the bureau of motor vehicles during 13085
normal business hours. 13086

(B) If a retail purchaser purchases a motor vehicle for which 13087
the dealer, pursuant to and in accordance with division (A) of 13088
this section, does not have a certificate of title issued in the 13089
name of the dealer at the time of the sale, the retail purchaser 13090
has an unconditional right to rescind the transaction and the 13091
dealer has an obligation to refund to the retail purchaser the 13092
full purchase price of the vehicle, if one of the following 13093
applies: 13094

(1) The dealer fails, on or before the fortieth day following 13095
the date of the sale, to obtain a title in the name of the retail 13096
purchaser; 13097

(2) The title for the vehicle indicates that it is a rebuilt 13098
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 13099
was not disclosed to the retail purchaser in writing prior to the 13100

execution of the purchase agreement; 13101

(3) The title for the vehicle indicates that the dealer has 13102
made an inaccurate odometer disclosure to the retail purchaser. 13103

If any of the circumstances described in divisions (B)(1) to 13104
(3) of this section applies, a retail purchaser or the retail 13105
purchaser's representative shall notify the dealer and afford the 13106
dealer the opportunity to comply with the dealer's obligation to 13107
refund the full purchase price of the motor vehicle. Nothing in 13108
this division shall be construed as prohibiting the dealer and the 13109
retail purchaser or their representatives from negotiating a 13110
compromise resolution that is satisfactory to both parties. 13111

(C) If a retail purchaser notifies a dealer of one or more of 13112
the circumstances listed in division (B) of this section and the 13113
dealer fails to refund to the retail purchaser the full purchase 13114
price of the vehicle or reach a satisfactory compromise with the 13115
retail purchaser within three business days of presentation of the 13116
retail purchaser's recision claim, the retail purchaser may apply 13117
to the attorney general for payment from the fund of the full 13118
purchase price to the retail purchaser. 13119

(D) Upon application by a retail purchaser for payment from 13120
the fund, if the attorney general is satisfied that one or more of 13121
the circumstances contained in divisions (B)(1) to (3) of this 13122
section exist, the attorney general shall cause the full purchase 13123
price of the vehicle to be paid to the retail purchaser from the 13124
fund after delivery of the vehicle to the attorney general. The 13125
attorney general may sell or otherwise dispose of any vehicle that 13126
is delivered to the attorney general under this section, and may 13127
collect the proceeds of any bond posted under division (A) of this 13128
section by a dealer who has failed to comply with division (C) of 13129
this section. The proceeds from all such sales and collections 13130
shall be deposited into the title defect recision fund for use as 13131
specified in section 1345.52 of the Revised Code. 13132

(E) Failure by a dealer to comply with division (A) or (B) of this section constitutes a deceptive act or practice in connection with a consumer transaction, and is a violation of section 1345.02 of the Revised Code.

(F) The remedy provided in this section to retail purchasers is in addition to any remedies otherwise available to the retail purchaser for the same conduct of the dealer or person acting on behalf of the dealer under federal law or the laws of this state or a political subdivision of this state.

(G) All motor vehicle dealers licensed under Chapter 4517. of the Revised Code shall pay to the attorney general for deposit into the title defect recision fund the amount described in division (A)(1)(b) of this section beginning with the calendar year during which this section becomes effective and each year subsequent to that year until the balance in the fund is not less than three hundred thousand dollars. All such dealers also shall pay to the attorney general for deposit into the fund that amount during any year and subsequent years during which the balance in the fund is less than three hundred thousand dollars until the balance in the fund reaches three hundred thousand dollars.

If a motor vehicle dealer fails to comply with this division, the attorney general may bring a civil action in a court of competent jurisdiction to collect the amount the dealer failed to pay to the attorney general for deposit into the fund.

Sec. 4505.19. (A) No person shall do any of the following:

~~(A)(1)~~ Procure or attempt to procure a certificate of title or a salvage certificate of title to a motor vehicle, or pass or attempt to pass a certificate of title, a salvage certificate of title, or any assignment thereof to a motor vehicle, knowing or having reason to believe that such motor vehicle or any part of the motor vehicle has been acquired through commission of a theft

offense as defined in section 2913.01 of the Revised Code; 13164

~~(B)~~(2) Purport to sell or transfer a motor vehicle without 13165
delivering to the purchaser or transferee thereof a certificate of 13166
title, a salvage certificate of title, or a manufacturer's or 13167
importer's certificate thereto, assigned to such purchaser as 13168
provided for in this chapter; 13169

~~(C)~~(3) With intent to defraud, possess, sell, offer to sell, 13170
counterfeit, or supply a blank, forged, fictitious, counterfeit, 13171
stolen, or fraudulently or unlawfully obtained certificate of 13172
title, registration, bill of sale, or other instruments of 13173
ownership of a motor vehicle, or conspire to do any of the 13174
foregoing; 13175

~~(D)~~(4) Knowingly obtain goods, services, credit, or money by 13176
means of an invalid, fictitious, forged, counterfeit, stolen, or 13177
unlawfully obtained original or duplicate certificate of title, 13178
registration, bill of sale, or other instrument of ownership of a 13179
motor vehicle; 13180

~~(E)~~(5) Knowingly obtain goods, services, credit, or money by 13181
means of a certificate of title to a motor vehicle, which is 13182
required to be surrendered to the registrar of motor vehicles or 13183
the clerk of the court of common pleas as provided in this 13184
chapter. 13185

(B) Whoever violates this section shall be fined not more 13186
than five thousand dollars or imprisoned in the county jail or 13187
workhouse not less than six months nor more than one year, or 13188
both, or in a state correctional institution not less than one 13189
year nor more than five years. 13190

Sec. 4505.20. (A) Notwithstanding division ~~(B)~~(A)(2) of 13191
section 4505.18 or any other provision of Chapter 4505. or 4517. 13192
of the Revised Code, a secured party may designate any dealer to 13193
display, display for sale, or sell a manufactured or mobile home 13194

if the home has come into the possession of that secured party by 13195
a default in the terms of a security instrument and the 13196
certificate of title remains in the name and possession of the 13197
secured party. 13198

(B) Notwithstanding division ~~(B)~~(A)(2) of section 4505.18 or 13199
any other provision of Chapter 4505. or 4517. of the Revised Code, 13200
the owner of a recreational vehicle or a secured party of a 13201
recreational vehicle who has come into possession of the vehicle 13202
by a default in the terms of a security instrument, may designate 13203
any dealer to display, display for sale, or sell the vehicle while 13204
the certificate of title remains in the possession of the owner or 13205
secured party. No dealer may display or offer for sale more than 13206
five recreational vehicles at any time under this division. No 13207
dealer may display or offer for sale a recreational vehicle under 13208
this division unless the dealer maintains insurance or the bond of 13209
a surety company authorized to transact business within this state 13210
in an amount sufficient to satisfy the fair market value of the 13211
vehicle. 13212

(C) The registrar of motor vehicles may adopt rules in 13213
accordance with Chapter 119. of the Revised Code prescribing the 13214
maximum number of manufactured or mobile homes that have come into 13215
the possession of a secured party by a default in the terms of a 13216
security instrument that any dealer may display or offer for sale 13217
at any time. The registrar may adopt other reasonable rules 13218
regarding the resale of such manufactured homes, mobile homes, and 13219
recreational vehicles that the registrar considers necessary. 13220

(D) The secured party or owner shall provide the dealer with 13221
written authorization to display, display for sale, or sell the 13222
manufactured home, mobile home, or recreational vehicle. The 13223
dealer shall show and explain the written authorization to any 13224
prospective purchaser. The written authorization shall contain the 13225
vehicle identification number, make, model, year of manufacture, 13226

and physical description of the manufactured home, mobile home, or recreational vehicle that is provided to the dealer. 13227
13228
13229

(E) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both. 13230
13231
13232

(F) As used in this section, "dealer" means a new motor vehicle dealer that is licensed under Chapter 4517. of the Revised Code. 13233
13234
13235

Sec. 4505.21. (A) As used in this section: 13236

(1) "Certified receipt of title cancellation" means a form prescribed by the registrar of motor vehicles for use under this section that shall include all of the following: 13237
13238
13239

(a) The name of the owner who surrenders a certificate of title to a vehicle intended to be exported; 13240
13241

(b) A description of the motor vehicle that shall include the year, make, model, style, vehicle identification number, color, license registration number, and the state of registration; 13242
13243
13244

(c) The destination of the motor vehicle; 13245

(d) Whether the purpose of the export is for sale, lease, personal use, or other specified use; 13246
13247

(e) Such other information as the registrar determines to be appropriate. 13248
13249

(2) A "declaration of temporary export" means a form prescribed by the registrar that includes all of the following: 13250
13251

(a) The items specified in divisions (A)(1)(a) to (e) of this section; 13252
13253

(b) A statement that the vehicle will not be permanently located outside of the United States and that the owner intends to 13254
13255

return the vehicle to the United States; 13256

(c) The period of time for which it is anticipated that the 13257
motor vehicle will be located outside of the United States. 13258

(3) "Export" means the shipping or transportation of a motor 13259
vehicle from any point inside the United States to a point outside 13260
of the United States. "Export" does not include operating the 13261
motor vehicle by means of its own power or that of a motor vehicle 13262
drawing or towing it unless the purpose of the owner is to avoid 13263
compliance with division (B) or (C) of this section. 13264

(4) "Owner" means the person named on a certificate of title 13265
issued by this state as the owner or assignee of the owner of the 13266
motor vehicle for which the certificate of title has been issued 13267
and includes any person who is lawfully entitled to the issuance 13268
of a new certificate of title to the motor vehicle naming the 13269
person as owner of the vehicle or who is lawfully entitled to 13270
surrender the certificate of title under this section. "Owner" 13271
includes a secured party who exports or permits the export of a 13272
motor vehicle in the exercise of the secured party's rights and 13273
powers under the security agreement. 13274

(B) No owner of a motor vehicle who exports or permits the 13275
export of the motor vehicle for permanent location outside of the 13276
United States shall do any of the following: 13277

(1) Fail to surrender the certificate of title to the motor 13278
vehicle to the registrar prior to the date that the motor vehicle 13279
is delivered to any person for export; 13280

(2) Knowingly fail to surrender the certificate of title to 13281
the motor vehicle to the registrar prior to the date that the 13282
motor vehicle is delivered to any person for export. 13283

(C) No owner of a motor vehicle who exports or permits the 13284
export of the motor vehicle for temporary location outside of the 13285
United States shall do any of the following: 13286

(1) Fail to file a declaration of temporary export with the registrar prior to the date that the motor vehicle is delivered to any person for export;

(2) Purposely fail to file a declaration of temporary export with the registrar prior to the date that the motor vehicle is delivered to any person for export in order to facilitate the commission of a conspiracy, attempt, complicity, or theft offense related to the title of a motor vehicle or the proceeds of a motor vehicle insurance policy.

(D)(1) Proof that the defendant acted in good faith and surrendered the certificate of title to the registrar within a reasonable time after delivery of the motor vehicle for export is an affirmative defense to a prosecution under division (B)(1) of this section.

(2) Proof that the defendant acted in good faith and filed a declaration of temporary export with the registrar within a reasonable time after delivery of the motor vehicle for export is an affirmative defense to a prosecution under division (C)(1) of this section.

(E) The registrar shall prescribe forms to be signed by the owner who surrenders a certificate of title for cancellation under this section and by all secured parties whose uncanceled security interests are noted on the certificate. The form shall indicate the person to whom a certified receipt of title cancellation is to be delivered and any security interests that are to be noted on the certified receipt of title cancellation. The registrar shall inspect the title surrender form and the certificate of title to determine whether any uncanceled security interests have been noted on the title under section 4505.13 of the Revised Code and whether the person exporting the vehicle is the lawful owner. If the registrar determines that the certificate is in proper order and that all secured parties having uncanceled security interests

noted on the certificate have consented to the surrender of the
certificate, the registrar shall issue a certified receipt of
title to the owner with such notation of security interests as
shall be requested upon the title surrender form.

(F) The registrar shall record a declaration of temporary
export filed under division (B)(2) of this section and retain it
with the records of the certificate of title until the owner
notifies the registrar, on a form prescribed by the registrar,
that the motor vehicle has been returned to the United States.

(G)(1) Whoever violates division (B)(1) or (C)(1) of this
section is guilty of a misdemeanor of the first degree.

(2) Whoever violates division (B)(2) or (C)(2) of this
section is guilty of a felony of the fifth degree.

~~Sec. 4505.99. (A) Whoever violates division (G) of section
4505.11 of the Revised Code shall be fined not more than one
thousand dollars, imprisoned not more than six months, or both.~~

~~(B) Whoever violates division (F) of section 4505.11 or
section 4505.111 of the Revised Code shall be fined not more than
two thousand dollars or imprisoned not more than one year, or
both.~~

(C) Whoever violates any provision of sections 4505.01 to
4505.21 of the Revised Code for which no penalty is otherwise is
provided in this the section that contains the provision violated
shall be fined not more than two hundred dollars, imprisoned not
more than ninety days, or both.

~~(D) Whoever violates section 4505.19 of the Revised Code
shall be fined not more than five thousand dollars or imprisoned
in the county jail or workhouse not less than six months nor more
than one year, or both, or in a state correctional institution not
less than one nor more than five years.~~

~~(E) Whoever violates division (B)(1) or (C)(1) of section 4505.21 of the Revised Code is guilty of a misdemeanor of the first degree.~~ 13349
13350
13351

~~(F) Whoever violates division (B)(2) or (C)(2) of section 4505.21 of the Revised Code is guilty of a felony of the fifth degree.~~ 13352
13353
13354

Sec. 4506.01. As used in this chapter: 13355

(A) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath, or urine. When expressed as a percentage, it means grams of alcohol per the following: 13356
13357
13358

(1) One hundred milliliters of whole blood, blood serum, or blood plasma; 13359
13360

(2) Two hundred ten liters of breath; 13361

(3) One hundred milliliters of urine. 13362

(B) "School bus" has the same meaning as in section 4511.01 of the Revised Code. 13363
13364

(C) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle. 13365
13366
13367

(D) "Commercial driver license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701. 13368
13369
13370
13371

(E) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications: 13372
13373
13374
13375

(1) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided 13376
13377

the gross vehicle weight rating of the vehicle or vehicles being	13378
towed is in excess of ten thousand pounds;	13379
(2) Any single vehicle with a gross vehicle weight rating of	13380
twenty-six thousand one pounds or more, or any such vehicle towing	13381
a vehicle having a gross vehicle weight rating that is not in	13382
excess of ten thousand pounds;	13383
(3) Any single vehicle or combination of vehicles that is not	13384
a class A or class B vehicle, but that either is designed to	13385
transport sixteen or more passengers including the driver, or is	13386
placarded for hazardous materials;	13387
(4) Any school bus with a gross vehicle weight rating of less	13388
than twenty-six thousand one pounds that is designed to transport	13389
fewer than sixteen passengers including the driver;	13390
(5) Is transporting hazardous materials for which placarding	13391
is required by regulations adopted under the "Hazardous Materials	13392
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as	13393
amended;	13394
(6) Any single vehicle or combination of vehicles that is	13395
designed to be operated and to travel on a public street or	13396
highway and is considered by the federal highway administration to	13397
be a commercial motor vehicle, including, but not limited to, a	13398
motorized crane, a vehicle whose function is to pump cement, a rig	13399
for drilling wells, and a portable crane.	13400
(F) "Controlled substance" means all of the following:	13401
(1) Any substance classified as a controlled substance under	13402
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A.	13403
802(6), as amended;	13404
(2) Any substance included in schedules I through V of 21	13405
C.F.R. part 1308, as amended;	13406
(3) Any drug of abuse.	13407

(G) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(H) "Disqualification" means withdrawal of the privilege to drive a commercial motor vehicle.

(I) "Drive" means to drive, operate, or be in physical control of a motor vehicle.

(J) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

(K) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.

(L) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.

(M) "Employer" means any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

(N) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

(O) "Felony" means any offense under federal or state law

that is punishable by death or specifically classified as a felony 13438
under the law of this state, regardless of the penalty that may be 13439
imposed. 13440

(P) "Foreign jurisdiction" means any jurisdiction other than 13441
a state. 13442

(Q) "Gross vehicle weight rating" means the value specified 13443
by the manufacturer as the maximum loaded weight of a single or a 13444
combination vehicle. The gross vehicle weight rating of a 13445
combination vehicle is the gross vehicle weight rating of the 13446
power unit plus the gross vehicle weight rating of each towed 13447
unit. 13448

(R) "Hazardous materials" means materials identified as such 13449
under regulations adopted under the "Hazardous Materials 13450
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 13451
amended. 13452

(S) "Motor vehicle" has the same meaning as in section 13453
4511.01 of the Revised Code. 13454

(T) Except when used in sections 4506.25 and 4506.26 of the 13455
Revised Code, "out-of-service order" means a temporary prohibition 13456
against driving a commercial motor vehicle issued under this 13457
chapter or a similar law of another state or of a foreign 13458
jurisdiction. 13459

(U) "Residence" means any person's residence determined in 13460
accordance with standards prescribed in rules adopted by the 13461
registrar. 13462

(V) "Temporary residence" means residence on a temporary 13463
basis as determined by the registrar in accordance with standards 13464
prescribed in rules adopted by the registrar. 13465

(W) "Serious traffic violation" means a conviction arising 13466
from the operation of a commercial motor vehicle that involves any 13467

of the following: 13468

(1) A single charge of any speed that is in excess of the 13469
posted speed limit by an amount specified by the United States 13470
secretary of transportation and that the director of public safety 13471
designates as such by rule; 13472

(2) Violation of section 4511.20, 4511.201, or 4511.202 of 13473
the Revised Code or any similar ordinance or resolution, or of any 13474
similar law of another state or political subdivision of another 13475
state; 13476

(3) Violation of a law of this state or an ordinance or 13477
resolution relating to traffic control, other than a parking 13478
violation, or of any similar law of another state or political 13479
subdivision of another state, that results in a fatal accident; 13480

(4) Violation of any other law of this state or an ordinance 13481
or resolution relating to traffic control, other than a parking 13482
violation, that is determined to be a serious traffic violation by 13483
the United States secretary of transportation and the director 13484
designates as such by rule. 13485

(X) "State" means a state of the United States and includes 13486
the District of Columbia. 13487

(Y) "Tank vehicle" means any commercial motor vehicle that is 13488
designed to transport any liquid and has a maximum capacity 13489
greater than one hundred nineteen gallons or is designed to 13490
transport gaseous materials and has a water capacity greater than 13491
one thousand pounds within a tank that is either permanently or 13492
temporarily attached to the vehicle or its chassis. "Tank vehicle" 13493
does not include either of the following: 13494

(1) Any portable tank having a rated capacity of less than 13495
one thousand gallons; 13496

(2) Tanks used exclusively as a fuel tank for the motor 13497

vehicle to which it is attached. 13498

(Z) "United States" means the fifty states and the District 13499
of Columbia. 13500

(AA) "Vehicle" has the same meaning as in section 4511.01 of 13501
the Revised Code. 13502

(BB) "Peace officer" has the same meaning as in section 13503
2935.01 of the Revised Code. 13504

(CC) "Portable tank" means a liquid or gaseous packaging 13505
designed primarily to be loaded on or temporarily attached to a 13506
vehicle and equipped with skids, mountings, or accessories to 13507
facilitate handling of the tank by mechanical means. 13508

Sec. 4506.02. (A) Nothing in this chapter applies to any 13509
person when engaged in the operation of any of the following: 13510

(1) A farm truck; 13511

(2) Fire equipment for a fire department, volunteer or 13512
nonvolunteer fire company, fire district, or joint fire district; 13513

(3) A public safety vehicle used to provide transportation or 13514
emergency medical service for ill or injured persons; 13515

(4) A recreational vehicle; 13516

(5) A commercial motor vehicle within the boundaries of an 13517
eligible unit of local government, if the person is employed by 13518
the eligible unit of local government and is operating the 13519
commercial motor vehicle for the purpose of removing snow or ice 13520
from a roadway by plowing, sanding, or salting, but only if either 13521
the employee who holds a commercial driver's license issued under 13522
this chapter and ordinarily operates a commercial motor vehicle 13523
for these purposes is unable to operate the vehicle, or the 13524
employing eligible unit of local government determines that a snow 13525
or ice emergency exists that requires additional assistance; 13526

(6) A vehicle owned by the department of defense and operated 13527
by any member or uniformed employee of the armed forces of the 13528
United States or their reserve components, including the Ohio 13529
national guard. This exception does not apply to United States 13530
reserve technicians. 13531

(7) A commercial motor vehicle that is operated for 13532
nonbusiness purposes. "Operated for nonbusiness purposes" means 13533
that the commercial motor vehicle is not used in commerce as 13534
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 13535
regulated by the public utilities commission pursuant to Chapter 13536
4919., 4921., or 4923. of the Revised Code. 13537

(8) A motor vehicle that is designed primarily for the 13538
transportation of goods and not persons and that is used for the 13539
occasional transportation of personal property by individuals not 13540
for compensation and not in the furtherance of a commercial 13541
enterprise. 13542

(B) Nothing contained in division (A)(5) of this section 13543
shall be construed as preempting or superseding any law, rule, or 13544
regulation of this state concerning the safe operation of 13545
commercial motor vehicles. 13546

~~(B)~~(C) As used in this section: 13547

(1) "Eligible unit of local government" means a village, 13548
township, or county that has a population of not more than three 13549
thousand persons according to the most recent federal census. 13550

(2) "Farm truck" means a truck controlled and operated by a 13551
farmer for use in the transportation to or from a farm, for a 13552
distance of no more than one hundred fifty miles, of products of 13553
the farm, including livestock and its products, poultry and its 13554
products, floricultural and horticultural products, and in the 13555
transportation to the farm, from a distance of no more than one 13556
hundred fifty miles, of supplies for the farm, including tile, 13557

fence, and every other thing or commodity used in agricultural, 13558
floricultural, horticultural, livestock, and poultry production, 13559
and livestock, poultry, and other animals and things used for 13560
breeding, feeding, or other purposes connected with the operation 13561
of the farm, when the truck is operated in accordance with this 13562
division and is not used in the operations of a motor 13563
transportation company or private motor carrier. 13564

(3) "Public safety vehicle" has the same meaning as in 13565
divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 13566

(4) "Recreational vehicle" includes every vehicle that is 13567
defined as a recreational vehicle in section 4501.01 of the 13568
Revised Code and is used exclusively for purposes other than 13569
engaging in business for profit. 13570

Sec. 4506.03. (A) On and after April 1, 1992, the following 13571
shall apply: 13572

(1) No person shall drive a commercial motor vehicle on a 13573
highway in this state unless ~~he~~ the person holds a valid 13574
commercial driver's license with proper endorsements for the motor 13575
vehicle being driven, issued by the registrar of motor vehicles, a 13576
valid examiner's commercial driving permit issued under section 13577
4506.13 of the Revised Code, a valid restricted commercial 13578
driver's license and waiver for farm-related service industries 13579
issued under section 4506.24 of the Revised Code, or a valid 13580
commercial driver's license temporary instruction permit issued by 13581
the registrar and is accompanied by an authorized state driver's 13582
license examiner or tester or a person who has been issued and has 13583
in ~~his~~ the person's immediate possession a current, valid 13584
commercial driver's license with proper endorsements for the motor 13585
vehicle being driven. 13586

(2) No person shall be issued a commercial driver's license 13587
until ~~he~~ the person surrenders to the registrar of motor vehicles 13588

all valid licenses issued to ~~him~~ the person by another 13589
jurisdiction recognized by this state. All surrendered licenses 13590
shall be returned by the registrar to the issuing authority. 13591

(3) No person who has been a resident of this state for 13592
thirty days or longer shall drive a commercial motor vehicle under 13593
the authority of a commercial driver's license issued by another 13594
jurisdiction. 13595

(B) As used in this section and in section 4506.09 of the 13596
Revised Code, "tester" means a person or entity acting pursuant to 13597
a valid agreement entered into under division (B) of section 13598
4506.09 of the Revised Code. 13599

(C) Whoever violates this section is guilty of a misdemeanor 13600
of the first degree. 13601

Sec. 4506.04. (A) No person shall do any of the following: 13602

(1) Drive a commercial motor vehicle while having in ~~his~~ the 13603
person's possession or otherwise under ~~his~~ the person's control 13604
more than one valid driver's license issued by this state, any 13605
other state, or by a foreign jurisdiction; 13606

(2) Drive a commercial motor vehicle on a highway in this 13607
state in violation of an out-of-service order, while ~~his~~ the 13608
person's driving privilege is suspended, revoked, or canceled, or 13609
while ~~he~~ the person is subject to disqualification; 13610

(3) Drive a motor vehicle on a highway in this state under 13611
authority of a commercial driver's license issued by another state 13612
or a foreign jurisdiction, after having been a resident of this 13613
state for thirty days or longer; 13614

(4) Knowingly give false information in any application or 13615
certification required by section 4506.07 of the Revised Code. 13616

(B) The department of public safety shall give every 13617
conviction occurring out of this state and notice of which is 13618

received after December 31, 1989, full faith and credit and treat 13619
it for sanctioning purposes under this chapter as though the 13620
conviction had occurred in this state. 13621

(C)(1) Whoever violates division (A)(1), (2), or (3) of this 13622
section is guilty of a misdemeanor of the first degree. 13623

(2) Whoever violates division (A)(4) of this section is 13624
guilty of falsification, a misdemeanor of the first degree. In 13625
addition, the provisions of section 4507.19 of the Revised Code 13626
apply. 13627

Sec. 4506.05. (A) Notwithstanding any other provision of law, 13628
a person may drive a commercial motor vehicle on a highway in this 13629
state if all of the following conditions are met: 13630

~~(A) He~~ (1) The person has a valid commercial driver's license 13631
or commercial driver's license temporary instruction permit issued 13632
by any state in accordance with the minimum standards adopted by 13633
the federal highway administration under the "Commercial Motor 13634
Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 13635
for issuance of commercial drivers' licenses; 13636

~~(B) His~~ (2) The person's commercial driver's license or 13637
permit is not suspended, revoked, or canceled; 13638

~~(C) He~~ (3) The person is not disqualified from driving a 13639
commercial motor vehicle; 13640

~~(D) He~~ (4) The person is not subject to an out-of-service 13641
order. 13642

(B) Whoever violates this section is guilty of a misdemeanor 13643
of the first degree. 13644

Sec. 4506.06. (A) The registrar of motor vehicles, upon 13645
receiving an application for a commercial driver's temporary 13646
instruction permit, may issue the permit to any person who is at 13647

least eighteen years of age and holds a valid driver's license, 13648
other than a restricted license, issued under Chapter 4507. of the 13649
Revised Code. A commercial driver's temporary instruction permit 13650
shall not be issued for a period exceeding six months and only one 13651
renewal of a permit shall be granted in a two-year period. 13652

The holder of a commercial driver's temporary instruction 13653
permit, unless otherwise disqualified, may drive a commercial 13654
motor vehicle when having the permit in the holder's actual 13655
possession and accompanied by a person who holds a valid 13656
commercial driver's license valid for the type of vehicle being 13657
driven and who occupies a seat beside the permit holder for the 13658
purpose of giving instruction in driving the motor vehicle. 13659

(B) Whoever violates this section is guilty of a misdemeanor 13660
of the first degree. 13661

Sec. 4506.10. (A) No person who holds a valid commercial 13662
driver's license shall drive a commercial motor vehicle unless ~~he~~ 13663
the person is physically qualified to do so. Each person who 13664
drives or expects to drive a commercial motor vehicle in 13665
interstate or foreign commerce or is otherwise subject to 49 13666
C.F.R. 391, et seq., as amended, shall certify to the registrar of 13667
motor vehicles at the time of application for a commercial 13668
driver's license that ~~he~~ the person is in compliance with these 13669
standards. Any person who is not subject to 49 C.F.R. 391, et 13670
seq., as amended, also shall certify at the time of application 13671
that ~~he~~ the person is not subject to these standards. 13672

(B) A person is qualified to drive a class B commercial motor 13673
vehicle with a school bus endorsement, if ~~he~~ the person has been 13674
certified as medically qualified in accordance with rules adopted 13675
by the department of education. 13676

(C) Any medical examination required by this section shall be 13677

performed only by a person licensed under Chapter 4731. of the
Revised Code to practice medicine or surgery or osteopathic
medicine and surgery in this state, or licensed under any similar
law of another state, except that any part of such an examination
that pertains to visual acuity, field of vision, and the ability
to recognize colors may be performed by a person licensed under
Chapter 4725. of the Revised Code to practice optometry in this
state, or licensed under any similar law of another state.

(D) Whenever good cause appears, the registrar, upon issuing
a commercial driver's license under this chapter, may impose
restrictions suitable to the licensee's driving ability with
respect to the type of motor vehicle or special mechanical control
devices required on a motor vehicle which the licensee may
operate, or such other restrictions applicable to the licensee as
the registrar determines to be necessary.

The registrar may either issue a special restricted license
or may set forth ~~such restrictions~~ upon the usual license form the
restrictions imposed.

The registrar, upon receiving satisfactory evidence of any
violation of the restrictions of ~~such the~~ license, may ~~suspend or
revoke the same~~ impose a class D license suspension of the license
for the period of time specified in division (B)(4) of section
4510.02 of the Revised Code.

The registrar, upon receiving satisfactory evidence that an
applicant or holder of a commercial driver's license has violated
division (A)(4) of section 4506.04 of the Revised Code and
knowingly given false information in any application or
certification required by section 4506.07 of the Revised Code,
shall cancel the commercial driver's license of the person or any
pending application from the person for a commercial driver's
license or class D driver's license for a period of at least sixty
days, during which time no application for a commercial driver's

license or class D driver's license shall be received from the 13710
person. 13711

(E) Whoever violates this section is guilty of a misdemeanor 13712
of the first degree. 13713

Sec. 4506.11. (A) Every commercial driver's license shall be 13714
marked "commercial driver's license" or "CDL" and shall be of such 13715
material and so designed as to prevent its reproduction or 13716
alteration without ready detection, and, to this end, shall be 13717
laminated with a transparent plastic material. The commercial 13718
driver's license for licensees under twenty-one years of age shall 13719
have characteristics prescribed by the registrar of motor vehicles 13720
distinguishing it from that issued to a licensee who is twenty-one 13721
years of age or older. Every commercial driver's license shall 13722
display all of the following information: 13723

(1) The name and residence address of the licensee; 13724

(2) A color photograph of the licensee; 13725

(3) A physical description of the licensee, including sex, 13726
height, weight, and color of eyes and hair; 13727

(4) The licensee's date of birth; 13728

(5) The licensee's social security number and any number or 13729
other identifier the director of public safety considers 13730
appropriate and establishes by rules adopted under Chapter 119. of 13731
the Revised Code and in compliance with federal law. If the 13732
licensee requests that the licensee's commercial driver's license 13733
not display the licensee's social security number, the license 13734
shall not display the number unless display of the number is 13735
required by federal law. 13736

(6) The licensee's signature; 13737

(7) The classes of commercial motor vehicles the licensee is 13738

authorized to drive and any endorsements or restrictions relating 13739
to the licensee's driving of those vehicles; 13740

(8) A space marked "blood type" in which the licensee may 13741
specify the licensee's blood type; 13742

(9) The name of this state; 13743

(10) The dates of issuance and of expiration of the license; 13744

(11) If the licensee has certified willingness to make an 13745
anatomical donation under section 2108.04 of the Revised Code, any 13746
symbol chosen by the registrar of motor vehicles to indicate that 13747
the licensee has certified that willingness; 13748

(12) If the licensee has executed a durable power of attorney 13749
for health care or a declaration governing the use or 13750
continuation, or the withholding or withdrawal, of life-sustaining 13751
treatment and has specified that the licensee wishes the license 13752
to indicate that the licensee has executed either type of 13753
instrument, any symbol chosen by the registrar to indicate that 13754
the licensee has executed either type of instrument; 13755

(13) Any other information the registrar considers advisable 13756
and requires by rule. 13757

(B) The registrar may establish and maintain a file of 13758
negatives of photographs taken for the purposes of this section. 13759

(C) Neither the registrar nor any deputy registrar shall 13760
issue a commercial driver's license to anyone under twenty-one 13761
years of age that does not have the characteristics prescribed by 13762
the registrar distinguishing it from the commercial driver's 13763
license issued to persons who are twenty-one years of age or 13764
older. 13765

(D) Whoever violates division (C) of this section is guilty 13766
of a minor misdemeanor. 13767

Sec. 4506.12. (A) Commercial drivers' licenses shall be 13768
issued in the following classes and shall include any endorsements 13769
and restrictions that are applicable. Subject to any such 13770
endorsements and restrictions, the holder of a valid commercial 13771
driver's license may drive all commercial motor vehicles in the 13772
class for which that license is issued and all lesser classes of 13773
vehicles, except that ~~he~~ the holder shall not operate a motorcycle 13774
unless ~~he~~ the holder is licensed to do so under Chapter 4507. of 13775
the Revised Code. 13776

(B) The classes of commercial drivers' licenses and the 13777
commercial motor vehicles that they authorize the operation of are 13778
as follows: 13779

(1) Class A--any combination of vehicles with a combined 13780
gross vehicle weight rating of twenty-six thousand one pounds or 13781
more, if the gross vehicle weight rating of the vehicle or 13782
vehicles being towed is in excess of ten thousand pounds. 13783

(2) Class B--any single vehicle with a gross vehicle weight 13784
rating of twenty-six thousand one pounds or more or any such 13785
vehicle towing a vehicle having a gross vehicle weight rating that 13786
is not in excess of ten thousand pounds. 13787

(3) Class C--any single vehicle, or combination of vehicles, 13788
that is not a class A or class B vehicle, but that either is 13789
designed to transport sixteen or more passengers, including the 13790
driver, or is placarded for hazardous materials and any school bus 13791
with a gross vehicle weight rating of less than twenty-six 13792
thousand one pounds that is designed to transport fewer than 13793
sixteen passengers including the driver. 13794

(C) The following endorsements and restrictions apply to 13795
commercial drivers' licenses: 13796

(1) H--authorizes the driver to drive a vehicle transporting 13797

hazardous materials;	13798
(2) K--restricts the driver to only intrastate operation;	13799
(3) L--restricts the driver to vehicles not equipped with air brakes;	13800 13801
(4) T--authorizes the driver to drive double and triple trailers;	13802 13803
(5) P--authorizes the driver to drive vehicles carrying passengers;	13804 13805
(6) P1--authorizes the driver to drive class A vehicles with fewer than fifteen passengers and all lesser classes of vehicles without restriction as to the number of passengers;	13806 13807 13808
(7) P2--authorizes the driver to drive class A or B vehicles with fewer than fifteen passengers and all lesser classes of vehicles without restriction as to the number of passengers;	13809 13810 13811
(8) P3--restricts the driver to driving class B school buses;	13812 13813
(9) P4--Restricts the driver to driving class C school buses designed to transport fewer than sixteen passengers including the driver.	13814 13815 13816
(10) N--authorizes the driver to drive tank vehicles;	13817
(11) S--authorizes the driver to drive school buses;	13818
(12) X--authorizes the driver to drive tank vehicles transporting hazardous materials;	13819 13820
(13) W--restricts the driver to the operation of commercial motor vehicles in accordance with a waiver for farm-related service industries issued under section 4506.24 of the Revised Code.	13821 13822 13823 13824
(D) No person shall drive any commercial motor vehicle for which an endorsement is required under this section unless the	13825 13826

proper endorsement appears on the person's commercial driver's license. 13827
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(E) Whoever violates this section is guilty of a misdemeanor of the first degree. 13829
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Sec. 4506.14. (A) Commercial driver's licenses shall expire as follows: 13831
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(1) Except as provided in division (A)(3) of this section, each such license issued to replace an operator's or chauffeur's license shall expire on the original expiration date of the operator's or chauffeur's license and, upon renewal, shall expire on the licensee's birthday in the fourth year after the date of issuance. 13833
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(2) Except as provided in division (A)(3) of this section, each such license issued as an original license to a person whose residence is in this state shall expire on the licensee's birthday in the fourth year after the date of issuance, and each such license issued to a person whose temporary residence is in this state shall expire in accordance with rules adopted by the registrar of motor vehicles. A license issued to a person with a temporary residence in this state is nonrenewable, but may be replaced with a new license within ninety days prior to its expiration upon the applicant's compliance with all applicable requirements. 13839
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(3) Each such license issued to replace the operator's or chauffeur's license of a person who is less than twenty-one years of age, and each such license issued as an original license to a person who is less than twenty-one years of age, shall expire on the licensee's twenty-first birthday. 13850
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(B) No commercial driver's license shall be issued for a period longer than four years and ninety days. Except as provided 13855
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in section 4507.12 of the Revised Code, the registrar may waive 13857
the examination of any person applying for the renewal of a 13858
commercial driver's license issued under this chapter, provided 13859
that the applicant presents either an unexpired commercial 13860
driver's license or a commercial driver's license that has expired 13861
not more than six months prior to the date of application. 13862

(C) Subject to the requirements of this chapter and except as 13863
provided in division (A)(2) of this section in regard to a person 13864
whose temporary residence is in this state, every commercial 13865
driver's license shall be renewable ninety days before its 13866
expiration upon payment of the fees required by section 4506.08 of 13867
the Revised Code. Each person applying for renewal of a commercial 13868
driver's license shall complete the application form prescribed by 13869
section 4506.07 of the Revised Code and shall provide all 13870
certifications required. If the person wishes to retain an 13871
endorsement authorizing the person to transport hazardous 13872
materials, the person shall take and successfully complete the 13873
written test for the endorsement. 13874

(D) Each person licensed as a driver under this chapter shall 13875
notify the registrar of any change in the person's address within 13876
ten days following that change. The notification shall be in 13877
writing on a form provided by the registrar and shall include the 13878
full name, date of birth, license number, county of residence, 13879
social security number, and new address of the person. 13880

(E) Whoever violates division (D) of this section is guilty 13881
of a minor misdemeanor. 13882

Sec. 4506.15. (A) No person shall do any of the following: 13883

~~(A)~~(1) Drive a commercial motor vehicle while having a 13884
measurable or detectable amount of alcohol or of a controlled 13885
substance in ~~his~~ the person's blood, breath, or urine; 13886

(B) (2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more;	13887 13888
(C) (3) Drive a commercial motor vehicle while under the influence of a controlled substance;	13889 13890
(D) (4) Knowingly leave the scene of an accident involving a commercial motor vehicle driven by the person;	13891 13892
(E) (5) Use a commercial motor vehicle in the commission of a felony;	13893 13894
(F) (6) Refuse to submit to a test under section 4506.17 of the Revised Code;	13895 13896
(G) (7) Violate an out-of-service order issued under this chapter;	13897 13898
(H) (8) Violate any prohibition described in divisions (B) (A)(2) to (G) (7) of this section while transporting hazardous materials.	13899 13900 13901
<u>(B) Whoever violates this section is guilty of a misdemeanor of the first degree.</u>	13902 13903
Sec. 4506.16. (A) Whoever violates division (A)(1) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, immediately shall be placed out-of-service for twenty-four hours, in addition to any disqualification required by this section and any other penalty imposed by the Revised Code.	13904 13905 13906 13907 13908 13909
(B) The registrar of motor vehicles shall disqualify any person from operating a commercial motor vehicle as follows:	13910 13911
(1) Upon <u>Subject to division (B)(4) of this section, upon</u> a first conviction for a violation of <u>any provision of</u> divisions (B) (A)(2) to (G) (7) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, one year,	13912 13913 13914 13915

in addition to any other penalty imposed by the Revised Code; 13916

(2) Upon a first conviction for a violation of division 13917
~~(H)~~(A)(8) of section 4506.15 of the Revised Code or a similar law 13918
of another state or a foreign jurisdiction, three years, in 13919
addition to any other penalty imposed by the Revised Code; 13920

(3) Upon a second conviction for a violation of any provision 13921
of divisions ~~(B)~~(A)(2) to ~~(G)~~(7) of section 4506.15 of the Revised 13922
Code or a similar law of another state or a foreign jurisdiction, 13923
or any combination of such violations arising from two or more 13924
separate incidents, the person shall be disqualified for life or 13925
for any other period of time as determined by the United States 13926
secretary of transportation and designated by the director of 13927
public safety by rule, in addition to any other penalty imposed by 13928
the Revised Code; 13929

(4) Upon conviction of a violation of division ~~(E)~~(A)(5) of 13930
section 4506.15 of the Revised Code or a similar law of another 13931
state or a foreign jurisdiction in connection with the 13932
manufacture, distribution, or dispensing of a controlled substance 13933
or the possession with intent to manufacture, distribute, or 13934
dispense a controlled substance, the person shall be disqualified 13935
for life, in addition to any other penalty imposed by the Revised 13936
Code; 13937

(5) Upon conviction of two serious traffic violations 13938
involving the operation of a commercial motor vehicle by the 13939
person and arising from separate incidents occurring in a 13940
three-year period, the person shall be disqualified for sixty 13941
days, in addition to any other penalty imposed by the Revised 13942
Code; 13943

(6) Upon conviction of three serious traffic violations 13944
involving the operation of a commercial motor vehicle by the 13945
person and arising from separate incidents occurring in a 13946
three-year period, the person shall be disqualified for one 13947

hundred twenty days, in addition to any other penalty imposed by 13948
the Revised Code. 13949

(C) For the purposes of this section, conviction of a 13950
violation for which disqualification is required may be evidenced 13951
by any of the following: 13952

(1) A judgment entry of a court of competent jurisdiction in 13953
this or any other state; 13954

(2) An administrative order of a state agency of this or any 13955
other state having statutory jurisdiction over commercial drivers; 13956

(3) A computer record obtained from or through the commercial 13957
driver's license information system; 13958

(4) A computer record obtained from or through a state agency 13959
of this or any other state having statutory jurisdiction over 13960
commercial drivers or the records of commercial drivers. 13961

(D) Any record described in division (C) of this section 13962
shall be deemed to be self-authenticating when it is received by 13963
the bureau of motor vehicles. 13964

(E) When disqualifying a driver, the registrar shall cause 13965
the records of the bureau to be updated to reflect that action 13966
within ten days after it occurs. 13967

(F) The registrar immediately shall notify a driver who is 13968
finally convicted of any offense described in section 4506.15 of 13969
the Revised Code or division (B)(4), (5), or (6) of this section 13970
and thereby is subject to disqualification, of the offense or 13971
offenses involved, of the length of time for which 13972
disqualification is to be imposed, and that the driver may request 13973
a hearing within thirty days of the mailing of the notice to show 13974
cause why the driver should not be disqualified from operating a 13975
commercial motor vehicle. If a request for such a hearing is not 13976
made within thirty days of the mailing of the notice, the order of 13977

disqualification is final. The registrar may designate hearing examiners who, after affording all parties reasonable notice, shall conduct a hearing to determine whether the disqualification order is supported by reliable evidence. The registrar shall adopt rules to implement this division.

(G) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license is not otherwise suspended ~~or revoked~~. A person whose commercial driver's license is suspended ~~or revoked~~ shall not apply to the registrar for or receive a driver's license under Chapter 4507. of the Revised Code during the period of suspension ~~or revocation~~.

Sec. 4506.17. (A) Any person who drives a commercial motor vehicle within this state shall be deemed to have given consent to a test or tests of the person's blood, breath, or urine for the purpose of determining the person's alcohol concentration or the presence of any controlled substance.

(B) A test or tests as provided in division (A) of this section may be administered at the direction of a peace officer having reasonable ground to stop or detain the person and, after investigating the circumstances surrounding the operation of the commercial motor vehicle, also having reasonable ground to believe the person was driving the commercial vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine. Any such test shall be given within two hours of the time of the alleged violation.

(C) A person requested to submit to a test under division (A) of this section shall be advised by the peace officer requesting

the test that a refusal to submit to the test will result in the person immediately being placed out-of-service for a period of twenty-four hours and being disqualified from operating a commercial motor vehicle for a period of not less than one year, and that the person is required to surrender the person's commercial driver's license to the peace officer.

(D) If a person refuses to submit to a test after being warned as provided in division (C) of this section or submits to a test that discloses the presence of a controlled substance or an alcohol concentration of four-hundredths of one per cent or more, the person immediately shall surrender the person's commercial driver's license to the peace officer. The peace officer shall forward the license, together with a sworn report, to the registrar of motor vehicles certifying that the test was requested pursuant to division (A) of this section and that the person either refused to submit to testing or submitted to a test that disclosed the presence of a controlled substance or an alcohol concentration of four-hundredths of one per cent or more. The form and contents of the report required by this section shall be established by the registrar by rule, but shall contain the advice to be read to the driver and a statement to be signed by the driver acknowledging that the driver has been read the advice and that the form was shown to the driver.

(E) Upon receipt of a sworn report from a peace officer as provided in division (D) of this section, the registrar shall disqualify the person named in the report from driving a commercial motor vehicle for the period described below:

(1) Upon a first incident, one year;

(2) Upon an incident of refusal or of a prohibited concentration of alcohol after one or more previous incidents of either refusal or of a prohibited concentration of alcohol, the person shall be disqualified for life or such lesser period as

prescribed by rule by the registrar. 14041

(F) A blood test given under this section shall comply with 14042
the applicable provisions of division (D) of section 4511.19 of 14043
the Revised Code and any physician, registered nurse, or qualified 14044
technician ~~or~~, chemist, or phlebotomist who withdraws blood from a 14045
person under this section, and any hospital, first-aid station, ~~or~~ 14046
clinic, or other facility at which blood is withdrawn from a 14047
person pursuant to this section, is immune from criminal 14048
liability, and from civil liability that is based upon a claim of 14049
assault and battery or based upon any other claim of malpractice, 14050
for any act performed in withdrawing blood from the person. 14051

(G) When a person submits to a test under this section, the 14052
results of the test, at the person's request, shall be made 14053
available to the person, the person's attorney, or the person's 14054
agent, immediately upon completion of the chemical test analysis. 14055
The person also may have an additional test administered by a 14056
physician, a registered nurse, or a qualified technician ~~or~~, 14057
chemist, or phlebotomist of the person's own choosing as provided 14058
in division (D) of section 4511.19 of the Revised Code for tests 14059
administered under that section, and the failure to obtain such a 14060
test has the same effect as in that division. 14061

(H) No person shall refuse to immediately surrender the 14062
person's commercial driver's license to a peace officer when 14063
required to do so by this section. 14064

(I) A peace officer issuing an out-of-service order or 14065
receiving a commercial driver's license surrendered under this 14066
section may remove or arrange for the removal of any commercial 14067
motor vehicle affected by the issuance of that order or the 14068
surrender of that license. 14069

(J)(1) Except for civil actions arising out of the operation 14070
of a motor vehicle and civil actions in which the state is a 14071

plaintiff, no peace officer of any law enforcement agency within 14072
this state is liable in compensatory damages in any civil action 14073
that arises under the Revised Code or common law of this state for 14074
an injury, death, or loss to person or property caused in the 14075
performance of official duties under this section and rules 14076
adopted under this section, unless the officer's actions were 14077
manifestly outside the scope of the officer's employment or 14078
official responsibilities, or unless the officer acted with 14079
malicious purpose, in bad faith, or in a wanton or reckless 14080
manner. 14081

(2) Except for civil actions that arise out of the operation 14082
of a motor vehicle and civil actions in which the state is a 14083
plaintiff, no peace officer of any law enforcement agency within 14084
this state is liable in punitive or exemplary damages in any civil 14085
action that arises under the Revised Code or common law of this 14086
state for any injury, death, or loss to person or property caused 14087
in the performance of official duties under this section of the 14088
Revised Code and rules adopted under this section, unless the 14089
officer's actions were manifestly outside the scope of the 14090
officer's employment or official responsibilities, or unless the 14091
officer acted with malicious purpose, in bad faith, or in a wanton 14092
or reckless manner. 14093

(K) When disqualifying a driver, the registrar shall cause 14094
the records of the bureau of motor vehicles to be updated to 14095
reflect the disqualification within ten days after it occurs. 14096

(L) The registrar immediately shall notify a driver who is 14097
subject to disqualification of the disqualification, of the length 14098
of the disqualification, and that the driver may request a hearing 14099
within thirty days of the mailing of the notice to show cause why 14100
the driver should not be disqualified from operating a commercial 14101
motor vehicle. If a request for such a hearing is not made within 14102
thirty days of the mailing of the notice, the order of 14103

disqualification is final. The registrar may designate hearing examiners who, after affording all parties reasonable notice, shall conduct a hearing to determine whether the disqualification order is supported by reliable evidence. The registrar shall adopt rules to implement this division.

(M) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license is not otherwise suspended ~~or revoked~~. A person whose commercial driver's license is suspended ~~or revoked~~ shall not apply to the registrar for or receive a driver's license under Chapter 4507. of the Revised Code during the period of suspension ~~or revocation~~.

(N) Whoever violates division (H) of this section is guilty of a misdemeanor of the first degree.

Sec. 4506.18. (A) Any driver who holds a commercial driver's license issued by this state and is convicted in another state or a foreign jurisdiction of violating any law or ordinance relating to motor vehicle traffic control, other than a parking violation, shall provide written notice of that conviction within thirty days after the date of conviction to the bureau of motor vehicles and to ~~his~~ the driver's employer in accordance with the provisions of 49 C.F.R. 383, subpart C, as amended.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.

Sec. 4506.19. (A) The provisions of 49 C.F.R. 383, subpart C, as amended, shall apply to all commercial drivers or persons who apply for employment as commercial drivers. No person shall fail to make a report to ~~his~~ the person's employer as required by this

section. 14134

(B) Whoever violates this section is guilty of a misdemeanor 14135
of the first degree. 14136

Sec. 4506.20. (A) Each employer shall require every applicant 14137
for employment as a driver of a commercial motor vehicle to 14138
provide the information specified in section 4506.20 of the 14139
Revised Code. 14140

(B) No employer shall knowingly permit or authorize any 14141
driver employed by ~~him~~ the employer to drive a commercial motor 14142
vehicle during any period in which any of the following apply: 14143

(1) The driver's commercial driver's license is suspended, 14144
revoked, or canceled by any state or a foreign jurisdiction; 14145

(2) The driver has lost ~~his~~ the privilege to drive, or 14146
currently is disqualified from driving, a commercial motor vehicle 14147
in any state or foreign jurisdiction; 14148

(3) The driver is subject to an out-of-service order in any 14149
state or foreign jurisdiction; 14150

(4) The driver has more than one driver's license. 14151

(C) Whoever violates this section is guilty of a misdemeanor 14152
of the first degree. 14153

Sec. 4506.99. ~~(A) Whoever violates division (A) of section~~ 14154
~~4506.03, division (A)(1), (2), or (3) of section 4506.04, division~~ 14155
~~(A) of section 4506.10, division (H) of section 4506.17, or~~ 14156
~~section 4506.20 of the Revised Code is guilty of a misdemeanor of~~ 14157
~~the first degree.~~ 14158

~~(B) Whoever violates division (A)(4) of section 4506.04 of~~ 14159
~~the Revised Code is guilty of falsification, a misdemeanor of the~~ 14160
~~first degree. In addition, the provisions of section 4507.19 of~~ 14161

~~the Revised Code apply.~~ 14162

~~(C) Whoever violates division (C) of section 4506.11 or 14163
division (D) of section 4506.14 of the Revised Code is guilty of a 14164
minor misdemeanor.~~ 14165

~~(D) Whoever violates any provision of sections 4506.03 to 14166
4506.20 of the Revised Code for which no penalty is otherwise is 14167
provided in this the section that contains the provision violated 14168
is guilty of a misdemeanor of the first degree.~~ 14169

Sec. 4507.02. ~~(A)(1) No person, except those expressly 14170
exempted under sections 4507.03, 4507.04, and 4507.05 of the 14171
Revised Code, shall operate any motor vehicle upon a highway or 14172
any public or private property used by the public for purposes of 14173
vehicular travel or parking in this state unless the person has a 14174
valid driver's license issued under this chapter or a commercial 14175
driver's license issued under Chapter 4506. of the Revised Code.~~ 14176

~~(2) No person shall permit the operation of a motor vehicle 14177
upon any public or private property used by the public for 14178
purposes of vehicular travel or parking knowing the operator does 14179
not have a valid driver's license issued to the operator by the 14180
registrar of motor vehicles under this chapter or a valid 14181
commercial driver's license issued under Chapter 4506. of the 14182
Revised Code.~~ 14183

~~(3) No person, except a person expressly exempted under 14184
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 14185
operate any motorcycle upon a highway or any public or private 14186
property used by the public for purposes of vehicular travel or 14187
parking in this state unless the person has a valid license as a 14188
motorcycle operator, that was issued upon application by the 14189
registrar under this chapter. The license shall be in the form of 14190
an endorsement, as determined by the registrar, upon a driver's or 14191
commercial driver's license, if the person has a valid license to 14192~~

~~operate a motor vehicle or commercial motor vehicle, or in the~~ 14193
~~form of a restricted license as provided in section 4507.14 of the~~ 14194
~~Revised Code, if the person does not have a valid license to~~ 14195
~~operate a motor vehicle or commercial motor vehicle.~~ 14196

~~(4)(2)~~ No person shall receive a driver's license, or a 14197
motorcycle operator's endorsement of a driver's or commercial 14198
driver's license, unless and until the person surrenders to the 14199
registrar all valid licenses issued to the person by another 14200
jurisdiction recognized by this state. All surrendered licenses 14201
shall be returned by the registrar to the issuing authority, 14202
together with information that a license is now issued in this 14203
state. No person shall be permitted to have more than one valid 14204
license at any time. 14205

~~(B)(1)~~ No person, whose driver's or commercial driver's 14206
license or permit or nonresident's operating privilege has been 14207
suspended or revoked pursuant to Chapter 4509. of the Revised 14208
Code, shall operate any motor vehicle within this state, or 14209
knowingly permit any motor vehicle owned by the person to be 14210
operated by another person in the state, during the period of the 14211
suspension or revocation, except as specifically authorized by 14212
Chapter 4509. of the Revised Code. No person shall operate a motor 14213
vehicle within this state, or knowingly permit any motor vehicle 14214
owned by the person to be operated by another person in the state, 14215
during the period in which the person is required by section 14216
4509.45 of the Revised Code to file and maintain proof of 14217
financial responsibility for a violation of section 4509.101 of 14218
the Revised Code, unless proof of financial responsibility is 14219
maintained with respect to that vehicle. 14220

~~(2)~~ No person shall operate any motor vehicle upon a highway 14221
or any public or private property used by the public for purposes 14222
of vehicular travel or parking in this state in violation of any 14223
restriction of the person's driver's or commercial driver's 14224

~~license imposed under division (D) of section 4506.10 or section 14225
4507.14 of the Revised Code. 14226~~

~~(C) No person, whose driver's or commercial driver's license 14227
or permit has been suspended pursuant to section 4511.191, section 14228
4511.196, or division (B) of section 4507.16 of the Revised Code, 14229
shall operate any motor vehicle within this state until the person 14230
has paid the license reinstatement fee required pursuant to 14231
division (L) of section 4511.191 of the Revised Code and the 14232
license or permit has been returned to the person or a new license 14233
or permit has been issued to the person. 14234~~

~~(D)(1) No person, whose driver's or commercial driver's 14235
license or permit or nonresident operating privilege has been 14236
suspended or revoked under any provision of the Revised Code other 14237
than Chapter 4509. of the Revised Code or under any applicable law 14238
in any other jurisdiction in which the person's license or permit 14239
was issued, shall operate any motor vehicle upon the highways or 14240
streets within this state during the period of the suspension or 14241
within one year after the date of the revocation. No person who is 14242
granted occupational driving privileges by any court shall operate 14243
any motor vehicle upon the highways or streets in this state 14244
except in accordance with the terms of the privileges. 14245~~

~~(2) No person, whose driver's or commercial driver's license 14246
or permit or nonresident operating privilege has been suspended 14247
under division (B) of section 4507.16 of the Revised Code, shall 14248
operate any motor vehicle upon the highways or streets within this 14249
state during the period of suspension. No person who is granted 14250
occupational driving privileges by any court shall operate any 14251
motor vehicle upon the highways or streets in this state except in 14252
accordance with the terms of those privileges. 14253~~

~~(E)(1) It is an affirmative defense to any prosecution 14254
brought pursuant to division (B), (C), or (D) of this section that 14255
the alleged offender drove under suspension or in violation of a 14256~~

~~restriction because of a substantial emergency, provided that no
other person was reasonably available to drive in response to the
emergency.~~ 14257
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~~(2) It is an affirmative defense to any prosecution brought
pursuant to division (B)(1) of this section that the order of
suspension resulted from the failure of the alleged offender to
respond to a financial responsibility random verification request
under division (A)(3)(c) of section 4509.101 of the Revised Code
and that, upon a showing of proof of financial responsibility, the
alleged offender was in compliance with division (A)(1) of section
4509.101 of the Revised Code at the time of the initial financial
responsibility random verification request.~~ 14260
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~~(F)(1) If a person is convicted of a violation of division
(B), (C), or (D) of this section 4510.11, 4510.14, or 4510.16 of
the Revised Code or if division (F) of section 4507.164 of the
Revised Code applies, the trial judge of any court, in addition to
or independent of, any other penalties provided by law or
ordinance, shall impound the identification license plates of any
motor vehicle registered in the name of the person. The court
shall send the impounded license plates to the registrar, who may
retain the license plates until the driver's or commercial
driver's license of the owner has been reinstated or destroy them
pursuant to section 4503.232 of the Revised Code.~~ 14269
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~~If the license plates of a person convicted of a violation of
division (B), (C), or (D) of this section any provision of those
sections have been impounded in accordance with the provisions of
this division, the court shall notify the registrar of that
action. The notice shall contain the name and address of the
driver, the serial number of the driver's driver's or commercial
driver's license, the serial numbers of the license plates of the
motor vehicle, and the length of time for which the license plates
have been impounded. The registrar shall record the data in the~~ 14280
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notice as part of the driver's permanent record. 14289

(2) Any motor vehicle owner who has had the license plates of 14290
a motor vehicle impounded pursuant to division ~~(F)~~(B)(1) of this 14291
section may apply to the registrar, or to a deputy registrar, for 14292
special license plates ~~which~~ that shall conform to the 14293
requirements of section 4503.231 of the Revised Code. The 14294
registrar or deputy registrar forthwith shall notify the court of 14295
the application and, upon approval of the court, shall issue 14296
special license plates to the applicant. Until the driver's or 14297
commercial driver's license of the owner is reinstated, any new 14298
license plates issued to the owner also shall conform to the 14299
requirements of section 4503.231 of the Revised Code. 14300

The registrar or deputy registrar shall charge the owner of a 14301
vehicle the fees provided in section 4503.19 of the Revised Code 14302
for special license plates that are issued in accordance with this 14303
division, except upon renewal as specified in section 4503.10 of 14304
the Revised Code, when the regular fee as provided in section 14305
4503.04 of the Revised Code shall be charged. The registrar or 14306
deputy registrar shall charge the owner of a vehicle the fees 14307
provided in section 4503.19 of the Revised Code whenever special 14308
license plates are exchanged, by reason of the reinstatement of 14309
the driver's or commercial driver's license of the owner, for 14310
those ordinarily issued. 14311

(3) If an owner wishes to sell a motor vehicle during the 14312
time the special license plates provided under division ~~(F)~~(B)(2) 14313
of this section are in use, the owner may apply to the court that 14314
impounded the license plates of the motor vehicle for permission 14315
to transfer title to the motor vehicle. If the court is satisfied 14316
that the sale will be made in good faith and not for the purpose 14317
of circumventing the provisions of this section, it may certify 14318
its consent to the owner and to the registrar of motor vehicles 14319
who shall enter notice of the transfer of the title of the motor 14320

vehicle in the vehicle registration record. 14321

If, during the time the special license plates provided under 14322
division ~~(F)~~(B)(2) of this section are in use, the title to a 14323
motor vehicle is transferred by the foreclosure of a chattel 14324
mortgage, a sale upon execution, the cancellation of a conditional 14325
sales contract, or by order of a court, the court shall notify the 14326
registrar of the action and the registrar shall enter notice of 14327
the transfer of the title to the motor vehicle in the vehicle 14328
registration record. 14329

~~(G)~~(C) This section is not intended to change or modify any 14330
provision of Chapter 4503. of the Revised Code with respect to the 14331
taxation of motor vehicles or the time within which the taxes on 14332
motor vehicles shall be paid. 14333

Sec. 4507.023. The registrar of motor vehicles may furnish 14334
the name and social security number of any person whose driver's 14335
license or commercial driver's license has been suspended or 14336
~~revoked~~ canceled, or of any person whose certificate of 14337
registration and license plates are subject to impoundment, to the 14338
tax commissioner. The tax commissioner may return to the registrar 14339
the address of any such person as shown on the most recent return 14340
filed by that person under section 5747.08 of the Revised Code. 14341
14342

Sec. 4507.05. (A) The registrar of motor vehicles, or a 14343
deputy registrar, upon receiving an application for a temporary 14344
instruction permit and a temporary instruction permit 14345
identification card for a driver's license from any person who is 14346
at least fifteen years and six months of age, may issue such a 14347
permit and identification card entitling the applicant to drive a 14348
motor vehicle, other than a commercial motor vehicle, upon the 14349
highways under the following conditions: 14350

(1) If the permit is issued to a person who is at least 14351
fifteen years and six months of age, but less than sixteen years 14352
of age: 14353

(a) The permit and identification card are in the holder's 14354
immediate possession; 14355

(b) The holder is accompanied by an eligible adult who 14356
actually occupies the seat beside the permit holder; 14357

(c) The total number of occupants of the vehicle does not 14358
exceed the total number of occupant restraining devices originally 14359
installed in the motor vehicle by its manufacturer, and each 14360
occupant of the vehicle is wearing all of the available elements 14361
of a properly adjusted occupant restraining device. 14362

(2) If the permit is issued to a person who is at least 14363
sixteen years of age: 14364

(a) The permit and identification card are in the holder's 14365
immediate possession; 14366

(b) The holder is accompanied by a licensed operator who is 14367
at least twenty-one years of age and is actually occupying a seat 14368
beside the driver; 14369

(c) The total number of occupants of the vehicle does not 14370
exceed the total number of occupant restraining devices originally 14371
installed in the motor vehicle by its manufacturer, and each 14372
occupant of the vehicle is wearing all of the available elements 14373
of a properly adjusted occupant restraining device. 14374

(B) The registrar or a deputy registrar, upon receiving from 14375
any person an application for a temporary instruction permit and 14376
temporary instruction permit identification card to operate a 14377
motorcycle or motorized bicycle, may issue such a permit and 14378
identification card entitling the applicant, while having the 14379
permit and identification card in the applicant's immediate 14380

possession, to drive a motorcycle or motorized bicycle under 14381
restrictions determined by the registrar. A temporary instruction 14382
permit and temporary instruction permit identification card to 14383
operate a motorized bicycle may be issued to a person fourteen or 14384
fifteen years old. 14385

(C) Any permit and identification card issued under this 14386
section shall be issued in the same manner as a driver's license, 14387
upon a form to be furnished by the registrar. A temporary 14388
instruction permit to drive a motor vehicle other than a 14389
commercial motor vehicle shall be valid for a period of one year. 14390

(D) Any person having in the person's possession a valid and 14391
current driver's license or motorcycle operator's license or 14392
endorsement issued to the person by another jurisdiction 14393
recognized by this state is exempt from obtaining a temporary 14394
instruction permit for a driver's license, but shall submit to the 14395
regular examination in obtaining a driver's license or motorcycle 14396
operator's endorsement in this state. 14397

(E) The registrar may adopt rules governing the use of 14398
temporary instruction permits and temporary instruction permit 14399
identification cards. 14400

(F)(1) No holder of a permit issued under division (A) of 14401
this section shall operate a motor vehicle upon a highway or any 14402
public or private property used by the public for purposes of 14403
vehicular travel or parking in violation of the conditions 14404
established under division (A) of this section. 14405

(2) Except as provided in division (F)(2) of this section, no 14406
holder of a permit that is issued under division (A) of this 14407
section and that is issued on or after the effective date of this 14408
amendment, and who has not attained the age of seventeen years, 14409
shall operate a motor vehicle upon a highway or any public or 14410
private property used by the public for purposes of vehicular 14411

travel or parking between the hours of one a.m. and five a.m. 14412

The holder of a permit issued under division (A) of this 14413
section on or after the effective date of this amendment, who has 14414
not attained the age of seventeen years, may operate a motor 14415
vehicle upon a highway or any public or private property used by 14416
the public for purposes of vehicular travel or parking between the 14417
hours of one a.m. and five a.m. if, at the time of such operation, 14418
the holder is accompanied by the holder's parent, guardian, or 14419
custodian, and the parent, guardian, or custodian holds a current 14420
valid driver's or commercial driver's license issued by this state 14421
and is actually occupying a seat beside the permit holder. 14422

(G)(1) Notwithstanding any other provision of law to the 14423
contrary, no law enforcement officer shall cause the operator of a 14424
motor vehicle being operated on any street or highway to stop the 14425
motor vehicle for the sole purpose of determining whether each 14426
occupant of the motor vehicle is wearing all of the available 14427
elements of a properly adjusted occupant restraining device as 14428
required by division (A) of this section, or for the sole purpose 14429
of issuing a ticket, citation, or summons if the requirement in 14430
that division has been or is being violated, or for causing the 14431
arrest of or commencing a prosecution of a person for a violation 14432
of that requirement. 14433

(2) Notwithstanding any other provision of law to the 14434
contrary, no law enforcement officer shall cause the operator of a 14435
motor vehicle being operated on any street or highway to stop the 14436
motor vehicle for the sole purpose of determining whether a 14437
violation of division (F)(2) of this section has been or is being 14438
committed or for the sole purpose of issuing a ticket, citation, 14439
or summons for such a violation or for causing the arrest of or 14440
commencing a prosecution of a person for such violation. 14441

(H) As used in this section: 14442

(1) "Eligible adult" means any of the following:	14443
(a) An instructor of a driver education course approved by the department of education or a driver training course approved by the department of public safety;	14444 14445 14446
(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state:	14447 14448
(i) A parent, guardian, or custodian of the permit holder;	14449
(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder.	14450 14451
(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	14452 14453
<u>(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor.</u>	14454 14455
Sec. 4507.06. (A)(1) Every application for a driver's license or motorcycle operator's license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and shall be signed by the applicant.	14456 14457 14458 14459 14460
Every application shall state the following:	14461
(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;	14462 14463 14464 14465 14466
(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or revoked <u>canceled</u> at the present time and, if so, the date of and reason for the suspension or revocation	14467 14468 14469 14470 14471

<u>cancellation;</u>	14472
(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now is suffering from any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and addresses of physicians then or previously in attendance upon the applicant;	14473 14474 14475 14476 14477 14478
(d) Whether an applicant for a duplicate driver's license, or duplicate license containing a motorcycle operator endorsement has pending a citation for violation of any motor vehicle law or ordinance, a description of any such citation pending, and the date of the citation;	14479 14480 14481 14482 14483
(e) Whether the applicant wishes to certify willingness to make an anatomical gift under section 2108.04 of the Revised Code, which shall be given no consideration in the issuance of a license or endorsement;	14484 14485 14486 14487
(f) On and after May 1, 1993, whether <u>Whether</u> the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the applicant's license to indicate that the applicant has executed the instrument.	14488 14489 14490 14491 14492 14493 14494 14495 14496
(2) Every applicant for a driver's license shall be photographed in color at the time the application for the license is made. The application shall state any additional information that the registrar requires.	14497 14498 14499 14500
(B) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector	14501 14502

any person who applies for a driver's license or motorcycle
operator's license or endorsement under division (A) of this
section, or for a renewal or duplicate of the license or
endorsement, if the applicant is eligible and wishes to be
registered as an elector. The decision of an applicant whether to
register as an elector shall be given no consideration in the
decision of whether to issue the applicant a license or
endorsement, or a renewal or duplicate.

(C) The registrar or a deputy registrar, in accordance with
section 3503.11 of the Revised Code, shall offer the opportunity
of completing a notice of change of residence or change of name to
any applicant for a driver's license or endorsement under division
(A) of this section, or for a renewal or duplicate of the license
or endorsement, if the applicant is a registered elector who has
changed the applicant's residence or name and has not filed such a
notice.

Sec. 4507.071. (A) No driver's license shall be issued to any
person under eighteen years of age, except that a probationary
license may be issued to a person who is at least sixteen years of
age and has held a temporary instruction permit for a period of at
least six months.

(B) No holder of a probationary driver's license issued on or
after the effective date of this section who has not attained the
age of seventeen years shall operate a motor vehicle upon a
highway or any public or private property used by the public for
purposes of vehicular travel or parking between the hours of one
a.m. and five a.m. unless the holder is accompanied by the
holder's parent or guardian.

(C) It is an affirmative defense to a violation of division
(B) of this section if, at the time of the violation, the holder
of the probationary driver's license was traveling to or from the

holder's place of employment or an official function sponsored by 14534
the school the holder attends, or an emergency existed that 14535
required the holder to operate a motor vehicle in violation of 14536
division (B) of this section, or the holder was an emancipated 14537
minor. 14538

(D) No holder of a probationary license shall operate a motor 14539
vehicle upon a highway or any public or private property used by 14540
the public for purposes of vehicular travel or parking unless the 14541
total number of occupants of the vehicle does not exceed the total 14542
number of occupant restraining devices originally installed in the 14543
motor vehicle by its manufacturer, and each occupant of the 14544
vehicle is wearing all of the available elements of a properly 14545
adjusted occupant restraining device. 14546

(E) A restricted license may be issued to a person who is 14547
fourteen or fifteen years of age upon proof of hardship 14548
satisfactory to the registrar of motor vehicles. 14549

(F) Notwithstanding any other provision of law to the 14550
contrary, no law enforcement officer shall cause the operator of a 14551
motor vehicle being operated on any street or highway to stop the 14552
motor vehicle for the sole purpose of determining whether each 14553
occupant of the motor vehicle is wearing all of the available 14554
elements of a properly adjusted occupant restraining device as 14555
required by division (D) of this section, or for the sole purpose 14556
of issuing a ticket, citation, or summons if the requirement in 14557
that division has been or is being violated, or for causing the 14558
arrest of or commencing a prosecution of a person for a violation 14559
of that requirement. 14560

(G) Notwithstanding any other provision of law to the 14561
contrary, no law enforcement officer shall cause the operator of a 14562
motor vehicle being operated on any street or highway to stop the 14563
motor vehicle for the sole purpose of determining whether a 14564
violation of division (B) of this section has been or is being 14565

committed or for the sole purpose of issuing a ticket, citation, 14566
or summons for such a violation or for causing the arrest of or 14567
commencing a prosecution of a person for such violation. 14568

(H) As used in this section, "occupant restraining device" 14569
has the same meaning as in section 4513.263 of the Revised Code. 14570

(I) Whoever violates division (B) or (D) of this section is 14571
guilty of a minor misdemeanor. 14572

Sec. 4507.08. (A) No probationary license shall be issued to 14573
any person under the age of eighteen who has been adjudicated an 14574
unruly or delinquent child or a juvenile traffic offender for 14575
having committed any act that if committed by an adult would be a 14576
drug abuse offense, as defined in section 2925.01 of the Revised 14577
Code, a violation of division (B) of section 2917.11, or a 14578
violation of division (A) of section 4511.19 of the Revised Code, 14579
unless the person has been required by the court to attend a drug 14580
abuse or alcohol abuse education, intervention, or treatment 14581
program specified by the court and has satisfactorily completed 14582
the program. 14583

(B) No temporary instruction permit or driver's license shall 14584
be issued to any person whose license has been suspended, during 14585
the period for which the license was suspended, nor to any person 14586
whose license has been ~~revoked~~ canceled, under ~~sections 4507.01 to~~ 14587
~~4507.39 Chapter 4510. or any other provision~~ of the Revised Code, 14588
~~until the expiration of one year after the license was revoked.~~ 14589

(C) No temporary instruction permit or driver's license shall 14591
be issued to any person whose commercial driver's license is 14592
suspended under ~~section 1905.201, 3123.58, 4507.16, 4507.34,~~ 14593
~~4507.99, 4511.191, or 4511.196 of the Revised Code Chapter 4510.~~ 14594
or ~~under~~ any other provision of the Revised Code during the period 14595
of the suspension. 14596

No temporary instruction permit or driver's license shall be 14597
issued to any person when issuance is prohibited by division (A) 14598
of section 4507.091 of the Revised Code. 14599

(D) No temporary instruction permit or driver's license shall 14600
be issued to, or retained by, any of the following persons: 14601

(1) Any person who is an alcoholic, or is addicted to the use 14602
of controlled substances to the extent that the use constitutes an 14603
impairment to the person's ability to operate a motor vehicle with 14604
the required degree of safety; 14605

(2) Any person who is under the age of eighteen and has been 14606
adjudicated an unruly or delinquent child or a juvenile traffic 14607
offender for having committed any act that if committed by an 14608
adult would be a drug abuse offense, as defined in section 2925.01 14609
of the Revised Code, a violation of division (B) of section 14610
2917.11, or a violation of division (A) of section 4511.19 of the 14611
Revised Code, unless the person has been required by the court to 14612
attend a drug abuse or alcohol abuse education, intervention, or 14613
treatment program specified by the court and has satisfactorily 14614
completed the program; 14615

(3) Any person who, in the opinion of the registrar, is 14616
afflicted with or suffering from a physical or mental disability 14617
or disease that prevents the person from exercising reasonable and 14618
ordinary control over a motor vehicle while operating the vehicle 14619
upon the highways, except that a restricted license effective for 14620
six months may be issued to any person otherwise qualified who is 14621
or has been subject to any condition resulting in episodic 14622
impairment of consciousness or loss of muscular control and whose 14623
condition, in the opinion of the registrar, is dormant or is 14624
sufficiently under medical control that the person is capable of 14625
exercising reasonable and ordinary control over a motor vehicle. A 14626
restricted license effective for six months shall be issued to any 14627
person who ~~is~~ otherwise is qualified and who is subject to any 14628

condition that causes episodic impairment of consciousness or a 14629
loss of muscular control if the person presents a statement from a 14630
licensed physician that the person's condition is under effective 14631
medical control and the period of time for which the control has 14632
been continuously maintained, unless, thereafter, a medical 14633
examination is ordered and, pursuant thereto, cause for denial is 14634
found. 14635

A person to whom a six-month restricted license has been 14636
issued shall give notice of the person's medical condition to the 14637
registrar on forms provided by the registrar and signed by the 14638
licensee's physician. The notice shall be sent to the registrar 14639
six months after the issuance of the license. Subsequent 14640
restricted licenses issued to the same individual shall be 14641
effective for six months. 14642

(4) Any person who is unable to understand highway warnings 14643
or traffic signs or directions given in the English language; 14644

(5) Any person making an application whose driver's license 14645
or driving privileges are under cancellation, revocation, or 14646
suspension in the jurisdiction where issued or any other 14647
jurisdiction, until the expiration of one year after the license 14648
was canceled or revoked or until the period of suspension ends. 14649
Any person whose application is denied under this division may 14650
file a petition in the municipal court or county court in whose 14651
jurisdiction the person resides agreeing to pay the cost of the 14652
proceedings and alleging that the conduct involved in the offense 14653
that resulted in suspension, cancellation, or revocation in the 14654
foreign jurisdiction would not have resulted in a suspension, 14655
cancellation, or revocation had the offense occurred in this 14656
state. If the petition is granted, the petitioner shall notify the 14657
registrar by a certified copy of the court's findings and a 14658
license shall not be denied under this division. 14659

(6) Any person who is under a class one or two suspension 14660

imposed for a violation of section 2903.04, 2903.06, or 2903.08 of 14661
the Revised Code or whose driver's or commercial driver's license 14662
or permit ~~has been~~ was permanently revoked prior to the effective 14663
date of this amendment for a substantially equivalent violation 14664
pursuant to ~~division (C) of~~ section 4507.16 of the Revised Code; 14665

(7) Any person who is not a resident or temporary resident of 14666
this state. 14667

Sec. 4507.081. (A) Upon the expiration of a restricted 14668
license issued under division (D)(3) of section 4507.08 of the 14669
Revised Code and submission of a statement as provided in division 14670
(C) of this section, the registrar of motor vehicles may issue a 14671
driver's license to the person to whom the restricted license was 14672
issued. A driver's license issued under this section, unless 14673
otherwise ~~revoked~~ suspended or canceled, shall be effective for 14674
one year. 14675

(B) A driver's license issued under this section may be 14676
renewed annually, for no more than three consecutive years, 14677
whenever the person to whom the license has been issued submits to 14678
the registrar, by certified mail and no sooner than thirty days 14679
prior to the expiration date of the license or renewal thereof, a 14680
statement as provided in division (C) of this section. A renewal 14681
of a driver's license, unless the license is otherwise ~~revoked~~ 14682
suspended or canceled, shall be effective for one year following 14683
the expiration date of the license or renewal thereof, and shall 14684
be evidenced by a validation sticker. The renewal validation 14685
sticker shall be in a form prescribed by the registrar and shall 14686
be affixed to the license. 14687

(C) No person may be issued a driver's license under this 14688
section, and no such driver's license may be renewed, unless the 14689
person presents a signed statement from a licensed physician that 14690
the person's condition either is dormant or is under effective 14691

medical control, that the control has been maintained continuously 14692
for at least one year prior to the date on which application for 14693
the license is made, and that, if continued medication is 14694
prescribed to control the condition, the person may be depended 14695
upon to take the medication. 14696

The statement shall be made on a form provided by the 14697
registrar, shall be in not less than duplicate, and shall contain 14698
any other information the registrar considers necessary. The 14699
duplicate copy of the statement may be retained by the person 14700
requesting the license renewal and, when in the person's immediate 14701
possession and used in conjunction with the original license, 14702
shall entitle the person to operate a motor vehicle during a 14703
period of no more than thirty days following the date of 14704
submission of the statement to the registrar, except when the 14705
registrar denies the request for the license renewal and so 14706
notifies the person. 14707

(D) Whenever the registrar receives a statement indicating 14708
that the condition of a person to whom a driver's license has been 14709
issued under this section no longer is dormant or under effective 14710
medical control, the registrar shall ~~revoke~~ cancel the person's 14711
driver's license. 14712

(E) Nothing in this section shall require a person submitting 14713
a signed statement from a licensed physician to obtain a medical 14714
examination prior to the submission of the statement. 14715

(F) Any person whose driver's license has been ~~revoked~~ 14716
canceled under this section may apply for a subsequent restricted 14717
license according to the provisions of section 4507.08 of the 14718
Revised Code. 14719

Sec. 4507.111. On receipt of a notice pursuant to section 14720
3123.54 of the Revised Code, the registrar of motor vehicles shall 14721
comply with sections 3123.52 to 3123.614 of the Revised Code and 14722

any applicable rules adopted under section 3123.63 of the Revised Code with respect to ~~a any driver's or commercial license or permit~~, motorcycle operator's license or endorsement, or temporary instruction permit or commercial driver's temporary instruction permit issued pursuant to this chapter by this state that is the subject of the notice.

Sec. 4507.12. (A) Except as provided in division (C) of section 4507.10 of the Revised Code, each person applying for the renewal of a driver's license shall submit to a screening of ~~his~~ the person's vision before the license may be renewed. The vision screening shall be conducted at the office of the deputy registrar receiving the application for license renewal.

(B) When the results of a vision screening given under division (A) of this section indicate that the vision of the person examined meets the standards required for licensing, the deputy registrar may renew the person's driver's license at that time.

(C) When the results of a vision screening given under division (A) of this section indicate that the vision of the person screened may not meet the standards required for licensing, the deputy registrar shall not renew the person's driver's license at that time but shall refer the person to a driver's license examiner appointed by the superintendent of the state highway patrol under section 5503.21 of the Revised Code for a further examination of ~~his~~ the person's vision. When a person referred to a driver's license examiner by a deputy registrar does not meet the vision standards required for licensing, the driver's license examiner shall retain the person's operator's or chauffeur's license and shall immediately notify the registrar of motor vehicles of that fact. No driver's license shall be issued to any such person, until the person's vision is corrected to meet the standards required for licensing and the person passes the vision

screening required by this section. Any person who operates a 14755
motor vehicle on a highway, or on any public or private property 14756
used by the public for purposes of vehicular travel or parking, 14757
during the time ~~his~~ the person's driver's license is held by a 14758
driver's license examiner under this division, shall be deemed to 14759
be operating a motor vehicle in violation of division (A) of 14760
section ~~4507.02~~ 4510.12 of the Revised Code. 14761

(D) The registrar shall adopt rules and shall provide any 14762
forms necessary to properly conduct vision screenings at the 14763
office of a deputy registrar. 14764

(E) No person conducting vision screenings under this section 14765
shall be personally liable for damages for injury or loss to 14766
persons or property and for death caused by the operation of a 14767
motor vehicle by any person whose driver's license was renewed by 14768
the deputy registrar under division (B) of this section. 14769

Sec. 4507.13. (A) The registrar of motor vehicles shall issue 14770
a driver's license to every person licensed as an operator of 14771
motor vehicles other than commercial motor vehicles. No person 14772
licensed as a commercial motor vehicle driver under Chapter 4506. 14773
of the Revised Code need procure a driver's license, but no person 14774
shall drive any commercial motor vehicle unless licensed as a 14775
commercial motor vehicle driver. 14776

Every driver's license shall display on it the distinguishing 14777
number assigned to the licensee and shall display the licensee's 14778
name, date of birth, and, except as otherwise provided in this 14779
section, the licensee's social security number if such number has 14780
been assigned; the licensee's residence address and county of 14781
residence; a color photograph of the licensee; a brief description 14782
of the licensee for the purpose of identification; a facsimile of 14783
the signature of the licensee as it appears on the application for 14784
the license; a space marked "blood type" in which a licensee may 14785

specify the licensee's blood type; a notation, in a manner 14786
prescribed by the registrar, indicating any condition described in 14787
division (D)(3) of section 4507.08 of the Revised Code to which 14788
the licensee is subject; if the licensee has executed a durable 14789
power of attorney for health care or a declaration governing the 14790
use or continuation, or the withholding or withdrawal, of 14791
life-sustaining treatment and has specified that the licensee 14792
wishes the license to indicate that the licensee has executed 14793
either type of instrument, any symbol chosen by the registrar to 14794
indicate that the licensee has executed either type of instrument; 14795
and any additional information that the registrar requires by 14796
rule. A license shall display the licensee's social security 14797
number unless the licensee specifically requests that the 14798
licensee's social security number not be displayed on the license. 14799
If federal law requires the licensee's social security number to 14800
be displayed on the license, the social security number shall be 14801
displayed on the license notwithstanding a request to not display 14802
the number pursuant to this section. 14803

The driver's license for licensees under twenty-one years of 14804
age shall have characteristics prescribed by the registrar 14805
distinguishing it from that issued to a licensee who is twenty-one 14806
years of age or older, except that a driver's license issued to a 14807
person who applies no more than thirty days before the applicant's 14808
twenty-first birthday shall have the characteristics of a license 14809
issued to a person who is twenty-one years of age or older. 14810

The driver's license issued to a temporary resident shall 14811
contain the word "nonrenewable" and shall have any additional 14812
characteristics prescribed by the registrar distinguishing it from 14813
a license issued to a resident. 14814

Every driver's or commercial driver's license displaying a 14815
motorcycle operator's endorsement and every restricted license to 14816
operate a motor vehicle also shall display the designation 14817

"novice," if the endorsement or license is issued to a person who
is eighteen years of age or older and previously has not been
licensed to operate a motorcycle by this state or another
jurisdiction recognized by this state. The "novice" designation
shall be effective for one year after the date of issuance of the
motorcycle operator's endorsement or license.

Each license issued under this section shall be of such
material and so designed as to prevent its reproduction or
alteration without ready detection and, to this end, shall be
laminated with a transparent plastic material.

(B) Except in regard to a driver's license issued to a person
who applies no more than thirty days before the applicant's
twenty-first birthday, neither the registrar nor any deputy
registrar shall issue a driver's license to anyone under
twenty-one years of age that does not have the characteristics
prescribed by the registrar distinguishing it from the driver's
license issued to persons who are twenty-one years of age or
older.

(C) Whoever violates division (B) of this section is guilty
of a minor misdemeanor.

Sec. 4507.14. The registrar of motor vehicles upon issuing a
driver's license, a motorcycle operator's endorsement, a driver's
license renewal, or the renewal of any other license issued under
this chapter, whenever good cause appears, may impose restrictions
suitable to the licensee's driving ability with respect to the
type of or special mechanical control devices required on a motor
vehicle ~~which~~ that the licensee may operate, or ~~such~~ any other
restrictions applicable to the licensee ~~as~~ that the registrar
determines to be necessary.

When issuing a license to a person with impaired hearing, the
registrar shall require that a motor vehicle operated by the

person be equipped with two outside rear vision mirrors, one on 14849
the left side and the other on the right side. 14850

The registrar either may issue a special restricted license 14851
or may set forth ~~such~~ any restrictions applicable to the license 14852
upon the usual license form. 14853

The registrar, upon receiving satisfactory evidence of any 14854
violation of the restrictions of ~~such~~ any license, after an 14855
opportunity for a hearing in accordance with Chapter 119. of the 14856
Revised Code, may ~~suspend the license for a period of six months~~ 14857
impose upon the offender a class D suspension of the license from 14858
the range specified in division (B)(4) of section 4510.02 of the 14859
Revised Code. 14860

Sec. 4507.15. For the purpose of enforcing ~~sections 4507.01~~ 14861
~~to 4507.39, inclusive,~~ this chapter and Chapter 4510. of the 14862
Revised Code, any court of record having criminal jurisdiction 14863
shall have county-wide jurisdiction within the county in which it 14864
is located to hear and finally determine cases arising under ~~such~~ 14865
~~sections~~ this chapter and Chapter 4510. of the Revised Code. ~~Such~~ 14866
~~actions~~ An action arising under this section shall be commenced by 14867
the filing of an affidavit, and the right of trial by jury is 14868
preserved, but indictments are not required in misdemeanor cases 14869
arising under ~~such sections~~ this chapter and Chapter 4510. of the 14870
Revised Code. The registrar shall prepare and furnish blanks for 14871
the use of ~~said~~ the court in making reports of ~~said~~ convictions 14872
and bond forfeitures arising under this chapter and Chapter 4510. 14873
of the Revised Code. 14874

Sec. 4507.16. (A)(1) ~~The trial judge of any court of record,~~ 14875
~~in addition to or independent of all other penalties provided by~~ 14876
~~law or by ordinance, shall suspend for not less than thirty days~~ 14877
~~or more than three years or shall revoke the driver's or~~ 14878

~~commercial driver's license or permit or nonresident operating 14879
privilege of any person who is convicted of or pleads guilty to 14880
any of the following: 14881~~

~~(a) Perjury or the making of a false affidavit under this 14882
chapter, or any other law of this state requiring the registration 14883
of motor vehicles or regulating their operation on the highway; 14884~~

~~(b) Any crime punishable as a felony under the motor vehicle 14885
laws of this state or any other felony in the commission of which 14886
a motor vehicle is used; 14887~~

~~(c) Failing to stop and disclose identity at the scene of the 14888
accident when required by law or ordinance to do so; 14889~~

~~(d) Street racing as defined in section 4511.251 of the 14890
Revised Code or any substantially similar municipal ordinance; 14891~~

~~(e) Willfully eluding or fleeing a police officer; 14892~~

~~(f) Trafficking in cigarettes with the intent to avoid 14893
payment of the cigarette tax under division (A) of section 14894
5743.112 of the Revised Code; 14895~~

~~(2) Subject to division (D)(1) of this section, the trial 14896
judge of any court of record, in addition to or independent of all 14897
other penalties provided by law or by ordinance, shall suspend the 14898
driver's or commercial driver's license or permit or nonresident 14899
operating privilege of any person who is convicted of or pleads 14900
guilty to a violation of section 2903.06 or 2903.08 of the Revised 14901
Code. The suspension shall be for the period of time specified in 14902
section 2903.06 or 2903.08 of the Revised Code, whichever is 14903
applicable. 14904~~

~~(3) If a person is convicted of or pleads guilty to a 14905
violation of section 2907.24 of the Revised Code, an attempt to 14906
commit a violation of that section, or a violation of or an 14907
attempt to commit a violation of a municipal ordinance that is 14908~~

~~substantially equivalent to that section and if the person, in
committing or attempting to commit the violation, was in, was on,
or used a motor vehicle, the trial judge of a court of record, in
addition to or independent of all other penalties provided by law
or ordinance, shall suspend for thirty days the person's driver's
or commercial driver's license or permit.~~

~~The trial judge of any court of record, in addition to
suspensions or revocations of licenses, permits, or privileges
pursuant to this division and in addition to or independent of all
other penalties provided by law or by ordinance, shall impose a
suspended jail sentence not to exceed six months, if imprisonment
was not imposed for the offense for which the person was
convicted.~~

(4) ~~If the trial judge of any court of record suspends or
revokes the driver's or commercial driver's license or permit or
nonresident operating privilege of a person who is convicted of or
pleads guilty to any offense for which such a suspension or
revocation of that type is provided by law or ordinance, in
addition to all other penalties provided by law or ordinance, the
judge may issue an order prohibiting the offender from
registering, renewing, or transferring the registration of any
vehicle during the period that the offender's license, permit, or
privilege is suspended or revoked. The court promptly shall send a
copy of the order to the registrar of motor vehicles.~~

Upon receipt of ~~such an~~ the order from the court, neither the
registrar nor any deputy registrar shall accept any application
for the registration, registration renewal, or transfer of
registration of any motor vehicle owned or leased by the person
named in the order during the period that the person's license,
permit, or privilege is suspended ~~or revoked~~, unless the registrar
is properly notified by the court that the order of suspension ~~or
revocation~~ has been canceled. When the period of suspension ~~or~~

revocation expires or the order is canceled, the registrar or 14941
deputy registrar shall accept the application for registration, 14942
registration renewal, or transfer of registration of the person 14943
named in the order. 14944

~~(B) Except as otherwise provided in this section, the trial 14945
judge of any court of record and the mayor of a mayor's court, in 14946
addition to or independent of all other penalties provided by law 14947
or by ordinance, shall revoke the driver's or commercial driver's 14948
license or permit or nonresident operating privilege of any person 14949
who is convicted of or pleads guilty to a violation of division 14950
(A) of section 4511.19 of the Revised Code, of a municipal 14951
ordinance relating to operating a vehicle while under the 14952
influence of alcohol, a drug of abuse, or alcohol and a drug of 14953
abuse, or of a municipal ordinance that is substantially 14954
equivalent to division (A) of section 4511.19 of the Revised Code 14955
relating to operating a vehicle with a prohibited concentration of 14956
alcohol in the blood, breath, or urine or suspend the license, 14957
permit, or privilege as follows:~~ 14958

~~(1) Except when division (B)(2), (3), or (4) of this section 14959
applies and the judge or mayor is required to suspend or revoke 14960
the offender's license or permit pursuant to that division, the 14961
judge or mayor shall suspend the offender's driver's or commercial 14962
driver's license or permit or nonresident operating privilege for 14963
not less than six months nor more than three years. 14964~~

~~(2) Subject to division (B)(4) of this section, if, within 14965
six years of the offense, the offender has been convicted of or 14966
pleaded guilty to one violation of division (A) or (B) of section 14967
4511.19 of the Revised Code, a municipal ordinance relating to 14968
operating a vehicle while under the influence of alcohol, a drug 14969
of abuse, or alcohol and a drug of abuse, a municipal ordinance 14970
relating to operating a motor vehicle with a prohibited 14971
concentration of alcohol in the blood, breath, or urine, section 14972~~

~~2903.04 of the Revised Code in a case in which the offender was~~ 14973
~~subject to the sanctions described in division (D) of that~~ 14974
~~section, section 2903.06 or 2903.08 of the Revised Code, former~~ 14975
~~section 2903.07 of the Revised Code, or a municipal ordinance that~~ 14976
~~is substantially similar to former section 2903.07 of the Revised~~ 14977
~~Code in a case in which the jury or judge found that the offender~~ 14978
~~was under the influence of alcohol, a drug of abuse, or alcohol~~ 14979
~~and a drug of abuse, or a statute of the United States or of any~~ 14980
~~other state or a municipal ordinance of a municipal corporation~~ 14981
~~located in any other state that is substantially similar to~~ 14982
~~division (A) or (B) of section 4511.19 of the Revised Code, the~~ 14983
~~judge shall suspend the offender's driver's or commercial driver's~~ 14984
~~license or permit or nonresident operating privilege for not less~~ 14985
~~than one year nor more than five years.~~ 14986

~~(3) Subject to division (B)(4) of this section, if, within~~ 14987
~~six years of the offense, the offender has been convicted of or~~ 14988
~~pleaded guilty to two violations described in division (B)(2) of~~ 14989
~~this section, or a statute of the United States or of any other~~ 14990
~~state or a municipal ordinance of a municipal corporation located~~ 14991
~~in any other state that is substantially similar to division (A)~~ 14992
~~or (B) of section 4511.19 of the Revised Code, the judge shall~~ 14993
~~suspend the offender's driver's or commercial driver's license or~~ 14994
~~permit or nonresident operating privilege for not less than one~~ 14995
~~year nor more than ten years.~~ 14996

~~(4) If, within six years of the offense, the offender has~~ 14997
~~been convicted of or pleaded guilty to three or more violations~~ 14998
~~described in division (B)(2) of this section, a statute of the~~ 14999
~~United States or of any other state or a municipal ordinance of a~~ 15000
~~municipal corporation located in any other state that is~~ 15001
~~substantially similar to division (A) or (B) of section 4511.19 of~~ 15002
~~the Revised Code, or if the offender previously has been convicted~~ 15003
~~of or pleaded guilty to a violation of division (A) of section~~ 15004

~~4511.19 of the Revised Code under circumstances in which the violation was a felony and regardless of when the violation and the conviction or guilty plea occurred, the judge shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for a period of time set by the court but not less than three years, and the judge may permanently revoke the offender's driver's or commercial driver's license or permit or nonresident operating privilege.~~

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~~(5) The filing of an appeal by a person whose driver's or commercial driver's license is suspended or revoked under division (B)(1), (2), (3), or (4) of this section regarding any aspect of the person's trial or sentence does not stay the operation of the suspension or revocation.~~

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~~(C) The trial judge of any court of record or the mayor of a mayor's court, in addition to or independent of all other penalties provided by law or by ordinance, may suspend the driver's or commercial driver's license or permit or nonresident operating privilege of any person who violates a requirement or prohibition of the court imposed under division (F) of this section or division (G)(1) of section 2951.02 of the Revised Code as follows:~~

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~~(1) For not more than one year, upon conviction for a first violation of the requirement or prohibition:~~

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~~(2) For not more than five years, upon conviction for a second or subsequent violation of the requirement or prohibition during the same period of required use of an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code.~~

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~~(D)(1) The trial judge of any court of record, in addition to or independent of all other penalties provided by law or by ordinance, shall permanently revoke the driver's or commercial~~

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~~driver's license or permit or nonresident operating privilege of
any person who is convicted of or pleads guilty to a violation of
section 2903.04 or 2903.06 of the Revised Code in a case in which
division (D) of section 2903.04 or division (B) of section 2903.06
of the Revised Code requires the judge to permanently revoke the
license, permit, or privilege.~~

~~(2) In addition to any prison term authorized or required by
the section that establishes the offense and sections 2929.13 and
2929.14 of the Revised Code, and in addition to any other sanction
imposed for the offense under the section that establishes the
offense or sections 2929.11 to 2929.182 of the Revised Code, the
court that sentences an offender who is convicted of or pleads
guilty to a violation of section 2925.02, 2925.03, 2925.04,
2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22,
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code
either shall revoke or, if it does not revoke, shall suspend for
not less than six months or more than five years, as specified in
the section that establishes the offense, the person's driver's or
commercial driver's license or permit. If the person's driver's or
commercial driver's license or permit is under suspension on the
date the court imposes sentence upon the person, any revocation
imposed upon the person that is referred to in division (D)(2) of
this section shall take effect immediately. If the person's
driver's or commercial driver's license or permit is under
suspension on the date the court imposes sentence upon the person,
any period of suspension imposed upon the person that is referred
to in division (D)(2) of this section shall take effect on the
next day immediately following the end of that period of
suspension. If the person is sixteen years of age or older and is
a resident of this state but does not have a current, valid Ohio
driver's or commercial driver's license or permit, the court shall
order the registrar to deny to the person the issuance of a~~

~~driver's or commercial driver's license or permit for six months
beginning on the date the court imposes a sentence upon the
person. If the person has not attained the age of sixteen years on
the date the court sentences the person for the violation, the
period of denial shall commence on the date the person attains the
age of sixteen years.~~

~~(E) Except as otherwise provided in this section, the trial
judge of any court of record and the mayor of a mayor's court, in
addition to or independent of all other penalties provided by law
or ordinance, shall suspend for not less than sixty days nor more
than two years the driver's or commercial driver's license or
permit or nonresident operating privilege of any person who is
convicted of or pleads guilty to a violation of division (B) of
section 4511.19 of the Revised Code or of a municipal ordinance
substantially equivalent to that division relating to operating a
vehicle with a prohibited concentration of alcohol in the blood,
breath, or urine.~~

~~(F)(1) A person is not entitled to request, and a judge or
mayor shall not grant to the person, occupational driving
privileges under division (F) of this section if a person's
driver's or commercial driver's license or permit or nonresident
operating privilege has been suspended pursuant to division (B) or
(C) of this section or pursuant to division (F) of section
4511.191 of the Revised Code, and the person, within the preceding
seven years, has been convicted of or pleaded guilty to three or
more violations of one or more of the following:~~

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

~~(b) 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;~~

~~(c) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;~~ 15099
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~~(d) Section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section;~~ 15102
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~~(e) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;~~ 15105
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~~(f) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;~~ 15108
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~~(g) 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.~~ 15115
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~~(2) Any other person who is not described in division (F)(1) of this section and whose driver's or commercial driver's license or nonresident operating privilege has been suspended under any of those divisions may file a petition that alleges that the suspension would seriously affect the person's ability to continue the person's employment. The petition of a person whose license, permit, or privilege was suspended pursuant to division (F) of section 4511.191 of the Revised Code shall be filed in the court specified in division (I)(4) of that section, and the petition of a person whose license, permit, or privilege was suspended under division (B) or (C) of this section shall be filed in the~~ 15119
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~~municipal, county, mayor's, or in the case of a minor, juvenile court that has jurisdiction over the place of arrest. Upon satisfactory proof that there is reasonable cause to believe that the suspension would seriously affect the person's ability to continue the person's employment, the judge of the court or mayor of the mayor's court may grant the person occupational driving privileges during the period during which the suspension otherwise would be imposed, except that the judge or mayor shall not grant occupational driving privileges for employment as a driver of commercial motor vehicles to any person who is disqualified from operating a commercial motor vehicle under section 3123.611 or 4506.16 of the Revised Code or whose commercial driver's license or commercial driver's temporary instruction permit has been suspended under section 3123.58 of the Revised Code, and shall not grant occupational driving privileges during any of the following periods of time:~~

~~(a) The first fifteen days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(1) of this section or division (F)(1) of section 4511.191 of the Revised Code. On or after the sixteenth day of suspension, the court may grant the offender occupational driving privileges, but the court may provide that the offender shall not exercise the occupational driving privileges unless the vehicles the offender operates are equipped with ignition interlock devices.~~

~~(b) The first thirty days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(2) of this section or division (F)(2) of section 4511.191 of the Revised Code. On or after the thirty-first day of suspension, the court may grant the offender occupational driving privileges, but the court may provide that the offender shall not exercise the occupational driving privileges unless the vehicles~~

~~the offender operates are equipped with ignition interlock devices.~~ 15162
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~~(c) The first one hundred eighty days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(3) of this section or division (F)(3) of section 4511.191 of the Revised Code. The judge may grant occupational driving privileges to an offender who receives a suspension under either of those divisions on or after the one hundred eighty-first day of the suspension only if division (F) of this section does not prohibit the judge from granting the privileges and only if the judge, at the time of granting the privileges, also issues an order prohibiting the offender, while exercising the occupational driving privileges during the period commencing with the one hundred eighty-first day of suspension and ending with the first year of suspension, from operating any motor vehicle unless it is equipped with a certified ignition interlock device. After the first year of the suspension, the court may authorize the offender to continue exercising the occupational driving privileges in vehicles that are not equipped with ignition interlock devices. If the offender does not petition for occupational driving privileges until after the first year of suspension and if division (F) of this section does not prohibit the judge from granting the privileges, the judge may grant the offender occupational driving privileges without requiring the use of a certified ignition interlock device.~~ 15164
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~~(d) The first three years of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(4) of this section or division (F)(4) of section 4511.191 of the Revised Code. The judge may grant occupational driving privileges to an offender who receives a suspension under either of those divisions after the first three years of suspension only if division (F) of this section does not prohibit~~ 15187
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~~the judge from granting the privileges and only if the judge, at
the time of granting the privileges, also issues an order
prohibiting the offender from operating any motor vehicle, for the
period of suspension following the first three years of
suspension, unless the motor vehicle is equipped with a certified
ignition interlock device.~~

~~(G) If a person's driver's or commercial driver's license or
permit or nonresident operating privilege has been suspended under
division (E) of this section, and the person, within the preceding
seven years, has been convicted of or pleaded guilty to three or
more violations identified in division (F)(1) of this section, the
person is not entitled to request, and the judge or mayor shall
not grant to the person, occupational driving privileges under
this division. Any other person whose driver's or commercial
driver's license or nonresident operating privilege has been
suspended under division (E) of this section may file a petition
that alleges that the suspension would seriously affect the
person's ability to continue the person's employment. The petition
shall be filed in the municipal, county, or mayor's court that has
jurisdiction over the place of arrest. Upon satisfactory proof
that there is reasonable cause to believe that the suspension
would seriously affect the person's ability to continue the
person's employment, the judge of the court or mayor of the
mayor's court may grant the person occupational driving privileges
during the period during which the suspension otherwise would be
imposed, except that the judge or mayor shall not grant
occupational driving privileges for employment as a driver of
commercial motor vehicles to any person who is disqualified from
operating a commercial motor vehicle under section 4506.16 of the
Revised Code, and shall not grant occupational driving privileges
during the first sixty days of suspension imposed upon an offender
whose driver's or commercial driver's license or permit or~~

~~nonresident operating privilege is suspended pursuant to division 15226
(E) of this section. 15227~~

~~(H)(1) After a driver's or commercial driver's license or 15228
permit has been suspended or revoked pursuant to this section, the 15229
judge of the court or mayor of the mayor's court that suspended or 15230
revoked the license or permit shall cause the offender to deliver 15231
the license or permit to the court. The judge, mayor, or clerk of 15232
the court or mayor's court, if the license or permit has been 15233
suspended or revoked in connection with any of the offenses listed 15234
in this section, forthwith shall forward it to the registrar with 15235
notice of the action of the court. 15236~~

~~(2) Suspension of a commercial driver's license under this 15237
section shall be concurrent with any period of disqualification 15238
under section 3123.611 or 4506.16 of the Revised Code or any 15239
period of suspension under section 3123.58 of the Revised Code. No 15240
person who is disqualified for life from holding a commercial 15241
driver's license under section 4506.16 of the Revised Code shall 15242
be issued a driver's license under this chapter during the period 15243
for which the commercial driver's license was suspended under this 15244
section, and no person whose commercial driver's license is 15245
suspended under this section shall be issued a driver's license 15246
under this chapter during the period of the suspension. 15247~~

~~(I) No judge shall suspend the first thirty days of 15248
suspension of a driver's or commercial driver's license or permit 15249
or a nonresident operating privilege required under division (A) 15250
of this section, no judge or mayor shall suspend the first six 15251
months of suspension required under division (B)(1) of this 15252
section, no judge shall suspend the first year of suspension 15253
required under division (B)(2) of this section, no judge shall 15254
suspend the first year of suspension required under division 15255
(B)(3) of this section, no judge shall suspend the first three 15256
years of suspension required under division (B)(4) of this 15257~~

~~section, no judge or mayor shall suspend the revocation required 15258
by division (D) of this section, and no judge or mayor shall 15259
suspend the first sixty days of suspension required under division 15260
(E) of this section, except that the court shall credit any period 15261
of suspension imposed pursuant to section 4511.191 or 4511.196 of 15262
the Revised Code against any time of suspension imposed pursuant 15263
to division (B) or (E) of this section as described in division 15264
(J) of this section. 15265~~

~~(J) The judge of the court or mayor of the mayor's court 15266
shall credit any time during which an offender was subject to an 15267
administrative suspension of the offender's driver's or commercial 15268
driver's license or permit or nonresident operating privilege 15269
imposed pursuant to division (E) or (F) of section 4511.191 or a 15270
suspension imposed by a judge, referee, or mayor pursuant to 15271
division (B)(1) or (2) of section 4511.196 of the Revised Code 15272
against the time to be served under a related suspension imposed 15273
pursuant to this section. 15274~~

~~(K) The judge or mayor shall notify the bureau of any 15275
determinations made, and of any suspensions or revocations 15276
imposed, pursuant to division (B) of this section. 15277~~

~~(L)(1) If a court issues an ignition interlock order under 15278
division (F) of this section, the order shall authorize the 15279
offender during the specified period to operate a motor vehicle 15280
only if it is equipped with a certified ignition interlock device. 15281
The court shall provide the offender with a copy of an ignition 15282
interlock order issued under division (F) of this section, and the 15283
copy of the order shall be used by the offender in lieu of an Ohio 15284
driver's or commercial driver's license or permit until the 15285
registrar or a deputy registrar issues the offender a restricted 15286
license. 15287~~

~~An order issued under division (F) of this section does not 15288
authorize or permit the offender to whom it has been issued to 15289~~

~~operate a vehicle during any time that the offender's driver's or
commercial driver's license or permit is suspended or revoked
under any other provision of law.~~ 15290
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~~(2) The offender may present the ignition interlock order to
the registrar or to a deputy registrar. Upon presentation of the
order to the registrar or a deputy registrar, the registrar or
deputy registrar shall issue the offender a restricted license. A
restricted license issued under this division shall be identical
to an Ohio driver's license, except that it shall have printed on
its face a statement that the offender is prohibited during the
period specified in the court order from operating any motor
vehicle that is not equipped with a certified ignition interlock
device, and except that the date of commencement and the date of
termination of the period shall be indicated conspicuously upon
the face of the license.~~ 15293
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~~(3) As used in this section:~~ 15305

~~(a) "Ignition interlock device" has the same meaning as in
section 4511.83 of the Revised Code.~~ 15306
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~~(b) "Certified ignition interlock device" means an ignition
interlock device that is certified pursuant to section 4511.83 of
the Revised Code.~~ 15308
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Sec. 4507.164. (A) Except as provided in divisions (C) to (E) 15311
of this section, when the license of any person is suspended ~~or~~ 15312
~~revoked~~ pursuant to any provision of the Revised Code other than 15313
division ~~(B)~~(G) of section ~~4507.16~~ 4511.19 of the Revised Code and 15314
other than section 4510.07 of the Revised Code for a violation of 15315
a municipal OVI ordinance, the trial judge may impound the 15316
identification license plates of any motor vehicle registered in 15317
the name of the person. 15318

~~(B)(1) When the license of any person is suspended or revoked~~ 15319

pursuant to division ~~(B)(1)~~(G)(1)(a) of section ~~4507.16~~ 4511.19 of 15320
the Revised Code, or pursuant to section 4510.07 of the Revised 15321
Code for a municipal OVI offense when the suspension is equivalent 15322
in length to the suspension under division (G) of section 4511.19 15323
of the Revised Code that is specified in this division, the trial 15324
judge of the court of record or the mayor of the mayor's court 15325
that suspended ~~or revoked~~ the license may impound the 15326
identification license plates of any motor vehicle registered in 15327
the name of the person. 15328

(2) When the license of any person is suspended ~~or revoked~~ 15329
pursuant to division ~~(B)(2)~~(G)(1)(b) of section ~~4507.16~~ 4511.19 of 15330
the Revised Code, or pursuant to section 4510.07 of the Revised 15331
Code for a municipal OVI offense when the suspension is equivalent 15332
in length to the suspension under division (G) of section 4511.19 15333
of the Revised Code that is specified in this division, the trial 15334
judge of the court of record that suspended ~~or revoked~~ the license 15335
shall order the impoundment of the identification license plates 15336
of the motor vehicle the offender was operating at the time of the 15337
offense and the immobilization of that vehicle in accordance with 15338
section 4503.233 and division ~~(A)(2), (6), or (7)~~(G)(1)(b) of 15339
section ~~4511.99~~ 4511.19 or division (B)(2)(i) ~~or (ii)~~(a) of 15340
section 4511.193 of the Revised Code and may impound the 15341
identification license plates of any other motor vehicle 15342
registered in the name of the person whose license is suspended ~~or~~ 15343
~~revoked~~. 15344

(3) When the license of any person is suspended ~~or revoked~~ 15345
pursuant to division ~~(B)(3)~~(G)(1)(c), (d), or ~~(4)~~(e) of section 15346
~~4507.16~~ 4511.19 of the Revised Code, or pursuant to section 15347
4510.07 of the Revised Code for a municipal OVI offense when the 15348
suspension is equivalent in length to the suspension under 15349
division (G) of section 4511.19 of the Revised Code that is 15350
specified in this division, the trial judge of the court of record 15351

that suspended ~~or revoked~~ the license shall order the criminal 15352
forfeiture to the state of the motor vehicle the offender was 15353
operating at the time of the offense in accordance with section 15354
4503.234 and division ~~(A)(3) or (4)~~ (G)(1)(c), (d), or (8)(e) of 15355
section ~~4511.99~~ 4511.19 or division (B)(2)(b)~~(iii)~~ of section 15356
4511.193 of the Revised Code and may impound the identification 15357
license plates of any other motor vehicle registered in the name 15358
of the person whose license is suspended ~~or revoked~~. 15359

(C)(1) When a person is convicted of or pleads guilty to a 15360
violation of ~~division (D)(2) of~~ section ~~4507.02~~ 4510.14 of the 15361
Revised Code or a substantially equivalent municipal ordinance and 15362
division (B)(1) or (2) of section ~~4507.99~~ 4510.14 or division 15363
(C)(1) or (2) of section ~~4507.36~~ 4510.161 of the Revised Code 15364
applies, the trial judge of the court of record or the mayor of 15365
the mayor's court that imposes sentence shall order the 15366
immobilization of the vehicle the person was operating at the time 15367
of the offense and the impoundment of its identification license 15368
plates in accordance with section 4503.233 and division (B)(1) or 15369
(2) of section ~~4507.99~~ 4510.14 or division (C)(1) or (2) of 15370
section ~~4507.36~~ 4510.161 of the Revised Code and may impound the 15371
identification license plates of any other vehicle registered in 15372
the name of that person. 15373

(2) When a person is convicted of or pleads guilty to a 15374
violation of ~~division (D)(2) of~~ section ~~4507.02~~ 4510.14 of the 15375
Revised Code or a substantially equivalent municipal ordinance and 15376
division (B)(3) of section ~~4507.99~~ 4510.14 or division (C)(3) of 15377
section ~~4507.36~~ 4510.161 of the Revised Code applies, the trial 15378
judge of the court of record that imposes sentence shall order the 15379
criminal forfeiture to the state of the vehicle the person was 15380
operating at the time of the offense in accordance with section 15381
4503.234 and division (B)(3) of section ~~4507.99~~ 4510.14 or 15382
division (C)(3) of section ~~4507.36~~ 4510.161 of the Revised Code 15383

and may impound the identification license plates of any other 15384
vehicle registered in the name of that person. 15385

(D)(1) When a person is convicted of or pleads guilty to a 15386
violation of division ~~(B)(1)(A)~~ of section ~~4507.02~~ 4510.16 of the 15387
Revised Code or a substantially equivalent municipal ordinance and 15388
division ~~(C)(1)(B)(2)~~ or ~~(2)(3)~~ of section ~~4507.99~~ 4510.16 or 15389
division (B)(1) or (2) of section ~~4507.361~~ 4510.161 of the Revised 15390
Code applies, the trial judge of the court of record or the mayor 15391
of the mayor's court that imposes sentence shall order the 15392
immobilization of the vehicle the person was operating at the time 15393
of the offense and the impoundment of its identification license 15394
plates in accordance with section 4503.233 and division 15395
~~(C)(1)(B)(2)~~ or ~~(2)(3)~~ of section ~~4507.99~~ 4510.16 or division 15396
(B)(1) or (2) of section ~~4507.361~~ 4510.161 of the Revised Code and 15397
may impound the identification license plates of any other vehicle 15398
registered in the name of that person. 15399

(2) When a person is convicted of or pleads guilty to a 15400
violation of division ~~(B)(1)(A)~~ of section ~~4507.02~~ 4510.16 of the 15401
Revised Code or a substantially equivalent municipal ordinance and 15402
division ~~(C)(3)(B)(4)~~ of section ~~4507.99~~ 4510.16 or division 15403
(B)(3) of section ~~4507.361~~ 4510.161 of the Revised Code applies, 15404
the trial judge of the court of record that imposes sentence shall 15405
order the criminal forfeiture to the state of the vehicle the 15406
person was operating at the time of the offense in accordance with 15407
section 4503.234 and division ~~(C)(3)(B)(4)~~ of section ~~4507.99~~ 15408
4510.16 or division (B)(3) of section ~~4507.361~~ 4510.161 of the 15409
Revised Code and may impound the identification license plates of 15410
any other vehicle registered in the name of that person. 15411

(E)(1) When a person is convicted of or pleads guilty to a 15412
violation of section ~~4507.33~~ 4511.203 of the Revised Code and the 15413
person is sentenced pursuant to division ~~(E)(C)(1)~~ or (2) of 15414
section ~~4507.99~~ 4511.203 of the Revised Code, the trial judge of 15415

the court of record or the mayor of the mayor's court that imposes 15416
sentence shall order the immobilization of the vehicle that was 15417
involved in the commission of the offense and the impoundment of 15418
its identification license plates in accordance with division 15419
(~~E~~)(C)(1) or (2) of section ~~4507.99~~ 4511.203 and section 4503.233 15420
of the Revised Code and may impound the identification license 15421
plates of any other vehicle registered in the name of that person. 15422

(2) When a person is convicted of or pleads guilty to a 15423
violation of section ~~4507.33~~ 4511.203 of the Revised Code and the 15424
person is sentenced pursuant to division (~~E~~)(2)(C)(3) of section 15425
~~4507.99~~ 4511.203 of the Revised Code, the trial judge of the court 15426
of record or the mayor of the mayor's court that imposes sentence 15427
shall order the criminal forfeiture to the state of the vehicle 15428
that was involved in the commission of the offense in accordance 15429
with division (~~E~~)(2)(C)(3) of section ~~4507.99~~ 4511.203 and section 15430
4503.234 of the Revised Code and may impound the identification 15431
license plates of any other vehicle registered in the name of that 15432
person. 15433

(F) Except as provided in section 4503.233 or 4503.234 of the 15434
Revised Code, when the certificate of registration, the 15435
identification license plates, or both have been impounded, 15436
division (~~F~~)(B) of section 4507.02 of the Revised Code is 15437
applicable. 15438

(G) As used in this section, "municipal OVI offense" has the 15439
same meaning as in section 4511.181 of the Revised Code. 15440

Sec. 4507.17. Any person whose license is suspended or 15441
~~revoked under sections 4507.01 to 4507.39, inclusive, of the~~ 15442
~~Revised Code, canceled~~ is not entitled to apply for or receive a 15443
new license during the effective dates of ~~such the~~ suspension or 15444
~~revocation~~ cancellation. 15445

Sec. 4507.19. The registrar of motor vehicles may ~~suspend or~~ 15446
cancel any driver's license ~~upon determination that such license~~ 15447
was obtained unlawfully, was issued in error, or has been altered 15448
or willfully destroyed. 15449

Sec. 4507.20. The registrar of motor vehicles, ~~upon~~ 15450
~~determination that any person has more than seven points charged~~ 15451
~~against him under section 4507.021 of the Revised Code, and is not~~ 15452
~~subject to the provisions of section 4507.022 of the Revised Code,~~ 15453
~~or, having~~ when the registrar has good cause to believe that the 15454
holder of a driver's or commercial driver's license is incompetent 15455
or otherwise not qualified to be licensed, shall upon written 15456
notice of at least ~~five~~ thirty days sent to the licensee's last 15457
known address, require ~~him~~ the licensee to submit to a driver's 15458
license examination ~~or,~~ a physical examination, or both, or a 15459
commercial driver's license examination. Upon the conclusion of 15460
the examination, ~~the registrar may suspend or revoke~~ the license 15461
of the person, ~~or~~ may permit ~~him~~ the licensee to retain the 15462
license, or may issue ~~him~~ the licensee a restricted license. 15463
Refusal or neglect of the licensee to submit to the examination is 15464
ground for suspension ~~or revocation~~ of ~~his~~ the licensee's license. 15465

Sec. 4507.21. (A) Each applicant for a driver's license shall 15466
file an application in the office of the registrar of motor 15467
vehicles or of a deputy registrar. 15468

(B)(1) Each person under eighteen years of age applying for a 15469
driver's license issued in this state shall present satisfactory 15470
evidence of having successfully completed any one of the 15471
following: 15472

(a) A driver education course approved by the state 15473
department of education. 15474

(b) A driver training course approved by the director of public safety. 15475
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(c) A driver training course comparable to a driver education or driver training course described in division (B)(1)(a) or (b) of this section and administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States. 15477
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(2) Each person under eighteen years of age applying for a driver's license also shall present, on a form prescribed by the registrar, an affidavit signed by an eligible adult attesting that the person has acquired at least fifty hours of actual driving experience, with at least ten of those hours being at night. 15484
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(C) If the registrar or deputy registrar determines that the applicant is entitled to the driver's license, it shall be issued. If the application shows that the applicant's license has been previously ~~revoked~~ canceled or suspended, the deputy registrar shall forward the application to the registrar, who shall determine whether the license shall be granted. 15489
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(D) All applications shall be filed in duplicate, and the deputy registrar issuing the license shall immediately forward to the office of the registrar the original copy of the application, together with the duplicate copy of the certificate, if issued. The registrar shall prescribe rules as to the manner in which the deputy registrar files and maintains the applications and other records. The registrar shall file every application for a driver's or commercial driver's license and index them by name and number, and shall maintain a suitable record of all licenses issued, all convictions and bond forfeitures, all applications for licenses denied, and all licenses ~~which that~~ have been suspended or ~~revoked~~ canceled. 15495
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(E) For purposes of section 2313.06 of the Revised Code, the registrar shall maintain accurate and current lists of the residents of each county who are eighteen years of age or older, have been issued, on and after January 1, 1984, driver's or commercial driver's licenses that are valid and current, and would be electors if they were registered to vote, regardless of whether they actually are registered to vote. The lists shall contain the names, addresses, dates of birth, duration of residence in this state, citizenship status, and social security numbers, if the numbers are available, of the licensees, and may contain any other information that the registrar considers suitable.

