

As Passed by the Senate

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

Am. Sub. S. B. No. 123

Senators Oelslager, Mead

A B I L L

To amend sections 9.981, 119.062, 733.40, 1547.11, 1
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and 5743.99; to amend, for the purpose of adopting	86
new section numbers as indicated in parentheses,	87
sections 4507.022 (4510.038), 4507.061 (4510.32),	88
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and 4511.951 (4510.72); to enact sections 4508.09, 99
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and 4549.52; to repeal sections 3123.611, 105
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4549.99, 4551.99, 4563.99, 4582.99, and 4583.99 of 109
the Revised Code to adopt, effective January 1, 110
2003, the Ohio Criminal Sentencing Commission's 111
Traffic Proposals, with modifications, and related 112
changes in the traffic laws. 113

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

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5120.033, 5120.161, 5503.22, and 5743.99 be amended; sections	175
4507.022 (4510.038), 4507.061 (4510.32), 4507.161 (4510.23),	176
4507.162 (4510.31), 4507.163 (4510.33), 4507.167 (4510.34),	177
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(4510.63), 4507.63 (4510.64), 4511.95 (4510.71), and 4511.951	184
(4510.72) be amended for the purpose of adopting new section	185
numbers as indicated in parentheses; and sections 4508.09,	186

4510.01, 4510.02, 4510.021, 4510.03, 4510.031, 4510.032, 4510.034, 187
4510.035, 4510.036, 4510.037, 4510.04, 4510.10, 4510.11, 4510.12, 188
4510.13, 4510.14, 4510.16, 4510.21, 4510.311, 4510.43, 4510.44, 189
4510.54, 4511.181, 4511.194, 4511.197, and 4549.52 of the Revised 190
Code be enacted to read as follows: 191

Sec. 9.981. (A) Sections 9.98 to 9.983 of the Revised Code 192
are applicable to bonds: 193

(1) The payment of the debt service on which is to be 194
provided for directly or indirectly by payments contracted to be 195
made in the bond proceedings by the absolute obligors, being 196
persons other than the issuer; and 197

(2) Which are authorized to be issued under sections 122.39 198
to 122.62, Chapter 165., 902., 3377., 3706., division ~~(D)~~(A)(4) of 199
section 4582.06, division ~~(H)~~(A)(8) of section 4582.31, section 200
4582.48, or Chapter 6121. or 6123. of the Revised Code, 201
notwithstanding other provisions therein. 202

(B) Sections 9.98 to 9.983 of the Revised Code are applicable 203
to bonds issued under Chapters 140., 152., 154., 175., and 349. of 204
the Revised Code, and to any bonds authorized under laws which 205
expressly make those sections applicable. 206

(C) Subject to division (A) of this section, the authority 207
provided in sections 9.98 to 9.983 of the Revised Code is 208
supplemental to and not in derogation of any similar authority 209
provided by, derived from, or implied by, any law, the Ohio 210
Constitution, or any charter, resolution, or ordinance, and no 211
inference shall be drawn to negate the authority thereunder by 212
reason of the express provisions of sections 9.98 to 9.983 of the 213
Revised Code. 214

(D) Sections 9.98 to 9.983 of the Revised Code shall be 215
liberally construed to permit flexibility in the arrangements 216

therein provided to enhance the issuance of such bonds and provide 217
for terms most beneficial and satisfactory to the persons which 218
undertake to provide for their payment, security, and liquidity. 219

Sec. 119.062. (A) Notwithstanding section 119.06 of the 220
Revised Code, the registrar of motor vehicles is not required to 221
hold any hearing in connection with an order ~~revoking~~ canceling or 222
suspending a motor vehicle driver's or commercial driver's license 223
pursuant to section ~~4507.16, 4509.24, 4509.291, 4509.31, 4509.33,~~ 224
~~4509.37, 4509.39, 4509.42, 4509.66, 4511.191, or 4511.196~~ 2903.06, 225
2903.08, 2907.24, 2921.331, 4549.02, 4549.021, or 5743.99 or any 226
provision of Chapter 2925., 4509., 4510., or 4511. of the Revised 227
Code or in connection with an out-of-service order issued under 228
Chapter 4506. of the Revised Code. 229

(B) Notwithstanding section 119.07 of the Revised Code, the 230
registrar is not required to use registered mail, return receipt 231
requested, in connection with an order ~~revoking~~ canceling or 232
suspending a motor vehicle driver's or commercial driver's 233
license, or a notification to a person to surrender a certificate 234
of registration and registration plates. 235

Sec. 733.40. Except as otherwise provided in section 4511.193 236
of the Revised Code, all fines, forfeitures, and costs in 237
ordinance cases and all fees that are collected by the mayor, ~~or~~ 238
~~which that~~ in any manner come into ~~his~~ the mayor's hands, or ~~which~~ 239
that are due ~~such~~ the mayor or a marshal, chief of police, or 240
other officer of the municipal corporation, any other fees and 241
expenses ~~which that~~ have been advanced out of the treasury of the 242
municipal corporation, and all money received by ~~such~~ the mayor 243
for the use of ~~such~~ the municipal corporation, shall be paid by 244
~~him~~ the mayor into ~~such~~ the treasury of the municipal corporation 245
on the first Monday of each month. At the first regular meeting of 246
the legislative authority each month, the mayor shall submit a 247

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

This section does not apply to fines collected by a mayor's 260
court for violations of division (B) of section 4513.263 of the 261
Revised Code, or for violations of any municipal ordinance that is 262
substantively comparable to that division, all of which shall be 263
forwarded to the treasurer of state as provided in division (E) of 264
section 4513.263 of the Revised Code. 265

Sec. 1547.11. (A) No person shall operate or be in physical 266
control of any vessel underway or shall manipulate any water skis, 267
aquaplane, or similar device on the waters in this state if, at 268
the time of the operation, control, or manipulation, any of the 269
following applies: 270

(1) The person is under the influence of alcohol ~~or~~, a drug 271
of abuse, or ~~the combined influence of alcohol and a drug of~~ 272
~~abuse;~~ a combination of them. 273

(2) The person has a concentration of ten-hundredths of one 274
per cent or more by weight of alcohol per unit volume in the 275
person's whole blood;. 276

(3) The person has a concentration of twelve-hundredths of 277
one per cent or more by weight per unit volume of alcohol in the 278

<u>person's blood serum or plasma.</u>	279
(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 ± .	280 281 282
(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.	283 284 285
(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, <u>at the time of the operation, control, or manipulation,</u> any of the following applies:	286 287 288 289 290
(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 <u>per unit volume</u> of alcohol in the person's <u>whole</u> blood ± .	291 292 293 294
(2) <u>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.</u>	295 296 297 298
(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 ± .	299 300 301 302
(3) (4) The person has a concentration of at least two-hundredths of one gram, but less than ten-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.	303 304 305 306
(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation	307 308

of division (B)(1), (2), ~~or (3)~~, or (4) of this section, but the 309
person shall not be convicted of more than one violation of those 310
divisions. 311

(D)(1) In any criminal prosecution or juvenile court 312
proceeding for a violation of this section or ~~of an ordinance of~~ 313
~~any municipal corporation relating to operating a vessel or using~~ 314
~~any water skis, aquaplane, or similar device while under the~~ 315
~~influence of alcohol or a drug of abuse~~ for an equivalent 316
violation, the court may admit evidence on the concentration of 317
alcohol ~~or a drug, drugs~~ of abuse, or a combination of them in the 318
defendant's or child's whole blood, blood serum or plasma, urine, 319
or breath at the time of the alleged violation as shown by 320
chemical analysis of the ~~defendant's blood, urine, or breath~~ 321
substance withdrawn, or specimen taken within two hours of the 322
time of the alleged violation. 323

When a person submits to a blood test, only a physician, a 324
registered nurse, or a qualified technician ~~or~~, chemist, or 325
phlebotomist shall withdraw blood for the purpose of determining 326
~~its~~ the alcohol ~~or~~, drug of abuse, or alcohol and drug content of 327
the whole blood, blood serum, or blood plasma. This limitation 328
does not apply to the taking of breath or urine specimens. A 329
~~physician, registered nurse, or qualified technician or chemist~~ 330
person authorized to withdraw blood under this division may refuse 331
to withdraw blood ~~for the purpose of determining its alcohol or~~ 332
~~drug of abuse content~~ under this division if, in the that person's 333
opinion ~~of the physician, nurse, or technician or chemist~~, the 334
physical welfare of the ~~person~~ defendant or child would be 335
endangered by ~~the~~ withdrawing ~~of~~ blood. 336

The whole blood, blood serum or plasma, urine, or breath 337
shall be analyzed in accordance with methods approved by the 338
director of health by an individual possessing a valid permit 339
issued by the director pursuant to section 3701.143 of the Revised 340

Code. 341

~~¶ (2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section or for a violation of a prohibition that is substantially equivalent to division (A) of this section, if there was at the time the whole blood, blood serum or plasma, urine, or breath was taken a concentration of less than ten hundredths of one per cent by weight of alcohol in the defendant's blood, less than fourteen hundredths of one gram by weight of alcohol per one hundred milliliters of the defendant's urine, or less than ten hundredths of one gram by weight of alcohol per two hundred ten liters of the defendant's breath the applicable concentration of alcohol specified for a violation of division (A)(2), (3), (4), or (5) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant or in making an adjudication for the child. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section or for a violation of a prohibition that is substantially equivalent to that division.~~ 342-359

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney ~~or agent~~ immediately upon the completion of the test analysis. 360-363

The person tested may have a physician, a registered nurse, or a qualified technician ~~or~~, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer. 364-371

A (E)(1) Subject to division (E)(3) of this section, in any 372

criminal prosecution or juvenile court proceeding for a violation 373
of this section or for an equivalent violation, the court shall 374
admit as prima-facie evidence a laboratory report from any 375
forensic laboratory certified by the department of health that 376
contains an analysis of the whole blood, blood serum or plasma, 377
breath, urine, or other bodily substance tested and that contains 378
all of the information specified in this division. The laboratory 379
report shall contain all of the following: 380

(a) The signature, under oath, of any person who performed 381
the analysis; 382

(b) Any findings as to the identity and quantity of alcohol, 383
a drug of abuse, or a combination of them that was found; 384

(c) A copy of a notarized statement by the laboratory 385
director or a designee of the director that contains the name of 386
each certified analyst or test performer involved with the report, 387
the analyst's or test performer's employment relationship with the 388
laboratory that issued the report, and a notation that performing 389
an analysis of the type involved is part of the analyst's or test 390
performer's regular duties; 391

(d) An outline of the analyst's or test performer's 392
education, training, and experience in performing the type of 393
analysis involved and a certification that the laboratory 394
satisfies appropriate quality control standards in general and, in 395
this particular analysis, under rules of the department of health. 396

(2) Notwithstanding any other provision of law regarding the 397
admission of evidence, a report of the type described in division 398
(E)(1) of this section is not admissible against the defendant or 399
child to whom it pertains in any proceeding, other than a 400
preliminary hearing or a grand jury proceeding, unless the 401
prosecutor has served a copy of the report on the defendant's or 402
child's attorney or, if the defendant or child has no attorney, on 403

the defendant or child. 404

(3) A report of the type described in division (E)(1) of this 405
section shall not be prima-facie evidence of the contents, 406
identity, or amount of any substance if, within seven days after 407
the defendant or child to whom the report pertains or the 408
defendant's or child's attorney receives a copy of the report, the 409
defendant or child or the defendant's or child's attorney demands 410
the testimony of the person who signed the report. The judge in 411
the case may extend the seven-day time limit in the interest of 412
justice. 413

(F) Except as otherwise provided in this division, any 414
physician, registered nurse, or qualified technician ~~or~~ chemist, 415
or phlebotomist who withdraws blood from a person pursuant to this 416
section, and a hospital, first-aid station, or clinic at which 417
blood is withdrawn from a person pursuant to this section, is 418
immune from criminal liability, and ~~from~~ civil liability ~~that is~~ 419
based upon a claim of assault and battery or ~~based upon~~ any other 420
claim that is not ~~in the nature of~~ a claim of malpractice, for any 421
act performed in withdrawing blood from the person. The immunity 422
provided in this division is not available to a person who 423
withdraws blood if the person engages in willful or wanton 424
misconduct. 425

~~(E) For the purposes of (G) As used in this section, "operate~~ 426
and section 1547.111 of the Revised Code: 427

(1) "Equivalent violation" means a violation of a municipal 428
ordinance, law of another state, or law of the United States that 429
is substantially equivalent to division (A) or (B) of this 430
section. 431

(2) "Operate" means that a vessel is being used on the waters 432
in this state when the vessel is not securely affixed to a dock or 433
to shore or to any permanent structure to which the vessel has the 434

right to affix or that a vessel is not anchored in a designated 435
anchorage area or boat camping area that is established by the 436
United States coast guard, this state, or a political subdivision 437
and in which the vessel has the right to anchor. 438

Sec. 1547.111. (A)(1) Any person who operates or is in 439
physical control of a vessel or uses any water skis, aquaplane, or 440
similar device upon any waters in this state shall be deemed to 441
have given consent to a chemical test or tests ~~of the person's~~ 442
~~blood, breath, or urine for the purpose of determining its to~~ 443
determine the alcohol or, drug of abuse, or alcohol and drug of 444
abuse content of the person's whole blood, blood serum or plasma, 445
breath, or urine if arrested for the offense of operating or being 446
in physical control of a vessel or ~~using~~ manipulating any water 447
skis, aquaplane, or similar device in violation of section 1547.11 448
of the Revised Code or a substantially equivalent municipal 449
ordinance. The 450

(2) The test or tests under division (A) of this section 451
shall be administered at the direction of a law enforcement 452
officer having reasonable grounds to believe the person ~~to have~~ 453
~~been was~~ operating or in physical control of a vessel or ~~using~~ 454
manipulating any water skis, aquaplane, or similar device in 455
violation of section 1547.11 of the Revised Code or a 456
substantially equivalent municipal ordinance. The law enforcement 457
agency by which the officer is employed shall designate which ~~of~~ 458
~~the test or~~ tests shall be administered. 459

(B) Any person who is dead, or unconscious, or who otherwise 460
is in a condition rendering the person incapable of refusal shall 461
be deemed ~~not~~ to have ~~withdrawn consent~~ consented as provided by 462
in division (A)(1) of this section, and the test or tests may be 463
administered, subject to sections 313.12 to 313.16 of the Revised 464
Code. 465

(C) Any person under arrest for ~~the offense of operating a vessel or using any water skis, aquaplane, or similar device in violation of~~ violating section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance shall be advised of the consequences of refusing to submit to a chemical test or tests designated ~~by the law enforcement agency~~ as provided in division (A) of this section. The advice shall be in a written form prescribed by the chief of the division of watercraft 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~~ by the arresting officer ~~and either another law enforcement officer, a civilian law enforcement 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 reading of the form shall be witnessed by one or more persons, and the witnesses shall certify to this fact by signing the form.

(D) If a law enforcement officer asks a person under arrest for ~~the offense of operating a vessel or using any water skis, aquaplane, or similar device in violation of~~ violating section 1547.11 of the Revised Code ~~refuses upon the request of a law enforcement officer~~ or a substantially equivalent municipal ordinance to submit to a chemical test ~~designated by the law enforcement agency~~ or tests as provided in division (A) of this section, ~~after first having been advised~~ if the arresting officer advises the person of the consequences of the person's refusal as provided in division (C) of this section, and if the person refuses to submit, no chemical test shall be given, ~~but the chief, 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~~ 498
~~influence of alcohol and a drug of abuse, or with a prohibited~~ 499
~~concentration of alcohol in the person's blood, urine, or breath,~~ 500
violated section 1547.11 of the Revised Code or a substantially 501
equivalent municipal ordinance and that the person refused to 502
submit to the chemical test upon the request of the ~~law~~ 503
~~enforcement~~ officer, and upon receipt of the form as provided in 504
division (C) of this section certifying that the arrested person 505
was advised of the consequences of the refusal, the chief of the 506
division of watercraft shall inform the person by written notice 507
that the person is prohibited from operating or being in physical 508
control of a vessel ~~or, from~~ using any water skis, aquaplane, or 509
similar device, and ~~is prohibited~~ from registering any watercraft 510
in accordance with section 1547.54 of the Revised Code, for one 511
year following the date of the alleged violation ~~of section~~ 512
~~1547.11 of the Revised Code~~. The suspension of these operation, 513
physical control, use, and registration privileges shall continue 514
for the entire one-year period, subject to review as provided in 515
this section. 516

If the person under arrest is the owner of the vessel 517
involved in the alleged violation, the law enforcement officer who 518
arrested the person shall seize the watercraft registration 519
certificate and tags from the vessel involved in the violation and 520
forward them to the chief. The chief, ~~in addition to informing the~~ 521
~~person by written notice that the person is prohibited from~~ 522
~~operating a vessel or using any water skis, aquaplane, or similar~~ 523
~~device, and from registering any watercraft in accordance with~~ 524
~~section 1547.54 of the Revised Code, for one year following the~~ 525
~~date of the alleged violation,~~ shall retain the impounded 526
registration certificate and tags, and shall impound all other 527
registration certificates and tags issued to the person in 528
accordance with sections 1547.54 and 1547.57 of the Revised Code, 529
for a period of one year following the date of the alleged 530

violation, subject to review as provided in this section. 531

If the arrested person fails to surrender the registration 532
certificate because it is not on the person of the arrested person 533
or in the watercraft, the law enforcement officer who made the 534
arrest shall order the person to surrender it within twenty-four 535
hours to the law enforcement officer or the law enforcement agency 536
that employs the law enforcement officer. If the person fails to 537
do so, the law enforcement officer shall notify the chief of that 538
fact in the statement the officer submits to the chief under this 539
division. 540

(E) Upon suspending a person's operation, physical control, 541
use, and registration privileges in accordance with division (D) 542
of this section, the chief shall notify the person in writing, at 543
the person's last known address, and inform the person that the 544
person may petition for a hearing in accordance with division (F) 545
of this section. If a person whose operation, physical control, 546
use, and registration privileges have been suspended petitions for 547
a hearing or appeals any adverse decision ~~that is adverse to the~~ 548
~~person~~, the suspension ~~of privileges~~ shall begin at the 549
termination of any hearing or appeal unless the hearing or appeal 550
~~resulted~~ results in a decision favorable to the person. 551

(F) Any person who has been notified by the chief that the 552
person is prohibited from operating or being in physical control 553
of a vessel or using any water skis, aquaplane, or similar device 554
and from registering any watercraft in accordance with section 555
1547.54 of the Revised Code, or who has had the registration 556
certificate and tags of the person's watercraft impounded pursuant 557
to division (D) of this section, within twenty days of the 558
notification or impoundment, may file a petition in the municipal 559
court or the county court, or if the person is a minor in juvenile 560
court, ~~in whose~~ with jurisdiction over the place at which the 561
arrest occurred, agreeing to pay the cost of the proceedings and 562

alleging error in the action taken by the chief under division (D) 563
of this section or alleging one or more of the matters within the 564
scope of the hearing as provided in this section, or both. The 565
petitioner shall notify the chief of the filing of the petition 566
and send the chief a copy of the petition. 567

The scope of the hearing is limited to the issues of whether 568
the law enforcement officer had reasonable grounds to believe the 569
petitioner was operating or in physical control of a vessel or 570
~~using manipulating~~ any water skis, aquaplane, or similar device 571
~~while under the influence of alcohol or a drug of abuse, under the~~ 572
~~combined influence of alcohol and a drug of abuse, or with a~~ 573
~~prohibited concentration of alcohol or a drug of abuse in the~~ 574
~~person's blood, urine, or breath~~ in violation of section 1547.11 575
of the Revised Code or a substantially equivalent municipal 576
ordinance, whether the petitioner was placed under arrest, whether 577
the petitioner refused to submit to the chemical test upon request 578
of the officer, and whether the petitioner was advised of the 579
consequences of the petitioner's refusal. 580

(G)(1) The chief shall furnish the court a copy of the 581
affidavit as provided in division (C) of this section and any 582
other relevant information requested by the court. 583

(2) In hearing the matter and in determining whether the 584
person has shown error in the decision taken by the chief as 585
provided in division (D) of this section, the court shall decide 586
the issue upon the relevant, competent, and material evidence 587
submitted by the chief or the person whose operation, physical 588
control, use, and registration privileges have been suspended. 589

In the proceedings, the chief shall be represented by the 590
prosecuting attorney of the county in which the petition is filed 591
if the petition is filed in a county court or juvenile court, 592
except that if the arrest occurred within a city or village within 593
the jurisdiction of the county court in which the petition is 594

filed, the city director of law or village solicitor of that city 595
or village shall represent the chief. If the petition is filed in 596
the municipal court, the chief shall be represented as provided in 597
section 1901.34 of the Revised Code. 598

(3) If the court finds from the evidence submitted that the 599
person has failed to show error in the action taken by the chief 600
under division (D) of this section or in one or more of the 601
matters within the scope of the hearing as provided in division 602
(F) of this section, or both, the court shall assess the cost of 603
the proceeding against the person and shall uphold the suspension 604
of the operation, physical control, use, and registration 605
privileges provided in division (D) of this section. If the court 606
finds that the person has shown error in the action taken by the 607
chief under division (D) of this section or in one or more of the 608
matters within the scope of the hearing as provided in division 609
(F) of this section, or both, the cost of the proceedings shall be 610
paid out of the county treasury of the county in which the 611
proceedings were held, the chief shall reinstate the operation, 612
physical control, use, and registration privileges of the person 613
~~shall be reinstated~~ without charge, and the chief shall return the 614
registration certificate and tags, if impounded, ~~shall be returned~~ 615
without charge. 616

(4) The court shall give information in writing of any action 617
taken under this section to the chief. 618

(H) At the end of any period of suspension or impoundment 619
imposed under this section, and upon request of the person whose 620
operation, physical control, use, and registration privileges were 621
suspended or whose registration certificate and tags were 622
impounded, the chief shall reinstate the person's operation, 623
physical control, use, and registration privileges by written 624
notice and return the certificate and tags. 625

(I) No person who has received written notice from the chief 626

that the person is prohibited from operating or being in physical 627
control of a vessel ~~or~~, from using any water skis, aquaplane, or 628
similar device, and from registering a watercraft, or who has had 629
the registration certificate and tags of the person's watercraft 630
impounded, in accordance with division (D) of this section, shall 631
operate or be in physical control of a vessel or use any water 632
skis, aquaplane, or similar device for a period of one year 633
following the date of the person's alleged violation of section 634
1547.11 of the Revised Code or the substantially equivalent 635
municipal ordinance. 636

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 637
Revised Code is guilty of a felony of the fourth degree. 638

(B) Whoever violates section 1547.10, division (I) of section 639
1547.111, section 1547.13, or section 1547.66 of the Revised Code 640
is guilty of a misdemeanor of the first degree. 641

(C) Whoever violates a provision of this chapter or a rule 642
adopted thereunder, for which no penalty is otherwise provided, is 643
guilty of a minor misdemeanor. 644

(D) Whoever violates section 1547.07 or 1547.12 of the 645
Revised Code without causing injury to persons or damage to 646
property is guilty of a misdemeanor of the fourth degree. 647

(E) Whoever violates section 1547.07 or 1547.12 of the 648
Revised Code causing injury to persons or damage to property is 649
guilty of a misdemeanor of the third degree. 650

(F) Whoever violates division (M) of section 1547.54, 651
division (G) of section 1547.30, or section 1547.131, 1547.25, 652
1547.33, 1547.38, 1547.39, 1547.40, 1547.69, or 1547.92 of the 653
Revised Code or a rule adopted under division (A)(2) of section 654
1547.52 of the Revised Code is guilty of a misdemeanor of the 655
fourth degree. 656

(G) Whoever violates section 1547.11 of the Revised Code is 657
guilty of a misdemeanor of the first degree and shall be punished 658
as provided in division (G)(1), (2), or (3) of this section. 659

(1) Except as otherwise provided in division (G)(2) or (3) of 660
this section, the court shall sentence the offender to a term of 661
imprisonment of three consecutive days and may sentence the 662
offender pursuant to section 2929.21 of the Revised Code to a 663
longer term of imprisonment. In addition, the court shall impose 664
upon the offender a fine of not less than one hundred fifty nor 665
more than one thousand dollars. 666

The court may suspend the execution of the mandatory three 667
consecutive days of imprisonment that it is required to impose by 668
division (G)(1) of this section if the court, in lieu of the 669
suspended term of imprisonment, places the offender on probation 670
and requires the offender to attend, for three consecutive days, a 671
drivers' intervention program that is certified pursuant to 672
section 3793.10 of the Revised Code. The court also may suspend 673
the execution of any part of the mandatory three consecutive days 674
of imprisonment that it is required to impose by division (G)(1) 675
of this section if the court places the offender on probation for 676
part of the three consecutive days; requires the offender to 677
attend, for that part of the three consecutive days, a drivers' 678
intervention program that is certified pursuant to section 3793.10 679
of the Revised Code; and sentences the offender to a term of 680
imprisonment equal to the remainder of the three consecutive days 681
that the offender does not spend attending the drivers' 682
intervention program. The court may require the offender, as a 683
condition of probation, to attend and satisfactorily complete any 684
treatment or education programs, in addition to the required 685
attendance at a drivers' intervention program, that the operators 686
of the drivers' intervention program determine that the offender 687
should attend and to report periodically to the court on the 688

offender's progress in the programs. The court also may impose any 689
other conditions of probation on the offender that it considers 690
necessary. 691

(2) If, within ~~five~~ six years of the offense, the offender 692
has been convicted of or pleaded guilty to one violation of 693
section 1547.11 of the Revised Code, of a municipal ordinance 694
relating to operating a watercraft or manipulating any water skis, 695
aquaplane, or similar device while under the influence of alcohol, 696
a drug of abuse, or ~~alcohol and a drug of abuse~~ a combination of 697
them, of a municipal ordinance relating to operating a watercraft 698
or manipulating any water skis, aquaplane, or similar device with 699
a prohibited concentration of alcohol in the whole blood, blood 700
serum or plasma, breath, or urine, of division (A)(1) of section 701
2903.06 of the Revised Code, or of division (A)(2), (3), or (4) of 702
section 2903.06 of the Revised Code or ~~former~~ section 2903.06 or 703
2903.07 of the Revised Code as they existed prior to March 23, 704
2000, in a case in which the jury or judge found that the offender 705
was under the influence of alcohol, a drug of abuse, or ~~alcohol~~ 706
~~and a drug of abuse~~ a combination of them, the court shall 707
sentence the offender to a term of imprisonment of ten consecutive 708
days and may sentence the offender pursuant to section 2929.21 of 709
the Revised Code to a longer term of imprisonment. In addition, 710
the court shall impose upon the offender a fine of not less than 711
one hundred fifty nor more than one thousand dollars. 712

In addition to any other sentence that it imposes upon the 713
offender, the court may require the offender to attend a drivers' 714
intervention program that is certified pursuant to section 3793.10 715
of the Revised Code. 716

(3) If, within ~~five~~ six years of the offense, the offender 717
has been convicted of or pleaded guilty to more than one violation 718
identified in division (G)(2) of this section, the court shall 719
sentence the offender to a term of imprisonment of thirty 720

consecutive days and may sentence the offender to a longer term of 721
imprisonment of not more than one year. In addition, the court 722
shall impose upon the offender a fine of not less than one hundred 723
fifty nor more than one thousand dollars. 724

In addition to any other sentence that it imposes upon the 725
offender, the court may require the offender to attend a drivers' 726
intervention program that is certified pursuant to section 3793.10 727
of the Revised Code. 728

(4) Upon a showing that imprisonment would seriously affect 729
the ability of an offender sentenced pursuant to division (G)(1), 730
(2), or (3) of this section to continue the offender's employment, 731
the court may authorize that the offender be granted work release 732
from imprisonment after the offender has served the three, ten, or 733
thirty consecutive days of imprisonment that the court is required 734
by division (G)(1), (2), or (3) of this section to impose. No 735
court shall authorize work release from imprisonment during the 736
three, ten, or thirty consecutive days of imprisonment that the 737
court is required by division (G)(1), (2), or (3) of this section 738
to impose. The duration of the work release shall not exceed the 739
time necessary each day for the offender to commute to and from 740
the place of employment and the place of imprisonment and the time 741
actually spent under employment. 742

(5) Notwithstanding any section of the Revised Code that 743
authorizes the suspension of the imposition or execution of a 744
sentence or the placement of an offender in any treatment program 745
in lieu of imprisonment, no court shall suspend the ten or thirty 746
consecutive days of imprisonment required to be imposed by 747
division (G)(2) or (3) of this section or place an offender who is 748
sentenced pursuant to division (G)(2) or (3) of this section in 749
any treatment program in lieu of imprisonment until after the 750
offender has served the ten or thirty consecutive days of 751
imprisonment required to be imposed pursuant to division (G)(2) or 752

(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.

(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.

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

(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.

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

(L) The sentencing court, in addition to the penalty provided

under this section for a violation of this chapter or a rule 784
adopted under it that involves a powercraft powered by more than 785
ten horsepower and that, in the opinion of the court, involves a 786
threat to the safety of persons or property, shall order the 787
offender to complete successfully a boating course approved by the 788
national association of state boating law administrators before 789
the offender is allowed to operate a powercraft powered by more 790
than ten horsepower on the waters in this state. Violation of a 791
court order entered under this division is punishable as contempt 792
under Chapter 2705. of the Revised Code. 793

Sec. 1901.024. (A) The board of county commissioners of 795
Hamilton county shall pay all of the costs of operation of the 796
Hamilton county municipal court. Subject to sections 3375.50, 797
3375.53, 4511.19, 4511.193, ~~4511.99~~, and 5503.04 of the Revised 798
Code and to any other section of the Revised Code that requires a 799
specific manner of disbursement of any moneys received by a 800
municipal court, the county shall receive all of the costs, fees, 801
and other moneys, except fines collected for violations of 802
municipal ordinances and for violations of township resolutions 803
adopted pursuant to Chapter 504. of the Revised Code, that are 804
received by the Hamilton county municipal court and shall receive 805
fifty per cent of all of the fines for violations of municipal 806
ordinances and for violations of township resolutions adopted 807
pursuant to Chapter 504. of the Revised Code that are received by 808
the court. 809

(B) The board of county commissioners of Lawrence county 810
shall pay all of the costs of operation of the Lawrence county 811
municipal court. Subject to sections 3375.50, 3375.53, 4511.19, 812
4511.193, ~~4511.99~~, and 5503.04 of the Revised Code and to any 813
other section of the Revised Code that requires a specific manner 814
of disbursement of any moneys received by a municipal court, the 815

county shall receive all of the costs, fees, and other moneys, 816
except fines collected for violations of municipal ordinances and 817
for violations of township resolutions adopted pursuant to Chapter 818
504. of the Revised Code, that are received by the Lawrence county 819
municipal court and shall receive fifty per cent of all of the 820
fines for violations of municipal ordinances and for violations of 821
township resolutions adopted pursuant to Chapter 504. of the 822
Revised Code that are received by the court. 823

(C) The board of county commissioners of Ottawa county shall 824
pay all of the costs of operation of the Ottawa county municipal 825
court. Subject to sections 3375.50, 3375.53, 4511.19, 4511.193, 826
~~4511.99~~, and 5503.04 of the Revised Code and to any other section 827
of the Revised Code that requires a specific manner of 828
disbursement of any moneys received by a municipal court, the 829
county shall receive all of the costs, fees, and other moneys, 830
except fines collected for violations of municipal ordinances and 831
for violations of township resolutions adopted pursuant to Chapter 832
504. of the Revised Code, that are received by the Ottawa county 833
municipal court and shall receive fifty per cent of all of the 834
fines for violations of municipal ordinances and for violations of 835
township resolutions adopted pursuant to Chapter 504. of the 836
Revised Code that are received by the court. 837

(D) The board of county commissioners of a county in which a 838
county-operated municipal court is located shall pay all of the 839
costs of operation of the municipal court. The county in which a 840
county-operated municipal court that is not subject to division 841
(A), (B), or (C) of this section is located shall receive all of 842
the costs, fees, and other moneys, except fines collected for 843
violations of municipal ordinances and for violations of township 844
resolutions adopted pursuant to Chapter 504. of the Revised Code 845
and except as provided in sections 3375.50, 3375.53, and 5503.04 846
of the Revised Code and in any other section of the Revised Code 847

that requires a specific manner of disbursement of any moneys 848
received by a municipal court, that are received by the court. 849

Sec. 1901.31. The clerk and deputy clerks of a municipal 850
court shall be selected, be compensated, give bond, and have 851
powers and duties as follows: 852

(A) There shall be a clerk of the court who is appointed or 853
elected as follows: 854

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 855
Medina, Toledo, Clermont county, Hamilton county, Portage county, 856
and Wayne county municipal courts, if the population of the 857
territory equals or exceeds one hundred thousand at the regular 858
municipal election immediately preceding the expiration of the 859
term of the present clerk, the clerk shall be nominated and 860
elected by the qualified electors of the territory in the manner 861
that is provided for the nomination and election of judges in 862
section 1901.07 of the Revised Code. 863

The clerk so elected shall hold office for a term of six 864
years, which term shall commence on the first day of January 865
following the clerk's election and continue until the clerk's 866
successor is elected and qualified. 867

(b) In the Hamilton county municipal court, the clerk of 868
courts of Hamilton county shall be the clerk of the municipal 869
court and may appoint an assistant clerk who shall receive the 870
compensation, payable out of the treasury of Hamilton county in 871
semimonthly installments, that the board of county commissioners 872
prescribes. The clerk of courts of Hamilton county, acting as the 873
clerk of the Hamilton county municipal court and assuming the 874
duties of that office, shall receive compensation at one-fourth 875
the rate that is prescribed for the clerks of courts of common 876
pleas as determined in accordance with the population of the 877
county and the rates set forth in sections 325.08 and 325.18 of 878

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 Hamilton county, as provided in sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts, the clerks of courts of Portage county and Wayne county shall be the clerks, respectively, of the Portage county and Wayne county municipal courts 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 judges of the municipal court determine are necessary, all of whom shall receive the compensation that the legislative authority prescribes. The clerks of courts of Portage county and Wayne county, acting as the clerks of the Portage county and Wayne county municipal courts and assuming the duties of these offices, 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.

(d) Except as otherwise provided in division (A)(1)(d) of this section, in the Akron 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 Akron 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 electors of the territory of the court.

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 911
the primary election, in the form prescribed by section 3513.07 or 912
3513.261 of the Revised Code. The declaration of candidacy and 913
petition, or the nominating petition, shall conform to the 914
applicable requirements of section 3513.05 or 3513.257 of the 915
Revised Code. 916

If no valid declaration of candidacy and petition is filed by 917
any person for nomination as a candidate of a particular political 918
party for election to the office of clerk of the Akron municipal 919
court, a primary election shall not be held for the purpose of 920
nominating a candidate of that party for election to that office. 921
If only one person files a valid declaration of candidacy and 922
petition for nomination as a candidate of a particular political 923
party for election to that office, a primary election shall not be 924
held for the purpose of nominating a candidate of that party for 925
election to that office, and the candidate shall be issued a 926
certificate of nomination in the manner set forth in section 927
3513.02 of the Revised Code. 928

Declarations of candidacy and petitions, nominating 929
petitions, and certificates of nomination for the office of clerk 930
of the Akron municipal court shall contain a designation of the 931
term for which the candidate seeks election. At the following 932
regular municipal election, all candidates for the office shall be 933
submitted to the qualified electors of the territory of the court 934
in the manner that is provided in section 1901.07 of the Revised 935
Code for the election of the judges of the court. The clerk so 936
elected shall hold office for a term of six years, which term 937
shall commence on the first day of January following the clerk's 938
election and continue until the clerk's successor is elected and 939
qualified. 940

(e) In the Clermont county municipal court, the clerk of 941
courts of Clermont county shall be the clerk of the municipal 942

court. The clerk of courts of Clermont county, acting as the clerk 943
of the Clermont county municipal court and assuming the duties of 944
that office, shall receive compensation at one-fourth the rate 945
that is prescribed for the clerks of courts of common pleas as 946
determined in accordance with the population of the county and the 947
rates set forth in sections 325.08 and 325.18 of the Revised Code. 948
This compensation shall be paid from the county treasury in 949
semimonthly installments and is in addition to the annual 950
compensation that is received for the performance of the duties of 951
the clerk of courts of Clermont county, as provided in sections 952
325.08 and 325.18 of the Revised Code. 953

(f) Irrespective of the population of the territory of the 954
Medina municipal court, the clerk of that court shall be appointed 955
pursuant to division (A)(2)(a) of this section by the judges of 956
that court, shall hold office until the clerk's successor is 957
similarly appointed and qualified, and shall receive pursuant to 958
division (C) of this section the annual compensation that the 959
legislative authority prescribes and that is payable in 960
semimonthly installments from the same sources and in the same 961
manner as provided in section 1901.11 of the Revised Code. 962

(g) Except as otherwise provided in division (A)(1)(g) of 963
this section, in the Barberton municipal court, candidates for 964
election to the office of clerk of the court shall be nominated by 965
primary election. The primary election shall be held on the day 966
specified in the charter of the city of Barberton for the 967
nomination of municipal officers. Notwithstanding section 3513.257 968
of the Revised Code, the nominating petitions of independent 969
candidates shall be signed by at least two hundred fifty qualified 970
electors of the territory of the court. 971

The candidates shall file a declaration of candidacy and 972
petition, or a nominating petition, whichever is applicable, not 973
later than four p.m. of the seventy-fifth day before the day of 974

the primary election, in the form prescribed by section 3513.07 or 975
3513.261 of the Revised Code. The declaration of candidacy and 976
petition, or the nominating petition, shall conform to the 977
applicable requirements of section 3513.05 or 3513.257 of the 978
Revised Code. 979

If no valid declaration of candidacy and petition is filed by 980
any person for nomination as a candidate of a particular political 981
party for election to the office of clerk of the Barberton 982
municipal court, a primary election shall not be held for the 983
purpose of nominating a candidate of that party for election to 984
that office. If only one person files a valid declaration of 985
candidacy and petition for nomination as a candidate of a 986
particular political party for election to that office, a primary 987
election shall not be held for the purpose of nominating a 988
candidate of that party for election to that office, and the 989
candidate shall be issued a certificate of nomination in the 990
manner set forth in section 3513.02 of the Revised Code. 991

Declarations of candidacy and petitions, nominating 992
petitions, and certificates of nomination for the office of clerk 993
of the Barberton municipal court shall contain a designation of 994
the term for which the candidate seeks election. At the following 995
regular municipal election, all candidates for the office shall be 996
submitted to the qualified electors of the territory of the court 997
in the manner that is provided in section 1901.07 of the Revised 998
Code for the election of the judges of the court. The clerk so 999
elected shall hold office for a term of six years, which term 1000
shall commence on the first day of January following the clerk's 1001
election and continue until the clerk's successor is elected and 1002
qualified. 1003

(h) Except as otherwise provided in division (A)(1)(h) of 1004
this section, in the Cuyahoga Falls municipal court, candidates 1005
for election to the office of clerk of the court shall be 1006

nominated by primary election. The primary election shall be held 1007
on the day specified in the charter of the city of Cuyahoga Falls 1008
for the nomination of municipal officers. Notwithstanding section 1009
3513.257 of the Revised Code, the nominating petitions of 1010
independent candidates shall be signed by at least two hundred 1011
fifty qualified electors of the territory of the court. 1012

The candidates shall file a declaration of candidacy and 1013
petition, or a nominating petition, whichever is applicable, not 1014
later than four p.m. of the seventy-fifth day before the day of 1015
the primary election, in the form prescribed by section 3513.07 or 1016
3513.261 of the Revised Code. The declaration of candidacy and 1017
petition, or the nominating petition, shall conform to the 1018
applicable requirements of section 3513.05 or 3513.257 of the 1019
Revised Code. 1020

If no valid declaration of candidacy and petition is filed by 1021
any person for nomination as a candidate of a particular political 1022
party for election to the office of clerk of the Cuyahoga Falls 1023
municipal court, a primary election shall not be held for the 1024
purpose of nominating a candidate of that party for election to 1025
that office. If only one person files a valid declaration of 1026
candidacy and petition for nomination as a candidate of a 1027
particular political party for election to that office, a primary 1028
election shall not be held for the purpose of nominating a 1029
candidate of that party for election to that office, and the 1030
candidate shall be issued a certificate of nomination in the 1031
manner set forth in section 3513.02 of the Revised Code. 1032

Declarations of candidacy and petitions, nominating 1033
petitions, and certificates of nomination for the office of clerk 1034
of the Cuyahoga Falls municipal court shall contain a designation 1035
of the term for which the candidate seeks election. At the 1036
following regular municipal election, all candidates for the 1037
office shall be submitted to the qualified electors of the 1038

territory of the court in the manner that is provided in section 1039
1901.07 of the Revised Code for the election of the judges of the 1040
court. The clerk so elected shall hold office for a term of six 1041
years, which term shall commence on the first day of January 1042
following the clerk's election and continue until the clerk's 1043
successor is elected and qualified. 1044

(i) Except as otherwise provided in division (A)(1)(i) of 1045
this section, in the Toledo municipal court, candidates for 1046
election to the office of clerk of the court shall be nominated by 1047
primary election. The primary election shall be held on the day 1048
specified in the charter of the city of Toledo for the nomination 1049
of municipal officers. Notwithstanding section 3513.257 of the 1050
Revised Code, the nominating petitions of independent candidates 1051
shall be signed by at least two hundred fifty qualified electors 1052
of the territory of the court. 1053

The candidates shall file a declaration of candidacy and 1054
petition, or a nominating petition, whichever is applicable, not 1055
later than four p.m. of the seventy-fifth day before the day of 1056
the primary election, in the form prescribed by section 3513.07 or 1057
3513.261 of the Revised Code. The declaration of candidacy and 1058
petition, or the nominating petition, shall conform to the 1059
applicable requirements of section 3513.05 or 3513.257 of the 1060
Revised Code. 1061

If no valid declaration of candidacy and petition is filed by 1062
any person for nomination as a candidate of a particular political 1063
party for election to the office of clerk of the Toledo municipal 1064
court, a primary election shall not be held for the purpose of 1065
nominating a candidate of that party for election to that office. 1066
If only one person files a valid declaration of candidacy and 1067
petition for nomination as a candidate of a particular political 1068
party for election to that office, a primary election shall not be 1069
held for the purpose of nominating a candidate of that party for 1070

election to that office, and the candidate shall be issued a 1071
certificate of nomination in the manner set forth in section 1072
3513.02 of the Revised Code. 1073

Declarations of candidacy and petitions, nominating 1074
petitions, and certificates of nomination for the office of clerk 1075
of the Toledo municipal court shall contain a designation of the 1076
term for which the candidate seeks election. At the following 1077
regular municipal election, all candidates for the office shall be 1078
submitted to the qualified electors of the territory of the court 1079
in the manner that is provided in section 1901.07 of the Revised 1080
Code for the election of the judges of the court. The clerk so 1081
elected shall hold office for a term of six years, which term 1082
shall commence on the first day of January following the clerk's 1083
election and continue until the clerk's successor is elected and 1084
qualified. 1085

(2)(a) Except for the Alliance, Auglaize county, Columbiana 1086
county, Lorain, Massillon, and Youngstown municipal courts, in a 1087
municipal court for which the population of the territory is less 1088
than one hundred thousand and in the Medina municipal court, the 1089
clerk shall be appointed by the court, and the clerk shall hold 1090
office until the clerk's successor is appointed and qualified. 1091

(b) In the Alliance, Lorain, Massillon, and Youngstown 1092
municipal courts, the clerk shall be elected for a term of office 1093
as described in division (A)(1)(a) of this section. 1094

(c) In the Auglaize county municipal court, the clerk of 1095
courts of Auglaize county shall be the clerk of the municipal 1096
court and may appoint a chief deputy clerk for each branch that is 1097
established pursuant to section 1901.311 of the Revised Code, and 1098
assistant clerks as the judge of the court determines are 1099
necessary, all of whom shall receive the compensation that the 1100
legislative authority prescribes. The clerk of courts of Auglaize 1101
county, acting as the clerk of the Auglaize county municipal court 1102

and assuming the duties of that office, shall receive compensation 1103
payable from the county treasury in semimonthly installments at 1104
one-fourth the rate that is prescribed for the clerks of courts of 1105
common pleas as determined in accordance with the population of 1106
the county and the rates set forth in sections 325.08 and 325.18 1107
of the Revised Code. 1108

(d) In the Columbiana county municipal court, the clerk of 1109
courts of Columbiana county shall be the clerk of the municipal 1110
court, may appoint a chief deputy clerk for each branch office 1111
that is established pursuant to section 1901.311 of the Revised 1112
Code, and may appoint any assistant clerks that the judges of the 1113
court determine are necessary. All of the chief deputy clerks and 1114
assistant clerks shall receive the compensation that the 1115
legislative authority prescribes. The clerk of courts of 1116
Columbiana county, acting as the clerk of the Columbiana county 1117
municipal court and assuming the duties of that office, shall 1118
receive compensation payable from the county treasury in 1119
semimonthly installments at one-fourth the rate that is prescribed 1120
for the clerks of courts of common pleas as determined in 1121
accordance with the population of the county and the rates set 1122
forth in sections 325.08 and 325.18 of the Revised Code. 1123

(3) During the temporary absence of the clerk due to illness, 1124
vacation, or other proper cause, the court may appoint a temporary 1125
clerk, who shall be paid the same compensation, have the same 1126
authority, and perform the same duties as the clerk. 1127

(B) Except in the Clermont county, Hamilton county, Medina, 1128
Portage county, and Wayne county municipal courts, if a vacancy 1129
occurs in the office of the clerk of the Alliance, Lorain, 1130
Massillon, or Youngstown municipal court or occurs in the office 1131
of the clerk of a municipal court for which the population of the 1132
territory equals or exceeds one hundred thousand because the clerk 1133
ceases to hold the office before the end of the clerk's term or 1134

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

(C)(1) In a municipal court, other than the Auglaize county, 1157
the Columbiana county, and the Lorain municipal courts, for which 1158
the population of the territory is less than one hundred thousand 1159
and in the Medina municipal court, the clerk of the municipal 1160
court shall receive the annual compensation that the presiding 1161
judge of the court prescribes, if the revenue of the court for the 1162
preceding calendar year, as certified by the auditor or chief 1163
fiscal officer of the municipal corporation in which the court is 1164
located or, in the case of a county-operated municipal court, the 1165
county auditor, is equal to or greater than the expenditures, 1166
including any debt charges, for the operation of the court payable 1167

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

(2) In a municipal court, other than the Clermont county, 1187
Hamilton county, Medina, Portage county, and Wayne county 1188
municipal courts, for which the population of the territory is one 1189
hundred thousand or more, and in the Lorain municipal court, the 1190
clerk of the municipal court shall receive annual compensation in 1191
a sum equal to eighty-five per cent of the salary of a judge of 1192
the court. 1193

(3) The compensation of a clerk described in division (C)(1) 1194
or (2) of this section is payable in semimonthly installments from 1195
the same sources and in the same manner as provided in section 1196
1901.11 of the Revised Code. 1197

(D) Before entering upon the duties of the clerk's office, 1198
the clerk of a municipal court shall give bond of not less than 1199

six thousand dollars to be determined by the judges of the court, 1200
conditioned upon the faithful performance of the clerk's duties. 1201

(E) The clerk of a municipal court may do all of the 1202
following: administer oaths, take affidavits, and issue executions 1203
upon any judgment rendered in the court, including a judgment for 1204
unpaid costs; issue, sign, and attach the seal of the court to all 1205
writs, process, subpoenas, and papers issuing out of the court; 1206
and approve all bonds, sureties, recognizances, and undertakings 1207
fixed by any judge of the court or by law. The clerk may refuse to 1208
accept for filing any pleading or paper submitted for filing by a 1209
person who has been found to be a vexatious litigator under 1210
section 2323.52 of the Revised Code and who has failed to obtain 1211
leave to proceed under that section. The clerk shall do all of the 1212
following: file and safely keep all journals, records, books, and 1213
papers belonging or appertaining to the court; record the 1214
proceedings of the court; perform all other duties that the judges 1215
of the court may prescribe; and keep a book showing all receipts 1216
and disbursements, which book shall be open for public inspection 1217
at all times. 1218

The clerk shall prepare and maintain a general index, a 1219
docket, and other records that the court, by rule, requires, all 1220
of which shall be the public records of the court. In the docket, 1221
the clerk shall enter, at the time of the commencement of an 1222
action, the names of the parties in full, the names of the 1223
counsel, and the nature of the proceedings. Under proper dates, 1224
the clerk shall note the filing of the complaint, issuing of 1225
summons or other process, returns, and any subsequent pleadings. 1226
The clerk also shall enter all reports, verdicts, orders, 1227
judgments, and proceedings of the court, clearly specifying the 1228
relief granted or orders made in each action. The court may order 1229
an extended record of any of the above to be made and entered, 1230
under the proper action heading, upon the docket at the request of 1231

any party to the case, the expense of which record may be taxed as 1232
costs in the case or may be required to be prepaid by the party 1233
demanding the record, upon order of the court. 1234

(F) The clerk of a municipal court shall receive, collect, 1235
and issue receipts for all costs, fees, fines, bail, and other 1236
moneys payable to the office or to any officer of the court. The 1237
clerk shall each month disburse to the proper persons or officers, 1238
and take receipts for, all costs, fees, fines, bail, and other 1239
moneys that the clerk collects. Subject to sections 3375.50 and 1240
4511.193 of the Revised Code and to any other section of the 1241
Revised Code that requires a specific manner of disbursement of 1242
any moneys received by a municipal court and except for the 1243
Hamilton county, Lawrence county, and Ottawa county municipal 1244
courts, the clerk shall pay all fines received for violation of 1245
municipal ordinances into the treasury of the municipal 1246
corporation the ordinance of which was violated and shall pay all 1247
fines received for violation of township resolutions adopted 1248
pursuant to Chapter 504. of the Revised Code into the treasury of 1249
the township the resolution of which was violated. Subject to 1250
sections 1901.024 and 4511.193 of the Revised Code, in the 1251
Hamilton county, Lawrence county, and Ottawa county municipal 1252
courts, the clerk shall pay fifty per cent of the fines received 1253
for violation of municipal ordinances and fifty per cent of the 1254
fines received for violation of township resolutions adopted 1255
pursuant to Chapter 504. of the Revised Code into the treasury of 1256
the county. Subject to sections 3375.50, 3375.53, ~~4511.99~~ 4511.19, 1257
and 5503.04 of the Revised Code and to any other section of the 1258
Revised Code that requires a specific manner of disbursement of 1259
any moneys received by a municipal court, the clerk shall pay all 1260
fines collected for the violation of state laws into the county 1261
treasury. Except in a county-operated municipal court, the clerk 1262
shall pay all costs and fees the disbursement of which is not 1263
otherwise provided for in the Revised Code into the city treasury. 1264

The clerk of a county-operated municipal court shall pay the costs 1265
and fees the disbursement of which is not otherwise provided for 1266
in the Revised Code into the county treasury. Moneys deposited as 1267
security for costs shall be retained pending the litigation. The 1268
clerk shall keep a separate account of all receipts and 1269
disbursements in civil and criminal cases, which shall be a 1270
permanent public record of the office. On the expiration of the 1271
term of the clerk, the clerk shall deliver the records to the 1272
clerk's successor. The clerk shall have other powers and duties as 1273
are prescribed by rule or order of the court. 1274

(G) All moneys paid into a municipal court shall be noted on 1275
the record of the case in which they are paid and shall be 1276
deposited in a state or national bank, or a domestic savings and 1277
loan association, as defined in section 1151.01 of the Revised 1278
Code, that is selected by the clerk. Any interest received upon 1279
the deposits shall be paid into the city treasury, except that, in 1280
a county-operated municipal court, the interest shall be paid into 1281
the treasury of the county in which the court is located. 1282

On the first Monday in January of each year, the clerk shall 1283
make a list of the titles of all cases in the court that were 1284
finally determined more than one year past in which there remains 1285
unclaimed in the possession of the clerk any funds, or any part of 1286
a deposit for security of costs not consumed by the costs in the 1287
case. The clerk shall give notice of the moneys to the parties who 1288
are entitled to the moneys or to their attorneys of record. All 1289
the moneys remaining unclaimed on the first day of April of each 1290
year shall be paid by the clerk to the city treasurer, except 1291
that, in a county-operated municipal court, the moneys shall be 1292
paid to the treasurer of the county in which the court is located. 1293
The treasurer shall pay any part of the moneys at any time to the 1294
person who has the right to the moneys upon proper certification 1295
of the clerk. 1296

(H) Deputy clerks may be appointed by the clerk and shall 1297
receive the compensation, payable in semimonthly installments out 1298
of the city treasury, that the clerk may prescribe, except that 1299
the compensation of any deputy clerk of a county-operated 1300
municipal court shall be paid out of the treasury of the county in 1301
which the court is located. Each deputy clerk shall take an oath 1302
of office before entering upon the duties of the deputy clerk's 1303
office and, when so qualified, may perform the duties appertaining 1304
to the office of the clerk. The clerk may require any of the 1305
deputy clerks to give bond of not less than three thousand 1306
dollars, conditioned for the faithful performance of the deputy 1307
clerk's duties. 1308

(I) For the purposes of this section, whenever the population 1309
of the territory of a municipal court falls below one hundred 1310
thousand but not below ninety thousand, and the population of the 1311
territory prior to the most recent regular federal census exceeded 1312
one hundred thousand, the legislative authority of the municipal 1313
corporation may declare, by resolution, that the territory shall 1314
be considered to have a population of at least one hundred 1315
thousand. 1316

(J) The clerk or a deputy clerk shall be in attendance at all 1317
sessions of the municipal court, although not necessarily in the 1318
courtroom, and may administer oaths to witnesses and jurors and 1319
receive verdicts. 1320

Sec. 1905.01. (A) In all municipal corporations, other than 1321
Batavia in Clermont county, not being the site of a municipal 1322
court nor a place where a judge of the Auglaize county, Crawford 1323
county, Jackson county, Miami county, Portage county, or Wayne 1324
county municipal court sits as required pursuant to section 1325
1901.021 of the Revised Code or by designation of the judges 1326
pursuant to section 1901.021 of the Revised Code, the mayor of the 1327

municipal corporation has jurisdiction, except as provided in 1328
divisions (B), (C), and (E) of this section and subject to the 1329
limitation contained in section 1905.03 and the limitation 1330
contained in section 1905.031 of the Revised Code, to hear and 1331
determine any prosecution for the violation of an ordinance of the 1332
municipal corporation, to hear and determine any case involving a 1333
violation of a vehicle parking or standing ordinance of the 1334
municipal corporation unless the violation is required to be 1335
handled by a parking violations bureau or joint parking violations 1336
bureau pursuant to Chapter 4521. of the Revised Code, and to hear 1337
and determine all criminal causes involving any moving traffic 1338
violation occurring on a state highway located within the 1339
boundaries of the municipal corporation, subject to the 1340
limitations of sections 2937.08 and 2938.04 of the Revised Code. 1341

(B)(1) In all municipal corporations, other than Batavia in 1342
Clermont county, not being the site of a municipal court nor a 1343
place where a judge of a court listed in division (A) of this 1344
section sits as required pursuant to section 1901.021 of the 1345
Revised Code or by designation of the judges pursuant to section 1346
1901.021 of the Revised Code, the mayor of the municipal 1347
corporation has jurisdiction, subject to the limitation contained 1348
in section 1905.03 of the Revised Code, to hear and determine 1349
prosecutions involving a violation of an ordinance of the 1350
municipal corporation relating to operating a vehicle while under 1351
the influence of alcohol, a drug of abuse, or ~~alcohol and a drug~~ 1352
~~of abuse~~ combination of them or relating to operating a vehicle 1353
with a prohibited concentration of alcohol in the whole blood, 1354
blood serum or plasma, breath, or urine, and to hear and determine 1355
criminal causes involving a violation of section 4511.19 of the 1356
Revised Code that occur on a state highway located within the 1357
boundaries of the municipal corporation, subject to the 1358
limitations of sections 2937.08 and 2938.04 of the Revised Code, 1359
only if the person charged with the violation, within six years of 1360

the date of the violation charged, has not been convicted of or 1361
pleaded guilty to any of the following: 1362

(a) A violation of an ordinance of any municipal corporation 1363
relating to operating a vehicle while under the influence of 1364
alcohol, a drug of abuse, or ~~alcohol and a drug of abuse~~ 1365
combination of them or relating to operating a vehicle with a 1366
prohibited concentration of alcohol in the whole blood, blood 1367
serum or plasma, breath, or urine; 1368

(b) A violation of section 4511.19 of the Revised Code; 1369

(c) A violation of any ordinance of any municipal corporation 1370
or of any section of the Revised Code that regulates the operation 1371
of vehicles, streetcars, and trackless trolleys upon the highways 1372
or streets, ~~in relation~~ to which all of the following apply: 1373
1374

(i) The person, in the case in which the conviction was 1375
obtained or the plea of guilty was entered, had been charged with 1376
a violation of an ordinance of ~~any municipal corporation relating~~ 1377
~~to operating a vehicle while under the influence of alcohol, a~~ 1378
~~drug of abuse, or alcohol and a drug of abuse or relating to~~ 1379
~~operating a vehicle with a prohibited concentration of alcohol in~~ 1380
~~the blood, breath, or urine~~ a type described in division (B)(1)(a) 1381
of this section, or with a violation of section 4511.19 of the 1382
Revised Code; 1383

(ii) The charge of the violation described in division 1384
(B)(1)(c)(i) of this section was dismissed or reduced; 1385

(iii) The violation of which the person was convicted or to 1386
which the person pleaded guilty arose out of the same facts and 1387
circumstances and the same act as did the charge that was 1388
dismissed or reduced. 1389

(d) A violation of a statute of the United States or of any 1390
other state or a municipal ordinance of a municipal corporation 1391

located in any other state that is substantially similar to 1392
section 4511.19 of the Revised Code. 1393

(2) The mayor of a municipal corporation does not have 1394
jurisdiction to hear and determine any prosecution or criminal 1395
cause involving a violation described in division (B)(1)(a) or (b) 1396
of this section, regardless of where the violation occurred, if 1397
the person charged with the violation, within six years of the 1398
violation charged, has been convicted of or pleaded guilty to any 1399
violation listed in division (B)(1)(a), (b), (c), or (d) of this 1400
section. 1401

If the mayor of a municipal corporation, in hearing a 1402
prosecution involving a violation of an ordinance of the municipal 1403
corporation the mayor serves relating to operating a vehicle while 1404
under the influence of alcohol, a drug of abuse, or ~~alcohol and a~~ 1405
~~drug of abuse~~ combination of them or relating to operating a 1406
vehicle with a prohibited concentration of alcohol in the whole 1407
blood, blood serum or plasma, breath, or urine, or in hearing a 1408
criminal cause involving a violation of section 4511.19 of the 1409
Revised Code, determines that the person charged, within six years 1410
of the violation charged, has been convicted of or pleaded guilty 1411
to any violation listed in division (B)(1)(a), (b), (c), or (d) of 1412
this section, the mayor immediately shall transfer the case to the 1413
county court or municipal court with jurisdiction over the 1414
violation charged, in accordance with section 1905.032 of the 1415
Revised Code. 1416

(C)(1) In all municipal corporations, other than Batavia in 1417
Clermont county, not being the site of a municipal court and not 1418
being a place where a judge of a court listed in division (A) of 1419
this section sits as required pursuant to section 1901.021 of the 1420
Revised Code or by designation of the judges pursuant to section 1421
1901.021 of the Revised Code, the mayor of the municipal 1422
corporation, subject to sections 1901.031, 2937.08, and 2938.04 of 1423

the Revised Code, has jurisdiction to hear and determine 1424
prosecutions involving a violation of a municipal ordinance that 1425
is substantially equivalent to division ~~(B)(1) or (D)(2)~~ of (A) of 1426
section 4510.14 or section 4507.02 4510.16 of the Revised Code and 1427
to hear and determine criminal causes that involve a moving 1428
traffic violation, that involve a violation of division ~~(B)(1) or~~ 1429
~~(D)(2)~~ of (A) of section 4510.14 or section 4507.02 4510.16 of the 1430
Revised Code, and that occur on a state highway located within the 1431
boundaries of the municipal corporation only if all of the 1432
following apply regarding the violation and the person charged: 1433

(a) Regarding a violation of ~~division (B)(1) of~~ section 1434
~~4507.02 4510.16~~ of the Revised Code or a violation of a municipal 1435
ordinance that is substantially equivalent to that division, the 1436
person charged with the violation, within five years of the date 1437
of the violation charged, has not been convicted of or pleaded 1438
guilty to any of the following: 1439

(i) A violation of ~~division (B)(1) of~~ section ~~4507.02 4510.16~~ 1440
of the Revised Code; 1441

(ii) A violation of a municipal ordinance that is 1442
substantially equivalent to ~~division (B)(1) of~~ section ~~4507.02~~ 1443
4510.16 of the Revised Code; 1444