(F) Each person under eighteen years of age applying for a motorcycle operator's endorsement or a restricted license enabling the applicant to operate a motorcycle shall present satisfactory evidence of having completed the courses of instruction in the motorcycle safety and education program described in section 4508.08 of the Revised Code or a comparable course of instruction administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States. If the registrar or deputy registrar then determines that the applicant is entitled to the endorsement or restricted license, it shall be issued.

(G) No person shall knowingly make a false statement in an affidavit presented in accordance with division (B)(2) of this section.

(H) As used in this section, "eligible adult" means any of the following persons:

(1) A parent, guardian, or custodian of the applicant;

(2) A person over the age of twenty-one who acts in loco parentis of the applicant and who maintains proof of financial

responsibility with respect to the operation of a motor vehicle 15538
owned by the applicant or with respect to the applicant's 15539
operation of any motor vehicle. 15540

(I) Whoever violates division (G) of this section is guilty 15541
of a minor misdemeanor and shall be fined one hundred dollars. 15542

Sec. 4507.30. No person shall do any of the following: 15543

(A) Display, or cause or permit to be displayed, or possess 15544
any identification card, driver's or commercial driver's license, 15545
temporary instruction permit, or commercial driver's license 15546
temporary instruction permit knowing the same to be fictitious, or 15547
to have been canceled, ~~revoked~~, suspended, or altered; 15548

(B) Lend to a person not entitled thereto, or knowingly 15549
permit ~~him~~ a person not entitled thereto to use any identification 15550
card, driver's or commercial driver's license, temporary 15551
instruction permit, or commercial driver's license temporary 15552
instruction permit issued to the person so lending or permitting 15553
the use thereof; 15554

(C) Display, or represent as one's own, any identification 15555
card, driver's or commercial driver's license, temporary 15556
instruction permit, or commercial driver's license temporary 15557
instruction permit not issued to the person so displaying the 15558
same; 15559

(D) Fail to surrender to the registrar of motor vehicles, 15560
upon ~~his~~ the registrar's demand, any identification card, driver's 15561
or commercial driver's license, temporary instruction permit, or 15562
commercial driver's license temporary instruction permit ~~which~~ 15563
that has been suspended, or canceled, ~~or~~ ~~revoked~~; 15564

(E) In any application for an identification card, driver's 15565
or commercial driver's license, temporary instruction permit, or 15566
commercial driver's license temporary instruction permit, or any 15567

renewal or duplicate thereof, knowingly conceal a material fact, 15568
or present any physician's statement required under section 15569
4507.08 or 4507.081 of the Revised Code when knowing the same to 15570
be false or fictitious. 15571

(F) Whoever violates any division of this section is guilty 15572
of a misdemeanor of the first degree. 15573

Sec. 4507.31. (A) No person shall cause or knowingly permit 15574
any minor ~~under eighteen~~ to drive a motor vehicle upon a highway 15575
as an operator, unless ~~such~~ the minor has first obtained a license 15576
or permit to drive a motor vehicle under ~~sections 4507.01 to~~ 15577
~~4507.39, inclusive, of the Revised Code~~ this chapter. 15578

(B) Whoever violates this section is guilty of a misdemeanor 15579
of the first degree. 15580

Sec. 4507.321. (A) Notwithstanding the definition of 15581
"chauffeur" in section 4501.01 of the Revised Code, no person 15582
shall employ, any minor for the purpose of operating a taxicab, 15583
~~any minor under eighteen years of age.~~ 15584

(B) Whoever violates this section is guilty of a misdemeanor 15585
of the first degree. 15586

Sec. 4507.35. (A) The operator of a motor vehicle shall 15587
display ~~his~~ the operator's license, or furnish satisfactory proof 15588
that ~~he~~ the operator has ~~such~~ an operator's license, upon demand 15589
of any peace officer or of any person damaged or injured in any 15590
collision in which ~~such~~ the licensee may be involved. When a 15591
demand is properly made and the operator has ~~his~~ the operator's 15592
license on or about ~~his~~ the operator's person, ~~he~~ the operator 15593
shall not refuse to display ~~said~~ the license. ~~Failure~~ A person's 15594
failure to furnish satisfactory evidence that ~~such~~ the person is 15595
licensed under ~~sections 4507.01 to 4507.30 of the Revised Code~~ 15596

this chapter when ~~such~~ the person does not have ~~his~~ the person's license on or about ~~his~~ the person's person shall be prima-facie evidence of ~~his~~ the person's not having obtained ~~such~~ an operator's license.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.

Sec. 4507.36. (A) No person shall knowingly make a false statement to any matter or thing required by ~~sections 4507.01 to 4507.39, inclusive, of the Revised Code~~ this chapter.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.

Sec. 4507.45. If a person's driver's license, commercial driver's license, or nonresident operating privilege is suspended, disqualified, or ~~revoked~~ canceled for an indefinite period of time or for a period of at least ninety days, and if at the end of the period of suspension, disqualification, or ~~revocation~~ cancellation the person is eligible to have the license or privilege reinstated, the registrar of motor vehicles shall collect a reinstatement fee of thirty dollars when the person requests reinstatement. However, the registrar shall not collect the fee prescribed by this section if a different driver's license, commercial driver's license, or nonresident operating privilege reinstatement fee is prescribed by law.

Sec. 4507.50. (A) The registrar of motor vehicles or a deputy registrar, upon receipt of an application filed in compliance with section 4507.51 of the Revised Code by any person who is a resident or a temporary resident of this state and, except as otherwise provided in this section, is not licensed as an operator of a motor vehicle in this state or another licensing

jurisdiction, and, except as provided in division (B) of this 15626
section, upon receipt of a fee of three dollars and fifty cents, 15627
shall issue an identification card to that person. 15628

Any person who is a resident or temporary resident of this 15629
state whose Ohio driver's or commercial driver's license has been 15630
suspended or ~~revoked~~ canceled, upon application in compliance with 15631
section 4507.51 of the Revised Code and, except as provided in 15632
division (B) if this section, payment of a fee of three dollars 15633
and fifty cents, may be issued a temporary identification card. 15634
The temporary identification card shall be identical to an 15635
identification card, except that it shall be printed on its face 15636
with a statement that the card is valid during the effective dates 15637
of the suspension or ~~revocation~~ cancellation of the cardholder's 15638
license, or until the birthday of the cardholder in the fourth 15639
year after the date on which it is issued, whichever is shorter. 15640
The cardholder shall surrender the identification card to the 15641
registrar or any deputy registrar before the cardholder's driver's 15642
or commercial driver's license is restored or reissued. 15643

Except as provided in division (B) of this section, the 15644
deputy registrar shall be allowed a fee of two dollars and 15645
twenty-five cents for each identification card issued under this 15646
section. The fee allowed to the deputy registrar shall be in 15647
addition to the fee for issuing an identification card. 15648

Neither the registrar nor any deputy registrar shall charge a 15649
fee in excess of one dollar and fifty cents for laminating an 15650
identification card or temporary identification card. A deputy 15651
registrar laminating such a card shall retain the entire amount of 15652
the fee charged for lamination, less the actual cost to the 15653
registrar of the laminating materials used for that lamination, as 15654
specified in the contract executed by the bureau for the 15655
laminating materials and laminating equipment. The deputy 15656
registrar shall forward the amount of the cost of the laminating 15657

materials to the registrar for deposit as provided in this 15658
section. 15659

The fee collected for issuing an identification card under 15660
this section, except the fee allowed to the deputy registrar, 15661
shall be paid into the state treasury to the credit of the state 15662
bureau of motor vehicles fund created in section 4501.25 of the 15663
Revised Code. 15664

(B) A disabled veteran who has a service-connected disability 15665
rated at one hundred per cent by the veterans' administration may 15666
apply to the registrar or a deputy registrar for the issuance to 15667
that veteran of an identification card or a temporary 15668
identification card under this section without payment of any fee 15669
prescribed in division (A) of this section, including any 15670
lamination fee. 15671

If the identification card or temporary identification card 15672
of a disabled veteran described in this division is laminated by a 15673
deputy registrar who is acting as a deputy registrar pursuant to a 15674
contract with the registrar that is in effect on the effective 15675
date of this amendment, the disabled veteran shall pay the deputy 15676
registrar the lamination fee prescribed in division (A) of this 15677
section. If the identification card or temporary identification 15678
card is laminated by a deputy registrar who is acting as a deputy 15679
registrar pursuant to a contract with the registrar that is 15680
executed after the effective date of this amendment, the disabled 15681
veteran is not required to pay the deputy registrar the lamination 15682
fee prescribed in division (A) of this section. 15683

A disabled veteran whose identification card or temporary 15684
identification card is laminated by the registrar is not required 15685
to pay the registrar any lamination fee. 15686

An application made under division (A) of this section shall 15687
be accompanied by such documentary evidence of disability as the 15688

registrar may require by rule.

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Sec. 4507.52. (A) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

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"STATE OF OHIO IDENTIFICATION CARD

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This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card, who currently is not licensed to operate a motor vehicle in the state of Ohio."

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The identification card shall display substantially the same information as contained in the application and as described in division (A)(1) of section 4507.51 of the Revised Code, including the cardholder's social security number unless the cardholder specifically requests that the cardholder's social security number not be displayed on the card. If federal law requires the cardholder's social security number to be displayed on the identification card, the social security number shall be displayed on the card notwithstanding a request to not display the number pursuant to this section. The identification card also shall display the color photograph of the cardholder. If the cardholder has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the cardholder wishes the identification card to indicate that the cardholder has executed either type of instrument, the card also shall display any symbol chosen by the registrar to indicate that the cardholder has executed either type of instrument. The card shall be sealed in transparent plastic or similar material and shall be so designed as to prevent its reproduction or alteration without ready detection.

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The identification card for persons under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a person who is twenty-one years of age or older, except that an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of an identification card issued to a person who is twenty-one years of age or older.

Every identification card issued to a resident of this state shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the fourth year after the date on which it is issued. Every identification card issued to a temporary resident shall expire in accordance with rules adopted by the registrar and is nonrenewable, but may be replaced with a new identification card upon the applicant's compliance with all applicable requirements. A cardholder may renew the cardholder's identification card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee in accordance with section 4507.50 of the Revised Code.

If a cardholder applies for a driver's or commercial driver's license in this state or another licensing jurisdiction, the cardholder shall surrender the cardholder's identification card to the registrar or any deputy registrar before the license is issued.

(B) If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

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

~~(B)~~(2) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

Any person who loses a card and, after obtaining a duplicate, 15751
finds the original, immediately shall surrender the original to 15752
the registrar or a deputy registrar. 15753

A cardholder may obtain a replacement identification card 15754
that reflects any change of the cardholder's name by furnishing 15755
suitable proof of the change to the registrar or a deputy 15756
registrar and surrendering the cardholder's existing card. 15757

When a cardholder applies for a duplicate or obtains a 15758
replacement identification card, the cardholder shall pay a fee of 15759
two dollars and fifty cents. A deputy registrar shall be allowed 15760
an additional fee of two dollars and twenty-five cents for issuing 15761
a duplicate or replacement identification card. A disabled veteran 15762
who is a cardholder and has a service-connected disability rated 15763
at one hundred per cent by the veterans' administration may apply 15764
to the registrar or a deputy registrar for the issuance of a 15765
duplicate or replacement identification card without payment of 15766
any fee prescribed in this section, and without payment of any 15767
lamination fee if the disabled veteran would not be required to 15768
pay a lamination fee in connection with the issuance of an 15769
identification card or temporary identification card as provided 15770
in division (B) of section 4507.50 of the Revised Code. 15771

A duplicate or replacement identification card shall expire 15772
on the same date as the card it replaces. 15773

(C) The registrar shall cancel any card upon determining that 15774
the card was obtained unlawfully, issued in error, or was altered. 15775
The registrar also shall cancel any card that is surrendered to 15776
the registrar or to a deputy registrar after the holder has 15777
obtained a duplicate, replacement, or driver's or commercial 15778
driver's license. 15779

(D)(1) No agent of the state or its political subdivisions 15780
shall condition the granting of any benefit, service, right, or 15781

privilege upon the possession by any person of an identification 15782
card. Nothing in this section shall preclude any publicly operated 15783
or franchised transit system from using an identification card for 15784
the purpose of granting benefits or services of the system. 15785

(2) No person shall be required to apply for, carry, or 15787
possess an identification card. 15788

~~(C)~~(E) Except in regard to an identification card issued to a 15789
person who applies no more than thirty days before the applicant's 15790
twenty-first birthday, neither the registrar nor any deputy 15791
registrar shall issue an identification card to a person under 15792
twenty-one years of age that does not have the characteristics 15793
prescribed by the registrar distinguishing it from the 15794
identification card issued to persons who are twenty-one years of 15795
age or older. 15796

(F) Whoever violates division (E) of this section is guilty 15797
of a minor misdemeanor. 15798

Sec. 4507.99. ~~(A) Whoever violates division (B)(2) or (D)(1) 15799
of section 4507.02 of the Revised Code is guilty of driving under 15800
suspension or revocation or in violation of license restrictions, 15801
a misdemeanor of the first degree. Whoever violates division (C) 15802
of section 4507.02 of the Revised Code is guilty of driving 15803
without paying a license reinstatement fee, a misdemeanor of the 15804
first degree. Except as otherwise provided in division (D) of 15805
section 4507.162 of the Revised Code, the court, in addition to or 15806
independent of all other penalties provided by law, may suspend 15807
for a period not to exceed one year the driver's or commercial 15808
driver's license or permit or nonresident operating privilege of 15809
any person who pleads guilty to or is convicted of a violation of 15810
division (B)(2), (C), or (D)(1) of section 4507.02 of the Revised 15811
Code. 15812~~

~~(B) Whoever violates division (D)(2) of section 4507.02 of the Revised Code is guilty of driving under OMVI suspension or revocation and shall be punished as provided in division (B)(1), (2), or (3) and divisions (B)(4) to (8) of this section.~~ 15813
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~~(1) Except as otherwise provided in division (B)(2) or (3) of this section, driving under OMVI suspension or revocation is a misdemeanor of the first degree, and the court shall sentence the offender to a term of imprisonment of not less than three 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 (B)(6) of this section, the court may sentence the offender to a term of not less than thirty consecutive days of electronically monitored house arrest as defined in division (A)(4) of section 2929.23 of the Revised Code. The period of electronically monitored house arrest shall not exceed six months. 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.~~ 15817
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~~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 or independent of any other sentence that it imposes upon the offender and subject to section 4503.235 of the Revised Code, shall order the immobilization for thirty days of the vehicle the offender was operating at the time of the offense and the impoundment for thirty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.~~ 15832
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~~(2) If, within five years of the offense, the offender has been convicted of or pleaded guilty to one violation of division~~ 15843
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~~(D)(2) of section 4507.02 of the Revised Code or a municipal ordinance that is substantially equivalent to that division, driving under OMVI suspension or revocation is a misdemeanor, and the court shall sentence the offender to a term of imprisonment of not less than ten 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 (B)(6) of this section, the court may sentence the offender to a term of not less than ninety consecutive days of electronically monitored house arrest as defined in division (A)(4) of section 2929.23 of the Revised Code. The period of electronically monitored house arrest shall not exceed one year. In addition, the court shall impose upon the offender a fine of not less than five hundred and not more than two thousand five hundred dollars.~~

~~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 or independent of any other sentence that it imposes upon the offender and subject to section 4503.235 of the Revised Code, shall order the immobilization for sixty days of the vehicle the offender was operating at the time of the offense and the impoundment for sixty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.~~

~~(3) If, within five years of the offense, the offender has been convicted of or pleaded guilty to two or more violations of division (D)(2) of section 4507.02 of the Revised Code or a municipal ordinance that is substantially equivalent to that division, driving under OMVI suspension or revocation is guilty of a misdemeanor. The court shall sentence the offender to a term of~~

~~imprisonment of not less than thirty consecutive days and may
sentence the offender to a longer definite term of imprisonment of
not more than one year. The court shall not sentence the offender
to a term of electronically monitored house arrest as defined in
division (A)(4) of section 2929.23 of the Revised Code. In
addition, the court shall impose upon the offender a fine of not
less than five hundred and not more than two thousand five hundred
dollars.~~

~~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 or
independent of any other sentence that it imposes upon the
offender 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.~~

~~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.~~

~~(4) In addition to or independent of all other penalties
provided by law or ordinance, the trial judge of any court of
record or the mayor of a mayor's court shall suspend for a period
not to exceed one year the driver's or commercial driver's license
or permit or nonresident operating privilege of an offender who is
sentenced under division (B)(1), (2), or (3) of this section.~~

~~(5) Fifty per cent of any fine imposed by a court under division (B)(1), (2), or (3) of this section 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.~~

~~(6) No court shall impose the alternative sentence of not less than thirty consecutive days of electronically monitored house arrest permitted to be imposed by division (B)(1) of this section or the alternative sentence of a term of not less than ninety consecutive days of electronically monitored house arrest permitted to be imposed by division (B)(2) 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 begin serving that term of imprisonment within the sixty-day period following the date of sentencing. If the court issues such a finding, the court may impose the alternative sentence comprised of or including electronically monitored house arrest permitted to be imposed by division (B)(1) or (2) of this section.~~

~~(7) An offender sentenced under this section to a period of electronically monitored house arrest shall be permitted work release during such period. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the offender's home or other place specified by the sentencing court and the time actually spent under employment.~~

~~(8) Suspension of a commercial driver's license under this section shall be concurrent with any period of disqualification~~

~~under section 3123.611 or 4506.16 of the Revised Code or any
period of suspension under section 3123.58 of the Revised Code. No
person who is disqualified for life from holding a commercial
driver's license under section 4506.16 of the Revised Code shall
be issued a driver's license under this chapter during the period
for which the commercial driver's license was suspended under this
section, and no person whose commercial driver's license is
suspended under this section shall be issued a driver's license
under this chapter during the period of the suspension.~~

~~(C) Whoever violates division (B)(1) of section 4507.02 of
the Revised Code is guilty of driving under financial
responsibility law suspension or revocation and shall be punished
as provided in division (C)(1), (2), or (3) and division (C)(4) of
this section.~~

~~(1) Except as otherwise provided in division (C)(2) or (3) of
this section, driving under financial responsibility law
suspension or revocation is a misdemeanor of the first degree.~~

~~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 or
independent of any other sentence that it imposes upon the
offender and subject to section 4503.235 of the Revised Code,
shall order the immobilization for thirty days of the vehicle the
offender was operating at the time of the offense and the
impoundment for thirty days of the identification license plates
of that vehicle. The order for immobilization and impoundment
shall be issued and enforced in accordance with section 4503.233
of the Revised Code.~~

~~(2) If, within five years of the offense, the offender has
been convicted of or pleaded guilty to one violation of division
(B)(1) of section 4507.02 of the Revised Code or a municipal
ordinance that is substantially equivalent to that division,~~

~~driving under financial responsibility law suspension or 15973
revocation is a misdemeanor of the first degree. 15974~~

~~Regardless of whether the vehicle the offender was operating 15975
at the time of the offense is registered in the offender's name or 15976
in the name of another person, the court, in addition to or 15977
independent of any other sentence that it imposes upon the 15978
offender and subject to section 4503.235 of the Revised Code, 15979
shall order the immobilization for sixty days of the vehicle the 15980
offender was operating at the time of the offense and the 15981
impoundment for sixty days of the identification license plates of 15982
that vehicle. The order for immobilization and impoundment shall 15983
be issued and enforced in accordance with section 4503.233 of the 15984
Revised Code. 15985~~

~~(3) If, within five years of the offense, the offender has 15986
been convicted of or pleaded guilty to two or more violations of 15987
division (B)(1) of section 4507.02 of the Revised Code or a 15988
municipal ordinance that is substantially equivalent to that 15989
division, driving under financial responsibility law suspension or 15990
revocation is a misdemeanor of the first degree. 15991~~

~~Regardless of whether the vehicle the offender was operating 15992
at the time of the offense is registered in the offender's name or 15993
in the name of another person, the court, in addition to or 15994
independent of any other sentence that it imposes upon the 15995
offender and subject to section 4503.235 of the Revised Code, 15996
shall order the criminal forfeiture to the state of the vehicle 15997
the offender was operating at the time of the offense. The order 15998
of criminal forfeiture shall be issued and enforced in accordance 15999
with section 4503.234 of the Revised Code. 16000~~

~~If title to a motor vehicle that is subject to an order for 16001
criminal forfeiture under this section is assigned or transferred 16002
and division (C)(2) or (3) of section 4503.234 of the Revised Code 16003
applies, in addition to or independent of any other penalty 16004~~

~~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.~~ 16005
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~~(4) Except as otherwise provided in division (D) of section
4507.162 of the Revised Code, the court, in addition to or
independent of all other penalties provided by law, may suspend
for a period not to exceed one year the driver's or commercial
driver's license or permit or nonresident operating privilege of
an offender who is sentenced under division (C)(1), (2), or (3) of
this section.~~ 16010
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~~(5) The court shall not release a vehicle from the
immobilization ordered under division (C)(1) or (2) of this
section unless the court is presented with current proof of
financial responsibility with respect to that vehicle.~~ 16017
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~~(D) Whoever violates division (A)(1) or (3) of section
4507.02 of the Revised Code by operating a motor vehicle when the
offender's driver's or commercial driver's license has been
expired for no more than six months is guilty of a minor
misdemeanor. Whoever violates division (B) of section 4507.13 or
division (C) of section 4507.52 of the Revised Code is guilty of a
minor misdemeanor.~~ 16021
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~~(E) Whoever violates section 4507.33 of the Revised Code is
guilty of permitting the operation of a vehicle by a person with
no legal right to operate a vehicle and shall be punished as
provided in division (E)(1) or (2) of this section.~~ 16028
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~~(1) Except as otherwise provided in division (E)(2) of this
section, permitting the operation of a vehicle by a person with no
legal right to operate a vehicle is a misdemeanor of the first
degree. In addition to or independent of any other sentence that~~ 16032
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~~it imposes upon the offender and subject to section 4503.235 of
the Revised Code, the court shall order the immobilization for
thirty days of the vehicle involved in the offense and the
impoundment for thirty days of the identification license plates
of that vehicle. The order for immobilization and impoundment
shall be issued and enforced in accordance with section 4503.233
of the Revised Code.~~

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~~(2) If the offender previously has been convicted of or
pleaded guilty to one or more violations of section 4507.33 of the
Revised Code, permitting the operation of a vehicle by a person
with no legal right to operate a vehicle is a misdemeanor of the
first degree. In addition to or independent of any other sentence
that it imposes upon the offender and subject to section 4503.235
of the Revised Code, the court shall order the criminal forfeiture
to the state of the vehicle involved in the offense. The order of
criminal forfeiture shall be issued and enforced in accordance
with section 4503.234 of the Revised Code.~~

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~~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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~~(F) Whoever violates division (F)(1) or (2) of section
4507.05, or division (B) or (D) of section 4507.071 of the Revised
Code is guilty of a minor misdemeanor.~~

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~~(G) Whoever violates division (G) of section 4507.21 of the
Revised Code shall be fined one hundred dollars.~~

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~~(H) Except as provided in divisions (A) to (E) of this section and unless Unless another penalty is provided by the section that contains the provision violated or otherwise is provided by the laws of this state, whoever violates any provision of sections 4507.01 to 4507.081 or 4507.10 to 4507.37 of the Revised Code is guilty of a misdemeanor of the first degree.~~

~~(I) Whenever a person is found guilty of a violation of section 4507.32 of the Revised Code, the trial judge of any court of record, in addition to or independent of all other penalties provided by law or ordinance, 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.~~

~~(J)(B)~~ Whenever a person is found guilty of a violation of a traffic offense specified in Traffic Rule 13(B) that requires the person's appearance in court, the court shall require the person to verify the existence at the time of the offense of proof of financial responsibility covering the person's operation of the motor vehicle, or the motor vehicle if registered in the person's name, and notify the registrar pursuant to division (D) of section 4509.101 of the Revised Code if the person fails to verify the existence of such proof of financial responsibility.

Sec. 4508.03. (A) No driver training school shall be established nor any such existing school continued unless the school applies for and obtains from the director of public safety a license in the manner and form prescribed by the director.

The rules shall state the requirements for a school license, including requirements concerning location, equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators, insurance in ~~such~~ the

sum and with ~~such~~ those provisions as the director considers 16098
necessary to protect adequately the interests of the public, and 16099
~~such~~ any other matters as the director may prescribe for the 16100
protection of the public. The rules also shall require financial 16101
responsibility information as part of the driver education 16102
curriculum. 16103

(B) Any school that offers a driver training program for 16104
disabled persons shall provide specially trained instructors for 16105
the driver training of such persons. No school shall operate a 16106
driver training program for disabled persons after June 30, 1978, 16107
unless it has been licensed for such operation by the director. No 16108
person shall act as a specially trained instructor in a driver 16109
training program for disabled persons operated by a school after 16110
June 30, 1978, unless that person has been licensed by the 16111
director. 16112

(C) The director shall certify instructors to teach driver 16113
training to disabled persons in accordance with training program 16114
requirements established by the department of public safety. 16115

(D) No person shall operate a driver training school unless 16116
the person has a valid license issued by the director under this 16117
section. 16118

(E) Whoever violates division (D) of this section is guilty 16119
of operating a driver training school without a valid license, a 16120
minor misdemeanor. On a second or subsequent offense within two 16121
years after the first offense, the person is guilty of a 16122
misdemeanor of the fourth degree. 16123

Sec. 4508.04. (A) No person shall act as a driver training 16124
instructor and on and after June 30, 1978, no person shall act as 16125
a driver training instructor for disabled persons unless such 16126
person applies for and obtains from the director of public safety 16127
a license in the manner and form prescribed by the director. The 16128

director shall provide by rule for instructors' license 16129
requirements including moral character, physical condition, 16130
knowledge of the courses of instruction, motor vehicle laws and 16131
safety principles, previous personal and employment records, and 16132
such other matters as the director may prescribe for the 16133
protection of the public. Driver training instructors for disabled 16134
persons shall meet such additional requirements and receive such 16135
additional classroom and practical instruction as the director 16136
shall prescribe by rule. 16137

(B)(1) No license shall be issued under this section to a 16138
person if, within ten years of the date of application for the 16139
license, the person has pleaded guilty to or been convicted of a 16140
felony under the laws of this state or the comparable laws of 16141
another jurisdiction. 16142

(2) No license shall be issued under this section to a person 16143
if, within five years of the date of application for the license, 16144
the person has pleaded guilty to or been convicted of a 16145
misdemeanor of the first or second degree that is reasonably 16146
related to the person's fitness to be issued such a license. 16147

(C) No person shall knowingly make a false statement on a 16148
license application submitted under this section. 16149

(D)(1) Whoever violates division (A) of this section is 16150
guilty of acting as a driver training instructor without a valid 16151
license, a misdemeanor of the fourth degree. 16152

(2) Whoever violates division (C) of this section may be 16153
charged with falsification under section 2921.13 of the Revised 16154
Code. 16155

Sec. 4508.06. (A) The director of public safety may refuse to 16156
issue, or may suspend or revoke, a license in any case where in 16157
which the director finds the applicant or licensee has violated 16158
any of the provisions of this chapter, or any of the regulations 16159

adopted by the director. A No person whose license has been 16160
suspended or revoked license under this section shall be returned 16161
fail to return the license to the director by the licensee. 16162

(B) Whoever violates division (A) of this section is guilty 16163
of failing to return a suspended or revoked license, a minor 16164
misdemeanor or, on a second or subsequent offense within two years 16165
after the first offense, a misdemeanor of the fourth degree. 16166

Sec. 4508.09. (A) No person who operates a driver training 16167
school shall use or cause to be used in the operation of the 16168
driving school and upon any public property or private property 16169
used for vehicular traffic any vehicle that does not meet the 16170
minimum standards that are established by the director of public 16171
safety and that are applicable to vehicles used in the operation 16172
of a driving school. 16173

(B) Whoever violates this section is guilty of using an 16174
unsafe vehicle at a driving school, a minor misdemeanor or, on a 16175
second or subsequent offense within two years after the first 16176
offense, a misdemeanor of the fourth degree. 16177

Sec. 4509.02. As used in sections ~~4509.31~~ 4509.291 to 16178
4509.67, ~~inclusive~~, of the Revised Code: 16179

(A) "Judgment" means any judgment which has become final by 16180
expiration without appeal of the time within which an appeal might 16181
have been perfected, or by final affirmation on appeal, rendered 16182
by a court of competent jurisdiction of any state or of the United 16183
States, upon a cause of action arising out of the ownership, 16184
maintenance, or use of any motor vehicle for damages, including 16185
damages for care and loss of services because of bodily injury to 16186
or death of any person, or for damages because of injury to or 16187
destruction of property, including the loss of use thereof, or 16188
upon a cause of action on an agreement of settlement for such 16189

damages. 16190

(B) "State" means any state, territory, or possession of the 16191
United States, the District of Columbia, or any province of the 16192
Dominion of Canada. 16193

Sec. 4509.101. (A)(1) No person shall operate, or permit the 16194
operation of, a motor vehicle in this state, unless proof of 16195
financial responsibility is maintained continuously throughout the 16196
registration period with respect to that vehicle, or, in the case 16197
of a driver who is not the owner, with respect to that driver's 16198
operation of that vehicle. 16199

(2) Whoever violates division (A)(1) of this section shall be 16200
subject to the following civil penalties: 16201

(a) ~~Suspension of the person's operating privileges Subject~~ 16202
~~to divisions (A)(2)(b) and (c) of this section, a class E~~ 16203
~~suspension of the person's driver's license, commercial driver's~~ 16204
~~license, temporary instruction permit, probationary license, or~~ 16205
~~nonresident operating privilege for the period of time specified~~ 16206
~~in division (B)(5) of section 4510.02 of the Revised Code and~~ 16207
~~impoundment of the person's license until the person complies with~~ 16208
~~division (A)(5) of this section. The suspension shall be for a~~ 16209
~~period of not less than ninety days except that if, . The court may~~ 16210
~~grant limited driving privileges to the person only if the person~~ 16211
~~presents proof of financial responsibility and has complied with~~ 16212
~~division (A)(5) of this section.~~ 16213

(b) If, within five years of the violation, the person's 16214
operating privileges are again suspended and the person's license 16215
again is impounded ~~one or more times~~ for a violation of division 16216
(A)(1) of this section, a class C suspension of the person's 16217
driver's license, commercial driver's license, temporary 16218
instruction permit, probationary license, or nonresident operating 16219
privilege for the period of time specified in division (B)(3) of 16220

section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension shall be for a period of not less than one year. Except as provided by section 4509.105 of the Revised Code, the suspension is not subject to revocation, suspension, or occupational or other limited operating privileges. 16221
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(b)(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. No court may grant limited driving privileges during the suspension. 16229
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(d) In addition to the suspension of an owner's license under division (A)(2)(a), (b), or (c) of this section, the suspension of the rights of the owner to register the motor vehicle and the impoundment of the owner's certificate of registration and license plates until the owner complies with division (A)(5) of this section. 16238
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(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under any of the following circumstances: 16244
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(a) The person or a motor vehicle owned by the person is 16252

involved in a traffic accident that requires the filing of an 16253
accident report under section 4509.06 of the Revised Code. 16254

(b) The person receives a traffic ticket indicating that 16255
proof of the maintenance of financial responsibility was not 16256
produced upon the request of a peace officer or state highway 16257
patrol trooper made in accordance with division (D)(2) of this 16258
section. 16259

(c) Whenever, in accordance with rules adopted by the 16260
registrar, the person is randomly selected by the registrar and 16261
requested to provide such verification. 16262

(4) An order of the registrar that suspends and impounds a 16263
license or registration, or both, shall state the date on or 16264
before which the person is required to surrender the person's 16265
license or certificate of registration and license plates. The 16266
person is deemed to have surrendered the license or certificate of 16267
registration and license plates, in compliance with the order, if 16268
the person does either of the following: 16269

(a) On or before the date specified in the order, personally 16270
delivers the license or certificate of registration and license 16271
plates, or causes the delivery of the items, to the registrar; 16272

(b) Mails the license or certificate of registration and 16273
license plates to the registrar in an envelope or container 16274
bearing a postmark showing a date no later than the date specified 16275
in the order. 16276

(5) Except as provided in division (A)(6) of this section, 16277
the registrar shall not restore any operating privileges or 16278
registration rights suspended under this section, return any 16279
license, certificate of registration, or license plates impounded 16280
under this section, or reissue license plates under section 16281
4503.232 of the Revised Code, if the registrar destroyed the 16282
impounded license plates under that section, or reissue a license 16283

under section ~~4507.54~~ 4510.52 of the Revised Code, if the 16284
registrar destroyed the suspended license under that section, 16285
unless the rights are not subject to suspension or revocation 16286
under any other law and unless the person, in addition to 16287
complying with all other conditions required by law for 16288
reinstatement of the operating privileges or registration rights, 16289
complies with all of the following: 16290

(a) Pays a financial responsibility reinstatement fee of 16291
seventy-five dollars for the first violation of division (A)(1) of 16292
this section, two hundred fifty dollars for a second violation of 16293
that division, and five hundred dollars for a third or subsequent 16294
violation of that division; 16295

(b) If the person has not voluntarily surrendered the 16296
license, certificate, or license plates in compliance with the 16297
order, pays a financial responsibility nonvoluntary compliance fee 16298
in an amount, not to exceed fifty dollars, determined by the 16299
registrar; 16300

(c) Files and continuously maintains proof of financial 16301
responsibility under sections 4509.44 to 4509.65 of the Revised 16302
Code. 16303

(6) If the registrar issues an order under division (A)(2) of 16304
this section resulting from the failure of a person to respond to 16305
a financial responsibility random verification request under 16306
division (A)(3)(c) of this section and the person successfully 16307
maintains an affirmative defense to a violation of section ~~4507.02~~ 16308
4510.16 of the Revised Code or is determined by the registrar or a 16309
deputy registrar to have been in compliance with division (A)(1) 16310
of this section at the time of the initial financial 16311
responsibility random verification request, the registrar shall do 16312
both of the following: 16313

(a) Terminate the order of suspension or impoundment; 16314

(b) Restore the operating privileges and registration rights 16315
of the person without payment of the fees established in divisions 16316
(A)(5)(a) and (b) of this section and without a requirement to 16317
file proof of financial responsibility. 16318

(B)(1) Every party required to file an accident report under 16319
section 4509.06 of the Revised Code also shall include with the 16320
report a document described in division (G)(1) of this section. 16321

If the registrar determines, within forty-five days after the 16322
report is filed, that an operator or owner has violated division 16323
(A)(1) of this section, the registrar shall do all of the 16324
following: 16325

(a) Order the impoundment, with respect to the motor vehicle 16326
involved, required under division (A)(2)~~(b)~~(d) of this section, of 16327
the certificate of registration and license plates of any owner 16328
who has violated division (A)(1) of this section; 16329

(b) Order the suspension required under division (A)(2)(a), 16330
(b), or (c) of this section of the license of any operator or 16331
owner who has violated division (A)(1) of this section; 16332

(c) Record the name and address of the person whose 16333
certificate of registration and license plates have been impounded 16334
or are under an order of impoundment, or whose license has been 16335
suspended or is under an order of suspension; the serial number of 16336
the person's license; the serial numbers of the person's 16337
certificate of registration and license plates; and the person's 16338
social security account number, if assigned, or, where the motor 16339
vehicle is used for hire or principally in connection with any 16340
established business, the person's federal taxpayer identification 16341
number. The information shall be recorded in such a manner that it 16342
becomes a part of the person's permanent record, and assists the 16343
registrar in monitoring compliance with the orders of suspension 16344
or impoundment. 16345

(d) Send written notification to every person to whom the order pertains, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of this section, any certificate of registration and registration plates under an order of impoundment, or any license under an order of suspension.

(2) The registrar shall issue any order under division (B)(1) of this section without a hearing. Any person adversely affected by the order, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment is upheld.

(C) Any order of suspension or impoundment issued under this section or division (B) of section 4509.37 of the Revised Code may be terminated at any time if the registrar determines upon a showing of proof of financial responsibility that the operator or owner of the motor vehicle was in compliance with division (A)(1) of this section at the time of the traffic offense, motor vehicle

inspection, or accident that resulted in the order against the 16378
person. A determination may be made without a hearing. This 16379
division does not apply unless the person shows good cause for the 16380
person's failure to present satisfactory proof of financial 16381
responsibility to the registrar prior to the issuance of the 16382
order. 16383

(D)(1) For the purpose of enforcing this section, every peace 16384
officer is deemed an agent of the registrar. 16385

(a) Except as provided in division (D)(1)(b) of this section, 16386
any peace officer who, in the performance of the peace officer's 16387
duties as authorized by law, becomes aware of a person whose 16388
license is under an order of suspension, or whose certificate of 16389
registration and license plates are under an order of impoundment, 16390
pursuant to this section, may confiscate the license, certificate 16391
of registration, and license plates, and return them to the 16392
registrar. 16393

(b) Any peace officer who, in the performance of the peace 16394
officer's duties as authorized by law, becomes aware of a person 16395
whose license is under an order of suspension, or whose 16396
certificate of registration and license plates are under an order 16397
of impoundment resulting from failure to respond to a financial 16398
responsibility random verification, shall not, for that reason, 16399
arrest the owner or operator or seize the vehicle or license 16400
plates. Instead, the peace officer shall issue a citation for a 16401
violation of ~~division (B)(1) of section 4507.02~~ 4510.16 of the 16402
Revised Code specifying the circumstances as failure to respond to 16403
a financial responsibility random verification. 16404

(2) A peace officer shall request the owner or operator of a 16405
motor vehicle to produce proof of financial responsibility in a 16406
manner described in division (G) of this section at the time the 16407
peace officer acts to enforce the traffic laws of this state and 16408
during motor vehicle inspections conducted pursuant to section 16409

4513.02 of the Revised Code. 16410

(3) A peace officer shall indicate on every traffic ticket 16411
whether the person receiving the traffic ticket produced proof of 16412
the maintenance of financial responsibility in response to the 16413
officer's request under division (D)(2) of this section. The peace 16414
officer shall inform every person who receives a traffic ticket 16415
and who has failed to produce proof of the maintenance of 16416
financial responsibility that the person must submit proof to the 16417
traffic violations bureau with any payment of a fine and costs for 16418
the ticketed violation or, if the person is to appear in court for 16419
the violation, the person must submit proof to the court. 16420

(4)(a) If a person who has failed to produce proof of the 16421
maintenance of financial responsibility appears in court for a 16422
ticketed violation, the court may permit the defendant to present 16423
evidence of proof of financial responsibility to the court at such 16424
time and in such manner as the court determines to be necessary or 16425
appropriate. The clerk of courts shall provide the registrar with 16426
the identity of any person who fails to submit proof of the 16427
maintenance of financial responsibility pursuant to division 16428
(D)(3) of this section. 16429

(b) If a person who has failed to produce proof of the 16430
maintenance of financial responsibility also fails to submit that 16431
proof to the traffic violations bureau with payment of a fine and 16432
costs for the ticketed violation, the traffic violations bureau 16433
shall notify the registrar of the identity of that person. 16434

(5)(a) Upon receiving notice from a clerk of courts or 16435
traffic violations bureau pursuant to division (D)(4) of this 16436
section, the registrar shall order the suspension of the license 16437
of the person required under division (A)(2)(a), (b), or (c) of 16438
this section and the impoundment of the person's certificate of 16439
registration and license plates required under division 16440
(A)(2)(~~b~~)(d) of this section, effective thirty days after the date 16441

of the mailing of notification. The registrar also shall notify 16442
the person that the person must present the registrar with proof 16443
of financial responsibility in accordance with this section, 16444
surrender to the registrar the person's certificate of 16445
registration, license plates, and license, or submit a statement 16446
subject to section 2921.13 of the Revised Code that the person did 16447
not operate or permit the operation of the motor vehicle at the 16448
time of the offense. Notification shall be in writing and shall be 16449
sent to the person at the person's last known address as shown on 16450
the records of the bureau of motor vehicles. The person, within 16451
fifteen days after the date of the mailing of notification, shall 16452
present proof of financial responsibility, surrender the 16453
certificate of registration, license plates, and license to the 16454
registrar in a manner set forth in division (A)(4) of this 16455
section, or submit the statement required under this section 16456
together with other information the person considers appropriate. 16457

If the registrar does not receive proof or the person does 16458
not surrender the certificate of registration, license plates, and 16459
license, in accordance with this division, the registrar shall 16460
permit the order for the suspension of the license of the person 16461
and the impoundment of the person's certificate of registration 16462
and license plates to take effect. 16463

(b) In the case of a person who presents, within the 16464
fifteen-day period, documents to show proof of financial 16465
responsibility, the registrar shall terminate the order of 16466
suspension and the impoundment of the registration and license 16467
plates required under division (A)(2)~~(b)~~(d) of this section and 16468
shall send written notification to the person, at the person's 16469
last known address as shown on the records of the bureau. 16470

(c) Any person adversely affected by the order of the 16471
registrar under division (D)(5)(a) or (b) of this section, within 16472
ten days after the issuance of the order, may request an 16473

administrative hearing before the registrar, who shall provide the
person with an opportunity for a hearing in accordance with this
paragraph. A request for a hearing does not operate as a
suspension of the order. The scope of the hearing shall be limited
to whether the person in fact demonstrated to the registrar proof
of financial responsibility in accordance with this section. The
registrar shall determine the date, time, and place of any
hearing; provided, that the hearing shall be held, and an order
issued or findings made, within thirty days after the registrar
receives a request for a hearing. If requested by the person in
writing, the registrar may designate as the place of hearing the
county seat of the county in which the person resides or a place
within fifty miles of the person's residence. Such person shall
pay the cost of the hearing before the registrar, if the
registrar's order of suspension or impoundment under division
(D)(5)(a) or (b) of this section is upheld.

(6) A peace officer may charge an owner or operator of a
motor vehicle with a violation of ~~division (B)(1) of section~~
~~4507.02~~ 4510.16 of the Revised Code when the owner or operator
fails to show proof of the maintenance of financial responsibility
pursuant to a peace officer's request under division (D)(2) of
this section, if a check of the owner or operator's driving record
indicates that the owner or operator, at the time of the operation
of the motor vehicle, is required to file and maintain proof of
financial responsibility under section 4509.45 of the Revised Code
for a previous violation of this chapter.

(7) Any forms used by law enforcement agencies in
administering this section shall be prescribed, supplied, and paid
for by the registrar.

(8) No peace officer, law enforcement agency employing a
peace officer, or political subdivision or governmental agency
that employs a peace officer shall be liable in a civil action for

damages or loss to persons arising out of the performance of any 16506
duty required or authorized by this section. 16507

(9) As used in this division and divisions (E) and (G) of 16508
this section, "peace officer" has the meaning set forth in section 16509
2935.01 of the Revised Code. 16510

(E) All fees, except court costs, collected under this 16511
section shall be paid into the state treasury to the credit of the 16512
financial responsibility compliance fund. The financial 16513
responsibility compliance fund shall be used exclusively to cover 16514
costs incurred by the bureau in the administration of this section 16515
and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, 16516
and by any law enforcement agency employing any peace officer who 16517
returns any license, certificate of registration, and license 16518
plates to the registrar pursuant to division (C) of this section, 16519
except that the director of budget and management may transfer 16520
excess money from the financial responsibility compliance fund to 16521
the state bureau of motor vehicles fund if the registrar 16522
determines that the amount of money in the financial 16523
responsibility compliance fund exceeds the amount required to 16524
cover such costs incurred by the bureau or a law enforcement 16525
agency and requests the director to make the transfer. 16526

All investment earnings of the financial responsibility 16527
compliance fund shall be credited to the fund. 16528

(F) Chapter 119. of the Revised Code applies to this section 16529
only to the extent that any provision in that chapter is not 16530
clearly inconsistent with this section. 16531

(G)(1) The registrar, court, traffic violations bureau, or 16532
peace officer may require proof of financial responsibility to be 16533
demonstrated by use of a standard form prescribed by the 16534
registrar. If the use of a standard form is not required, a person 16535
may demonstrate proof of financial responsibility under this 16536

section by presenting to the traffic violations bureau, court,
registrar, or peace officer any of the following documents or a
copy of the documents:

(a) A financial responsibility identification card as
provided in section 4509.104 of the Revised Code;

(b) A certificate of proof of financial responsibility on a
form provided and approved by the registrar for the filing of an
accident report required to be filed under section 4509.06 of the
Revised Code;

(c) A policy of liability insurance, a declaration page of a
policy of liability insurance, or liability bond, if the policy or
bond complies with section 4509.20 or sections 4509.49 to 4509.61
of the Revised Code;

(d) A bond or certification of the issuance of a bond as
provided in section 4509.59 of the Revised Code;

(e) A certificate of deposit of money or securities as
provided in section 4509.62 of the Revised Code;

(f) A certificate of self-insurance as provided in section
4509.72 of the Revised Code.

(2) If a person fails to demonstrate proof of financial
responsibility in a manner described in division (G)(1) of this
section, the person may demonstrate proof of financial
responsibility under this section by any other method that the
court or the bureau, by reason of circumstances in a particular
case, may consider appropriate.

(3) A motor carrier certificated by the interstate commerce
commission or by the public utilities commission may demonstrate
proof of financial responsibility by providing a statement
designating the motor carrier's operating authority and averring
that the insurance coverage required by the certificating

authority is in full force and effect. 16567

(4)(a) A finding by the registrar or court that a person is 16568
covered by proof of financial responsibility in the form of an 16569
insurance policy or surety bond is not binding upon the named 16570
insurer or surety or any of its officers, employees, agents, or 16571
representatives and has no legal effect except for the purpose of 16572
administering this section. 16573

(b) The preparation and delivery of a financial 16574
responsibility identification card or any other document 16575
authorized to be used as proof of financial responsibility under 16576
this division does not do any of the following: 16577

(i) Create any liability or estoppel against an insurer or 16578
surety, or any of its officers, employees, agents, or 16579
representatives; 16580

(ii) Constitute an admission of the existence of, or of any 16581
liability or coverage under, any policy or bond; 16582

(iii) Waive any defenses or counterclaims available to an 16583
insurer, surety, agent, employee, or representative in an action 16584
commenced by an insured or third-party claimant upon a cause of 16585
action alleged to have arisen under an insurance policy or surety 16586
bond or by reason of the preparation and delivery of a document 16587
for use as proof of financial responsibility. 16588

(c) Whenever it is determined by a final judgment in a 16589
judicial proceeding that an insurer or surety, which has been 16590
named on a document accepted by a court or the registrar as proof 16591
of financial responsibility covering the operation of a motor 16592
vehicle at the time of an accident or offense, is not liable to 16593
pay a judgment for injuries or damages resulting from such 16594
operation, the registrar, notwithstanding any previous contrary 16595
finding, shall forthwith suspend the operating privileges and 16596
registration rights of the person against whom the judgment was 16597

rendered as provided in division (A)(2) of this section. 16598

(H) In order for any document described in division (G)(1)(b) 16599
of this section to be used for the demonstration of proof of 16600
financial responsibility under this section, the document shall 16601
state the name of the insured or obligor, the name of the insurer 16602
or surety company, and the effective and expiration dates of the 16603
financial responsibility, and designate by explicit description or 16604
by appropriate reference all motor vehicles covered which may 16605
include a reference to fleet insurance coverage. 16606

(I) For purposes of this section, "owner" does not include a 16607
licensed motor vehicle leasing dealer as defined in section 16608
4517.01 of the Revised Code, but does include a motor vehicle 16609
renting dealer as defined in section 4549.65 of the Revised Code. 16610
Nothing in this section or in section 4509.51 of the Revised Code 16611
shall be construed to prohibit a motor vehicle renting dealer from 16612
entering into a contractual agreement with a person whereby the 16613
person renting the motor vehicle agrees to be solely responsible 16614
for maintaining proof of financial responsibility, in accordance 16615
with this section, with respect to the operation, maintenance, or 16616
use of the motor vehicle during the period of the motor vehicle's 16617
rental. 16618

(J) The purpose of this section is to require the maintenance 16619
of proof of financial responsibility with respect to the operation 16620
of motor vehicles on the highways of this state, so as to minimize 16621
those situations in which persons are not compensated for injuries 16622
and damages sustained in motor vehicle accidents. The general 16623
assembly finds that this section contains reasonable civil 16624
penalties and procedures for achieving this purpose. 16625
16626

(K) Nothing in this section shall be construed to be subject 16627
to section 4509.78 of the Revised Code. 16628

(L) The registrar shall adopt rules in accordance with 16629
Chapter 119. of the Revised Code that are necessary to administer 16630
and enforce this section. The rules shall include procedures for 16631
the surrender of license plates upon failure to maintain proof of 16632
financial responsibility and provisions relating to reinstatement 16633
of registration rights, acceptable forms of proof of financial 16634
responsibility, and verification of the existence of financial 16635
responsibility during the period of registration. 16636

Sec. 4509.17. Except as provided in sections 4509.01 to 16637
4509.78 of the Revised Code, upon failure of any person to request 16638
a hearing as provided for in section 4509.13 of the Revised Code, 16639
or to deposit the security required under section 4509.12 of the 16640
Revised Code within thirty days after the registrar of motor 16641
vehicles has sent the notice provided for in section 4509.13 of 16642
the Revised Code, the registrar shall ~~suspend the license of such~~ 16643
impose a class F suspension of the person's driver's license, 16644
commercial driver's license, temporary instruction permit, 16645
probationary license, or nonresident operating privilege for the 16646
period of time specified in division (B)(6) of section 4510.02 of 16647
the Revised Code on the person and the registrations of all motor 16648
vehicles owned by ~~such~~ the person. If the person is a nonresident, 16649
the suspension shall include the privilege of operating any motor 16650
vehicle within this state or permitting the operation within this 16651
state of any motor vehicle owned by the nonresident. 16652

Sec. 4509.24. (A) The persons involved in or affected by a 16654
motor vehicle accident may at any time enter into a written 16655
agreement for the payment of an agreed amount with respect to all 16656
claims for bodily injury to or death of any person or property 16657
damage arising from the accident which may provide for payment in 16658
installments. A signed copy of the agreement may be filed with the 16659

registrar of motor vehicles. 16660

(B) The registrar, upon filing of any such written agreement, 16661
shall not require the deposit of security by any party to the 16662
agreement for the benefit or protection of any party to the 16663
agreement. The registrar shall modify appropriately any prior 16664
order of suspension with reference to such persons, or if security 16665
has been deposited, the registrar immediately shall return to the 16666
depositor or the depositor's personal representative any deposit 16667
for the benefit or protection of any party to the agreement. 16668

(C) If the registrar receives satisfactory evidence that any 16669
person obliged to make payment under any such agreement has 16670
defaulted in payment, the registrar shall ~~issue an order of~~ impose 16671
a class F suspension with respect to that of the offender's 16672
driver's license, commercial driver's license, temporary 16673
instruction permit, probationary license, or nonresident operating 16674
privilege for the period of time specified in division (B)(6) of 16675
section 4510.02 of the Revised Code on the person as provided in 16676
section 4509.17 of the Revised Code. Such an order of suspension 16677
remains in effect until any of the following occurs: 16678

(1) Security is deposited by the person to whom the 16679
suspension applies in such amount as the registrar may then 16680
determine; 16681

(2) The registrar receives satisfactory evidence that the 16682
entire obligation has been paid or released; 16683

(3) A period of two years has elapsed following the breach of 16684
agreement and satisfactory evidence is filed with the registrar 16685
that no action has been instituted on the agreement during that 16686
period. 16687

Sec. 4509.291. (A) When a nonresident's operating privilege 16688
is suspended pursuant to section 4509.101, 4509.17, or 4509.24 of 16689

the Revised Code for a violation of any provision of sections 16690
4509.01 to 4509.78, ~~inclusive~~, of the Revised Code, the registrar 16691
of motor vehicles shall transmit a certified copy of the record of 16692
such action to the official in charge of the issuance of licenses 16693
and registration certificates in the state in which such 16694
nonresident resides, if the law of such other state provides for 16695
action in relation thereto similar to the provision set forth in 16696
division (B) of this section. 16697

(B) Upon receipt of a certification that the operating 16698
privilege of a resident of this state has been suspended or 16699
revoked in any other state pursuant to a law providing for its 16700
suspension or revocation for failure to deposit security for the 16701
payment of judgments arising out of a motor vehicle accident or 16702
failure to give proof of financial responsibility, under 16703
circumstances which would require the registrar to suspend a 16704
nonresident's operating privilege had the accident occurred in 16705
this state, the registrar shall ~~suspend the license~~ impose a class 16706
F suspension of the person's driver's license, commercial driver's 16707
license, temporary instruction permit, probationary license, or 16708
nonresident operating privilege for the period of time specified 16709
in division (B)(6) of section 4510.02 of the Revised Code on the 16710
person and all registrations of such resident. Such suspension 16711
shall continue until such resident furnishes evidence of ~~his~~ the 16712
person's compliance with the law of such other state relating to 16713
the deposit of such security or to the giving of proof of 16714
financial responsibility. 16715

Sec. 4509.33. If a nonresident by final order or judgment of 16716
a court of record or mayor's court is convicted of, or forfeits 16717
bail or collateral deposited to secure an appearance for trial 16718
for, any offense ~~enumerated in section 4507.16 of the Revised Code~~ 16719
for which the suspension of a license is provided, the registrar 16720

of motor vehicles shall ~~suspend or revoke~~ impose a suspension of 16721
the privilege of the nonresident to operate a motor vehicle for 16722
the same period for which suspension ~~or revocation~~ of a license by 16723
a court of record is authorized by the applicable section ~~4507.16~~ 16724
of the Revised Code. The suspension ~~or revocation~~ shall remain in 16725
effect until the expiration of the period so ordered and 16726
thereafter until the nonresident gives and thereafter maintains 16727
proof of financial responsibility in accordance with section 16728
4509.45 of the Revised Code. 16729

The registrar shall also suspend the privilege of the use in 16730
this state of every motor vehicle owned by the nonresident, except 16731
that the registrar shall not suspend the privilege if the owner 16732
has given or immediately gives and thereafter maintains proof of 16733
financial responsibility with respect to all motor vehicles owned 16734
by the nonresident. The registrar shall restore such privilege of 16735
a nonresident owner when the owner gives and thereafter maintains 16736
proof of financial responsibility in accordance with section 16737
4509.45 of the Revised Code. 16738

Sec. 4509.34. (A) The suspension ~~or revocation~~ of a license 16739
referred to in ~~sections~~ section 4509.291 ~~and 4509.31~~ of the 16740
Revised Code shall remain in effect and the registrar of motor 16741
vehicles shall not issue to any person whose license is so 16742
suspended ~~or revoked~~ any new or renewal license until permitted 16743
under the motor vehicle laws, and not then until such person gives 16744
and thereafter maintains proof of financial responsibility in 16745
accordance with section 4509.45 of the Revised Code. 16746

(B) The suspension of registration referred to in such 16747
sections shall remain in effect and the registrar shall not 16748
register or reregister in the name of any person whose 16749
registration is so suspended as owner of any motor vehicle, nor 16750
return or re-issue license plates for such vehicle, until such 16751

person gives and thereafter maintains proof of financial 16752
responsibility in accordance with section 4509.45 of the Revised 16753
Code. 16754

Sec. 4509.35. Whenever any person fails within thirty days to 16755
satisfy a judgment rendered within this state, upon the written 16756
request of the judgment creditor or ~~his~~ the judgment creditor's 16757
attorney, the clerk of the court which rendered the judgment, or 16758
the judge of the court or mayor of the mayor's court if the court 16759
has no clerk, immediately shall forward a certified copy of the 16760
judgment to the registrar of motor vehicles. 16761

Whenever any nonresident has been convicted of ~~the offenses~~ 16762
~~enumerated in section 4507.16~~ an offense for which the court is 16763
required to impose a license suspension under any provision of the 16764
Revised Code or has forfeited bail given to secure ~~his~~ the 16765
nonresident's appearance for trial upon a charge of any offense 16766
~~enumerated in that section~~ for which the court is required to 16767
impose a license suspension under any provision of the Revised 16768
Code, the clerk of every court of record and the mayor of every 16769
mayor's court immediately shall forward to the registrar a 16770
certified copy or transcript of the conviction or order forfeiture 16771
of bail. 16772

Sec. 4509.37. (A) The registrar of motor vehicles upon 16773
receipt of a certified copy of a judgment, shall ~~forthwith suspend~~ 16774
impose a class F suspension for the period of time specified in 16775
division (B)(6) of section 4510.02 of the Revised Code of the 16776
license and registration and any nonresident's operating privilege 16777
of any person against whom such judgment was rendered, except as 16778
provided in sections 4509.01 to 4509.78 of the Revised Code. 16779

Such certified copy of a judgment shall include the last 16780
known address, the social security number, if known, and the 16781

operator's license number, of the judgment debtor. 16782

(B) The registrar shall also impose the civil penalties 16783
specified in division (A)(2) of section 4509.101 of the Revised 16784
Code unless either of the following applies: 16785

(1) The judgment debtor presents proof of financial 16786
responsibility to the registrar proving that the judgment debtor 16787
was covered, at the time of the motor vehicle accident out of 16788
which the cause of action arose, by proof of financial 16789
responsibility in compliance with section 4509.101 of the Revised 16790
Code. 16791

(2) The judgment debtor proves to the registrar that the 16792
judgment debtor's registration and license have been previously 16793
suspended under section 4509.101 of the Revised Code by reason of 16794
the judgment debtor's failure to prove that the judgment debtor 16795
was covered, at the time of the motor vehicle accident out of 16796
which the cause of action arose, by proof of financial 16797
responsibility. 16798

Sec. 4509.40. ~~Any license, registration, and nonresident's~~ 16799
~~operating privilege suspended~~ The registrar of motor vehicles 16800
shall impose a class F suspension of the person's driver's 16801
license, commercial driver's license, temporary instruction 16802
permit, probationary license, or nonresident operating privilege 16803
for the period of time specified in division (B)(6) of section 16804
4510.02 of the Revised Code for nonpayment of a judgment ~~shall~~ 16805
~~remain so suspended for a period of seven years from the effective~~ 16806
~~date of suspension,~~ and while such order is in force no license, 16807
registration, or permit to operate a motor vehicle shall be issued 16808
in the name of such person, including any such person not 16809
previously licensed. The registrar shall vacate the order of 16810
suspension upon proof that such judgment is stayed, or satisfied 16811
in full or to the extent provided in section 4509.41 of the 16812

Revised Code, subject to the exemptions stated in sections 16813
4509.37, 4509.38, 4509.39, and 4509.42 of the Revised Code, and 16814
upon such person's filing with the registrar of motor vehicles 16815
evidence of financial responsibility in accordance with section 16816
4509.45 of the Revised Code. 16817

Sec. 4509.42. (A) A judgment debtor upon due notice to the 16818
judgment creditor may apply to the court in which the judgment was 16819
rendered for the privilege of paying the judgment in installments 16820
and the court, in its discretion and without prejudice to any 16821
other legal remedies which the judgment creditor has, may order 16822
and fix the amounts and times of payment of the installments. 16823

(B) The registrar of motor vehicles shall not suspend for 16824
nonpayment of a judgment, a license, registration, or 16825
nonresident's operating privilege, and shall restore the license, 16826
registration, or nonresident's operating privilege suspended for 16827
nonpayment, when the judgment debtor gives proof of financial 16828
responsibility and maintains it in accordance with section 4509.45 16829
of the Revised Code, and obtains an order permitting the payment 16830
of the judgment in installments, and while the payment of any 16831
installment is not in default. 16832

(C) If the judgment debtor fails to pay any installment as 16833
specified by such order, then upon notice of default the registrar 16834
shall ~~forthwith suspend~~ impose a class F suspension of the 16835
license, registration, or nonresident's operating privilege of the 16836
judgment debtor until such judgment is satisfied as specified in 16837
division (B)(6) of section 4510.02 of the Revised Code. 16838

Sec. 4509.45. (A) Proof of financial responsibility when 16839
required under section ~~4507.022~~, 4509.101, ~~4509.32~~, 4509.33, 16840
4509.34, 4509.38, 4509.40, 4509.42, ~~or~~ 4509.44, or 4510.038 of the 16841
Revised Code may be given by filing any of the following: 16842

~~(A)(1)~~ A financial responsibility identification card as provided in section 4509.104 of the Revised Code; 16843
16844

~~(B)(2)~~ A certificate of insurance as provided in section 4509.46 or 4509.47 of the Revised Code; 16845
16846

~~(C)(3)~~ A bond as provided in section 4509.59 of the Revised Code; 16847
16848

~~(D)(4)~~ A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code; 16849
16850

~~(E)(5)~~ A certificate of self-insurance, as provided in section 4509.72 of the Revised Code, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, ~~he~~ the self-insurer will pay the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to the self-insurer. 16851
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~~Such proof (B) Proof under division (A) of this section shall be filed and maintained for five years from the date of the registrar's imposition of a class A, B, or C suspension of operating privileges by the registrar of motor vehicles and shall be filed and maintained for three years from the date of the registrar's imposition of a class D, E, or F suspension of operating privileges.~~ 16858
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Sec. 4509.74. ~~(A)~~ No person shall fail to report a motor vehicle accident as required under the laws of this state. 16865
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~~(B) Whoever violates this section is guilty of a minor misdemeanor.~~ 16867
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Sec. 4509.77. ~~(A)~~ No person shall willfully fail to return a license or registration as required in section 4509.69 of the Revised Code. 16869
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(B) Whoever violates this section shall be fined not more than five hundred dollars, imprisoned for not more than thirty days, or both. 16872
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Sec. 4509.78. (A) No person shall violate section 4509.01 to 4509.78, ~~inclusive,~~ of the Revised Code for which no penalty is otherwise provided. 16875
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(B) Whoever violates this section shall be fined not more than five hundred dollars, imprisoned not more than ninety days, or both. 16878
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Sec. 4509.79. (A) As used in this section, "ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools. 16881
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(B) Every owner registering as a passenger car a motor vehicle designed and used for carrying more than nine but not more than fifteen passengers or registering a bus under division (H)(8) of section 4503.04 of the Revised Code shall have in effect, whenever the motor vehicle is used in a ridesharing arrangement, a policy of liability insurance with respect to the motor vehicle in amounts and coverage no less than: 16886
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(1) One hundred thousand dollars because of bodily injury to or death of one person in any one accident; 16893
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(2) Three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; 16895
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(3) Fifty thousand dollars because of injury to property of others in any one accident. 16897
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(C) Whoever violates this section shall be fined not more than five thousand dollars. 16899
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Sec. 4509.80. (A) Every owner registering a chauffeured limousine shall furnish and maintain proof of financial responsibility with respect to the limousine by filing with the registrar of motor vehicles any of the following:

(1) A certificate of insurance as provided in section 4509.46 or 4509.47 of the Revised Code;

(2) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond provides coverage in accordance with division (B) of this section and otherwise complies with sections 4509.49 to 4509.61 of the Revised Code, and if the policy or bond provides that such policy or bond shall not be canceled or terminated prior to not less than ten days after a written notice of cancellation or termination is filed with the registrar;

(3) A bond or certification of the issuance of a bond if the bond provides coverage in the amount of three hundred thousand dollars and otherwise complies with section 4509.59 of the Revised Code;

(4) A certificate of deposit of money or securities if the certificate of deposit provides coverage in the amount of three hundred thousand dollars and otherwise complies with section 4509.62 of the Revised Code;

(5) A certificate of self-insurance as provided in section 4509.72 of the Revised Code.

(B) As used in this section and section 4509.81 of the Revised Code, "proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a chauffeured limousine in the amount of one hundred thousand

dollars because of bodily injury to or death of one person in any 16931
one accident, three hundred thousand dollars because of bodily 16932
injury to or death of two or more persons in any one accident, and 16933
fifty thousand dollars because of injury to property of others in 16934
any one accident. 16935

(C) Upon the request of a law enforcement officer, the 16936
operator of any chauffeured limousine shall produce proof of 16937
compliance with this section. The law enforcement officer 16938
requesting such proof shall notify the registrar of any violation 16939
of this section. The notice to the registrar shall be on a form 16940
prescribed by the registrar and supplied by the registrar at the 16941
registrar's expense, and shall include the license plate number of 16942
the chauffeured limousine and any other information the registrar 16943
requires. 16944

(D) The owner, or ~~his~~ the owner's designee, shall provide 16945
written notice to the registrar of cancellation or termination of 16946
the coverage required by this section not less than ten days prior 16947
to the effective date of cancellation, and, on or before the 16948
effective date of cancellation, shall voluntarily surrender the 16949
livery license plate sticker for the vehicle or vehicles for which 16950
the cancellation is effective. If the livery license plate sticker 16951
is timely and voluntarily surrendered, the registrar shall, upon 16952
the filing of proof of financial responsibility as required by 16953
this section, reinstate the livery registration of the vehicle and 16954
issue a current livery license plate sticker for the vehicle. 16955

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(E) Whoever violates this section is guilty of a misdemeanor 16957
of the first degree. 16958

Sec. 4509.81. (A) Upon receipt of a notification of violation 16959
as provided in division (C) of section 4509.80 of the Revised 16960
Code; upon failure of a timely surrender of the livery license 16961

plate sticker as required by division (D) of section 4509.80 of 16962
the Revised Code; or if the registrar of motor vehicles, upon 16963
receipt of notification from an insurer of the imminent 16964
cancellation or termination of coverage required by section 16965
4509.80 of the Revised Code, fails to receive evidence of a 16966
continuation or substitution of coverage prior to the cancellation 16967
or termination date, the registrar shall order the immediate 16968
suspension of the rights of the owner of the chauffeured limousine 16969
described in the notice to register the limousine and the 16970
impoundment of the certificate of registration and registration 16971
plates for the limousine. The registrar shall notify the owner 16972
that the owner must surrender the certificate of registration and 16973
registration plates to the registrar. The notification shall be in 16974
writing and sent to the owner at the owner's last known address as 16975
shown in the records of the bureau of motor vehicles. Proceedings 16976
under this section are deemed special, summary statutory 16977
proceedings. 16978

(B) The order of suspension and impoundment of a registration 16979
shall state the date on or before which the owner of the 16980
chauffeured limousine involved is required to surrender the 16981
certificate of registration and registration plates to the 16982
registrar. The owner shall be deemed to have surrendered the 16983
certificate of registration and registration plates if the owner 16984
causes the items to be delivered to the registrar on or before the 16985
date specified in the order or mails the items to the registrar in 16986
an envelope or container bearing a postmark showing a date no 16987
later than the date specified in the order. 16988

(C) The registrar shall not restore any registration rights 16989
suspended under this section, return any certificate of 16990
registration or registration plates impounded under this section, 16991
or reissue registration plates under section 4503.232 of the 16992
Revised Code, if the registrar destroyed the impounded 16993

registration plates under that section, unless those rights are 16994
not subject to suspension ~~or revocation~~ under any other law and 16995
unless the owner complies with both of the following: 16996

(1) Pays a financial responsibility reinstatement fee of 16997
thirty dollars. The reinstatement fee may be increased, upon 16998
approval of the controlling board, up to an amount not exceeding 16999
fifty dollars. 17000

(2) Files and maintains proof of financial responsibility 17001
under section 4509.80 of the Revised Code. 17002

(D) Any owner adversely affected by the order of the 17003
registrar under this section may, within ten days after the 17004
issuance of the order, request an administrative hearing before 17005
the registrar, who shall provide the owner with an opportunity for 17006
a hearing in accordance with this division. A request for a 17007
hearing does not operate as a suspension of the order unless the 17008
owner establishes to the satisfaction of the registrar that the 17009
operation of the owner's chauffeured limousine will be covered by 17010
proof of financial responsibility during the pendency of the 17011
appeal. The scope of the hearing shall be limited to whether the 17012
owner in fact demonstrated to the registrar proof of financial 17013
responsibility in accordance with section 4509.80 of the Revised 17014
Code. The registrar shall determine the date, time, and place of 17015
any hearing, provided that the hearing shall be held and an order 17016
issued or findings made within thirty days after the registrar 17017
receives a request for a hearing. If requested by the owner in 17018
writing, the registrar may designate as the place of hearing the 17019
county seat of the county in which the owner resides or a place 17020
within fifty miles of the owner's residence. The owner shall pay 17021
the cost of the hearing before the registrar, if the registrar's 17022
order of suspension or impoundment is upheld. 17023

(E) Any order of suspension or impoundment issued under this 17024
section may be terminated at any time if the registrar determines 17025

upon a showing of proof of financial responsibility that the owner 17026
of the limousine was in compliance with section 4509.80 of the 17027
Revised Code at the time of the incident that resulted in the 17028
order against the owner. Such a determination may be made without 17029
a hearing. 17030

(F) All fees collected under this section shall be paid into 17031
the state treasury to the credit of the financial responsibility 17032
compliance fund created by section 4509.101 of the Revised Code. 17033

(G) Chapter 119. of the Revised Code applies to this section 17034
only to the extent that any provision in that chapter is not 17035
clearly inconsistent with this section. 17036

(H)(1) Proof of financial responsibility may be demonstrated 17037
by any of the methods authorized in section 4509.80 of the Revised 17038
Code. 17039

(2) Divisions (G)(4)(a) and (b) of section 4509.101 of the 17040
Revised Code apply to any finding by the registrar under this 17041
section that an owner is covered by proof of financial 17042
responsibility. 17043

Sec. 4510.01. As used in this title and in Title XXIX of the 17044
Revised Code: 17045

(A) "Cancel" or "cancellation" means the annulment or 17046
termination by the bureau of motor vehicles of a driver's license, 17047
commercial driver's license, temporary instruction permit, 17048
probationary license, or nonresident operating privilege because 17049
it was obtained unlawfully, issued in error, altered, or willfully 17050
destroyed, or because the holder no longer is entitled to the 17051
license, permit, or privilege. 17052

(B) "Drug abuse offense" has the same meaning as in section 17053
2925.01 of the Revised Code. 17054

(C) "Ignition interlock device" means a device approved by 17055

the director of public safety that connects a breath analyzer to a motor vehicle's ignition system, that is constantly available to monitor the concentration by weight of alcohol in the breath of any person attempting to start that motor vehicle by using its ignition system, and that deters starting the motor vehicle by use of its ignition system unless the person attempting to start the vehicle provides an appropriate breath sample for the device and the device determines that the concentration by weight of alcohol in the person's breath is below a preset level.

(D) "Immobilizing or disabling device" means a device approved by the director of public safety that may be ordered by a court to be used by an offender as a condition of limited driving privileges. "Immobilizing or disabling device" includes an ignition interlock device, and any prototype device that is used according to protocols designed to ensure efficient and effective monitoring of limited driving privileges granted by a court to an offender.

(E) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(F) "Municipal OVI ordinance" and "municipal OVI offense" have the same meanings as in section 4511.181 of the Revised Code.

(G) "Prototype device" means any testing device to monitor limited driving privileges that has not yet been approved or disapproved by the director of public safety.

(H) "Suspend" or "suspension" means the permanent or

temporary withdrawal, by action of a court or the bureau of motor vehicles, of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of the suspension or the permanent or temporary withdrawal of the privilege to obtain a license, permit, or privilege of that type for the period of the suspension. 17087
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Sec. 4510.02. (A) When a court elects or is required to suspend the driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege of any offender, for each of the following suspension classes, the court shall impose a definite period of suspension from the range specified for the suspension class: 17094
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(1) For a class one suspension, a definite period for the life of the person subject to the suspension; 17100
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(2) For a class two suspension, a definite period of three years to life; 17102
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(3) For a class three suspension, a definite period of two to ten years; 17104
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(4) For a class four suspension, a definite period of one to five years; 17106
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(5) For a class five suspension, a definite period of six months to three years; 17108
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(6) For a class six suspension, a definite period of three months to two years; 17110
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(7) For a class seven suspension, a definite period not to exceed one year. 17112
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(B) When the bureau of motor vehicles elects or is required to suspend the driver's license, commercial driver's license, 17114
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temporary instruction permit, probationary license, or nonresident
operating privilege of any person, for each of the following
suspension classes, the period of suspension shall be as follows: 17116
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(1) For a class A suspension, three years; 17119

(2) For a class B suspension, two years; 17120

(3) For a class C suspension, one year; 17121

(4) For a class D suspension, six months; 17122

(5) For a class E suspension, three months; 17123

(6) For a class F suspension, until conditions are met. 17124

(C) The court may require a person to successfully complete a
remedial driving course as a condition for the return of full
driving privileges after a suspension period imposed from any
range in division (A) of this section ends or otherwise imposed by
the court pursuant to any other provision of law. 17125
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(D) When a court or the bureau suspends the driver's license,
commercial driver's license, temporary instruction permit,
probationary license, or nonresident operating privilege of any
offender or person pursuant to any provision of law that does not
provide for the suspension to be from a class set forth in
division (A) or (B) of this section, except as otherwise provided
in the provision that authorizes or requires the suspension, the
suspension shall be subject to and governed by this chapter. 17130
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Sec. 4510.021. (A) Unless expressly prohibited by section
2919.22, section 4510.13, or any other section of the Revised
Code, a court may grant limited driving privileges during any
suspension imposed by the court. The privileges shall be for
limited purposes, including but not limited to occupational,
educational, vocational, or medical purposes, taking the driver's 17139
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or commercial driver's license examination, attending 17145
court-ordered treatment, and other reasonable purposes specified 17146
by the court under this section. In granting the privileges, the 17147
court shall specify the purposes, times, and places of the 17148
privileges and may impose any other reasonable conditions on the 17149
person's driving of a motor vehicle. 17150

(B) Unless expressly authorized by a section of the Revised 17151
Code, a court may not grant limited driving privileges during any 17152
suspension imposed by the bureau of motor vehicles. To obtain 17153
limited driving privileges during a suspension imposed by the 17154
bureau, a petition may be filed in a court of record in the county 17155
in which the person under suspension resides. A person who is not 17156
a resident of this state shall file any petition for privileges in 17157
the Franklin county municipal court, or, if the person is a minor, 17158
in the Franklin county juvenile court. 17159

(C) When the use of an immobilizing or disabling device is 17160
not otherwise required by law, the court, as a condition of 17161
granting limited driving privileges, may require that the person's 17162
vehicle be equipped with an immobilizing or disabling device, 17163
except as provided in division (C) of section 4510.43 of the 17164
Revised Code. When the use of restricted license plates issued 17165
under section 4503.231 of the Revised Code is not otherwise 17166
required by law, the court, as a condition of granting limited 17167
driving privileges, may require that the person's vehicle be 17168
equipped with restricted license plates of that nature, except as 17169
provided in division (B) of that section. 17170

(D) When the court grants limited driving privileges under 17171
section 4510.31 of the Revised Code or any other provision of law 17172
during the suspension of the temporary instruction permit or 17173
probationary driver's license of a person who is under eighteen 17174
years of age, the court may include as a purpose of the privilege 17175
the person's practicing of driving with the person's parent, 17176

guardian, or other custodian during the period of the suspension. 17177
If the court grants limited driving privileges for this purpose, 17178
the court, in addition to all other conditions it imposes, shall 17179
impose as a condition that the person exercise the privilege only 17180
when a parent, guardian, or custodian of the person who holds a 17181
current valid driver's or commercial driver's license issued by 17182
this state actually occupies the seat beside the person in the 17183
vehicle the person is operating. 17184

(E) Before granting limited driving privileges under this 17185
section, the court shall require the offender to provide proof of 17186
financial responsibility pursuant to section 4509.45 of the 17187
Revised Code. 17188

Sec. 4510.03. (A) Every county court judge, mayor of a 17189
mayor's court, and clerk of a court of record shall keep a full 17190
record of every case in which a person is charged with any 17191
violation of any provision of sections 4511.01 to 4511.771 or 17192
4513.01 to 4513.36 of the Revised Code or of any other law or 17193
ordinance regulating the operation of vehicles, streetcars, and 17194
trackless trolleys on highways or streets. 17195

(B) If a person is convicted of or forfeits bail in relation 17196
to a violation of any section listed in division (A) of this 17197
section or a violation of any other law or ordinance regulating 17198
the operation of vehicles, streetcars, and trackless trolleys on 17199
highways or streets, the county court judge, mayor of a mayor's 17200
court, or clerk, within ten days after the conviction or bail 17201
forfeiture, shall prepare and immediately forward to the bureau of 17202
motor vehicles an abstract, certified by the preparer to be true 17203
and correct, of the court record covering the case in which the 17204
person was convicted or forfeited bail. Every court of record also 17205
shall forward to the bureau of motor vehicles an abstract of the 17206
court record as described in division (C) of this section upon the 17207
conviction of any person of aggravated vehicular homicide or 17208

vehicular homicide or of a felony in the commission of which a 17209
vehicle was used. 17210

(C) Each abstract required by this section shall be made upon 17211
a form approved and furnished by the bureau and shall include the 17212
name and address of the person charged, the number of the person's 17213
driver's or commercial driver's license, probationary driver's 17214
license, or temporary instruction permit, the registration number 17215
of the vehicle involved, the nature of the offense, the date of 17216
the offense, the date of hearing, the plea, the judgment, or 17217
whether bail was forfeited, and the amount of the fine or 17218
forfeiture. 17219

Sec. 4510.031. (A) A United States district court that has 17220
jurisdiction within this state may utilize the provisions of 17221
section 4510.03 of the Revised Code in regard to any case in which 17222
a person is charged with any violation of any provision of 17223
sections 4511.01 to 4511.771 or 4513.01 to 4513.36 of the Revised 17224
Code or of any other law or ordinance regulating the operation of 17225
vehicles, streetcars, and trackless trolleys on highways or 17226
streets located on federal property within this state. The court 17227
also may forward to the bureau an abstract upon the conviction of 17228
any person of aggravated vehicular homicide or vehicular homicide 17229
or of a felony in the commission of which a vehicle was used. 17230

(B) If a United States district court acts under this 17231
section, it shall follow the procedures established in section 17232
4510.03 of the Revised Code. 17233

(C) The bureau of motor vehicles shall accept and process an 17234
abstract received from a United States district court under this 17235
section in the same manner as it accepts and processes an abstract 17236
received from a county court judge, mayor of a mayor's court, or 17237
clerk of a court of record. 17238

Sec. 4510.032. (A) If a person is charged with a violation of section 4511.19 of the Revised Code or a violation of any municipal OVI ordinance; if that charge is dismissed or reduced; if the person is convicted of or forfeits bail in relation to a violation of any other section of the Revised Code or of any ordinance that regulates the operation of vehicles, streetcars, and trackless trolleys on highways and streets but that does not relate to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or to operating a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine; and if the violation of which the person was convicted or in relation to which the person forfeited bail arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced, the abstract prepared under section 4510.03 of the Revised Code also shall set forth the charge that was dismissed or reduced, indicate that it was dismissed or reduced, and indicate that the violation resulting in the conviction or bail forfeiture arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(B) If a charge against a person of a violation of division (A) of section 4510.11, division (A) of section 4510.14, or division (A) of section 4510.16 of the Revised Code or any municipal ordinance that is substantially equivalent to any of those divisions is dismissed or reduced and if the person is convicted of or forfeits bail in relation to a violation of any other section of the Revised Code or any other ordinance that regulates the operation of vehicles, streetcars, and trackless trolleys on highways and streets that arose out of the same facts and circumstances as did the charge that was dismissed or reduced, the abstract also shall set forth the charge that was dismissed or reduced, indicate that it was dismissed or reduced, and indicate

that the violation resulting in the conviction or bail forfeiture 17271
arose out of the same facts and circumstances and the same act as 17272
did the charge that was dismissed or reduced. 17273

(C)(1) If a child has been adjudicated an unruly or 17274
delinquent child or a juvenile traffic offender for having 17275
committed any act that if committed by an adult would be a drug 17276
abuse offense or any violation of division (B) of section 2917.11 17277
or of section 4511.19 of the Revised Code, the court shall notify 17278
the bureau, by means of an abstract of the court record as 17279
described in divisions (B) and (C) of section 4510.03 of the 17280
Revised Code, within ten days after the adjudication. 17281

(2) If a court requires a child to attend a drug abuse or 17282
alcohol abuse education, intervention, or treatment program, the 17283
abstract required by division (C)(1) of this section and forwarded 17284
to the bureau also shall include the name and address of the 17285
operator of the program and the date that the child entered the 17286
program. If the child satisfactorily completes the program, the 17287
court, immediately upon receipt of the information, shall send to 17288
the bureau an updated abstract that also shall contain the date on 17289
which the child satisfactorily completed the program. 17290

Sec. 4510.034. (A) Division (B) of this section applies in 17291
relation to persons who are convicted of or plead guilty to any of 17292
the following: 17293

(1) A violation of division (A) of section 4510.11, division 17294
(A) of section 4510.14, or division (A) of section 4510.16 of the 17295
Revised Code; 17296

(2) A violation of a municipal ordinance substantially 17297
equivalent to any division set forth in division (A)(1) of this 17298
section; 17299

(3) A violation of division (A) of section 4511.19 of the 17300

Revised Code or a violation of section 4511.203 of the Revised Code; 17301
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(4) A violation of a municipal OVI ordinance. 17303

(B) If a person is convicted of or pleads guilty to any violation set forth in division (A) of this section and if division (D) of section 4503.234 of the Revised Code prohibits the registrar of motor vehicles and all deputy registrars from accepting an application for the registration of, or registering, any motor vehicle in the name of that person, the abstract prepared pursuant to section 4510.03, 4510.031, or 4510.032 of the Revised Code shall specifically set forth these facts and clearly indicate the date on which the order of criminal forfeiture was issued or would have been issued but for the operation of section 4503.234 of the Revised Code. If the registrar receives an abstract containing this information relating to a person, the registrar, in accordance with sections 4503.12 and 4503.234 of the Revised Code, shall take all necessary measures to prevent the registrar's office or any deputy registrar from accepting from the person, for the period of time ending five years after the date on which the order was issued or would have been issued and as described in section 4503.234 of the Revised Code, any new application for the registration of any motor vehicle in the name of the person. 17304
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Sec. 4510.035. The purposeful failure or refusal of any person to comply with any provision of section 4510.03, 4510.032, 4510.034, 4510.036, or 4510.037 of the Revised Code constitutes misconduct in office and is a ground for removal of the person from the office. 17324
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Sec. 4510.036. (A) The bureau of motor vehicles shall record within ten days, after receipt, and shall keep at its main office, all abstracts received under this section or section 4510.03, 17329
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4510.031, 4510.032, or 4510.034 of the Revised Code and shall 17332
maintain records of convictions and bond forfeitures for any 17333
violation of a state law or a municipal ordinance regulating the 17334
operation of vehicles, streetcars, and trackless trolleys on 17335
highways and streets, except a violation related to parking a 17336
motor vehicle. 17337

(B) Every court of record or mayor's court before which a 17338
person is charged with a violation for which points are chargeable 17339
by this section shall assess and transcribe to the abstract of 17340
conviction or adjudication report that is furnished by the bureau 17341
to the court the number of points chargeable by this section in 17342
the correct space assigned on the reporting form. A United States 17343
district court that has jurisdiction within this state and before 17344
which a person is charged with a violation for which points are 17345
chargeable by this section may assess and transcribe to the 17346
abstract of conviction report that is furnished by the bureau the 17347
number of points chargeable by this section in the correct space 17348
assigned on the reporting form. If the federal court so assesses 17349
and transcribes the points chargeable for the offense and 17350
furnishes the report to the bureau, the bureau shall record the 17351
points in the same manner as those assessed and transcribed by a 17352
court of record or mayor's court. 17353

(C) A court shall assess the following points for an offense 17354
based on the following formula: 17355

(1) Aggravated vehicular homicide, vehicular homicide, 17356
vehicular manslaughter, aggravated vehicular assault, or vehicular 17357
assault when the offense involves the operation of a vehicle, 17358
streetcar, or trackless trolley on a highway or street 6 17359
points 17360

(2) A violation of section 2921.331 of the Revised Code or 17361
any ordinance prohibiting the willful fleeing or eluding of a law 17362

<u>enforcement officer 6 points</u>	17363
<u>(3) A violation of section 4549.02 or 4549.021 of the Revised Code or any ordinance requiring the driver of a vehicle to stop and disclose identity at the scene of an accident 6 points</u>	17364 17365 17366 17367
<u>(4) A violation of section 4511.251 of the Revised Code or any ordinance prohibiting street racing 6 points</u>	17368 17369
<u>(5) A violation of section 4510.11, 4510.14, or 4510.16 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension 6 points</u>	17370 17371 17372 17373
<u>(6) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine 6 points</u>	17374 17375 17376 17377 17378 17379 17380 17381
<u>(7) A violation of section 2913.03 of the Revised Code that does not involve an aircraft or motorboat or any ordinance prohibiting the operation of a vehicle without the consent of the owner 6 points</u>	17382 17383 17384 17385
<u>(8) Any offense under the motor vehicle laws of this state that a felony, or any other felony in the commission of which a motor vehicle was used 6 points</u>	17386 17387 17388
<u>(9) A violation of division (B) of section 4511.19 of the Revised Code or any ordinance substantially equivalent to that division prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine 4 points</u>	17389 17390 17391 17392 17393

<u>(10) A violation of section 4511.20 of the Revised Code or</u>	17394
<u>any ordinance prohibiting the operation of a motor vehicle in</u>	17395
<u>willful or wanton disregard of the safety of persons or property .</u>	17396
<u>. . . . 4 points</u>	17397
<u>(11) A violation of any law or ordinance pertaining to speed:</u>	17398
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<u>(a) Notwithstanding divisions (C)(11)(b) and (c) of this</u>	17400
<u>section, when the speed exceeds the lawful speed limit by thirty</u>	17401
<u>miles per hour or more 4 points</u>	17402
<u>(b) When the speed exceeds the lawful speed limit of</u>	17403
<u>fifty-five miles per hour or more by more than ten miles per hour</u>	17404
<u>. 2 points</u>	17405
<u>(c) When the speed exceeds the lawful speed limit of less</u>	17406
<u>than fifty-five miles per hour by more than five miles per hour .</u>	17407
<u>. 2 points</u>	17408
<u>(d) When the speed does not exceed the amounts set forth in</u>	17409
<u>divisions (C)(11)(a), (b), or (c) of this section 0</u>	17410
<u>points</u>	17411
<u>(12) Operating a motor vehicle in violation of a restriction</u>	17412
<u>imposed by the registrar 2 points</u>	17413
<u>(13) All other moving violations reported under this section</u>	17414
<u>. 2 points</u>	17415
<u>(D) Upon receiving notification from the proper court,</u>	17416
<u>including a United States district court that has jurisdiction</u>	17417
<u>within this state, the bureau shall delete any points entered for</u>	17418
<u>a bond forfeiture if the driver is acquitted of the offense for</u>	17419
<u>which bond was posted.</u>	17420
<u>(E) If a person is convicted of or forfeits bail for two or</u>	17421
<u>more offenses arising out of the same facts and points are</u>	17422
<u>chargeable for each of the offenses, points shall be charged for</u>	17423

only the conviction or bond forfeiture for which the greater 17424
number of points is chargeable, and, if the number of points 17425
chargeable for each offense is equal, only one offense shall be 17426
recorded, and points shall be charged only for that offense. 17427

Sec. 4510.037. (A) When the registrar of motor vehicles 17428
determines that the total points charged against any person under 17429
section 4510.036 of the Revised Code exceed five, the registrar 17430
shall send a warning letter to the person at the person's last 17431
known address by regular mail. The warning letter shall list the 17432
reported violations that are the basis of the points charged, list 17433
the number of points charged for each violation, and outline the 17434
suspension provisions of this section. 17435

(B) When the registrar determines that the total points 17436
charged against any person under section 4510.036 of the Revised 17437
Code within any two-year period beginning on the date of the first 17438
conviction within the two-year period is equal to twelve or more, 17439
the registrar shall send a written notice to the person at the 17440
person's last known address by regular mail. The notice shall list 17441
the reported violations that are the basis of the points charged, 17442
list the number of points charged for each violation, and state 17443
that, because the total number of points charged against the 17444
person within the applicable two-year period is equal to twelve or 17445
more, the registrar is imposing a class D suspension of the 17446
person's driver's or commercial driver's license or permit or 17447
nonresident operating privileges for the period of time specified 17448
in division (B)(4) of section 4510.02 of the Revised Code. The 17449
notice also shall state that the suspension is effective on the 17450
twentieth day after the mailing of the notice, unless the person 17451
files a petition in the municipal court, county court, or, if the 17452
person is under the age of eighteen, the juvenile division of the 17453
court of common pleas in whose jurisdiction the person resides or, 17454
if the person is not a resident of this state, in the Franklin 17455

county municipal court or juvenile division of the Franklin county 17456
court of common pleas. By filing the appeal, the person agrees to 17457
pay the cost of the appeal proceeding and alleges that the person 17458
can show cause why the person's driver's or commercial driver's 17459
license or permit or nonresident operating privileges should not 17460
be suspended. 17461

(C) Any person against whom more than five but less than 17462
twelve points have been charged under section 4510.036 of the 17463
Revised Code, for the purpose of obtaining a credit of two points 17464
against the total points charged against the person under that 17465
section, may enroll in a course of remedial driving instruction 17466
that is approved by the director of public safety. The person may 17467
enroll only one time in a course of remedial driving instruction 17468
for that purpose. Upon the person's completion of an approved 17469
course of remedial driving instruction, the registrar shall deduct 17470
two points from the total number of points charged against the 17471
person under section 4510.036 of the Revised Code. The registrar 17472
shall not deduct any points for a person who completes an approved 17473
course of remedial driving instruction pursuant to a judge's order 17474
under section 4510.02 of the Revised Code. 17475

(D) When a judge of a court of record suspends a person's 17476
driver's or commercial driver's license or permit or nonresident 17477
operating privilege and charges points against the person under 17478
section 4510.036 of the Revised Code for the offense that resulted 17479
in the suspension, the registrar shall credit that period of 17480
suspension against the time of any subsequent suspension imposed 17481
under this section for which those points were used to impose the 17482
subsequent suspension. When a United States district court that 17483
has jurisdiction within this state suspends a person's driver's or 17484
commercial driver's license or permit or nonresident operating 17485
privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 17486
4381 (1988), 18 U.S.C.A. 13, as amended, the district court 17487

prepares an abstract pursuant to section 4510.031 of the Revised Code, and the district court charges points against the person under section 4510.036 of the Revised Code for the offense that resulted in the suspension, the registrar shall credit the period of suspension imposed by the district court against the time of any subsequent suspension imposed under this section for which the points were used to impose the subsequent suspension. 17488
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(E) The registrar, upon the written request of a licensee who files a petition under division (B) of this section, shall furnish the licensee a certified copy of the registrar's record of the convictions and bond forfeitures of the person. This record shall include the name, address, and date of birth of the licensee; the name of the court in which each conviction or bail forfeiture took place; the nature of the offense that was the basis of the conviction or bond forfeiture; and any other information that the registrar considers necessary. If the record indicates that twelve points or more have been charged against the person within a two-year period, it is prima-facie evidence that the person is a repeat traffic offender, and the registrar shall suspend the person's driver's or commercial driver's license or permit or nonresident operating privilege pursuant to division (B) of this section. 17495
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In hearing the petition and determining whether the person filing the petition has shown cause why the person's driver's or commercial driver's license or permit or nonresident operating privilege should not be suspended, the court shall decide the issue on the record certified by the registrar and any additional relevant, competent, and material evidence that either the registrar or the person whose license is sought to be suspended submits. 17510
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(F) If a petition is filed under division (B) of this section in a county court, the prosecuting attorney of the county in which 17518
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the case is pending shall represent the registrar in the 17520
proceedings, except that, if the petitioner resides in a municipal 17521
corporation within the jurisdiction of the county court, the city 17522
director of law, village solicitor, or other chief legal officer 17523
of the municipal corporation shall represent the registrar in the 17524
proceedings. If a petition is filed under division (B) of this 17525
section in a municipal court, the registrar shall be represented 17526
in the resulting proceedings as provided in section 1901.34 of the 17527
Revised Code. 17528

(G) If the court determines from the evidence submitted that 17529
a person who filed a petition under division (B) of this section 17530
has failed to show cause why the person's driver's or commercial 17531
driver's license or permit or nonresident operating privileges 17532
should not be suspended, the court shall assess the cost of the 17533
appeal proceedings against the person and shall impose the 17534
applicable suspension under this section or suspend all or a 17535
portion of the suspension and impose any conditions of probation 17536
upon the person that the court considers proper. If the court 17537
determines from the evidence submitted that a person who filed a 17538
petition under division (B) of this section has shown cause why 17539
the person's driver's or commercial driver's license or permit or 17540
nonresident operating privileges should not be suspended, the 17541
costs of the appeal proceeding shall be paid out of the county 17542
treasury of the county in which the proceedings were held. 17543

(H) Any person whose driver's or commercial driver's license 17544
or permit or nonresident operating privileges are suspended under 17545
this section is not entitled to apply for or receive a new 17546
driver's or commercial driver's license or permit or to request or 17547
be granted nonresident operating privileges during the effective 17548
period of the suspension. 17549

(I) Upon the termination of any suspension or other penalty 17550
imposed under this section involving the surrender of license or 17551

permit and upon the request of the person whose license or permit was suspended or surrendered, the registrar shall return the license or permit to the person upon determining that the person has complied with all provisions of section 4510.038 of the Revised Code or, if the registrar destroyed the license or permit pursuant to section 4510.52 of the Revised Code, shall reissue the person's license or permit.

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(J) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this division.

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(K) The registrar, in accordance with specific statutory authority, may suspend the privilege of driving a motor vehicle on the public roads and highways of this state that is granted to nonresidents by section 4507.04 of the Revised Code.

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Sec. ~~4507.022~~ 4510.038. Any person whose driver's or commercial driver's license or permit is suspended, or who is ~~put on probation or granted limited or occupational~~ driving privileges, under section ~~4507.021~~ or ~~division (E) of section 4507.16~~ 4510.037, under division (H) of section 4511.19, or under section 4510.07 of the Revised Code for a violation of a municipal ordinance that is substantially equivalent to division (B) of section 4511.19 of the Revised Code, is not eligible to retain the person's license, or to have the person's driving privileges reinstated, until each of the following has occurred:

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(A) The person successfully completes a course of remedial driving instruction approved by the director of public safety,

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~~provided the person commences taking the course after the person's~~ 17583
~~driver's or commercial driver's license or permit is suspended~~ 17584
~~under section 4507.021 or division (E) of section 4507.16 of the~~ 17585
~~Revised Code.~~ A minimum of twenty-five per cent of the number of 17586
hours of instruction included in the course shall be devoted to 17587
instruction on driver attitude. 17588

The course also shall devote a number of hours to instruction 17589
in the area of alcohol and drugs and the operation of ~~motor~~ 17590
vehicles. The instruction shall include, but not be limited to, a 17591
review of the laws governing the operation of a ~~motor~~ vehicle 17592
while under the influence of alcohol, drugs, or ~~both a combination~~ 17593
~~of them~~, the dangers of operating a ~~motor~~ vehicle while under the 17594
influence of alcohol, drugs, or ~~both a combination of them~~, and 17595
other information relating to the operation of ~~motor~~ vehicles and 17596
the consumption of alcoholic beverages and use of drugs. The 17597
director, in consultation with the director of alcohol and drug 17598
addiction services, shall prescribe the content of the 17599
instruction. The number of hours devoted to the area of alcohol 17600
and drugs and the operation of ~~motor~~ vehicles shall comprise a 17601
minimum of twenty-five per cent of the number of hours of 17602
instruction included in the course. 17603

(B) The person is examined in the manner provided for in 17604
section 4507.20 of the Revised Code, and found by the registrar of 17605
motor vehicles to be qualified to operate a motor vehicle; 17606

(C) The person gives and maintains proof of financial 17607
responsibility, in accordance with section 4509.45 of the Revised 17608
Code. 17609

Sec. 4510.04. It is an affirmative defense to any prosecution 17610
brought under any provision of this title, any provision of Title 17611
XXIX of the Revised Code, or any substantially equivalent 17612
municipal ordinance that the alleged offender drove under 17613

suspension, without a valid permit or driver's or commercial 17614
driver's license, or in violation of a restriction because of a 17615
substantial emergency, and because no other person was reasonably 17616
available to drive in response to the emergency. 17617

It is an affirmative defense to any prosecution brought under 17618
section 4510.16 of the Revised Code that the order of suspension 17619
resulted from the failure of the alleged offender to respond to a 17620
financial responsibility random verification request under 17621
division (A)(3)(c) of section 4509.101 of the Revised Code and 17622
that, at the time of the initial financial responsibility random 17623
verification request, the alleged offender was in compliance with 17624
division (A)(1) of section 4509.101 of the Revised Code as shown 17625
by proof of financial responsibility that was in effect at the 17626
time of that request. 17627

Sec. ~~4507.1611~~ 4510.05. Except as ~~may~~ otherwise be provided 17628
in section 4510.07 or in any other provision of the Revised Code, 17629
whenever an offender is convicted of or pleads guilty to a 17630
violation of a municipal ordinance that is substantially similar 17631
to a provision of the Revised Code, and a court is permitted or 17632
required to suspend ~~or revoke~~ a person's driver's or commercial 17633
driver's license or permit for a violation of that provision, a 17634
court, in addition to any other penalties ~~it is~~ authorized by law 17635
~~to impose upon the offender~~, may suspend the offender's driver's 17636
or commercial driver's license or permit or nonresident operating 17637
privileges for the period of time the court determines 17638
appropriate, ~~or may revoke the license or permit~~, but ~~in no case~~ 17639
~~shall~~ the period of suspension imposed for the violation of the 17640
municipal ordinance shall not exceed the period of suspension that 17641
is permitted or required to be imposed for the violation of the 17642
provision of the Revised Code to which the municipal ordinance is 17643
substantially similar. 17644

Sec. ~~4507.1610~~ 4510.06. If a United States district court 17645
whose jurisdiction lies within this state suspends, ~~revokes, or~~ 17646
cancels, ~~or forfeits~~ the driver's or commercial driver's license 17647
~~or~~, permit, or nonresident operating privileges of any person 17648
pursuant to the "Assimilative Crimes Act," 102 Stat. 4381 (1988), 17649
18 U.S.C.A. 13, as amended, that suspension, ~~revocation, or~~ 17650
cancellation, ~~or forfeiture~~ is deemed to ~~operate in the same~~ 17651
~~manner and to~~ have the same effect throughout this state as if it 17652
were imposed under the laws of this state ~~by a judge of a court of~~ 17653
~~record of this state.~~ In ~~such a~~ that type of case, if the United 17654
States district court observes the procedures prescribed by the 17655
Revised Code and utilizes the forms prescribed by the registrar of 17656
motor vehicles, the bureau of motor vehicles shall make the 17657
appropriate notation or record and shall take any other action 17658
that is prescribed or permitted by the Revised Code. 17659

Sec. ~~4507.1613~~ 4510.07. The court imposing a sentence upon an 17660
offender for any violation of a municipal ordinance that is 17661
substantially equivalent to a violation of section 2903.06 or 17662
2907.24 of the Revised Code or for any violation of a municipal 17663
OVI ordinance also shall impose a suspension of the offender's 17664
driver's license, commercial driver's license, temporary 17665
instruction permit, probationary license, or nonresident operating 17666
privilege from the range specified in division (B) of section 17667
4510.02 of the Revised Code that is equivalent in length to the 17668
suspension required for a violation of section 2903.06 or 2907.24 17669
or division (A) or (B) of section 4511.19 of the Revised Code 17670
under similar circumstances. 17671

Sec. 4510.10. (A) As used in this section, "reinstatement 17672
fees" means the fees that are required under section 4507.1612, 17673
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 17674

provision of the Revised Code, or under a schedule established by 17675
the bureau of motor vehicles, in order to reinstate a driver's or 17676
commercial driver's license or permit or nonresident operating 17677
privilege of an offender under a suspension. 17678

(B) When a municipal court or county court determines in a 17679
pending case involving an offender that the offender cannot 17680
reasonably pay reinstatement fees due and owing by the offender 17681
relative to a suspension that has been or that will be imposed in 17682
the case, then the court, by order, may undertake either of the 17683
following, in order of preference: 17684

(1) Establish a reasonable payment plan of not less than 17685
fifty dollars per month, to be paid by the offender to the bureau 17686
of motor vehicles in all succeeding months until all reinstatement 17687
fees required of the offender are paid in full; 17688

(2) If the offender, but for the payment of the reinstatement 17689
fees, otherwise would be entitled to operate a vehicle in this 17690
state or to obtain reinstatement of the offender's operating 17691
privileges, permit the offender to operate a motor vehicle, as 17692
authorized by the court, until a future date upon which date all 17693
reinstatement fees must be paid in full. A payment extension 17694
granted under this division shall not exceed one hundred eighty 17695
days, and any operating privileges granted under this division 17696
shall be solely for the purpose of permitting the offender 17697
occupational or "family necessity" privileges in order to enable 17698
the offender to reasonably acquire the delinquent reinstatement 17699
fees due and owing. 17700

(C) If a municipal court or county court, by order, 17701
undertakes either activity described in division (B)(1) or (2) of 17702
this section, the court, at any time after the issuance of the 17703
order, may determine that a change of circumstances has occurred 17704
and may amend the order as justice requires, provided that the 17705

amended order also shall be an order that is permitted under 17706
division (B)(1) or (2) of this section. 17707

(D) If a court enters an order of the type described in 17708
division (B)(1), (B)(2), or (C) of this section, during the 17709
pendency of the order, the offender in relation to whom it applies 17710
is not subject to prosecution for failing to pay the reinstatement 17711
fees covered by the order. 17712

Sec. 4510.11. (A) No person whose driver's or commercial 17713
driver's license or permit or nonresident operating privilege has 17714
been suspended under any provision of the Revised Code, other than 17715
Chapter 4509. of the Revised Code, or under any applicable law in 17716
any other jurisdiction in which the person's license or permit was 17717
issued shall operate any motor vehicle upon the public roads and 17718
highways or upon any public or private property used by the public 17719
for purposes of vehicular travel or parking within this state 17720
during the period of suspension unless the person is granted 17721
limited driving privileges and is operating the vehicle in 17722
accordance with the terms of the limited driving privileges. 17723

(B) No person shall operate any motor vehicle upon a highway 17724
or any public property used by the public for purposes of 17725
vehicular travel or parking in this state in violation of any 17726
restriction of the person's driver's or commercial driver's 17727
license or permit imposed under division (D) of section 4506.10 or 17728
under section 4507.14 of the Revised Code. 17729

(C)(1) Whoever violates this section is guilty of driving 17730
under suspension or in violation of a license restriction, a 17731
misdemeanor of the first degree. The court shall impose upon the 17732
offender a class seven suspension of the offender's driver's 17733
license, commercial driver's license, temporary instruction 17734
permit, probationary license, or nonresident operating privilege 17735
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from the range specified in division (A)(7) of section 4510.02 of the Revised Code.

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(2) Except as provided in division (C)(3) or (4) of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense and shall order the impoundment of the vehicle's license plates for thirty days.

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(3) If the offender previously has been convicted of or pleaded guilty to one violation of this section or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense and shall order the impoundment of the vehicle's license plates for sixty days.

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(4) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the criminal forfeiture of the vehicle involved in the offense to the state.

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(D) Any order for immobilization and impoundment under this section shall be issued and enforced under section 4503.233 of the Revised Code. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

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(E) Any order of criminal forfeiture under this section shall be issued and enforced under section 4503.234 of the Revised Code.