(iii) A violation of any municipal ordinance or section of 1445
the Revised Code that regulates the operation of vehicles, 1446
streetcars, and trackless trolleys upon the highways or streets, 1447
in a case in which, after a charge against the person of a 1448
violation of a type described in division (C)(1)(a)(i) or (ii) of 1449
this section was dismissed or reduced, the person is convicted of 1450
or pleads guilty to a violation that arose out of the same facts 1451
and circumstances and the same act as did the charge that was 1452
dismissed or reduced. 1453

(b) Regarding a violation of division ~~(D)(2)~~(A) of section 1454

4507.02 4510.14 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to that division, the person charged with the violation, within 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 ~~(D)(2)(A)~~ of section ~~4507.02~~ 4510.14 of the Revised Code;

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

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

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

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

(b) A violation of section 2903.11, 2903.12, 2903.13, 2903.211, or 2911.211 of the Revised Code that involves a person

who was a family or household member of the defendant at the time 1518
of the violation; 1519

(c) A violation of a municipal ordinance that is 1520
substantially equivalent to an offense described in division 1521
(E)(1)(a) or (b) of this section and that involves a person who 1522
was a family or household member of the defendant at the time of 1523
the violation. 1524

(2) The mayor of a municipal corporation does not have 1525
jurisdiction to hear and determine a motion filed pursuant to 1526
section 2919.26 of the Revised Code or filed pursuant to a 1527
municipal ordinance that is substantially equivalent to that 1528
section or to issue a protection order pursuant to that section or 1529
a substantially equivalent municipal ordinance. 1530

(3) As used in this section, "family or household member" has 1531
the same meaning as in section 2919.25 of the Revised Code. 1532

(F) In keeping a docket and files, the mayor, and a mayor's 1533
court magistrate appointed under section 1905.05 of the Revised 1534
Code, shall be governed by the laws pertaining to county courts. 1535

Sec. 1905.201. The mayor of a municipal corporation that has 1536
a mayor's court, and a mayor's court magistrate, are entitled to 1537
suspend ~~or revoke~~, and shall suspend ~~or revoke~~, in accordance with 1538
~~division (B) of section 4507.16~~ sections 4510.02, 4510.07, and 1539
4511.19 of the Revised Code, the driver's or commercial driver's 1540
license or permit or nonresident operating privilege of any person 1541
who is convicted of or pleads guilty to a violation of division 1542
(A) of section 4511.19 of the Revised Code, of a municipal 1543
ordinance relating to operating a vehicle while under the 1544
influence of alcohol, a drug of abuse, or ~~alcohol and a drug of~~ 1545
~~abuse~~ a combination of them, or of a municipal ordinance relating 1546
to operating a vehicle with a prohibited concentration of alcohol 1547
in the whole blood, blood serum or plasma, breath, or urine that 1548

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

Suspension of a commercial driver's license under this 1562
section shall be concurrent with any period of disqualification or 1563
suspension under section ~~3123.611~~ 3123.58 or 4506.16 of the 1564
Revised Code ~~or period of suspension under section 3123.58 of the~~ 1565
~~Revised Code~~. No person who is disqualified for life from holding 1566
a commercial driver's license under section 4506.16 of the Revised 1567
Code shall be issued a driver's license under Chapter 4507. of the 1568
Revised Code during the period for which the commercial driver's 1569
license was suspended under this section, and no person whose 1570
commercial driver's license is suspended under this section shall 1571
be issued a driver's license under Chapter 4507. of the Revised 1572
Code during the period of the suspension. 1573

Sec. 1907.20. (A) The clerk of courts shall be the clerk of 1574
the county court, except that the board of county commissioners, 1575
with the concurrence of the county court judges, may appoint a 1576
clerk for each county court judge, who shall serve at the pleasure 1577
of the board and shall receive compensation as set by the board, 1578
payable in semimonthly installments from the treasury of the 1579
county. An appointed clerk, before entering upon the duties of the 1580

office, shall give bond of not less than five thousand dollars, as 1581
determined by the board of county commissioners, conditioned upon 1582
the faithful performance of the clerk's duties. 1583

The clerks of courts of common pleas, when acting as the 1584
clerks of county courts, and upon assuming their county court 1585
duties, shall receive compensation at one-fourth the rate 1586
prescribed for the clerks of courts of common pleas as determined 1587
in accordance with the population of the county and the rates set 1588
forth in sections 325.08 and 325.18 of the Revised Code. This 1589
compensation shall be paid from the county treasury in semimonthly 1590
installments and is in addition to the annual compensation 1591
received for the performance of the duties of the clerk of a court 1592
of common pleas as provided in sections 325.08 and 325.18 of the 1593
Revised Code. 1594

(B) The clerk of a county court shall have general powers to 1595
administer oaths, take affidavits, and issue executions upon any 1596
judgment rendered in the county court, including a judgment for 1597
unpaid costs, power to issue and sign all writs, process, 1598
subpoenas, and papers issuing out of the court, and to attach the 1599
seal of the court to them, and power to approve all bonds, 1600
sureties, recognizances, and undertakings fixed by any judge of 1601
the court or by law. The clerk shall file and safely keep all 1602
journals, records, books, and papers belonging or appertaining to 1603
the court, record its proceedings, perform all other duties that 1604
the judges of the court may prescribe, and keep a book showing all 1605
receipts and disbursements, which shall be open for public 1606
inspection at all times. The clerk may refuse to accept for filing 1607
any pleading or paper submitted for filing by a person who has 1608
been found to be a vexatious litigator under section 2323.52 of 1609
the Revised Code and who has failed to obtain leave to proceed 1610
under that section. 1611

The clerk shall prepare and maintain a general index, a 1612

docket as prescribed by the court, which shall be furnished by the 1613
board of county commissioners, and such other records as the 1614
court, by rule, requires, all of which shall be the public records 1615
of the court. In the docket, the clerk shall enter at times of the 1616
commencement of an action, the names of the parties in full, the 1617
names of the counsel, and the nature of the proceedings. Under 1618
proper dates, the clerk shall note the filing of the complaint, 1619
issuing of summons or other process, returns, and pleadings 1620
subsequent thereto. The clerk also shall enter all reports, 1621
verdicts, orders, judgments, and proceedings of the court, clearly 1622
specifying the relief granted or orders made in each action. The 1623
court may order an extended record of any of the above to be made 1624
and entered, under the proper action heading, upon the docket at 1625
the request of any party to the case, the expense of which may be 1626
taxed as costs in the case or may be required to be prepaid by the 1627
party demanding the extended record, upon order of the court. 1628

(C) The clerk of a county court shall receive and collect all 1629
costs, fees, fines, penalties, bail, and other moneys payable to 1630
the office or to any officer of the court and issue receipts 1631
therefor, and shall each month disburse the costs, fees, fines, 1632
penalties, bail, and other moneys to the proper persons or 1633
officers and take receipts therefor. Subject to sections 3375.51, 1634
3375.53, 4511.19, 4511.193, and ~~4511.99~~ 5503.04 of the Revised 1635
Code and all other statutes that require a different distribution 1636
of fines, fines received for violations of municipal ordinances 1637
shall be paid into the treasury of the municipal corporation whose 1638
ordinance was violated, fines received for violations of township 1639
resolutions adopted pursuant to Chapter 504. of the Revised Code 1640
shall be paid into the treasury of the township whose resolution 1641
was violated, and fines collected for the violation of state laws 1642
shall be paid into the county treasury. Moneys deposited as 1643
security for costs shall be retained pending the litigation. 1644

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

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

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

(E)(1) In county court districts having appointed clerks, deputy clerks may be appointed by the board of county commissioners. Clerks and deputy clerks shall receive such 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. 1677

(2) A clerk of courts acting as clerk of the county court may 1678
appoint deputy clerks to perform the duties pertaining to the 1679
office of clerk of the county court. Each deputy clerk shall take 1680
an oath of office before entering upon the deputy clerk's duties, 1681
and the clerk of courts may require the deputy clerk to give bond 1682
of not less than three thousand dollars, conditioned for the 1683
faithful performance of the deputy clerk's duties. 1684

(3) The clerk or a deputy clerk of a county court shall be in 1685
attendance at all sessions of the court, although not necessarily 1686
in the courtroom, and may administer oaths to witnesses and jurors 1687
and receive verdicts. 1688

(F)(1) In county court districts having appointed clerks, the 1689
board of county commissioners may order the establishment of one 1690
or more branch offices of the clerk and, with the concurrence of 1691
the county judges, may appoint a special deputy clerk to 1692
administer each branch office. Each special deputy clerk shall 1693
take an oath of office before entering upon the duties of the 1694
deputy clerk's office and, when so qualified, may perform any one 1695
or more of the duties appertaining to the office of clerk, as the 1696
board prescribes. Special deputy clerks shall receive such 1697
compensation payable in semimonthly installments out of the county 1698
treasury as the board may prescribe. The board may require any of 1699
the special deputy clerks to give bond of not less than three 1700
thousand dollars, conditioned for the faithful performance of the 1701
deputy clerk's duties. 1702

The board of county commissioners may authorize the clerk of 1703
the county court to operate one or more branch offices, to divide 1704
the clerk's time between the offices, and to perform duties 1705
appertaining to the office of clerk in locations that the board 1706
prescribes. 1707

(2) A clerk of courts acting as clerk of the county court may 1708
establish one or more branch offices for the clerk's duties as 1709
clerk of the county court and, with the concurrence of the county 1710
court judges, may appoint a special deputy clerk to administer 1711
each branch office. Each special deputy clerk shall take an oath 1712
of office before entering upon the deputy clerk's duties and, when 1713
so qualified, may perform any of the duties pertaining to the 1714
office of clerk, as the clerk of courts prescribes. The clerk of 1715
courts may require any of the special deputy clerks to give bond 1716
of not less than three thousand dollars, conditioned for the 1717
faithful performance of the deputy clerk's duties. 1718

(G) The clerk of courts of the county shall fix the 1719
compensation of deputy clerks and special deputy clerks appointed 1720
by the clerk pursuant to this section. Those personnel shall be 1721
paid and be subject to the same requirements as other employees of 1722
the clerk under the provisions of section 325.17 of the Revised 1723
Code insofar as that section is applicable. 1724

Sec. 2151.354. (A) If the child is adjudicated an unruly 1725
child, the court may: 1726

(1) Make any of the dispositions authorized under section 1727
2151.353 of the Revised Code; 1728

(2) Place the child on community control under any sanctions, 1729
services, and conditions that the court prescribes, as described 1730
in division (A)(3) of section 2152.19 of the Revised Code; 1731
1732

(3) Suspend ~~or revoke~~ the driver's license, probationary 1733
driver's license, or temporary instruction permit issued to the 1734
child for a period of time prescribed by the court and suspend ~~or~~ 1735
~~revoke~~ the registration of all motor vehicles registered in the 1736
name of the child for a period of time prescribed by the court. A 1737

child whose license or permit is so suspended ~~or revoked~~ is 1738
ineligible for issuance of a license or permit during the period 1739
of suspension ~~or revocation~~. At the end of the period of 1740
suspension ~~or revocation~~, the child shall not be reissued a 1741
license or permit until the child has paid any applicable 1742
reinstatement fee and complied with all requirements governing 1743
license reinstatement. 1744

(4) Commit the child to the temporary or permanent custody of 1745
the court; 1746

(5) Make any further disposition the court finds proper that 1747
is consistent with sections 2151.312 and 2151.56 to 2151.61 of the 1748
Revised Code; 1749

(6) 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 that is consistent with sections 2151.312 and 1755
2151.56 to 2151.61 of the Revised Code. 1756

(B) If a child is adjudicated an unruly child for committing 1757
any act that, if committed by an adult, would be a drug abuse 1758
offense, as defined in section 2925.01 of the Revised Code, or a 1759
violation of division (B) of section 2917.11 of the Revised Code, 1760
~~then~~, in addition to imposing, in its discretion, any other order 1761
of disposition authorized by this section, the court shall do both 1762
of the following: 1763

(1) Require the child to participate in a drug abuse or 1764
alcohol abuse counseling program; 1765

(2) Suspend ~~or revoke~~ the temporary instruction permit, 1766
probationary driver's license, or driver's license issued to the 1767
child for a period of time prescribed by the court ~~or, at the~~ 1768

~~discretion of the court, until. The court, in its discretion, may~~ 1769
~~terminate the suspension if~~ the child attends and satisfactorily 1770
completes a drug abuse or alcohol abuse education, intervention, 1771
or treatment program specified by the court. During the time the 1772
child is attending ~~the~~ a program as described in this division, 1773
the court shall retain ~~any~~ the child's temporary instruction 1774
permit, probationary driver's license, or driver's license ~~issued~~ 1775
~~to the child,~~ and the court shall return the permit or license 1776
~~when the child satisfactorily completes the program if it~~ 1777
terminates the suspension. 1778

(C)(1) If a child is adjudicated an unruly child for being an 1779
habitual truant, in addition to or in lieu of imposing any other 1780
order of disposition authorized by this section, the court may do 1781
any of the following: 1782

(a) Order the board of education of the child's school 1783
district or the governing board of the educational service center 1784
in the child's school district to require the child to attend an 1785
alternative school if an alternative school has been established 1786
pursuant to section 3313.533 of the Revised Code in the school 1787
district in which the child is entitled to attend school; 1788

(b) Require the child to participate in any academic program 1789
or community service program; 1790

(c) Require the child to participate in a drug abuse or 1791
alcohol abuse counseling program; 1792

(d) Require that the child receive appropriate medical or 1793
psychological treatment or counseling; 1794

(e) Make any other order that the court finds proper to 1795
address the child's habitual truancy, including an order requiring 1796
the child to not be absent without legitimate excuse from the 1797
public school the child is supposed to attend for five or more 1798
consecutive days, seven or more school days in one school month, 1799

or twelve or more school days in a school year and including an 1800
order requiring the child to participate in a truancy prevention 1801
mediation program. 1802

(2) If a child is adjudicated an unruly child for being an 1803
habitual truant and the court determines that the parent, 1804
guardian, or other person having care of the child has failed to 1805
cause the child's attendance at school in violation of section 1806
3321.38 of the Revised Code, in addition to any order of 1807
disposition authorized by this section, all of the following 1808
apply: 1809

(a) The court may require the parent, guardian, or other 1810
person having care of the child to participate in any community 1811
service program, preferably a community service program that 1812
requires the involvement of the parent, guardian, or other person 1813
having care of the child in the school attended by the child. 1814

(b) The court may require the parent, guardian, or other 1815
person having care of the child to participate in a truancy 1816
prevention mediation program. 1817

(c) The court shall warn the parent, guardian, or other 1818
person having care of the child that any subsequent adjudication 1819
of the child as an unruly or delinquent child for being an 1820
habitual or chronic truant may result in a criminal charge against 1821
the parent, guardian, or other person having care of the child for 1822
a violation of division (C) of section 2919.21 or section 2919.24 1823
of the Revised Code. 1824

Sec. 2152.19. (A) If a child is adjudicated a delinquent 1825
child, the court may make any of the following orders of 1826
disposition, in addition to any other disposition authorized or 1827
required by this chapter: 1828

(1) Any order that is authorized by section 2151.353 of the 1829

Revised Code for the care and protection of an abused, neglected, 1830
or dependent child. 1831

(2) Commit the child to the temporary custody of any school, 1832
camp, institution, or other facility operated for the care of 1833
delinquent children by the county, by a district organized under 1834
section 2152.41 or 2151.65 of the Revised Code, or by a private 1835
agency or organization, within or without the state, that is 1836
authorized and qualified to provide the care, treatment, or 1837
placement required; 1838

(3) Place the child on community control under any sanctions, 1839
services, and conditions that the court prescribes. As a condition 1840
of community control in every case and in addition to any other 1841
condition that it imposes upon the child, the court shall require 1842
the child to abide by the law during the period of community 1843
control. As referred to in this division, community control 1844
includes, but is not limited to, the following sanctions and 1845
conditions: 1846

(a) A period of basic probation supervision in which the 1847
child is required to maintain contact with a person appointed to 1848
supervise the child in accordance with sanctions imposed by the 1849
court; 1850

(b) A period of intensive probation supervision in which the 1851
child is required to maintain frequent contact with a person 1852
appointed by the court to supervise the child while the child is 1853
seeking or maintaining employment and participating in training, 1854
education, and treatment programs as the order of disposition; 1855

(c) A period of day reporting in which the child is required 1856
each day to report to and leave a center or another approved 1857
reporting location at specified times in order to participate in 1858
work, education or training, treatment, and other approved 1859
programs at the center or outside the center; 1860

(d) A period of community service of up to five hundred hours 1861
for an act that would be a felony or a misdemeanor of the first 1862
degree if committed by an adult, up to two hundred hours for an 1863
act that would be a misdemeanor of the second, third, or fourth 1864
degree if committed by an adult, or up to thirty hours for an act 1865
that would be a minor misdemeanor if committed by an adult; 1866

(e) A requirement that the child obtain a high school 1867
diploma, a certificate of high school equivalence, vocational 1868
training, or employment; 1869

(f) A period of drug and alcohol use monitoring; 1870

(g) A requirement of alcohol or drug assessment or 1871
counseling, or a period in an alcohol or drug treatment program 1872
with a level of security for the child as determined necessary by 1873
the court; 1874

(h) A period in which the court orders the child to observe a 1875
curfew that may involve daytime or evening hours; 1876

(i) A requirement that the child serve monitored time; 1877

(j) A period of house arrest with or without electronic 1878
monitoring; 1879

(k) A period of electronic monitoring without house arrest or 1880
electronically monitored house arrest that does not exceed the 1881
maximum sentence of imprisonment that could be imposed upon an 1882
adult who commits the same act. 1883

A period of electronically monitored house arrest imposed 1884
under this division shall not extend beyond the child's 1885
twenty-first birthday. If a court imposes a period of 1886
electronically monitored house arrest upon a child under this 1887
division, it shall require the child: to wear, otherwise have 1888
attached to the child's person, or otherwise be subject to 1889
monitoring by a certified electronic monitoring device or to 1890

participate in the operation of and monitoring by a certified 1891
electronic monitoring system; to remain in the child's home or 1892
other specified premises for the entire period of electronically 1893
monitored house arrest except when the court permits the child to 1894
leave those premises to go to school or to other specified 1895
premises; to be monitored by a central system that can determine 1896
the child's location at designated times; to report periodically 1897
to a person designated by the court; and to enter into a written 1898
contract with the court agreeing to comply with all requirements 1899
imposed by the court, agreeing to pay any fee imposed by the court 1900
for the costs of the electronically monitored house arrest, and 1901
agreeing to waive the right to receive credit for any time served 1902
on electronically monitored house arrest toward the period of any 1903
other dispositional order imposed upon the child if the child 1904
violates any of the requirements of the dispositional order of 1905
electronically monitored house arrest. The court also may impose 1906
other reasonable requirements upon the child. 1907

Unless ordered by the court, a child shall not receive credit 1908
for any time served on electronically monitored house arrest 1909
toward any other dispositional order imposed upon the child for 1910
the act for which was imposed the dispositional order of 1911
electronically monitored house arrest. 1912

(1) A suspension of the driver's license, probationary 1913
driver's license, or temporary instruction permit issued to the 1914
child for a period of time prescribed by the court, or a 1915
suspension of the registration of all motor vehicles registered in 1916
the name of the child for a period of time prescribed by the 1917
court. A child whose license or permit is so suspended is 1918
ineligible for issuance of a license or permit during the period 1919
of suspension. At the end of the period of suspension, the child 1920
shall not be reissued a license or permit until the child has paid 1921
any applicable reinstatement fee and complied with all 1922

requirements governing license reinstatement.	1923
(4) Commit the child to the custody of the court;	1924
(5) Require the child to not be absent without legitimate	1925
excuse from the public school the child is supposed to attend for	1926
five or more consecutive days, seven or more school days in one	1927
school month, or twelve or more school days in a school year;	1928
(6)(a) If a child is adjudicated a delinquent child for being	1929
a chronic truant or an habitual truant who previously has been	1930
adjudicated an unruly child for being a habitual truant, do either	1931
or both of the following:	1932
(i) Require the child to participate in a truancy prevention	1933
mediation program;	1934
(ii) Make any order of disposition as authorized by this	1935
section, except that the court shall not commit the child to a	1936
facility described in division (A)(2) of this section unless the	1937
court determines that the child violated a lawful court order made	1938
pursuant to division (C)(1)(e) of section 2151.354 of the Revised	1939
Code or division (A)(5) of this section.	1940
(b) If a child is adjudicated a delinquent child for being a	1941
chronic truant or a habitual truant who previously has been	1942
adjudicated an unruly child for being a habitual truant and the	1943
court determines that the parent, guardian, or other person having	1944
care of the child has failed to cause the child's attendance at	1945
school in violation of section 3321.38 of the Revised Code, do	1946
either or both of the following:	1947
(i) Require the parent, guardian, or other person having care	1948
of the child to participate in a truancy prevention mediation	1949
program;	1950
(ii) Require the parent, guardian, or other person having	1951
care of the child to participate in any community service program,	1952

preferably a community service program that requires the 1953
involvement of the parent, guardian, or other person having care 1954
of the child in the school attended by the child. 1955

(7) Make any further disposition that the court finds proper, 1956
except that the child shall not be placed in any of the following: 1957
1958

(a) A state correctional institution, a county, multicounty, 1959
or municipal jail or workhouse, or another place in which an adult 1960
convicted of a crime, under arrest, or charged with a crime is 1961
held; 1962

(b) A community corrections facility, if the child would be 1963
covered by the definition of public safety beds for purposes of 1964
sections 5139.41 to 5139.45 of the Revised Code if the court 1965
exercised its authority to commit the child to the legal custody 1966
of the department of youth services for institutionalization or 1967
institutionalization in a secure facility pursuant to this 1968
chapter. 1969

(B) If a child is adjudicated a delinquent child, in addition 1970
to any order of disposition made under division (A) of this 1971
section, the court, in the following situations and for the 1972
specified periods of time, shall suspend the child's temporary 1973
instruction permit, restricted license, probationary driver's 1974
license, or nonresident operating privilege, or suspend the 1975
child's ability to obtain such a permit: 1976

(1) ~~The~~ If the child is adjudicated a delinquent child for 1977
violating section 2923.122 of the Revised Code, ~~with the~~ 1978
~~suspension and denial being~~ impose a class four suspension of the 1979
child's license, permit, or privilege from the range specified in 1980
division (A)(4) of section 4510.02 of the Revised Code or deny the 1981
child the issuance of a license or permit in accordance with 1982
division ~~(E)(F)~~(1)(a), (c), (d), or (e) of section 2923.122 of the 1983

Revised Code. 1984

(2) ~~The~~ If the child is adjudicated a delinquent child for 1985
committing an act that if committed by an adult would be a drug 1986
abuse offense or for violating division (B) of section 2917.11 of 1987
the Revised Code, ~~with~~ suspend the child's license, permit, or 1988
privilege for a period of time prescribed by the court. The court, 1989
in its discretion, may terminate the suspension continuing until 1990
if the child attends and satisfactorily completes a drug abuse or 1991
alcohol abuse education, intervention, or treatment program 1992
specified by the court. During the time the child is attending ~~the~~ 1993
a program as described in this division, the court shall retain 1994
~~any~~ the child's temporary instruction permit, probationary 1995
driver's license, or driver's license ~~issued to the child,~~ and the 1996
court shall return the permit or license ~~when the child~~ 1997
~~satisfactorily completes the program~~ if it terminates the 1998
suspension as described in this division. 1999

(C) The court may establish a victim-offender mediation 2000
program in which victims and their offenders meet to discuss the 2001
offense and suggest possible restitution. If the court obtains the 2002
assent of the victim of the delinquent act committed by the child, 2003
the court may require the child to participate in the program. 2004

(D)(1) If a child is adjudicated a delinquent child for 2006
committing an act that would be a felony if committed by an adult 2007
and if the child caused, attempted to cause, threatened to cause, 2008
or created a risk of physical harm to the victim of the act, the 2009
court, prior to issuing an order of disposition under this 2010
section, shall order the preparation of a victim impact statement 2011
by the probation department of the county in which the victim of 2012
the act resides, by the court's own probation department, or by a 2013
victim assistance program that is operated by the state, a county, 2014
a municipal corporation, or another governmental entity. The court 2015

shall consider the victim impact statement in determining the 2016
order of disposition to issue for the child. 2017

(2) Each victim impact statement shall identify the victim of 2018
the act for which the child was adjudicated a delinquent child, 2019
itemize any economic loss suffered by the victim as a result of 2020
the act, identify any physical injury suffered by the victim as a 2021
result of the act and the seriousness and permanence of the 2022
injury, identify any change in the victim's personal welfare or 2023
familial relationships as a result of the act and any 2024
psychological impact experienced by the victim or the victim's 2025
family as a result of the act, and contain any other information 2026
related to the impact of the act upon the victim that the court 2027
requires. 2028

(3) A victim impact statement shall be kept confidential and 2029
is not a public record. However, the court may furnish copies of 2030
the statement to the department of youth services if the 2031
delinquent child is committed to the department or to both the 2032
adjudicated delinquent child or the adjudicated delinquent child's 2033
counsel and the prosecuting attorney. The copy of a victim impact 2034
statement furnished by the court to the department pursuant to 2035
this section shall be kept confidential and is not a public 2036
record. The copies of a victim impact statement that are made 2037
available to the adjudicated delinquent child or the adjudicated 2038
delinquent child's counsel and the prosecuting attorney pursuant 2039
to this division shall be returned to the court by the person to 2040
whom they were made available immediately following the imposition 2041
of an order of disposition for the child under this chapter. 2042

(4) The department of youth services shall work with local 2043
probation departments and victim assistance programs to develop a 2044
standard victim impact statement. 2045

(E) If a child is adjudicated a delinquent child for being a 2046
chronic truant or an habitual truant who previously has been 2047

adjudicated an unruly child for being an habitual truant and the 2048
court determines that the parent, guardian, or other person having 2049
care of the child has failed to cause the child's attendance at 2050
school in violation of section 3321.38 of the Revised Code, in 2051
addition to any order of disposition it makes under this section, 2052
the court shall warn the parent, guardian, or other person having 2053
care of the child that any subsequent adjudication of the child as 2054
an unruly or delinquent child for being an habitual or chronic 2055
truant may result in a criminal charge against the parent, 2056
guardian, or other person having care of the child for a violation 2057
of division (C) of section 2919.21 or section 2919.24 of the 2058
Revised Code. 2059

(F)(1) During the period of a delinquent child's community 2060
control granted under this section, authorized probation officers 2061
who are engaged within the scope of their supervisory duties or 2062
responsibilities may search, with or without a warrant, the person 2063
of the delinquent child, the place of residence of the delinquent 2064
child, and a motor vehicle, another item of tangible or intangible 2065
personal property, or other real property in which the delinquent 2066
child has a right, title, or interest or for which the delinquent 2067
child has the express or implied permission of a person with a 2068
right, title, or interest to use, occupy, or possess if the 2069
probation officers have reasonable grounds to believe that the 2070
delinquent child is not abiding by the law or otherwise is not 2071
complying with the conditions of the delinquent child's community 2072
control. The court that places a delinquent child on community 2073
control under this section shall provide the delinquent child with 2074
a written notice that informs the delinquent child that authorized 2075
probation officers who are engaged within the scope of their 2076
supervisory duties or responsibilities may conduct those types of 2077
searches during the period of community control if they have 2078
reasonable grounds to believe that the delinquent child is not 2079
abiding by the law or otherwise is not complying with the 2080

conditions of the delinquent child's community control. The court 2081
also shall provide the written notice described in division (E)(2) 2082
of this section to each parent, guardian, or custodian of the 2083
delinquent child who is described in that division. 2084

(2) The court that places a child on community control under 2085
this section shall provide the child's parent, guardian, or other 2086
custodian with a written notice that informs them that authorized 2087
probation officers may conduct searches pursuant to division 2088
(E)(1) of this section. The notice shall specifically state that a 2089
permissible search might extend to a motor vehicle, another item 2090
of tangible or intangible personal property, or a place of 2091
residence or other real property in which a notified parent, 2092
guardian, or custodian has a right, title, or interest and that 2093
the parent, guardian, or custodian expressly or impliedly permits 2094
the child to use, occupy, or possess. 2095

(G) If a juvenile court commits a delinquent child to the 2096
custody of any person, organization, or entity pursuant to this 2097
section and if the delinquent act for which the child is so 2098
committed is a sexually oriented offense, the court in the order 2099
of disposition shall inform the person, organization, or entity 2100
that it is the preferred course of action in this state that the 2101
child be provided treatment as described in division (A)(2) of 2102
section 5139.13 of the Revised Code and shall encourage the 2103
person, organization, or entity to provide that treatment. 2104

Sec. 2152.21. (A) Unless division (C) of this section 2105
applies, if a child is adjudicated a juvenile traffic offender, 2106
the court may make any of the following orders of disposition: 2107

(1) Impose costs and one or more financial sanctions in 2108
accordance with section 2152.20 of the Revised Code; 2109

(2) Suspend the child's driver's license, probationary 2110
driver's license, or temporary instruction permit for a definite 2111

period not exceeding two years or suspend the registration of all 2112
motor vehicles registered in the name of the child for a definite 2113
period not exceeding two years. A child whose license or permit is 2114
so suspended is ineligible for issuance of a license or permit 2115
during the period of suspension. At the end of the period of 2116
suspension, the child shall not be reissued a license or permit 2117
until the child has paid any applicable reinstatement fee and 2118
complied with all requirements governing license reinstatement. 2119

(3) Place the child on community control; 2120

(4) Require the child to make restitution for all damages 2121
caused by the child's traffic violation; 2122

(5)(a) If the child is adjudicated a juvenile traffic 2123
offender for committing a violation of division (A) of section 2124
4511.19 of the Revised Code or of a municipal ordinance that is 2125
substantially equivalent to that division, commit the child, for 2126
not longer than five days, to either of the following: 2127

(i) ~~To the~~ The temporary custody of a detention facility or 2128
district detention facility established under section 2152.41 of 2129
the Revised Code; 2130

(ii) ~~To the~~ The temporary custody of any school, camp, 2131
institution, or other facility for children operated in whole or 2132
in part for the care of juvenile traffic offenders of that nature 2133
by the county, by a district organized under section 2152.41 or 2134
2151.65 of the Revised Code, or by a private agency or 2135
organization within the state that is authorized and qualified to 2136
provide the care, treatment, or placement required. 2137

(b) If an order of disposition committing a child to the 2138
temporary custody of a home, school, camp, institution, or other 2139
facility of that nature is made under division (A)(5)(a) of this 2140
section, the length of the commitment shall not be reduced or 2141
diminished as a credit for any time that the child was held in a 2142

place of detention or shelter care, or otherwise was detained, 2143
prior to entry of the order of disposition. 2144

(6) If, after making a disposition under divisions (A)(1) to 2145
(5) of this section, the court finds upon further hearing that the 2146
child has failed to comply with the orders of the court and the 2147
child's operation of a motor vehicle constitutes the child a 2148
danger to the child and to others, the court may make any 2149
disposition authorized by divisions (A)(1), (3), (4), and (7) of 2150
section 2152.19 of the Revised Code, except that the child may not 2151
be committed to or placed in a secure correctional facility unless 2152
authorized by division (A)(5) of this section, and commitment to 2153
or placement in a detention facility may not exceed twenty-four 2154
hours. 2155

(B) If a child is adjudicated a juvenile traffic offender for 2156
violating division (A) or (B) of section 4511.19 of the Revised 2157
Code, in addition to any order of disposition made under division 2158
(A) of this section, the court shall ~~suspend~~ impose a class six 2159
suspension of the temporary instruction permit, probationary 2160
driver's license, or driver's license issued to the child ~~for a~~ 2161
~~definite period of at least three months but not more than two~~ 2162
~~years or, at the discretion of the court, until~~ from the range 2163
specified in division (A)(6) of section 4510.02 of the Revised 2164
Code. The court, in its discretion, may terminate the suspension 2165
if the child attends and satisfactorily completes a drug abuse or 2166
alcohol abuse education, intervention, or treatment program 2167
specified by the court. During the time the child is attending ~~the~~ 2168
a program as described in this division, the court shall retain 2169
~~any~~ the child's temporary instruction permit, probationary 2170
driver's license, or driver's license issued ~~to the child,~~ and the 2171
court shall return the permit or license ~~when the child~~ 2172
~~satisfactorily completes the program~~ if it terminates the 2173
suspension as described in this division. 2174

(C) If a child is adjudicated a juvenile traffic offender for 2175
violating division (B)(1) ~~or (2)~~ of section 4513.263 of the 2176
Revised Code, the court shall impose the appropriate fine set 2177
forth in division (G) of that section ~~4513.99 of the Revised Code.~~ 2178
If a child is adjudicated a juvenile traffic offender for 2179
violating division (B)(3) of section 4513.263 of the Revised Code 2180
and if the child is sixteen years of age or older, the court shall 2181
impose the fine set forth in division (G)(2) of that section 2182
~~4513.99 of the Revised Code.~~ If a child is adjudicated a juvenile 2183
traffic offender for violating division (B)(3) of section 4513.263 2184
of the Revised Code and if the child is under sixteen years of 2185
age, the court shall not impose a fine but may place the child on 2186
probation or community control. 2187

(D) A juvenile traffic offender is subject to sections 2188
4509.01 to 4509.78 of the Revised Code. 2189

Sec. 2743.191. (A) There is hereby created in the state 2190
treasury the reparations fund, which shall be used only for the 2191
payment of awards of reparations that are granted by the attorney 2192
general, the compensation of any personnel needed by the attorney 2193
general to administer sections 2743.51 to 2743.72 of the Revised 2194
Code, the compensation of witnesses as provided in division (B) of 2195
section 2743.65 of the Revised Code, other administrative costs of 2196
hearing and determining claims for an award of reparations by the 2197
attorney general, the costs of administering sections 2907.28 and 2198
2969.01 to 2969.06 of the Revised Code, the costs of investigation 2199
and decision-making as certified by the attorney general, the 2200
provision of state financial assistance to victim assistance 2201
programs in accordance with sections 109.91 and 109.92 of the 2202
Revised Code, the costs of paying the expenses of sex 2203
offense-related examinations and antibiotics pursuant to section 2204
2907.28 of the Revised Code, the cost of printing and distributing 2205

the pamphlet prepared by the attorney general pursuant to section 2206
109.42 of the Revised Code, and, subject to division (D) of 2207
section 2743.71 of the Revised Code, the costs associated with the 2208
printing and providing of information cards or other printed 2209
materials to law enforcement agencies and prosecuting authorities 2210
and with publicizing the availability of awards of reparations 2211
pursuant to section 2743.71 of the Revised Code. All costs paid 2212
pursuant to section 2743.70 of the Revised Code, the portions of 2213
license reinstatement fees mandated by division ~~(L)~~(F)(2)(b) of 2214
section 4511.191 of the Revised Code to be credited to the fund, 2215
the portions of the proceeds of the sale of a forfeited vehicle 2216
specified in division ~~(D)~~(C)(2) of section 4503.234 of the Revised 2217
Code, payments collected by the department of rehabilitation and 2218
correction from prisoners who voluntarily participate in an 2219
approved work and training program pursuant to division 2220
(C)(8)(b)(ii) of section 5145.16 of the Revised Code, and all 2221
moneys collected by the state pursuant to its right of subrogation 2222
provided in section 2743.72 of the Revised Code shall be deposited 2223
in the fund. 2224

(B) In making an award of reparations, the attorney general 2225
shall render the award against the state. The award shall be 2226
accomplished only through the following procedure, and the 2227
following procedure may be enforced by writ of mandamus directed 2228
to the appropriate official: 2229

(1) The attorney general shall provide for payment of the 2230
claimant or providers in the amount of the award. 2231

(2) The expense shall be charged against all available 2232
unencumbered moneys in the fund. 2233

(3) If sufficient unencumbered moneys do not exist in the 2234
fund, the attorney general shall make application for payment of 2235
the award out of the emergency purposes account or any other 2236
appropriation for emergencies or contingencies, and payment out of 2237

this account or other appropriation shall be authorized if there 2238
are sufficient moneys greater than the sum total of then pending 2239
emergency purposes account requests or requests for releases from 2240
the other appropriations. 2241

(4) If sufficient moneys do not exist in the account or any 2242
other appropriation for emergencies or contingencies to pay the 2243
award, the attorney general shall request the general assembly to 2244
make an appropriation sufficient to pay the award, and no payment 2245
shall be made until the appropriation has been made. The attorney 2246
general shall make this appropriation request during the current 2247
biennium and during each succeeding biennium until a sufficient 2248
appropriation is made. If, prior to the time that an appropriation 2249
is made by the general assembly pursuant to this division, the 2250
fund has sufficient unencumbered funds to pay the award or part of 2251
the award, the available funds shall be used to pay the award or 2252
part of the award, and the appropriation request shall be amended 2253
to request only sufficient funds to pay that part of the award 2254
that is unpaid. 2255

(C) The attorney general shall not make payment on a decision 2256
or order granting an award until all appeals have been determined 2257
and all rights to appeal exhausted, except as otherwise provided 2258
in this section. If any party to a claim for an award of 2259
reparations appeals from only a portion of an award, and a 2260
remaining portion provides for the payment of money by the state, 2261
that part of the award calling for the payment of money by the 2262
state and not a subject of the appeal shall be processed for 2263
payment as described in this section. 2264

(D) The attorney general shall prepare itemized bills for the 2265
costs of printing and distributing the pamphlet the attorney 2266
general prepares pursuant to section 109.42 of the Revised Code. 2267
The itemized bills shall set forth the name and address of the 2268
persons owed the amounts set forth in them. 2269

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the	2270
Revised Code:	2271
(A) "Claimant" means both of the following categories of	2272
persons:	2273
(1) Any of the following persons who claim an award of	2274
reparations under sections 2743.51 to 2743.72 of the Revised Code:	2275
(a) A victim who was one of the following at the time of the	2276
criminally injurious conduct:	2277
(i) A resident of the United States;	2278
(ii) A resident of a foreign country the laws of which permit	2279
residents of this state to recover compensation as victims of	2280
offenses committed in that country.	2281
(b) A dependent of a deceased victim who is described in	2282
division (A)(1)(a) of this section;	2283
(c) A third person, other than a collateral source, who	2284
legally assumes or voluntarily pays the obligations of a victim,	2285
or of a dependent of a victim, who is described in division	2286
(A)(1)(a) of this section, which obligations are incurred as a	2287
result of the criminally injurious conduct that is the subject of	2288
the claim and may include, but are not limited to, medical or	2289
burial expenses;	2290
(d) A person who is authorized to act on behalf of any person	2291
who is described in division (A)(1)(a), (b), or (c) of this	2292
section.	2293
(2) Any of the following persons who claim an award of	2294
reparations under sections 2743.51 to 2743.72 of the Revised Code:	2295
(a) A victim who had a permanent place of residence within	2296
this state at the time of the criminally injurious conduct and	2297
who, at the time of the criminally injurious conduct, complied	2298

with any one of the following:	2299
(i) Had a permanent place of employment in this state;	2300
(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;	2301 2302 2303 2304
(iii) Was retired and receiving social security or any other retirement income;	2305 2306
(iv) Was sixty years of age or older;	2307
(v) Was temporarily in another state for the purpose of receiving medical treatment;	2308 2309
(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;	2310 2311 2312 2313
(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;	2314 2315 2316 2317
(viii) Was a full-time student at an academic institution, college, or university located in another state;	2318 2319
(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.	2320 2321 2322 2323
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	2324 2325
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division	2326 2327 2328

(A)(2)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	2329 2330 2331 2332
(d) A person who is authorized to act on behalf of any person who is described in division (A)(2)(a), (b), or (c) of this section.	2333 2334 2335
(B) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable that the victim or claimant has received, or that is readily available to the victim or claimant, from any of the following sources:	2336 2337 2338 2339
(1) The offender;	2340
(2) The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 2743.51 to 2743.72 of the Revised Code;	2341 2342 2343 2344 2345
(3) Social security, medicare, and medicaid;	2346
(4) State-required, temporary, nonoccupational disability insurance;	2347 2348
(5) Workers' compensation;	2349
(6) Wage continuation programs of any employer;	2350
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	2351 2352 2353
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	2354 2355
(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;	2356 2357 2358

(10) Any compensation recovered or recoverable under the laws 2359
of another state, district, territory, or foreign country because 2360
the victim was the victim of an offense committed in that state, 2361
district, territory, or country. 2362

"Collateral source" does not include any money, or the 2363
monetary value of any property, that is subject to sections 2364
2969.01 to 2969.06 of the Revised Code. 2365

(C) "Criminally injurious conduct" means one of the 2366
following: 2367

(1) For the purposes of any person described in division 2368
(A)(1) of this section, any conduct that occurs or is attempted in 2369
this state; poses a substantial threat of personal injury or 2370
death; and is punishable by fine, imprisonment, or death, or would 2371
be so punishable but for the fact that the person engaging in the 2372
conduct lacked capacity to commit the crime under the laws of this 2373
state. Criminally injurious conduct does not include conduct 2374
arising out of the ownership, maintenance, or use of a motor 2375
vehicle, except when any of the following applies: 2376

(a) The person engaging in the conduct intended to cause 2377
personal injury or death; 2378

(b) The person engaging in the conduct was using the vehicle 2379
to flee immediately after committing a felony or an act that would 2380
constitute a felony but for the fact that the person engaging in 2381
the conduct lacked the capacity to commit the felony under the 2382
laws of this state; 2383

(c) The person engaging in the conduct was using the vehicle 2384
in a manner that constitutes an ~~OMVI~~ OVI violation; 2385

(d) The conduct occurred on or after July 25, 1990, and the 2386
person engaging in the conduct was using the vehicle in a manner 2387
that constitutes a violation of section 2903.08 of the Revised 2388

Code.	2389
(2) For the purposes of any person described in division	2390
(A)(2) of this section, any conduct that occurs or is attempted in	2391
another state, district, territory, or foreign country; poses a	2392
substantial threat of personal injury or death; and is punishable	2393
by fine, imprisonment, or death, or would be so punishable but for	2394
the fact that the person engaging in the conduct lacked capacity	2395
to commit the crime under the laws of the state, district,	2396
territory, or foreign country in which the conduct occurred or was	2397
attempted. Criminally injurious conduct does not include conduct	2398
arising out of the ownership, maintenance, or use of a motor	2399
vehicle, except when any of the following applies:	2400
(a) The person engaging in the conduct intended to cause	2401
personal injury or death;	2402
(b) The person engaging in the conduct was using the vehicle	2403
to flee immediately after committing a felony or an act that would	2404
constitute a felony but for the fact that the person engaging in	2405
the conduct lacked the capacity to commit the felony under the	2406
laws of the state, district, territory, or foreign country in	2407
which the conduct occurred or was attempted;	2408
(c) The person engaging in the conduct was using the vehicle	2409
in a manner that constitutes an OMVI <u>OVI</u> violation;	2410
(d) The conduct occurred on or after July 25, 1990, the	2411
person engaging in the conduct was using the vehicle in a manner	2412
that constitutes a violation of any law of the state, district,	2413
territory, or foreign country in which the conduct occurred, and	2414
that law is substantially similar to a violation of section	2415
2903.08 of the Revised Code.	2416
(3) For the purposes of any person described in division	2417
(A)(1) or (2) of this section, terrorism that occurs within or	2418
outside the territorial jurisdiction of the United States.	2419

(D) "Dependent" means an individual wholly or partially 2420
dependent upon the victim for care and support, and includes a 2421
child of the victim born after the victim's death. 2422

(E) "Economic loss" means economic detriment consisting only 2423
of allowable expense, work loss, funeral expense, unemployment 2424
benefits loss, replacement services loss, cost of crime scene 2425
cleanup, and cost of evidence replacement. If criminally injurious 2426
conduct causes death, economic loss includes a dependent's 2427
economic loss and a dependent's replacement services loss. 2428
Noneconomic detriment is not economic loss; however, economic loss 2429
may be caused by pain and suffering or physical impairment. 2430

2431

(F)(1) "Allowable expense" means reasonable charges incurred 2432
for reasonably needed products, services, and accommodations, 2433
including those for medical care, rehabilitation, rehabilitative 2434
occupational training, and other remedial treatment and care and 2435
including replacement costs for eyeglasses and other corrective 2436
lenses. It does not include that portion of a charge for a room in 2437
a hospital, clinic, convalescent home, nursing home, or any other 2438
institution engaged in providing nursing care and related services 2439
in excess of a reasonable and customary charge for semiprivate 2440
accommodations, unless accommodations other than semiprivate 2441
accommodations are medically required. 2442

(2) An immediate family member of a victim of criminally 2443
injurious conduct that consists of a homicide, a sexual assault, 2444
domestic violence, or a severe and permanent incapacitating injury 2445
resulting in paraplegia or a similar life-altering condition, who 2446
requires psychiatric care or counseling as a result of the 2447
criminally injurious conduct, may be reimbursed for that care or 2448
counseling as an allowable expense through the victim's 2449
application. The cumulative allowable expense for care or 2450
counseling of that nature for each family member of a victim of 2451

that type shall not exceed two thousand five hundred dollars. 2452

(G) "Work loss" means loss of income from work that the 2453
injured person would have performed if the person had not been 2454
injured and expenses reasonably incurred by the person to obtain 2455
services in lieu of those the person would have performed for 2456
income, reduced by any income from substitute work actually 2457
performed by the person, or by income the person would have earned 2458
in available appropriate substitute work that the person was 2459
capable of performing but unreasonably failed to undertake. 2460

(H) "Replacement services loss" means expenses reasonably 2461
incurred in obtaining ordinary and necessary services in lieu of 2462
those the injured person would have performed, not for income, but 2463
for the benefit of the person's self or family, if the person had 2464
not been injured. 2465

(I) "Dependent's economic loss" means loss after a victim's 2466
death of contributions of things of economic value to the victim's 2467
dependents, not including services they would have received from 2468
the victim if the victim had not suffered the fatal injury, less 2469
expenses of the dependents avoided by reason of the victim's 2470
death. If a minor child of a victim is adopted after the victim's 2471
death, the minor child continues after the adoption to incur a 2472
dependent's economic loss as a result of the victim's death. If 2473
the surviving spouse of a victim remarries, the surviving spouse 2474
continues after the remarriage to incur a dependent's economic 2475
loss as a result of the victim's death. 2476

(J) "Dependent's replacement services loss" means loss 2477
reasonably incurred by dependents after a victim's death in 2478
obtaining ordinary and necessary services in lieu of those the 2479
victim would have performed for their benefit if the victim had 2480
not suffered the fatal injury, less expenses of the dependents 2481
avoided by reason of the victim's death and not subtracted in 2482
calculating the dependent's economic loss. If a minor child of a 2483

victim is adopted after the victim's death, the minor child 2484
continues after the adoption to incur a dependent's replacement 2485
services loss as a result of the victim's death. If the surviving 2486
spouse of a victim remarries, the surviving spouse continues after 2487
the remarriage to incur a dependent's replacement services loss as 2488
a result of the victim's death. 2489

(K) "Noneconomic detriment" means pain, suffering, 2490
inconvenience, physical impairment, or other nonpecuniary damage. 2491

(L) "Victim" means a person who suffers personal injury or 2492
death as a result of any of the following: 2493

(1) Criminally injurious conduct; 2494

(2) The good faith effort of any person to prevent criminally 2495
injurious conduct; 2496

(3) The good faith effort of any person to apprehend a person 2497
suspected of engaging in criminally injurious conduct. 2498

(M) "Contributory misconduct" means any conduct of the 2499
claimant or of the victim through whom the claimant claims an 2500
award of reparations that is unlawful or intentionally tortious 2501
and that, without regard to the conduct's proximity in time or 2502
space to the criminally injurious conduct, has a causal 2503
relationship to the criminally injurious conduct that is the basis 2504
of the claim. 2505

(N) "Funeral expense" means any reasonable charges that are 2506
not in excess of five thousand dollars per funeral and that are 2507
incurred for expenses directly related to a victim's funeral, 2508
cremation, or burial. 2509

(O) "Unemployment benefits loss" means a loss of unemployment 2510
benefits pursuant to Chapter 4141. of the Revised Code when the 2511
loss arises solely from the inability of a victim to meet the able 2512
to work, available for suitable work, or the actively seeking 2513

suitable work requirements of division (A)(4)(a) of section 2514
4141.29 of the Revised Code. 2515

(P) "~~OMVI~~ OVI violation" means any of the following: 2516

(1) A violation of section 4511.19 of the Revised Code, of 2517
any municipal ordinance prohibiting the operation of a vehicle 2518
while under the influence of alcohol, a drug of abuse, or ~~alcohol~~ 2519
~~and a drug of abuse~~ combination of them, or of any municipal 2520
ordinance prohibiting the operation of a vehicle with a prohibited 2521
concentration of alcohol in the whole blood, blood serum or 2522
plasma, breath, or urine; 2523

(2) A violation of division (A)(1) of section 2903.06 of the 2524
Revised Code; 2525

(3) A violation of division (A)(2), (3), or (4) of section 2526
2903.06 of the Revised Code or of a municipal ordinance 2527
substantially similar to any of those divisions, if the offender 2528
was under the influence of alcohol, a drug of abuse, or ~~alcohol~~ 2529
~~and a drug of abuse~~ combination of them, at the time of the 2530
commission of the offense; 2531

(4) For purposes of any person described in division (A)(2) 2532
of this section, a violation of any law of the state, district, 2533
territory, or foreign country in which the criminally injurious 2534
conduct occurred, if that law is substantially similar to a 2535
violation described in division (P)(1) or (2) of this section or 2536
if that law is substantially similar to a violation described in 2537
division (P)(3) of this section and the offender was under the 2538
influence of alcohol, a drug of abuse, or ~~alcohol~~ ~~and a drug of~~ 2539
~~abuse~~ combination of them, at the time of the commission of the 2540
offense. 2541

(Q) "Pendency of the claim" for an original reparations 2542
application or supplemental reparations application means the 2543
period of time from the date the criminally injurious conduct upon 2544

which the application is based occurred until the date a final 2545
decision, order, or judgment concerning that original reparations 2546
application or supplemental reparations application is issued. 2547

(R) "Terrorism" means any activity to which all of the 2548
following apply: 2549

(1) The activity involves a violent act or an act that is 2550
dangerous to human life. 2551

(2) The act described in division (R)(1) of this section is 2552
committed within the territorial jurisdiction of the United States 2553
and is a violation of the criminal laws of the United States, this 2554
state, or any other state or the act described in division (R)(1) 2555
of this section is committed outside the territorial jurisdiction 2556
of the United States and would be a violation of the criminal laws 2557
of the United States, this state, or any other state if committed 2558
within the territorial jurisdiction of the United States. 2559

(3) The activity appears to be intended to do any of the 2560
following: 2561

(a) Intimidate or coerce a civilian population; 2562

(b) Influence the policy of any government by intimidation or 2563
coercion; 2564

(c) Affect the conduct of any government by assassination or 2565
kidnapping. 2566

(4) The activity occurs primarily outside the territorial 2567
jurisdiction of the United States or transcends the national 2568
boundaries of the United States in terms of the means by which the 2569
activity is accomplished, the person or persons that the activity 2570
appears intended to intimidate or coerce, or the area or locale in 2571
which the perpetrator or perpetrators of the activity operate or 2572
seek asylum. 2573

(S) "Transcends the national boundaries of the United States" 2574

means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States.

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

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

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

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

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

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

(C) A decision of the attorney general, an order of a court 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. 2605

Sec. 2903.04. (A) No person shall cause the death of another 2606
or the unlawful termination of another's pregnancy as a proximate 2607
result of the offender's committing or attempting to commit a 2608
felony. 2609

(B) No person shall cause the death of another or the 2610
unlawful termination of another's pregnancy as a proximate result 2611
of the offender's committing or attempting to commit a misdemeanor 2612
of any degree, a regulatory offense, or a minor misdemeanor other 2613
than a violation of any section contained in Title XLV of the 2614
Revised Code that is a minor misdemeanor and other than a 2615
violation of an ordinance of a municipal corporation that, 2616
regardless of the penalty set by ordinance for the violation, is 2617
substantially equivalent to any section contained in Title XLV of 2618
the Revised Code that is a minor misdemeanor. 2619

(C) Whoever violates this section is guilty of involuntary 2620
manslaughter. Violation of division (A) of this section is a 2621
felony of the first degree. Violation of division (B) of this 2622
section is a felony of the third degree. 2623

(D) If an offender is convicted of or pleads guilty to a 2624
violation of division (A) or (B) of this section and if the 2625
felony, misdemeanor, or regulatory offense that the offender 2626
committed or attempted to commit, that proximately resulted in the 2627
death of the other person or the unlawful termination of another's 2628
pregnancy, and that is the basis of the offender's violation of 2629
division (A) or (B) of this section was a violation of division 2630
(A) or (B) of section 4511.19 of the Revised Code or of a 2631
substantially equivalent municipal ordinance or included, as an 2632
element of that felony, misdemeanor, or regulatory offense, the 2633
offender's operation or participation in the operation of a 2634
snowmobile, locomotive, watercraft, or aircraft while the offender 2635

was under the influence of alcohol, a drug of abuse, or alcohol 2636
and a drug of abuse, both of the following apply: 2637

(1) The court shall ~~permanently revoke~~ impose a class one 2638
suspension of the offender's driver's or commercial driver's 2639
license or permit or nonresident operating privilege ~~pursuant to~~ 2640
as specified in division (A)(1) of section 4507.16 4510.02 of the 2641
Revised Code. 2642

(2) The court shall impose a mandatory prison term for the 2643
violation of division (A) or (B) of this section from the range of 2644
prison terms authorized for the level of the offense under section 2645
2929.14 of the Revised Code. 2646

Sec. 2903.06. (A) No person, while operating or participating 2647
in the operation of a motor vehicle, motorcycle, snowmobile, 2648
locomotive, watercraft, or aircraft, shall cause the death of 2649
another or the unlawful termination of another's pregnancy in any 2650
of the following ways: 2651

(1) As the proximate result of committing a violation of 2652
division (A) of section 4511.19 of the Revised Code or of a 2653
substantially equivalent municipal ordinance; 2654

(2) Recklessly; 2655

(3) Negligently; 2656

(4) As the proximate result of committing a violation of any 2657
provision of any section contained in Title XLV of the Revised 2658
Code that is a minor misdemeanor or of a municipal ordinance that, 2659
regardless of the penalty set by ordinance for the violation, is 2660
substantially equivalent to any provision of any section contained 2661
in Title XLV of the Revised Code that is a minor misdemeanor. 2662

(B)(1) Whoever violates division (A)(1) or (2) of this 2663
section is guilty of aggravated vehicular homicide and shall be 2664
punished as provided in divisions (B)(1)(a) and (b) of this 2665

section. 2666

(a) Except as otherwise provided in this division, aggravated 2667
vehicular homicide committed in violation of division (A)(1) of 2668
this section is a felony of the second degree. Aggravated 2669
vehicular homicide committed in violation of division (A)(1) of 2670
this section is a felony of the first degree if, at the time of 2671
the offense, the offender was driving under a suspension imposed 2672
under Chapter ~~4507-~~ 4510. or any other provision of the Revised 2673
Code or if the offender previously has been convicted of or 2674
pleaded guilty to a violation of this section; any traffic-related 2675
homicide, manslaughter, or assault offense; three prior violations 2676
of section 4511.19 of the Revised Code or of a substantially 2677
equivalent municipal ordinance within the previous six years; or a 2678
second or subsequent felony violation of division (A) of section 2679
4511.19 of the Revised Code. 2680

In addition to any other sanctions imposed, the court shall 2681
~~permanently revoke~~ impose upon the offender a class one suspension 2682
of the offender's driver's license, commercial driver's license, 2683
temporary instruction permit, probationary license, or nonresident 2684
operating privilege ~~pursuant to~~ as specified in division (A)(1) of 2685
section ~~4507.16~~ 4510.02 of the Revised Code. 2686

(b) Except as otherwise provided in this division, aggravated 2687
vehicular homicide committed in violation of division (A)(2) of 2688
this section is a felony of the third degree. Aggravated vehicular 2689
homicide committed in violation of division (A)(2) of this section 2690
is a felony of the second degree if, at the time of the offense, 2691
the offender was driving under a suspension imposed under Chapter 2692
~~4507. of the Revised Code~~ 4510. or any other provision of the 2693
Revised Code or if the offender previously has been convicted of 2694
or pleaded guilty to a violation of this section or any 2695
traffic-related homicide, manslaughter, or assault offense. 2696

In addition to any other sanctions imposed, the court shall 2697

~~suspend~~ impose upon the offender a class two suspension of the 2698
offender's driver's license, commercial driver's license, 2699
temporary instruction permit, probationary license, or nonresident 2700
operating privilege ~~for a definite period of three years to life~~ 2701
~~pursuant to~~ from the range specified in division (A)(2) of section 2702
~~4507.16~~ 4510.02 of the Revised Code. 2703

(2) Whoever violates division (A)(3) of this section is 2704
guilty of vehicular homicide. Except as otherwise provided in this 2705
division, vehicular homicide is a misdemeanor of the first degree. 2706
Vehicular homicide is a felony of the fourth degree if, at the 2707
time of the offense, the offender was driving under a suspension 2708
or revocation imposed under Chapter 4507. or any other provision 2709
of the Revised Code or if the offender previously has been 2710
convicted of or pleaded guilty to a violation of this section or 2711
any traffic-related homicide, manslaughter, or assault offense. 2712

In addition to any other sanctions imposed, the court shall 2713
~~suspend~~ impose upon the offender a class four suspension of the 2714
offender's driver's license, commercial driver's license, 2715
temporary instruction permit, probationary license, or nonresident 2716
operating privilege ~~for a definite period of one to five years~~ 2717
~~pursuant to~~ from the range specified in division (A)(4) of section 2718
~~4507.16~~ 4510.02 of the Revised Code or, if the offender previously 2719
has been convicted of or pleaded guilty to a violation of this 2720
section or any traffic-related homicide, manslaughter, or assault 2721
offense, ~~for a definite period of two to ten years pursuant to a~~ 2722
class three suspension of the offender's driver's license, 2723
commercial driver's license, temporary instruction permit, 2724
probationary license, or nonresident operating privilege from the 2725
range specified in division (A)(3) of that section. 2726

(3) Whoever violates division (A)(4) of this section is 2727
guilty of vehicular manslaughter. Except as otherwise provided in 2728
this division, vehicular manslaughter is a misdemeanor of the 2729

second degree. Vehicular manslaughter is a misdemeanor of the 2730
first degree if, at the time of the offense, the offender was 2731
driving under a suspension imposed under Chapter ~~4507-~~ 4510. or 2732
any other provision of the Revised Code or if the offender 2733
previously has been convicted of or pleaded guilty to a violation 2734
of this section or any traffic-related homicide, manslaughter, or 2735
assault offense. 2736

In addition to any other sanctions imposed, the court shall 2737
~~suspend~~ impose upon the offender a class six suspension of the 2738
offender's driver's license, commercial driver's license, 2739
temporary instruction permit, probationary license, or nonresident 2740
operating privilege ~~for a definite period of three months to two~~ 2741
~~years pursuant to~~ from the range specified in division (A)(6) of 2742
section ~~4507.16~~ 4510.02 of the Revised Code or, if the offender 2743
previously has been convicted of or pleaded guilty to a violation 2744
of this section or any traffic-related homicide, manslaughter, or 2745
assault offense, ~~for a definite period of one to five years~~ 2746
~~pursuant to~~ a class four suspension of the offender's driver's 2747
license, commercial driver's license, temporary instruction 2748
permit, probationary license, or nonresident operating privilege 2749
from the range specified in division (A)(4) of that section. 2750

(C) The court shall impose a mandatory prison term on an 2751
offender who is convicted of or pleads guilty to a violation of 2752
division (A)(1) of this section. The court shall impose a 2753
mandatory prison term on an offender who is convicted of or pleads 2754
guilty to a violation of division (A)(2) or (3) of this section if 2755
either of the following applies: 2756

(1) The offender previously has been convicted of or pleaded 2757
guilty to a violation of this section or section 2903.08 of the 2758
Revised Code. 2759

(2) At the time of the offense, the offender was driving 2760
under suspension under Chapter ~~4507-~~ 4510. or any other provision 2761

of the Revised Code.	2762
(D)(1) As used in this section:	2763
(a) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	2764 2765
(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> .	2766 2767 2768 2769 2770 2771 2772
(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.	2773 2774 2775 2776 2777 2778 2779
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:	2780 2781 2782 2783 2784
(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;	2785 2786 2787
(2) Recklessly.	2788
(B)(1) Whoever violates division (A)(1) of this section is guilty of aggravated vehicular assault. Except as otherwise provided in this division, aggravated vehicular assault is a	2789 2790 2791

felony of the third degree. Aggravated vehicular assault is a 2792
felony of the second degree if, at the time of the offense, the 2793
offender was driving under a suspension imposed under Chapter 2794
~~4507-~~ 4510. or any other provision of the Revised Code or if the 2795
offender previously has been convicted of or pleaded guilty to a 2796
violation of this section; any traffic-related homicide, 2797
manslaughter, or assault offense; three prior violations of 2798
section 4511.19 of the Revised Code or a substantially equivalent 2799
municipal ordinance within the previous six years; or a second or 2800
subsequent felony violation of division (A) of section 4511.19 of 2801
the Revised Code. 2802

In addition to any other sanctions imposed, the court shall 2803
~~suspend~~ impose upon the offender a class three suspension of the 2804
offender's driver's license, commercial driver's license, 2805
temporary instruction permit, probationary license, or nonresident 2806
operating privilege ~~for a definite period of two to ten years~~ 2807
~~pursuant to~~ from the range specified in division (A)(3) of section 2808
~~4507.16~~ 4510.02 of the Revised Code or, if the offender previously 2809
has been convicted of or pleaded guilty to a violation of this 2810
section or any traffic-related homicide, manslaughter, or assault 2811
offense, ~~for a definite period of three years to life pursuant to~~ 2812
a class two suspension of the offender's driver's license, 2813
commercial driver's license, temporary instruction permit, 2814
probationary license, or nonresident operating privilege from the 2815
range specified in division (A)(2) of that section. 2816

(2) Whoever violates division (A)(2) of this section is 2817
guilty of vehicular assault. Except as otherwise provided in this 2818
division, vehicular assault is a felony of the fourth degree. 2819
Vehicular assault is a felony of the third degree if, at the time 2820
of the offense, the offender was driving under a suspension 2821
imposed under Chapter ~~4507-~~ 4510. or any other provision of the 2822
Revised Code or if the offender previously has been convicted of 2823

or pleaded guilty to a violation of this section or any 2824
traffic-related homicide, manslaughter, or assault offense. 2825

In addition to any other sanctions imposed, the court shall 2826
~~suspend~~ impose upon the offender a class four suspension of the 2827
offender's driver's license, commercial driver's license, 2828
temporary instruction permit, probationary license, or nonresident 2829
operating privilege ~~for a definite period of one to five years~~ 2830
~~pursuant to~~ from the range specified in division (A)(4) of section 2831
~~4507.16~~ 4510.02 of the Revised Code or, if the offender previously 2832
has been convicted of or pleaded guilty to a violation of this 2833
section or any traffic-related homicide, manslaughter, or assault 2834
offense, ~~for a definite period of two to ten years pursuant to a~~ 2835
class three suspension of the offender's driver's license, 2836
commercial driver's license, temporary instruction permit, 2837
probationary license, or nonresident operating privilege from the 2838
range specified in division (A)(3) of that section. 2839

(C) The court shall impose a mandatory prison term on an 2840
offender who is convicted of or pleads guilty to a violation of 2841
division (A)(1) of this section. The court shall impose a 2842
mandatory prison term on an offender who is convicted of or pleads 2843
guilty to a violation of division (A)(2) of this section if either 2844
of the following applies: 2845

(1) The offender previously has been convicted of or pleaded 2846
guilty to a violation of this section or section 2903.06 of the 2847
Revised Code. 2848

(2) At the time of the offense, the offender was driving 2849
under suspension under Chapter ~~4507.~~ 4510. or any other provision 2850
of the Revised Code. 2851

(D) As used in this section: 2852

(1) "Mandatory prison term" has the same meaning as in 2853
section 2929.01 of the Revised Code. 2854

(2) "Traffic-related homicide, manslaughter, or assault
offense" has the same meaning as in section 2903.06 of the Revised
Code.