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Upon receipt of the copy of the order from the court, neither the registrar of motor vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

Sec. 4510.12. (A)(1) No person, except those expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid driver's license issued under Chapter 4507. of the Revised Code or a commercial driver's license issued under Chapter 4506. of the Revised Code.

(2) No person, except a person expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid license as a motorcycle operator that was issued upon application by the registrar of motor vehicles under Chapter 4507. of the Revised Code. The license shall be in the form of an endorsement, as determined by the registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in section 4507.14 of the Revised

Code, if the person does not have a valid license to operate a 17800
motor vehicle or commercial motor vehicle. 17801

(B) Whoever violates this section is guilty of operating a 17802
motor vehicle without a valid license and shall be punished as 17803
follows: 17804

(1) If the offender's driver's or commercial driver's license 17805
or permit was expired at the time of the offense for no more than 17806
six months, subject to divisions (B)(3) to (5) of this section, 17807
the offense is a minor misdemeanor. 17808

(2) If the offender's driver's or commercial driver's license 17809
or permit was expired at the time of the offense for more than six 17810
months, subject to divisions (B)(3) to (5) of this section, the 17811
offense is a misdemeanor of the fourth degree. 17812

(3) If the offender previously was convicted of or pleaded 17813
guilty to one violation of this section or a substantially 17814
equivalent municipal ordinance within the past three years, the 17815
offense is a misdemeanor of the third degree. 17816

(4) If the offender previously was convicted of or pleaded 17817
guilty to two violations of this section or a substantially 17818
equivalent municipal ordinance within the past three years, the 17819
offense is a misdemeanor of the second degree. 17820

(5) If the offender previously was convicted of or pleaded 17821
guilty to three or more violations of this section or a 17822
substantially equivalent municipal ordinance within the past three 17823
years, the offense is a misdemeanor of the first degree. 17824

(C) The court shall not impose a license suspension for a 17825
first violation of this section or if more than three years have 17826
passed since the offender's last violation of this section or a 17827
substantially equivalent municipal ordinance. 17828

(D) If the offender was convicted of or pleaded guilty to one 17829

or more violations of this section or a substantially equivalent municipal ordinance within the past three years, and if the offender's license was expired for more than six months at the time of the offense, the court shall impose a class seven suspension of the offender's driver license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. 17830
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Sec. 4510.13. (A)(1) Divisions (A)(2) to (7) of this section apply to a judge or mayor regarding the suspension of, or the grant of limited driving privileges during, a suspension of an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code, under division (B) or (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance. 17838
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(2) No judge or mayor shall suspend the following portions of the suspension of an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance, provided that division (A)(2) of this section does not limit a court or mayor in crediting any period of suspension imposed pursuant to division (B) or (C) of section 4511.191 of the Revised Code against any time of judicial suspension imposed pursuant to section 4511.19 or 4510.07 of the Revised Code, as described in divisions (B)(2) and (C)(2) of section 4511.191 of the Revised Code: 17847
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(a) The first six months of a suspension imposed under division (G)(1)(a) of section 4511.19 of the Revised Code or of a 17859
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comparable length suspension imposed under section 4510.07 of the Revised Code; 17861
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(b) The first year of a suspension imposed under division (G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code; 17863
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(c) The first three years of a suspension imposed under division (G)(1)(d) or (e) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code; 17867
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(d) The first sixty days of a suspension imposed under division (H) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code. 17871
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(3) No judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) or (H) of section 4511.19 of the Revised Code, under division (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a municipal OVI conviction if the offender, within the preceding six years, has been convicted of or pleaded guilty to three or more violations of one or more of the Revised Code sections, municipal ordinances, statutes of the United States or another state, or municipal ordinances of a municipal corporation of another state that are identified in divisions (G)(2)(b) to (h) of section 2919.22 of the Revised Code. 17875
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Additionally, no judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (B) of section 4511.191 of the Revised 17888
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Code if the offender, within the preceding six years, has refused 17892
three previous requests to consent to a chemical test of the 17893
person's whole blood, blood serum or plasma, breath, or urine to 17894
determine its alcohol content. 17895

(4) No judge or mayor shall grant limited driving privileges 17896
for employment as a driver of commercial motor vehicles to an 17897
offender whose driver's or commercial driver's license or permit 17898
or nonresident operating privilege has been suspended under 17899
division (G) or (H) of section 4511.19 of the Revised Code, under 17900
division (B) or (C) of section 4511.191 of the Revised Code, or 17901
under section 4510.07 of the Revised Code for a municipal OVI 17902
conviction if the offender is disqualified from operating a 17903
commercial motor vehicle, or whose license or permit has been 17904
suspended, under section 3123.58 or 4506.16 of the Revised Code. 17905

(5) No judge or mayor shall grant limited driving privileges 17906
to an offender whose driver's or commercial driver's license or 17907
permit or nonresident operating privilege has been suspended under 17908
division (G) or (H) of section 4511.19 of the Revised Code, under 17909
division (C) of section 4511.191 of the Revised Code, or under 17910
section 4510.07 of the Revised Code for a conviction of a 17911
violation of a municipal OVI ordinance during any of the following 17912
periods of time: 17913

(a) The first fifteen days of a suspension imposed under 17914
division (G)(1)(a) of section 4511.19 of the Revised Code or a 17915
comparable length suspension imposed under section 4510.07 of the 17916
Revised Code, or of a suspension imposed under division (C)(1)(a) 17917
of section 4511.191 of the Revised Code. On or after the sixteenth 17918
day of the suspension, the court may grant limited driving 17919
privileges, but the court may require that the offender shall not 17920
exercise the privileges unless the vehicles the offender operates 17921
are equipped with immobilizing or disabling devices that monitor 17922
the offender's alcohol consumption or any other type of 17923

immobilizing or disabling devices, except as provided in division 17924
(C) of section 4510.43 of the Revised Code. 17925

(b) The first thirty days of a suspension imposed under 17926
division (G)(1)(b) of section 4511.19 of the Revised Code or a 17927
comparable length suspension imposed under section 4510.07 of the 17928
Revised Code, or of a suspension imposed under division (C)(1)(b) 17929
of section 4511.191 of the Revised Code. On or after the 17930
thirty-first day of suspension, the court may grant limited 17931
driving privileges, but the court may require that the offender 17932
shall not exercise the privileges unless the vehicles the offender 17933
operates are equipped with immobilizing or disabling devices that 17934
monitor the offender's alcohol consumption or any other type of 17935
immobilizing or disabling devices, except as provided in division 17936
(C) of section 4510.43 of the Revised Code. 17937

(c) The first sixty days of a suspension imposed under 17938
division (H) of section 4511.19 of the Revised Code or a 17939
comparable length suspension imposed under section 4510.07 of the 17940
Revised Code. 17941

(d) The first one hundred eighty days of a suspension imposed 17942
under division (G)(1)(c) of section 4511.19 of the Revised Code or 17943
a comparable length suspension imposed under section 4510.07 of 17944
the Revised Code, or of a suspension imposed under division 17945
(C)(1)(c) of section 4511.191 of the Revised Code. The judge may 17946
grant limited driving privileges on or after the one hundred 17947
eighty-first day of the suspension only if the judge, at the time 17948
of granting the privileges, also issues an order prohibiting the 17949
offender, while exercising the privileges during the period 17950
commencing with the one hundred eighty-first day of suspension and 17951
ending with the first year of suspension, from operating any motor 17952
vehicle unless it is equipped with an immobilizing or disabling 17953
device that monitors the offender's alcohol consumption. After the 17954
first year of the suspension, the court may authorize the offender 17955

to continue exercising the privileges in vehicles that are not 17956
equipped with immobilizing or disabling devices that monitor the 17957
offender's alcohol consumption, except as provided in division (C) 17958
of section 4510.43 of the Revised Code. If the offender does not 17959
petition for limited driving privileges until after the first year 17960
of suspension, the judge may grant limited driving privileges 17961
without requiring the use of an immobilizing or disabling device 17962
that monitors the offender's alcohol consumption. 17963
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(e) The first three years of a suspension imposed under 17965
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 17966
or a comparable length suspension imposed under section 4510.07 of 17967
the Revised Code, or of a suspension imposed under division 17968
(C)(1)(d) of section 4511.191 of the Revised Code. The judge may 17969
grant limited driving privileges after the first three years of 17970
suspension only if the judge, at the time of granting the 17971
privileges, also issues an order prohibiting the offender from 17972
operating any motor vehicle, for the period of suspension 17973
following the first three years of suspension, unless the motor 17974
vehicle is equipped with an immobilizing or disabling device that 17975
monitors the offender's alcohol consumption, except as provided in 17976
division (C) of section 4510.43 of the Revised Code. 17977

(6) No judge or mayor shall grant limited driving privileges 17978
to an offender whose driver's or commercial driver's license or 17979
permit or nonresident operating privilege has been suspended under 17980
division (B) of section 4511.191 of the Revised Code during any of 17981
the following periods of time: 17982

(a) The first thirty days of suspension imposed under 17983
division (B)(1)(a) of section 4511.191 of the Revised Code; 17984

(b) The first ninety days of suspension imposed under 17985
division (B)(1)(b) of section 4511.191 of the Revised Code; 17986

(c) The first year of suspension imposed under division 17987

<u>(B)(1)(c) of section 4511.191 of the Revised Code;</u>	17988
<u>(d) The first three years of suspension imposed under</u>	17989
<u>division (B)(1)(d) of section 4511.191 of the Revised Code.</u>	17990
<u>(7) In any case in which a judge or mayor grants limited</u>	17991
<u>driving privileges to an offender whose driver's or commercial</u>	17992
<u>driver's license or permit or nonresident operating privilege has</u>	17993
<u>been suspended under division (G) of section 4511.19 of the</u>	17994
<u>Revised Code or under section 4510.07 of the Revised Code for a</u>	17995
<u>municipal OVI conviction, the judge or mayor shall impose as a</u>	17996
<u>condition of the privileges that the offender must display on the</u>	17997
<u>vehicle that is driven subject to the privileges restricted</u>	17998
<u>license plates that are issued under section 4503.231 of the</u>	17999
<u>Revised Code, except as provided in division (B) of that section.</u>	18000
<u>(B) Any person whose driver's or commercial driver's license</u>	18001
<u>or permit or nonresident operating privilege has been suspended</u>	18002
<u>pursuant to section 4511.19 or 4511.191 of the Revised Code or</u>	18003
<u>under section 4510.07 of the Revised Code for a violation of a</u>	18004
<u>municipal OVI ordinance may file a petition for limited driving</u>	18005
<u>privileges during the suspension. The person shall file the</u>	18006
<u>petition in the court that has jurisdiction over the place of</u>	18007
<u>arrest. Subject to division (A) of this section, the court may</u>	18008
<u>grant the person limited driving privileges during the period</u>	18009
<u>during which the suspension otherwise would be imposed. However,</u>	18010
<u>the court shall not grant the privileges for employment as a</u>	18011
<u>driver of a commercial motor vehicle to any person who is</u>	18012
<u>disqualified from operating a commercial motor vehicle under</u>	18013
<u>section 4506.16 of the Revised Code or during any of the periods</u>	18014
<u>prescribed by division (A) of this section.</u>	18015
<u>(C)(1) After a driver's or commercial driver's license or</u>	18016
<u>permit or nonresident operating privilege has been suspended</u>	18017
<u>pursuant to section 2903.06, 2903.08, 2907.24, 2921.331, 4511.19,</u>	18018
<u>4511.251, 4549.02, 4549.021, or 5743.99 of the Revised Code, any</u>	18019

provision of Chapter 2925. of the Revised Code, or section 4510.07 18020
of the Revised Code for a violation of a municipal OVI ordinance, 18021
the judge of the court or mayor of the mayor's court that 18022
suspended the license, permit, or privilege shall cause the 18023
offender to deliver to the court the license or permit. The judge, 18024
mayor, or clerk of the court or mayor's court shall forward to the 18025
registrar the license or permit together with notice of the action 18026
of the court. 18027

(2) A suspension of a commercial driver's license under any 18028
section or chapter identified in division (C)(1) of this section 18029
shall be concurrent with any period of suspension or 18030
disqualification under section 3123.58 or 4506.16 of the Revised 18031
Code. No person who is disqualified for life from holding a 18032
commercial driver's license under section 4506.16 of the Revised 18033
Code shall be issued a driver's license under this chapter during 18034
the period for which the commercial driver's license was suspended 18035
under this section, and no person whose commercial driver's 18036
license is suspended under any section or chapter identified in 18037
division (C)(1) of this section shall be issued a driver's license 18038
under Chapter 4507. of the Revised Code during the period of the 18039
suspension. 18040

(D) The judge of the court or mayor of the mayor's court 18041
shall credit any time during which an offender was subject to an 18042
administrative suspension of the offender's driver's or commercial 18043
driver's license or permit or nonresident operating privilege 18044
imposed pursuant to section 4511.191 or 4511.192 of the Revised 18045
Code or a suspension imposed by a judge, referee, or mayor 18046
pursuant to division (B)(1) or (2) of section 4511.196 of the 18047
Revised Code against the time to be served under a related 18048
suspension imposed pursuant to any section or chapter identified 18049
in division (C)(1) of this chapter. 18050

(E) The judge or mayor shall notify the bureau of motor 18051

vehicles of any determinations made pursuant to this section and 18052
of any suspension imposed pursuant to any section or chapter 18053
identified in division (C)(1) of this section. 18054

(F)(1) If a court issues an immobilizing or disabling device 18055
order under section 4510.43 of the Revised Code, the order shall 18056
authorize the offender during the specified period to operate a 18057
motor vehicle only if it is equipped with an immobilizing or 18058
disabling device, except as provided in division (C) of that 18059
section. The court shall provide the offender with a copy of an 18060
immobilizing or disabling device order issued under section 18061
4510.43 of the Revised Code, and the offender shall use the copy 18062
of the order in lieu of an Ohio driver's or commercial driver's 18063
license or permit until the registrar or a deputy registrar issues 18064
the offender a restricted license. 18065

An order issued under section 4510.43 of the Revised Code 18066
does not authorize or permit the offender to whom it has been 18067
issued to operate a vehicle during any time that the offender's 18068
driver's or commercial driver's license or permit is suspended 18069
under any other provision of law. 18070

(2) An offender may present an immobilizing or disabling 18071
device order to the registrar or to a deputy registrar. Upon 18072
presentation of the order to the registrar or a deputy registrar, 18073
the registrar or deputy registrar shall issue the offender a 18074
restricted license. A restricted license issued under this 18075
division shall be identical to an Ohio driver's license, except 18076
that it shall have printed on its face a statement that the 18077
offender is prohibited during the period specified in the court 18078
order from operating any motor vehicle that is not equipped with 18079
an immobilizing or disabling device. The date of commencement and 18080
the date of termination of the period of suspension shall be 18081
indicated conspicuously upon the face of the license. 18082

Sec. 4510.14. (A) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under section 4511.19, 4511.191, or 4511.196 of the Revised Code or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance shall operate any motor vehicle upon the public roads or highways within this state during the period of the suspension.

(B) Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under Chapter 2929. of the Revised Code, subject to the differences authorized or required by this section.

(1) Except as otherwise provided in division (B)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to division (C) of this section, the court instead imposes a sentence of not less than thirty consecutive days of electronically monitored house arrest. A period of electronically monitored house arrest imposed under this division shall not exceed six months.

(b) A fine of not less than two hundred fifty and not more than one thousand dollars;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization for thirty days of the offender's vehicle and impoundment for thirty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.

(2) If, within six years of the offense, the offender 18113
previously has been convicted of or pleaded guilty to one 18114
violation of this section or one equivalent offense, driving under 18115
OVI suspension is a misdemeanor of the first degree. The court 18116
shall sentence the offender to all of the following: 18117

(a) A mandatory jail term of ten consecutive days. 18118
Notwithstanding the terms of imprisonment provided in Chapter 18119
2929. of the Revised Code, the court may sentence the offender to 18120
a longer jail term of not more than one year. The ten-day 18121
mandatory jail term shall be imposed unless, subject to division 18122
(C) of this section, the court instead imposes a sentence of not 18123
less than ninety consecutive days of electronically monitored 18124
house arrest. The period of electronically monitored house arrest 18125
shall not exceed one year. 18126

(b) Notwithstanding the fines provided for in Chapter 2929. 18127
of the Revised Code, a fine of not less than five hundred and not 18128
more than two thousand five hundred dollars; 18129

(c) A license suspension under division (E) of this section; 18130

(d) If the vehicle the offender was operating at the time of 18131
the offense is registered in the offender's name, immobilization 18132
of the offender's vehicle for sixty days and the impoundment for 18133
sixty days of the identification license plates of that vehicle. 18134
The order for immobilization and impoundment shall be issued and 18135
enforced in accordance with section 4503.233 of the Revised Code. 18136

(3) If, within six years of the offense, the offender 18137
previously has been convicted of or pleaded guilty to two or more 18138
violations of this section or two or more equivalent offenses, 18139
driving under OVI suspension is a misdemeanor. The court shall 18140
sentence the offender to all of the following: 18141

(a) A mandatory jail term of thirty consecutive days. 18142
Notwithstanding the terms of imprisonment provided in Chapter 18143

2929. of the Revised Code, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of electronically monitored house arrest in lieu of the mandatory portion of the jail term.

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(b) Notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than five hundred and not more than two thousand five hundred dollars;

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(c) A license suspension under division (E) of this section;

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(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, criminal forfeiture to the state of the offender's vehicle. The order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Revised Code. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, 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 so imposed shall be distributed in accordance with division (C)(2) of section 4503.234 of the Revised Code.

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(C) No court shall impose an alternative sentence of electronically monitored house arrest under division (B)(1) or (2) of this section unless, within sixty days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing.

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An offender sentenced under this section to a period of electronically monitored house arrest shall be permitted work

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release during that period. 18175

(D) Fifty per cent of any fine imposed by a court under 18176
division (B)(1), (2), or (3) of this section shall be deposited 18177
into the county indigent drivers alcohol treatment fund or 18178
municipal indigent drivers alcohol treatment fund under the 18179
control of that court, as created by the county or municipal 18180
corporation pursuant to division (H) of section 4511.191 of the 18181
Revised Code. 18182

(E) In addition to or independent of all other penalties 18183
provided by law or ordinance, the trial judge of any court of 18184
record or the mayor of a mayor's court shall impose on an offender 18185
who is convicted of or pleads guilty to a violation of this 18186
section a class seven suspension of the offender's driver's or 18187
commercial driver's license or permit or nonresident operating 18188
privilege from the range specified in division (A)(7) of section 18189
4510.02 of the Revised Code. 18190

When permitted as specified in section 4510.021 of the 18191
Revised Code, if the court grants limited driving privileges 18192
during a suspension imposed under this section, the privileges 18193
shall be granted on the additional condition that the offender 18194
must display restricted license plates, issued under section 18195
4503.231 of the Revised Code, on the vehicle driven subject to the 18196
privileges, except as provided in division (B) of that section. 18197

A suspension of a commercial driver's license under this 18198
section shall be concurrent with any period of suspension or 18199
disqualification under section 3123.58 or 4506.16 of the Revised 18200
Code. No person who is disqualified for life from holding a 18201
commercial driver's license under section 4506.16 of the Revised 18202
Code shall be issued a driver's license under Chapter 4507. of the 18203
Revised Code during the period for which the commercial driver's 18204
license was suspended under this section, and no person whose 18205
commercial driver's license is suspended under this section shall 18206

be issued a driver's license under Chapter 4507. of the Revised 18207
Code during the period of the suspension. 18208

(F) As used in this section: 18209

(1) "Electronically monitored house arrest" has the same 18210
meaning as in section 2929.23 of the Revised Code. 18211

(2) "Equivalent offense" means any of the following: 18212

(a) A violation of a municipal ordinance, law of another 18213
state, or law of the United States that is substantially 18214
equivalent to division (A) of this section; 18215

(b) A violation of a former law of this state that was 18216
substantially equivalent to division (A) of this section. 18217

(3) "Jail" has the same meaning as in section 2929.01 of the 18218
Revised Code. 18219

(4) "Mandatory jail term" means the mandatory term in jail of 18220
three, ten, or thirty consecutive days that must be imposed under 18221
division (B)(1), (2), or (3) of this section upon an offender 18222
convicted of a violation of division (A) of this section and in 18223
relation to which all of the following apply: 18224

(a) Except as specifically authorized under this section, the 18225
term must be served in a jail. 18226

(b) Except as specifically authorized under this section, the 18227
term cannot be suspended, reduced, or otherwise modified pursuant 18228
to section 2929.51, 2951.02, or any other provision of the Revised 18229
Code. 18230

Sec. ~~4507.34~~ 4510.15. Whenever a person is found guilty of 18231
reckless operation of a motor vehicle under the laws of this state 18232
or under any ordinance of any political subdivision of this state, 18233
~~of operating a motor vehicle in violation of such laws or~~ 18234
~~ordinances, relating to reckless operation,~~ the trial court of any 18235

court of record ~~may~~, in addition to or independent of all other 18236
penalties provided by law, ~~suspend for any period of time or~~ 18237
~~revoke the~~ may impose a class five suspension of the offender's 18238
driver's license or commercial driver's license ~~of any person so~~ 18239
~~convicted or pleading guilty to such offenses for any period that~~ 18240
~~it determines, not to exceed one year or permit or nonresident~~ 18241
operating privilege from the range specified in division (A)(5) of 18242
section 4510.02 of the Revised Code. 18243

Suspension of a commercial driver's license under this 18244
section shall be concurrent with any period of suspension 18245
disqualification under section ~~3123.611~~ 3123.58 or 4506.16 of the 18246
Revised Code ~~or period of suspension under section 3123.58 of the~~ 18247
~~Revised Code.~~ No person who is disqualified for life from holding 18248
a commercial driver's license under section 4506.16 of the Revised 18249
Code shall be issued a driver's license under ~~this chapter~~ Chapter 18250
4507. of the Revised Code during the period for which the 18251
commercial driver's license was suspended under this section, and 18252
no person whose commercial driver's license is suspended under 18253
this section shall be issued a driver's license under ~~this chapter~~ 18254
Chapter 4507. of the Revised Code during the period of the 18255
suspension. 18256

Sec. 4510.16. (A) No person, whose driver's or commercial 18257
driver's license or temporary instruction permit or nonresident's 18258
operating privilege has been suspended or canceled pursuant to 18259
Chapter 4509. of the Revised Code, shall operate any motor vehicle 18260
within this state, or knowingly permit any motor vehicle owned by 18261
the person to be operated by another person in the state, during 18262
the period of the suspension or cancellation, except as 18263
specifically authorized by Chapter 4509. of the Revised Code. No 18264
person shall operate a motor vehicle within this state, or 18265
knowingly permit any motor vehicle owned by the person to be 18266

operated by another person in the state, during the period in 18267
which the person is required by section 4509.45 of the Revised 18268
Code to file and maintain proof of financial responsibility for a 18269
violation of section 4509.101 of the Revised Code, unless proof of 18270
financial responsibility is maintained with respect to that 18271
vehicle. 18272

(B)(1) Whoever violates this section is guilty of driving 18273
under financial responsibility law suspension or cancellation, a 18274
misdemeanor of the first degree. The registrar of motor vehicles 18275
shall impose a class E suspension of the offender's driver's or 18276
commercial driver's license or permit or nonresident operating 18277
privilege for the period of time specified in division (B)(5) of 18278
section 4510.02 of the Revised Code. 18279

(2) If the offender previously has not been convicted of or 18280
pleaded guilty to a violation of this section or a substantially 18281
similar municipal ordinance and if the vehicle is registered in 18282
the offender's name, the court, in addition to or independent of 18283
any other sentence that it imposes upon the offender, shall order 18284
the immobilization for thirty days of the vehicle involved in the 18285
offense and the impoundment for thirty days of the license plates 18286
of that vehicle. 18287

(3) If the offender previously has been convicted of or 18288
pleaded guilty to one violation of this section or a substantially 18289
similar municipal ordinance and if the vehicle is registered in 18290
the offender's name, the court, in addition to or independent of 18291
any other sentence that it imposes upon the offender, shall order 18292
the immobilization for sixty days of the vehicle involved in the 18293
offense and impoundment for sixty days of the license plates of 18294
that vehicle. 18295

(4) If the offender previously has been convicted of or 18296
pleaded guilty to two or more violations of this section or a 18297

substantially similar municipal ordinance and if the vehicle is 18298
registered in the offender's name, the court in addition to or 18299
independent of any other sentence that it imposes upon the 18300
offender, shall order the criminal forfeiture to the state of the 18301
vehicle involved in the offense. 18302

(C) Any order for immobilization and impoundment under this 18303
section shall be issued and enforced in accordance with sections 18304
4503.233 and 4507.02 of the Revised Code, as applicable. Any order 18305
of criminal forfeiture shall be issued and enforced in accordance 18306
with section 4503.234 of the Revised Code. The court shall not 18307
release a vehicle from immobilization orders under this section 18308
unless the court is presented with current proof of financial 18309
responsibility with respect to that vehicle. 18310

Sec. ~~4507.361~~ 4510.161. (A) The requirements and sanctions 18311
imposed by divisions (B) and (C) of this section are an adjunct to 18312
and derive from the state's exclusive authority over the 18313
registration and titling of motor vehicles and do not comprise a 18314
part of the criminal sentence to be imposed upon a person who 18315
violates a municipal ordinance that is substantially equivalent to 18316
section 4510.14 or to division ~~(B)(1) or (D)(2)(A)~~ of section 18317
4507.02 4510.16 of the Revised Code. 18318

(B) If a person is convicted of or pleads guilty to a 18319
municipal ordinance that is substantially equivalent to division 18320
~~(B)(1)(A)~~ of section ~~4507.02~~ 4510.16 of the Revised Code, the 18321
court, in addition to and independent of any sentence that it 18322
imposes upon the offender for the offense, ~~regardless of whether~~ 18323
if the vehicle the offender was operating at the time of the 18324
offense is registered in his ~~the offender's~~ name or in the name of 18325
another person, and subject to section ~~4503.235~~ of the Revised 18326
Code, shall do whichever of the following is applicable: 18327

(1) If, within five years of the current offense, the 18328

offender has not been convicted of or pleaded guilty to a 18329
violation of division (A) of section 4510.16 or former division 18330
(B)(1) of section 4507.02 of the Revised Code or a municipal 18331
ordinance that is substantially equivalent to ~~that~~ either 18332
division, the court shall order the immobilization for thirty days 18333
of the vehicle the offender was operating at the time of the 18334
offense and the impoundment for thirty days of the identification 18335
license plates of that vehicle. 18336

(2) If, within five years of the current offense, the 18337
offender has been convicted of or pleaded guilty to one violation 18338
of division (A) of section 4510.16 or former division (B)(1) of 18339
section 4507.02 of the Revised Code or a municipal ordinance that 18340
is substantially equivalent to ~~that~~ either division, the court 18341
shall order the immobilization for sixty days of the vehicle the 18342
offender was operating at the time of the offense and the 18343
impoundment for sixty days of the identification license plates of 18344
that vehicle. 18345

(3) If, within five years of the current offense, the 18346
offender has been convicted of or pleaded guilty to two or more 18347
violations of division (A) of section 4510.16 or former division 18348
(B)(1) of section 4507.02 of the Revised Code or a municipal 18349
ordinance that is substantially equivalent to ~~that~~ either 18350
division, the court shall order the criminal forfeiture to the 18351
state of the vehicle the offender was operating at the time of the 18352
offense. The order of criminal forfeiture shall be issued and 18353
enforced in accordance with section 4503.234 of the Revised Code. 18354

(C) If a person is convicted of or pleads guilty to a 18355
municipal ordinance that is substantially equivalent to ~~division~~ 18356
~~(D)(2)~~ of section ~~4507.02~~ 4510.14 of the Revised Code, the court, 18357
in addition to and independent of any sentence that it imposes 18358
upon the offender for the offense, ~~regardless of whether~~ if the 18359
vehicle the offender was operating at the time of the offense is 18360

registered in ~~his~~ the offender's name ~~or in the name of another~~ 18361
~~person, and subject to section 4503.235 of the Revised Code, shall~~ 18362
do whichever of the following is applicable: 18363

(1) If, within five years of the current offense, the 18364
offender has not been convicted of or pleaded guilty to a 18365
violation of section 4510.14 or former division (D)(2) of section 18366
4507.02 of the Revised Code or a municipal ordinance that is 18367
substantially equivalent to that section or former division, the 18368
court shall order the immobilization for thirty days of the 18369
vehicle the offender was operating at the time of the offense and 18370
the impoundment for thirty days of the identification license 18371
plates of that vehicle. 18372

(2) If, within five years of the current offense, the 18373
offender has been convicted of or pleaded guilty to one violation 18374
of section 4510.14 or former division (D)(2) of section 4507.02 of 18375
the Revised Code or a municipal ordinance that is substantially 18376
equivalent to that section or former division, the court shall 18377
order the immobilization for sixty days of the vehicle the 18378
offender was operating at the time of the offense and the 18379
impoundment for sixty days of the identification license plates of 18380
that vehicle. 18381

(3) If, within five years of the current offense, the 18382
offender has been convicted of or pleaded guilty to two or more 18383
violations of section 4510.14 or former division (D)(2) of section 18384
4507.02 of the Revised Code or a municipal ordinance that is 18385
substantially equivalent to that section or former division, the 18386
court shall order the criminal forfeiture to the state of the 18387
vehicle the offender was operating at the time of the offense. 18388

(D) An order of criminal forfeiture issued pursuant to this 18389
section shall be issued and enforced in accordance with section 18390
4503.234 of the Revised Code. An order for the immobilization and 18391
impoundment of a vehicle that issued pursuant to this section 18392

shall be issued and enforced in accordance with section 4503.233 18393
of the Revised Code. 18394

Sec. ~~4507.169~~ 4510.17. (A) The registrar of motor vehicles 18395
shall ~~suspend for the period of time specified in this division~~ 18396
~~the driver's or commercial driver's license or permit of, or deny~~ 18397
~~for such period of time the issuance of a driver's or commercial~~ 18398
~~driver's license or permit to, impose a class D suspension of the~~ 18399
~~person's driver's license, commercial driver's license, temporary~~ 18400
~~instruction permit, probationary license, or nonresident operating~~ 18401
~~privilege for the period of time specified in division (B)(4) of~~ 18402
~~section 4510.02 of the Revised Code on~~ any person who is a 18403
resident of this state and is convicted of or pleads guilty to a 18404
violation of a statute of any other state or any federal statute 18405
that is substantially similar to section 2925.02, 2925.03, 18406
2925.04, 2925.05, 2925.06, 2925.07, 2925.11, 2925.12, 2925.13, 18407
2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 18408
of the Revised Code. Upon receipt of a report from a court, court 18409
clerk, or other official of any other state or from any federal 18410
authority that a resident of this state was convicted of or 18411
pleaded guilty to an offense described in this division, the 18412
registrar shall send a notice by regular first class mail to the 18413
person, at the person's last known address as shown in the records 18414
of the bureau of motor vehicles, informing the person of the 18415
suspension ~~or denial~~, that the suspension ~~or denial~~ will take 18416
effect twenty-one days from the date of the notice, and that, if 18417
the person wishes to appeal the suspension ~~or denial~~, the person 18418
must file a notice of appeal within twenty-one days of the date of 18419
the notice requesting a hearing on the matter. If the person 18420
requests a hearing, the registrar shall hold the hearing not more 18421
than forty days after receipt by the registrar of the notice of 18422
appeal. The filing of a notice of appeal does not stay the 18423
operation of the suspension ~~or denial~~ that must be imposed 18424

pursuant to this division. The scope of the hearing shall be 18425
limited to whether the person actually was convicted of or pleaded 18426
guilty to the offense for which the suspension ~~or denial~~ is to be 18427
imposed. 18428

The ~~period of suspension or denial~~ the registrar is required 18429
to impose under this division shall end either on the last day of 18430
~~any period of~~ the class D suspension period or of the suspension 18431
of the person's nonresident operating privilege imposed by the 18432
state or federal court ~~located in the other state, or the date six~~ 18433
~~months and twenty-one days from the date of the notice sent by the~~ 18434
~~registrar to the person under this division, whichever is earlier.~~ 18435

The registrar shall subscribe to or otherwise participate in 18436
any information system or register, or enter into reciprocal and 18437
mutual agreements with other states and federal authorities, in 18438
order to facilitate the exchange of information with other states 18439
and the United States government regarding persons who plead 18440
guilty to or are convicted of offenses described in this division 18441
and therefore are subject to the suspension or denial described in 18442
this division. 18443

(B) The registrar shall ~~suspend for the period of time~~ 18444
~~specified in this division the driver's or commercial driver's~~ 18445
~~license or permit of, or deny for such period of time the issuance~~ 18446
~~of a driver's or commercial driver's license or permit to, impose~~ 18447
a class D suspension of the person's driver's license, commercial 18448
driver's license, temporary instruction permit, probationary 18449
license, or nonresident operating privilege for the period of time 18450
specified in division (B)(4) of section 4510.02 of the Revised 18451
Code on any person who is a resident of this state and is 18452
convicted of or pleads guilty to a violation of a statute of any 18453
other state or a municipal ordinance of a municipal corporation 18454
located in any other state that is substantially similar to 18455
section 4511.19 of the Revised Code. Upon receipt of a report from 18456

another state made pursuant to section ~~4507.60~~ 4510.61 of the 18457
Revised Code indicating that a resident of this state was 18458
convicted of or pleaded guilty to an offense described in this 18459
division, the registrar shall send a notice by regular first class 18460
mail to the person, at the person's last known address as shown in 18461
the records of the bureau of motor vehicles, informing the person 18462
of the suspension ~~or denial~~, that the suspension ~~or denial~~ will 18463
take effect twenty-one days from the date of the notice, and that, 18464
if the person wishes to appeal the suspension ~~or denial~~, the 18465
person must file a notice of appeal within twenty-one days of the 18466
date of the notice requesting a hearing on the matter. If the 18467
person requests a hearing, the registrar shall hold the hearing 18468
not more than forty days after receipt by the registrar of the 18469
notice of appeal. The filing of a notice of appeal does not stay 18470
the operation of the suspension ~~or denial~~ that must be imposed 18471
pursuant to this division. The scope of the hearing shall be 18472
limited to whether the person actually was convicted of or pleaded 18473
guilty to the offense for which the suspension ~~or denial~~ is to be 18474
imposed. 18475

The ~~period of suspension or denial~~ the registrar is required 18476
to impose under this division shall end either on the last day of 18477
~~any period of~~ the class D suspension period or of the suspension 18478
of the person's nonresident operating privilege imposed by the 18479
state or federal court ~~located in the other state, or the date six~~ 18480
~~months and twenty one days from the date of the notice sent by the~~ 18481
~~registrar to the person under this division, whichever is earlier.~~ 18482

(C) The registrar shall ~~suspend for the period of time~~ 18483
~~specified in this division the driver's or commercial driver's~~ 18484
~~license or permit of, or deny for such period of time the issuance~~ 18485
~~of a driver's or commercial driver's license or permit to, impose~~ 18486
a class D suspension of the child's driver's license, commercial 18487
driver's license, temporary instruction permit, or nonresident 18488

operating privilege for the period of time specified in division 18489
(B)(4) of section 4510.02 of the Revised Code on any child who is 18490
a resident of this state and is convicted of or pleads guilty to a 18491
violation of a statute of any other state or any federal statute 18492
that is substantially similar to section 2925.02, 2925.03, 18493
2925.04, 2925.05, 2925.06, 2925.07, 2925.11, 2925.12, 2925.13, 18494
2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 18495
of the Revised Code. Upon receipt of a report from a court, court 18496
clerk, or other official of any other state or from any federal 18497
authority that a child who is a resident of this state was 18498
convicted of or pleaded guilty to an offense described in this 18499
division, the registrar shall send a notice by regular first class 18500
mail to the child, at the child's last known address as shown in 18501
the records of the bureau of motor vehicles, informing the child 18502
of the suspension ~~or denial~~, that the suspension ~~or denial~~ will 18503
take effect twenty-one days from the date of the notice, and that, 18504
if the child wishes to appeal the suspension ~~or denial~~, the child 18505
must file a notice of appeal within twenty-one days of the date of 18506
the notice requesting a hearing on the matter. If the child 18507
requests a hearing, the registrar shall hold the hearing not more 18508
than forty days after receipt by the registrar of the notice of 18509
appeal. The filing of a notice of appeal does not stay the 18510
operation of the suspension ~~or denial~~ that must be imposed 18511
pursuant to this division. The scope of the hearing shall be 18512
limited to whether the child actually was convicted of or pleaded 18513
guilty to the offense for which the suspension ~~or denial~~ is to be 18514
imposed. 18515

The ~~period of~~ suspension the registrar is required to impose 18516
under this division shall end either on the last day of ~~any period~~ 18517
~~of the class D suspension period or of the~~ suspension of the 18518
child's nonresident operating privilege imposed by the state or 18519
federal court ~~located in the other state, or the date six months~~ 18520
~~and twenty-one days from the date of the notice sent by the~~ 18521

~~registrar to the child under this division, whichever is earlier.~~ 18522
If the child is a resident of this state who is sixteen years of 18523
age or older and does not have a current, valid Ohio driver's or 18524
commercial driver's license or permit, the notice shall inform the 18525
child that the child will be denied issuance of a driver's or 18526
commercial driver's license or permit for six months beginning on 18527
the date of the notice. If the child has not attained the age of 18528
sixteen years on the date of the notice, the notice shall inform 18529
the child that the period of denial of six months shall commence 18530
on the date the child attains the age of sixteen years. 18531

The registrar shall subscribe to or otherwise participate in 18532
any information system or register, or enter into reciprocal and 18533
mutual agreements with other states and federal authorities, in 18534
order to facilitate the exchange of information with other states 18535
and the United States government regarding children who are 18536
residents of this state and plead guilty to or are convicted of 18537
offenses described in this division and therefore are subject to 18538
the suspension or denial described in this division. 18539

(D) The registrar shall ~~suspend for the period of time~~ 18540
~~specified in this division the driver's or commercial driver's~~ 18541
~~license or permit of, or deny for such period of time the issuance~~ 18542
~~of a driver's or commercial driver's license or permit to, impose~~ 18543
a class D suspension of the child's driver's license, commercial 18544
driver's license, temporary instruction permit, probationary 18545
license, or nonresident operating privilege for the period of time 18546
specified in division (B)(4) of section 4510.02 of the Revised 18547
Code on any child who is a resident of this state and is convicted 18548
of or pleads guilty to a violation of a statute of any other state 18549
or a municipal ordinance of a municipal corporation located in any 18550
other state that is substantially similar to section 4511.19 of 18551
the Revised Code. Upon receipt of a report from another state made 18552
pursuant to section ~~4507.60~~ 4510.61 of the Revised Code indicating 18553

that a child who is a resident of this state was convicted of or 18554
pleaded guilty to an offense described in this division, the 18555
registrar shall send a notice by regular first class mail to the 18556
child, at the child's last known address as shown in the records 18557
of the bureau of motor vehicles, informing the child of the 18558
suspension ~~or denial~~, that the suspension ~~or denial~~ will take 18559
effect twenty-one days from the date of the notice, and that, if 18560
the child wishes to appeal the suspension ~~or denial~~, the child 18561
must file a notice of appeal within twenty-one days of the date of 18562
the notice requesting a hearing on the matter. If the child 18563
requests a hearing, the registrar shall hold the hearing not more 18564
than forty days after receipt by the registrar of the notice of 18565
appeal. The filing of a notice of appeal does not stay the 18566
operation of the suspension ~~or denial~~ that must be imposed 18567
pursuant to this division. The scope of the hearing shall be 18568
limited to whether the child actually was convicted of or pleaded 18569
guilty to the offense for which the suspension ~~or denial~~ is to be 18570
imposed. 18571

The ~~period of~~ suspension the registrar is required to impose 18572
under this division shall end either on the last day of ~~any period~~ 18573
of the class D suspension period or of the suspension of the 18574
child's nonresident operating privilege imposed by the state or 18575
federal court ~~located in the other state, or the date six months~~ 18576
~~and twenty-one days from the date of the notice sent by the~~ 18577
~~registrar to the child under this division~~, whichever is earlier. 18578
If the child is a resident of this state who is sixteen years of 18579
age or older and does not have a current, valid Ohio driver's or 18580
commercial driver's license or permit, the notice shall inform the 18581
child that the child will be denied issuance of a driver's or 18582
commercial driver's license or permit for six months beginning on 18583
the date of the notice. If the child has not attained the age of 18584
sixteen years on the date of the notice, the notice shall inform 18585
the child that the period of denial of six months shall commence 18586

on the date the child attains the age of sixteen years. 18587

(E) Any person whose license or permit has been suspended 18588
pursuant to division (B) or (D) of this section may file a 18589
petition in the municipal or county court, or in case the person 18590
is under eighteen years of age, the juvenile court, in whose 18591
jurisdiction the person resides, agreeing to pay the cost of the 18592
proceedings and alleging that the suspension would seriously 18593
affect the person's ability to continue the person's employment. 18594
Upon satisfactory proof that there is reasonable cause to believe 18595
that the suspension would seriously affect the person's ability to 18596
continue the person's employment, the judge may grant the person 18597
~~occupational~~ limited driving privileges during the period during 18598
which the suspension otherwise would be imposed, except that the 18599
judge shall not grant ~~occupational~~ limited driving privileges for 18600
employment as a driver of a commercial motor vehicle to any person 18601
who would be disqualified from operating a commercial motor 18602
vehicle under section 4506.16 of the Revised Code if the violation 18603
had occurred in this state, or during any of the following periods 18604
of time: 18605

(1) The first fifteen days of the suspension, if the person 18606
has not been convicted within ~~five~~ six years of the date of the 18607
offense giving rise to the suspension under this section of a 18608
violation of any of the following: 18609

(a) Section 4511.19 of the Revised Code, of a municipal 18610
ordinance relating to operating a vehicle while under the 18611
influence of alcohol, a drug of abuse, or alcohol and a drug of 18612
abuse; 18613

(b) A municipal ordinance relating to operating a motor 18614
vehicle with a prohibited concentration of alcohol in the blood, 18615
breath, or urine; 18616

(c) Section 2903.04 of the Revised Code in a case in which 18617
the person was subject to the sanctions described in division (D) 18618

of that section; 18619

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 18620
section 2903.08 of the Revised Code or a municipal ordinance that 18621
is substantially similar to either of those divisions; 18622

(e) Division (A)(2), (3), or (4) of section 2903.06, division 18623
(A)(2) of section 2903.08, or ~~former~~ section 2903.07 of the 18624
Revised Code as it existed prior to March 23, 2000, or a municipal 18625
ordinance that is substantially similar to any of those divisions 18626
or that former section, in a case in which the jury or judge found 18627
that the person was under the influence of alcohol, a drug of 18628
abuse, or alcohol and a drug of abuse. 18629

(2) The first thirty days of the suspension, if the person 18630
has been convicted one time within ~~five~~ six years of the date of 18631
the offense giving rise to the suspension under this section of 18632
any violation identified in division (E)(1) of this section. 18633

(3) The first one hundred eighty days of the suspension, if 18634
the person has been convicted two times within ~~five~~ six years of 18635
the date of the offense giving rise to the suspension under this 18636
section of any violation identified in division (E)(1) of this 18637
section. 18638

(4) No ~~occupational~~ limited driving privileges may be granted 18639
if the person has been convicted three or more times within ~~five~~ 18640
six years of the date of the offense giving rise to the suspension 18641
under this section of any violation identified in division (E)(1) 18642
of this section. 18643

If a person petitions for ~~occupational~~ limited driving 18644
privileges under division (E) of this section, the registrar shall 18645
be represented by the county prosecutor of the county in which the 18646
person resides if the petition is filed in a juvenile court or 18647
county court, except that if the person resides within a city or 18648
village that is located within the jurisdiction of the county in 18649

which the petition is filed, the city director of law or village 18650
solicitor of that city or village shall represent the registrar. 18651
If the petition is filed in a municipal court, the registrar shall 18652
be represented as provided in section 1901.34 of the Revised Code. 18653

In granting ~~occupational~~ limited driving privileges under 18654
division (E) of this section, the court may impose any condition 18655
it considers reasonable and necessary to limit the use of a 18656
vehicle by the person. The court shall deliver to the person a 18657
permit card, in a form to be prescribed by the court, setting 18658
forth the time, place, and other conditions limiting the person's 18659
use of a motor vehicle. The grant of ~~occupational~~ limited driving 18660
privileges shall be conditioned upon the person's having the 18661
permit in the person's possession at all times during which the 18662
person is operating a vehicle. 18663

A person granted ~~occupational~~ limited driving privileges who 18664
operates a vehicle for other than ~~occupational~~ the authorized 18665
purposes, in violation of any condition imposed by the court or 18666
without having the permit in the person's possession, is guilty of 18667
a violation of ~~division (D)(1) of section 4507.02~~ 4510.11 of the 18668
Revised Code. 18669

(F) As used in divisions (C) and (D) of this section: 18670

(1) "Child" means a person who is under the age of eighteen 18671
years, except that any person who violates a statute or ordinance 18672
described in division (C) or (D) of this section prior to 18673
attaining eighteen years of age shall be deemed a "child" 18674
irrespective of the person's age at the time the complaint or 18675
other equivalent document is filed in the other state or a 18676
hearing, trial, or other proceeding is held in the other state on 18677
the complaint or other equivalent document, and irrespective of 18678
the person's age when the period of license suspension or denial 18679
prescribed in division (C) or (D) of this section is imposed. 18680

(2) "Is convicted of or pleads guilty to" means, as it 18681

relates to a child who is a resident of this state, that in a proceeding conducted in a state or federal court located in another state for a violation of a statute or ordinance described in division (C) or (D) of this section, the result of the proceeding is any of the following:

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

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

(c) Under the laws that govern the proceedings of the court, irrespective of the terminology utilized in those laws, the result of the court's proceedings is the functional equivalent of division (F)(2)(a) or (b) of this section.

Sec. 4510.21. (A) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the bureau of motor vehicles, or another provision of the Revised Code.

(B) Whoever violates this section is guilty of failure to reinstate a license, a misdemeanor of the first degree. No court shall impose a suspension for a violation of this section.

~~Sec. 4507.168~~ 4510.22. (A) If a person who has a current valid Ohio driver's ~~or~~ commercial driver's license, or temporary

instruction permit is charged with a violation of any provision in 18712
sections 4511.01 to 4511.76, ~~section 4511.84, any provision in~~ 18713
~~sections 4513.01 to 4513.65, or any provision in sections~~ 4549.01 18714
to 4549.65 of the Revised Code that is classified as a misdemeanor 18715
of the first, second, third, or fourth degree or with a violation 18716
of any substantially equivalent municipal ordinance ~~that is~~ 18717
~~substantially comparable to any provision of any of these sections~~ 18718
and if the person either fails to appear in court at the required 18719
time and place to answer the charge or pleads guilty to or is 18720
found guilty of the violation and fails within the time allowed by 18721
the court to pay the fine imposed by the court, the court shall 18722
declare the ~~forfeiture~~ suspension of the person's license. Thirty 18723
days after the declaration ~~of forfeiture~~, the court shall inform 18724
the registrar of motor vehicles of the ~~forfeiture~~ declaration by 18725
entering information relative to the ~~forfeiture~~ declaration on a 18726
form approved and furnished by the registrar and sending the form 18727
to the registrar. The court also shall forward the person's 18728
license, if it is in the possession of the court, to the 18729
registrar. ~~The~~ 18730

The registrar shall ~~suspend~~ impose a class F suspension of 18731
the person's driver's or commercial driver's license, or temporary 18732
instruction permit for the period of time specified in division 18733
(B)(6) of section 4510.02 of the Revised Code on any person who is 18734
named in a declaration received by the registrar under this 18735
section. The registrar shall send written notification of the 18736
suspension to the person ~~of the suspension~~ at the person's last 18737
known address, and, if the person is in possession of the license, 18738
order the person to surrender the person's ~~driver's or commercial~~ 18739
~~driver's~~ license or permit to the registrar within forty-eight 18740
hours. ~~No~~ 18741

No valid driver's or commercial driver's license shall be 18742
granted to the person after the suspension, unless the court 18743

having jurisdiction of the offense that led to the suspension 18744
orders that the ~~forfeiture~~ suspension be terminated. The court 18745
shall ~~so~~ order the termination of the suspension if the person, 18746
~~after having failed to appear in court at the required time and~~ 18747
~~place to answer the charge or after having pleaded guilty to or~~ 18748
~~been found guilty of the violation and having failed within the~~ 18749
~~time allowed by the court to pay the fine imposed by the court,~~ 18750
thereafter appears to answer the charge and pays any fine imposed 18751
by the court or pays the fine originally imposed by the court. The 18752
court shall inform the registrar of the termination of the 18753
~~forfeiture~~ suspension by entering information relative to the 18754
termination on a form approved and furnished by the registrar and 18755
sending the form to the registrar. The ~~court also shall charge and~~ 18756
~~collect from the person~~ shall pay to the bureau of motor vehicles 18757
a fifteen-dollar processing fee to cover the costs of the bureau 18758
~~of motor vehicles~~ in administering this section. The ~~clerk of the~~ 18759
~~court shall transmit monthly all such processing fees to the~~ 18760
registrar ~~for~~ shall deposit the fee into the state bureau of motor 18761
vehicles fund created by section 4501.25 of the Revised Code. 18762

(B) In addition to suspending the driver's or commercial 18764
driver's license or permit of the person named in a declaration of 18765
~~forfeiture~~ suspension, the registrar, upon receipt from the court 18766
of the copy of the declaration of ~~forfeiture~~ suspension, shall 18767
take any measures that may be necessary to ensure that neither the 18768
registrar nor any deputy registrar accepts any application for the 18769
registration or transfer of registration of any motor vehicle 18770
owned or leased by the person named in the declaration ~~of~~ 18771
~~forfeiture~~. However, for a motor vehicle leased by a person named 18772
in a declaration ~~of forfeiture~~, the registrar shall not implement 18773
the preceding sentence until the registrar adopts procedures for 18774
that implementation under section 4503.39 of the Revised Code. The 18775
period of denial of registration or transfer shall continue until 18776

such time as the court having jurisdiction of the offense that led 18777
to the suspension of ~~the person's driver's or commercial driver's~~ 18778
~~license~~ orders the ~~forfeiture~~ suspension to be terminated. Upon 18779
receipt by the registrar of an order terminating the ~~forfeiture~~ 18780
suspension, the registrar also shall take any measures that may be 18781
necessary to permit the person to register a motor vehicle owned 18782
or leased by the person or to transfer the registration of such a 18783
motor vehicle, if the person later makes application to take such 18784
action and otherwise is eligible to register the motor vehicle or 18785
to transfer its registration. 18786

The registrar shall not be required to give effect to any 18787
declaration of ~~forfeiture~~ suspension or order terminating a 18788
~~forfeiture~~ suspension provided by a court under this section 18789
unless the information contained in the declaration or order is 18790
transmitted to the registrar by means of an electronic transfer 18791
system. 18792

~~(C) The period of license suspension imposed pursuant to~~ 18793
~~division (A) of this section is independent of any other period of~~ 18794
~~license suspension that the court having jurisdiction over the~~ 18795
~~offense may impose, and the period of license suspension imposed~~ 18796
~~pursuant to that division and the period of denial relating to the~~ 18797
~~issuance or transfer of a certificate of registration for a motor~~ 18798
~~vehicle imposed pursuant to this division (B) of this section~~ 18799
remains in effect until the person pays any fine imposed by the 18800
court relative to the offense. 18801

Sec. ~~4507.161~~ 4510.23. When any person having a driver's or 18802
commercial driver's license is adjudicated incompetent for the 18803
purpose of holding the license, as provided in section 5122.301 of 18804
the Revised Code, the probate judge shall order the license of 18805
~~such~~ the person delivered to the court. The court shall forward 18806
~~such~~ the license with notice of ~~such~~ the adjudication to the 18807
registrar of motor vehicles. The registrar ~~of motor vehicles~~ shall 18808

~~suspend such license~~ impose a class F suspension of the person's 18809
driver's or commercial driver's license for the period of time 18810
specified in division (B)(6) of section 4510.02 of the Revised 18811
Code. The suspension shall remain in effect until receipt of 18812
written notice by the head of the hospital, or other agency which 18813
has or had custody of such person, that such person's mental 18814
illness is not an impairment to such person's ability to operate a 18815
motor vehicle, or upon receipt of notice from the adjudicating 18816
court that such person has been restored to competency by court 18817
decree. 18818

Sec. ~~4507.162~~ 4510.31. (A)(1) Except as provided in division 18819
(C) of this section, the registrar of motor vehicles shall suspend 18820
the probationary driver's license, restricted license, or 18821
temporary instruction permit issued to any person when the person 18822
has been convicted of, pleaded guilty to, or been adjudicated in 18823
juvenile court of having committed, prior to the person's 18824
eighteenth birthday, any of the following: 18825

~~(1)~~(a) Three separate violations of section 2903.06, 2903.08, 18826
2921.331, 4511.12, 4511.13, 4511.15, 4511.191, ~~4511.192~~, 4511.20, 18827
4511.201, 4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 18828
4511.57 to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 18829
Revised Code, section 4510.14 of the Revised Code involving a 18830
suspension imposed under section 4511.191 or 4511.196 of the 18831
Revised Code, section 2903.04 of the Revised Code in a case in 18832
which the person would have been subject to the sanctions 18833
described in division (D) of that section had the person been 18834
convicted of the violation of that section, former section 2903.07 18835
of the Revised Code, or any municipal ordinances similarly 18836
relating to the offenses referred to in those sections; 18837

~~(2)~~(b) One violation of section 4511.19 of the Revised Code 18838
or a substantially similar municipal ordinance; 18839

~~(3)(c)~~ Two separate violations of any of the Revised Code sections referred to in division (A)(1)(a) of this section, or any municipal ordinance that is substantially similar to any of those sections. 18840
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(2) Any person whose license or permit is suspended under division (A)(1)(a), ~~(2)(b)~~, or ~~(3)(c)~~ of this section shall mail or deliver the person's probationary driver's license, restricted license, or temporary instruction permit to the registrar within fourteen days of notification of the suspension. The registrar shall retain the license or permit during the period of the suspension. A suspension pursuant to division (A)(1)(a) of this section shall ~~remain in effect until one year has elapsed since the date of suspension of the probationary driver's license, restricted license, or temporary instruction permit~~ be a class C suspension, a suspension pursuant to division (A)~~(2)(1)(b)~~ of this section shall ~~remain in effect until six months have elapsed since the date of the suspension~~ be a class D suspension, and a suspension pursuant to division (A)~~(3)(1)(c)~~ of this section shall ~~remain in effect until ninety days have elapsed since the date of the suspension~~ be a class E suspension, all for the periods of time specified in division (B) of section 4510.02 of the Revised Code. If the person's probationary driver's license, restricted license, or temporary instruction permit is under suspension on the date the court imposes sentence upon the person for a violation described in division (A)~~(2)(1)(b)~~ of this section, the suspension shall take effect on the next day immediately following the end of that period of suspension. If the person is sixteen years of age or older and pleads guilty to or is convicted of a violation described in division (A)~~(2)(1)(b)~~ of this section and the person does not have a current, valid probationary driver's license, restricted license, or temporary instruction permit, the registrar shall deny the issuance to the person of a probationary 18844
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driver's license, restricted license, driver's license, commercial 18872
driver's license, or temporary instruction permit, as the case may 18873
be, for six months beginning on the date the court imposes 18874
sentence upon the person for the violation. If the person has not 18875
attained the age of sixteen years on the date the court imposes 18876
sentence upon the person for the violation, the period of denial 18877
shall commence on the date the person attains the age of sixteen 18878
years. 18879

(B) The registrar also shall ~~suspend~~ impose a class D 18880
suspension for the period of time specified in division (B)(4) of 18881
section 4510.02 of the Revised Code of the temporary instruction 18882
permit or probationary driver's license of any person under the 18883
age of eighteen who has been adjudicated an unruly child, 18884
delinquent child, or a juvenile traffic offender for having 18885
committed any act that if committed by an adult would be a drug 18886
abuse offense ~~as defined in section 2925.01 of the Revised Code,~~ 18887
or a violation of division (B) of section 2917.11 of the Revised 18888
Code ~~until the person reaches the age of eighteen years or~~ 18889
~~attends.~~ The registrar, in the registrar's discretion, may 18890
terminate the suspension if the child, at the discretion of the 18891
court, attends and satisfactorily completes a drug abuse or 18892
alcohol abuse education, intervention, or treatment program 18893
specified by the court. Any person whose temporary instruction 18894
permit or probationary driver's license is suspended under this 18895
division shall mail or deliver the person's permit or license to 18896
the registrar within fourteen days of notification of the 18897
suspension. The registrar shall retain the permit or license 18898
during the period of the suspension. 18899

(C)(1) ~~A person is not entitled to request, and a court shall~~ 18900
~~not grant to the person, occupational driving privileges under~~ 18901
~~division (C) of this section if a person is convicted of, pleads~~ 18902
~~guilty to, or is adjudicated in juvenile court of having committed~~ 18903

~~a third violation of section 4511.12, 4511.13, 4511.15, 4511.20 to 18904
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 18905
4511.75 of the Revised Code or any similar municipal ordinances, 18906
and the person, within the preceding seven years, has been 18907
convicted of, pleaded guilty to, or adjudicated in juvenile court 18908
of having committed three or more violations of one or more of the 18909
following: 18910~~

~~(a) Division (A) or (B) of section 4511.19 of the Revised 18911
Code; 18912~~

~~(b) A municipal ordinance relating to operating a vehicle 18913
while under the influence of alcohol, a drug of abuse, or alcohol 18914
and a drug of abuse; 18915~~

~~(c) A municipal ordinance relating to operating a vehicle 18916
with a prohibited concentration of alcohol in the blood, breath, 18917
or urine; 18918~~

~~(d) Section 2903.04 of the Revised Code in a case in which 18919
the person was subject to the sanctions described in division (D) 18920
of that section; 18921~~

~~(e) Division (A)(1) of section 2903.06 or division (A)(1) of 18922
section 2903.08 of the Revised Code or a municipal ordinance that 18923
is substantially similar to either of those divisions; 18924~~

~~(f) Division (A)(2), (3), or (4) of section 2903.06, division 18925
(A)(2) of section 2903.08, or former section 2903.07 of the 18926
Revised Code, or a municipal ordinance that is substantially 18927
similar to any of those divisions or that former section, in a 18928
case in which the jury or judge found that the person was under 18929
the influence of alcohol, a drug of abuse, or alcohol and a drug 18930
of abuse. 18931~~

~~(2) Except as provided in division (C)(3) of this 18932
section, for any other person who is not described in division 18933
(C)(1) of this section and who is convicted of, pleads guilty to, 18934~~

or is adjudicated in juvenile court of having committed a second 18935
or third violation of section 4511.12, 4511.13, 4511.15, 4511.20 18936
to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 18937
4511.75 of the Revised Code or any similar municipal ordinances 18938
and whose license or permit is suspended under division (A)(1)(a) 18939
or (c) of this section, the court in which the second or third 18940
conviction, finding, plea, or adjudication resulting in the 18941
suspension was made, upon petition of the person, may grant the 18942
person ~~occupational~~ limited driving privileges during the period 18943
during which the suspension otherwise would be imposed under 18944
division (A)(1)(a) or (c) of this section if the court finds ~~that~~ 18945
~~the person will reach the person's eighteenth birthday before the~~ 18946
~~period of suspension required to be imposed under division (A)(1)~~ 18947
~~of this section expires and further finds~~ reasonable cause to 18948
believe that the suspension, ~~if continued beyond the person's~~ 18949
~~eighteenth birthday~~, will seriously affect the person's ability to 18950
continue in employment, educational training, vocational training, 18951
or treatment. ~~The occupational driving privileges granted under~~ 18952
~~this division shall be effective on the person's eighteenth~~ 18953
~~birthday and during the period following such birthday for which~~ 18954
~~the suspension otherwise would be imposed.~~ In granting 18955
~~occupational~~ the limited driving privileges, the court shall 18956
specify the purposes, times, and places ~~at which the person may~~ 18957
~~drive~~ of the privileges and may impose any other conditions upon 18958
the person's ~~use of~~ driving a motor vehicle that the court 18959
considers reasonable and necessary. 18960

A court that grants ~~occupational~~ limited driving privileges 18961
to a person under this division shall retain the person's 18962
probationary driver's license, restricted license, or temporary 18963
instruction permit during the period the license or permit is 18964
suspended and also during the period for which ~~occupational~~ 18965
limited driving privileges are granted, and shall deliver to the 18966
person a permit card, in a form to be prescribed by the court, 18967

setting forth the date on which the ~~occupational~~ limited driving 18968
privileges will become effective, the purposes for which the 18969
person may drive, the times and places at which the person may 18970
drive, and any other conditions imposed upon the person's use of a 18971
motor vehicle. 18972

The court immediately shall notify the registrar, in writing, 18973
of a grant of ~~occupational~~ limited driving privileges under this 18974
division. The notification shall specify the date on which the 18975
~~occupational~~ limited driving privileges will become effective, the 18976
purposes for which the person may drive, the times and places at 18977
which the person may drive, and any other conditions imposed upon 18978
the person's use of a motor vehicle. The registrar shall not 18979
suspend the probationary driver's license, restricted license, or 18980
temporary instruction permit of any person pursuant to division 18981
(A) of this section during any period for which the person has 18982
been granted ~~occupational~~ limited driving privileges as provided 18983
in this division, if the registrar has received the notification 18984
described in this division from the court. 18985

(2) Except as provided in division (C)(3) of this section, in 18986
any case in which the temporary instruction permit or probationary 18987
driver's license of a person under eighteen years of age has been 18988
suspended under division (A) or (B) of this section or any other 18989
provision of law, the court may grant the person limited driving 18990
privileges for the purpose of the person's practicing of driving 18991
with the person's parent, guardian, or other custodian during the 18992
period of the suspension. Any grant of limited driving privileges 18993
under this division shall comply with division (D) of section 18994
4510.021 of the Revised Code. 18995

(3) A court shall not grant limited driving privileges to a 18996
person identified in division (C)(1) or (2) of this section if the 18997
person, within the preceding six years, has been convicted of, 18998
pleaded guilty to, or adjudicated in juvenile court of having 18999

committed three or more violations of one or more of the divisions 19000
or sections set forth in divisions (G)(2)(b) to (h) of section 19001
2919.22 of the Revised Code. 19002

(D) If a person who has been granted ~~occupational~~ limited 19003
driving privileges under division (C) of this section is convicted 19004
of, pleads guilty to, or is adjudicated in juvenile court of 19005
having committed, a violation of ~~section 4507.02~~ Chapter 4510. of 19006
the Revised Code, or a ~~fourth~~ or subsequent violation of any of 19007
the ~~other~~ sections of the Revised Code listed in division 19008
(A)(1)(a) of this section or any similar municipal ordinance 19009
during the period for which the person was granted ~~occupational~~ 19010
limited driving privileges, the court that granted the 19011
~~occupational~~ limited driving privileges shall ~~revoke them and~~ 19012
~~cancel~~ suspend the person's permit card. The court or the clerk of 19013
the court immediately shall forward the person's probationary 19014
driver's license, restricted license, or temporary instruction 19015
permit together with written notification of the court's action to 19016
the registrar. Upon receipt of the license or permit and 19017
notification, the registrar shall ~~suspend~~ impose a class C 19018
suspension of the person's probationary driver's license, 19019
restricted license, or temporary instruction permit for ~~a~~ the 19020
period of ~~one year~~ time specified in division (B)(3) of section 19021
4510.02 of the Revised Code. The registrar shall retain the 19022
license or permit during the period of suspension, and no further 19023
~~occupational~~ limited driving privileges shall be granted during 19024
that period. 19025

(E) No application for a driver's or commercial driver's 19026
license shall be received from any person whose probationary 19027
driver's license, restricted license, or temporary instruction 19028
permit has been suspended under this section until each of the 19029
following has occurred: 19030

(1) The suspension period has expired; 19031

(2) A temporary instruction permit or commercial driver's license temporary instruction permit has been issued; 19032
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(3) The person successfully completes a juvenile driver improvement program approved by the registrar under ~~division (F) of this section 4510.311 of the Revised Code;~~ 19034
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(4) The applicant has submitted to the examination for a driver's license as provided for in section 4507.11 or a commercial driver's license as provided in Chapter 4506. of the Revised Code. 19037
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~~(F) The registrar shall establish standards for juvenile driver improvement programs and shall approve any such programs that meet the established standards. The standards established by the registrar shall require a minimum of five hours of classroom instruction, with at least three hours devoted to driver skill requirements and two hours devoted to juvenile driver information related to the driving records of drivers under the age of eighteen, driver perceptions, and the value of the traffic laws. The standards also shall require a person whose probationary driver's license was suspended under this section to undertake and pass, as successful completion of an approved juvenile driver improvement program, the driver's license examination that a person who holds a temporary instruction permit is required to undertake and pass in order to be issued a probationary driver's license. The person shall pay the applicable fee that is required to accompany an application for a driver's license as prescribed in division (E) of section 4507.23 of the Revised Code. The registrar shall prescribe the requirements for the curriculum to be provided as well as other program directives. Only those programs approved by the registrar shall be acceptable for reinstatement of the driving privileges of a person whose probationary driver's license was suspended under this section.~~ 19041
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Sec. 4510.311. The registrar of motor vehicles shall 19063
establish standards for juvenile driver improvement programs and 19064
shall approve any programs that meet the established standards. 19065
The standards established by the registrar shall require a minimum 19066
of five hours of classroom instruction, with at least three hours 19067
devoted to driver skill requirements and two hours devoted to 19068
juvenile driver information related to the driving records of 19069
drivers under eighteen years of age, driver perceptions, and the 19070
value of the traffic laws. The standards also shall require a 19071
person whose probationary driver's license was suspended under 19072
section 4510.31 of the Revised Code to undertake and pass, as 19073
successful completion of an approved juvenile driver improvement 19074
program, the driver's license examination that a person who holds 19075
a temporary instruction permit is required to undertake and pass 19076
in order to be issued a probationary driver's license. The person 19077
shall pay the applicable fee that is required to accompany an 19078
application for a driver's license as prescribed in division (E) 19079
of section 4507.23 of the Revised Code. The registrar shall 19080
prescribe the requirements for the curriculum to be provided as 19081
well as other program directives. Only those programs approved by 19082
the registrar shall be acceptable for reinstatement of the driving 19083
privileges of a person whose probationary driver's license was 19084
suspended under section 4510.31 of the Revised Code. 19085

~~Sec. 4507.061~~ 4510.32. (A) The registrar of motor vehicles 19086
shall record within ten days of receipt and keep at the main 19087
office of the bureau of motor vehicles all information provided to 19088
the registrar by the superintendent of a school district in 19089
accordance with division (B) of section 3321.13 of the Revised 19090
Code. 19091

(B) Whenever the registrar receives a notice under division 19092
(B) of section 3321.13 of the Revised Code, the registrar shall 19093

~~suspend~~ impose a class F suspension of the temporary instruction 19094
permit or driver's license of the person who is the subject of the 19095
notice for the period of time specified in division (B)(6) of 19096
section 4510.02 of the Revised Code, or, if the person has not 19097
been issued ~~such~~ a temporary instruction permit or driver's 19098
license, the registrar shall deny to the person the issuance of a 19099
~~temporary instruction~~ permit or ~~driver's~~ license. The requirements 19100
of the second paragraph of section 119.06 of the Revised Code do 19101
not apply to a suspension of a person's temporary instruction 19102
permit or driver's license or a denial of a person's opportunity 19103
to obtain a temporary instruction permit or driver's license by 19104
the registrar under this division. 19105

(C) Upon suspending the temporary instruction permit or 19106
driver's license of any person or denying any person the 19107
opportunity to be issued such a license or permit as provided in 19108
division (B) of this section, the registrar immediately shall 19109
notify the person in writing of the suspension or denial and 19110
inform the person that the person may petition for a hearing as 19111
provided in division (E) of this section. 19112

(D) Any person whose permit or license is suspended under 19113
this section shall mail or deliver the person's permit or license 19114
to the registrar of motor vehicles within twenty days of 19115
notification of the suspension; however, the person's permit or 19116
license and the person's driving privileges shall be suspended 19117
immediately upon receipt of the notification. The registrar may 19118
retain the permit or license during the period of the suspension 19119
or the registrar may destroy it under section ~~4507.54~~ 4510.52 of 19120
the Revised Code. ~~Any such suspension of a person's permit or~~ 19121
~~license or denial of a person's opportunity to obtain a permit or~~ 19122
~~license under this section shall remain in effect until the person~~ 19123
~~attains eighteen years of age or until it is terminated prior to~~ 19124
~~the child's attainment of that age pursuant to division (F) of~~ 19125

~~this section.~~ 19126

(E) Any person whose temporary instruction permit or driver's license has been suspended, or whose opportunity to obtain such a permit or license has been denied pursuant to this section, may file a petition in the juvenile court in whose jurisdiction the person resides alleging error in the action taken by the registrar ~~of motor vehicles~~ under division (B) of this section or alleging one or more of the matters within the scope of the hearing, as described in this division, or both. The petitioner shall notify the registrar and the superintendent of the school district who gave the notice to the registrar and juvenile judge under division (B) of section 3321.13 of the Revised Code of the filing of the petition and send them copies of the petition. The scope of the hearing is limited to the issues of whether the notice given by the superintendent to the registrar was in error and whether the suspension or denial of driving privileges will result in substantial hardship to the petitioner.

The registrar shall furnish the court a copy of the record created in accordance with division (A) of this section. The registrar and the superintendent shall furnish the court with any other relevant information required by the court.

In hearing the matter and determining whether the petitioner has shown that the petitioner's temporary instruction permit or driver's license should not be suspended or that the petitioner's opportunity to obtain such a permit or license should not be denied, the court shall decide the issue upon the information furnished by the registrar and the superintendent and any such additional evidence that the registrar, the superintendent, or the petitioner submits.

If the court finds from the evidence submitted that the petitioner has failed to show error in the action taken by the registrar under division (B) of this section and has failed to

prove any of the matters within the scope of the hearing, then the court may assess the cost of the proceeding against the petitioner and shall uphold the suspension of the petitioner's permit or license or the denial of the petitioner's opportunity to obtain a permit or license. If the court finds that the petitioner has shown error in the action taken by the registrar under division (B) of this section or has proved one or more of the matters within the scope of the hearing, or both, the cost of the proceeding shall be paid out of the county treasury of the county in which the proceedings were held, and the suspension of the petitioner's permit or license or the denial of the person's opportunity to obtain a permit or license shall be terminated.

(F) The registrar shall cancel the record created under this section of any person who is the subject of a notice given under division (B) of section 3321.13 of the Revised Code and shall terminate the suspension of the person's permit or license or the denial of the person's opportunity to obtain a permit or license, if any of the following applies:

(1) The person is at least eighteen years of age.

(2) The person provides evidence, as the registrar shall require by rule, of receipt of a high school diploma or a general educational development certificate of high school equivalence.

(3) The superintendent of a school district informs the registrar that the notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion concerning the person was in error.

(4) The suspension or denial was imposed subsequent to a notification given under division (B)(3) or (4) of section 3321.13 of the Revised Code, and the superintendent of a school district informs the registrar that the person in question has satisfied any terms or conditions established by the school as necessary to

terminate the suspension or denial of driving privileges. 19189

(5) The suspension or denial was imposed subsequent to a 19190
notification given under division (B)(1) of section 3321.13 of the 19191
Revised Code, and the superintendent of a school district informs 19192
the registrar that the person in question is now attending school 19193
or enrolled in and attending an approved program to obtain a 19194
diploma or its equivalent to the satisfaction of the school 19195
superintendent. 19196

(6) The suspension or denial was imposed subsequent to a 19197
notification given under division (B)(2) of section 3321.13 of the 19198
Revised Code, the person has completed at least one semester or 19199
term of school after the one in which the notification was given, 19200
the person requests the superintendent of the school district to 19201
notify the registrar that the person no longer is habitually 19202
absent without legitimate excuse, the superintendent determines 19203
that the person has not been absent from school without legitimate 19204
excuse in the current semester or term, as determined under that 19205
division, for more than ten consecutive school days or for more 19206
than fifteen total school days, and the superintendent informs the 19207
registrar of that fact. If a person described in division (F)(6) 19208
of this section requests the superintendent of the school district 19209
to notify the registrar that the person no longer is habitually 19210
absent without legitimate excuse and the superintendent makes the 19211
determination described in this division, the superintendent shall 19212
provide the information described in division (F)(6) of this 19213
section to the registrar within five days after receiving the 19214
request. 19215

(7) The suspension or denial was imposed subsequent to a 19216
notification given under division (B)(2) of section 3321.13 of the 19217
Revised Code, and the superintendent of a school district informs 19218
the registrar that the person in question has received an age and 19219
schooling certificate in accordance with section 3331.01 of the 19220

Revised Code.

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(8) The person filed a petition in court under division (E) of this section and the court found that the person showed error in the action taken by the registrar under division (B) of this section or proved one or more of the matters within the scope of the hearing on the petition, as set forth in division (E) of this section, or both.

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At the end of the suspension period under this section and upon the request of the person whose temporary instruction permit or driver's license was suspended, the registrar shall return the driver's license or permit to the person or reissue the person's license or permit under section ~~4507.54~~ 4510.52 of the Revised Code, if the registrar destroyed the suspended license or permit under that section.

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Sec. ~~4507.163~~ 4510.33. (A) ~~Any~~ No person of insufficient age to purchase intoxicating liquor or beer ~~who~~, contrary to division (A) or (C) of section 4507.30 of the Revised Code, ~~displays~~ shall display as proof that the person is of sufficient age to purchase intoxicating liquor or beer, a driver's or commercial driver's license, knowing the same to be fictitious, altered, or not the person's own, ~~shall thereby forfeit the driving privileges authorized by.~~ The registrar of motor vehicles shall impose a class C suspension of the person's own driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit and be denied the issuance or reissuance of any such license or permit by the registrar of motor vehicles for one year beginning with the date on which notification of such forfeiture and denial is mailed to the person by the registrar for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code upon the offender

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and shall not issue or reissue a license or permit of that type to 19252
the offender during the suspension period. 19253

(B) In any prosecution, or in any proceeding before the 19254
liquor control commission, in which the defense authorized by 19255
section 4301.639 of the Revised Code is sustained, the clerk of 19256
the court in which the prosecution was had, or the clerk of the 19257
liquor control commission, shall certify to the registrar the 19258
facts ascertainable from the clerk's records evidencing violation 19259
of division (A) or (C) of section 4507.30 of the Revised Code by a 19260
person of insufficient age to purchase intoxicating liquor or 19261
beer, including in the certification the person's name and 19262
residence address. 19263

(C) The registrar, upon receipt of the certification, shall 19264
suspend the person's license or permit to drive subject to review 19265
as provided in this section, and shall mail to the person, at the 19266
person's last known address, a notice of the suspension and of the 19267
hearing provided in division (D) of this section. 19268

(D) Any person whose license or permit to drive has been 19269
suspended under this section, within twenty days of the mailing of 19270
the notice provided above, may file a petition in the municipal 19271
court or county court, or in case the person is under the age of 19272
eighteen years, in the juvenile court, in whose jurisdiction the 19273
person resides, agreeing to pay the cost of the proceedings, and 19274
alleging error by the registrar in the suspension of the license 19275
or permit to drive, or in one or more of the matters within the 19276
scope of the hearing as provided in this section, or both. The 19277
petitioner shall notify the registrar of the filing of the 19278
petition and send the registrar a copy thereof. The scope of the 19279
hearing shall be limited to whether a court of record did in fact 19280
find that the petitioner displayed, or, if the original 19281
proceedings were before the liquor control commission, whether the 19282
petitioner did in fact display, as proof that the person was of 19283

sufficient age to purchase intoxicating liquor or beer, a driver's
or commercial driver's license knowing the same to be fictitious,
altered, or not the person's own, and whether the person was at
that time of insufficient age legally to make a purchase of
intoxicating liquor or beer.

(E) In any hearing authorized by this section, the registrar
shall be represented by the prosecuting attorney of the county
where the petitioner resides.

(F) If the court finds from the evidence submitted that the
person has failed to show error in the action by the registrar or
in one or more of the matters within the scope of the hearing as
limited in division (D) of this section, or both, the court shall
assess the cost of the proceeding against the person and shall
impose the suspension provided in divisions (A) and (C) of this
section. If the court finds that the person has shown error in the
action taken by the registrar, or in one or more of the matters
within the scope of the hearing as limited in division (B) of this
section, or both, the cost of the proceeding shall be paid out of
the county treasury of the county in which the proceedings were
held, and the suspension provided in divisions (A) and (C) of this
section shall not be imposed. The court shall inform the registrar
in writing of the action taken.

Sec. ~~4507.167~~ 4510.34 (A) The registrar of motor vehicles
shall ~~revoke~~ impose a class F suspension for the period of time
specified in division (B)(6) of section 4510.02 of the Revised
Code of the probationary motorized bicycle license issued to any
person when the person has been ~~convicted of, pleaded no contest~~
~~to and been found guilty of, or pleaded guilty to, in any court of~~
~~competent jurisdiction,~~ or has been adjudicated in juvenile court
of having committed, a violation of division (A) or (D) of section
4511.521 of the Revised Code, or of any other section of the

Revised Code or similar municipal ordinance for which points are chargeable under section ~~4507.02~~ 4510.036 of the Revised Code.

(B) Any person whose license is ~~revoked~~ suspended under this section shall mail or deliver ~~his~~ the probationary motorized bicycle license to the registrar within fourteen days of notification of ~~such revocation~~ the suspension. The registrar shall retain ~~such~~ the license during the period of ~~revocation~~ suspension. ~~Any such revocation shall remain in effect until the person reaches sixteen years of age.~~

(C) No application for a motorized bicycle license or probationary motorized bicycle license shall be received from any person whose probationary motorized bicycle license has been ~~revoked~~ suspended under this section until the person reaches sixteen years of age.

Sec. ~~4507.38~~ 4510.41. (A) As used in this section:

(1) "Arrested person" means a person who is arrested for a violation of ~~division (B)(1) or (D)(2) of section 4507.02 or section 4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those ~~Revised Code provisions~~ sections, and whose arrest results in a vehicle being seized under division (B) of this section.

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

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

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

being the owner of the vehicle at the time the vehicle was seized 19345
under division (B) of this section. 19346

(3) "Interested party" includes the owner of a vehicle seized 19347
under this section, all lienholders ~~of such a vehicle~~, the 19348
arrested person, the owner of the place of storage at which a 19349
vehicle seized under this section is stored, and the person or 19350
entity that caused the vehicle to be removed. 19351

(B)(1) If a person is arrested for a violation of ~~division~~ 19352
~~(B)(1) or (D)(2) of section 4507.02 or section 4507.33~~ 4510.14, 19353
4510.16, or 4511.203 of the Revised Code, or a municipal ordinance 19354
that is substantially equivalent to any of those ~~Revised Code~~ 19355
~~provisions~~ sections, the arresting officer or another officer of 19356
the law enforcement agency that employs the arresting officer, in 19357
addition to any action that the arresting officer is required or 19358
authorized to take by any other provision of law, shall seize the 19359
vehicle that the person was operating at the time of, or that was 19360
involved in, the alleged offense if the vehicle is registered in 19361
the arrested person's name and its license plates. ~~Except as~~ 19362
~~otherwise provided in this division, the officer shall seize the~~ 19363
~~vehicle and its license plates regardless of whether the vehicle~~ 19364
~~is registered in the name of the arrested person or in the name of~~ 19365
~~another person or entity. This section does not apply to or affect~~ 19366
~~any rented or leased vehicle that is being rented or leased for a~~ 19367
~~period of thirty days or less, except that a~~ A law enforcement 19368
agency that employs a law enforcement officer who makes an arrest 19369
of a type that is described in this ~~division (B)(1) of this~~ 19370
~~section~~ and that involves a rented or leased vehicle ~~of this type~~ 19371
that is being rented or leased for a period of thirty days or less 19372
shall notify, within twenty-four hours after the officer makes the 19373
arrest, the lessor or owner of the vehicle regarding the 19374
circumstances of the arrest and the location at which the vehicle 19375
may be picked up. At the time of the seizure of the vehicle, the 19376

law enforcement officer who made the arrest shall give the 19377
arrested person written notice that the vehicle and its license 19378
plates have been seized; that the vehicle either will be kept by 19379
the officer's law enforcement agency or will be immobilized at 19380
least until the person's initial appearance on the charge of the 19381
offense for which the arrest was made; that, at the initial 19382
appearance, the court in certain circumstances may order that the 19383
vehicle and license plates be released to the ~~vehicle owner~~ 19384
arrested person until the disposition of that charge; that, if the 19385
arrested person is convicted of that charge, the court generally 19386
must order the immobilization of the vehicle and the impoundment 19387
of its license plates or the forfeiture of the vehicle; and that, 19388
if the arrested person is ~~not the vehicle owner~~, the arrested 19389
~~person immediately should inform the vehicle owner that the~~ 19390
~~vehicle and its license plates have been seized and that the~~ 19391
~~vehicle owner may be able to obtain their release at the initial~~ 19392
~~appearance or thereafter~~ may be charged expenses or charges 19393
incurred under this section and section 4503.233 of the Revised 19394
Code for the removal and storage of the vehicle. 19395

(2) The arresting officer or a law enforcement officer of the 19396
agency that employs the arresting officer shall give written 19397
notice of the seizure to the court that will conduct the initial 19398
appearance of the arrested person ~~the arrested person on the~~ 19399
charges arising out of the arrest. The notice shall be given when 19400
~~the charges are filed against the arrested person.~~ Upon receipt of 19401
the notice, the court promptly shall determine whether the 19402
arrested person is the vehicle owner ~~and whether there are any~~ 19403
~~liens recorded on the certificate of title to the vehicle.~~ If the 19404
court determines that the arrested person is not the vehicle 19405
owner, it promptly shall send by regular mail written notice of 19406
the seizure ~~of the motor vehicle~~ to the vehicle vehicle's 19407
registered owner ~~and to all lienholders recorded on the~~ 19408
~~certificate of title.~~ The written notice ~~to the vehicle owner and~~ 19409

~~lienholders~~ shall contain all of the information required by 19410
division (B)(1) of this section to be in a notice to be given to 19411
the arrested person and also shall specify the date, time, and 19412
place of the arrested person's initial appearance ~~the arrested~~ 19413
~~person.~~ The notice also shall inform the vehicle owner that if 19414
title to a motor vehicle that is subject to an order for criminal 19415
forfeiture under this section is assigned or transferred and 19416
division (B)(2) or (3) of section 4503.234 of the Revised Code 19417
applies, the court may fine the arrested person the value of the 19418
vehicle. The notice ~~to the vehicle owner~~ also shall state that if 19419
the vehicle is immobilized under division (A) of section 4503.233 19420
of the Revised Code, seven days after the end of the period of 19421
immobilization a law enforcement agency will send the vehicle 19422
owner a notice, informing the owner that if the ~~owner does not~~ 19423
~~obtain the~~ release of the vehicle is not obtained in accordance 19424
with division (D)(3) of section 4503.233 of the Revised Code, the 19425
vehicle shall be forfeited. The notice also shall inform the 19426
vehicle owner that the owner may be charged expenses or charges 19427
incurred under this section and section 4503.233 of the Revised 19428
Code for the removal and storage of the vehicle. 19429

The written notice that is given ~~or delivered~~ to the ~~vehicle~~ 19430
~~owner~~ arrested person also shall state that if the ~~arrested~~ person 19431
~~pleads guilty to or~~ is convicted of or pleads guilty to the 19432
offense ~~for which the arrested person was arrested~~ and the court 19433
issues an immobilization and impoundment order relative to that 19434
vehicle, division (D)(4) of section 4503.233 of the Revised Code 19435
prohibits the vehicle from being sold during the period of 19436
immobilization without the prior approval of the court. 19437

(3) At or before the initial appearance, the vehicle owner 19438
may file a motion requesting the court to order that the vehicle 19439
and its license plates be released to the vehicle owner. Except as 19440
provided in this division and subject to the payment of expenses 19441

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 arrested person is not the vehicle owner and if the vehicle owner is not present at the arrested person'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 arrested ~~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 or storage of the vehicle.

(4) 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 19475
shall be considered contraband for purposes of section 2933.41, 19476
2933.42, or 2933.43 of the Revised Code. The vehicle shall not be 19477
immobilized at any place other than a commercially operated 19478
private storage lot, a place owned by a law enforcement or other 19479
government agency, or a place to which one of the following 19480
applies: 19481

(a) The place is leased by or otherwise under the control of 19482
a law enforcement or other government agency. 19483

(b) The place is owned by the arrested person, the arrested 19484
person's spouse, or a parent or child of the arrested person. 19485

(c) The place is owned by a private person or entity, and, 19486
prior to the immobilization, the private entity or person that 19487
owns the place, or the authorized agent of that private entity or 19488
person, has given express written consent for the immobilization 19489
to be carried out at that place. 19490

(d) The place is a public street or highway on which the 19491
vehicle is parked in accordance with the law. 19492

(C)(1) A vehicle ~~that is~~ seized under division (B) of this 19493
section shall be safely kept at the place to which it is towed or 19494
otherwise moved by the law enforcement agency that employs the 19495
arresting officer until the initial appearance of the arrested 19496
person relative to the charge ~~the arrested person~~ in question. The 19497
license plates of the vehicle that are removed pursuant to 19498
division (B) of this section shall be safely kept by the law 19499
enforcement agency that employs the arresting officer until at 19500
least the initial appearance of the arrested person relative to 19501
the charge in question. 19502

(2)(a) ~~the owner's the owner the owner the owner's the owner~~ 19503
~~the owner's the owner's the arrested person the vehicle owner's~~ 19504
~~the owner's the owner's the arrested person the court also shall~~ 19505

~~notify the arrested person, and the movant if the movant is not~~ 19506
~~the arrested person, that if title to a motor vehicle that is~~ 19507
~~subject to an order for criminal forfeiture under this section is~~ 19508
~~assigned or transferred and division (C)(2) or (3) of section~~ 19509
~~4503.234 of the Revised Code applies, the court may fine the~~ 19510
~~offender the value of the vehicle. the owner's At the initial~~ 19511
~~appearance or not less than seven days prior to the date of final~~ 19512
~~disposition, the court shall notify the arrested person that, if~~ 19513
~~title to a motor vehicle that is subject to an order for criminal~~ 19514
~~forfeiture under this section is assigned or transferred and~~ 19515
~~division (B)(2) or (3) of section 4503.234 of the Revised Code~~ 19516
~~applies, the court may fine the arrested person the value of the~~ 19517
~~vehicle.~~ If, at the initial appearance, the arrested person pleads 19518
guilty to the violation of ~~division (B)(1) or (D)(2) of section~~ 19519
~~4507.02 or section 4507.33 4510.14, 4510.16, or 4511.203~~ of the 19520
Revised Code, or a municipal ordinance that is substantially 19521
equivalent to any of those ~~Revised Code provisions~~ sections or 19522
pleads no contest to and is convicted of the violation, the court 19523
shall impose sentence upon the ~~arrested person~~ as provided by law 19524
or ordinance; ~~the court, except as provided in this division and~~ 19525
~~subject to section 4503.235 of the Revised Code,~~ shall order the 19526
immobilization of the vehicle ~~the arrested person was operating at~~ 19527
the time of, or that was involved in, the offense if registered in 19528
the arrested person's name and the impoundment of its license 19529
plates under section 4503.233 and section ~~4507.361 or 4507.99~~ 19530
4510.14, 4510.16, 4510.161, or 4511.203 of the Revised Code or the 19531
criminal forfeiture to the state of the vehicle if registered in 19532
the arrested person's name under section 4503.234 and section 19533
~~4507.361 or 4507.99 4510.14, 4510.16, 4510.161, or 4511.203~~ of the 19534
Revised Code, whichever is applicable; and the vehicle and its 19535
identification license plates shall not be returned or released to 19536
the ~~vehicle owner~~ arrested person. If ~~the arrested person is not~~ 19537
~~the vehicle owner and the vehicle owner the owner's is not present~~ 19538

~~at the arrested person's initial appearance and if the court 19539
believes that the vehicle owner was not provided adequate notice 19540
of the initial appearance, the court, in its discretion, may 19541
refrain for a period of time not exceeding seven days from 19542
ordering the immobilization of the vehicle and the impoundment of 19543
its license plates or the criminal forfeiture of the vehicle so 19544
that the vehicle owner the owner's may appear before the court to 19545
present evidence as to why the court should not order the 19546
immobilization of the vehicle and the impoundment of its license 19547
plates or the criminal forfeiture of the vehicle. If the court 19548
refrains from ordering the immobilization of the vehicle and the 19549
impoundment of its license plates or the criminal forfeiture of 19550
the vehicle, section 4503.235 of the Revised Code applies relative 19551
to the order of immobilization and impoundment or the order of 19552
forfeiture. 19553~~

(b) If, at any time, the charge that the arrested person 19554
violated division (B)(1) or (D)(2) of section 4507.02 or section 19555
4507.33 4510.14, 4510.16, or 4511.203 of the Revised Code, or a 19556
municipal ordinance that is substantially equivalent to any of 19557
those Revised Code provisions sections is dismissed for any 19558
reason, the court shall order that the vehicle seized at the time 19559
of the arrest and its license plates immediately be released to 19560
the ~~vehicle owner subject to the payment of expenses or the 19561
owner's charges incurred in the removal and storage of the vehicle 19562~~
person. 19563

(D) If a vehicle ~~is~~ and its license plates are seized under 19564
division (B) of this section ~~the arrested person and it is~~ are not 19565
returned or released to the ~~vehicle owner the owner's~~ arrested 19566
person pursuant to division (C) of this section, the vehicle and 19567
its license plates shall be retained until the final disposition 19568
of the charge in question. Upon the final disposition of that 19569
charge, the court shall do whichever of the following is 19570

applicable: 19571

(1) If the arrested person is convicted of or pleads guilty 19572
to the violation of ~~division (B)(1) or (D)(2) of section 4507.02~~ 19573
~~or section 4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised 19574
Code, or a municipal ordinance that is substantially equivalent to 19575
any of those ~~Revised Code provisions~~ sections, the court shall 19576
impose sentence upon the ~~arrested~~ person as provided by law or 19577
ordinance and, ~~subject to section 4503.235 of the Revised Code,~~ 19578
shall order the immobilization of the vehicle the ~~arrested~~ person 19579
was operating at the time of, or that was involved in, the offense 19580
if it is registered in the arrested person's name and the 19581
impoundment of its license plates under section 4503.233 and 19582
section ~~4507.361 or 4507.99~~ 4510.14, 4510.16, 4510.161, or 19583
4511.203 of the Revised Code or the criminal forfeiture of the 19584
vehicle if it is registered in the arrested person's name under 19585
section 4503.234 and section ~~4507.361 or 4507.99~~ 4510.14, 4510.16, 19586
4510.161, or 4511.203 of the Revised Code, whichever is 19587
applicable. 19588

(2) If the arrested person is found not guilty of the 19589
violation of ~~division (B)(1) or (D)(2) of section 4507.02 or~~ 19590
section ~~4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised Code, 19591
or a municipal ordinance that is substantially equivalent to any 19592
of those ~~Revised Code provisions~~ sections, the court shall order 19593
that the vehicle and its license plates immediately be released to 19594
the ~~vehicle owner upon the payment of any expenses or the owner's~~ 19595
~~charges incurred in its removal and storage~~ arrested person. 19596

(3) If the charge that the arrested person violated ~~division~~ 19597
~~(B)(1) or (D)(2) of section 4507.02 or section 4507.33~~ 4510.14, 19598
4510.16, or 4511.203 of the Revised Code, or a municipal ordinance 19599
that is substantially equivalent to any of those ~~Revised Code~~ 19600
~~provisions~~ sections is dismissed for any reason, the court shall 19601
order that the vehicle and its license plates immediately be 19602

released to the ~~vehicle owner upon the payment of any expenses or~~ 19603
~~the owner's charges incurred in its removal and storage~~ arrested 19604
person. 19605

~~the arrested person the owner's the owner's the arrested~~ 19606
~~person~~ 19607

(4) If the impoundment of the vehicle was not authorized 19608
under this section, the court shall order that the vehicle and its 19609
license plates be returned immediately to the arrested person or, 19610
if the arrested person is not the vehicle owner, to the vehicle 19611
owner and shall order that the state or political subdivision of 19612
the law enforcement agency served by the law enforcement officer 19613
who seized the vehicle pay all expenses and charges incurred in 19614
its removal and storage. 19615

(E) If a vehicle is seized under division (B) of this 19616
section, the time between the seizure of the vehicle and either 19617
its release to the ~~vehicle owner the owner's~~ arrested person 19618
pursuant to division (C) of this section or the issuance of an 19619
order of immobilization of the vehicle under section 4503.233 of 19620
the Revised Code shall be credited against the period of 19621
immobilization ordered by the court. 19622

(F)(1) ~~The vehicle owner~~ Except as provided in division 19623
(D)(4) of this section, the arrested person may be charged 19624
expenses or charges incurred in the removal and storage of the 19625
immobilized vehicle. The court with jurisdiction over the case, 19626
after notice to all interested parties, including lienholders, and 19627
after an opportunity for them to be heard, ~~if the vehicle owner~~ 19628
~~fails to appear in person, without good cause, or if the court~~ 19629
finds that the ~~vehicle owner~~ arrested person does not intend to 19630
seek release of the vehicle at the end of the period of 19631
immobilization under section 4503.233 of the Revised Code or that 19632
the ~~vehicle owner~~ arrested person is not or will not be able to 19633
pay the expenses and charges incurred in its removal and storage, 19634

may order that title to the vehicle be transferred, in order of 19635
priority, first into the name of the person or entity that removed 19636
it, next into the name of a lienholder, or lastly into the name of 19637
the owner of the place of storage. 19638

Any lienholder that receives title under a court order shall 19639
do so on the condition that it pay any expenses or charges 19640
incurred in the vehicle's removal and storage. If the person or 19641
entity that receives title to the vehicle is the person or entity 19642
that removed it, the person or entity shall receive title on the 19643
condition that it pay any lien on the vehicle. The court shall not 19644
order that title be transferred to any person or entity other than 19645
the owner of the place of storage if the person or entity refuses 19646
to receive the title. Any person or entity that receives title 19647
either may keep title to the vehicle or may dispose of the vehicle 19648
in any legal manner that it considers appropriate, including 19649
assignment of the certificate of title to the motor vehicle to a 19650
salvage dealer or a scrap metal processing facility. The person or 19651
entity shall not transfer the vehicle to the person who is the 19652
vehicle's immediate previous owner. 19653

If the person or entity that receives title assigns the motor 19654
vehicle to a salvage dealer or scrap metal processing facility, 19655
the person or entity shall send the assigned certificate of title 19656
to the motor vehicle to the clerk of the court of common pleas of 19657
the county in which the salvage dealer or scrap metal processing 19658
facility is located. The person or entity shall mark the face of 19659
the certificate of title with the words "FOR DESTRUCTION" and 19660
shall deliver a photocopy of the certificate of title to the 19661
salvage dealer or scrap metal processing facility for its records. 19662

(2) Whenever a court issues an order under division (F)(1) of 19663
this section, the court also shall order removal of the license 19664
plates from the vehicle and cause them to be sent to the registrar 19665
if they have not already been sent to the registrar. Thereafter, 19666

no further proceedings shall take place under this section or 19667
under section 4503.233 of the Revised Code. 19668

(3) Prior to initiating a proceeding under division (F)(1) of 19669
this section, and upon payment of the fee under division (B) of 19670
section 4505.14, any interested party may cause a search to be 19671
made of the public records of the bureau of motor vehicles or the 19672
clerk of the court of common pleas, to ascertain the identity of 19673
any lienholder of the vehicle. The initiating party shall furnish 19674
this information to the clerk of the court with jurisdiction over 19675
the case, and the clerk shall provide notice to the ~~vehicle owner,~~ 19676
~~the defendant~~ arrested person, any lienholder, and any other 19677
interested parties listed by the initiating party, at the last 19678
known address supplied by the initiating party, by certified mail, 19679
or, at the option of the initiating party, by personal service or 19680
ordinary mail. 19681

~~the offender~~ 19682

Sec. 4510.43. (A)(1) The director of public safety, upon 19683
consultation with the director of health and in accordance with 19684
Chapter 119. of the Revised Code, shall certify immobilizing and 19685
disabling devices and shall publish and make available to the 19686
courts, without charge, a list of approved devices together with 19687
information about the manufacturers of the devices and where they 19688
may be obtained. The manufacturer of an immobilizing or disabling 19689
device shall pay the cost of obtaining the certification of the 19690
device to the director of public safety, and the director shall 19691
deposit the payment in the drivers' treatment and intervention 19692
fund established by sections 4511.19 and 4511.191 of the Revised 19693
Code. 19694

(2) The director of public safety, in accordance with Chapter 19695
119. of the Revised Code, shall adopt and publish rules setting 19696
forth the requirements for obtaining the certification of an 19697

immobilizing or disabling device. The director of public safety shall not certify an immobilizing or disabling device under this section unless it meets the requirements specified and published by the director in the rules adopted pursuant to this division. A certified device may consist of an ignition interlock device, an ignition blocking device initiated by time or magnetic or electronic encoding, an activity monitor, or any other device that reasonably assures compliance with an order granting limited driving privileges. 19698
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The requirements for an immobilizing or disabling device that is an ignition interlock device shall include provisions for setting a minimum and maximum calibration range and shall include, but shall not be limited to, specifications that the device complies with all of the following: 19707
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(a) It does not impede the safe operation of the vehicle. 19712

(b) It has features that make circumvention difficult and that do not interfere with the normal use of the vehicle. 19713
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(c) It correlates well with established measures of alcohol impairment. 19715
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(d) It works accurately and reliably in an unsupervised environment. 19717
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(e) It is resistant to tampering and shows evidence of tampering if tampering is attempted. 19719
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(f) It is difficult to circumvent and requires premeditation to do so. 19721
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(g) It minimizes inconvenience to a sober user. 19723

(h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath. 19724
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(i) It operates reliably over the range of automobile 19727

environments. 19728

(j) It is made by a manufacturer who is covered by product liability insurance. 19729
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(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of immobilizing or disabling devices. 19731
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(4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each immobilizing or disabling device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability. 19736
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(B) A court considering the use of a prototype device in a pilot program shall advise the director of public safety, thirty days before the use, of the prototype device and its protocol, methodology, manufacturer, and licensor, lessor, other agent, or owner, and the length of the court's pilot program. A prototype device shall not be used for a violation of section 4510.14 or 4511.19 of the Revised Code, or in relation to a suspension imposed under section 4511.191 of the Revised Code. A court that uses a prototype device in a pilot program, periodically during the existence of the program and within fourteen days after termination of the program, shall report in writing to the director of public safety regarding the effectiveness of the prototype device and the program. 19743
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(C) If a person has been granted limited driving privileges with a condition of the privileges being that the motor vehicle that is operated under the privileges must be equipped with an 19756
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immobilizing or disabling device, all of the following apply: 19759

(1) If a motor vehicle to be driven under the limited driving 19760
privileges is owned by the person's employer and if the person is 19761
required to operate that motor vehicle in the course and scope of 19762
the offender's employment, the person may operate that vehicle 19763
without the installation of an immobilizing or disabling device, 19764
provided that the employer has been notified that the person has 19765
limited driving privileges and of the nature of the restriction 19766
and that the person has proof of the employer's notification in 19767
the person's possession while operating the employer's vehicle for 19768
normal business duties. A motor vehicle owned by a business that 19769
is partly or entirely owned or controlled by a person with limited 19770
driving privileges is not a motor vehicle owned by an employer, 19771
for purposes of this division. 19772

(2) If the motor vehicle to be driven under the limited 19773
driving privileges is registered in a state other than this state, 19774
instead of installing on that vehicle an immobilizing or disabling 19775
device, the person with the limited driving privileges shall 19776
display on the vehicle a decal, as prescribed by the registrar of 19777
motor vehicles, that states that the vehicle is subject to limited 19778
driving privileges in this state and that describes the 19779
restriction. The decal shall be displayed on the bottom left 19780
corner of the back window of the vehicle or, if there is no back 19781
window, on the bottom left corner of the windshield of the 19782
vehicle. 19783

Sec. 4510.44. (A)(1) No offender with limited driving 19784
privileges, during any period that the offender is required to 19785
operate only a motor vehicle equipped with an immobilizing or 19786
disabling device, shall request or permit any other person to 19787
breathe into the device if it is an ignition interlock device or 19788
another type of device that monitors the concentration of alcohol 19789

in a person's breath or to otherwise start the motor vehicle 19790
equipped with the device, for the purpose of providing the 19791
offender with an operable motor vehicle. 19792

(2)(a) Except as provided in division (A)(2)(b) of this 19793
section, no person shall breathe into an immobilizing or disabling 19794
device that is an ignition interlock device or another type of 19795
device that monitors the concentration of alcohol in a person's 19796
breath or otherwise start a motor vehicle equipped with an 19797
immobilizing or disabling device, for the purpose of providing an 19798
operable motor vehicle to an offender with limited driving 19799
privileges who is permitted to operate only a motor vehicle 19800
equipped with an immobilizing or disabling device. 19801

(b) Division (A)(2)(a) of this section does not apply to an 19802
offender with limited driving privileges who breathes into an 19803
immobilizing or disabling device that is an ignition interlock 19804
device or another type of device that monitors the concentration 19805
of alcohol in a person's breath or who otherwise starts a motor 19806
vehicle equipped with an immobilizing or disabling device, if the 19807
person breathes into the device or starts the vehicle for the 19808
purpose of providing the person with an operable motor vehicle. 19809

(3) No unauthorized person shall tamper with or circumvent 19810
the operation of an immobilizing or disabling device. 19811

(B) Whoever violates this section is guilty of an 19812
immobilizing or disabling device violation, a misdemeanor of the 19813
first degree. 19814

Sec. 4507.54 4510.52. (A) Upon the receipt of any driver's 19815
license or commercial driver's license or permit that has been 19816
suspended, ~~revoked,~~ or canceled, ~~or forfeited~~ under any provision 19817
of law, and notwithstanding any other provision of law that 19818
requires the registrar of motor vehicles to retain the license or 19819

permit, the registrar may destroy the license or permit. 19820

(B) If, as authorized by division (A) of this section, the 19821
registrar destroys a license or permit that has been suspended, 19822
~~revoked, or canceled, or forfeited,~~ he the registrar shall reissue 19823
or authorize the reissuance of a new license or permit to the 19824
person to whom the destroyed license or permit ~~originally~~ 19825
originally was issued upon payment of a fee in the same amount as 19826
the fee specified in division (C) of section 4507.23 of the 19827
Revised Code for a duplicate license or permit and upon payment of 19828
a service fee in the same amount as specified in division (D) of 19829
section 4503.10 of the Revised Code if issued by a deputy 19830
registrar or in division (G) of that section if issued by the 19831
registrar. 19832

This division applies only if the driver's license or 19833
commercial driver's license or permit that was destroyed would 19834
have been valid at the time the person applies for the duplicate 19835
license or permit. A duplicate driver's license or commercial 19836
driver's license or permit issued under this section shall bear 19837
the same expiration date that appeared on the license or permit it 19838
replaces. 19839

Sec. ~~4507.55~~ 4510.53. (A) Upon ~~the~~ receipt of any driver's or 19840
commercial driver's license or permit that has been ~~revoked or~~ 19841
suspended under section 4511.19 or 4511.191 of the Revised Code, 19842
the registrar of motor vehicles, notwithstanding any other 19843
provision of law that purports to require ~~him~~ the registrar to 19844
retain the license or permit, may destroy the license or permit. 19845

(B)(1) Subject to division (B)(2) of this section, if a 19846
driver's or commercial driver's license or permit that has been 19847
suspended under section 4511.19 or 4511.191 of the Revised Code is 19848
delivered to the registrar and if the registrar destroys the 19849
license or permit under authority of division (A) of this section, 19850

the registrar shall reissue or authorize the reissuance of a 19851
driver's or commercial driver's license to the person, free of 19852
payment of any type of fee or charge, if either of the following 19853
applies: 19854

(a) The person appeals the suspension of the license or 19855
permit at ~~his~~ or within thirty days of the person's initial 19856
appearance, pursuant to ~~division (H) of section 4511.191~~ 4511.197 19857
of the Revised Code, the judge of the court of record or the mayor 19858
of the mayor's court who conducts the initial appearance 19859
terminates the suspension, and the judge or mayor does not suspend 19860
the license or permit under section 4511.196 of the Revised Code; 19861

(b) The person appeals the suspension of the license or 19862
permit at ~~his~~ or within thirty days of the person's initial 19863
appearance, pursuant to ~~division (H) of section 4511.191~~ 4511.197 19864
of the Revised Code, the judge of the court of record or the mayor 19865
of the mayor's court who conducts the initial appearance does not 19866
terminate the suspension, the person appeals the judge's or 19867
mayor's decision not to terminate the suspension that is made at 19868
the initial appearance, and upon appeal of the decision, the 19869
suspension is terminated. 19870

(2) Division (B)(1) of this section applies only if the 19871
driver's or commercial driver's license that was destroyed would 19872
have been valid at the time in question, if it had not been 19873
destroyed as permitted by division (A) of this section. 19874

(C) A driver's or ~~commercial~~ commercial driver's license or 19875
permit issued to a person pursuant to division (B)(1) of this 19876
section shall bear the same expiration date as the expiration date 19877
that appeared on the license it replaces. 19878

Sec. 4510.54. (A) A person whose driver's or commercial 19879
driver's license has been suspended for life under a class one 19880
suspension or as otherwise provided by law or has been suspended 19881

for a period in excess of fifteen years under a class two 19882
suspension may file a motion with the sentencing court for 19883
modification or termination of the suspension. A motion under this 19884
division may be heard only once. The person filing the motion 19885
shall demonstrate all of the following: 19886

(1) At least fifteen years have elapsed since the suspension 19887
began. 19888

(2) For the past fifteen years, the person has not been found 19889
guilty of any felony, any offense involving a moving violation 19890
under federal law, the law of this state, or the law of any of its 19891
political subdivisions, or any violation of a suspension under 19892
this chapter or a substantially equivalent municipal ordinance. 19893
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(3) The person has proof of financial responsibility, a 19895
policy of liability insurance in effect that meets the minimum 19896
standard set forth in section 4509.51 of the Revised Code, or 19897
proof, to the satisfaction of the registrar of motor vehicles, 19898
that the person is able to respond in damages in an amount at 19899
least equal to the minimum amounts specified in that section. 19900

(4) If the suspension was imposed because the person was 19901
under the influence of alcohol, a drug of abuse, or combination of 19902
them at the time of the offense, the person also shall demonstrate 19903
all of the following: 19904

(a) The person successfully completed an alcohol, drug, or 19905
alcohol and drug treatment program. 19906

(b) The person has not abused alcohol or other drugs for a 19907
period satisfactory to the court. 19908

(c) For the past fifteen years, the person has not been found 19909
guilty of any alcohol-related or drug-related offense. 19910

(B) Upon receipt of a motion for modification or termination 19911

of the suspension under this section, the court may schedule a hearing on the motion. If scheduled, the hearing shall be conducted in open court within ninety days after the date on which the motion is filed.

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(C) The court shall notify the person whose license was suspended and the prosecuting attorney of the date, time, and location of the hearing. Upon receipt of the notice from the court, the prosecuting attorney shall notify the victim or the victim's representative of the date, time, and location of the hearing.

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(D) At any hearing under this section, the person who seeks modification or termination of the suspension has the burden to demonstrate, under oath, that the person meets the requirements of division (A) of this section. At the hearing, the court shall afford the offender or the offender's counsel an opportunity to present oral or written information relevant to the motion. The court shall afford a similar opportunity to provide relevant information to the prosecuting attorney and the victim or victim's representative.

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Before ruling on the motion, the court shall take into account the person's driving record, the nature of the offense that led to the suspension, and the impact of the offense on any victim. In addition, if the offender is eligible for modification or termination of the suspension under division (A)(2) of this section, the court shall consider whether the person committed any other offense while under suspension and determine whether the offense is relevant to a determination under this section. The court may modify or terminate the suspension subject to any considerations it considers proper if it finds that allowing the person to drive is not likely to present a danger to the public. After the court makes a ruling on a motion filed under this section, the prosecuting attorney shall notify the victim or the

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victim's representative of the court's ruling. 19944

(E) If a court modifies a person's license suspension under 19945
this section and the person subsequently is found guilty of any 19946
moving violation or of any substantially equivalent municipal 19947
ordinance that carries as a possible penalty the suspension of a 19948
person's driver's or commercial driver's license, the court may 19949
reimpose the class one or other lifetime suspension, or the class 19950
two suspension, whichever is applicable. 19951

Sec. ~~4507.60~~ 4510.61. The driver license compact is hereby 19952
enacted into law and entered into with all other jurisdictions 19953
legally joining therein in the form substantially as follows: 19954

ARTICLE I 19955

Findings and Declaration of Policy 19956

(a) The party states find that: 19957

(1) The safety of their streets and highways is materially 19958
affected by the degree of compliance with state and local 19959
ordinances relating to the operation of motor vehicles. 19960

(2) Violation of such a law or ordinance is evidence that the 19961
violator engages in conduct which is likely to endanger the safety 19962
of persons and property. 19963

(3) The continuance in force of a license to drive is 19964
predicated upon compliance with laws and ordinances relating to 19965
the operation of motor vehicles, in whichever jurisdiction the 19966
vehicle is operated. 19967

(b) It is the policy of each of the party states to: 19968

(1) Promote compliance with the laws, ordinances, and 19969
administrative rules and regulations relating to the operation of 19970
motor vehicles by their operators in each of the jurisdictions 19971
where such operators drive motor vehicles. 19972

(2) Make the reciprocal recognition of licenses to drive and 19973
eligibility therefor more just and equitable by considering the 19974
over-all compliance with motor vehicle laws, ordinances, and 19975
administrative rules and regulations as a condition precedent to 19976
the continuance or issuance of any license by reason of which the 19977
licensee is authorized or permitted to operate a motor vehicle in 19978
any of the party states. 19979

ARTICLE II 19980

Definitions 19981

As used in this compact: 19982

(a) "State" means a state, territory, or possession of the 19983
United States, the District of Columbia, or the Commonwealth of 19984
Puerto Rico. 19985

(b) "Home state" means the state that has issued and has the 19986
power to suspend or revoke the use of the license or permit to 19987
operate a motor vehicle. 19988

(c) "Conviction" means a conviction of any offense related to 19989
the use or operation of a motor vehicle that is prohibited by 19990
state law, municipal ordinance, or administrative rule or 19991
regulation; or a forfeiture of bail, bond, or other security 19992
deposited to secure appearance by a person charged with having 19993
committed any such offense, and which conviction or forfeiture is 19994
required to be reported to the licensing authority. 19995

ARTICLE III 19996

Reports of Conviction 19997

The licensing authority of a party state shall report each 19998
conviction of a person from another party state occurring within 19999
its jurisdiction to the licensing authority of the home state of 20000
the licensee. Such report shall clearly identify the person 20001
convicted; describe the violation specifying the section of the 20002
statute, code, or ordinance violated; identify the court in which 20003

action was taken; indicate whether a plea of guilty or not guilty
was entered, or the security; and shall include any special
findings made in connection therewith.