(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.

Sec. 2907.24. (A) No person shall solicit another to engage
with such other person in sexual activity for hire.

(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.

(C)(1) Whoever violates division (A) of this section is
guilty of soliciting, a misdemeanor of the third degree.

(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.

(D) If a person is convicted of or pleads guilty to a
violation of any provision of this section, an attempt to commit a
violation of any provision of this section, or a violation of or
an attempt to commit a violation of a municipal ordinance that is
substantially equivalent to any provision of this section and if

the person, in committing or attempting to commit the violation, 2885
was in, was on, or used a motor vehicle, the court, in addition to 2886
or independent of all other penalties imposed for the violation, 2887
shall impose upon the offender a class six suspension of the 2888
person's driver's license, commercial driver's license, temporary 2889
instruction permit, probationary license, or nonresident operating 2890
privilege from the range specified in division (A)(6) of section 2891
4510.02 of the Revised Code. 2892

Sec. 2919.22. (A) No person, who is the parent, guardian, 2893
custodian, person having custody or control, or person in loco 2894
parentis of a child under eighteen years of age or a mentally or 2895
physically handicapped child under twenty-one years of age, shall 2896
create a substantial risk to the health or safety of the child, by 2897
violating a duty of care, protection, or support. It is not a 2898
violation of a duty of care, protection, or support under this 2899
division when the parent, guardian, custodian, or person having 2900
custody or control of a child treats the physical or mental 2901
illness or defect of the child by spiritual means through prayer 2902
alone, in accordance with the tenets of a recognized religious 2903
body. 2904

(B) No person shall do any of the following to a child under 2905
eighteen years of age or a mentally or physically handicapped 2906
child under twenty-one years of age: 2907

(1) Abuse the child; 2908

(2) Torture or cruelly abuse the child; 2909

(3) Administer corporal punishment or other physical 2910
disciplinary measure, or physically restrain the child in a cruel 2911
manner or for a prolonged period, which punishment, discipline, or 2912
restraint is excessive under the circumstances and creates a 2913
substantial risk of serious physical harm to the child; 2914

(4) Repeatedly administer unwarranted disciplinary measures 2915
to the child, when there is a substantial risk that such conduct, 2916
if continued, will seriously impair or retard the child's mental 2917
health or development; 2918

(5) Entice, coerce, permit, encourage, compel, hire, employ, 2919
use, or allow the child to act, model, or in any other way 2920
participate in, or be photographed for, the production, 2921
presentation, dissemination, or advertisement of any material or 2922
performance that the offender knows or reasonably should know is 2923
obscene, is sexually oriented matter, or is nudity-oriented 2924
matter. 2925

(C)(1) No person shall operate a vehicle, streetcar, or 2926
trackless trolley within this state in violation of division (A) 2927
of section 4511.19 of the Revised Code when one or more children 2928
under eighteen years of age are in the vehicle, streetcar, or 2929
trackless trolley. Notwithstanding any other provision of law, a 2930
person may be convicted at the same trial or proceeding of a 2931
violation of this division and a violation of division (A) of 2932
section 4511.19 of the Revised Code that constitutes the basis of 2933
the charge of the violation of this division. For purposes of 2934
~~section sections~~ sections 4511.191 to 4511.197 of the Revised Code and all 2935
related provisions of law, a person arrested for a violation of 2936
this division shall be considered to be under arrest for operating 2937
a vehicle while under the influence of alcohol, a drug of abuse, 2938
or ~~alcohol and a drug of abuse~~ a combination of them or for 2939
operating a vehicle with a prohibited concentration of alcohol in 2940
the whole blood, blood serum or plasma, breath, or urine. 2941

(2) As used in division (C)(1) of this section, "vehicle," 2942
"streetcar," and "trackless trolley" have the same meanings as in 2943
section 4511.01 of the Revised Code. 2944

(D)(1) Division (B)(5) of this section does not apply to any 2945

material or performance that is produced, presented, or 2946
disseminated for a bona fide medical, scientific, educational, 2947
religious, governmental, judicial, or other proper purpose, by or 2948
to a physician, psychologist, sociologist, scientist, teacher, 2949
person pursuing bona fide studies or research, librarian, member 2950
of the clergy, prosecutor, judge, or other person having a proper 2951
interest in the material or performance. 2952

(2) Mistake of age is not a defense to a charge under 2953
division (B)(5) of this section. 2954

(3) In a prosecution under division (B)(5) of this section, 2955
the trier of fact may infer that an actor, model, or participant 2956
in the material or performance involved is a juvenile if the 2957
material or performance, through its title, text, visual 2958
representation, or otherwise, represents or depicts the actor, 2959
model, or participant as a juvenile. 2960

(4) As used in this division and division (B)(5) of this 2961
section: 2962

(a) "Material," "performance," "obscene," and "sexual 2963
activity" have the same meanings as in section 2907.01 of the 2964
Revised Code. 2965

(b) "Nudity-oriented matter" means any material or 2966
performance that shows a minor in a state of nudity and that, 2967
taken as a whole by the average person applying contemporary 2968
community standards, appeals to prurient interest. 2969

(c) "Sexually oriented matter" means any material or 2970
performance that shows a minor participating or engaging in sexual 2971
activity, masturbation, or bestiality. 2972

(E)(1) Whoever violates this section is guilty of endangering 2973
children. 2974

(2) If the offender violates division (A) or (B)(1) of this 2975

section, endangering children is one of the following: 2976

(a) Except as otherwise provided in division (E)(2)(b), (c), 2977
or (d) of this section, a misdemeanor of the first degree; 2978

(b) If the offender previously has been convicted of an 2979
offense under this section or of any offense involving neglect, 2980
abandonment, contributing to the delinquency of, or physical abuse 2981
of a child, except as otherwise provided in division (E)(2)(c) or 2982
(d) of this section, a felony of the fourth degree; 2983

(c) If the violation is a violation of division (A) of this 2984
section and results in serious physical harm to the child 2985
involved, a felony of the third degree; 2986

(d) If the violation is a violation of division (B)(1) of 2987
this section and results in serious physical harm to the child 2988
involved, a felony of the second degree. 2989

(3) If the offender violates division (B)(2), (3), or (4) of 2990
this section, except as otherwise provided in this division, 2991
endangering children is a felony of the third degree. If the 2992
violation results in serious physical harm to the child involved, 2993
or if the offender previously has been convicted of an offense 2994
under this section or of any offense involving neglect, 2995
abandonment, contributing to the delinquency of, or physical abuse 2996
of a child, endangering children is a felony of the second degree. 2997

(4) If the offender violates division (B)(5) of this section, 2998
endangering children is a felony of the second degree. 2999

(5) If the offender violates division (C) of this section, 3000
the offender shall be punished as follows: 3001

(a) Except as otherwise provided in division (E)(5)(b) or (c) 3002
of this section, endangering children in violation of division (C) 3003
of this section is a misdemeanor of the first degree. 3004

(b) If the violation results in serious physical harm to the 3005

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~~

~~offender for up to ninety days, and~~ in addition to any suspension 3038
~~or revocation~~ of the offender's driver's or commercial driver's 3039
license or permit or nonresident operating privilege under Chapter 3040
4506., ~~4507.~~, 4509., 4510., or 4511. of the Revised Code or under 3041
any other provision of law, the court also may impose upon the 3042
offender a class seven suspension of the offender's driver's or 3043
commercial driver's license or permit or nonresident operating 3044
privilege from the range specified in division (A)(7) of section 3045
4510.02 of the Revised Code. 3046

(e) In addition to any term of imprisonment, fine, or other 3047
sentence, penalty, or sanction imposed upon the offender pursuant 3048
to division (E)(5)(a), (b), (c), or (d) of this section or 3049
pursuant to any other provision of law for the violation of 3050
division (C) of this section, if as part of the same trial or 3051
proceeding the offender also is convicted of or pleads guilty to a 3052
separate charge charging the violation of division (A) of section 3053
4511.19 of the Revised Code that was the basis of the charge of 3054
the violation of division (C) of this section, the offender also 3055
shall be sentenced, ~~in accordance with section 4511.99~~ 4511.19 of 3056
the Revised Code, ~~for that violation of division (A) of section~~ 3057
~~4511.19 of the Revised Code and also shall be subject to all other~~ 3058
~~sanctions that are required or authorized by any provision of law~~ 3059
~~for that violation of division (A) of section 4511.19 of the~~ 3060
~~Revised Code.~~ 3061

(F)(1)(a) ~~If a A court, pursuant to division (E)(5)(d)(i) of~~ 3062
~~this section, requires~~ may require an offender to perform not more 3063
than two hundred hours of supervised community service work under 3064
the authority of an agency, subdivision, or charitable 3065
organization, if the offender agrees to perform the supervised 3066
community service work. The requirement shall be part of the 3067
community control sanction or sentence of the offender, and the 3068
court shall impose the community service in accordance with and 3069

subject to divisions (F)(1)(a) and (b) of this section. The court 3070
may require an offender whom it requires to perform supervised 3071
community service work as part of the offender's community control 3072
sanction or sentence to pay the court a reasonable fee to cover 3073
the costs of the offender's participation in the work, including, 3074
but not limited to, the costs of procuring a policy or policies of 3075
liability insurance to cover the period during which the offender 3076
will perform the work. If the court requires the offender to 3077
perform supervised community service work as part of the 3078
offender's community control sanction or sentence, the court shall 3079
do so in accordance with the following limitations and criteria: 3080

(i) The court shall require that the community service work 3081
be performed after completion of the term of imprisonment imposed 3082
upon the offender for the violation of division (C) of this 3083
section, if applicable. 3084

(ii) The supervised community service work shall be subject 3085
to the limitations set forth in divisions (F)(1)(a) to (c) of 3086
section 2951.02 of the Revised Code. 3087

(iii) The community service work shall be supervised in the 3088
manner described in division (F)(1)(d) of section 2951.02 of the 3089
Revised Code by an official or person with the qualifications 3090
described in that division. The official or person periodically 3091
shall report in writing to the court concerning the conduct of the 3092
offender in performing the work. 3093

(iv) The court shall inform the offender in writing that if 3094
the offender does not adequately perform, as determined by the 3095
court, all of the required community service work, the court may 3096
order that the offender be committed to a jail or workhouse for a 3097
period of time that does not exceed the term of imprisonment that 3098
the court could have imposed upon the offender for the violation 3099
of division (C) of this section, reduced by the total amount of 3100
time that the offender actually was imprisoned under the sentence 3101

or term that was imposed upon the offender for that violation and 3102
by the total amount of time that the offender was confined for any 3103
reason arising out of the offense for which the offender was 3104
convicted and sentenced as described in sections 2949.08 and 3105
2967.191 of the Revised Code, and that, if the court orders that 3106
the offender be so committed, the court is authorized, but not 3107
required, to grant the offender credit upon the period of the 3108
commitment for the community service work that the offender 3109
adequately performed. 3110

(b) If a court, pursuant to ~~this division and~~ division 3111
~~(E)(5)(d)(i)(F)(1)(a)~~ of this section, orders an offender to 3112
perform community service work as part of the offender's community 3113
control sanction or sentence and if the offender does not 3114
adequately perform all of the required community service work, as 3115
determined by the court, the court may order that the offender be 3116
committed to a jail or workhouse for a period of time that does 3117
not exceed the term of imprisonment that the court could have 3118
imposed upon the offender for the violation of division (C) of 3119
this section, reduced by the total amount of time that the 3120
offender actually was imprisoned under the sentence or term that 3121
was imposed upon the offender for that violation and by the total 3122
amount of time that the offender was confined for any reason 3123
arising out of the offense for which the offender was convicted 3124
and sentenced as described in sections 2949.08 and 2967.191 of the 3125
Revised Code. The court may order that a person committed pursuant 3126
to this division shall receive hour-for-hour credit upon the 3127
period of the commitment for the community service work that the 3128
offender adequately performed. No commitment pursuant to this 3129
division shall exceed the period of the term of imprisonment that 3130
the sentencing court could have imposed upon the offender for the 3131
violation of division (C) of this section, reduced by the total 3132
amount of time that the offender actually was imprisoned under 3133
that sentence or term and by the total amount of time that the 3134

offender was confined for any reason arising out of the offense 3135
for which the offender was convicted and sentenced as described in 3136
sections 2949.08 and 2967.191 of the Revised Code. 3137

(2) ~~Divisions (E)(5)(d)(i) and~~ Division (F)(1) of this 3138
section ~~do~~ does not limit or affect the authority of the court to 3139
suspend the sentence imposed upon a misdemeanor offender and place 3140
the offender on probation or otherwise suspend the sentence 3141
pursuant to sections 2929.51 and 2951.02 of the Revised Code, to 3142
require the misdemeanor offender, as a condition of the offender's 3143
probation or of otherwise suspending the offender's sentence, to 3144
perform supervised community service work in accordance with 3145
division (F) of section 2951.02 of the Revised Code, or to place a 3146
felony offender under a community control sanction. 3147

(G)(1) If a court suspends an offender's driver's or 3148
commercial driver's license or permit or nonresident operating 3149
privilege under division (E)(5)(d)~~(ii)~~ of this section, the period 3150
of the suspension shall be consecutive to, and commence after, the 3151
period of suspension ~~or revocation~~ of the offender's driver's or 3152
commercial driver's license or permit or nonresident operating 3153
privilege that is imposed under Chapter 4506., ~~4507.~~, 4509., 3154
4510., or 4511. of the Revised Code or under any other provision 3155
of law in relation to the violation of division (C) of this 3156
section that is the basis of the suspension under division 3157
(E)(5)(d)~~(ii)~~ of this section or in relation to the violation of 3158
division (A) of section 4511.19 of the Revised Code that is the 3159
basis for that violation of division (C) of this section. 3160

(2) An offender is not entitled to request, and the court 3161
shall not grant to the offender, ~~occupational~~ limited driving 3162
privileges ~~under division (G) of this section~~ if the offender's 3163
license, permit, or privilege has been suspended under division 3164
(E)(5)(d)~~(ii)~~ of this section and the offender, within the 3165
preceding ~~seven~~ six years, has been convicted of or pleaded guilty 3166

to three or more violations of one or more of the following:	3167
(a) Division (C) of this section;	3168
(b) Division (A) or (B) of section 4511.19 of the Revised Code;	3169 3170
(c) 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;	3171 3172 3173
(d) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;	3174 3175 3176
(e) 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;	3177 3178 3179
(f) 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;	3180 3181 3182
(g) 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;	3183 3184 3185 3186 3187 3188 3189
(h) 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 <u>Any equivalent offense, as defined in section 4511.181</u> of the Revised Code.	3190 3191 3192 3193 3194
(3) Any other offender who is not described in division (C)(2) of this section and whose license, permit, or nonresident	3195 3196

~~operating privilege has been suspended under division 3197
(E)(5)(d)(ii) of this section may file with the sentencing court a 3198
petition alleging that the suspension would seriously affect the 3199
offender's ability to continue employment. Upon satisfactory proof 3200
that there is reasonable cause to believe that the suspension 3201
would seriously affect the offender's ability to continue 3202
employment, the court may grant the offender occupational driving 3203
privileges during the period during which the suspension otherwise 3204
would be imposed, except that the court shall not grant 3205
occupational driving privileges for employment as a driver of 3206
commercial motor vehicles to any person who is disqualified from 3207
operating a commercial motor vehicle under section 3123.611 or 3208
4506.16 of the Revised Code or whose commercial driver's license 3209
or commercial driver's temporary instruction permit has been 3210
suspended under section 3123.58 of the Revised Code. 3211~~

(H)(1) If a person violates division (C) of this section and 3212
if, at the time of the violation, there were two or more children 3213
under eighteen years of age in the motor vehicle involved in the 3214
violation, the offender may be convicted of a violation of 3215
division (C) of this section for each of the children, but the 3216
court may sentence the offender for only one of the violations. 3217

(2)(a) If a person is convicted of or pleads guilty to a 3218
violation of division (C) of this section but the person is not 3219
also convicted of and does not also plead guilty to a separate 3220
charge charging the violation of division (A) of section 4511.19 3221
of the Revised Code that was the basis of the charge of the 3222
violation of division (C) of this section, both of the following 3223
apply: 3224

(i) For purposes of the provisions of section ~~4511.99~~ 4511.19 3225
of the Revised Code that set forth the penalties and sanctions for 3226
a violation of division (A) of section 4511.19 of the Revised 3227
Code, the conviction of or plea of guilty to the violation of 3228

division (C) of this section shall not constitute a violation of 3229
division (A) of section 4511.19 of the Revised Code; 3230

(ii) For purposes of any provision of law that refers to a 3231
conviction of or plea of guilty to a violation of division (A) of 3232
section 4511.19 of the Revised Code and that is not described in 3233
division (H)(2)(a)(i) of this section, the conviction of or plea 3234
of guilty to the violation of division (C) of this section shall 3235
constitute a conviction of or plea of guilty to a violation of 3236
division (A) of section 4511.19 of the Revised Code. 3237

(b) If a person is convicted of or pleads guilty to a 3238
violation of division (C) of this section and the person also is 3239
convicted of or pleads guilty to a separate charge charging the 3240
violation of division (A) of section 4511.19 of the Revised Code 3241
that was the basis of the charge of the violation of division (C) 3242
of this section, the conviction of or plea of guilty to the 3243
violation of division (C) of this section shall not constitute, 3244
for purposes of any provision of law that refers to a conviction 3245
of or plea of guilty to a violation of division (A) of section 3246
4511.19 of the Revised Code, a conviction of or plea of guilty to 3247
a violation of division (A) of section 4511.19 of the Revised 3248
Code. 3249

(I) As used in this section, ~~"community:~~ 3250

(1) "Community control sanction" has the same meaning as in 3251
section 2929.01 of the Revised Code; 3252

(2) "Limited driving privileges" has the same meaning as in 3253
section 4501.01 of the Revised Code. 3254

Sec. 2921.331. (A) No person shall fail to comply with any 3255
lawful order or direction of any police officer invested with 3256
authority to direct, control, or regulate traffic. 3257

(B) No person shall operate a motor vehicle so as willfully 3258

to elude or flee a police officer after receiving a visible or 3259
audible signal from a police officer to bring the person's motor 3260
vehicle to a stop. 3261

(C)(1) Whoever violates this section is guilty of failure to 3262
comply with an order or signal of a police officer. 3263

(2) A violation of division (A) of this section is a 3264
misdemeanor of the first degree. 3265

(3) Except as provided in divisions (C)(4) and (5) of this 3266
section, a violation of division (B) of this section is a 3267
misdemeanor of the first degree. 3268

(4) Except as provided in division (C)(5) of this section, a 3269
violation of division (B) of this section is a felony of the 3270
fourth degree if the jury or judge as trier of fact finds by proof 3271
beyond a reasonable doubt that, in committing the offense, the 3272
offender was fleeing immediately after the commission of a felony. 3273

(5)(a) A violation of division (B) of this section is a 3274
felony of the third degree if the jury or judge as trier of fact 3275
finds any of the following by proof beyond a reasonable doubt: 3276

(i) The operation of the motor vehicle by the offender was a 3277
proximate cause of serious physical harm to persons or property. 3278

(ii) The operation of the motor vehicle by the offender 3279
caused a substantial risk of serious physical harm to persons or 3280
property. 3281

(b) If a police officer pursues an offender who is violating 3282
division (B) of this section and division (C)(5)(a) of this 3283
section applies, the sentencing court, in determining the 3284
seriousness of an offender's conduct for purposes of sentencing 3285
the offender for a violation of division (B) of this section, 3286
shall consider, along with the factors set forth in sections 3287
2929.12 and 2929.13 of the Revised Code that are required to be 3288

considered, all of the following:	3289
(i) The duration of the pursuit;	3290
(ii) The distance of the pursuit;	3291
(iii) The rate of speed at which the offender operated the motor vehicle during the pursuit;	3292 3293
(iv) Whether the offender failed to stop for traffic lights or stop signs during the pursuit;	3294 3295
(v) The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;	3296 3297
(vi) Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;	3298 3299 3300
(vii) Whether the offender committed a moving violation during the pursuit;	3301 3302
(viii) The number of moving violations the offender committed during the pursuit;	3303 3304
(ix) Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.	3305 3306 3307
(D) If an offender is sentenced pursuant to division (C)(4) or (5) of this section for a violation of division (B) of this section, and if the offender is sentenced to a prison term for that violation, the offender shall serve the prison term consecutively to any other prison term or mandatory prison term imposed upon the offender.	3308 3309 3310 3311 3312 3313
(E) <u>In addition to any other sanction imposed for a violation of this section, the court shall impose a class two suspension from the range specified in division (A)(2) of section 4510.02 of the Revised Code. If the offender previously has been found guilty of an offense under this section, the court shall impose a class</u>	3314 3315 3316 3317 3318

one suspension as described in division (A)(1) of that section. 3319
The court shall not grant limited driving privileges to the 3320
offender. No judge shall suspend the first three years of 3321
suspension under a class two suspension of an offender's license, 3322
permit, or privilege required by this division on any portion of 3323
the suspension under a class one suspension of an offender's 3324
license, permit, or privilege required by this division. 3325

(F) As used in this section: 3326

(1) "Moving violation" has the same meaning as in section 3327
2743.70 of the Revised Code. 3328

(2) "Police officer" has the same meaning as in section 3329
4511.01 of the Revised Code. 3330

Sec. 2923.01. (A) No person, with purpose to commit or to 3331
promote or facilitate the commission of aggravated murder, murder, 3332
kidnapping, compelling prostitution, promoting prostitution, 3333
aggravated arson, arson, aggravated robbery, robbery, aggravated 3334
burglary, burglary, engaging in a pattern of corrupt activity, 3335
corrupting another with drugs, a felony drug trafficking, 3336
manufacturing, processing, or possession offense, theft of drugs, 3337
or illegal processing of drug documents, the commission of a 3338
felony offense of unauthorized use of a vehicle, or the commission 3339
of a violation of any provision of Chapter 3734. of the Revised 3340
Code, other than section 3734.18 of the Revised Code, that relates 3341
to hazardous wastes, shall do either of the following: 3342

(1) With another person or persons, plan or aid in planning 3343
the commission of any of the specified offenses; 3344

(2) Agree with another person or persons that one or more of 3345
them will engage in conduct that facilitates the commission of any 3346
of the specified offenses. 3347

(B) No person shall be convicted of conspiracy unless a 3348

substantial overt act in furtherance of the conspiracy is alleged 3349
and proved to have been done by the accused or a person with whom 3350
the accused conspired, subsequent to the accused's entrance into 3351
the conspiracy. For purposes of this section, an overt act is 3352
substantial when it is of a character that manifests a purpose on 3353
the part of the actor that the object of the conspiracy should be 3354
completed. 3355

(C) When the offender knows or has reasonable cause to 3356
believe that a person with whom the offender conspires also has 3357
conspired or is conspiring with another to commit the same 3358
offense, the offender is guilty of conspiring with that other 3359
person, even though the other person's identity may be unknown to 3360
the offender. 3361

(D) It is no defense to a charge under this section that, in 3362
retrospect, commission of the offense that was the object of the 3363
conspiracy was impossible under the circumstances. 3364

(E) A conspiracy terminates when the offense or offenses that 3365
are its objects are committed or when it is abandoned by all 3366
conspirators. In the absence of abandonment, it is no defense to a 3367
charge under this section that no offense that was the object of 3368
the conspiracy was committed. 3369

(F) A person who conspires to commit more than one offense is 3370
guilty of only one conspiracy, when the offenses are the object of 3371
the same agreement or continuous conspiratorial relationship. 3372

(G) When a person is convicted of committing or attempting to 3373
commit a specific offense or of complicity in the commission of or 3374
attempt to commit the specific offense, the person shall not be 3375
convicted of conspiracy involving the same offense. 3376

(H)(1) No person shall be convicted of conspiracy upon the 3377
testimony of a person with whom the defendant conspired, 3378
unsupported by other evidence. 3379

(2) If a person with whom the defendant allegedly has 3380
conspired testifies against the defendant in a case in which the 3381
defendant is charged with conspiracy and if the testimony is 3382
supported by other evidence, the court, when it charges the jury, 3383
shall state substantially the following: 3384

"The testimony of an accomplice that is supported by other 3385
evidence does not become inadmissible because of the accomplice's 3386
complicity, moral turpitude, or self-interest, but the admitted or 3387
claimed complicity of a witness may affect the witness' 3388
credibility and make the witness' testimony subject to grave 3389
suspicion, and require that it be weighed with great caution. 3390

It is for you, as jurors, in the light of all the facts 3391
presented to you from the witness stand, to evaluate such 3392
testimony and to determine its quality and worth or its lack of 3393
quality and worth." 3394

(3) "Conspiracy," as used in division (H)(1) of this section, 3395
does not include any conspiracy that results in an attempt to 3396
commit an offense or in the commission of an offense. 3397

(I) The following are affirmative defenses to a charge of 3398
conspiracy: 3399

(1) After conspiring to commit an offense, the actor thwarted 3400
the success of the conspiracy under circumstances manifesting a 3401
complete and voluntary renunciation of the actor's criminal 3402
purpose. 3403

(2) After conspiring to commit an offense, the actor 3404
abandoned the conspiracy prior to the commission of or attempt to 3405
commit any offense that was the object of the conspiracy, either 3406
by advising all other conspirators of the actor's abandonment, or 3407
by informing any law enforcement authority of the existence of the 3408
conspiracy and of the actor's participation in the conspiracy. 3409

(J) Whoever violates this section is guilty of conspiracy, 3410
which is one of the following: 3411

(1) A felony of the first degree, when one of the objects of 3412
the conspiracy is aggravated murder, murder, or an offense for 3413
which the maximum penalty is imprisonment for life; 3414

(2) A felony of the next lesser degree than the most serious 3415
offense that is the object of the conspiracy, when the most 3416
serious offense that is the object of the conspiracy is a felony 3417
of the first, second, third, or fourth degree; 3418

(3) A felony punishable by a fine of not more than 3419
twenty-five thousand dollars or imprisonment for not more than 3420
eighteen months, or both, when the offense that is the object of 3421
the conspiracy is a violation of any provision of Chapter 3734. of 3422
the Revised Code, other than section 3734.18 of the Revised Code, 3423
that relates to hazardous wastes; 3424

(4) A misdemeanor of the first degree, when the most serious 3425
offense that is the object of the conspiracy is a felony of the 3426
fifth degree. 3427

(K) This section does not define a separate conspiracy 3428
offense or penalty where conspiracy is defined as an offense by 3429
one or more sections of the Revised Code, other than this section. 3430
In such a case, however: 3431

(1) With respect to the offense specified as the object of 3432
the conspiracy in the other section or sections, division (A) of 3433
this section defines the voluntary act or acts and culpable mental 3434
state necessary to constitute the conspiracy; 3435

(2) Divisions (B) to (I) of this section are incorporated by 3436
reference in the conspiracy offense defined by the other section 3437
or sections of the Revised Code. 3438

(L)(1) In addition to the penalties that otherwise are 3439

imposed for conspiracy, a person who is found guilty of conspiracy 3440
to engage in a pattern of corrupt activity is subject to divisions 3441
(B)(2), (3), (4), and (5) of section 2923.32 of the Revised Code. 3442

(2) If a person is convicted of or pleads guilty to 3443
conspiracy and if the most serious offense that is the object of 3444
the conspiracy is a felony drug trafficking, manufacturing, 3445
processing, or possession offense, in addition to the penalties or 3446
sanctions that may be imposed for the conspiracy under division 3447
(J)(2) or (4) of this section and Chapter 2929. of the Revised 3448
Code, both of the following apply: 3449

(a) The provisions of divisions (D), (F), and (G) of section 3450
2925.03, division (D) of section 2925.04, division (D) of section 3451
2925.05, division (D) of section 2925.06, and division (E) of 3452
section 2925.11 of the Revised Code that pertain to mandatory and 3453
additional fines, driver's or commercial driver's license or 3454
permit ~~revocations or~~ suspensions, and professionally licensed 3455
persons ~~or persons who have been admitted to the bar by order of~~ 3456
~~the supreme court~~ and that would apply under the appropriate 3457
provisions of those divisions to a person who is convicted of or 3458
pleads guilty to the felony drug trafficking, manufacturing, 3459
processing, or possession offense that is the most serious offense 3460
that is the basis of the conspiracy shall apply to the person who 3461
is convicted of or pleads guilty to the conspiracy as if the 3462
person had been convicted of or pleaded guilty to the felony drug 3463
trafficking, manufacturing, processing, or possession offense that 3464
is the most serious offense that is the basis of the conspiracy. 3465

(b) The court that imposes sentence upon the person who is 3466
convicted of or pleads guilty to the conspiracy shall comply with 3467
the provisions identified as being applicable under division 3468
(L)(2) of this section, in addition to any other penalty or 3469
sanction that it imposes for the conspiracy under division (J)(2) 3470
or (4) of this section and Chapter 2929. of the Revised Code. 3471

(M) As used in this section:	3472
(1) " felony Felony drug trafficking, manufacturing, processing, or possession offense" means any of the following that is a felony:	3473 3474 3475
(1) (a) A violation of section 2925.03, 2925.04, 2925.05, or 2925.06 of the Revised Code;	3476 3477
(2) (b) A violation of section 2925.11 of the Revised Code that is not a minor drug possession offense.	3478 3479
(2) "Minor drug possession offense" has the same meaning as defined in section 2925.01 of the Revised Code.	3480 3481
Sec. 2923.122. (A) No person shall knowingly convey, or attempt to convey, a deadly weapon or dangerous ordnance into a school safety zone.	3482 3483 3484
(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.	3485 3486
(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:	3487 3488
(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.	3489 3490
(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.	3491 3492 3493
(D) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry deadly weapons or dangerous ordnance and acting within the scope of their duties, to any security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or to any other	3494 3495 3496 3497 3498 3499 3500

person who has written authorization from the board of education 3501
or governing body of a school to convey deadly weapons or 3502
dangerous ordnance into a school safety zone or to possess a 3503
deadly weapon or dangerous ordnance in a school safety zone and 3504
who conveys or possesses the deadly weapon or dangerous ordnance 3505
in accordance with that authorization. 3506

Division (C) of this section does not apply to premises upon 3507
which home schooling is conducted. Division (C) of this section 3508
also does not apply to a school administrator, teacher, or 3509
employee who possesses an object that is indistinguishable from a 3510
firearm for legitimate school purposes during the course of 3511
employment, a student who uses an object that is indistinguishable 3512
from a firearm under the direction of a school administrator, 3513
teacher, or employee, or any other person who with the express 3514
prior approval of a school administrator possesses an object that 3515
is indistinguishable from a firearm for a legitimate purpose, 3516
including the use of the object in a ceremonial activity, a play, 3517
reenactment, or other dramatic presentation, or a ROTC activity or 3518
another similar use of the object. 3519

(E)(1) Whoever violates division (A) or (B) of this section 3520
is guilty of illegal conveyance or possession of a deadly weapon 3521
or dangerous ordnance in a school safety zone. Except as otherwise 3522
provided in this division, illegal conveyance or possession of a 3523
deadly weapon or dangerous ordnance in a school safety zone is a 3524
felony of the fifth degree. If the offender previously has been 3525
convicted of a violation of this section, illegal conveyance or 3526
possession of a deadly weapon or dangerous ordnance in a school 3527
safety zone is a felony of the fourth degree. 3528

(2) Whoever violates division (C) of this section is guilty 3529
of illegal possession of an object indistinguishable from a 3530
firearm in a school safety zone. Except as otherwise provided in 3531
this division, illegal possession of an object indistinguishable 3532

from a firearm in a school safety zone is a misdemeanor of the 3533
first degree. If the offender previously has been convicted of a 3534
violation of this section, illegal possession of an object 3535
indistinguishable from a firearm in a school safety zone is a 3536
felony of the fifth degree. 3537

(F)(1) In addition to any other penalty imposed upon a person 3538
who is convicted of or pleads guilty to a violation of this 3539
section and subject to division (F)(2) of this section, if the 3540
offender has not attained nineteen years of age, regardless of 3541
whether the offender is attending or is enrolled in a school 3542
operated by a board of education or for which the state board of 3543
education prescribes minimum standards under section 3301.07 of 3544
the Revised Code, the court shall impose upon the offender 3545
~~whichever of the following penalties applies:~~ 3546

~~(a) If the offender has been issued a class four suspension 3547
of the offender's probationary driver's license, restricted 3548
license, driver's license, commercial driver's license, temporary 3549
instruction permit, or probationary commercial driver's license 3550
that then is in effect, ~~the court shall suspend for a period of~~ 3551
~~not less than twelve months and not more than thirty six months~~ 3552
~~that license of the offender.~~ 3553~~

~~(b) If the offender has been issued a temporary instruction 3554
permit that then is in effect, the court shall revoke it and deny 3555
the offender the issuance of another temporary instruction permit, 3556
and the period of denial shall be for not less than twelve months 3557
and not more than thirty six months.~~ 3558

~~(c) If the offender has been issued a commercial driver's 3559
license temporary instruction permit that then is in effect, the 3560
court shall suspend the offender's driver's license, revoke the 3561
commercial driver's license temporary instruction permit, and deny 3562
the offender the issuance of another commercial driver's license 3563
temporary instruction permit, and the period of suspension plus 3564~~

~~the period of denial shall total not less than twelve months and
not more than thirty six months.~~ 3565
3566

~~(d) If, on the date the court imposes sentence upon the
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. 3567
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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. 3577
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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. 3583
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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. 3590
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Sec. 2925.01. As used in this chapter: 3595

(A) "Administer," "controlled substance," "dispense," 3596
"distribute," "hypodermic," "manufacturer," "official written 3597
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 3598
"schedule II," "schedule III," "schedule IV," "schedule V," and 3599
"wholesaler" have the same meanings as in section 3719.01 of the 3600
Revised Code. 3601

(B) "Drug dependent person" and "drug of abuse" have the same 3602
meanings as in section 3719.011 of the Revised Code. 3603

(C) "Drug," "dangerous drug," "licensed health professional 3604
authorized to prescribe drugs," and "prescription" have the same 3605
meanings as in section 4729.01 of the Revised Code. 3606

(D) "Bulk amount" of a controlled substance means any of the 3607
following: 3608

(1) For any compound, mixture, preparation, or substance 3609
included in schedule I, schedule II, or schedule III, with the 3610
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 3611
except as provided in division (D)(2) or (5) of this section, 3612
whichever of the following is applicable: 3613

(a) An amount equal to or exceeding ten grams or twenty-five 3614
unit doses of a compound, mixture, preparation, or substance that 3615
is or contains any amount of a schedule I opiate or opium 3616
derivative; 3617

(b) An amount equal to or exceeding ten grams of a compound, 3618
mixture, preparation, or substance that is or contains any amount 3619
of raw or gum opium; 3620

(c) An amount equal to or exceeding thirty grams or ten unit 3621
doses of a compound, mixture, preparation, or substance that is or 3622
contains any amount of a schedule I hallucinogen other than 3623
tetrahydrocannabinol or lysergic acid amide, or a schedule I 3624
stimulant or depressant; 3625

(d) An amount equal to or exceeding twenty grams or five 3626
times the maximum daily dose in the usual dose range specified in 3627
a standard pharmaceutical reference manual of a compound, mixture, 3628
preparation, or substance that is or contains any amount of a 3629
schedule II opiate or opium derivative; 3630

(e) An amount equal to or exceeding five grams or ten unit 3631
doses of a compound, mixture, preparation, or substance that is or 3632
contains any amount of phencyclidine; 3633

(f) An amount equal to or exceeding one hundred twenty grams 3634
or thirty times the maximum daily dose in the usual dose range 3635
specified in a standard pharmaceutical reference manual of a 3636
compound, mixture, preparation, or substance that is or contains 3637
any amount of a schedule II stimulant that is in a final dosage 3638
form manufactured by a person authorized by the "Federal Food, 3639
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 3640
amended, and the federal drug abuse control laws, as defined in 3641
section 3719.01 of the Revised Code, that is or contains any 3642
amount of a schedule II depressant substance or a schedule II 3643
hallucinogenic substance; 3644

(g) An amount equal to or exceeding three grams of a 3645
compound, mixture, preparation, or substance that is or contains 3646
any amount of a schedule II stimulant, or any of its salts or 3647
isomers, that is not in a final dosage form manufactured by a 3648
person authorized by the Federal Food, Drug, and Cosmetic Act and 3649
the federal drug abuse control laws. 3650

(2) An amount equal to or exceeding one hundred twenty grams 3651
or thirty times the maximum daily dose in the usual dose range 3652
specified in a standard pharmaceutical reference manual of a 3653
compound, mixture, preparation, or substance that is or contains 3654
any amount of a schedule III or IV substance other than an 3655
anabolic steroid or a schedule III opiate or opium derivative; 3656

(3) An amount equal to or exceeding twenty grams or five 3657
times the maximum daily dose in the usual dose range specified in 3658
a standard pharmaceutical reference manual of a compound, mixture, 3659
preparation, or substance that is or contains any amount of a 3660
schedule III opiate or opium derivative; 3661

(4) An amount equal to or exceeding two hundred fifty 3662
milliliters or two hundred fifty grams of a compound, mixture, 3663
preparation, or substance that is or contains any amount of a 3664
schedule V substance; 3665

(5) An amount equal to or exceeding two hundred solid dosage 3666
units, sixteen grams, or sixteen milliliters of a compound, 3667
mixture, preparation, or substance that is or contains any amount 3668
of a schedule III anabolic steroid. 3669

(E) "Unit dose" means an amount or unit of a compound, 3670
mixture, or preparation containing a controlled substance that is 3671
separately identifiable and in a form that indicates that it is 3672
the amount or unit by which the controlled substance is separately 3673
administered to or taken by an individual. 3674

(F) "Cultivate" includes planting, watering, fertilizing, or 3675
tilling. 3676

(G) "Drug abuse offense" means any of the following: 3677

(1) A violation of division (A) of section 2913.02 that 3678
constitutes theft of drugs, or a violation of section 2925.02, 3679
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 3680
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 3681
2925.37 of the Revised Code; 3682

(2) A violation of an existing or former law of this or any 3683
other state or of the United States that is substantially 3684
equivalent to any section listed in division (G)(1) of this 3685
section; 3686

(3) An offense under an existing or former law of this or any 3687
other state, or of the United States, of which planting, 3688
cultivating, harvesting, processing, making, manufacturing, 3689
producing, shipping, transporting, delivering, acquiring, 3690
possessing, storing, distributing, dispensing, selling, inducing 3691
another to use, administering to another, using, or otherwise 3692
dealing with a controlled substance is an element; 3693

(4) A conspiracy to commit, attempt to commit, or complicity 3694
in committing or attempting to commit any offense under division 3695
(G)(1), (2), or (3) of this section. 3696

(H) "Felony drug abuse offense" means any drug abuse offense 3697
that would constitute a felony under the laws of this state, any 3698
other state, or the United States. 3699

(I) "Harmful intoxicant" does not include beer or 3700
intoxicating liquor but means any compound, mixture, preparation, 3701
or substance the gas, fumes, or vapor of which when inhaled can 3702
induce intoxication, excitement, giddiness, irrational behavior, 3703
depression, stupefaction, paralysis, unconsciousness, 3704
asphyxiation, or other harmful physiological effects, and 3705
includes, but is not limited to, any of the following: 3706

(1) Any volatile organic solvent, plastic cement, model 3707
cement, fingernail polish remover, lacquer thinner, cleaning 3708
fluid, gasoline, or other preparation containing a volatile 3709
organic solvent; 3710

(2) Any aerosol propellant; 3711

(3) Any fluorocarbon refrigerant; 3712

(4) Any anesthetic gas. 3713

(J) "Manufacture" means to plant, cultivate, harvest, 3714
process, make, prepare, or otherwise engage in any part of the 3715
production of a drug, by propagation, extraction, chemical 3716

synthesis, or compounding, or any combination of the same, and 3717
includes packaging, repackaging, labeling, and other activities 3718
incident to production. 3719

(K) "Possess" or "possession" means having control over a 3720
thing or substance, but may not be inferred solely from mere 3721
access to the thing or substance through ownership or occupation 3722
of the premises upon which the thing or substance is found. 3723

(L) "Sample drug" means a drug or pharmaceutical preparation 3724
that would be hazardous to health or safety if used without the 3725
supervision of a licensed health professional authorized to 3726
prescribe drugs, or a drug of abuse, and that, at one time, had 3727
been placed in a container plainly marked as a sample by a 3728
manufacturer. 3729

(M) "Standard pharmaceutical reference manual" means the 3730
current edition, with cumulative changes if any, of any of the 3731
following reference works: 3732

(1) "The National Formulary"; 3733

(2) "The United States Pharmacopeia," prepared by authority 3734
of the United States Pharmacopeial Convention, Inc.; 3735

(3) Other standard references that are approved by the state 3736
board of pharmacy. 3737

(N) "Juvenile" means a person under eighteen years of age. 3738

(O) "Counterfeit controlled substance" means any of the 3739
following: 3740

(1) Any drug that bears, or whose container or label bears, a 3741
trademark, trade name, or other identifying mark used without 3742
authorization of the owner of rights to that trademark, trade 3743
name, or identifying mark; 3744

(2) Any unmarked or unlabeled substance that is represented 3745
to be a controlled substance manufactured, processed, packed, or 3746

distributed by a person other than the person that manufactured, 3747
processed, packed, or distributed it; 3748

(3) Any substance that is represented to be a controlled 3749
substance but is not a controlled substance or is a different 3750
controlled substance; 3751

(4) Any substance other than a controlled substance that a 3752
reasonable person would believe to be a controlled substance 3753
because of its similarity in shape, size, and color, or its 3754
markings, labeling, packaging, distribution, or the price for 3755
which it is sold or offered for sale. 3756

(P) An offense is "committed in the vicinity of a school" if 3757
the offender commits the offense on school premises, in a school 3758
building, or within one thousand feet of the boundaries of any 3759
school premises. 3760

(Q) "School" means any school operated by a board of 3761
education or any school for which the state board of education 3762
prescribes minimum standards under section 3301.07 of the Revised 3763
Code, whether or not any instruction, extracurricular activities, 3764
or training provided by the school is being conducted at the time 3765
a criminal offense is committed. 3766

(R) "School premises" means either of the following: 3767

(1) The parcel of real property on which any school is 3768
situated, whether or not any instruction, extracurricular 3769
activities, or training provided by the school is being conducted 3770
on the premises at the time a criminal offense is committed; 3771

(2) Any other parcel of real property that is owned or leased 3772
by a board of education of a school or the governing body of a 3773
school for which the state board of education prescribes minimum 3774
standards under section 3301.07 of the Revised Code and on which 3775
some of the instruction, extracurricular activities, or training 3776
of the school is conducted, whether or not any instruction, 3777

extracurricular activities, or training provided by the school is 3778
being conducted on the parcel of real property at the time a 3779
criminal offense is committed. 3780

(S) "School building" means any building in which any of the 3781
instruction, extracurricular activities, or training provided by a 3782
school is conducted, whether or not any instruction, 3783
extracurricular activities, or training provided by the school is 3784
being conducted in the school building at the time a criminal 3785
offense is committed. 3786

(T) "Disciplinary counsel" means the disciplinary counsel 3787
appointed by the board of commissioners on grievances and 3788
discipline of the supreme court under the Rules for the Government 3789
of the Bar of Ohio. 3790

(U) "Certified grievance committee" means a duly constituted 3791
and organized committee of the Ohio state bar association or of 3792
one or more local bar associations of the state of Ohio that 3793
complies with the criteria set forth in Rule V, section 6 of the 3794
Rules for the Government of the Bar of Ohio. 3795

(V) "Professional license" means any license, permit, 3796
certificate, registration, qualification, admission, temporary 3797
license, temporary permit, temporary certificate, or temporary 3798
registration that is described in divisions (W)(1) to ~~(35)~~(36) of 3799
this section and that qualifies a person as a professionally 3800
licensed person. 3801

(W) "Professionally licensed person" means any of the 3802
following: 3803

(1) A person who has obtained a license as a manufacturer of 3804
controlled substances or a wholesaler of controlled substances 3805
under Chapter 3719. of the Revised Code; 3806

(2) A person who has received a certificate or temporary 3807
certificate as a certified public accountant or who has registered 3808

as a public accountant under Chapter 4701. of the Revised Code and 3809
who holds an Ohio permit issued under that chapter; 3810

(3) A person who holds a certificate of qualification to 3811
practice architecture issued or renewed and registered under 3812
Chapter 4703. of the Revised Code; 3813

(4) A person who is registered as a landscape architect under 3814
Chapter 4703. of the Revised Code or who holds a permit as a 3815
landscape architect issued under that chapter; 3816

(5) A person licensed as an auctioneer or apprentice 3817
auctioneer or licensed to operate an auction company under Chapter 3818
4707. of the Revised Code; 3819

(6) A person who has been issued a certificate of 3820
registration as a registered barber under Chapter 4709. of the 3821
Revised Code; 3822

(7) A person licensed and regulated to engage in the business 3823
of a debt pooling company by a legislative authority, under 3824
authority of Chapter 4710. of the Revised Code; 3825

(8) A person who has been issued a cosmetologist's license, 3826
manicurist's license, esthetician's license, managing 3827
cosmetologist's license, managing manicurist's license, managing 3828
esthetician's license, cosmetology instructor's license, 3829
manicurist instructor's license, esthetician instructor's license, 3830
or tanning facility permit under Chapter 4713. of the Revised 3831
Code; 3832

(9) A person who has been issued a license to practice 3833
dentistry, a general anesthesia permit, a conscious intravenous 3834
sedation permit, a limited resident's license, a limited teaching 3835
license, a dental hygienist's license, or a dental hygienist's 3836
teacher's certificate under Chapter 4715. of the Revised Code; 3837

(10) A person who has been issued an embalmer's license, a 3838

funeral director's license, a funeral home license, or a crematory	3839
license, or who has been registered for an embalmer's or funeral	3840
director's apprenticeship under Chapter 4717. of the Revised Code;	3841
(11) A person who has been licensed as a registered nurse or	3842
practical nurse, or who has been issued a certificate for the	3843
practice of nurse-midwifery under Chapter 4723. of the Revised	3844
Code;	3845
(12) A person who has been licensed to practice optometry or	3846
to engage in optical dispensing under Chapter 4725. of the Revised	3847
Code;	3848
(13) A person licensed to act as a pawnbroker under Chapter	3849
4727. of the Revised Code;	3850
(14) A person licensed to act as a precious metals dealer	3851
under Chapter 4728. of the Revised Code;	3852
(15) A person licensed as a pharmacist, a pharmacy intern, a	3853
wholesale distributor of dangerous drugs, or a terminal	3854
distributor of dangerous drugs under Chapter 4729. of the Revised	3855
Code;	3856
(16) A person who is authorized to practice as a physician	3857
assistant under Chapter 4730. of the Revised Code;	3858
(17) A person who has been issued a certificate to practice	3859
medicine and surgery, osteopathic medicine and surgery, a limited	3860
branch of medicine, or podiatry under Chapter 4731. of the Revised	3861
Code;	3862
(18) A person licensed as a psychologist or school	3863
psychologist under Chapter 4732. of the Revised Code;	3864
(19) A person registered to practice the profession of	3865
engineering or surveying under Chapter 4733. of the Revised Code;	3866
(20) A person who has been issued a license to practice	3867
chiropractic under Chapter 4734. of the Revised Code;	3868

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	3869 3870
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	3871 3872
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	3873 3874
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	3875 3876
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	3877 3878
(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;	3879 3880 3881 3882
(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;	3883 3884 3885
(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;	3886 3887 3888
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	3889 3890 3891
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	3892 3893 3894
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	3895 3896
(32) A person who is licensed as a professional clinical	3897

counselor or professional counselor, licensed as a social worker	3898
or independent social worker, or registered as a social work	3899
assistant under Chapter 4757. of the Revised Code;	3900
(33) A person issued a license to practice dietetics under	3901
Chapter 4759. of the Revised Code;	3902
(34) A person who has been issued a license or limited permit	3903
to practice respiratory therapy under Chapter 4761. of the Revised	3904
Code;	3905
(35) A person who has been issued a real estate appraiser	3906
certificate under Chapter 4763. of the Revised Code;	3907
<u>(36) A person who has been admitted to the bar by order of</u>	3908
<u>the supreme court in compliance with its prescribed and published</u>	3909
<u>rules.</u>	3910
(X) "Cocaine" means any of the following:	3911
(1) A cocaine salt, isomer, or derivative, a salt of a	3912
cocaine isomer or derivative, or the base form of cocaine;	3913
(2) Coca leaves or a salt, compound, derivative, or	3914
preparation of coca leaves, including ecgonine, a salt, isomer, or	3915
derivative of ecgonine, or a salt of an isomer or derivative of	3916
ecgonine;	3917
(3) A salt, compound, derivative, or preparation of a	3918
substance identified in division (X)(1) or (2) of this section	3919
that is chemically equivalent to or identical with any of those	3920
substances, except that the substances shall not include	3921
decocainized coca leaves or extraction of coca leaves if the	3922
extractions do not contain cocaine or ecgonine.	3923
(Y) "L.S.D." means lysergic acid diethylamide.	3924
(Z) "Hashish" means the resin or a preparation of the resin	3925
contained in marihuana, whether in solid form or in a liquid	3926
concentrate, liquid extract, or liquid distillate form.	3927

(AA) "Marihuana" has the same meaning as in section 3719.01 3928
of the Revised Code, except that it does not include hashish. 3929

(BB) An offense is "committed in the vicinity of a juvenile" 3930
if the offender commits the offense within one hundred feet of a 3931
juvenile or within the view of a juvenile, regardless of whether 3932
the offender knows the age of the juvenile, whether the offender 3933
knows the offense is being committed within one hundred feet of or 3934
within view of the juvenile, or whether the juvenile actually 3935
views the commission of the offense. 3936

(CC) "Presumption for a prison term" or "presumption that a 3937
prison term shall be imposed" means a presumption, as described in 3938
division (D) of section 2929.13 of the Revised Code, that a prison 3939
term is a necessary sanction for a felony in order to comply with 3940
the purposes and principles of sentencing under section 2929.11 of 3941
the Revised Code. 3942

(DD) "Major drug offender" has the same meaning as in section 3943
2929.01 of the Revised Code. 3944

(EE) "Minor drug possession offense" means either of the 3945
following: 3946

(1) A violation of section 2925.11 of the Revised Code as it 3947
existed prior to July 1, 1996; 3948

(2) A violation of section 2925.11 of the Revised Code as it 3949
exists on and after July 1, 1996, that is a misdemeanor or a 3950
felony of the fifth degree. 3951

(FF) "Mandatory prison term" has the same meaning as in 3952
section 2929.01 of the Revised Code. 3953

(GG) "Crack cocaine" means a compound, mixture, preparation, 3954
or substance that is or contains any amount of cocaine that is 3955
analytically identified as the base form of cocaine or that is in 3956
a form that resembles rocks or pebbles generally intended for 3957

individual use. 3958

(HH) "Adulterate" means to cause a drug to be adulterated as 3959
described in section 3715.63 of the Revised Code. 3960

(II) "Public premises" means any hotel, restaurant, tavern, 3961
store, arena, hall, or other place of public accommodation, 3962
business, amusement, or resort. 3963

Sec. 2925.02. (A) No person shall knowingly do any of the 3964
following: 3965

(1) By force, threat, or deception, administer to another or 3966
induce or cause another to use a controlled substance; 3967

(2) By any means, administer or furnish to another or induce 3968
or cause another to use a controlled substance with purpose to 3969
cause serious physical harm to the other person, or with purpose 3970
to cause the other person to become drug dependent; 3971

(3) By any means, administer or furnish to another or induce 3972
or cause another to use a controlled substance, and thereby cause 3973
serious physical harm to the other person, or cause the other 3974
person to become drug dependent; 3975

(4) By any means, do any of the following: 3976

(a) Furnish or administer a controlled substance to a 3977
juvenile who is at least two years the offender's junior, when the 3978
offender knows the age of the juvenile or is reckless in that 3979
regard; 3980

(b) Induce or cause a juvenile who is at least two years the 3981
offender's junior to use a controlled substance, when the offender 3982
knows the age of the juvenile or is reckless in that regard; 3983

(c) Induce or cause a juvenile who is at least two years the 3984
offender's junior to commit a felony drug abuse offense, when the 3985
offender knows the age of the juvenile or is reckless in that 3986

regard; 3987

(d) Use a juvenile, whether or not the offender knows the age 3988
of the juvenile, to perform any surveillance activity that is 3989
intended to prevent the detection of the offender or any other 3990
person in the commission of a felony drug abuse offense or to 3991
prevent the arrest of the offender or any other person for the 3992
commission of a felony drug abuse offense. 3993

(B) Division (A)(1), (3), or (4) of this section does not 3994
apply to manufacturers, wholesalers, licensed health professionals 3995
authorized to prescribe drugs, pharmacists, owners of pharmacies, 3996
and other persons whose conduct is in accordance with Chapters 3997
3719., 4715., 4723., 4729., 4731., and 4741. of the Revised Code. 3998

(C) Whoever violates this section is guilty of corrupting 3999
another with drugs. The penalty for the offense shall be 4000
determined as follows: 4001

(1) Except as otherwise provided in this division, if the 4002
drug involved is any compound, mixture, preparation, or substance 4003
included in schedule I or II, with the exception of marihuana, 4004
corrupting another with drugs is a felony of the second degree, 4005
and, subject to division (E) of this section, the court shall 4006
impose as a mandatory prison term one of the prison terms 4007
prescribed for a felony of the second degree. If the drug involved 4008
is any compound, mixture, preparation, or substance included in 4009
schedule I or II, with the exception of marihuana, and if the 4010
offense was committed in the vicinity of a school, corrupting 4011
another with drugs is a felony of the first degree, and, subject 4012
to division (E) of this section, the court shall impose as a 4013
mandatory prison term one of the prison terms prescribed for a 4014
felony of the first degree. 4015

(2) Except as otherwise provided in this division, if the 4016
drug involved is any compound, mixture, preparation, or substance 4017

included in schedule III, IV, or V, corrupting another with drugs 4018
is a felony of the second degree, and there is a presumption for a 4019
prison term for the offense. If the drug involved is any compound, 4020
mixture, preparation, or substance included in schedule III, IV, 4021
or V and if the offense was committed in the vicinity of a school, 4022
corrupting another with drugs is a felony of the second degree, 4023
and the court shall impose as a mandatory prison term one of the 4024
prison terms prescribed for a felony of the second degree. 4025

(3) Except as otherwise provided in this division, if the 4026
drug involved is marihuana, corrupting another with drugs is a 4027
felony of the fourth degree, and division (C) of section 2929.13 4028
of the Revised Code applies in determining whether to impose a 4029
prison term on the offender. If the drug involved is marihuana and 4030
if the offense was committed in the vicinity of a school, 4031
corrupting another with drugs is a felony of the third degree, and 4032
division (C) of section 2929.13 of the Revised Code applies in 4033
determining whether to impose a prison term on the offender. 4034

(D) In addition to any prison term authorized or required by 4035
division (C) or (E) of this section and sections 2929.13 and 4036
2929.14 of the Revised Code and in addition to any other sanction 4037
imposed for the offense under this section or sections 2929.11 to 4038
2929.18 of the Revised Code, the court that sentences an offender 4039
who is convicted of or pleads guilty to a violation of division 4040
(A) of this section or the clerk of that court shall do all of the 4041
following that are applicable regarding the offender: 4042

(1)(a) If the violation is a felony of the first, second, or 4043
third degree, the court shall impose upon the offender the 4044
mandatory fine specified for the offense under division (B)(1) of 4045
section 2929.18 of the Revised Code unless, as specified in that 4046
division, the court determines that the offender is indigent. 4047

(b) Notwithstanding any contrary provision of section 3719.21 4048
of the Revised Code, any mandatory fine imposed pursuant to 4049

division (D)(1)(a) of this section and any fine imposed for a 4050
violation of this section pursuant to division (A) of section 4051
2929.18 of the Revised Code shall be paid by the clerk of the 4052
court in accordance with and subject to the requirements of, and 4053
shall be used as specified in, division (F) of section 2925.03 of 4054
the Revised Code. 4055

(c) If a person is charged with any violation of this section 4056
that is a felony of the first, second, or third degree, posts 4057
bail, and forfeits the bail, the forfeited bail shall be paid by 4058
the clerk of the court pursuant to division (D)(1)(b) of this 4059
section as if it were a fine imposed for a violation of this 4060
section. 4061

(2) The court ~~either shall revoke or, if it does not revoke,~~ 4062
~~shall suspend for not less than six months or more than five~~ 4063
~~years, the driver's or commercial driver's license or permit of~~ 4064
~~any person who is convicted of or pleads guilty to a violation of~~ 4065
~~this section that is a felony of the first degree and shall~~ 4066
suspend for not less than six months nor more than five years the 4067
offender's driver's or commercial driver's license or permit ~~of~~ 4068
~~any person who is convicted of or pleads guilty to any other~~ 4069
~~violation of this section.~~ If an offender's driver's or commercial 4070
driver's license or permit is ~~revoked~~ suspended pursuant to this 4071
division, the offender, at any time after the expiration of two 4072
years from the day on which the offender's sentence was imposed or 4073
from the day on which the offender finally was released from a 4074
prison term under the sentence, whichever is later, may file a 4075
motion with the sentencing court requesting termination of the 4076
~~revocation~~ suspension. Upon the filing of the motion and the 4077
court's finding of good cause for the termination, the court may 4078
terminate the ~~revocation~~ suspension. 4079

(3) If the offender is a professionally licensed person ~~or a~~ 4080
~~person who has been admitted to the bar by order of the supreme~~ 4081

~~court in compliance with its prescribed and published rules,~~ in 4082
addition to any other sanction imposed for a violation of this 4083
section, the court ~~forthwith~~ immediately shall comply with section 4084
2925.38 of the Revised Code. 4085

(E) Notwithstanding the prison term otherwise authorized or 4086
required for the offense under division (C) of this section and 4087
sections 2929.13 and 2929.14 of the Revised Code, if the violation 4088
of division (A) of this section involves the sale, offer to sell, 4089
or possession of a schedule I or II controlled substance, with the 4090
exception of marihuana, and if the court imposing sentence upon 4091
the offender finds that the offender as a result of the violation 4092
is a major drug offender and is guilty of a specification of the 4093
type described in section 2941.1410 of the Revised Code, the 4094
court, in lieu of the prison term that otherwise is authorized or 4095
required, shall impose upon the offender the mandatory prison term 4096
specified in division (D)(3)(a) of section 2929.14 of the Revised 4097
Code and may impose an additional prison term under division 4098
(D)(3)(b) of that section. 4099

Sec. 2925.03. (A) No person shall knowingly do any of the 4100
following: 4101

(1) Sell or offer to sell a controlled substance; 4102

(2) Prepare for shipment, ship, transport, deliver, prepare 4103
for distribution, or distribute a controlled substance, when the 4104
offender knows or has reasonable cause to believe that the 4105
controlled substance is intended for sale or resale by the 4106
offender or another person. 4107

(B) This section does not apply to any of the following: 4108

(1) Manufacturers, licensed health professionals authorized 4109
to prescribe drugs, pharmacists, owners of pharmacies, and other 4110
persons whose conduct is in accordance with Chapters 3719., 4715., 4111

4723., 4729., 4731., and 4741. of the Revised Code; 4112

(2) If the offense involves an anabolic steroid, any person 4113
who is conducting or participating in a research project involving 4114
the use of an anabolic steroid if the project has been approved by 4115
the United States food and drug administration; 4116

(3) Any person who sells, offers for sale, prescribes, 4117
dispenses, or administers for livestock or other nonhuman species 4118
an anabolic steroid that is expressly intended for administration 4119
through implants to livestock or other nonhuman species and 4120
approved for that purpose under the "Federal Food, Drug, and 4121
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 4122
and is sold, offered for sale, prescribed, dispensed, or 4123
administered for that purpose in accordance with that act. 4124

(C) Whoever violates division (A) of this section is guilty 4125
of one of the following: 4126

(1) If the drug involved in the violation is any compound, 4127
mixture, preparation, or substance included in schedule I or 4128
schedule II, with the exception of marihuana, cocaine, L.S.D., 4129
heroin, and hashish, whoever violates division (A) of this section 4130
is guilty of aggravated trafficking in drugs. The penalty for the 4131
offense shall be determined as follows: 4132

(a) Except as otherwise provided in division (C)(1)(b), (c), 4133
(d), (e), or (f) of this section, aggravated trafficking in drugs 4134
is a felony of the fourth degree, and division (C) of section 4135
2929.13 of the Revised Code applies in determining whether to 4136
impose a prison term on the offender. 4137

(b) Except as otherwise provided in division (C)(1)(c), (d), 4138
(e), or (f) of this section, if the offense was committed in the 4139
vicinity of a school or in the vicinity of a juvenile, aggravated 4140
trafficking in drugs is a felony of the third degree, and division 4141
(C) of section 2929.13 of the Revised Code applies in determining 4142

whether to impose a prison term on the offender. 4143

(c) Except as otherwise provided in this division, if the 4144
amount of the drug involved equals or exceeds the bulk amount but 4145
is less than five times the bulk amount, aggravated trafficking in 4146
drugs is a felony of the third degree, and the court shall impose 4147
as a mandatory prison term one of the prison terms prescribed for 4148
a felony of the third degree. If the amount of the drug involved 4149
is within that range and if the offense was committed in the 4150
vicinity of a school or in the vicinity of a juvenile, aggravated 4151
trafficking in drugs is a felony of the second degree, and the 4152
court shall impose as a mandatory prison term one of the prison 4153
terms prescribed for a felony of the second degree. 4154

(d) Except as otherwise provided in this division, if the 4155
amount of the drug involved equals or exceeds five times the bulk 4156
amount but is less than fifty times the bulk amount, aggravated 4157
trafficking in drugs is a felony of the second degree, and the 4158
court shall impose as a mandatory prison term one of the prison 4159
terms prescribed for a felony of the second degree. If the amount 4160
of the drug involved is within that range and if the offense was 4161
committed in the vicinity of a school or in the vicinity of a 4162
juvenile, aggravated trafficking in drugs is a felony of the first 4163
degree, and the court shall impose as a mandatory prison term one 4164
of the prison terms prescribed for a felony of the first degree. 4165

(e) If the amount of the drug involved equals or exceeds 4166
fifty times the bulk amount but is less than one hundred times the 4167
bulk amount and regardless of whether the offense was committed in 4168
the vicinity of a school or in the vicinity of a juvenile, 4169
aggravated trafficking in drugs is a felony of the first degree, 4170
and the court shall impose as a mandatory prison term one of the 4171
prison terms prescribed for a felony of the first degree. 4172

(f) If the amount of the drug involved equals or exceeds one 4173
hundred times the bulk amount and regardless of whether the 4174

offense was committed in the vicinity of a school or in the 4175
vicinity of a juvenile, aggravated trafficking in drugs is a 4176
felony of the first degree, the offender is a major drug offender, 4177
and the court shall impose as a mandatory prison term the maximum 4178
prison term prescribed for a felony of the first degree and may 4179
impose an additional prison term prescribed for a major drug 4180
offender under division (D)(3)(b) of section 2929.14 of the 4181
Revised Code. 4182

(2) If the drug involved in the violation is any compound, 4183
mixture, preparation, or substance included in schedule III, IV, 4184
or V, whoever violates division (A) of this section is guilty of 4185
trafficking in drugs. The penalty for the offense shall be 4186
determined as follows: 4187

(a) Except as otherwise provided in division (C)(2)(b), (c), 4188
(d), or (e) of this section, trafficking in drugs is a felony of 4189
the fifth degree, and division (C) of section 2929.13 of the 4190
Revised Code applies in determining whether to impose a prison 4191
term on the offender. 4192

(b) Except as otherwise provided in division (C)(2)(c), (d), 4193
or (e) of this section, if the offense was committed in the 4194
vicinity of a school or in the vicinity of a juvenile, trafficking 4195
in drugs is a felony of the fourth degree, and division (C) of 4196
section 2929.13 of the Revised Code applies in determining whether 4197
to impose a prison term on the offender. 4198

(c) Except as otherwise provided in this division, if the 4199
amount of the drug involved equals or exceeds the bulk amount but 4200
is less than five times the bulk amount, trafficking in drugs is a 4201
felony of the fourth degree, and there is a presumption for a 4202
prison term for the offense. If the amount of the drug involved is 4203
within that range and if the offense was committed in the vicinity 4204
of a school or in the vicinity of a juvenile, trafficking in drugs 4205
is a felony of the third degree, and there is a presumption for a 4206

prison term for the offense. 4207

(d) Except as otherwise provided in this division, if the 4208
amount of the drug involved equals or exceeds five times the bulk 4209
amount but is less than fifty times the bulk amount, trafficking 4210
in drugs is a felony of the third degree, and there is a 4211
presumption for a prison term for the offense. If the amount of 4212
the drug involved is within that range and if the offense was 4213
committed in the vicinity of a school or in the vicinity of a 4214
juvenile, trafficking in drugs is a felony of the second degree, 4215
and there is a presumption for a prison term for the offense. 4216

(e) Except as otherwise provided in this division, if the 4217
amount of the drug involved equals or exceeds fifty times the bulk 4218
amount, trafficking in drugs is a felony of the second degree, and 4219
the court shall impose as a mandatory prison term one of the 4220
prison terms prescribed for a felony of the second degree. If the 4221
amount of the drug involved equals or exceeds fifty times the bulk 4222
amount and if the offense was committed in the vicinity of a 4223
school or in the vicinity of a juvenile, trafficking in drugs is a 4224
felony of the first degree, and the court shall impose as a 4225
mandatory prison term one of the prison terms prescribed for a 4226
felony of the first degree. 4227

(3) If the drug involved in the violation is marihuana or a 4228
compound, mixture, preparation, or substance containing marihuana 4229
other than hashish, whoever violates division (A) of this section 4230
is guilty of trafficking in marihuana. The penalty for the offense 4231
shall be determined as follows: 4232

(a) Except as otherwise provided in division (C)(3)(b), (c), 4233
(d), (e), (f), or (g) of this section, trafficking in marihuana is 4234
a felony of the fifth degree, and division (C) of section 2929.13 4235
of the Revised Code applies in determining whether to impose a 4236
prison term on the offender. 4237

(b) Except as otherwise provided in division (C)(3)(c), (d), 4238
(e), (f), or (g) of this section, if the offense was committed in 4239
the vicinity of a school or in the vicinity of a juvenile, 4240
trafficking in marihuana is a felony of the fourth degree, and 4241
division (C) of section 2929.13 of the Revised Code applies in 4242
determining whether to impose a prison term on the offender. 4243

(c) Except as otherwise provided in this division, if the 4244
amount of the drug involved equals or exceeds two hundred grams 4245
but is less than one thousand grams, trafficking in marihuana is a 4246
felony of the fourth degree, and division (C) of section 2929.13 4247
of the Revised Code applies in determining whether to impose a 4248
prison term on the offender. If the amount of the drug involved is 4249
within that range and if the offense was committed in the vicinity 4250
of a school or in the vicinity of a juvenile, trafficking in 4251
marihuana is a felony of the third degree, and division (C) of 4252
section 2929.13 of the Revised Code applies in determining whether 4253
to impose a prison term on the offender. 4254

(d) Except as otherwise provided in this division, if the 4255
amount of the drug involved equals or exceeds one thousand grams 4256
but is less than five thousand grams, trafficking in marihuana is 4257
a felony of the third degree, and division (C) of section 2929.13 4258
of the Revised Code applies in determining whether to impose a 4259
prison term on the offender. If the amount of the drug involved is 4260
within that range and if the offense was committed in the vicinity 4261
of a school or in the vicinity of a juvenile, trafficking in 4262
marihuana is a felony of the second degree, and there is a 4263
presumption that a prison term shall be imposed for the offense. 4264

(e) Except as otherwise provided in this division, if the 4265
amount of the drug involved equals or exceeds five thousand grams 4266
but is less than twenty thousand grams, trafficking in marihuana 4267
is a felony of the third degree, and there is a presumption that a 4268
prison term shall be imposed for the offense. If the amount of the 4269

drug involved is within that range and if the offense was 4270
committed in the vicinity of a school or in the vicinity of a 4271
juvenile, trafficking in marihuana is a felony of the second 4272
degree, and there is a presumption that a prison term shall be 4273
imposed for the offense. 4274

(f) Except as otherwise provided in this division, if the 4275
amount of the drug involved equals or exceeds twenty thousand 4276
grams, trafficking in marihuana is a felony of the second degree, 4277
and the court shall impose as a mandatory prison term the maximum 4278
prison term prescribed for a felony of the second degree. If the 4279
amount of the drug involved equals or exceeds twenty thousand 4280
grams and if the offense was committed in the vicinity of a school 4281
or in the vicinity of a juvenile, trafficking in marihuana is a 4282
felony of the first degree, and the court shall impose as a 4283
mandatory prison term the maximum prison term prescribed for a 4284
felony of the first degree. 4285

(g) Except as otherwise provided in this division, if the 4286
offense involves a gift of twenty grams or less of marihuana, 4287
trafficking in marihuana is a minor misdemeanor upon a first 4288
offense and a misdemeanor of the third degree upon a subsequent 4289
offense. If the offense involves a gift of twenty grams or less of 4290
marihuana and if the offense was committed in the vicinity of a 4291
school or in the vicinity of a juvenile, trafficking in marihuana 4292
is a misdemeanor of the third degree. 4293

(4) If the drug involved in the violation is cocaine or a 4294
compound, mixture, preparation, or substance containing cocaine, 4295
whoever violates division (A) of this section is guilty of 4296
trafficking in cocaine. The penalty for the offense shall be 4297
determined as follows: 4298

(a) Except as otherwise provided in division (C)(4)(b), (c), 4299
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 4300
felony of the fifth degree, and division (C) of section 2929.13 of 4301

the Revised Code applies in determining whether to impose a prison 4302
term on the offender. 4303

(b) Except as otherwise provided in division (C)(4)(c), (d), 4304
(e), (f), or (g) of this section, if the offense was committed in 4305
the vicinity of a school or in the vicinity of a juvenile, 4306
trafficking in cocaine is a felony of the fourth degree, and 4307
division (C) of section 2929.13 of the Revised Code applies in 4308
determining whether to impose a prison term on the offender. 4309

(c) Except as otherwise provided in this division, if the 4310
amount of the drug involved equals or exceeds five grams but is 4311
less than ten grams of cocaine that is not crack cocaine or equals 4312
or exceeds one gram but is less than five grams of crack cocaine, 4313
trafficking in cocaine is a felony of the fourth degree, and there 4314
is a presumption for a prison term for the offense. If the amount 4315
of the drug involved is within one of those ranges and if the 4316
offense was committed in the vicinity of a school or in the 4317
vicinity of a juvenile, trafficking in cocaine is a felony of the 4318
third degree, and there is a presumption for a prison term for the 4319
offense. 4320

(d) Except as otherwise provided in this division, if the 4321
amount of the drug involved equals or exceeds ten grams but is 4322
less than one hundred grams of cocaine that is not crack cocaine 4323
or equals or exceeds five grams but is less than ten grams of 4324
crack cocaine, trafficking in cocaine is a felony of the third 4325
degree, and the court shall impose as a mandatory prison term one 4326
of the prison terms prescribed for a felony of the third degree. 4327
If the amount of the drug involved is within one of those ranges 4328
and if the offense was committed in the vicinity of a school or in 4329
the vicinity of a juvenile, trafficking in cocaine is a felony of 4330
the second degree, and the court shall impose as a mandatory 4331
prison term one of the prison terms prescribed for a felony of the 4332
second degree. 4333

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred grams but is less than five hundred grams of cocaine that is not crack cocaine or equals or exceeds ten grams but is less than twenty-five grams of crack cocaine, trafficking in cocaine 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 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.

(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.

(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. 4366

(5) If the drug involved in the violation is L.S.D. or a 4367
compound, mixture, preparation, or substance containing L.S.D., 4368
whoever violates division (A) of this section is guilty of 4369
trafficking in L.S.D. The penalty for the offense shall be 4370
determined as follows: 4371

(a) Except as otherwise provided in division (C)(5)(b), (c), 4372
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 4373
felony of the fifth degree, and division (C) of section 2929.13 of 4374
the Revised Code applies in determining whether to impose a prison 4375
term on the offender. 4376

(b) Except as otherwise provided in division (C)(5)(c), (d), 4377
(e), (f), or (g) of this section, if the offense was committed in 4378
the vicinity of a school or in the vicinity of a juvenile, 4379
trafficking in L.S.D. is a felony of the fourth degree, and 4380
division (C) of section 2929.13 of the Revised Code applies in 4381
determining whether to impose a prison term on the offender. 4382

(c) Except as otherwise provided in this division, if the 4383
amount of the drug involved equals or exceeds ten unit doses but 4384
is less than fifty unit doses of L.S.D. in a solid form or equals 4385
or exceeds one gram but is less than five grams of L.S.D. in a 4386
liquid concentrate, liquid extract, or liquid distillate form, 4387
trafficking in L.S.D. is a felony of the fourth degree, and there 4388
is a presumption for a prison term for the offense. If the amount 4389
of the drug involved is within that range and if the offense was 4390
committed in the vicinity of a school or in the vicinity of a 4391
juvenile, trafficking in L.S.D. is a felony of the third degree, 4392
and there is a presumption for a prison term for the offense. 4393

(d) Except as otherwise provided in this division, if the 4394
amount of the drug involved equals or exceeds fifty unit doses but 4395
is less than two hundred fifty unit doses of L.S.D. in a solid 4396

form or equals or exceeds five grams but is less than twenty-five 4397
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 4398
distillate form, trafficking in L.S.D. is a felony of the third 4399
degree, and the court shall impose as a mandatory prison term one 4400
of the prison terms prescribed for a felony of the third degree. 4401
If the amount of the drug involved is within that range and if the 4402
offense was committed in the vicinity of a school or in the 4403
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4404
second degree, and the court shall impose as a mandatory prison 4405
term one of the prison terms prescribed for a felony of the second 4406
degree. 4407

(e) Except as otherwise provided in this division, if the 4408
amount of the drug involved equals or exceeds two hundred fifty 4409
unit doses but is less than one thousand unit doses of L.S.D. in a 4410
solid form or equals or exceeds twenty-five grams but is less than 4411
one hundred grams of L.S.D. in a liquid concentrate, liquid 4412
extract, or liquid distillate form, trafficking in L.S.D. is a 4413
felony of the second degree, and the court shall impose as a 4414
mandatory prison term one of the prison terms prescribed for a 4415
felony of the second degree. If the amount of the drug involved is 4416
within that range and if the offense was committed in the vicinity 4417
of a school or in the vicinity of a juvenile, trafficking in 4418
L.S.D. is a felony of the first degree, and the court shall impose 4419
as a mandatory prison term one of the prison terms prescribed for 4420
a felony of the first degree. 4421

(f) If the amount of the drug involved equals or exceeds one 4422
thousand unit doses but is less than five thousand unit doses of 4423
L.S.D. in a solid form or equals or exceeds one hundred grams but 4424
is less than five hundred grams of L.S.D. in a liquid concentrate, 4425
liquid extract, or liquid distillate form and regardless of 4426
whether the offense was committed in the vicinity of a school or 4427
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 4428

of the first degree, and the court shall impose as a mandatory 4429
prison term one of the prison terms prescribed for a felony of the 4430
first degree. 4431

(g) If the amount of the drug involved equals or exceeds five 4432
thousand unit doses of L.S.D. in a solid form or equals or exceeds 4433
five hundred grams of L.S.D. in a liquid concentrate, liquid 4434
extract, or liquid distillate form and regardless of whether the 4435
offense was committed in the vicinity of a school or in the 4436
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4437
first degree, the offender is a major drug offender, and the court 4438
shall impose as a mandatory prison term the maximum prison term 4439
prescribed for a felony of the first degree and may impose an 4440
additional mandatory prison term prescribed for a major drug 4441
offender under division (D)(3)(b) of section 2929.14 of the 4442
Revised Code. 4443

(6) If the drug involved in the violation is heroin or a 4444
compound, mixture, preparation, or substance containing heroin, 4445
whoever violates division (A) of this section is guilty of 4446
trafficking in heroin. The penalty for the offense shall be 4447
determined as follows: 4448

(a) Except as otherwise provided in division (C)(6)(b), (c), 4449
(d), (e), (f), or (g) of this section, trafficking in heroin is a 4450
felony of the fifth degree, and division (C) of section 2929.13 of 4451
the Revised Code applies in determining whether to impose a prison 4452
term on the offender. 4453

(b) Except as otherwise provided in division (C)(6)(c), (d), 4454
(e), (f), or (g) of this section, if the offense was committed in 4455
the vicinity of a school or in the vicinity of a juvenile, 4456
trafficking in heroin is a felony of the fourth degree, and 4457
division (C) of section 2929.13 of the Revised Code applies in 4458
determining whether to impose a prison term on the offender. 4459

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin 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 heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(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.

(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.

(f) If the amount of the drug involved equals or exceeds five 4492
hundred unit doses but is less than two thousand five hundred unit 4493
doses or equals or exceeds fifty grams but is less than two 4494
hundred fifty grams and regardless of whether the offense was 4495
committed in the vicinity of a school or in the vicinity of a 4496
juvenile, trafficking in heroin is a felony of the first degree, 4497
and the court shall impose as a mandatory prison term one of the 4498
prison terms prescribed for a felony of the first degree. 4499

(g) If the amount of the drug involved equals or exceeds two 4500
thousand five hundred unit doses or equals or exceeds two hundred 4501
fifty grams and regardless of whether the offense was committed in 4502
the vicinity of a school or in the vicinity of a juvenile, 4503
trafficking in heroin is a felony of the first degree, the 4504
offender is a major drug offender, and the court shall impose as a 4505
mandatory prison term the maximum prison term prescribed for a 4506
felony of the first degree and may impose an additional mandatory 4507
prison term prescribed for a major drug offender under division 4508
(D)(3)(b) of section 2929.14 of the Revised Code. 4509

(7) If the drug involved in the violation is hashish or a 4510
compound, mixture, preparation, or substance containing hashish, 4511
whoever violates division (A) of this section is guilty of 4512
trafficking in hashish. The penalty for the offense shall be 4513
determined as follows: 4514

(a) Except as otherwise provided in division (C)(7)(b), (c), 4515
(d), (e), or (f) of this section, trafficking in hashish is a 4516
felony of the fifth degree, and division (C) of section 2929.13 of 4517
the Revised Code applies in determining whether to impose a prison 4518
term on the offender. 4519

(b) Except as otherwise provided in division (C)(7)(c), (d), 4520
(e), or (f) of this section, if the offense was committed in the 4521
vicinity of a school or in the vicinity of a juvenile, trafficking 4522

in hashish is a felony of the fourth degree, and division (C) of 4523
section 2929.13 of the Revised Code applies in determining whether 4524
to impose a prison term on the offender. 4525

(c) Except as otherwise provided in this division, if the 4526
amount of the drug involved equals or exceeds ten grams but is 4527
less than fifty grams of hashish in a solid form or equals or 4528
exceeds two grams but is less than ten grams of hashish in a 4529
liquid concentrate, liquid extract, or liquid distillate form, 4530
trafficking in hashish is a felony of the fourth degree, and 4531
division (C) of section 2929.13 of the Revised Code applies in 4532
determining whether to impose a prison term on the offender. If 4533
the amount of the drug involved is within that range and if the 4534
offense was committed in the vicinity of a school or in the 4535
vicinity of a juvenile, trafficking in hashish is a felony of the 4536
third degree, and division (C) of section 2929.13 of the Revised 4537
Code applies in determining whether to impose a prison term on the 4538
offender. 4539

(d) Except as otherwise provided in this division, if the 4540
amount of the drug involved equals or exceeds fifty grams but is 4541
less than two hundred fifty grams of hashish in a solid form or 4542
equals or exceeds ten grams but is less than fifty grams of 4543
hashish in a liquid concentrate, liquid extract, or liquid 4544
distillate form, trafficking in hashish is a felony of the third 4545
degree, and division (C) of section 2929.13 of the Revised Code 4546
applies in determining whether to impose a prison term on the 4547
offender. If the amount of the drug involved is within that range 4548
and if the offense was committed in the vicinity of a school or in 4549
the vicinity of a juvenile, trafficking in hashish is a felony of 4550
the second degree, and there is a presumption that a prison term 4551
shall be imposed for the offense. 4552

(e) Except as otherwise provided in this division, if the 4553
amount of the drug involved equals or exceeds two hundred fifty 4554

grams but is less than one thousand grams of hashish in a solid 4555
form or equals or exceeds fifty grams but is less than two hundred 4556
grams of hashish in a liquid concentrate, liquid extract, or 4557
liquid distillate form, trafficking in hashish is a felony of the 4558
third degree, and there is a presumption that a prison term shall 4559
be imposed for the offense. If the amount of the drug involved is 4560
within that range and if the offense was committed in the vicinity 4561
of a school or in the vicinity of a juvenile, trafficking in 4562
hashish is a felony of the second degree, and there is a 4563
presumption that a prison term shall be imposed for the offense. 4564

(f) Except as otherwise provided in this division, if the 4565
amount of the drug involved equals or exceeds one thousand grams 4566
of hashish in a solid form or equals or exceeds two hundred grams 4567
of hashish in a liquid concentrate, liquid extract, or liquid 4568
distillate form, trafficking in hashish is a felony of the second 4569
degree, and the court shall impose as a mandatory prison term the 4570
maximum prison term prescribed for a felony of the second degree. 4571
If the amount of the drug involved is within that range and if the 4572
offense was committed in the vicinity of a school or in the 4573
vicinity of a juvenile, trafficking in hashish is a felony of the 4574
first degree, and the court shall impose as a mandatory prison 4575
term the maximum prison term prescribed for a felony of the first 4576
degree. 4577

(D) In addition to any prison term authorized or required by 4578
division (C) of this section and sections 2929.13 and 2929.14 of 4579
the Revised Code, and in addition to any other sanction imposed 4580
for the offense under this section or sections 2929.11 to 2929.18 4581
of the Revised Code, the court that sentences an offender who is 4582
convicted of or pleads guilty to a violation of division (A) of 4583
this section shall do all of the following that are applicable 4584
regarding the offender: 4585

(1) If the violation of division (A) of this section is a 4586

felony of the first, second, or third degree, the court shall 4587
impose upon the offender the mandatory fine specified for the 4588
offense under division (B)(1) of section 2929.18 of the Revised 4589
Code unless, as specified in that division, the court determines 4590
that the offender is indigent. Except as otherwise provided in 4591
division (H)(1) of this section, a mandatory fine or any other 4592
fine imposed for a violation of this section is subject to 4593
division (F) of this section. If a person is charged with a 4594
violation of this section that is a felony of the first, second, 4595
or third degree, posts bail, and forfeits the bail, the clerk of 4596
the court shall pay the forfeited bail pursuant to divisions 4597
(D)(1) and (F) of this section, as if the forfeited bail was a 4598
fine imposed for a violation of this section. If any amount of the 4599
forfeited bail remains after that payment and if a fine is imposed 4600
under division (H)(1) of this section, the clerk of the court 4601
shall pay the remaining amount of the forfeited bail pursuant to 4602
divisions (H)(2) and (3) of this section, as if that remaining 4603
amount was a fine imposed under division (H)(1) of this section. 4604

(2) The court shall ~~revoke or~~ suspend the driver's or 4606
commercial driver's license or permit of the offender in 4607
accordance with division (G) of this section. 4608

(3) If the offender is a professionally licensed person ~~or a~~ 4609
~~person who has been admitted to the bar by order of the supreme~~ 4610
~~court in compliance with its prescribed and published rules,~~ the 4611
court ~~forthwith~~ immediately shall comply with section 2925.38 of 4612
the Revised Code. 4613

(E) When a person is charged with the sale of or offer to 4614
sell a bulk amount or a multiple of a bulk amount of a controlled 4615
substance, the jury, or the court trying the accused, shall 4616
determine the amount of the controlled substance involved at the 4617
time of the offense and, if a guilty verdict is returned, shall 4618

return the findings as part of the verdict. In any such case, it 4619
is unnecessary to find and return the exact amount of the 4620
controlled substance involved, and it is sufficient if the finding 4621
and return is to the effect that the amount of the controlled 4622
substance involved is the requisite amount, or that the amount of 4623
the controlled substance involved is less than the requisite 4624
amount. 4625

(F)(1) Notwithstanding any contrary provision of section 4626
3719.21 of the Revised Code and except as provided in division (H) 4627
of this section, the clerk of the court shall pay any mandatory 4628
fine imposed pursuant to division (D)(1) of this section and any 4629
fine other than a mandatory fine that is imposed for a violation 4630
of this section pursuant to division (A) or (B)(5) of section 4631
2929.18 of the Revised Code to the county, township, municipal 4632
corporation, park district, as created pursuant to section 511.18 4633
or 1545.04 of the Revised Code, or state law enforcement agencies 4634
in this state that primarily were responsible for or involved in 4635
making the arrest of, and in prosecuting, the offender. However, 4636
the clerk shall not pay a mandatory fine so imposed to a law 4637
enforcement agency unless the agency has adopted a written 4638
internal control policy under division (F)(2) of this section that 4639
addresses the use of the fine moneys that it receives. Each agency 4640
shall use the mandatory fines so paid to subsidize the agency's 4641
law enforcement efforts that pertain to drug offenses, in 4642
accordance with the written internal control policy adopted by the 4643
recipient agency under division (F)(2) of this section. 4644

(2)(a) Prior to receiving any fine moneys under division 4645
(F)(1) of this section or division (B)(5) of section 2925.42 of 4646
the Revised Code, a law enforcement agency shall adopt a written 4647
internal control policy that addresses the agency's use and 4648
disposition of all fine moneys so received and that provides for 4649
the keeping of detailed financial records of the receipts of those 4650

fine moneys, the general types of expenditures made out of those 4651
fine moneys, and the specific amount of each general type of 4652
expenditure. The policy shall not provide for or permit the 4653
identification of any specific expenditure that is made in an 4654
ongoing investigation. All financial records of the receipts of 4655
those fine moneys, the general types of expenditures made out of 4656
those fine moneys, and the specific amount of each general type of 4657
expenditure by an agency are public records open for inspection 4658
under section 149.43 of the Revised Code. Additionally, a written 4659
internal control policy adopted under this division is such a 4660
public record, and the agency that adopted it shall comply with 4661
it. 4662

(b) Each law enforcement agency that receives in any calendar 4663
year any fine moneys under division (F)(1) of this section or 4664
division (B)(5) of section 2925.42 of the Revised Code shall 4665
prepare a report covering the calendar year that cumulates all of 4666
the information contained in all of the public financial records 4667
kept by the agency pursuant to division (F)(2)(a) of this section 4668
for that calendar year, and shall send a copy of the cumulative 4669
report, no later than the first day of March in the calendar year 4670
following the calendar year covered by the report, to the attorney 4671
general. Each report received by the attorney general is a public 4672
record open for inspection under section 149.43 of the Revised 4673
Code. Not later than the fifteenth day of April in the calendar 4674
year in which the reports are received, the attorney general shall 4675
send to the president of the senate and the speaker of the house 4676
of representatives a written notification that does all of the 4677
following: 4678

(i) Indicates that the attorney general has received from law 4679
enforcement agencies reports of the type described in this 4680
division that cover the previous calendar year and indicates that 4681
the reports were received under this division; 4682

(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code; 4683
4684

(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request. 4685
4686
4687

(3) As used in division (F) of this section: 4688

(a) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor. 4689
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(b) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 4691
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(G) When required under division (D)(2) of this section or any other provision of this chapter, the court ~~either shall revoke or, if it does not revoke, shall suspend for not less than six months or more than five years, the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to a violation of this section that is a felony of the first degree and shall suspend for not less than six months or more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any other violation of this section~~ or any other specified provision of this chapter. If an offender's driver's or commercial driver's license or permit is ~~revoked~~ suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the ~~revocation~~ suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the ~~revocation~~ suspension. 4693
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(H)(1) In addition to any prison term authorized or required 4713

by division (C) of this section and sections 2929.13 and 2929.14 4714
of the Revised Code, in addition to any other penalty or sanction 4715
imposed for the offense under this section or sections 2929.11 to 4716
2929.18 of the Revised Code, and in addition to the forfeiture of 4717
property in connection with the offense as prescribed in sections 4718
2925.42 to 2925.45 of the Revised Code, the court that sentences 4719
an offender who is convicted of or pleads guilty to a violation of 4720
division (A) of this section may impose upon the offender an 4721
additional fine specified for the offense in division (B)(4) of 4722
section 2929.18 of the Revised Code. A fine imposed under division 4723
(H)(1) of this section is not subject to division (F) of this 4724
section and shall be used solely for the support of one or more 4725
eligible alcohol and drug addiction programs in accordance with 4726
divisions (H)(2) and (3) of this section. 4727

(2) The court that imposes a fine under division (H)(1) of 4728
this section shall specify in the judgment that imposes the fine 4729
one or more eligible alcohol and drug addiction programs for the 4730
support of which the fine money is to be used. No alcohol and drug 4731
addiction program shall receive or use money paid or collected in 4732
satisfaction of a fine imposed under division (H)(1) of this 4733
section unless the program is specified in the judgment that 4734
imposes the fine. No alcohol and drug addiction program shall be 4735
specified in the judgment unless the program is an eligible 4736
alcohol and drug addiction program and, except as otherwise 4737
provided in division (H)(2) of this section, unless the program is 4738
located in the county in which the court that imposes the fine is 4739
located or in a county that is immediately contiguous to the 4740
county in which that court is located. If no eligible alcohol and 4741
drug addiction program is located in any of those counties, the 4742
judgment may specify an eligible alcohol and drug addiction 4743
program that is located anywhere within this state. 4744

(3) Notwithstanding any contrary provision of section 3719.21 4745

of the Revised Code, the clerk of the court shall pay any fine 4746
imposed under division (H)(1) of this section to the eligible 4747
alcohol and drug addiction program specified pursuant to division 4748
(H)(2) of this section in the judgment. The eligible alcohol and 4749
drug addiction program that receives the fine moneys shall use the 4750
moneys only for the alcohol and drug addiction services identified 4751
in the application for certification under section 3793.06 of the 4752
Revised Code or in the application for a license under section 4753
3793.11 of the Revised Code filed with the department of alcohol 4754
and drug addiction services by the alcohol and drug addiction 4755
program specified in the judgment. 4756

(4) Each alcohol and drug addiction program that receives in 4757
a calendar year any fine moneys under division (H)(3) of this 4758
section shall file an annual report covering that calendar year 4759
with the court of common pleas and the board of county 4760
commissioners of the county in which the program is located, with 4761
the court of common pleas and the board of county commissioners of 4762
each county from which the program received the moneys if that 4763
county is different from the county in which the program is 4764
located, and with the attorney general. The alcohol and drug 4765
addiction program shall file the report no later than the first 4766
day of March in the calendar year following the calendar year in 4767
which the program received the fine moneys. The report shall 4768
include statistics on the number of persons served by the alcohol 4769
and drug addiction program, identify the types of alcohol and drug 4770
addiction services provided to those persons, and include a 4771
specific accounting of the purposes for which the fine moneys 4772
received were used. No information contained in the report shall 4773
identify, or enable a person to determine the identity of, any 4774
person served by the alcohol and drug addiction program. Each 4775
report received by a court of common pleas, a board of county 4776
commissioners, or the attorney general is a public record open for 4777
inspection under section 149.43 of the Revised Code. 4778

(5) As used in divisions (H)(1) to (5) of this section: 4779

(a) "Alcohol and drug addiction program" and "alcohol and 4780
drug addiction services" have the same meanings as in section 4781
3793.01 of the Revised Code. 4782

(b) "Eligible alcohol and drug addiction program" means an 4783
alcohol and drug addiction program that is certified under section 4784
3793.06 of the Revised Code or licensed under section 3793.11 of 4785
the Revised Code by the department of alcohol and drug addiction 4786
services. 4787

Sec. 2925.04. (A) No person shall knowingly cultivate 4788
marihuana or knowingly manufacture or otherwise engage in any part 4789
of the production of a controlled substance. 4790

(B) This section does not apply to any person listed in 4791
division (B)(1), (2), or (3) of section 2925.03 of the Revised 4792
Code to the extent and under the circumstances described in those 4793
divisions. 4794

(C)(1) Whoever commits a violation of division (A) of this 4795
section that involves any drug other than marihuana is guilty of 4796
illegal manufacture of drugs, and whoever commits a violation of 4797
division (A) of this section that involves marihuana is guilty of 4798
illegal cultivation of marihuana. 4799

(2) Except as otherwise provided in this division, if the 4800
drug involved in the violation of division (A) of this section is 4801
any compound, mixture, preparation, or substance included in 4802
schedule I or II, with the exception of marihuana, illegal 4803
manufacture of drugs is a felony of the second degree, and, 4804
subject to division (E) of this section, the court shall impose as 4805
a mandatory prison term one of the prison terms prescribed for a 4806
felony of the second degree. If the drug involved in the violation 4807
is methamphetamine, any salt, isomer, or salt of an isomer of 4808

methamphetamine, or any compound, mixture, preparation, or 4809
substance containing methamphetamine or any salt, isomer, or salt 4810
of an isomer of methamphetamine and if the offense was committed 4811
in the vicinity of a juvenile, in the vicinity of a school, or on 4812
public premises, illegal manufacture of drugs is a felony of the 4813
first degree, and, subject to division (E) of this section, the 4814
court shall impose as a mandatory prison term one of the prison 4815
terms prescribed for a felony of the first degree. 4816

(3) If the drug involved in the violation of division (A) of 4817
this section is any compound, mixture, preparation, or substance 4818
included in schedule III, IV, or V, illegal manufacture of drugs 4819
is a felony of the third degree, and there is a presumption for a 4820
prison term for the offense. 4821

(4) If the drug involved in the violation is marihuana, the 4822
penalty for the offense shall be determined as follows: 4823

(a) Except as otherwise provided in division (C)(4)(b), (c), 4824
(d), (e), or (f) of this section, illegal cultivation of marihuana 4825
is a minor misdemeanor. 4826

(b) If the amount of marihuana involved equals or exceeds one 4827
hundred grams but is less than two hundred grams, illegal 4828
cultivation of marihuana is a misdemeanor of the fourth degree. 4829

(c) If the amount of marihuana involved equals or exceeds two 4830
hundred grams but is less than one thousand grams, illegal 4831
cultivation of marihuana is a felony of the fifth degree, and 4832
division (B) of section 2929.13 of the Revised Code applies in 4833
determining whether to impose a prison term on the offender. 4834

(d) If the amount of marihuana involved equals or exceeds one 4835
thousand grams but is less than five thousand grams, illegal 4836
cultivation of marihuana is a felony of the third degree, and 4837
division (C) of section 2929.13 of the Revised Code applies in 4838
determining whether to impose a prison term on the offender. 4839

(e) If the amount of marihuana involved equals or exceeds 4840
five thousand grams but is less than twenty thousand grams, 4841
illegal cultivation of marihuana is a felony of the third degree, 4842
and there is a presumption for a prison term for the offense. 4843

(f) If the amount of marihuana involved equals or exceeds 4844
twenty thousand grams, illegal cultivation of marihuana is a 4845
felony of the second degree, and the court shall impose as a 4846
mandatory prison term the maximum prison term prescribed for a 4847
felony of the second degree. 4848

(D) In addition to any prison term authorized or required by 4849
division (C) or (E) of this section and sections 2929.13 and 4850
2929.14 of the Revised Code and in addition to any other sanction 4851
imposed for the offense under this section or sections 2929.11 to 4852
2929.18 of the Revised Code, the court that sentences an offender 4853
who is convicted of or pleads guilty to a violation of division 4854
(A) of this section shall do all of the following that are 4855
applicable regarding the offender: 4856

(1) If the violation of division (A) of this section is a 4857
felony of the first, second, or third degree, the court shall 4858
impose upon the offender the mandatory fine specified for the 4859
offense under division (B)(1) of section 2929.18 of the Revised 4860
Code unless, as specified in that division, the court determines 4861
that the offender is indigent. The clerk of the court shall pay a 4862
mandatory fine or other fine imposed for a violation of this 4863
section pursuant to division (A) of section 2929.18 of the Revised 4864
Code in accordance with and subject to the requirements of 4865
division (F) of section 2925.03 of the Revised Code. The agency 4866
that receives the fine shall use the fine as specified in division 4867
(F) of section 2925.03 of the Revised Code. If a person is charged 4868
with a violation of this section that is a felony of the first, 4869
second, or third degree, posts bail, and forfeits the bail, the 4870
clerk shall pay the forfeited bail as if the forfeited bail were a 4871

fine imposed for a violation of this section. 4872

(2) The court shall ~~revoke or~~ suspend the offender's driver's 4873
or commercial driver's license or permit in accordance with 4874
division (G) of section 2925.03 of the Revised Code. If an 4875
offender's driver's or commercial driver's license or permit is 4876
~~revoked~~ suspended in accordance with that division, the offender 4877
may request termination of, and the court may terminate, the 4878
~~revocation~~ suspension in accordance with that division. 4879

(3) If the offender is a professionally licensed person ~~or a~~ 4880
~~person who has been admitted to the bar by order of the supreme~~ 4881
~~court in compliance with its prescribed and published rules,~~ 4882
the court immediately shall comply with section 2925.38 of the Revised 4883
Code. 4884

(E) Notwithstanding the prison term otherwise authorized or 4885
required for the offense under division (C) of this section and 4886
sections 2929.13 and 2929.14 of the Revised Code, if the violation 4887
of division (A) of this section involves the sale, offer to sell, 4888
or possession of a schedule I or II controlled substance, with the 4889
exception of marihuana, and if the court imposing sentence upon 4890
the offender finds that the offender as a result of the violation 4891
is a major drug offender and is guilty of a specification of the 4892
type described in section 2941.1410 of the Revised Code, the 4893
court, in lieu of the prison term otherwise authorized or 4894
required, shall impose upon the offender the mandatory prison term 4895
specified in division (D)(3)(a) of section 2929.14 of the Revised 4896
Code and may impose an additional prison term under division 4897
(D)(3)(b) of that section. 4898

(F) It is an affirmative defense, as provided in section 4899
2901.05 of the Revised Code, to a charge under this section for a 4900
fifth degree felony violation of illegal cultivation of marihuana 4901
that the marihuana that gave rise to the charge is in an amount, 4902
is in a form, is prepared, compounded, or mixed with substances 4903

that are not controlled substances in a manner, or is possessed or 4904
cultivated under any other circumstances that indicate that the 4905
marihuana was solely for personal use. 4906

Notwithstanding any contrary provision of division (F) of 4907
this section, if, in accordance with section 2901.05 of the 4908
Revised Code, a person who is charged with a violation of illegal 4909
cultivation of marihuana that is a felony of the fifth degree 4910
sustains the burden of going forward with evidence of and 4911
establishes by a preponderance of the evidence the affirmative 4912
defense described in this division, the person may be prosecuted 4913
for and may be convicted of or plead guilty to a misdemeanor 4914
violation of illegal cultivation of marihuana. 4915

(G) Arrest or conviction for a minor misdemeanor violation of 4916
this section does not constitute a criminal record and need not be 4917
reported by the person so arrested or convicted in response to any 4918
inquiries about the person's criminal record, including any 4919
inquiries contained in an application for employment, a license, 4920
or any other right or privilege or made in connection with the 4921
person's appearance as a witness. 4922

Sec. 2925.05. (A) No person shall knowingly provide money or 4923
other items of value to another person with the purpose that the 4924
recipient of the money or items of value use them to obtain any 4925
controlled substance for the purpose of violating section 2925.04 4926
of the Revised Code or for the purpose of selling or offering to 4927
sell the controlled substance in the following amount: 4928

(1) If the drug to be sold or offered for sale is any 4929
compound, mixture, preparation, or substance included in schedule 4930
I or II, with the exception of marihuana, cocaine, L.S.D., heroin, 4931
and hashish, or schedule III, IV, or V, an amount of the drug that 4932
equals or exceeds the bulk amount of the drug; 4933

(2) If the drug to be sold or offered for sale is marihuana 4934

or a compound, mixture, preparation, or substance other than 4935
hashish containing marihuana, an amount of the marihuana that 4936
equals or exceeds two hundred grams; 4937

(3) If the drug to be sold or offered for sale is cocaine or 4938
a compound, mixture, preparation, or substance containing cocaine, 4939
an amount of the cocaine that equals or exceeds five grams if the 4940
cocaine is not crack cocaine or equals or exceeds one gram if the 4941
cocaine is crack cocaine; 4942

(4) If the drug to be sold or offered for sale is L.S.D. or a 4943
compound, mixture, preparation, or substance containing L.S.D., an 4944
amount of the L.S.D. that equals or exceeds ten unit doses if the 4945
L.S.D. is in a solid form or equals or exceeds one gram if the 4946
L.S.D. is in a liquid concentrate, liquid extract, or liquid 4947
distillate form; 4948

(5) If the drug to be sold or offered for sale is heroin or a 4949
compound, mixture, preparation, or substance containing heroin, an 4950
amount of the heroin that equals or exceeds ten unit doses or 4951
equals or exceeds one gram; 4952

(6) If the drug to be sold or offered for sale is hashish or 4953
a compound, mixture, preparation, or substance containing hashish, 4954
an amount of the hashish that equals or exceeds ten grams if the 4955
hashish is in a solid form or equals or exceeds two grams if the 4956
hashish is in a liquid concentrate, liquid extract, or liquid 4957
distillate form. 4958

(B) This section does not apply to any person listed in 4959
division (B)(1), (2), or (3) of section 2925.03 of the Revised 4960
Code to the extent and under the circumstances described in those 4961
divisions. 4962

(C)(1) If the drug involved in the violation is any compound, 4963
mixture, preparation, or substance included in schedule I or II, 4964
with the exception of marihuana, whoever violates division (A) of 4965

this section is guilty of aggravated funding of drug trafficking, 4966
a felony of the first degree, and, subject to division (E) of this 4967
section, the court shall impose as a mandatory prison term one of 4968
the prison terms prescribed for a felony of the first degree. 4969

(2) If the drug involved in the violation is any compound, 4971
mixture, preparation, or substance included in schedule III, IV, 4972
or V, whoever violates division (A) of this section is guilty of 4973
funding of drug trafficking, a felony of the second degree, and 4974
the court shall impose as a mandatory prison term one of the 4975
prison terms prescribed for a felony of the second degree. 4976

(3) If the drug involved in the violation is marihuana, 4977
whoever violates division (A) of this section is guilty of funding 4978
of marihuana trafficking, a felony of the third degree, and the 4979
court shall impose as a mandatory prison term one of the prison 4980
terms prescribed for a felony of the third degree. 4981

(D) In addition to any prison term authorized or required by 4982
division (C) or (E) of this section and sections 2929.13 and 4983
2929.14 of the Revised Code and in addition to any other sanction 4984
imposed for the offense under this section or sections 2929.11 to 4985
2929.18 of the Revised Code, the court that sentences an offender 4986
who is convicted of or pleads guilty to a violation of division 4987
(A) of this section shall do all of the following that are 4988
applicable regarding the offender: 4989

(1) The court shall impose the mandatory fine specified for 4990
the offense under division (B)(1) of section 2929.18 of the 4991
Revised Code unless, as specified in that division, the court 4992
determines that the offender is indigent. The clerk of the court 4993
shall pay a mandatory fine or other fine imposed for a violation 4994
of this section pursuant to division (A) of section 2929.18 of the 4995
Revised Code in accordance with and subject to the requirements of 4996
division (F) of section 2925.03 of the Revised Code. The agency 4997

that receives the fine shall use the fine in accordance with 4998
division (F) of section 2925.03 of the Revised Code. If a person 4999
is charged with a violation of this section, posts bail, and 5000
forfeits the bail, the forfeited bail shall be paid as if the 5001
forfeited bail were a fine imposed for a violation of this 5002
section. 5003

(2) The court shall ~~revoke or~~ suspend the offender's driver's 5004
or commercial driver's license or permit in accordance with 5005
division (G) of section 2925.03 of the Revised Code. If an 5006
offender's driver's or commercial driver's license or permit is 5007
~~revoked~~ suspended in accordance with that division, the offender 5008
may request termination of, and the court may terminate, the 5009
~~revocation~~ suspension in accordance with that division. 5010

(3) If the offender is a professionally licensed person ~~or a~~ 5011
~~person who has been admitted to the bar by order of the supreme~~ 5012
~~court in compliance with its prescribed and published rules,~~ the 5013
court immediately shall comply with section 2925.38 of the Revised 5014
Code. 5015

(E) Notwithstanding the prison term otherwise authorized or 5016
required for the offense under division (C) of this section and 5017
sections 2929.13 and 2929.14 of the Revised Code, if the violation 5018
of division (A) of this section involves the sale, offer to sell, 5019
or possession of a schedule I or II controlled substance, with the 5020
exception of marihuana, and if the court imposing sentence upon 5021
the offender finds that the offender as a result of the violation 5022
is a major drug offender and is guilty of a specification of the 5023
type described in section 2941.1410 of the Revised Code, the 5024
court, in lieu of the prison term otherwise authorized or 5025
required, shall impose upon the offender the mandatory prison term 5026
specified in division (D)(3)(a) of section 2929.14 of the Revised 5027
Code and may impose an additional prison term under division 5028
(D)(3)(b) of that section. 5029

Sec. 2925.06. (A) No person shall knowingly administer to a 5030
human being, or prescribe or dispense for administration to a 5031
human being, any anabolic steroid not approved by the United 5032
States food and drug administration for administration to human 5033
beings. 5034

(B) This section does not apply to any person listed in 5035
division (B)(1), (2), or (3) of section 2925.03 of the Revised 5036
Code to the extent and under the circumstances described in those 5037
divisions. 5038

(C) Whoever violates division (A) of this section is guilty 5039
of illegal administration or distribution of anabolic steroids, a 5040
felony of the fourth degree, and division (C) of section 2929.13 5041
of the Revised Code applies in determining whether to impose a 5042
prison term on the offender. 5043

(D) In addition to any prison term authorized or required by 5044
division (C) of this section and sections 2929.13 and 2929.14 of 5045
the Revised Code and in addition to any other sanction imposed for 5046
the offense under this section or sections 2929.11 to 2929.18 of 5047
the Revised Code, the court that sentences an offender who is 5048
convicted of or pleads guilty to a violation of division (A) of 5049
this section shall do both of the following: 5050

(1) The court shall ~~revoke or~~ suspend the offender's driver's 5051
or commercial driver's license or permit in accordance with 5052
division (G) of section 2925.03 of the Revised Code. If an 5053
offender's driver's or commercial driver's license or permit is 5054
~~revoked~~ suspended in accordance with that division, the offender 5055
may request termination of, and the court may terminate, the 5056
~~revocation~~ suspension in accordance with that division. 5057

(2) If the offender is a professionally licensed person ~~or a~~ 5058
~~person who has been admitted to the bar by order of the supreme~~ 5059

~~court in compliance with its prescribed and published rules, the~~ 5060
court immediately shall comply with section 2925.38 of the Revised 5061
Code. 5062

(E) If a person commits any act that constitutes a violation 5063
of division (A) of this section and that also constitutes a 5064
violation of any other provision of the Revised Code, the 5065
prosecutor, as defined in section 2935.01 of the Revised Code, 5066
using customary prosecutorial discretion, may prosecute the person 5067
for a violation of the appropriate provision of the Revised Code. 5068

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 5069
or use a controlled substance. 5070

(B) This section does not apply to any of the following: 5071

(1) Manufacturers, licensed health professionals authorized 5072
to prescribe drugs, pharmacists, owners of pharmacies, and other 5073
persons whose conduct was in accordance with Chapters 3719., 5074
4715., 4723., 4729., 4731., and 4741. of the Revised Code; 5075

(2) If the offense involves an anabolic steroid, any person 5076
who is conducting or participating in a research project involving 5077
the use of an anabolic steroid if the project has been approved by 5078
the United States food and drug administration; 5079

(3) Any person who sells, offers for sale, prescribes, 5080
dispenses, or administers for livestock or other nonhuman species 5081
an anabolic steroid that is expressly intended for administration 5082
through implants to livestock or other nonhuman species and 5083
approved for that purpose under the "Federal Food, Drug, and 5084
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 5085
and is sold, offered for sale, prescribed, dispensed, or 5086
administered for that purpose in accordance with that act; 5087

(4) Any person who obtained the controlled substance pursuant 5088
to a prescription issued by a licensed health professional 5089

authorized to prescribe drugs. 5090

(C) Whoever violates division (A) of this section is guilty 5091
of one of the following: 5092

(1) If the drug involved in the violation is a compound, 5093
mixture, preparation, or substance included in schedule I or II, 5094
with the exception of marihuana, cocaine, L.S.D., heroin, and 5095
hashish, whoever violates division (A) of this section is guilty 5096
of aggravated possession of drugs. The penalty for the offense 5097
shall be determined as follows: 5098

(a) Except as otherwise provided in division (C)(1)(b), (c), 5099
(d), or (e) of this section, aggravated possession of drugs is a 5100
felony of the fifth degree, and division (B) of section 2929.13 of 5101
the Revised Code applies in determining whether to impose a prison 5102
term on the offender. 5103

(b) If the amount of the drug involved equals or exceeds the 5104
bulk amount but is less than five times the bulk amount, 5105
aggravated possession of drugs is a felony of the third degree, 5106
and there is a presumption for a prison term for the offense. 5107

(c) If the amount of the drug involved equals or exceeds five 5108
times the bulk amount but is less than fifty times the bulk 5109
amount, aggravated possession of drugs is a felony of the second 5110
degree, and the court shall impose as a mandatory prison term one 5111
of the prison terms prescribed for a felony of the second degree. 5112

(d) If the amount of the drug involved equals or exceeds 5113
fifty times the bulk amount but is less than one hundred times the 5114
bulk amount, aggravated possession of drugs is a felony of the 5115
first degree, and the court shall impose as a mandatory prison 5116
term one of the prison terms prescribed for a felony of the first 5117
degree. 5118

(e) If the amount of the drug involved equals or exceeds one 5119
hundred times the bulk amount, aggravated possession of drugs is a 5120

felony of the first degree, the offender is a major drug offender, 5121
and the court shall impose as a mandatory prison term the maximum 5122
prison term prescribed for a felony of the first degree and may 5123
impose an additional mandatory prison term prescribed for a major 5124
drug offender under division (D)(3)(b) of section 2929.14 of the 5125
Revised Code. 5126

(2) If the drug involved in the violation is a compound, 5127
mixture, preparation, or substance included in schedule III, IV, 5128
or V, whoever violates division (A) of this section is guilty of 5129
possession of drugs. The penalty for the offense shall be 5130
determined as follows: 5131

(a) Except as otherwise provided in division (C)(2)(b), (c), 5132
or (d) of this section, possession of drugs is a misdemeanor of 5133
the third degree or, if the offender previously has been convicted 5134
of a drug abuse offense, a misdemeanor of the second degree. If 5135
the drug involved in the violation is an anabolic steroid included 5136
in schedule III and if the offense is a misdemeanor of the third 5137
degree under this division, in lieu of sentencing the offender to 5138
a term of imprisonment in a detention facility, the court may 5139
place the offender on conditional probation pursuant to division 5140
(F) of section 2951.02 of the Revised Code. 5141

(b) If the amount of the drug involved equals or exceeds the 5142
bulk amount but is less than five times the bulk amount, 5143
possession of drugs is a felony of the fourth degree, and division 5144
(C) of section 2929.13 of the Revised Code applies in determining 5145
whether to impose a prison term on the offender. 5146

(c) If the amount of the drug involved equals or exceeds five 5147
times the bulk amount but is less than fifty times the bulk 5148
amount, possession of drugs is a felony of the third degree, and 5149
there is a presumption for a prison term for the offense. 5150

(d) If the amount of the drug involved equals or exceeds 5151

fifty times the bulk amount, possession of drugs is a felony of 5152
the second degree, and the court shall impose upon the offender as 5153
a mandatory prison term one of the prison terms prescribed for a 5154
felony of the second degree. 5155

(3) If the drug involved in the violation is marihuana or a 5156
compound, mixture, preparation, or substance containing marihuana 5157
other than hashish, whoever violates division (A) of this section 5158
is guilty of possession of marihuana. The penalty for the offense 5159
shall be determined as follows: 5160

(a) Except as otherwise provided in division (C)(3)(b), (c), 5161
(d), (e), or (f) of this section, possession of marihuana is a 5162
minor misdemeanor. 5163

(b) If the amount of the drug involved equals or exceeds one 5164
hundred grams but is less than two hundred grams, possession of 5165
marihuana is a misdemeanor of the fourth degree. 5166

(c) If the amount of the drug involved equals or exceeds two 5167
hundred grams but is less than one thousand grams, possession of 5168
marihuana is a felony of the fifth degree, and division (B) of 5169
section 2929.13 of the Revised Code applies in determining whether 5170
to impose a prison term on the offender. 5171

(d) If the amount of the drug involved equals or exceeds one 5172
thousand grams but is less than five thousand grams, possession of 5173
marihuana is a felony of the third degree, and division (C) of 5174
section 2929.13 of the Revised Code applies in determining whether 5175
to impose a prison term on the offender. 5176

(e) If the amount of the drug involved equals or exceeds five 5177
thousand grams but is less than twenty thousand grams, possession 5178
of marihuana is a felony of the third degree, and there is a 5179
presumption that a prison term shall be imposed for the offense. 5180

5181

(f) If the amount of the drug involved equals or exceeds 5182

twenty thousand grams, possession of marihuana is a felony of the 5183
second degree, and the court shall impose as a mandatory prison 5184
term the maximum prison term prescribed for a felony of the second 5185
degree. 5186

(4) If the drug involved in the violation is cocaine or a 5187
compound, mixture, preparation, or substance containing cocaine, 5188
whoever violates division (A) of this section is guilty of 5189
possession of cocaine. The penalty for the offense shall be 5190
determined as follows: 5191

(a) Except as otherwise provided in division (C)(4)(b), (c), 5192
(d), (e), or (f) of this section, possession of cocaine is a 5193
felony of the fifth degree, and division (B) of section 2929.13 of 5194
the Revised Code applies in determining whether to impose a prison 5195
term on the offender. 5196

(b) If the amount of the drug involved equals or exceeds five 5197
grams but is less than twenty-five grams of cocaine that is not 5198
crack cocaine or equals or exceeds one gram but is less than five 5199
grams of crack cocaine, possession of cocaine is a felony of the 5200
fourth degree, and there is a presumption for a prison term for 5201
the offense. 5202

(c) If the amount of the drug involved equals or exceeds 5203
twenty-five grams but is less than one hundred grams of cocaine 5204
that is not crack cocaine or equals or exceeds five grams but is 5205
less than ten grams of crack cocaine, possession of cocaine is a 5206
felony of the third degree, and the court shall impose as a 5207
mandatory prison term one of the prison terms prescribed for a 5208
felony of the third degree. 5209

(d) If the amount of the drug involved equals or exceeds one 5210
hundred grams but is less than five hundred grams of cocaine that 5211
is not crack cocaine or equals or exceeds ten grams but is less 5212
than twenty-five grams of crack cocaine, possession of cocaine is 5213

a felony of the second degree, and the court shall impose as a 5214
mandatory prison term one of the prison terms prescribed for a 5215
felony of the second degree. 5216

(e) If the amount of the drug involved equals or exceeds five 5217
hundred grams but is less than one thousand grams of cocaine that 5218
is not crack cocaine or equals or exceeds twenty-five grams but is 5219
less than one hundred grams of crack cocaine, possession of 5220
cocaine is a felony of the first degree, and the court shall 5221
impose as a mandatory prison term one of the prison terms 5222
prescribed for a felony of the first degree. 5223

(f) If the amount of the drug involved equals or exceeds one 5224
thousand grams of cocaine that is not crack cocaine or equals or 5225
exceeds one hundred grams of crack cocaine, possession of cocaine 5226
is a felony of the first degree, the offender is a major drug 5227
offender, and the court shall impose as a mandatory prison term 5228
the maximum prison term prescribed for a felony of the first 5229
degree and may impose an additional mandatory prison term 5230
prescribed for a major drug offender under division (D)(3)(b) of 5231
section 2929.14 of the Revised Code. 5232

(5) If the drug involved in the violation is L.S.D., whoever 5233
violates division (A) of this section is guilty of possession of 5234
L.S.D. The penalty for the offense shall be determined as follows: 5235
5236

(a) Except as otherwise provided in division (C)(5)(b), (c), 5237
(d), (e), or (f) of this section, possession of L.S.D. is a felony 5238
of the fifth degree, and division (B) of section 2929.13 of the 5239
Revised Code applies in determining whether to impose a prison 5240
term on the offender. 5241

(b) If the amount of L.S.D. involved equals or exceeds ten 5242
unit doses but is less than fifty unit doses of L.S.D. in a solid 5243
form or equals or exceeds one gram but is less than five grams of 5244

L.S.D. in a liquid concentrate, liquid extract, or liquid 5245
distillate form, possession of L.S.D. is a felony of the fourth 5246
degree, and division (C) of section 2929.13 of the Revised Code 5247
applies in determining whether to impose a prison term on the 5248
offender. 5249

(c) If the amount of L.S.D. involved equals or exceeds fifty 5250
unit doses, but is less than two hundred fifty unit doses of 5251
L.S.D. in a solid form or equals or exceeds five grams but is less 5252
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 5253
extract, or liquid distillate form, possession of L.S.D. is a 5254
felony of the third degree, and there is a presumption for a 5255
prison term for the offense. 5256

(d) If the amount of L.S.D. involved equals or exceeds two 5257
hundred fifty unit doses but is less than one thousand unit doses 5258
of L.S.D. in a solid form or equals or exceeds twenty-five grams 5259
but is less than one hundred grams of L.S.D. in a liquid 5260
concentrate, liquid extract, or liquid distillate form, possession 5261
of L.S.D. is a felony of the second degree, and the court shall 5262
impose as a mandatory prison term one of the prison terms 5263
prescribed for a felony of the second degree. 5264

(e) If the amount of L.S.D. involved equals or exceeds one 5265
thousand unit doses but is less than five thousand unit doses of 5266
L.S.D. in a solid form or equals or exceeds one hundred grams but 5267
is less than five hundred grams of L.S.D. in a liquid concentrate, 5268
liquid extract, or liquid distillate form, possession of L.S.D. is 5269
a felony of the first degree, and the court shall impose as a 5270
mandatory prison term one of the prison terms prescribed for a 5271
felony of the first degree. 5272

(f) If the amount of L.S.D. involved equals or exceeds five 5273
thousand unit doses of L.S.D. in a solid form or equals or exceeds 5274
five hundred grams of L.S.D. in a liquid concentrate, liquid 5275
extract, or liquid distillate form, possession of L.S.D. is a 5276

felony of the first degree, the offender is a major drug offender, 5277
and the court shall impose as a mandatory prison term the maximum 5278
prison term prescribed for a felony of the first degree and may 5279
impose an additional mandatory prison term prescribed for a major 5280
drug offender under division (D)(3)(b) of section 2929.14 of the 5281
Revised Code. 5282

(6) If the drug involved in the violation is heroin or a 5283
compound, mixture, preparation, or substance containing heroin, 5284
whoever violates division (A) of this section is guilty of 5285
possession of heroin. The penalty for the offense shall be 5286
determined as follows: 5287

(a) Except as otherwise provided in division (C)(6)(b), (c), 5288
(d), (e), or (f) of this section, possession of heroin is a felony 5289
of the fifth degree, and division (B) of section 2929.13 of the 5290
Revised Code applies in determining whether to impose a prison 5291
term on the offender. 5292

(b) If the amount of the drug involved equals or exceeds ten 5293
unit doses but is less than fifty unit doses or equals or exceeds 5294
one gram but is less than five grams, possession of heroin is a 5295
felony of the fourth degree, and division (C) of section 2929.13 5296
of the Revised Code applies in determining whether to impose a 5297
prison term on the offender. 5298

(c) If the amount of the drug involved equals or exceeds 5299
fifty unit doses but is less than one hundred unit doses or equals 5300
or exceeds five grams but is less than ten grams, possession of 5301
heroin is a felony of the third degree, and there is a presumption 5302
for a prison term for the offense. 5303

(d) If the amount of the drug involved equals or exceeds one 5304
hundred unit doses but is less than five hundred unit doses or 5305
equals or exceeds ten grams but is less than fifty grams, 5306
possession of heroin is a felony of the second degree, and the 5307

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

(e) 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, possession of 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.