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ARTICLE IV

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Effect of Conviction

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(a) The licensing authority in the home state, for the
purpose of suspension, revocation, or limitation of the license to
operate a motor vehicle, shall give the same effect to the conduct
reported, pursuant to Article III of this compact, as it would if
such conduct had occurred in the home state, in the case of
convictions for:

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(1) Manslaughter or negligent homicide resulting from the
operation of a motor vehicle;

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(2) Driving a motor vehicle while under the influence of
intoxicating liquor or a narcotic drug, or under the influence of
any other drug to a degree that renders the driver incapable of
safely driving a motor vehicle;

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(3) Any felony in the commission of which a motor vehicle is
used;

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(4) Failure to stop and render aid in the event of a motor
vehicle accident resulting in the death or personal injury of
another.

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(b) As to other convictions, reported pursuant to Article
III, the licensing authority in the home state shall give such
effect to conduct as is provided by the laws of the home state.

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(c) If the laws of a party state do not provide for offenses
or violations denominated or described in precisely the words
employed in subdivision (a) of this Article, such party state
shall construe the denominations and descriptions appearing in
subdivision (a) hereof as being applicable to and identifying
those offenses or violations of a substantially similar nature,

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and the laws of such party state shall contain such provisions as
may be necessary to ensure that full force and effect is given to
this Article.

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ARTICLE V

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Applications for New Licenses

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Upon application for a license to drive, the licensing
authority in a party state shall ascertain whether the applicant
has ever held, or is the holder of, a license to drive issued by
any other party state. The licensing authority in the state where
application is made shall not issue a license to drive to the
applicant if:

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(1) The applicant has held such a license, but the same has
been suspended by reason, in whole or in part, of a violation and
if such suspension period has not terminated.

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(2) The applicant has held such a license, but the same has
been revoked by reason, in whole or in part, of a violation; and
if such revocation has not terminated, except that after the
expiration of one year from the date the license was revoked, such
person may make application for a new license if permitted by law.
The licensing authority may refuse to issue a license to any such
applicant if, after investigation, the licensing authority
determines that it will not be safe to grant to such person the
privilege of driving a motor vehicle on the public highways.

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(3) The applicant is the holder of a license to drive issued
by another party state and currently in force unless the applicant
surrenders such license.

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ARTICLE VI

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Applicability of Other Laws

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Except as expressly required by provisions of this compact,
nothing contained herein shall be construed to affect the right of
any party state to apply any of its other laws relating to

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licenses to drive to any person or circumstance, nor to invalidate 20066
or prevent any driver license agreement or other cooperative 20067
arrangement between a party state and a nonparty state. 20068

ARTICLE VII 20069

Compact Administrator and Interchange of Information 20070

(a) The head of the licensing authority of each party state 20071
shall be the administrator of this compact for his state. The 20072
administrators, acting jointly, shall have the power to formulate 20073
all necessary and proper procedures for the exchange of 20074
information under this compact. 20075

(b) The administrator of each party state shall furnish to 20076
the administrator of each other party state any information or 20077
documents reasonably necessary to facilitate the administration of 20078
this compact. 20079

ARTICLE VIII 20080

Entry Into Force and Withdrawal 20081

(a) This compact shall enter into force and become effective 20082
as to any state when it has enacted the same into law. 20083

(b) Any party state may withdraw from this compact by 20084
enacting a statute repealing the same, but no such withdrawal 20085
shall take effect until six months after the executive head of the 20086
withdrawing state has given notice of the withdrawal to the 20087
executive heads of all other party states. No withdrawal shall 20088
affect the validity or applicability by the licensing authorities 20089
of states remaining party to the compact of any report of 20090
conviction occurring prior to the withdrawal. 20091

ARTICLE IX 20092

Construction and Severability 20093

This compact shall be liberally construed so as to effectuate 20094
the purposes thereof. The provisions of this compact shall be 20095
severable; and if any phrase, clause, sentence, or provision of 20096

this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Sec. ~~4507.61~~ 4510.62. (A) "Executive head" as used in article VIII (b) of the compact set forth in section ~~4507.60~~ 4510.61 of the Revised Code with reference to this state means the governor.

(B) "Licensing authority" as used in Articles III, IV, V, and VII of the compact set forth in section ~~4507.60~~ 4510.61 of the Revised Code with reference to this state means the bureau of motor vehicles within the department of public safety.

Sec. ~~4507.62~~ 4510.63. Pursuant to Article VII of the compact set forth in section ~~4507.60~~ 4510.61 of the Revised Code the bureau of motor vehicles shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact set forth in section ~~4507.60~~ 4510.61 of the Revised Code.

Sec. ~~4507.63~~ 4510.64. The compact administrator provided for in Article VII of the compact set forth in section ~~4507.60~~ 4510.61 of the Revised Code is not entitled to any additional compensation ~~because of his services~~ for serving as administrator of the compact, but shall be reimbursed for travel and other necessary

expenses incurred in the performance of his official duties 20127
thereunder as provided by law for other state officers. 20128

Sec. ~~4511.95~~ 4510.71. The nonresident violator compact, 20129
hereinafter called "the compact," is hereby enacted into law and 20130
entered into with all other jurisdictions legally joining therein 20131
in the form substantially as follows: 20132

"NONRESIDENT VIOLATOR COMPACT 20133

Article I 20134

Findings, Declaration of Policy and Purpose 20135

(A) The party jurisdictions find that: 20136

(1) In most instances, a motorist who is cited for a traffic 20137
violation in a jurisdiction other than his home jurisdiction: 20138

(a) Must post collateral or bond to secure appearance for 20139
trial at a later date; or 20140

(b) If unable to post collateral or bond, is taken into 20141
custody until the collateral or bond is posted; or 20142

(c) Is taken directly to court for his trial to be held. 20143

(2) In some instances, the motorist's driver's license may be 20144
deposited as collateral to be returned after he has complied with 20145
the terms of the citation. 20146

(3) The purpose of the practices described in divisions 20147
(A)(1) and (2) of this article is to ensure compliance with the 20148
terms of a traffic citation by the motorist who, if permitted to 20149
continue on his way after receiving the traffic citation, could 20150
return to his home jurisdiction and disregard his duty under the 20151
terms of the traffic citation. 20152

(4) A motorist receiving a traffic citation in his home 20153
jurisdiction is permitted, except for certain violations, to 20154
accept the citation from the officer at the scene of the violation 20155

and to immediately continue on his way after promising or being 20156
instructed to comply with the terms of the citation. 20157

(5) The practice described in division (A)(1) of this article 20158
causes unnecessary inconvenience and, at times, a hardship for the 20159
motorist who is unable at the time to post collateral, furnish a 20160
bond, stand trial, or pay the fine, and thus is compelled to 20161
remain in custody until some arrangement can be made. 20162

(6) The deposit of a driver's license as a bail bond, as 20163
described in division (A)(2) of this article, is viewed with 20164
disfavor. 20165

(7) The practices described herein consume an undue amount of 20166
law enforcement time. 20167

(B) It is the policy of the party jurisdictions to: 20168

(1) Seek compliance with the laws, ordinances, and 20169
administrative rules and regulations relating to the operation of 20170
motor vehicles in each of the jurisdictions; 20171

(2) Allow motorists to accept a traffic citation for certain 20172
violations and proceed on their way without delay whether or not 20173
the motorist is a resident of the jurisdiction in which the 20174
citation was issued; 20175

(3) Extend cooperation to its fullest extent among the 20176
jurisdictions for obtaining compliance with the terms of a traffic 20177
citation issued in one jurisdiction to a resident of another 20178
jurisdiction; 20179

(4) Maximize effective utilization of law enforcement 20180
personnel and assist court systems in the efficient disposition of 20181
traffic violations. 20182

(C) The purpose of this compact is to: 20183

(1) Provide a means through which the party jurisdictions may 20184
participate in a reciprocal program to effectuate the policies 20185

enumerated in division (B) of this article in a uniform and 20186
orderly manner; 20187

(2) Provide for the fair and impartial treatment of traffic 20188
violators operating within party jurisdictions in recognition of 20189
the motorist's right of due process and the sovereign status of a 20190
party jurisdiction. 20191

Article II Definitions 20192

(A) In the nonresident violator compact, the following words 20193
have the meaning indicated, unless the context requires otherwise. 20194

(B)(1) "Citation" means any summons, ticket, or other 20195
official document issued by a police officer for a traffic 20196
violation containing an order which requires the motorist to 20197
respond. 20198

(2) "Collateral" means any cash or other security deposited 20199
to secure an appearance for trial, following the issuance by a 20200
police officer of a citation for a traffic violation. 20201

(3) "Court" means a court of law or traffic tribunal. 20202

(4) "Driver's license" means any license or privilege to 20203
operate a motor vehicle issued under the laws of the home 20204
jurisdiction. 20205

(5) "Home jurisdiction" means the jurisdiction that issued 20206
the driver's license of the traffic violator. 20207

(6) "Issuing jurisdiction" means the jurisdiction in which 20208
the traffic citation was issued to the motorist. 20209

(7) "Jurisdiction" means a state, territory, or possession of 20210
the United States, the District of Columbia, or the Commonwealth 20211
of Puerto Rico. 20212

(8) "Motorist" means a driver of a motor vehicle operating in 20213
a party jurisdiction other than the home jurisdiction. 20214

(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

(10) "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

(11) "Terms of the citation" means those options expressly stated upon the citation.

Article III

Procedure for Issuing Jurisdiction

(A) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in division (B) of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's signed, personal recognizance that he or she will comply with the terms of the citation.

(B) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.

(C) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home jurisdiction.

(D) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form

and content as contained in the compact manual. 20246

(E) The licensing authority of the issuing jurisdiction may 20247
not suspend the privilege of a motorist for whom a report has been 20248
transmitted. 20249

(F) The licensing authority of the issuing jurisdiction shall 20250
not transmit a report on any violation if the date of transmission 20251
is more than six months after the date on which the traffic 20252
citation was issued. 20253

(G) The licensing authority of the issuing jurisdiction shall 20254
not transmit a report on any violation where the date of issuance 20255
of the citation predates the most recent of the effective dates of 20256
entry for the two jurisdictions affected. 20257

Article IV Procedures for Home Jurisdiction 20258

(A) Upon receipt of a report of a failure to comply from the 20259
licensing authority of the issuing jurisdiction, the licensing 20260
authority of the home jurisdiction shall notify the motorist and 20261
initiate a suspension action, in accordance with the home 20262
jurisdiction's procedures, to suspend the motorist's driver's 20263
license until satisfactory evidence of compliance with the terms 20264
of the traffic citation has been furnished to the home 20265
jurisdiction licensing authority. Due process safeguards will be 20266
accorded. 20267

(B) The licensing authority of the home jurisdiction shall 20268
maintain a record of actions taken and make reports to issuing 20269
jurisdictions as provided in the compact manual. 20270

Article V Applicability of Other Laws 20271

Except as expressly required by provisions of this compact, 20272
nothing contained herein shall be construed to affect the right of 20273
any party jurisdiction to apply any of its other laws relating to 20274
licenses to drive to any person or circumstance, or to invalidate 20275
or prevent any driver license agreement or other cooperative 20276

arrangement between a party jurisdiction and nonparty jurisdiction. 20277
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Article VI Compact Administrator Procedures 20279

(A) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board. 20280
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(B) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented. 20293
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(C) The board shall elect annually, from its membership, a chairman and a vice chairman. 20299
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(D) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws. 20301
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(E) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional 20305
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or otherwise, from any jurisdiction, the United States, or any
other governmental agency, and may receive, utilize, and dispose
of the same.

(F) The board may contract with, or accept services or
personnel from, any governmental or intergovernmental agency,
person, firm, or corporation, or any private nonprofit
organization or institution.

(G) The board shall formulate all necessary procedures and
develop uniform forms and documents for administering the
provisions of this compact. All procedures and forms adopted
pursuant to board action shall be contained in the compact manual.

Article VII Entry into Compact and Withdrawal

(A) This compact shall become effective when it has been
adopted by at least two jurisdictions.

(B)(1) Entry into the compact shall be made by a resolution
of ratification executed by the authorized officials of the
applying jurisdiction and submitted to the chairman of the board.

(2) The resolution shall be in a form and content as provided
in the compact manual and shall include statements that in
substance are as follows:

(a) A citation of the authority by which the jurisdiction is
empowered to become a party to this compact;

(b) Agreement to comply with the terms and provisions of the
compact;

(c) That compact entry is with all jurisdictions then party
to the compact and with any jurisdiction that legally becomes a
party to the compact.

(3) The effective date of entry shall be specified by the
applying jurisdiction, but it shall not be less than sixty days
after notice has been given by the chairman of the board of

compact administrators or by the secretariat of the board to each 20338
party jurisdiction that the resolution from the applying 20339
jurisdiction has been received. 20340

(C) A party jurisdiction may withdraw from this compact by 20341
official written notice to the other party jurisdictions, but a 20342
withdrawal shall not take effect until ninety days after notice of 20343
withdrawal is given. The notice shall be directed to the compact 20344
administrator of each member jurisdiction. No withdrawal shall 20345
affect the validity of this compact as to the remaining party 20346
jurisdictions. 20347

Article VIII Exceptions 20348

The provisions of this compact shall not apply to parking or 20349
standing violations, highway weight limit violations, and 20350
violations of law governing the transportation of hazardous 20351
materials. 20352

Article IX Amendments to the Compact 20353

(A) This compact may be amended from time to time. Amendments 20354
shall be presented in resolution form to the chairman of the board 20355
of compact administrators and may be initiated by one or more 20356
party jurisdictions. 20357

(B) Adoption of an amendment shall require endorsement of all 20358
party jurisdictions and shall become effective thirty days after 20359
the date of the last endorsement. 20360

(C) Failure of a party jurisdiction to respond to the compact 20361
chairman within one hundred twenty days after receipt of the 20362
proposed amendment shall constitute endorsement. 20363

Article X Construction and Severability 20364

This compact shall be liberally construed so as to effectuate 20365
the purposes stated herein. The provisions of this compact shall 20366
be severable and if any phrase, clause, sentence, or provision of 20367
this compact is declared to be contrary to the constitution of any 20368

party jurisdiction or of the United States or the applicability 20369
thereof to any government, agency, person, or circumstance, the 20370
compact shall not be affected thereby. If this compact shall be 20371
held contrary to the constitution of any jurisdiction party 20372
thereto, the compact shall remain in full force and effect as to 20373
the remaining jurisdictions and in full force and effect as to the 20374
jurisdiction affected as to all severable matters. 20375

Article XI Title 20376

This compact shall be known as the Nonresident Violator 20377
Compact of 1977." 20378

Sec. ~~4511.951~~ 4510.72. (A) A fee of thirty dollars shall be 20379
charged by the registrar of motor vehicles for the reinstatement 20380
of any driver's license suspended pursuant to division (A) of 20381
Article IV of the compact enacted in section ~~4511.95~~ 4510.71 of 20382
the Revised Code. 20383

(B) Pursuant to division (A) of Article VI of the nonresident 20384
violator compact of 1977 enacted in section ~~4511.95~~ 4510.71 of the 20385
Revised Code, the director of public safety shall serve as the 20386
compact administrator for Ohio. 20387

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 20388
the Revised Code: 20389

(A) "Vehicle" means every device, including a motorized 20390
bicycle, in, upon, or by which any person or property may be 20391
transported or drawn upon a highway, except that "vehicle" does 20392
not include any motorized ~~wheelchairs~~ wheelchair, devices any 20393
device that is moved by power collected from overhead electric 20394
trolley wires, or that is used exclusively upon stationary rails 20395
or tracks, ~~and devices or any device,~~ other than ~~bicycles a~~ 20396
bicycle, that is moved by human power. 20397

(B) "Motor vehicle" means every vehicle propelled or drawn by 20398

power other than muscular power or power collected from overhead 20399
electric trolley wires, except motorized bicycles, road rollers, 20400
traction engines, power shovels, power cranes, and other equipment 20401
used in construction work and not designed for or employed in 20402
general highway transportation, hole-digging machinery, 20403
well-drilling machinery, ditch-digging machinery, farm machinery, 20404
trailers used to transport agricultural produce or agricultural 20405
production materials between a local place of storage or supply 20406
and the farm when drawn or towed on a street or highway at a speed 20407
of twenty-five miles per hour or less, threshing machinery, 20408
hay-baling machinery, agricultural tractors and machinery used in 20409
the production of horticultural, floricultural, agricultural, and 20410
vegetable products, and trailers designed and used exclusively to 20411
transport a boat between a place of storage and a marina, or in 20412
and around a marina, when drawn or towed on a street or highway 20413
for a distance of no more than ten miles and at a speed of 20414
twenty-five miles per hour or less. 20415

(C) "Motorcycle" means every motor vehicle, other than a 20416
tractor, having a saddle for the use of the operator and designed 20417
to travel on not more than three wheels in contact with the 20418
ground, including, but not limited to, motor vehicles known as 20419
"motor-driven cycle," "motor scooter," or "motorcycle" without 20420
regard to weight or brake horsepower. 20421

(D) "Emergency vehicle" means emergency vehicles of 20422
municipal, township, or county departments or public utility 20423
corporations when identified as such as required by law, the 20424
director of public safety, or local authorities, and motor 20425
vehicles when commandeered by a police officer. 20426

(E) "Public safety vehicle" means any of the following: 20427

(1) Ambulances, including private ambulance companies under 20428
contract to a municipal corporation, township, or county, and 20429
private ambulances and nontransport vehicles bearing license 20430

plates issued under section 4503.49 of the Revised Code; 20431

(2) Motor vehicles used by public law enforcement officers or 20432
other persons sworn to enforce the criminal and traffic laws of 20433
the state; 20434

(3) Any motor vehicle when properly identified as required by 20435
the director of public safety, when used in response to fire 20436
emergency calls or to provide emergency medical service to ill or 20437
injured persons, and when operated by a duly qualified person who 20438
is a member of a volunteer rescue service or a volunteer fire 20439
department, and who is on duty pursuant to the rules or directives 20440
of that service. The state fire marshal shall be designated by the 20441
director of public safety as the certifying agency for all public 20442
safety vehicles described in division (E)(3) of this section. 20443
20444

(4) Vehicles used by fire departments, including motor 20445
vehicles when used by volunteer fire fighters responding to 20446
emergency calls in the fire department service when identified as 20447
required by the director of public safety. 20448

Any vehicle used to transport or provide emergency medical 20449
service to an ill or injured person, when certified as a public 20450
safety vehicle, shall be considered a public safety vehicle when 20451
transporting an ill or injured person to a hospital regardless of 20452
whether such vehicle has already passed a hospital. 20453

(5) Vehicles used by the commercial motor vehicle safety 20454
enforcement unit for the enforcement of orders and rules of the 20455
public utilities commission as specified in section 5503.34 of the 20456
Revised Code. 20457

(F) "School bus" means every bus designed for carrying more 20458
than nine passengers that is owned by a public, private, or 20459
governmental agency or institution of learning and operated for 20460
the transportation of children to or from a school session or a 20461

school function, or owned by a private person and operated for 20462
compensation for the transportation of children to or from a 20463
school session or a school function, provided "school bus" does 20464
not include a bus operated by a municipally owned transportation 20465
system, a mass transit company operating exclusively within the 20466
territorial limits of a municipal corporation, or within such 20467
limits and the territorial limits of municipal corporations 20468
immediately contiguous to such municipal corporation, nor a common 20469
passenger carrier certified by the public utilities commission 20470
unless such bus is devoted exclusively to the transportation of 20471
children to and from a school session or a school function, and 20472
"school bus" does not include a van or bus used by a licensed 20473
child day-care center or type A family day-care home to transport 20474
children from the child day-care center or type A family day-care 20475
home to a school if the van or bus does not have more than fifteen 20476
children in the van or bus at any time. 20477

(G) "Bicycle" means every device, other than a tricycle 20478
designed solely for use as a play vehicle by a child, propelled 20479
solely by human power upon which any person may ride having either 20480
two tandem wheels, or one wheel in the front and two wheels in the 20481
rear, any of which is more than fourteen inches in diameter. 20482

(H) "Motorized bicycle" means any vehicle having either two 20483
tandem wheels or one wheel in the front and two wheels in the 20484
rear, that is capable of being pedaled and is equipped with a 20485
helper motor of not more than fifty cubic centimeters piston 20486
displacement that produces no more than one brake horsepower and 20487
is capable of propelling the vehicle at a speed of no greater than 20488
twenty miles per hour on a level surface. 20489

(I) "Commercial tractor" means every motor vehicle having 20490
motive power designed or used for drawing other vehicles and not 20491
so constructed as to carry any load thereon, or designed or used 20492
for drawing other vehicles while carrying a portion of such other 20493

vehicles, or load thereon, or both. 20494

(J) "Agricultural tractor" means every self-propelling 20495
vehicle designed or used for drawing other vehicles or wheeled 20496
machinery but having no provision for carrying loads independently 20497
of such other vehicles, and used principally for agricultural 20498
purposes. 20499

(K) "Truck" means every motor vehicle, except trailers and 20500
semitrailers, designed and used to carry property. 20501

(L) "Bus" means every motor vehicle designed for carrying 20502
more than nine passengers and used for the transportation of 20503
persons other than in a ridesharing arrangement, and every motor 20504
vehicle, automobile for hire, or funeral car, other than a taxicab 20505
or motor vehicle used in a ridesharing arrangement, designed and 20506
used for the transportation of persons for compensation. 20507

(M) "Trailer" means every vehicle designed or used for 20508
carrying persons or property wholly on its own structure and for 20509
being drawn by a motor vehicle, including any such vehicle when 20510
formed by or operated as a combination of a "semitrailer" and a 20511
vehicle of the dolly type, such as that commonly known as a 20512
"trailer dolly," a vehicle used to transport agricultural produce 20513
or agricultural production materials between a local place of 20514
storage or supply and the farm when drawn or towed on a street or 20515
highway at a speed greater than twenty-five miles per hour, and a 20516
vehicle designed and used exclusively to transport a boat between 20517
a place of storage and a marina, or in and around a marina, when 20518
drawn or towed on a street or highway for a distance of more than 20519
ten miles or at a speed of more than twenty-five miles per hour. 20520

(N) "Semitrailer" means every vehicle designed or used for 20521
carrying persons or property with another and separate motor 20522
vehicle so that in operation a part of its own weight or that of 20523
its load, or both, rests upon and is carried by another vehicle. 20524

(O) "Pole trailer" means every trailer or semitrailer 20525
attached to the towing vehicle by means of a reach, pole, or by 20526
being boomed or otherwise secured to the towing vehicle, and 20527
ordinarily used for transporting long or irregular shaped loads 20528
such as poles, pipes, or structural members capable, generally, of 20529
sustaining themselves as beams between the supporting connections. 20530

(P) "Railroad" means a carrier of persons or property 20531
operating upon rails placed principally on a private right-of-way. 20532

(Q) "Railroad train" means a steam engine or an electric or 20533
other motor, with or without cars coupled thereto, operated by a 20534
railroad. 20535

(R) "Streetcar" means a car, other than a railroad train, for 20536
transporting persons or property, operated upon rails principally 20537
within a street or highway. 20538

(S) "Trackless trolley" means every car that collects its 20539
power from overhead electric trolley wires and that is not 20540
operated upon rails or tracks. 20541

(T) "Explosives" means any chemical compound or mechanical 20542
mixture that is intended for the purpose of producing an explosion 20543
that contains any oxidizing and combustible units or other 20544
ingredients in such proportions, quantities, or packing that an 20545
ignition by fire, by friction, by concussion, by percussion, or by 20546
a detonator of any part of the compound or mixture may cause such 20547
a sudden generation of highly heated gases that the resultant 20548
gaseous pressures are capable of producing destructive effects on 20549
contiguous objects, or of destroying life or limb. Manufactured 20550
articles shall not be held to be explosives when the individual 20551
units contain explosives in such limited quantities, of such 20552
nature, or in such packing, that it is impossible to procure a 20553
simultaneous or a destructive explosion of such units, to the 20554
injury of life, limb, or property by fire, by friction, by 20555

concussion, by percussion, or by a detonator, such as fixed 20556
ammunition for small arms, firecrackers, or safety fuse matches. 20557

(U) "Flammable liquid" means any liquid that has a flash 20558
point of seventy degrees Fahrenheit, or less, as determined by a 20559
tagliabue or equivalent closed cup test device. 20560

(V) "Gross weight" means the weight of a vehicle plus the 20561
weight of any load thereon. 20562

(W) "Person" means every natural person, firm, 20563
co-partnership, association, or corporation. 20564

(X) "Pedestrian" means any natural person afoot. 20565

(Y) "Driver or operator" means every person who drives or is 20566
in actual physical control of a vehicle, trackless trolley, or 20567
streetcar. 20568

(Z) "Police officer" means every officer authorized to direct 20569
or regulate traffic, or to make arrests for violations of traffic 20570
regulations. 20571

(AA) "Local authorities" means every county, municipal, and 20572
other local board or body having authority to adopt police 20573
regulations under the constitution and laws of this state. 20574

(BB) "Street" or "highway" means the entire width between the 20575
boundary lines of every way open to the use of the public as a 20576
thoroughfare for purposes of vehicular travel. 20577

(CC) "Controlled-access highway" means every street or 20578
highway in respect to which owners or occupants of abutting lands 20579
and other persons have no legal right of access to or from the 20580
same except at such points only and in such manner as may be 20581
determined by the public authority having jurisdiction over such 20582
street or highway. 20583

(DD) "Private road or driveway" means every way or place in 20584
private ownership used for vehicular travel by the owner and those 20585

having express or implied permission from the owner but not by 20586
other persons. 20587

(EE) "Roadway" means that portion of a highway improved, 20588
designed, or ordinarily used for vehicular travel, except the berm 20589
or shoulder. If a highway includes two or more separate roadways 20590
the term "roadway" means any such roadway separately but not all 20591
such roadways collectively. 20592

(FF) "Sidewalk" means that portion of a street between the 20593
curb lines, or the lateral lines of a roadway, and the adjacent 20594
property lines, intended for the use of pedestrians. 20595

(GG) "Laned highway" means a highway the roadway of which is 20596
divided into two or more clearly marked lanes for vehicular 20597
traffic. 20598

(HH) "Through highway" means every street or highway as 20599
provided in section 4511.65 of the Revised Code. 20600

(II) "State highway" means a highway under the jurisdiction 20601
of the department of transportation, outside the limits of 20602
municipal corporations, provided that the authority conferred upon 20603
the director of transportation in section 5511.01 of the Revised 20604
Code to erect state highway route markers and signs directing 20605
traffic shall not be modified by sections 4511.01 to 4511.79 and 20606
4511.99 of the Revised Code. 20607

(JJ) "State route" means every highway that is designated 20608
with an official state route number and so marked. 20609

(KK) "Intersection" means: 20610

(1) The area embraced within the prolongation or connection 20611
of the lateral curb lines, or, if none, then the lateral boundary 20612
lines of the roadways of two highways which join one another at, 20613
or approximately at, right angles, or the area within which 20614
vehicles traveling upon different highways joining at any other 20615

angle may come in conflict. 20616

(2) Where a highway includes two roadways thirty feet or more 20617
apart, then every crossing of each roadway of such divided highway 20618
by an intersecting highway shall be regarded as a separate 20619
intersection. If an intersecting highway also includes two 20620
roadways thirty feet or more apart, then every crossing of two 20621
roadways of such highways shall be regarded as a separate 20622
intersection. 20623

(3) The junction of an alley with a street or highway, or 20624
with another alley, shall not constitute an intersection. 20625

(LL) "Crosswalk" means: 20626

(1) That part of a roadway at intersections ordinarily 20627
included within the real or projected prolongation of property 20628
lines and curb lines or, in the absence of curbs, the edges of the 20629
traversable roadway; 20630

(2) Any portion of a roadway at an intersection or elsewhere, 20631
distinctly indicated for pedestrian crossing by lines or other 20632
markings on the surface; 20633

(3) Notwithstanding divisions (LL)(1) and (2) of this 20634
section, there shall not be a crosswalk where local authorities 20635
have placed signs indicating no crossing. 20636

(MM) "Safety zone" means the area or space officially set 20637
apart within a roadway for the exclusive use of pedestrians and 20638
protected or marked or indicated by adequate signs as to be 20639
plainly visible at all times. 20640

(NN) "Business district" means the territory fronting upon a 20641
street or highway, including the street or highway, between 20642
successive intersections within municipal corporations where fifty 20643
per cent or more of the frontage between such successive 20644
intersections is occupied by buildings in use for business, or 20645

within or outside municipal corporations where fifty per cent or 20646
more of the frontage for a distance of three hundred feet or more 20647
is occupied by buildings in use for business, and the character of 20648
such territory is indicated by official traffic control devices. 20649

(OO) "Residence district" means the territory, not comprising 20650
a business district, fronting on a street or highway, including 20651
the street or highway, where, for a distance of three hundred feet 20652
or more, the frontage is improved with residences or residences 20653
and buildings in use for business. 20654

(PP) "Urban district" means the territory contiguous to and 20655
including any street or highway which is built up with structures 20656
devoted to business, industry, or dwelling houses situated at 20657
intervals of less than one hundred feet for a distance of a 20658
quarter of a mile or more, and the character of such territory is 20659
indicated by official traffic control devices. 20660

(QQ) "Traffic control devices" means all flaggers, signs, 20661
signals, markings, and devices placed or erected by authority of a 20662
public body or official having jurisdiction, for the purpose of 20663
regulating, warning, or guiding traffic, including signs denoting 20664
names of streets and highways. 20665

(RR) "Traffic control signal" means any device, whether 20666
manually, electrically, or mechanically operated, by which traffic 20667
is alternately directed to stop, to proceed, to change direction, 20668
or not to change direction. 20669

(SS) "Railroad sign or signal" means any sign, signal, or 20670
device erected by authority of a public body or official or by a 20671
railroad and intended to give notice of the presence of railroad 20672
tracks or the approach of a railroad train. 20673

(TT) "Traffic" means pedestrians, ridden or herded animals, 20674
vehicles, streetcars, trackless trolleys, and other devices, 20675
either singly or together, while using any highway for purposes of 20676

travel. 20677

(UU) "Right-of-way" means either of the following, as the 20678
context requires: 20679

(1) The right of a vehicle, streetcar, trackless trolley, or 20680
pedestrian to proceed uninterruptedly in a lawful manner in the 20681
direction in which it or the individual is moving in preference to 20682
another vehicle, streetcar, trackless trolley, or pedestrian 20683
approaching from a different direction into its or the 20684
individual's path; 20685

(2) A general term denoting land, property, or the interest 20686
therein, usually in the configuration of a strip, acquired for or 20687
devoted to transportation purposes. When used in this context, 20688
right-of-way includes the roadway, shoulders or berm, ditch, and 20689
slopes extending to the right-of-way limits under the control of 20690
the state or local authority. 20691

(VV) "Rural mail delivery vehicle" means every vehicle used 20692
to deliver United States mail on a rural mail delivery route. 20693

(WW) "Funeral escort vehicle" means any motor vehicle, 20694
including a funeral hearse, while used to facilitate the movement 20695
of a funeral procession. 20696

(XX) "Alley" means a street or highway intended to provide 20697
access to the rear or side of lots or buildings in urban districts 20698
and not intended for the purpose of through vehicular traffic, and 20699
includes any street or highway that has been declared an "alley" 20700
by the legislative authority of the municipal corporation in which 20701
such street or highway is located. 20702

(YY) "Freeway" means a divided multi-lane highway for through 20703
traffic with all crossroads separated in grade and with full 20704
control of access. 20705

(ZZ) "Expressway" means a divided arterial highway for 20706

through traffic with full or partial control of access with an 20707
excess of fifty per cent of all crossroads separated in grade. 20708

(AAA) "Thruway" means a through highway whose entire roadway 20709
is reserved for through traffic and on which roadway parking is 20710
prohibited. 20711

(BBB) "Stop intersection" means any intersection at one or 20712
more entrances of which stop signs are erected. 20713

(CCC) "Arterial street" means any United States or state 20714
numbered route, controlled access highway, or other major radial 20715
or circumferential street or highway designated by local 20716
authorities within their respective jurisdictions as part of a 20717
major arterial system of streets or highways. 20718

(DDD) "Ridesharing arrangement" means the transportation of 20719
persons in a motor vehicle where such transportation is incidental 20720
to another purpose of a volunteer driver and includes ridesharing 20721
arrangements known as carpools, vanpools, and buspools. 20722

(EEE) "Motorized wheelchair" means any self-propelled vehicle 20723
designed for, and used by, a handicapped person and that is 20724
incapable of a speed in excess of eight miles per hour. 20725

(FFF) "Child day-care center" and "type A family day-care 20726
home" have the same meanings as in section 5104.01 of the Revised 20727
Code. 20728

(GGG) "Multi-wheel agricultural tractor" means a type of 20729
agricultural tractor that has two or more wheels or tires on each 20730
side of one axle at the rear of the tractor, is designed or used 20731
for drawing other vehicles or wheeled machinery, has no provision 20732
for carrying loads independently of the drawn vehicles or 20733
machinery, and is used principally for agricultural purposes. 20734

(HHH) "Operate" means to cause or have caused movement of a 20735
vehicle, streetcar, or trackless trolley on any public or private 20736

property used by the public for purposes of vehicular travel or parking. 20737
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(III) "Predicate motor vehicle or traffic offense" means any of the following: 20739
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(1) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 20741
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(2) A violation of division (A)(2) of section 4511.17, divisions (A) to (D) of section 4511.51, or division (A) of section 4511.74 of the Revised Code; 20752
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(3) A violation of any provision of sections 4511.01 to 4511.76 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated; 20755
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(4) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in division (III)(1), (2), or (3) of this section. 20758
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Sec. 4511.03. (A) The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the street or highway. 20761
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(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.051. (A) No person, unless otherwise directed by a police officer, shall:

~~(A)~~(1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;

~~(B)~~(2) Occupy any space within the limits of the right-of-way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or

traffic offense, whoever violates this section is guilty of a 20798
misdemeanor of the fourth degree. If, within one year of the 20799
offense, the offender previously has been convicted of two or more 20800
predicate motor vehicle or traffic offenses, whoever violates this 20801
section is guilty of a misdemeanor of the third degree. 20802

Sec. 4511.11. (A) Local authorities in their respective 20803
jurisdictions shall place and maintain traffic control devices in 20804
accordance with the department of transportation manual and 20805
specifications for a uniform system of traffic control devices, 20806
adopted under section 4511.09 of the Revised Code, upon highways 20807
under their jurisdiction as are necessary to indicate and to carry 20808
out sections 4511.01 to 4511.76 and 4511.99 of the Revised Code, 20809
local traffic ordinances, or to regulate, warn, or guide traffic. 20810

(B) The director of transportation may require to be removed 20811
any traffic control device that does not conform to the manual and 20812
specifications for a uniform system of traffic control devices on 20813
the extensions of the state highway system within municipal 20814
corporations. 20815

(C) No village shall place or maintain any traffic control 20816
signal upon an extension of the state highway system within the 20817
village without first obtaining the permission of the director. 20818
The director may revoke the permission and may require to be 20819
removed any traffic control signal that has been erected without 20820
~~his~~ the director's permission on an extension of a state highway 20821
within a village, or that, if erected under a permit granted by 20822
the director, does not conform to the state manual and 20823
specifications, or that is not operated in accordance with the 20824
terms of the permit. 20825

(D) All traffic control devices erected on a public road, 20826
street, or alley, shall conform to the state manual and 20827
specifications. 20828

(E) No person, firm, or corporation shall sell or offer for sale to local authorities any traffic control device that does not conform to the state manual and specifications, except by permission of the director.

(F) No local authority shall purchase or manufacture any traffic control device that does not conform to the state manual and specifications, except by permission of the director.

(G) Whoever violates division (E) of this section is guilty of a misdemeanor of the third degree.

Sec. 4511.12. (A) No pedestrian, driver of a vehicle, or operator of a streetcar or trackless trolley shall disobey the instructions of any traffic control device placed in accordance with this chapter, unless at the time otherwise directed by a police officer.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this chapter does not state that signs are required, that section shall be effective even though no signs are erected or in place.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.132. (A) The driver of a vehicle, streetcar, or trackless trolley who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing ~~him~~ the driver either exhibits no colored lights or colored lighted arrows or exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way:

~~(A)~~(1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;

~~(B)~~(2) Yield the right-of-way to all vehicles, streetcars, or trackless trolleys in the intersection or approaching on an intersecting road, if the vehicles, streetcars, or trackless trolleys will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;

~~(C)~~(3) Exercise ordinary care while proceeding through the intersection.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.16. (A) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be, is an imitation of, or

resembles a traffic control device or railroad sign or signal, or 20889
which attempts to direct the movement of traffic or hides from 20890
view or interferes with the effectiveness of any traffic control 20891
device or any railroad sign or signal, and no person shall place 20892
or maintain, nor shall any public authority permit, upon any 20893
highway any traffic sign or signal bearing thereon any commercial 20894
advertising. This section does not prohibit either the erection 20895
upon private property adjacent to highways of signs giving useful 20896
directional information and of a type that cannot be mistaken for 20897
traffic control devices or the erection upon private property of 20898
traffic control devices by the owner of real property in 20899
accordance with sections 4511.211 and 4511.432 of the Revised 20900
Code. 20901

Every such prohibited sign, signal, marking, or device is a 20902
public nuisance, and the authority having jurisdiction over the 20903
highway may remove it or cause it to be removed. 20904

(B) Except as otherwise provided in this division, whoever 20905
violates this section is guilty of a minor misdemeanor. If, within 20906
one year of the offense, the offender previously has been 20907
convicted of or pleaded guilty to one predicate motor vehicle or 20908
traffic offense, whoever violates this section is guilty of a 20909
misdemeanor of the fourth degree. If, within one year of the 20910
offense, the offender previously has been convicted of two or more 20911
predicate motor vehicle or traffic offenses, whoever violates this 20912
section is guilty of a misdemeanor of the third degree. 20913

Sec. 4511.17. (A) No person, without lawful authority, shall 20914
do any of the following: 20915

~~(A) knowingly~~ (1) Knowingly move, deface, damage, destroy, or 20916
otherwise improperly tamper with any traffic control device, any 20917
railroad sign or signal, or any inscription, shield, or insignia 20918
on the device, sign, or signal, or any part of the device, sign, 20919

or signal; 20920

~~(B) knowingly~~ (2) Knowingly drive upon or over any freshly 20921
applied pavement marking material on the surface of a roadway 20922
while the marking materiel is in an undried condition and is 20923
marked by flags, markers, signs, or other devices intended to 20924
protect it; 20925

~~(C) knowingly~~ (3) Knowingly move, damage, destroy, or 20926
otherwise improperly tamper with a manhole cover. 20927

(B)(1) Except as otherwise provided in this division, whoever 20928
violates division (A)(1) or (3) of this section is guilty of a 20929
misdemeanor of the third degree. If a violation of division (A)(1) 20930
or (3) of this section creates a risk of physical harm to any 20931
person, the offender is guilty of a misdemeanor of the first 20932
degree. If a violation of division (A)(1) or (3) of this section 20933
causes serious physical harm to property that is owned, leased, or 20934
controlled by a state or local authority, the offender is guilty 20935
of a felony of the fifth degree. 20936

(2) Except as otherwise provided in this division, whoever 20937
violates division (A)(2) of this section is guilty of a minor 20938
misdemeanor. If, within one year of the offense, the offender 20939
previously has been convicted of or pleaded guilty to one 20940
predicate motor vehicle or traffic offense, whoever violates 20941
division (A)(2) of this section is guilty of a misdemeanor of the 20942
fourth degree. If, within one year of the offense, the offender 20943
previously has been convicted of two or more predicate motor 20944
vehicle or traffic offenses, whoever violates division (A)(2) of 20945
this section is guilty of a misdemeanor of the third degree. 20946

Sec. 4511.18. (A) As used in this section, "traffic control 20947
device" means any sign, traffic control signal, or other device 20948
conforming to and placed or erected in accordance with the manual 20949
adopted under section 4511.09 of the Revised Code by authority of 20950

a public body or official having jurisdiction, for the purpose of 20951
regulating, warning, or guiding traffic, including signs denoting 20952
the names of streets and highways, but does not mean any pavement 20953
marking. 20954

(B) No individual shall buy or otherwise possess, or sell, a 20955
traffic control device, except when one of the following applies: 20956

(1) In the course of ~~his~~ the individual's employment by the 20957
state or a local authority for the express or implied purpose of 20958
manufacturing, providing, erecting, moving, or removing such a 20959
traffic control device; 20960

(2) In the course of ~~his~~ the individual's employment by any 20961
manufacturer of traffic control devices other than a state or 20962
local authority; 20963

(3) For the purpose of demonstrating the design and function 20964
of a traffic control device to state or local officials; 20965

(4) When the traffic control device has been purchased from 20966
the state or a local authority at a sale of property that is no 20967
longer needed or is unfit for use; 20968

(5) The traffic control device has been properly purchased 20969
from a manufacturer for use on private property and the person 20970
possessing the device has a sales receipt for the device or other 20971
acknowledgment of sale issued by the manufacturer. 20972

(C) This section does not preclude, and shall not be 20973
construed as precluding, prosecution for theft in violation of 20974
section 2913.02 of the Revised Code or a municipal ordinance 20975
relating to theft, or for receiving stolen property in violation 20976
of section 2913.51 of the Revised Code or a municipal ordinance 20977
relating to receiving stolen property. 20978

(D) Whoever violates this section is guilty of a misdemeanor 20979
of the third degree. 20980

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 20981
the Revised Code: 20982

(A) "Equivalent offense" means any of the following: 20983

(1) A violation of division (A) or (B) of section 4511.19 of 20984
the Revised Code; 20985

(2) A violation of a municipal OVI ordinance; 20986

(3) A violation of section 2903.04 of the Revised Code in a 20987
case in which the offender was subject to the sanctions described 20988
in division (D) of that section; 20989

(4) A violation of division (A)(1) of section 2903.06 or 20990
2903.08 of the Revised Code or a municipal ordinance that is 20991
substantially equivalent to either of those divisions; 20992

(5) A violation of division (A)(2), (3), or (4) of section 20993
2903.06, division (A)(2) of section 2903.08, or former section 20994
2903.07 of the Revised Code, or a municipal ordinance that is 20995
substantially equivalent to any of those divisions or that former 20996
section, in a case in which a judge or jury as the trier of fact 20997
found that the offender was under the influence of alcohol, a drug 20998
of abuse, or a combination of them; 20999

(6) A violation of an existing or former municipal ordinance, 21000
law of another state, or law of the United States that is 21001
substantially equivalent to division (A) or (B) of section 4511.19 21002
of the Revised Code; 21003

(7) A violation of a former law of this state that was 21004
substantially equivalent to division (A) or (B) of section 4511.19 21005
of the Revised Code. 21006

(B) "Mandatory jail term" means the mandatory term in jail of 21007
three, six, ten, twenty, thirty, or sixty days that must be 21008
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 21009

of the Revised Code upon an offender convicted of a violation of 21010
division (A) of that section and in relation to which all of the 21011
following apply: 21012

(1) Except as specifically authorized under section 4511.19 21013
of the Revised Code, the term must be served in a jail. 21014

(2) Except as specifically authorized under section 4511.19 21015
of the Revised Code, the term cannot be suspended, reduced, or 21016
otherwise modified pursuant to section 2929.51, 2951.02, or any 21017
other provision of the Revised Code. 21018

(C) "Municipal OVI ordinance" and "municipal OVI offense" 21019
mean any municipal ordinance prohibiting a person from operating a 21020
vehicle while under the influence of alcohol, a drug of abuse, or 21021
a combination of them or prohibiting a person from operating a 21022
vehicle with a prohibited concentration of alcohol in the whole 21023
blood, blood serum or plasma, breath, or urine. 21024

(D) "Community residential sanction," "jail," "mandatory 21025
prison term," "mandatory term of local incarceration," "sanction," 21026
and "prison term" have the same meanings as in section 2929.01 of 21027
the Revised Code. 21028

Sec. 4511.19. (A) No person shall operate any vehicle, 21029
streetcar, or trackless trolley ~~within this state~~, if, at the time 21030
of the operation, any of the following apply: 21031

(1) The person is under the influence of alcohol, a drug of 21032
abuse, or ~~alcohol and a drug of abuse~~ combination of them; 21033

(2) The person has a concentration of ten-hundredths of one 21034
per cent or more but less than seventeen-hundredths of one per 21035
cent by weight per unit volume of alcohol in the person's whole 21036
blood; 21037

(3) The person has a concentration of twelve-hundredths of 21038
one per cent or more but less than two hundred four-thousandths of 21039

one per cent by weight per unit volume of alcohol in the person's
blood serum or plasma; 21040
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(4) The person has a concentration of ten-hundredths of one 21042
gram or more but less than seventeen-hundredths of one gram by 21043
weight of alcohol per two hundred ten liters of the person's 21044
breath; 21045

~~(4)~~(5) The person has a concentration of fourteen-hundredths 21046
of one gram or more but less than two hundred 21047
thirty-eight-thousandths of one gram by weight of alcohol per one 21048
hundred milliliters of the person's urine; 21049

~~(5)~~(6) The person has a concentration of seventeen-hundredths 21050
of one per cent or more by weight per unit volume of alcohol in 21051
the person's whole blood; 21052

~~(6)~~(7) The person has a concentration of two hundred 21053
four-thousandths of one per cent or more by weight per unit volume 21054
of alcohol in the person's blood serum or plasma; 21055

(8) The person has a concentration of seventeen-hundredths of 21056
one gram or more by weight of alcohol per two hundred ten liters 21057
of the person's breath; 21058

~~(7)~~(9) The person has a concentration of two hundred 21059
thirty-eight-thousandths of one gram or more by weight of alcohol 21060
per one hundred milliliters of the person's urine. 21061

(B) No person under twenty-one years of age shall operate any 21062
vehicle, streetcar, or trackless trolley within this state, if, at 21063
the time of the operation, any of the following apply: 21064

(1) The person has a concentration of at least two-hundredths 21065
of one per cent but less than ten-hundredths of one per cent by 21066
weight per unit volume of alcohol in the person's whole blood; 21067
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(2) The person has a concentration of at least 21069

three-hundredths of one per cent but less than twelve-hundredths 21070
of one per cent by weight per unit volume of alcohol in the 21071
person's blood serum or plasma; 21072

(3) The person has a concentration of at least two-hundredths 21073
of one gram but less than ten-hundredths of one gram by weight of 21074
alcohol per two hundred ten liters of the person's breath; 21075
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~~(3)~~(4) The person has a concentration of at least 21077
twenty-eight one-thousandths of one gram but less than 21078
fourteen-hundredths of one gram by weight of alcohol per one 21079
hundred milliliters of the person's urine. 21080

(C) In any proceeding arising out of one incident, a person 21081
may be charged with a violation of division (A)(1) and a violation 21082
of division (B)(1), (2), or (3) of this section, but the person 21083
may not be convicted of more than one violation of these 21084
divisions. 21085

(D)(1) In any criminal prosecution or juvenile court 21086
proceeding for a violation of this section, ~~of a municipal~~ 21087
~~ordinance relating to operating a vehicle while under the~~ 21088
~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 21089
~~abuse, or of a municipal ordinance relating to operating a vehicle~~ 21090
~~with a prohibited concentration of alcohol in the blood, breath,~~ 21091
~~or urine or for an equivalent offense,~~ the court may admit 21092
evidence on the concentration of alcohol, drugs of abuse, or 21093
~~alcohol and drugs of abuse~~ a combination of them in the 21094
defendant's whole blood, blood serum or plasma, breath, urine, or 21095
other bodily substance at the time of the alleged violation as 21096
shown by chemical analysis of the ~~defendant's blood, urine,~~ 21097
~~breath, or other bodily~~ substance withdrawn within two hours of 21098
the time of the alleged violation. 21099

When a person submits to a blood test at the request of a 21100
police law enforcement officer under section 4511.191 of the 21101

Revised Code, only a physician, a registered nurse, or a qualified technician ~~or, chemist, or phlebotomist~~ shall withdraw blood for the purpose of determining ~~its~~ the alcohol, drug, or alcohol and drug content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A ~~physician, a registered nurse, or a qualified technician or chemist~~ person authorized to withdraw blood under this division may refuse to withdraw blood ~~for the purpose of determining the alcohol, drug, or alcohol and drug content of the blood under this division,~~ if in ~~the~~ that person's opinion ~~of the physician, nurse, technician, or chemist,~~ the physical welfare of the person would be endangered by the withdrawing of blood.

~~Such~~ The bodily substance withdrawn shall be analyzed in accordance with methods approved by the director of health by an individual possessing a valid permit issued by the director ~~of health~~ pursuant to section 3701.143 of the Revised Code.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section, ~~of 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, or of a municipal ordinance substantially equivalent to division (A) of this section relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine or for an equivalent offense,~~ if there was at the time the bodily substance was withdrawn a concentration of less than ten-hundredths of one per cent by weight of alcohol in the defendant's blood, less than ten-hundredths of one gram by weight of alcohol per two hundred ten liters of the defendant's breath, or less than fourteen-hundredths of one gram by weight of alcohol per one hundred milliliters of the defendant's urine, such the applicable concentration of alcohol specified in divisions (A)(2), (3), (4), and (5) of this section, that fact may be considered

with other competent evidence in determining the guilt or 21134
innocence of the defendant. This division does not limit or affect 21135
a criminal prosecution or juvenile court proceeding for a 21136
violation of division (B) of this section or ~~of a municipal~~ 21137
~~ordinance~~ for an equivalent offense that is substantially 21138
equivalent to that division (B) ~~of this section relating to~~ 21139
~~operating a vehicle with a prohibited concentration of alcohol in~~ 21140
~~the blood, breath, or urine.~~ 21141

(3) Upon the request of the person who was tested, the 21142
results of the chemical test shall be made available to the person 21143
or the person's attorney ~~or agent~~, immediately upon the completion 21144
of the chemical test analysis. 21145

The person tested may have a physician, a registered nurse, 21146
or a qualified technician ~~or~~, chemist, or phlebotomist of the 21147
person's own choosing administer a chemical test or tests, at the 21148
person's expense, in addition to any administered at the request 21149
of a ~~police~~ law enforcement officer, ~~and shall be so advised.~~ The 21150
form to be read to the person to be tested, as required under 21151
section 4511.192 of the Revised Code, shall state that the person 21152
may have an independent test performed at the person's expense. 21153
The failure or inability to obtain an additional chemical test by 21154
a person shall not preclude the admission of evidence relating to 21155
the chemical test or tests taken at the request of a ~~police~~ law 21156
enforcement officer. 21157

~~(4) Any~~ (E)(1) Subject to division (E)(3) of this section, in 21158
any criminal prosecution or juvenile court proceeding for a 21159
violation of division (A)(2), (3), (4), (5), (6), (7), (8), or (9) 21160
or (B)(1), (2), (3), or (4) of this section or for an equivalent 21161
offense that is substantially equivalent to any of those 21162
divisions, a laboratory report from any forensic laboratory 21163
certified by the department of health that contains an analysis of 21164
the whole blood, blood serum or plasma, breath, urine, or other 21165

bodily substance tested and that contains all of the information 21166
specified in this division shall be admitted as prima-facie 21167
evidence of the information and statements that the report 21168
contains. The laboratory report shall contain all of the 21169
following: 21170

(a) The signature, under oath, of any person who performed 21171
the analysis; 21172

(b) Any findings as to the identity and quantity of alcohol, 21173
a drug of abuse, or a combination of them that was found; 21174

(c) A copy of a notarized statement by the laboratory 21175
director or a designee of the director that contains the name of 21176
each certified analyst or test performer involved with the report, 21177
the analyst's or test performer's employment relationship with the 21178
laboratory that issued the report, and a notation that performing 21179
an analysis of the type involved is part of the analyst's or test 21180
performer's regular duties; 21181

(d) An outline of the analyst's or test performer's 21182
education, training, and experience in performing the type of 21183
analysis involved and a certification that the laboratory 21184
satisfies appropriate quality control standards in general and, in 21185
this particular analysis, under rules of the department of health. 21186

(2) Notwithstanding any other provision of law regarding the 21187
admission of evidence, a report of the type described in division 21188
(E)(1) of this section is not admissible against the defendant to 21189
whom it pertains in any proceeding, other than a preliminary 21190
hearing or a grand jury proceeding, unless the prosecutor has 21191
served a copy of the report on the defendant's attorney or, if the 21192
defendant has no attorney, on the defendant. 21193

(3) A report of the type described in division (E)(1) of this 21194
section shall not be prima-facie evidence of the contents, 21195
identity, or amount of any substance if, within seven days after 21196

the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

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(F) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician ~~or~~ chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability~~7~~ and from civil liability ~~that is~~ based upon a claim of assault and battery or ~~based upon~~ any other claim that is not ~~in the nature of~~ a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

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(G)(1) Whoever violates any provision of divisions (A)(1) to (9) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. The court shall sentence the offender under Chapter 2929. of the Revised Code, except as otherwise authorized or required by divisions (G)(1)(a) to (e) of this section:

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

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(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of three consecutive days. As used in this division, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention

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program and a jail term. The court may impose a jail term in 21229
addition to the three-day mandatory jail term or intervention 21230
program. However, in no case shall the cumulative jail term 21231
imposed for the offense exceed six months. 21232

The court may suspend the execution of the three-day jail 21233
term under this division if the court, in lieu of that suspended 21234
term, places the offender on probation and requires the offender 21235
to attend, for three consecutive days, a drivers' intervention 21236
program certified under section 3793.10 of the Revised Code. The 21237
court also may suspend the execution of any part of the three-day 21238
jail term under this division if it places the offender on 21239
probation for part of the three days, requires the offender to 21240
attend for the suspended part of the term a drivers' intervention 21241
program so certified, and sentences the offender to a jail term 21242
equal to the remainder of the three consecutive days that the 21243
offender does not spend attending the program. The court may 21244
require the offender, as a condition of probation and in addition 21245
to the required attendance at a drivers' intervention program, to 21246
attend and satisfactorily complete any treatment or education 21247
programs that comply with the minimum standards adopted pursuant 21248
to Chapter 3793. of the Revised Code by the director of alcohol 21249
and drug addiction services that the operators of the drivers' 21250
intervention program determine that the offender should attend and 21251
to report periodically to the court on the offender's progress in 21252
the programs. The court also may impose on the offender any other 21253
conditions of probation that it considers necessary. 21254

(ii) If the sentence is being imposed for a violation of 21255
division (A)(6), (7), (8), or (9) of this section, except as 21256
otherwise provided in this division, a mandatory jail term of at 21257
least three consecutive days and a requirement that the offender 21258
attend, for three consecutive days, a drivers' intervention 21259
program that is certified pursuant to section 3793.10 of the 21260

Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

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 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.

(iii) In all cases, a fine of not less than two hundred fifty and not more than one thousand dollars;

(iv) In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree.

The court shall sentence the offender to all of the following: 21293

(i) If the sentence is being imposed for a violation of 21294
division (A)(1), (2), (3), (4), or (5) of this section, a 21295
mandatory jail term of ten consecutive days. The court shall 21296
impose the ten-day mandatory jail term under this division unless, 21297
subject to division (G)(3) of this section, it instead imposes a 21298
sentence consisting of both a jail term and a term of 21299
electronically monitored house arrest. The court may impose a jail 21300
term in addition to the ten-day mandatory jail term. The 21301
cumulative jail term imposed for the offense shall not exceed six 21302
months. 21303

In addition to the jail term or the term of electronically 21304
monitored house arrest and jail term, the court may require the 21305
offender to attend a drivers' intervention program that is 21306
certified pursuant to section 3793.10 of the Revised Code. If the 21307
operator of the program determines that the offender is alcohol 21308
dependent, the program shall notify the court, and, subject to 21309
division (I) of this section, the court shall order the offender 21310
to obtain treatment through an alcohol and drug addiction program 21311
authorized by section 3793.02 of the Revised Code. 21312

(ii) If the sentence is being imposed for a violation of 21313
division (A)(6), (7), (8), or (9) of this section, except as 21314
otherwise provided in this division, a mandatory jail term of 21315
twenty consecutive days. The court shall impose the twenty-day 21316
mandatory jail term under this division unless, subject to 21317
division (G)(3) of this section, it instead imposes a sentence 21318
consisting of both a jail term and a term of electronically 21319
monitored house arrest. The court may impose a jail term in 21320
addition to the twenty-day mandatory jail term. The cumulative 21321
jail term imposed for the offense shall not exceed six months. 21322

In addition to the jail term or the term of electronically 21323
monitored house arrest and jail term, the court may require the 21324

offender to attend a driver's intervention program that is 21325
certified pursuant to section 3793.10 of the Revised Code. If the 21326
operator of the program determines that the offender is alcohol 21327
dependent, the program shall notify the court, and, subject to 21328
division (I) of this section, the court shall order the offender 21329
to obtain treatment through an alcohol and drug addiction program 21330
authorized by section 3793.02 of the Revised Code. 21331

(iii) In all cases, notwithstanding the fines set forth in 21332
Chapter 2929. of the Revised Code, a fine of not less than three 21333
hundred fifty and not more than one thousand five hundred dollars; 21334

(iv) In all cases, a class four license suspension of the 21335
offender's driver's license, commercial driver's license, 21336
temporary instruction permit, probationary license, or nonresident 21337
operating privilege from the range specified in division (A)(4) of 21338
section 4510.02 of the Revised Code. The court may grant limited 21339
driving privileges relative to the suspension under sections 21340
4510.021 and 4510.13 of the Revised Code. 21341

(v) In all cases, if the vehicle is registered in the 21342
offender's name, immobilization of the vehicle involved in the 21343
offense for ninety days in accordance with section 4503.233 of the 21344
Revised Code and impoundment of the license plates of that vehicle 21345
for ninety days. 21346

(c) Except as otherwise provided in division (G)(1)(e) of 21347
this section, an offender who, within six years of the offense, 21348
previously has been convicted of or pleaded guilty to two 21349
violations of division (A) or (B) of this section or other 21350
equivalent offenses is guilty of a misdemeanor of the first 21351
degree. The court shall sentence the offender to all of the 21352
following: 21353

(i) If the sentence is being imposed for a violation of 21354
division (A)(1), (2), (3), (4), or (5) of this section, a 21355

mandatory jail term of thirty consecutive days. The court shall 21356
impose the thirty-day mandatory jail term under this division 21357
unless, subject to division (G)(3) of this section, it instead 21358
imposes a sentence consisting of both a jail term and a term of 21359
electronically monitored house arrest. The court may impose a jail 21360
term in addition to the thirty-day mandatory jail term. 21361
notwithstanding the terms of imprisonment set forth in Chapter 21362
2929. of the Revised Code, the additional jail term shall not 21363
exceed one year, and the cumulative jail term imposed for the 21364
offense shall not exceed one year. 21365

(ii) If the sentence is being imposed for a violation of 21366
division (A)(6), (7), (8), or (9) of this section, a mandatory 21367
jail term of sixty consecutive days. The court shall impose the 21368
sixty-day mandatory jail term under this division unless, subject 21369
to division (G)(3) of this section, it instead imposes a sentence 21370
consisting of both a jail term and a term of electronically 21371
monitored house arrest. The court may impose a jail term in 21372
addition to the sixty-day mandatory jail term. notwithstanding the 21373
terms of imprisonment set forth in Chapter 2929. of the Revised 21374
Code, the additional jail term shall not exceed one year, and the 21375
cumulative jail term imposed for the offense shall not exceed one 21376
year. 21377

(iii) In all cases, notwithstanding the fines set forth in 21378
Chapter 2929. of the Revised Code, a fine of not less than five 21379
hundred fifty and not more than two thousand five hundred dollars; 21380

(iv) In all cases, a class three license suspension of the 21381
offender's driver's license, commercial driver's license, 21382
temporary instruction permit, probationary license, or nonresident 21383
operating privilege from the range specified in division (A)(3) of 21384
section 4510.02 of the Revised Code. The court may grant limited 21385
driving privileges relative to the suspension under sections 21386
4510.021 and 4510.13 of the Revised Code. 21387

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in accordance with section 4503.234 of the Revised Code. 21388
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(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section. 21391
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(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of this section or other equivalent offenses is guilty of a felony of the fourth degree. The court shall sentence the offender to all of the following: 21394
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(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, in the discretion of the court, either a mandatory term of local incarceration of sixty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of sixty consecutive days of imprisonment in accordance with division (G)(2) of that section. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the sixty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months, the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code, and no term of local incarceration, community residential sanction, or nonresidential sanction is authorized for the offense. 21400
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(ii) If the sentence is being imposed for a violation of 21419

division (A)(6), (7), (8), or (9) of this section, in the 21420
discretion of the court, either a mandatory term of local 21421
incarceration of one hundred twenty consecutive days in accordance 21422
with division (G)(1) of section 2929.13 of the Revised Code or a 21423
mandatory prison term of one hundred twenty consecutive days in 21424
accordance with division (G)(2) of that section. If the court 21425
imposes a mandatory term of local incarceration, it may impose a 21426
jail term in addition to the one hundred twenty-day mandatory 21427
term, the cumulative total of the mandatory term and the jail term 21428
for the offense shall not exceed one year, and no prison term is 21429
authorized for the offense. If the court imposes a mandatory 21430
prison term, notwithstanding division (A)(4) of section 2929.14 of 21431
the Revised Code, it also may sentence the offender to a definite 21432
prison term that shall be not less than six months and not more 21433
than thirty months, the prison terms shall be imposed as described 21434
in division (G)(2) of section 2929.13 of the Revised Code, and no 21435
term of local incarceration, community residential sanction, or 21436
nonresidential sanction is authorized for the offense. 21437

(iii) In all cases, notwithstanding section 2929.18 of the 21438
Revised Code, a fine of not less than eight hundred nor more than 21439
ten thousand dollars; 21440

(iv) In all cases, a class two license suspension of the 21441
offender's driver's license, commercial driver's license, 21442
temporary instruction permit, probationary license, or nonresident 21443
operating privilege from the range specified in division (A)(2) of 21444
section 4510.02 of the Revised Code. The court may grant limited 21445
driving privileges relative to the suspension under sections 21446
4510.021 and 4510.13 of the Revised Code. 21447

(v) In all cases, criminal forfeiture of the vehicle involved 21448
in the offense in accordance with section 4503.234 of the Revised 21449
Code, if the vehicle is registered in the offender's name. If 21450
title to a motor vehicle that is subject to an order of criminal 21451

forfeiture under this division is assigned or transferred and 21452
division (C)(2) or (3) of section 4503.234 of the Revised Code 21453
applies, in addition to or independent of any fine established by 21454
law, the court may fine the offender the value of the vehicle as 21455
determined by publications of the national auto dealers 21456
association. The proceeds of any fine so imposed shall be 21457
distributed in accordance with division (D)(4) of that section. 21458

(vi) In all cases, participation in an alcohol and drug 21459
addiction program authorized by section 3793.02 of the Revised 21460
Code, subject to division (I) of this section. 21461

(vii) In all cases, if the court sentences the offender to a 21462
mandatory term of local incarceration, in addition to the 21463
mandatory term, the court, pursuant to section 2929.17 of the 21464
Revised Code, may impose a term of electronically monitored house 21465
arrest. The term shall not commence until after the offender has 21466
served the mandatory term of local incarceration. 21467

(e) An offender who previously has been convicted of or 21468
pleaded guilty to a violation of division (A) of this section that 21469
was a felony, regardless of when the violation and the conviction 21470
or guilty plea occurred, is guilty of a felony of the third 21471
degree. The court shall sentence the offender to all of the 21472
following: 21473

(i) If the offender is being sentenced for a violation of 21474
division (A)(1), (2), (3), (4), or (5) of this section, a 21475
mandatory prison term of sixty consecutive days in accordance with 21476
division (G)(2) of section 2929.13 of the Revised Code. The court 21477
may impose a prison term in addition to the sixty-day mandatory 21478
prison term. The cumulative total of the mandatory prison term and 21479
the additional prison term for the offense shall not exceed five 21480
years. No term of local incarceration, community residential 21481
sanction, or nonresidential sanction is authorized for the 21482
offense. 21483

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code. The court may impose a prison term in addition to the one hundred twenty-day mandatory prison term. The cumulative total of the mandatory prison term and the additional prison term for the offense shall not exceed five years. No term of local incarceration, community residential sanction, or nonresidential sanction is authorized for the offense. 21484
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(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than eight hundred nor more than ten thousand dollars; 21494
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(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. 21497
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(v) In all cases, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code, if the vehicle is registered in the offender's name. If title to a motor vehicle that is subject to an order of criminal forfeiture under this division 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 fine established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (D)(4) of that section. 21504
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(vi) In all cases, participation in an alcohol and drug 21515

addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section. 21516
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(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Revised Code. 21518
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(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of electronically monitored house arrest, as defined in section 2929.23 of the Revised Code. 21525
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As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of electronically monitored house arrest. The cumulative total of the five consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest. 21535
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As an alternative to the mandatory jail term of twenty consecutive days required by division (G)(1)(b)(ii) of this section, the court, under this division, may sentence the offender to ten consecutive days in jail and not less than thirty-six 21544
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consecutive days of electronically monitored house arrest. The 21548
cumulative total of the ten consecutive days in jail and the 21549
period of electronically monitored house arrest shall not exceed 21550
six months. The ten consecutive days in jail do not have to be 21551
served prior to or consecutively to the period of house arrest. 21552

As an alternative to a mandatory jail term of thirty 21553
consecutive days required by division (G)(1)(c)(i) of this 21554
section, the court, under this division, may sentence the offender 21555
to fifteen consecutive days in jail and not less than fifty-five 21556
consecutive days of electronically monitored house arrest. The 21557
cumulative total of the fifteen consecutive days in jail and the 21558
period of electronically monitored house arrest shall not exceed 21559
one year. The fifteen consecutive days in jail do not have to be 21560
served prior to or consecutively to the period of house arrest. 21561

As an alternative to the mandatory jail term of sixty 21562
consecutive days required by division (G)(1)(c)(ii) of this 21563
section, the court, under this division, may sentence the offender 21564
to thirty consecutive days in jail and not less than one hundred 21565
ten consecutive days of electronically monitored house arrest. The 21566
cumulative total of the thirty consecutive days in jail and the 21567
period of electronically monitored house arrest shall not exceed 21568
one year. The thirty consecutive days in jail do not have to be 21569
served prior to or consecutively to the period of house arrest. 21570

(4) If an offender's driver's or occupational driver's 21571
license or permit or nonresident operating privilege is suspended 21572
under division (G) of this section and if section 4510.13 of the 21573
Revised Code permits the court to grant limited driving 21574
privileges, the court may grant the limited driving privileges 21575
only if the court imposes as one of the conditions of the 21576
privileges that the offender must display on the vehicle that is 21577
driven subject to the privileges restricted license plates that 21578
are issued under section 4503.231 of the Revised Code, except as 21579

provided in division (B) of that section. 21580

(5) Fines imposed under this section for a violation of 21581
division (A) of this section shall be distributed as follows: 21582

(a) Twenty-five dollars of the fine imposed under division 21583
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 21584
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 21585
fine imposed under division (G)(1)(c)(iii), and two hundred ten 21586
dollars of the fine imposed under division (G)(1)(d)(iii) or 21587
(e)(iii) of this section shall be paid to an enforcement and 21588
education fund established by the legislative authority of the law 21589
enforcement agency in this state that primarily was responsible 21590
for the arrest of the offender, as determined by the court that 21591
imposes the fine. The agency shall use this share to pay only 21592
those costs it incurs in enforcing this section or a municipal OVI 21593
ordinance and in informing the public of the laws governing the 21594
operation of a vehicle while under the influence of alcohol, the 21595
dangers of the operation of a vehicle under the influence of 21596
alcohol, and other information relating to the operation of a 21597
vehicle under the influence of alcohol and the consumption of 21598
alcoholic beverages. 21599

(b) Fifty dollars of the fine imposed under division 21600
(G)(1)(a)(iii) of this section shall be paid to the political 21601
subdivision that pays the cost of housing the offender during the 21602
offender's term of incarceration. If the offender is being 21603
sentenced for a violation of division (A)(1), (2), (3), (4), or 21604
(5) of this section and was confined as a result of the offense 21605
prior to being sentenced for the offense but is not sentenced to a 21606
term of incarceration, the fifty dollars shall be paid to the 21607
political subdivision that paid the cost of housing the offender 21608
during that period of confinement. The political subdivision shall 21609
use the share under this division to pay or reimburse 21610
incarceration or treatment costs it incurs in housing or providing 21611

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

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

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(d) One hundred fifteen dollars of the fine imposed under division (G)(1)(b)(iii), two hundred seventy-seven dollars of the fine imposed under division (G)(1)(c)(iii), and four hundred forty dollars of the fine imposed under division (G)(1)(d)(iii) or (e)(iii) of this section 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 this section or a municipal OVI ordinance, costs for any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate this section.

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

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

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(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code. 21643
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(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of this section or other equivalent offense offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code. 21651
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(I)(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services. 21662
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(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund. 21667
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(J) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension. 21675
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(K) All terms defined in sections 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section. 21680
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(L) The Ohio Traffic Rules in effect on the effective date of this amendment, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. If, on or after the effective date of this amendment, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section. 21686
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Sec. 4511.191. (A)(1) "Physical control" has the same meaning as in section 4511.194 of the Revised Code. 21694
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(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a stationary vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining to determine the alcohol, drug, or alcohol and drug content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for operating a vehicle while under 21696
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~~the influence of alcohol, a drug of abuse, or alcohol and a drug
of abuse or for operating a vehicle with a prohibited
concentration of alcohol in the blood, breath, or urine. The a
violation of division (A) or (B) of section 4511.19 of the Revised
Code, section 4511.194 of the Revised Code, or a municipal OVI
ordinance.~~ 21706
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~~(3) The chemical test or tests under division (A)(2) of this
section shall be administered at the request of a police law
enforcement officer having reasonable grounds to believe the
person to have been was operating a vehicle upon a highway or any
public or private property used by the public for vehicular travel
or parking in this state while under the influence of alcohol, a
drug of abuse, or alcohol and a drug of abuse or with a prohibited
concentration of alcohol in the blood, breath, or urine,
streetcar, or trackless trolley in violation of a division,
section, or ordinance identified in division (A)(2) of this
section. The law enforcement agency by which the officer is
employed shall designate which of the tests shall be administered.~~ 21712
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~~(B)(4) Any person who is dead or unconscious, or who is
otherwise is in a condition rendering the person incapable of
refusal, shall be deemed not to have withdrawn consent consented
as provided by in division (A)(2) of this section, and the test or
tests may be administered, subject to sections 313.12 to 313.16 of
the Revised Code.~~ 21724
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~~(C)(1) Any person under arrest for operating a vehicle while
under the influence of alcohol, a drug of abuse, or alcohol and a
drug of abuse or for operating a vehicle with a prohibited
concentration of alcohol in the blood, breath, or urine shall be
advised at a police station, or at a hospital, first-aid station,
or clinic to which the person has been taken for first-aid or
medical treatment, of both of the following:~~ 21730
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~~(a) The consequences, as specified in division (E) of this~~ 21737

~~section, of the person's refusal to submit upon request to a
chemical test designated by the law enforcement agency as provided
in division (A) of this section;~~ 21738
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~~(b) The consequences, as specified in division (F) of this
section, of the person's submission to the designated chemical
test if the person is found to have a prohibited concentration of
alcohol in the blood, breath, or urine.~~ 21741
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~~(2)(a) The advice given pursuant to division (C)(1) of this
section shall be in a written form containing the information
described in division (C)(2)(b) of this section and shall be read
to the person. The form shall contain a statement that the form
was shown to the person under arrest and read to the person in the
presence of the arresting officer and either another police
officer, a civilian police employee, or an employee of a hospital,
first-aid station, or clinic, if any, to which the person has been
taken for first-aid or medical treatment. The witnesses shall
certify to this fact by signing the form.~~ 21745
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~~(b) The form required by division (C)(2)(a) of this section
shall read as follows:~~ 21755
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~~"You now are under arrest for operating a vehicle while under
the influence of alcohol, a drug of abuse, or both alcohol and a
drug of abuse and will be requested by a police officer to submit
to a chemical test to determine the concentration of alcohol,
drugs of abuse, or alcohol and drugs of abuse in your blood,
breath, or urine.~~ 21757
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~~If you refuse to submit to the requested test or if you
submit to the requested test and are found to have a prohibited
concentration of alcohol in your blood, breath, or urine, your
driver's or commercial driver's license or permit or nonresident
operating privilege immediately will be suspended for the period
of time specified by law by the officer, on behalf of the~~ 21763
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registrar of motor vehicles. You may appeal this suspension at 21769
your initial appearance before the court that hears the charges 21770
against you resulting from the arrest, and your initial appearance 21771
will be conducted no later than five days after the arrest. This 21772
suspension is independent of the penalties for the offense, and 21773
you may be subject to other penalties upon conviction." 21774

~~(D)(1) If a person under arrest as described in division 21775
(C)(1) of this section is not asked by a police officer to submit 21776
to a chemical test designated as provided in division (A) of this 21777
section, the arresting officer shall seize the Ohio or 21778
out-of-state driver's or commercial driver's license or permit of 21779
the person and immediately forward the seized license or permit to 21780
the court in which the arrested person is to appear on the charge 21781
for which the person was arrested. If the arrested person does not 21782
have the person's driver's or commercial driver's license or 21783
permit on the person's self or in the person's vehicle, the 21784
arresting officer shall order the arrested person to surrender it 21785
to the law enforcement agency that employs the officer within 21786
twenty-four hours after the arrest, and, upon the surrender, the 21787
officer's employing agency immediately shall forward the license 21788
or permit to the court in which the arrested person is to appear 21789
on the charge for which the person was arrested. Upon receipt of 21790
the license or permit, the court shall retain it pending the 21791
initial appearance of the arrested person and any action taken 21792
under section 4511.196 of the Revised Code. 21793~~

~~If a person under arrest as described in division (C)(1) of 21794
this section is asked by a police officer to submit to a chemical 21795
test designated as provided in division (A) of this section and is 21796
advised of the consequences of the person's refusal or submission 21797
as provided in division (C) of this section and if the person 21798
either refuses to submit to the designated chemical test or the 21799
person submits to the designated chemical test and the test 21800~~

~~results indicate that the person's blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense, the arresting officer shall do all of the following:~~

~~(a) On behalf of the registrar, serve a notice of suspension upon the person that advises the person that, independent of any penalties or sanctions imposed upon the person pursuant to any other section of the Revised Code or any other municipal ordinance, the person's driver's or commercial driver's license or permit or nonresident operating privilege is suspended, that the suspension takes effect immediately, that the suspension will last at least until the person's initial appearance on the charge that will be held within five days after the date of the person's arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance; seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person; and immediately forward the seized license or permit to the registrar. If the arrested person does not have the person's driver's or commercial driver's license or permit on the person's self or in the person's vehicle, the arresting officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four hours after the service of the notice of suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the registrar.~~

~~(b) Verify the current residence of the person and, if it differs from that on the person's driver's or commercial driver's~~

~~license or permit, notify the registrar of the change;~~ 21833

~~(c) In addition to forwarding the arrested person's driver's or commercial driver's license or permit to the registrar, send to the registrar, within forty-eight hours after the arrest of the person, a sworn report that includes all of the following statements:~~ 21834
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~~(i) That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle upon a highway or public or private property used by the public for vehicular travel or parking within this state while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with a prohibited concentration of alcohol in the blood, breath, or urine;~~ 21839
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~~(ii) That the person was arrested and charged with operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;~~ 21846
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~~(iii) That the officer asked the person to take the designated chemical test, advised the person of the consequences of submitting to the chemical test or refusing to take the chemical test, and gave the person the form described in division (C)(2) of this section;~~ 21851
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~~(iv) That the person refused to submit to the chemical test or that the person submitted to the chemical test and the test results indicate that the person's blood contained a concentration of ten hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen hundredths of one gram or more by weight~~ 21856
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~~of alcohol per one hundred milliliters of the person's urine at
the time of the alleged offense;~~ 21864
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~~(v) That the officer served a notice of suspension upon the
person as described in division (D)(1)(a) of this section.~~ 21866
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~~(2) The sworn report of an arresting officer completed under
division (D)(1)(c) of this section shall be given by the officer
to the arrested person at the time of the arrest or sent to the
person by regular first class mail by the registrar as soon
thereafter as possible, but no later than fourteen days after
receipt of the report. An arresting officer may give an unsworn
report to the arrested person at the time of the arrest provided
the report is complete when given to the arrested person and
subsequently is sworn to by the arresting officer. As soon as
possible, but no later than forty-eight hours after the arrest of
the person, the arresting officer shall send a copy of the sworn
report to the court in which the arrested person is to appear on
the charge for which the person was arrested.~~ 21868
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~~(3) The sworn report of an arresting officer completed and
sent to the registrar and the court under divisions (D)(1)(c) and
(D)(2) of this section is prima-facie proof of the information and
statements that it contains and shall be admitted and considered
as prima-facie proof of the information and statements that it
contains in any appeal under division (H) of this section relative
to any suspension of a person's driver's or commercial driver's
license or permit or nonresident operating privilege that results
from the arrest covered by the report.~~ 21881
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~~(E)(B)(1) Upon receipt of the sworn report of an arresting a
law enforcement officer who arrested a person for a violation of
division (A) or (B) of section 4511.19 of the Revised Code,
section 4511.194 of the Revised Code, or a municipal OVI ordinance
that was completed and sent to the registrar and a court pursuant
to divisions (D)(1)(c) and (D)(2) of this section 4511.192 of the 21890
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Revised Code in regard to a person who refused to take the 21896
designated chemical test, the registrar shall enter into the 21897
registrar's records the fact that the person's driver's or 21898
commercial driver's license or permit or nonresident operating 21899
privilege was suspended by the arresting officer under ~~division~~ 21900
~~(D)(1)(a)~~ of this division and that section and the period of the 21901
suspension, as determined under ~~divisions (E)(1)(a) to (d)~~ of this 21902
section. The suspension shall be subject to appeal as provided in 21903
this section and 4511.197 of the Revised Code. The suspension 21904
shall be for whichever of the following periods applies: 21905

(a) ~~If the arrested person, within five years of the date on~~ 21906
~~which the person refused the request to consent to the chemical~~ 21907
~~test, had not refused a previous request to consent to a chemical~~ 21908
~~test of the person's blood, breath, or urine to determine its~~ 21909
~~alcohol content~~ Except when division (B)(1)(b), (c), or (d) of 21910
this section applies and specifies a different class or length of 21911
suspension, the ~~period of~~ suspension shall be ~~one year~~. If the 21912
~~person is a resident without a license or permit to operate a~~ 21913
~~vehicle within this state, the registrar shall deny to the person~~ 21914
~~the issuance of a driver's or commercial driver's license or~~ 21915
~~permit for a period of one year after the date of the alleged~~ 21916
~~violation~~ a class C suspension for the period of time specified in 21917
division (B)(3) of section 4510.02 of the Revised Code. 21918

(b) If the arrested person, within ~~five~~ six years of the date 21919
on which the person refused the request to consent to the chemical 21920
test, had refused one previous request to consent to a chemical 21921
test of the person's blood, breath, or urine to determine its 21922
alcohol content, the ~~period of~~ suspension or ~~denial~~ shall be ~~two~~ 21923
~~years~~ a class B suspension imposed for the period of time 21924
specified in division (B)(2) of section 4510.02 of the Revised 21925
Code. 21926

(c) If the arrested person, within ~~five~~ six years of the date 21927

on which the person refused the request to consent to the chemical 21928
test, had refused two previous requests to consent to a chemical 21929
test ~~of the person's blood, breath, or urine to determine its~~ 21930
~~alcohol content, the period of suspension or denial shall be three~~ 21931
~~years~~ a class A suspension imposed for the period of time 21932
specified in division (B)(1) of section 4510.02 of the Revised 21933
Code. 21934

(d) If the arrested person, within ~~five~~ six years of the date 21935
on which the person refused the request to consent to the chemical 21936
test, had refused three or more previous requests to consent to a 21937
chemical test ~~of the person's blood, breath, or urine to determine~~ 21938
~~its alcohol content, the period of suspension or denial shall be~~ 21939
~~for~~ five years. 21940

~~(2) The suspension or denial imposed under division (E)(1) of~~ 21941
~~this section shall continue for the entire one-year, two-year,~~ 21942
~~three-year, or five-year period, subject to appeal as provided in~~ 21943
~~this section and subject to termination as provided in division~~ 21944
~~(K) of this section.~~ 21945

~~(F)~~(2) The registrar shall terminate a suspension of the 21946
driver's or commercial driver's license or permit of a resident or 21947
of the operating privilege of a nonresident, or a denial of a 21948
driver's or commercial driver's license or permit, imposed 21949
pursuant to division (B)(1) of this section upon receipt of notice 21950
that the person has entered a plea of guilty to, or has been 21951
convicted of, operating a vehicle in violation of section 4511.19 21952
of the Revised Code or in violation of a municipal OVI ordinance, 21953
if the offense for which the conviction is had or the plea is 21954
entered arose from the same incident that led to the suspension or 21955
denial. 21956

The registrar shall credit against any judicial suspension of 21957
a person's driver's or commercial driver's license or permit or 21958
nonresident operating privilege imposed pursuant to section 21959

4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section. 21960
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(C)(1) Upon receipt of the sworn report of an arresting law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to divisions (D)(1)(c) and (D)(2) of this section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained a at least the concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense specified in division (A)(2), (3), (4), or (5) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under division (D)(1)(a) of this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (F)(1) to (4) of this section. The suspension shall be subject to appeal as provided in this section and 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code who submits to a designated chemical test. The suspension shall be for whichever of the following 21964
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periods that applies:	21992
(1)(a) Except when division (F)(2), (3), or (4) (C)(1)(b), (c), or (d) of this section applies and specifies a different period of suspension or denial, the period of the suspension or denial shall be ninety days a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.	21993 21994 21995 21996 21997 21998
(2)(b) The period of suspension or denial shall be one year a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, of a one violation of one of the following:	21999 22000 22001 22002 22003 22004
(a) Division <u>division</u> (A) or (B) of section 4511.19 of the Revised Code;	22005 22006
(b) 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;	22007 22008 22009
(c) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;	22010 22011 22012
(d) 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;	22013 22014 22015
(e) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;	22016 22017 22018
(f) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a	22019 22020 22021 22022

~~case in which the jury or judge found that at the time of the~~ 22023
~~commission of the offense the offender was under the influence of~~ 22024
~~alcohol, a drug of abuse, or alcohol and a drug of abuse;~~ 22025

~~(g) A statute of the United States or of any other state or a~~ 22026
~~municipal ordinance of a municipal corporation located in any~~ 22027
~~other state that is substantially similar to division (A) or (B)~~ 22028
~~of section 4511.19 of the Revised Code or one other equivalent~~ 22029
~~offense.~~ 22030

~~(3)(c) If the person has been convicted, within six years of~~ 22031
~~the date the test was conducted, of the person has been convicted~~ 22032
~~of or pleaded guilty to two violations of a statute or ordinance~~ 22033
~~described in division ~~(F)(2)(C)(1)(b)~~ of this section, the period~~ 22034
~~of the suspension or denial shall be two years a class B~~ 22035
~~suspension imposed for the period of time specified in division~~ 22036
~~(B)(2) of section 4510.02 of the Revised Code.~~ 22037

~~(4)(d) If the person has been convicted, within six years of~~ 22038
~~the date the test was conducted, of the person has been convicted~~ 22039
~~of or pleaded guilty to more than two violations of a statute or~~ 22040
~~ordinance described in division ~~(F)(2)(C)(1)(b)~~ of this section,~~ 22041
~~the period of the suspension or denial shall be three years a~~ 22042
~~class A suspension imposed for the period of time specified in~~ 22043
~~division (B)(1) of section 4510.02 of the Revised Code.~~ 22044

~~(2) The registrar shall terminate a suspension of the~~ 22045
~~driver's or commercial driver's license or permit of a resident or~~ 22046
~~of the operating privilege of a nonresident, or a denial of a~~ 22047
~~driver's or commercial driver's license or permit, imposed~~ 22048
~~pursuant to division (C)(1) of this section upon receipt of notice~~ 22049
~~that the person has entered a plea of guilty to, or has been~~ 22050
~~convicted of, operating a vehicle in violation of section 4511.19~~ 22051
~~of the Revised Code or in violation of a municipal OVI ordinance,~~ 22052
~~if the offense for which the conviction is had or the plea is~~ 22053
~~entered arose from the same incident that led to the suspension or~~ 22054

denial. 22055

The registrar shall credit against any judicial suspension of 22056
a person's driver's or commercial driver's license or permit or 22057
nonresident operating privilege imposed pursuant to section 22058
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 22059
Revised Code for a violation of a municipal OVI ordinance, any 22060
time during which the person serves a related suspension imposed 22061
pursuant to division (C)(1) of this section. 22062

~~(G)(D)(1)~~ A suspension of a person's driver's or commercial 22063
driver's license or permit or nonresident operating privilege 22064
under ~~division (D)(1)(a)~~ of this section for the ~~period of~~ time 22065
described in division ~~(E)(B)~~ or ~~(F)(C)~~ of this section is 22066
effective immediately from the time at which the arresting officer 22067
serves the notice of suspension upon the arrested person. Any 22068
subsequent finding that the person is not guilty of the charge 22069
that resulted in the person being requested to take, ~~or in the~~ 22070
~~person taking,~~ the chemical test or tests under division (A) of 22071
this section ~~affects~~ does not affect the suspension ~~only as~~ 22072
~~described in division (H)(2) of this section.~~ 22073

(2) If a person is arrested for operating a vehicle ~~while~~ 22074
~~under the influence of alcohol, a drug of abuse, or alcohol and a~~ 22075
~~drug of abuse or for operating a vehicle with a prohibited~~ 22076
~~concentration of alcohol in the blood, breath, or urine and,~~ 22077
streetcar, or trackless trolley in violation of division (A) or 22078
(B) of section 4511.19 of the Revised Code or a municipal OVI 22079
ordinance, or for being in physical control of a stationary 22080
vehicle, streetcar, or trackless trolley in violation of section 22081
4511.194 of the Revised Code, regardless of whether the person's 22082
driver's or commercial driver's license or permit or nonresident 22083
operating privilege is or is not suspended under division ~~(E)(B)~~ 22084
or ~~(F)(C)~~ of this section or Chapter 4510. of the Revised Code, 22085
the person's initial appearance on the charge resulting from the 22086

arrest shall be held within five days of the person's arrest or 22087
the issuance of the citation to the person, subject to any 22088
continuance granted by the court pursuant to ~~division (H)(1) of~~ 22089
~~this section 4511.197 of the Revised Code~~ regarding the issues 22090
specified in that division. 22091

~~(H)(1) If a person is arrested for operating a vehicle while 22092~~
~~under the influence of alcohol, a drug of abuse, or alcohol and a 22093~~
~~drug of abuse or for operating a vehicle with a prohibited 22094~~
~~concentration of alcohol in the blood, breath, or urine and if the 22095~~
~~person's driver's or commercial driver's license or permit or 22096~~
~~nonresident operating privilege is suspended under division (E) or 22097~~
~~(F) of this section, the person may appeal the suspension at the 22098~~
~~person's initial appearance on the charge resulting from the 22099~~
~~arrest in the court in which the person will appear on that 22100~~
~~charge. If the person appeals the suspension at the person's 22101~~
~~initial appearance, the appeal does not stay the operation of the 22102~~
~~suspension. Subject to division (H)(2) of this section, no court 22103~~
~~has jurisdiction to grant a stay of a suspension imposed under 22104~~
~~division (E) or (F) of this section, and any order issued by any 22105~~
~~court that purports to grant a stay of any suspension imposed 22106~~
~~under either of those divisions shall not be given administrative 22107~~
~~effect.~~ 22108

~~If the person appeals the suspension at the person's initial 22109~~
~~appearance, either the person or the registrar may request a 22110~~
~~continuance of the appeal. Either the person or the registrar 22111~~
~~shall make the request for a continuance of the appeal at the same 22112~~
~~time as the making of the appeal. If either the person or the 22113~~
~~registrar requests a continuance of the appeal, the court may 22114~~
~~grant the continuance. The court also may continue the appeal on 22115~~
~~its own motion. The granting of a continuance applies only to the 22116~~
~~conduct of the appeal of the suspension and does not extend the 22117~~
~~time within which the initial appearance must be conducted, and 22118~~

~~the court shall proceed with all other aspects of the initial appearance in accordance with its normal procedures. Neither the request for nor the granting of a continuance stays the operation of the suspension that is the subject of the appeal.~~ 22119
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~~If the person appeals the suspension at the person's initial appearance, the scope of the appeal is limited to determining whether one or more of the following conditions have not been met:~~ 22123
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~~(a) Whether the law enforcement officer had reasonable ground to believe the arrested person was operating a vehicle upon a highway or public or private property used by the public for vehicular travel or parking within this state while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with a prohibited concentration of alcohol in the blood, breath, or urine and whether the arrested person was in fact placed under arrest;~~ 22126
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~~(b) Whether the law enforcement officer requested the arrested person to submit to the chemical test designated pursuant to division (A) of this section;~~ 22134
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~~(c) Whether the arresting officer informed the arrested person of the consequences of refusing to be tested or of submitting to the test;~~ 22137
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~~(d) Whichever of the following is applicable:~~ 22140

~~(i) Whether the arrested person refused to submit to the chemical test requested by the officer;~~ 22141
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~~(ii) Whether the chemical test results indicate that the arrested person's blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight~~ 22143
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~~of alcohol per one hundred milliliters of the person's urine at
the time of the alleged offense.~~ 22150
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~~(2) If the person appeals the suspension at the initial
appearance, the judge or referee of the court or the mayor of the
mayor's court shall determine whether one or more of the
conditions specified in divisions (H)(1)(a) to (d) of this section
have not been met. The person who appeals the suspension has the
burden of proving, by a preponderance of the evidence, that one or
more of the specified conditions has not been met. If during the
appeal at the initial appearance the judge or referee of the court
or the mayor of the mayor's court determines that all of those
conditions have been met, the judge, referee, or mayor shall
uphold the suspension, shall continue the suspension, and shall
notify the registrar of the decision on a form approved by the
registrar. Except as otherwise provided in division (H)(2) of this
section, if the suspension is upheld or if the person does not
appeal the suspension at the person's initial appearance under
division (H)(1) of this section, the suspension shall continue
until the complaint alleging the violation for which the person
was arrested and in relation to which the suspension was imposed
is adjudicated on the merits by the judge or referee of the trial
court or by the mayor of the mayor's court. If the suspension was
imposed under division (E) of this section and it is continued
under this division, any subsequent finding that the person is not
guilty of the charge that resulted in the person being requested
to take the chemical test or tests under division (A) of this
section does not terminate or otherwise affect the suspension. If
the suspension was imposed under division (F) of this section and
it is continued under this division, the suspension shall
terminate if, for any reason, the person subsequently is found not
guilty of the charge that resulted in the person taking the
chemical test or tests under division (A) of this section.~~ 22152
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~~If, during the appeal at the initial appearance, the judge or referee of the trial court or the mayor of the mayor's court determines that one or more of the conditions specified in divisions (H)(1)(a) to (d) of this section have not been met, the judge, referee, or mayor shall terminate the suspension, subject to the imposition of a new suspension under division (B) of section 4511.196 of the Revised Code; shall notify the registrar of the decision on a form approved by the registrar; and, except as provided in division (B) of section 4511.196 of the Revised Code, shall order the registrar to return the driver's or commercial driver's license or permit to the person or to take such measures as may be necessary, if the license or permit was destroyed under section 4507.55 of the Revised Code, to permit the person to obtain a replacement driver's or commercial driver's license or permit from the registrar or a deputy registrar in accordance with that section. The court also shall issue to the person a court order, valid for not more than ten days from the date of issuance, granting the person operating privileges for that period of time.~~

~~If the person appeals the suspension at the initial appearance, the registrar shall be represented by the prosecuting attorney of the county in which the arrest occurred if the initial appearance is conducted in a juvenile court or county court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the appeal is conducted, the city director of law or village solicitor of that city or village shall represent the registrar. If the appeal is conducted in a municipal court, the registrar shall be represented as provided in section 1901.34 of the Revised Code. If the appeal is conducted in a mayor's court, the registrar shall be represented by the city director of law, village solicitor, or other chief legal officer of the municipal corporation that~~

~~operates that mayor's court.~~ 22214

~~(I)(1)(a) A person is not entitled to request, and a court shall not grant to the person, occupational driving privileges under division (I)(1) of this section if a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to division (E) of this section, and the person, within the preceding seven years, has refused three previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content or has been convicted of or pleaded guilty to three or more violations of one or more of the following:~~ 22215

~~(i) Division (A) or (B) of section 4511.19 of the Revised Code;~~ 22216

~~(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;~~ 22217

~~(iii) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;~~ 22218

~~(iv) Section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section;~~ 22219

~~(v) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;~~ 22220

~~(vi) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug~~ 22221

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~~of abuse;~~ 22245

~~(vii) 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.~~ 22246
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~~(b) Any other person who is not described in division
(I)(1)(a) of this section and whose driver's or commercial
driver's license or nonresident operating privilege has been
suspended pursuant to division (E) of this section may file a
petition requesting occupational driving privileges in the common
pleas court, municipal court, county court, mayor's court, or, if
the person is a minor, juvenile court with jurisdiction over the
related criminal or delinquency case. The petition may be filed at
any time subsequent to the date on which the notice of suspension
is served upon the arrested person. The person shall pay the costs
of the proceeding, notify the registrar of the filing of the
petition, and send the registrar a copy of the petition.~~ 22250
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~~In the proceedings, the registrar shall be represented by the
prosecuting attorney of the county in which the arrest occurred if
the petition is filed in the juvenile court, county court, or
common pleas court, except that, if the arrest occurred within a
city or village within the jurisdiction of the county court in
which the petition is filed, the city director of law or village
solicitor of that city or village shall represent the registrar.
If the petition is filed in the municipal court, the registrar
shall be represented as provided in section 1901.34 of the Revised
Code. If the petition is filed in a mayor's court, the registrar
shall be represented by the city director of law, village
solicitor, or other chief legal officer of the municipal
corporation that operates the mayor's court.~~ 22262
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~~The court, if it finds reasonable cause to believe that~~ 22276

~~suspension would seriously affect the person's ability to continue
in the person's employment, may grant the person occupational
driving privileges during the period of suspension imposed
pursuant to division (E) of this section, subject to the
limitations contained in this division and division (I)(2) of this
section. The court may grant the occupational driving privileges,
subject to the limitations contained in this division and division
(I)(2) of this section, regardless of whether the person appeals
the suspension at the person's initial appearance under division
(H)(1) of this section or appeals the decision of the court made
pursuant to the appeal conducted at the initial appearance, and,
if the person has appealed the suspension or decision, regardless
of whether the matter at issue has been heard or decided by the
court. The court shall not grant occupational driving privileges
for employment as a driver of commercial motor vehicles to any
person who is disqualified from operating a commercial motor
vehicle under section 3123.611 or 4506.16 of the Revised Code or
whose commercial driver's license or commercial driver's temporary
instruction permit has been suspended under section 3123.58 of the
Revised Code.~~

~~(2)(a) In granting occupational driving privileges under
division (I)(1) of this section, the court may impose any
condition it considers reasonable and necessary to limit the use
of a vehicle by the person. The court shall deliver to the person
a permit card, in a form to be prescribed by the court, setting
forth the time, place, and other conditions limiting the
defendant's use of a vehicle. The grant of occupational driving
privileges shall be conditioned upon the person's having the
permit in the person's possession at all times during which the
person is operating a vehicle.~~

~~A person granted occupational driving privileges who operates
a vehicle for other than occupational purposes, in violation of~~

~~any condition imposed by the court, or without having the permit
in the person's possession, is guilty of a violation of section
4507.02 of the Revised Code.~~ 22309
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~~(b) The court may not grant a person occupational driving
privileges under division (I)(1) of this section when prohibited
by a limitation contained in that division or during any of the
following periods of time:~~ 22312
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~~(i) The first thirty days of suspension imposed upon a person
who, within five years of the date on which the person refused the
request to consent to a chemical test of the person's blood,
breath, or urine to determine its alcohol content and for which
refusal the suspension was imposed, had not refused a previous
request to consent to a chemical test of the person's blood,
breath, or urine to determine its alcohol content;~~ 22316
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~~(ii) The first ninety days of suspension imposed upon a
person who, within five years of the date on which the person
refused the request to consent to a chemical test of the person's
blood, breath, or urine to determine its alcohol content and for
which refusal the suspension was imposed, had refused one previous
request to consent to a chemical test of the person's blood,
breath, or urine to determine its alcohol content;~~ 22323
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~~(iii) The first year of suspension imposed upon a person who,
within five years of the date on which the person refused the
request to consent to a chemical test of the person's blood,
breath, or urine to determine its alcohol content and for which
refusal the suspension was imposed, had refused two previous
requests to consent to a chemical test of the person's blood,
breath, or urine to determine its alcohol content;~~ 22330
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~~(iv) The first three years of suspension imposed upon a
person who, within five years of the date on which the person
refused the request to consent to a chemical test of the person's~~ 22337
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~~blood, breath, or urine to determine its alcohol content and for 22340
which refusal the suspension was imposed, had refused three or 22341
more previous requests to consent to a chemical test of the 22342
person's blood, breath, or urine to determine its alcohol content. 22343~~

~~(3) The court shall give information in writing of any action 22344
taken under this section to the registrar. 22345~~

~~(4) If a person's driver's or commercial driver's license or 22346
permit or nonresident operating privilege has been suspended 22347
pursuant to division (F) of this section, and the person, within 22348
the preceding seven years, has been convicted of or pleaded guilty 22349
to three or more violations of division (A) or (B) of section 22350
4511.19 of the Revised Code, a municipal ordinance relating to 22351
operating a vehicle while under the influence of alcohol, a drug 22352
of abuse, or alcohol and a drug of abuse, a municipal ordinance 22353
relating to operating a vehicle with a prohibited concentration of 22354
alcohol in the blood, breath, or urine, section 2903.04 of the 22355
Revised Code in a case in which the person was subject to the 22356
sanctions described in division (D) of that section, or section 22357
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 22358
ordinance that is substantially similar to section 2903.07 of the 22359
Revised Code in a case in which the jury or judge found that the 22360
person was under the influence of alcohol, a drug of abuse, or 22361
alcohol and a drug of abuse, or a statute of the United States or 22362
of any other state or a municipal ordinance of a municipal 22363
corporation located in any other state that is substantially 22364
similar to division (A) or (B) of section 4511.19 of the Revised 22365
Code, the person is not entitled to request, and the court shall 22366
not grant to the person, occupational driving privileges under 22367
this division. Any other person whose driver's or commercial 22368
driver's license or nonresident operating privilege has been 22369
suspended pursuant to division (F) of this section may file in the 22370
court specified in division (I)(1)(b) of this section a petition 22371~~

~~requesting occupational driving privileges in accordance with 22372
section 4507.16 of the Revised Code. The petition may be filed at 22373
any time subsequent to the date on which the arresting officer 22374
serves the notice of suspension upon the arrested person. Upon the 22375
making of the request, occupational driving privileges may be 22376
granted in accordance with section 4507.16 of the Revised Code. 22377
The court may grant the occupational driving privileges, subject 22378
to the limitations contained in section 4507.16 of the Revised 22379
Code, regardless of whether the person appeals the suspension at 22380
the person's initial appearance under division (H)(1) of this 22381
section or appeals the decision of the court made pursuant to the 22382
appeal conducted at the initial appearance, and, if the person has 22383
appealed the suspension or decision, regardless of whether the 22384
matter at issue has been heard or decided by the court. 22385~~

~~(J)(E) When it finally has been determined under the 22386
procedures of this section and sections 4511.192 through 4511.197 22387
of the Revised Code that a nonresident's privilege to operate a 22388
vehicle within this state has been suspended, the registrar shall 22389
give information in writing of the action taken to the motor 22390
vehicle administrator of the state of the person's residence and 22391
of any state in which the person has a license. 22392~~

~~(K) A suspension of the driver's or commercial driver's 22393
license or permit of a resident, a suspension of the operating 22394
privilege of a nonresident, or a denial of a driver's or 22395
commercial driver's license or permit pursuant to division (E) or 22396
(F) of this section shall be terminated by the registrar upon 22397
receipt of notice of the person's entering a plea of guilty to, or 22398
of the person's conviction of, operating a vehicle while under the 22399
influence of alcohol, a drug of abuse, or alcohol and a drug of 22400
abuse or with a prohibited concentration of alcohol in the blood, 22401
breath, or urine, if the offense for which the plea is entered or 22402
that resulted in the conviction arose from the same incident that 22403~~

led to the suspension or denial. 22404

~~The registrar shall credit against any judicial suspension of
a person's driver's or commercial driver's license or permit or
nonresident operating privilege imposed pursuant to division (B)
or (E) of section 4507.16 of the Revised Code any time during
which the person serves a related suspension imposed pursuant to
division (E) or (F) of this section.~~ 22405
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~~(F)~~ (F) At the end of a suspension period under this section, 22411
under section 4511.196, or division ~~(B)~~ (G) of section ~~4507.16~~ 22412
4511.19 of the Revised Code, or under section 4510.07 of the 22413
Revised Code for a violation of a municipal OVI ordinance and upon 22414
the request of the person whose driver's or commercial driver's 22415
license or permit was suspended and who is not otherwise subject 22416
to suspension, ~~revocation~~ cancellation, or disqualification, the 22417
registrar shall return the driver's or commercial driver's license 22418
or permit to the person upon the ~~person's compliance with~~ 22419
occurrence of all of the conditions specified in divisions 22420
~~(F)~~ (F) (1) and (2) of this section: 22421

(1) A showing ~~by the person~~ that the person has proof of 22422
financial responsibility, a policy of liability insurance in 22423
effect that meets the minimum standards set forth in section 22424
4509.51 of the Revised Code, or proof, to the satisfaction of the 22425
registrar, that the person is able to respond in damages in an 22426
amount at least equal to the minimum amounts specified in section 22427
4509.51 of the Revised Code. 22428

(2) Subject to the limitation contained in division ~~(F)~~ (F) (3) 22429
of this section, payment by the person to the bureau of motor 22430
vehicles of a license reinstatement fee of four hundred 22431
twenty-five dollars ~~to the bureau of motor vehicles~~, which fee 22432
shall be deposited in the state treasury and credited as follows: 22433

(a) One hundred twelve dollars and fifty cents shall be 22434

credited to the statewide treatment and prevention fund created by 22435
section 4301.30 of the Revised Code. The fund shall be used to pay 22436
the costs of driver treatment and intervention programs operated 22437
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 22438
director of alcohol and drug addiction services shall determine 22439
the share of the fund that is to be allocated to alcohol and drug 22440
addiction programs authorized by section 3793.02 of the Revised 22441
Code, and the share of the fund that is to be allocated to 22442
drivers' intervention programs authorized by section 3793.10 of 22443
the Revised Code. 22444

(b) Seventy-five dollars shall be credited to the reparations 22445
fund created by section 2743.191 of the Revised Code. 22446

(c) Thirty-seven dollars and fifty cents shall be credited to 22447
the indigent drivers alcohol treatment fund, which is hereby 22448
established. Except as otherwise provided in division ~~(L)~~(F)(2)(c) 22449
of this section, moneys in the fund shall be distributed by the 22450
department of alcohol and drug addiction services to the county 22451
indigent drivers alcohol treatment funds, the county juvenile 22452
indigent drivers alcohol treatment funds, and the municipal 22453
indigent drivers alcohol treatment funds that are required to be 22454
established by counties and municipal corporations pursuant to 22455
~~division (N)~~ of this section, and shall be used only to pay the 22456
cost of an alcohol and drug addiction treatment program attended 22457
by an offender or juvenile traffic offender who is ordered to 22458
attend an alcohol and drug addiction treatment program by a 22459
county, juvenile, or municipal court judge and who is determined 22460
by the county, juvenile, or municipal court judge not to have the 22461
means to pay for the person's attendance at the program or to pay 22462
the costs specified in division ~~(N)~~(H)(4) of this section in 22463
accordance with that division. Moneys in the fund that are not 22464
distributed to a county indigent drivers alcohol treatment fund, a 22465
county juvenile indigent drivers alcohol treatment fund, or a 22466

municipal indigent drivers alcohol treatment fund under division 22467
~~(N)~~(H) of this section because the director of alcohol and drug 22468
addiction services does not have the information necessary to 22469
identify the county or municipal corporation where the offender or 22470
juvenile offender was arrested may be transferred by the director 22471
of budget and management to the statewide treatment and prevention 22472
fund created by section 4301.30 of the Revised Code, upon 22473
certification of the amount by the director of alcohol and drug 22474
addiction services. 22475

(d) Seventy-five dollars shall be credited to the Ohio 22476
rehabilitation services commission established by section 3304.12 22477
of the Revised Code, to the services for rehabilitation fund, 22478
which is hereby established. The fund shall be used to match 22479
available federal matching funds where appropriate, and for any 22480
other purpose or program of the commission to rehabilitate people 22481
with disabilities to help them become employed and independent. 22482

(e) Seventy-five dollars shall be deposited into the state 22483
treasury and credited to the drug abuse resistance education 22484
programs fund, which is hereby established, to be used by the 22485
attorney general for the purposes specified in division (L)(4) of 22486
this section. 22487

(f) Thirty dollars shall be credited to the state bureau of 22488
motor vehicles fund created by section 4501.25 of the Revised 22489
Code. 22490

(g) Twenty dollars shall be credited to the trauma and 22491
emergency medical services grants fund created by section 4513.263 22492
of the Revised Code. 22493

(3) If a person's driver's or commercial driver's license or 22494
permit is suspended under ~~division (E) or (F)~~ of this section, 22495
under section 4511.196~~7~~, or division ~~(B)~~(G) of section ~~4507.16~~ 22496
4511.19 of the Revised Code, under section 4510.07 of the Revised 22497
Code for a violation of a municipal OVI ordinance or under any 22498

combination of the suspensions described in division ~~(L)~~(F)(3) of 22499
this section, and if the suspensions arise from a single incident 22500
or a single set of facts and circumstances, the person is liable 22501
for payment of, and shall be required to pay to the bureau, only 22502
one reinstatement fee of four hundred five dollars. The 22503
reinstatement fee shall be distributed by the bureau in accordance 22504
with division ~~(L)~~(F)(2) of this section. 22505

(4) The attorney general shall use amounts in the drug abuse 22506
resistance education programs fund to award grants to law 22507
enforcement agencies to establish and implement drug abuse 22508
resistance education programs in public schools. Grants awarded to 22509
a law enforcement agency under ~~division (L)(2)(e)~~ of this section 22510
shall be used by the agency to pay for not more than fifty per 22511
cent of the amount of the salaries of law enforcement officers who 22512
conduct drug abuse resistance education programs in public 22513
schools. The attorney general shall not use more than six per cent 22514
of the amounts the attorney general's office receives under 22515
division ~~(L)~~(F)(2)(e) of this section to pay the costs it incurs 22516
in administering the grant program established by division 22517
~~(L)~~(F)(2)(e) of this section and in providing training and 22518
materials relating to drug abuse resistance education programs. 22519

The attorney general shall report to the governor and the 22520
general assembly each fiscal year on the progress made in 22521
establishing and implementing drug abuse resistance education 22522
programs. These reports shall include an evaluation of the 22523
effectiveness of these programs. 22524

~~(M)~~(G) Suspension of a commercial driver's license under 22525
division ~~(E)~~(B) or ~~(F)~~(C) of this section shall be concurrent with 22526
any period of disqualification under section 3123.611 or 4506.16 22527
of the Revised Code or any period of suspension under section 22528
3123.58 of the Revised Code. No person who is disqualified for 22529
life from holding a commercial driver's license under section 22530

4506.16 of the Revised Code shall be issued a driver's license 22531
under Chapter 4507. of the Revised Code during the period for 22532
which the commercial driver's license was suspended under division 22533
~~(E)(B)~~ or ~~(F)(C)~~ of this section, ~~and no.~~ No person whose 22534
commercial driver's license is suspended under division ~~(E)(B)~~ or 22535
~~(F)(C)~~ of this section shall be issued a driver's license under 22536
~~that chapter~~ Chapter 4507. of the Revised Code during the period 22537
of the suspension. 22538

~~(N)(H)~~(1) Each county shall establish an indigent drivers 22539
alcohol treatment fund, each county shall establish a juvenile 22540
indigent drivers alcohol treatment fund, and each municipal 22541
corporation in which there is a municipal court shall establish an 22542
indigent drivers alcohol treatment fund. All revenue that the 22543
general assembly appropriates to the indigent drivers alcohol 22544
treatment fund for transfer to a county indigent drivers alcohol 22545
treatment fund, a county juvenile indigent drivers alcohol 22546
treatment fund, or a municipal indigent drivers alcohol treatment 22547
fund, all portions of fees that are paid under division (L) of 22548
this section and that are credited under that division to the 22549
indigent drivers alcohol treatment fund in the state treasury for 22550
a county indigent drivers alcohol treatment fund, a county 22551
juvenile indigent drivers alcohol treatment fund, or a municipal 22552
indigent drivers alcohol treatment fund, and all portions of fines 22553
that are specified for deposit into a county or municipal indigent 22554
drivers alcohol treatment fund by section 4511.193 of the Revised 22555
Code shall be deposited into that county indigent drivers alcohol 22556
treatment fund, county juvenile indigent drivers alcohol treatment 22557
fund, or municipal indigent drivers alcohol treatment fund in 22558
accordance with division ~~(N)(H)~~(2) of this section. Additionally, 22559
all portions of fines that are paid for a violation of section 22560
4511.19 of the Revised Code or ~~division (B)(2) of section 4507.02~~ 22561
of any prohibition contained in Chapter 4510. of the Revised Code, 22562
and that are required under ~~division (A)(1), (2), (5), or (6) of~~ 22563

section ~~4511.99~~ 4511.19 or ~~division (B)(5) of section 4507.99~~ any 22564
provision of Chapter 4510. of the Revised Code to be deposited 22565
into a county indigent drivers alcohol treatment fund or municipal 22566
indigent drivers alcohol treatment fund shall be deposited into 22567
the appropriate fund in accordance with the applicable division. 22568

(2) That portion of the license reinstatement fee that is 22569
paid under ~~division (H)~~(F) of this section and that is credited 22570
under that division to the indigent drivers alcohol treatment fund 22571
shall be deposited into a county indigent drivers alcohol 22572
treatment fund, a county juvenile indigent drivers alcohol 22573
treatment fund, or a municipal indigent drivers alcohol treatment 22574
fund as follows: 22575

(a) If the suspension in question was imposed under this 22576
section, that portion of the fee shall be deposited as follows: 22577

(i) If the fee is paid by a person who was charged in a 22578
county court with the violation that resulted in the suspension, 22579
the portion shall be deposited into the county indigent drivers 22580
alcohol treatment fund under the control of that court; 22581

(ii) If the fee is paid by a person who was charged in a 22582
juvenile court with the violation that resulted in the suspension, 22583
the portion shall be deposited into the county juvenile indigent 22584
drivers alcohol treatment fund established in the county served by 22585
the court; 22586

(iii) If the fee is paid by a person who was charged in a 22587
municipal court with the violation that resulted in the 22588
suspension, the portion shall be deposited into the municipal 22589
indigent drivers alcohol treatment fund under the control of that 22590
court. 22591

(b) If the suspension in question was imposed under ~~division~~ 22592
~~(B)~~ of section ~~4507.16~~ 4511.19 of the Revised Code or under 22593
section 4510.07 of the Revised Code for a violation of a municipal 22594

OVI ordinance, that portion of the fee shall be deposited as 22595
follows: 22596

(i) If the fee is paid by a person whose license or permit 22597
was suspended by a county court, the portion shall be deposited 22598
into the county indigent drivers alcohol treatment fund under the 22599
control of that court; 22600

(ii) If the fee is paid by a person whose license or permit 22601
was suspended by a municipal court, the portion shall be deposited 22602
into the municipal indigent drivers alcohol treatment fund under 22603
the control of that court. 22604

(3) Expenditures from a county indigent drivers alcohol 22605
treatment fund, a county juvenile indigent drivers alcohol 22606
treatment fund, or a municipal indigent drivers alcohol treatment 22607
fund shall be made only upon the order of a county, juvenile, or 22608
municipal court judge and only for payment of the cost of the 22609
attendance at an alcohol and drug addiction treatment program of a 22610
person who is convicted of, or found to be a juvenile traffic 22611
offender by reason of, a violation of division (A) of section 22612
4511.19 of the Revised Code or a substantially similar municipal 22613
ordinance, who is ordered by the court to attend the alcohol and 22614
drug addiction treatment program, and who is determined by the 22615
court to be unable to pay the cost of attendance at the treatment 22616
program or for payment of the costs specified in division 22617
~~(N)~~(H)(4) of this section in accordance with that division. The 22618
alcohol and drug addiction services board or the board of alcohol, 22619
drug addiction, and mental health services established pursuant to 22620
section 340.02 or 340.021 of the Revised Code and serving the 22621
alcohol, drug addiction, and mental health service district in 22622
which the court is located shall administer the indigent drivers 22623
alcohol treatment program of the court. When a court orders an 22624
offender or juvenile traffic offender to attend an alcohol and 22625
drug addiction treatment program, the board shall determine which 22626

program is suitable to meet the needs of the offender or juvenile 22627
traffic offender, and when a suitable program is located and space 22628
is available at the program, the offender or juvenile traffic 22629
offender shall attend the program designated by the board. A 22630
reasonable amount not to exceed five per cent of the amounts 22631
credited to and deposited into the county indigent drivers alcohol 22632
treatment fund, the county juvenile indigent drivers alcohol 22633
treatment fund, or the municipal indigent drivers alcohol 22634
treatment fund serving every court whose program is administered 22635
by that board shall be paid to the board to cover the costs it 22636
incurs in administering those indigent drivers alcohol treatment 22637
programs. 22638

(4) If a county, juvenile, or municipal court determines, in 22639
consultation with the alcohol and drug addiction services board or 22640
the board of alcohol, drug addiction, and mental health services 22641
established pursuant to section 340.02 or 340.021 of the Revised 22642
Code and serving the alcohol, drug addiction, and mental health 22643
district in which the court is located, that the funds in the 22644
county indigent drivers alcohol treatment fund, the county 22645
juvenile indigent drivers alcohol treatment fund, or the municipal 22646
indigent drivers alcohol treatment fund under the control of the 22647
court are more than sufficient to satisfy the purpose for which 22648
the fund was established, as specified in divisions ~~(N)~~(H)(1) to 22649
(3) of this section, the court may declare a surplus in the fund. 22650
If the court declares a surplus in the fund, the court may expend 22651
the amount of the surplus in the fund for alcohol and drug abuse 22652
assessment and treatment of persons who are charged in the court 22653
with committing a criminal offense or with being a delinquent 22654
child or juvenile traffic offender and in relation to whom both of 22655
the following apply: 22656

(a) The court determines that substance abuse was a 22657
contributing factor leading to the criminal or delinquent activity 22658

or the juvenile traffic offense with which the person is charged. 22659

(b) The court determines that the person is unable to pay the 22660
cost of the alcohol and drug abuse assessment and treatment for 22661
which the surplus money will be used. 22662

Sec. 4511.192. (A) ~~No person whose driver's or commercial 22663
driver's license or permit or nonresident operating privilege has 22664
been suspended under section 4511.191 or 4511.196 of the Revised 22665
Code shall operate a vehicle upon the highways or streets within 22666
this state. 22667~~

~~(B) It is an affirmative defense to any prosecution brought 22668
pursuant to this section that the alleged offender drove under 22669
suspension because of a substantial emergency, provided that no 22670
other person was reasonably available to drive in response to the 22671
emergency. The arresting law enforcement officer shall give advice 22672
in accordance with this section to any person under arrest for a 22673
violation of division (A) or (B) of section 4511.19 of the Revised 22674
Code, section 4511.194 of the Revised Code, or a municipal OVI 22675
ordinance. The officer shall give that advice in a written form 22676
that contains the information described in division (B) of this 22677
section and shall read the advice to the person. The form shall 22678
contain a statement that the form was shown to the person under 22679
arrest and read to the person by the arresting officer. One or 22680
more persons shall witness the arresting officer's reading of the 22681
form, and the witnesses shall certify to this fact by signing the 22682
form. 22683~~

~~(B) If a person is under arrest as described in division (A) 22684
of this section, before the person may be requested to submit to a 22685
chemical test or tests to determine the alcohol, drug, or alcohol 22686
and drug content of the person's whole blood, blood serum or 22687
plasma, breath, or urine, the arresting officer shall read the 22688
following form to the person: 22689~~

"You now are under arrest for violating a prohibition contained in state law or a municipal ordinance against operating a vehicle, streetcar, or trackless trolley while under the influence of alcohol, a drug of abuse, or a combination of them or while you have a prohibited concentration of alcohol in your whole blood, blood serum or plasma, breath, or urine, or for violating a prohibition contained in state law against being in physical control of a vehicle, streetcar, or trackless trolley while under the influence of alcohol, a drug of abuse, or a combination of them or while you have a prohibited concentration of alcohol in your whole blood, blood serum or plasma, breath, or urine.

If you are under arrest for violating a prohibition against operating a vehicle, streetcar, or trackless trolley while under the influence of alcohol, a drug of abuse, or a combination of them or while you have a prohibited concentration of alcohol in your whole blood, blood serum or plasma, breath, or urine and if you take any chemical test or tests required under section 4511.191 of the Revised Code and are found to be at or over the prohibited amount of alcohol in your whole blood, blood serum or plasma, breath, or urine as set by state law for the offense of OVI, you will be subject to at least the following:

(1) Immediate suspension of your privilege to operate a vehicle in Ohio;

(2) Payment of a reinstatement fee.

If you are under arrest for violating any of the specified prohibitions and you refuse to take any chemical test or tests required under section 4511.191 of the Revised Code, you will be subject to at least the following:

(1) Immediate suspension of your privilege to operate a vehicle in Ohio;

(2) Payment of a reinstatement fee.

If you take a chemical test or tests required under section 4511.191 of the Revised Code, you may have an independent chemical test taken at your own expense." 22721
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(C) If the arresting law enforcement officer does not ask a person under arrest as described in division (A) of this section to submit to a chemical test or tests under section 4511.191 of the Revised Code, the arresting officer shall seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four hours after the arrest, and, upon the surrender, the agency immediately shall forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person's initial appearance and any action taken under section 4511.196 of the Revised Code. 22724
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(D)(1) If a law enforcement officer asks a person under arrest as described in division (A) of this section to submit to a chemical test or tests under section 4511.191 of the Revised Code, if the officer advises the person in accordance with this section of the consequences of the person's refusal or submission, and if either the person refuses to submit to the test or tests or, unless the arrest was for a violation of section 4511.194 of the Revised Code, the person submits to the test or tests and the test results indicate a prohibited concentration of alcohol in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, the arresting officer shall do all of the following: 22740
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(a) On behalf of the registrar of motor vehicles, notify the 22752

person that, independent of any penalties or sanctions imposed 22753
upon the person, the person's Ohio driver's or commercial driver's 22754
license or permit or nonresident operating privilege is suspended 22755
immediately, that the suspension will last at least until the 22756
person's initial appearance on the charge, which will be held 22757
within five days after the date of the person's arrest or the 22758
issuance of a citation to the person, and that the person may 22759
appeal the suspension at the initial appearance or during the 22760
period of time ending thirty days after that initial appearance; 22761

(b) Seize the driver's or commercial driver's license or 22762
permit of the person and immediately forward it to the registrar. 22763
If the arrested person is not in possession of the person's 22764
license or permit or it is not in the person's vehicle, the 22765
officer shall order the person to surrender it to the law 22766
enforcement agency that employs the officer within twenty-four 22767
hours after the person is given notice of the suspension, and, 22768
upon the surrender, the officer's employing agency immediately 22769
shall forward the license or permit to the registrar. 22770

(c) Verify the person's current residence and, if it differs 22771
from that on the person's driver's or commercial driver's license 22772
or permit, notify the registrar of the change; 22773

(d) Send to the registrar, within forty-eight hours after the 22774
arrest of the person, a sworn report that includes all of the 22775
following statements: 22776

(i) That the officer had reasonable grounds to believe that, 22777
at the time of the arrest, the arrested person was operating a 22778
vehicle, streetcar, or trackless trolley in violation of division 22779
(A) or (B) of section 4511.19 of the Revised Code or a municipal 22780
OVI ordinance or for being in physical control of a stationary 22781
vehicle, streetcar, or trackless trolley in violation of section 22782
4511.194 of the Revised Code; 22783

(ii) That the person was arrested and charged with a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code, or a municipal OVI ordinance; 22784
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(iii) That the officer asked the person to take the designated chemical test or tests, advised the person in accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (B) of this section; 22788
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(iv) That either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation of section 4511.194 of the Revised Code, the person submitted to the chemical test or tests and the test results indicate a prohibited concentration of alcohol in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense. 22793
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(2) Division (D)(1) of this section does not apply to a person who is arrested for a violation of section 4511.194 of the Revised Code, who is asked by a law enforcement officer to submit to a chemical test or tests under section 4511.191 of the Revised Code, and who submits to the test or tests, regardless of the amount of alcohol that the test results indicate is present in the person's whole blood, blood serum or plasma, breath, or urine. 22800
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(E) The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the registrar of motor vehicles shall send the report to the person by regular first class mail as soon as possible after receipt of the report, but not later than fourteen days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as 22807
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possible, but not later than forty-eight hours after the arrest of 22816
the person, the arresting officer shall send a copy of the sworn 22817
report to the court in which the arrested person is to appear on 22818
the charge for which the person was arrested. 22819

(F) The sworn report of an arresting officer completed under 22820
this section is prima-facie proof of the information and 22821
statements that it contains. It shall be admitted and considered 22822
as prima-facie proof of the information and statements that it 22823
contains in any appeal under section 4511.197 of the Revised Code 22824
relative to any suspension of a person's driver's or commercial 22825
driver's license or permit or nonresident operating privilege that 22826
results from the arrest covered by the report. 22827

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed 22828
for a violation of a municipal OVI ordinance ~~relating to operating~~ 22829
~~a vehicle while under the influence of alcohol, a drug of abuse,~~ 22830
~~or alcohol and a drug of abuse or relating to operating a vehicle~~ 22831
~~with a prohibited concentration of alcohol in the blood, breath,~~ 22832
~~or urine~~ shall be deposited into the municipal or county indigent 22833
drivers alcohol treatment fund created pursuant to division ~~(N)~~(H) 22834
of section 4511.191 of the Revised Code in accordance with this 22835
section and section 733.40, divisions (A) and (B) of section 22836
1901.024, division (F) of section 1901.31, or division (C) of 22837
section 1907.20 of the Revised Code. Regardless of whether the 22838
fine is imposed by a municipal court, a mayor's court, or a 22839
juvenile court, if the fine was imposed for a violation of an 22840
ordinance of a municipal corporation that is within the 22841
jurisdiction of a municipal court, the twenty-five dollars that is 22842
subject to this section shall be deposited into the indigent 22843
drivers alcohol treatment fund of the municipal corporation in 22844
which is located the municipal court that has jurisdiction over 22845
that municipal corporation. Regardless of whether the fine is 22846
imposed by a county court, a mayor's court, or a juvenile court, 22847

if the fine was imposed for a violation of an ordinance of a 22848
municipal corporation that is within the jurisdiction of a county 22849
court, the twenty-five dollars that is subject to this section 22850
shall be deposited into the indigent drivers alcohol treatment 22851
fund of the county in which is located the county court that has 22852
jurisdiction over that municipal corporation. The deposit shall be 22853
made in accordance with section 733.40, divisions (A) and (B) of 22854
section 1901.024, division (F) of section 1901.31, or division (C) 22855
of section 1907.20 of the Revised Code. 22856

(B)(1) The requirements and sanctions imposed by divisions 22857
(B)(1) and (2) of this section are an adjunct to and derive from 22858
the state's exclusive authority over the registration and titling 22859
of motor vehicles and do not comprise a part of the criminal 22860
sentence to be imposed upon a person who violates a municipal OVI 22861
~~ordinance relating to operating a vehicle while under the~~ 22862
~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 22863
~~abuse or relating to operating a vehicle with a prohibited~~ 22864
~~concentration of alcohol in the blood, breath, or urine.~~ 22865

(2)(a) ~~The court shall follow division (B)(2)(b) of this~~ 22866
~~section if If a person is convicted of or pleads guilty to a~~ 22867
~~violation of a municipal OVI ordinance relating to operating a~~ 22868
~~vehicle while under the influence of alcohol, a drug of abuse, or~~ 22869
~~alcohol and a drug of abuse or relating to operating a vehicle~~ 22870
~~with a prohibited concentration of alcohol in the blood, breath,~~ 22871
~~or urine and if the circumstances described in division~~ 22872
~~(B)(2)(b)(iii) of this section apply or if, within the period of~~ 22873
~~time specified in division (B)(2) or (b)(i), (ii) (iii) of this~~ 22874
~~section, if the vehicle the offender was operating at the time of~~ 22875
~~the offense is registered in the offender's name, and if, within~~ 22876
~~six years of the current offense, the offender has been convicted~~ 22877
~~of or pleaded guilty to any violation of the following:~~ 22878

~~(i) Section one or more violations of division (A) or (B) of~~ 22879

section 4511.19 of the Revised Code;	22880
(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;	22881
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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;	22884
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	22886
(iv) 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;	22887
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	22889
(v) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;	22890
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	22892
(vi) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, 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;	22893
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(vii) 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.	22900
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	22902
	22903
(b) If the circumstances described in division (B)(2)(a)(b) of this section apply <u>or one or more other equivalent offenses</u>, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, 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, and subject to section 4503.235 of the Revised Code, shall	22904
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	22910

do whichever of the following is applicable: 22911

~~(i)(a)~~ Except as otherwise provided in division 22912
(B)(2)(b)~~(iii)~~ of this section, if, within six years of the 22913
current offense, the offender has been convicted of or pleaded 22914
guilty to one violation described in division (B)(2)~~(a)~~ of this 22915
section, the court shall order the immobilization for ninety days 22916
of ~~the that~~ vehicle ~~the offender was operating at the time of the~~ 22917
~~offense~~ and the impoundment for ninety days of the license plates 22918
of that vehicle. The order for the immobilization and impoundment 22919
shall be issued and enforced in accordance with section 4503.233 22920
of the Revised Code. 22921

~~(ii)(b)(iii)(a)~~ 22922

~~(iii)(b)~~ If, within six years of the current offense, the 22923
offender has been convicted of or pleaded guilty to two or more 22924
violations described in division (B)(2)~~(a)~~ of this section, or if 22925
the offender previously has been convicted of or pleaded guilty to 22926
a violation of division (A) of section 4511.19 of the Revised Code 22927
under circumstances in which the violation was a felony and 22928
regardless of when the violation and the conviction or guilty plea 22929
occurred, the court shall order the criminal forfeiture to the 22930
state of ~~the that~~ vehicle ~~the offender was operating at the time~~ 22931
~~of the offense~~ The order of criminal forfeiture shall be issued 22932
and enforced in accordance with section 4503.234 of the Revised 22933
Code. 22934

Sec. 4511.194. (A) As used in this section, "physical 22935
control" means being in the driver's position of the front seat of 22936
a vehicle or in the driver's position of a streetcar or trackless 22937
trolley and having possession of the vehicle's, streetcar's, or 22938
trackless trolley's ignition key or other ignition device. 22939

(B) No person shall be in physical control of a stationary 22940
vehicle, streetcar, or trackless trolley while under the influence 22941

of alcohol, a drug of abuse, or a combination of them or while the 22942
person's whole blood, blood serum or plasma, breath, or urine 22943
contains at least the concentration of alcohol specified in 22944
division (A)(2), (3), (4), or (5) of section 4511.19 of the 22945
Revised Code. 22946

(C) Whoever violates this section is guilty of having 22947
physical control of a vehicle while under the influence, a 22948
misdemeanor of the first degree. In addition to other sanctions 22949
imposed, the court may impose on the offender a class seven 22950
suspension of the offender's driver's license, commercial driver's 22951
license, temporary instruction permit, probationary license, or 22952
nonresident operating privilege from the range specified in 22953
division (A)(7) of section 4510.02 of the Revised Code. 22954

Sec. 4511.195. (A) As used in this section: 22955

(1) ~~"Vehicle operator" means a person who is operating a~~ 22956
~~vehicle at the time it is seized~~ Arrested person" means a person 22957
who is arrested for a violation of division (A) of section 4511.19 22958
of the Revised Code or a municipal OVI ordinance and whose arrest 22959
results in a vehicle being seized under division (B) of this 22960
section. 22961

(2) "Vehicle owner" means either of the following: 22962

(a) The person in whose name is registered, at the time of 22963
the seizure, a vehicle that is seized under division (B) of this 22964
section; 22965

(b) A person to whom the certificate of title to a vehicle 22966
that is seized under division (B) of this section has been 22967
assigned and who has not obtained a certificate of title to the 22968
vehicle in that person's name, but who is deemed by the court as 22969
being the owner of the vehicle at the time the vehicle was seized 22970
under division (B) of this section. 22971

(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.~~ 22972
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(4) "Interested party" includes the owner of a vehicle seized under this section, all lienholders, the ~~defendant~~ arrested person, 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. 22977
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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 4511.19 or 4511.191 of the Revised Code or by any other provision of law, shall seize the vehicle that a person was operating at the time of the alleged offense and its license plates if the vehicle is registered in the arrested person's name and if either of the following ~~apply~~ applies: 22982
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(a) The person is arrested for a violation of division (A) of section 4511.19 of the Revised Code or of a municipal ~~OMVI~~ OVI ordinance and, within six years of the alleged violation, the person previously has been convicted of or pleaded guilty to one or more violations of ~~the following~~: 22990
22991
22992
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22994

(i) ~~Division~~ division (A) or (B) of section 4511.19 of the Revised Code; 22995
22996

(ii) ~~A municipal OMVI ordinance~~; 22997

(iii) ~~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~~; 22998
22999
23000

(iv) ~~Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that~~ 23001
23002

is substantially similar to either of those divisions; 23003

~~(v) Division (A)(2), (3), or (4) of section 2903.06, division 23004
(A)(2) of section 2903.08, or former section 2903.07 of the 23005
Revised Code, or a municipal ordinance that is substantially 23006
similar to any of those divisions or that former section, in a 23007
case in which the jury or judge found that the offender was under 23008
the influence of alcohol, a drug of abuse, or alcohol and a drug 23009
of abuse; 23010~~

~~(vi) A statute of the United States or of any other state or 23011
a municipal ordinance of a municipal corporation located in any 23012
other state that is substantially similar to division (A) or (B) 23013
of section 4511.19 of the Revised Code or one or more other 23014
equivalent offenses. 23015~~

(b) The person is arrested for a violation of division (A) of 23016
section 4511.19 of the Revised Code or of a municipal ~~OMVI~~ OVI 23017
ordinance and the person previously has been convicted of or 23018
pleaded guilty to a violation of division (A) of section 4511.19 23019
of the Revised Code under circumstances in which the violation was 23020
a felony, regardless of when the prior felony violation of 23021
division (A) of section 4511.19 of the Revised Code and the 23022
conviction or guilty plea occurred. 23023

~~(2) Except as otherwise provided in division (B) of this 23024
section, the officer making an arrest of the type described in 23025
division (B)(1) of this section shall seize the vehicle and its 23026
license plates regardless of whether the vehicle is registered in 23027
the name of the person who was operating it or in the name of 23028
another person or entity. This section does not apply to or affect 23029
any rented or leased vehicle that is being rented or leased for a 23030
period of thirty days or less, except that a A law enforcement 23031
agency that employs a law enforcement officer who makes an arrest 23032
of a type that is described in division (B)(1) of this section and 23033
that involves a rented or leased vehicle of this type that is 23034~~

~~being rented or leased for a period of thirty days or less shall~~ 23035
~~notify, within twenty-four hours after the officer makes the~~ 23036
~~arrest, the lessor or owner of the vehicle regarding the~~ 23037
~~circumstances of the arrest and the location at which the vehicle~~ 23038
~~may be picked up. At the time of the seizure of the vehicle, the~~ 23039
~~law enforcement officer who made the arrest shall give the ~~vehicle~~~~ 23040
~~~~operator~~ arrested person written notice that the vehicle and its~~ 23041  
~~license plates have been seized; that the vehicle either will be~~ 23042  
~~kept by the officer's law enforcement agency or will be~~ 23043  
~~immobilized at least until the operator's initial appearance on~~ 23044  
~~the charge of the offense for which the arrest was made; that, at~~ 23045  
~~the initial appearance, the court in certain circumstances may~~ 23046  
~~order that the vehicle and license plates be released to the~~ 23047  
~~~~vehicle owner~~ arrested person until the disposition of that~~ 23048  
~~charge; and that, if the ~~vehicle operator~~ arrested person is~~ 23049
~~convicted of that charge, the court generally must order the~~ 23050
~~immobilization of the vehicle and the impoundment of its license~~ 23051
~~plates, or the forfeiture of the vehicle; and that, if the~~ 23052
~~operator is not the vehicle owner, the operator immediately should~~ 23053
~~inform the vehicle owner that the vehicle and its license plates~~ 23054
~~have been seized and that the vehicle owner may be able to obtain~~ 23055
~~their return or release at the initial appearance or thereafter.~~ 23056

(3) The arresting officer or a law enforcement officer of the 23057
agency that employs the arresting officer shall give written 23058
notice of the seizure to the court that will conduct the initial 23059
appearance of the ~~vehicle operator~~. The notice shall be given when 23060
~~the charges are filed against the vehicle operator~~ arrested person 23061
on the charges arising out of the arrest. Upon receipt of the 23062
notice, the court promptly shall determine whether the ~~vehicle~~ 23063
~~operator~~ arrested person is the vehicle owner and whether there 23064
~~are any liens recorded on the certificate of title to the vehicle.~~ 23065
If the court determines that the ~~vehicle operator~~ arrested person 23066
is not the vehicle owner, it promptly shall send by regular mail 23067

written notice of the seizure ~~of the motor vehicle~~ to the vehicle 23068
~~vehicle's registered~~ owner ~~and to all lienholders recorded on the~~ 23069
~~certificate of title~~. The written notice ~~to the vehicle owner and~~ 23070
~~lienholders~~ shall contain all of the information required by 23071
division (B)(2) of this section to be in a notice to be given to 23072
the ~~vehicle operator~~ arrested person and also shall specify the 23073
date, time, and place of the ~~vehicle operator's~~ arrested person's 23074
initial appearance. The notice also shall inform the vehicle owner 23075
that if title to a motor vehicle that is subject to an order for 23076
criminal forfeiture under this section is assigned or transferred 23077
and division ~~(C)~~(B)(2) or (3) of section 4503.234 of the Revised 23078
Code applies, the court may fine the ~~vehicle operator~~ arrested 23079
person the value of the vehicle. The notice ~~to the vehicle owner~~ 23080
also shall state that if the vehicle is immobilized under division 23081
(A) of section 4503.233 of the Revised Code, seven days after the 23082
end of the period of immobilization a law enforcement agency will 23083
send the vehicle owner a notice, informing the ~~vehicle~~ owner that 23084
if the release of the vehicle is not obtained in accordance with 23085
division (D)(3) of section 4503.233 of the Revised Code, the 23086
vehicle shall be forfeited. The notice also shall inform the 23087
vehicle owner that the vehicle owner may be charged expenses or 23088
charges incurred under this section and section 4503.233 of the 23089
Revised Code for the removal and storage of the vehicle. 23090

23091
The written notice that is given to the ~~vehicle operator or~~ 23092
~~is sent or delivered to the vehicle owner if the vehicle owner is~~ 23093
~~not the vehicle operator~~ arrested person also shall state that if 23094
the ~~vehicle operator~~ pleads guilty to or person is convicted of or 23095
pleads guilty to the offense ~~for which the vehicle operator was~~ 23096
~~arrested~~ and the court issues an immobilization and impoundment 23097
order relative to that vehicle, division (D)(4) of section 23098
4503.233 of the Revised Code prohibits the vehicle from being sold 23099
during the period of immobilization without the prior approval of 23100

the court. 23101

(4) At or before the initial appearance, the vehicle owner 23102
may file a motion requesting the court to order that the vehicle 23103
and its license plates be released to the vehicle owner. Except as 23104
provided in this division and subject to the payment of expenses 23105
or charges incurred in the removal and storage of the vehicle, the 23106
court, in its discretion, then may issue an order releasing the 23107
vehicle and its license plates to the vehicle owner. Such an order 23108
may be conditioned upon such terms as the court determines 23109
appropriate, including the posting of a bond in an amount 23110
determined by the court. If the ~~vehicle operator~~ arrested person 23111
is not the vehicle owner and if the vehicle owner is not present 23112
at the ~~vehicle operator's~~ arrested person's initial appearance, 23113
and if the court believes that the vehicle owner was not provided 23114
with adequate notice of the initial appearance, the court, in its 23115
discretion, may allow the vehicle owner to file a motion within 23116
seven days of the initial appearance. If the court allows the 23117
vehicle owner to file such a motion after the initial appearance, 23118
the extension of time granted by the court does not extend the 23119
time within which the initial appearance is to be conducted. If 23120
the court issues an order for the release of the vehicle and its 23121
license plates, a copy of the order shall be made available to the 23122
vehicle owner. If the vehicle owner presents a copy of the order 23123
to the law enforcement agency that employs the law enforcement 23124
officer who arrested the arrested person ~~who was operating the~~ 23125
~~vehicle~~, the law enforcement agency promptly shall release the 23126
vehicle and its license plates to the vehicle owner upon payment 23127
by the vehicle owner of any expenses or charges incurred in the 23128
removal and storage of the vehicle. 23129

(5) A vehicle seized under division (B)(1) of this section 23130
either shall be towed to a place specified by the law enforcement 23131
agency that employs the arresting officer to be safely kept by the 23132

agency at that place for the time and in the manner specified in 23133
this section or shall be otherwise immobilized for the time and in 23134
the manner specified in this section. A law enforcement officer of 23135
that agency shall remove the identification license plates of the 23136
vehicle, and they shall be safely kept by the agency for the time 23137
and in the manner specified in this section. No vehicle that is 23138
seized and either towed or immobilized pursuant to this division 23139
shall be considered contraband for purposes of section 2933.41, 23140
2933.42, or 2933.43 of the Revised Code. The vehicle shall not be 23141
immobilized at any place other than a commercially operated 23142
private storage lot, a place owned by a law enforcement agency or 23143
other government agency, or a place to which one of the following 23144
applies: 23145

(a) The place is leased by or otherwise under the control of 23146
a law enforcement agency or other government agency. 23147

(b) The place is owned by the vehicle operator, the vehicle 23148
operator's spouse, or a parent or child of the vehicle operator. 23149

(c) The place is owned by a private person or entity, and, 23150
prior to the immobilization, the private entity or person that 23151
owns the place, or the authorized agent of that private entity or 23152
person, has given express written consent for the immobilization 23153
to be carried out at that place. 23154

(d) The place is a street or highway on which the vehicle is 23155
parked in accordance with the law. 23156

(C)(1) A vehicle ~~that is~~ seized under division (B) of this 23157
section shall be safely kept at the place to which it is towed or 23158
otherwise moved by the law enforcement agency that employs the 23159
arresting officer until the initial appearance of the ~~vehicle~~ 23160
~~operator~~ arrested person relative to the charge in question. The 23161
license plates of the vehicle that are removed pursuant to 23162
division (B) of this section shall be safely kept by the law 23163

enforcement agency that employs the arresting officer until the 23164
initial appearance of the ~~vehicle operator~~ arrested person 23165
relative to the charge in question. 23166

(2)(a) At the initial appearance or not less than seven days 23167
prior to the date of final disposition, the court shall notify the 23168
~~vehicle operator, if the vehicle operator is the vehicle owner,~~ 23169
arrested person that, if title to a motor vehicle that is subject 23170
to an order for criminal forfeiture under this section is assigned 23171
or transferred and division ~~(C)~~(B)(2) or (3) of section 4503.234 23172
of the Revised Code applies, the court may fine the ~~vehicle~~ 23173
~~operator~~ arrested person the value of the vehicle. If, at the 23174
initial appearance, the ~~vehicle operator~~ arrested person pleads 23175
guilty to the violation of division (A) of section 4511.19 of the 23176
Revised Code or of the municipal ~~OMV~~ OVI ordinance or pleads no 23177
contest to and is convicted of the violation, the court shall 23178
impose sentence upon the ~~vehicle operator~~ person as provided by 23179
law or ordinance; the court, ~~except as provided in this division~~ 23180
~~and subject to section 4503.235 of the Revised Code,~~ shall order 23181
the immobilization of the vehicle the arrested person was 23182
operating at the time of the offense if registered in the arrested 23183
person's name and the impoundment of its license plates under 23184
section 4503.233 and section 4511.19 or 4511.193 or 4511.99 of the 23185
Revised Code, or the criminal forfeiture to the state of the 23186
vehicle if registered in the arrested person's name under section 23187
4503.234 and section 4511.19 or 4511.193 or 4511.99 of the Revised 23188
Code, whichever is applicable; and the vehicle and its license 23189
plates shall not be returned or released to the ~~vehicle owner~~. If 23190
~~the vehicle operator is not the vehicle owner and the vehicle~~ 23191
~~owner is not present at the vehicle operator's initial appearance~~ 23192
~~and if the court believes that the vehicle owner was not provided~~ 23193
~~adequate notice of the initial appearance, the court, in its~~ 23194
~~discretion, may refrain for a period of time not exceeding seven~~ 23195
~~days from ordering the immobilization of the vehicle and the~~ 23196

~~impoundment of its license plates, or the criminal forfeiture of~~ 23197
~~the vehicle so that the vehicle owner may appear before the court~~ 23198
~~to present evidence as to why the court should not order the~~ 23199
~~immobilization of the vehicle and the impoundment of its license~~ 23200
~~plates, or the criminal forfeiture of the vehicle. If the court~~ 23201
~~refrains from ordering the immobilization of the vehicle and the~~ 23202
~~impoundment of its license plates, or the criminal forfeiture of~~ 23203
~~the vehicle, section 4503.235 of the Revised Code applies relative~~ 23204
~~to the order of immobilization and impoundment, or the order of~~ 23205
~~forfeiture arrested person.~~ 23206

(b) If, at any time, the charge that the ~~vehicle operator~~ 23207
arrested person violated division (A) of section 4511.19 of the 23208
Revised Code or the municipal ~~OMVI~~ OVI ordinance is dismissed for 23209
any reason, the court shall order that the vehicle seized at the 23210
time of the arrest and its license plates immediately be released 23211
to the ~~vehicle owner subject to the payment of expenses or charges~~ 23212
~~incurred in the removal and storage of the vehicle~~ person. 23213

(D) If a vehicle ~~is~~ and its license plates are seized under 23214
division (B) of this section and ~~is~~ are not returned or released 23215
to the ~~vehicle owner~~ arrested person pursuant to division (C) of 23216
this section, the vehicle ~~or~~ and its license plates shall be 23217
retained until the final disposition of the charge in question. 23218
Upon the final disposition of that charge, the court shall do 23219
whichever of the following is applicable: 23220

(1) If the ~~vehicle operator~~ arrested person is convicted of 23221
or pleads guilty to the violation of division (A) of section 23222
4511.19 of the Revised Code or of the municipal ~~OMVI~~ OVI 23223
ordinance, the court shall impose sentence upon the ~~vehicle~~ 23224
~~operator~~ person as provided by law or ordinance and, ~~subject to~~ 23225
~~section 4503.235 of the Revised Code,~~ shall order the 23226
immobilization of the vehicle the ~~vehicle operator~~ person was 23227
operating at the time of, ~~or that was involved in,~~ the offense if 23228

it is registered in the arrested person's name and the impoundment 23229
of its license plates under section 4503.233 and section 4511.19 23230
or 4511.193 or 4511.99 of the Revised Code, or the criminal 23231
forfeiture of the vehicle if it is registered in the arrested 23232
person's name under section 4503.234 and section 4511.19 or 23233
4511.193 or 4511.99 of the Revised Code, whichever is applicable. 23234

(2) If the ~~vehicle operator~~ arrested person is found not 23235
guilty of the violation of division (A) of section 4511.19 of the 23236
Revised Code or of the municipal ~~OMVI~~ OVI ordinance, the court 23237
shall order that the vehicle and its license plates immediately be 23238
released to the ~~vehicle owner upon the payment of any expenses or~~ 23239
~~charges incurred in its removal and storage~~ arrested person. 23240

(3) If the charge that the ~~vehicle operator~~ arrested person 23241
violated division (A) of section 4511.19 of the Revised Code or 23242
the municipal ~~OMVI~~ OVI ordinance is dismissed for any reason, the 23243
court shall order that the vehicle and its license plates 23244
immediately be released to the ~~vehicle owner upon the payment of~~ 23245
~~any expenses or charges incurred in its removal and storage~~ 23246
arrested person. 23247

(4) If the impoundment of the vehicle was not authorized 23248
under this section, the court shall order that the vehicle and its 23249
license plates be returned immediately to the arrested person or, 23250
if the arrested person is not the vehicle owner, to the vehicle 23251
owner, and shall order that the state or political subdivision of 23252
the law enforcement agency served by the law enforcement officer 23253
who seized the vehicle pay all expenses and charges incurred in 23254
its removal and storage. 23255

(E) If a vehicle is seized under division (B) of this 23256
section, the time between the seizure of the vehicle and either 23257
its release to the ~~vehicle owner~~ arrested person under division 23258
(C) of this section or the issuance of an order of immobilization 23259
of the vehicle under section 4503.233 of the Revised Code shall be 23260

credited against the period of immobilization ordered by the 23261
court. 23262

(F)(1) ~~The vehicle owner~~ Except as provided in division 23263
(D)(4) of this section, the arrested person may be charged 23264
expenses or charges incurred in the removal and storage of the 23265
immobilized vehicle. The court with jurisdiction over the case, 23266
after notice to all interested parties, including lienholders, and 23267
after an opportunity for them to be heard, ~~if the vehicle owner~~ 23268
~~fails to appear in person, without good cause, or if the court~~ 23269
finds that the ~~vehicle owner~~ arrested person does not intend to 23270
seek release of the vehicle at the end of the period of 23271
immobilization under section 4503.233 of the Revised Code or that 23272
the ~~vehicle owner~~ arrested person is not or will not be able to 23273
pay the expenses and charges incurred in its removal and storage, 23274
may order that title to the vehicle be transferred, in order of 23275
priority, first into the name of the person or entity that removed 23276
it, next into the name of a lienholder, or lastly into the name of 23277
the owner of the place of storage. 23278

Any lienholder that receives title under a court order shall 23279
do so on the condition that it pay any expenses or charges 23280
incurred in the vehicle's removal and storage. If the person or 23281
entity that receives title to the vehicle is the person or entity 23282
that removed it, the person or entity shall receive title on the 23283
condition that it pay any lien on the vehicle. The court shall not 23284
order that title be transferred to any person or entity other than 23285
the owner of the place of storage if the person or entity refuses 23286
to receive the title. Any person or entity that receives title 23287
either may keep title to the vehicle or may dispose of the vehicle 23288
in any legal manner that it considers appropriate, including 23289
assignment of the certificate of title to the motor vehicle to a 23290
salvage dealer or a scrap metal processing facility. The person or 23291
entity shall not transfer the vehicle to the person who is the 23292

vehicle's immediate previous owner. 23293

If the person or entity that receives title assigns the motor 23294
vehicle to a salvage dealer or scrap metal processing facility, 23295
the person or entity shall send the assigned certificate of title 23296
to the motor vehicle to the clerk of the court of common pleas of 23297
the county in which the salvage dealer or scrap metal processing 23298
facility is located. The person or entity shall mark the face of 23299
the certificate of title with the words "~~for destruction~~ FOR 23300
DESTRUCTION" and shall deliver a photocopy of the certificate of 23301
title to the salvage dealer or scrap metal processing facility for 23302
its records. 23303

(2) Whenever a court issues an order under division (F)(1) of 23304
this section, the court also shall order removal of the license 23305
plates from the vehicle and cause them to be sent to the registrar 23306
of motor vehicles if they have not already been sent to the 23307
registrar. Thereafter, no further proceedings shall take place 23308
under this section or under section 4503.233 of the Revised Code. 23309

(3) Prior to initiating a proceeding under division (F)(1) of 23310
this section, and upon payment of the fee under division (B) of 23311
section 4505.14 of the Revised Code, any interested party may 23312
cause a search to be made of the public records of the bureau of 23313
motor vehicles or the clerk of the court of common pleas, to 23314
ascertain the identity of any lienholder of the vehicle. The 23315
initiating party shall furnish this information to the clerk of 23316
the court with jurisdiction over the case, and the clerk shall 23317
provide notice to the ~~vehicle owner, the defendant~~ arrested 23318
person, any lienholder, and any other interested parties listed by 23319
the initiating party, at the last known address supplied by the 23320
initiating party, by certified mail or, at the option of the 23321
initiating party, by personal service or ordinary mail. 23322

Sec. 4511.196. (A) If a person is arrested for being in 23323

physical control of a vehicle, streetcar, or trackless trolley in 23324
violation of section 4511.194 of the Revised Code, or for 23325
operating a vehicle while under the influence of alcohol, a drug 23326
of abuse, or alcohol and a drug of abuse or for operating a 23327
vehicle with a prohibited concentration of alcohol in the blood, 23328
breath, or urine and, streetcar, or trackless trolley in violation 23329
of division (A) or (B) of section 4511.19 of the Revised Code or a 23330
municipal OVI ordinance, regardless of whether the person's 23331
driver's or commercial driver's license or permit or nonresident 23332
operating privilege is or is not suspended under ~~division (E) or~~ 23333
~~(F)~~ of section 4511.191 of the Revised Code, the person's initial 23334
appearance on the charge resulting from the arrest shall be held 23335
within five days of the person's arrest or the issuance of the 23336
citation to the person. 23337

(B)(1) If a person is arrested as described in division (A) 23338
of this section, if the person's driver's or commercial driver's 23339
license or permit or nonresident operating privilege has been 23340
suspended under ~~division (E) or (F)~~ of section 4511.191 of the 23341
Revised Code in relation to that arrest, if the person appeals the 23342
suspension in accordance with ~~division (H)(1) of that section~~ 23343
4511.197 of the Revised Code, and if the judge, magistrate, or 23344
mayor terminates the suspension in accordance with ~~division (H)(2)~~ 23345
~~of that section~~, the judge, magistrate, or mayor, at any time 23346
prior to adjudication on the merits of the charge resulting from 23347
the arrest, may impose a new suspension of the person's license, 23348
permit, or nonresident operating privilege, notwithstanding the 23349
termination of the suspension imposed under ~~division (E) or (F) of~~ 23350
~~section 4511.191 of the Revised Code~~, if the judge, magistrate, or 23351
mayor determines that the person's continued driving will be a 23352
threat to public safety. 23353

(2) If a person is arrested as described in division (A) of 23354
this section and if the person's driver's or commercial driver's 23355

license or permit or nonresident operating privilege has not been 23356
suspended under ~~division (E) or (F)~~ of section 4511.191 of the 23357
Revised Code in relation to that arrest, the judge, magistrate, or 23358
mayor, at any time prior to the adjudication on the merits of the 23359
charge resulting from the arrest, may impose a suspension of the 23360
person's license, permit, or nonresident operating privilege if 23361
the judge, magistrate, or mayor determines that the person's 23362
continued driving will be a threat to public safety. 23363

(C) A suspension of ~~a person's driver's or commercial~~ 23364
~~driver's license or permit or nonresident operating privilege~~ 23365
under division (B)(1) or (2) of this section shall continue until 23366
the complaint on the charge resulting from the arrest is 23367
adjudicated on the merits. A court that imposes a suspension under 23368
division (B)(2) of this section shall send the person's driver's 23369
license or permit to the registrar of motor vehicles. If the court 23370
possesses the ~~driver's or commercial driver's~~ license or permit of 23371
a person in the category described in division (B)(2) of this 23372
section and the court does not impose a suspension under that 23373
~~division (B)(2) of this section,~~ the court shall return the 23374
license or permit to the person if the license or permit has not 23375
otherwise been suspended or ~~revoked~~ cancelled. 23376

Any time during which the person serves a suspension of the 23377
person's ~~driver's or commercial driver's~~ license or, permit, or 23378
~~nonresident operating~~ privilege that is imposed pursuant to 23379
division (B)(1) or (2) of this section shall be credited against 23380
any period of judicial suspension of the person's license, permit, 23381
or ~~nonresident operating~~ privilege that is imposed pursuant to 23382
under division ~~(B)(G)~~ of section ~~4507.16~~ 4511.19 of the Revised 23383
Code or under section 4510.07 of the Revised Code for a violation 23384
of a municipal ordinance substantially equivalent to division (A) 23385
of section 4511.19 of the Revised Code. 23386

(D) If a person is arrested and charged with a violation of 23387

section 2903.08 of the Revised Code or a violation of section 23388
2903.06 of the Revised Code that is a felony offense, the judge at 23389
the person's initial appearance, preliminary hearing, or 23390
arraignment may suspend the person's driver's or commercial 23391
driver's license or permit or nonresident operating privilege if 23392
the judge determines at any of those proceedings that the person's 23393
continued driving will be a threat to public safety. 23394

The A suspension ~~that may be imposed pursuant to~~ under this 23395
division shall continue until the indictment or information 23396
alleging the violation specified in this division is adjudicated 23397
on the merits. A court that imposes a suspension under this 23398
division shall send the person's driver's or commercial driver's 23399
license or permit to the registrar. 23400

Sec. 4511.197. (A) If a person is arrested for operating a 23401
vehicle, streetcar, or trackless trolley in violation of division 23402
(A) or (B) of section 4511.19 of the Revised Code or a municipal 23403
OVI ordinance or for being in physical control of a stationary 23404
vehicle, streetcar, or trackless trolley in violation of section 23405
4511.194 of the Revised Code and if the person's driver's or 23406
commercial driver's license or permit or nonresident operating 23407
privilege is suspended under section 4511.191 of the Revised Code, 23408
the person may appeal the suspension at the person's initial 23409
appearance on the charge resulting from the arrest or within the 23410
period ending thirty days after the person's initial appearance on 23411
that charge, in the court in which the person will appear on that 23412
charge. If the person appeals the suspension, the appeal itself 23413
does not stay the operation of the suspension. If the person 23414
appeals the suspension, either the person or the registrar of 23415
motor vehicles may request a continuance of the appeal and the 23416
court may grant the continuance. The court also may continue the 23417
appeal on its own motion. Neither the request for, nor the 23418
granting of, a continuance stays the suspension that is the 23419

subject of the appeal, unless the court specifically grants a 23420
stay. 23421

(B) A person shall file an appeal under division (A) of this 23422
section in the municipal court, county court, juvenile court, 23423
mayor's court, or court of common pleas that has jurisdiction over 23424
the charge in relation to which the person was arrested. 23425

(C) If a person appeals a suspension under division (A) of 23426
this section, the scope of the appeal is limited to determining 23427
whether one or more of the following conditions have not been met: 23428

(1) Whether the arresting law enforcement officer had 23429
reasonable ground to believe the arrested person was operating a 23430
vehicle, streetcar, or trackless trolley in violation of division 23431
(A) or (B) of section 4511.19 of the Revised Code or a municipal 23432
OVI ordinance or was in physical control of a stationary vehicle, 23433
streetcar, or trackless trolley in violation of section 4511.194 23434
of the Revised Code and whether the arrested person was in fact 23435
placed under arrest; 23436

(2) Whether the law enforcement officer requested the 23437
arrested person to submit to the chemical test or tests designated 23438
pursuant to division (A) of section 4511.191 of the Revised Code; 23439

(3) Whether the arresting officer informed the arrested 23440
person of the consequences of refusing to be tested or of 23441
submitting to the test or tests; 23442

(4) Whichever of the following is applicable: 23443

(a) Whether the arrested person refused to submit to the 23444
chemical test or tests requested by the officer; 23445

(b) Whether the arrest was for a violation of division (A) or 23446
(B) of section 4511.19 of the Revised Code or a municipal OVI 23447
ordinance and, if it was, whether the chemical test results 23448
indicate that the arrested person's whole blood contained a 23449

concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's blood serum or plasma contained a concentration of twelve-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense. 23450
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(D) A person who appeals a suspension under division (a) of this section has the burden of proving, by a preponderance of the evidence, that one or more of the conditions specified in division (C) of this section has not been met. If, during the appeal, the judge or magistrate of the court or the mayor of the mayor's court determines that all of those conditions have been met, the judge, magistrate, or mayor shall uphold the suspension, continue the suspension, and notify the registrar of motor vehicles of the decision on a form approved by the registrar. 23459
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Except as otherwise provided in this section, if a suspension imposed under section 4511.191 of the Revised Code is upheld on appeal or if the subject person does not appeal the suspension under division (A) of this section, the suspension shall continue until the complaint alleging the violation for which the person was arrested and in relation to which the suspension was imposed is adjudicated on the merits or terminated pursuant to law. If the suspension was imposed under division (B)(1) of section 4511.191 of the Revised Code and it is continued under this section, any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of section 4511.191 of the Revised Code does not terminate or otherwise affect the suspension. If the suspension was imposed under division (C) of 23468
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section 4511.191 of the Revised Code in relation to an alleged 23482
misdemeanor violation of division (A) or (B) of section 4511.19 of 23483
the Revised Code or of a municipal OVI ordinance and it is 23484
continued under this section, the suspension shall terminate if, 23485
for any reason, the person subsequently is found not guilty of the 23486
charge that resulted in the person taking the chemical test or 23487
tests. 23488

If, during the appeal, the judge or magistrate of the trial 23489
court or the mayor of the mayor's court determines that one or 23490
more of the conditions specified in division (C) of this section 23491
have not been met, the judge, magistrate, or mayor shall terminate 23492
the suspension, subject to the imposition of a new suspension 23493
under division (B) of section 4511.196 of the Revised Code; shall 23494
notify the registrar of motor vehicles of the decision on a form 23495
approved by the registrar; and, except as provided in division (B) 23496
of section 4511.196 of the Revised Code, shall order the registrar 23497
to return the driver's or commercial driver's license or permit to 23498
the person or to take any other measures that may be necessary, if 23499
the license or permit was destroyed under section 4510.53 of the 23500
Revised Code, to permit the person to obtain a replacement 23501
driver's or commercial driver's license or permit from the 23502
registrar or a deputy registrar in accordance with that section. 23503
The court also shall issue to the person a court order, valid for 23504
not more than ten days from the date of issuance, granting the 23505
person operating privileges for that period. 23506

(E) Any person whose driver's or commercial driver's license 23507
or permit or nonresident operating privilege has been suspended 23508
pursuant to section 4511.191 of the Revised Code may file a 23509
petition requesting limited driving privileges in the common pleas 23510
court, municipal court, county court, mayor's court, or juvenile 23511
court with jurisdiction over the related criminal or delinquency 23512
case. The petition may be filed at any time subsequent to the date 23513

on which the arresting law enforcement officer serves the notice 23514
of suspension upon the arrested person but no later than thirty 23515
days after the arrested person's initial appearance or 23516
arraignment. Upon the making of the request, limited driving 23517
privileges may be granted under sections 4510.021 and 4510.13 of 23518
the Revised Code, regardless of whether the person appeals the 23519
suspension under this section or appeals the decision of the court 23520
on the appeal, and, if the person has so appealed the suspension 23521
or decision, regardless of whether the matter has been heard or 23522
decided by the court. The person shall pay the costs of the 23523
proceeding, notify the registrar of the filing of the petition, 23524
and send the registrar a copy of the petition. 23525

The court may not grant the person limited driving privileges 23526
when prohibited by section 4510.13 or 4511.191 of the Revised 23527
Code. 23528

(F) Any person whose driver's or commercial driver's license 23529
or permit has been suspended under section 4511.19 of the Revised 23530
Code or under section 4510.07 of the Revised Code for a conviction 23531
of a municipal OVI offense and who desires to retain the license 23532
or permit during the pendency of an appeal, at the time sentence 23533
is pronounced, shall notify the court of record or mayor's court 23534
that suspended the license or permit of the person's intention to 23535
appeal. If the person so notifies the court, the court, mayor, or 23536
clerk of the court shall retain the license or permit until the 23537
appeal is perfected, and, if execution of sentence is stayed, the 23538
license or permit shall be returned to the person to be held by 23539
the person during the pendency of the appeal. If the appeal is not 23540
perfected or is dismissed or terminated in an affirmance of the 23541
conviction, then the license or permit shall be taken up by the 23542
court, mayor, or clerk, at the time of putting the sentence into 23543
execution, and the court shall proceed in the same manner as if no 23544
appeal was taken. 23545

(G) Except as otherwise provided in this division, if a 23546
person whose driver's or commercial driver's license or permit or 23547
nonresident operating privilege was suspended under section 23548
4511.191 of the Revised Code appeals the suspension under division 23549
(A) of this section, the prosecuting attorney of the county in 23550
which the arrest occurred shall represent the registrar of motor 23551
vehicles in the appeal. If the arrest occurred within a municipal 23552
corporation within the jurisdiction of the court in which the 23553
appeal is conducted, the city director of law, village solicitor, 23554
or other chief legal officer of that municipal corporation shall 23555
represent the registrar. If the appeal is conducted in a municipal 23556
court, the registrar shall be represented as provided in section 23557
1901.34 of the Revised Code. If the appeal is conducted in a 23558
mayor's court, the city director of law, village solicitor, or 23559
other chief legal officer of the municipal corporation that 23560
operates that mayor's court shall represent the registrar. 23561

(H) The court shall give information in writing of any action 23562
taken under this section to the registrar of motor vehicles. 23563

(I) When it finally has been determined under the procedures 23565
of this section that a nonresident's privilege to operate a 23566
vehicle within this state has been suspended, the registrar of 23567
motor vehicles shall give information in writing of the action 23568
taken to the motor vehicle administrator of the state of the 23569
nonresident's residence and of any state in which the nonresident 23570
has a license. 23571

Sec. 4511.20. (A) No person shall operate a vehicle, 23572
trackless trolley, or streetcar on any street or highway in 23573
willful or wanton disregard of the safety of persons or property. 23574

(B) Except as otherwise provided in this division, whoever 23575
violates this section is guilty of a minor misdemeanor. If, within 23576

one year of the offense, the offender previously has been 23577
convicted of or pleaded guilty to one predicate motor vehicle or 23578
traffic offense, whoever violates this section is guilty of a 23579
misdemeanor of the fourth degree. If, within one year of the 23580
offense, the offender previously has been convicted of two or more 23581
predicate motor vehicle or traffic offenses, whoever violates this 23582
section is guilty of a misdemeanor of the third degree. 23583

Sec. 4511.201. (A) No person shall operate a vehicle, 23584
trackless trolley, or streetcar on any public or private property 23585
other than streets or highways, in willful or wanton disregard of 23586
the safety of persons or property. 23587

This section does not apply to the competitive operation of 23588
vehicles on public or private property when the owner of such 23589
property knowingly permits such operation thereon. 23590

(B) Except as otherwise provided in this division, whoever 23591
violates this section is guilty of a minor misdemeanor. If, within 23592
one year of the offense, the offender previously has been 23593
convicted of or pleaded guilty to one predicate motor vehicle or 23594
traffic offense, whoever violates this section is guilty of a 23595
misdemeanor of the fourth degree. If, within one year of the 23596
offense, the offender previously has been convicted of two or more 23597
predicate motor vehicle or traffic offenses, whoever violates this 23598
section is guilty of a misdemeanor of the third degree. 23599

Sec. 4511.202. (A) No person shall operate a motor vehicle, 23600
trackless trolley, or streetcar on any street, highway, or 23601
property open to the public for vehicular traffic without being in 23602
reasonable control of the vehicle, trolley, or streetcar. 23603

(B) Whoever violates this section is guilty of operating a 23604
motor vehicle without being in control of it, a minor misdemeanor. 23605

~~Sec. 4507.33~~ 4511.203. (A) No person shall ~~authorize or~~ 23606
knowingly permit a motor vehicle owned by ~~him~~ the person or under 23607
~~his~~ the person's control to be driven by ~~any person~~ another if 23608
~~either any~~ of the following ~~applies~~ apply: 23609

~~(A)(1)~~ The offender knows or ~~has reasonable cause to believe~~ 23610
~~should know that~~ the other person ~~has no legal right to drive the~~ 23611
~~motor vehicle;~~ does not have a valid driver's or commercial 23612
driver's license or permit or valid nonresident driving privileges 23613
or that the license, permit, or privileges have been suspended or 23614
canceled under Chapter 4510. or any other provision of the Revised 23615
Code. 23616

~~(B)(2)~~ The offender knows or ~~has reasonable cause to believe~~ 23617
~~should know that~~ the other person's act of driving the motor 23618
vehicle would violate any prohibition contained in ~~sections~~ 23619
~~4507.01 to 4507.39~~ Chapter 4509. of the Revised Code. 23620

(3) The offender knows or should know that the other person's 23621
act of driving would violate section 4511.19 of the Revised Code 23622
or any substantially equivalent municipal ordinance. 23623

(B) It shall be prima-facie evidence that the offender knows 23624
or should know that the operator of the motor vehicle owned by the 23625
offender or under the offender's control is in a category 23626
described in division (A)(1), (2), or (3) of this section if 23627
either of the following applies: 23628

(1) The offender and the operator of the motor vehicle 23629
occupied the motor vehicle together at the time of the offense. 23630

(2) The offender and the operator of the motor vehicle reside 23631
in the same household. 23632

(C) Whoever violates this section is guilty of wrongful 23633
entrustment of a motor vehicle, a misdemeanor of the first degree. 23634
In addition to the penalties imposed under Chapter 2929. of the 23635

Revised Code, the court shall impose a class seven suspension of 23636
the offender's driver's license, commercial driver's license, 23637
temporary instruction permit, probationary license, or nonresident 23638
operating privilege from the range specified in division (A)(7) of 23639
section 4510.02 of the Revised Code, and, if the vehicle involved 23640
in the offense is registered in the name of the offender, the 23641
court shall order one of the following: 23642

(1) Except as otherwise provided in division (C)(2) or (3) of 23643
this section, the court shall order, for thirty days, the 23644
immobilization of the vehicle involved in the offense and the 23645
impoundment of that vehicle's license plates. The order shall be 23646
issued and enforced under section 4503.233 of the Revised Code. 23647

(2) If the offender previously has been convicted of or 23648
pleaded guilty to one violation of this section or a substantially 23649
equivalent municipal ordinance, the court shall order, for sixty 23650
days, the immobilization of the vehicle involved in the offense 23651
and the impoundment of that vehicle's license plates. The order 23652
shall be issued and enforced under section 4503.233 of the Revised 23653
Code. 23654

(3) If the offender previously has been convicted of or 23655
pleaded guilty to two or more violations of this section or a 23656
substantially equivalent municipal ordinance, the court shall 23657
order the criminal forfeiture to the state of the vehicle involved 23658
in the offense. The order shall be issued and enforced under 23659
section 4503.234 of the Revised Code. 23660

If title to a motor vehicle that is subject to an order for 23661
criminal forfeiture under this division is assigned or transferred 23662
and division (B)(2) or (3) of section 4503.234 of the Revised Code 23663
applies, in addition to or independent of any other penalty 23664
established by law, the court may fine the offender the value of 23665
the vehicle as determined by publications of the national auto 23666
dealer's association. The proceeds from any fine imposed under 23667

this division shall be distributed in accordance with division 23668
(C)(2) of section 4503.234 of the Revised Code. 23669

(D) If a court orders the immobilization of a vehicle under 23670
division (C) of this section, the court shall not release the 23671
vehicle from the immobilization before the termination of the 23672
period of immobilization ordered unless the court is presented 23673
with current proof of financial responsibility with respect to 23674
that vehicle. 23675

(E) If a court orders the criminal forfeiture of a vehicle 23676
under division (C) of this section, upon receipt of the order from 23677
the court, neither the registrar of motor vehicles nor any deputy 23678
registrar shall accept any application for the registration or 23679
transfer of registration of any motor vehicle owned or leased by 23680
the person named in the order. The period of denial shall be five 23681
years after the date the order is issued, unless, during that 23682
five-year period, the court with jurisdiction of the offense that 23683
resulted in the order terminates the forfeiture and notifies the 23684
registrar of the termination. If the court terminates the 23685
forfeiture and notifies the registrar, the registrar shall take 23686
all necessary measures to permit the person to register a vehicle 23687
owned or leased by the person or to transfer the registration of 23688
the vehicle. 23689

(F) This section does not apply to motor vehicle rental 23690
dealers or motor vehicle leasing dealers, as defined in section 23691
4549.65 of the Revised Code. 23692

Sec. 4511.21. (A) No person shall operate a motor vehicle, 23693
trackless trolley, or streetcar at a speed greater or less than is 23694
reasonable or proper, having due regard to the traffic, surface, 23695
and width of the street or highway and any other conditions, and 23696
no person shall drive any motor vehicle, trackless trolley, or 23697
streetcar in and upon any street or highway at a greater speed 23698

than will permit the person to bring it to a stop within the 23699
assured clear distance ahead. 23700

(B) It is prima-facie lawful, in the absence of a lower limit 23701
declared pursuant to this section by the director of 23702
transportation or local authorities, for the operator of a motor 23703
vehicle, trackless trolley, or streetcar to operate the same at a 23704
speed not exceeding the following: 23705

(1)(a) Twenty miles per hour in school zones during school 23706
recess and while children are going to or leaving school during 23707
the opening or closing hours, and when twenty miles per hour 23708
school speed limit signs are erected; except that, on 23709
controlled-access highways and expressways, if the right-of-way 23710
line fence has been erected without pedestrian opening, the speed 23711
shall be governed by division (B)(4) of this section and on 23712
freeways, if the right-of-way line fence has been erected without 23713
pedestrian opening, the speed shall be governed by divisions 23714
(B)(8) and (9) of this section. The end of every school zone may 23715
be marked by a sign indicating the end of the zone. Nothing in 23716
this section or in the manual and specifications for a uniform 23717
system of traffic control devices shall be construed to require 23718
school zones to be indicated by signs equipped with flashing or 23719
other lights, or giving other special notice of the hours in which 23720
the school zone speed limit is in effect. 23721

(b) As used in this section and in section 4511.212 of the 23722
Revised Code, "school" means any school chartered under section 23723
3301.16 of the Revised Code and any nonchartered school that 23724
during the preceding year filed with the department of education 23725
in compliance with rule 3301-35-08 of the Ohio Administrative 23726
Code, a copy of the school's report for the parents of the 23727
school's pupils certifying that the school meets Ohio minimum 23728
standards for nonchartered, nontax-supported schools and presents 23729
evidence of this filing to the jurisdiction from which it is 23730

requesting the establishment of a school zone. 23731

(c) As used in this section, "school zone" means that portion 23732
of a street or highway passing a school fronting upon the street 23733
or highway that is encompassed by projecting the school property 23734
lines to the fronting street or highway, and also includes that 23735
portion of a state highway. Upon request from local authorities 23736
for streets and highways under their jurisdiction and that portion 23737
of a state highway under the jurisdiction of the director of 23738
transportation, the director may extend the traditional school 23739
zone boundaries. The distances in divisions (B)(1)(c)(i), (ii), 23740
and (iii) of this section shall not exceed three hundred feet per 23741
approach per direction and are bounded by whichever of the 23742
following distances or combinations thereof the director approves 23743
as most appropriate: 23744

(i) The distance encompassed by projecting the school 23745
building lines normal to the fronting highway and extending a 23746
distance of three hundred feet on each approach direction; 23747

(ii) The distance encompassed by projecting the school 23748
property lines intersecting the fronting highway and extending a 23749
distance of three hundred feet on each approach direction; 23750

(iii) The distance encompassed by the special marking of the 23751
pavement for a principal school pupil crosswalk plus a distance of 23752
three hundred feet on each approach direction of the highway. 23753

Nothing in this section shall be construed to invalidate the 23754
director's initial action on August 9, 1976, establishing all 23755
school zones at the traditional school zone boundaries defined by 23756
projecting school property lines, except when those boundaries are 23757
extended as provided in divisions (B)(1)(a) and (c) of this 23758
section. 23759

(d) As used in this division, "crosswalk" has the meaning 23760
given that term in division (LL)(2) of section 4511.01 of the 23761

Revised Code. 23762

The director may, upon request by resolution of the 23763
legislative authority of a municipal corporation, the board of 23764
trustees of a township, or a county board of mental retardation 23765
and developmental disabilities created pursuant to Chapter 5126. 23766
of the Revised Code, and upon submission by the municipal 23767
corporation, township, or county board of such engineering, 23768
traffic, and other information as the director considers 23769
necessary, designate a school zone on any portion of a state route 23770
lying within the municipal corporation, lying within the 23771
unincorporated territory of the township, or lying adjacent to the 23772
property of a school that is operated by such county board, that 23773
includes a crosswalk customarily used by children going to or 23774
leaving a school during recess and opening and closing hours, 23775
whenever the distance, as measured in a straight line, from the 23776
school property line nearest the crosswalk to the nearest point of 23777
the crosswalk is no more than one thousand three hundred twenty 23778
feet. Such a school zone shall include the distance encompassed by 23779
the crosswalk and extending three hundred feet on each approach 23780
direction of the state route. 23781

(2) Twenty-five miles per hour in all other portions of a 23782
municipal corporation, except on state routes outside business 23783
districts, through highways outside business districts, and 23784
alleys; 23785

(3) Thirty-five miles per hour on all state routes or through 23786
highways within municipal corporations outside business districts, 23787
except as provided in divisions (B)(4) and (6) of this section; 23788
23789

(4) Fifty miles per hour on controlled-access highways and 23790
expressways within municipal corporations; 23791

(5) Fifty-five miles per hour on highways outside of 23792

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| municipal corporations, other than freeways as provided in | 23793 |
| division (B)(12) of this section; | 23794 |
| (6) Fifty miles per hour on state routes within municipal | 23795 |
| corporations outside urban districts unless a lower prima-facie | 23796 |
| speed is established as further provided in this section; | 23797 |
| (7) Fifteen miles per hour on all alleys within the municipal | 23798 |
| corporation; | 23799 |
| (8) Fifty-five miles per hour at all times on freeways with | 23800 |
| paved shoulders inside municipal corporations, other than freeways | 23801 |
| as provided in division (B)(12) of this section; | 23802 |
| (9) Fifty-five miles per hour at all times on freeways | 23803 |
| outside municipal corporations, other than freeways as provided in | 23804 |
| division (B)(12) of this section; | 23805 |
| (10) Fifty-five miles per hour at all times on all portions | 23806 |
| of freeways that are part of the interstate system and on all | 23807 |
| portions of freeways that are not part of the interstate system, | 23808 |
| but are built to the standards and specifications that are | 23809 |
| applicable to freeways that are part of the interstate system for | 23810 |
| operators of any motor vehicle weighing in excess of eight | 23811 |
| thousand pounds empty weight and any noncommercial bus; | 23812 |
| (11) Fifty-five miles per hour for operators of any motor | 23813 |
| vehicle weighing eight thousand pounds or less empty weight and | 23814 |
| any commercial bus at all times on all portions of freeways that | 23815 |
| are part of the interstate system and that had such a speed limit | 23816 |
| established prior to October 1, 1995, and freeways that are not | 23817 |
| part of the interstate system, but are built to the standards and | 23818 |
| specifications that are applicable to freeways that are part of | 23819 |
| the interstate system and that had such a speed limit established | 23820 |
| prior to October 1, 1995, unless a higher speed limit is | 23821 |
| established under division (L) of this section; | 23822 |
| (12) Sixty-five miles per hour for operators of any motor | 23823 |

vehicle weighing eight thousand pounds or less empty weight and 23824
any commercial bus at all times on all portions of the following: 23825

(a) Freeways that are part of the interstate system and that 23826
had such a speed limit established prior to October 1, 1995, and 23827
freeways that are not part of the interstate system, but are built 23828
to the standards and specifications that are applicable to 23829
freeways that are part of the interstate system and that had such 23830
a speed limit established prior to October 1, 1995; 23831

(b) Freeways that are part of the interstate system and 23832
freeways that are not part of the interstate system but are built 23833
to the standards and specifications that are applicable to 23834
freeways that are part of the interstate system, and that had such 23835
a speed limit established under division (L) of this section; 23836

(c) Rural, divided, multi-lane highways that are designated 23837
as part of the national highway system under the "National Highway 23838
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 23839
and that had such a speed limit established under division (M) of 23840
this section. 23841

(C) It is prima-facie unlawful for any person to exceed any 23842
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 23843
(6), and (7) of this section, or any declared pursuant to this 23844
section by the director or local authorities and it is unlawful 23845
for any person to exceed any of the speed limitations in division 23846
(D) of this section. No person shall be convicted of more than one 23847
violation of this section for the same conduct, although 23848
violations of more than one provision of this section may be 23849
charged in the alternative in a single affidavit. 23850

(D) No person shall operate a motor vehicle, trackless 23851
trolley, or streetcar upon a street or highway as follows: 23852

(1) At a speed exceeding fifty-five miles per hour, except 23853
upon a freeway as provided in division (B)(12) of this section; 23854

- (2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in division (B)(12) of this section except as otherwise provided in division (D)(3) of this section;
- (3) If a motor vehicle weighing in excess of eight thousand pounds empty weight or a noncommercial bus as prescribed in division (B)(10) of this section, at a speed exceeding fifty-five miles per hour upon a freeway as provided in that division;
- (4) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit of not more than sixty-five miles per hour pursuant to division (L)(2) or (M) of this section;
- (5) At a speed exceeding sixty-five miles per hour upon a freeway for which such a speed limit has been established through the operation of division (L)(3) of this section;
- (6) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit pursuant to division (I)(2) of this section.
- (E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1)(a), (2), (3), (4), (6), or (7) of, or a limit declared pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.
- (F) When a speed in excess of both a prima-facie limitation and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of

this section is alleged, the defendant shall be charged in a 23886
single affidavit, alleging a single act, with a violation 23887
indicated of both division (B)(1)(a), (2), (3), (4), (6), or (7) 23888
of this section, or of a limit declared pursuant to this section 23889
by the director or local authorities, and of the limitation in 23890
division (D)(1), (2), (3), (4), (5), or (6) of this section. If 23891
the court finds a violation of division (B)(1)(a), (2), (3), (4), 23892
(6), or (7) of, or a limit declared pursuant to, this section has 23893
occurred, it shall enter a judgment of conviction under such 23894
division and dismiss the charge under division (D)(1), (2), (3), 23895
(4), (5), or (6) of this section. If it finds no violation of 23896
division (B)(1)(a), (2), (3), (4), (6), or (7) of, or a limit 23897
declared pursuant to, this section, it shall then consider whether 23898
the evidence supports a conviction under division (D)(1), (2), 23899
(3), (4), (5), or (6) of this section. 23900

(G) Points shall be assessed for violation of a limitation 23901
under division (D) of this section ~~only when the court finds the~~ 23902
~~violation involved a speed of five miles per hour or more in~~ 23903
~~excess of the posted speed limit in accordance with section~~ 23904
4510.036 of the Revised Code. 23905

(H) Whenever the director determines upon the basis of a 23906
geometric and traffic characteristic study that any speed limit 23907
set forth in divisions (B)(1)(a) to (D) of this section is greater 23908
or less than is reasonable or safe under the conditions found to 23909
exist at any portion of a street or highway under the jurisdiction 23910
of the director, the director shall determine and declare a 23911
reasonable and safe prima-facie speed limit, which shall be 23912
effective when appropriate signs giving notice of it are erected 23913
at the location. 23914

(I)(1) Except as provided in divisions (I)(2) and (K) of this 23915
section, whenever local authorities determine upon the basis of an 23916
engineering and traffic investigation that the speed permitted by 23917

divisions (B)(1)(a) to (D) of this section, on any part of a 23918
highway under their jurisdiction, is greater than is reasonable 23919
and safe under the conditions found to exist at such location, the 23920
local authorities may by resolution request the director to 23921
determine and declare a reasonable and safe prima-facie speed 23922
limit. Upon receipt of such request the director may determine and 23923
declare a reasonable and safe prima-facie speed limit at such 23924
location, and if the director does so, then such declared speed 23925
limit shall become effective only when appropriate signs giving 23926
notice thereof are erected at such location by the local 23927
authorities. The director may withdraw the declaration of a 23928
prima-facie speed limit whenever in the director's opinion the 23929
altered prima-facie speed becomes unreasonable. Upon such 23930
withdrawal, the declared prima-facie speed shall become 23931
ineffective and the signs relating thereto shall be immediately 23932
removed by the local authorities. 23933

(2) A local authority may determine on the basis of a 23934
geometric and traffic characteristic study that the speed limit of 23935
sixty-five miles per hour on a portion of a freeway under its 23936
jurisdiction that was established through the operation of 23937
division (L)(3) of this section is greater than is reasonable or 23938
safe under the conditions found to exist at that portion of the 23939
freeway. If the local authority makes such a determination, the 23940
local authority by resolution may request the director to 23941
determine and declare a reasonable and safe speed limit of not 23942
less than fifty-five miles per hour for that portion of the 23943
freeway. If the director takes such action, the declared speed 23944
limit becomes effective only when appropriate signs giving notice 23945
of it are erected at such location by the local authority. 23946

(J) Local authorities in their respective jurisdictions may 23947
authorize by ordinance higher prima-facie speeds than those stated 23948
in this section upon through highways, or upon highways or 23949

portions thereof where there are no intersections, or between 23950
widely spaced intersections, provided signs are erected giving 23951
notice of the authorized speed, but local authorities shall not 23952
modify or alter the basic rule set forth in division (A) of this 23953
section or in any event authorize by ordinance a speed in excess 23954
of fifty miles per hour. 23955

Alteration of prima-facie limits on state routes by local 23956
authorities shall not be effective until the alteration has been 23957
approved by the director. The director may withdraw approval of 23958
any altered prima-facie speed limits whenever in the director's 23959
opinion any altered prima-facie speed becomes unreasonable, and 23960
upon such withdrawal, the altered prima-facie speed shall become 23961
ineffective and the signs relating thereto shall be immediately 23962
removed by the local authorities. 23963

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 23964
section, "unimproved highway" means a highway consisting of any of 23965
the following: 23966

(a) Unimproved earth; 23967

(b) Unimproved graded and drained earth; 23968

(c) Gravel. 23969

(2) Except as otherwise provided in divisions (K)(4) and (5) 23970
of this section, whenever a board of township trustees determines 23971
upon the basis of an engineering and traffic investigation that 23972
the speed permitted by division (B)(5) of this section on any part 23973
of an unimproved highway under its jurisdiction and in the 23974
unincorporated territory of the township is greater than is 23975
reasonable or safe under the conditions found to exist at the 23976
location, the board may by resolution declare a reasonable and 23977
safe prima-facie speed limit of fifty-five but not less than 23978
twenty-five miles per hour. An altered speed limit adopted by a 23979
board of township trustees under this division becomes effective 23980

when appropriate traffic control devices, as prescribed in section 23981
4511.11 of the Revised Code, giving notice thereof are erected at 23982
the location, which shall be no sooner than sixty days after 23983
adoption of the resolution. 23984

(3)(a) Whenever, in the opinion of a board of township 23985
trustees, any altered prima-facie speed limit established by the 23986
board under this division becomes unreasonable, the board may 23987
adopt a resolution withdrawing the altered prima-facie speed 23988
limit. Upon the adoption of such a resolution, the altered 23989
prima-facie speed limit becomes ineffective and the traffic 23990
control devices relating thereto shall be immediately removed. 23991

(b) Whenever a highway ceases to be an unimproved highway and 23992
the board has adopted an altered prima-facie speed limit pursuant 23993
to division (K)(2) of this section, the board shall, by 23994
resolution, withdraw the altered prima-facie speed limit as soon 23995
as the highway ceases to be unimproved. Upon the adoption of such 23996
a resolution, the altered prima-facie speed limit becomes 23997
ineffective and the traffic control devices relating thereto shall 23998
be immediately removed. 23999

(4)(a) If the boundary of two townships rests on the 24000
centerline of an unimproved highway in unincorporated territory 24001
and both townships have jurisdiction over the highway, neither of 24002
the boards of township trustees of such townships may declare an 24003
altered prima-facie speed limit pursuant to division (K)(2) of 24004
this section on the part of the highway under their joint 24005
jurisdiction unless the boards of township trustees of both of the 24006
townships determine, upon the basis of an engineering and traffic 24007
investigation, that the speed permitted by division (B)(5) of this 24008
section is greater than is reasonable or safe under the conditions 24009
found to exist at the location and both boards agree upon a 24010
reasonable and safe prima-facie speed limit of less than 24011
fifty-five but not less than twenty-five miles per hour for that 24012

location. If both boards so agree, each shall follow the procedure 24013
specified in division (K)(2) of this section for altering the 24014
prima-facie speed limit on the highway. Except as otherwise 24015
provided in division (K)(4)(b) of this section, no speed limit 24016
altered pursuant to division (K)(4)(a) of this section may be 24017
withdrawn unless the boards of township trustees of both townships 24018
determine that the altered prima-facie speed limit previously 24019
adopted becomes unreasonable and each board adopts a resolution 24020
withdrawing the altered prima-facie speed limit pursuant to the 24021
procedure specified in division (K)(3)(a) of this section. 24022

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(b) Whenever a highway described in division (K)(4)(a) of 24024
this section ceases to be an unimproved highway and two boards of 24025
township trustees have adopted an altered prima-facie speed limit 24026
pursuant to division (K)(4)(a) of this section, both boards shall, 24027
by resolution, withdraw the altered prima-facie speed limit as 24028
soon as the highway ceases to be unimproved. Upon the adoption of 24029
the resolution, the altered prima-facie speed limit becomes 24030
ineffective and the traffic control devices relating thereto shall 24031
be immediately removed. 24032

(5) As used in division (K)(5) of this section: 24033

(a) "Commercial subdivision" means any platted territory 24034
outside the limits of a municipal corporation and fronting a 24035
highway where, for a distance of three hundred feet or more, the 24036
frontage is improved with buildings in use for commercial 24037
purposes, or where the entire length of the highway is less than 24038
three hundred feet long and the frontage is improved with 24039
buildings in use for commercial purposes. 24040

(b) "Residential subdivision" means any platted territory 24041
outside the limits of a municipal corporation and fronting a 24042
highway, where, for a distance of three hundred feet or more, the 24043
frontage is improved with residences or residences and buildings 24044

in use for business, or where the entire length of the highway is 24045
less than three hundred feet long and the frontage is improved 24046
with residences or residences and buildings in use for business. 24047

Whenever a board of township trustees finds upon the basis of 24048
an engineering and traffic investigation that the prima-facie 24049
speed permitted by division (B)(5) of this section on any part of 24050
a highway under its jurisdiction that is located in a commercial 24051
or residential subdivision, except on highways or portions thereof 24052
at the entrances to which vehicular traffic from the majority of 24053
intersecting highways is required to yield the right-of-way to 24054
vehicles on such highways in obedience to stop or yield signs or 24055
traffic control signals, is greater than is reasonable and safe 24056
under the conditions found to exist at the location, the board may 24057
by resolution declare a reasonable and safe prima-facie speed 24058
limit of less than fifty-five but not less than twenty-five miles 24059
per hour at the location. An altered speed limit adopted by a 24060
board of township trustees under this division shall become 24061
effective when appropriate signs giving notice thereof are erected 24062
at the location by the township. Whenever, in the opinion of a 24063
board of township trustees, any altered prima-facie speed limit 24064
established by it under this division becomes unreasonable, it may 24065
adopt a resolution withdrawing the altered prima-facie speed, and 24066
upon such withdrawal, the altered prima-facie speed shall become 24067
ineffective, and the signs relating thereto shall be immediately 24068
removed by the township. 24069

(L)(1) Within one hundred twenty days of the effective date 24070
of this amendment, the director of transportation, based upon a 24071
geometric and traffic characteristic study of a freeway that is 24072
part of the interstate system or that is not part of the 24073
interstate system, but is built to the standards and 24074
specifications that are applicable to freeways that are part of 24075
the interstate system, in consultation with the director of public 24076

safety and, if applicable, the local authority having jurisdiction over a portion of such freeway, may determine and declare that the speed limit of less than sixty-five miles per hour established on such freeway or portion of freeway either is reasonable and safe or is less than that which is reasonable and safe.

(2) If the established speed limit for such a freeway or portion of freeway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of freeway, shall determine and declare a reasonable and safe speed limit of not more than sixty-five miles per hour for that freeway or portion of freeway.

The director of transportation or local authority having jurisdiction over the freeway or portion of freeway shall erect appropriate signs giving notice of the speed limit at such location within one hundred fifty days of the effective date of this amendment. Such speed limit becomes effective only when such signs are erected at the location.

(3) If, within one hundred twenty days of the effective date of this amendment, the director of transportation does not make a determination and declaration of a reasonable and safe speed limit for a freeway or portion of freeway that is part of the interstate system or that is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system and that has a speed limit of less than sixty-five miles per hour, the speed limit on that freeway or portion of a freeway shall be sixty-five miles per hour. The director of transportation or local authority having jurisdiction over the freeway or portion of the freeway shall erect appropriate signs giving notice of the speed limit of sixty-five miles per hour at such location within one hundred

fifty days of the effective date of this amendment. Such speed
limit becomes effective only when such signs are erected at the
location. A speed limit established through the operation of
division (L)(3) of this section is subject to reduction under
division (I)(2) of this section.

(M) Within three hundred sixty days after the effective date
of this amendment, the director of transportation, based upon a
geometric and traffic characteristic study of a rural, divided,
multi-lane highway that has been designated as part of the
national highway system under the "National Highway System
Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, in
consultation with the director of public safety and, if
applicable, the local authority having jurisdiction over a portion
of the highway, may determine and declare that the speed limit of
less than sixty-five miles per hour established on the highway or
portion of highway either is reasonable and safe or is less than
that which is reasonable and safe.

If the established speed limit for the highway or portion of
highway is determined to be less than that which is reasonable and
safe, the director of transportation, in consultation with the
director of public safety and, if applicable, the local authority
having jurisdiction over the portion of highway, shall determine
and declare a reasonable and safe speed limit of not more than
sixty-five miles per hour for that highway or portion of highway.
The director of transportation or local authority having
jurisdiction over the highway or portion of highway shall erect
appropriate signs giving notice of the speed limit at such
location within three hundred ninety days after the effective date
of this amendment. The speed limit becomes effective only when
such signs are erected at the location.

(N) As used in this section:

(1) "Interstate system" has the same meaning as in 23

U.S.C.A. 101.

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(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

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(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

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(O)(1) A violation of any provision of this section is one of the following:

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(a) Except as otherwise provided in divisions (O)(1)(b), (1)(c), (2), and (3) of this section, a minor misdemeanor;

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(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

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(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree;

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(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section or of any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or

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leaving school during the school's opening or closing hours, a 24172
misdemeanor of the fourth degree. 24173

(3) Notwithstanding division (O)(1) of this section, if the 24174
offender operated a motor vehicle in a construction zone where a 24175
sign was then posted in accordance with section 4511.98 of the 24176
Revised Code, the court, in addition to all other penalties 24177
provided by law, shall impose upon the offender a fine of two 24178
times the usual amount imposed for the violation. No court shall 24179
impose a fine of two times the usual amount imposed for the 24180
violation upon an offender if the offender alleges, in an 24181
affidavit filed with the court prior to the offender's sentencing, 24182
that the offender is indigent and is unable to pay the fine 24183
imposed pursuant to this division and if the court determines that 24184
the offender is an indigent person and unable to pay the fine. 24185

Sec. 4511.211. (A) The owner of a private road or driveway 24186
located in a private residential area containing twenty or more 24187
dwelling units may establish a speed limit on the road or driveway 24188
by complying with all of the following requirements: 24189

(1) The speed limit is not less than twenty-five miles per 24190
hour and is indicated by a sign that is in a proper position, is 24191
sufficiently legible to be seen by an ordinarily observant person, 24192
and meets the specifications for the basic speed limit sign 24193
included in the manual adopted by the department of transportation 24194
pursuant to section 4511.09 of the Revised Code; 24195

(2) The owner has posted a sign at the entrance of the 24196
private road or driveway that is in plain view and clearly informs 24197
persons entering the road or driveway that they are entering 24198
private property, a speed limit has been established for the road 24199
or driveway, and the speed limit is enforceable by law enforcement 24200
officers under state law. 24201

(B) No person shall operate a vehicle upon a private road or 24202

driveway as provided in division (A) of this section at a speed 24203
exceeding any speed limit established and posted pursuant to that 24204
division. 24205

(C) When a speed limit is established and posted in 24206
accordance with division (A) of this section, any law enforcement 24207
officer may apprehend a person violating the speed limit of the 24208
residential area by utilizing any of the means described in 24209
section 4511.091 of the Revised Code or by any other accepted 24210
method of determining the speed of a motor vehicle and may stop 24211
and charge the person with exceeding the speed limit. 24212

(D) Points shall be assessed for violation of a speed limit 24213
established and posted in accordance with division (A) of this 24214
~~section only when the violation involves a speed of five miles per~~ 24215
~~hour or more in excess of the posted speed limit~~ in accordance 24216
with section 4510.036 of the Revised Code. 24217

(E) As used in this section: 24218

(1) "Owner" includes but is not limited to a person who holds 24219
title to the real property in fee simple, a condominium owners' 24220
association, a property owner's association, the board of 24221
directors or trustees of a private community, and a nonprofit 24222
corporation governing a private community. 24223

(2) "Private residential area containing twenty or more 24224
dwelling units" does not include a Chautauqua assembly as defined 24225
in section 4511.90 of the Revised Code. 24226

(F) A violation of division (B) of this section is one of the 24227
following: 24228

(1) Except as otherwise provided in divisions (F)(2) and (3) 24229
of this section, a minor misdemeanor; 24230

(2) If, within one year of the offense, the offender 24231
previously has been convicted of or pleaded guilty to two 24232

violations of division (B) of this section or of any municipal ordinance that is substantially similar to division (B) of this section, a misdemeanor of the fourth degree; 24233
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(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of division (B) of this section or of any municipal ordinance that is substantially similar to division (B) of this section, a misdemeanor of the third degree. 24236
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Sec. 4511.213. (A) The driver of a motor vehicle, upon 24241
approaching a stationary public safety vehicle that is displaying 24242
a flashing red light, flashing combination red and white light, 24243
oscillating or rotating red light, oscillating or rotating 24244
combination red and white light, flashing blue light, flashing 24245
combination blue and white light, oscillating or rotating blue 24246
light, or oscillating or rotating combination blue and white 24247
light, shall do either of the following: 24248

(1) If the driver of the motor vehicle is traveling on a 24249
highway that consists of at least two lanes that carry traffic in 24250
the same direction of travel as that of the driver's motor 24251
vehicle, the driver shall proceed with due caution and, if 24252
possible and with due regard to the road, weather, and traffic 24253
conditions, shall change lanes into a lane that is not adjacent to 24254
that of the stationary public safety vehicle. 24255

(2) If the driver is not traveling on a highway of a type 24256
described in division (A)(1) of this section, or if the driver is 24257
traveling on a highway of that type but it is not possible to 24258
change lanes or if to do so would be unsafe, the driver shall 24259
proceed with due caution, reduce the speed of the motor vehicle, 24260
and maintain a safe speed for the road, weather, and traffic 24261
conditions. 24262

(B) This section does not relieve the driver of a public 24263

safety vehicle from the duty to drive with due regard for the 24264
safety of all persons and property upon the highway. 24265

(C) No person shall fail to drive a motor vehicle in 24266
compliance with division (A)(1) or (2) of this section when so 24267
required by division (A) of this section. 24268

(D)(1) Except as otherwise provided in this division, whoever 24269
violates this section is guilty of a minor misdemeanor. If, within 24270
one year of the offense, the offender previously has been 24271
convicted of or pleaded guilty to one predicate motor vehicle or 24272
traffic offense, whoever violates this section is guilty of a 24273
misdemeanor of the fourth degree. If, within one year of the 24274
offense, the offender previously has been convicted of two or more 24275
predicate motor vehicle or traffic offenses, whoever violates this 24276
section is guilty of a misdemeanor of the third degree. 24277

(2) Notwithstanding section 2929.21 of the Revised Code, upon 24278
a finding that a person operated a motor vehicle in violation of 24279
division (C) of this section, the court, in addition to all other 24280
penalties provided by law, shall impose a fine of two times the 24281
usual amount imposed for the violation. 24282

(E) As used in this section, "public safety vehicle" has the 24283
same meaning as in section 4511.01 of the Revised Code. 24284

Sec. 4511.22. (A) No person shall stop or operate a vehicle, 24285
trackless trolley, or street car at such a slow speed as to impede 24286
or block the normal and reasonable movement of traffic, except 24287
when stopping or reduced speed is necessary for safe operation or 24288
to comply with law. 24289

(B) Whenever the director of transportation or local 24290
authorities determine on the basis of an engineering and traffic 24291
investigation that slow speeds on any part of a controlled-access 24292
highway, expressway, or freeway consistently impede the normal and 24293

reasonable movement of traffic, the director or such local
authority may declare a minimum speed limit below which no person
shall operate a motor vehicle, trackless trolley, or street car
except when necessary for safe operation or in compliance with
law. No minimum speed limit established hereunder shall be less
than thirty miles per hour, greater than fifty miles per hour, nor
effective until the provisions of section 4511.21 of the Revised
Code, relating to appropriate signs, have been fulfilled and local
authorities have obtained the approval of the director.

(C) Except as otherwise provided in this division, whoever
violates this section is guilty of a minor misdemeanor. If, within
one year of the offense, the offender previously has been
convicted of or pleaded guilty to one predicate motor vehicle or
traffic offense, whoever violates this section is guilty of a
misdemeanor of the fourth degree. If, within one year of the
offense, the offender previously has been convicted of two or more
predicate motor vehicle or traffic offenses, whoever violates this
section is guilty of a misdemeanor of the third degree.

Sec. 4511.23. (A) No person shall operate a vehicle,
trackless trolley, or streetcar over any bridge or other elevated
structure constituting a part of a highway at a speed which is
greater than the maximum speed that can be maintained with safety
to such bridge or structure, when such structure is posted with
signs as provided in this section.

The department of transportation upon request from any local
authority shall, or upon its own initiative may, conduct an
investigation of any bridge or other elevated structure
constituting a part of a highway, and if it finds that such
structure cannot with safety withstand traffic traveling at the
speed otherwise permissible under sections 4511.01 to ~~4511.78~~
~~4511.85~~ and ~~4511.99~~ 4511.98 of the Revised Code, the department

shall determine and declare the maximum speed of traffic which 24325
such structure can withstand, and shall cause or permit suitable 24326
signs stating such maximum speed to be erected and maintained at a 24327
distance of at least one hundred feet before each end of such 24328
structure. 24329

Upon the trial of any person charged with a violation of this 24330
section, proof of said determination of the maximum speed by the 24331
department and the existence of said signs shall constitute 24332
prima-facie evidence of the maximum speed which can be maintained 24333
with safety to such bridge or structure. 24334

(B) Except as otherwise provided in this division, whoever 24335
violates this section is guilty of a minor misdemeanor. If, within 24336
one year of the offense, the offender previously has been 24337
convicted of or pleaded guilty to one predicate motor vehicle or 24338
traffic offense, whoever violates this section is guilty of a 24339
misdemeanor of the fourth degree. If, within one year of the 24340
offense, the offender previously has been convicted of two or more 24341
predicate motor vehicle or traffic offenses, whoever violates this 24342
section is guilty of a misdemeanor of the third degree. 24343

Sec. 4511.25. (A) Upon all roadways of sufficient width, a 24344
vehicle or trackless trolley shall be driven upon the right half 24345
of the roadway, except as follows: 24346

(1) When overtaking and passing another vehicle proceeding in 24347
the same direction, or when making a left turn under the rules 24348
governing such movements; 24349

(2) When an obstruction exists making it necessary to drive 24350
to the left of the center of the highway; provided, any person so 24351
doing shall yield the right of way to all vehicles traveling in 24352
the proper direction upon the unobstructed portion of the highway 24353
within such distance as to constitute an immediate hazard; 24354

(3) When driving upon a roadway divided into three or more 24355

marked lanes for traffic under the rules applicable thereon; 24356

(4) When driving upon a roadway designated and posted with 24357
signs for one-way traffic; 24358

(5) When otherwise directed by a police officer or traffic 24359
control device. 24360

(B) Upon all roadways any vehicle or trackless trolley 24361
proceeding at less than the normal speed of traffic at the time 24362
and place and under the conditions then existing shall be driven 24363
in the right-hand lane then available for traffic, or as close as 24364
practicable to the right-hand curb or edge of the roadway, except 24365
when overtaking and passing another vehicle or trackless trolley 24366
proceeding in the same direction or when preparing for a left 24367
turn. 24368

(C) Upon any roadway having four or more lanes for moving 24369
traffic and providing for two-way movement of traffic, no vehicle 24370
or trackless trolley shall be driven to the left of the center 24371
line of the roadway, except when authorized by official traffic 24372
control devices designating certain lanes to the left of the 24373
center of the roadway for use by traffic not otherwise permitted 24374
to use the lanes, or except as permitted under division (A)(2) of 24375
this section. 24376

~~Division (C) of this section~~ This division shall not be 24377
construed as prohibiting the crossing of the center line in making 24378
a left turn into or from an alley, private road, or driveway. 24379

(D) Except as otherwise provided in this division, whoever 24380
violates this section is guilty of a minor misdemeanor. If, within 24381
one year of the offense, the offender previously has been 24382
convicted of or pleaded guilty to one predicate motor vehicle or 24383
traffic offense, whoever violates this section is guilty of a 24384
misdemeanor of the fourth degree. If, within one year of the 24385
offense, the offender previously has been convicted of two or more 24386

predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. 24387
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Sec. 4511.251. (A) As used in this section and ~~in sections 4507.021 and 4507.16~~ section 4510.036 of the Revised Code, "street racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by divisions (B)(1)(a) to (B)(7) of section 4511.21 of the Revised Code or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing. 24389
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(B) No person shall participate in street racing upon any public road, street, or highway in this state. 24405
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(C) Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. 24407
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Sec. 4511.26. (A) Operators of vehicles and trackless trolleys proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the 24414
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other one-half of the main traveled portion of the roadway or as 24418
nearly one-half as is reasonable possible. 24419

(B) Except as otherwise provided in this division, whoever 24420
violates this section is guilty of a minor misdemeanor. If, within 24421
one year of the offense, the offender previously has been 24422
convicted of or pleaded guilty to one predicate motor vehicle or 24423
traffic offense, whoever violates this section is guilty of a 24424
misdemeanor of the fourth degree. If, within one year of the 24425
offense, the offender previously has been convicted of two or more 24426
predicate motor vehicle or traffic offenses, whoever violates this 24427
section is guilty of a misdemeanor of the third degree. 24428

Sec. 4511.27. (A) The following rules govern the overtaking 24429
and passing of vehicles or trackless trolleys proceeding in the 24430
same direction: 24431

~~(A)~~(1) The operator of a vehicle or trackless trolley 24432
overtaking another vehicle or trackless trolley proceeding in the 24433
same direction shall, except as provided in division ~~(C)~~(A)~~(3)~~ of 24434
this section, signal to the vehicle or trackless trolley to be 24435
overtaken, shall pass to the left thereof at a safe distance, and 24436
shall not again drive to the right side of the roadway until 24437
safely clear of the overtaken vehicle or trackless trolley. 24438

~~(B)~~(2) Except when overtaking and passing on the right is 24439
permitted, the operator of an overtaken vehicle shall give way to 24440
the right in favor of the overtaking vehicle at the latter's 24441
audible signal, and he shall not increase the speed of his vehicle 24442
until completely passed by the overtaking vehicle. 24443

~~(C)~~(3) The operator of a vehicle or trackless trolley 24444
overtaking and passing another vehicle or trackless trolley 24445
proceeding in the same direction on a divided highway as defined 24446
in section 4511.35 of the Revised Code, a limited access highway 24447

as defined in section 5511.02 of the Revised Code, or a highway 24448
with four or more traffic lanes, is not required to signal audibly 24449
to the vehicle or trackless trolley being overtaken and passed. 24450

(B) Except as otherwise provided in this division, whoever 24451
violates this section is guilty of a minor misdemeanor. If, within 24452
one year of the offense, the offender previously has been 24453
convicted of or pleaded guilty to one predicate motor vehicle or 24454
traffic offense, whoever violates this section is guilty of a 24455
misdemeanor of the fourth degree. If, within one year of the 24456
offense, the offender previously has been convicted of two or more 24457
predicate motor vehicle or traffic offenses, whoever violates this 24458
section is guilty of a misdemeanor of the third degree. 24459

Sec. 4511.28. (A) The driver of a vehicle or trackless 24460
trolley may overtake and pass upon the right of another vehicle or 24461
trackless trolley only under the following conditions: 24462

(1) When the vehicle or trackless trolley overtaken is making 24463
or about to make a left turn; 24464

(2) Upon a roadway with unobstructed pavement of sufficient 24465
width for two or more lines of vehicles moving lawfully in the 24466
direction being traveled by the overtaking vehicle. 24467

(B) The driver of a vehicle or trackless trolley may overtake 24468
and pass another vehicle or trackless trolley only under 24469
conditions permitting such movement in safety. The movement shall 24470
not be made by driving off the roadway. 24471

(C) Except as otherwise provided in this division, whoever 24472
violates this section is guilty of a minor misdemeanor. If, within 24473
one year of the offense, the offender previously has been 24474
convicted of or pleaded guilty to one predicate motor vehicle or 24475
traffic offense, whoever violates this section is guilty of a 24476
misdemeanor of the fourth degree. If, within one year of the 24477
offense, the offender previously has been convicted of two or more 24478

predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. 24479
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Sec. 4511.29. (A) No vehicle or trackless trolley shall be 24481
driven to the left of the center of the roadway in overtaking and 24482
passing traffic proceeding in the same direction, unless such left 24483
side is clearly visible and is free of oncoming traffic for a 24484
sufficient distance ahead to permit such overtaking and passing to 24485
be completely made, without interfering with the safe operation of 24486
any traffic approaching from the opposite direction or any traffic 24487
overtaken. In every event the overtaking vehicle or trackless 24488
trolley must return to an authorized lane of travel as soon as 24489
practicable and in the event the passing movement involves the use 24490
of a lane authorized for traffic approaching from the opposite 24491
direction, before coming within two hundred feet of any 24492
approaching vehicle. 24493

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. 24494
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Sec. 4511.30. (A) No vehicle or trackless trolley shall be 24503
driven upon the left side of the roadway under the following 24504
conditions: 24505

~~(A)~~(1) When approaching the crest of a grade or upon a curve 24506
in the highway, where the operator's view is obstructed within 24507
such a distance as to create a hazard in the event traffic might 24508
approach from the opposite direction; 24509

~~(B)(2)~~ When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel; 24510
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~~(C)(3)~~ When approaching within one hundred feet of or traversing any intersection or railroad grade crossing. 24512
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(B) This section does not apply to vehicles or trackless trolleys upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side, or under the conditions described in division (A)(2) of section 4511.25 of the Revised Code. 24514
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(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. 24519
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Sec. 4511.31. (A) The department of transportation may determine those portions of any state highway where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous, and may, by appropriate signs or markings on the highway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible, every operator of a vehicle or trackless trolley shall obey the directions ~~thereof~~ of the signs or markings, notwithstanding the distances set out in section 4511.30 of the Revised Code. 24528
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(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been 24538
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convicted of or pleaded guilty to one predicate motor vehicle or 24541
traffic offense, whoever violates this section is guilty of a 24542
misdemeanor of the fourth degree. If, within one year of the 24543
offense, the offender previously has been convicted of two or more 24544
predicate motor vehicle or traffic offenses, whoever violates this 24545
section is guilty of a misdemeanor of the third degree. 24546

Sec. 4511.32. (A) The department of transportation may 24547
designate any highway or any separate roadway under its 24548
jurisdiction for one-way traffic and shall erect appropriate signs 24549
giving notice thereof. 24550

Upon a roadway designated and posted with signs for one-way 24551
traffic a vehicle shall be driven only in the direction 24552
designated. 24553

A vehicle passing around a rotary traffic island shall be 24554
driven only to the right of ~~such~~ the rotary traffic island. 24555

(B) Except as otherwise provided in this division, whoever 24556
violates this section is guilty of a minor misdemeanor. If, within 24557
one year of the offense, the offender previously has been 24558
convicted of or pleaded guilty to one predicate motor vehicle or 24559
traffic offense, whoever violates this section is guilty of a 24560
misdemeanor of the fourth degree. If, within one year of the 24561
offense, the offender previously has been convicted of two or more 24562
predicate motor vehicle or traffic offenses, whoever violates this 24563
section is guilty of a misdemeanor of the third degree. 24564

Sec. 4511.33. (A) Whenever any roadway has been divided into 24565
two or more clearly marked lanes for traffic, or wherever within 24566
municipal corporations traffic is lawfully moving in two or more 24567
substantially continuous lines in the same direction, the 24568
following rules apply: 24569

~~(A)~~(1) A vehicle or trackless trolley shall be driven, as 24570

nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.

~~(B)~~(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle or trackless trolley shall not be driven in the center lane except when overtaking and passing another vehicle or trackless trolley where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle or trackless trolley is proceeding and is posted with signs to give notice of such allocation.

~~(C)~~(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles and trackless trolleys shall obey the directions of such signs.

~~(D)~~(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.34. (A) The operator of a motor vehicle, streetcar, 24603
or trackless trolley shall not follow another vehicle, streetcar, 24604
or trackless trolley more closely than is reasonable and prudent, 24605
having due regard for the speed of such vehicle, streetcar, or 24606
trackless trolley, and the traffic upon and the condition of the 24607
highway. 24608

The driver of any truck, or motor vehicle drawing another 24609
vehicle, when traveling upon a roadway outside a business or 24610
residence district shall maintain a sufficient space, whenever 24611
conditions permit, between such vehicle and another vehicle ahead 24612
so an overtaking motor vehicle may enter and occupy such space 24613
without danger. This paragraph does not prevent overtaking and 24614
passing nor does it apply to any lane specially designated for use 24615
by trucks. 24616

Outside a municipal corporation, the driver of any truck, or 24617
motor vehicle when drawing another vehicle, while ascending to the 24618
crest of a grade beyond which the driver's view of a roadway is 24619
obstructed, shall not follow within three hundred feet of another 24620
truck, or motor vehicle drawing another vehicle. This paragraph 24621
shall not apply to any lane specially designated for use by 24622
trucks. 24623

Motor vehicles being driven upon any roadway outside of a 24624
business or residence district in a caravan or motorcade, shall 24625
maintain a sufficient space between such vehicles so an overtaking 24626
vehicle may enter and occupy such space without danger. This 24627
paragraph shall not apply to funeral processions. 24628

(B) Except as otherwise provided in this division, whoever 24629
violates this section is guilty of a minor misdemeanor. If, within 24630
one year of the offense, the offender previously has been 24631
convicted of or pleaded guilty to one predicate motor vehicle or 24632
traffic offense, whoever violates this section is guilty of a 24633

misdemeanor of the fourth degree. If, within one year of the 24634
offense, the offender previously has been convicted of two or more 24635
predicate motor vehicle or traffic offenses, whoever violates this 24636
section is guilty of a misdemeanor of the third degree. 24637

Sec. 4511.35. (A) Whenever any highway has been divided into 24638
two roadways by an intervening space, or by a physical barrier, or 24639
clearly indicated dividing section so constructed as to impede 24640
vehicular traffic, every vehicle shall be driven only upon the 24641
right-hand roadway, and no vehicle shall be driven over, across, 24642
or within any such dividing space, barrier, or section, except 24643
through an opening, crossover, or intersection established by 24644
public authority. This section does not prohibit the occupancy of 24645
such dividing space, barrier, or section for the purpose of an 24646
emergency stop or in compliance with an order of a police officer. 24647

(B) Except as otherwise provided in this division, whoever 24648
violates this section is guilty of a minor misdemeanor. If, within 24649
one year of the offense, the offender previously has been 24650
convicted of or pleaded guilty to one predicate motor vehicle or 24651
traffic offense, whoever violates this section is guilty of a 24652
misdemeanor of the fourth degree. If, within one year of the 24653
offense, the offender previously has been convicted of two or more 24654
predicate motor vehicle or traffic offenses, whoever violates this 24655
section is guilty of a misdemeanor of the third degree. 24656

Sec. 4511.36. (A) The driver of a vehicle intending to turn 24657
at an intersection shall be governed by the following rules: 24658

~~(A)~~(1) Approach for a right turn and a right turn shall be 24659
made as close as practicable to the right-hand curb or edge of the 24660
roadway. 24661

~~(B)~~(2) At any intersection where traffic is permitted to move 24662
in both directions on each roadway entering the intersection, an 24663

approach for a left turn shall be made in that portion of the 24664
right half of the roadway nearest the center line thereof and by 24665
passing to the right of such center line where it enters the 24666
intersection and after entering the intersection the left turn 24667
shall be made so as to leave the intersection to the right of the 24668
center line of the roadway being entered. Whenever practicable the 24669
left turn shall be made in that portion of the intersection to the 24670
left of the center of the intersection. 24671

~~(C)~~(3) At any intersection where traffic is restricted to one 24672
direction on one or more of the roadways, the driver of a vehicle 24673
intending to turn left at any such intersection shall approach the 24674
intersection in the extreme left-hand lane lawfully available to 24675
traffic moving in the direction of travel of such vehicle, and 24676
after entering the intersection the left turn shall be made so as 24677
to leave the intersection, as nearly as practicable, in the 24678
left-hand lane of the roadway being entered lawfully available to 24679
traffic moving in that lane. 24680

(B) The operator of a trackless trolley shall comply with 24681
divisions (A)(1), ~~(B)~~(2), and ~~(C)~~(3) of this section wherever 24682
practicable. 24683

(C) The department of transportation and local authorities in 24684
their respective jurisdictions may cause markers, buttons, or 24685
signs to be placed within or adjacent to intersections and thereby 24686
require and direct that a different course from that specified in 24687
this section be traveled by vehicles, streetcars, or trackless 24688
trolleys, turning at an intersection, and when markers, buttons, 24689
or signs are so placed, no operator of a vehicle, streetcar, or 24690
trackless trolley shall turn such vehicle, streetcar, or trackless 24691
trolley at an intersection other than as directed and required by 24692
such markers, buttons, or signs. 24693

(D) Except as otherwise provided in this division, whoever 24694
violates this section is guilty of a minor misdemeanor. If, within 24695

one year of the offense, the offender previously has been 24696
convicted of or pleaded guilty to one predicate motor vehicle or 24697
traffic offense, whoever violates this section is guilty of a 24698
misdemeanor of the fourth degree. If, within one year of the 24699
offense, the offender previously has been convicted of two or more 24700
predicate motor vehicle or traffic offenses, whoever violates this 24701
section is guilty of a misdemeanor of the third degree. 24702

Sec. 4511.37. (A) Except as provided in division (B) of this 24703
section, no vehicle shall be turned so as to proceed in the 24704
opposite direction upon any curve, or upon the approach to or near 24705
the crest of a grade, if the vehicle cannot be seen within five 24706
hundred feet by the driver of any other vehicle approaching from 24707
either direction. 24708

(B) The driver of an emergency vehicle or public safety 24709
vehicle, when responding to an emergency call, may turn the 24710
vehicle so as to proceed in the opposite direction. This division 24711
applies only when the emergency vehicle or public safety vehicle 24712
is responding to an emergency call, is equipped with and 24713
displaying at least one flashing, rotating, or oscillating light 24714
visible under normal atmospheric conditions from a distance of 24715
five hundred feet to the front of the vehicle, and when the driver 24716
of the vehicle is giving an audible signal by siren, exhaust 24717
whistle, or bell. This division does not relieve the driver of an 24718
emergency vehicle or public safety vehicle from the duty to drive 24719
with due regard for the safety of all persons and property upon 24720
the highway. 24721

(C) Except as otherwise provided in this division, whoever 24722
violates this section is guilty of a minor misdemeanor. If, within 24723
one year of the offense, the offender previously has been 24724
convicted of or pleaded guilty to one predicate motor vehicle or 24725
traffic offense, whoever violates this section is guilty of a 24726
misdemeanor of the fourth degree. If, within one year of the 24727

offense, the offender previously has been convicted of two or more 24728
predicate motor vehicle or traffic offenses, whoever violates this 24729
section is guilty of a misdemeanor of the third degree. 24730

Sec. 4511.38. (A) No person shall start a vehicle, streetcar, 24731
or trackless trolley which is stopped, standing, or parked until 24732
such movement can be made with reasonable safety. 24733

Before backing, operators of vehicle, streetcars, or 24734
trackless trolleys shall give ample warning, and while backing 24735
they shall exercise vigilance not to injure person or property on 24736
the street or highway. 24737

No person shall back a motor vehicle on a freeway, except: in 24738
a rest area; in the performance of public works or official 24739
duties; as a result of an emergency caused by an accident or 24740
breakdown of a motor vehicle. 24741

(B) Except as otherwise provided in this division, whoever 24742
violates this section is guilty of a minor misdemeanor. If, within 24743
one year of the offense, the offender previously has been 24744
convicted of or pleaded guilty to one predicate motor vehicle or 24745
traffic offense, whoever violates this section is guilty of a 24746
misdemeanor of the fourth degree. If, within one year of the 24747
offense, the offender previously has been convicted of two or more 24748
predicate motor vehicle or traffic offenses, whoever violates this 24749
section is guilty of a misdemeanor of the third degree. 24750

Sec. 4511.39. (A) No person shall turn a vehicle or trackless 24751
trolley or move right or left upon a highway unless and until such 24752
person has exercised due care to ascertain that the movement can 24753
be made with reasonable safety nor without giving an appropriate 24754
signal in the manner hereinafter provided. 24755

When required, a signal of intention to turn or move right or 24756
left shall be given continuously during not less than the last one 24757

hundred feet traveled by the vehicle or trackless trolley before
turning.

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No person shall stop or suddenly decrease the speed of a
vehicle or trackless trolley without first giving an appropriate
signal in the manner provided herein to the driver of any vehicle
or trackless trolley immediately to the rear when there is
opportunity to give a signal.

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Any stop or turn signal required by this section shall be
given either by means of the hand and arm, or by signal lights
that clearly indicate to both approaching and following traffic
intention to turn or move right or left, except that any motor
vehicle in use on a highway shall be equipped with, and the
required signal shall be given by, signal lights when the distance
from the center of the top of the steering post to the left
outside limit of the body, cab, or load of such motor vehicle
exceeds twenty-four inches, or when the distance from the center
of the top of the steering post to the rear limit of the body or
load thereof exceeds fourteen feet, whether a single vehicle or a
combination of vehicles.

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The signal lights required by this section shall not be
flashed on one side only on a disabled vehicle or trackless
trolley, flashed as a courtesy or "do pass" signal to operators of
other vehicles or trackless trolleys approaching from the rear,
nor be flashed on one side only of a parked vehicle or trackless
trolley except as may be necessary for compliance with this
section.

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(B) Except as otherwise provided in this division, whoever
violates this section is guilty of a minor misdemeanor. If, within
one year of the offense, the offender previously has been
convicted of or pleaded guilty to one predicate motor vehicle or
traffic offense, whoever violates this section is guilty of a
misdemeanor of the fourth degree. If, within one year of the

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offense, the offender previously has been convicted of two or more 24790
predicate motor vehicle or traffic offenses, whoever violates this 24791
section is guilty of a misdemeanor of the third degree. 24792

Sec. 4511.40. (A) Except as provided in division (B) of this 24793
section, all signals required by sections 4511.01 to 4511.78 of 24794
the Revised Code, when given by hand and arm, shall be given from 24795
the left side of the vehicle in the following manner, and such 24796
signals shall indicate as follows: 24797

- (1) Left turn, hand and arm extended horizontally; 24798
- (2) Right turn, hand and arm extended upward; 24799
- (3) Stop or decrease speed, hand and arm extended downward. 24800

(B) As an alternative to division (A)(2) of this section, a 24801
person operating a bicycle may give a right turn signal by 24802
extending the right hand and arm horizontally and to the right 24803
side of the bicycle. 24804

(C) Except as otherwise provided in this division, whoever 24805
violates this section is guilty of a minor misdemeanor. If, within 24806
one year of the offense, the offender previously has been 24807
convicted of or pleaded guilty to one predicate motor vehicle or 24808
traffic offense, whoever violates this section is guilty of a 24809
misdemeanor of the fourth degree. If, within one year of the 24810
offense, the offender previously has been convicted of two or more 24811
predicate motor vehicle or traffic offenses, whoever violates this 24812
section is guilty of a misdemeanor of the third degree. 24813

Sec. 4511.41. (A) When two vehicles, including any trackless 24814
trolley or streetcar, approach or enter an intersection from 24815
different streets or highways at approximately the same time, the 24816
driver of the vehicle on the left shall yield the right-of-way to 24817
the vehicle on the right. 24818

(B) The right-of-way rule declared in division (A) of this section is modified at through highways and otherwise as stated in Chapter 4511. of the Revised Code.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.42. (A) The operator of a vehicle, streetcar, or trackless trolley intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle, streetcar, or trackless trolley approaching from the opposite direction, whenever the approaching vehicle, streetcar, or trackless trolley is within the intersection or so close to the intersection, alley, private road, or driveway as to constitute an immediate hazard.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.43. (A) Except when directed to proceed by a law

enforcement officer, every driver of a vehicle or trackless trolley approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(B) The driver of a vehicle or trackless trolley approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle or trackless trolley in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle or trackless trolley in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right-of-way.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or

traffic offense, whoever violates this section is guilty of a 24881
misdemeanor of the fourth degree. If, within one year of the 24882
offense, the offender previously has been convicted of two or more 24883
predicate motor vehicle or traffic offenses, whoever violates this 24884
section is guilty of a misdemeanor of the third degree. 24885

Sec. 4511.431. (A) The driver of a vehicle or trackless 24886
trolley emerging from an alley, building, private road, or 24887
driveway within a business or residence district shall stop the 24888
vehicle or trackless trolley immediately prior to driving onto a 24889
sidewalk or onto the sidewalk area extending across the alley, 24890
building entrance, road, or driveway, or in the event there is no 24891
sidewalk area, shall stop at the point nearest the street to be 24892
entered where the driver has a view of approaching traffic 24893
thereon. 24894

(B) Except as otherwise provided in this division, whoever 24895
violates this section is guilty of a minor misdemeanor. If, within 24896
one year of the offense, the offender previously has been 24897
convicted of or pleaded guilty to one predicate motor vehicle or 24898
traffic offense, whoever violates this section is guilty of a 24899
misdemeanor of the fourth degree. If, within one year of the 24900
offense, the offender previously has been convicted of two or more 24901
predicate motor vehicle or traffic offenses, whoever violates this 24902
section is guilty of a misdemeanor of the third degree. 24903

Sec. 4511.432. (A) The owner of a private road or driveway 24904
located in a private residential area containing twenty or more 24905
dwelling units may erect stop signs at places where the road or 24906
driveway intersects with another private road or driveway in the 24907
residential area, in compliance with all of the following 24908
requirements: 24909

(1) The stop sign is sufficiently legible to be seen by an 24910

ordinarily observant person and meets the specifications of and is placed in accordance with the manual adopted by the department of transportation pursuant to section 4511.09 of the Revised Code,

(2) The owner has posted a sign at the entrance of the private road or driveway that is in plain view and clearly informs persons entering the road or driveway that they are entering private property, stop signs have been posted and must be obeyed, and the signs are enforceable by law enforcement officers under state law. The sign required by division (A)(2) of this section, where appropriate, may be incorporated with the sign required by division (A)(2) of section 4511.211 of the Revised Code.