(f) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams, possession of heroin 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.

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

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

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

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

grams but is less than fifty grams of hashish in a solid form or 5339
equals or exceeds two grams but is less than ten grams of hashish 5340
in a liquid concentrate, liquid extract, or liquid distillate 5341
form, possession of hashish is a felony of the fifth degree, and 5342
division (B) of section 2929.13 of the Revised Code applies in 5343
determining whether to impose a prison term on the offender. 5344

(d) If the amount of the drug involved equals or exceeds 5345
fifty grams but is less than two hundred fifty grams of hashish in 5346
a solid form or equals or exceeds ten grams but is less than fifty 5347
grams of hashish in a liquid concentrate, liquid extract, or 5348
liquid distillate form, possession of hashish is a felony of the 5349
third degree, and division (C) of section 2929.13 of the Revised 5350
Code applies in determining whether to impose a prison term on the 5351
offender. 5352

(e) If the amount of the drug involved equals or exceeds two 5353
hundred fifty grams but is less than one thousand grams of hashish 5354
in a solid form or equals or exceeds fifty grams but is less than 5355
two hundred grams of hashish in a liquid concentrate, liquid 5356
extract, or liquid distillate form, possession of hashish is a 5357
felony of the third degree, and there is a presumption that a 5358
prison term shall be imposed for the offense. 5359

(f) If the amount of the drug involved equals or exceeds one 5360
thousand grams of hashish in a solid form or equals or exceeds two 5361
hundred grams of hashish in a liquid concentrate, liquid extract, 5362
or liquid distillate form, possession of hashish is a felony of 5363
the second degree, and the court shall impose as a mandatory 5364
prison term the maximum prison term prescribed for a felony of the 5365
second degree. 5366

(D) Arrest or conviction for a minor misdemeanor violation of 5367
this section does not constitute a criminal record and need not be 5368
reported by the person so arrested or convicted in response to any 5369
inquiries about the person's criminal record, including any 5370

inquiries contained in any application for employment, license, or 5371
other right or privilege, or made in connection with the person's 5372
appearance as a witness. 5373

(E) In addition to any prison term authorized or required by 5374
division (C) of this section and sections 2929.13 and 2929.14 of 5375
the Revised Code and in addition to any other sanction that is 5376
imposed for the offense under this section or sections 2929.11 to 5377
2929.18 of the Revised Code, the court that sentences an offender 5378
who is convicted of or pleads guilty to a violation of division 5379
(A) of this section shall do all of the following that are 5380
applicable regarding the offender: 5381

(1)(a) If the violation is a felony of the first, second, or 5382
third degree, the court shall impose upon the offender the 5383
mandatory fine specified for the offense under division (B)(1) of 5384
section 2929.18 of the Revised Code unless, as specified in that 5385
division, the court determines that the offender is indigent. 5386

(b) Notwithstanding any contrary provision of section 3719.21 5387
of the Revised Code, the clerk of the court shall pay a mandatory 5388
fine or other fine imposed for a violation of this section 5389
pursuant to division (A) of section 2929.18 of the Revised Code in 5390
accordance with and subject to the requirements of division (F) of 5391
section 2925.03 of the Revised Code. The agency that receives the 5392
fine shall use the fine as specified in division (F) of section 5393
2925.03 of the Revised Code. 5394

(c) If a person is charged with a violation of this section 5395
that is a felony of the first, second, or third degree, posts 5396
bail, and forfeits the bail, the clerk shall pay the forfeited 5397
bail pursuant to division (E)(1)(b) of this section as if it were 5398
a mandatory fine imposed under division (E)(1)(a) of this section. 5399

(2) The court shall suspend for not less than six months or 5400
more than five years the offender's driver's or commercial 5401

driver's license or permit ~~of any person who is convicted of or~~ 5402
~~has pleaded guilty to a violation of this section.~~ 5403

(3) If the offender is a professionally licensed person ~~or a~~ 5404
~~person who has been admitted to the bar by order of the supreme~~ 5405
~~court in compliance with its prescribed and published rules,~~ in 5406
addition to any other sanction imposed for a violation of this 5407
section, the court ~~forthwith~~ immediately shall comply with section 5408
2925.38 of the Revised Code. 5409

(F) It is an affirmative defense, as provided in section 5410
2901.05 of the Revised Code, to a charge of a fourth degree felony 5411
violation under this section that the controlled substance that 5412
gave rise to the charge is in an amount, is in a form, is 5413
prepared, compounded, or mixed with substances that are not 5414
controlled substances in a manner, or is possessed under any other 5415
circumstances, that indicate that the substance was possessed 5416
solely for personal use. Notwithstanding any contrary provision of 5417
this section, if, in accordance with section 2901.05 of the 5418
Revised Code, an accused who is charged with a fourth degree 5419
felony violation of division (C)(2), (4), (5), or (6) of this 5420
section sustains the burden of going forward with evidence of and 5421
establishes by a preponderance of the evidence the affirmative 5422
defense described in this division, the accused may be prosecuted 5423
for and may plead guilty to or be convicted of a misdemeanor 5424
violation of division (C)(2) of this section or a fifth degree 5425
felony violation of division (C)(4), (5), or (6) of this section 5426
respectively. 5427

(G) When a person is charged with possessing a bulk amount or 5428
multiple of a bulk amount, division (E) of section 2925.03 of the 5429
Revised Code applies regarding the determination of the amount of 5430
the controlled substance involved at the time of the offense. 5431

Sec. 2925.12. (A) No person shall knowingly make, obtain, 5432

possess, or use any instrument, article, or thing the customary 5433
and primary purpose of which is for the administration or use of a 5434
dangerous drug, other than marihuana, when the instrument involved 5435
is a hypodermic or syringe, whether or not of crude or 5436
extemporized manufacture or assembly, and the instrument, article, 5437
or thing involved has been used by the offender to unlawfully 5438
administer or use a dangerous drug, other than marihuana, or to 5439
prepare a dangerous drug, other than marihuana, for unlawful 5440
administration or use. 5441

(B) This section does not apply to manufacturers, licensed 5442
health professionals authorized to prescribe drugs, pharmacists, 5443
owners of pharmacies, and other persons whose conduct was in 5444
accordance with Chapters 3719., 4715., 4723., 4729., 4731., and 5445
4741. of the Revised Code. 5446

(C) Whoever violates this section is guilty of possessing 5447
drug abuse instruments, a misdemeanor of the second degree. If the 5448
offender previously has been convicted of a drug abuse offense, a 5449
violation of this section is a misdemeanor of the first degree. 5450

(D) In addition to any other sanction imposed upon an 5452
offender for a violation of this section, the court shall suspend 5453
for not less than six months or more than five years the 5454
offender's driver's or commercial driver's license or permit ~~of~~ 5455
~~any person who is convicted of or has pleaded guilty to a~~ 5456
~~violation of this section.~~ If the offender is a professionally 5457
licensed person ~~or a person who has been admitted to the bar by~~ 5458
~~order of the supreme court in compliance with its prescribed and~~ 5459
~~published rules~~, in addition to any other sanction imposed for a 5460
violation of this section, the court ~~forthwith~~ immediately shall 5461
comply with section 2925.38 of the Revised Code. 5462

Sec. 2925.13. (A) No person who is the owner, operator, or 5463

person in charge of a locomotive, watercraft, aircraft, or other 5464
vehicle, as defined in division (A) of section 4501.01 of the 5465
Revised Code, shall knowingly permit the vehicle to be used for 5466
the commission of a felony drug abuse offense. 5467

(B) No person who is the owner, lessee, or occupant, or who 5468
has custody, control, or supervision, of premises or real estate, 5469
including vacant land, shall knowingly permit the premises or real 5470
estate, including vacant land, to be used for the commission of a 5471
felony drug abuse offense by another person. 5472

(C)(1) Whoever violates this section is guilty of permitting 5473
drug abuse. 5474

(2) Except as provided in division (C)(3) of this section, 5475
permitting drug abuse is a misdemeanor of the first degree. 5476

(3) Permitting drug abuse is a felony of the fifth degree, 5477
and division (C) of section 2929.13 of the Revised Code applies in 5478
determining whether to impose a prison term on the offender, if 5479
the felony drug abuse offense in question is a violation of 5480
section 2925.02 or 2925.03 of the Revised Code. 5481

(D) In addition to any prison term authorized or required by 5482
division (C) of this section and sections 2929.13 and 2929.14 of 5483
the Revised Code and in addition to any other sanction imposed for 5484
the offense under this section or sections 2929.11 to 2929.18 of 5485
the Revised Code, the court that sentences a person who is 5486
convicted of or pleads guilty to a violation of division (A) of 5487
this section shall do all of the following that are applicable 5488
regarding the offender: 5489

(1) The court shall suspend for not less than six months or 5490
more than five years the offender's driver's or commercial 5491
driver's license or permit ~~of the offender~~. 5492

(2) If the offender is a professionally licensed person ~~or a~~ 5493
~~person who has been admitted to the bar by order of the supreme~~ 5494

~~court in compliance with its prescribed and published rules,~~ in 5495
addition to any other sanction imposed for a violation of this 5496
section, the court ~~forthwith~~ immediately shall comply with section 5497
2925.38 of the Revised Code. 5498

(E) Notwithstanding any contrary provision of section 3719.21 5499
of the Revised Code, the clerk of the court shall pay a fine 5500
imposed for a violation of this section pursuant to division (A) 5501
of section 2929.18 of the Revised Code in accordance with and 5502
subject to the requirements of division (F) of section 2925.03 of 5503
the Revised Code. The agency that receives the fine shall use the 5504
fine as specified in division (F) of section 2925.03 of the 5505
Revised Code. 5506

(F) Any premises or real estate that is permitted to be used 5507
in violation of division (B) of this section constitutes a 5508
nuisance subject to abatement pursuant to Chapter 3767. of the 5509
Revised Code. 5510

Sec. 2925.14. (A) As used in this section, "drug 5511
paraphernalia" means any equipment, product, or material of any 5512
kind that is used by the offender, intended by the offender for 5513
use, or designed for use, in propagating, cultivating, growing, 5514
harvesting, manufacturing, compounding, converting, producing, 5515
processing, preparing, testing, analyzing, packaging, repackaging, 5516
storing, containing, concealing, injecting, ingesting, inhaling, 5517
or otherwise introducing into the human body, a controlled 5518
substance in violation of this chapter. "Drug paraphernalia" 5519
includes, but is not limited to, any of the following equipment, 5520
products, or materials that are used by the offender, intended by 5521
the offender for use, or designed by the offender for use, in any 5522
of the following manners: 5523

(1) A kit for propagating, cultivating, growing, or 5524
harvesting any species of a plant that is a controlled substance 5525

or from which a controlled substance can be derived;	5526
(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;	5527 5528
(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine;	5529 5530 5531 5532
(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;	5533 5534
(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;	5535 5536
(6) A scale or balance for weighing or measuring a controlled substance;	5537 5538
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	5539 5540 5541
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	5542 5543
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	5544 5545
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	5546 5547
(11) A container or device for storing or concealing a controlled substance;	5548 5549
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	5550 5551
(13) 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,	5552 5553 5554

acrylic, glass, stone, plastic, or ceramic pipe, with or without a 5555
screen, permanent screen, hashish head, or punctured metal bowl; 5556
water pipe; carburetion tube or device; smoking or carburetion 5557
mask; roach clip or similar object used to hold burning material, 5558
such as a marihuana cigarette, that has become too small or too 5559
short to be held in the hand; miniature cocaine spoon, or cocaine 5560
vial; chamber pipe; carburetor pipe; electric pipe; air driver 5561
pipe; chillum; bong; or ice pipe or chiller. 5562

(B) In determining if any equipment, product, or material is 5563
drug paraphernalia, a court or law enforcement officer shall 5564
consider, in addition to other relevant factors, the following: 5565

(1) Any statement by the owner, or by anyone in control, of 5566
the equipment, product, or material, concerning its use; 5567

(2) The proximity in time or space of the equipment, product, 5568
or material, or of the act relating to the equipment, product, or 5569
material, to a violation of any provision of this chapter; 5570
5571

(3) The proximity of the equipment, product, or material to 5572
any controlled substance; 5573

(4) The existence of any residue of a controlled substance on 5574
the equipment, product, or material; 5575

(5) Direct or circumstantial evidence of the intent of the 5576
owner, or of anyone in control, of the equipment, product, or 5577
material, to deliver it to any person whom the owner or person in 5578
control of the equipment, product, or material knows intends to 5579
use the object to facilitate a violation of any provision of this 5580
chapter. A finding that the owner, or anyone in control, of the 5581
equipment, product, or material, is not guilty of a violation of 5582
any other provision of this chapter does not prevent a finding 5583
that the equipment, product, or material was intended or designed 5584
by the offender for use as drug paraphernalia. 5585

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;	5586 5587
(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;	5588 5589
(8) National or local advertising concerning the use of the equipment, product, or material;	5590 5591
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	5592 5593
(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;	5594 5595 5596
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	5597 5598
(12) Expert testimony concerning the use of the equipment, product, or material.	5599 5600
(C)(1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia.	5601 5602
(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.	5603 5604 5605 5606
(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia.	5607 5608 5609 5610 5611 5612 5613
(D) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists,	5614 5615

owners of pharmacies, and other persons whose conduct is in 5616
accordance with Chapters 3719., 4715., 4723., 4729., 4731., and 5617
4741. of the Revised Code. This section shall not be construed to 5618
prohibit the possession or use of a hypodermic as authorized by 5619
section 3719.172 of the Revised Code. 5620

(E) Notwithstanding sections 2933.42 and 2933.43 of the 5621
Revised Code, any drug paraphernalia that was used, possessed, 5622
sold, or manufactured in a violation of this section shall be 5623
seized, after a conviction for that violation shall be forfeited, 5624
and upon forfeiture shall be disposed of pursuant to division 5625
(D)(8) of section 2933.41 of the Revised Code. 5626

(F)(1) Whoever violates division (C)(1) of this section is 5627
guilty of illegal use or possession of drug paraphernalia, a 5628
misdemeanor of the fourth degree. 5629

(2) Except as provided in division (F)(3) of this section, 5630
whoever violates division (C)(2) of this section is guilty of 5631
dealing in drug paraphernalia, a misdemeanor of the second degree. 5632

(3) Whoever violates division (C)(2) of this section by 5633
selling drug paraphernalia to a juvenile is guilty of selling drug 5634
paraphernalia to juveniles, a misdemeanor of the first degree. 5635

(4) Whoever violates division (C)(3) of this section is 5636
guilty of illegal advertising of drug paraphernalia, a misdemeanor 5637
of the second degree. 5638

(G) In addition to any other sanction imposed upon an 5639
offender for a violation of this section, the court shall suspend 5640
for not less than six months or more than five years the 5641
offender's driver's or commercial driver's license or permit ~~of~~ 5642
~~any person who is convicted of or has pleaded guilty to a~~ 5643
~~violation of this section.~~ If the offender is a professionally 5644
licensed person ~~or a person who has been admitted to the bar by~~ 5645
~~order of the supreme court in compliance with its prescribed and~~ 5646

~~published rules~~, in addition to any other sanction imposed for a 5647
violation of this section, the court ~~forthwith~~ immediately shall 5648
comply with section 2925.38 of the Revised Code. 5649

Sec. 2925.22. (A) No person, by deception, as defined in 5650
section 2913.01 of the Revised Code, shall procure the 5651
administration of, a prescription for, or the dispensing of, a 5652
dangerous drug or shall possess an uncompleted preprinted 5653
prescription blank used for writing a prescription for a dangerous 5654
drug. 5655

(B) Whoever violates this section is guilty of deception to 5656
obtain a dangerous drug. The penalty for the offense shall be 5657
determined as follows: 5658

(1) If the drug involved is a compound, mixture, preparation, 5659
or substance included in schedule I or II, with the exception of 5660
marihuana, deception to obtain drugs is a felony of the fourth 5661
degree, and division (C) of section 2929.13 of the Revised Code 5662
applies in determining whether to impose a prison term on the 5663
offender. 5664

(2) If the drug involved is a dangerous drug or a compound, 5665
mixture, preparation, or substance included in schedule III, IV, 5666
or V or is marihuana, deception to obtain a dangerous drug is a 5667
felony of the fifth degree, and division (C) of section 2929.13 of 5668
the Revised Code applies in determining whether to impose a prison 5669
term on the offender. 5670

(C) In addition to any prison term authorized or required by 5671
division (B) of this section and sections 2929.13 and 2929.14 of 5672
the Revised Code and in addition to any other sanction imposed for 5673
the offense under this section or sections 2929.11 to 2929.18 of 5674
the Revised Code, the court that sentences an offender who is 5675
convicted of or pleads guilty to a violation of division (A) of 5676
this section shall do both of the following: 5677

(1) The court shall suspend for not less than six months or 5678
more than five years the offender's driver's or commercial 5679
driver's license or permit ~~of any person who is convicted of or~~ 5680
~~has pleaded guilty to a violation of this section.~~ 5681

(2) If the offender is a professionally licensed person ~~or a~~ 5682
~~person who has been admitted to the bar by order of the supreme~~ 5683
~~court in compliance with its prescribed and published rules,~~ in 5684
addition to any other sanction imposed for a violation of this 5685
section, the court ~~forthwith~~ immediately shall comply with section 5686
2925.38 of the Revised Code. 5687

(D) Notwithstanding any contrary provision of section 3719.21 5688
of the Revised Code, the clerk of the court shall pay a fine 5689
imposed for a violation of this section pursuant to division (A) 5690
of section 2929.18 of the Revised Code in accordance with and 5691
subject to the requirements of division (F) of section 2925.03 of 5692
the Revised Code. The agency that receives the fine shall use the 5693
fine as specified in division (F) of section 2925.03 of the 5694
Revised Code. 5695

Sec. 2925.23. (A) No person shall knowingly make a false 5696
statement in any prescription, order, report, or record required 5697
by Chapter 3719. or 4729. of the Revised Code. 5698

(B) No person shall intentionally make, utter, or sell, or 5699
knowingly possess any of the following that is a false or forged: 5700

(1) Prescription; 5701

(2) Uncompleted preprinted prescription blank used for 5702
writing a prescription; 5703

(3) Official written order; 5704

(4) License for a terminal distributor of dangerous drugs as 5705
required in section 4729.60 of the Revised Code; 5706

(5) Registration certificate for a wholesale distributor of dangerous drugs as required in section 4729.60 of the Revised Code. 5707
5708
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(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following: 5710
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(1) A prescription; 5712

(2) An uncompleted preprinted prescription blank used for writing a prescription; 5713
5714

(3) An official written order; 5715

(4) A blank official written order; 5716

(5) A license or blank license for a terminal distributor of dangerous drugs as required in section 4729.60 of the Revised Code; 5717
5718
5719

(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. 5720
5721
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(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs. 5723
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(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. 5726
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(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 5731
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penalty for illegal processing of drug documents shall be 5737
determined as follows: 5738

(1) If the drug involved is a compound, mixture, preparation, 5739
or substance included in schedule I or II, with the exception of 5740
marihuana, illegal processing of drug documents is a felony of the 5741
fourth degree, and division (C) of section 2929.13 of the Revised 5742
Code applies in determining whether to impose a prison term on the 5743
offender. 5744

(2) If the drug involved is a dangerous drug or a compound, 5745
mixture, preparation, or substance included in schedule III, IV, 5746
or V or is marihuana, illegal processing of drug documents is a 5747
felony of the fifth degree, and division (C) of section 2929.13 of 5748
the Revised Code applies in determining whether to impose a prison 5749
term on the offender. 5750

(G) In addition to any prison term authorized or required by 5751
division (F) of this section and sections 2929.13 and 2929.14 of 5752
the Revised Code and in addition to any other sanction imposed for 5753
the offense under this section or sections 2929.11 to 2929.18 of 5754
the Revised Code, the court that sentences an offender who is 5755
convicted of or pleads guilty to any violation of divisions (A) to 5756
(D) of this section shall do both of the following: 5757

(1) The court shall suspend for not less than six months or 5758
more than five years the offender's driver's or commercial 5759
driver's license or permit ~~of any person who is convicted of or~~ 5760
~~has pleaded guilty to a violation of this section.~~ 5761

(2) If the offender is a professionally licensed person ~~or a~~ 5762
~~person who has been admitted to the bar by order of the supreme~~ 5763
~~court in compliance with its prescribed and published rules,~~ in 5764
addition to any other sanction imposed for a violation of this 5765
section, the court ~~forthwith~~ immediately shall comply with section 5766
2925.38 of the Revised Code. 5767

(H) Notwithstanding any contrary provision of section 3719.21 5768
of the Revised Code, the clerk of court shall pay a fine imposed 5769
for a violation of this section pursuant to division (A) of 5770
section 2929.18 of the Revised Code in accordance with and subject 5771
to the requirements of division (F) of section 2925.03 of the 5772
Revised Code. The agency that receives the fine shall use the fine 5773
as specified in division (F) of section 2925.03 of the Revised 5774
Code. 5775

Sec. 2925.31. (A) Except for lawful research, clinical, 5776
medical, dental, or veterinary purposes, no person, with purpose 5777
to induce intoxication or similar physiological effects, shall 5778
obtain, possess, or use a harmful intoxicant. 5779

(B) Whoever violates this section is guilty of abusing 5780
harmful intoxicants, a misdemeanor of the first degree. If the 5781
offender previously has been convicted of a drug abuse offense, 5782
abusing harmful intoxicants is a felony of the fifth degree. 5783

(C) In addition to any other sanction imposed upon an 5784
offender for a violation of this section, the court shall suspend 5785
for not less than six months or more than five years the 5786
offender's driver's or commercial driver's license or permit ~~of~~ 5787
~~any person who is convicted of or has pleaded guilty to a~~ 5788
~~violation of this section.~~ If the offender is a professionally 5789
licensed person ~~or a person who has been admitted to the bar by~~ 5790
~~order of the supreme court in compliance with its prescribed and~~ 5791
~~published rules,~~ in addition to any other sanction imposed for a 5792
violation of this section, the court ~~forthwith~~ immediately shall 5793
comply with section 2925.38 of the Revised Code. 5794

Sec. 2925.32. (A) Divisions (A)(1) and (2) of this section do 5795
not apply to the dispensing or distributing of nitrous oxide. 5796

(1) No person shall knowingly dispense or distribute a 5797

harmful intoxicant to a person age eighteen or older if the person 5798
who dispenses or distributes it knows or has reason to believe 5799
that the harmful intoxicant will be used in violation of section 5800
2925.31 of the Revised Code. 5801

(2) No person shall knowingly dispense or distribute a 5802
harmful intoxicant to a person under age eighteen if the person 5803
who dispenses or distributes it knows or has reason to believe 5804
that the harmful intoxicant will be used in violation of section 5805
2925.31 of the Revised Code. Division (A)(2) of this section does 5806
not prohibit either of the following: 5807

(a) Dispensing or distributing a harmful intoxicant to a 5808
person under age eighteen if a written order from the juvenile's 5809
parent or guardian is provided to the dispenser or distributor; 5810

(b) Dispensing or distributing gasoline or diesel fuel to a 5811
person under age eighteen if the dispenser or distributor does not 5812
know or have reason to believe the product will be used in 5813
violation of section 2925.31 of the Revised Code. Division 5814
(A)(2)(a) of this section does not require a person to obtain a 5815
written order from the parent or guardian of a person under age 5816
eighteen in order to distribute or dispense gasoline or diesel 5817
fuel to the person. 5818

(B)(1) No person shall knowingly dispense or distribute 5819
nitrous oxide to a person age twenty-one or older if the person 5820
who dispenses or distributes it knows or has reason to believe the 5821
nitrous oxide will be used in violation of section 2925.31 of the 5822
Revised Code. 5823

(2) Except for lawful medical, dental, or clinical purposes, 5824
no person shall knowingly dispense or distribute nitrous oxide to 5825
a person under age twenty-one. 5826

(3) No person, at the time a cartridge of nitrous oxide is 5827
sold to another person, shall sell a device that allows the 5828

purchaser to inhale nitrous oxide from cartridges or to hold 5829
nitrous oxide released from cartridges for purposes of inhalation. 5830
The sale of any such device constitutes a rebuttable presumption 5831
that the person knew or had reason to believe that the purchaser 5832
intended to abuse the nitrous oxide. 5833

(4) No person who dispenses or distributes nitrous oxide in 5834
cartridges shall fail to comply with either of the following: 5835

(a) The record-keeping requirements established under 5836
division (F) of this section; 5837

(b) The labeling and transaction identification requirements 5838
established under division (G) of this section. 5839

(C) This section does not apply to products used in making, 5840
fabricating, assembling, transporting, or constructing a product 5841
or structure by manual labor or machinery for sale or lease to 5842
another person, or to the mining, refining, or processing of 5843
natural deposits. 5844

(D)(1) Whoever violates division (A)(1) or (2) or division 5845
(B)(1), (2), or (3) of this section is guilty of trafficking in 5846
harmful intoxicants, a felony of the fifth degree. If the offender 5847
previously has been convicted of a drug abuse offense, trafficking 5848
in harmful intoxicants is a felony of the fourth degree. In 5849
addition to any other sanction imposed upon an offender for 5850
trafficking in harmful intoxicants, the court shall suspend for 5851
not less than six months or more than five years the offender's 5852
driver's or commercial driver's license or permit ~~of any person~~ 5853
~~who is convicted of or has pleaded guilty to trafficking in~~ 5854
~~harmful intoxicants.~~ If the offender is a professionally licensed 5855
person ~~or a person who has been admitted to the bar by order of~~ 5856
~~the supreme court in compliance with its prescribed and published~~ 5857
~~rules,~~ in addition to any other sanction imposed for trafficking 5858
in harmful intoxicants, the court ~~forthwith~~ immediately shall 5859

comply with section 2925.38 of the Revised Code. 5860
5861

(2) Whoever violates division (B)(4)(a) or (b) of this 5862
section is guilty of improperly dispensing or distributing nitrous 5863
oxide, a misdemeanor of the fourth degree. 5864

(E) It is an affirmative defense to a charge of a violation 5865
of division (A)(2) or (B)(2) of this section that: 5866

(1) An individual exhibited to the defendant or an officer or 5867
employee of the defendant, for purposes of establishing the 5868
individual's age, a driver's license or permit issued by this 5869
state, a commercial driver's license or permit issued by this 5870
state, an identification card issued pursuant to section 4507.50 5871
of the Revised Code, for another document that purports to be a 5872
license, permit, or identification card described in this 5873
division; 5874

(2) The document exhibited appeared to be a genuine, 5875
unaltered document, to pertain to the individual, and to establish 5876
the individual's age; 5877

(3) The defendant or the officer or employee of the defendant 5878
otherwise did not have reasonable cause to believe that the 5879
individual was under the age represented. 5880

(F) Beginning July 1, 2000, a person who dispenses or 5881
distributes nitrous oxide shall record each transaction involving 5882
the dispensing or distributing of the nitrous oxide on a separate 5883
card. The person shall require the purchaser to sign the card and 5884
provide a complete residence address. The person dispensing or 5885
distributing the nitrous oxide shall sign and date the card. The 5886
person shall retain the card recording a transaction for one year 5887
from the date of the transaction. The person shall maintain the 5888
cards at the person's business address and make them available 5889
during normal business hours for inspection and copying by 5890

officers or employees of the state board of pharmacy or of other 5891
law enforcement agencies of this state or the United States that 5892
are authorized to investigate violations of Chapter 2925., 3719., 5893
or 4729. of the Revised Code or the federal drug abuse control 5894
laws. 5895

The cards used to record each transaction shall inform the 5896
purchaser of the following: 5897

(1) That nitrous oxide cartridges are to be used only for 5898
purposes of preparing food; 5899

(2) That inhalation of nitrous oxide can have dangerous 5900
health effects; 5901

(3) That it is a violation of state law to distribute or 5902
dispense cartridges of nitrous oxide to any person under age 5903
twenty-one, punishable as a felony of the fifth degree. 5904

(G)(1) Each cartridge of nitrous oxide dispensed or 5905
distributed in this state shall bear the following printed 5906
warning: 5907

"Nitrous oxide cartridges are to be used only for purposes of 5908
preparing food. Nitrous oxide cartridges may not be sold to 5909
persons under age twenty-one. Do not inhale contents. Misuse can 5910
be dangerous to your health." 5911

(2) Each time a person dispenses or distributes one or more 5912
cartridges of nitrous oxide, the person shall mark the packaging 5913
containing the cartridges with a label or other device that 5914
identifies the person who dispensed or distributed the nitrous 5915
oxide and the person's business address. 5916

Sec. 2925.36. (A) No person shall knowingly furnish another a 5917
sample drug. 5918

(B) Division (A) of this section does not apply to 5919
manufacturers, wholesalers, pharmacists, owners of pharmacies, 5920

licensed health professionals authorized to prescribe drugs, and 5921
other persons whose conduct is in accordance with Chapters 3719., 5922
4715., 4723., 4725., 4729., 4731., and 4741. of the Revised Code. 5923

(C)(1) Whoever violates this section is guilty of illegal 5924
dispensing of drug samples. 5925

(2) If the drug involved in the offense is a compound, 5926
mixture, preparation, or substance included in schedule I or II, 5927
with the exception of marihuana, the penalty for the offense shall 5928
be determined as follows: 5929

(a) Except as otherwise provided in division (C)(2)(b) of 5930
this section, illegal dispensing of drug samples is a felony of 5931
the fifth degree, and, subject to division (E) of this section, 5932
division (C) of section 2929.13 of the Revised Code applies in 5933
determining whether to impose a prison term on the offender. 5934

(b) If the offense was committed in the vicinity of a school 5935
or in the vicinity of a juvenile, illegal dispensing of drug 5936
samples is a felony of the fourth degree, and, subject to division 5937
(E) of this section, division (C) of section 2929.13 of the 5938
Revised Code applies in determining whether to impose a prison 5939
term on the offender. 5940

(3) If the drug involved in the offense is a dangerous drug 5941
or a compound, mixture, preparation, or substance included in 5942
schedule III, IV, or V, or is marihuana, the penalty for the 5943
offense shall be determined as follows: 5944

(a) Except as otherwise provided in division (C)(3)(b) of 5945
this section, illegal dispensing of drug samples is a misdemeanor 5946
of the second degree. 5947

(b) If the offense was committed in the vicinity of a school 5948
or in the vicinity of a juvenile, illegal dispensing of drug 5949
samples is a misdemeanor of the first degree. 5950

(D) In addition to any prison term authorized or required by 5951
division (C) or (E) of this section and sections 2929.13 and 5952
2929.14 of the Revised Code and in addition to any other sanction 5953
imposed for the offense under this section or sections 2929.11 to 5954
2929.18 of the Revised Code, the court that sentences an offender 5955
who is convicted of or pleads guilty to a violation of division 5956
(A) of this section shall do both of the following: 5957

(1) The court shall suspend for not less than six months or 5958
more than five years the offender's driver's or commercial 5959
driver's license or permit ~~of any person who is convicted of or~~ 5960
~~has pleaded guilty to a violation of this section.~~ 5961

(2) If the offender is a professionally licensed person ~~or a~~ 5962
~~person who has been admitted to the bar by order of the supreme~~ 5963
~~court in compliance with its prescribed and published rules,~~ in 5964
addition to any other sanction imposed for a violation of this 5965
section, the court ~~forthwith~~ immediately shall comply with section 5966
2925.38 of the Revised Code. 5967

(E) Notwithstanding the prison term authorized or required by 5968
division (C) of this section and sections 2929.13 and 2929.14 of 5969
the Revised Code, if the violation of division (A) of this section 5970
involves the sale, offer to sell, or possession of a schedule I or 5971
II controlled substance, with the exception of marihuana, and if 5972
the court imposing sentence upon the offender finds that the 5973
offender as a result of the violation is a major drug offender and 5974
is guilty of a specification of the type described in section 5975
2941.1410 of the Revised Code, the court, in lieu of the prison 5976
term otherwise authorized or required, shall impose upon the 5977
offender the mandatory prison term specified in division (D)(3)(a) 5978
of section 2929.14 of the Revised Code and may impose an 5979
additional prison term under division (D)(3)(b) of that section. 5980

5981

(F) Notwithstanding any contrary provision of section 3719.21 5982
of the Revised Code, the clerk of the court shall pay a fine 5983
imposed for a violation of this section pursuant to division (A) 5984
of section 2929.18 of the Revised Code in accordance with and 5985
subject to the requirements of division (F) of section 2925.03 of 5986
the Revised Code. The agency that receives the fine shall use the 5987
fine as specified in division (F) of section 2925.03 of the 5988
Revised Code. 5989

Sec. 2925.37. (A) No person shall knowingly possess any 5990
counterfeit controlled substance. 5991

(B) No person shall knowingly make, sell, offer to sell, or 5992
deliver any substance that the person knows is a counterfeit 5993
controlled substance. 5994

(C) No person shall make, possess, sell, offer to sell, or 5995
deliver any punch, die, plate, stone, or other device knowing or 5996
having reason to know that it will be used to print or reproduce a 5997
trademark, trade name, or other identifying mark upon a 5998
counterfeit controlled substance. 5999

(D) No person shall sell, offer to sell, give, or deliver any 6000
counterfeit controlled substance to a juvenile. 6001

(E) No person shall directly or indirectly represent a 6002
counterfeit controlled substance as a controlled substance by 6003
describing its effects as the physical or psychological effects 6004
associated with use of a controlled substance. 6005

(F) No person shall directly or indirectly falsely represent 6006
or advertise a counterfeit controlled substance as a controlled 6007
substance. As used in this division, "advertise" means engaging in 6008
"advertisement," as defined in section 3715.01 of the Revised 6009
Code. 6010

(G) Whoever violates division (A) of this section is guilty 6011

of possession of counterfeit controlled substances, a misdemeanor 6012
of the first degree. 6013

(H) Whoever violates division (B) or (C) of this section is 6014
guilty of trafficking in counterfeit controlled substances. Except 6015
as otherwise provided in this division, trafficking in counterfeit 6016
controlled substances is a felony of the fifth degree, and 6017
division (C) of section 2929.13 of the Revised Code applies in 6018
determining whether to impose a prison term on the offender. If 6019
the offense was committed in the vicinity of a school or in the 6020
vicinity of a juvenile, trafficking in counterfeit controlled 6021
substances is a felony of the fourth degree, and division (C) of 6022
section 2929.13 of the Revised Code applies in determining whether 6023
to impose a prison term on the offender. 6024

(I) Whoever violates division (D) of this section is guilty 6025
of aggravated trafficking in counterfeit controlled substances. 6026
Except as otherwise provided in this division, aggravated 6027
trafficking in counterfeit controlled substances is a felony of 6028
the fourth degree, and division (C) of section 2929.13 of the 6029
Revised Code applies in determining whether to impose a prison 6030
term on the offender. 6031

(J) Whoever violates division (E) of this section is guilty 6032
of promoting and encouraging drug abuse. Except as otherwise 6033
provided in this division, promoting and encouraging drug abuse is 6034
a felony of the fifth degree, and division (C) of section 2929.13 6035
of the Revised Code applies in determining whether to impose a 6036
prison term on the offender. If the offense was committed in the 6037
vicinity of a school or in the vicinity of a juvenile, promoting 6038
and encouraging drug abuse is a felony of the fourth degree, and 6039
division (C) of section 2929.13 of the Revised Code applies in 6040
determining whether to impose a prison term on the offender. 6041

(K) Whoever violates division (F) of this section is guilty 6042
of fraudulent drug advertising. Except as otherwise provided in 6043

this division, fraudulent drug advertising is a felony of the 6044
fifth degree, and division (C) of section 2929.13 of the Revised 6045
Code applies in determining whether to impose a prison term on the 6046
offender. If the offense was committed in the vicinity of a school 6047
or in the vicinity of a juvenile, fraudulent drug advertising is a 6048
felony of the fourth degree, and division (C) of section 2929.13 6049
of the Revised Code applies in determining whether to impose a 6050
prison term on the offender. 6051

(L) In addition to any prison term authorized or required by 6052
divisions (H) to (K) of this section and sections 2929.13 and 6053
2929.14 of the Revised Code and in addition to any other sanction 6054
imposed for the offense under this section or sections 2929.11 to 6055
2929.18 of the Revised Code, the court that sentences an offender 6056
who is convicted of or pleads guilty to a violation of division 6057
(B), (C), (D), (E), or (F) of this section shall do both of the 6058
following: 6059

(1) The court shall suspend for not less than six months or 6060
more than five years the offender's driver's or commercial 6061
driver's license or permit ~~of any person who is convicted of or~~ 6062
~~has pleaded guilty to any other violation of this section.~~ 6063

(2) If the offender is a professionally licensed person ~~or a~~ 6064
~~person who has been admitted to the bar by order of the supreme~~ 6065
~~court in compliance with its prescribed and published rules,~~ in 6066
addition to any other sanction imposed for a violation of this 6067
section, the court ~~forthwith~~ immediately shall comply with section 6068
2925.38 of the Revised Code. 6069

(M) Notwithstanding any contrary provision of section 3719.21 6070
of the Revised Code, the clerk of the court shall pay a fine 6071
imposed for a violation of this section pursuant to division (A) 6072
of section 2929.18 of the Revised Code in accordance with and 6073
subject to the requirements of division (F) of section 2925.03 of 6074
the Revised Code. The agency that receives the fine shall use the 6075

fine as specified in division (F) of section 2925.03 of the Revised Code. 6076
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Sec. 2925.38. If a person who is convicted of or pleads guilty to a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 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 is a professionally licensed person, in addition to any other sanctions imposed for the violation, the court ~~forthwith, except as otherwise provided in this section,~~ immediately shall transmit a certified copy of the judgment entry of conviction to the regulatory or licensing board or agency that has the administrative authority to suspend or revoke the offender's professional license. If ~~a~~ the professionally licensed person who is convicted of or pleads guilty to a violation of any section listed in this section is 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 sanctions imposed for the violation, the court ~~forthwith~~ immediately shall transmit a certified copy of the judgment entry of conviction to the secretary of the board of commissioners on grievances and discipline of the supreme court and to either the disciplinary counsel or the president, secretary, and chairperson of each certified grievance committee. 6078
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Sec. 2929.01. As used in this chapter: 6099

(A)(1) "Alternative residential facility" means, subject to division (A)(2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria: 6100
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(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, 6104
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treatment, or habilitation. 6106

(b) It has received the appropriate license or certificate 6107
for any specialized education, training, treatment, habilitation, 6108
or other service that it provides from the government agency that 6109
is responsible for licensing or certifying that type of education, 6110
training, treatment, habilitation, or service. 6111

(2) "Alternative residential facility" does not include a 6112
community-based correctional facility, jail, halfway house, or 6113
prison. 6114

(B) "Bad time" means the time by which the parole board 6115
administratively extends an offender's stated prison term or terms 6116
pursuant to section 2967.11 of the Revised Code because the parole 6117
board finds by clear and convincing evidence that the offender, 6118
while serving the prison term or terms, committed an act that is a 6119
criminal offense under the law of this state or the United States, 6120
whether or not the offender is prosecuted for the commission of 6121
that act. 6122

(C) "Basic probation supervision" means a requirement that 6123
the offender maintain contact with a person appointed to supervise 6124
the offender in accordance with sanctions imposed by the court or 6125
imposed by the parole board pursuant to section 2967.28 of the 6126
Revised Code. "Basic probation supervision" includes basic parole 6127
supervision and basic post-release control supervision. 6128

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 6129
"unit dose" have the same meanings as in section 2925.01 of the 6130
Revised Code. 6131

(E) "Community-based correctional facility" means a 6132
community-based correctional facility and program or district 6133
community-based correctional facility and program developed 6134
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 6135

(F) "Community control sanction" means a sanction that is not 6136

a prison term and that is described in section 2929.15, 2929.16, 6137
2929.17, or 2929.18 of the Revised Code. 6138

(G) "Controlled substance," "marihuana," "schedule I," and 6139
"schedule II" have the same meanings as in section 3719.01 of the 6140
Revised Code. 6141

(H) "Curfew" means a requirement that an offender during a 6142
specified period of time be at a designated place. 6143

(I) "Day reporting" means a sanction pursuant to which an 6144
offender is required each day to report to and leave a center or 6145
other approved reporting location at specified times in order to 6146
participate in work, education or training, treatment, and other 6147
approved programs at the center or outside the center. 6148

(J) "Deadly weapon" has the same meaning as in section 6149
2923.11 of the Revised Code. 6150

(K) "Drug and alcohol use monitoring" means a program under 6151
which an offender agrees to submit to random chemical analysis of 6152
the offender's blood, breath, or urine to determine whether the 6153
offender has ingested any alcohol or other drugs. 6154

(L) "Drug treatment program" means any program under which a 6155
person undergoes assessment and treatment designed to reduce or 6156
completely eliminate the person's physical or emotional reliance 6157
upon alcohol, another drug, or alcohol and another drug and under 6158
which the person may be required to receive assessment and 6159
treatment on an outpatient basis or may be required to reside at a 6160
facility other than the person's home or residence while 6161
undergoing assessment and treatment. 6162

(M) "Economic loss" means any economic detriment suffered by 6163
a victim as a result of the commission of a felony and includes 6164
any loss of income due to lost time at work because of any injury 6165
caused to the victim, and any property loss, medical cost, or 6166
funeral expense incurred as a result of the commission of the 6167

felony. 6168

(N) "Education or training" includes study at, or in 6169
conjunction with a program offered by, a university, college, or 6170
technical college or vocational study and also includes the 6171
completion of primary school, secondary school, and literacy 6172
curricula or their equivalent. 6173

(O) "Electronically monitored house arrest" has the same 6174
meaning as in section 2929.23 of the Revised Code. 6175

(P) "Eligible offender" has the same meaning as in section 6176
2929.23 of the Revised Code except as otherwise specified in 6177
section 2929.20 of the Revised Code. 6178

(Q) "Firearm" has the same meaning as in section 2923.11 of 6179
the Revised Code. 6180

(R) "Halfway house" means a facility licensed by the division 6181
of parole and community services of the department of 6182
rehabilitation and correction pursuant to section 2967.14 of the 6183
Revised Code as a suitable facility for the care and treatment of 6184
adult offenders. 6185

(S) "House arrest" means a period of confinement of an 6186
eligible offender that is in the eligible offender's home or in 6187
other premises specified by the sentencing court or by the parole 6188
board pursuant to section 2967.28 of the Revised Code, that may be 6189
electronically monitored house arrest, and during which all of the 6190
following apply: 6191

(1) The eligible offender is required to remain in the 6192
eligible offender's home or other specified premises for the 6193
specified period of confinement, except for periods of time during 6194
which the eligible offender is at the eligible offender's place of 6195
employment or at other premises as authorized by the sentencing 6196
court or by the parole board. 6197

(2) The eligible offender is required to report periodically 6198
to a person designated by the court or parole board. 6199

(3) The eligible offender is subject to any other 6200
restrictions and requirements that may be imposed by the 6201
sentencing court or by the parole board. 6202

(T) "Intensive probation supervision" means a requirement 6203
that an offender maintain frequent contact with a person appointed 6204
by the court, or by the parole board pursuant to section 2967.28 6205
of the Revised Code, to supervise the offender while the offender 6206
is seeking or maintaining necessary employment and participating 6207
in training, education, and treatment programs as required in the 6208
court's or parole board's order. "Intensive probation supervision" 6209
includes intensive parole supervision and intensive post-release 6210
control supervision. 6211

(U) "Jail" means a jail, workhouse, minimum security jail, or 6212
other residential facility used for the confinement of alleged or 6213
convicted offenders that is operated by a political subdivision or 6214
a combination of political subdivisions of this state. 6215

(V) "Delinquent child" has the same meaning as in section 6216
2152.02 of the Revised Code. 6217

(W) "License violation report" means a report that is made by 6218
a sentencing court, or by the parole board pursuant to section 6219
2967.28 of the Revised Code, to the regulatory or licensing board 6220
or agency that issued an offender a professional license or a 6221
license or permit to do business in this state and that specifies 6222
that the offender has been convicted of or pleaded guilty to an 6223
offense that may violate the conditions under which the offender's 6224
professional license or license or permit to do business in this 6225
state was granted or an offense for which the offender's 6226
professional license or license or permit to do business in this 6227
state may be revoked or suspended. 6228

(X) "Major drug offender" means an offender who is convicted 6229
of or pleads guilty to the possession of, sale of, or offer to 6230
sell any drug, compound, mixture, preparation, or substance that 6231
consists of or contains at least one thousand grams of hashish; at 6232
least one hundred grams of crack cocaine; at least one thousand 6233
grams of cocaine that is not crack cocaine; at least two thousand 6234
five hundred unit doses or two hundred fifty grams of heroin; at 6235
least five thousand unit doses of L.S.D. or five hundred grams of 6236
L.S.D. in a liquid concentrate, liquid extract, or liquid 6237
distillate form; or at least one hundred times the amount of any 6238
other schedule I or II controlled substance other than marihuana 6239
that is necessary to commit a felony of the third degree pursuant 6240
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6241
Code that is based on the possession of, sale of, or offer to sell 6242
the controlled substance. 6243

(Y) "Mandatory prison term" means any of the following: 6244

(1) Subject to division (Y)(2) of this section, the term in 6245
prison that must be imposed for the offenses or circumstances set 6246
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 6247
division (D) of section 2929.14 of the Revised Code. Except as 6248
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 6249
2925.11 of the Revised Code, unless the maximum or another 6250
specific term is required under section 2929.14 of the Revised 6251
Code, a mandatory prison term described in this division may be 6252
any prison term authorized for the level of offense. 6253

(2) The term of sixty or one hundred twenty days in prison 6254
that a sentencing court is required to impose for a third or 6255
fourth degree felony ~~OMVI~~ OVI offense pursuant to division (G)(2) 6256
of section 2929.13 and division ~~(A)(4) or (8)~~ (G)(1)(d) or (e) of 6257
section ~~4511.99~~ 4511.19 of the Revised Code. 6258

(3) The term in prison imposed pursuant to section 2971.03 of 6259

the Revised Code for the offenses and in the circumstances 6260
described in division (F)(11) of section 2929.13 of the Revised 6261
Code and that term as modified or terminated pursuant to section 6262
2971.05 of the Revised Code. 6263

(Z) "Monitored time" means a period of time during which an 6264
offender continues to be under the control of the sentencing court 6265
or parole board, subject to no conditions other than leading a 6266
law-abiding life. 6267

(AA) "Offender" means a person who, in this state, is 6268
convicted of or pleads guilty to a felony or a misdemeanor. 6269

(BB) "Prison" means a residential facility used for the 6270
confinement of convicted felony offenders that is under the 6271
control of the department of rehabilitation and correction but 6272
does not include a violation sanction center operated under 6273
authority of section 2967.141 of the Revised Code. 6274

(CC) "Prison term" includes any of the following sanctions 6275
for an offender: 6276

(1) A stated prison term; 6277

(2) A term in a prison shortened by, or with the approval of, 6278
the sentencing court pursuant to section 2929.20, 2967.26, 6279
5120.031, 5120.032, or 5120.073 of the Revised Code; 6280

(3) A term in prison extended by bad time imposed pursuant to 6281
section 2967.11 of the Revised Code or imposed for a violation of 6282
post-release control pursuant to section 2967.28 of the Revised 6283
Code. 6284

(DD) "Repeat violent offender" means a person about whom both 6285
of the following apply: 6286

(1) The person has been convicted of or has pleaded guilty 6287
to, and is being sentenced for committing, for complicity in 6288
committing, or for an attempt to commit, aggravated murder, 6289

murder, involuntary manslaughter, a felony of the first degree 6290
other than one set forth in Chapter 2925. of the Revised Code, a 6291
felony of the first degree set forth in Chapter 2925. of the 6292
Revised Code that involved an attempt to cause serious physical 6293
harm to a person or that resulted in serious physical harm to a 6294
person, or a felony of the second degree that involved an attempt 6295
to cause serious physical harm to a person or that resulted in 6296
serious physical harm to a person. 6297

(2) Either of the following applies: 6298

(a) The person previously was convicted of or pleaded guilty 6299
to, and served a prison term for, any of the following: 6300

(i) Aggravated murder, murder, involuntary manslaughter, 6301
rape, felonious sexual penetration as it existed under section 6302
2907.12 of the Revised Code prior to September 3, 1996, a felony 6303
of the first or second degree that resulted in the death of a 6304
person or in physical harm to a person, or complicity in or an 6305
attempt to commit any of those offenses; 6306

(ii) An offense under an existing or former law of this 6307
state, another state, or the United States that is or was 6308
substantially equivalent to an offense listed under division 6309
(DD)(2)(a)(i) of this section and that resulted in the death of a 6310
person or in physical harm to a person. 6311

(b) The person previously was adjudicated a delinquent child 6312
for committing an act that if committed by an adult would have 6313
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 6314
section, the person was committed to the department of youth 6315
services for that delinquent act. 6316

(EE) "Sanction" means any penalty imposed upon an offender 6317
who is convicted of or pleads guilty to an offense, as punishment 6318
for the offense. "Sanction" includes any sanction imposed pursuant 6319
to any provision of sections 2929.14 to 2929.18 of the Revised 6320

Code. 6321

(FF) "Sentence" means the sanction or combination of 6322
sanctions imposed by the sentencing court on an offender who is 6323
convicted of or pleads guilty to a felony. 6324

(GG) "Stated prison term" means the prison term, mandatory 6325
prison term, or combination of all prison terms and mandatory 6326
prison terms imposed by the sentencing court pursuant to section 6327
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 6328
includes any credit received by the offender for time spent in 6329
jail awaiting trial, sentencing, or transfer to prison for the 6330
offense and any time spent under house arrest or electronically 6331
monitored house arrest imposed after earning credits pursuant to 6332
section 2967.193 of the Revised Code. 6333

(HH) "Victim-offender mediation" means a reconciliation or 6334
mediation program that involves an offender and the victim of the 6335
offense committed by the offender and that includes a meeting in 6336
which the offender and the victim may discuss the offense, discuss 6337
restitution, and consider other sanctions for the offense. 6338

(II) "Fourth degree felony ~~OMVI~~ OVI offense" means a 6339
violation of division (A) of section 4511.19 of the Revised Code 6340
that, under division (G) of that section ~~4511.99 of the Revised~~ 6341
~~Code~~, is a felony of the fourth degree. 6342

(JJ) "Mandatory term of local incarceration" means the term 6343
of sixty or one hundred twenty days in a jail, a community-based 6344
correctional facility, a halfway house, or an alternative 6345
residential facility that a sentencing court may impose upon a 6346
person who is convicted of or pleads guilty to a fourth degree 6347
felony ~~OMVI~~ OVI offense pursuant to division (G)(1) of section 6348
2929.13 of the Revised Code and division ~~(A)(4) or (8)~~ (G)(1)(d) 6349
or (e) of section ~~4511.99~~ 4511.19 of the Revised Code. 6350

(KK) "Designated homicide, assault, or kidnapping offense," 6351

"sexual motivation specification," "sexually violent offense," 6352
"sexually violent predator," and "sexually violent predator 6353
specification" have the same meanings as in section 2971.01 of the 6354
Revised Code. 6355

(LL) "Habitual sex offender," "sexually oriented offense," 6356
and "sexual predator" have the same meanings as in section 2950.01 6357
of the Revised Code. 6358

(MM) An offense is "committed in the vicinity of a child" if 6359
the offender commits the offense within thirty feet of or within 6360
the same residential unit as a child who is under eighteen years 6361
of age, regardless of whether the offender knows the age of the 6362
child or whether the offender knows the offense is being committed 6363
within thirty feet of or within the same residential unit as the 6364
child and regardless of whether the child actually views the 6365
commission of the offense. 6366

(NN) "Family or household member" has the same meaning as in 6367
section 2919.25 of the Revised Code. 6368

(OO) "Motor vehicle" and "manufactured home" have the same 6369
meanings as in section 4501.01 of the Revised Code. 6370

(PP) "Detention" and "detention facility" have the same 6371
meanings as in section 2921.01 of the Revised Code. 6372

(QQ) "Third degree felony ~~OMVI~~ OVI offense" means a violation 6373
of division (A) of section 4511.19 of the Revised Code that, under 6374
division (G) of that section 4511.99 of the Revised Code, is a 6375
felony of the third degree. 6376

(RR) "Random drug testing" has the same meaning as in section 6377
5120.63 of the Revised Code. 6378

(SS) "Felony sex offense" has the same meaning as in section 6379
2957.28 of the Revised Code. 6380

~~(RR)~~(TT) "Body armor" has the same meaning as in section 6381

2941.1411 of the Revised Code. 6382

Sec. 2929.13. (A) Except as provided in division (E), (F), or 6383
(G) of this section and unless a specific sanction is required to 6384
be imposed or is precluded from being imposed pursuant to law, a 6385
court that imposes a sentence upon an offender for a felony may 6386
impose any sanction or combination of sanctions on the offender 6387
that are provided in sections 2929.14 to 2929.18 of the Revised 6388
Code. The sentence shall not impose an unnecessary burden on state 6389
or local government resources. 6390

If the offender is eligible to be sentenced to community 6391
control sanctions, the court shall consider the appropriateness of 6392
imposing a financial sanction pursuant to section 2929.18 of the 6393
Revised Code or a sanction of community service pursuant to 6394
section 2929.17 of the Revised Code as the sole sanction for the 6395
offense. Except as otherwise provided in this division, if the 6396
court is required to impose a mandatory prison term for the 6397
offense for which sentence is being imposed, the court also may 6398
impose a financial sanction pursuant to section 2929.18 of the 6399
Revised Code but may not impose any additional sanction or 6400
combination of sanctions under section 2929.16 or 2929.17 of the 6401
Revised Code. 6402

If the offender is being sentenced for a fourth degree felony 6403
~~OMVI~~ OVI offense or for a third degree felony ~~OMVI~~ OVI offense, in 6404
addition to the mandatory term of local incarceration or the 6405
mandatory prison term required for the offense by division (G)(1) 6406
or (2) of this section, the court shall impose upon the offender a 6407
mandatory fine in accordance with division (B)(3) of section 6408
2929.18 of the Revised Code and may impose whichever of the 6409
following is applicable: 6410

(1) For a fourth degree felony ~~OMVI~~ OVI offense for which 6411
sentence is imposed under division (G)(1) of this section, an 6412

additional community control sanction or combination of community 6413
control sanctions under section 2929.16 or 2929.17 of the Revised 6414
Code; 6415

(2) For a third or fourth degree felony ~~OMVI~~ OVI offense for 6416
which sentence is imposed under division (G)(2) of this section, 6417
an additional prison term as described in division (D)(4) of 6418
section 2929.14 of the Revised Code. 6419

(B)(1) Except as provided in division (B)(2), (E), (F), or 6420
(G) of this section, in sentencing an offender for a felony of the 6421
fourth or fifth degree, the sentencing court shall determine 6422
whether any of the following apply: 6423

(a) In committing the offense, the offender caused physical 6424
harm to a person. 6425

(b) In committing the offense, the offender attempted to 6426
cause or made an actual threat of physical harm to a person with a 6427
deadly weapon. 6428

(c) In committing the offense, the offender attempted to 6429
cause or made an actual threat of physical harm to a person, and 6430
the offender previously was convicted of an offense that caused 6431
physical harm to a person. 6432

(d) The offender held a public office or position of trust 6433
and the offense related to that office or position; the offender's 6434
position obliged the offender to prevent the offense or to bring 6435
those committing it to justice; or the offender's professional 6436
reputation or position facilitated the offense or was likely to 6437
influence the future conduct of others. 6438

(e) The offender committed the offense for hire or as part of 6439
an organized criminal activity. 6440

(f) The offense is a sex offense that is a fourth or fifth 6441
degree felony violation of section 2907.03, 2907.04, 2907.05, 6442

2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code. 6443
6444

(g) The offender previously served a prison term. 6445

(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. 6446
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6448

(i) The offender committed the offense while in possession of a firearm. 6449
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(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. 6451
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(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. 6459
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(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 6469
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purposes of sentencing, the sentencing court shall comply with the 6474
purposes and principles of sentencing under section 2929.11 of the 6475
Revised Code and with section 2929.12 of the Revised Code. 6476

(D) Except as provided in division (E) or (F) of this 6477
section, for a felony of the first or second degree and for a 6478
felony drug offense that is a violation of any provision of 6479
Chapter 2925., 3719., or 4729. of the Revised Code for which a 6480
presumption in favor of a prison term is specified as being 6481
applicable, it is presumed that a prison term is necessary in 6482
order to comply with the purposes and principles of sentencing 6483
under section 2929.11 of the Revised Code. Notwithstanding the 6484
presumption established under this division, the sentencing court 6485
may impose a community control sanction or a combination of 6486
community control sanctions instead of a prison term on an 6487
offender for a felony of the first or second degree or for a 6488
felony drug offense that is a violation of any provision of 6489
Chapter 2925., 3719., or 4729. of the Revised Code for which a 6490
presumption in favor of a prison term is specified as being 6491
applicable if it makes both of the following findings: 6492

(1) A community control sanction or a combination of 6493
community control sanctions would adequately punish the offender 6494
and protect the public from future crime, because the applicable 6495
factors under section 2929.12 of the Revised Code indicating a 6496
lesser likelihood of recidivism outweigh the applicable factors 6497
under that section indicating a greater likelihood of recidivism. 6498

(2) A community control sanction or a combination of 6499
community control sanctions would not demean the seriousness of 6500
the offense, because one or more factors under section 2929.12 of 6501
the Revised Code that indicate that the offender's conduct was 6502
less serious than conduct normally constituting the offense are 6503
applicable, and they outweigh the applicable factors under that 6504
section that indicate that the offender's conduct was more serious 6505

than conduct normally constituting the offense. 6506

(E)(1) Except as provided in division (F) of this section, 6507
for any drug offense that is a violation of any provision of 6508
Chapter 2925. of the Revised Code and that is a felony of the 6509
third, fourth, or fifth degree, the applicability of a presumption 6510
under division (D) of this section in favor of a prison term or of 6511
division (B) or (C) of this section in determining whether to 6512
impose a prison term for the offense shall be determined as 6513
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 6514
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 6515
Revised Code, whichever is applicable regarding the violation. 6516

(2) If an offender who was convicted of or pleaded guilty to 6517
a felony violates the conditions of a community control sanction 6518
imposed for the offense solely by reason of producing positive 6519
results on a drug test, the court, as punishment for the violation 6520
of the sanction, shall not order that the offender be imprisoned 6521
unless the court determines on the record either of the following: 6522

(a) The offender had been ordered as a sanction for the 6523
felony to participate in a drug treatment program, in a drug 6524
education program, or in narcotics anonymous or a similar program, 6525
and the offender continued to use illegal drugs after a reasonable 6526
period of participation in the program. 6527

(b) The imprisonment of the offender for the violation is 6528
consistent with the purposes and principles of sentencing set 6529
forth in section 2929.11 of the Revised Code. 6530

(F) Notwithstanding divisions (A) to (E) of this section, the 6531
court shall impose a prison term or terms under sections 2929.02 6532
to 2929.06, section 2929.14, or section 2971.03 of the Revised 6533
Code and except as specifically provided in section 2929.20 or 6534
2967.191 of the Revised Code or when parole is authorized for the 6535
offense under section 2967.13 of the Revised Code shall not reduce 6536

the terms pursuant to section 2929.20, section 2967.193, or any 6537
other provision of Chapter 2967. or Chapter 5120. of the Revised 6538
Code for any of the following offenses: 6539

6540

(1) Aggravated murder when death is not imposed or murder; 6541

(2) Any rape, regardless of whether force was involved and 6542
regardless of the age of the victim, or an attempt to commit rape 6543
by force when the victim is under thirteen years of age; 6544

(3) Gross sexual imposition or sexual battery, if the victim 6545
is under thirteen years of age, if the offender previously was 6546
convicted of or pleaded guilty to rape, the former offense of 6547
felonious sexual penetration, gross sexual imposition, or sexual 6548
battery, and if the victim of the previous offense was under 6549
thirteen years of age; 6550

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 6551
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 6552
requires the imposition of a prison term; 6553

(5) A first, second, or third degree felony drug offense for 6554
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 6555
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 6556
4729.99 of the Revised Code, whichever is applicable regarding the 6557
violation, requires the imposition of a mandatory prison term; 6558

(6) Any offense that is a first or second degree felony and 6559
that is not set forth in division (F)(1), (2), (3), or (4) of this 6560
section, if the offender previously was convicted of or pleaded 6561
guilty to aggravated murder, murder, any first or second degree 6562
felony, or an offense under an existing or former law of this 6563
state, another state, or the United States that is or was 6564
substantially equivalent to one of those offenses; 6565

(7) Any offense that is a third degree felony and that is 6566
listed in division (DD)(1) of section 2929.01 of the Revised Code 6567

if the offender previously was convicted of or pleaded guilty to 6568
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 6569
section 2929.01 of the Revised Code; 6570

(8) Any offense, other than a violation of section 2923.12 of 6571
the Revised Code, that is a felony, if the offender had a firearm 6572
on or about the offender's person or under the offender's control 6573
while committing the felony, with respect to a portion of the 6574
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 6575
of the Revised Code for having the firearm; 6576

(9) Any offense of violence that is a felony, if the offender 6577
wore or carried body armor while committing the felony offense of 6578
violence, with respect to the portion of the sentence imposed 6579
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 6580
Code for wearing or carrying the body armor; 6581

(10) Corrupt activity in violation of section 2923.32 of the 6582
Revised Code when the most serious offense in the pattern of 6583
corrupt activity that is the basis of the offense is a felony of 6584
the first degree; 6585

(11) Any sexually violent offense for which the offender also 6586
is convicted of or pleads guilty to a sexually violent predator 6587
specification that was included in the indictment, count in the 6588
indictment, or information charging the sexually violent offense; 6589
6590

(12) A violation of division (A)(1) or (2) of section 2921.36 6591
of the Revised Code, or a violation of division (C) of that 6592
section involving an item listed in division (A)(1) or (2) of that 6593
section, if the offender is an officer or employee of the 6594
department of rehabilitation and correction. 6595

(G) Notwithstanding divisions (A) to (E) of this section, if 6596
an offender is being sentenced for a fourth degree felony ~~OMVI~~ OVI 6597
offense or for a third degree felony ~~OMVI~~ OVI offense, the court 6598

shall impose upon the offender a mandatory term of local 6599
incarceration or a mandatory prison term in accordance with the 6600
following: 6601

(1) If the offender is being sentenced for a fourth degree 6602
felony ~~OMVI~~ OVI offense, the court may impose upon the offender a 6603
mandatory term of local incarceration of sixty days or one hundred 6604
twenty days as specified in division ~~(A)(4)~~ (G)(1)(d) of section 6605
~~4511.99 4511.19~~ 4511.19 of the Revised Code ~~or a mandatory term of local~~ 6606
~~incarceration of one hundred twenty days as specified in division~~ 6607
~~(A)(8) of that section.~~ The court shall not reduce the term 6608
pursuant to section 2929.20, 2967.193, or any other provision of 6609
the Revised Code. The court that imposes a mandatory term of local 6610
incarceration under this division shall specify whether the term 6611
is to be served in a jail, a community-based correctional 6612
facility, a halfway house, or an alternative residential facility, 6613
and the offender shall serve the term in the type of facility 6614
specified by the court. A mandatory term of local incarceration 6615
imposed under division (G)(1) of this section is not subject to 6616
extension under section 2967.11 of the Revised Code, to a period 6617
of post-release control under section 2967.28 of the Revised Code, 6618
or to any other Revised Code provision that pertains to a prison 6619
term. 6620

(2) If the offender is being sentenced for a third degree 6621
felony ~~OMVI~~ OVI offense, or if the offender is being sentenced for 6622
a fourth degree felony ~~OMVI~~ OVI offense and the court does not 6623
impose a mandatory term of local incarceration under division 6624
(G)(1) of this section, the court shall impose upon the offender a 6625
mandatory prison term of sixty days or one hundred twenty days as 6626
specified in division ~~(A)(4)~~ (G)(1)(e) of section ~~4511.99 4511.19~~ 6627
of the Revised Code ~~or a mandatory prison term of one hundred~~ 6628
~~twenty days as specified in division (A)(8) of that section.~~ The 6629
court shall not reduce the term pursuant to section 2929.20, 6630

2967.193, or any other provision of the Revised Code. In no case shall an offender who once has been sentenced to a mandatory term of local incarceration pursuant to division (G)(1) of this section for a fourth degree felony ~~OMVI~~ OVI offense be sentenced to another mandatory term of local incarceration under that division for any violation of division (A) of section 4511.19 of the Revised Code. The court shall not sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

(a) The department of rehabilitation and correction shall make a reasonable effort to ensure that a sufficient number of offenders sentenced to a mandatory prison term under this division are placed in the privately operated and managed prison so that the privately operated and managed prison has full occupancy.