(B) Division (A) of section 4511.43 and section 4511.46 of the Revised Code shall be deemed to apply to the driver of a vehicle on a private road or driveway where a stop sign is placed in accordance with division (A) of this section and to a pedestrian crossing such a road or driveway at an intersection where a stop sign is in place.

(C) When a stop sign is placed in accordance with division (A) of this section, any law enforcement officer may apprehend a person found violating the stop sign and may stop and charge the person with violating the stop sign.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(E) As used in this section, and for the purpose of applying

division (A) of section 4511.43 and section 4511.46 of the Revised Code to conduct under this section:

(1) "Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two private roads or driveways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different private roads or driveways joining at any other angle may come in conflict.

(b) Where a private road or driveway includes two roadways thirty feet or more apart, then every crossing of two roadways of such private roads or driveways shall be regarded as a separate intersection.

(2) "Roadway" means that portion of a private road or driveway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a private road or driveway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively.

(3) "Owner" and "private residential area containing twenty or more dwelling units" have the same meanings as in section 4511.211 of the Revised Code.

Sec. 4511.44. (A) The operator of a vehicle, streetcar, or trackless trolley about to enter or cross a highway from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or

traffic offense, whoever violates this section is guilty of a 24972
misdemeanor of the fourth degree. If, within one year of the 24973
offense, the offender previously has been convicted of two or more 24974
predicate motor vehicle or traffic offenses, whoever violates this 24975
section is guilty of a misdemeanor of the third degree. 24976

Sec. 4511.441. (A) The driver of a vehicle shall yield the 24977
right-of-way to any pedestrian on a sidewalk. 24978

(B) Except as otherwise provided in this division, whoever 24979
violates this section is guilty of a minor misdemeanor. If, within 24980
one year of the offense, the offender previously has been 24981
convicted of or pleaded guilty to one predicate motor vehicle or 24982
traffic offense, whoever violates this section is guilty of a 24983
misdemeanor of the fourth degree. If, within one year of the 24984
offense, the offender previously has been convicted of two or more 24985
predicate motor vehicle or traffic offenses, whoever violates this 24986
section is guilty of a misdemeanor of the third degree. 24987

Sec. 4511.45. (A)(1) Upon the approach of a public safety 24988
vehicle or coroner's vehicle, equipped with at least one flashing, 24989
rotating or oscillating light visible under normal atmospheric 24990
conditions from a distance of five hundred feet to the front of 24991
the vehicle and the driver is giving an audible signal by siren, 24992
exhaust whistle, or bell, no driver of any other vehicle shall 24993
fail to yield the right-of-way, immediately drive to a position 24994
parallel to, and as close as possible to, the right edge or curb 24995
of the highway clear of any intersection, and stop and remain in 24996
that position until the public safety vehicle or coroner's vehicle 24997
has passed, except when otherwise directed by a police officer. 24998

(2) Upon the approach of a public safety vehicle or coroner's 24999
vehicle, as stated in division (A)(1) of this section, no operator 25000
of any streetcar or trackless trolley shall fail to immediately 25001

stop the streetcar or trackless trolley clear of any intersection 25002
and keep it in that position until the public safety vehicle or 25003
coroner's vehicle has passed, except when otherwise directed by a 25004
police officer. 25005

(B) This section does not relieve the driver of a public 25006
safety vehicle or coroner's vehicle from the duty to drive with 25007
due regard for the safety of all persons and property upon the 25008
highway. 25009

(C) This section applies to a coroner's vehicle only when the 25010
vehicle is operated in accordance with section 4513.171 of the 25011
Revised Code. As used in this section, "coroner's vehicle" means a 25012
vehicle used by a coroner, deputy coroner, or coroner's 25013
investigator that is equipped with a flashing, oscillating, or 25014
rotating red or blue light and a siren, exhaust whistle, or bell 25015
capable of giving an audible signal. 25016

(D) Except as otherwise provided in this division, whoever 25017
violates division (A)(1) or (2) of this section is guilty of a 25018
misdemeanor of the fourth degree on a first offense. On a second 25019
offense within one year after the first offense, the person is 25020
guilty of a misdemeanor of the third degree, and, on each 25021
subsequent offense within one year after the first offense, the 25022
person is guilty of a misdemeanor of the second degree. 25023

Sec. 4511.451. (A) As used in this section "funeral 25024
procession" means two or more vehicles accompanying a body of a 25025
deceased person in the daytime when each of such vehicles has its 25026
headlights lighted and is displaying a purple and white pennant 25027
attached to each vehicle in such a manner as to be clearly visible 25028
to traffic approaching from any direction. 25029

(B) Excepting public safety vehicles proceeding in accordance 25030
with section 4511.45 of the Revised Code or when directed 25031
otherwise by a police officer, pedestrians and the operators of 25032

all vehicles, street cars, and trackless trolleys shall yield the 25033
right of way to each vehicle which is a part of a funeral 25034
procession. Whenever the lead vehicle in a funeral procession 25035
lawfully enters an intersection the remainder of the vehicles in 25036
such procession may continue to follow such lead vehicle through 25037
the intersection notwithstanding any traffic control devices or 25038
right of way provisions of the Revised Code, provided the operator 25039
of each vehicle exercises due care to avoid colliding with any 25040
other vehicle or pedestrian upon the roadway. 25041

No person shall operate any vehicle as a part of a funeral 25042
procession without having the headlights of such vehicle lighted 25043
and without displaying a purple and white pennant in such a manner 25044
as to be clearly visible to traffic approaching from any 25045
direction. 25046

(C) Except as otherwise provided in this division, whoever 25047
violates this section is guilty of a minor misdemeanor. If, within 25048
one year of the offense, the offender previously has been 25049
convicted of or pleaded guilty to one predicate motor vehicle or 25050
traffic offense, whoever violates this section is guilty of a 25051
misdemeanor of the fourth degree. If, within one year of the 25052
offense, the offender previously has been convicted of two or more 25053
predicate motor vehicle or traffic offenses, whoever violates this 25054
section is guilty of a misdemeanor of the third degree. 25055

Sec. 4511.452. (A) Upon the immediate approach of a public 25056
safety vehicle, as stated in section 4511.45 of the Revised Code, 25057
every pedestrian shall yield the right-of-way to the public safety 25058
vehicle. 25059

(B) This section shall not relieve the driver of a public 25060
safety vehicle from the duty to exercise due care to avoid 25061
colliding with any pedestrian. 25062

(C) Except as otherwise provided in this division, whoever 25063

violates this section is guilty of a minor misdemeanor. If, within 25064
one year of the offense, the offender previously has been 25065
convicted of or pleaded guilty to one predicate motor vehicle or 25066
traffic offense, whoever violates this section is guilty of a 25067
misdemeanor of the fourth degree. If, within one year of the 25068
offense, the offender previously has been convicted of two or more 25069
predicate motor vehicle or traffic offenses, whoever violates this 25070
section is guilty of a misdemeanor of the third degree. 25071

Sec. 4511.46. (A) When traffic control signals are not in 25072
place, not in operation, or are not clearly assigning the 25073
right-of-way, the driver of a vehicle, trackless trolley, or 25074
streetcar shall yield the right of way, slowing down or stopping 25075
if need be to so yield or if required by section 4511.132 of the 25076
Revised Code, to a pedestrian crossing the roadway within a 25077
crosswalk when the pedestrian is upon the half of the roadway upon 25078
which the vehicle is traveling, or when the pedestrian is 25079
approaching so closely from the opposite half of the roadway as to 25080
be in danger. 25081

(B) No pedestrian shall suddenly leave a curb or other place 25082
of safety and walk or run into the path of a vehicle, trackless 25083
trolley, or streetcar which is so close as to constitute an 25084
immediate hazard. 25085

(C) Division (A) of this section does not apply under the 25086
conditions stated in division (B) of section 4511.48 of the 25087
Revised Code. 25088

(D) Whenever any vehicle, trackless trolley, or streetcar is 25089
stopped at a marked crosswalk or at any unmarked crosswalk at an 25090
intersection to permit a pedestrian to cross the roadway, the 25091
driver of any other vehicle, trackless trolley, or streetcar 25092
approaching from the rear shall not overtake and pass the stopped 25093
vehicle. 25094

(E) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.47. (A) As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

The driver of every vehicle shall yield the right of way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominantly white or metallic in color, with or without a red tip.

(B) No person, other than a blind person, while on any public highway, street, alley, or other public thoroughfare shall carry a white or metallic cane with or without a red tip.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.48. (A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles, trackless trolleys, or streetcars upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all traffic upon the roadway.

(C) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(D) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(E) This section does not relieve the operator of a vehicle, streetcar, or trackless trolley from exercising due care to avoid colliding with any pedestrian upon any roadway.

(F) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.481. (A) A pedestrian who is under the influence of

alcohol or, any drug of abuse, or any combination thereof, of them 25157
to a degree which that renders himself the pedestrian a hazard 25158
shall not walk or be upon a highway. 25159

(B) Except as otherwise provided in this division, whoever 25160
violates this section is guilty of a minor misdemeanor. If, within 25161
one year of the offense, the offender previously has been 25162
convicted of or pleaded guilty to one predicate motor vehicle or 25163
traffic offense, whoever violates this section is guilty of a 25164
misdemeanor of the fourth degree. If, within one year of the 25165
offense, the offender previously has been convicted of two or more 25166
predicate motor vehicle or traffic offenses, whoever violates this 25167
section is guilty of a misdemeanor of the third degree. 25168

Sec. 4511.49. (A) Pedestrians shall move, whenever 25169
practicable, upon the right half of crosswalks. 25170

(B) Except as otherwise provided in this division, whoever 25171
violates this section is guilty of a minor misdemeanor. If, within 25172
one year of the offense, the offender previously has been 25173
convicted of or pleaded guilty to one predicate motor vehicle or 25174
traffic offense, whoever violates this section is guilty of a 25175
misdemeanor of the fourth degree. If, within one year of the 25176
offense, the offender previously has been convicted of two or more 25177
predicate motor vehicle or traffic offenses, whoever violates this 25178
section is guilty of a misdemeanor of the third degree. 25179

Sec. 4511.50. (A) Where a sidewalk is provided and its use is 25180
practicable, it shall be unlawful for any pedestrian to walk along 25181
and upon an adjacent roadway. 25182

(B) Where a sidewalk is not available, any pedestrian walking 25183
along and upon a highway shall walk only on a shoulder, as far as 25184
practicable from the edge of the roadway. 25185

(C) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(D) Except as otherwise provided in sections 4511.13 and 4511.46 of the Revised Code, any pedestrian upon a roadway shall yield the right-of-way to all vehicles, trackless trolleys, or streetcars upon the roadway.

(E) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.51. (A) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(B)(1) Except as provided in division (B)(2) of this section, no person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

(2) The legislative authority of a municipal corporation, by ordinance, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway as provided in division (A)(1) of section 4511.051 of the Revised Code, that is under the jurisdiction of the municipal corporation. The permit shall be valid for only one period of time, which shall

be specified in the permit, in any calendar year. The legislative 25217
authority also may specify the locations where contributions may 25218
be solicited and may impose any other restrictions on or 25219
requirements regarding the manner in which the solicitations are 25220
to be conducted that the legislative authority considers 25221
advisable. 25222

(3) As used in division (B)(2) of this section, "charitable 25223
organization" means an organization that has received from the 25224
internal revenue service a currently valid ruling or determination 25225
letter recognizing the tax-exempt status of the organization 25226
pursuant to section 501(c)(3) of the "Internal Revenue Code." 25227

(C) No person shall hang onto or ride on the outside of any 25228
motor vehicle, streetcar, or trackless trolley while it is moving 25229
upon a roadway, except mechanics or test engineers making repairs 25230
or adjustments, or workers performing specialized highway or 25231
street maintenance or construction under authority of a public 25232
agency. 25233

(D) No operator shall knowingly permit any person to hang 25234
onto, or ride on the outside of, any motor vehicle, streetcar, or 25235
trackless trolley while it is moving upon a roadway, except 25236
mechanics or test engineers making repairs or adjustments, or 25237
workers performing specialized highway or street maintenance or 25238
construction under authority of a public agency. 25239

(E) No driver of a truck, trailer, or semitrailer shall 25240
knowingly permit any person who has not attained the age of 25241
sixteen years to ride in the unenclosed or unroofed cargo storage 25242
area of ~~his~~ the driver's vehicle if the vehicle is traveling 25243
faster than twenty-five miles per hour, unless either of the 25244
following applies: 25245

(1) The cargo storage area of the vehicle is equipped with a 25246
properly secured seat to which is attached a seat safety belt that 25247
is in compliance with federal standards for an occupant 25248

restraining device as defined in division (A)(2) of section 25249
4513.263 of the Revised Code, the seat and seat safety belt were 25250
installed at the time the vehicle was originally assembled, and 25251
the person riding in the cargo storage area is in the seat and is 25252
wearing the seat safety belt; 25253

(2) An emergency exists that threatens the life of the driver 25254
or the person being transported in the cargo storage area of the 25255
truck, trailer, or semitrailer. 25256

(F) No driver of a truck, trailer, or semitrailer shall 25257
permit any person, except for those workers performing specialized 25258
highway or street maintenance or construction under authority of a 25259
public agency, to ride in the cargo storage area or on a tailgate 25260
of ~~his~~ the driver's vehicle while the tailgate is unlatched. 25261

(G)(1) Except as otherwise provided in this division, whoever 25262
violates any provision of divisions (A) to (D) of this section is 25263
guilty of a minor misdemeanor. If, within one year of the offense, 25264
the offender previously has been convicted of or pleaded guilty to 25265
one predicate motor vehicle or traffic offense, whoever violates 25266
any provision of divisions (A) to (D) of this section is guilty of 25267
a misdemeanor of the fourth degree. If, within one year of the 25268
offense, the offender previously has been convicted of two or more 25269
predicate motor vehicle or traffic offenses, whoever violates any 25270
provision of divisions (A) to (D) of this section is guilty of a 25271
misdemeanor of the third degree. 25272

(2) Whoever violates division (E) or (F) of this section is 25273
guilty of a minor misdemeanor. 25274

Sec. 4511.511. (A) No pedestrian shall enter or remain upon 25275
any bridge or approach thereto beyond the bridge signal, gate, or 25276
barrier after a bridge operation signal indication has been given. 25277

(B) No pedestrian shall pass through, around, over, or under 25278

any crossing gate or barrier at a railroad grade crossing or 25279
bridge while the gate or barrier is closed or is being opened or 25280
closed. 25281

(C) Except as otherwise provided in this division, whoever 25282
violates this section is guilty of a minor misdemeanor. If, within 25283
one year of the offense, the offender previously has been 25284
convicted of or pleaded guilty to one predicate motor vehicle or 25285
traffic offense, whoever violates this section is guilty of a 25286
misdemeanor of the fourth degree. If, within one year of the 25287
offense, the offender previously has been convicted of two or more 25288
predicate motor vehicle or traffic offenses, whoever violates this 25289
section is guilty of a misdemeanor of the third degree. 25290

Sec. 4511.521. (A) No person shall operate a motorized 25291
bicycle upon a highway or any public or private property used by 25292
the public for purposes of vehicular travel or parking, unless all 25293
of the following conditions are met: 25294

(1) The person is fourteen or fifteen years of age and holds 25295
a valid probationary motorized bicycle license issued after the 25296
person has passed the test provided for in this section, or the 25297
person is sixteen years of age or older and holds either a valid 25298
commercial driver's license issued under Chapter 4506. or a 25299
driver's license issued under Chapter 4507. of the Revised Code or 25300
a valid motorized bicycle license issued after the person has 25301
passed the test provided for in this section, except that if a 25302
person is sixteen years of age, has a valid probationary motorized 25303
bicycle license and desires a motorized bicycle license, ~~he~~ the 25304
person is not required to comply with the testing requirements 25305
provided for in this section; 25306

(2) The motorized bicycle is equipped in accordance with the 25307
rules adopted under division (B) of this section and is in proper 25308
working order; 25309

(3) The person, if ~~he is~~ under eighteen years of age, is 25310
wearing a protective helmet on ~~his~~ the person's head with the chin 25311
strap properly fastened and the motorized bicycle is equipped with 25312
a rear-view mirror. 25313

(4) The person operates the motorized bicycle when 25314
practicable within three feet of the right edge of the roadway 25315
obeying all traffic rules applicable to vehicles. 25316

(B) The director of public safety, subject to sections 119.01 25317
to 119.13 of the Revised Code, shall adopt and promulgate rules 25318
concerning protective helmets, the equipment of motorized 25319
bicycles, and the testing and qualifications of persons who do not 25320
hold a valid driver's or commercial driver's license. The test 25321
shall be as near as practicable to the examination required for a 25322
motorcycle operator's endorsement under section 4507.11 of the 25323
Revised Code. The test shall also require the operator to give an 25324
actual demonstration of ~~his~~ the operator's ability to operate and 25325
control a motorized bicycle by driving one under the supervision 25326
of an examining officer. 25327

(C) Every motorized bicycle license expires on the birthday 25328
of the applicant in the fourth year after the date it is issued, 25329
but in no event shall any motorized bicycle license be issued for 25330
a period longer than four years. 25331

(D) No person operating a motorized bicycle shall carry 25332
another person upon the motorized bicycle. 25333

(E) The protective helmet and rear-view mirror required by 25334
division (A)(3) of this section shall, on and after January 1, 25335
1985, conform with rules adopted by the director under division 25336
(B) of this section. 25337

(F) Each probationary motorized bicycle license or motorized 25338
bicycle license shall be laminated with a transparent plastic 25339
material. 25340

(G) Whoever violates division (A), (D), or (E) of this section is guilty of a minor misdemeanor. 25341
25342

Sec. 4511.53. (A) For purposes of this section, "snowmobile" 25343
has the same meaning as given that term in section 4519.01 of the 25344
Revised Code. 25345

(B) A person operating a bicycle or motorcycle shall not ride 25346
other than upon the permanent and regular seat attached thereto, 25347
nor carry any other person upon such bicycle or motorcycle other 25348
than upon a firmly attached and regular seat thereon, nor shall 25349
any person ride upon a bicycle or motorcycle other than upon such 25350
a firmly attached and regular seat. 25351

A person shall ride upon a motorcycle only while sitting 25352
astride the seat, facing forward, with one leg on each side of the 25353
motorcycle. 25354

No person operating a bicycle shall carry any package, 25355
bundle, or article that prevents the driver from keeping at least 25356
one hand upon the handle bars. 25357

No bicycle or motorcycle shall be used to carry more persons 25358
at one time than the number for which it is designed and equipped, 25359
nor shall any motorcycle be operated on a highway when the handle 25360
bars or grips are more than fifteen inches higher than the seat or 25361
saddle for the operator. 25362

No person shall operate or be a passenger on a snowmobile or 25363
motorcycle without using safety glasses or other protective eye 25364
device. No person who is under the age of eighteen years, or who 25365
holds a motorcycle operator's endorsement or license bearing a 25366
"novice" designation that is currently in effect as provided in 25367
section 4507.13 of the Revised Code, shall operate a motorcycle on 25368
a highway, or be a passenger on a motorcycle, unless wearing a 25369
protective helmet on ~~his~~ the person's head, and no other person 25370

shall be a passenger on a motorcycle operated by such a person 25371
unless similarly wearing a protective helmet. The helmet, safety 25372
glasses, or other protective eye device shall conform with 25373
regulations prescribed and promulgated by the director of public 25374
safety. The provisions of this paragraph or a violation thereof 25375
shall not be used in the trial of any civil action. 25376

(C) Except as otherwise provided in this division, whoever 25377
violates this section is guilty of a minor misdemeanor. If, within 25378
one year of the offense, the offender previously has been 25379
convicted of or pleaded guilty to one predicate motor vehicle or 25380
traffic offense, whoever violates this section is guilty of a 25381
misdemeanor of the fourth degree. If, within one year of the 25382
offense, the offender previously has been convicted of two or more 25383
predicate motor vehicle or traffic offenses, whoever violates this 25384
section is guilty of a misdemeanor of the third degree. 25385

Sec. 4511.54. (A) No person riding upon any bicycle, coaster, 25386
roller skates, sled, or toy vehicle shall attach the same or 25387
~~himself~~ self to any streetcar, trackless trolley, or vehicle upon 25388
a roadway. 25389

No operator shall knowingly permit any person riding upon any 25390
bicycle, coaster, roller skates, sled, or toy vehicle to attach 25391
the same or ~~himself~~ self to any streetcar, trackless trolley, or 25392
vehicle while it is moving upon a roadway. 25393

This section does not apply to the towing of a disabled 25394
vehicle. 25395

(B) Except as otherwise provided in this division, whoever 25396
violates this section is guilty of a minor misdemeanor. If, within 25397
one year of the offense, the offender previously has been 25398
convicted of or pleaded guilty to one predicate motor vehicle or 25399
traffic offense, whoever violates this section is guilty of a 25400
misdemeanor of the fourth degree. If, within one year of the 25401

offense, the offender previously has been convicted of two or more 25402
predicate motor vehicle or traffic offenses, whoever violates this 25403
section is guilty of a misdemeanor of the third degree. 25404

Sec. 4511.55. (A) Every person operating a bicycle upon a 25405
roadway shall ride as near to the right side of the roadway as 25406
practicable obeying all traffic rules applicable to vehicles and 25407
exercising due care when passing a standing vehicle or one 25408
proceeding in the same direction. 25409

(B) Persons riding bicycles or motorcycles upon a roadway 25410
shall ride not more than two abreast in a single lane, except on 25411
paths or parts of roadways set aside for the exclusive use of 25412
bicycles or motorcycles. 25413

(C) Except as otherwise provided in this division, whoever 25414
violates this section is guilty of a minor misdemeanor. If, within 25415
one year of the offense, the offender previously has been 25416
convicted of or pleaded guilty to one predicate motor vehicle or 25417
traffic offense, whoever violates this section is guilty of a 25418
misdemeanor of the fourth degree. If, within one year of the 25419
offense, the offender previously has been convicted of two or more 25420
predicate motor vehicle or traffic offenses, whoever violates this 25421
section is guilty of a misdemeanor of the third degree. 25422

Sec. 4511.56. (A) Every bicycle when in use at the times 25423
specified in section 4513.03 of the Revised Code, shall be 25424
equipped with the following: 25425

(1) A lamp on the front that shall emit a white light visible 25426
from a distance of at least five hundred feet to the front; 25427
25428

(2) A red reflector on the rear of a type approved by the 25429
director of public safety that shall be visible from all distances 25430
from one hundred feet to six hundred feet to the rear when 25431

directly in front of lawful lower beams of head lamps on a motor vehicle; 25432
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(3) A lamp emitting a red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector; 25434
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(4) An essentially colorless reflector on the front of a type approved by the director; 25437
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(5) Either with tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be visible on each side of the wheel from a distance of six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle. Retroreflective tires or reflectors shall be of a type approved by the director. 25439
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(B) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle. 25447
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(C) Every bicycle shall be equipped with an adequate brake when used on a street or highway. 25452
25453

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. 25454
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Sec. 4511.57. (A) The driver of a vehicle shall not overtake 25463
and pass upon the left nor drive upon the left side of any 25464
streetcar proceeding in the same direction, whether such streetcar 25465
is in motion or at rest, except: 25466

(A)(1) When so directed by a police officer or traffic 25467
control device; 25468

(B)(2) When upon a one-way street; 25469

(C)(3) When upon a street where the tracks are so located as 25470
to prevent compliance with this section; 25471

(D)(4) When authorized by local authorities. 25472

(B) The driver of any vehicle when permitted to overtake and 25473
pass upon the left of a streetcar which has stopped for the 25474
purpose of receiving or discharging any passenger shall accord 25475
pedestrians the right of way. 25476

(C) Except as otherwise provided in this division, whoever 25477
violates this section is guilty of a minor misdemeanor. If, within 25478
one year of the offense, the offender previously has been 25479
convicted of or pleaded guilty to one predicate motor vehicle or 25480
traffic offense, whoever violates this section is guilty of a 25481
misdemeanor of the fourth degree. If, within one year of the 25482
offense, the offender previously has been convicted of two or more 25483
predicate motor vehicle or traffic offenses, whoever violates this 25484
section is guilty of a misdemeanor of the third degree. 25485

Sec. 4511.58. (A) The driver of a vehicle overtaking upon the 25486
right any streetcar stopped for the purpose of receiving or 25487
discharging any passenger shall stop such vehicle at least five 25488
feet to the rear of the nearest running board or door of such 25489
streetcar and remain standing until all passengers have boarded 25490
such streetcar, or upon alighting therefrom have reached a place 25491

of safety, except that where a safety zone has been established, a 25492
vehicle need not be brought to a stop before passing any such 25493
streetcar or any trackless trolley, but may proceed past such 25494
streetcar or trackless trolley at a speed not greater than is 25495
reasonable and proper considering the safety of pedestrians. 25496

(B) Except as otherwise provided in this division, whoever 25497
violates this section is guilty of a minor misdemeanor. If, within 25498
one year of the offense, the offender previously has been 25499
convicted of or pleaded guilty to one predicate motor vehicle or 25500
traffic offense, whoever violates this section is guilty of a 25501
misdemeanor of the fourth degree. If, within one year of the 25502
offense, the offender previously has been convicted of two or more 25503
predicate motor vehicle or traffic offenses, whoever violates this 25504
section is guilty of a misdemeanor of the third degree. 25505

Sec. 4511.59. (A) The driver of any vehicle proceeding upon 25507
any streetcar tracks in front of a streetcar shall remove such 25508
vehicle from the track as soon as practicable after signal from 25509
the operator of said streetcar. 25510

The driver of a vehicle upon overtaking and passing a 25511
streetcar shall not turn in front of such streetcar unless such 25512
movement can be made in safety. 25513

(B) Except as otherwise provided in this division, whoever 25514
violates this section is guilty of a minor misdemeanor. If, within 25515
one year of the offense, the offender previously has been 25516
convicted of or pleaded guilty to one predicate motor vehicle or 25517
traffic offense, whoever violates this section is guilty of a 25518
misdemeanor of the fourth degree. If, within one year of the 25519
offense, the offender previously has been convicted of two or more 25520
predicate motor vehicle or traffic offenses, whoever violates this 25521
section is guilty of a misdemeanor of the third degree. 25522

Sec. 4511.60. (A) No vehicle shall at any time be driven 25523
through or within a safety zone. 25524

(B) Except as otherwise provided in this division, whoever 25525
violates this section is guilty of a minor misdemeanor. If, within 25526
one year of the offense, the offender previously has been 25527
convicted of or pleaded guilty to one predicate motor vehicle or 25528
traffic offense, whoever violates this section is guilty of a 25529
misdemeanor of the fourth degree. If, within one year of the 25530
offense, the offender previously has been convicted of two or more 25531
predicate motor vehicle or traffic offenses, whoever violates this 25532
section is guilty of a misdemeanor of the third degree. 25533

Sec. 4511.61. (A) The department of transportation and local 25534
authorities in their respective jurisdictions, with the approval 25535
of the department, may designate dangerous highway crossings over 25536
railroad tracks whether on state, county, or township highways or 25537
on streets or ways within municipal corporations, and erect stop 25538
signs thereat. When such stop signs are erected, the operator of 25539
any vehicle, streetcar, or trackless trolley shall stop within 25540
fifty, but not less than fifteen, feet from the nearest rail of 25541
the railroad tracks and shall exercise due care before proceeding 25542
across such grade crossing. 25543

(B) Except as otherwise provided in this division, whoever 25544
violates this section is guilty of a minor misdemeanor. If, within 25545
one year of the offense, the offender previously has been 25546
convicted of or pleaded guilty to one predicate motor vehicle or 25547
traffic offense, whoever violates this section is guilty of a 25548
misdemeanor of the fourth degree. If, within one year of the 25549
offense, the offender previously has been convicted of two or more 25550
predicate motor vehicle or traffic offenses, whoever violates this 25551
section is guilty of a misdemeanor of the third degree. 25552

Sec. 4511.62. (A)(1) Whenever any person driving a vehicle or trackless trolley approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.

(b) A crossing gate is lowered.

(c) A flagperson gives or continues to give a signal of the approach or passage of a train.

(d) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle or trackless trolley the person is operating without obstructing the passage of other vehicles, trackless trolleys, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.

(e) An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

(2) A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (A)(1)(a) to (e) of this section exist at the crossing.

(B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.63. (A) The operator of any motor vehicle or 25582
trackless trolley, carrying passengers, for hire, of any school 25583
bus, or of any vehicle carrying explosives or flammable liquids as 25584
a cargo or as such part of a cargo as to constitute a hazard, 25585
before crossing at grade any track of a railroad, shall stop the 25586
vehicle or trackless trolley and, while so stopped, shall listen 25587
through an open door or open window and look in both directions 25588
along the track for any approaching train, and for signals 25589
indicating the approach of a train, and shall proceed only upon 25590
exercising due care after stopping, looking, and listening as 25591
required by this section. Upon proceeding, the operator of such a 25592
vehicle shall cross only in a gear that will ensure there will be 25593
no necessity for changing gears while traversing the crossing and 25594
shall not shift gears while crossing the tracks. 25595

(B) This section does not apply at any of the following: 25596

(1) Street railway grade crossings within a municipal 25597
corporation, or to abandoned tracks, spur tracks, side tracks, and 25598
industrial tracks when the public utilities commission has 25599
authorized and approved the crossing of the tracks without making 25600
the stop required by this section; 25601

(2) Through June 30, 1995, a street railway grade crossing 25602
where out-of-service signs are posted in accordance with section 25603
4955.37 of the Revised Code. 25604

(C) Except as otherwise provided in this division, whoever 25605
violates this section is guilty of a minor misdemeanor. If the 25606
offender previously has been convicted of or pleaded guilty to one 25607
or more violations of this section or section 4511.76, 4511.761, 25608
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 25609
municipal ordinance that is substantially similar to any of those 25610
sections, whoever violates this section is guilty of a misdemeanor 25611
of the fourth degree. 25612

Sec. 4511.64. (A) No person shall operate or move any 25613
crawler-type tractor, steam shovel, derrick, roller, or any 25614
equipment or structure having a normal operating speed of six or 25615
less miles per hour or a vertical body or load clearance of less 25616
than nine inches above the level surface of a roadway, upon or 25617
across any tracks at a railroad grade crossing without first 25618
complying with divisions (A)(1) and ~~(B)(2)~~ of this section. 25619

~~(A)(1)~~ Before making any such crossing, the person operating 25620
or moving any such vehicle or equipment shall first stop the same, 25621
and while stopped ~~he~~ the person shall listen and look in both 25622
directions along such track for any approaching train and for 25623
signals indicating the approach of a train, and shall proceed only 25624
upon exercising due care. 25625

~~(B)(2)~~ No such crossing shall be made when warning is given 25626
by automatic signal or crossing gates or a ~~flagman~~ flagperson or 25627
otherwise of the immediate approach of a railroad train or car. 25628

(B) If the normal sustained speed of such vehicle, equipment, 25629
or structure is not more than three miles per hour, the person 25630
owning, operating, or moving the same shall also give notice of 25631
such intended crossing to a station agent or superintendent of the 25632
railroad, and a reasonable time shall be given to such railroad to 25633
provide proper protection for such crossing. Where such vehicles 25634
or equipment are being used in constructing or repairing a section 25635
of highway lying on both sides of a railroad grade crossing, and 25636
in such construction or repair it is necessary to repeatedly move 25637
such vehicles or equipment over such crossing, one daily notice 25638
specifying when such work will start and stating the hours during 25639
which it will be prosecuted is sufficient. 25640

25641
(C) Except as otherwise provided in this division, whoever 25642
violates this section is guilty of a minor misdemeanor. If, within 25643

one year of the offense, the offender previously has been 25644
convicted of or pleaded guilty to one predicate motor vehicle or 25645
traffic offense, whoever violates this section is guilty of a 25646
misdemeanor of the fourth degree. If, within one year of the 25647
offense, the offender previously has been convicted of two or more 25648
predicate motor vehicle or traffic offenses, whoever violates this 25649
section is guilty of a misdemeanor of the third degree. 25650

Sec. 4511.66. (A) Upon any highway outside a business or 25651
residence district, no person shall stop, park, or leave standing 25652
any vehicle, whether attended or unattended, upon the paved or 25653
main traveled part of the highway if it is practicable to stop, 25654
park, or so leave such vehicle off the paved or main traveled part 25655
of said highway. In every event a clear and unobstructed portion 25656
of the highway opposite such standing vehicle shall be left for 25657
the free passage of other vehicles, and a clear view of such 25658
stopped vehicle shall be available from a distance of two hundred 25659
feet in each direction upon such highway. 25660

This section does not apply to the driver of any vehicle 25661
which is disabled while on the paved or improved or main traveled 25662
portion of a highway in such manner and to such extent that it is 25663
impossible to avoid stopping and temporarily leaving the disabled 25664
vehicle in such position. 25665

(B) Except as otherwise provided in this division, whoever 25666
violates this section is guilty of a minor misdemeanor. If, within 25667
one year of the offense, the offender previously has been 25668
convicted of or pleaded guilty to one predicate motor vehicle or 25669
traffic offense, whoever violates this section is guilty of a 25670
misdemeanor of the fourth degree. If, within one year of the 25671
offense, the offender previously has been convicted of two or more 25672
predicate motor vehicle or traffic offenses, whoever violates this 25673
section is guilty of a misdemeanor of the third degree. 25674

Sec. 4511.661. (A) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.68. (A) No person shall stand or park a trackless trolley or vehicle, except when necessary to avoid conflict with other traffic or to comply with sections 4511.01 to 4511.78, ~~inclusive~~, 4511.99, and 4513.01 to 4513.37, ~~inclusive~~, of the Revised Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- ~~(A)~~(1) On a sidewalk, except a bicycle;
- ~~(B)~~(2) In front of a public or private driveway;
- ~~(C)~~(3) Within an intersection;
- ~~(D)~~(4) Within ten feet of a fire hydrant;

| | |
|---|---|
| (E) (5) On a crosswalk; | 25704 |
| (F) (6) Within twenty feet of a crosswalk at an intersection; | 25705 |
| (G) (7) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign, or traffic control device; | 25706
25707 |
| (H) (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic control device; | 25708
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| (I) (9) Within fifty feet of the nearest rail of a railroad crossing; | 25712
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| (J) (10) Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five feet of the entrance when it is properly posted with signs; | 25714
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| (K) (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic; | 25718
25719 |
| (L) (12) Alongside any vehicle stopped or parked at the edge or curb of a street; | 25720
25721 |
| (M) (13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel; | 25722
25723 |
| (N) (14) At any place where signs prohibit stopping; | 25724 |
| (O) (15) Within one foot of another parked vehicle; | 25725 |
| (P) (16) On the roadway portion of a freeway, expressway, or thruway. | 25726
25727 |
| <u>(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a</u> | 25728
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misdemeanor of the fourth degree. If, within one year of the 25733
offense, the offender previously has been convicted of two or more 25734
predicate motor vehicle or traffic offenses, whoever violates this 25735
section is guilty of a misdemeanor of the third degree. 25736

Sec. 4511.681. (A) If an owner of private property posts on 25737
the property, in a conspicuous manner, a prohibition against 25738
parking on the property or conditions and regulations under which 25739
parking is permitted, no person shall do either of the following: 25740

~~(A)~~(1) Park a vehicle on the property without the owner's 25741
consent; 25742

~~(B)~~(2) Park a vehicle on the property in violation of any 25743
condition or regulation posted by the owner. 25744

(B) Whoever violates this section is guilty of a minor 25745
misdemeanor. 25746

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 25747
roadway where there is an adjacent curb shall be stopped or parked 25748
with the right-hand wheels of the vehicle parallel with and not 25749
more than twelve inches from the right-hand curb, unless it is 25750
impossible to approach so close to the curb; in such case the stop 25751
shall be made as close to the curb as possible and only for the 25752
time necessary to discharge and receive passengers or to load or 25753
unload merchandise. Local authorities by ordinance may permit 25754
angle parking on any roadway under their jurisdiction, except that 25755
angle parking shall not be permitted on a state route within a 25756
municipal corporation unless an unoccupied roadway width of not 25757
less than twenty-five feet is available for free-moving traffic. 25758

(B) Local authorities by ordinance may permit parking of 25759
vehicles with the left-hand wheels adjacent to and within twelve 25760
inches of the left-hand curb of a one-way roadway. 25761

(C) No vehicle or trackless trolley shall be stopped or 25762
parked on a road or highway with the vehicle or trackless trolley 25763
facing in a direction other than the direction of travel on that 25764
side of the road or highway. 25765

(D) Notwithstanding any statute or any rule, resolution, or 25766
ordinance adopted by any local authority, air compressors, 25767
tractors, trucks, and other equipment, while being used in the 25768
construction, reconstruction, installation, repair, or removal of 25769
facilities near, on, over, or under a street or highway, may stop, 25770
stand, or park where necessary in order to perform such work, 25771
provided a flagperson is on duty or warning signs or lights are 25772
displayed as may be prescribed by the director of transportation. 25773

(E) Special parking locations and privileges for persons with 25774
disabilities that limit or impair the ability to walk, also known 25775
as handicapped parking spaces or disability parking spaces, shall 25776
be provided and designated by all political subdivisions and by 25777
the state and all agencies and instrumentalities thereof at all 25778
offices and facilities, where parking is provided, whether owned, 25779
rented, or leased, and at all publicly owned parking garages. The 25780
locations shall be designated through the posting of an elevated 25781
sign, whether permanently affixed or movable, imprinted with the 25782
international symbol of access and shall be reasonably close to 25783
exits, entrances, elevators, and ramps. All elevated signs posted 25784
in accordance with this division and division (C) of section 25785
3781.111 of the Revised Code shall be mounted on a fixed or 25786
movable post, and the distance from the ground to the top edge of 25787
the sign shall measure five feet. If a new sign or a replacement 25788
sign designating a special parking location is posted on or after 25789
~~the effective date of this amendment~~ October 14, 1999, there also 25790
shall be affixed upon the surface of that sign or affixed next to 25791
the designating sign a notice that states the fine applicable for 25792
the offense of parking a motor vehicle in the special designated 25793

parking location if the motor vehicle is not legally entitled to 25794
be parked in that location. 25795

(F)(1) No person shall stop, stand, or park any motor vehicle 25796
at special parking locations provided under division (E) of this 25797
section or at special clearly marked parking locations provided in 25798
or on privately owned parking lots, parking garages, or other 25799
parking areas and designated in accordance with that division, 25800
unless one of the following applies: 25801

(a) The motor vehicle is being operated by or for the 25802
transport of a person with a disability that limits or impairs the 25803
ability to walk and is displaying a valid removable windshield 25804
placard or special license plates; 25805

(b) The motor vehicle is being operated by or for the 25806
transport of a handicapped person and is displaying a parking card 25807
or special handicapped license plates. 25808

(2) Any motor vehicle that is parked in a special marked 25809
parking location in violation of division (F)(1)(a) or (b) of this 25810
section may be towed or otherwise removed from the parking 25811
location by the law enforcement agency of the political 25812
subdivision in which the parking location is located. A motor 25813
vehicle that is so towed or removed shall not be released to its 25814
owner until the owner presents proof of ownership of the motor 25815
vehicle and pays all towing and storage fees normally imposed by 25816
that political subdivision for towing and storing motor vehicles. 25817
If the motor vehicle is a leased vehicle, it shall not be released 25818
to the lessee until the lessee presents proof that that person is 25819
the lessee of the motor vehicle and pays all towing and storage 25820
fees normally imposed by that political subdivision for towing and 25821
storing motor vehicles. 25822

(3) If a person is charged with a violation of division 25823
(F)(1)(a) or (b) of this section, it is an affirmative defense to 25824
the charge that the person suffered an injury not more than 25825

seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in division (A)(1) of section 4503.44 of the Revised Code.

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

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

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

(J)(1) Whoever violates division (A) or (C) of this section is guilty of a minor misdemeanor.

(2)(a) Whoever violates division (F)(1)(a) or (b) of this section is guilty of a misdemeanor and shall be punished as

provided in division (J)(2)(a) and (b) of this section. Except as 25857
otherwise provided in division (J)(2)(a) of this section, an 25858
offender who violates division (F)(1)(a) or (b) of this section 25859
shall be fined not less than two hundred fifty nor more than five 25860
hundred dollars. An offender who violates division (F)(1)(a) or 25861
(b) of this section shall be fined not more than one hundred 25862
dollars if the offender, prior to sentencing, proves either of the 25863
following to the satisfaction of the court: 25864

(i) At the time of the violation of division (F)(1)(a) of 25865
this section, the offender or the person for whose transport the 25866
motor vehicle was being operated had been issued a removable 25867
windshield placard that then was valid or special license plates 25868
that then were valid but the offender or the person neglected to 25869
display the placard or license plates as described in division 25870
(F)(1)(a) of this section. 25871

(ii) At the time of the violation of division (F)(1)(b) of 25872
this section, the offender or the person for whose transport the 25873
motor vehicle was being operated had been issued a parking card 25874
that then was valid or special handicapped license plates that 25875
then were valid but the offender or the person neglected to 25876
display the card or license plates as described in division 25877
(F)(1)(b) of this section. 25878

(b) In no case shall an offender who violates division 25879
(F)(1)(a) or (b) of this section be sentenced to any term of 25880
imprisonment. 25881

An arrest or conviction for a violation of division (F)(1)(a) 25882
or (b) of this section does not constitute a criminal record and 25883
need not be reported by the person so arrested or convicted in 25884
response to any inquiries contained in any application for 25885
employment, license, or other right or privilege, or made in 25886
connection with the person's appearance as a witness. 25887

The clerk of the court shall pay every fine collected under 25888
division (J)(2) of this section to the political subdivision in 25889
which the violation occurred. Except as provided in division 25890
(J)(2) of this section, the political subdivision shall use the 25891
fine moneys it receives under division (J)(2) of this section to 25892
pay the expenses it incurs in complying with the signage and 25893
notice requirements contained in division (E) of this section. The 25894
political subdivision may use up to fifty per cent of each fine it 25895
receives under division (J)(2) of this section to pay the costs of 25896
educational, advocacy, support, and assistive technology programs 25897
for persons with disabilities, and for public improvements within 25898
the political subdivision that benefit or assist persons with 25899
disabilities, if governmental agencies or nonprofit organizations 25900
offer the programs. 25901

(3) Whoever violates division (H) of this section shall be 25902
punished as follows: 25903

(a) Except as otherwise provided in division (J)(3) of this 25904
section, the offender shall be issued a warning. 25905

(b) If the offender previously has been convicted of or 25906
pleaded guilty to a violation of division (H) of this section or 25907
of a municipal ordinance that is substantially similar to that 25908
division, the offender shall not be issued a warning but shall be 25909
fined twenty-five dollars for each parking location that is not 25910
properly marked or whose markings are not properly maintained. 25911

(K) As used in this section: 25912

(1) "Handicapped person" means any person who has lost the 25913
use of one or both legs or one or both arms, who is blind, deaf, 25914
or so severely handicapped as to be unable to move without the aid 25915
of crutches or a wheelchair, or whose mobility is restricted by a 25916
permanent cardiovascular, pulmonary, or other handicapping 25917
condition. 25918

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

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

Sec. 4511.70. (A) No person shall drive a vehicle or trackless trolley when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

(B) No passenger in a vehicle or trackless trolley shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with ~~his~~ the driver's control over the driving mechanism of the vehicle.

(C) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the

offense, the offender previously has been convicted of two or more 25950
predicate motor vehicle or traffic offenses, whoever violates this 25951
section is guilty of a misdemeanor of the third degree. 25952

Sec. 4511.701. (A) No person shall occupy any travel trailer 25953
or manufactured or mobile home while it is being used as a 25954
conveyance upon a street or highway. 25955

(B) Except as otherwise provided in this division, whoever 25956
violates this section is guilty of a minor misdemeanor. If, within 25957
one year of the offense, the offender previously has been 25958
convicted of or pleaded guilty to one predicate motor vehicle or 25959
traffic offense, whoever violates this section is guilty of a 25960
misdemeanor of the fourth degree. If, within one year of the 25961
offense, the offender previously has been convicted of two or more 25962
predicate motor vehicle or traffic offenses, whoever violates this 25963
section is guilty of a misdemeanor of the third degree. 25964

Sec. 4511.71. (A) No person shall drive upon, along, or 25965
across a street or highway, or any part thereof, which of a street 25966
or highway that has been closed in the process of its 25967
construction, reconstruction, or repair, and posted with 25968
appropriate signs by the authority having jurisdiction to close 25969
such highway. 25970

(B) Except as otherwise provided in this division, whoever 25971
violates this section is guilty of a minor misdemeanor. If, within 25972
one year of the offense, the offender previously has been 25973
convicted of or pleaded guilty to one predicate motor vehicle or 25974
traffic offense, whoever violates this section is guilty of a 25975
misdemeanor of the fourth degree. If, within one year of the 25976
offense, the offender previously has been convicted of two or more 25977
predicate motor vehicle or traffic offenses, whoever violates this 25978
section is guilty of a misdemeanor of the third degree. 25979

Sec. 4511.711. (A) No person shall drive any vehicle, other 25980
than a bicycle, upon a sidewalk or sidewalk area except upon a 25981
permanent or duly authorized temporary driveway. 25982

Nothing in this section shall be construed as prohibiting 25983
local authorities from regulating the operation of bicycles within 25984
their respective jurisdictions. 25985

(B) Except as otherwise provided in this division, whoever 25986
violates this section is guilty of a minor misdemeanor. If, within 25987
one year of the offense, the offender previously has been 25988
convicted of or pleaded guilty to one predicate motor vehicle or 25989
traffic offense, whoever violates this section is guilty of a 25990
misdemeanor of the fourth degree. If, within one year of the 25991
offense, the offender previously has been convicted of two or more 25992
predicate motor vehicle or traffic offenses, whoever violates this 25993
section is guilty of a misdemeanor of the third degree. 25994

Sec. 4511.712. (A) No driver shall enter an intersection or 25995
marked crosswalk or drive onto any railroad grade crossing unless 25996
there is sufficient space on the other side of the intersection, 25997
crosswalk, or grade crossing to accommodate the vehicle, 25998
streetcar, or trackless trolley ~~he~~ the driver is operating without 25999
obstructing the passage of other vehicles, streetcars, trackless 26000
trolleys, pedestrians, or railroad trains, notwithstanding any 26001
traffic control signal indication to proceed. 26002

(B) Except as otherwise provided in this division, whoever 26003
violates this section is guilty of a minor misdemeanor. If, within 26004
one year of the offense, the offender previously has been 26005
convicted of or pleaded guilty to one predicate motor vehicle or 26006
traffic offense, whoever violates this section is guilty of a 26007
misdemeanor of the fourth degree. If, within one year of the 26008
offense, the offender previously has been convicted of two or more 26009

predicate motor vehicle or traffic offenses, whoever violates this 26010
section is guilty of a misdemeanor of the third degree. 26011

Sec. 4511.713. (A) No person shall operate a motor vehicle, 26012
snowmobile, or all-purpose vehicle upon any path set aside for the 26013
exclusive use of bicycles, when an appropriate sign giving notice 26014
of such use is posted on the path. 26015

Nothing in this section shall be construed to affect any rule 26016
of the director of natural resources governing the operation of 26017
motor vehicles, snowmobiles, all-purpose vehicles, and bicycles on 26018
lands under ~~his~~ the director's jurisdiction. 26019

(B) Except as otherwise provided in this division, whoever 26020
violates this section is guilty of a minor misdemeanor. If, within 26021
one year of the offense, the offender previously has been 26022
convicted of or pleaded guilty to one predicate motor vehicle or 26023
traffic offense, whoever violates this section is guilty of a 26024
misdemeanor of the fourth degree. If, within one year of the 26025
offense, the offender previously has been convicted of two or more 26026
predicate motor vehicle or traffic offenses, whoever violates this 26027
section is guilty of a misdemeanor of the third degree. 26028

Sec. 4511.72. (A) The driver of any vehicle, other than an 26029
emergency vehicle or public safety vehicle on official business, 26030
shall not follow any emergency vehicle or public safety vehicle 26031
traveling in response to an alarm closer than five hundred feet, 26032
or drive into or park such vehicle within the block where fire 26033
apparatus has stopped in answer to a fire alarm, unless directed 26034
to do so by a police officer or a ~~fireman~~ firefighter. 26035

(B) Except as otherwise provided in this division, whoever 26036
violates this section is guilty of a minor misdemeanor. If, within 26037
one year of the offense, the offender previously has been 26038
convicted of or pleaded guilty to one predicate motor vehicle or 26039

traffic offense, whoever violates this section is guilty of a 26040
misdemeanor of the fourth degree. If, within one year of the 26041
offense, the offender previously has been convicted of two or more 26042
predicate motor vehicle or traffic offenses, whoever violates this 26043
section is guilty of a misdemeanor of the third degree. 26044

Sec. 4511.73. (A) No streetcar, trackless trolley, or vehicle 26045
shall, without the consent of the fire department official in 26046
command, be driven over any unprotected hose of a fire department, 26047
~~when said hose~~ that is laid down on any street, private driveway, 26048
or streetcar track to be used at any fire or alarm of fire. 26049

(B) Except as otherwise provided in this division, whoever 26051
violates this section is guilty of a minor misdemeanor. If, within 26052
one year of the offense, the offender previously has been 26053
convicted of or pleaded guilty to one predicate motor vehicle or 26054
traffic offense, whoever violates this section is guilty of a 26055
misdemeanor of the fourth degree. If, within one year of the 26056
offense, the offender previously has been convicted of two or more 26057
predicate motor vehicle or traffic offenses, whoever violates this 26058
section is guilty of a misdemeanor of the third degree. 26059

Sec. 4511.74. (A) No person shall place or knowingly drop 26060
upon any part of a highway, lane, road, street, or alley any 26061
tacks, bottles, wire, glass, nails, or other articles which may 26062
damage or injure any person, vehicle, streetcar, trackless 26063
trolley, or animal traveling along or upon such highway, except 26064
such substances that may be placed upon the roadway by proper 26065
authority for the repair or construction thereof. 26066

Any person who drops or permits to be dropped or thrown upon 26067
any highway any destructive or injurious material shall 26068
immediately remove the same. 26069

Any person authorized to remove a wrecked or damaged vehicle, 26070
streetcar, or trackless trolley from a highway shall remove any 26071
glass or other injurious substance dropped upon the highway from 26072
such vehicle, streetcar, or trackless trolley. 26073

No person shall place any obstruction in or upon a highway 26074
without proper authority. 26075

(B) No person, with intent to cause physical harm to a person 26076
or a vehicle, shall place or knowingly drop upon any part of a 26077
highway, lane, road, street, or alley any tacks, bottles, wire, 26078
glass, nails, or other articles which may damage or injure any 26079
person, vehicle, streetcar, trackless trolley, or animal traveling 26080
along or upon such highway, except such substances that may be 26081
placed upon the roadway by proper authority for the repair or 26082
construction thereof. 26083

(C)(1) Except as otherwise provided in this division, whoever 26084
violates division (A) of this section is guilty of a minor 26085
misdemeanor. If, within one year of the offense, the offender 26086
previously has been convicted of or pleaded guilty to one 26087
predicate motor vehicle or traffic offense, whoever violates 26088
division (A) of this section is guilty of a misdemeanor of the 26089
fourth degree. If, within one year of the offense, the offender 26090
previously has been convicted of two or more predicate motor 26091
vehicle or traffic offenses, whoever violates division (A) of this 26092
section is guilty of a misdemeanor of the third degree. 26093

(2) Whoever violates division (B) of this section is guilty 26094
of a misdemeanor of the first degree. 26095

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 26096
trackless trolley upon meeting or overtaking from either direction 26097
any school bus stopped for the purpose of receiving or discharging 26098
any school child, person attending programs offered by community 26099
boards of mental health and county boards of mental retardation 26100

and developmental disabilities, or child attending a program 26101
offered by a head start agency, shall stop at least ten feet from 26102
the front or rear of the school bus and shall not proceed until 26103
such school bus resumes motion, or until signaled by the school 26104
bus driver to proceed. 26105

It is no defense to a charge under this division that the 26106
school bus involved failed to display or be equipped with an 26107
automatically extended stop warning sign as required by division 26108
(B) of this section. 26109

(B) Every school bus shall be equipped with amber and red 26110
visual signals meeting the requirements of section 4511.771 of the 26111
Revised Code, and an automatically extended stop warning sign of a 26112
type approved by the state board of education, which shall be 26113
actuated by the driver of the bus whenever but only whenever the 26114
bus is stopped or stopping on the roadway for the purpose of 26115
receiving or discharging school children, persons attending 26116
programs offered by community boards of mental health and county 26117
boards of mental retardation and developmental disabilities, or 26118
children attending programs offered by head start agencies. A 26119
school bus driver shall not actuate the visual signals or the stop 26120
warning sign in designated school bus loading areas where the bus 26121
is entirely off the roadway or at school buildings when children 26122
or persons attending programs offered by community boards of 26123
mental health and county boards of mental retardation and 26124
developmental disabilities are loading or unloading at curbside or 26125
at buildings when children attending programs offered by head 26126
start agencies are loading or unloading at curbside. The visual 26127
signals and stop warning sign shall be synchronized or otherwise 26128
operated as required by rule of the board. 26129

(C) Where a highway has been divided into four or more 26130
traffic lanes, a driver of a vehicle, streetcar, or trackless 26131
trolley need not stop for a school bus approaching from the 26132

opposite direction which has stopped for the purpose of receiving 26133
or discharging any school child, persons attending programs 26134
offered by community boards of mental health and county boards of 26135
mental retardation and developmental disabilities, or children 26136
attending programs offered by head start agencies. The driver of 26137
any vehicle, streetcar, or trackless trolley overtaking the school 26138
bus shall comply with division (A) of this section. 26139

(D) School buses operating on divided highways or on highways 26140
with four or more traffic lanes shall receive and discharge all 26141
school children, persons attending programs offered by community 26142
boards of mental health and county boards of mental retardation 26143
and developmental disabilities, and children attending programs 26144
offered by head start agencies on their residence side of the 26145
highway. 26146

(E) No school bus driver shall start the driver's bus until 26147
after any child, person attending programs offered by community 26148
boards of mental health and county boards of mental retardation 26149
and developmental disabilities, or child attending a program 26150
offered by a head start agency who may have alighted therefrom has 26151
reached a place of safety on the child's or person's residence 26152
side of the road. 26153

(F)(1) Whoever violates division (A) of this section may be 26154
fined an amount not to exceed five hundred dollars. A person who 26155
is issued a citation for a violation of division (A) of this 26156
section is not permitted to enter a written plea of guilty and 26157
waive the person's right to contest the citation in a trial but 26158
instead must appear in person in the proper court to answer the 26159
charge. 26160

(2) In addition to and independent of any other penalty 26161
provided by law, the court or mayor may impose upon an offender 26162
who violates this section a class seven suspension of the 26163
offender's driver's license, commercial driver's license, 26164

temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the registrar of motor vehicles, together with notice of the court's action.

(G) As used in this section: 26172

(1) "Head start agency" has the same meaning as in division (A)(1) of section 3301.31 of the Revised Code. 26173
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(2) "School bus," as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the state board of education, is painted the color and displays the markings described in section 4511.77 of the Revised Code, and is equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings. 26175
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Sec. 4511.751. As used in this section, "license plate" includes, but is not limited to, any temporary license placard issued under section 4503.182 of the Revised Code or similar law of another jurisdiction. 26187
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When the operator of a school bus believes that a motorist has violated division (A) of section 4511.75 of the Revised Code, the operator shall report the license plate number and a general description of the vehicle and of the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area 26191
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where the alleged violation occurred. The information contained in 26196
the report relating to the license plate number and to the general 26197
description of the vehicle and the operator of the vehicle at the 26198
time of the alleged violation may be supplied by any person with 26199
first-hand knowledge of the information. Information of which the 26200
operator of the school bus has first-hand knowledge also may be 26201
corroborated by any other person. 26202

Upon receipt of the report of the alleged violation of 26203
division (A) of section 4511.75 of the Revised Code, the law 26204
enforcement agency shall conduct an investigation to attempt to 26205
determine or confirm the identity of the operator of the vehicle 26206
at the time of the alleged violation. If the identity of the 26207
operator at the time of the alleged violation is established, the 26208
reporting of the license plate number of the vehicle shall 26209
establish probable cause for the law enforcement agency to issue a 26210
citation for the violation of division (A) of section 4511.75 of 26211
the Revised Code. However, if the identity of the operator of the 26212
vehicle at the time of the alleged violation cannot be 26213
established, the law enforcement agency shall issue a warning to 26214
the owner of the vehicle at the time of the alleged violation, 26215
except in the case of a leased or rented vehicle when the warning 26216
shall be issued to the lessee at the time of the alleged 26217
violation. 26218

The registrar of motor vehicles and deputy registrars shall, 26219
at the time of issuing license plates to any person, include with 26220
the license plate a summary of the requirements of division (A) of 26221
section 4511.75 of the Revised Code, ~~the procedures of section~~ 26222
~~4507.165 of the Revised Code,~~ and the procedures of, and penalty 26223
in division (G)(F) of section ~~4511.99~~ 4511.75 of the Revised 26224
Code. 26225

Sec. 4511.76. (A) The department of public safety, by and 26226

with the advice of the superintendent of public instruction, shall 26227
adopt and enforce rules relating to the construction, design, and 26228
equipment, including lighting equipment required by section 26229
4511.771 of the Revised Code, of all school buses both publicly 26230
and privately owned and operated in this state. 26231

(B) The department of education, by and with the advice of 26232
the director of public safety, shall adopt and enforce rules 26233
relating to the operation of all school buses both publicly and 26234
privately owned and operated in this state. 26235

(C) No person shall operate a school bus within this state in 26236
violation of the rules of the department of education or the 26237
department of public safety. No person, being the owner thereof or 26238
having the supervisory responsibility therefor, shall permit the 26239
operation of a school bus within this state in violation of the 26240
rules of the department of education or the department of public 26241
safety. 26242

(D) The department of public safety shall adopt and enforce 26243
rules relating to the issuance of a license under section 4511.763 26244
of the Revised Code. The rules may relate to the moral character 26245
of the applicant; the condition of the equipment to be operated; 26246
the liability and property damage insurance carried by the 26247
applicant; the posting of satisfactory and sufficient bond; and 26248
such other rules as the director of public safety determines 26249
reasonably necessary for the safety of the pupils to be 26250
transported. 26251

(E) Except as otherwise provided in this division, whoever 26252
violates this section is guilty of a minor misdemeanor. If the 26253
offender previously has been convicted of or pleaded guilty to one 26254
or more violations of this section or section 4511.63, 4511.761, 26255
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 26256
municipal ordinance that is substantially similar to any of those 26257

sections, whoever violates this section is guilty of a misdemeanor 26258
of the fourth degree. 26259

Sec. 4511.761. (A) The state highway patrol shall inspect 26260
every school bus to ascertain whether its construction, design, 26261
and equipment comply with the regulations adopted pursuant to 26262
section 4511.76 of the Revised Code and all other provisions of 26263
law. 26264

The superintendent of the state highway patrol shall adopt a 26265
distinctive inspection decal not less than twelve inches in size, 26266
and bearing the date of the inspection, which shall be affixed to 26267
the outside surface of each side of each school bus which upon 26268
such inspection is found to comply with the regulations adopted 26269
pursuant to section 4511.76 of the Revised Code. The appearance of 26270
said decal shall be changed from year to year as to shape and 26271
color in order to provide easy visual inspection. 26272

No person shall operate, nor shall any person being the owner 26273
thereof or having supervisory responsibility therefor permit the 26274
operation of, a school bus within this state unless there are 26275
displayed thereon the decals issued by the state highway patrol 26276
bearing the proper date of inspection for the calendar year for 26277
which the inspection decals were issued. 26278

(B) Except as otherwise provided in this division, whoever 26279
violates this section is guilty of a minor misdemeanor. If the 26280
offender previously has been convicted of or pleaded guilty to one 26281
or more violations of this section or section 4511.63, 4511.76, 26282
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 26283
municipal ordinance that is substantially similar to any of those 26284
sections, whoever violates this section is guilty of a misdemeanor 26285
of the fourth degree. 26286

(C) Whenever a person is found guilty in a court of record of 26287
a violation of this section, the trial judge, in addition to or 26288

independent of all other penalties provided by law, may suspend 26289
for any period of time not exceeding three years, or cancel the 26290
license of any person, partnership, association, or corporation, 26291
issued under section 4511.763 of the Revised Code. 26292

Sec. 4511.762. (A) Except as provided in division (B) of this 26293
section, no person who is the owner of a bus that previously was 26294
registered as a school bus that is used or is to be used 26295
exclusively for purposes other than the transportation of 26296
children, shall operate the bus or permit it to be operated within 26297
this state unless the bus has been painted a color different from 26298
that prescribed for school buses by section 4511.77 of the Revised 26299
Code and painted in such a way that the words "stop" and "school 26300
bus" are obliterated. 26301

(B) Any church bus that previously was registered as a school 26302
bus and is registered under section 4503.07 of the Revised Code 26303
may retain the paint color prescribed for school buses by section 26304
4511.77 of the Revised Code if the bus complies with all of the 26305
following: 26306

(1) The words "school bus" required by section 4511.77 of the 26307
Revised Code are covered or obliterated and the bus is marked on 26308
the front and rear with the words "church bus" painted in black 26309
lettering not less than ten inches in height; 26310

(2) The automatically extended stop warning sign required by 26311
section 4511.75 of the Revised Code is removed and the word "stop" 26312
required by section 4511.77 of the Revised Code is covered or 26313
obliterated; 26314

(3) The flashing red and amber lights required by section 26315
4511.771 of the Revised Code are covered or removed; 26316

(4) The inspection decal required by section 4511.761 of the 26317
Revised Code is covered or removed; 26318

(5) The identification number assigned under section 4511.764 26319
of the Revised Code and marked in black lettering on the front and 26320
rear of the bus is covered or obliterated. 26321

(C) Except as otherwise provided in this division, whoever 26322
violates this section is guilty of a minor misdemeanor. If the 26323
offender previously has been convicted of or pleaded guilty to one 26324
or more violations of this section or section 4511.63, 4511.76, 26325
4511.761, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 26326
municipal ordinance that is substantially similar to any of those 26327
sections, whoever violates this section is guilty of a misdemeanor 26328
of the fourth degree. 26329

(D) Whenever a person is found guilty in a court of record of 26330
a violation of this section, the trial judge, in addition to or 26331
independent of all other penalties provided by law, may suspend 26332
for any period of time not exceeding three years, or cancel the 26333
license of any person, partnership, association, or corporation, 26334
issued under section 4511.763 of the Revised Code. 26335

Sec. 4511.763. (A) No person, partnership, association, or 26336
corporation shall transport pupils to or from school on a school 26337
bus or enter into a contract with a board of education of any 26338
school district for the transportation of pupils on a school bus, 26339
without being licensed by the department of public safety. 26340

(B) Except as otherwise provided in this division, whoever 26341
violates this section is guilty of a minor misdemeanor. If, within 26342
one year of the offense, the offender previously has been 26343
convicted of or pleaded guilty to one predicate motor vehicle or 26344
traffic offense, whoever violates this section is guilty of a 26345
misdemeanor of the fourth degree. If, within one year of the 26346
offense, the offender previously has been convicted of two or more 26347
predicate motor vehicle or traffic offenses, whoever violates this 26348
section is guilty of a misdemeanor of the third degree. 26349

Sec. 4511.764. (A) The superintendent of the state highway 26350
patrol shall require school buses to be registered, in the name of 26351
the owner, with the state highway patrol on forms and in 26352
accordance with regulations as the superintendent may adopt. 26353

When the superintendent is satisfied that the registration 26354
has been completed, ~~he~~ the superintendent shall assign an 26355
identifying number to each school bus registered in accordance 26356
with this section. The number so assigned shall be marked on the 26357
front and rear of the vehicle in black lettering not less than six 26358
inches in height and will remain unchanged as long as the 26359
ownership of that vehicle remains the same. 26360

No person shall operate, nor shall any person, being the 26361
owner thereof or having supervisory responsibility therefor, 26362
permit the operation of a school bus within this state unless 26363
there is displayed thereon an identifying number in accordance 26364
with this section. 26365

(B) Except as otherwise provided in this division, whoever 26366
violates this section is guilty of a minor misdemeanor. If the 26367
offender previously has been convicted of or pleaded guilty to one 26368
or more violations of section 4511.63, 4511.76, 4511.761, 26369
4511.762, 4511.77, or 4511.79 of the Revised Code or a municipal 26370
ordinance that is substantially similar to any of those sections, 26371
whoever violates this section is guilty of a misdemeanor of the 26372
fourth degree. 26373

Sec. 4511.77. (A) No person shall operate, nor shall any 26374
person being the owner thereof or having supervisory 26375
responsibility therefor permit the operation of, a school bus 26376
within this state unless it is painted national school bus yellow 26377
and is marked on both front and rear with the words "school bus" 26378
in black lettering not less than eight inches in height and on the 26379

rear of the bus with the word "stop" in black lettering not less than ten inches in height. 26380
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(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. 26382
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(C) Whenever a person is found guilty in a court of record of a violation of this section, 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 cancel the license of any person, partnership, association, or corporation, issued under section 4511.763 of the Revised Code. 26390
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Sec. 4511.771. (A) Every school bus shall, in addition to any other equipment and distinctive markings required pursuant to sections 4511.76, 4511.761, 4511.764, and 4511.77 of the Revised Code, be equipped with signal lamps mounted as high as practicable, which shall display to the front two alternately flashing red lights and two alternately flashing amber lights located at the same level and to the rear two alternately flashing red lights and two alternately flashing amber lights located at the same level, and these lights shall be visible at five hundred feet in normal sunlight. The alternately flashing red lights shall be spaced as widely as practicable, and the alternately flashing amber lights shall be located next to them. 26396
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(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been 26408
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convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.772. (A) ~~On and after the effective date of this section~~ May 6, 1986, no person, school board, or governmental entity shall purchase, lease, or rent a new school bus unless the school bus has an occupant restraining device, as defined in section 4513.263 of the Revised Code, installed for use in its operator's seat.

(B) Whoever violates this section is guilty of a minor misdemeanor.

Sec. 4511.78. (A) As used in this section:

(1) "Mass transit system" means any county transit system, regional transit authority, regional transit commission, municipally owned transportation system, mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, and any common passenger carrier certified by the public utilities commission, that provides transportation for children to or from a school session or a school function.

(2) "Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons, but does not mean any school bus as defined in section 4511.01 of the Revised Code.

(B) Whenever a mass transit system transports children to or from a school session or school function, the mass transit system

shall provide for: 26441

(1) Periodic safety inspections of all buses used to provide 26442
transportation service. The inspections shall be based on rules 26443
adopted by the public utilities commission under Chapters 4921. 26444
and 4923. of the Revised Code to ensure the safety of operation of 26445
motor transportation companies and private motor carriers. 26446

(2) The safety training of all drivers operating buses used 26447
to provide transportation service; 26448

(3) The equipping of every bus with outside rear-view mirrors 26449
meeting the motor carrier regulations for bus equipment adopted by 26450
the federal highway administration. No exclusions from this 26451
requirement granted under the federal regulations shall be 26452
considered exclusions for the purposes of this division. 26453

(C) Except as otherwise provided in this division, whoever 26454
violates this section is guilty of a minor misdemeanor. If, within 26455
one year of the offense, the offender previously has been 26456
convicted of or pleaded guilty to one predicate motor vehicle or 26457
traffic offense, whoever violates this section is guilty of a 26458
misdemeanor of the fourth degree. If, within one year of the 26459
offense, the offender previously has been convicted of two or more 26460
predicate motor vehicle or traffic offenses, whoever violates this 26461
section is guilty of a misdemeanor of the third degree. 26462

Sec. 4511.79. (A) No person shall drive a "commercial motor 26463
vehicle" as defined in section 4506.01 of the Revised Code, or a 26464
"commercial car" or "commercial tractor," as defined in section 26465
4501.01 of the Revised Code, while ~~his~~ the person's ability or 26466
alertness is so impaired by fatigue, illness, or other causes that 26467
it is unsafe for ~~him~~ the person to drive such vehicle. No driver 26468
shall use any drug which would adversely affect ~~his~~ the driver's 26469
ability or alertness. 26470

(B) No owner, as defined in section 4501.01 of the Revised Code, of a "commercial motor vehicle," "commercial car," or "commercial tractor," or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver in any such condition described in division (A) of this section to drive such vehicle upon any street or highway.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, Or 4511.77 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.81. (A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is registered in this state and is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is registered in this state and is owned, leased, or otherwise under the control of a nursery school, kindergarten, or day-care center, the operator of the motor vehicle shall have the

child properly secured in accordance with the manufacturer's 26502
instructions in a child restraint system that meets federal motor 26503
vehicle safety standards: 26504

(1) A child who is less than four years of age; 26505

(2) A child who weighs less than forty pounds. 26506

(C) The director of public safety shall adopt such rules as 26507
are necessary to carry out this section. 26508

(D) The failure of an operator of a motor vehicle to secure a 26509
child in a child restraint system as required by this section is 26510
not negligence imputable to the child, is not admissible as 26511
evidence in any civil action involving the rights of the child 26512
against any other person allegedly liable for injuries to the 26513
child, is not to be used as a basis for a criminal prosecution of 26514
the operator of the motor vehicle other than a prosecution for a 26515
violation of this section, and is not admissible as evidence in 26516
any criminal action involving the operator of the motor vehicle 26517
other than a prosecution for a violation of this section. 26518

(E) This section does not apply when an emergency exists that 26519
threatens the life of any person operating a motor vehicle and to 26520
whom this section otherwise would apply or the life of any child 26521
who otherwise would be required to be restrained under this 26522
section. 26523

(F) If a person who is not a resident of this state is 26524
charged with a violation of division (A) or (B) of this section 26525
and does not prove to the court, by a preponderance of the 26526
evidence, that the person's use or nonuse of a child restraint 26527
system was in accordance with the law of the state of which the 26528
person is a resident, the court shall impose the fine levied by 26529
division (H)(2) of this section ~~4511.99 of the Revised Code~~. 26530

(G) There is hereby created in the state treasury the "child 26531
highway safety fund," consisting of fines imposed pursuant to 26532

divisions (H)(1) and (2) of this section ~~4511.99 of the Revised~~ 26533
~~Code~~ for violations of divisions (A) and (B) of this section. The 26534
money in the fund shall be used by the department of health only 26535
to defray the cost of verifying pediatric trauma centers under 26536
section 3702.161 of the Revised Code and to establish and 26537
administer a child highway safety program. The purpose of the 26538
program shall be to educate the public about child restraint 26539
systems generally and the importance of their proper use. The 26540
program also shall include a process for providing child restraint 26541
systems to persons who meet the eligibility criteria established 26542
by the department, and a toll-free telephone number the public may 26543
utilize to obtain information about child restraint systems and 26544
their proper use. 26545

The director of health, in accordance with Chapter 119. of 26546
the Revised Code, shall adopt any rules necessary to carry out 26547
this section, including rules establishing the criteria a person 26548
must meet in order to receive a child restraint system under the 26549
department's child restraint system program; provided that rules 26550
relating to the verification of pediatric trauma centers shall not 26551
be adopted under this section. 26552

(H)(1) Whoever is a resident of this state and violates 26553
division (A) or (B) of this section shall be punished as follows: 26554

(a) Except as otherwise provided in division (H)(1)(b) of 26555
this section, the offender is guilty of a minor misdemeanor. 26556

(b) If the offender previously has been convicted of or 26557
pleaded guilty to a violation of division (A) or (B) of this 26558
section or of a municipal ordinance that is substantially similar 26559
to either of those divisions, the offender is guilty of a 26560
misdemeanor of the fourth degree. 26561

(2) Whoever is not a resident of this state, violates 26562
division (A) or (B) of this section, and fails to prove by a 26563

preponderance of the evidence that the offender's use or nonuse of a child restraint system was in accordance with the law of the state of which the offender is a resident is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree. 26564
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(3) All fines imposed pursuant to division (H)(1) or (2) of this section shall be forwarded to the treasurer of state for deposit in the "child highway safety fund" created by division (G) of this section. 26569
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Sec. 4511.82. (A) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard, or deposit litter from any motor vehicle in operation upon any street, road, or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements. 26573
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(B) No operator of a motor vehicle in operation upon any street, road, or highway shall allow litter to be thrown, dropped, discarded, or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements. 26579
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(C) Whoever violates division (A) or (B) of this section is guilty of a minor misdemeanor. 26584
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(D) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature. 26586
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Sec. 4511.84. (A) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player, or other similar device that provides the listener with 26590
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radio programs, music, or other recorded information through a 26594
device attached to the head and that covers all or a portion of 26595
both ears. "Earphones" does not include speakers or other 26596
listening devices that are built into protective headgear. 26597

(B) This section does not apply to: 26598

(1) Any person wearing a hearing aid; 26599

(2) Law enforcement personnel while on duty; 26600

(3) Fire department personnel and emergency medical service 26601
personnel while on duty; 26602

(4) Any person engaged in the operation of equipment for use 26603
in the maintenance or repair of any highway; 26604

(5) Any person engaged in the operation of refuse collection 26605
equipment. 26606

(C) Except as otherwise provided in this division, whoever 26607
violates this section is guilty of a minor misdemeanor. If, within 26608
one year of the offense, the offender previously has been 26609
convicted of or pleaded guilty to one predicate motor vehicle or 26610
traffic offense, whoever violates this section is guilty of a 26611
misdemeanor of the fourth degree. If, within one year of the 26612
offense, the offender previously has been convicted of two or more 26613
predicate motor vehicle or traffic offenses, whoever violates this 26614
section is guilty of a misdemeanor of the third degree. 26615

Sec. 4511.85. (A) The operator of a chauffeured limousine 26616
shall accept passengers only on the basis of prearranged 26617
contracts, as defined in division (LL) of section 4501.01 of the 26618
Revised Code, and shall not cruise in search of patronage unless 26619
the limousine is in compliance with any statute or ordinance 26620
governing the operation of taxicabs or other similar vehicles for 26621
hire. 26622

(B) No person shall advertise or hold self out as doing 26623
business as a limousine service or livery service or other similar 26624
designation unless each vehicle used by the person to provide the 26625
service is registered in accordance with section 4503.24 of the 26626
Revised Code and is in compliance with section 4509.80 of the 26627
Revised Code. 26628

(C) Whoever violates this section is guilty of a misdemeanor 26629
of the first degree. 26630

Sec. 4511.99. ~~(A) Whoever violates division (A)(1), (2), (3),~~ 26631
~~or (4) of section 4511.19 of the Revised Code, in addition to the~~ 26632
~~license suspension or revocation provided in section 4507.16 of~~ 26633
~~the Revised Code and any disqualification imposed under section~~ 26634
~~4506.16 of the Revised Code, shall be punished as provided in~~ 26635
~~division (A)(1), (2), (3), or (4) of this section. Whoever~~ 26636
~~violates division (A)(5), (6), or (7) of section 4511.19 of the~~ 26637
~~Revised Code, in addition to the license suspension or revocation~~ 26638
~~provided in section 4507.16 of the Revised Code and any~~ 26639
~~disqualification imposed under section 4506.16 of the Revised~~ 26640
~~Code, shall be punished as provided in division (A)(5), (6), (7),~~ 26641
~~or (8) of this section.~~ 26642

~~(1) Except as otherwise provided in division (A)(2), (3), or~~ 26643
~~(4) of this section, the offender is guilty of a misdemeanor of~~ 26644
~~the first degree and the court shall sentence the offender to a~~ 26645
~~term of imprisonment of three consecutive days and may sentence~~ 26646
~~the offender pursuant to section 2929.21 of the Revised Code to a~~ 26647
~~longer term of imprisonment. In addition, the court shall impose~~ 26648
~~upon the offender a fine of not less than two hundred fifty and~~ 26649
~~not more than one thousand dollars.~~ 26650

~~The court may suspend the execution of the mandatory three~~ 26651
~~consecutive days of imprisonment that it is required to impose by~~ 26652
~~this division, if the court, in lieu of the suspended term of~~ 26653

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

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

~~while under the influence of alcohol, the dangers of operating a motor vehicle while under the influence of alcohol, and other information relating to the operation of a motor vehicle and the consumption of alcoholic beverages. 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 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.~~

~~(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:~~ 26718

~~(i) Division (A) or (B) of section 4511.19 of the Revised Code:~~ 26719
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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:~~ 26721
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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:~~ 26724
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~~(iv) 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:~~ 26727
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~~(v) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions:~~ 26730
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~~(vi) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, 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:~~ 26733
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~~(vii) 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.~~ 26740
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~~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 five consecutive days~~ 26744
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~~and not less than eighteen consecutive days of electronically
monitored house arrest as defined in division (A) of section
2929.23 of the Revised Code. The five consecutive days of
imprisonment and the period of electronically monitored house
arrest shall not exceed six months. The five consecutive days of
imprisonment do not have to be served prior to or consecutively
with the period of electronically monitored house arrest.~~

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~~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.~~

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

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~~Of the fine imposed pursuant to this division, thirty-five
dollars shall be paid to an enforcement and education fund
established by the legislative authority of the law enforcement
agency in this state that primarily was responsible for the arrest
of the offender, as determined by the court that imposes the fine.
This share shall be used by the agency to pay only those costs it
incurs in enforcing 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. One hundred fifteen dollars of~~

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~~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 the incarceration. Fifty dollars of the fine imposed pursuant to this division shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (N) of section 4511.191 of the Revised Code. The balance of the fine shall be disbursed as otherwise provided by law.~~

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

~~(3)(a) Except as otherwise provided in division (A)(4) of this section 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)
of section 2929.23 of the Revised Code. The fifteen consecutive
days of imprisonment and the period of electronically monitored
house arrest shall not exceed one year. The fifteen consecutive
days of imprisonment do not have to be served prior to or
consecutively with the period of electronically monitored house
arrest.~~

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

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

~~Of the fine imposed pursuant to this division, one hundred
twenty-three dollars shall be paid to an enforcement and education
fund established by the legislative authority of the law
enforcement agency in this state that primarily was responsible~~

~~for the arrest of the offender, as determined by the court that 26844
imposes the fine. This share shall be used by the agency to pay 26845
only those costs it incurs in enforcing section 4511.19 of the 26846
Revised Code or a substantially similar municipal ordinance and in 26847
informing the public of the laws governing the operation of a 26848
motor vehicle while under the influence of alcohol, the dangers of 26849
operating a motor vehicle while under the influence of alcohol, 26850
and other information relating to the operation of a motor vehicle 26851
and the consumption of alcoholic beverages. Two hundred 26852
seventy-seven dollars of the fine imposed pursuant to this 26853
division shall be paid to the political subdivision that pays the 26854
cost of housing the offender during the offender's term of 26855
incarceration. This share shall be used by the political 26856
subdivision to pay or reimburse incarceration or treatment costs 26857
it incurs in housing or providing drug and alcohol treatment to 26858
persons who violate section 4511.19 of the Revised Code or a 26859
substantially similar municipal ordinance and to pay for ignition 26860
interlock devices and electronic house arrest equipment for 26861
persons who violate that section and shall be paid to the credit 26862
of the fund that pays the cost of incarceration. The balance of 26863
the fine shall be disbursed as otherwise provided by law. 26864~~

~~(b) Regardless of whether the vehicle the offender was 26865
operating at the time of the offense is registered in the 26866
offender's name or in the name of another person, the court, in 26867
addition to the penalties imposed under division (A)(3)(a) of this 26868
section and all other penalties provided by law and subject to 26869
section 4503.235 of the Revised Code, shall order the criminal 26870
forfeiture to the state of the vehicle the offender was operating 26871
at the time of the offense. The order of criminal forfeiture shall 26872
be issued and enforced in accordance with section 4503.234 of the 26873
Revised Code. 26874~~

~~(4)(a)(i) If, within six years of the offense, the offender 26875~~

has been convicted of or pleaded guilty to three or more 26876
violations identified in division (A)(2) of this section, and if 26877
sentence is not required to be imposed under division 26878
(A)(4)(a)(ii) of this section, the offender is guilty of a felony 26879
of the fourth degree and, notwithstanding division (A)(4) of 26880
section 2929.14 of the Revised Code, may be sentenced to a 26881
definite prison term that shall be not less than six months and 26882
not more than thirty months. The court shall sentence the offender 26883
in accordance with sections 2929.11 to 2929.19 of the Revised Code 26884
and shall impose as part of the sentence either a mandatory term 26885
of local incarceration of sixty consecutive days of imprisonment 26886
in accordance with division (G)(1) of section 2929.13 of the 26887
Revised Code or a mandatory prison term of sixty consecutive days 26888
of imprisonment in accordance with division (G)(2) of that 26889
section. If the court requires the offender to serve a mandatory 26890
term of local incarceration of sixty consecutive days of 26891
imprisonment in accordance with division (G)(1) of section 2929.13 26892
of the Revised Code, the court, pursuant to section 2929.17 of the 26893
Revised Code, may impose upon the offender a sentence that 26894
includes a term of electronically monitored house arrest, provided 26895
that the term of electronically monitored house arrest shall not 26896
commence until after the offender has served the mandatory term of 26897
local incarceration. 26898

(ii) If the offender previously has been convicted of or 26899
pleaded guilty to a violation of division (A) of section 4511.19 26900
of the Revised Code under circumstances in which the violation was 26901
a felony, regardless of when the prior violation and the prior 26902
conviction or guilty plea occurred, the offender is guilty of a 26903
felony of the third degree. The court shall sentence the offender 26904
in accordance with sections 2929.11 to 2929.19 of the Revised Code 26905
and shall impose as part of the sentence a mandatory prison term 26906
of sixty consecutive days of imprisonment in accordance with 26907

~~division (G)(2) of section 2929.13 of the Revised Code.~~ 26908

~~(iii) In addition to all other sanctions imposed on an offender under division (A)(4)(a)(i) or (ii) of this section, the court shall impose upon the offender, pursuant to section 2929.18 of the Revised Code, a fine of not less than eight hundred nor more than ten thousand dollars.~~ 26909
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~~In addition to any other sanction that it imposes upon the offender under division (A)(4)(a)(i) or (ii) of this section, the court shall require the offender to attend an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund.~~ 26914
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~~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~~ 26924
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~~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), 26972
or (8) of this section, the offender is guilty of a misdemeanor of 26973
the first degree, and the court shall sentence the offender to one 26974
of the following: 26975~~

~~(i) A term of imprisonment of at least three consecutive days 26976
and a requirement that the offender attend, for three consecutive 26977
days, a drivers' intervention program that is certified pursuant 26978
to section 3793.10 of the Revised Code; 26979~~

~~(ii) If the court determines that the offender is not 26980
conducive to treatment in the program, if the offender refuses to 26981
attend the program, or if the place of imprisonment can provide a 26982
drivers' intervention program, a term of imprisonment of at least 26983
six consecutive days. 26984~~

~~(b) In addition, the court shall impose upon the offender a 26985
fine of not less than two hundred fifty and not more than one 26986
thousand dollars. 26987~~

~~The court may require the offender, as a condition of 26988
probation, to attend and satisfactorily complete any treatment or 26989
education programs that comply with the minimum standards adopted 26990
pursuant to Chapter 3793. of the Revised Code by the director of 26991
alcohol and drug addiction services, in addition to the required 26992
attendance at a drivers' intervention program, that the operators 26993
of the drivers' intervention program determine that the offender 26994
should attend and to report periodically to the court on the 26995
offender's progress in the programs. The court also may impose any 26996
other conditions of probation on the offender that it considers 26997
necessary. 26998~~

~~Of the fine imposed pursuant to this division, twenty-five 26999
dollars shall be paid to an enforcement and education fund 27000
established by the legislative authority of the law enforcement 27001
agency in this state that primarily was responsible for the arrest 27002~~

of the offender, as determined by the court that imposes the fine. 27003
The agency shall use this share to pay only those costs it incurs 27004
in enforcing section 4511.19 of the Revised Code or a 27005
substantially similar municipal ordinance and in informing the 27006
public of the laws governing the operation of a motor vehicle 27007
while under the influence of alcohol, the dangers of operating a 27008
motor vehicle while under the influence of alcohol, and other 27009
information relating to the operation of a motor vehicle and the 27010
consumption of alcoholic beverages. Fifty dollars of the fine 27011
imposed pursuant to this division shall be paid to the political 27012
subdivision that pays the cost of housing the offender during the 27013
offender's term of incarceration to the credit of the fund that 27014
pays the cost of the incarceration. The political subdivision 27015
shall use this share to pay or reimburse incarceration or 27016
treatment costs it incurs in housing or providing drug and alcohol 27017
treatment to persons who violate section 4511.19 of the Revised 27018
Code or a substantially similar municipal ordinance and to pay for 27019
ignition interlock devices and electronic house arrest equipment 27020
for persons who violate that section. Twenty-five dollars of the 27021
fine imposed pursuant to this division shall be deposited into the 27022
county indigent drivers alcohol treatment fund or municipal 27023
indigent drivers alcohol treatment fund under the control of that 27024
court, as created by the county or municipal corporation pursuant 27025
to division (N) of section 4511.191 of the Revised Code. The 27026
balance of the fine shall be disbursed as otherwise provided by 27027
law. 27028

(6)(a) Except as otherwise provided in division (A)(8) of 27029
this section and except as provided in this division, if, within 27030
six years of the offense, the offender has been convicted of or 27031
pleaded guilty to one violation of division (A) or (B) of section 27032
4511.19 of the Revised Code, a municipal ordinance relating to 27033
operating a vehicle while under the influence of alcohol, a drug 27034

~~of abuse, or alcohol and a drug of abuse, a municipal ordinance 27035
relating to operating a vehicle with a prohibited concentration of 27036
alcohol in the blood, breath, or urine, section 2903.04 of the 27037
Revised Code in a case in which the offender was subject to the 27038
sanctions described in division (D) of that section, section 27039
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 27040
ordinance that is substantially similar to section 2903.07 of the 27041
Revised Code in a case in which the jury or judge found that the 27042
offender was under the influence of alcohol, a drug of abuse, or 27043
alcohol and a drug of abuse, or a statute of the United States or 27044
of any other state or a municipal ordinance of a municipal 27045
corporation located in any other state that is substantially 27046
similar to division (A) or (B) of section 4511.19 of the Revised 27047
Code, the offender is guilty of a misdemeanor of the first degree, 27048
and the court shall sentence the offender to a term of 27049
imprisonment of twenty consecutive days and may sentence the 27050
offender pursuant to section 2929.21 of the Revised Code to a 27051
longer term of imprisonment. As an alternative to the term of 27052
imprisonment required to be imposed by this division, but subject 27053
to division (A)(12) of this section, the court may impose upon the 27054
offender a sentence consisting of both a term of imprisonment of 27055
ten consecutive days and not less than thirty-six consecutive days 27056
of electronically monitored house arrest as defined in division 27057
(A) of section 2929.23 of the Revised Code. The ten consecutive 27058
days of imprisonment and the period of electronically monitored 27059
house arrest shall not exceed six months. The ten consecutive days 27060
of imprisonment do not have to be served prior to or consecutively 27061
with the period of electronically monitored house arrest. 27062~~

~~In addition, the court shall impose upon the offender a fine 27064
of not less than three hundred fifty and not more than one 27065
thousand five hundred dollars. 27066~~

~~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 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. One hundred fifteen 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 the~~

~~incarceration. Fifty dollars of the fine imposed pursuant to this 27099
division shall be deposited into the county indigent drivers 27100
alcohol treatment fund or municipal indigent drivers alcohol 27101
treatment fund under the control of that court, as created by the 27102
county or municipal corporation pursuant to division (N) of 27103
section 4511.191 of the Revised Code. The balance of the fine 27104
shall be disbursed as otherwise provided by law. 27105~~

~~(b) Regardless of whether the vehicle the offender was 27106
operating at the time of the offense is registered in the 27107
offender's name or in the name of another person, the court, in 27108
addition to the penalties imposed under division (A)(6)(a) of this 27109
section and all other penalties provided by law and subject to 27110
section 4503.235 of the Revised Code, shall order the 27111
immobilization for ninety days of the vehicle the offender was 27112
operating at the time of the offense and the impoundment for 27113
ninety days of the identification license plates of that vehicle. 27114
The order for the immobilization and impoundment shall be issued 27115
and enforced in accordance with section 4503.233 of the Revised 27116
Code. 27117~~

~~(7)(a) Except as otherwise provided in division (A)(8) of 27118
this section and except as provided in this division, if, within 27119
six years of the offense, the offender has been convicted of or 27120
pleaded guilty to two violations of division (A) or (B) of section 27121
4511.19 of the Revised Code, a municipal ordinance relating to 27122
operating a vehicle while under the influence of alcohol, a drug 27123
of abuse, or alcohol and a drug of abuse, a municipal ordinance 27124
relating to operating a vehicle with a prohibited concentration of 27125
alcohol in the blood, breath, or urine, section 2903.04 of the 27126
Revised Code in a case in which the offender was subject to the 27127
sanctions described in division (D) of that section, section 27128
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 27129
ordinance that is substantially similar to section 2903.07 of the 27130~~

~~Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the court shall sentence the offender to a term of imprisonment of sixty 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 thirty consecutive days and not less than one hundred ten consecutive days of electronically monitored house arrest as defined in division (A) of section 2929.23 of the Revised Code. The thirty consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed one year. The thirty consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.~~

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

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

~~alcohol treatment fund.~~ 27163

~~Of the fine imposed pursuant to this division, one hundred 27164
twenty-three dollars shall be paid to an enforcement and education 27165
fund established by the legislative authority of the law 27166
enforcement agency in this state that primarily was responsible 27167
for the arrest of the offender, as determined by the court that 27168
imposes the fine. The agency shall use this share to pay only 27169
those costs it incurs in enforcing section 4511.19 of the Revised 27170
Code or a substantially similar municipal ordinance and in 27171
informing the public of the laws governing the operation of a 27172
motor vehicle while under the influence of alcohol, the dangers of 27173
operating a motor vehicle while under the influence of alcohol, 27174
and other information relating to the operation of a motor vehicle 27175
and the consumption of alcoholic beverages. Two hundred 27176
seventy-seven dollars of the fine imposed pursuant to this 27177
division shall be paid to the political subdivision that pays the 27178
cost of housing the offender during the offender's term of 27179
incarceration. The political subdivision shall use this share to 27180
pay or reimburse incarceration or treatment costs it incurs in 27181
housing or providing drug and alcohol treatment to persons who 27182
violate section 4511.19 of the Revised Code or a substantially 27183
similar municipal ordinance and to pay for ignition interlock 27184
devices and electronic house arrest equipment for persons who 27185
violate that section, and this share shall be paid to the credit 27186
of the fund that pays the cost of incarceration. The balance of 27187
the fine shall be disbursed as otherwise provided by law. 27188~~

~~(b) Regardless of whether the vehicle the offender was 27189
operating at the time of the offense is registered in the 27190
offender's name or in the name of another person, the court, in 27191
addition to the penalties imposed under division (A)(7)(a) of this 27192
section and all other penalties provided by law and subject to 27193
section 4503.235 of the Revised Code, shall order the 27194~~

immobilization for one hundred eighty days of the vehicle the 27195
offender was operating at the time of the offense and the 27196
impoundment for one hundred eighty days of the identification 27197
license plates of that vehicle. The order for the immobilization 27198
and impoundment shall be issued and enforced in accordance with 27199
section 4503.233 of the Revised Code. 27200

(8)(a)(i) If, within six years of the offense, the offender 27201
has been convicted of or pleaded guilty to three or more 27202
violations of division (A) or (B) of section 4511.19 of the 27203
Revised Code, a municipal ordinance relating to operating a 27204
vehicle while under the influence of alcohol, a drug of abuse, or 27205
alcohol and a drug of abuse, a municipal ordinance relating to 27206
operating a vehicle with a prohibited concentration of alcohol in 27207
the blood, breath, or urine, section 2903.04 of the Revised Code 27208
in a case in which the offender was subject to the sanctions 27209
described in division (D) of that section, section 2903.06, 27210
2903.07, or 2903.08 of the Revised Code or a municipal ordinance 27211
that is substantially similar to section 2903.07 of the Revised 27212
Code in a case in which the jury or judge found that the offender 27213
was under the influence of alcohol, a drug of abuse, or alcohol 27214
and a drug of abuse, or a statute of the United States or of any 27215
other state or a municipal ordinance of a municipal corporation 27216
located in any other state that is substantially similar to 27217
division (A) or (B) of section 4511.19 of the Revised Code, and if 27218
sentence is not required to be imposed under division 27219
(A)(8)(a)(ii) of this section, the offender is guilty of a felony 27220
of the fourth degree and, notwithstanding division (A)(4) of 27221
section 2929.14 of the Revised Code, may be sentenced to a 27222
definite prison term that shall be not less than six months and 27223
not more than thirty months. The court shall sentence the offender 27224
in accordance with sections 2929.11 to 2929.19 of the Revised Code 27225
and shall impose as part of the sentence either a mandatory term 27226

~~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 has served the mandatory term of local incarceration.~~

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

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

~~In addition to any other sanction that it imposes upon the offender under division (A)(8)(a)(i) or (ii) of this section, the~~

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

~~Of the fine imposed pursuant to this division, two hundred
ten dollars shall be paid to an enforcement and education fund
established by the legislative authority of the law enforcement
agency in this state that primarily was responsible for the arrest
of the offender, as determined by the court that imposes the fine.
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 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. 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.~~ 27291

~~(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)(8)(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.~~ 27292
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~~(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.~~ 27302
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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.~~ 27306
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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~~ 27315
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~~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
the time actually spent under employment.~~

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

~~(10) Notwithstanding any section of the Revised Code that
authorizes the suspension of the imposition or execution of a
sentence, the placement of an offender in any treatment program in
lieu of imprisonment, or the use of a community control sanction
for an offender convicted of a felony, no court shall suspend the
ten, twenty, thirty, or sixty consecutive days of imprisonment
required to be imposed on an offender by division (A)(2), (3),
(6), or (7) of this section, no court shall place an offender who
is sentenced pursuant to division (A)(2), (3), (4), (6), (7), or
(8) of this section in any treatment program in lieu of~~

~~imprisonment until after the offender has served the ten, twenty, 27355
thirty, or sixty consecutive days of imprisonment or the mandatory 27356
term of local incarceration or mandatory prison term of sixty or 27357
one hundred twenty consecutive days required to be imposed 27358
pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this 27359
section, no court that sentences an offender under division (A)(4) 27360
or (8) of this section shall impose any sanction other than a 27361
mandatory term of local incarceration or mandatory prison term to 27362
apply to the offender until after the offender has served the 27363
mandatory term of local incarceration or mandatory prison term of 27364
sixty or one hundred twenty consecutive days required to be 27365
imposed pursuant to division (A)(4) or (8) of this section, and no 27366
court that imposes a sentence of imprisonment and a period of 27367
electronically monitored house arrest upon an offender under 27368
division (A)(2), (3), (6), or (7) of this section shall suspend 27369
any portion of the sentence or place the offender in any treatment 27370
program in lieu of imprisonment or electronically monitored house 27371
arrest. Notwithstanding any section of the Revised Code that 27372
authorizes the suspension of the imposition or execution of a 27373
sentence or the placement of an offender in any treatment program 27374
in lieu of imprisonment, no court, except as specifically 27375
authorized by division (A)(1) or (5) of this section, shall 27376
suspend the three or more consecutive days of imprisonment 27377
required to be imposed by division (A)(1) or (5) of this section 27378
or place an offender who is sentenced pursuant to division (A)(1) 27379
or (5) of this section in any treatment program in lieu of 27380
imprisonment until after the offender has served the three or more 27381
consecutive days of imprisonment required to be imposed pursuant 27382
to division (A)(1) or (5) of this section. 27383~~

~~(11) No court shall sentence an offender to an alcohol 27384
treatment program pursuant to division (A)(1), (2), (3), (4), (5), 27385
(6), (7), or (8) of this section unless the treatment program 27386~~

~~complies with the minimum standards adopted pursuant to Chapter 27387
3793. of the Revised Code by the director of alcohol and drug 27388
addiction services. 27389~~

~~(12) No court shall impose the alternative sentence of a term 27390
of imprisonment plus a term of electronically monitored house 27391
arrest permitted to be imposed by division (A)(2), (3), (6), or 27392
(7) of this section, unless within sixty days of the date of 27393
sentencing, the court issues a written finding, entered into the 27394
record, that due to the unavailability of space at the 27395
incarceration facility where the offender is required to serve the 27396
term of imprisonment imposed upon the offender, the offender will 27397
not be able to commence serving the term of imprisonment within 27398
the sixty-day period following the date of sentencing. If the 27399
court issues such a written finding, the court may impose the 27400
alternative sentence comprised of a term of imprisonment and a 27401
term of electronically monitored house arrest permitted to be 27402
imposed by division (A)(2), (3), (6), or (7) of this section. 27403~~

~~(B) Whoever violates section 4511.192, 4511.251, or 4511.85 27404
of the Revised Code is guilty of a misdemeanor of the first 27405
degree. The court, in addition to or independent of all other 27406
penalties provided by law, may suspend for a period not to exceed 27407
one year the driver's or commercial driver's license or permit or 27408
nonresident operating privilege of any person who pleads guilty to 27409
or is convicted of a violation of section 4511.192 of the Revised 27410
Code. 27411~~

~~(C) Whoever violates section 4511.63, 4511.76, 4511.761, 27412
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code is 27413
guilty of one of the following: 27414~~

~~(1) Except as otherwise provided in division (C)(2) of this 27415
section, a minor misdemeanor. 27416~~

~~(2) If the offender previously has been convicted of or 27417~~

~~pleaded guilty to one or more violations of section 4511.63,
4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the
Revised Code or a municipal ordinance that is substantially
similar to any of those sections, a misdemeanor of the fourth
degree.~~ 27418
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~~(D)(1) Whoever violates any provision of sections 4511.01 to
4511.76 or section 4511.84 of the Revised Code, for which no
penalty otherwise is provided in this the section violated is
guilty of one of the following:~~ 27423
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~~(a)(A) Except as otherwise provided in division (D)(1)(b),
(1)(c), (2), (3), (B) or (4)(C) of this section, a minor
misdemeanor;~~ 27427
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~~(b)(B) If, within one year of the offense, the offender
previously has been convicted of or pleaded guilty to one
violation of any provision of sections 4511.01 to 4511.76 or
section 4511.84 of the Revised Code for which no penalty otherwise
is provided in this section or a municipal ordinance that is
substantially similar to any provision of sections 4511.01 to
4511.76 or section 4511.84 of the Revised Code for which no
penalty otherwise is provided in this section predicate motor
vehicle or traffic offense, a misdemeanor of the fourth degree;~~ 27430
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~~(c)(C) If, within one year of the offense, the offender
previously has been convicted of or pleaded guilty to two or more
violations of any provision described in division (D)(1)(b) of
this section or any municipal ordinance that is substantially
similar to any of those provisions predicate motor vehicle or
traffic offenses, a misdemeanor of the third degree.~~ 27439
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~~(2) When any person is found guilty of a first offense for a
violation of section 4511.21 of the Revised Code upon a finding
that the person operated a motor vehicle faster than thirty-five
miles an hour in a business district of a municipal corporation,~~ 27445
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~~or faster than fifty miles an hour in other portions, or faster
than thirty-five miles an hour while passing through a school zone
during recess or while children are going to or leaving school
during the opening or closing hours, the person is guilty of a
misdemeanor of the fourth degree.~~ 27449
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~~(3) Notwithstanding section 2929.21 of the Revised Code, upon
a finding that such person operated a motor vehicle in a
construction zone where a sign was then posted in accordance with
section 4511.98 of the Revised Code, the court, in addition to all
other penalties provided by law, shall impose a fine of two times
the usual amount imposed for the violation. No court shall impose
a fine of two times the usual amount imposed for the violation
upon an offender who alleges, in an affidavit filed with the court
prior to the offender's sentencing, that the offender is indigent
and is unable to pay the fine imposed pursuant to this division,
provided the court determines the offender is an indigent person
and is unable to pay the fine.~~ 27454
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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.~~ 27466
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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.~~ 27471
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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,~~ 27479
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~~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.~~ 27481
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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.~~ 27484
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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
be punished as follows:~~ 27491
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~~(a) Except as otherwise provided in division (H)(1)(b) of
this section, the offender is guilty of a minor misdemeanor.~~ 27494
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~~(b) If the offender previously has been convicted of or
pleaded guilty to a violation of division (A) or (B) of section
4511.81 of the Revised Code or of a municipal ordinance that is
substantially similar to either of those divisions, the offender
is guilty of a misdemeanor of the fourth degree.~~ 27496
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~~(2) Whoever is not a resident of this state, violates
division (A) or (B) of section 4511.81 of the Revised Code, and
fails to prove by a preponderance of the evidence that the
offender's use or nonuse of a child restraint system was in
accordance with the law of the state of which the offender is a
resident is guilty of a minor misdemeanor on a first offense; on a
second or subsequent offense, that person is guilty of a
misdemeanor of the fourth degree.~~ 27501
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~~(3) All fines imposed pursuant to division (H)(1) or (2) of
this section shall be forwarded to the treasurer of state for
deposit in the "child highway safety fund" created by division (G)~~ 27509
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of ~~section 4511.81 of the Revised Code.~~ 27512

~~(I) Whoever violates section 4511.202 of the Revised Code is~~ 27513
~~guilty of operating a motor vehicle without being in control of~~ 27514
~~it, a minor misdemeanor.~~ 27515

~~(J) Whoever violates division (B) of section 4511.74,~~ 27516
~~division (B)(1), (2), or (3), (C), or (E)(1), (2), or (3) of~~ 27517
~~section 4511.83 of the Revised Code is guilty of a misdemeanor of~~ 27518
~~the first degree.~~ 27519

~~(K) Except as otherwise provided in this division, whoever~~ 27520
~~violates division (E) of section 4511.11, division (A) or (C) of~~ 27521
~~section 4511.17, or section 4511.18 of the Revised Code is guilty~~ 27522
~~of a misdemeanor of the third degree. If a violation of division~~ 27523
~~(A) or (C) of section 4511.17 of the Revised Code creates a risk~~ 27524
~~of physical harm to any person, the offender is guilty of a~~ 27525
~~misdemeanor of the first degree. A violation of division (A) or~~ 27526
~~(C) of section 4511.17 of the Revised Code that causes serious~~ 27527
~~physical harm to property that is owned, leased, or controlled by~~ 27528
~~a state or local authority is a felony of the fifth degree.~~ 27529

~~(L) Whoever violates division (H) of section 4511.69 of the~~ 27530
~~Revised Code shall be punished as follows:~~ 27531

~~(1) Except as otherwise provided in division (L)(2) of this~~ 27532
~~section, the offender shall be issued a warning.~~ 27533

~~(2) If the offender previously has been convicted of or~~ 27534
~~pleaded guilty to a violation of division (H) of section 4511.69~~ 27535
~~of the Revised Code or of a municipal ordinance that is~~ 27536
~~substantially similar to that division, the offender shall not be~~ 27537
~~issued a warning but shall be fined twenty-five dollars for each~~ 27538
~~parking location that is not properly marked or whose markings are~~ 27539
~~not properly maintained.~~ 27540

~~(M) Whoever violates division (A)(1) or (2) of section~~ 27541
~~4511.45 of the Revised Code is guilty of a misdemeanor of the~~ 27542

~~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.~~ 27543
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~~(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:~~ 27548
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~~(a) Except as otherwise provided in division (N)(1)(b) of this section, the offender is guilty of a misdemeanor of the fourth degree.~~ 27551
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~~(b) The offender is guilty of a misdemeanor of the third degree if, within one year of the offense, the offender has been convicted of or pleaded guilty to any violation of the following:~~ 27554
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~~(i) Division (A) or (B) of section 4511.19 of the Revised Code;~~ 27557
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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;~~ 27559
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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;~~ 27562
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~~(iv) 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;~~ 27565
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~~(v) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;~~ 27568
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~~(vi) Division (A)(2), (3), or (4) of section 2903.06 or division (A)(2) of section 2903.08 of the Revised Code or a~~ 27571
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~~municipal ordinance that is substantially similar to any of those 27573
divisions, or former section 2903.07 of the Revised Code or a 27574
substantially similar municipal ordinance, in a case in which the 27575
jury or judge found that the offender was under the influence of 27576
alcohol, a drug of abuse, or alcohol and a drug of abuse; 27577~~

~~(vii) A statute of the United States or of any other state or 27578
a municipal ordinance of a municipal corporation located in any 27579
other state that is substantially similar to division (A) or (B) 27580
of section 4511.19 of the Revised Code. 27581~~

~~(2) In addition to or independent of all other penalties 27582
provided by law, the offender's driver's or commercial driver's 27583
license or permit or nonresident operating privilege shall be 27584
suspended in accordance with, and for the period of time specified 27585
in, division (E) of section 4507.16 of the Revised Code. 27586~~

~~(O) Whoever violates section 4511.62 of the Revised Code is 27587
guilty of a misdemeanor of the fourth degree. 27588~~

~~(P) Whoever violates division (F)(1)(a) or (b) of section 27589
4511.69 of the Revised Code is guilty of a misdemeanor and shall 27590
be fined not less than two hundred fifty nor more than five 27591
hundred dollars, but in no case shall an offender be sentenced to 27592
any term of imprisonment. 27593~~

~~Arrest or conviction for a violation of division (F)(1)(a) or 27594
(b) of section 4511.69 of the Revised Code does not constitute a 27595
criminal record and need not be reported by the person so arrested 27596
or convicted in response to any inquiries contained in any 27597
application for employment, license, or other right or privilege, 27598
or made in connection with the person's appearance as a witness. 27599~~

~~Every fine collected under this division shall be paid by the 27600
clerk of the court to the political subdivision in which the 27601
violation occurred. Except as provided in this division, the 27602
political subdivision shall use the fine moneys it receives under 27603~~

~~this division to pay the expenses it incurs in complying with the
signage and notice requirements contained in division (E) of
section 4511.69 of the Revised Code. The political subdivision may
use up to fifty per cent of each fine it receives under this
division to pay the costs of educational, advocacy, support, and
assistive technology programs for persons with disabilities, and
for public improvements within the political subdivision that
benefit or assist persons with disabilities, if governmental
agencies or nonprofit organizations offer the programs.~~

Sec. 4513.02. (A) No person shall drive or move, or cause or
knowingly permit to be driven or moved, on any highway any vehicle
or combination of vehicles which is in such unsafe condition as to
endanger any person.

(B) When directed by any state highway patrol trooper, the
operator of any motor vehicle shall stop and submit such motor
vehicle to an inspection under division (B)(1) or (2) of this
section, as appropriate, and such tests as are necessary.

(1) Any motor vehicle not subject to inspection by the public
utilities commission shall be inspected and tested to determine
whether it is unsafe or not equipped as required by law, or that
its equipment is not in proper adjustment or repair, or in
violation of the equipment provisions of Chapter 4513. of the
Revised Code.

Such inspection shall be made with respect to the brakes,
lights, turn signals, steering, horns and warning devices, glass,
mirrors, exhaust system, windshield wipers, tires, and such other
items of equipment as designated by the superintendent of the
state highway patrol by rule or regulation adopted pursuant to
sections 119.01 to 119.13 of the Revised Code.

Upon determining that a motor vehicle is in safe operating
condition and its equipment in conformity with Chapter 4513. of

the Revised Code, the inspecting officer shall issue to the operator an official inspection sticker, which shall be in such form as the superintendent prescribes except that its color shall vary from year to year.

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(2) Any motor vehicle subject to inspection by the public utilities commission shall be inspected and tested in accordance with rules adopted by the commission. Upon determining that the vehicle and operator are in compliance with rules adopted by the commission, the inspecting officer shall issue to the operator an appropriate official inspection sticker.

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(C) The superintendent of the state highway patrol, pursuant to sections 119.01 to 119.13 of the Revised Code, shall determine and promulgate standards for any inspection program conducted by a political subdivision of this state. These standards shall exempt licensed collector's vehicles and historical motor vehicles from inspection. Any motor vehicle bearing a valid certificate of inspection issued by another state or a political subdivision of this state whose inspection program conforms to the superintendent's standards, and any licensed collector's vehicle or historical motor vehicle which is not in a condition which endangers the safety of persons or property, shall be exempt from the tests provided in division (B) of this section.

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(D) Every person, firm, association, or corporation that, in the conduct of its business, owns and operates not less than fifteen motor vehicles in this state that are not subject to regulation by the public utilities commission and that, for the purpose of storing, repairing, maintaining, and servicing such motor vehicles, equips and operates one or more service departments within this state, may file with the superintendent of the state highway patrol applications for permits for such service departments as official inspection stations for its own motor vehicles. Upon receiving an application for each such service

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department, and after determining that it is properly equipped and 27667
has competent personnel to perform the inspections referred to in 27668
this section, the superintendent shall issue the necessary 27669
inspection stickers and permit to operate as an official 27670
inspection station. Any such person who has had one or more 27671
service departments so designated as official inspection stations 27672
may have motor vehicles that are owned and operated by the person 27673
and that are not subject to regulation by the public utilities 27674
commission, excepting private passenger cars owned by the person 27675
or the person's employees, inspected at such service department; 27676
and any motor vehicle bearing a valid certificate of inspection 27677
issued by such service department shall be exempt from the tests 27678
provided in division (B) of this section. 27679

No permit for an official inspection station shall be 27680
assigned or transferred or used at any location other than therein 27681
designated, and every such permit shall be posted in a conspicuous 27682
place at the location designated. 27683

If a person, firm, association, or corporation owns and 27684
operates fifteen or more motor vehicles in the conduct of business 27685
and is subject to regulation by the public utilities commission, 27686
that person, firm, association, or corporation is not eligible to 27687
apply to the superintendent for permits to enable any of its 27688
service departments to serve as official inspection stations for 27689
its own motor vehicles. 27690

(E) When any motor vehicle is found to be unsafe for 27691
operation, the inspecting officer may order it removed from the 27692
highway and not operated, except for purposes of removal and 27693
repair, until it has been repaired pursuant to a repair order as 27694
provided in division (F) of this section. 27695

(F) When any motor vehicle is found to be defective or in 27696
violation of Chapter 4513. of the Revised Code, the inspecting 27697
officer may issue a repair order, in such form and containing such 27698

information as the superintendent shall prescribe, to the owner or 27699
operator of the motor vehicle. The owner or operator shall 27700
thereupon obtain such repairs as are required and shall, as 27701
directed by the inspecting officer, return the repair order 27702
together with proof of compliance with its provisions. When any 27703
motor vehicle or operator subject to rules of the public utilities 27704
commission fails the inspection, the inspecting officer shall 27705
issue an appropriate order to obtain compliance with such rules. 27706

(G) Sections 4513.01 to 4513.37 of the Revised Code, with 27707
respect to equipment on vehicles, do not apply to implements of 27708
husbandry, road machinery, road rollers, or agricultural tractors 27709
except as made applicable to such articles of machinery. 27710

(H) Except as otherwise provided in this division, whoever 27711
violates this section is guilty of a minor misdemeanor. If the 27712
offender previously has been convicted of a violation of this 27713
section, whoever violates this section is guilty of a misdemeanor 27714
of the third degree. 27715

Sec. 4513.021. (A) As used in this section: 27716

(1) "Passenger car" means any motor vehicle with motive 27717
power, designed for carrying ten persons or less, except a 27718
multipurpose passenger vehicle or motorcycle. 27719

(2) "Multipurpose passenger vehicle" means a motor vehicle 27720
with motive power, except a motorcycle, designed to carry ten 27721
persons or less, that is constructed either on a truck chassis or 27722
with special features for occasional off-road operation. 27723

(3) "Truck" means every motor vehicle, except trailers and 27724
semitrailers, designed and used to carry property and having a 27725
gross vehicle weight rating of ten thousand pounds or less. 27726

(4) "Manufacturer" has the same meaning as in section 4501.01 27727
of the Revised Code. 27728

(5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for that vehicle.

(B) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt rules in conformance with standards of the vehicle equipment safety commission, that shall govern the maximum bumper height or, in the absence of bumpers and in cases where bumper heights have been lowered or modified, the maximum height to the bottom of the frame rail, of any passenger car, multipurpose passenger vehicle, or truck.

(C) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this state that does not conform to the requirements of this section or to any applicable rule adopted pursuant to this section.

(D) No person shall modify any motor vehicle registered in this state in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system.

(E) Nothing contained in this section or in the rules adopted pursuant to this section shall be construed to prohibit either of the following:

(1) The installation upon a passenger car, multipurpose passenger vehicle, or truck registered in this state of heavy duty equipment, including shock absorbers and overload springs;

(2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this state with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(F) This section and the rules adopted pursuant to it do not 27760
apply to any specially designed or modified passenger car, 27761
multipurpose passenger vehicle, or truck when operated off a 27762
street or highway in races and similar events. 27763

(G) Except as otherwise provided in this division, whoever 27764
violates this section is guilty of a minor misdemeanor. If the 27765
offender previously has been convicted of a violation of this 27766
section, whoever violates this section is guilty of a misdemeanor 27767
of the third degree. 27768

Sec. 4513.022. (A) As part of the motor vehicle inspection 27769
conducted pursuant to section 4513.02 of the Revised Code, the 27770
state highway patrol trooper shall request that the owner or 27771
operator of the motor vehicle produce proof that the owner 27772
maintains or has maintained on the owner's behalf, proof of 27773
financial responsibility as required by section 4509.101 of the 27774
Revised Code. 27775

(B) A state highway patrol trooper shall indicate on every 27776
traffic ticket issued pursuant to a motor vehicle inspection 27777
whether the person receiving the traffic ticket produced proof of 27778
the maintenance of financial responsibility in response to the 27779
state highway patrol trooper's request. The state highway patrol 27780
trooper shall inform every person who receives a traffic ticket 27781
and who has failed to produce proof of the maintenance of 27782
financial responsibility at the time of the motor vehicle 27783
inspection that the person must submit proof to the traffic 27784
violations bureau with any payment of a fine and costs for the 27785
ticketed violation or, if the person is to appear in court for the 27786
violation, the person must submit proof to the court. 27787

(C)(1) If a person who has failed to produce proof of the 27788
maintenance of financial responsibility appears in court for a 27789
ticketed violation, the court may permit the defendant to present 27790

evidence of proof of financial responsibility to the court at such 27791
time and in such manner as the court determines to be necessary or 27792
appropriate. The clerk of courts shall provide the registrar with 27793
the identity of any person who fails to submit proof of the 27794
maintenance of financial responsibility pursuant to division (B) 27795
of this section. 27796

(2) If a person who has failed to present proof of the 27797
maintenance of financial responsibility also fails to submit that 27798
proof to the traffic violations bureau, the traffic violations 27799
bureau shall notify the registrar of the identity of that person. 27800

(3) Upon receiving notice from a clerk of courts or a traffic 27801
violation bureau pursuant to division (C) of this section, the 27802
registrar shall proceed against these persons under division (D) 27803
of section 4509.101 of the Revised Code in the same manner as the 27804
registrar proceeds against persons identified by the clerk of 27805
courts under division (D)(4) of section 4509.101 of the Revised 27806
Code. 27807

(D) A state highway patrol trooper may charge an owner or 27808
operator of a motor vehicle with a violation ~~if division (B)(1)~~ of 27809
section ~~4507.02~~ 4510.16 of the Revised Code when the operator 27810
fails to produce proof of the maintenance of financial 27811
responsibility upon the state highway patrol trooper's request 27812
under division (A) of this section, if a check of the owner or 27813
operator's driving record indicates that the owner or operator, at 27814
the time of the motor vehicle inspection, is required to file and 27815
maintain proof of financial responsibility under section 4509.45 27816
of the Revised Code for a previous violation of Chapter 4509. of 27817
the Revised Code. 27818

Sec. 4513.03. (A) Every vehicle upon a street or highway 27819
within this state during the time from sunset to sunrise, and at 27820
any other time when there are unfavorable atmospheric conditions 27821

or when there is not sufficient natural light to render 27822
discernible persons, vehicles, and substantial objects on the 27823
highway at a distance of one thousand feet ahead, shall display 27824
lighted lights and illuminating devices as required by sections 27825
4513.04 to 4513.37 of the Revised Code, for different classes of 27826
vehicles; except that every motorized bicycle shall display at 27827
such times lighted lights meeting the rules adopted by the 27828
director of public safety under section 4511.521 of the Revised 27829
Code. No motor vehicle, during such times, shall be operated upon 27830
a street or highway within this state using only parking lights as 27831
illumination. 27832

Whenever in such sections a requirement is declared as to the 27833
distance from which certain lamps and devices shall render objects 27834
visible, or within which such lamps or devices shall be visible, 27835
such distance shall be measured upon a straight level unlighted 27836
highway under normal atmospheric conditions unless a different 27837
condition is expressly stated. 27838

Whenever in such sections a requirement is declared as to the 27839
mounted height of lights or devices, it shall mean from the center 27840
of such light or device to the level ground upon which the vehicle 27841
stands. 27842

(B) Whoever violates this section shall be punished as 27843
provided in section 4513.99 of the Revised Code. 27844

Sec. 4513.04. (A) Every motor vehicle, other than a 27845
motorcycle, and every trackless trolley shall be equipped with at 27846
least two headlights with at least one near each side of the front 27847
of the motor vehicle or trackless trolley. 27848

Every motorcycle shall be equipped with at least one and not 27849
more than two headlights. 27850

(B) Whoever violates this section shall be punished as 27851
provided in section 4513.99 of the Revised Code. 27852

Sec. 4513.05. (A) Every motor vehicle, trackless trolley, 27853
trailer, semitrailer, pole trailer, or vehicle which is being 27854
drawn at the end of a train of vehicles shall be equipped with at 27855
least one tail light mounted on the rear which, when lighted, 27856
shall emit a red light visible from a distance of five hundred 27857
feet to the rear, provided that in the case of a train of vehicles 27858
only the tail light on the rearmost vehicle need be visible from 27859
the distance specified. 27860

Either a tail light or a separate light shall be so 27861
constructed and placed as to illuminate with a white light the 27862
rear registration plate, when such registration plate is required, 27863
and render it legible from a distance of fifty feet to the rear. 27864
Any tail light, together with any separate light for illuminating 27865
the rear registration plate, shall be so wired as to be lighted 27866
whenever the headlights or auxiliary driving lights are lighted, 27867
except where separate lighting systems are provided for trailers 27868
for the purpose of illuminating such registration plate. 27869

(B) Whoever violates this section shall be punished as 27870
provided in section 4513.99 of the Revised Code. 27871

Sec. 4513.06. (A) Every new motor vehicle sold after 27872
September 6, 1941, and operated on a highway, other than a 27873
commercial tractor, to which a trailer or semitrailer is attached 27874
shall carry at the rear, either as a part of the tail lamps or 27875
separately, two red reflectors meeting the requirements of this 27876
section, except that vehicles of the type mentioned in section 27877
4513.07 of the Revised Code shall be equipped with reflectors as 27878
required by the regulations provided for in said section. 27879

Every such reflector shall be of such size and 27880
characteristics and so maintained as to be visible at night from 27881
all distances within three hundred feet to fifty feet from such 27882

vehicle. 27883

(B) Whoever violates this section shall be punished as 27884
provided in section 4513.99 of the Revised Code. 27885

Sec. 4513.07. (A) The director of public safety shall 27886
prescribe and promulgate regulations relating to clearance lights, 27887
marker lights, reflectors, and stop lights on ~~busses~~ buses, 27888
trackless trolleys, trucks, commercial tractors, trailers, 27889
semitrailers, and pole trailers, when operated upon any highway, 27890
and such vehicles shall be equipped as required by such 27891
regulations, and such equipment shall be lighted at all times 27892
mentioned in section 4513.03 of the Revised Code, except that 27893
clearance lights and side marker lights need not be lighted on any 27894
such vehicle when it is operated within a municipal corporation 27895
where there is sufficient light to reveal any person or 27896
substantial object on the highway at a distance of five hundred 27897
feet. 27898

Such equipment shall be in addition to all other lights 27899
specifically required by sections 4513.03 to 4513.16 of the 27900
Revised Code. 27901

Vehicles operated under the jurisdiction of the public 27902
utilities commission are not subject to this section. 27903

(B) Whoever violates this section shall be punished as 27904
provided in section 4513.99 of the Revised Code. 27905

Sec. 4513.071. (A) Every motor vehicle, trailer, semitrailer, 27906
and pole trailer when operated upon a highway shall be equipped 27907
with two or more stop lights, except that passenger cars 27908
manufactured or assembled prior to January 1, 1967, motorcycles, 27909
and motor-driven cycles shall be equipped with at least one stop 27910
light. Stop lights shall be mounted on the rear of the vehicle, 27911
actuated upon application of the service brake, and may be 27912

incorporated with other rear lights. Such stop lights when 27913
actuated shall emit a red light visible from a distance of five 27914
hundred feet to the rear, provided that in the case of a train of 27915
vehicles only the stop lights on the rear-most vehicle need be 27916
visible from the distance specified. 27917

Such stop lights when actuated shall give a steady warning 27918
light to the rear of a vehicle or train of vehicles to indicate 27919
the intention of the operator to diminish the speed of or stop a 27920
vehicle or train of vehicles. 27921

When stop lights are used as required by this section, they 27922
shall be constructed or installed so as to provide adequate and 27923
reliable illumination and shall conform to the appropriate rules 27924
and regulations established under section 4513.19 of the Revised 27925
Code. 27926

Historical motor vehicles as defined in section 4503.181 of 27927
the Revised Code, not originally manufactured with stop lights, 27928
are not subject to this section. 27929

(B) Whoever violates this section shall be punished as 27930
provided in section 4513.99 of the Revised Code. 27931

Sec. 4513.09. (A) Whenever the load upon any vehicle extends 27932
to the rear four feet or more beyond the bed or body of such 27933
vehicle, there shall be displayed at the extreme rear end of the 27934
load, at the times specified in section 4513.03 of the Revised 27935
Code, a red light or lantern plainly visible from a distance of at 27936
least five hundred feet to the sides and rear. The red light or 27937
lantern required by this section is in addition to the red rear 27938
light required upon every vehicle. At any other time there shall 27939
be displayed at the extreme rear end of such load a red flag or 27940
cloth not less than sixteen inches square. 27941

(B) Whoever violates this section shall be punished as 27942
provided in section 4513.99 of the Revised Code. 27943

Sec. 4513.10. (A) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or a shoulder adjacent thereto, whether attended or unattended, during the times mentioned in section 4513.03 of the Revised Code, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred feet to the front of such vehicle, and a red light visible from a distance of five hundred feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked within a municipal corporation where there is sufficient light to reveal any person or substantial object within a distance of five hundred feet upon such highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(B) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

Sec. 4513.11. (A) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (G) of section 4513.02 of the Revised Code, not specifically required to be equipped with lamps or other lighting devices by sections 4513.03 to 4513.10 of the Revised Code, shall, at the times specified in section 4513.03 of the Revised Code, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required or authorized by this section

shall meet standards adopted by the director of public safety. 27975

(B) All boat trailers, farm machinery, and other machinery, 27976
including all road construction machinery, upon a street or 27977
highway, except when being used in actual construction and 27978
maintenance work in an area guarded by a flagperson, or where 27979
flares are used, or when operating or traveling within the limits 27980
of a construction area designated by the director of 27981
transportation, a city engineer, or the county engineer of the 27982
several counties, when such construction area is marked in 27983
accordance with requirements of the director and the manual of 27984
uniform traffic control devices, as set forth in section 4511.09 27985
of the Revised Code, which is designed for operation at a speed of 27986
twenty-five miles per hour or less shall be operated at a speed 27987
not exceeding twenty-five miles per hour, and shall display a 27988
triangular slow-moving vehicle emblem (SMV). The emblem shall be 27989
mounted so as to be visible from a distance of not less than five 27990
hundred feet to the rear. The director of public safety shall 27991
adopt standards and specifications for the design and position of 27992
mounting the SMV emblem. The standards and specifications for SMV 27993
emblems referred to in this section shall correlate with and, so 27994
far as possible, conform with those approved by the American 27995
society of agricultural engineers. 27996

As used in this division, "machinery" does not include any 27997
vehicle designed to be drawn by an animal. 27998

(C) The use of the SMV emblem shall be restricted to 27999
animal-drawn vehicles, and to the slow-moving vehicles specified 28000
in division (B) of this section operating or traveling within the 28001
limits of the highway. Its use on slow-moving vehicles being 28002
transported upon other types of vehicles or on any other type of 28003
vehicle or stationary object on the highway is prohibited. 28004

(D) No person shall sell, lease, rent, or operate any boat 28005
trailer, farm machinery, or other machinery defined as a 28006

slow-moving vehicle in division (B) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (B) of this section.

(E) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, in addition to the use of the slow-moving vehicle emblem, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in section 4513.03 of the Revised Code. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by section 4513.17 of the Revised Code, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(F) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

(1) With a slow-moving vehicle emblem complying with division (B) of this section;

(2) With alternate reflective material complying with rules adopted under this division;

(3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The director of public safety, subject to Chapter 119. of the Revised Code, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall

permit, as a minimum, the alternate reflective material to be 28038
black, gray, or silver in color. The alternate reflective material 28039
shall be mounted on the animal-drawn vehicle so as to be visible, 28040
at all times specified in section 4513.03 of the Revised Code, 28041
from a distance of not less than five hundred feet to the rear 28042
when illuminated by the lawful lower beams of headlamps. 28043

(G) Whoever violates this section shall be punished as 28044
provided in section 4513.99 of the Revised Code. 28045

(H) As used in this section, "boat trailer" means any vehicle 28046
designed and used exclusively to transport a boat between a place 28047
of storage and a marina, or in and around a marina, when drawn or 28048
towed on a street or highway for a distance of no more than ten 28049
miles and at a speed of twenty-five miles per hour or less. 28050
28051

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor 28052
whose model year was 2001 or earlier, when being operated or 28053
traveling on a street or highway at the times specified in section 28054
4513.03 of the Revised Code, at a minimum shall be equipped with 28055
and display reflectors and illuminated amber lamps so that the 28056
extreme left and right projections of the tractor are indicated by 28057
flashing lamps displaying amber light, visible to the front and 28058
the rear, by amber reflectors, all visible to the front, and by 28059
red reflectors, all visible to the rear. 28060

(2) The lamps displaying amber light need not flash 28061
simultaneously and need not flash in conjunction with any 28062
directional signals of the tractor. 28063

(3) The lamps and reflectors required by division (A)(1) of 28064
this section and their placement shall meet standards and 28065
specifications contained in rules adopted by the director of 28066
public safety in accordance with Chapter 119. of the Revised Code. 28067
The rules governing the amber lamps, amber reflectors, and red 28068

reflectors and their placement shall correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 respectively of the American society of agricultural engineers standard ANSI/ASAE S279.10 OCT98, lighting and marking of agricultural equipment on highways.

(B) Every unit of farm machinery whose model year was 2002 or later, when being operated or traveling on a street or highway at the times specified in section 4513.03 of the Revised Code, shall be equipped with and display markings and illuminated lamps that meet or exceed the lighting, illumination, and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American society of agricultural engineers standard ANSI/ASAE S279.10 OCT98, lighting and marking of agricultural equipment on highways.

(C) The lights and reflectors required by division (A) of this section are in addition to the slow-moving vehicle emblem and lights required or permitted by section 4513.11 or 4513.17 of the Revised Code to be displayed on farm machinery being operated or traveling on a street or highway.

(D) No person shall operate any unit of farm machinery on a street or highway or cause any unit of farm machinery to travel on a street or highway in violation of division (A) or (B) of this section.

(E) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

Sec. 4513.12. (A) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than one hundred feet ahead of the vehicle.

Any motor vehicle may be equipped with not more than three 28100
auxiliary driving lights mounted on the front of the vehicle. The 28101
director of public safety shall prescribe specifications for 28102
auxiliary driving lights and regulations for their use, and any 28103
such lights which do not conform to said specifications and 28104
regulations shall not be used. 28105

(B) Whoever violates this section shall be punished as 28106
provided in section 4513.99 of the Revised Code. 28107

Sec. 4513.13. (A) Any motor vehicle may be equipped with side 28108
cowl or fender lights which shall emit a white or amber light 28109
without glare. 28110

Any motor vehicle may be equipped with lights on each side 28111
thereof which shall emit a white or amber light without glare. 28112

Any motor vehicle may equipped with back-up lights, either 28113
separately or in combination with another light. No back-up lights 28114
shall be continuously lighted when the motor vehicle is in forward 28115
motion. 28116

(B) Whoever violates this section shall be punished as 28117
provided in section 4513.99 of the Revised Code. 28118

Sec. 4513.14. (A) At all times mentioned in section 4513.03 28119
of the Revised Code at least two lighted lights shall be 28120
displayed, one near each side of the front of every motor vehicle 28121
and trackless trolley, except when such vehicle or trackless 28122
trolley is parked subject to the regulations governing lights on 28123
parked vehicles and trackless trolleys. 28124

The director of public safety shall prescribe and promulgate 28125
regulations relating to the design and use of such lights and such 28126
regulations shall be in accordance with currently recognized 28127
standards. 28128

(B) Whoever violates this section shall be punished as 28129
provided in section 4513.99 of the Revised Code. 28130

Sec. 4513.15. (A) Whenever a motor vehicle is being operated 28131
on a roadway or shoulder adjacent thereto during the times 28132
specified in section 4513.03 of the Revised Code, the driver shall 28133
use a distribution of light, or composite beam, directed high 28134
enough and of sufficient intensity to reveal persons, vehicles, 28135
and substantial objects at a safe distance in advance of the 28136
vehicle, subject to the following requirements; 28137

~~(A)~~(1) Whenever the driver of a vehicle approaches an 28138
oncoming vehicle, such driver shall use a distribution of light, 28139
or composite beam, so aimed that the glaring rays are not 28140
projected into the eyes of the oncoming driver. 28141

~~(B)~~(2) Every new motor vehicle registered in this state, 28142
which has multiple-beam road lighting equipment shall be equipped 28143
with a beam indicator, which shall be lighted whenever the 28144
uppermost distribution of light from the headlights is in use, and 28145
shall not otherwise be lighted. Said indicator shall be so 28146
designed and located that, when lighted, it will be readily 28147
visible without glare to the driver of the vehicle. 28148

(B) Whoever violates this section shall be punished as 28149
provided in section 4513.99 of the Revised Code. 28150

Sec. 4513.16. (A) Any motor vehicle may be operated under the 28151
conditions specified in section 4513.03 of the Revised Code when 28152
it is equipped with two lighted lights upon the front thereof 28153
capable of revealing persons and substantial objects seventy-five 28154
feet ahead, in lieu of lights required in section 4513.14 of the 28155
Revised Code, provided that such vehicle shall not be operated at 28156
a speed in excess of twenty miles per hour. 28157

(B) Whoever violates this section shall be punished as 28158

provided in section 4513.99 of the Revised Code. 28159

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 28160
headlights also is equipped with any auxiliary lights or spotlight 28161
or any other light on the front thereof projecting a beam of an 28162
intensity greater than three hundred candle power, not more than a 28163
total of five of any such lights on the front of a vehicle shall 28164
be lighted at any one time when the vehicle is upon a highway. 28165

(B) Any lighted light or illuminating device upon a motor 28166
vehicle, other than headlights, spotlights, signal lights, or 28167
auxiliary driving lights, that projects a beam of light of an 28168
intensity greater than three hundred candle power, shall be so 28169
directed that no part of the beam will strike the level of the 28170
roadway on which the vehicle stands at a distance of more than 28171
seventy-five feet from the vehicle. 28172

(C)(1) Flashing lights are prohibited on motor vehicles, 28173
except as a means for indicating a right or a left turn, or in the 28174
presence of a vehicular traffic hazard requiring unusual care in 28175
approaching, or overtaking or passing. This prohibition does not 28176
apply to emergency vehicles, road service vehicles servicing or 28177
towing a disabled vehicle, traffic line stripers, snow plows, 28178
rural mail delivery vehicles, vehicles as provided in section 28179
4513.182 of the Revised Code, department of transportation 28180
maintenance vehicles, funeral hearses, funeral escort vehicles, 28181
and similar equipment operated by the department or local 28182
authorities, which shall be equipped with and display, when used 28183
on a street or highway for the special purpose necessitating such 28184
lights, a flashing, oscillating, or rotating amber light, but 28185
shall not display a flashing, oscillating, or rotating light of 28186
any other color, nor to vehicles or machinery permitted by section 28187
4513.11 of the Revised Code to have a flashing red light. 28188

(2) When used on a street or highway, farm machinery and 28189

vehicles escorting farm machinery may be equipped with and display 28190
a flashing, oscillating, or rotating amber light, and the 28191
prohibition contained in division (C)(1) of this section does not 28192
apply to such machinery or vehicles. Farm machinery also may 28193
display the lights described in section 4513.11 of the Revised 28194
Code. 28195

(D) Except a person operating a public safety vehicle, as 28196
defined in division (E) of section 4511.01 of the Revised Code, or 28197
a school bus, no person shall operate, move, or park upon, or 28198
permit to stand within the right-of-way of any public street or 28199
highway any vehicle or equipment that is equipped with and 28200
displaying a flashing red or a flashing combination red and white 28201
light, or an oscillating or rotating red light, or a combination 28202
red and white oscillating or rotating light; and except a public 28203
law enforcement officer, or other person sworn to enforce the 28204
criminal and traffic laws of the state, operating a public safety 28205
vehicle when on duty, no person shall operate, move, or park upon, 28206
or permit to stand within the right-of-way of any street or 28207
highway any vehicle or equipment that is equipped with, or upon 28208
which is mounted, and displaying a flashing blue or a flashing 28209
combination blue and white light, or an oscillating or rotating 28210
blue light, or a combination blue and white oscillating or 28211
rotating light. 28212

(E) This section does not prohibit the use of warning lights 28213
required by law or the simultaneous flashing of turn signals on 28214
disabled vehicles or on vehicles being operated in unfavorable 28215
atmospheric conditions in order to enhance their visibility. This 28216
section also does not prohibit the simultaneous flashing of turn 28217
signals or warning lights either on farm machinery or vehicles 28218
escorting farm machinery, when used on a street or highway. 28219

(F) Whoever violates this section shall be punished as 28220
provided in section 4513.99 of the Revised Code. 28221

Sec. 4513.171. (A) Notwithstanding any other provision of 28222
law, a motor vehicle operated by a coroner, deputy coroner, or 28223
coroner's investigator may be equipped with a flashing, 28224
oscillating, or rotating red or blue light and a siren, whistle, 28225
or bell capable of emitting sound audible under normal conditions 28226
from a distance of not less than five hundred feet. Such a vehicle 28227
may display the flashing, oscillating, or rotating red or blue 28228
light and may give the audible signal of the siren, exhaust 28229
whistle, or bell only when responding to a fatality or a fatal 28230
motor vehicle accident on a street or highway and only at those 28231
locations where the stoppage of traffic impedes the ability of the 28232
coroner, deputy coroner, or coroner's investigator to arrive at 28233
the site of the fatality. 28234

This section does not relieve a coroner, deputy coroner, or 28235
coroner's investigator operating a motor vehicle from the duty to 28236
drive with due regard for the safety of all persons and property 28237
upon the highway. 28238

(B) Whoever violates this section shall be punished as 28239
provided in section 4513.99 of the Revised Code. 28240

Sec. 4513.18. (A) The director of transportation shall adopt 28241
standards and specifications applicable to headlights, clearance 28242
lights, identification, and other lights, on snow removal 28243
equipment when operated on the highways, and on vehicles operating 28244
under special permits pursuant to section 4513.34 of the Revised 28245
Code, in lieu of the lights otherwise required on motor vehicles. 28246
Such standards and specifications may permit the use of flashing 28247
lights for purposes of identification on snow removal equipment, 28248
and oversize vehicles when in service upon the highways. The 28249
standards and specifications for lights referred to in this 28250
section shall correlate with and, so far as possible, conform with 28251
those approved by the American association of state highway 28252

officials. 28253

It is unlawful to operate snow removal equipment on a highway 28254
unless the lights thereon comply with and are lighted when and as 28255
required by the standards and specifications adopted as provided 28256
in this section. 28257

(B) Whoever violates this section shall be punished as 28258
provided in section 4513.99 of the Revised Code. 28259

Sec. 4513.182. (A) No person shall operate any motor vehicle 28260
owned, leased, or hired by a nursery school, kindergarten, or 28261
day-care center, while transporting preschool children to or from 28262
such an institution unless the motor vehicle is equipped with and 28263
displaying two amber flashing lights mounted on a bar attached to 28264
the top of the vehicle, and a sign bearing the designation 28265
"caution--children," which shall be attached to the bar carrying 28266
the amber flashing lights in such a manner as to be legible to 28267
persons both in front of and behind the vehicle. The lights and 28268
sign shall meet standards and specifications adopted by the 28269
director of public safety. The director, subject to Chapter 119. 28270
of the Revised Code, shall adopt standards and specifications for 28271
the lights and sign, which shall include, but are not limited to, 28272
requirements for the color and size of lettering to be used on the 28273
sign, the type of material to be used for the sign, and the method 28274
of mounting the lights and sign so that they can be removed from a 28275
motor vehicle being used for purposes other than those specified 28276
in this section. 28277

(B) No person shall operate a motor vehicle displaying the 28278
lights and sign required by this section for any purpose other 28279
than the transportation of preschool children as provided in this 28280
section. 28281

(C) Whoever violates this section shall be punished as 28282

provided in section 4513.99 of the Revised Code. 28283

Sec. 4513.19. (A) No person shall use any lights mentioned in 28284
sections 4513.03 to 4513.18 of the Revised Code, upon any motor 28285
vehicle, trailer, or semitrailer unless said lights are equipped, 28286
mounted, and adjusted as to focus and aim in accordance with 28287
regulations which are prescribed by the director of public safety. 28288

(B) Whoever violates this section shall be punished as 28289
provided in section 4513.99 of the Revised Code. 28290

Sec. 4513.20. (A) The following requirements govern as to 28291
brake equipment on vehicles: 28292

~~(A)~~(1) Every trackless trolley and motor vehicle, other than 28293
a motorcycle, when operated upon a highway shall be equipped with 28294
brakes adequate to control the movement of and to stop and hold 28295
such trackless trolley or motor vehicle, including two separate 28296
means of applying the brakes, each of which means shall be 28297
effective to apply the brakes to at least two wheels. If these two 28298
separate means of applying the brakes are connected in any way, 28299
then on such trackless trolleys or motor vehicles manufactured or 28300
assembled after January 1, 1942, they shall be so constructed that 28301
failure of any one part of the operating mechanism shall not leave 28302
the trackless trolley or motor vehicle without brakes on at least 28303
two wheels. 28304

~~(B)~~(2) Every motorcycle, when operated upon a highway shall 28305
be equipped with at least one adequate brake, which may be 28306
operated by hand or by foot. 28307

~~(C)~~(3) Every motorized bicycle shall be equipped with brakes 28308
meeting the rules adopted by the director of public safety under 28309
section 4511.521 of the Revised Code. 28310

~~(D)~~(4) When operated upon the highways of this state, the 28311
following vehicles shall be equipped with brakes adequate to 28312

control the movement of and to stop and to hold the vehicle, 28313
designed to be applied by the driver of the towing motor vehicle 28314
from its cab, and also designed and connected so that, in case of 28315
a breakaway of the towed vehicle, the brakes shall be 28316
automatically applied: 28317

~~(1)~~(a) Every trailer or semitrailer, except a pole trailer, 28318
with an empty weight of two thousand pounds or more, manufactured 28319
or assembled on or after January 1, 1942; 28320

~~(2)~~(b) Every manufactured home or travel trailer with an 28321
empty weight of two thousand pounds or more, manufactured or 28322
assembled on or after January 1, 2001. 28323

~~(E)~~(5) In any combination of motor-drawn trailers or 28324
semitrailers equipped with brakes, means shall be provided for 28325
applying the rearmost brakes in approximate synchronism with the 28326
brakes on the towing vehicle, and developing the required braking 28327
effort on the rearmost wheels at the fastest rate; or means shall 28328
be provided for applying braking effort first on the rearmost 28329
brakes; or both of the above means, capable of being used 28330
alternatively, may be employed. 28331

~~(F)~~(6) Every vehicle and combination of vehicles, except 28332
motorcycles and motorized bicycles, and except trailers and 28333
semitrailers of a gross weight of less than two thousand pounds, 28334
and pole trailers, shall be equipped with parking brakes adequate 28335
to hold the vehicle on any grade on which it is operated, under 28336
all conditions of loading, on a surface free from snow, ice, or 28337
loose material. The parking brakes shall be capable of being 28338
applied in conformance with the foregoing requirements by the 28339
driver's muscular effort or by spring action or by equivalent 28340
means. Their operation may be assisted by the service brakes or 28341
other source of power provided that failure of the service brake 28342
actuation system or other power assisting mechanism will not 28343
prevent the parking brakes from being applied in conformance with 28344

the foregoing requirements. The parking brakes shall be so 28345
designed that when once applied they shall remain applied with the 28346
required effectiveness despite exhaustion of any source of energy 28347
or leakage of any kind. 28348

~~(G)~~(7) The same brake drums, brake shoes and lining 28349
assemblies, brake shoe anchors, and mechanical brake shoe 28350
actuation mechanism normally associated with the wheel brake 28351
assemblies may be used for both the service brakes and the parking 28352
brakes. If the means of applying the parking brakes and the 28353
service brakes are connected in any way, they shall be so 28354
constructed that failure of any one part shall not leave the 28355
vehicle without operative brakes. 28356

~~(H)~~(8) Every trackless trolley, motor vehicle, or combination 28357
of motor-drawn vehicles shall be capable at all times and under 28358
all conditions of loading of being stopped on a dry, smooth, level 28359
road free from loose material, upon application of the service or 28360
foot brake, within the following specified distances, or shall be 28361
capable of being decelerated at a sustained rate corresponding to 28362
these distances: 28363

~~(1)~~(a) Trackless trolleys, vehicles, or combinations of 28364
vehicles having brakes on all wheels shall come to a stop in 28365
thirty feet or less from a speed of twenty miles per hour. 28366

~~(2)~~(b) Vehicles or combinations of vehicles not having brakes 28367
on all wheels shall come to a stop in forty feet or less from a 28368
speed of twenty miles per hour. 28369

~~(I)~~(9) All brakes shall be maintained in good working order 28370
and shall be so adjusted as to operate as equally as practicable 28371
with respect to the wheels on opposite sides of the trackless 28372
trolley or vehicle. 28373

(B) Whoever violates this section shall be punished as 28374
provided in section 4513.99 of the Revised Code. 28375

Sec. 4513.201. (A) No hydraulic brake fluid for use in motor vehicles shall be sold in this state if the brake fluid is below the minimum standard of specifications for heavy duty type brake fluid established by the society of automotive engineers and the standard of specifications established by 49 C.F.R. 571.116, as amended.

(B) All manufacturers, packers, or distributors of brake fluid selling such fluid in this state shall state on the containers that the brake fluid therein meets or exceeds the applicable minimum SAE standard of specifications and the standard of specifications established in 49 C.F.R. 571.116, as amended.

(C) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

Sec. 4513.202. (A) No brake lining, brake lining material, or brake lining assemblies for use as repair and replacement parts in motor vehicles shall be sold in this state if these items do not meet or exceed the minimum standard of specifications established by the society of automotive engineers and the standard of specifications established in 49 C.F.R. 571.105, as amended, and 49 C.F.R. 571.135, as amended.

(B) All manufacturers or distributors of brake lining, brake lining material, or brake lining assemblies selling these items for use as repair and replacement parts in motor vehicles shall state that the items meet or exceed the applicable minimum standard of specifications.

(C) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

(D) As used in this section, "minimum standard of specifications" means a minimum standard for brake system or brake component performance that meets the need for motor vehicle safety

and complies with the applicable SAE standards and recommended 28406
practices, and the federal motor vehicle safety standards that 28407
cover the same aspect of performance for any brake lining, brake 28408
lining material, or brake lining assemblies. 28409

Sec. 4513.21. (A) Every motor vehicle or trackless trolley 28410
when operated upon a highway shall be equipped with a horn which 28411
is in good working order and capable of emitting sound audible, 28412
under normal conditions, from a distance of not less than two 28413
hundred feet. 28414

No motor vehicle or trackless trolley shall be equipped with, 28415
nor shall any person use upon a vehicle, any siren, whistle, or 28416
bell. Any vehicle may be equipped with a theft alarm signal device 28417
which shall be so arranged that it cannot be used as an ordinary 28418
warning signal. Every emergency vehicle shall be equipped with a 28419
siren, whistle, or bell, capable of emitting sound audible under 28420
normal conditions from a distance of not less than five hundred 28421
feet and of a type approved by the director of public safety. Such 28422
equipment shall not be used except when such vehicle is operated 28423
in response to an emergency call or is in the immediate pursuit of 28424
an actual or suspected violator of the law, in which case the 28425
driver of the emergency vehicle shall sound such equipment when it 28426
is necessary to warn pedestrians and other drivers of the approach 28427
thereof. 28428

(B) Whoever violates this section shall be punished as 28429
provided in section 4513.99 of the Revised Code. 28430

Sec. 4513.22. (A) Every motor vehicle and motorcycle with an 28431
internal combustion engine shall at all times be equipped with a 28432
muffler which is in good working order and in constant operation 28433
to prevent excessive or unusual noise, and no person shall use a 28434
muffler cutout, by-pass, or similar device upon a motor vehicle on 28435
a highway. Every motorcycle muffler shall be equipped with baffle 28436

plates. 28437

No person shall own, operate, or have in ~~his~~ the person's 28438
possession any motor vehicle or motorcycle equipped with a device 28439
for producing excessive smoke or gas, or so equipped as to permit 28440
oil or any other chemical to flow into or upon the exhaust pipe or 28441
muffler of such vehicle, or equipped in any other way to produce 28442
or emit smoke or dangerous or annoying gases from any portion of 28443
such vehicle, other than the ordinary gases emitted by the exhaust 28444
of an internal combustion engine under normal operation. 28445

(B) Whoever violates this section shall be punished as 28446
provided in section 4513.99 of the Revised Code. 28447

Sec. 4513.23. (A) Every motor vehicle, motorcycle, and 28448
trackless trolley shall be equipped with a mirror so located as to 28449
reflect to the operator a view of the highway to the rear of such 28450
vehicle, motorcycle, or trackless trolley. Operators of vehicles, 28451
motorcycles, streetcars, and trackless trolleys shall have a clear 28452
and unobstructed view to the front and to both sides of their 28453
vehicles, motorcycles, streetcars, or trackless trolleys and shall 28454
have a clear view to the rear of their vehicles, motorcycles, 28455
streetcars, or trackless trolleys by mirror. 28456

(B) Whoever violates this section shall be punished as 28457
provided in section 4513.99 of the Revised Code. 28458

Sec. 4513.24. (A) No person shall drive any motor vehicle on 28459
a street or highway in this state, other than a motorcycle or 28460
motorized bicycle, that is not equipped with a windshield. 28461

(B) No person shall drive any motor vehicle, other than a 28462
bus, with any sign, poster, or other nontransparent material upon 28463
the front windshield, sidewings, side, or rear windows of such 28464
vehicle other than a certificate or other paper required to be 28465

displayed by law, except that there may be in the lower left-hand
or right-hand corner of the windshield a sign, poster, or decal
not to exceed four inches in height by six inches in width. No
sign, poster, or decal shall be displayed in the front windshield
in such a manner as to conceal the vehicle identification number
for the motor vehicle when, in accordance with federal law, that
number is located inside the vehicle passenger compartment and so
placed as to be readable through the vehicle glazing without
moving any part of the vehicle.

(C) The windshield on every motor vehicle, streetcar, and
trackless trolley shall be equipped with a device for cleaning
rain, snow, or other moisture from the windshield. The device
shall be maintained in good working order and so constructed as to
be controlled or operated by the operator of the vehicle,
streetcar, or trackless trolley.

(D) Whoever violates this section shall be punished as
provided in section 4513.99 of the Revised Code.

Sec. 4513.241. (A) The director of public safety, in
accordance with Chapter 119. of the Revised Code, shall adopt
rules governing the use of tinted glass, and the use of
transparent, nontransparent, translucent, and reflectorized
materials in or on motor vehicle windshields, side windows,
sidewings, and rear windows that prevent a person of normal vision
looking into the motor vehicle from seeing or identifying persons
or objects inside the motor vehicle.

(B) The rules adopted under this section may provide for
persons who meet either of the following qualifications:

(1) On November 11, 1994, or the effective date of ~~this~~
~~section or of~~ any rule adopted under this section, own a motor
vehicle that does not ~~conform~~ conform to the requirements of this
section or of any rule adopted under this section;

(2) Establish residency in this state and are required to register a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section.

(C) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to the requirements of this section and of any applicable rule adopted under this section.

(D) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to the requirements of this section or of any rule adopted under this section.

(E) No used motor vehicle dealer or new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, shall sell any motor vehicle that fails to conform to the requirements of this section or of any rule adopted under this section.

(F) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.

(G) This section does not apply to the manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by federal motor vehicle safety standard number two hundred five.

(H) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this section does not apply to any school bus used to transport a handicapped child pursuant to a special education program under Chapter 3323. of the Revised Code, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, "handicapped child" and "special education program" have the same meanings as in section 3323.01 of the

Revised Code. 28528

(I) This section does not apply to any school bus that is to 28529
be sold and operated outside this state. 28530

(J) Whoever violates division (C), (D), (E), or (F) of this 28531
section is guilty of a minor misdemeanor. 28532

Sec. 4513.242. (A) Notwithstanding section 4513.24 and 28533
division (F) of section 4513.241 of the Revised Code or any rule 28534
adopted thereunder, a decal, whether reflectorized or not, may be 28535
displayed upon any side window or siding of a motor vehicle if 28536
all of the following are met: 28537

~~(A)~~(1) The decal is necessary for public or private security 28538
arrangements to which the motor vehicle periodically is subjected; 28539

~~(B)~~(2) The decal is no larger than is necessary to accomplish 28540
the security arrangements; 28541

~~(C)~~(3) The decal does not obscure the vision of the motor 28542
vehicle operator or prevent a person looking into the motor 28543
vehicle from seeing or identifying persons or objects inside the 28544
motor vehicle. 28545

(B) Whoever violates this section shall be punished as 28546
provided in section 4513.99 of the Revised Code. 28547

Sec. 4513.25. (A) Every solid tire, as defined in section 28548
4501.01 of the Revised Code, on a vehicle shall have rubber or 28549
other resilient material on its entire traction surface at least 28550
one inch thick above the edge of the flange of the entire 28551
periphery. 28552

(B) Whoever violates this section shall be punished as 28553
provided in section 4513.99 of the Revised Code. 28554

Sec. 4513.26. (A) No person shall sell any new motor vehicle 28555

nor shall any new motor vehicle be registered, and no person shall 28556
operate any motor vehicle, which is registered in this state and 28557
which has been manufactured or assembled on or after January 1, 28558
1936, unless the motor vehicle is equipped with safety glass 28559
wherever glass is used in the windshields, doors, partitions, rear 28560
windows, and windows on each side immediately adjacent to the rear 28561
window. 28562

"Safety glass" means any product composed of glass so 28563
manufactured, fabricated, or treated as substantially to prevent 28564
shattering and flying of the glass when it is struck or broken, or 28565
such other or similar product as may be approved by the registrar 28566
of motor vehicles. 28567

Glass other than safety glass shall not be offered for sale, 28568
or sold for use in, or installed in any door, window, partition, 28569
or windshield that is required by this section to be equipped with 28570
safety glass. 28571

(B) Whoever violates this section shall be punished as 28572
provided in section 4513.99 of the Revised Code. 28573

Sec. 4513.261. (A)(1) No person shall operate any motor 28574
vehicle manufactured or assembled on or after January 1, 1954, 28575
unless the vehicle is equipped with electrical or mechanical 28576
directional signals. 28577

(2) No person shall operate any motorcycle or motor-driven 28578
cycle manufactured or assembled on or after January 1, 1968, 28579
unless the vehicle is equipped with electrical or mechanical 28580
directional signals. 28581

(B) "Directional signals" means an electrical or mechanical 28582
signal device capable of clearly indicating an intention to turn 28583
either to the right or to the left and which shall be visible from 28584
both the front and rear. 28585

(C) All mechanical signal devices shall be self-illuminating 28586
devices when in use at the times mentioned in section 4513.03 of 28587
the Revised Code. 28588

(D) Whoever violates this section is guilty of a minor 28589
misdemeanor. 28590

Sec. 4513.262. (A) As used in this section and in section 28591
4513.263 of the Revised Code, the component parts of a "seat 28592
safety belt" include a belt, anchor attachment assembly, and a 28593
buckle or closing device. 28594

~~(A)~~(B) No person shall sell, lease, rent, or operate any 28595
passenger car, as defined in division (E) of section 4501.01 of 28596
the Revised Code, that is registered or to be registered in this 28597
state and that is manufactured or assembled on or after January 1, 28598
1962, unless the passenger car is equipped with sufficient 28599
anchorage units at the attachment points for attaching at least 28600
two sets of seat safety belts to its front seat. Such anchorage 28601
units at the attachment points shall be of such construction, 28602
design, and strength to support a loop load pull of not less than 28603
four thousand pounds for each belt. 28604

~~(B)~~(C) No person shall sell, lease, or rent any passenger 28605
car, as defined in division (E) of section 4501.01 of the Revised 28606
Code, that is registered or to be registered in this state and 28607
that is manufactured or assembled on or after January 1, 1966, 28608
unless the passenger car has installed in its front seat at least 28609
two seat safety belt assemblies. 28610

~~(C)~~(D) After January 1, 1966, neither any seat safety belt 28611
for use in a motor vehicle nor any component part of any such seat 28612
safety belt shall be sold in this state unless the seat safety 28613
belt or the component part satisfies the minimum standard of 28614
specifications established by the society of automotive engineers 28615
for automotive seat belts and unless the seat safety belt or 28616

component part is labeled so as to indicate that it meets those 28617
minimum standard specifications. 28618

~~(D)~~(E) Each sale, lease, or rental in violation of this 28619
section constitutes a separate offense. 28620

(F) Whoever violates this section is guilty of a minor 28621
misdemeanor. 28622

Sec. 4513.263. (A) As used in this section and in section 28623
4513.99 of the Revised Code: 28624

(1) "Automobile" means any commercial tractor, passenger car, 28625
commercial car, or truck that is required to be factory-equipped 28626
with an occupant restraining device for the operator or any 28627
passenger by regulations adopted by the United States secretary of 28628
transportation pursuant to the "National Traffic and Motor Vehicle 28629
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 28630
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(2) "Occupant restraining device" means a seat safety belt, 28632
shoulder belt, harness, or other safety device for restraining a 28633
person who is an operator of or passenger in an automobile and 28634
that satisfies the minimum federal vehicle safety standards 28635
established by the United States department of transportation. 28636

(3) "Passenger" means any person in an automobile, other than 28637
its operator, who is occupying a seating position for which an 28638
occupant restraining device is provided. 28639

(4) "Commercial tractor," "passenger car," and "commercial 28640
car" have the same meanings as in section 4501.01 of the Revised 28641
Code. 28642

(5) "Vehicle" and "motor vehicle," as used in the definitions 28643
of the terms set forth in division (A)(4) of this section, have 28644
the same meanings as in section 4511.01 of the Revised Code. 28645
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(B) No person shall do any of the following: 28647

(1) Operate an automobile on any street or highway unless 28648
that person is wearing all of the available elements of a properly 28649
adjusted occupant restraining device, or operate a school bus that 28650
has an occupant restraining device installed for use in its 28651
operator's seat unless that person is wearing all of the available 28652
elements of the device, as properly adjusted; 28653

(2) Operate an automobile on any street or highway unless 28654
each passenger in the automobile who is subject to the requirement 28655
set forth in division (B)(3) of this section is wearing all of the 28656
available elements of a properly adjusted occupant restraining 28657
device; 28658

(3) Occupy, as a passenger, a seating position on the front 28659
seat of an automobile being operated on any street or highway 28660
unless that person is wearing all of the available elements of a 28661
properly adjusted occupant restraining device; 28662

(4) Operate a taxicab on any street or highway unless all 28663
factory-equipped occupant restraining devices in the taxicab are 28664
maintained in usable form. 28665

(C) Division (B)(3) of this section does not apply to a 28666
person who is required by section 4511.81 of the Revised Code to 28667
be secured in a child restraint device. Division (B)(1) of this 28668
section does not apply to a person who is an employee of the 28669
United States postal service or of a newspaper home delivery 28670
service, during any period in which the person is engaged in the 28671
operation of an automobile to deliver mail or newspapers to 28672
addressees. Divisions (B)(1) and (3) of this section do not apply 28673
to a person who has an affidavit signed by a physician licensed to 28674
practice in this state under Chapter 4731. of the Revised Code or 28675
a chiropractor licensed to practice in this state under Chapter 28676
4734. of the Revised Code that states that the person has a 28677

physical impairment that makes use of an occupant restraining device impossible or impractical. 28678
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(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed. 28680
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(E) All fines collected for violations of division (B) of this section, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable to that division, shall be forwarded to the treasurer of state for deposit as follows: 28692
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(1) Eight per cent shall be deposited into the seat belt education fund, which is hereby created in the state treasury, and shall be used by the department of public safety to establish a seat belt education program. 28697
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(2) Eight per cent shall be deposited into the elementary school program fund, which is hereby created in the state treasury, and shall be used by the department of public safety to establish and administer elementary school programs that encourage seat safety belt use. 28701
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(3) Two per cent shall be deposited into the Ohio ambulance licensing trust fund created by section 4766.05 of the Revised Code. 28706
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(4) Twenty-eight per cent shall be deposited into the trauma 28709
and emergency medical services fund, which is hereby created in 28710
the state treasury, and shall be used by the department of public 28711
safety for the administration of the division of emergency medical 28712
services and the state board of emergency medical services. 28713

(5) Fifty-four per cent shall be deposited into the trauma 28714
and emergency medical services grants fund, which is hereby 28715
created in the state treasury, and shall be used by the state 28716
board of emergency medical services to make grants, in accordance 28717
with section 4765.07 of the Revised Code and rules the board 28718
adopts under section 4765.11 of the Revised Code. 28719

(F)(1) Subject to division (F)(2) of this section, the 28720
failure of a person to wear all of the available elements of a 28721
properly adjusted occupant restraining device or to ensure that 28722
each passenger of an automobile being operated by the person is 28723
wearing all of the available elements of such a device, in 28724
violation of division (B)(2) of this section, shall not be 28725
considered or used as evidence of negligence or contributory 28726
negligence, shall not diminish recovery for damages in any civil 28727
action involving the person arising from the ownership, 28728
maintenance, or operation of an automobile; shall not be used as a 28729
basis for a criminal prosecution of the person other than a 28730
prosecution for a violation of this section; and shall not be 28731
admissible as evidence in any civil or criminal action involving 28732
the person other than a prosecution for a violation of this 28733
section. 28734

(2) If, at the time of an accident involving a passenger car 28735
equipped with occupant restraining devices, any occupant of the 28736
passenger car who sustained injury or death was not wearing an 28737
available occupant restraining device, was not wearing all of the 28738
available elements of such a device, or was not wearing such a 28739
device as properly adjusted, then, consistent with the Rules of 28740

Evidence, the fact that the occupant was not wearing the available
occupant restraining device, was not wearing all of the available
elements of such a device, or was not wearing such a device as
properly adjusted is admissible in evidence in relation to any
claim for relief in a tort action to the extent that the claim for
relief satisfies all of the following:

(a) It seeks to recover damages for injury or death to the
occupant.

(b) The defendant in question is the manufacturer, designer,
distributor, or seller of the passenger car.

(c) The claim for relief against the defendant in question is
that the injury or death sustained by the occupant was enhanced or
aggravated by some design defect in the passenger car or that the
passenger car was not crashworthy.

(3) As used in division (F)(2) of this section, "tort action"
means a civil action for damages for injury, death, or loss to
person or property. "Tort action" includes a product liability
claim that is subject to sections 2307.71 to 2307.80 of the
Revised Code, but does not include a civil action for damages for
a breach of a contract or another agreement between persons.

(G)(1) Whoever violates division (B)(1) of this section shall
be fined thirty dollars.

(2) Whoever violates division (B)(3) of this section shall be
fined twenty dollars.

(3) Except as otherwise provided in this division, whoever
violates division (B)(4) of this section is guilty of a minor
misdemeanor. If the offender previously has been convicted of or
pleaded guilty to a violation of division (B)(4) of this section,
whoever violates division (B)(4) of this section is guilty of a
misdemeanor of the third degree.

Sec. 4513.27. (A) No person shall operate any motor truck, 28772
trackless trolley, bus, or commercial tractor upon any highway 28773
outside the corporate limits of municipalities at any time from 28774
sunset to sunrise unless there is carried in such vehicle and 28775
trackless trolley, except as provided in division (B) of this 28776
section, the following equipment which shall be of the types 28777
approved by the director of transportation: 28778

(1) At least three flares or three red reflectors or three 28779
red electric lanterns, each of which is capable of being seen and 28780
distinguished at a distance of five hundred feet under normal 28781
atmospheric conditions at night time; 28782

(2) At least three red-burning fusees, unless red reflectors 28783
or red electric lanterns are carried; 28784

(3) At least two red cloth flags, not less than twelve inches 28785
square, with standards to support them; 28786

(4) The type of red reflectors shall comply with such 28787
standards and specifications in effect on September 16, 1963 or 28788
later established by the interstate commerce commission and must 28789
be certified as meeting such standards by underwriter's 28790
laboratories. 28791

(B) No person shall operate at the time and under the 28792
conditions stated in this section any motor vehicle used in 28793
transporting flammable liquids in bulk, or in transporting 28794
compressed flammable gases, unless there is carried in such 28795
vehicle three red electric lanterns or three red reflectors 28796
meeting the requirements stated in division (A) of this section. 28797
There shall not be carried in any such vehicle any flare, fusee, 28798
or signal produced by a flame. 28799

(C) This section does not apply to any person who operates 28800
any motor vehicle in a work area designated by protection 28801

equipment devices that are displayed and used in accordance with 28802
the manual adopted by the department of transportation under 28803
section 4511.09 of the Revised Code. 28804

(D) Whoever violates this section shall be punished as 28805
provided in section 4513.99 of the Revised Code. 28806

Sec. 4513.28. (A) Whenever any motor truck, trackless 28807
trolley, bus, commercial tractor, trailer, semi-trailer, or pole 28808
trailer is disabled upon the traveled portion of any highway or 28809
the shoulder thereof outside of any municipality, or upon any 28810
freeway, expressway, thruway and connecting, entering or exiting 28811
ramps within a municipality, at any time when lighted lamps are 28812
required on vehicles and trackless trolleys, the operator of such 28813
vehicle or trackless trolley shall display the following warning 28814
devices upon the highway during the time the vehicle or trackless 28815
trolley is so disabled on the highway except as provided in 28816
division (B) of this section: 28817

(1) A lighted fusee shall be immediately placed on the 28818
roadway at the traffic side of such vehicle or trackless trolley, 28819
unless red electric lanterns or red reflectors are displayed. 28820

(2) Within the burning period of the fusee and as promptly as 28821
possible, three lighted flares or pot torches, or three red 28822
reflectors or three red electric lanterns shall be placed on the 28823
roadway as follows: 28824

(a) One at a distance of forty paces or approximately one 28825
hundred feet in advance of the vehicle; 28826

(b) One at a distance of forty paces or approximately one 28827
hundred feet to the rear of the vehicle or trackless trolley 28828
except as provided in this section, each in the center of the lane 28829
of traffic occupied by the disabled vehicle or trackless trolley; 28830

(c) One at the traffic side of the vehicle or trackless 28831

trolley. 28832

(B) Whenever any vehicle used in transporting flammable 28833
liquids in bulk, or in transporting compressed flammable gases, is 28834
disabled upon a highway at any time or place mentioned in division 28835
(A) of this section, the driver of such vehicle shall display upon 28836
the roadway the following warning devices: 28837

(1) One red electric lantern or one red reflector shall be 28838
immediately placed on the roadway at the traffic side of the 28839
vehicle; 28840

(2) Two other red electric lanterns or two other red 28841
reflectors shall be placed to the front and rear of the vehicle in 28842
the same manner prescribed for flares in division (A) of this 28843
section. 28844

(C) When a vehicle of a type specified in division (B) of 28845
this section is disabled, the use of flares, fusees, or any signal 28846
produced by flame as warning signals is prohibited. 28847

(D) Whenever any vehicle or trackless trolley of a type 28848
referred to in this section is disabled upon the traveled portion 28849
of a highway or the shoulder thereof, outside of any municipality, 28850
or upon any freeway, expressway, thruway and connecting, entering 28851
or exiting ramps within a municipality, at any time when the 28852
display of fusees, flares, red reflectors, or electric lanterns is 28853
not required, the operator of such vehicle or trackless trolley 28854
shall display two red flags upon the roadway in the lane of 28855
traffic occupied by the disabled vehicle or trackless trolley, one 28856
at a distance of forty paces or approximately one hundred feet in 28857
advance of the vehicle or trackless trolley, and one at a distance 28858
of forty paces or approximately one hundred feet to the rear of 28859
the vehicle or trackless trolley, except as provided in this 28860
section. 28861

(E) The flares, fusees, lanterns, red reflectors, and flags 28862

to be displayed as required in this section shall conform with the 28863
requirements of section 4513.27 of the Revised Code applicable 28864
thereto. 28865

(F) In the event the vehicle or trackless trolley is disabled 28866
near a curve, crest of a hill, or other obstruction of view, the 28867
flare, flag, reflector, or lantern in that direction shall be 28868
placed as to afford ample warning to other users of the highway, 28869
but in no case shall it be placed less than forty paces or 28870
approximately one hundred feet nor more than one hundred twenty 28871
paces or approximately three hundred feet from the disabled 28872
vehicle or trackless trolley. 28873

(G) This section does not apply to the operator of any 28874
vehicle in a work area designated by protection equipment devices 28875
that are displayed and used in accordance with the manual adopted 28876
by the department of transportation under section 4511.09 of the 28877
Revised Code. 28878

(H) Whoever violates this section shall be punished as 28879
provided in section 4513.99 of the Revised Code. 28880

Sec. 4513.29. (A) Any person operating any vehicle 28881
transporting explosives upon a highway shall at all times comply 28882
with the following requirements: 28883

~~(A)~~(1) Said vehicle shall be marked or placarded on each side 28884
and on the rear with the word "explosives" in letters not less 28885
than eight inches high, or there shall be displayed on the rear of 28886
such vehicle a red flag not less than twenty-four inches square 28887
marked with the word "danger" in white letters six inches high, or 28888
shall be marked or placarded in accordance with section 177.823 of 28889
the United States department of transportation regulations. 28890

~~(B)~~(2) Said vehicle shall be equipped with not less than two 28891
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fire extinguishers, filled and ready for immediate use, and placed 28893
at convenient points on such vehicle. 28894

~~(C)~~(3) The director of transportation may promulgate such 28895
regulations governing the transportation of explosives and other 28896
dangerous articles by vehicles upon the highway as are reasonably 28897
necessary to enforce sections 4513.01 to 4513.37 of the Revised 28898
Code. 28899

(B) Whoever violates this section shall be punished as 28900
provided in section 4513.99 of the Revised Code. 28901

Sec. 4513.30. (A) No passenger-type vehicle shall be operated 28902
on a highway with any load carried on such vehicle which extends 28903
more than six inches beyond the line of the fenders on the 28904
vehicle's left side. 28905

(B) Whoever violates this section shall be punished as 28906
provided in section 4513.99 of the Revised Code. 28907

Sec. 4513.31. (A) No vehicle shall be driven or moved on any 28908
highway unless the vehicle is so constructed, loaded, or covered 28909
as to prevent any of its load from dropping, sifting, leaking, or 28910
otherwise escaping therefrom, except that sand or other substance 28911
may be dropped for the purpose of securing traction, or water or 28912
other substance may be sprinkled on a roadway in cleaning or 28913
maintaining the roadway. 28914

(B) Except for a farm vehicle used to transport agricultural 28915
produce or agricultural production materials or a rubbish vehicle 28916
in the process of acquiring its load, no vehicle loaded with 28917
garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, 28918
rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, 28919
or any other material of an unsanitary nature that is susceptible 28920
to blowing or bouncing from a moving vehicle shall be driven or 28921
moved on any highway unless the load is covered with a sufficient 28922

cover to prevent the load or any part of the load from spilling 28923
onto the highway. 28924

(C) Whoever violates this section shall be punished as 28925
provided in section 4513.99 of the Revised Code. 28926

Sec. 4513.32. (A) When one vehicle is towing another vehicle, 28927
the drawbar or other connection shall be of sufficient strength to 28928
pull all the weight towed thereby, and the drawbar or other 28929
connection shall not exceed fifteen feet from one vehicle to the 28930
other, except the connection between any two vehicles transporting 28931
poles, pipe, machinery, or other objects of structural nature 28932
which cannot readily be dismembered. 28933

When one vehicle is towing another and the connection 28934
consists only of a chain, rope, or cable, there shall be displayed 28935
upon such connection a white flag or cloth not less than twelve 28936
inches square. 28937

In addition to such drawbar or other connection, each trailer 28938
and each semitrailer which is not connected to a commercial 28939
tractor by means of a fifth wheel shall be coupled with stay 28940
chains or cables to the vehicle by which it is being drawn. The 28941
chains or cables shall be of sufficient size and strength to 28942
prevent the towed vehicle's parting from the drawing vehicle in 28943
case the drawbar or other connection should break or become 28944
disengaged. In case of a loaded pole trailer, the connecting pole 28945
to the drawing vehicle shall be coupled to the drawing vehicle 28946
with stay chains or cables of sufficient size and strength to 28947
prevent the towed vehicle's parting from the drawing vehicle. 28948

Every trailer or semitrailer, except pole and cable trailers 28949
and pole and cable dollies operated by a public utility as defined 28950
in section 5727.01 of the Revised Code, shall be equipped with a 28951
coupling device, which shall be so designed and constructed that 28952
the trailer will follow substantially in the path of the vehicle 28953

drawing it, without whipping or swerving from side to side. 28954
Vehicles used to transport agricultural produce or agricultural 28955
production materials between a local place of storage and supply 28956
and the farm, when drawn or towed on a street or highway at a 28957
speed of twenty-five miles per hour or less, and vehicles designed 28958
and used exclusively to transport a boat between a place of 28959
storage and a marina, or in and around a marina, when drawn or 28960
towed on a street or highway for a distance of no more than ten 28961
miles and at a speed of twenty-five miles per hour or less, shall 28962
have a drawbar or other connection, including the hitch mounted on 28963
the towing vehicle, which shall be of sufficient strength to pull 28964
all the weight towed thereby. Only one such vehicle used to 28965
transport agricultural produce or agricultural production 28966
materials as provided in this section may be towed or drawn at one 28967
time, except as follows: 28968

~~(A)~~(1) An agricultural tractor may tow or draw more than one 28969
such vehicle; 28970

~~(B)~~(2) A pickup truck or straight truck designed by the 28971
manufacturer to carry a load of not less than one-half ton and not 28972
more than two tons may tow or draw not more than two such vehicles 28973
that are being used to transport agricultural produce from the 28974
farm to a local place of storage. No vehicle being so towed by 28975
such a pickup truck or straight truck shall be considered to be a 28976
motor vehicle. 28977

(B) Whoever violates this section shall be punished as 28978
provided in section 4513.99 of the Revised Code. 28979

Sec. 4513.34. (A) The director of transportation with respect 28980
to all highways which are a part of the state highway system and 28981
local authorities with respect to highways under their 28982
jurisdiction may, upon application in writing and for good cause 28983
shown, issue a special permit in writing authorizing the applicant 28984

to operate or move a vehicle or combination of vehicles of a size 28985
or weight of vehicle or load exceeding the maximum specified in 28986
sections 5577.01 to 5577.09 of the Revised Code, or otherwise not 28987
in conformity with sections 4513.01 to 4513.37 of the Revised 28988
Code, upon any highway under the jurisdiction of the authority 28989
granting such permit. Notwithstanding sections 715.22 and 723.01 28990
of the Revised Code, the holder of a special permit issued by the 28991
director under this section may move the vehicle or combination of 28992
vehicles described in such special permit on any highway which is 28993
a part of the state highway system, when the movement is partly 28994
within and partly without the corporate limits of a municipal 28995
corporation. No local authority shall require any other permit or 28996
license or charge any license fee or other charge against the 28997
holder of a permit for the movement of a vehicle or combination of 28998
vehicles on any highway that is a part of the state highway 28999
system. No holder of a permit issued by a local authority shall be 29000
required by the director to obtain a special permit for the 29001
movement of vehicles or combination of vehicles on highways within 29002
the jurisdiction of the local authority. Permits may be issued for 29003
any period of time, not to exceed one year, as the director in ~~his~~ 29004
the director's discretion or a local authority in its discretion 29005
deems advisable or for the duration of any public construction 29006
project. 29007

The application for a permit shall be in such form as the 29008
director or local authority prescribes. The director or local 29009
authority may prescribe a permit fee to be imposed and collected 29010
when any permit described in this section is issued. The permit 29011
fee may be in an amount sufficient to reimburse the director or 29012
local authority for the administrative costs incurred in issuing 29013
the permit, and also to cover the cost of the normal and expected 29014
damage caused to the roadway or a street or highway structure as 29015
the result of the operation of the nonconforming vehicle or 29016

combination of vehicles. The director, in accordance with Chapter 29017
119. of the Revised Code, shall establish a schedule of fees for 29018
permits issued by the director under this section. 29019

For the purposes of this section and of rules adopted by the 29020
director under this section, milk transported in bulk by vehicle 29021
is deemed a nondivisible load. 29022

The director or local authority may issue or withhold a 29023
permit. If a permit is to be issued, the director or local 29024
authority may limit or prescribe conditions of operation for the 29025
vehicle, and may require the posting of a bond or other security 29026
conditioned upon the sufficiency of the permit fee to compensate 29027
for damage caused to the roadway or a street or highway structure. 29028

Every permit shall be carried in the vehicle or combination 29029
of vehicles to which it refers and shall be open to inspection by 29030
any police officer or authorized agent of any authority granting 29031
the permit. No person shall violate any of the terms of a permit. 29032

(B) Whoever violates this section shall be punished as 29033
provided in section 4513.99 of the Revised Code. 29034

Sec. 4513.36. (A) No person shall resist, hinder, obstruct, 29035
or abuse any sheriff, constable, or other official while ~~such that~~ 29036
official is attempting to arrest offenders under any provision of 29037
sections 4511.01 to 4511.78, ~~inclusive,~~ 4511.99, and 4513.01 to 29038
4513.37, ~~inclusive,~~ of the Revised Code. No person shall interfere 29039
with any person charged under ~~such~~ any provision of any of those 29040
sections with the enforcement of the law relative to public 29041
highways. 29042

(B) Whoever violates this section is guilty of a minor 29043
misdemeanor. 29044

Sec. 4513.361. (A) No person shall knowingly present, 29045

display, or orally communicate a false name, social security 29046
number, or date of birth to a law enforcement officer who is in 29047
the process of issuing to the person a traffic ticket or 29048
complaint. 29049

(B) Whoever violates this section is guilty of a misdemeanor 29050
of the first degree. 29051

Sec. 4513.51. (A) Except as provided in division (B) of this 29052
section, on and after July 1, 2001, no person shall operate a bus, 29053
nor shall any person being the owner of a bus or having 29054
supervisory responsibility for a bus permit the operation of any 29055
bus, unless the bus displays a valid, current safety inspection 29056
decal issued by the state highway patrol under section 4513.52 of 29057
the Revised Code. 29058

(B) For the purpose of complying with the requirements of 29059
this section and section 4513.52 of the Revised Code, the owner or 29060
other operator of a bus may drive the bus directly to an 29061
inspection site conducted by the state highway patrol and directly 29062
back to the person's place of business without a valid 29063
registration and without displaying a safety inspection decal, 29064
provided that no passengers may occupy the bus during such 29065
operation. 29066

(C) The registrar of motor vehicles shall not accept an 29067
application for registration of a bus unless the bus owner 29068
presents a valid safety inspection report for the applicable 29069
registration year. 29070

(D) Whoever violates division (A) of this section is guilty 29071
of a misdemeanor of the first degree. 29072

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 29073
police of a municipal corporation, township, or township police 29074

district, within the sheriff's or chief's respective territorial 29075
jurisdiction, upon complaint of any person adversely affected, may 29076
order into storage any motor vehicle, other than an abandoned junk 29077
motor vehicle as defined in section 4513.63 of the Revised Code, 29078
that has been left on private residential or private agricultural 29079
property for at least four hours without the permission of the 29080
person having the right to the possession of the property. The 29081
sheriff or chief of police, upon complaint of the owner of a 29082
repair garage or place of storage, may order into storage any 29083
motor vehicle, other than an abandoned junk motor vehicle, that 29084
has been left at the garage or place of storage for a longer 29085
period than that agreed upon. The place of storage shall be 29086
designated by the sheriff or chief of police. When ordering a 29087
motor vehicle into storage pursuant to this division, a sheriff or 29088
chief of police, whenever possible, shall arrange for the removal 29089
of the motor vehicle by a private tow truck operator or towing 29090
company. Subject to division (C) of this section, the owner of a 29091
motor vehicle that has been removed pursuant to this division may 29092
recover the vehicle only in accordance with division (E) of this 29093
section. 29094

(2) Divisions (A)(1) to (3) of this section do not apply to 29095
any private residential or private agricultural property that is 29096
established as a private tow-away zone in accordance with division 29097
(B) of this section. 29098

(3) As used in divisions (A)(1) and (2) of this section, 29099
"private residential property" means private property on which is 29100
located one or more structures that are used as a home, residence, 29101
or sleeping place by one or more persons, if no more than three 29102
separate households are maintained in the structure or structures. 29103
"Private residential property" does not include any private 29104
property on which is located one or more structures that are used 29105
as a home, residence, or sleeping place by two or more persons, if 29106

more than three separate households are maintained in the 29107
structure or structures. 29108

(B)(1) The owner of private property may establish a private 29109
tow-away zone only if all of the following conditions are 29110
satisfied: 29111

(a) The owner posts on the owner's property a sign, that is 29112
at least eighteen inches by twenty-four inches in size, that is 29113
visible from all entrances to the property, and that contains at 29114
least all of the following information: 29115

(i) A notice that the property is a private tow-away zone and 29116
that vehicles not authorized to park on the property will be towed 29117
away; 29118

(ii) The telephone number of the person from whom a 29119
towed-away vehicle can be recovered, and the address of the place 29120
to which the vehicle will be taken and the place from which it may 29121
be recovered; 29122

(iii) A statement that the vehicle may be recovered at any 29123
time during the day or night upon the submission of proof of 29124
ownership and the payment of a towing charge, in an amount not to 29125
exceed ninety dollars, and a storage charge, in an amount not to 29126
exceed twelve dollars per twenty-four-hour period; except that the 29127
charge for towing shall not exceed one hundred fifty dollars, and 29128
the storage charge shall not exceed twenty dollars per 29129
twenty-four-hour period, if the vehicle has a manufacturer's gross 29130
vehicle weight rating in excess of ten thousand pounds and is a 29131
truck, bus, or a combination of a commercial tractor and trailer 29132
or semitrailer. 29133

(b) The place to which the towed vehicle is taken and from 29134
which it may be recovered is conveniently located, is well 29135
lighted, and is on or within a reasonable distance of a regularly 29136
scheduled route of one or more modes of public transportation, if 29137

any public transportation is available in the municipal 29138
corporation or township in which the private tow-away zone is 29139
located. 29140

(2) If a vehicle is parked on private property that is 29141
established as a private tow-away zone in accordance with division 29142
(B)(1) of this section, without the consent of the owner of the 29143
property or in violation of any posted parking condition or 29144
regulation, the owner or the owner's agent may remove, or cause 29145
the removal of, the vehicle, the owner and the operator of the 29146
vehicle shall be deemed to have consented to the removal and 29147
storage of the vehicle and to the payment of the towing and 29148
storage charges specified in division (B)(1)(a)(iii) of this 29149
section, and the owner, subject to division (C) of this section, 29150
may recover a vehicle that has been so removed only in accordance 29151
with division (E) of this section. 29152

(3) If a municipal corporation requires tow trucks and tow 29153
truck operators to be licensed, no owner of private property 29154
located within the municipal corporation shall remove, or shall 29155
cause the removal and storage of, any vehicle pursuant to division 29156
(B)(2) of this section by an unlicensed tow truck or unlicensed 29157
tow truck operator. 29158

(4) Divisions (B)(1) to (3) of this section do not affect or 29159
limit the operation of division (A) of this section or sections 29160
4513.61 to 4513.65 of the Revised Code as they relate to property 29161
other than private property that is established as a private 29162
tow-away zone under division (B)(1) of this section. 29163

(C) If the owner or operator of a motor vehicle that has been 29164
ordered into storage pursuant to division (A)(1) of this section 29165
or of a vehicle that is being removed under authority of division 29166
(B)(2) of this section arrives after the motor vehicle or vehicle 29167
has been prepared for removal, but prior to its actual removal 29168
from the property, the owner or operator shall be given the 29169

opportunity to pay a fee of not more than one-half of the charge 29170
for the removal of motor vehicles under division (A)(1) of this 29171
section or of vehicles under division (B)(2) of this section, 29172
whichever is applicable, that normally is assessed by the person 29173
who has prepared the motor vehicle or vehicle for removal, in 29174
order to obtain release of the motor vehicle or vehicle. Upon 29175
payment of that fee, the motor vehicle or vehicle shall be 29176
released to the owner or operator, and upon its release, the owner 29177
or operator immediately shall move it so that: 29178

(1) If the motor vehicle was ordered into storage pursuant to 29179
division (A)(1) of this section, it is not on the private 29180
residential or private agricultural property without the 29181
permission of the person having the right to possession of the 29182
property, or is not at the garage or place of storage without the 29183
permission of the owner, whichever is applicable. 29184

(2) If the vehicle was being removed under authority of 29185
division (B)(2) of this section, it is not parked on the private 29186
property established as a private tow-away zone without the 29187
consent of the owner or in violation of any posted parking 29188
condition or regulation. 29189

(D)(1) If an owner of private property that is established as 29190
a private tow-away zone in accordance with division (B)(1) of this 29191
section or the authorized agent of such an owner removes or causes 29192
the removal of a vehicle from that property under authority of 29193
division (B)(2) of this section, the owner or agent promptly shall 29194
notify the police department of the municipal corporation, 29195
township, or township police district in which the property is 29196
located, of the removal, the vehicle's license number, make, 29197
model, and color, the location from which it was removed, the date 29198
and time of its removal, the telephone number of the person from 29199
whom it may be recovered, and the address of the place to which it 29200
has been taken and from which it may be recovered. 29201

(2) Each county sheriff and each chief of police of a municipal corporation, township, or township police district shall maintain a record of motor vehicles that the sheriff or chief orders into storage pursuant to division (A)(1) of this section and of vehicles removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under division (D)(1) of this section. The record shall include an entry for each such motor vehicle or vehicle that identifies the motor vehicle's or vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular motor vehicle or vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle or vehicle and requests information pertaining to its location.

(3) Any person who registers a complaint that is the basis of a sheriff's or police chief's order for the removal and storage of a motor vehicle under division (A)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(E) The owner of a motor vehicle that is ordered into storage pursuant to division (A)(1) of this section or of a vehicle that is removed under authority of division (B)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed ninety dollars, and storage, in an amount not to exceed twelve dollars per twenty-four-hour

period; except that the charge for towing shall not exceed one
hundred fifty dollars, and the storage charge shall not exceed
twenty dollars per twenty-four-hour period, if the vehicle has a
manufacturer's gross vehicle weight rating in excess of ten
thousand pounds and is a truck, bus, or a combination of a
commercial tractor and trailer or semitrailer. Presentation of
proof of ownership, which may be evidenced by a certificate of
title to the motor vehicle or vehicle also shall be required for
reclamation of the vehicle. If a motor vehicle that is ordered
into storage pursuant to division (A)(1) of this section remains
unclaimed by the owner for thirty days, the procedures established
by sections 4513.61 and 4513.62 of the Revised Code shall apply.

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(F) No person shall remove, or cause the removal of, any
vehicle from private property that is established as a private
tow-away zone under division (B)(1) of this section other than in
accordance with division (B)(2) of this section, and no person
shall remove, or cause the removal of, any motor vehicle from any
other private property other than in accordance with division
(A)(1) of this section or sections 4513.61 to 4513.65 of the
Revised Code.

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(G)(1) Whoever violates division (B)(3) of this section is
guilty of a minor misdemeanor.

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(2) Except as otherwise provided in this division, whoever
violates division (F) of this section is guilty of a minor
misdemeanor. If the offender previously has been convicted of or
pleaded guilty to a violation of division (F) of this section,
whoever violates division (F) of this section is guilty of a
misdemeanor of the third degree.

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Sec. 4513.64. (A) No person shall willfully leave an
abandoned junk motor vehicle as defined in section 4513.63 of the

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Revised Code on private property for more than seventy-two hours 29265
without the permission of the person having the right to the 29266
possession of the property, or on a public street or other 29267
property open to the public for purposes of vehicular travel or 29268
parking, or upon or within the right-of-way of any road or 29269
highway, for forty-eight hours or longer without notification to 29270
the sheriff of the county or chief of police of the municipal 29271
corporation, township, or township police district of the reasons 29272
for leaving the motor vehicle in such place. 29273

For purposes of this section, the fact that a motor vehicle 29274
has been so left without permission or notification is prima-facie 29275
evidence of abandonment. 29276

Nothing contained in sections 4513.60, 4513.61, and 4513.63 29277
of the Revised Code shall invalidate the provisions of municipal 29278
ordinances or township resolutions regulating or prohibiting the 29279
abandonment of motor vehicles on streets, highways, public 29280
property, or private property within municipal corporations or 29281
townships. 29282

(B) Whoever violates this section is guilty of a minor 29283
misdemeanor and shall also be assessed any costs incurred by the 29284
county, township, or municipal corporation in disposing of the 29285
abandoned junk motor vehicle that is the basis of the violation, 29286
less any money accruing to the county, to the township, or to the 29287
municipal corporation from this disposal of the vehicle. 29288

Sec. 4513.65. (A) For purposes of this section, "junk motor 29289
vehicle" means any motor vehicle meeting the requirements of 29290
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 29291
Code that is left uncovered in the open on private property for 29292
more than seventy-two hours with the permission of the person 29293
having the right to the possession of the property, except if the 29294
person is operating a junk yard or scrap metal processing facility 29295

licensed under authority of sections 4737.05 to 4737.12 of the Revised Code, or regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

No political subdivision shall prevent a person from storing or keeping, or restrict ~~him~~ a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property; except that a political subdivision may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

The sheriff of a county, or chief of police of a municipal corporation, within ~~his~~ the sheriff's or chief's respective territorial jurisdiction, a state highway patrol trooper, a board of township trustees, the legislative authority of a municipal corporation, or the zoning authority of a township or a municipal corporation, may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days

that a junk motor vehicle continues to be so left constitutes a
separate offense.

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(B) Except as otherwise provided in this division, whoever
violates this section is guilty of a minor misdemeanor on a first
offense. If the offender previously has been convicted of or
pleaded guilty to one violation of this section, whoever violates
this section is guilty of a misdemeanor of the fourth degree. If
the offender previously has been convicted of or pleaded guilty to
two or more violations of this section, whoever violates this
section is guilty of a misdemeanor of the third degree.

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Sec. 4513.99. ~~(A) Whoever violates division (C), (D), (E), or
(F) of section 4513.241, section 4513.261, 4513.262, or 4513.36,
or division (B)(3) of section 4513.60 of the Revised Code is
guilty of a minor misdemeanor.~~

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~~(B) Whoever violates section 4513.02 or 4513.021, or division
(B)(4) of section 4513.263, or division (F) of section 4513.60 of
the Revised Code is guilty of a minor misdemeanor on a first
offense; on a second or subsequent offense such person is guilty
of a misdemeanor of the third degree.~~

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~~(C) Any violation of section 4513.03, 4513.04, 4513.05,
4513.06, 4513.07, 4513.071, 4513.09, 4513.10, 4513.11, 4513.111,
4513.12, 4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171,
4513.18, 4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21,
4513.22, 4513.23, 4513.24, 4513.242, 4513.25, 4513.26, 4513.27,
4513.28, 4513.29, 4513.30, 4513.31, 4513.32, or 4513.34 of the
Revised Code shall be punished under division (B) of this section.~~

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(B) Whoever violates the sections of this chapter that are
specifically required to be punished under this division, or any
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of
the Revised Code, for which violation no penalty is otherwise
provided, is guilty of a minor misdemeanor on a first offense; on

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a second offense within one year after the first offense, ~~such the~~ 29359
person is guilty of a misdemeanor of the fourth degree; on each 29360
subsequent offense within one year after the first offense, ~~such~~ 29361
~~the~~ person is guilty of a misdemeanor of the third degree. 29362

~~(D) Whoever violates section 4513.64 of the Revised Code is 29363
guilty of a minor misdemeanor, and shall also be assessed any 29364
costs incurred by the county, township, or municipal corporation 29365
in disposing of such abandoned junk motor vehicle, less any money 29366
accruing to the county, to the township, or to the municipal 29367
corporation from such disposal. 29368~~

~~(E) Whoever violates section 4513.65 of the Revised Code is 29369
guilty of a minor misdemeanor on a first offense; on a second 29370
offense, such person is guilty of a misdemeanor of the fourth 29371
degree; on each subsequent offense, such person is guilty of a 29372
misdemeanor of the third degree. 29373~~

~~(F) Whoever violates division (B)(1) of section 4513.263 of 29374
the Revised Code shall be fined thirty dollars. 29375~~

~~(G) Whoever violates division (B)(3) of section 4513.263 of 29376
the Revised Code shall be fined twenty dollars. 29377~~

~~(H) Whoever violates section 4513.361 or division (A) of 29378
section 4513.51 of the Revised Code is guilty of a misdemeanor of 29379
the first degree. 29380~~

Sec. 4517.02. (A) Except as otherwise provided in this 29381
section, no person shall do any of the following: 29382

(1) Engage in the business of displaying or selling at retail 29383
new motor vehicles or assume to engage in such business, unless 29384
the person is licensed as a new motor vehicle dealer under 29385
sections 4517.01 to 4517.45 of the Revised Code, or is a 29386
salesperson licensed under those sections and employed by a 29387
licensed new motor vehicle dealer; 29388

(2) Engage in the business of offering for sale, displaying 29389
for sale, or selling at retail or wholesale used motor vehicles or 29390
assume to engage in that business, unless the person is licensed 29391
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 29392
or is a salesperson licensed under those sections and employed by 29393
a licensed used motor vehicle dealer or licensed new motor vehicle 29394
dealer; 29395

(3) Engage in the business of regularly making available, 29396
offering to make available, or arranging for another person to use 29397
a motor vehicle, in the manner described in division (M) of 29398
section 4517.01 of the Revised Code, unless the person is licensed 29399
as a motor vehicle leasing dealer under sections 4517.01 to 29400
4517.45 of the Revised Code; 29401

(4) Engage in the business of motor vehicle auctioning or 29402
assume to engage in such business, unless the person is licensed 29403
as a motor vehicle auction owner under sections 4517.01 to 4517.45 29404
and 4707.01 to 4707.99 of the Revised Code; 29405

(5) Engage in the business of distributing motor vehicles or 29406
assume to engage in such business, unless the person is licensed 29407
as a distributor under sections 4517.01 to 4517.45 of the Revised 29408
Code; 29409

(6) Make more than five casual sales of motor vehicles in a 29410
twelve-month period, commencing with the day of the month in which 29411
the first such sale is made, nor provide a location or space for 29412
the sale of motor vehicles at a flea market, without obtaining a 29413
license as a dealer under sections 4517.01 to 4517.45 of the 29414
Revised Code; provided however that nothing in this section shall 29415
be construed to prohibit the disposition without a license of a 29416
motor vehicle originally acquired and held for purposes other than 29417
sale, rental, or lease to an employee, retiree, officer, or 29418
director of the person making the disposition, to a corporation 29419
affiliated with the person making the disposition, or to a person 29420

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| licensed under sections 4517.01 to 4517.45 of the Revised Code; | 29421 |
| (7) Engage in the business of brokering manufactured homes | 29422 |
| unless that person is licensed as a manufactured home broker under | 29423 |
| sections 4517.01 to 4517.45 of the Revised Code. | 29424 |
| (B) Nothing in this section shall be construed to require an | 29425 |
| auctioneer licensed under sections 4707.01 to 4707.19 of the | 29426 |
| Revised Code, to obtain a motor vehicle salesperson's license | 29427 |
| under sections 4517.01 to 4517.45 of the Revised Code when | 29428 |
| conducting an auction sale for a licensed motor vehicle dealer on | 29429 |
| the dealer's premises, or when conducting an auction sale for a | 29430 |
| licensed motor vehicle auction owner; nor shall such an auctioneer | 29431 |
| be required to obtain a motor vehicle auction owner's license | 29432 |
| under sections 4517.01 to 4517.45 of the Revised Code when engaged | 29433 |
| in auctioning for a licensed motor vehicle auction owner. | 29434 |
| (C) Sections 4517.01 to 4517.45 of the Revised Code do not | 29435 |
| apply to any of the following: | 29436 |
| (1) Persons engaging in the business of selling commercial | 29437 |
| tractors, trailers, or semitrailers incidentally to engaging | 29438 |
| primarily in business other than the selling or leasing of motor | 29439 |
| vehicles; | 29440 |
| (2) Mortgagees selling at retail only those motor vehicles | 29441 |
| that have come into their possession by a default in the terms of | 29442 |
| a mortgage contract; | 29443 |
| (3) The leasing, rental, and interchange of motor vehicles | 29444 |
| used directly in the rendition of a public utility service by | 29445 |
| regulated motor carriers. | 29446 |
| (D) When a partnership licensed under sections 4517.01 to | 29447 |
| 4517.45 of the Revised Code is dissolved by death, the surviving | 29448 |
| partners may operate under the license for a period of sixty days, | 29449 |
| and the heirs or representatives of deceased persons and receivers | 29450 |
| or trustees in bankruptcy appointed by any competent authority may | 29451 |

operate under the license of the person succeeded in possession by 29452
such heir, representative, receiver, or trustee in bankruptcy. 29453

(E) No remanufacturer shall engage in the business of selling 29454
at retail any new motor vehicle without having written authority 29455
from the manufacturer or distributor of the vehicle to sell new 29456
motor vehicles and to perform repairs under the terms of the 29457
manufacturer's or distributor's new motor vehicle warranty, 29458
unless, at the time of the sale of the vehicle, each customer is 29459
furnished with a binding agreement ensuring that the customer has 29460
the right to have the vehicle serviced or repaired by a new motor 29461
vehicle dealer who is franchised to sell and service vehicles of 29462
the same line-make as the chassis of the remanufactured vehicle 29463
purchased by the customer and whose service or repair facility is 29464
located within either twenty miles of the remanufacturer's 29465
location and place of business or twenty miles of the customer's 29466
residence or place of business. If there is no such new motor 29467
vehicle dealer located within twenty miles of the remanufacturer's 29468
location and place of business or the customer's residence or 29469
place of business, the binding agreement furnished to the customer 29470
may be with the new motor vehicle dealer who is franchised to sell 29471
and service vehicles of the same line-make as the chassis of the 29472
remanufactured vehicle purchased by the customer and whose service 29473
or repair facility is located nearest to the remanufacturer's 29474
location and place of business or the customer's residence or 29475
place of business. Additionally, at the time of sale of any 29476
vehicle, each customer of the remanufacturer shall be furnished 29477
with a warranty issued by the remanufacturer for a term of at 29478
least one year. 29479

(F) Except as otherwise provided in this division, whoever 29480
violates this section is guilty of a minor misdemeanor and shall 29481
be subject to a mandatory fine of one hundred dollars. If the 29482
offender previously has been convicted of or pleaded guilty to a 29483

violation of this section, whoever violates this section is guilty 29484
of a misdemeanor of the first degree and shall be subject to a 29485
mandatory fine of one thousand dollars. 29486

Sec. 4517.03. (A) A place of business that is used for 29487
selling, displaying, offering for sale, or dealing in motor 29488
vehicles shall be considered as used exclusively for those 29489
purposes even though snowmobiles, farm machinery, outdoor power 29490
equipment, watercraft and related products, or products 29491
manufactured or distributed by a motor vehicle manufacturer with 29492
which the motor vehicle dealer has a franchise agreement are sold 29493
or displayed there, or if repair, accessory, gasoline and oil, 29494
storage, parts, service, or paint departments are maintained 29495
there, or such products or services are provided there, if the 29496
departments are operated or the products or services are provided 29497
for the business of selling, displaying, offering for sale, or 29498
dealing in motor vehicles. Places of business or departments in a 29499
place of business used to dismantle, salvage, or rebuild motor 29500
vehicles by means of using used parts, are not considered as being 29501
maintained for the purpose of assisting or furthering the selling, 29502
displaying, offering for sale, or dealing in motor vehicles. A 29503
place of business shall be considered as used exclusively for 29504
selling, displaying, offering for sale, or dealing in motor 29505
vehicles even though a business owned by a motor vehicle leasing 29506
dealer or a motor vehicle renting dealer is located at the place 29507
of business. 29508

(B) No new motor vehicle dealer shall sell, display, offer 29509
for sale, or deal in motor vehicles at any place except an 29510
established place of business that is used exclusively for the 29511
purpose of selling, displaying, offering for sale, or dealing in 29512
motor vehicles. The place of business shall have space, under 29513
roof, for the display of at least one new motor vehicle and 29514
facilities and space therewith for the inspection, servicing, and 29515

repair of at least one motor vehicle; except that a new motor
vehicle dealer selling manufactured or mobile homes is exempt from
the requirement that a place of business have space, under roof,
for the display of at least one new motor vehicle and facilities
and space for the inspection, servicing, and repair of at least
one motor vehicle.

Nothing in Chapter 4517. of the Revised Code shall be
construed as prohibiting the sale of a new or used manufactured or
mobile home located in a manufactured home park by a licensed new
or used motor vehicle dealer.

(C) No used motor vehicle dealer shall sell, display, offer
for sale, or deal in motor vehicles at any place except an
established place of business that is used exclusively for the
purpose of selling, displaying, offering for sale, or dealing in
motor vehicles.

(D) No motor vehicle leasing dealer shall make a motor
vehicle available for use by another, in the manner described in
division (M) of section 4517.01 of the Revised Code, at any place
except an established place of business that is used for leasing
motor vehicles; except that a motor vehicle leasing dealer who is
also a new motor vehicle dealer or used motor vehicle dealer may
lease motor vehicles at the same place of business at which the
dealer sells, offers for sale, or deals in new or used motor
vehicles.

(E) No motor vehicle leasing dealer or motor vehicle renting
dealer shall sell a motor vehicle within ninety days after a
certificate of title to the motor vehicle is issued to the dealer,
except when a salvage certificate of title is issued to replace
the original certificate of title and except when a motor vehicle
leasing dealer sells a motor vehicle to another motor vehicle
leasing dealer at the end of a sublease pursuant to that sublease.

(F) No distributor shall distribute new motor vehicles to new motor vehicle dealers at any place except an established place of business that is used exclusively for the purpose of distributing new motor vehicles to new motor vehicle dealers; except that a distributor who is also a new motor vehicle dealer may distribute new motor vehicles at the same place of business at which the distributor sells, displays, offers for sale, or deals in new motor vehicles.

(G) No person, firm, or corporation that sells, displays, or offers for sale tent-type fold-out camping trailers is subject to the requirement that the person's, firm's, or corporation's place of business be used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles. No person, firm, or corporation that sells, displays, or offers for sale tent-type fold-out camping trailers, trailers, semitrailers, or park trailers is subject to the requirement that the place of business have space, under roof, for the display of at least one new motor vehicle and facilities and space for the inspection, servicing, and repair of at least one motor vehicle.

(H) No manufactured or mobile home broker shall engage in the business of brokering manufactured or mobile homes at any place except an established place of business that is used exclusively for the purpose of brokering manufactured or mobile homes.

(I) Nothing in this section shall be construed to prohibit persons licensed under this chapter from making sales calls.

(J) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(K) As used in this section:

(1) "Motor vehicle leasing dealer" has the same meaning as in section 4517.01 of the Revised Code.

(2) "Motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code. 29578
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(3) "Watercraft" has the same meaning as in section 1547.01 of the Revised Code. 29580
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Sec. 4517.19. (A) No motor vehicle wholesaler shall: 29582

~~(A)(1)~~ Sell, offer for sale, or display for sale at wholesale a motor vehicle, when the motor vehicle wholesaler has reasonable cause to believe that the odometer of the motor vehicle has been changed, tampered with, or disconnected to reflect a lesser mileage or use, unless the motor vehicle wholesaler first gives clear and unequivocal notice of the odometer's altered condition; 29583
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~~(B)(2)~~ Sell or offer for sale at wholesale a motor vehicle unless the motor vehicle wholesaler is the legal owner of the motor vehicle; 29590
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~~(C)(3)~~ Sell, offer for sale, or display for sale at wholesale a motor vehicle without making available an odometer disclosure statement that is signed by the owner of the motor vehicle as required by section 4505.06 of the Revised Code and that complies with subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981; 29593
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~~(D)(4)~~ Fail, within ten days of acceptance of an offer for sale at wholesale, to deliver an Ohio certificate of title or the current certificate of title issued for the motor vehicle, and all title assignments that evidence the seller's ownership of the motor vehicle, to the purchaser of the motor vehicle. Failure to deliver title within ten days of acceptance of an offer for sale at wholesale is grounds for rescission of the agreement to buy. 29599
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(B) Except as otherwise provided in this division, whoever violates this section is guilty of a misdemeanor of the second 29606
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degree. If the offender previously has been convicted of or 29608
pleaded guilty to a violation of this section, whoever violates 29609
this section is guilty of a misdemeanor of the first degree. 29610

Sec. 4517.20. (A) No motor vehicle dealer licensed under 29611
Chapter 4517. of the Revised Code shall do any of the following: 29612

~~(A)~~(1) Directly or indirectly, solicit the sale of a motor 29613
vehicle through a pecuniarily interested person other than a 29614
salesperson licensed in the employ of a licensed dealer; 29615

~~(B)~~(2) Pay any commission or compensation in any form to any 29616
person in connection with the sale of a motor vehicle unless the 29617
person is licensed as a salesperson in the employ of the dealer; 29618

~~(C)~~(3) Fail to immediately notify the registrar of motor 29619
vehicles upon termination of the employment of any person licensed 29620
as a salesperson to sell, display, offer for sale, or deal in 29621
motor vehicles for the dealer; 29622

~~(D)~~(4) Knowingly engage in any wholesale motor vehicle 29623
transaction with any person required to be licensed pursuant to 29624
Chapter 4517. of the Revised Code, if the person is not licensed 29625
pursuant to that chapter, if the person's license to operate as a 29626
dealer has been suspended or revoked, or if the person's 29627
application for a license to operate as a dealer has been denied. 29628

(B) Whoever violates this section is guilty of a misdemeanor 29629
of the fourth degree. 29630

Sec. 4517.21. (A) No motor vehicle auction owner licensed 29631
under Chapter 4517. of the Revised Code shall: 29632

~~(A)~~(1) Engage in the sale of motor vehicles at retail from 29633
the same licensed location; 29634

~~(B)~~(2) Knowingly permit the auctioning of a motor vehicle if 29635
the motor vehicle auction owner has reasonable cause to believe it 29636

is not being offered for sale by the legal owner of the motor vehicle; 29637
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~~(C)~~(3) Knowingly permit the sale of a motor vehicle to any person except a motor vehicle dealer licensed in this state or any other jurisdiction, or any other person licensed pursuant to Chapter 4517. of the Revised Code or a substantially similar statute of any other jurisdiction; 29639
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~~(D)~~(4) Knowingly permit the sale of a motor vehicle by any person who is not licensed pursuant to Chapter 4517. of the Revised Code; 29644
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~~(E)~~(5) Knowingly permit any person to violate section 4517.19 of the Revised Code; 29647
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~~(F)~~(6) Deny reasonable inspection of the motor vehicle auction owner's business records, relating to the sale of motor vehicles, to the registrar of motor vehicles or the attorney general, when requested in writing to do so. The motor vehicle auction owner shall maintain for a period of six years from the date of the sale of a motor vehicle at least the following information: 29649
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~~(1)~~(a) The year, make, model and vehicle identification number of the motor vehicle; 29656
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~~(2)~~(b) The name and address of the selling dealer; 29658

~~(3)~~(c) The name and address of the buying dealer; 29659

~~(4)~~(d) The date of the sale; 29660

~~(5)~~(e) The purchase price; 29661

~~(6)~~(f) The odometer reading of the motor vehicle at the time of sale and an odometer disclosure statement from the seller that complies with subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 29662
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A motor vehicle auction owner may supplement the required 29666

information with any additional information the motor vehicle 29667
auction owner considers appropriate. 29668

~~(G)~~(7) Knowingly permit a dealer whose license has been 29669
suspended or revoked, or a person whose application for a license 29670
to operate as a dealer has been denied, to participate as a buyer 29671
or seller at the motor vehicle auction owner's auction after 29672
notification by the registrar of the suspension or revocation of a 29673
license, or denial of an application for a license. The registrar 29674
shall notify each auction owner by certified mail, return receipt 29675
requested, within five business days of the suspension or 29676
revocation of a license, or the denial of an application for 29677
license. Any motor vehicle auction owner who has knowledge of the 29678
presence at the motor vehicle auction owner's auction of a dealer 29679
whose license has been suspended or revoked, or of a person whose 29680
application for a license to operate as a dealer has been denied, 29681
shall immediately cause the removal of the person from the 29682
auction. 29683

~~(H)~~(8) Knowingly accept a motor vehicle for sale or possible 29684
sale by a dealer whose license has been suspended or revoked, 29685
during the period of suspension or revocation, or by a person 29686
whose application for a license to operate as a dealer has been 29687
denied, after notification by the registrar, in accordance with 29688
division (G) of this section, of the suspension or revocation of 29689
the license, or denial of an application for a license. 29690

~~(I)~~(9) Knowingly permit the auctioning of a motor vehicle 29691
whose ownership is not evidenced at the time of auctioning by a 29692
current certificate of title or a manufacturer's certificate of 29693
origin, and all title assignments that evidence the seller's 29694
ownership of the motor vehicle, without first giving clear and 29695
unequivocal notice of the lack of such evidence. 29696

(B) Whoever violates this section is guilty of a misdemeanor 29697
of the fourth degree. 29698

Sec. 4517.22. (A) Any group of licensed new motor vehicle dealers may display motor vehicles at a motor vehicle show within the general market area allocated to a licensed new motor vehicle dealer, whenever all of the following conditions are met:

(1) The primary purpose of the motor vehicle show is the exhibition of competitive makes and models of motor vehicles to provide the general public the opportunity to review and inspect various makes and models of motor vehicles at a single location;

(2) Not less than thirty days before the planned opening date of the motor vehicle show, the group requests and receives permission to hold the show from the registrar of motor vehicles.

(B) No contracts shall be signed, deposits taken, or sales consummated at the location of a motor vehicle show.

(C) Any sponsor of a motor vehicle show shall offer by mail an invitation to all new motor vehicle dealers dealing in competitive types of motor vehicles in the general market area to participate and display motor vehicles in the show. The sponsor may offer a similar invitation to manufacturers or distributors. A copy of each invitation shall be retained by the sponsor for at least one year after the show.

(D) No person except a manufacturer or distributor shall hold in any public place a motor vehicle show at which only one motor vehicle is displayed, and no such single unit show shall be held unless the manufacturer or distributor requests and receives permission from the registrar not less than thirty days before the show.

(E) The registrar shall not grant permission for any motor vehicle show to be held, unless it is proven to the registrar's satisfaction that no attempt is being made to circumvent the provisions of sections 4517.01 to 4517.45 of the Revised Code.

(F) Nothing contained in this section shall be construed as 29729
prohibiting the taking of orders for nonmotorized recreational 29730
vehicles as defined in section 4501.01 of the Revised Code at 29731
sports or camping shows. 29732

(G) No motor vehicle dealer, motor vehicle leasing dealer, 29733
motor vehicle auction owner, or distributor licensed under 29734
sections 4517.01 to 4517.45 of the Revised Code shall display a 29735
motor vehicle at any place except the dealer's, owner's, or 29736
distributor's licensed location, unless the dealer, owner, or 29737
distributor first obtains permission from the registrar and 29738
complies with the applicable rules of the motor vehicle dealers 29739
board. 29740

(H) Nothing contained in this section shall be construed as 29741
prohibiting the display of, the taking of orders for, or the sale 29742
of, livestock trailers at livestock and agricultural shows, 29743
including county fairs. Notwithstanding section 4517.03 of the 29744
Revised Code, livestock trailers may be sold at livestock and 29745
agricultural shows, including county fairs, as permitted by this 29746
division. 29747

As used in this division, "livestock trailer" means a new or 29748
used trailer designed by its manufacturer to be used to transport 29749
horses or to transport animals generally used for food or in the 29750
production of food, including cattle, sheep, goats, rabbits, 29751
poultry, swine, and any other animals included by the director of 29752
agriculture in rules adopted under section 901.72 of the Revised 29753
Code. 29754

(I) Notwithstanding division (B) of this section, contracts 29755
may be signed, deposits taken, and sales consummated at the 29756
location of a motor vehicle show where the motor vehicles involved 29757
are horse trailers or towing vehicles that are trucks and have a 29758
gross vehicle weight of more than three-quarters of a ton, the 29759
motor vehicle show is being held as part of or in connection with 29760

a major livestock show, the licensed new motor vehicle dealers
involved have complied with the applicable requirements of this
section, and the registrar has granted permission for the motor
vehicle show in accordance with division (E) of this section.

As used in this division ~~(I) of this section~~:

(1) "Major livestock show" means any show of livestock that
is held at the Ohio state fairgrounds, is national in scope, and
that continues for more than ten consecutive days.

(2) "Truck" has the same meaning as in section 4511.01 of the
Revised Code.

(3) "Gross vehicle weight" means the unladen weight of the
vehicle fully equipped.

(J) Whoever violates this section is guilty of a misdemeanor
of the fourth degree.

Sec. 4517.23. (A) Any licensed motor vehicle dealer, motor
vehicle leasing dealer, manufactured home broker, or distributor
shall notify the registrar of motor vehicles concerning any change
in status as a dealer, motor vehicle leasing dealer, manufactured
home broker, or distributor during the period for which the
dealer, broker, or distributor is licensed, if the change of
status concerns any of the following:

~~(A)~~(1) Personnel of owners, partners, officers, or directors;

~~(B)~~(2) Location of office or principal place of business;

~~(C)~~(3) In the case of a motor vehicle dealer, any contract or
agreement with any manufacturer or distributor; and in the case of
a distributor, any contract or agreement with any manufacturer.

(B) The notification required by division (A) of this section
shall be made by filing with the registrar, within fifteen days

after the change of status, a supplemental statement in a form 29790
prescribed by the registrar showing in what respect the status has 29791
been changed. If the change involves a change in any contract or 29792
agreement between any manufacturer or distributor, and dealer, or 29793
any manufacturer and distributor, the supplemental statement shall 29794
be accompanied by such copies of contracts, statements, and 29795
certificates as would have been required by sections 4517.01 to 29796
4517.45 of the Revised Code if the change had occurred prior to 29797
the licensee's application for license. 29798

The motor vehicle dealers board may adopt a rule exempting 29799
from the notification requirement of division (A)(1) of this 29800
section any dealer if stock in the dealer or its parent company is 29801
publicly traded and if there are public records with state or 29802
federal agencies that provide the information required by division 29803
(A)(1) of this section. 29804

(C) Whoever violates this section is guilty of a misdemeanor 29805
of the fourth degree. 29806

Sec. 4517.24. (A) No two motor vehicle dealers shall engage 29807
in business at the same location, unless they agree to be jointly, 29808
severally, and personally liable for any liability arising from 29809
their engaging in business at the same location. The agreement 29810
shall be filed with the motor vehicle dealers board, and shall 29811
also be made a part of the articles of incorporation of each such 29812
dealer filed with the secretary of state. Whenever the board has 29813
reason to believe that a dealer who has entered into such an 29814
agreement has revoked the agreement but continues to engage in 29815
business at the same location, the board shall revoke the dealer's 29816
license. 29817

(B) This section does not apply to two or more motor vehicle 29818
dealers engaged in the business of selling new or used 29819
manufactured or mobile homes in the same manufactured home park. 29820

(C) Whoever violates this section is guilty of a misdemeanor 29821
of the fourth degree. 29822

Sec. 4517.25. (A) Every dealer shall maintain a mileage 29823
disclosure statement from the previous owner of each motor vehicle 29824
the dealer sells, purchases, or receives as a trade on another 29825
motor vehicle. The mileage disclosure statement shall be in such 29826
form and include such information as the motor vehicle dealers 29827
board requires by rule. 29828

(B) Whoever violates this section is guilty of a misdemeanor 29829
of the fourth degree. 29830

Sec. 4517.26. (A) Every retail and wholesale sale of a motor 29831
vehicle shall be preceded by a written instrument or contract that 29832
shall contain all of the agreements of the parties and shall be 29833
signed by the buyer and the seller. The seller, upon execution of 29834
the agreement or contract and before the delivery of the motor 29835
vehicle, shall deliver to the buyer a copy of the agreement or 29836
contract that shall clearly describe the motor vehicle sold to the 29837
buyer, including, where applicable, its vehicle identification 29838
number and the mileage appearing on the odometer of the vehicle at 29839
the time of sale and whether the mileage is accurate; the sale 29840
price of the vehicle, and, if applicable, the amount paid down by 29841
the buyer; the amount credited to the buyer for any trade-in, and 29842
a description thereof; the amount of any finance charge; the 29843
amount charged for any motor vehicle insurance, and a statement of 29844
the types of insurance provided by the policy or policies; the 29845
amount of any other charge, and a specification of its purpose; 29846
the net balance due from the buyer; and the terms of the payment 29847
of the net balance. 29848

This section does not apply to a casual sale of a motor 29849
vehicle. 29850

(B) Whoever violates this section is guilty of a misdemeanor 29851
of the fourth degree. 29852

Sec. 4517.27. (A) In accordance with Chapter 119. of the 29853
Revised Code, the registrar of motor vehicles shall adopt rules 29854
for the regulation of manufactured home brokers. The rules shall 29855
require that a manufactured home broker maintain a bond of a 29856
surety company authorized to transact business in this state in an 29857
amount determined by the registrar. The rules also shall require 29858
each person licensed as a manufactured home broker to maintain at 29859
all times a special or trust bank account that is 29860
noninterest-bearing, is separate and distinct from any personal or 29861
other account of the broker, and into which shall be deposited and 29862
maintained all escrow funds, security deposits, and other moneys 29863
received by the broker in a fiduciary capacity. In a form 29864
determined by the registrar, a manufactured home broker shall 29865
submit written proof to the registrar of the continued maintenance 29866
of the special or trust account. A depository where special or 29867
trust accounts are maintained in accordance with this section 29868
shall be located in this state. 29869

(B) Whoever violates this section is guilty of a misdemeanor 29870
of the fourth degree. 29871

Sec. 4517.40. (A) No person who is engaged in or about to 29872
engage in the business of selling motor vehicles at retail shall 29873
enter into any contract, agreement, or understanding, express or 29874
implied, with any manufacturer or distributor of motor vehicles, 29875
that ~~he~~ the person will sell only to a designated person or class 29876
of persons all or any part of the retail installment contracts 29877
arising out of the sale by ~~him~~ the person of motor vehicles, or 29878
that ~~he~~ the person will refuse to sell such retail installment 29879
contracts to any designated person or class of persons. Any such 29880
contract, agreement, or understanding is void. 29881

(B) Whoever violates this section is guilty of a misdemeanor 29882
of the fourth degree. 29883

Sec. 4517.41. (A) No manufacturer or distributor of motor 29884
vehicles, or the officer, agent, or representative of such 29885
manufacturer or distributor, shall induce or coerce, or attempt to 29886
induce or coerce, any retail motor vehicle dealer or prospective 29887
retail motor vehicle dealer to sell or refuse to sell all or any 29888
portion of ~~his~~ the dealer's or prospective dealer's retail 29889
installment contracts to any person or class of persons designated 29890
by the manufacturer or distributor, by means of any statement, 29891
suggestion, promise, or threat, made directly or indirectly, that 29892
the manufacturer or distributor will in any manner injure or 29893
benefit the dealer, or by means of any act of the manufacturer or 29894
distributor that has benefited or injured the dealer, or by means 29895
of any statement or representation, made directly or indirectly, 29896
that the dealer is under any obligation to make or refuse to make 29897
such sale. 29898

(B) Whoever violates this section is guilty of a misdemeanor 29899
of the fourth degree. 29900

Sec. 4517.42. (A) No person engaged in the business of buying 29901
retail installment contracts from motor vehicle dealers in this 29902
state, and no officer, agent, or representative of such person, 29903
shall purchase or attempt to purchase any such retail installment 29904
contract from any motor vehicle dealer in this state in the 29905
following circumstances: 29906

~~(A)~~(1) When the dealer in consequence of any contract, 29907
agreement, or arrangement between such person and a manufacturer 29908
or distributor supplying motor vehicles to the dealer has been 29909
induced or coerced to sell the retail installment contract by 29910
means of any statement, suggestion, promise, or threat, made 29911

directly or indirectly, that the manufacturer or distributor 29912
supplying motor vehicles to the dealer would in any manner injure 29913
or benefit the dealer, or by means of any act of the manufacturer 29914
or distributor that has benefited or injured the dealer, or by 29915
means of any statement or representation, made directly or 29916
indirectly, that the dealer is under any obligation to make such 29917
sale; 29918

~~(B)~~(2) When such person has received or has contracted to 29919
receive from any manufacturer or distributor supplying motor 29920
vehicles to the dealer, or has given or contracted to give to the 29921
manufacturer or distributor, any subsidy or thing of service or 29922
value, where the effect of the giving or receiving of the subsidy 29923
or thing of service or value may be to lessen or eliminate 29924
competition in the business of purchasing retail installment 29925
contracts from motor vehicle dealers or may tend to grant an 29926
unfair trade advantage or to create a monopoly in such person. 29927

(B) Whoever violates this section is guilty of a misdemeanor 29928
of the fourth degree. 29929

Sec. 4517.43. (A) The applications for licenses and the 29930
copies of contracts required by sections 4517.04, 4517.05, 29931
4517.051, 4517.052, 4517.06, 4517.07, 4517.08, and 4517.09 of the 29932
Revised Code are not part of the public records but are 29933
confidential information for the use of the registrar of motor 29934
vehicles and the motor vehicle dealers board. No person shall 29935
divulge any information contained in such applications and 29936
acquired by the person in the person's capacity as an official or 29937
employee of the bureau of motor vehicles or of the board, except 29938
in a report to the registrar, to the board, or when called upon to 29939
testify in any court or proceeding. 29940

(B) Whoever violates this section is guilty of a minor 29941
misdemeanor. 29942

Sec. 4517.44. (A) No manufacturer or distributor of motor 29943
vehicles, dealer in motor vehicles, or manufactured home broker, 29944
nor any owner, proprietor, person in control, or keeper of any 29945
garage, stable, shop, or other place of business, shall fail to 29946
keep or cause to be kept any record required by law. 29947

(B) Whoever violates this section is guilty of a minor 29948
misdemeanor. 29949

Sec. 4517.45. (A) No dealer licensed to sell motor vehicles 29950
at retail in this state under Chapter 4517. of the Revised Code 29951
shall attach to any motor vehicle offered for sale by ~~him~~ the 29952
dealer any tag or placard bearing ~~his~~ the dealer's name, or the 29953
name of ~~his~~ the dealer's place of business, whenever the method of 29954
attachment involves drilling or otherwise creating holes in any 29955
part of the body or trim of the vehicle, unless the purchaser 29956
consents in writing to such method of attachment. 29957

Any damage to the body or trim of a motor vehicle that 29958
results from a violation of this section shall, at the request of 29959
the purchaser of the vehicle, be repaired by the dealer in a 29960
manner acceptable to the purchaser, and at no cost to ~~him~~ the 29961
purchaser. 29962

(B) Whoever violates this section is guilty of a minor 29963
misdemeanor. 29964

Sec. 4517.64. (A) No franchisor shall do any of the 29965
following: 29966

~~(A)~~(1) Fail to obey a requirement or order made by the motor 29967
vehicle dealers board, or the order of any court upon application 29968
of the board; 29969

~~(B)~~(2) Fail to perform a duty imposed upon it by sections 29970
4517.50 to 4517.65 of the Revised Code, or do any act prohibited 29971

by those sections. 29972

(B) No franchisee or prospective transferee shall fail to 29973
perform a duty imposed upon it by sections 4517.50 to 4517.65 of 29974
the Revised Code or do any act prohibited by those sections. 29975

(C) Whoever violates division (A) or (B) of this section is 29976
guilty of a misdemeanor of the fourth degree. 29977

Sec. 4517.99. ~~(A)~~ Whoever violates any provision of sections 29978
4517.01 to 4517.65 of the Revised Code, for which no penalty ~~is~~ 29979
otherwise is provided in ~~this~~ the section that contains the 29980
provision violated, or any rule promulgated by the registrar of 29981
motor vehicles or the motor vehicle dealers board under sections 29982
4517.01 to 4517.45 of the Revised Code, is guilty of a misdemeanor 29983
of the fourth degree. 29984

~~(B) Whoever violates sections 4517.43 to 4517.45 of the~~ 29985
~~Revised Code is guilty of a minor misdemeanor.~~ 29986

~~(C) Whoever violates section 4517.02 of the Revised Code is~~ 29987
~~guilty of a minor misdemeanor on a first offense and shall be~~ 29988
~~subject to a mandatory fine of one hundred dollars; on each~~ 29989
~~subsequent offense such person is guilty of a misdemeanor of the~~ 29990
~~first degree and shall be subject to a mandatory fine of one~~ 29991
~~thousand dollars.~~ 29992

~~(D) Whoever violates section 4517.19 of the Revised Code is~~ 29993
~~guilty of a misdemeanor of the second degree on a first offense;~~ 29994
~~on each subsequent offense the person is guilty of a misdemeanor~~ 29995
~~of the first degree.~~ 29996

Sec. 4519.02. (A) Except as provided in divisions (B), (C), 29997
and (D) of this section, no person shall operate any snowmobile, 29998
off-highway motorcycle, or all-purpose vehicle within this state 29999
unless the snowmobile, off-highway motorcycle, or all-purpose 30000
vehicle is registered and numbered in accordance with sections 30001

4519.03 and 4519.04 of the Revised Code. 30002

(B) No registration is required for a snowmobile, off-highway 30003
motorcycle, or all-purpose vehicle that is operated exclusively 30004
upon lands owned by the owner of the snowmobile, off-highway 30005
motorcycle, or all-purpose vehicle, or on lands to which the owner 30006
has a contractual right. 30007

(C) No registration is required for a snowmobile, off-highway 30008
motorcycle, or all-purpose vehicle owned and used in this state by 30009
a resident of another state whenever that state has in effect a 30010
registration law similar to this chapter and the snowmobile, 30011
off-highway motorcycle, or all-purpose vehicle is properly 30012
registered thereunder. Any snowmobile, off-highway motorcycle, or 30013
all purpose vehicle owned and used in this state by a resident of 30014
another state not having such a registration requirement shall 30015
comply with section 4519.09 of the Revised Code. 30016

(D) No registration is required for a snowmobile, off-highway 30017
motorcycle, or all-purpose vehicle owned and used in this state by 30018
the United States, another state, or a political subdivision 30019
thereof, but the snowmobile, off-highway motorcycle, or 30020
all-purpose vehicle shall display the name of the owner thereon. 30021

(E) The owner or operator of any all-purpose vehicle operated 30023
or used upon the waters in this state shall comply with Chapters 30024
1547. and 1548. of the Revised Code relative to the operation of 30025
watercraft. 30026

(F) Except as otherwise provided in this division, whoever 30027
violates division (A) of this section shall be fined not more than 30028
twenty-five dollars. If the offender previously has been convicted 30029
of or pleaded guilty to a violation of division (A) of this 30030
section, whoever violates division (A) of this section shall be 30031
fined not less than twenty-five nor more than fifty dollars. 30032

Sec. 4519.05. (A) Whenever a registered snowmobile, 30033
off-highway motorcycle, or all-purpose vehicle is destroyed or 30034
similarly disposed of, the owner shall surrender the certificate 30035
of registration to the registrar of motor vehicles or a deputy 30036
registrar within fifteen days following the destruction or 30037
disposal. The registrar thereupon shall cancel the certificate and 30038
enter that fact in the registrar's records. 30039

In the case of an off-highway motorcycle or all-purpose 30040
vehicle for which a certificate of title has been issued, the 30041
owner also shall surrender the certificate of title to the clerk 30042
of the court of common pleas who issued it and the clerk, with the 30043
consent of any lienholders noted thereon, shall enter a 30044
cancellation upon the clerk's records and shall notify the 30045
registrar of the cancellation. Upon the cancellation of a 30046
certificate of title in the manner prescribed by this division, 30047
the clerk and the registrar may cancel and destroy all 30048
certificates of title and memorandum certificates of title in that 30049
chain of title. 30050

(B) Subject to division (B) of section 4519.03 of the Revised 30051
Code, whenever the ownership of a registered snowmobile, 30052
off-highway motorcycle, or all-purpose vehicle is transferred by 30053
sale or otherwise, the new owner, within fifteen days following 30054
the transfer, shall make application to the registrar or a deputy 30055
registrar for the transfer of the certificate of registration. 30056
Upon receipt of the application and a fee of one dollar, the 30057
registrar shall transfer the certificate to the new owner and 30058
shall enter the new owner's name and address in the registrar's 30059
records. 30060

(C) Whenever the owner of a registered snowmobile, 30061
off-highway motorcycle, or all-purpose vehicle changes address, 30062
the owner shall surrender the certificate of registration to the 30063

registrar or a deputy registrar within fifteen days following the
address change. Upon receipt of the certificate, the registrar
shall enter the new address thereon and shall make the appropriate
change in the registrar's records. In a case where the owner's
change of address involves a move outside of the state, the
registrar shall cancel the certificate of registration for that
snowmobile, off-highway motorcycle, or all-purpose vehicle.