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented

offense committed on or after January 1, 1997, the judge shall 6663
require the offender to submit to a DNA specimen collection 6664
procedure pursuant to section 2901.07 of the Revised Code if 6665
either of the following applies: 6666

(1) The offense was a sexually violent offense, and the 6667
offender also was convicted of or pleaded guilty to a sexually 6668
violent predator specification that was included in the 6669
indictment, count in the indictment, or information charging the 6670
sexually violent offense. 6671

(2) The judge imposing sentence for the sexually oriented 6672
offense determines pursuant to division (B) of section 2950.09 of 6673
the Revised Code that the offender is a sexual predator. 6674

(I) If an offender is being sentenced for a sexually oriented 6675
offense committed on or after January 1, 1997, the judge shall 6676
include in the sentence a summary of the offender's duty to 6677
register pursuant to section 2950.04 of the Revised Code, the 6678
offender's duty to provide notice of a change in residence address 6679
and register the new residence address pursuant to section 2950.05 6680
of the Revised Code, the offender's duty to periodically verify 6681
the offender's current residence address pursuant to section 6682
2950.06 of the Revised Code, and the duration of the duties. The 6683
judge shall inform the offender, at the time of sentencing, of 6684
those duties and of their duration and, if required under division 6685
(A)(2) of section 2950.03 of the Revised Code, shall perform the 6686
duties specified in that section. 6687

(J)(1) Except as provided in division (J)(2) of this section, 6688
when considering sentencing factors under this section in relation 6689
to an offender who is convicted of or pleads guilty to an attempt 6690
to commit an offense in violation of section 2923.02 of the 6691
Revised Code, the sentencing court shall consider the factors 6692
applicable to the felony category of the violation of section 6693
2923.02 of the Revised Code instead of the factors applicable to 6694

the felony category of the offense attempted. 6695

(2) When considering sentencing factors under this section in 6696
relation to an offender who is convicted of or pleads guilty to an 6697
attempt to commit a drug abuse offense for which the penalty is 6698
determined by the amount or number of unit doses of the controlled 6699
substance involved in the drug abuse offense, the sentencing court 6700
shall consider the factors applicable to the felony category that 6701
the drug abuse offense attempted would be if that drug abuse 6702
offense had been committed and had involved an amount or number of 6703
unit doses of the controlled substance that is within the next 6704
lower range of controlled substance amounts than was involved in 6705
the attempt. 6706

(K) As used in this section, "drug abuse offense" has the 6707
same meaning as in section 2925.01 of the Revised Code. 6708

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 6709
(D)(2), (D)(3), (D)(4), or (G) of this section and except in 6710
relation to an offense for which a sentence of death or life 6711
imprisonment is to be imposed, if the court imposing a sentence 6712
upon an offender for a felony elects or is required to impose a 6713
prison term on the offender pursuant to this chapter and is not 6714
prohibited by division (G)(1) of section 2929.13 of the Revised 6715
Code from imposing a prison term on the offender, the court shall 6716
impose a definite prison term that shall be one of the following: 6717

(1) For a felony of the first degree, the prison term shall 6718
be three, four, five, six, seven, eight, nine, or ten years. 6719

(2) For a felony of the second degree, the prison term shall 6720
be two, three, four, five, six, seven, or eight years. 6721

(3) For a felony of the third degree, the prison term shall 6722
be one, two, three, four, or five years. 6723

(4) For a felony of the fourth degree, the prison term shall 6724

be six, seven, eight, nine, ten, eleven, twelve, thirteen, 6725
fourteen, fifteen, sixteen, seventeen, or eighteen months. 6726

(5) For a felony of the fifth degree, the prison term shall 6727
be six, seven, eight, nine, ten, eleven, or twelve months. 6728

(B) Except as provided in division (C), (D)(1), (D)(2), 6729
(D)(3), or (G) of this section, in section 2907.02 of the Revised 6730
Code, or in Chapter 2925. of the Revised Code, if the court 6731
imposing a sentence upon an offender for a felony elects or is 6732
required to impose a prison term on the offender and if the 6733
offender previously has not served a prison term, the court shall 6734
impose the shortest prison term authorized for the offense 6735
pursuant to division (A) of this section, unless the court finds 6736
on the record that the shortest prison term will demean the 6737
seriousness of the offender's conduct or will not adequately 6738
protect the public from future crime by the offender or others. 6739

(C) Except as provided in division (G) of this section or in 6740
Chapter 2925. of the Revised Code, the court imposing a sentence 6741
upon an offender for a felony may impose the longest prison term 6742
authorized for the offense pursuant to division (A) of this 6743
section only upon offenders who committed the worst forms of the 6744
offense, upon offenders who pose the greatest likelihood of 6745
committing future crimes, upon certain major drug offenders under 6746
division (D)(3) of this section, and upon certain repeat violent 6747
offenders in accordance with division (D)(2) of this section. 6748

(D)(1)(a) Except as provided in division (D)(1)(e) of this 6749
section, if an offender who is convicted of or pleads guilty to a 6750
felony also is convicted of or pleads guilty to a specification of 6751
the type described in section 2941.141, 2941.144, or 2941.145 of 6752
the Revised Code, the court shall impose on the offender one of 6753
the following prison terms: 6754

(i) A prison term of six years if the specification is of the 6755

type described in section 2941.144 of the Revised Code that 6756
charges the offender with having a firearm that is an automatic 6757
firearm or that was equipped with a firearm muffler or silencer on 6758
or about the offender's person or under the offender's control 6759
while committing the felony; 6760

(ii) A prison term of three years if the specification is of 6761
the type described in section 2941.145 of the Revised Code that 6762
charges the offender with having a firearm on or about the 6763
offender's person or under the offender's control while committing 6764
the offense and displaying the firearm, brandishing the firearm, 6765
indicating that the offender possessed the firearm, or using it to 6766
facilitate the offense; 6767

(iii) A prison term of one year if the specification is of 6768
the type described in section 2941.141 of the Revised Code that 6769
charges the offender with having a firearm on or about the 6770
offender's person or under the offender's control while committing 6771
the felony. 6772

(b) If a court imposes a prison term on an offender under 6773
division (D)(1)(a) of this section, the prison term shall not be 6774
reduced pursuant to section 2929.20, section 2967.193, or any 6775
other provision of Chapter 2967. or Chapter 5120. of the Revised 6776
Code. A court shall not impose more than one prison term on an 6777
offender under division (D)(1)(a) of this section for felonies 6778
committed as part of the same act or transaction. 6779

(c) Except as provided in division (D)(1)(e) of this section, 6780
if an offender who is convicted of or pleads guilty to a violation 6781
of section 2923.161 of the Revised Code or to a felony that 6782
includes, as an essential element, purposely or knowingly causing 6783
or attempting to cause the death of or physical harm to another, 6784
also is convicted of or pleads guilty to a specification of the 6785
type described in section 2941.146 of the Revised Code that 6786
charges the offender with committing the offense by discharging a 6787

firearm from a motor vehicle other than a manufactured home, the 6788
court, after imposing a prison term on the offender for the 6789
violation of section 2923.161 of the Revised Code or for the other 6790
felony offense under division (A), (D)(2), or (D)(3) of this 6791
section, shall impose an additional prison term of five years upon 6792
the offender that shall not be reduced pursuant to section 6793
2929.20, section 2967.193, or any other provision of Chapter 2967. 6794
or Chapter 5120. of the Revised Code. A court shall not impose 6795
more than one additional prison term on an offender under division 6796
(D)(1)(c) of this section for felonies committed as part of the 6797
same act or transaction. If a court imposes an additional prison 6798
term on an offender under division (D)(1)(c) of this section 6799
relative to an offense, the court also shall impose a prison term 6800
under division (D)(1)(a) of this section relative to the same 6801
offense, provided the criteria specified in that division for 6802
imposing an additional prison term are satisfied relative to the 6803
offender and the offense. 6804

(d) If an offender who is convicted of or pleads guilty to an 6805
offense of violence that is a felony also is convicted of or 6806
pleads guilty to a specification of the type described in section 6807
2941.1411 of the Revised Code that charges the offender with 6808
wearing or carrying body armor while committing the felony offense 6809
of violence, the court shall impose on the offender a prison term 6810
of two years. The prison term so imposed shall not be reduced 6811
pursuant to section 2929.20, section 2967.193, or any other 6812
provision of ~~chapter~~ Chapter 2967. or ~~chapter~~ Chapter 5120. of the 6813
Revised Code. A court shall not impose more than one prison term 6814
on an offender under division (D)(1)(d) of this section for 6815
felonies committed as part of the same act or transaction. If a 6816
court imposes an additional prison term under division (D)(1)(a) 6817
or (c) of this section, the court is not precluded from imposing 6818
an additional prison term under division (D)(1)(d) of this 6819
section. 6820

(e) The court shall not impose any of the prison terms 6821
described in division (D)(1)(a) of this section or any of the 6822
additional prison terms described in division (D)(1)(c) of this 6823
section upon an offender for a violation of section 2923.12 or 6824
2923.123 of the Revised Code. The court shall not impose any of 6825
the prison terms described in division (D)(1)(a) of this section 6826
or any of the additional prison terms described in division 6827
(D)(1)(c) of this section upon an offender for a violation of 6828
section 2923.13 of the Revised Code unless all of the following 6829
apply: 6830

(i) The offender previously has been convicted of aggravated 6831
murder, murder, or any felony of the first or second degree. 6832

(ii) Less than five years have passed since the offender was 6833
released from prison or post-release control, whichever is later, 6834
for the prior offense. 6835

(2)(a) If an offender who is convicted of or pleads guilty to 6836
a felony also is convicted of or pleads guilty to a specification 6837
of the type described in section 2941.149 of the Revised Code that 6838
the offender is a repeat violent offender, the court shall impose 6839
a prison term from the range of terms authorized for the offense 6840
under division (A) of this section that may be the longest term in 6841
the range and that shall not be reduced pursuant to section 6842
2929.20, section 2967.193, or any other provision of Chapter 2967. 6843
or Chapter 5120. of the Revised Code. If the court finds that the 6844
repeat violent offender, in committing the offense, caused any 6845
physical harm that carried a substantial risk of death to a person 6846
or that involved substantial permanent incapacity or substantial 6847
permanent disfigurement of a person, the court shall impose the 6848
longest prison term from the range of terms authorized for the 6849
offense under division (A) of this section. 6850

(b) If the court imposing a prison term on a repeat violent 6851

offender imposes the longest prison term from the range of terms 6852
authorized for the offense under division (A) of this section, the 6853
court may impose on the offender an additional definite prison 6854
term of one, two, three, four, five, six, seven, eight, nine, or 6855
ten years if the court finds that both of the following apply with 6856
respect to the prison terms imposed on the offender pursuant to 6857
division (D)(2)(a) of this section and, if applicable, divisions 6858
(D)(1) and (3) of this section: 6859

(i) The terms so imposed are inadequate to punish the 6860
offender and protect the public from future crime, because the 6861
applicable factors under section 2929.12 of the Revised Code 6862
indicating a greater likelihood of recidivism outweigh the 6863
applicable factors under that section indicating a lesser 6864
likelihood of recidivism. 6865

(ii) The terms so imposed are demeaning to the seriousness of 6866
the offense, because one or more of the factors under section 6867
2929.12 of the Revised Code indicating that the offender's conduct 6868
is more serious than conduct normally constituting the offense are 6869
present, and they outweigh the applicable factors under that 6870
section indicating that the offender's conduct is less serious 6871
than conduct normally constituting the offense. 6872

(3)(a) Except when an offender commits a violation of section 6873
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 6874
the violation is life imprisonment or commits a violation of 6875
section 2903.02 of the Revised Code, if the offender commits a 6876
violation of section 2925.03 or 2925.11 of the Revised Code and 6877
that section classifies the offender as a major drug offender and 6878
requires the imposition of a ten-year prison term on the offender, 6879
if the offender commits a felony violation of section 2925.02, 6880
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6881
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6882
division (C) of section 4729.51, or division (J) of section 6883

4729.54 of the Revised Code that includes the sale, offer to sell, 6884
or possession of a schedule I or II controlled substance, with the 6885
exception of marihuana, and the court imposing sentence upon the 6886
offender finds that the offender is guilty of a specification of 6887
the type described in section 2941.1410 of the Revised Code 6888
charging that the offender is a major drug offender, or if the 6889
court imposing sentence upon an offender for a felony finds that 6890
the offender is guilty of corrupt activity with the most serious 6891
offense in the pattern of corrupt activity being a felony of the 6892
first degree or is guilty of an attempted forcible violation of 6893
section 2907.02 of the Revised Code with the victim being under 6894
thirteen years of age and that attempted violation is the felony 6895
for which sentence is being imposed, the court shall impose upon 6896
the offender for the felony violation a ten-year prison term that 6897
cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 6898
5120. of the Revised Code. 6899

(b) The court imposing a prison term on an offender under 6900
division (D)(3)(a) of this section may impose an additional prison 6901
term of one, two, three, four, five, six, seven, eight, nine, or 6902
ten years, if the court, with respect to the term imposed under 6903
division (D)(3)(a) of this section and, if applicable, divisions 6904
(D)(1) and (2) of this section, makes both of the findings set 6905
forth in divisions (D)(2)(b)(i) and (ii) of this section. 6906

(4) If the offender is being sentenced for a third or fourth 6907
degree felony ~~OVI~~ OVI offense under division (G)(2) of section 6908
2929.13 of the Revised Code, the sentencing court shall impose 6909
upon the offender a mandatory prison term in accordance with that 6910
division. In addition to the mandatory prison term, if the 6911
offender is being sentenced for a fourth degree felony OVI 6912
offense, the court, notwithstanding division (A)(4) of this 6913
section, may sentence the offender to a definite prison term of 6914
not less than six months and not more than thirty months, and if 6915

the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section ~~minus~~. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (D)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. The court shall not sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other 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 6949
term or mandatory prison term previously or subsequently imposed 6950
upon the offender. 6951

(b) If a mandatory prison term is imposed upon an offender 6952
pursuant to division (D)(1)(d) of this section for wearing or 6953
carrying body armor while committing an offense of violence that 6954
is a felony, the offender shall serve the mandatory term so 6955
imposed consecutively to any other mandatory prison term imposed 6956
under that division or under division (D)(1)(a) or (c) of this 6957
section, consecutively to and prior to any prison term imposed for 6958
the underlying felony under division (A), (D)(2), or (D)(3) of 6959
this section or any other section of the Revised Code, and 6960
consecutively to any other prison term or mandatory prison term 6961
previously or subsequently imposed upon the offender. 6962

(2) If an offender who is an inmate in a jail, prison, or 6963
other residential detention facility violates section 2917.02, 6964
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 6965
who is under detention at a detention facility commits a felony 6966
violation of section 2923.131 of the Revised Code, or if an 6967
offender who is an inmate in a jail, prison, or other residential 6968
detention facility or is under detention at a detention facility 6969
commits another felony while the offender is an escapee in 6970
violation of section 2921.34 of the Revised Code, any prison term 6971
imposed upon the offender for one of those violations shall be 6972
served by the offender consecutively to the prison term or term of 6973
imprisonment the offender was serving when the offender committed 6974
that offense and to any other prison term previously or 6975
subsequently imposed upon the offender. 6976

(3) If a prison term is imposed for a violation of division 6977
(B) of section 2911.01 of the Revised Code or if a prison term is 6978
imposed for a felony violation of division (B) of section 2921.331 6979
of the Revised Code, the offender shall serve that prison term 6980

consecutively to any other prison term or mandatory prison term 6981
previously or subsequently imposed upon the offender. 6982

(4) If multiple prison terms are imposed on an offender for 6983
convictions of multiple offenses, the court may require the 6984
offender to serve the prison terms consecutively if the court 6985
finds that the consecutive service is necessary to protect the 6986
public from future crime or to punish the offender and that 6987
consecutive sentences are not disproportionate to the seriousness 6988
of the offender's conduct and to the danger the offender poses to 6989
the public, and if the court also finds any of the following: 6990

(a) The offender committed the multiple offenses while the 6991
offender was awaiting trial or sentencing, was under a sanction 6992
imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the 6993
Revised Code, or was under post-release control for a prior 6994
offense. 6995

(b) The harm caused by the multiple offenses was so great or 6996
unusual that no single prison term for any of the offenses 6997
committed as part of a single course of conduct adequately 6998
reflects the seriousness of the offender's conduct. 6999

(c) The offender's history of criminal conduct demonstrates 7000
that consecutive sentences are necessary to protect the public 7001
from future crime by the offender. 7002

(5) When consecutive prison terms are imposed pursuant to 7003
division (E)(1), (2), (3), or (4) of this section, the term to be 7004
served is the aggregate of all of the terms so imposed. 7005

(F) If a court imposes a prison term of a type described in 7006
division (B) of section 2967.28 of the Revised Code, it shall 7007
include in the sentence a requirement that the offender be subject 7008
to a period of post-release control after the offender's release 7009
from imprisonment, in accordance with that division. If a court 7010
imposes a prison term of a type described in division (C) of that 7011

section, it shall include in the sentence a requirement that the 7012
offender be subject to a period of post-release control after the 7013
offender's release from imprisonment, in accordance with that 7014
division, if the parole board determines that a period of 7015
post-release control is necessary. 7016

(G) If a person is convicted of or pleads guilty to a 7017
sexually violent offense and also is convicted of or pleads guilty 7018
to a sexually violent predator specification that was included in 7019
the indictment, count in the indictment, or information charging 7020
that offense, the court shall impose sentence upon the offender in 7021
accordance with section 2971.03 of the Revised Code, and Chapter 7022
2971. of the Revised Code applies regarding the prison term or 7023
term of life imprisonment without parole imposed upon the offender 7024
and the service of that term of imprisonment. 7025

(H) If a person who has been convicted of or pleaded guilty 7026
to a felony is sentenced to a prison term or term of imprisonment 7027
under this section, sections 2929.02 to 2929.06 of the Revised 7028
Code, section 2971.03 of the Revised Code, or any other provision 7029
of law, section 5120.163 of the Revised Code applies regarding the 7030
person while the person is confined in a state correctional 7031
institution. 7032

(I) If an offender who is convicted of or pleads guilty to a 7033
felony that is an offense of violence also is convicted of or 7034
pleads guilty to a specification of the type described in section 7035
2941.142 of the Revised Code that charges the offender with having 7036
committed the felony while participating in a criminal gang, the 7037
court shall impose upon the offender an additional prison term of 7038
one, two, or three years. 7039

(J) If an offender who is convicted of or pleads guilty to 7040
aggravated murder, murder, or a felony of the first, second, or 7041
third degree that is an offense of violence also is convicted of 7042
or pleads guilty to a specification of the type described in 7043

section 2941.143 of the Revised Code that charges the offender 7044
with having committed the offense in a school safety zone or 7045
towards a person in a school safety zone, the court shall impose 7046
upon the offender an additional prison term of two years. The 7047
offender shall serve the additional two years consecutively to and 7048
prior to the prison term imposed for the underlying offense. 7049

(K) At the time of sentencing, the court shall determine if 7050
an offender is eligible for placement in a program of shock 7051
incarceration under section 5120.031 of the Revised Code or is 7052
eligible for placement in an intensive program prison under 7053
section 5120.032 of the Revised Code. The court may recommend the 7054
offender for placement in a program of shock incarceration, if 7055
eligible, or for placement in an intensive program prison, if 7056
eligible, disapprove placement of the offender in a program of 7057
shock incarceration or in an intensive program prison, regardless 7058
of eligibility, or make no recommendation on placement of the 7059
offender. 7060

If the court disapproves placement of the offender in a 7061
program or prison of that nature, the department of rehabilitation 7062
and correction shall not place the offender in any program of 7063
shock incarceration or intensive program prison. 7064

If the court approves placement of the offender in a program 7065
of shock incarceration or in an intensive program prison, the 7066
department shall notify the court if the offender is subsequently 7067
placed in the recommended program or prison and shall include with 7068
the notice a brief description of the placement. 7069

If the court approves placement of the offender in a program 7070
of shock incarceration or in an intensive program prison and the 7071
department does not subsequently place the offender in the 7072
recommended program or prison, the department shall send a notice 7073
to the court indicating why the offender was not placed in the 7074
recommended program or prison. 7075

If the court does not make a recommendation under this 7076
division with respect to an eligible offender, the department 7077
shall screen the offender and determine if there is an available 7078
program of shock incarceration or an intensive program prison for 7079
which the offender is suited. If there is an available program of 7080
shock incarceration or an intensive program prison for which the 7081
offender is suited, the department shall notify the court of the 7082
proposed placement of the offender and shall include with the 7083
notice a brief description of the placement. The court shall have 7084
ten days from receipt of the notice to disapprove the placement. 7085

Sec. 2929.15. (A)(1) If in sentencing an offender for a 7086
felony the court is not required to impose a prison term, a 7087
mandatory prison term, or a term of life imprisonment upon the 7088
offender, the court may directly impose a sentence that consists 7089
of one or more community control sanctions authorized pursuant to 7090
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 7091
court is sentencing an offender for a fourth degree felony ~~OMVI~~ 7092
OVI offense under division (G)(1) of section 2929.13 of the 7093
Revised Code, in addition to the mandatory term of local 7094
incarceration imposed under that division and the mandatory fine 7095
required by division (B)(3) of section 2929.18 of the Revised 7096
Code, the court may impose upon the offender a community control 7097
sanction or combination of community control sanctions in 7098
accordance with sections 2929.16 and 2929.17 of the Revised Code. 7099
The duration of all community control sanctions imposed upon an 7100
offender under this division shall not exceed five years. If the 7101
offender absconds or otherwise leaves the jurisdiction of the 7102
court in which the offender resides without obtaining permission 7103
from the court or the offender's probation officer to leave the 7104
jurisdiction of the court, or if the offender is confined in any 7105
institution for the commission of any offense while under a 7106
community control sanction, the period of the community control 7107

sanction ceases to run until the offender is brought before the 7108
court for its further action. If the court sentences the offender 7109
to one or more nonresidential sanctions under section 2929.17 of 7110
the Revised Code, the court shall impose as a condition of the 7111
nonresidential sanctions that, during the period of the sanctions, 7112
the offender must abide by the law and must not leave the state 7113
without the permission of the court or the offender's probation 7114
officer. The court may impose any other conditions of release 7115
under a community control sanction that the court considers 7116
appropriate, including, but not limited to, requiring that the 7117
offender not ingest or be injected with a drug of abuse and submit 7118
to random drug testing as provided in division (D) of this section 7119
to determine whether the offender ingested or was injected with a 7120
drug of abuse and requiring that the results of the drug test 7121
indicate that the offender did not ingest or was not injected with 7122
a drug of abuse. If the court is sentencing an offender for a 7123
third or fourth degree felony ~~OMVI~~ OVI offense under division 7124
(G)(2) of section 2929.13 of the Revised Code, the court shall not 7125
impose upon the offender any community control sanction or 7126
combination of community control sanctions under section 2929.16 7127
or 2929.17 of the Revised Code. 7128

(2)(a) If a court sentences an offender to any community 7129
control sanction or combination of community control sanctions 7130
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 7131
Revised Code, the court shall place the offender under the general 7132
control and supervision of a department of probation in the county 7133
that serves the court for purposes of reporting to the court a 7134
violation of any condition of the sanctions, any condition of 7135
release under a community control sanction imposed by the court, a 7136
violation of law, or the departure of the offender from this state 7137
without the permission of the court or the offender's probation 7138
officer. Alternatively, if the offender resides in another county 7139
and a county department of probation has been established in that 7140

county or that county is served by a multicounty probation 7141
department established under section 2301.27 of the Revised Code, 7142
the court may request the court of common pleas of that county to 7143
receive the offender into the general control and supervision of 7144
that county or multicounty department of probation for purposes of 7145
reporting to the court a violation of any condition of the 7146
sanctions, any condition of release under a community control 7147
sanction imposed by the court, a violation of law, or the 7148
departure of the offender from this state without the permission 7149
of the court or the offender's probation officer, subject to the 7150
jurisdiction of the trial judge over and with respect to the 7151
person of the offender, and to the rules governing that department 7152
of probation. 7153

If there is no department of probation in the county that 7154
serves the court, the court shall place the offender, regardless 7155
of the offender's county of residence, under the general control 7156
and supervision of the adult parole authority for purposes of 7157
reporting to the court a violation of any of the sanctions, any 7158
condition of release under a community control sanction imposed by 7159
the court, a violation of law, or the departure of the offender 7160
from this state without the permission of the court or the 7161
offender's probation officer. 7162

(b) If the court imposing sentence upon an offender sentences 7163
the offender to any community control sanction or combination of 7164
community control sanctions authorized pursuant to section 7165
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 7166
offender violates any condition of the sanctions, any condition of 7167
release under a community control sanction imposed by the court, 7168
violates any law, or departs the state without the permission of 7169
the court or the offender's probation officer, the public or 7170
private person or entity that operates or administers the sanction 7171
or the program or activity that comprises the sanction shall 7172

report the violation or departure directly to the sentencing 7173
court, or shall report the violation or departure to the county or 7174
multicounty department of probation with general control and 7175
supervision over the offender under division (A)(2)(a) of this 7176
section or the officer of that department who supervises the 7177
offender, or, if there is no such department with general control 7178
and supervision over the offender under that division, to the 7179
adult parole authority. If the public or private person or entity 7180
that operates or administers the sanction or the program or 7181
activity that comprises the sanction reports the violation or 7182
departure to the county or multicounty department of probation or 7183
the adult parole authority, the department's or authority's 7184
officers may treat the offender as if the offender were on 7185
probation and in violation of the probation, and shall report the 7186
violation of the condition of the sanction, any condition of 7187
release under a community control sanction imposed by the court, 7188
the violation of law, or the departure from the state without the 7189
required permission to the sentencing court. 7190

(B) If the conditions of a community control sanction are 7191
violated or if the offender violates a law or leaves the state 7192
without the permission of the court or the offender's probation 7193
officer, the sentencing court may impose a longer time under the 7194
same sanction if the total time under the sanctions does not 7195
exceed the five-year limit specified in division (A) of this 7196
section, may impose a more restrictive sanction under section 7197
2929.16, 2929.17, or 2929.18 of the Revised Code, or may impose a 7198
prison term on the offender pursuant to section 2929.14 of the 7199
Revised Code. The prison term, if any, imposed upon a violator 7200
pursuant to this division shall be within the range of prison 7201
terms available for the offense for which the sanction that was 7202
violated was imposed and shall not exceed the prison term 7203
specified in the notice provided to the offender at the sentencing 7204
hearing pursuant to division (B)(3) of section 2929.19 of the 7205

Revised Code. The court may reduce the longer period of time that 7206
the offender is required to spend under the longer sanction, the 7207
more restrictive sanction, or a prison term imposed pursuant to 7208
this division by the time the offender successfully spent under 7209
the sanction that was initially imposed. 7210

(C) If an offender, for a significant period of time, 7211
fulfills the conditions of a sanction imposed pursuant to section 7212
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 7213
manner, the court may reduce the period of time under the sanction 7214
or impose a less restrictive sanction, but the court shall not 7215
permit the offender to violate any law or permit the offender to 7216
leave the state without the permission of the court or the 7217
offender's probation officer. 7218

(D)(1) If a court under division (A)(1) of this section 7219
imposes a condition of release under a community control sanction 7220
that requires the offender to submit to random drug testing, the 7221
department of probation or the adult parole authority that has 7222
general control and supervision of the offender under division 7223
(A)(2)(a) of this section may cause the offender to submit to 7224
random drug testing performed by a laboratory or entity that has 7225
entered into a contract with any of the governmental entities or 7226
officers authorized to enter into a contract with that laboratory 7227
or entity under section 341.26, 753.33, or 5120.63 of the Revised 7228
Code. 7229

(2) If no laboratory or entity described in division (D)(1) 7230
of this section has entered into a contract as specified in that 7231
division, the department of probation or the adult parole 7232
authority that has general control and supervision of the offender 7233
under division (A)(2)(a) of this section shall cause the offender 7234
to submit to random drug testing performed by a reputable public 7235
laboratory to determine whether the individual who is the subject 7236
of the drug test ingested or was injected with a drug of abuse. 7237

(3) A laboratory or entity that has entered into a contract 7238
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 7239
shall perform the random drug tests under division (D)(1) of this 7240
section in accordance with the applicable standards that are 7241
included in the terms of that contract. A public laboratory shall 7242
perform the random drug tests under division (D)(2) of this 7243
section in accordance with the standards set forth in the policies 7244
and procedures established by the department of rehabilitation and 7245
correction pursuant to section 5120.63 of the Revised Code. An 7246
offender who is required under division (A)(1) of this section to 7247
submit to random drug testing as a condition of release under a 7248
community control sanction and whose test results indicate that 7249
the offender ingested or was injected with a drug of abuse shall 7250
pay the fee for the drug test if the department of probation or 7251
the adult parole authority that has general control and 7252
supervision of the offender requires payment of a fee. A 7253
laboratory or entity that performs the random drug testing on an 7254
offender under division (D)(1) or (2) of this section shall 7255
transmit the results of the drug test to the appropriate 7256
department of probation or the adult parole authority that has 7257
general control and supervision of the offender under division 7258
(A)(2)(a) of this section. 7259

Sec. 2929.16. (A) The court imposing a sentence for a felony 7260
upon an offender who is not required to serve a mandatory prison 7261
term may impose any community residential sanction or combination 7262
of community residential sanctions under this section. The court 7263
imposing a sentence for a fourth degree felony ~~OMVI~~ OVI offense 7264
under division (G)(1) of section 2929.13 of the Revised Code may 7265
impose upon the offender, in addition to the mandatory term of 7266
local incarceration imposed under that division, a community 7267
residential sanction or combination of community residential 7268
sanctions under this section, and the offender shall serve or 7269

satisfy the sanction or combination of sanctions after the 7270
offender has served the mandatory term of local incarceration 7271
required for the offense. Community residential sanctions include, 7272
but are not limited to, the following: 7273

(1) A term of up to six months at a community-based 7274
correctional facility that serves the county; 7275

(2) Except as otherwise provided in division (A)(3) of this 7276
section and subject to division (D) of this section, a term of up 7277
to six months in a jail; 7278

(3) If the offender is convicted of a fourth degree felony 7279
~~OMVI~~ OVI offense and is sentenced under division (G)(1) of section 7280
2929.13 of the Revised Code, subject to division (D) of this 7281
section, a term of up to one year in a jail less the mandatory 7282
term of local incarceration of sixty or one hundred twenty 7283
consecutive days of imprisonment imposed pursuant to that 7284
division; 7285

(4) A term in a halfway house; 7286

(5) A term in an alternative residential facility. 7287

(B) The court that assigns any offender convicted of a felony 7288
to a residential sanction under this section may authorize the 7289
offender to be released so that the offender may seek or maintain 7290
employment, receive education or training, or receive treatment. A 7291
release pursuant to this division shall be only for the duration 7292
of time that is needed to fulfill the purpose of the release and 7293
for travel that reasonably is necessary to fulfill the purposes of 7294
the release. 7295

(C) If the court assigns an offender to a county jail that is 7296
not a minimum security misdemeanor jail in a county that has 7297
established a county jail industry program pursuant to section 7298
5147.30 of the Revised Code, the court shall specify, as part of 7299
the sentence, whether the sheriff of that county may consider the 7300

offender for participation in the county jail industry program. 7301
During the offender's term in the county jail, the court shall 7302
retain jurisdiction to modify its specification upon a 7303
reassessment of the offender's qualifications for participation in 7304
the program. 7305

(D) If a court sentences an offender to a term in jail under 7306
division (A)(2) or (3) of this section and if the sentence is 7307
imposed for a felony of the fourth or fifth degree that is not an 7308
offense of violence, the court may specify that it prefers that 7309
the offender serve the term in a minimum security jail established 7310
under section 341.34 or 753.21 of the Revised Code. If the court 7311
includes a specification of that type in the sentence and if the 7312
administrator of the appropriate minimum security jail or the 7313
designee of that administrator classifies the offender in 7314
accordance with section 341.34 or 753.21 of the Revised Code as a 7315
minimal security risk, the offender shall serve the term in the 7316
minimum security jail established under section 341.34 or 753.21 7317
of the Revised Code. Absent a specification of that type and a 7318
finding of that type, the offender shall serve the term in a jail 7319
other than a minimum security jail established under section 7320
341.34 or 753.21 of the Revised Code. 7321

(E) If a person who has been convicted of or pleaded guilty 7322
to a felony is sentenced to a community residential sanction as 7323
described in division (A) of this section, at the time of 7324
reception and at other times the person in charge of the operation 7325
of the community-based correctional facility, jail, halfway house, 7326
alternative residential facility, or other place at which the 7327
offender will serve the residential sanction determines to be 7328
appropriate, the person in charge of the operation of the 7329
community-based correctional facility, jail, halfway house, 7330
alternative residential facility, or other place may cause the 7331
convicted offender to be examined and tested for tuberculosis, HIV 7332

infection, hepatitis, including but not limited to hepatitis A, B, 7333
and C, and other contagious diseases. The person in charge of the 7334
operation of the community-based correctional facility, jail, 7335
halfway house, alternative residential facility, or other place at 7336
which the offender will serve the residential sanction may cause a 7337
convicted offender in the community-based correctional facility, 7338
jail, halfway house, alternative residential facility, or other 7339
place who refuses to be tested or treated for tuberculosis, HIV 7340
infection, hepatitis, including but not limited to hepatitis A, B, 7341
and C, or another contagious disease to be tested and treated 7342
involuntarily. 7343

Sec. 2929.17. The court imposing a sentence for a felony upon 7344
an offender who is not required to serve a mandatory prison term 7345
may impose any nonresidential sanction or combination of 7346
nonresidential sanctions authorized under this section. If the 7347
court imposes one or more nonresidential sanctions authorized 7348
under this section, the court shall impose as a condition of the 7349
sanction that, during the period of the nonresidential sanction, 7350
the offender shall abide by the law and shall not leave the state 7351
without the permission of the court or the offender's probation 7352
officer. 7353

The court imposing a sentence for a fourth degree felony ~~OMVI~~ 7354
OVI offense under division (G)(1) of section 2929.13 of the 7355
Revised Code may impose upon the offender, in addition to the 7356
mandatory term of local incarceration imposed under that division, 7357
a nonresidential sanction or combination of nonresidential 7358
sanctions under this section, and the offender shall serve or 7359
satisfy the sanction or combination of sanctions after the 7360
offender has served the mandatory term of local incarceration 7361
required for the offense. Nonresidential sanctions include, but 7362
are not limited to, the following: 7363

(A) A term of day reporting;	7364
(B) A term of electronically monitored house arrest, a term of electronic monitoring without house arrest, or a term of house arrest without electronic monitoring;	7365 7366 7367
(C) A term of community service of up to five hundred hours pursuant to division (F) of section 2951.02 of the Revised Code or, if the court determines that the offender is financially incapable of fulfilling a financial sanction described in section 2929.18 of the Revised Code, a term of community service as an alternative to a financial sanction;	7368 7369 7370 7371 7372 7373
(D) A term in a drug treatment program with a level of security for the offender as determined necessary by the court;	7374 7375
(E) A term of intensive probation supervision;	7376
(F) A term of basic probation supervision;	7377
(G) A term of monitored time;	7378
(H) A term of drug and alcohol use monitoring, including random drug testing pursuant to section 2951.05 of the Revised Code;	7379 7380 7381
(I) A curfew term;	7382
(J) A requirement that the offender obtain employment;	7383
(K) A requirement that the offender obtain education or training;	7384 7385
(L) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;	7386 7387 7388
(M) A license violation report;	7389
(N) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at	7390 7391 7392

the time of the violation, if the offender committed the offense 7393
in the vicinity of one or more children who are not victims of the 7394
offense, and if the offender or the victim of the offense is a 7395
parent, guardian, custodian, or person in loco parentis of one or 7396
more of those children, a requirement that the offender obtain 7397
counseling. This division does not limit the court in requiring 7398
the offender to obtain counseling for any offense or in any 7399
circumstance not specified in this division. 7400

Sec. 2929.18. (A) Except as otherwise provided in this 7401
division and in addition to imposing court costs pursuant to 7402
section 2947.23 of the Revised Code, the court imposing a sentence 7403
upon an offender for a felony may sentence the offender to any 7404
financial sanction or combination of financial sanctions 7405
authorized under this section or, in the circumstances specified 7406
in section 2929.25 of the Revised Code, may impose upon the 7407
offender a fine in accordance with that section. If the offender 7408
is sentenced to a sanction of confinement pursuant to section 7409
2929.14 or 2929.16 of the Revised Code that is to be served in a 7410
facility operated by a board of county commissioners, a 7411
legislative authority of a municipal corporation, or another 7412
governmental entity, the court imposing sentence upon an offender 7413
for a felony shall comply with division (A)(4)(b) of this section 7414
in determining whether to sentence the offender to a financial 7415
sanction described in division (A)(4)(a) of this section. 7416
Financial sanctions that may be imposed pursuant to this section 7417
include, but are not limited to, the following: 7418

(1) Restitution by the offender to the victim of the 7419
offender's crime or any survivor of the victim, in an amount based 7420
on the victim's economic loss. The court shall order that the 7421
restitution be made to the adult probation department that serves 7422
the county on behalf of the victim, to the clerk of courts, or to 7423
another agency designated by the court, except that it may include 7424

a requirement that reimbursement be made to third parties for 7425
amounts paid to or on behalf of the victim or any survivor of the 7426
victim for economic loss resulting from the offense. If 7427
reimbursement to third parties is required, the reimbursement 7428
shall be made to any governmental agency to repay any amounts paid 7429
by the agency to or on behalf of the victim or any survivor of the 7430
victim for economic loss resulting from the offense before any 7431
reimbursement is made to any person other than a governmental 7432
agency. If no governmental agency incurred expenses for economic 7433
loss of the victim or any survivor of the victim resulting from 7434
the offense, the reimbursement shall be made to any person other 7435
than a governmental agency to repay amounts paid by that person to 7436
or on behalf of the victim or any survivor of the victim for 7437
economic loss of the victim resulting from the offense. The court 7438
shall not require an offender to repay an insurance company for 7439
any amounts the company paid on behalf of the offender pursuant to 7440
a policy of insurance. At sentencing, the court shall determine 7441
the amount of restitution to be made by the offender. All 7442
restitution payments shall be credited against any recovery of 7443
economic loss in a civil action brought by the victim or any 7444
survivor of the victim against the offender. 7445

(2) Except as provided in division (B)(1), (3), or (4) of 7446
this section, a fine payable by the offender to the state, to a 7447
political subdivision, or as described in division (B)(2) of this 7448
section to one or more law enforcement agencies, with the amount 7449
of the fine based on a standard percentage of the offender's daily 7450
income over a period of time determined by the court and based 7451
upon the seriousness of the offense. A fine ordered under this 7452
division shall not exceed the statutory fine amount authorized for 7453
the level of the offense under division (A)(3) of this section. 7454

(3) Except as provided in division (B)(1), (3), or (4) of 7455
this section, a fine payable by the offender to the state, to a 7456

political subdivision when appropriate for a felony, or as 7457
described in division (B)(2) of this section to one or more law 7458
enforcement agencies, in the following amount: 7459

(a) For a felony of the first degree, not more than twenty 7460
thousand dollars; 7461

(b) For a felony of the second degree, not more than fifteen 7462
thousand dollars; 7463

(c) For a felony of the third degree, not more than ten 7464
thousand dollars; 7465

(d) For a felony of the fourth degree, not more than five 7466
thousand dollars; 7467

(e) For a felony of the fifth degree, not more than two 7468
thousand five hundred dollars. 7469

(4)(a) Subject to division (A)(4)(b) of this section, 7470
reimbursement by the offender of any or all of the costs of 7471
sanctions incurred by the government, including the following: 7472

(i) All or part of the costs of implementing any community 7473
control sanction; 7474

(ii) All or part of the costs of confinement under a sanction 7475
imposed pursuant to section 2929.14 or 2929.16 of the Revised 7476
Code, provided that the amount of reimbursement ordered under this 7477
division shall not exceed the total amount of reimbursement the 7478
offender is able to pay as determined at a hearing and shall not 7479
exceed the actual cost of the confinement; 7480

(b) If the offender is sentenced to a sanction of confinement 7481
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 7482
to be served in a facility operated by a board of county 7483
commissioners, a legislative authority of a municipal corporation, 7484
or another local governmental entity, one of the following 7485
applies: 7486

(i) If, pursuant to section 307.93, 341.14, 341.19, 341.23, 7487
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code, 7488
the board, legislative authority, or other local governmental 7489
entity requires prisoners convicted of an offense other than a 7490
minor misdemeanor to reimburse the county, municipal corporation, 7491
or other entity for its expenses incurred by reason of the 7492
prisoner's confinement, the court shall impose a financial 7493
sanction under division (A)(4)(a) of this section that requires 7494
the offender to reimburse the county, municipal corporation, or 7495
other local governmental entity for the cost of the confinement. 7496
In addition, the court may impose any other financial sanction 7497
under this section. 7498

(ii) If, pursuant to any section identified in division 7499
(A)(4)(b)(i) of this section, the board, legislative authority, or 7500
other local governmental entity has adopted a resolution or 7501
ordinance specifying that prisoners convicted of felonies are not 7502
required to reimburse the county, municipal corporation, or other 7503
local governmental entity for its expenses incurred by reason of 7504
the prisoner's confinement, the court shall not impose a financial 7505
sanction under division (A)(4)(a) of this section that requires 7506
the offender to reimburse the county, municipal corporation, or 7507
other local governmental entity for the cost of the confinement, 7508
but the court may impose any other financial sanction under this 7509
section. 7510

(iii) If neither division (A)(4)(b)(i) nor (A)(4)(b)(ii) of 7511
this section applies, the court may impose, but is not required to 7512
impose, any financial sanction under this section. 7513

(c) Reimbursement by the offender for costs pursuant to 7514
section 2929.28 of the Revised Code. 7515

(B)(1) For a first, second, or third degree felony violation 7516
of any provision of Chapter 2925., 3719., or 4729. of the Revised 7517

Code, the sentencing court shall impose upon the offender a 7518
mandatory fine of at least one-half of, but not more than, the 7519
maximum statutory fine amount authorized for the level of the 7520
offense pursuant to division (A)(3) of this section. If an 7521
offender alleges in an affidavit filed with the court prior to 7522
sentencing that the offender is indigent and unable to pay the 7523
mandatory fine and if the court determines the offender is an 7524
indigent person and is unable to pay the mandatory fine described 7525
in this division, the court shall not impose the mandatory fine 7526
upon the offender. 7527

(2) Any mandatory fine imposed upon an offender under 7528
division (B)(1) of this section and any fine imposed upon an 7529
offender under division (A)(2) or (3) of this section for any 7530
fourth or fifth degree felony violation of any provision of 7531
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 7532
to law enforcement agencies pursuant to division (F) of section 7533
2925.03 of the Revised Code. 7534

(3) For a fourth degree felony ~~OMVI~~ OVI offense and for a 7535
third degree felony ~~OMVI~~ OVI offense, the sentencing court shall 7536
impose upon the offender a mandatory fine in the amount specified 7537
in division ~~(A)(4)~~ (G)(1)(d) or ~~(8)(e)~~ of section ~~4511.99~~ 4511.19 7538
of the Revised Code, whichever is applicable. The mandatory fine 7539
so imposed shall be disbursed as provided in the division ~~(A)(4)~~ 7540
~~or (8) of section 4511.99 of the Revised Code pursuant to which it~~ 7541
is imposed. 7542

(4) Notwithstanding any fine otherwise authorized or required 7543
to be imposed under division (A)(2) or (3) or (B)(1) of this 7544
section or section 2929.31 of the Revised Code for a violation of 7545
section 2925.03 of the Revised Code, in addition to any penalty or 7546
sanction imposed for that offense under section 2925.03 or 7547
sections 2929.11 to 2929.18 of the Revised Code and in addition to 7548
the forfeiture of property in connection with the offense as 7549

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) or (7) of this section, a fine that is authorized and imposed under division (B)(4) of this section does not limit or affect the imposition of the penalties and sanctions for a violation of

section 2925.03 of the Revised Code prescribed under those 7582
sections or sections 2929.11 to 2929.18 of the Revised Code and 7583
does not limit or affect a forfeiture of property in connection 7584
with the offense as prescribed in sections 2925.42 to 2925.45 of 7585
the Revised Code. 7586

(6) If the sum total of a mandatory fine amount imposed for a 7587
first, second, or third degree felony violation of section 2925.03 7588
of the Revised Code under division (B)(1) of this section plus the 7589
amount of any fine imposed under division (B)(4) of this section 7590
does not exceed the maximum statutory fine amount authorized for 7591
the level of the offense under division (A)(3) of this section or 7592
section 2929.31 of the Revised Code, the court may impose a fine 7593
for the offense in addition to the mandatory fine and the fine 7594
imposed under division (B)(4) of this section. The sum total of 7595
the amounts of the mandatory fine, the fine imposed under division 7596
(B)(4) of this section, and the additional fine imposed under 7597
division (B)(6) of this section shall not exceed the maximum 7598
statutory fine amount authorized for the level of the offense 7599
under division (A)(3) of this section or section 2929.31 of the 7600
Revised Code. The clerk of the court shall pay any fine that is 7601
imposed under division (B)(6) of this section to the county, 7602
township, municipal corporation, park district as created pursuant 7603
to section 511.18 or 1545.04 of the Revised Code, or state law 7604
enforcement agencies in this state that primarily were responsible 7605
for or involved in making the arrest of, and in prosecuting, the 7606
offender pursuant to division (F) of section 2925.03 of the 7607
Revised Code. 7608

(7) If the sum total of the amount of a mandatory fine 7609
imposed for a first, second, or third degree felony violation of 7610
section 2925.03 of the Revised Code plus the amount of any fine 7611
imposed under division (B)(4) of this section exceeds the maximum 7612
statutory fine amount authorized for the level of the offense 7613

under division (A)(3) of this section or section 2929.31 of the Revised Code, the court shall not impose a fine under division (B)(6) of this section.

(C)(1) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(4)(a) of this section to pay the costs incurred by the department of rehabilitation and correction in operating a prison or other facility used to confine offenders pursuant to sanctions imposed under section 2929.14 or 2929.16 of the Revised Code to the treasurer of state. The treasurer of state shall deposit the reimbursements in the confinement cost reimbursement fund that is hereby created in the state treasury. The department of rehabilitation and correction shall use the amounts deposited in the fund to fund the operation of facilities used to confine offenders pursuant to sections 2929.14 and 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(4)(a) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the

offender pursuant to division (A)(4)(a) of this section to pay the 7646
costs incurred by a municipal corporation pursuant to any sanction 7647
imposed under this section or section 2929.16 or 2929.17 of the 7648
Revised Code or in operating a facility used to confine offenders 7649
pursuant to a sanction imposed under section 2929.16 of the 7650
Revised Code to the treasurer of the municipal corporation. The 7651
treasurer shall deposit the reimbursements in a special fund that 7652
shall be established in the treasury of each municipal 7653
corporation. The municipal corporation shall use the amounts 7654
deposited in the fund to pay the costs incurred by the municipal 7655
corporation pursuant to any sanction imposed under this section or 7656
section 2929.16 or 2929.17 of the Revised Code or in operating a 7657
facility used to confine offenders pursuant to a sanction imposed 7658
under section 2929.16 of the Revised Code. 7659

(4) Except as provided in section 2951.021 of the Revised 7660
Code, the offender shall pay reimbursements imposed pursuant to 7661
division (A)(4)(a) of this section for the costs incurred by a 7662
private provider pursuant to a sanction imposed under this section 7663
or section 2929.16 or 2929.17 of the Revised Code to the provider. 7664

(D) A financial sanction imposed pursuant to division (A) or 7665
(B) of this section is a judgment in favor of the state or a 7666
political subdivision in which the court that imposed the 7667
financial sanction is located, except that a financial sanction of 7668
reimbursement imposed pursuant to division (A)(4)(a)(ii) of this 7669
section upon an offender who is incarcerated in a state facility 7670
or a municipal jail is a judgment in favor of the state or the 7671
municipal corporation, a financial sanction of reimbursement 7672
imposed upon an offender pursuant to this section for costs 7673
incurred by a private provider of sanctions is a judgment in favor 7674
of the private provider, and a financial sanction of restitution 7675
imposed pursuant to this section is a judgment in favor of the 7676
victim of the offender's criminal act. The offender subject to the 7677

sanction is the judgment debtor. Imposition of a financial 7678
sanction and execution on the judgment does not preclude any other 7679
power of the court to impose or enforce sanctions on the offender. 7680
Once the financial sanction is imposed as a judgment, the victim, 7681
private provider, state, or political subdivision may bring an 7682
action to do any of the following: 7683

(1) Obtain execution of the judgment through any available 7684
procedure, including: 7685

(a) An execution against the property of the judgment debtor 7686
under Chapter 2329. of the Revised Code; 7687

(b) An execution against the person of the judgment debtor 7688
under Chapter 2331. of the Revised Code; 7689

(c) A proceeding in aid of execution under Chapter 2333. of 7690
the Revised Code, including: 7691

(i) A proceeding for the examination of the judgment debtor 7692
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 7693
of the Revised Code; 7694

(ii) A proceeding for attachment of the person of the 7695
judgment debtor under section 2333.28 of the Revised Code; 7696

(iii) A creditor's suit under section 2333.01 of the Revised 7697
Code. 7698

(d) The attachment of the property of the judgment debtor 7699
under Chapter 2715. of the Revised Code; 7700

(e) The garnishment of the property of the judgment debtor 7701
under Chapter 2716. of the Revised Code. 7702

(2) Obtain an order for the assignment of wages of the 7703
judgment debtor under section 1321.33 of the Revised Code. 7704

(E) A court that imposes a financial sanction upon an 7705
offender may hold a hearing if necessary to determine whether the 7706
offender is able to pay the sanction or is likely in the future to 7707

be able to pay it. 7708

(F) Each court imposing a financial sanction upon an offender 7709
under this section or under section 2929.25 of the Revised Code 7710
may designate a court employee to collect, or may enter into 7711
contracts with one or more public agencies or private vendors for 7712
the collection of, amounts due under the financial sanction 7713
imposed pursuant to this section or section 2929.25 of the Revised 7714
Code. Before entering into a contract for the collection of 7715
amounts due from an offender pursuant to any financial sanction 7716
imposed pursuant to this section or section 2929.25 of the Revised 7717
Code, a court shall comply with sections 307.86 to 307.92 of the 7718
Revised Code. 7719

(G) If a court that imposes a financial sanction under 7720
division (A) or (B) of this section finds that an offender 7721
satisfactorily has completed all other sanctions imposed upon the 7722
offender and that all restitution that has been ordered has been 7723
paid as ordered, the court may suspend any financial sanctions 7724
imposed pursuant to this section or section 2929.25 of the Revised 7725
Code that have not been paid. 7726

(H) No financial sanction imposed under this section or 7727
section 2929.25 of the Revised Code shall preclude a victim from 7728
bringing a civil action against the offender. 7729

Sec. 2929.19. (A)(1) The court shall hold a sentencing 7730
hearing before imposing a sentence under this chapter upon an 7731
offender who was convicted of or pleaded guilty to a felony and 7732
before resentencing an offender who was convicted of or pleaded 7733
guilty to a felony and whose case was remanded pursuant to section 7734
2953.07 or 2953.08 of the Revised Code. At the hearing, the 7735
offender, the prosecuting attorney, the victim or the victim's 7736
representative in accordance with section 2930.14 of the Revised 7737
Code, and, with the approval of the court, any other person may 7738

present information relevant to the imposition of sentence in the 7739
case. The court shall inform the offender of the verdict of the 7740
jury or finding of the court and ask the offender whether the 7741
offender has anything to say as to why sentence should not be 7742
imposed upon the offender. 7743

(2) Except as otherwise provided in this division, before 7744
imposing sentence on an offender who is being sentenced for a 7745
sexually oriented offense that was committed on or after January 7746
1, 1997, and that is not a sexually violent offense, and before 7747
imposing sentence on an offender who is being sentenced for a 7748
sexually violent offense committed on or after January 1, 1997, 7749
and who was not charged with a sexually violent predator 7750
specification in the indictment, count in the indictment, or 7751
information charging the sexually violent offense, the court shall 7752
conduct a hearing in accordance with division (B) of section 7753
2950.09 of the Revised Code to determine whether the offender is a 7754
sexual predator. The court shall not conduct a hearing under that 7755
division if the offender is being sentenced for a sexually violent 7756
offense and a sexually violent predator specification was included 7757
in the indictment, count in the indictment, or information 7758
charging the sexually violent offense. Before imposing sentence on 7759
an offender who is being sentenced for a sexually oriented 7760
offense, the court also shall comply with division (E) of section 7761
2950.09 of the Revised Code. 7762

(B)(1) At the sentencing hearing, the court, before imposing 7763
sentence, shall consider the record, any information presented at 7764
the hearing by any person pursuant to division (A) of this 7765
section, and, if one was prepared, the presentence investigation 7766
report made pursuant to section 2951.03 of the Revised Code or 7767
Criminal Rule 32.2, and any victim impact statement made pursuant 7768
to section 2947.051 of the Revised Code. 7769

(2) The court shall impose a sentence and shall make a 7770

finding that gives its reasons for selecting the sentence imposed 7771
in any of the following circumstances: 7772

(a) Unless the offense is a sexually violent offense for 7773
which the court is required to impose sentence pursuant to 7774
division (G) of section 2929.14 of the Revised Code, if it imposes 7775
a prison term for a felony of the fourth or fifth degree or for a 7776
felony drug offense that is a violation of a provision of Chapter 7777
2925. of the Revised Code and that is specified as being subject 7778
to division (B) of section 2929.13 of the Revised Code for 7779
purposes of sentencing, its reasons for imposing the prison term, 7780
based upon the overriding purposes and principles of felony 7781
sentencing set forth in section 2929.11 of the Revised Code, and 7782
any factors listed in divisions (B)(1)(a) to (i) of section 7783
2929.13 of the Revised Code that it found to apply relative to the 7784
offender. 7785

(b) If it does not impose a prison term for a felony of the 7786
first or second degree or for a felony drug offense that is a 7787
violation of a provision of Chapter 2925. of the Revised Code and 7788
for which a presumption in favor of a prison term is specified as 7789
being applicable, its reasons for not imposing the prison term and 7790
for overriding the presumption, based upon the overriding purposes 7791
and principles of felony sentencing set forth in section 2929.11 7792
of the Revised Code, and the basis of the findings it made under 7793
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 7794

(c) If it imposes consecutive sentences under section 2929.14 7795
of the Revised Code, its reasons for imposing the consecutive 7796
sentences; 7797

(d) If the sentence is for one offense and it imposes a 7798
prison term for the offense that is the maximum prison term 7799
allowed for that offense by division (A) of section 2929.14 of the 7800
Revised Code, its reasons for imposing the maximum prison term; 7801

(e) If the sentence is for two or more offenses arising out of a single incident and it imposes a prison term for those offenses that is the maximum prison term allowed for the offense of the highest degree by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term.