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(D) Whenever a certificate of registration for a snowmobile,
off-highway motorcycle, or all-purpose vehicle is lost, mutilated,
or destroyed, the owner may obtain a duplicate certificate, which
shall be identified as such, upon application and the payment of a
fee of one dollar.

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(E) Whoever violates division (A), (B), or (C) of this
section shall be fined not more than twenty-five dollars for a
first offense; for each subsequent offense, the offender shall be
fined not less than twenty-five nor more than fifty dollars.

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Sec. 4519.06. (A) Any person who is a dealer in snowmobiles,
off-highway motorcycles, or all-purpose vehicles shall make
application for registration, for each place in this state at
which the business of selling, manufacturing, leasing, or renting
snowmobiles, off-highway motorcycles, or all-purpose vehicles is
carried on. The application shall show the make of snowmobile,
off-highway motorcycle, or all-purpose vehicle manufactured, sold,
leased, or rented at such place, and shall be accompanied by a fee
of twenty-five dollars. Upon the filing of the application and the
payment of the fee therefor, the registrar of motor vehicles shall
assign to the applicant a distinctive number. The number shall be
displayed upon each snowmobile, off-highway motorcycle, or
all-purpose vehicle in the places prescribed in section 4519.04 of
the Revised Code whenever the vehicle is being used prior to sale
or transfer. The registrar shall adopt rules specifying the manner

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in which the number may be temporarily affixed to the vehicle. 30095

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Upon the termination of any dealership registered under this 30097

section, the dealer, within fifteen days following such 30098

termination, shall notify the registrar, who shall enter that fact 30099

in the registrar's records. 30100

Notwithstanding section 4517.01 of the Revised Code, a dealer 30101

licensed to sell motor vehicles also may be registered as a dealer 30102

in snowmobiles, off-highway motorcycles, or all-purpose vehicles 30103

under this section, and may display, sell, or rent such vehicles 30104

at the dealer's established place of business. 30105

(B) Except as otherwise provided in this division, whoever 30106

violates this section shall be fined not more than fifty dollars. 30107

If the offender previously has been convicted of or pleaded guilty 30108

to a violation of this section, whoever violates this section 30109

shall be fined not less than fifty nor more than two hundred 30110

dollars. 30111

Sec. 4519.20. (A) The director of public safety, pursuant to 30112

Chapter 119. of the Revised Code, shall adopt rules for the 30113

equipment of snowmobiles, off-highway motorcycles, and all-purpose 30114

vehicles. The rules may be revised from time to time as the 30115

director considers necessary, and shall include, but not 30116

necessarily be limited to, requirements for the following items of 30117

equipment: 30118

(1) At least one headlight having a minimum candlepower of 30119

sufficient intensity to reveal persons and objects at a distance 30120

of at least one hundred feet ahead under normal atmospheric 30121

conditions during hours of darkness; 30122

(2) At least one red tail light having a minimum candlepower 30123

of sufficient intensity to be plainly visible from a distance of 30124

five hundred feet to the rear under normal atmospheric conditions 30125
during hours of darkness; 30126

(3) Adequate brakes. Every snowmobile, while traveling on 30127
packed snow, shall be capable of carrying a driver who weighs one 30128
hundred seventy-five pounds or more, and, while carrying such 30129
driver, be capable of stopping in not more than forty feet from an 30130
initial steady speed of twenty miles per hour, or locking its 30131
traction belt. 30132

(4) A muffler system capable of precluding the emission of 30133
excessive smoke or exhaust fumes, and of limiting the engine noise 30134
of vehicles. On snowmobiles manufactured after January 1, 1973, 30135
such requirement shall include sound dampening equipment such that 30136
noise does not exceed eighty-two decibels on the "A" scale at 30137
fifty feet as measured according to SAE J192 (September 1970). 30138

(B) No person shall operate any snowmobile, off-highway 30139
motorcycle, or all-purpose vehicle in violation of division 30140
(A)(1), (2), (3), or (4) of this section, except that equipment 30141
specified in divisions (A)(1) and (2) of this section shall not be 30142
required on snowmobiles, off-highway motorcycles, or all-purpose 30143
vehicles operated during the daylight hours. 30144

(C) Except as otherwise provided in this division, whoever 30145
violates division (B) of this section shall be fined not more than 30146
fifty dollars. If the offender within the preceding year 30147
previously has committed a violation of division (B) of this 30148
section, whoever violates division (B) of this section shall be 30149
fined not less than fifteen nor more than one hundred dollars, 30150
imprisoned not more than three days, or both. 30151

Sec. 4519.22. (A) No person shall have for sale, sell, offer 30152
for sale, lease, rent, or otherwise furnish for hire in this state 30153
any new snowmobile, off-highway motorcycle, or all-purpose vehicle 30154
that fails to comply with any rule adopted by the director of 30155

public safety under section 4519.20 of the Revised Code, after the 30156
effective date of the rule. 30157

(B) Except as otherwise provided in this division, whoever 30158
violates this section shall be fined not more than fifty dollars. 30159
If the offender within the preceding year previously has committed 30160
a violation of this section, whoever violates this section shall 30161
be fined not less than fifteen nor more than one hundred dollars, 30162
imprisoned not more than three days, or both. 30163

Sec. 4519.40. (A) The applicable provisions of Chapters 4511. 30164
and 4549. of the Revised Code shall be applied to the operation of 30165
snowmobiles, off-highway motorcycles, and all-purpose vehicles, 30166
except that no snowmobile, off-highway motorcycle, or all-purpose 30167
vehicle shall be operated as follows: 30168

(A)(1) On any limited access highway or freeway or the 30169
right-of-way thereof, except for emergency travel only during such 30170
time and in such manner as the director of public safety shall 30171
designate; 30172

(B)(2) On any private property, or in any nursery or planting 30173
area, without the permission of the owner or other person having 30174
the right to possession of the property; 30175

(C)(3) On any land or waters controlled by the state, except 30176
at those locations where a sign has been posted permitting such 30177
operation; 30178

(D)(4) On the tracks or right-of-way of any operating 30179
railroad; 30180

(E)(5) While transporting any firearm, bow, or other 30181
implement for hunting, that is not unloaded and securely encased; 30182

(F)(6) For the purpose of chasing, pursuing, capturing, or 30183
killing any animal or wildfowl; 30184

~~(G)(7)~~ During the time from sunset to sunrise, unless 30185
displaying lighted lights as required by section 4519.20 of the 30186
Revised Code. 30187

(B) Whoever violates this section shall be fined not less 30188
than fifty nor more than five hundred dollars, imprisoned not less 30189
than three nor more than thirty days, or both. 30190

Sec. 4519.41. Snowmobiles, off-highway motorcycles, and 30191
all-purpose vehicles may be operated as follows: 30192

(A) To make a crossing of a highway, other than a highway as 30193
designated in division (A)(1) of section 4519.40 of the Revised 30194
Code, whenever the crossing can be made in safety and will not 30195
interfere with the movement of vehicular traffic approaching from 30196
any direction on the highway, and provided that the operator 30197
yields the right-of-way to any approaching traffic that presents 30198
an immediate hazard; 30199

(B) On highways in the county or township road systems 30200
whenever the local authority having jurisdiction over such 30201
highways so permits; 30202

(C) Off and alongside a street or highway for limited 30203
distances from the point of unloading from a conveyance to the 30204
point at which the snowmobile, off-highway motorcycle, or 30205
all-purpose vehicle is intended and authorized to be operated; 30206

(D) On the berm or shoulder of a highway, other than a 30207
highway as designated in division (A)(1) of section 4519.40 of the 30208
Revised Code, when the terrain permits such operation to be 30209
undertaken safely and without the necessity of entering any 30210
traffic lane; 30211

(E) On the berm or shoulder of a county or township road, 30212
while traveling from one area of operation of the snowmobile, 30213
off-highway motorcycle, or all-purpose vehicle to another such 30214

area.

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Sec. 4519.44. (A) No person who does not hold a valid,
current motor vehicle driver's or commercial driver's license,
motorcycle operator's endorsement, or probationary license, issued
under Chapter 4506. or 4507. of the Revised Code, shall operate a
snowmobile, off-highway motorcycle, or all-purpose vehicle on any
street or highway in this state, on any portion of the
right-of-way thereof, or on any public land or waters.

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(B) No person who is less than sixteen years of age shall
operate a snowmobile, off-highway motorcycle, or all-purpose
vehicle on any land or waters other than private property or
waters owned by or leased to the person's parent or guardian,
unless accompanied by another person who is eighteen years of age,
or older, and who holds a license as provided in division (A) of
this section, except that the department of natural resources may
permit such operation on state controlled land under its
jurisdiction when such person is less than sixteen years of age,
but is twelve years of age or older and is accompanied by a parent
or guardian who is a licensed driver eighteen years of age or
older.

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(C) Whoever violates this section shall be fined not less
than fifty nor more than five hundred dollars, imprisoned not less
than three nor more than thirty days, or both.

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Sec. 4519.45. (A) Any dealer who rents, leases, or otherwise
furnishes a snowmobile, off-highway motorcycle, or all-purpose
vehicle for hire shall maintain the vehicle in safe operating
condition. No dealer, or agent or employee of a dealer, shall
rent, lease, or otherwise furnish a snowmobile, off-highway
motorcycle, or all-purpose vehicle for hire to any person who does
not hold a license as required by division (A) of section 4519.44

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of the Revised Code, or to any person whom the dealer or an agent 30245
or employee of the dealer has reasonable cause to believe is 30246
incompetent to operate the vehicle in a safe and lawful manner. 30247

(B) Whoever violates this section shall be fined not less 30248
than one hundred nor more than five hundred dollars. 30249

Sec. 4519.52. (A) Except as provided in section 4519.54 of 30250
the Revised Code, on and after ~~the effective date of this section~~ 30251
July 1, 1999, no dealer engaged in the business of selling new or 30252
used off-highway motorcycles or all-purpose vehicles shall sell or 30253
otherwise transfer a new or used off-highway motorcycle or 30254
all-purpose vehicle without obtaining a certificate of title to 30255
the new or used motorcycle or vehicle, in accordance with this 30256
chapter, and delivering the certificate of title or memorandum 30257
certificate of title to the purchaser or transferee. 30258

(B)(1) A person who is not a dealer engaged in the business 30259
of selling new or used off-highway motorcycles or all-purpose 30260
vehicles and who, on and after ~~the effective date of this section~~ 30261
July 1, 1999, owns an off-highway motorcycle or all-purpose 30262
vehicle, may choose to obtain a certificate of title to the 30263
motorcycle or vehicle. The person shall comply with this chapter 30264
in order to obtain the certificate of title. 30265

(2) If a person who is not a dealer engaged in the business 30266
of selling new or used off-highway motorcycles or all-purpose 30267
vehicles and who owns an off-highway motorcycle or all-purpose 30268
vehicle obtains a certificate of title to the motorcycle or 30269
vehicle, that person shall not sell or otherwise transfer the 30270
motorcycle or vehicle without delivering to the purchaser or 30271
transferee a certificate of title with such assignment thereon as 30272
is necessary to show title in the purchaser or transferee, and no 30273
person shall subsequently purchase or otherwise acquire the 30274
motorcycle or vehicle without obtaining a certificate of title to 30275

the motorcycle or vehicle in the person's own name. 30276

(C) Whoever violates this section shall be fined fifty 30277
dollars. 30278

Sec. 4519.66. (A) No person shall do any of the following: 30279

~~(A)~~(1) Operate in this state an off-highway motorcycle or 30280
all-purpose vehicle without having a certificate of title for the 30281
off-highway motorcycle or all-purpose vehicle, if such a 30282
certificate is required by this chapter to be issued for the 30283
off-highway motorcycle or all-purpose vehicle; 30284

~~(B)~~(2) Operate in this state an off-highway motorcycle or 30285
all-purpose vehicle if a certificate of title to the off-highway 30286
motorcycle or all-purpose vehicle has been issued and then has 30287
been canceled; 30288

~~(C)~~(3) Fail to surrender any certificate of title upon 30289
cancellation of the same by the registrar of motor vehicles and 30290
notice thereof as prescribed in this chapter; 30291

~~(D)~~(4) Fail to surrender the certificate of title to the 30292
clerk of the court of common pleas as provided in this chapter, in 30293
case of the destruction or dismantling of, or change in, the 30294
off-highway motorcycle or all-purpose vehicle described in the 30295
certificate of title; 30296

~~(E)~~(5) Violate sections 4519.51 to 4519.70 of the Revised 30297
Code for which no penalty is otherwise provided in the section 30298
violated or any lawful rules promulgated pursuant to those 30299
sections. 30300

(B) Whoever violates this section shall be fined not more 30301
than two hundred dollars, imprisoned not more than ninety days, or 30302
both. 30303

Sec. 4519.67. (A) No person shall do any of the following: 30304

~~(A)(1)~~ Procure or attempt to procure a certificate of title 30305
to an off-highway motorcycle or all-purpose vehicle, or pass or 30306
attempt to pass a certificate of title or any assignment thereof 30307
to an off-highway motorcycle or all-purpose vehicle, knowing or 30308
having reason to believe that the off-highway motorcycle or 30309
all-purpose vehicle has been stolen; 30310

~~(B)(2)~~ Sell or offer for sale in this state an off-highway 30311
motorcycle or all-purpose vehicle on which the manufacturer's or 30312
assigned vehicle identification number has been destroyed, 30313
removed, covered, altered, or defaced with knowledge of the 30314
destruction, removal, covering, alteration, or defacement of the 30315
manufacturer's or assigned vehicle identification number; 30316

~~(C)(3)~~ Sell or transfer an off-highway motorcycle or 30317
all-purpose vehicle without delivering to the purchaser or 30318
transferee thereof a certificate of title, or a manufacturer's or 30319
importer's certificate thereto, assigned to the purchaser as 30320
provided for in this chapter. 30321

(B) Whoever violates this section shall be fined not more 30322
than five thousand dollars, imprisoned in the county jail or 30323
workhouse not less than six months nor more than one year or in 30324
the penitentiary not less than one year nor more than five years, 30325
or both. 30326

Sec. 4549.01. (A) No person while operating a motor vehicle 30327
shall fail to slow down and stop ~~said~~ the vehicle when signalled 30328
to do so upon meeting or overtaking a horse-drawn vehicle or 30329
person on horseback and to remain stationary until ~~such~~ the 30330
vehicle or person has passed, provided ~~such~~ the signal to stop is 30331
given in good faith, under circumstances of necessity, and only as 30332
often and for ~~such~~ that length of time as is required for ~~such~~ the 30333
vehicle or person to pass, whether it is approaching from the 30334
front or rear. 30335

(B) Whoever violates this section is guilty of a minor 30336
misdemeanor on a first offense and a misdemeanor of the fourth 30337
degree on each subsequent offense. 30338

Sec. 4549.02. (A) In case of accident to or collision with 30339
persons or property upon any of the public roads or highways, due 30340
to the driving or operation thereon of any motor vehicle, the 30341
person ~~so~~ driving or operating ~~such~~ the motor vehicle, having 30342
knowledge of ~~such~~ the accident or collision, ~~shall~~ immediately 30343
shall stop ~~his~~ the driver's or operator's motor vehicle at the 30344
scene of the accident or collision and shall remain at the scene 30345
of ~~such~~ the accident or collision until ~~he~~ the driver or operator 30346
has given ~~his~~ the driver's or operator's name and address and, if 30347
~~he~~ the driver or operator is not the owner, the name and address 30348
of the owner of ~~such~~ that motor vehicle, together with the 30349
registered number of ~~such~~ that motor vehicle, to any person 30350
injured in ~~such~~ the accident or collision or to the operator, 30351
occupant, owner, or attendant of any motor vehicle damaged in ~~such~~ 30352
the accident or collision, or to any police officer at the scene 30353
of ~~such~~ the accident or collision. 30354

In the event the injured person is unable to comprehend and 30355
record the information required to be given by this section, the 30356
other driver involved in ~~such~~ the accident or collision ~~shall~~ 30357
forthwith shall notify the nearest police authority concerning the 30358
location of the accident or collision, and ~~his~~ the driver's name, 30359
address, and the registered number of the motor vehicle ~~he~~ the 30360
driver was operating, and then remain at the scene of the accident 30361
or collision until a police officer arrives, unless removed from 30362
the scene by an emergency vehicle operated by a political 30363
subdivision or an ambulance. 30364

If ~~such~~ the accident or collision is with an unoccupied or 30365
unattended motor vehicle, the operator ~~so colliding~~ who collides 30366

with ~~such~~ the motor vehicle shall securely attach the information 30367
required to be given in this section, in writing, to a conspicuous 30368
place in or on ~~said~~ the unoccupied or unattended motor vehicle. 30369

(B) Whoever violates division (A) of this section is guilty 30370
of failure to stop after an accident, a misdemeanor of the first 30371
degree. If the violation results in serious physical harm or death 30372
to a person, failure to stop after an accident is a felony of the 30373
fifth degree. The court, in addition to any other penalties 30374
provided by law, shall impose upon the offender a class five 30375
suspension of the offender's driver's license, commercial driver's 30376
license, temporary instruction permit, probationary license, or 30377
nonresident operating privilege from the range specified in 30378
division (A)(5) of section 4510.02 of the Revised Code. 30379

Sec. 4549.021. (A) In case of accident or collision resulting 30381
in injury or damage to persons or property upon any public or 30382
private property other than public roads or highways, due to the 30383
driving or operation thereon of any motor vehicle, the person ~~so~~ 30384
driving or operating ~~such~~ the motor vehicle, having knowledge of 30385
~~such~~ the accident or collision, shall stop, and, upon request of 30386
the person injured or damaged, or any other person, shall give 30387
~~such~~ that person ~~his~~ the driver's or operator's name and address, 30388
and, if ~~he~~ the driver or operator is not the owner, the name and 30389
address of the owner of ~~such~~ that motor vehicle, together with the 30390
registered number of ~~such~~ that motor vehicle, and, if available, 30391
exhibit ~~his~~ the driver's or operator's driver's or commercial 30392
driver's license. 30393

If the owner or person in charge of ~~such~~ the damaged property 30394
is not furnished such information, the driver of the motor vehicle 30395
involved in the accident or collision ~~shall~~, within twenty-four 30396
hours after ~~such~~ the accident or collision, shall forward to the 30397
police department of the city or village in which ~~such~~ the 30398

accident or collision occurred or if it occurred outside the 30399
corporate limits of a city or village to the sheriff of the county 30400
in which ~~such~~ the accident or collision occurred the same 30401
information required to be given to the owner or person in control 30402
of ~~such~~ the damaged property and give the date, time, and location 30403
of the accident or collision. 30404

If the accident or collision is with an unoccupied or 30405
unattended motor vehicle, the operator ~~so colliding~~ who collides 30406
with ~~such~~ the motor vehicle shall securely attach the information 30407
required to be given in this section, in writing, to a conspicuous 30408
place in or on the unoccupied or unattended motor vehicle. 30409

(B) Whoever violates division (A) of this section is guilty 30410
of failure to stop after a nonpublic road accident, a misdemeanor 30411
of the first degree. If the violation results in serious physical 30412
harm or death to a person, failure to stop after a nonpublic road 30413
accident is a felony of the fifth degree. The court, in addition 30414
to any other penalties provided by law, shall impose upon the 30415
offender a class five suspension of the offender's driver's 30416
license, commercial driver's license, temporary instruction 30417
permit, probationary license, or nonresident operating privilege 30418
from the range specified in division (A)(5) of section 4510.02 of 30419
the Revised Code. 30420

Sec. 4549.03. (A) The driver of any vehicle involved in an 30421
accident resulting in damage to real property, or personal 30422
property attached to ~~such~~ real property, legally upon or adjacent 30423
to a public road or highway ~~shall~~ immediately shall stop and take 30424
reasonable steps to locate and notify the owner or person in 30425
charge of ~~such~~ the property of ~~such~~ that fact, of ~~his~~ the driver's 30426
name and ~~his~~ address, and of the registration number of the 30427
vehicle ~~he~~ the driver is driving and ~~shall~~, upon request and if 30428
available, shall exhibit ~~his~~ the driver's driver's or commercial 30429
driver's license. 30430

If the owner or person in charge of ~~such the~~ property cannot
be located after reasonable search, the driver of the vehicle
involved in the accident resulting in damage to ~~such the~~ property
~~shall~~, within twenty-four hours after ~~such the~~ accident, shall
forward to the police department of the city or village in which
~~such the~~ accident or collision occurred, or if it occurred outside
the corporate limits of a city or village to the sheriff of the
county in which ~~such the~~ accident or collision occurred, the same
information required to be given to the owner or person in control
of ~~such the~~ property and give the location of the accident and a
description of the damage insofar as it is known.

(B) Whoever violates division (A) of this section is guilty
of failure to stop after an accident involving the property of
others, a misdemeanor of the first degree.

Sec. 4549.042. (A)(1) No person shall sell or otherwise
dispose of a master key designed to fit more than one motor
vehicle, knowing or having reasonable cause to believe ~~such the~~
key will be used to commit a crime.

(2) No person shall buy, receive, or have in ~~his~~ the person's
possession a master key designed to fit more than one motor
vehicle, for the purpose of using ~~such the~~ key to commit a crime.

(B) Whoever violates division (A)(1) or (2) of this section
is guilty of a motor vehicle master key violation, a felony of the
fifth degree on a first offense and a felony of the fourth degree
on each subsequent offense.

Sec. 4549.08. (A) No person shall operate or drive a motor
vehicle upon the public roads and highways in this state if it
displays a license plate or a distinctive number or identification
mark that meets any of the following criteria:

~~(A)~~(1) Is fictitious; 30461

~~(B)~~(2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark; 30462
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~~(C)~~(3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public roads and highways in this state when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public roads and highways in this state, during the thirty-day period described in division ~~(C)~~(A)(3) of section 4503.12 of the Revised Code. 30464
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(B) A person who fails to comply with the transfer of registration provisions of section 4503.12 of the Revised Code and is charged with a violation of that section shall not be charged with a violation of this section. 30472
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(C) Whoever violates division (A)(1), (2), or (3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense. 30476
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Sec. 4549.10. (A) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless ~~such~~ the vehicle carries and displays two placards, except as provided in section 4503.21 of the Revised Code, issued by the director of public safety, ~~bearing that bear~~ the registration number of its manufacturer or dealer. 30481
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(B) Whoever violates division (A) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense. 30487
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Sec. 4549.11. (A) No person shall operate or drive upon the highways of this state a motor vehicle acquired from a former owner who has registered the ~~same~~ motor vehicle, while ~~such the~~ motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration.

(B) Whoever violates division (A) of this section is guilty of operation of a motor vehicle bearing license plates or an identification mark issued to another, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

Sec. 4549.12. (A) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive ~~such the~~ motor vehicle upon the highways of this state, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this state relating to the registration and identification of motor vehicles.

(B) Whoever violates division (A) of this section is guilty of illegal operation by a resident of this state of a motor vehicle bearing the distinctive number or identification mark issued by a foreign jurisdiction, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

Sec. 4549.18. (A) The operator of a "commercial car," as defined in section 4501.01 of the Revised Code, when ~~such the~~ commercial car is required to be registered under the Revised Code, shall, when operating ~~such the~~ commercial car, trailer, or semitrailer on the streets, roads, or highways of this state, display inside or on the vehicle the certificate of registration for ~~such the~~ commercial car, trailer, or semitrailer provided for

in section 4503.19 of the Revised Code, or shall carry ~~such the~~ 30521
certificate on ~~his the operator's~~ person and display ~~such~~ 30522
~~certificate it~~ upon the demand of any state highway patrol trooper 30523
or other peace officer. 30524

Every person operating a commercial car, trailer, or 30525
semitrailer required to be registered under the Revised Code, 30526
shall permit the inspection of the certificate of registration 30527
upon demand of the superintendent or any member of the state 30528
highway patrol or other peace officer of this state. 30529

(B) Whoever violates division (A) of this section is guilty 30530
of a commercial car certificate of registration violation, a minor 30531
misdemeanor. 30532

Sec. 4549.42. (A) No person shall adjust, alter, change, 30533
tamper with, advance, set back, disconnect, or fail to connect, an 30534
odometer of a motor vehicle, or cause any of the foregoing to 30535
occur to an odometer of a motor vehicle with the intent to alter 30536
the number of miles registered on the odometer. 30537

(B) Division (A) of this section does not apply to the 30538
disconnection of an odometer used for registering the mileage of 30539
any new motor vehicle being tested by the manufacturer prior to 30540
delivery to a franchise dealer. 30541

(C) Nothing in this section ~~shall prevent~~ prevents the 30542
service of an odometer, provided that after ~~such the~~ service a 30543
completed form, captioned "notice of odometer repair", shall be 30544
attached to the left door frame of the motor vehicle by the person 30545
performing ~~such the~~ repairs. ~~Such The~~ notice shall contain, in 30546
bold-face type, the following information and statements: 30547

"Notice of Odometer Repair 30548

The odometer of this motor vehicle was repaired or replaced 30549
on (date of service). 30550

The mileage registered on the odometer of this motor vehicle 30551
before repair was (mileage). 30552

The mileage registered on the odometer of this motor vehicle 30553
after repair is (mileage). 30554

..... 30555
(~~Repairman's~~ Repairer's
signature)" 30556

(D) No person shall intentionally remove or alter the notice 30557
required by division (C) of this section. 30558

(E) If after the service of an odometer, the odometer can be 30559
set at the same mileage as before ~~such~~ the service, the odometer 30560
shall be adjusted to reflect that mileage registered on the 30561
odometer of the motor vehicle before the service. If the odometer 30562
cannot be set at the same mileage as before ~~such~~ the service, the 30563
odometer of the motor vehicle shall be adjusted to read "zero". 30564

(F) Except as otherwise provided in this division, whoever 30565
violates this section is guilty of tampering with an odometer, a 30566
felony of the fifth degree. If the offender previously has been 30567
convicted of or pleaded guilty to a violation of this section or 30568
of any provision of sections 4549.43 to 4549.46 of the Revised 30569
Code, tampering with an odometer is a felony of the fourth degree. 30570

Sec. 4549.43. (A) No person, with intent to defraud, shall 30571
advertise for sale, sell, use, or install on any part of any motor 30572
vehicle or an odometer in any motor vehicle any device ~~which~~ that 30573
causes the odometer to register any mileage other than the actual 30574
mileage driven by the motor vehicle. For the purpose of this 30575
section, the actual mileage driven is that mileage driven by the 30576
motor vehicle as registered by an odometer within the 30577
manufacturer's designed tolerance. 30578

(B) Except as otherwise provided in this division, whoever 30579

violates this section is guilty of selling or installing an 30580
odometer tampering device, a felony of the fourth degree. If the 30581
offender previously has been convicted of or pleaded guilty to a 30582
violation of this section, section 4549.42, or any provision of 30583
sections 4549.44 to 4549.46 of the Revised Code, selling or 30584
installing an odometer tampering device is a felony of the third 30585
degree. 30586

Sec. 4549.44. (A) No person, with intent to defraud, shall 30587
operate a motor vehicle on any public street, road, or highway of 30588
this state knowing that the odometer of ~~such~~ the vehicle is 30589
disconnected or nonfunctional. 30590

A person's intent to defraud under this section may be 30591
inferred from evidence of the circumstances of the vehicle's 30592
operation, including facts pertaining to the length of time or 30593
number of miles of operation with a nonfunctioning or disconnected 30594
odometer, and the fact that the person subsequently transferred 30595
the vehicle without disclosing the inoperative odometer to the 30596
transferee in violation of section 4549.45 of the Revised Code. 30597

(B) Except as otherwise provided in this division, whoever 30598
violates this section is guilty of fraudulent driving without a 30599
functional odometer, a felony of the fourth degree. If the 30600
offender previously has been convicted of or pleaded guilty to a 30601
violation of this section, section 4549.42 or 4549.43, or any 30602
provision of sections 4549.45 to 4549.46 of the Revised Code, 30603
fraudulent driving without a functional odometer is a felony of 30604
the third degree. 30605

Sec. 4549.45. (A) No person shall transfer a motor vehicle if 30606
the person knows or recklessly disregards facts indicating that 30607
the odometer of the motor vehicle has been changed, tampered with, 30608
or disconnected, or has been in any other manner nonfunctional, to 30609
reflect a lesser mileage or use, unless that person gives clear 30610

and unequivocal notice of ~~such~~ the tampering or nonfunction or of 30611
~~his~~ the person's reasonable belief of tampering or nonfunction, to 30612
the transferee in writing prior to the transfer. In a prosecution 30613
for violation of this section, evidence that a transferor or ~~his~~ 30614
the transferor's agent has changed, tampered with, disconnected, 30615
or failed to connect the odometer of the motor vehicle constitutes 30616
prima-facie evidence of knowledge of the odometer's altered 30617
condition. 30618

(B) Except as otherwise provided in this division, whoever 30619
violates this section is guilty of transferring a motor vehicle 30620
that has a tampered or nonfunctional odometer, a felony of the 30621
fourth degree. If the offender previously has been convicted of or 30622
pleaded guilty to a violation of this section, any provision of 30623
sections 4549.42 to 4549.44, or any provision of section 4549.451 30624
or 4549.46 of the Revised Code, transferring a motor vehicle that 30625
has a tampered or nonfunctional odometer is a felony of the third 30626
degree. 30627

Sec. 4549.451. (A) No auctioneer licensed under Chapter 4707. 30628
of the Revised Code shall advertise for sale by means of any 30629
written advertisement, brochure, flyer, or other writing, any 30630
motor vehicle the auctioneer knows or has reason to believe has an 30631
odometer that has been changed, tampered with, or disconnected, or 30632
in any other manner has been nonfunctional, unless the listing or 30633
description of the vehicle contained in the written advertisement, 30634
brochure, flyer, or other writing contains one of the two 30635
following statements: 30636

~~(A)~~(1) "This motor vehicle has an odometer that has been 30637
changed, tampered with, or disconnected, or otherwise has been 30638
nonfunctional." 30639

~~(B)~~(2) "Nonactual odometer reading: warning - odometer 30640
discrepancy." 30641

(B) The statement selected by the auctioneer shall be printed 30642
in type identical in size to the other type used in the listing or 30643
description, and shall be located within the listing or 30644
description and not located as a footnote to the listing or 30645
description. 30646

(C) Except as otherwise provided in this division, whoever 30647
violates this section is guilty of a felony of the fourth degree. 30648
If the offender previously has been convicted of or pleaded guilty 30649
to a violation of this section, any provision of sections 4549.42 30650
to 4549.45, or section 4549.46 of the Revised Code, whoever 30651
violates this section is guilty of a felony of the third degree. 30652

Sec. 4549.46. (A) No transferor shall fail to provide the 30653
true and complete odometer disclosures required by section 4505.06 30654
of the Revised Code. The transferor of a motor vehicle is not in 30655
violation of this ~~section's provisions~~ division requiring a true 30656
odometer reading if the odometer reading is incorrect due to a 30657
previous owner's violation of any of the provisions contained in 30658
sections 4549.42 to 4549.46 of the Revised Code, unless the 30659
transferor knows of or recklessly disregards facts indicating the 30660
violation. 30661

(B) No dealer or wholesaler who acquires ownership of a motor 30662
vehicle shall accept any written odometer disclosure statement 30663
unless the statement is completed as required by section 4505.06 30664
of the Revised Code. 30665

(C) A motor vehicle leasing dealer may obtain a written 30666
odometer disclosure statement completed as required by section 30667
4505.06 of the Revised Code from a motor vehicle lessee that can 30668
be used as prima-facie evidence in any legal action arising under 30669
sections 4549.41 to 4549.46 of the Revised Code. 30670

(D) Except as otherwise provided in this division, whoever 30671
violates division (A) or (B) of this section is guilty of an 30672

odometer disclosure violation, a felony of the fourth degree. If 30673
the offender previously has been convicted of or pleaded guilty to 30674
a violation of this section or any provision of sections 4549.42 30675
to 4549.451 of the Revised Code, a violation of this section is a 30676
felony of the third degree. 30677

Sec. 4549.52. The prosecuting attorney of the county in which 30678
a violation of any provision of sections 4549.41 to 4549.51 of the 30679
Revised Code occurs, or the attorney general, may bring a criminal 30680
action to enforce the provisions of sections 4549.41 to 4549.51 of 30681
the Revised Code. The attorney general and the prosecuting 30682
attorney of the county in which a person licensed or granted a 30683
permit under Chapter 4517. of the Revised Code is convicted of or 30684
pleads guilty to a violation of any provision of sections 4549.41 30685
to 4549.46 of the Revised Code shall report the conviction or 30686
guilty plea to the registrar of motor vehicles within five 30687
business days of the conviction or plea. 30688

Sec. 4549.62. (A) No person shall, with purpose to conceal or 30689
destroy the identity of a vehicle or vehicle part, shall remove, 30690
deface, cover, alter, or destroy any vehicle identification number 30691
or derivative thereof of a vehicle identification number on a 30692
vehicle or vehicle part. 30693

(B) No person shall, with purpose to conceal or destroy the 30694
identity of a vehicle or a vehicle part, shall remove, deface, 30695
cover, alter, or destroy any identifying number that has been 30696
lawfully placed upon a vehicle or vehicle part by an owner of the 30697
vehicle or vehicle part, other than the manufacturer, for the 30698
purpose of deterring its theft and facilitating its recovery if 30699
stolen. 30700

(C) No person shall, with purpose to conceal or destroy the 30701
identity of a vehicle or vehicle part, shall place a counterfeit 30702
vehicle identification number or derivative thereof of a vehicle 30703

identification number upon the vehicle or vehicle part. 30704

(D)(1) No person shall buy, offer to buy, sell, offer to 30705
sell, receive, dispose of, conceal, or, except as provided in 30706
division (D)(4) of this section, possess any vehicle or vehicle 30707
part with knowledge that the vehicle identification number or a 30708
derivative ~~thereof~~ of the vehicle identification number has been 30709
removed, defaced, covered, altered, or destroyed in such a manner 30710
that the identity of the vehicle or part cannot be determined by a 30711
visual examination of the number at the site where the 30712
manufacturer placed the number. 30713

(2)(a) A vehicle or vehicle part from which the vehicle 30714
identification number or a derivative ~~thereof~~ of the vehicle
identification number has been so removed, defaced, covered, 30715
altered, or destroyed shall be seized and forfeited under section 30716
2933.41 of the Revised Code unless division (D)(3) or (4) of this 30717
section applies to the vehicle or part. If a derivative of the 30718
vehicle identification number has been removed, defaced, covered, 30719
altered, or destroyed in such a manner that the identity of the 30720
part cannot be determined, the entire vehicle is subject to 30721
seizure pending a determination of the original identity and 30722
ownership of the vehicle and parts of the vehicle, and the rights 30723
of innocent owners to reclaim the remainder or any part of the 30724
vehicle. 30725
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(b) The lawful owners of parts upon a vehicle that has been 30727
seized under this section and that is subject to forfeiture under 30728
section 2933.41 of the Revised Code are entitled to reclaim their 30729
respective parts upon satisfactory proof of all of the following: 30730

(i) That the part is not needed for evidence in pending 30731
proceedings involving the vehicle or part and is not subject to 30732
forfeiture under section 2933.41 of the Revised Code; 30733

(ii) That the original identity and ownership of the part can 30734
be determined and that the claimant is the lawful owner of the 30735

part; 30736

(iii) That no vehicle identification number or derivative of 30737
a vehicle identification number on the part has been destroyed or 30738
concealed in such a manner that the identity of the part cannot be 30739
determined from that number; 30740

(iv) Payment of all costs of removing the part. 30741

(3) Divisions (A), (B), and (D)(1) and (2) of this section do 30742
not apply to the good faith acquisition and disposition of 30743
vehicles and vehicle parts as junk or scrap in the ordinary course 30744
of business by a scrap metal processing facility as defined in 30745
division ~~(E)~~(D) of section 4737.05 of the Revised Code or by a 30746
motor vehicle salvage dealer licensed under Chapter 4738. of the 30747
Revised Code. This division ~~(D)~~(3) does not create an element of 30748
an offense or an affirmative defense, or affect the burden of 30749
proceeding with the evidence or burden of proof in a criminal 30750
proceeding. 30751

(4)(a) Divisions (D)(1) and (2) of this section do not apply 30752
to the possession of an owner, or the owner's insurer, who 30753
provides satisfactory evidence of all of the following: 30754

(i) That the vehicle identification number or derivative 30755
thereof on the vehicle or part has been removed, defaced, covered, 30756
altered, or destroyed, after the owner acquired such possession, 30757
by another person without the consent of the owner, by accident or 30758
other casualty not due to the owner's purpose to conceal or 30759
destroy the identity of the vehicle or vehicle part, or by 30760
ordinary wear and tear; 30761

(ii) That the person is the owner of the vehicle as shown on 30762
a valid certificate of title issued by this state or certificate 30763
of title or other lawful evidence of title issued in another 30764
state, in a clear chain of title beginning with the manufacturer; 30765

(iii) That the original identity of the vehicle can be 30766

established in a manner that excludes any reasonable probability
that the vehicle has been stolen from another person.

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(b) The registrar of motor vehicles shall adopt rules under
Chapter 119. of the Revised Code to permit an owner described in
division (D)(4)(a) of this section, upon application and
submission of satisfactory evidence to the registrar ~~of motor~~
~~vehicles~~, to obtain authority to replace the vehicle
identification number under the supervision of a peace officer,
trooper of the state highway patrol, or representative of the
registrar. The rules shall be designed to restore the
identification of the vehicle in a manner that will deter its
theft and facilitate its marketability. Until such rules are
adopted, the registrar shall follow the existing procedure for the
replacement of vehicle identification numbers that have been
established by the registrar, with such modifications as the
registrar determines to be necessary or appropriate for the
administration of the laws ~~he~~ the registrar is required to
administer.

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The registrar may issue a temporary permit to an owner of a
motor vehicle who is described in division (D)(4)(a) of this
section to authorize the owner to retain possession of the motor
vehicle and to transfer title to the motor vehicle with the
consent of the registrar.

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(c) No owner described in division (D)(4)(a) of this section
shall ~~knowingly~~ fail knowingly to apply to the registrar for
authority to replace the vehicle identification number, within
thirty days after the later of the following dates:

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(i) The date of receipt by the applicant of actual knowledge
of the concealment or destruction;

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(ii) If the property has been stolen, the date thereafter
upon which the applicant obtains possession of the vehicle or has

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been notified by a law enforcement agency that the vehicle has 30798
been recovered. 30799

The requirement of division (D)(4)(c) of this section may be 30800
excused by the registrar for good cause shown. 30801

(E) Whoever violates division (A), (B), (C), or (D)(1) of 30802
this section is guilty of a felony of the fifth degree on a first 30803
offense and a felony of the fourth degree on each subsequent 30804
offense. 30805

(F) Whoever violates division (D)(4)(c) of this section is 30806
guilty of a minor misdemeanor. 30807

Sec. 4551.04. (A) No person shall transport trees or boughs 30808
described in section 4551.01 of the Revised Code in violation of 30809
sections 4551.01 to 4551.03, ~~inclusive~~, of the Revised Code. 30810

(B) Whoever violates this section shall be fined not more 30811
than one thousand dollars, imprisoned not more than thirty days, 30812
or both. 30813

Sec. 4561.11. (A) All airports, landing fields, and landing 30814
areas shall be approved by the department of transportation before 30815
being used for commercial purposes. The department may issue a 30816
certificate of approval in each case. The department shall require 30817
that a complete plan of such airport, landing field, or landing 30818
area be filed with it before granting or issuing such approval; 30819
provided that in no case in which the department licenses or 30820
certifies an airport, landing field, or landing area constructed, 30821
maintained, or supported, in whole or in part, by public funds, 30822
under sections 4561.01 to 4561.151 of the Revised Code, shall the 30823
public be deprived of the use thereof or its facilities for 30824
aviation purposes as fully and equally as all other parties. 30825
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In any case in which the department rejects or disapproves an application to operate an airport, landing field, or landing area, or in any case in which the department issues an order requiring certain things to be done before approval, it shall set forth its reasons therefor and shall state the requirements to be met before such approval will be given or such order modified or changed. In any case in which the department considers it necessary, it may order the closing of any airport, landing field, or landing area for commercial purposes until the requirements of the order made by the department are complied with.

Appeal from any action or decision of the department in any such matter shall be made in accordance with sections 119.01 to 119.13 of the Revised Code.

The department shall require that any person engaged within this state in operating aircraft, in any form of navigation, shall be the holder of a currently effective ~~airman's~~ aviator's license issued by the civil aeronautics administration.

The ~~airman's~~ aviator's license required by this section shall be kept in the personal possession of the pilot when the pilot is operating aircraft within this state, and shall be presented for inspection upon the request of any passenger, any authorized representative of the department, or any official manager or person in charge of any airport, landing field, or area in this state upon which the pilot lands.

(B) Whoever violates this section shall be fined not more than five hundred dollars, imprisoned not more than ninety days, or both.

Sec. 4561.12. (A) No aircraft shall be operated or maintained on any public land or water owned or controlled by this state, or by any political subdivision ~~thereof~~ of this state, except at such places and under such rules and regulations governing and

controlling the operation and maintenance of aircraft as are 30858
adopted and promulgated by the department of transportation in 30859
accordance with sections 119.01 to 119.13 of the Revised Code. 30860

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Such action and approval by the department shall not become 30862
effective until it has been approved by the adoption and 30863
promulgation of appropriate rules and regulations governing, 30864
controlling, and approving said places and the method of operation 30865
and maintenance of aircraft, by the department, division, 30866
political subdivision, agent, or agency of this state having 30867
ownership or control of the places on said public land or water 30868
which are affected by such operation or maintenance of aircraft 30869
thereon. 30870

(B) Whoever violates this section shall be fined not more 30871
than five hundred dollars, imprisoned not more than ninety days, 30872
or both. 30873

Sec. 4561.14. (A) No person shall operate any aircraft in 30874
this state unless such person is the holder of a valid ~~airman's~~ 30875
aviator's license issued by the United States. 30876

No person operating an aircraft within this state shall fail 30877
to exhibit such license for inspection upon the demand of any 30878
passenger on such aircraft, or fail to exhibit same for inspection 30879
upon the demand of any peace officer, member or employee of the 30880
department of transportation, or manager or person in charge of an 30881
airport or landing field within this state, prior to taking off or 30882
upon landing said aircraft. 30883

No person shall operate an aircraft within this state unless 30884
such aircraft is licensed and registered by the United States; 30885
this section is inapplicable to the operation of military aircraft 30886
of the United States, aircraft of a state, territory, or 30887

possession of the United States, or aircraft licensed by a foreign 30888
country with which the United States has a reciprocal agreement 30889
covering the operation of such aircraft. 30890

No person shall operate an aircraft within this state in 30891
violation of any air traffic rules in force under the laws of the 30892
United States or under sections 4561.01 to 4561.14 of the Revised 30893
Code, and the rules and regulations of the department adopted 30894
pursuant thereto. 30895

(B) Whoever violates this section shall be fined not more 30896
than five hundred dollars, imprisoned not more than ninety days, 30897
or both. 30898

Sec. 4561.15. (A) No person shall commit any of the following 30899
acts: 30900

(1) Carry passengers in an aircraft unless the person 30901
piloting the aircraft is a holder of a valid ~~airman's~~ airperson's 30902
certificate of competency in the grade of private pilot or higher 30903
issued by the United States; this division of this section is 30904
inapplicable to the operation of military aircraft of the United 30905
States, aircraft of a state, territory, or possession of the 30906
United States, or aircraft licensed by a foreign country with 30907
which the United States has a reciprocal agreement covering the 30908
operation of such aircraft-i 30909

(2) Operate an aircraft on the land or water or in the air 30910
space over this state in a careless or reckless manner that 30911
endangers any person or property, or with willful or wanton 30912
disregard for the rights or safety of others-i 30913

(3) Operate an aircraft on the land or water or in the air 30914
space over this state while under the influence of intoxicating 30915
liquor, controlled substances, or other habit-forming drugs-i 30916

(4) Tamper with, alter, destroy, remove, carry away, or cause 30917

to be carried away any object used for the marking of airports, 30918
landing fields, or other aeronautical facilities in this state, or 30919
in any way change the position or location of such markings, 30920
except by the direction of the proper authorities charged with the 30921
maintenance and operation of such facilities, or illegally possess 30922
any object used for such markings. 30923

(B) Jurisdiction over any proceedings charging a violation of 30924
this section is limited to courts of record. 30925

(C) Whoever violates this section shall be fined not more 30926
than five hundred dollars, imprisoned not more than six months, or 30927
both. 30928

Sec. 4561.22. (A) No owner or operator of an aircraft shall 30929
violate sections 4561.17 to 4561.20, ~~inclusive~~, of the Revised 30930
Code. 30931

(B) Whoever violates this section shall be fined not more 30932
than one hundred dollars, imprisoned not more than thirty days, or 30933
both. 30934

Sec. 4561.24. (A) No person shall operate a motor vehicle 30935
upon any runway of an airport without prior approval of the person 30936
in charge of the airport when the airport has been certified as a 30937
commercial airport by the office of aviation. 30938

Any person lending assistance to the operator or operation of 30939
a vehicle engaged in such activity shall be equally charged as the 30940
participants. 30941

(B) Except as otherwise provided in this division, whoever 30942
violates this section shall be fined not less than one hundred nor 30943
more than five hundred dollars, imprisoned for not more than six 30944
months, or both. If the offender previously has committed a 30945
violation of this section, whoever violates this section shall be 30946

fined not less than two hundred nor more than one thousand 30947
dollars, imprisoned for not more than one year, or both. 30948

(C) As used in this section, "motor vehicle" has the same 30949
meaning as in section 4501.01 of the Revised Code. 30950

(D) Airport vehicles and emergency and maintenance equipment 30951
are exempted from this section. 30952

Sec. 4561.31. (A)(1) Except as provided in divisions (D), 30953
(E), and (F) of this section, no person shall commence to install 30954
any structure or object of natural growth in this state, any part 30955
of which will penetrate or is reasonably expected to penetrate 30956
into or through any airport's clear zone surface, horizontal 30957
surface, conical surface, primary surface, approach surface, or 30958
transitional surface without first obtaining a permit from the 30959
department of transportation under section 4561.34 of the Revised 30960
Code. The replacement of an existing structure or object of 30961
natural growth with, respectively, a structure or object that is 30962
not more than ten feet or twenty per cent higher than the height 30963
of the existing structure or object, whichever is higher, does not 30964
constitute commencing to install a structure or object, except 30965
when any part of the structure or object will penetrate or is 30966
reasonably expected to penetrate into or through any airport's 30967
clear zone surface, horizontal surface, conical surface, primary 30968
surface, approach surface, or transitional surface. Such 30969
replacement of a like structure or object is not exempt from any 30970
other requirements of state or local law. 30971

(2) No person shall substantially change, as determined by 30972
the department, the height or location of any structure or object 30973
of natural growth in this state, any part of which, as a result of 30974
such change, will penetrate or is reasonably expected to penetrate 30975
into or through any airport's clear zone surface, horizontal 30976
surface, conical surface, primary surface, approach surface, or 30977

transitional surface, and for which installation had commenced or 30978
which was already installed prior to ~~the effective date of this~~ 30979
~~section~~ October 15, 1991, without first obtaining a permit from 30980
the department under section 4561.34 of the Revised Code. This 30981
division does not exempt the structure or object from any other 30982
requirements of state or local law. 30983

(3) No person shall substantially change, as determined by 30984
the department, the height or location of any structure or object 30985
of natural growth for which a permit was issued pursuant to 30986
section 4561.34 of the Revised Code, without first obtaining an 30987
amended permit from the department under that section. 30988

(B) No person shall install, operate, or maintain any 30989
structure or object of natural growth for which a permit has been 30990
issued under section 4561.34 of the Revised Code, except in 30991
compliance with the permit's terms and conditions and with any 30992
rules or orders issued under sections 4561.30 to 4561.39 of the 30993
Revised Code. 30994

(C) The holder of a permit issued under section 4561.34 of 30995
the Revised Code, with the department's approval, may transfer the 30996
permit to another person who agrees to comply with its terms and 30997
conditions. 30998

(D) Any person who receives a permit to construct, establish, 30999
substantially change, or substantially alter a structure or object 31000
of natural growth from an airport zoning board on or after ~~the~~ 31001
~~effective date of this section~~ October 15, 1991, under Chapter 31002
4563. of the Revised Code is not required to apply for a permit 31003
from the department under sections 4561.30 to 4561.39 of the 31004
Revised Code, provided that the airport zoning board has adopted 31005
airport zoning regulations pursuant to section 4563.032 of the 31006
Revised Code. 31007

(E) Any person who receives a certificate from the power 31008

siting board pursuant to section 4906.03 or 4906.10 of the Revised Code on or after ~~the effective date of this section~~ October 15, 1991, is not required to apply for a permit from the department under sections 4561.30 to 4561.39 of the Revised Code.

(F) Any person who, in accordance with 14 C.F.R. 77.11 to 77.19, notified the federal aviation administration prior to June 1, 1991, that ~~he~~ the person proposes to construct, establish, substantially change, or substantially alter a structure or object of natural growth is not required to apply for a permit from the department under sections 4561.30 to 4561.39 of the Revised Code in connection with the construction, establishment, substantial change, or substantial alteration of the structure or object of natural growth either as originally proposed to the federal aviation administration or as altered as the person or the federal aviation administration considers necessary, provided that the federal aviation administration, pursuant to 14 C.F.R. Part 77, does not determine that the proposed construction, establishment, substantial change, or substantial alteration of the structure or object of natural growth would be a hazard to air navigation.

(G)(1) Whoever violates division (A)(1) or (2) of this section is guilty of a misdemeanor of the third degree. Each day of violation constitutes a separate offense.

(2) Whoever violates division (A)(3) or (B) of this section is guilty of a misdemeanor of the first degree. Each day of violation constitutes a separate offense.

Sec. 4561.99. ~~(A)~~ Whoever violates any provision of sections 4561.01 4561.021 to 4561.14 4561.13 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated shall be fined not more than five hundred dollars, imprisoned not more than ninety days, or both.

~~(B) Whoever violates section 4561.15 of the Revised Code~~

~~shall be fined not more than five hundred dollars, imprisoned not
more than six months, or both.~~ 31040
31041

~~(C) Whoever violates section 4561.22 of the Revised Code
shall be fined not more than one hundred dollars, imprisoned not
more than thirty days, or both.~~ 31042
31043
31044

~~(D) Whoever violates section 4561.24 of the Revised Code
shall be fined not less than one hundred nor more than five
hundred dollars, imprisoned for not more than six months, or both,
for a first offense and shall be fined not less than two hundred
nor more than one thousand dollars, imprisoned for not more than
one year, or both, for each subsequent offense.~~ 31045
31046
31047
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~~(E) Whoever violates division (A)(1) or (2) of section
4561.31 of the Revised Code is guilty of a misdemeanor of the
third degree. Each day of violation constitutes a separate
offense.~~ 31051
31052
31053
31054

~~(F) Whoever violates division (A)(3) or (B) of section
4561.31 of the Revised Code is guilty of a misdemeanor of the
first degree. Each day of violation constitutes a separate
offense.~~ 31055
31056
31057
31058

Sec. 4563.09. No airport zoning regulations adopted under 31059
sections 4563.01 to 4563.21, inclusive, and section 4563.99 of the 31060
Revised Code, shall require the removal, lowering, or other change 31061
or alteration of any structure or object of natural growth not 31062
conforming to the regulations when adopted or amended, or 31063
otherwise interfere with the continuance of any nonconforming use, 31064
except as provided in section 4563.14 of the Revised Code. 31065

Sec. 4563.10. Nothing in sections 4563.01 to 4563.21, 31066
inclusive, of the Revised Code, shall confer any power on any 31067
political subdivision or airport zoning board to prohibit the use 31068
of any land for farming, dairying, pasturage, apiculture, 31069

horticulture, floriculture, viticulture, or animal and poultry 31070
husbandry, except where such use shall create an airport hazard. 31071
The provisions of sections 4563.01 to 4563.21, ~~inclusive, and~~ 31072
~~section 4563.99~~ of the Revised Code shall not apply in respect to 31073
the location, relocation, erection, construction, reconstruction, 31074
change, alteration, maintenance, removal, use, or enlargement of 31075
any buildings or structures, now existing or constructed in the 31076
future, of any public utility or railroad. 31077

Sec. 4563.20. (A) No person shall violate any regulation, 31078
order, or ruling promulgated or made pursuant to sections 4563.01 31079
to 4563.21, ~~inclusive,~~ of the Revised Code. 31080

(B) Whoever violates this section shall be fined not more 31081
than one hundred dollars. Each day's willful continuation of the 31082
violation is a separate offense. 31083

Sec. 4582.06. (A) A port authority created in accordance with 31084
section 4582.02 of the Revised Code may: 31085

~~(A)~~(1) Acquire, construct, furnish, equip, maintain, repair, 31086
sell, exchange, lease to or from, lease with an option to 31087
purchase, convey other interests in, or operate real or personal 31088
property, or any combination thereof, related to, useful for, or 31089
in furtherance of any authorized purpose, and make charges for the 31090
use of any port authority facility, which shall be not less than 31091
the charges established for the same services furnished by a 31092
public utility or common carrier in the jurisdiction of the 31093
particular port authority; 31094

~~(B)~~(2) Straighten, deepen, and improve any canal, channel, 31095
river, stream, or other water course or way that may be necessary 31096
or proper in the development of the facilities of the port 31097
authority; 31098

~~(C)~~(3) Issue bonds or notes for the acquisition, 31099
construction, furnishing, or equipping of any real or personal 31100
property, or any combination thereof, related to, useful for, or 31101
in furtherance of any authorized purpose, in compliance with 31102
Chapter 133. of the Revised Code, except that the bonds or notes 31103
only may be issued pursuant to a vote of the electors residing 31104
within the territory of the port authority. The net indebtedness 31105
incurred by a port authority shall never exceed two per cent of 31106
the total value of all property within the territory comprising 31107
the authority as listed and assessed for taxation. 31108

~~(D)~~(4) By resolution of its board of directors, issue revenue 31109
bonds beyond the limit of bonded indebtedness provided by law, for 31110
the acquisition, construction, furnishing, or equipping of any 31111
real or personal property, or any combination thereof, related to, 31112
useful for, or in furtherance of any authorized purpose, including 31113
all costs in connection with or incidental thereto. 31114
31115

The revenue bonds of the port authority shall be secured only 31116
by a pledge of and a lien on the revenues of the port authority 31117
derived from those loan payments, rentals, fees, charges, or other 31118
revenues that are designated in the resolution, including, but not 31119
limited to, any property to be acquired, constructed, furnished, 31120
or equipped with the proceeds of the bond issue, after provision 31121
only for the reasonable cost of operating, maintaining, and 31122
repairing the property of the port authority so designated. The 31123
bonds may further be secured by the covenant of the port authority 31124
to maintain rates or charges that will produce revenues sufficient 31125
to meet the costs of operating, maintaining, and repairing such 31126
property and to meet the interest and principal requirements of 31127
the bonds and to establish and maintain reserves for the foregoing 31128
purposes. The board of directors, by resolution, may provide for 31129
the issuance of additional revenue bonds from time to time, to be 31130

secured equally and ratably, without preference, priority, or 31131
distinction, with outstanding revenue bonds, but subject to the 31132
terms and limitations of any trust agreement described in this 31133
section, and of any resolution authorizing bonds then outstanding. 31134
The board of directors, by resolution, may designate additional 31135
property of the port authority, the revenues of which shall be 31136
pledged and be subject to a lien for the payment of the debt 31137
charges on revenue bonds theretofore authorized by resolution of 31138
the board of directors, to the same extent as the revenues above 31139
described. 31140

In the discretion of the board of directors, the revenue 31141
bonds of the port authority may be secured by a trust agreement 31142
between the board of directors on behalf of the port authority and 31143
a corporate trustee, that may be any trust company or bank having 31144
powers of a trust company, within or without the state. 31145

The trust agreement may provide for the pledge or assignment 31146
of the revenues to be received, but shall not pledge the general 31147
credit and taxing power of the port authority. A trust agreement 31148
securing revenue bonds issued to acquire, construct, furnish, or 31149
equip real property, plants, factories, offices, and other 31150
structures and facilities for authorized purposes consistent with 31151
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 31152
the real or personal property, or a combination thereof, to be 31153
acquired, constructed, furnished, or equipped from the proceeds of 31154
such revenue bonds, as further security for the bonds. The trust 31155
agreement or the resolution providing for the issuance of revenue 31156
bonds may set forth the rights and remedies of the bondholders and 31157
trustee, and may contain other provisions for protecting and 31158
enforcing their rights and remedies that are determined in the 31159
discretion of the board of directors to be reasonable and proper. 31160
The agreement or resolution may provide for the custody, 31161
investment, and disbursement of all moneys derived from the sale 31162

of such bonds, or from the revenues of the port authority, other 31163
than those moneys received from taxes levied pursuant to section 31164
4582.14 of the Revised Code, and may provide for the deposit of 31165
such funds without regard to section 4582.15 of the Revised Code. 31166

All bonds issued under authority of this chapter, regardless 31167
of form or terms and regardless of any other law to the contrary, 31168
shall have all qualities and incidents of negotiable instruments, 31169
subject to provisions for registration, and may be issued in 31170
coupon, fully registered, or other form, or any combination 31171
thereof, as the board of directors determines. Provision may be 31172
made for the registration of any coupon bonds as to principal 31173
alone or as to both principal and interest, and for the conversion 31174
into coupon bonds of any fully registered bonds or bonds 31175
registered as to both principal and interest. 31176

The revenue bonds shall bear interest at such rate or rates, 31177
shall bear such date or dates, and shall mature within forty years 31178
following the date of issuance and in such amount, at such time or 31179
times, and in such number of installments, as may be provided in 31180
or pursuant to the resolution authorizing their issuance. Any 31181
original issue of revenue bonds shall mature not later than forty 31182
years from their date of issue. Such resolution also shall provide 31183
for the execution of the bonds, which may be by facsimile 31184
signatures unless prohibited by the resolution, and the manner of 31185
sale of the bonds. The resolution shall provide for, or provide 31186
for the determination of, any other terms and conditions relative 31187
to the issuance, sale, and retirement of the bonds that the board 31188
of directors in its discretion determines to be reasonable and 31189
proper. 31190

Whenever a port authority considers it expedient, it may 31191
issue renewal notes and refund any bonds, whether the bonds to be 31192
refunded have or have not matured. The final maturity of any 31193
notes, including any renewal notes, shall not be later than five 31194

years from the date of issue of the original issue of notes. The 31195
final maturity of any refunding bonds shall not be later than the 31196
later of forty years from the date of issue of the original issue 31197
of bonds or the date by which it is expected, at the time of 31198
issuance of the refunding bonds, that the useful life of all of 31199
the property, other than interests in land, refinanced with 31200
proceeds of the bonds will have expired. The refunding bonds shall 31201
be sold and the proceeds applied to the purchase, redemption, or 31202
payment of the bonds to be refunded and the costs of issuance of 31203
the refunding bonds. The bonds and notes issued under this 31204
chapter, their transfer, and the income therefrom, shall at all 31205
times be free from taxation within the state. 31206

~~(E)~~(5) Do any of the following, in regard to any interests in 31207
any real or personal property, or any combination thereof, 31208
including, without limitation, machinery, equipment, plants, 31209
factories, offices, and other structures and facilities related 31210
to, useful for, or in furtherance of any authorized purpose, for 31211
such consideration and in such manner, consistent with Article 31212
VIII, Ohio Constitution, as the board in its sole discretion may 31213
determine: 31214

~~(1)~~(a) Loan moneys to any person for the acquisition, 31215
construction, furnishing, and equipping of the property; 31216

~~(2)~~(b) Acquire, construct, maintain, repair, furnish, and 31217
equip the property; 31218

~~(3)~~(c) Sell to, exchange with, lease, convey other interests 31219
in, or lease with an option to purchase the same or any lesser 31220
interest in the property to the same or any other person or 31221
governmental entity; 31222

~~(4)~~(d) Guarantee the obligations of any person or 31223
governmental entity. 31224

A port authority may accept and hold as consideration for the 31225

conveyance of property or any interest therein such property or 31226
interests therein as the board in its discretion may determine, 31227
notwithstanding any restrictions that apply to the investment of 31228
funds by a port authority. 31229

~~(F)~~(6) Construct, maintain, repair, furnish, equip, sell, 31230
exchange, lease, or lease with an option to purchase, any property 31231
that it is authorized to acquire. A port authority that is subject 31232
to this section also may operate any property in connection with 31233
transportation, recreational, governmental operations, or cultural 31234
activities. 31235

~~(1)~~(a) Any purchase, exchange, sale, lease, lease with an 31236
option to purchase, conveyance of other interests in, or other 31237
contract with a person or governmental entity that pertains to the 31238
acquisition, construction, maintenance, repair, furnishing, 31239
equipping, or operation of any real or personal property, or any 31240
combination thereof, related to, useful for, or in furtherance of 31241
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 31242
Constitution, shall be made in such manner and subject to such 31243
terms and conditions as may be determined by the board of 31244
directors in its discretion. 31245

~~(2)~~(b) Division ~~(F)~~~~(1)~~(A)(6)(a) of this section applies to 31246
all contracts that are subject to the division, notwithstanding 31247
any other provision of law that might otherwise apply, including, 31248
without limitation, any requirement of notice, any requirement of 31249
competitive bidding or selection, or any requirement for the 31250
provision of security. 31251

~~(3)~~(c) Divisions ~~(F)~~~~(1)~~(A)(6)(a) and ~~(2)~~(b) of this section 31252
do not apply to either of the following: 31253

~~(a)~~(i) Any contract secured by or to be paid from moneys 31254
raised by taxation or the proceeds of obligations secured by a 31255
pledge of moneys raised by taxation; 31256

~~(b)~~(ii) Any contract secured exclusively by or to be paid 31257
exclusively from the general revenues of the port authority. For 31258
the purposes of this section, any revenues derived by the port 31259
authority under a lease or other agreement that, by its terms, 31260
contemplates the use of amounts payable under the agreement either 31261
to pay the costs of the improvement that is the subject of the 31262
contract or to secure obligations of the port authority issued to 31263
finance costs of such improvement, are excluded from general 31264
revenues. 31265

~~(G)~~(7) Apply to the proper authorities of the United States 31266
pursuant to appropriate law for the right to establish, operate, 31267
and maintain foreign trade zones and to establish, operate, and 31268
maintain foreign trade zones; and to acquire land or property 31269
therefor, in a manner consistent with section 4582.17 of the 31270
Revised Code; 31271

~~(H)~~(8) Exercise the right of eminent domain to appropriate 31272
any land, rights, rights-of-way, franchises, easements, or other 31273
property, necessary or proper for any authorized purpose, pursuant 31274
to the procedure provided in sections 163.01 to 163.22 of the 31275
Revised Code, if funds equal to the appraised value of the 31276
property to be acquired as a result of such proceedings are 31277
available for that purpose, except that nothing contained in 31278
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 31279
port authority to take or disturb property or facilities belonging 31280
to any agency or political subdivision of this state, public 31281
utility, or common carrier, which property or facilities are 31282
necessary and convenient in the operation of the agency or 31283
political subdivision, public utility, or common carrier, unless 31284
provision is made for the restoration, relocation, or duplication 31285
of the property or facilities, or upon the election of the agency 31286
or political subdivision, public utility, or common carrier, for 31287
the payment of compensation, if any, at the sole cost of the port 31288

authority, provided that: 31289

~~(1)~~(a) If any restoration or duplication proposed to be made 31290
pursuant to this section involves a relocation of such property or 31291
facilities, the new facilities and location shall be of at least 31292
comparable utilitarian value and effectiveness, and the relocation 31293
shall not impair the ability of the public utility or common 31294
carrier to compete in its original area of operation. 31295

~~(2)~~(b) If any restoration or duplication made pursuant to 31296
this section involves a relocation of such property or facilities, 31297
the port authority shall acquire no interest or right in or to the 31298
appropriated property or facilities, except as provided in 31299
division ~~(K)~~(A)(11) of this section, until the relocated property 31300
or facilities are available for use and until marketable title 31301
thereto has been transferred to the public utility or common 31302
carrier. 31303

~~(3)~~(c) Provisions for restoration or duplication shall be 31304
described in detail in the resolution for appropriation passed by 31305
the port authority. 31306

~~(I)~~(9) Enjoy and possess the same rights, privileges, and 31307
powers granted municipal corporations under sections 721.04 to 31308
721.11 of the Revised Code; 31309

~~(J)~~(10) Maintain such funds as it considers necessary; 31310

~~(K)~~(11) Direct its agents or employees, when properly 31311
identified in writing, and after at least five days' written 31312
notice, to enter upon lands within the confines of its 31313
jurisdiction in order to make surveys and examinations preliminary 31314
to location and construction of works for the purposes of the port 31315
authority, without liability of the port authority or its agents 31316
or employees except for actual damage done; 31317

~~(L)~~(12) Sell, lease, or convey other interests in real and 31318
personal property and grant easements or rights-of-way over 31319

property of the port authority. The board of directors shall 31320
specify the consideration and any terms thereof for the sale, 31321
lease, or conveyance of other interests in real and personal 31322
property. Any determinations made by the board of directors under 31323
this division shall be conclusive. The sale, lease, or conveyance 31324
may be made without advertising and the receipt of bids. 31325

~~(M)~~(13) Promote, advertise, and publicize the port authority 31326
facilities and its authorized purposes, provide information to 31327
persons with an interest in transportation and other port 31328
authority activities, and appear before rate-making authorities to 31329
represent and promote the interests of the port authority and its 31330
authorized purposes; 31331

~~(N)~~(14) Adopt rules, not in conflict with general law, 31332
governing the use of and the safeguarding of its property, 31333
grounds, buildings, equipment, and facilities, safeguarding 31334
persons and their property located on or in port authority 31335
property, and governing the conduct of its employees and the 31336
public, in order to promote the public safety and convenience in 31337
and about its terminals and grounds, and to maintain order. Any 31338
such regulation shall be posted at no less than five public places 31339
in the port authority, as determined by the board of directors, 31340
for a period of not fewer than fifteen days, and shall be 31341
available for public inspection at the principal office of the 31342
port authority during regular business hours. No person shall 31343
violate any lawful regulation adopted and posted as provided in 31344
this division. 31345

~~(O)~~(15) Do all acts necessary or appropriate to carry out its 31346
authorized purposes. The port authority shall have the powers and 31347
rights granted to other subdivisions under section 9.20 of the 31348
Revised Code. 31349

(B) Any instrument by which real property is acquired 31350
pursuant to this section shall identify the agency of the state 31351

that has the use and benefit of the real property as specified in 31352
section 5301.012 of the Revised Code. 31353

(C) Whoever violates division (A)(14) of this section is 31354
guilty of a minor misdemeanor. 31355

Sec. 4582.31. (A) A port authority created in accordance with 31356
section 4582.22 of the Revised Code may: 31357

~~(A)~~(1) Adopt bylaws for the regulation of its affairs and the 31358
conduct of its business; 31359

~~(B)~~(2) Adopt an official seal; 31360

~~(C)~~(3) Maintain a principal office within its jurisdiction, 31361
and maintain such branch offices as it may require; 31362

~~(D)~~(4) Acquire, construct, furnish, equip, maintain, repair, 31363
sell, exchange, lease to or from, or lease with an option to 31364
purchase, convey other interests in real or personal property, or 31365
any combination thereof, related to, useful for, or in furtherance 31366
of any authorized purpose and operate any property in connection 31367
with transportation, recreational, governmental operations, or 31368
cultural activities; 31369

~~(E)~~(5) Straighten, deepen, and improve any channel, river, 31370
stream, or other water course or way which may be necessary or 31371
proper in the development of the facilities of a port authority; 31372

~~(F)~~(6) Make available the use or services of any port 31373
authority facility to one or more persons, one or more 31374
governmental agencies, or any combination thereof; 31375

~~(G)~~(7) Issue bonds or notes for the acquisition, 31376
construction, furnishing, or equipping of any port authority 31377
facility or other permanent improvement that a port authority is 31378
authorized to acquire, construct, furnish, or equip, in compliance 31379
with Chapter 133. of the Revised Code, except that such bonds or 31380
notes may only be issued pursuant to a vote of the electors 31381

residing within the area of jurisdiction of the port authority. 31382
The net indebtedness incurred by a port authority shall never 31383
exceed two per cent of the total value of all property within the 31384
territory comprising the port authority as listed and assessed for 31385
taxation. 31386

~~(H)~~(8) Issue port authority revenue bonds beyond the limit of 31387
bonded indebtedness provided by law, payable solely from revenues 31388
as provided in section 4582.48 of the Revised Code, for the 31389
purpose of providing funds to pay the costs of any port authority 31390
facility or facilities or parts thereof; 31391

~~(I)~~(9) Apply to the proper authorities of the United States 31392
pursuant to appropriate law for the right to establish, operate, 31393
and maintain foreign trade zones and establish, operate, and 31394
maintain foreign trade zones and to acquire, exchange, sell, lease 31395
to or from, lease with an option to purchase, or operate 31396
facilities, land, or property therefor in accordance with the 31397
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 31398
81u; 31399

~~(J)~~(10) Enjoy and possess the same rights, privileges, and 31400
powers granted municipal corporations under sections 721.04 to 31401
721.11 of the Revised Code; 31402

~~(K)~~(11) Maintain such funds as it considers necessary; 31403

~~(L)~~(12) Direct its agents or employees, when properly 31404
identified in writing, and after at least five days' written 31405
notice, to enter upon lands within the confines of its 31406
jurisdiction in order to make surveys and examinations preliminary 31407
to location and construction of works for the purposes of the port 31408
authority, without liability of the port authority or its agents 31409
or employees except for actual damage done; 31410

~~(M)~~(13) Promote, advertise, and publicize the port authority 31411
and its facilities; provide information to shippers and other 31412

commercial interests; and appear before rate-making authorities to 31413
represent and promote the interests of the port authority; 31414

~~(N)~~(14) Adopt rules, not in conflict with general law, it 31415
finds necessary or incidental to the performance of its duties and 31416
the execution of its powers under sections 4582.21 to 4582.54 of 31417
the Revised Code. Any such rule shall be posted at no less than 31418
five public places in the port authority, as determined by the 31419
board of directors, for a period of not fewer than fifteen days, 31420
and shall be available for public inspection at the principal 31421
office of the port authority during regular business hours. No 31422
person shall violate any lawful rule adopted and posted as 31423
provided in this division. 31424

~~(O)~~(15) Do any of the following, in regard to any interests 31425
in any real or personal property, or any combination thereof, 31426
including, without limitation, machinery, equipment, plants, 31427
factories, offices, and other structures and facilities related 31428
to, useful for, or in furtherance of any authorized purpose, for 31429
such consideration and in such manner, consistent with Article 31430
VIII of the Ohio Constitution, as the board in its sole discretion 31431
may determine: 31432

~~(1)~~(a) Loan moneys to any person or governmental entity for 31433
the acquisition, construction, furnishing, and equipping of the 31434
property; 31435

~~(2)~~(b) Acquire, construct, maintain, repair, furnish, and 31436
equip the property; 31437

~~(3)~~(c) Sell to, exchange with, lease, convey other interests 31438
in, or lease with an option to purchase the same or any lesser 31439
interest in the property to the same or any other person or 31440
governmental entity; 31441

~~(4)~~(d) Guarantee the obligations of any person or 31442
governmental entity. 31443

A port authority may accept and hold as consideration for the conveyance of property or any interest therein such property or interests therein as the board in its discretion may determine, notwithstanding any restrictions that apply to the investment of funds by a port authority.

~~(P)~~(16) Sell, lease, or convey other interests in real and personal property, and grant easements or rights-of-way over property of the port authority. The board of directors shall specify the consideration and any terms for the sale, lease, or conveyance of other interests in real and personal property. Any determination made by the board under this division shall be conclusive. The sale, lease, or conveyance may be made without advertising and the receipt of bids.

~~(Q)~~(17) Exercise the right of eminent domain to appropriate any land, rights, rights-of-way, franchises, easements, or other property, necessary or proper for any authorized purpose, pursuant to the procedure provided in sections 163.01 to 163.22 of the Revised Code, if funds equal to the appraised value of the property to be acquired as a result of such proceedings are available for that purpose. However, nothing contained in sections 4582.201 to 4582.59 of the Revised Code shall authorize a port authority to take or disturb property or facilities belonging to any agency or political subdivision of this state, public utility, or common carrier, which property or facilities are necessary and convenient in the operation of the agency or political subdivision, public utility, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facilities, or upon the election of the agency or political subdivision, public utility, or common carrier, for the payment of compensation, if any, at the sole cost of the port authority, provided that:

~~(1)~~(a) If any restoration or duplication proposed to be made

under this section involves a relocation of the property or 31476
facilities, the new facilities and location shall be of at least 31477
comparable utilitarian value and effectiveness and shall not 31478
impair the ability of the public utility or common carrier to 31479
compete in its original area of operation; 31480

~~(2)~~(b) If any restoration or duplication made under this 31481
section involves a relocation of the property or facilities, the 31482
port authority shall acquire no interest or right in or to the 31483
appropriated property or facilities, except as provided in 31484
division (0) of this section, until the relocated property or 31485
facilities are available for use and until marketable title 31486
thereto has been transferred to the public utility or common 31487
carrier. 31488

~~(R)~~~~(1)~~(18)(a) Make and enter into all contracts and 31489
agreements and execute all instruments necessary or incidental to 31490
the performance of its duties and the execution of its powers 31491
under sections 4582.21 to 4582.59 of the Revised Code. 31492

~~(2)~~(b) Except as provided in division ~~(R)~~~~(3)~~(A)(18)(c) of 31493
this section, when the cost of a contract for the construction of 31494
any building, structure, or other improvement undertaken by a port 31495
authority involves an expenditure exceeding twenty-five thousand 31496
dollars, and the port authority is the contracting entity, the 31497
port authority shall make a written contract after notice calling 31498
for bids for the award of the contract has been given by 31499
publication twice, with at least seven days between publications, 31500
in a newspaper of general circulation in the area of the port 31501
authority. Each such contract shall be let to the lowest 31502
responsive and responsible bidder in accordance with section 9.312 31503
of the Revised Code. Every contract shall be accompanied by or 31504
shall refer to plans and specifications for the work to be done, 31505
prepared for and approved by the port authority, signed by an 31506
authorized officer of the port authority and by the contractor, 31507

and shall be executed in triplicate. 31508

Each bid shall be awarded in accordance with sections 153.54, 31509
153.57, and 153.571 of the Revised Code. The port authority may 31510
reject any and all bids. 31511

~~(3)~~(c) The board of directors by rule may provide criteria 31512
for the negotiation and award without competitive bidding of any 31513
contract as to which the port authority is the contracting entity 31514
for the construction of any building or structure or other 31515
improvement under any of the following circumstances: 31516

~~(a)~~(i) There exists a real and present emergency that 31517
threatens damage or injury to persons or property of the port 31518
authority or other persons, provided that a statement specifying 31519
the nature of the emergency that is the basis for the negotiation 31520
and award of a contract without competitive bidding shall be 31521
signed by the officer of the port authority that executes that 31522
contract at the time of the contract's execution and shall be 31523
attached to the contract. 31524

~~(b)~~(ii) A commonly recognized industry or other standard or 31525
specification does not exist and cannot objectively be articulated 31526
for the improvement. 31527

~~(c)~~(iii) The contract is for any energy conservation measure 31528
as defined in section 307.041 of the Revised Code. 31529

~~(d)~~(iv) With respect to material to be incorporated into the 31530
improvement, only a single source or supplier exists for the 31531
material. 31532

~~(e)~~(v) A single bid is received by the port authority after 31533
complying with the provisions of division ~~(R)~~(2)(A)(18)(b) of this 31534
section. 31535

~~(4)~~(a)~~(d)~~(i) If a contract is to be negotiated and awarded 31536
without competitive bidding for the reason set forth in division 31537
~~(R)~~(3)(b)(A)(18)(c)(ii) of this section, the port authority shall 31538

publish a notice calling for technical proposals at least twice, 31539
with at least seven days between publications, in a newspaper of 31540
general circulation in the area of the port authority. After 31541
receipt of the technical proposals, the port authority may 31542
negotiate with and award a contract for the improvement to the 31543
proposer making the proposal considered to be the most 31544
advantageous to the port authority. 31545

~~(b)(ii)~~ If a contract is to be negotiated and awarded without 31546
competitive bidding for the reason set forth in division 31547
~~(R)(3)(d)(A)(18)(c)(iv)~~ of this section, any construction 31548
activities related to the incorporation of the material into the 31549
improvement also may be provided without competitive bidding by 31550
the source or supplier of that material. 31551

~~(5)(a)(e)(i)~~ Any purchase, exchange, sale, lease, lease with 31552
an option to purchase, conveyance of other interests in, or other 31553
contract with a person or governmental entity that pertains to the 31554
acquisition, construction, maintenance, repair, furnishing, 31555
equipping, or operation of any real or personal property, or any 31556
combination thereof, related to, useful for, or in furtherance of 31557
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 31558
Constitution, shall be made in such manner and subject to such 31559
terms and conditions as may be determined by the board of 31560
directors in its discretion. 31561

~~(b)(ii)~~ Division ~~(R)(5)(a)(A)(18)(e)(i)~~ of this section 31562
applies to all contracts that are subject to the division, 31563
notwithstanding any other provision of law that might otherwise 31564
apply, including, without limitation, any requirement of notice, 31565
any requirement of competitive bidding or selection, or any 31566
requirement for the provision of security. 31567

~~(e)(iii)~~ Divisions ~~(R)(5)(a)(A)(18)(e)(i)~~ and ~~(b)(ii)~~ of this 31568
section do not apply to either of the following: 31569

~~(i) Any: any~~ contract secured by or to be paid from moneys 31570

raised by taxation or the proceeds of obligations secured by a 31571
pledge of moneys raised by taxation- 31572

~~(ii) Any; or any~~ contract secured exclusively by or to be 31573
paid exclusively from the general revenues of the port authority. 31574
For the purposes of this section, any revenues derived by the port 31575
authority under a lease or other agreement that, by its terms, 31576
contemplates the use of amounts payable under the agreement either 31577
to pay the costs of the improvement that is the subject of the 31578
contract or to secure obligations of the port authority issued to 31579
finance costs of such improvement, are excluded from general 31580
revenues. 31581

~~(S)(19)~~ Employ managers, superintendents, and other employees 31582
and retain or contract with consulting engineers, financial 31583
consultants, accounting experts, architects, attorneys, and any 31584
other consultants and independent contractors as are necessary in 31585
its judgment to carry out this chapter, and fix the compensation 31586
thereof. All expenses thereof shall be payable from any available 31587
funds of the port authority or from funds appropriated for that 31588
purpose by a political subdivision creating or participating in 31589
the creation of the port authority. 31590

~~(T)(20)~~ Receive and accept from any state or federal agency 31591
grants and loans for or in aid of the construction of any port 31592
authority facility or for research and development with respect to 31593
port authority facilities, and receive and accept aid or 31594
contributions from any source of money, property, labor, or other 31595
things of value, to be held, used, and applied only for the 31596
purposes for which the grants and contributions are made; 31597

~~(U)(21)~~ Engage in research and development with respect to 31598
port authority facilities; 31599

~~(V)(22)~~ Purchase fire and extended coverage and liability 31600
insurance for any port authority facility and for the principal 31601
office and branch offices of the port authority, insurance 31602

protecting the port authority and its officers and employees 31603
against liability for damage to property or injury to or death of 31604
persons arising from its operations, and any other insurance the 31605
port authority may agree to provide under any resolution 31606
authorizing its port authority revenue bonds or in any trust 31607
agreement securing the same; 31608

~~(W)~~(23) Charge, alter, and collect rentals and other charges 31609
for the use or services of any port authority facility as provided 31610
in section 4582.43 of the Revised Code; 31611

~~(X)~~(24) Provide coverage for its employees under Chapters 31612
145., 4123., and 4141. of the Revised Code; 31613

~~(Y)~~(25) Do all acts necessary or proper to carry out the 31614
powers expressly granted in sections 4582.21 to 4582.59 of the 31615
Revised Code. 31616

(B) Any instrument by which real property is acquired 31617
pursuant to this section shall identify the agency of the state 31618
that has the use and benefit of the real property as specified in 31619
section 5301.012 of the Revised Code. 31620

(C) Whoever violates division (A)(14) of this section is 31621
guilty of a minor misdemeanor. 31622

Sec. 4582.59. Sections 4582.22 to ~~4582.99~~ 4582.59 of the 31623
Revised Code and division (C) of section 4582.06 of the Revised 31624
Code being necessary for the welfare of the state and its 31625
inhabitants shall be liberally construed to effect the purposes 31626
thereof. 31627

Sec. 4583.01. (A) No person shall keep a ferry across a 31628
stream running through or bounding on a county in this state, 31629
without having obtained a license therefor from the court of 31630
common pleas of such county. 31631

(B) Whoever violates this section shall be fined not more than thirty dollars. 31632
31633

Sec. 5120.032. (A) No later than January 1, 1998, the 31634
department of rehabilitation and correction shall develop and 31635
implement intensive program prisons for male and female prisoners 31636
other than prisoners described in division (B)(2) of this section. 31637
The intensive program prisons shall include institutions at which 31638
imprisonment of the type described in division (B)(2)(a) of 31639
section 5120.031 of the Revised Code is provided and prisons that 31640
focus on educational achievement, vocational training, alcohol and 31641
other drug abuse treatment, community service and conservation 31642
work, and other intensive regimens or combinations of intensive 31643
regimens. 31644

(B)(1)(a) Except as provided in division (B)(2) of this 31645
section, if the sentencing court determines that a prisoner is 31646
eligible for placement in an intensive program prison under this 31647
section and the sentencing court either recommends the offender 31648
for placement in the intensive program prison or makes no 31649
recommendation on placement of the prisoner, the department may 31650
place the prisoner in an intensive program prison established 31651
pursuant to division (A) of this section. 31652

If the sentencing court recommends a prisoner for placement 31653
in an intensive program prison and the department subsequently 31654
places the prisoner in the recommended prison, the department 31655
shall notify the court of the prisoner's placement in the 31656
recommended intensive program prison and shall include with the 31657
notice a brief description of the placement. 31658

If the sentencing court approves placement of a prisoner in 31659
an intensive program prison and the department does not 31660
subsequently place the offender in the recommended prison, the 31661
department shall send a notice to the court indicating why the 31662

prisoner was not placed in the recommended prison. 31663

If the sentencing court does not make a recommendation on the 31664
placement of an eligible prisoner in an intensive program prison, 31665
the department shall screen the prisoner and determine if the 31666
prisoner is suited for the prison. If the prisoner is suited for 31667
the intensive program prison, at least three weeks prior to 31668
placing the prisoner in the prison, the department shall notify 31669
the sentencing court of the proposed placement of the prisoner in 31670
the intensive program prison and shall include with the notice a 31671
brief description of the placement. The court shall have ten days 31672
from receipt of the notice to disapprove the placement. If the 31673
sentencing court disapproves the placement, the department shall 31674
not proceed with it. If the sentencing court does not timely 31675
disapprove of the placement, the department may proceed with plans 31676
for it. 31677

If the sentencing court determines that a prisoner is not 31678
eligible for placement in an intensive program prison or if the 31679
sentencing court disapproves placement of an offender in a prison 31680
of that nature, the department of rehabilitation and correction 31681
shall not place the prisoner in any intensive program prison. 31682

(b) The department may reduce the stated prison term of a 31683
prisoner upon the prisoner's successful completion of a ninety-day 31684
period in an intensive program prison. A prisoner whose term has 31685
been so reduced shall be required to serve an intermediate, 31686
transitional type of detention followed by a release under 31687
post-release control sanctions or, in the alternative, shall be 31688
placed under post-release control sanctions, as described in 31689
division (B)(2)(b)(ii) of section 5120.031 of the Revised Code. In 31690
either case, the placement under post-release control sanctions 31691
shall be under terms set by the parole board in accordance with 31692
section 2967.28 of the Revised Code and shall be subject to the 31693
provisions of that section with respect to a violation of any 31694

post-release control sanction. 31695

(2) A prisoner who is in any of the following categories is 31696
not eligible to participate in an intensive program prison 31697
established pursuant to division (A) of this section: 31698

(a) The prisoner is serving a prison term for aggravated 31699
murder, murder, or a felony of the first or second degree or a 31700
comparable offense under the law in effect prior to July 1, 1996, 31701
or the prisoner previously has been imprisoned for aggravated 31702
murder, murder, or a felony of the first or second degree or a 31703
comparable offense under the law in effect prior to July 1, 1996. 31704

(b) The prisoner is serving a mandatory prison term, as 31705
defined in section 2929.01 of the Revised Code. 31706

(c) The prisoner is serving a prison term for a felony of the 31707
third, fourth, or fifth degree that either is a sex offense, an 31708
offense betraying public trust, or an offense in which the 31709
prisoner caused or attempted to cause actual physical harm to a 31710
person, the prisoner is serving a prison term for a comparable 31711
offense under the law in effect prior to July 1, 1996, or the 31712
prisoner previously has been imprisoned for an offense of that 31713
type or a comparable ~~offence~~ offense under the law in effect prior 31714
to July 1, 1996. 31715

(d) The prisoner is serving a mandatory prison term in prison 31716
for a third or ~~fourth~~ fourth degree felony ~~OMVI~~ OVI offense, as 31717
defined in section 2929.01 of the Revised Code, that was imposed 31718
pursuant to division (G)(2) of section 2929.13 of the Revised 31719
Code. 31720

(C) Upon the implementation of intensive program prisons 31721
pursuant to division (A) of this section, the department at all 31722
times shall maintain intensive program prisons sufficient in 31723
number to reduce the prison terms of at least three hundred fifty 31724
prisoners who are eligible for reduction of their stated prison 31725

terms as a result of their completion of a regimen in an intensive program prison under this section. 31726
31727

Sec. 5120.033. (A) As used in this section, "third degree felony ~~OMVI~~ OVI offense" and "fourth degree felony ~~OMVI~~ OVI offense" have the same meanings as in section 2929.01 of the Revised Code. 31728
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(B) Within eighteen months after October 17, 1996, the department of rehabilitation and correction shall develop and implement intensive program prisons for male and female prisoners who are sentenced pursuant to division (G)(2) of section 2929.13 of the Revised Code to a mandatory prison term for a third or fourth degree felony ~~OMVI~~ OVI offense. The department shall contract pursuant to section 9.06 of the Revised Code for the private operation and management of the initial intensive program prison established under this section and may contract pursuant to that section for the private operation and management of any other intensive program prison established under this section. The intensive program prisons established under this section shall include prisons that focus on educational achievement, vocational training, alcohol and other drug abuse treatment, community service and conservation work, and other intensive regimens or combinations of intensive regimens. 31732
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(C) Except as provided in division (D) of this section, the department may place a prisoner who is sentenced to a mandatory prison term for a third or fourth degree felony ~~OMVI~~ OVI offense in an intensive program prison established pursuant to division (B) of this section if the sentencing judge, upon notification by the department of its intent to place the prisoner in an intensive program prison, does not notify the department that the judge disapproves the placement. If the stated prison term imposed on a prisoner who is so placed is longer than the mandatory prison term 31748
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that is required to be imposed on the prisoner, the department may 31757
reduce the stated prison term upon the prisoner's successful 31758
completion of the prisoner's mandatory prison term in an intensive 31759
program prison. A prisoner whose term has been so reduced shall be 31760
required to serve an intermediate, transitional type of detention 31761
followed by a release under post-release control sanctions or, in 31762
the alternative, shall be placed under post-release control 31763
sanctions, as described in division (B)(2)(b)(ii) of section 31764
5120.031 of the Revised Code. In either case, the placement under 31765
post-release control sanctions shall be under terms set by the 31766
parole board in accordance with section 2967.28 of the Revised 31767
Code and shall be subject to the provisions of that section with 31768
respect to a violation of any post-release control sanction. Upon 31769
the establishment of the initial intensive program prison pursuant 31770
to division (B) of this section that is privately operated and 31771
managed by a contractor pursuant to a contract entered into under 31772
section 9.06 of the Revised Code, the department shall comply with 31773
divisions (G)(2)(a) and (b) of section 2929.13 of the Revised Code 31774
in placing prisoners in intensive program prisons under this 31775
section. 31776

(D) A prisoner who is sentenced to a mandatory prison term 31777
for a third or fourth degree felony ~~OMVI~~ OVI offense is not 31778
eligible to participate in an intensive program prison established 31779
under division (B) of this section if any of the following applies 31780
regarding the prisoner: 31781

(1) In addition to the mandatory prison term for the third or 31782
fourth degree felony ~~OMVI~~ OVI offense, the prisoner also is 31783
serving a prison term of a type described in division (B)(2)(a), 31784
(b), or (c) of section 5120.032 of the Revised Code. 31785

(2) The prisoner previously has been imprisoned for an 31786
offense of a type described in division (B)(2)(a) or (c) of 31787
section 5120.032 of the Revised Code or a comparable offense under 31788

the law in effect prior to July 1, 1996. 31789

(E) Intensive program prisons established under division (B) 31790
of this section are not subject to section 5120.032 of the Revised 31791
Code. 31792

Sec. 5120.161. (A) Except as provided in division (C) of this 31793
section, the department of rehabilitation and correction may enter 31794
into an agreement with any local authority operating a county, 31795
multicounty, municipal, municipal-county, or multicounty-municipal 31796
jail or workhouse, as described in section 307.93, 341.21, or 31797
753.16 of the Revised Code, for the housing in the jail or 31798
workhouse operated by the local authority of persons who are 31799
convicted of or plead guilty to a felony of the fourth or fifth 31800
degree if the person previously has not been convicted of or 31801
pleaded guilty to a felony and if the felony is not an offense of 31802
violence. The agreement shall specify a per diem fee that the 31803
department shall pay the local authority for each such person 31804
housed in the jail or workhouse pursuant to the agreement, shall 31805
set forth any other terms and conditions for the housing of such 31806
persons in the jail or workhouse, and shall indicate that the 31807
department, subject to the relevant terms and conditions set 31808
forth, may designate those persons to be housed at the jail or 31809
workhouse. 31810

(B) A person designated by the department to be housed in a 31811
county, multicounty, municipal, municipal-county, or 31812
multicounty-municipal jail or workhouse that is the subject of an 31813
agreement entered into under division (A) of this section shall be 31814
conveyed by the department to that jail or workhouse and shall be 31815
kept at the jail or workhouse until the person's term of 31816
imprisonment expires, the person is pardoned, paroled, or placed 31817
under a post-release control sanction, or the person is 31818
transferred under the laws permitting the transfer of prisoners. 31819

The department shall pay the local authority that operates the jail or workhouse the per diem fee specified in the agreement for each such person housed in the jail or workhouse. Each such person housed in the jail or workhouse shall be under the direct supervision and control of the keeper, superintendent, or other person in charge of the jail or workhouse, but shall be considered for all other purposes to be within the custody of the department of rehabilitation and correction. Section 2967.193 of the Revised Code and all other provisions of the Revised Code that pertain to persons within the custody of the department that would not by their nature clearly be inapplicable apply to persons housed pursuant to this section.

(C) The department of rehabilitation and correction shall not enter into an agreement pursuant to division (A) of this section with any local authority unless the jail or workhouse operated by the authority complies with the Minimum Standards for Jails in Ohio.

(D) A court that sentences a person for a felony may include as the sentence or part of the sentence, in accordance with division (A) of section 2929.16 of the Revised Code and regardless of whether the jail or workhouse is the subject of an agreement entered into under division (A) of this section, a sanction that consists of a term of up to six months in a jail or workhouse or, if the offense is a fourth degree felony ~~OMVI~~ OVI offense and the offender is sentenced under division (G)(1) of section 2929.13 of the Revised Code, a sanction that consists of a term of up to one year in jail less the mandatory term of local incarceration of sixty or one hundred twenty consecutive days imposed pursuant to division (G)(1) of section 2929.13 of the Revised Code.

(E) "Fourth degree felony ~~OMVI~~ OVI offense" and "mandatory term of local incarceration" have the same meanings as in section 2929.01 of the Revised Code.

Sec. 5503.22. Driver's license examiners assigned to the 31852
driver's license examination section shall conduct all 31853
examinations for driver's licenses as required by sections 4507.01 31854
to ~~4507.38, inclusive,~~ 4507.36 of the Revised Code, subject to the 31855
regulations issued by the registrar of motor vehicles. 31856

Sec. 5743.99. (A) Whoever violates section 5743.10, 5743.11, 31857
or 5743.12 or division (C) of section 5743.54 of the Revised Code 31858
is guilty of a misdemeanor of the first degree. If the offender 31859
has been previously convicted of an offense under this division, 31860
violation is a felony of the fourth degree. 31861

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 31862
5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a 31863
felony of the fourth degree. If the offender has been previously 31864
convicted of an offense under this division, violation is a felony 31865
of the second degree. 31866

(C) Whoever violates section 5743.41 or 5743.42 of the 31867
Revised Code is guilty of a misdemeanor of the fourth degree. If 31868
the offender has been previously convicted of an offense under 31869
this division, violation is a misdemeanor of the third degree. 31870

(D) Whoever violates section 5743.21 of the Revised Code is 31871
guilty of a misdemeanor of the first degree. If the offender has 31872
been previously convicted of an offense under this division, 31873
violation is a felony of the fifth degree. 31874

(E) Whoever violates any provision of this chapter, or any 31875
rule promulgated by the tax commissioner under authority of this 31876
chapter, for the violation of which no penalty is provided 31877
elsewhere, is guilty of a misdemeanor of the fourth degree. 31878

(F) In addition to any other penalty imposed upon a person 31879
convicted of a violation of section 5743.112 or 5743.60 of the 31880
Revised Code who was the operator of a motor vehicle used in the 31881

violation, the ~~registrar of motor vehicles court~~ shall suspend any 31882
for not less than thirty days or more than three years the 31883
driver's or commercial driver's license issued to the offender. 31884
The court shall send a copy of its suspension order and 31885
determination to the registrar of motor vehicles, and the 31886
registrar, pursuant to the order and determination ~~of the trial~~ 31887
~~judge of any court of record as provided in section 4507.16 of the~~ 31888
~~Revised Code,~~ shall impose a suspension of the same duration. 31889

Section 2. That existing sections 9.981, 119.062, 733.40, 31890
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4511.59, 4511.60, 4511.61, 4511.62, 4511.63, 4511.64, 4511.66, 31930
4511.661, 4511.68, 4511.681, 4511.69, 4511.70, 4511.701, 4511.71, 31931
4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.74, 4511.75, 31932
4511.751, 4511.76, 4511.761, 4511.762, 4511.763, 4511.764, 31933
4511.77, 4511.771, 4511.772, 4511.78, 4511.79, 4511.81, 4511.82, 31934
4511.84, 4511.85, 4511.95, 4511.951, 4511.99, 4513.02, 4513.021, 31935
4513.022, 4513.03, 4513.04, 4513.05, 4513.06, 4513.07, 4513.071, 31936
4513.09, 4513.10, 4513.11, 4513.111, 4513.12, 4513.13, 4513.14, 31937
4513.15, 4513.16, 4513.17, 4513.171, 4513.18, 4513.182, 4513.19, 31938
4513.20, 4513.201, 4513.202, 4513.21, 4513.22, 4513.23, 4513.24, 31939
4513.241, 4513.242, 4513.25, 4513.26, 4513.261, 4513.262, 4513.27, 31940
4513.28, 4513.29, 4513.30, 4513.31, 4513.32, 4513.34, 4513.36, 31941
4513.361, 4513.51, 4513.60, 4513.64, 4513.65, 4513.99, 4517.02, 31942
4517.03, 4517.19, 4517.20, 4517.21, 4517.22, 4517.23, 4517.24, 31943
4517.25, 4517.26, 4517.27, 4517.40, 4517.41, 4517.42, 4517.43, 31944
4517.44, 4517.45, 4517.64, 4517.99, 4519.02, 4519.05, 4519.06, 31945

4519.20, 4519.22, 4519.40, 4519.41, 4519.44, 4519.45, 4519.52, 31946
4519.66, 4519.67, 4549.01, 4549.02, 4549.021, 4549.03, 4549.042, 31947
4549.08, 4549.10, 4549.11, 4549.12, 4549.18, 4549.42, 4549.43, 31948
4549.44, 4549.45, 4549.451, 4549.46, 4549.62, 4551.04, 4561.11, 31949
4561.12, 4561.14, 4561.15, 4561.22, 4561.24, 4561.31, 4561.99, 31950
4563.09, 4563.10, 4563.20, 4582.06, 4582.31, 4582.59, 4583.01, 31951
5120.032, 5120.033, 5120.161, 5503.22, and 5743.99 and sections 31952
3123.611, 4503.235, 4503.99, 4507.012, 4507.021, 4507.165, 31953
4507.166, 4507.18, 4508.99, 4509.105, 4509.31, 4509.32, 4509.99, 31954
4511.83, 4511.991, 4519.99, 4549.99, 4551.99, 4563.99, 4582.99, 31955
and 4583.99 of the Revised Code are hereby repealed. The existing 31956
version of section 4513.263 of the Revised Code is the version 31957
repealed by Section 3 of this act. 31958

Section 3. Section 4513.263 of the Revised Code is repealed. 31959

Section 4. Section 4513.263 of the Revised Code, as repealed 31960
and revived by this act, omits and therefore repeals substantive 31961
amendments made to the section by Am. Sub. H.B. 350 of the 121st 31962
General Assembly that were dependent upon Am. Sub. H.B. 350's 31963
purpose. Am. Sub. H.B. 350 was held unconstitutional by the 31964
Supreme Court of Ohio in *State, ex rel. Ohio Academy of Trial* 31965
Lawyers, v. Sheward (1999), 86 Ohio St.3d 451. The revived section 31966
retains nonsubstantive corrective amendments made by Am. Sub. H.B. 31967
350 that were independent of Am. Sub. H.B. 350's purpose. 31968
31969

Section 5. The General Assembly hereby recommends to the 31970
Supreme Court that it amend the Ohio Traffic Rules that have been 31971
adopted under authority of section 2937.46 of the Revised Code to 31972
provide procedures to govern felony violations of section 4511.19 31973
of the Revised Code. 31974

Section 6. Sections 1, 2, 3, and 4 of this act shall take 31975
effect on January 1, 2003. 31976

Section 7. Notwithstanding division (B) of section 1.58 of 31977
the Revised Code, the provisions of the Revised Code amended, 31978
revived and amended, or enacted in Sections 1, 2, and 3 of this 31979
act shall apply only in relation to conduct and offenses committed 31980
on or after January 1, 2003. Conduct and offenses committed prior 31981
to January 1, 2003, shall be governed by the law in effect on the 31982
date the conduct or offense was committed. 31983

Section 8. All items in this section are hereby appropriated 31984
as designated out of any moneys in the state treasury to the 31985
credit of the State Special Revenue Fund Group. For all 31986
appropriations made in this act, those in the first column are for 31987
fiscal year 2002 and those in the second column are for fiscal 31988
year 2003. The appropriations made in this act are in addition to 31989
any other appropriations made for the 2001-2003 biennium. 31990

AGO ATTORNEY GENERAL 31991

State Special Revenue Fund Group 31992

5N0 055-627 Traffic Law Training \$ 211,000 \$ 0 31993

TOTAL SSR State Special Revenue 31994

TOTAL ALL BUDGET FUND GROUPS \$ 211,000 \$ 0 31996

TRAFFIC LAW TRAINING 31997

No later than 30 days after the effective date of this 31998
section, the Director of Budget and Management shall transfer 31999
\$211,000 cash from the General Revenue Fund to the Traffic Law 32000
Training Fund (Fund 5N0). The transferred cash shall be used by 32001
the Attorney General for the purpose of developing, printing, and 32002
distributing, in conjunction with the Ohio Department of Public 32003
Safety and the Ohio Criminal Sentencing Commission, training 32004

materials for the Ohio Department of Public Safety, law 32005
enforcement, and other appropriate persons for the implementation 32006
of this act. 32007

Within the limits set forth in this act, the Director of 32008
Budget and Management shall establish accounts indicating the 32009
source and amount of funds for each appropriation made in this 32010
act, and shall determine the form and manner in which 32011
appropriation accounts shall be maintained. Expenditures from 32012
appropriations contained in this act shall be accounted for as 32013
though made in the main appropriations act of the 124th General 32014
Assembly. 32015

The appropriations made in this act are subject to all 32016
provisions of the main appropriations act of the 124th General 32017
Assembly. 32018

This section is not subject to the referendum. Therefore, 32019
under Ohio Constitution, Article II, Section 1d and section 1.471 32020
of the Revised Code, this section goes into immediate effect when 32021
this act becomes law. 32022

Section 9. Section 2923.01 of the Revised Code is presented 32023
in this act as a composite of the section as amended by both Sub. 32024
H.B. 125 and Am. Sub. S.B. 269 of the 121st General Assembly. 32025
Section 2925.03 of the Revised Code is presented in this act as a 32026
composite of the section as amended by both Am. H.B. 528 and Am. 32027
Sub. S.B. 107 of the 123rd General Assembly. Section 2929.01 of 32028
the Revised Code is presented in this act as a composite of the 32029
section as amended by Am. Sub. H.B. 349, Am. Sub. S.B. 179, and 32030
Am. Sub. S.B. 222 of the 123rd General Assembly. Section 2929.13 32031
of the Revised Code is presented in this act as a composite of the 32032
section as amended by Am. H.B. 528, Am. Sub. S.B. 22, Am. Sub. 32033
S.B. 107, Am. S.B. 142, and Am. Sub. S.B. 222 of the 123rd General 32034
Assembly. Sections 2929.15 and 2929.19 of the Revised Code are 32035

presented in this act as a composite of the section as amended by 32036
Am. Sub. H.B. 349, Am. Sub. S.B. 22, and Am. Sub. S.B. 107 of the 32037
123rd General Assembly. Section 2929.17 of the Revised Code is 32038
presented in this act as a composite of the section as amended by 32039
Am. Sub. H.B. 349, Am. S.B. 9, Am. Sub. S.B. 22, and Am. Sub. S.B. 32040
107 of the 123rd General Assembly. Section 2929.18 of the Revised 32041
Code is presented in this act as a composite of the section as 32042
amended by Am. H.B. 528, Am. Sub. S.B. 22, and Am. Sub. S.B. 107 32043
of the 123rd General Assembly. Sections 2929.41 and 5120.032 of 32044
the Revised Code are presented in this act as a composite of the 32045
section as amended by both Am. Sub. S.B. 22 and Am. Sub. S.B. 107 32046
of the 123rd General Assembly. Section 2937.222 of the Revised 32047
Code is presented in this act as a composite of the section as 32048
amended by both Am. Sub. H.B. 137 and Am. Sub. S.B. 22 of the 32049
123rd General Assembly. Section 4503.12 of the Revised Code is 32050
presented in this act as a composite of the section as amended by 32051
both Am. H.B. 141 and Am. Sub. S.B. 60 of the 122nd General 32052
Assembly. Sections 4503.233 and 4507.164 of the Revised Code are 32053
presented in this act as a composite of the sections as amended by 32054
Am. H.B. 80, Am. Sub. S.B. 22 and Am. Sub. S.B. 107 of the 123rd 32055
General Assembly. Section 4503.234 of the Revised Code is 32056
presented in this act as a composite of the section as amended by 32057
both Am. Sub. H.B. 353 and Am. Sub. H.B. 676 of the 121st General 32058
Assembly. Section 4507.38 of the Revised Code, renumbered as 32059
section 4510.41 of the Revised Code, is presented in this act as a 32060
composite of the section as amended by both Am. Sub. H.B. 353 and 32061
Am. Sub. H.B. 676 of the 121st General Assembly. Section 4511.193 32062
of the Revised Code is presented in this act as a composite of the 32063
section as amended by both Am. H.B. 80 and Am. Sub. S.B. 107 of 32064
the 123rd General Assembly. Section 4513.99 of the Revised Code is 32065
presented in this act as a composite of the section as amended by 32066
both Am. Sub. H.B. 138 and Am. Sub. H.B. 600 of the 123rd General 32067

Assembly. Sections 4582.06 and 4582.31 of the Revised Code are 32068
presented in this act as a composite of the sections as amended by 32069
both Sub. H.B. 19 and Am. S.B. 137 of the 123rd General Assembly. 32070
The General Assembly, applying the principle stated in division 32071
(B) of section 1.52 of the Revised Code that amendments are to be 32072
harmonized if reasonably capable of simultaneous operation, finds 32073
that the composites are the resulting versions of the sections in 32074
effect prior to the effective date of the sections as presented in 32075
this act. 32076