(3) Subject to division (B)(4) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following:

(a) Impose a stated prison term;

(b) Notify the offender that, as part of the sentence, the parole board may extend the stated prison term for certain violations of prison rules for up to one-half of the stated prison term;

(c) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the first degree or second degree, for a felony sex offense, or for a felony of the third degree in the commission of which the offender caused or threatened to cause physical harm to a person;

(d) Notify the offender that the offender may be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the third, fourth, or fifth degree that is not subject to division (B)(3)(c) of this section;

(e) Notify the offender that, if a period of supervision is imposed following the offender's release from prison, as described 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 7833
imposed upon the offender; 7834

(f) Require that the offender not ingest or be injected with 7835
a drug of abuse and submit to random drug testing as provided in 7836
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 7837
is applicable to the offender who is serving a prison term, and 7838
require that the results of the drug test administered under any 7839
of those sections indicate that the offender did not ingest or was 7840
not injected with a drug of abuse. 7841

(4) If the offender is being sentenced for a sexually violent 7842
offense that the offender committed on or after January 1, 1997, 7843
and the offender also is convicted of or pleads guilty to a 7844
sexually violent predator specification that was included in the 7845
indictment, count in the indictment, or information charging the 7846
sexually violent offense or if the offender is being sentenced for 7847
a sexually oriented offense that the offender committed on or 7848
after January 1, 1997, and the court imposing the sentence has 7849
determined pursuant to division (B) of section 2950.09 of the 7850
Revised Code that the offender is a sexual predator, the court 7851
shall include in the offender's sentence a statement that the 7852
offender has been adjudicated as being a sexual predator and shall 7853
comply with the requirements of section 2950.03 of the Revised 7854
Code. Additionally, in the circumstances described in division (G) 7855
of section 2929.14 of the Revised Code, the court shall impose 7856
sentence on the offender as described in that division. 7857

(5) If the sentencing court determines at the sentencing 7858
hearing that a community control sanction should be imposed and 7859
the court is not prohibited from imposing a community control 7860
sanction, the court shall impose a community control sanction. The 7861
court shall notify the offender that, if the conditions of the 7862
sanction are violated, if the offender commits a violation of any 7863
law, or if the offender leaves this state without the permission 7864

of the court or the offender's probation officer, the court may 7865
impose a longer time under the same sanction, may impose a more 7866
restrictive sanction, or may impose a prison term on the offender 7867
and shall indicate the specific prison term that may be imposed as 7868
a sanction for the violation, as selected by the court from the 7869
range of prison terms for the offense pursuant to section 2929.14 7870
of the Revised Code. 7871

(6) Before imposing a financial sanction under section 7872
2929.18 of the Revised Code or a fine under section 2929.25 of the 7873
Revised Code, the court shall consider the offender's present and 7874
future ability to pay the amount of the sanction or fine. 7875

(C)(1) If the offender is being sentenced for a fourth degree 7876
felony ~~OMVI~~ OVI offense under division (G)(1) of section 2929.13 7877
of the Revised Code, the court shall impose the mandatory term of 7878
local incarceration in accordance with that division, shall impose 7879
a mandatory fine in accordance with division (B)(3) of section 7880
2929.18 of the Revised Code, and, in addition, may impose 7881
additional sanctions as specified in sections 2929.15, 2929.16, 7882
2929.17, and 2929.18 of the Revised Code. The court shall not 7883
impose a prison term on the offender. 7884

(2) If the offender is being sentenced for a third or fourth 7885
degree felony ~~OMVI~~ OVI offense under division (G)(2) of section 7886
2929.13 of the Revised Code, the court shall impose the mandatory 7887
prison term in accordance with that division, shall impose a 7888
mandatory fine in accordance with division (B)(3) of section 7889
2929.18 of the Revised Code, and, in addition, may impose an 7890
additional prison term as specified in section 2929.14 of the 7891
Revised Code. The court shall not impose any community control 7892
sanction on the offender. 7893

(D) If the sentencing court determines at the sentencing 7894
hearing that an offender is eligible for placement in a program of 7895
shock incarceration under section 5120.031 of the Revised Code or 7896

in an intensive program prison under section 5120.032 of the 7897
Revised Code, the court, pursuant to division (K) of section 7898
2929.14 of the Revised Code, may recommend placement of the 7899
offender in a program of shock incarceration or an intensive 7900
program prison, disapprove placement of the offender in a program 7901
or prison of that nature, or make no recommendation. The court 7902
shall make a finding that gives its reasons for its recommendation 7903
or disapproval. 7904

Sec. 2929.23. (A) As used in this section: 7905

(1) "Electronic monitoring device" means any of the 7906
following: 7907

(a) Any device that can be operated by electrical or battery 7908
power and that conforms with all of the following: 7909

(i) The device has a transmitter that can be attached to a 7910
person, that will transmit a specified signal to a receiver of the 7911
type described in division (A)(1)(a)(ii) of this section if the 7912
transmitter is removed from the person, turned off, or altered in 7913
any manner without prior court approval in relation to 7914
electronically monitored house arrest or electronically monitored 7915
house detention or without prior approval of the department of 7916
rehabilitation and correction in relation to the use of an 7917
electronic monitoring device for an inmate on transitional control 7918
or otherwise is tampered with, that can transmit continuously and 7919
periodically a signal to that receiver when the person is within a 7920
specified distance from the receiver, and that can transmit an 7921
appropriate signal to that receiver if the person to whom it is 7922
attached travels a specified distance from that receiver. 7923

(ii) The device has a receiver that can receive continuously 7924
the signals transmitted by a transmitter of the type described in 7925
division (A)(1)(a)(i) of this section, can transmit continuously 7926
those signals by telephone to a central monitoring computer of the 7927

type described in division (A)(1)(a)(iii) of this section, and can 7928
transmit continuously an appropriate signal to that central 7929
monitoring computer if the receiver is turned off or altered 7930
without prior court approval or otherwise tampered with. 7931

(iii) The device has a central monitoring computer that can 7932
receive continuously the signals transmitted by telephone by a 7933
receiver of the type described in division (A)(1)(a)(ii) of this 7934
section and can monitor continuously the person to whom an 7935
electronic monitoring device of the type described in division 7936
(A)(1)(a) of this section is attached. 7937

(b) Any device that is not a device of the type described in 7938
division (A)(1)(a) of this section and that conforms with all of 7939
the following: 7940

(i) The device includes a transmitter and receiver that can 7941
monitor and determine the location of a subject person at any 7942
time, or at a designated point in time, through the use of a 7943
central monitoring computer or through other electronic means; 7944

(ii) The device includes a transmitter and receiver that can 7945
determine at any time, or at a designated point in time, through 7946
the use of a central monitoring computer or other electronic means 7947
the fact that the transmitter is turned off or altered in any 7948
manner without prior approval of the court in relation to 7949
electronically monitored house arrest or electronically monitored 7950
house detention or without prior approval of the department of 7951
rehabilitation and correction in relation to the use of an 7952
electronic monitoring device for an inmate on transitional control 7953
or otherwise is tampered with. 7954

(c) Any type of technology that can adequately track or 7955
determine the location of a subject person at any time and that is 7956
approved by the director of rehabilitation and correction, 7957
including, but not limited to, any satellite technology, voice 7958

tracking system, or retinal scanning system that is so approved. 7959

(2) "Certified electronic monitoring device" means an 7960
electronic monitoring device that has been certified by the 7961
superintendent of the bureau of criminal identification and 7962
investigation pursuant to division (C)(1) of this section. 7963

(3) "Eligible offender" means a person who has been convicted 7964
of or pleaded guilty to any offense, except that a person is not 7965
an "eligible offender" if any of the following apply in relation 7966
to the person, the offense, or the person and the offense: 7967

(a) The person is subject to or is serving a term of life 7968
imprisonment. 7969
7970

(b) The person is subject to or is serving a mandatory prison 7971
term imposed under division (F) of section 2929.13, division (D) 7972
of section 2929.14, or any other section of the Revised Code, 7973
provided that, after the person has served all of the mandatory 7974
prison terms so imposed, the person may be an eligible offender 7975
unless excluded by division (A)(3)(a), (c) or (d) of this section. 7976

(c) The offense is a ~~violation of division (A) of section~~ 7977
~~4511.19 of the Revised Code~~ fourth degree felony OVI offense, and 7978
the offender is sentenced for that offense pursuant to division 7979
(G)(1) of section 2929.13 of the Revised Code and is serving the 7980
mandatory term of local incarceration of sixty or one hundred 7981
twenty consecutive days of imprisonment imposed under that 7982
division, provided that, after the person has served all of the 7983
mandatory term of local incarceration so imposed, the person may 7984
be an eligible offender unless excluded by division (A)(3)(a), 7985
(b), or (d) of this section. 7986
7987

(d) The offense is a ~~violation of division (A) of section~~ 7988
~~4511.19 of the Revised Code~~ third or fourth degree felony OVI 7989

offense, and the person is sentenced for that offense pursuant to 7990
division (G)(2) of section 2929.13 of the Revised Code. 7991

(4) "Electronically monitored house arrest" means a period of 7992
confinement of an eligible offender in the eligible offender's 7993
home or in other premises specified by the sentencing court or a 7994
period of confinement of a delinquent child in the child's home or 7995
in other premises specified by the juvenile court, during which 7996
period of confinement all of the following apply: 7997

(a) The eligible offender or child wears, otherwise has 7998
attached to the eligible offender's or child's person, or 7999
otherwise is subject to monitoring by a certified electronic 8000
monitoring device, or the eligible offender or child is subject to 8001
monitoring by a certified electronic monitoring system; 8002

(b) The eligible offender or child is required to remain in 8003
the eligible offender's or child's home or other premises 8004
specified by the sentencing court or juvenile court for the 8005
specified period of confinement, except for periods of time during 8006
which the eligible offender or child is at the eligible offender's 8007
place of employment, at school, or at other premises as authorized 8008
by the sentencing court; 8009

(c) The eligible offender or child is subject to monitoring 8010
by a central system that monitors the certified electronic 8011
monitoring device that is attached to the eligible offender's or 8012
child's person or that otherwise is being used to monitor the 8013
eligible offender or child and that can monitor and determine the 8014
eligible offender's or child's location at any time or at a 8015
designated point in time, or the eligible offender or child is 8016
required to participate in monitoring by a certified electronic 8017
monitoring system; 8018

(d) The eligible offender or child is required by the 8019
sentencing court or juvenile court to report periodically to a 8020

person designated by the court; 8021

(e) The eligible offender or child is subject to any other 8022
restrictions and requirements that may be imposed by the 8023
sentencing court or juvenile court. 8024

(5) "Electronic monitoring system" means a system by which 8025
the location of an eligible offender can be verified 8026
telephonically through the use of voice-activated voice response 8027
technology that conforms with all of the following: 8028

(a) It can be programmed to call the telephone or telephones 8029
assigned to the eligible offender who is the subject of the 8030
monitoring as often as necessary; 8031

(b) It is equipped with a voice recognition system that can 8032
work accurately and reliably under the anticipated conditions in 8033
which it will operate; 8034

(c) It is equipped to perform an alarm function if the 8035
eligible offender who is the subject of monitoring does not 8036
respond to system commands in the manner required. 8037

(6) "Certified electronic monitoring system" means an 8038
electronic monitoring system that has been certified by the 8039
superintendent of the bureau of criminal identification and 8040
investigation pursuant to division (C)(1) of this section. 8041

(7) "Transitional control" means the program of transitional 8042
control established by the department of rehabilitation and 8043
correction under section 2967.26 of the Revised Code, if the 8044
department establishes a program of that nature under that 8045
section. 8046

(B)(1) Any court may impose as a sanction pursuant to 8047
sections 2929.15 and 2929.17 of the Revised Code a period of 8048
electronically monitored house arrest upon an eligible offender 8049
who is convicted of or pleads guilty to a felony, except that the 8050

total of any period of electronically monitored house arrest 8051
imposed upon that eligible offender plus the period of all other 8052
sanctions imposed upon the same eligible offender pursuant to 8053
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 8054
Code shall not exceed five years. Any court may impose a period of 8055
electronically monitored house arrest upon an eligible offender 8056
who is convicted of or pleads guilty to a misdemeanor in addition 8057
to or in lieu of any other sentence imposed or authorized for the 8058
offense, except that the total of any period of electronically 8059
monitored house arrest imposed upon that eligible offender plus 8060
the period of any sentence of imprisonment imposed upon the same 8061
eligible offender shall not exceed the maximum term of 8062
imprisonment that could be imposed upon the eligible offender 8063
pursuant to section 2929.21 of the Revised Code and except that, 8064
if the offense for which an eligible offender is being sentenced 8065
is a violation of division (A) of section 4511.19 or of division 8066
~~(D)(2)~~ (A) of section ~~4507.02~~ 4510.14 of the Revised Code, the 8067
court may impose a period of electronically monitored house arrest 8068
upon the eligible offender only when authorized by and only in the 8069
circumstances described in division ~~(A)(G)~~ of section ~~4511.99~~ 8070
4511.19 or division ~~(B)(C)~~ of section ~~4507.99~~ 4510.14 of the 8071
Revised Code. 8072

If a court imposes a period of electronically monitored house 8073
arrest upon an eligible offender, it shall require the eligible 8074
offender to wear, otherwise have attached to the eligible 8075
offender's person, or otherwise be subject to monitoring by a 8076
certified electronic monitoring device or to participate in the 8077
operation of and monitoring by a certified electronic monitoring 8078
system; to remain in the eligible offender's home or other 8079
specified premises for the entire period of electronically 8080
monitored house arrest except when the court permits the eligible 8081
offender to leave those premises to go to the eligible offender's 8082
place of employment or to other specified premises; to be 8083

monitored by a central system that monitors the certified 8084
electronic monitoring device that is attached to the eligible 8085
offender's person or that otherwise is being used to monitor the 8086
eligible offender and that can monitor and determine the eligible 8087
offender's location at any time or at a designated point in time 8088
or to be monitored by the certified electronic monitoring system; 8089
to report periodically to a person designated by the court; and, 8090
in return for receiving a period of electronically monitored house 8091
arrest, to enter into a written contract with the court agreeing 8092
to comply with all restrictions and requirements imposed by the 8093
court, agreeing to pay any fee imposed by the court for the costs 8094
of the electronically monitored house arrest imposed by the court 8095
pursuant to division (E) of this section, and agreeing to waive 8096
the right to receive credit for any time served on electronically 8097
monitored house arrest toward any prison term or sentence of 8098
imprisonment imposed upon the eligible offender for the offense 8099
for which the period of electronically monitored house arrest was 8100
imposed if the eligible offender violates any of the restrictions 8101
or requirements of the period of electronically monitored house 8102
arrest, and additionally, it may impose any other reasonable 8103
restrictions and requirements upon the eligible offender. 8104

(2) If an eligible offender violates any of the restrictions 8105
or requirements imposed upon the eligible offender as part of the 8106
eligible offender's period of electronically monitored house 8107
arrest, the eligible offender shall not receive credit for any 8108
time served on electronically monitored house arrest toward any 8109
prison term or sentence of imprisonment imposed upon the eligible 8110
offender for the offense for which the period of electronically 8111
monitored house arrest was imposed. 8112

(C)(1) The superintendent of the bureau of criminal 8113
identification and investigation, in accordance with this section 8114
and rules adopted by the superintendent pursuant to division 8115

(C)(2) of this section, shall certify for use in cases of 8116
electronically monitored house arrest and in relation to an inmate 8117
on transitional control specific types and brands of electronic 8118
monitoring devices and electronic monitoring systems that comply 8119
with the requirements of this section, section 5120.073 of the 8120
Revised Code, and those rules. Any manufacturer that, pursuant to 8121
this division, seeks to obtain the certification of any type or 8122
brand of electronic monitoring device or electronic monitoring 8123
system shall submit to the superintendent an application for 8124
certification in accordance with those rules together with the 8125
application fee and costs of certification as required by those 8126
rules. The superintendent shall not certify any electronic 8127
monitoring device or electronic monitoring system pursuant to this 8128
division unless the application fee and costs have been paid to 8129
the superintendent. 8130

(2) The superintendent, in accordance with Chapter 119. of 8131
the Revised Code, shall adopt rules for certifying specific types 8132
and brands of electronic monitoring devices and electronic 8133
monitoring systems for use in electronically monitored house 8134
arrest and in relation to an inmate on transitional control. The 8135
rules shall set forth the requirements for obtaining the 8136
certification, the application fee and other costs for obtaining 8137
the certification, the procedure for applying for certification, 8138
and any other requirements and procedures considered necessary by 8139
the superintendent. The rules shall require that no type or brand 8140
of electronic monitoring device or electronic monitoring system be 8141
certified unless the type or brand of device or system complies 8142
with whichever of the following is applicable, in addition to any 8143
other requirements specified by the superintendent: 8144

(a) For electronic monitoring devices of the type described 8145
in division (A)(1)(a) of this section, the type or brand of device 8146
complies with all of the following: 8147

(i) It has a transmitter of the type described in division 8148
(A)(1)(a)(i) of this section, a receiver of the type described in 8149
division (A)(1)(a)(ii) of this section, and a central monitoring 8150
computer of the type described in division (A)(1)(a)(iii) of this 8151
section; 8152

(ii) Its transmitter can be worn by or attached to a person 8153
with a minimum of discomfort during normal activities, is 8154
difficult to remove, turn off, or otherwise alter without prior 8155
court approval in relation to electronically monitored house 8156
arrest or prior approval of the department of rehabilitation and 8157
correction in relation to the use of an electronic monitoring 8158
device for an inmate on transitional control, and will transmit a 8159
specified signal to the receiver if it is removed, turned off, 8160
altered, or otherwise tampered with; 8161

(iii) Its receiver is difficult to turn off or alter and will 8162
transmit a signal to the central monitoring computer if it is 8163
turned off, altered, or otherwise tampered with; 8164

(iv) Its central monitoring computer is difficult to 8165
circumvent; 8166

(v) Its transmitter, receiver, and central monitoring 8167
computer work accurately and reliably under the anticipated 8168
conditions under which electronically monitored house arrest will 8169
be imposed by courts or under which an electronic monitoring 8170
device will be used by the department of rehabilitation and 8171
correction in relation to an inmate on transitional control; 8172

(vi) It has a backup battery power supply that operates 8173
automatically when the main source of electrical or battery power 8174
for the device fails. 8175

(b) For electronic monitoring devices of the type described 8176
in division (A)(1)(b) of this section, the type or brand of device 8177
complies with all of the following: 8178

(i) It has a transmitter and receiver of the type described 8179
in divisions (A)(1)(b)(i) and (ii) of this section. 8180

(ii) Its transmitter is difficult to turn off or alter 8181
without prior court approval in relation to electronically 8182
monitored house arrest or without prior approval of the department 8183
of rehabilitation and correction in relation to the use of an 8184
electronic monitoring device for an inmate on transitional 8185
control, and, if the transmitter is turned off or altered in any 8186
manner without prior approval of the court or department or 8187
otherwise is tampered with, the fact that it has been turned off, 8188
altered, or tampered with can be determined at any time, or at a 8189
designated point in time, through the use of a central monitoring 8190
computer or through other electronic means. 8191

(iii) Its receiver is difficult to turn off or alter, and, if 8192
the receiver is turned off, altered, or otherwise tampered with, 8193
the fact that it has been turned off, altered, or tampered with 8194
can be determined at any time, or at a designated point in time, 8195
through the use of a central monitoring computer or through other 8196
electronic means. 8197

(iv) Its central monitoring computer or other means of 8198
electronic monitoring is difficult to circumvent. 8199

(v) Its transmitter, receiver, and central monitoring 8200
computer or other means of electronic monitoring work accurately 8201
and reliably under the anticipated conditions under which 8202
electronically monitored house arrest will be used, or under which 8203
an electronic monitoring device will be used by the department of 8204
rehabilitation and correction in relation to an inmate on 8205
transitional control. 8206

(vi) If it operates on electrical or battery power, it has a 8207
backup battery power supply that operates automatically when the 8208
main source of electrical or battery power for the device fails, 8209

or, if it does not operate on electrical or battery power, it has 8210
a backup method of operation so that it will continue to operate 8211
if its main method of operation fails. 8212

(c) For electronic monitoring systems, the type or brand of 8213
system complies with all of the following: 8214

(i) It can be programmed to call the telephone or telephones 8215
assigned to the person who is the subject of the monitoring as 8216
often as necessary; 8217

(ii) It is equipped with a voice recognition system that can 8218
work accurately and reliably under the anticipated conditions in 8219
which it will operate; 8220

(iii) It is equipped to perform an alarm function if the 8221
person who is the subject of the monitoring does not respond to 8222
system commands in the manner required. 8223

(3) The superintendent shall publish and make available to 8224
all courts and to the department of rehabilitation and correction, 8225
without charge, a list of all types and brands of electronic 8226
monitoring devices and electronic monitoring systems that have 8227
been certified by the superintendent pursuant to division (C)(1) 8228
of this section and information about the manufacturers of the 8229
certified devices and systems and places at which the devices and 8230
systems can be obtained. 8231

(D) The superintendent of the bureau of criminal 8232
identification and investigation shall deposit all costs and fees 8233
collected pursuant to division (C) of this section into the 8234
general revenue fund. 8235

(E)(1) Each county in which is located a court that imposes a 8236
period of electronically monitored house arrest as a sentencing 8237
sanction or alternative may establish in the county treasury an 8238
electronically monitored house arrest fund. The clerk of each 8239
court that uses that sentencing sanction or alternative may 8240

deposit into the fund all fees collected from eligible offenders 8241
upon whom electronically monitored house arrest is imposed 8242
pursuant to this section, section 2152.19, or any other section of 8243
the Revised Code that specifically authorizes the imposition of 8244
electronically monitored house arrest. Each court that imposes 8245
electronically monitored house arrest may adopt by local court 8246
rule a reasonable daily fee to be paid by each eligible offender 8247
upon whom a period of electronically monitored house arrest is 8248
imposed as a sentencing sanction or alternative. The fee may 8249
include the actual costs of providing house arrest and an 8250
additional amount necessary to enable the court to provide 8251
electronically monitored house arrest to indigent eligible 8252
offenders. The fund may be used only for the payment of the costs 8253
of electronically monitored house arrest, including, but not 8254
limited to, the costs of electronically monitored house arrest for 8255
indigent eligible offenders. 8256

(2) If a fee is adopted pursuant to division (E)(1) of this 8257
section, it shall be in addition to any fine specifically 8258
authorized or required by any other section of the Revised Code 8259
for an eligible offender upon whom a period of electronically 8260
monitored house arrest is imposed as a sentencing sanction or 8261
alternative. 8262

Sec. 2929.41. (A) Except as provided in division (B) of this 8263
section, division (E) of section 2929.14, or division (D) or (E) 8264
of section 2971.03 of the Revised Code, a sentence of imprisonment 8265
shall be served concurrently with any other sentence of 8266
imprisonment imposed by a court of this state, another state, or 8267
the United States. Except as provided in division (B)~~(2)~~(3) of 8268
this section, a sentence of imprisonment for misdemeanor shall be 8269
served concurrently with a prison term or sentence of imprisonment 8270
for felony served in a state or federal correctional institution. 8271

(B)(1) A sentence of imprisonment for a misdemeanor shall be 8272
served consecutively to any other sentence of imprisonment when 8273
the trial court specifies that it is to be served consecutively or 8274
when it is imposed for a misdemeanor violation of section 8275
2907.322, 2921.34, or 2923.131 of the Revised Code. 8276

When consecutive sentences of imprisonment are imposed for 8277
misdemeanor under this division, the term to be served is the 8278
aggregate of the consecutive terms imposed, except that the 8279
aggregate term to be served shall not exceed eighteen months. 8280

~~(3)~~(2) If a court of this state imposes a prison term upon 8281
the offender for the commission of a felony and a court of another 8282
state or the United States also has imposed a prison term upon the 8283
offender for the commission of a felony, the court of this state 8284
may order that the offender serve the prison term it imposes 8285
consecutively to any prison term imposed upon the offender by the 8286
court of another state or the United States. 8287

~~(2)~~(3) A sentence of imprisonment imposed for a misdemeanor 8288
violation of section 4510.11, 4510.14, 4510.16, 4510.21, or 8289
4511.19 ~~or division (B)(1), (C), (D)(1), or (D)(2) of section~~ 8290
~~4507.02~~ of the Revised Code shall be served consecutively to a 8291
prison term that is imposed for a felony violation of section 8292
2903.06, 2903.07, 2903.08, or 4511.19 of the Revised Code or a 8293
felony violation of section 2903.04 of the Revised Code involving 8294
the operation of a motor vehicle by the offender and that is 8295
served in a state correctional institution when the trial court 8296
specifies that it is to be served consecutively. 8297

When consecutive sentences of imprisonment and prison terms 8298
are imposed for one or more misdemeanors and one or more felonies 8299
under this division, the term to be served is the aggregate of the 8300
consecutive terms imposed, and the offender shall serve all terms 8301
imposed for a felony before serving any term imposed for a 8302

misdemeanor. 8303

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 8304
deputy marshal, municipal police officer, township constable, 8305
police officer of a township or joint township police district, 8306
member of a police force employed by a metropolitan housing 8307
authority under division (D) of section 3735.31 of the Revised 8308
Code, member of a police force employed by a regional transit 8309
authority under division (Y) of section 306.35 of the Revised 8310
Code, state university law enforcement officer appointed under 8311
section 3345.04 of the Revised Code, Ohio veterans' home police 8312
officer appointed under section 5907.02 of the Revised Code, or 8313
special police officer employed by a port authority under section 8314
4582.04 or 4582.28 of the Revised Code shall arrest and detain, 8315
until a warrant can be obtained, a person found violating, within 8316
the limits of the political subdivision, metropolitan housing 8317
authority housing project, regional transit authority facilities 8318
or areas of a municipal corporation that have been agreed to by a 8319
regional transit authority and a municipal corporation located 8320
within its territorial jurisdiction, college, university, Ohio 8321
veterans' home, or port authority in which the peace officer is 8322
appointed, employed, or elected, a law of this state, an ordinance 8323
of a municipal corporation, or a resolution of a township. 8324

(2) A peace officer of the department of natural resources or 8325
an individual designated to perform law enforcement duties under 8326
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 8327
arrest and detain, until a warrant can be obtained, a person found 8328
violating, within the limits of the peace officer's or 8329
individual's territorial jurisdiction, a law of this state. 8330

(3) The house sergeant at arms if the house sergeant at arms 8331
has arrest authority pursuant to division (E)(1) of section 8332
101.311 of the Revised Code and an assistant house sergeant at 8333

arms shall arrest and detain, until a warrant can be obtained, a 8334
person found violating, within the limits of the sergeant at ~~arm's~~ 8335
arms's or assistant sergeant at ~~arm's~~ arms's territorial 8336
jurisdiction specified in division (D)(1)(a) of section 101.311 of 8337
the Revised Code or while providing security pursuant to division 8338
(D)(1)(f) of section 101.311 of the Revised Code, a law of this 8339
state, an ordinance of a municipal corporation, or a resolution of 8340
a township. 8341

(B)(1) When there is reasonable ground to believe that an 8342
offense of violence, the offense of criminal child enticement as 8343
defined in section 2905.05 of the Revised Code, the offense of 8344
public indecency as defined in section 2907.09 of the Revised 8345
Code, the offense of domestic violence as defined in section 8346
2919.25 of the Revised Code, the offense of violating a protection 8347
order as defined in section 2919.27 of the Revised Code, the 8348
offense of menacing by stalking as defined in section 2903.211 of 8349
the Revised Code, the offense of aggravated trespass as defined in 8350
section 2911.211 of the Revised Code, a theft offense as defined 8351
in section 2913.01 of the Revised Code, or a felony drug abuse 8352
offense as defined in section 2925.01 of the Revised Code, has 8353
been committed within the limits of the political subdivision, 8354
metropolitan housing authority housing project, regional transit 8355
authority facilities or those areas of a municipal corporation 8356
that have been agreed to by a regional transit authority and a 8357
municipal corporation located within its territorial jurisdiction, 8358
college, university, Ohio veterans' home, or port authority in 8359
which the peace officer is appointed, employed, or elected or 8360
within the limits of the territorial jurisdiction of the peace 8361
officer, a peace officer described in division (A) of this section 8362
may arrest and detain until a warrant can be obtained any person 8363
who the peace officer has reasonable cause to believe is guilty of 8364
the violation. 8365

(2) For purposes of division (B)(1) of this section, the execution of any of the following constitutes reasonable ground to believe that the offense alleged in the statement was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation:

(a) A written statement by a person alleging that an alleged offender has committed the offense of menacing by stalking or aggravated trespass;

(b) A written statement by the administrator of the interstate compact on mental health appointed under section 5119.51 of the Revised Code alleging that a person who had been hospitalized, institutionalized, or confined in any facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility in which a person has been hospitalized, institutionalized, or confined under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code.

(3)(a) For purposes of division (B)(1) of this section, a peace officer described in division (A) of this section 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 if any of the following occurs:

(i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement.

(ii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer, based upon the peace officer's own knowledge and observation of the facts and circumstances of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order or based upon any other information, including, but not limited to, any reasonably trustworthy information given to the peace officer by the alleged victim of the alleged incident of the offense or any witness of the alleged incident of the offense, concludes that there are 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 the person in question is guilty of committing the offense.

(iii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer witnessed the person in question commit the offense of domestic violence or the offense of violating a protection order.

(b) If pursuant to division (B)(3)(a) of this section a peace

officer has reasonable grounds to believe that the offense of 8429
domestic violence or the offense of violating a protection order 8430
has been committed and reasonable cause to believe that a 8431
particular person is guilty of committing the offense, it is the 8432
preferred course of action in this state that the officer arrest 8433
and detain that person pursuant to division (B)(1) of this section 8434
until a warrant can be obtained. 8435

If pursuant to division (B)(3)(a) of this section a peace 8436
officer has reasonable grounds to believe that the offense of 8437
domestic violence or the offense of violating a protection order 8438
has been committed and reasonable cause to believe that family or 8439
householdmembers have committed the offense against each other, 8440
it is the preferred course of action in this state that the 8441
officer, pursuant to division (B)(1) of this section, arrest and 8442
detain until a warrant can be obtained the family or household 8443
member who committed the offense and whom the officer has 8444
reasonable cause to believe is the primary physical aggressor. 8445
There is no preferred course of action in this state regarding any 8446
other family or household member who committed the offense and 8447
whom the officer does not have reasonable cause to believe is the 8448
primary physical aggressor, but, pursuant to division (B)(1) of 8449
this section, the peace officer may arrest and detain until a 8450
warrant can be obtained any other family or household member who 8451
committed the offense and whom the officer does not have 8452
reasonable cause to believe is the primary physical aggressor. 8453

(c) If a peace officer described in division (A) of this 8454
section does not arrest and detain a person whom the officer has 8455
reasonable cause to believe committed the offense of domestic 8456
violence or the offense of violating a protection order when it is 8457
the preferred course of action in this state pursuant to division 8458
(B)(3)(b) of this section that the officer arrest that person, the 8459
officer shall articulate in the written report of the incident 8460

required by section 2935.032 of the Revised Code a clear statement 8461
of the officer's reasons for not arresting and detaining that 8462
person until a warrant can be obtained. 8463

(d) In determining for purposes of division (B)(3)(b) of this 8464
section which family or household member is the primary physical 8465
aggressor in a situation in which family or household members have 8466
committed the offense of domestic violence or the offense of 8467
violating a protection order against each other, a peace officer 8468
described in division (A) of this section, in addition to any 8469
other relevant circumstances, should consider all of the 8470
following: 8471

(i) Any history of domestic violence or of any other violent 8472
acts by either person involved in the alleged offense that the 8473
officer reasonably can ascertain; 8474

(ii) If violence is alleged, whether the alleged violence was 8475
caused by a person acting in self-defense; 8476

(iii) Each person's fear of physical harm, if any, resulting 8477
from the other person's threatened use of force against any person 8478
or resulting from the other person's use or history of the use of 8479
force against any person, and the reasonableness of that fear; 8480

(iv) The comparative severity of any injuries suffered by the 8481
persons involved in the alleged offense. 8482

(e)(i) A peace officer described in division (A) of this 8483
section shall not require, as a prerequisite to arresting or 8484
charging a person who has committed the offense of domestic 8485
violence or the offense of violating a protection order, that the 8486
victim of the offense specifically consent to the filing of 8487
charges against the person who has committed the offense or sign a 8488
complaint against the person who has committed the offense. 8489

(ii) If a person is arrested for or charged with committing 8490
the offense of domestic violence or the offense of violating a 8491

protection order and if the victim of the offense does not 8492
cooperate with the involved law enforcement or prosecuting 8493
authorities in the prosecution of the offense or, subsequent to 8494
the arrest or the filing of the charges, informs the involved law 8495
enforcement or prosecuting authorities that the victim does not 8496
wish the prosecution of the offense to continue or wishes to drop 8497
charges against the alleged offender relative to the offense, the 8498
involved prosecuting authorities, in determining whether to 8499
continue with the prosecution of the offense or whether to dismiss 8500
charges against the alleged offender relative to the offense and 8501
notwithstanding the victim's failure to cooperate or the victim's 8502
wishes, shall consider all facts and circumstances that are 8503
relevant to the offense, including, but not limited to, the 8504
statements and observations of the peace officers who responded to 8505
the incident that resulted in the arrest or filing of the charges 8506
and of all witnesses to that incident. 8507

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 8508
this section whether to arrest a person pursuant to division 8509
(B)(1) of this section, a peace officer described in division (A) 8510
of this section shall not consider as a factor any possible 8511
shortage of cell space at the detention facility to which the 8512
person will be taken subsequent to the person's arrest or any 8513
possibility that the person's arrest might cause, contribute to, 8514
or exacerbate overcrowding at that detention facility or at any 8515
other detention facility. 8516

(g) If a peace officer described in division (A) of this 8517
section intends pursuant to divisions (B)(3)(a) to (g) of this 8518
section to arrest a person pursuant to division (B)(1) of this 8519
section and if the officer is unable to do so because the person 8520
is not present, the officer promptly shall seek a warrant for the 8521
arrest of the person. 8522

(h) If a peace officer described in division (A) of this 8523

section responds to a report of an alleged incident of the offense 8524
of domestic violence or an alleged incident of the offense of 8525
violating a protection order and if the circumstances of the 8526
incident involved the use or threatened use of a deadly weapon or 8527
any person involved in the incident brandished a deadly weapon 8528
during or in relation to the incident, the deadly weapon that was 8529
used, threatened to be used, or brandished constitutes contraband, 8530
and, to the extent possible, the officer shall seize the deadly 8531
weapon as contraband pursuant to section 2933.43 of the Revised 8532
Code. Upon the seizure of a deadly weapon pursuant to division 8533
(B)(3)(h) of this section, section 2933.43 of the Revised Code 8534
shall apply regarding the treatment and disposition of the deadly 8535
weapon. For purposes of that section, the "underlying criminal 8536
offense" that was the basis of the seizure of a deadly weapon 8537
under division (B)(3)(h) of this section and to which the deadly 8538
weapon had a relationship is any of the following that is 8539
applicable: 8540

(i) The alleged incident of the offense of domestic violence 8541
or the alleged incident of the offense of violating a protection 8542
order to which the officer who seized the deadly weapon responded; 8543

(ii) Any offense that arose out of the same facts and 8544
circumstances as the report of the alleged incident of the offense 8545
of domestic violence or the alleged incident of the offense of 8546
violating a protection order to which the officer who seized the 8547
deadly weapon responded. 8548

(4) If, in the circumstances described in divisions (B)(3)(a) 8549
to (g) of this section, a peace officer described in division (A) 8550
of this section arrests and detains a person pursuant to division 8551
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 8552
this section, a peace officer described in division (A) of this 8553
section seizes a deadly weapon, the officer, to the extent 8554
described in and in accordance with section 9.86 or 2744.03 of the 8555

Revised Code, is immune in any civil action for damages for 8556
injury, death, or loss to person or property that arises from or 8557
is related to the arrest and detention or the seizure. 8558

(C) When there is reasonable ground to believe that a 8559
violation of division (A)(1), ~~(B)(2)~~, or ~~(C)(3)~~ of section 4506.15 8560
or a violation of section 4511.19 of the Revised Code has been 8561
committed by a person operating a motor vehicle subject to 8562
regulation by the public utilities commission of Ohio under Title 8563
XLIX of the Revised Code, a peace officer with authority to 8564
enforce that provision of law may stop or detain the person whom 8565
the officer has reasonable cause to believe was operating the 8566
motor vehicle in violation of the division or section and, after 8567
investigating the circumstances surrounding the operation of the 8568
vehicle, may arrest and detain the person. 8569

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 8570
municipal police officer, member of a police force employed by a 8571
metropolitan housing authority under division (D) of section 8572
3735.31 of the Revised Code, member of a police force employed by 8573
a regional transit authority under division (Y) of section 306.35 8574
of the Revised Code, special police officer employed by a port 8575
authority under section 4582.04 or 4582.28 of the Revised Code, 8576
township constable, police officer of a township or joint township 8577
police district, state university law enforcement officer 8578
appointed under section 3345.04 of the Revised Code, peace officer 8579
of the department of natural resources, individual designated to 8580
perform law enforcement duties under section 511.232, 1545.13, or 8581
6101.75 of the Revised Code, the house sergeant at arms if the 8582
house sergeant at arms has arrest authority pursuant to division 8583
(E)(1) of section 101.311 of the Revised Code, or an assistant 8584
house sergeant at arms is authorized by division (A) or (B) of 8585
this section to arrest and detain, within the limits of the 8586
political subdivision, metropolitan housing authority housing 8587

project, regional transit authority facilities or those areas of a 8588
municipal corporation that have been agreed to by a regional 8589
transit authority and a municipal corporation located within its 8590
territorial jurisdiction, port authority, college, or university 8591
in which the officer is appointed, employed, or elected or within 8592
the limits of the territorial jurisdiction of the peace officer, a 8593
person until a warrant can be obtained, the peace officer, outside 8594
the limits of that territory, may pursue, arrest, and detain that 8595
person until a warrant can be obtained if all of the following 8596
apply: 8597

(1) The pursuit takes place without unreasonable delay after 8598
the offense is committed; 8599

(2) The pursuit is initiated within the limits of the 8600
political subdivision, metropolitan housing authority housing 8601
project, regional transit authority facilities or those areas of a 8602
municipal corporation that have been agreed to by a regional 8603
transit authority and a municipal corporation located within its 8604
territorial jurisdiction, port authority, college, or university 8605
in which the peace officer is appointed, employed, or elected or 8606
within the limits of the territorial jurisdiction of the peace 8607
officer; 8608

(3) The offense involved is a felony, a misdemeanor of the 8609
first degree or a substantially equivalent municipal ordinance, a 8610
misdemeanor of the second degree or a substantially equivalent 8611
municipal ordinance, or any offense for which points are 8612
chargeable pursuant to ~~division (C) of section 4507.021~~ 4510.036 8613
of the Revised Code. 8614

(E) In addition to the authority granted under division (A) 8615
or (B) of this section: 8616

(1) A sheriff or deputy sheriff may arrest and detain, until 8617
a warrant can be obtained, any person found violating section 8618

4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 8619
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 8620
portion of any street or highway that is located immediately 8621
adjacent to the boundaries of the county in which the sheriff or 8622
deputy sheriff is elected or appointed. 8623

(2) A member of the police force of a township police 8624
district created under section 505.48 of the Revised Code, a 8625
member of the police force of a joint township police district 8626
created under section 505.481 of the Revised Code, or a township 8627
constable appointed in accordance with section 509.01 of the 8628
Revised Code, who has received a certificate from the Ohio peace 8629
officer training commission under section 109.75 of the Revised 8630
Code, may arrest and detain, until a warrant can be obtained, any 8631
person found violating any section or chapter of the Revised Code 8632
listed in division (E)(1) of this section, other than sections 8633
4513.33 and 4513.34 of the Revised Code, on the portion of any 8634
street or highway that is located immediately adjacent to the 8635
boundaries of the township police district or joint township 8636
police district, in the case of a member of a township police 8637
district or joint township police district police force, or the 8638
unincorporated territory of the township, in the case of a 8639
township constable. However, if the population of the township 8640
that created the township police district served by the member's 8641
police force, or the townships that created the joint township 8642
police district served by the member's police force, or the 8643
township that is served by the township constable, is sixty 8644
thousand or less, the member of the township police district or 8645
joint police district police force or the township constable may 8646
not make an arrest under division (E)(2) of this section on a 8647
state highway that is included as part of the interstate system. 8648

(3) A police officer or village marshal appointed, elected, 8649
or employed by a municipal corporation may arrest and detain, 8650

until a warrant can be obtained, any person found violating any 8651
section or chapter of the Revised Code listed in division (E)(1) 8652
of this section on the portion of any street or highway that is 8653
located immediately adjacent to the boundaries of the municipal 8654
corporation in which the police officer or village marshal is 8655
appointed, elected, or employed. 8656

(4) A peace officer of the department of natural resources or 8657
an individual designated to perform law enforcement duties under 8658
section 511.232, 1545.13, or 6101.75 of the Revised Code may 8659
arrest and detain, until a warrant can be obtained, any person 8660
found violating any section or chapter of the Revised Code listed 8661
in division (E)(1) of this section, other than sections 4513.33 8662
and 4513.34 of the Revised Code, on the portion of any street or 8663
highway that is located immediately adjacent to the boundaries of 8664
the lands and waters that constitute the territorial jurisdiction 8665
of the peace officer. 8666

(F)(1) A department of mental health special police officer 8667
or a department of mental retardation and developmental 8668
disabilities special police officer may arrest without a warrant 8669
and detain until a warrant can be obtained any person found 8670
committing on the premises of any institution under the 8671
jurisdiction of the particular department a misdemeanor under a 8672
law of the state. 8673

A department of mental health special police officer or a 8674
department of mental retardation and developmental disabilities 8675
special police officer may arrest without a warrant and detain 8676
until a warrant can be obtained any person who has been 8677
hospitalized, institutionalized, or confined in an institution 8678
under the jurisdiction of the particular department pursuant to or 8679
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 8680
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 8681
found committing on the premises of any institution under the 8682

jurisdiction of the particular department a violation of section 8683
2921.34 of the Revised Code that involves an escape from the 8684
premises of the institution. 8685

(2)(a) If a department of mental health special police 8686
officer or a department of mental retardation and developmental 8687
disabilities special police officer finds any person who has been 8688
hospitalized, institutionalized, or confined in an institution 8689
under the jurisdiction of the particular department pursuant to or 8690
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 8691
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 8692
violation of section 2921.34 of the Revised Code that involves an 8693
escape from the premises of the institution, or if there is 8694
reasonable ground to believe that a violation of section 2921.34 8695
of the Revised Code has been committed that involves an escape 8696
from the premises of an institution under the jurisdiction of the 8697
department of mental health or the department of mental 8698
retardation and developmental disabilities and if a department of 8699
mental health special police officer or a department of mental 8700
retardation and developmental disabilities special police officer 8701
has reasonable cause to believe that a particular person who has 8702
been hospitalized, institutionalized, or confined in the 8703
institution pursuant to or under authority of section 2945.37, 8704
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 8705
Revised Code is guilty of the violation, the special police 8706
officer, outside of the premises of the institution, may pursue, 8707
arrest, and detain that person for that violation of section 8708
2921.34 of the Revised Code, until a warrant can be obtained, if 8709
both of the following apply: 8710

(i) The pursuit takes place without unreasonable delay after 8711
the offense is committed; 8712

(ii) The pursuit is initiated within the premises of the 8713
institution from which the violation of section 2921.34 of the 8714

Revised Code occurred. 8715

(b) For purposes of division (F)(2)(a) of this section, the 8716
execution of a written statement by the administrator of the 8717
institution in which a person had been hospitalized, 8718
institutionalized, or confined pursuant to or under authority of 8719
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 8720
2945.402 of the Revised Code alleging that the person has escaped 8721
from the premises of the institution in violation of section 8722
2921.34 of the Revised Code constitutes reasonable ground to 8723
believe that the violation was committed and reasonable cause to 8724
believe that the person alleged in the statement to have committed 8725
the offense is guilty of the violation. 8726

(G) As used in this section: 8727

(1) A "department of mental health special police officer" 8728
means a special police officer of the department of mental health 8729
designated under section 5119.14 of the Revised Code who is 8730
certified by the Ohio peace officer training commission under 8731
section 109.77 of the Revised Code as having successfully 8732
completed an approved peace officer basic training program. 8733

(2) A "department of mental retardation and developmental 8734
disabilities special police officer" means a special police 8735
officer of the department of mental retardation and developmental 8736
disabilities designated under section 5123.13 of the Revised Code 8737
who is certified by the Ohio peace officer training council under 8738
section 109.77 of the Revised Code as having successfully 8739
completed an approved peace officer basic training program. 8740

(3) "Deadly weapon" has the same meaning as in section 8741
2923.11 of the Revised Code. 8742

(4) "Family or household member" has the same meaning as in 8743
section 2919.25 of the Revised Code. 8744

(5) "Street" or "highway" has the same meaning as in section 8745

4511.01 of the Revised Code. 8746

(6) "Interstate system" has the same meaning as in section 8747
5516.01 of the Revised Code. 8748

(7) "Peace officer of the department of natural resources" 8749
means an employee of the department of natural resources who is a 8750
natural resources law enforcement staff officer designated 8751
pursuant to section 1501.013, a forest officer designated pursuant 8752
to section 1503.29, a preserve officer designated pursuant to 8753
section 1517.10, a wildlife officer designated pursuant to section 8754
1531.13, a park officer designated pursuant to section 1541.10, or 8755
a state watercraft officer designated pursuant to section 1547.521 8756
of the Revised Code. 8757

Sec. 2935.27. (A)(1) If a law enforcement officer issues a 8758
citation to a person pursuant to section 2935.26 of the Revised 8759
Code and if the minor misdemeanor offense for which the citation 8760
is issued is an act prohibited by Chapter 4511., 4513., or 4549. 8761
of the Revised Code or an act prohibited by any municipal 8762
ordinance that is substantially similar to any section contained 8763
in Chapter 4511., 4513., or 4549. of the Revised Code, the officer 8764
shall inform the person, if the person has a current valid Ohio 8765
driver's or commercial driver's license, of the possible 8766
consequences of the person's actions as required under division 8767
(E) of this section, and also shall inform the person that the 8768
person is required either to appear at the time and place stated 8769
in the citation or to comply with division (C) of section 2935.26 8770
of the Revised Code. 8771

(2) If the person is an Ohio resident ~~who~~ but does not have a 8772
current valid Ohio driver's or commercial driver's license or if 8773
the person is a resident of a state that is not a member of the 8774
nonresident violator compact, of which this state is a member 8775
pursuant to section ~~4511.95~~ 4510.71 of the Revised Code, and if 8776

the officer shall bring the person before the court with which the 8777
citation is required to be filed, by local rule, has prescribed a 8778
procedure for the setting of a reasonable security ~~by the court~~ 8779
pursuant to division (F) of this section, security shall be set in 8780
accordance with that local rule and that division. 8781

A court by local rule may prescribe a procedure for the 8782
setting of reasonable security as described in this division. As 8783
an alternative to this procedure, a court by local rule may 8784
prescribe a procedure for the setting of a reasonable security by 8785
the person without the person appearing before the court. 8786

(B) A person who ~~appears before a court to have~~ has security 8787
set under division (A)(2) of this section shall be given a receipt 8788
or other evidence of the deposit of the security by the court. 8789

(C) Upon compliance with division (C) of section 2935.26 of 8790
the Revised Code by a person who was issued a citation, the clerk 8791
of the court shall notify the court. The court shall immediately 8792
return any sum of money, license, or other security deposited in 8793
relation to the citation to the person, or to any other person who 8794
deposited the security. 8795

(D) If a person who has a current valid Ohio driver's or 8796
commercial driver's license and who was issued a citation fails to 8797
appear at the time and place specified on the citation, fails to 8798
comply with division (C) of section 2935.26 of the Revised Code, 8799
or fails to comply with or satisfy any judgment of the court 8800
within the time allowed by the court, the court shall declare the 8801
~~forfeiture~~ suspension of the person's license. Thirty days after 8802
the declaration ~~of forfeiture~~, the court shall enter information 8803
relative to the ~~forfeiture~~ suspension on a form approved and 8804
furnished by the registrar of motor vehicles, and forward the form 8805
to the registrar. The registrar shall suspend the person's 8806
driver's or commercial driver's license, send written notification 8807
of the suspension to the person at the person's last known 8808

address, and order the person to surrender the person's driver's 8809
or commercial driver's license to the registrar within forty-eight 8810
hours. No valid driver's or commercial driver's license shall be 8811
granted to the person until the court having jurisdiction of the 8812
offense that led to the suspension orders that the ~~forfeiture~~ 8813
suspension be terminated. The court shall so order if the person, 8814
after having failed to appear in court at the required time and 8815
place to answer the charge or after having pleaded guilty to or 8816
been found guilty of the violation and having failed within the 8817
time allowed by the court to pay the fine imposed by the court, 8818
thereafter appears to answer the charge and pays any fine imposed 8819
by the court or pays the fine originally imposed by the court. The 8820
court shall inform the registrar of the termination of the 8821
~~forfeiture~~ suspension by entering information relative to the 8822
termination on a form approved and furnished by the registrar and 8823
sending the form to the registrar as provided in this division. 8824
~~The court also shall charge and collect from the person~~ shall pay 8825
to the bureau of motor vehicles a fifteen-dollar processing fee to 8826
cover the costs of the bureau ~~of motor vehicles~~ in administering 8827
this section. ~~The clerk of the court shall transmit monthly all~~ 8828
~~such processing fees to the registrar for~~ shall deposit the fees 8829
so paid into the state bureau of motor vehicles fund created by 8830
section 4501.25 of the Revised Code. 8831

In addition, upon receipt of the copy of the declaration of 8832
~~forfeiture~~ suspension from the court, neither the registrar nor 8833
any deputy registrar shall accept any application for the 8834
registration or transfer of registration of any motor vehicle 8835
owned or leased by the person named in the declaration of 8836
~~forfeiture~~ suspension until the court having jurisdiction of the 8837
offense that led to the ~~forfeiture~~ suspension orders that the 8838
~~forfeiture~~ suspension be terminated. However, for a motor vehicle 8839
leased by a person named in a declaration of ~~forfeiture~~ 8840
suspension, the registrar shall not implement the preceding 8841

sentence until the registrar adopts procedures for that 8842
implementation under section 4503.39 of the Revised Code. Upon 8843
receipt by the registrar of an order terminating the ~~forfeiture~~ 8844
suspension, the registrar shall take such measures as may be 8845
necessary to permit the person to register a motor vehicle owned 8846
or leased by the person or to transfer the registration of such a 8847
motor vehicle, if the person later makes application to take such 8848
action and the person otherwise is eligible to register the motor 8849
vehicle or to transfer the registration of it. 8850

The registrar is not required to give effect to any 8851
declaration of ~~forfeiture~~ suspension or order terminating a 8852
~~forfeiture~~ suspension unless the order is transmitted to the 8853
registrar by means of an electronic transfer system. 8854

If the person who was issued the citation fails to appear at 8855
the time and place specified on the citation and fails to comply 8856
with division (C) of section 2935.26 of the Revised Code and the 8857
person has deposited a sum of money or other security in relation 8858
to the citation under division (A)(2) of this section, the deposit 8859
immediately shall be forfeited to the court. 8860

This section does not preclude further action as authorized 8861
by division (F) of section 2935.26 of the Revised Code. 8862

(E) A law enforcement officer who issues a person a minor 8863
misdemeanor citation for an act prohibited by Chapter 4511., 8864
4513., or 4549. of the Revised Code or an act prohibited by a 8865
municipal ordinance that is substantially similar to any section 8866
contained in Chapter 4511., 4513., or 4549. of the Revised Code 8867
shall inform the person that if the person does not appear at the 8868
time and place stated on the citation or does not comply with 8869
division (C) of section 2935.26 of the Revised Code, the person's 8870
driver's or commercial driver's license will be suspended, the 8871
person will not be eligible for the reissuance of the license or 8872
the issuance of a new license or the issuance of a certificate of 8873

registration for a motor vehicle owned or leased by the person, 8874
until the person appears and complies with all orders of the 8875
court. The person also is subject to any applicable criminal 8876
penalties. 8877

(F) A court setting security under division (A)(2) of this 8878
section shall do so in conformity with sections 2937.22 and 8879
2937.23 of the Revised Code and the Rules of Criminal Procedure. 8880

Sec. 2937.221. (A) A person arrested without warrant for any 8881
violation listed in division (B) of this section, and having a 8882
current valid Ohio driver's or commercial driver's license, if the 8883
person has been notified of the possible consequences of the 8884
person's actions as required by division (C) of this section, may 8885
post bond by depositing the license with the arresting officer if 8886
the officer and person so choose, or with the local court having 8887
jurisdiction if the court and person so choose. The license may be 8888
used as bond only during the period for which it is valid. 8889

When an arresting officer accepts the driver's or commercial 8890
driver's license as bond, the officer shall note the date, time, 8891
and place of the court appearance on "the violator's notice to 8892
appear," and the notice shall serve as a valid Ohio driver's or 8893
commercial driver's license until the date and time appearing 8894
thereon. The arresting officer immediately shall forward the 8895
license to the appropriate court. 8896

When a local court accepts the license as bond or continues 8897
the case to another date and time, it shall provide the person 8898
with a card in a form approved by the registrar of motor vehicles 8899
setting forth the license number, name, address, the date and time 8900
of the court appearance, and a statement that the license is being 8901
held as bond. The card shall serve as a valid license until the 8902
date and time contained in the card. 8903

The court may accept other bond at any time and return the 8904

license to the person. The court shall return the license to the 8905
person when judgment is satisfied, including, but not limited to, 8906
compliance with any court orders, unless a suspension or 8907
~~revocation~~ cancellation is part of the penalty imposed. 8908

Neither "the violator's notice to appear" nor a court- 8909
granted card shall continue driving privileges beyond the 8910
expiration date of the license. 8911

If the person arrested fails to appear in court at the date 8912
and time set by the court or fails to satisfy the judgment of the 8913
court, including, but not limited to, compliance with all court 8914
orders within the time allowed by the court, the court may ~~declare~~ 8915
~~the forfeiture of~~ impose a class seven suspension of the person's 8916
license from the range specified in division (A)(7) of section 8917
4510.02 of the Revised Code. Thirty days after the ~~declaration of~~ 8918
~~forfeiture~~ suspension, the court shall forward the person's 8919
license to the registrar. The court also shall enter information 8920
relative to the ~~forfeiture~~ suspension on a form approved and 8921
furnished by the registrar and send the form to the registrar, ~~who~~ 8922
and the registrar shall ~~suspend the license and~~ send written 8923
notification of the suspension to the person at the person's last 8924
known address. No valid driver's or commercial driver's license 8925
shall be granted to the person until the expiration of the period 8926
of the suspension or, prior to the expiration of that period, the 8927
court having jurisdiction orders that the ~~forfeiture be~~ suspension 8928
is terminated. ~~The~~ If the court terminates the suspension, the 8929
court shall inform the registrar of the termination ~~of the~~ 8930
~~forfeiture~~ by entering information relative to the termination on 8931
a form approved and furnished by the registrar and sending the 8932
form to the registrar. ~~The court also shall charge and collect~~ 8933
~~from~~ Upon the expiration or termination of the suspension, the 8934
person shall pay to the bureau of motor vehicles a processing fee 8935
of fifteen dollars to cover the costs of the bureau ~~of motor~~ 8936

vehicles in administering this section. The ~~clerk of the court~~ 8937
~~shall transmit monthly all such processing fees to the registrar~~ 8938
~~for shall~~ deposit the fees so paid into the state bureau of motor 8939
vehicles fund created by section 4501.25 of the Revised Code. 8940

In addition, upon receipt from the court of the copy of the 8941
~~declaration of forfeiture suspension~~, neither the registrar nor 8942
any deputy registrar shall accept any application for the 8943
registration or transfer of registration of any motor vehicle 8944
owned by or leased in the name of the person named in the 8945
~~declaration of forfeiture suspension~~ until the expiration of the 8946
period of the suspension or, prior to the expiration of that 8947
period, the court having jurisdiction over the offense that led to 8948
the suspension issues an order terminating the ~~forfeiture~~ 8949
suspension. However, for a motor vehicle leased in the name of a 8950
person named in a ~~declaration of forfeiture suspension~~, the 8951
registrar shall not implement the preceding sentence until the 8952
registrar adopts procedures for that implementation under section 8953
4503.39 of the Revised Code. Upon the expiration of the suspension 8954
or upon receipt by the registrar of ~~such~~ an order terminating the 8955
suspension, the registrar also shall take ~~such~~ the measures ~~as may~~ 8956
~~be~~ necessary to permit the person to register a motor vehicle the 8957
person owns or leases or to transfer the registration of ~~such~~ a 8958
motor vehicle the person owns or leases if the person later makes 8959
a proper application and otherwise is eligible to be issued or to 8960
transfer a motor vehicle registration. 8961

(B) Division (A) of this section applies to persons arrested 8962
for violation of: 8963

(1) Any of the provisions of Chapter 4511. or 4513. of the 8964
Revised Code, except sections 4511.19, 4511.20, 4511.251, and 8965
4513.36 of the Revised Code; 8966

(2) Any municipal ordinance substantially similar to a 8967
section included in division (B)(1) of this section; 8968

(3) Any bylaw, rule, or regulation of the Ohio turnpike 8969
commission substantially similar to a section included in division 8970
(B)(1) of this section. 8971

Division (A) of this section does not apply to those persons 8972
issued a citation for the commission of a minor misdemeanor under 8973
section 2935.26 of the Revised Code. 8974

(C) No license shall be accepted as bond by an arresting 8975
officer or by a court under this section until the officer or 8976
court has notified the person that, if the person deposits the 8977
license with the officer or court and either does not appear on 8978
the date and at the time set by the officer or the court, if the 8979
court sets a time, or does not satisfy any judgment rendered, 8980
including, but not limited to, compliance with all court orders, 8981
the license will be suspended, and the person will not be eligible 8982
for reissuance of the license or issuance of a new license, or the 8983
issuance of a certificate of registration for a motor vehicle 8984
owned or leased by the person until the person appears and 8985
complies with any order issued by the court. The person also is 8986
subject to any criminal penalties that may apply to the person. 8987

Sec. 2937.222. (A) On the motion of the prosecuting attorney 8988
or on the judge's own motion, the judge shall hold a hearing to 8989
determine whether an accused person charged with aggravated murder 8990
when it is not a capital offense, murder, a felony of the first or 8991
second degree, a violation of section 2903.06 of the Revised Code, 8992
a violation of section 2903.211 of the Revised Code that is a 8993
felony, or a felony ~~OMVI~~ OVI offense shall be denied bail. The 8994
judge shall order that the accused be detained until the 8995
conclusion of the hearing. Except for good cause, a continuance on 8996
the motion of the state shall not exceed three court days. Except 8997
for good cause, a continuance on the motion of the accused shall 8998
not exceed five court days unless the motion of the accused waives 8999

in writing the five-day limit and states in writing a specific 9000
period for which the accused requests a continuance. A continuance 9001
granted upon a motion of the accused that waives in writing the 9002
five-day limit shall not exceed five court days after the period 9003
of continuance requested in the motion. 9004

At the hearing, the accused has the right to be represented 9006
by counsel and, if the accused is indigent, to have counsel 9007
appointed. The judge shall afford the accused an opportunity to 9008
testify, to present witnesses and other information, and to 9009
cross-examine witnesses who appear at the hearing. The rules 9010
concerning admissibility of evidence in criminal trials do not 9011
apply to the presentation and consideration of information at the 9012
hearing. Regardless of whether the hearing is being held on the 9013
motion of the prosecuting attorney or on the court's own motion, 9014
the state has the burden of proving that the proof is evident or 9015
the presumption great that the accused committed the offense with 9016
which the accused is charged, of proving that the accused poses a 9017
substantial risk of serious physical harm to any person or to the 9018
community, and of proving that no release conditions will 9019
reasonably assure the safety of that person and the community. 9020

The judge may reopen the hearing at any time before trial if 9021
the judge finds that information exists that was not known to the 9022
movant at the time of the hearing and that that information has a 9023
material bearing on whether bail should be denied. If a municipal 9024
court or county court enters an order denying bail, a judge of the 9025
court of common pleas having jurisdiction over the case may 9026
continue that order or may hold a hearing pursuant to this section 9027
to determine whether to continue that order. 9028

(B) No accused person shall be denied bail pursuant to this 9029
section unless the judge finds by clear and convincing evidence 9030
that the proof is evident or the presumption great that the 9031

accused committed the offense described in division (A) of this 9032
section with which the accused is charged, finds by clear and 9033
convincing evidence that the accused poses a substantial risk of 9034
serious physical harm to any person or to the community, and finds 9035
by clear and convincing evidence that no release conditions will 9036
reasonably assure the safety of that person and the community. 9037

(C) The judge, in determining whether the accused person 9038
described in division (A) of this section poses a substantial risk 9039
of serious physical harm to any person or to the community and 9040
whether there are conditions of release that will reasonably 9041
assure the safety of that person and the community, shall consider 9042
all available information regarding all of the following: 9043

(1) The nature and circumstances of the offense charged, 9044
including whether the offense is an offense of violence or 9045
involves alcohol or a drug of abuse; 9046

(2) The weight of the evidence against the accused; 9047

(3) The history and characteristics of the accused, 9048
including, but not limited to, both of the following: 9049

(a) The character, physical and mental condition, family 9050
ties, employment, financial resources, length of residence in the 9051
community, community ties, past conduct, history relating to drug 9052
or alcohol abuse, and criminal history of the accused; 9053

(b) Whether, at the time of the current alleged offense or at 9054
the time of the arrest of the accused, the accused was on 9055
probation, parole, post-release control, or other release pending 9056
trial, sentencing, appeal, or completion of sentence for the 9057
commission of an offense under the laws of this state, another 9058
state, or the United States or under a municipal ordinance. 9059

(4) The nature and seriousness of the danger to any person or 9060
the community that would be posed by the person's release. 9061

(D)(1) An order of the court of common pleas denying bail 9062
pursuant to this section is a final appealable order. In an appeal 9063
pursuant to division (D) of this section, the court of appeals 9064
shall do all of the following: 9065

(a) Give the appeal priority on its calendar; 9066

(b) Liberally modify or dispense with formal requirements in 9067
the interest of a speedy and just resolution of the appeal; 9068

(c) Decide the appeal expeditiously; 9069

(d) Promptly enter its judgment affirming or reversing the 9070
order denying bail. 9071

(2) The pendency of an appeal under this section does not 9072
deprive the court of common pleas of jurisdiction to conduct 9073
further proceedings in the case or to further consider the order 9074
denying bail in accordance with this section. If, during the 9075
pendency of an appeal under division (D) of this section, the 9076
court of common pleas sets aside or terminates the order denying 9077
bail, the court of appeals shall dismiss the appeal. 9078

(E) As used in this section: 9079

(1) "Court day" has the same meaning as in section 5122.01 of 9080
the Revised Code. 9081

(2) "Felony ~~OMVI~~ OVI offense" means a third degree felony 9082
~~OMVI~~ OVI offense and a fourth degree felony ~~OMVI~~ OVI offense. 9083

(3) "Fourth degree felony ~~OMVI~~ OVI offense" and "third degree 9084
felony ~~OMVI~~ OVI offense" have the same meanings as in section 9085
2929.01 of the Revised Code. 9086

Sec. 2937.46. (A) The supreme court of Ohio ~~may~~, in the 9087
interest of uniformity of procedure in the various courts, and for 9088
the purpose of promoting prompt and efficient disposition of cases 9089
arising under the traffic laws of this state and related 9090

ordinances, ~~makes~~ may make uniform rules for practice and 9091
procedure in courts inferior to the court of common pleas not 9092
inconsistent with the provisions of Chapter 2937. of the Revised 9093
Code, including, but not limited to: 9094

~~(A)~~(1) Separation of arraignment and trial of traffic and 9095
other types of cases; 9096

~~(B)~~(2) Consolidation of cases for trial; 9097

~~(C)~~(3) Transfer of cases within the same county for the 9098
purpose of trial; 9099

~~(D)~~(4) Designation of special referees for hearings or for 9100
receiving pleas or bail at times when courts are not in session; 9101

~~(E)~~(5) Fixing of reasonable bonds, and disposition of cases 9102
in which bonds have been forfeited. 9103

~~All of said (B) Except as otherwise specified in division (L)~~ 9104
~~of section 4511.19 of the Revised Code, all of the rules described~~ 9105
~~in division (A) of this section, when promulgated by the supreme~~ 9106
~~court, shall be fully binding on all courts inferior to the court~~ 9107
~~of common pleas and on the court of common pleas in relation to~~ 9108
~~felony violations of division (A) of section 4511.19 of the~~ 9109
~~Revised Code and shall effect a cancellation of any local court~~ 9110
~~rules inconsistent therewith with the supreme court's rules.~~ 9111

Sec. 2937.99. (A) No person shall fail to appear as required, 9112
after having been released pursuant to section 2937.29 of the 9113
Revised Code. Whoever violates this section is guilty of failure 9114
to appear and shall be punished as set forth in division (B) or 9115
(C) of this section. 9116

(B) If the release was in connection with a ~~charge of the~~ 9117
~~commission of a~~ felony charge or pending appeal after conviction 9118
of a felony, failure to appear is a felony of the fourth degree. 9119

(C) If the release was in connection with a ~~charge of the~~ 9120

~~commission of a~~ misdemeanor charge or for appearance as a witness, 9121
failure to appear is a misdemeanor of the first degree. 9122

(D) This section does not apply to misdemeanors and related 9123
ordinance offenses arising under Chapters 4501., 4503., 4505., 9124
4507., 4509., 4510., 4511., 4513., 4517., 4549., and 5577. of the 9125
Revised Code, except that this section does apply to violations of 9126
sections 4511.19, 4549.02, and 4549.021 of the Revised Code and 9127
ordinance offenses related to sections 4511.19, 4549.02, and 9128
4549.021 of the Revised Code. 9129

Sec. 2951.02. (A)(1) In determining whether to suspend a 9130
sentence of imprisonment imposed upon an offender for a 9131
misdemeanor and place the offender on probation or whether to 9132
otherwise suspend a sentence of imprisonment imposed upon an 9133
offender for a misdemeanor pursuant to division (A) of section 9134
2929.51 of the Revised Code, the court shall consider the risk 9135
that the offender will commit another offense and the need for 9136
protecting the public from the risk, the nature and circumstances 9137
of the offense, and the history, character, and condition of the 9138
offender. 9139

(2) An offender who has been convicted of or pleaded guilty 9140
to a misdemeanor shall not be placed on probation and shall not 9141
otherwise have the sentence of imprisonment imposed upon the 9142
offender suspended pursuant to division (A) of section 2929.51 of 9143
the Revised Code if either of the following applies: 9144

(a) The offender is a repeat or dangerous offender. 9145

(b) The misdemeanor offense involved was not a violation of 9146
section 2923.12 of the Revised Code and was committed while the 9147
offender was armed with a firearm or dangerous ordnance. 9148

(B) The following do not control the court's discretion but 9149
the court shall consider them in favor of placing an offender who 9150

has been convicted of or pleaded guilty to a misdemeanor on 9151
probation or in favor of otherwise suspending the offender's 9152
sentence of imprisonment pursuant to division (A) of section 9153
2929.51 of the Revised Code: 9154

(1) The offense neither caused nor threatened serious harm to 9155
persons or property, or the offender did not contemplate that it 9156
would do so. 9157

(2) The offense was the result of circumstances unlikely to 9158
recur. 9159

(3) The victim of the offense induced or facilitated it. 9160

(4) There are substantial grounds tending to excuse or 9161
justify the offense, though failing to establish a defense. 9162

(5) The offender acted under strong provocation. 9163

(6) The offender has no history of prior delinquency or 9164
criminal activity, or has led a law-abiding life for a substantial 9165
period before commission of the present offense. 9166

(7) The offender is likely to respond affirmatively to 9167
probationary or other court-imposed treatment. 9168

(8) The character and attitudes of the offender indicate that 9169
the offender is unlikely to commit another offense. 9170

(9) The offender has made or will make restitution or 9171
reparation to the victim of the offender's offense for the injury, 9172
damage, or loss sustained. 9173

(10) Imprisonment of the offender will entail undue hardship 9174
to the offender or the offender's dependents. 9175

(C)(1) When an offender who has been convicted of or pleaded 9176
guilty to a misdemeanor is placed on probation or the sentence of 9177
that type of offender otherwise is suspended pursuant to division 9178
(A) of section 2929.51 of the Revised Code, the probation or other 9179
suspension shall be at least on condition that, during the period 9180

of probation or other suspension, the offender shall abide by the 9181
law and shall not leave the state without the permission of the 9182
court or the offender's probation officer. In the interests of 9183
doing justice, rehabilitating the offender, and ensuring the 9184
offender's good behavior, the court may impose additional 9185
requirements on the offender. Compliance with the additional 9186
requirements imposed under this division also shall be a condition 9187
of the offender's probation or other suspension. The additional 9188
requirements so imposed may include, but shall not be limited to, 9189
any of the following: 9190

(a) A requirement that the offender make restitution pursuant 9191
to section 2929.21 of the Revised Code for all or part of the 9192
property damage that is caused by the offender's offense and for 9193
all or part of the value of the property that is the subject of 9194
any theft offense that the offender committed; 9195

(b) If the offense is a violation of section 2919.25 or a 9196
violation of section 2903.13 of the Revised Code involving a 9197
person who was a family or household member at the time of the 9198
violation, if the offender committed the offense in the vicinity 9199
of one or more children who are not victims of the offense, and if 9200
the offender or the victim of the offense is a parent, guardian, 9201
custodian, or person in loco parentis of one or more of those 9202
children, a requirement that the offender obtain counseling. This 9203
division does not limit the court in imposing a requirement that 9204
the offender obtain counseling for any offense or in any 9205
circumstance not specified in this division. 9206

(c) A requirement that the offender not ingest or be injected 9207
with a drug of abuse and submit to random drug testing and 9208
requiring that the results of the drug test indicate that the 9209
offender did not ingest or was not injected with a drug of abuse. 9210
If the court requires the offender to submit to random drug 9211
testing under division (C)(1)(c) of this section, the county 9212

department of probation, the multicounty department of probation, 9213
or the adult parole authority, as appropriate, that has general 9214
control and supervision of offenders who are on probation or other 9215
suspension or are under a nonresidential sanction, shall cause the 9216
offender to submit to random drug testing pursuant to section 9217
2951.05 of the Revised Code. 9218

(2) During the period of a misdemeanor offender's probation 9219
or other suspension or during the period of a felon's 9220
nonresidential sanction, authorized probation officers who are 9221
engaged within the scope of their supervisory duties or 9222
responsibilities may search, with or without a warrant, the person 9223
of the offender, the place of residence of the offender, and a 9224
motor vehicle, another item of tangible or intangible personal 9225
property, or other real property in which the offender has a 9226
right, title, or interest or for which the offender has the 9227
express or implied permission of a person with a right, title, or 9228
interest to use, occupy, or possess if the probation officers have 9229
reasonable grounds to believe that the offender is not abiding by 9230
the law or otherwise is not complying with the conditions of the 9231
offender's probation or other suspension or the conditions of the 9232
offender's nonresidential sanction. If a felon who is sentenced to 9233
a nonresidential sanction is under the general control and 9234
supervision of the adult parole authority, as described in 9235
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 9236
parole authority field officers with supervisory responsibilities 9237
over the felon shall have the same search authority relative to 9238
the felon during the period of the sanction as is described under 9239
this division for probation officers. The court that places the 9240
offender on probation or suspends the misdemeanor offender's 9241
sentence of imprisonment pursuant to division (D)(2) or (4) of 9242
section 2929.51 of the Revised Code or that sentences the felon to 9243
a nonresidential sanction pursuant to section 2929.17 of the 9244
Revised Code shall provide the offender with a written notice that 9245

informs the offender that authorized probation officers or adult 9246
parole authority field officers with supervisory responsibilities 9247
over the offender who are engaged within the scope of their 9248
supervisory duties or responsibilities may conduct those types of 9249
searches during the period of probation or other suspension or 9250
during the period of the nonresidential sanction if they have 9251
reasonable grounds to believe that the offender is not abiding by 9252
the law or otherwise is not complying with the conditions of the 9253
offender's probation or other suspension or the conditions of the 9254
offender's nonresidential sanction. 9255

(D) The following do not control the court's discretion but 9256
the court shall consider them against placing an offender who has 9257
been convicted of or pleaded guilty to a misdemeanor on probation 9258
and against otherwise suspending the offender's sentence of 9259
imprisonment pursuant to division (A) of section 2929.51 of the 9260
Revised Code: 9261

(1) The offender recently violated the conditions of pardon, 9262
post-release control pursuant to section 2967.28 of the Revised 9263
Code, or a probation or suspension pursuant to division (A) of 9264
section 2929.51 of the Revised Code, previously granted the 9265
offender. 9266

(2) There is a substantial risk that, while at liberty during 9267
the period of probation or other suspension, the offender will 9268
commit another offense. 9269

(3) The offender is in need of correctional or rehabilitative 9270
treatment that can be provided best by the offender's commitment 9271
to a locally governed and operated residential facility. 9272
9273

(4) Regardless of whether the offender knew the age of the 9274
victim, the victim of the offense was sixty-five years of age or 9275
older or permanently and totally disabled at the time of the 9276

commission of the offense. 9277

(E) The criteria listed in divisions (B) and (D) of this 9278
section shall not be construed to limit the matters that may be 9279
considered in determining whether to suspend sentence of 9280
imprisonment and place an offender who has been convicted of or 9281
pleaded guilty to a misdemeanor on probation or whether to 9282
otherwise suspend the offender's sentence of imprisonment pursuant 9283
to division (A) of section 2929.51 of the Revised Code. 9284

(F)(1) When an offender is convicted of or pleads guilty to a 9285
misdemeanor, the court may require the offender, as a condition of 9286
probation or as a condition of otherwise suspending the offender's 9287
sentence pursuant to division (A) of section 2929.51 of the 9288
Revised Code, in addition to the conditions of probation or other 9289
suspension imposed pursuant to division (C) of this section, to 9290
perform supervised community service work under the authority of 9291
health districts, park districts, counties, municipal 9292
corporations, townships, other political subdivisions of the 9293
state, or agencies of the state or any of its political 9294
subdivisions, or under the authority of charitable organizations 9295
that render services to the community or its citizens, in 9296
accordance with this division. Supervised community service work 9297
shall not be required as a condition of probation or other 9298
suspension under this division unless the offender agrees to 9299
perform the work offered as a condition of probation or other 9300
suspension by the court. The court may require an offender who 9301
agrees to perform the work to pay to it a reasonable fee to cover 9302
the costs of the offender's participation in the work, including, 9303
but not limited to, the costs of procuring a policy or policies of 9304
liability insurance to cover the period during which the offender 9305
will perform the work. 9306

A court may permit any offender convicted of a misdemeanor to 9307
satisfy the payment of a fine imposed for the offense by 9308

performing supervised community service work as described in this 9309
division if the offender requests an opportunity to satisfy the 9310
payment by this means and if the court determines the offender is 9311
financially unable to pay the fine. 9312

The supervised community service work that may be imposed 9313
under this division shall be subject to the following limitations: 9314

(a) The court shall fix the period of the work and, if 9315
necessary, shall distribute it over weekends or over other 9316
appropriate times that will allow the offender to continue at the 9317
offender's occupation or to care for the offender's family. The 9318
period of the work as fixed by the court shall not exceed an 9319
aggregate of two hundred hours. 9320

(b) An agency, political subdivision, or charitable 9321
organization must agree to accept the offender for the work before 9322
the court requires the offender to perform the work for the 9323
entity. A court shall not require an offender to perform 9324
supervised community service work for an agency, political 9325
subdivision, or charitable organization at a location that is an 9326
unreasonable distance from the offender's residence or domicile, 9327
unless the offender is provided with transportation to the 9328
location where the work is to be performed. 9329

(c) A court may enter into an agreement with a county 9330
department of job and family services for the management, 9331
placement, and supervision of offenders eligible for community 9332
service work in work activities, developmental activities, and 9333
alternative work activities under sections 5107.40 to 5107.69 of 9334
the Revised Code. If a court and a county department of job and 9335
family services have entered into an agreement of that nature, the 9336
clerk of that court is authorized to pay directly to the county 9337
department all or a portion of the fees collected by the court 9338
pursuant to this division in accordance with the terms of its 9339
agreement. 9340

(d) Community service work that a court requires under this 9341
division shall be supervised by an official of the agency, 9342
political subdivision, or charitable organization for which the 9343
work is performed or by a person designated by the agency, 9344
political subdivision, or charitable organization. The official or 9345
designated person shall be qualified for the supervision by 9346
education, training, or experience, and periodically shall report, 9347
in writing, to the court and to the offender's probation officer 9348
concerning the conduct of the offender in performing the work. 9349

(2) When an offender is convicted of a felony, the court may 9350
impose pursuant to sections 2929.15 and 2929.17 of the Revised 9351
Code a sanction that requires the offender to perform supervised 9352
community service work in accordance with this division and under 9353
the authority of any agency, political subdivision, or charitable 9354
organization as described in division (F)(1) of this section. The 9355
court may require an offender who is ordered to perform the work 9356
to pay to it a reasonable fee to cover the costs of the offender's 9357
participation in the work, including, but not limited to, the 9358
costs of procuring a policy or policies of liability insurance to 9359
cover the period during which the offender will perform the work. 9360

A court may permit an offender convicted of a felony to 9361
satisfy the payment of a fine imposed for the offense pursuant to 9362
section 2929.18 of the Revised Code by performing supervised 9363
community service work as described in this division if the court 9364
determines that the offender is financially unable to pay the 9365
fine. 9366

The supervised community service work that may be imposed 9367
under this division shall be subject to the limitations specified 9368
in divisions (F)(1)(a) to (d) of this section, except that the 9369
court is not required to obtain the agreement of the offender to 9370
impose supervised community work as a sanction. Additionally, the 9371
total of any period of supervised community service work imposed 9372

on an offender under this division plus the period of all other 9373
sanctions imposed pursuant to sections 2929.15, 2929.16, 2929.17, 9374
and 2929.18 of the Revised Code shall not exceed five years. 9375

(G)(1) When an offender is convicted of a violation of 9376
section 4511.19 of the Revised Code, a municipal ordinance 9377
relating to operating a vehicle while under the influence of 9378
alcohol, a drug of abuse, or alcohol and a drug of abuse, or a 9379
municipal ordinance relating to operating a vehicle with a 9380
prohibited concentration of alcohol in the blood, breath, or 9381
urine, the court may require, as a condition of probation in 9382
addition to the required conditions of probation and the 9383
discretionary conditions of probation that may be imposed pursuant 9384
to division (C) of this section, any suspension ~~or revocation~~ of a 9385
driver's or commercial driver's license or permit or nonresident 9386
operating privilege, and all other penalties provided by law or by 9387
ordinance, that the offender operate only a motor vehicle equipped 9388
with an ignition interlock device that is certified pursuant to 9389
section ~~4511.83~~ 4510.43 of the Revised Code. 9390

(2) When a court requires an offender, as a condition of 9391
probation pursuant to division (G)(1) of this section, to operate 9392
only a motor vehicle equipped with an ignition interlock device 9393
that is certified pursuant to section ~~4511.83~~ 4510.43 of the 9394
Revised Code, the offender immediately shall surrender the 9395
offender's driver's or commercial driver's license or permit to 9396
the court. Upon the receipt of the offender's license or permit, 9397
the court shall issue an order authorizing the offender to operate 9398
a motor vehicle equipped with a certified ignition interlock 9399
device, deliver the offender's license or permit to the bureau of 9400
motor vehicles, and include in the abstract of the case forwarded 9401
to the bureau pursuant to section ~~4507.021~~ 4510.036 of the Revised 9402
Code the conditions of probation imposed pursuant to division 9403
(G)(1) of this section. The court shall give the offender a copy 9404

of its order, and that copy shall be used by the offender in lieu 9405
of a driver's or commercial driver's license or permit until the 9406
bureau issues a restricted license to the offender. 9407

(3) Upon receipt of an offender's driver's or commercial 9408
driver's license or permit pursuant to division (G)(2) of this 9409
section, the bureau of motor vehicles shall issue a restricted 9410
license to the offender. The restricted license shall be identical 9411
to the surrendered license, except that it shall have printed on 9412
its face a statement that the offender is prohibited from 9413
operating a motor vehicle that is not equipped with an ignition 9414
interlock device that is certified pursuant to section ~~4511.83~~ 9415
4510.43 of the Revised Code. The bureau shall deliver the 9416
offender's surrendered license or permit to the court upon receipt 9417
of a court order requiring it to do so, or reissue the offender's 9418
license or permit under section ~~4507.54~~ 4510.52 of the Revised 9419
Code if the registrar destroyed the offender's license or permit 9420
under that section. The offender shall surrender the restricted 9421
license to the court upon receipt of the offender's surrendered 9422
license or permit. 9423

(4) If an offender violates a requirement of the court 9424
imposed under division (G)(1) of this section, the court may 9425
impose a class seven suspension of the offender's driver's or 9426
commercial driver's license or permit or nonresident operating 9427
privilege ~~may be suspended as provided in~~ from the range specified 9428
in division (A)(7) of section ~~4507.16~~ 4510.02 of the Revised Code. 9429
On a second or subsequent violation, the court may impose a class 9430
four suspension of the offender's driver's or commercial driver's 9431
license or permit or nonresident operating privilege from the 9432
range specified in division (A)(4) of section 4510.02 of the 9433
Revised Code. 9434

(H) As used in this section: 9435

(1) "Repeat offender" and "dangerous offender" have the same 9436

meanings as in section 2935.36 of the Revised Code. 9437

(2) "Firearm" and "dangerous ordnance" have the same meanings 9438
as in section 2923.11 of the Revised Code. 9439

(3) "Theft offense" has the same meaning as in section 9440
2913.01 of the Revised Code. 9441

(4) "Random drug testing" has the same meaning as in section 9442
5120.63 of the Revised Code. 9443

(5) "Ignition interlock device" has the same meaning as in 9444
section ~~4511.83~~ 4510.01 of the Revised Code. 9445

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the 9446
Revised Code: 9447

(A) "First offender" means anyone who has been convicted of 9448
an offense in this state or any other jurisdiction and who 9449
previously or subsequently has not been convicted of the same or a 9450
different offense in this state or any other jurisdiction. When 9451
two or more convictions result from or are connected with the same 9452
act or result from offenses committed at the same time, they shall 9453
be counted as one conviction. When two or three convictions result 9454
from the same indictment, information, or complaint, from the same 9455
plea of guilty, or from the same official proceeding, and result 9456
from related criminal acts that were committed within a 9457
three-month period but do not result from the same act or from 9458
offenses committed at the same time, they shall be counted as one 9459
conviction, provided that a court may decide as provided in 9460
division (C)(1)(a) of section 2953.32 of the Revised Code that it 9461
is not in the public interest for the two or three convictions to 9462
be counted as one conviction. 9463

For purposes of, and except as otherwise provided in, this 9464
division, a conviction for a minor misdemeanor, ~~a conviction~~ for a 9465
violation of any section in Chapter 4507., 4510., 4511., 4513., or 9466

4549. of the Revised Code, or a ~~conviction~~ for a violation of a 9467
municipal ordinance that is substantially similar to any section 9468
in those chapters is not a previous or subsequent conviction. A 9469
However, a conviction for a violation of section 4511.19~~7~~ 9470
4511.192, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 9471
4549.07 4549.62 or sections 4549.41 to 4549.46 of the Revised 9472
Code, or a conviction for a violation of section 4510.11 or 9473
4510.14 of the Revised Code that is based upon the offender's 9474
operation of a vehicle during a suspension imposed under section 9475
4511.191 or 4511.196 of the Revised Code, for a violation of a 9476
substantially equivalent municipal ordinance that is substantially 9477
similar to any of those sections, for a felony violation of Title 9478
XLV of the Revised Code, or for a violation of a substantially 9479
equivalent former law of this state or former municipal ordinance 9480
shall be considered a previous or subsequent conviction. 9481

(B) "Prosecutor" means the county prosecuting attorney, city 9482
director of law, village solicitor, or similar chief legal 9483
officer, who has the authority to prosecute a criminal case in the 9484
court in which the case is filed. 9485

(C) "Bail forfeiture" means the forfeiture of bail by a 9486
defendant who is arrested for the commission of a misdemeanor, 9487
other than a defendant in a traffic case as defined in Traffic 9488
Rule 2, if the forfeiture is pursuant to an agreement with the 9489
court and prosecutor in the case. 9490

(D) "Official records" has the same meaning as in division 9491
(D) of section 2953.51 of the Revised Code. 9492

(E) "Official proceeding" has the same meaning as in section 9493
2921.01 of the Revised Code. 9494

Sec. 2953.36. Sections 2953.31 to 2953.35 of the Revised Code 9495
do not apply to any of the following: 9496

(A) Convictions when the offender is subject to a mandatory prison term;	9497 9498
(B) Convictions under section 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 2907.12, or Chapter 4507., <u>4510.</u> , 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters;	9499 9500 9501 9502 9503 9504
(C) convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not a violation of section 2917.03 of the Revised Code and is not a violation of section 2903.13, 2917.01 or 2917.31 of the Revised Code that is a misdemeanor of the first degree;	9505 9506 9507 9508 9509
(D) Convictions of an offense in circumstances in which the victim of the offense was under eighteen years of age when the offense is a misdemeanor of the first degree or a felony;	9510 9511 9512
(E) Convictions of a felony of the first or second degree;	9513
(F) Bail forfeitures in a traffic case as defined in Traffic Rule 2.	9514 9515
Sec. 3123.55. Notice shall be sent to the individual described in section 3123.54 of the Revised Code in compliance with section 3121.23 of the Revised Code. The notice shall specify that a court or agency has determined the individual to be in default under a child support order or that the individual is an obligor under a child support order who has failed to comply with a subpoena or warrant issued by a court or agency with respect to a proceeding to enforce a child support order, that a notice containing the individual's name and social security number or other identification number may be sent to the registrar of motor vehicles, and that, if the registrar receives that notice and	9516 9517 9518 9519 9520 9521 9522 9523 9524 9525 9526

determines that the individual is the individual named in that 9527
notice and the registrar has not received notice under section 9528
3123.56 or 3123.57 of the Revised Code, all of the following will 9529
occur: 9530

(A) The registrar and all deputy registrars will be 9531
prohibited from issuing to the individual a driver's or commercial 9532
driver's license, motorcycle operator's license or endorsement, or 9533
temporary instruction permit or commercial driver's temporary 9534
instruction permit. 9535

(B) The registrar and all deputy registrars will be 9536
prohibited from renewing for the individual a driver's or 9537
commercial driver's license, motorcycle operator's license or 9538
endorsement, or commercial driver's temporary instruction permit. 9539

(C) If the individual holds a driver's or commercial driver's 9540
license, motorcycle operator's license or endorsement, or 9541
temporary instruction permit or commercial driver's temporary 9542
instruction permit, ~~it~~ the registrar will be suspended impose a 9543
class F suspension under division (B)(6) of section 4510.02 of the 9544
Revised Code if the registrar determines that the individual is 9545
the individual named in the notice sent pursuant to section 9546
3123.54 of the Revised Code. 9547

(D) If the individual is the individual named in the notice, 9548
the individual will not be issued or have renewed any license, 9549
endorsement, or permit, and no suspension will be lifted with 9550
respect to any license, endorsement, or permit listed in this 9551
section until the registrar receives a notice under section 9552
3123.56 or 3123.57 of the Revised Code. 9553

Sec. 3123.58. (A) On receipt of a notice pursuant to section 9554
3123.54 of the Revised Code, the registrar of motor vehicles shall 9555
determine whether the individual named in the notice holds or has 9556
applied for a driver's license or commercial driver's license, 9557

motorcycle operator's license or endorsement, or temporary 9558
instruction permit or commercial driver's temporary instruction 9559
permit. If the registrar determines that the individual holds or 9560
has applied for a license, permit, or endorsement and the 9561
individual is the individual named in the notice and does not 9562
receive a notice pursuant to section 3123.56 or 3123.57 of the 9563
Revised Code, the registrar immediately shall provide notice of 9564
the determination to each deputy registrar. The registrar or a 9565
deputy registrar may not issue to the individual a driver's or 9566
commercial driver's license, motorcycle operator's license or 9567
endorsement, or temporary instruction permit or commercial 9568
driver's temporary instruction permit and may not renew for the 9569
individual a driver's or commercial driver's license, motorcycle 9570
operator's license or endorsement, or commercial driver's 9571
temporary instruction permit. The registrar or a deputy registrar 9572
also shall ~~suspend~~ impose a class F suspension of the license, 9573
permit, or endorsement held by the individual under division 9574
(B)(6) of section 4510.02 of the Revised Code. 9575

(B) Prior to the date specified in section 3123.52 of the 9576
Revised Code, the registrar of motor vehicles or a deputy 9577
registrar shall do only the following with respect to an 9578
individual if the registrar makes the determination required under 9579
division (A) of this section and no notice is received concerning 9580
the individual under section 3123.56 or 3123.57 of the Revised 9581
Code: 9582

(1) Refuse to issue or renew the individual's commercial 9583
driver's license or commercial driver's temporary instruction 9584
permit; 9585

(2) Impose a class F suspension under division (B)(6) of 9586
section 4510.02 of the Revised Code on the individual with respect 9587
to the license or permit held by the individual. 9588

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 9621
individual a commercial driver's license or commercial driver's 9622
temporary instruction permit. 9623

(B) If the individual holds a commercial driver's license or 9624
commercial driver's temporary instruction permit, the registrar 9625
will impose a ~~disqualification as defined in~~ class F suspension 9626
under division (B)(6) of section 4506.01 4510.02 of the Revised 9627
Code with respect to the license or permit if the registrar 9628
determines that the individual is the individual named in the 9629
notice sent pursuant to section 3123.54 of the Revised Code. 9630

(C) If the individual is the individual named in the notice, 9631
the individual will not be issued, and the disqualification will 9632
not be removed with respect to, any license or permit listed in 9633
this section until the registrar receives a notice under section 9634
3123.56 or 3123.57 of the Revised Code. 9635

Sec. 3123.614. Notwithstanding section 119.06 of the Revised 9636
Code and prior to the date specified in section 3123.52 of the 9637
Revised Code, the registrar of motor vehicles shall not hold any 9638
hearing in connection with an order refusing to issue or renew, or 9639
imposing a ~~disqualification~~ suspension with respect to, the 9640
commercial driver's license or commercial driver's temporary 9641
instruction permit of an individual pursuant to division (B) of 9642
section ~~3123.611~~ 3123.58 of the Revised Code. 9643

Sec. 3327.10. (A) No person shall be employed as driver of a 9644
school bus or motor van, owned and operated by any school district 9645
or educational service center or privately owned and operated 9646
under contract with any school district or service center in this 9647
state, who has not received a certificate from the educational 9648
service center governing board in case such person is employed by 9649
a service center or by a local school district under the 9650

supervision of the service center governing board, or by the 9651
superintendent of schools, in case such person is employed by the 9652
board of a city or exempted village school district, certifying 9653
that such person is at least eighteen years of age and is of good 9654
moral character and is qualified physically and otherwise for such 9655
position. The service center governing board or the 9656
superintendent, as the case may be, shall provide for an annual 9657
physical examination that conforms with rules adopted by the state 9658
board of education of each driver to ascertain the driver's 9659
physical fitness for such employment. Any certificate may be 9660
revoked by the authority granting the same on proof that the 9661
holder has been guilty of failing to comply with division (D)(1) 9662
of this section, or upon a conviction or a guilty plea for a 9663
violation, or any other action, that results in a loss or 9664
suspension of driving rights. Failure to comply with such division 9665
may be cause for disciplinary action or termination of employment 9666
under division (C) of section 3319.081, or section 124.34 of the 9667
Revised Code. 9668

(B) No person shall be employed as driver of a school bus or 9669
motor van not subject to the rules of the department of education 9670
pursuant to division (A) of this section who has not received a 9671
certificate from the school administrator or contractor certifying 9672
that such person is at least eighteen years of age, is of good 9673
moral character, and is qualified physically and otherwise for 9674
such position. Each driver shall have an annual physical 9675
examination which conforms to the state highway patrol rules, 9676
ascertaining the driver's physical fitness for such employment. 9677
The examination shall be performed by one of the following: 9678

(1) A person licensed under Chapter 4731. of the Revised Code 9679
or by another state to practice medicine and surgery or 9680
osteopathic medicine and surgery; 9681

(2) A registered nurse who holds a certificate of authority 9682

issued under Chapter 4723. of the Revised Code to practice as a 9683
certified nurse practitioner or clinical nurse specialist and is 9684
practicing pursuant to a standard care arrangement with a 9685
collaborating physician. 9686

Any certificate may be revoked by the authority granting the 9687
same on proof that the holder has been guilty of failing to comply 9688
with division (D)(2) of this section. 9689

(C) Any person who drives a school bus or motor van must give 9690
satisfactory and sufficient bond except a driver who is an 9691
employee of a school district and who drives a bus or motor van 9692
owned by the school district. 9693

(D) No person employed as driver of a school bus or motor van 9694
under this section who is convicted of a traffic violation or who 9695
has had the person's commercial driver's license suspended ~~or~~ 9696
~~revoked~~ shall drive a school bus or motor van until such the 9697
person has filed a written notice of such the conviction, or 9698
suspension, ~~or revocation~~ as follows: 9699

(1) If the person is employed under division (A) of this 9700
section, such the person shall file the notice ~~shall be filed~~ with 9701
the superintendent, or a person designated by the superintendent, 9702
of the school district for which such the person drives a school 9703
bus or motor van as an employee or drives a privately owned and 9704
operated school bus or motor van under contract. 9705

(2) If employed under division (B) of this section, such the 9706
person shall file the notice ~~shall be filed~~ with the employing 9707
school administrator or contractor, or a person designated by the 9708
administrator or contractor. 9709

(E) In addition to resulting in possible revocation of a 9710
certificate as authorized by divisions (A) and (B) of this 9711
section, violation of division (D) of this section is a minor 9712
misdemeanor. 9713

Sec. 3793.02. (A) The department of alcohol and drug 9714
addiction services shall promote, assist in developing, and 9715
coordinate or conduct programs of education and research for the 9716
prevention of alcohol and drug addiction and for the treatment, 9717
including intervention, of alcoholics and persons who abuse drugs 9718
of abuse, including anabolic steroids. Programs established by the 9719
department shall include abstinence-based prevention and treatment 9720
programs. 9721

(B) In addition to the other duties prescribed by this 9722
chapter, the department shall do all of the following: 9723

(1) Promote and coordinate efforts in the provision of 9724
alcohol and drug addiction services by other state agencies, as 9725
defined in section 1.60 of the Revised Code; courts; hospitals; 9726
clinics; physicians in private practice; public health 9727
authorities; boards of alcohol, drug addiction, and mental health 9728
services; alcohol and drug addiction programs; law enforcement 9729
agencies; and related groups; 9730

(2) Provide for education and training in prevention, 9731
diagnosis, treatment, and control of alcohol and drug addiction 9732
for medical students, physicians, nurses, social workers, 9733
professional counselors, psychologists, and other persons who 9734
provide alcohol and drug addiction services; 9735

(3) Provide training and consultation for persons who 9736
supervise alcohol and drug addiction programs and facilities; 9737

(4) Develop measures for evaluating the effectiveness of 9738
alcohol and drug addiction services, including services that use 9739
methadone treatment, and for increasing the accountability of 9740
alcohol and drug addiction programs; 9741

(5) Provide to each court of record, and biennially update, a 9742
list of the treatment and education programs within that court's 9743

jurisdiction that the court may require an offender, sentenced 9744
pursuant to ~~division (A) of section 4511.99~~ 4511.19 of the Revised 9745
Code, to attend; 9746

(6) Print and distribute the warning sign described in 9747
sections 3313.752, 3345.41, and 3707.50 of the Revised Code. 9748

(C) The department may accept and administer grants from 9749
public or private sources for carrying out any of the duties 9750
enumerated in this section. 9751

(D) Pursuant to Chapter 119. of the Revised Code, the 9752
department shall adopt a rule defining the term "intervention" as 9753
it is used in this chapter in connection with alcohol and drug 9754
addiction services. The department may adopt other rules as 9755
necessary to implement the requirements of this chapter. 9756

Sec. 3793.10. A drivers' intervention program may be used as 9757
an alternative to a term of imprisonment for an offender sentenced 9758
pursuant to division ~~(A)(1)(G)(1)(a)~~ of section ~~4511.99~~ 4511.19 of 9759
the Revised Code, if it is certified by the director of alcohol 9760
and drug addiction services pursuant to this section. No drivers' 9761
intervention program shall be used as an alternative to a term of 9762
imprisonment that is imposed pursuant to division ~~(A)(2), (3),~~ 9763
~~(4), (6), (7)~~ (G)(1)(b), (c), (d), or (8)(e) of section ~~4511.99~~ 9764
4511.19 of the Revised Code. 9765

To qualify for certification by the director and to receive 9766
funds from the statewide treatment and prevention fund created by 9767
section 4301.30 of the Revised Code in any amounts and at any 9768
times that the director determines are appropriate, a drivers' 9769
intervention program shall meet state minimum standards that the 9770
director shall establish by rule. The rules shall include, but are 9771
not limited to, standards governing program course hours and 9772
content, qualifications of program personnel, methods of 9773
identifying and testing participants to isolate participants with 9774

alcohol and drug abuse problems, referral of such persons to 9775
alcohol and drug addiction programs, the prompt notification of 9776
courts by program operators of the completion of the programs by 9777
persons required by courts to attend them, and record keeping, 9778
including methods of tracking participants for a reasonable time 9779
after they have left the program. 9780

The director shall issue a certificate to any qualified 9781
drivers' intervention program. The certificate is valid for three 9782
years. 9783

Sec. 3937.31. (A) Every automobile insurance policy shall be 9784
issued for a period of not less than two years or guaranteed 9785
renewable for successive policy periods totaling not less than two 9786
years. Where renewal is mandatory, "cancellation," as used in 9787
sections 3937.30 to 3937.39 of the Revised Code, includes refusal 9788
to renew a policy with at least the coverages, included insureds, 9789
and policy limits provided at the end of the next preceding policy 9790
period. No insurer may cancel any such policy except pursuant to 9791
the terms of the policy, and in accordance with sections 3937.30 9792
to 3937.39 of the Revised Code, and for one or more of the 9793
following reasons: 9794

(1) Misrepresentation by the insured to the insurer of any 9795
material fact in the procurement or renewal of the insurance or in 9796
the submission of claims thereunder; 9797

(2) Loss of driving privileges through suspension, 9798
~~revocation,~~ or expiration of the driver's or commercial driver's 9799
license of the named insured or any member of the named insured's 9800
family covered as a driver; provided that the insurer shall 9801
continue the policy in effect but exclude by endorsement all 9802
coverage as to the person whose driver's license has been 9803
suspended ~~or revoked~~ or has expired, if the person is other than 9804
the named insured or the principal operator; 9805

(3) Nonpayment of premium, which means failure of the named insured to discharge when due any of the named insured's obligations in connection with the payment of premiums on a policy, or any installment of such premiums, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit;

(4) The place of residence of the insured or the state of registration or license of the insured automobile is changed to a state or country in which the insurer is not authorized to write automobile coverage.

This section does not apply in the case of a cancellation if the insurer has indicated its willingness to issue a new policy within the same insurer or within another insurer under the same ownership or management as that of the insurer that has issued the cancellation.

(B) Sections 3937.30 to 3937.39 of the Revised Code do not prohibit:

(1) Changes in coverage or policy limits, cancellation, or nonrenewal for any reason at the request or with the consent of the insured;

(2) Lawful surcharges, adjustments, or other changes in premium;

(3) Policy modification to all policies issued to a classification of risk which do not effect a withdrawal or reduction in the initial coverage or policy limits;

(4) An insurer's refusing for any reason to renew a policy upon its expiration at the end of any mandatory period, provided such nonrenewal complies with the procedure set forth in section 3937.34 of the Revised Code.

(C) Sections 3937.30 to 3937.39 of the Revised Code do not

apply to any policy or coverage that has been in effect less than 9836
ninety days at the time notice of cancellation is mailed by the 9837
insurer, unless it is a renewal policy. 9838

(D) Renewal of a policy does not constitute a waiver or 9839
estoppel with respect to grounds for cancellation that existed 9840
before the effective date of such renewal. 9841

(E) Nothing in this section prohibits an insurer from 9842
incorporating into a policy any changes that are permitted or 9843
required by this section or other sections of the Revised Code at 9844
the beginning of any policy period within the two-year period set 9845
forth in division (A) of this section. 9846

Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48, 9847
4301.49, 4301.62, or 4301.70 or division (B) of section 4301.691 9848
of the Revised Code is guilty of a minor misdemeanor. 9849

(B) Whoever violates section 4301.15, division (A)(2) or (D) 9850
of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 9851
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 9852
Code is guilty of a misdemeanor of the fourth degree. 9853

If an offender who violates section 4301.64 of the Revised 9854
Code was under the age of eighteen years at the time of the 9855
offense, the court, in addition to any other penalties it imposes 9856
upon the offender, shall suspend the offender's temporary 9857
instruction permit, probationary driver's license, or driver's 9858
license for a period of not less than six months and not more than 9859
one year. If the offender is fifteen years and six months of age 9860
or older and has not been issued a temporary instruction permit or 9861
probationary driver's license, the offender shall not be eligible 9862
to be issued such a license or permit for a period of six months. 9863
If the offender has not attained the age of fifteen years and six 9864
months, the offender shall not be eligible to be issued a 9865
temporary instruction permit until the offender attains the age of 9866

sixteen years. 9867

(C) Whoever violates division (D) of section 4301.21, or 9868
section 4301.251, 4301.58, 4301.59, 4301.60, 4301.632, 4301.633, 9869
4301.66, 4301.68, or 4301.74, division (B), (C), (D), (E), or (F) 9870
of section 4301.69 of the Revised Code, or division (C), (D), (E), 9871
(F), (G), or (I) of section 4301.691 of the Revised Code is guilty 9872
of a misdemeanor of the first degree. 9873

If an offender who violates section 4301.632 of the Revised 9874
Code was under the age of eighteen years at the time of the 9875
offense and the offense occurred while the offender was the 9876
operator of or a passenger in a motor vehicle, the court, in 9877
addition to any other penalties it imposes upon the offender, 9878
shall suspend the offender's temporary instruction permit or 9879
probationary driver's license for a period of not less than six 9880
months and not more than one year. If the offender is fifteen 9881
years and six months of age or older and has not been issued a 9882
temporary instruction permit or probationary driver's license, the 9883
offender shall not be eligible to be issued such a license or 9884
permit for a period of six months. If the offender has not 9885
attained the age of fifteen years and six months, the offender 9886
shall not be eligible to be issued a temporary instruction permit 9887
until the offender attains the age of sixteen years. 9888

(D) Whoever violates division (B) of section 4301.14, or 9889
division (A)(1) or (3), (B), or (C) of section 4301.22 of the 9890
Revised Code is guilty of a misdemeanor of the third degree. 9891

(E) Whoever violates section 4301.63 or division (B) of 9892
section 4301.631 of the Revised Code shall be fined not less than 9893
twenty-five nor more than one hundred dollars. The court imposing 9894
a fine for a violation of section 4301.63 or division (B) of 9895
section 4301.631 of the Revised Code may order that the fine be 9896
paid by the performance of public work at a reasonable hourly rate 9897
established by the court. The court shall designate the time 9898

within which the public work shall be completed. 9899

(F)(1) Whoever violates section 4301.634 of the Revised Code 9900
is guilty of a misdemeanor of the first degree. If, in committing 9901
a first violation of that section, the offender presented to the 9902
permit holder or the permit holder's employee or agent a false, 9903
fictitious, or altered identification card, a false or fictitious 9904
driver's license purportedly issued by any state, or a driver's 9905
license issued by any state that has been altered, the offender is 9906
guilty of a misdemeanor of the first degree and shall be fined not 9907
less than two hundred fifty and not more than one thousand 9908
dollars, and may be sentenced to a term of imprisonment of not 9909
more than six months. 9910

(2) On a second violation in which, for the second time, the 9911
offender presented to the permit holder or the permit holder's 9912
employee or agent a false, fictitious, or altered identification 9913
card, a false or fictitious driver's license purportedly issued by 9914
any state, or a driver's license issued by any state that has been 9915
altered, the offender is guilty of a misdemeanor of the first 9916
degree and shall be fined not less than five hundred nor more than 9917
one thousand dollars, and may be sentenced to a term of 9918
imprisonment of not more than six months. The court also may 9919
~~suspend~~ impose a class seven suspension of the offender's driver's 9920
or commercial driver's license or permit or nonresident operating 9921
privilege ~~or deny the offender the opportunity to be issued a~~ 9922
~~driver's or commercial driver's license for a period not exceeding~~ 9923
~~sixty days~~ from the range specified in division (A)(7) of section 9924
4510.02 of the Revised Code. 9925

(3) On a third or subsequent violation in which, for the 9926
third or subsequent time, the offender presented to the permit 9927
holder or the permit holder's employee or agent a false, 9928
fictitious, or altered identification card, a false or fictitious 9929
driver's license purportedly issued by any state, or a driver's 9930

license issued by any state that has been altered, the offender is 9931
guilty of a misdemeanor of the first degree and shall be fined not 9932
less than five hundred nor more than one thousand dollars, and may 9933
be sentenced to a term of imprisonment of not more than six 9934
months. The court also shall ~~suspend~~ impose a class six suspension 9935
of the offender's driver's or commercial driver's license or 9936
permit or nonresident operating privilege ~~or deny the offender the~~ 9937
~~opportunity to be issued a driver's or commercial driver's license~~ 9938
~~for a period of ninety days~~ from the range specified in division 9939
(A)(6) of section 4510.02 of the Revised Code, and the court may 9940
order that the suspension or denial remain in effect until the 9941
offender attains the age of twenty-one years. The court also may 9942
order the offender to perform a determinate number of hours of 9943
community service, with the court determining the actual number of 9944
hours and the nature of the community service the offender shall 9945
perform. 9946

(G) Whoever violates section 4301.636 of the Revised Code is 9947
guilty of a felony of the fifth degree. 9948

(H) Whoever violates division (A)(1) of section 4301.22 of 9949
the Revised Code is guilty of a misdemeanor, shall be fined not 9950
less than five hundred and not more than one thousand dollars, 9951
and, in addition to the fine, may be imprisoned for a definite 9952
term of not more than sixty days. 9953

(I) Whoever violates division (A) of section 4301.69 or 9954
division (H) of section 4301.691 of the Revised Code is guilty of 9955
a misdemeanor, shall be fined not less than five hundred and not 9956
more than one thousand dollars, and, in addition to the fine, may 9957
be imprisoned for a definite term of not more than six months. 9958

Sec. 4501.01. As used in this chapter and Chapters 4503., 9959
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 9960
Revised Code, and in the penal laws, except as otherwise provided: 9961

9962

(A) "Vehicles" means everything on wheels or runners, 9963
including motorized bicycles, but does not mean vehicles that are 9964
operated exclusively on rails or tracks or from overhead electric 9965
trolley wires and vehicles that belong to any police department, 9966
municipal fire department, or volunteer fire department, or that 9967
are used by such a department in the discharge of its functions. 9968

(B) "Motor vehicle" means any vehicle, including mobile homes 9969
and recreational vehicles, that is propelled or drawn by power 9970
other than muscular power or power collected from overhead 9971
electric trolley wires. "Motor vehicle" does not include motorized 9972
bicycles, road rollers, traction engines, power shovels, power 9973
cranes, and other equipment used in construction work and not 9974
designed for or employed in general highway transportation, 9975
well-drilling machinery, ditch-digging machinery, farm machinery, 9976
trailers that are used to transport agricultural produce or 9977
agricultural production materials between a local place of storage 9978
or supply and the farm when drawn or towed on a public road or 9979
highway at a speed of twenty-five miles per hour or less, 9980
threshing machinery, hay-baling machinery, corn sheller, 9981
hammermill and agricultural tractors, machinery used in the 9982
production of horticultural, agricultural, and vegetable products, 9983
and trailers that are designed and used exclusively to transport a 9984
boat between a place of storage and a marina, or in and around a 9985
marina, when drawn or towed on a public road or highway for a 9986
distance of no more than ten miles and at a speed of twenty-five 9987
miles per hour or less. 9988

9989

(C) "Agricultural tractor" and "traction engine" mean any 9990
self-propelling vehicle that is designed or used for drawing other 9991
vehicles or wheeled machinery, but has no provisions for carrying 9992
loads independently of such other vehicles, and that is used 9993

principally for agricultural purposes. 9994

(D) "Commercial tractor," except as defined in division (C) 9995
of this section, means any motor vehicle that has motive power and 9996
either is designed or used for drawing other motor vehicles, or is 9997
designed or used for drawing another motor vehicle while carrying 9998
a portion of the other motor vehicle or its load, or both. 9999

10000

(E) "Passenger car" means any motor vehicle that is designed 10001
and used for carrying not more than nine persons and includes any 10002
motor vehicle that is designed and used for carrying not more than 10003
fifteen persons in a ridesharing arrangement. 10004

(F) "Collector's vehicle" means any motor vehicle or 10005
agricultural tractor or traction engine that is of special 10006
interest, that has a fair market value of one hundred dollars or 10007
more, whether operable or not, and that is owned, operated, 10008
collected, preserved, restored, maintained, or used essentially as 10009
a collector's item, leisure pursuit, or investment, but not as the 10010
owner's principal means of transportation. "Licensed collector's 10011
vehicle" means a collector's vehicle, other than an agricultural 10012
tractor or traction engine, that displays current, valid license 10013
tags issued under section 4503.45 of the Revised Code, or a 10014
similar type of motor vehicle that displays current, valid license 10015
tags issued under substantially equivalent provisions in the laws 10016
of other states. 10017

(G) "Historical motor vehicle" means any motor vehicle that 10018
is over twenty-five years old and is owned solely as a collector's 10019
item and for participation in club activities, exhibitions, tours, 10020
parades, and similar uses, but that in no event is used for 10021
general transportation. 10022

(H) "Noncommercial motor vehicle" means any motor vehicle, 10023
including a farm truck as defined in section 4503.04 of the 10024

Revised Code, that is designed by the manufacturer to carry a load 10025
of no more than one ton and is used exclusively for purposes other 10026
than engaging in business for profit. 10027

(I) "Bus" means any motor vehicle that has motor power and is 10028
designed and used for carrying more than nine passengers, except 10029
any motor vehicle that is designed and used for carrying not more 10030
than fifteen passengers in a ridesharing arrangement. 10031

(J) "Commercial car" or "truck" means any motor vehicle that 10032
has motor power and is designed and used for carrying merchandise 10033
or freight, or that is used as a commercial tractor. 10034

(K) "Bicycle" means every device, other than a tricycle that 10035
is designed solely for use as a play vehicle by a child, that is 10036
propelled solely by human power upon which any person may ride, 10037
and that has either two tandem wheels, or one wheel in front and 10038
two wheels in the rear, any of which is more than fourteen inches 10039
in diameter. 10040

(L) "Motorized bicycle" means any vehicle that either has two 10041
tandem wheels or one wheel in the front and two wheels in the 10042
rear, that is capable of being pedaled, and that is equipped with 10043
a helper motor of not more than fifty cubic centimeters piston 10044
displacement that produces no more than one brake horsepower and 10045
is capable of propelling the vehicle at a speed of no greater than 10046
twenty miles per hour on a level surface. 10047

(M) "Trailer" means any vehicle without motive power that is 10048
designed or used for carrying property or persons wholly on its 10049
own structure and for being drawn by a motor vehicle, and includes 10050
any such vehicle that is formed by or operated as a combination of 10051
a semitrailer and a vehicle of the dolly type such as that 10052
commonly known as a trailer dolly, a vehicle used to transport 10053
agricultural produce or agricultural production materials between 10054
a local place of storage or supply and the farm when drawn or 10055

towed on a public road or highway at a speed greater than 10056
twenty-five miles per hour, and a vehicle that is designed and 10057
used exclusively to transport a boat between a place of storage 10058
and a marina, or in and around a marina, when drawn or towed on a 10059
public road or highway for a distance of more than ten miles or at 10060
a speed of more than twenty-five miles per hour. "Trailer" does 10061
not include a manufactured home or travel trailer. 10062

10063

(N) "Noncommercial trailer" means any trailer, except a 10064
travel trailer or trailer that is used to transport a boat as 10065
described in division (B) of this section, but, where applicable, 10066
includes a vehicle that is used to transport a boat as described 10067
in division (M) of this section, that has a gross weight of no 10068
more than three thousand pounds, and that is used exclusively for 10069
purposes other than engaging in business for a profit. 10070

(O) "Mobile home" means a building unit or assembly of closed 10071
construction that is fabricated in an off-site facility, is more 10072
than thirty-five body feet in length or, when erected on site, is 10073
three hundred twenty or more square feet, is built on a permanent 10074
chassis, is transportable in one or more sections, and does not 10075
qualify as a manufactured home as defined in division (C)(4) of 10076
section 3781.06 of the Revised Code or as an industrialized unit 10077
as defined in division (C)(3) of section 3781.06 of the Revised 10078
Code. 10079

(P) "Semitrailer" means any vehicle of the trailer type that 10080
does not have motive power and is so designed or used with another 10081
and separate motor vehicle that in operation a part of its own 10082
weight or that of its load, or both, rests upon and is carried by 10083
the other vehicle furnishing the motive power for propelling 10084
itself and the vehicle referred to in this division, and includes, 10085
for the purpose only of registration and taxation under those 10086
chapters, any vehicle of the dolly type, such as a trailer dolly, 10087

that is designed or used for the conversion of a semitrailer into 10088
a trailer. 10089

(Q) "Recreational vehicle" means a vehicular portable 10090
structure that meets all of the following conditions: 10091

(1) It is designed for the sole purpose of recreational 10092
travel. 10093

(2) It is not used for the purpose of engaging in business 10094
for profit. 10095

(3) It is not used for the purpose of engaging in intrastate 10096
commerce. 10097

(4) It is not used for the purpose of commerce as defined in 10098
49 C.F.R. 383.5, as amended. 10099

(5) It is not regulated by the public utilities commission 10100
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 10101

(6) It is classed as one of the following: 10102

(a) "Travel trailer" means a nonself-propelled recreational 10103
vehicle that does not exceed an overall length of thirty-five 10104
feet, exclusive of bumper and tongue or coupling, and contains 10105
less than three hundred twenty square feet of space when erected 10106
on site. "Travel trailer" includes a tent-type fold-out camping 10107
trailer as defined in section 4517.01 of the Revised Code. 10108

(b) "Motor home" means a self-propelled recreational vehicle 10109
that has no fifth wheel and is constructed with permanently 10110
installed facilities for cold storage, cooking and consuming of 10111
food, and for sleeping. 10112

(c) "Truck camper" means a nonself-propelled recreational 10113
vehicle that does not have wheels for road use and is designed to 10114
be placed upon and attached to a motor vehicle. "Truck camper" 10115
does not include truck covers that consist of walls and a roof, 10116
but do not have floors and facilities enabling them to be used as 10117

a dwelling. 10118

(d) "Fifth wheel trailer" means a vehicle that is of such 10119
size and weight as to be movable without a special highway permit, 10120
that has a gross trailer area of four hundred square feet or less, 10121
that is constructed with a raised forward section that allows a 10122
bi-level floor plan, and that is designed to be towed by a vehicle 10123
equipped with a fifth-wheel hitch ordinarily installed in the bed 10124
of a truck. 10125

(e) "Park trailer" means a vehicle that is commonly known as 10126
a park model recreational vehicle, meets the American national 10127
standard institute standard A119.5 (1988) for park trailers, is 10128
built on a single chassis, has a gross trailer area of four 10129
hundred square feet or less when set up, is designed for seasonal 10130
or temporary living quarters, and may be connected to utilities 10131
necessary for the operation of installed features and appliances. 10132

(R) "Pneumatic tires" means tires of rubber and fabric or 10133
tires of similar material, that are inflated with air. 10134

(S) "Solid tires" means tires of rubber or similar elastic 10135
material that are not dependent upon confined air for support of 10136
the load. 10137

(T) "Solid tire vehicle" means any vehicle that is equipped 10138
with two or more solid tires. 10139

(U) "Farm machinery" means all machines and tools that are 10140
used in the production, harvesting, and care of farm products, and 10141
includes trailers that are used to transport agricultural produce 10142
or agricultural production materials between a local place of 10143
storage or supply and the farm when drawn or towed on a public 10144
road or highway at a speed of twenty-five miles per hour or less. 10145
10146

(V) "Owner" includes any person or firm, other than a 10147
manufacturer or dealer, that has title to a motor vehicle, except 10148

that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 10149
includes in addition manufacturers and dealers. 10150

(W) "Manufacturer" and "dealer" include all persons and firms 10151
that are regularly engaged in the business of manufacturing, 10152
selling, displaying, offering for sale, or dealing in motor 10153
vehicles, at an established place of business that is used 10154
exclusively for the purpose of manufacturing, selling, displaying, 10155
offering for sale, or dealing in motor vehicles. A place of 10156
business that is used for manufacturing, selling, displaying, 10157
offering for sale, or dealing in motor vehicles shall be deemed to 10158
be used exclusively for those purposes even though snowmobiles or 10159
all-purpose vehicles are sold or displayed for sale thereat, even 10160
though farm machinery is sold or displayed for sale thereat, or 10161
even though repair, accessory, gasoline and oil, storage, parts, 10162
service, or paint departments are maintained thereat, or, in any 10163
county having a population of less than seventy-five thousand at 10164
the last federal census, even though a department in a place of 10165
business is used to dismantle, salvage, or rebuild motor vehicles 10166
by means of used parts, if such departments are operated for the 10167
purpose of furthering and assisting in the business of 10168
manufacturing, selling, displaying, offering for sale, or dealing 10169
in motor vehicles. Places of business or departments in a place of 10170
business used to dismantle, salvage, or rebuild motor vehicles by 10171
means of using used parts are not considered as being maintained 10172
for the purpose of assisting or furthering the manufacturing, 10173
selling, displaying, and offering for sale or dealing in motor 10174
vehicles. 10175

(X) "Operator" includes any person who drives or operates a 10177
motor vehicle upon the public highways. 10178

(Y) "Chauffeur" means any operator who operates a motor 10179
vehicle, other than a taxicab, as an employee for hire; or any 10180

operator whether or not the owner of a motor vehicle, other than a 10181
taxicab, who operates such vehicle for transporting, for gain, 10182
compensation, or profit, either persons or property owned by 10183
another. Any operator of a motor vehicle who is voluntarily 10184
involved in a ridesharing arrangement is not considered an 10185
employee for hire or operating such vehicle for gain, 10186
compensation, or profit. 10187

(Z) "State" includes the territories and federal districts of 10188
the United States, and the provinces of Canada. 10189

(AA) "Public roads and highways" for vehicles includes all 10190
public thoroughfares, bridges, and culverts. 10191

(BB) "Manufacturer's number" means the manufacturer's 10192
original serial number that is affixed to or imprinted upon the 10193
chassis or other part of the motor vehicle. 10194

(CC) "Motor number" means the manufacturer's original number 10195
that is affixed to or imprinted upon the engine or motor of the 10196
vehicle. 10197

(DD) "Distributor" means any person who is authorized by a 10198
motor vehicle manufacturer to distribute new motor vehicles to 10199
licensed motor vehicle dealers at an established place of business 10200
that is used exclusively for the purpose of distributing new motor 10201
vehicles to licensed motor vehicle dealers, except when the 10202
distributor also is a new motor vehicle dealer, in which case the 10203
distributor may distribute at the location of the distributor's 10204
licensed dealership. 10205

(EE) "Ridesharing arrangement" means the transportation of 10206
persons in a motor vehicle where the transportation is incidental 10207
to another purpose of a volunteer driver and includes ridesharing 10208
arrangements known as carpools, vanpools, and buspools. 10209

(FF) "Apportionable vehicle" means any vehicle that is used 10210
or intended for use in two or more international registration plan 10211

member jurisdictions that allocate or proportionally register 10212
vehicles, that is used for the transportation of persons for hire 10213
or designed, used, or maintained primarily for the transportation 10214
of property, and that meets any of the following qualifications: 10215

10216

(1) Is a power unit having a gross vehicle weight in excess 10217
of twenty-six thousand pounds; 10218

(2) Is a power unit having three or more axles, regardless of 10219
the gross vehicle weight; 10220

(3) Is a combination vehicle with a gross vehicle weight in 10221
excess of twenty-six thousand pounds. 10222

"Apportionable vehicle" does not include recreational 10223
vehicles, vehicles displaying restricted plates, city pick-up and 10224
delivery vehicles, buses used for the transportation of chartered 10225
parties, or vehicles owned and operated by the United States, this 10226
state, or any political subdivisions thereof. 10227

(GG) "Chartered party" means a group of persons who contract 10228
as a group to acquire the exclusive use of a passenger-carrying 10229
motor vehicle at a fixed charge for the vehicle in accordance with 10230
the carrier's tariff, lawfully on file with the United States 10231
department of transportation, for the purpose of group travel to a 10232
specified destination or for a particular itinerary, either agreed 10233
upon in advance or modified by the chartered group after having 10234
left the place of origin. 10235

(HH) "International registration plan" means a reciprocal 10236
agreement of member jurisdictions that is endorsed by the American 10237
association of motor vehicle administrators, and that promotes and 10238
encourages the fullest possible use of the highway system by 10239
authorizing apportioned registration of fleets of vehicles and 10240
recognizing registration of vehicles apportioned in member 10241
jurisdictions. 10242

(II) "Restricted plate" means a license plate that has a 10243
restriction of time, geographic area, mileage, or commodity, and 10244
includes license plates issued to farm trucks under division (K) 10245
of section 4503.04 of the Revised Code. 10246

(JJ) "Gross vehicle weight," with regard to any commercial 10247
car, trailer, semitrailer, or bus that is taxed at the rates 10248
established under section 4503.042 of the Revised Code, means the 10249
unladen weight of the vehicle fully equipped plus the maximum 10250
weight of the load to be carried on the vehicle. 10251

(KK) "Combined gross vehicle weight" with regard to any 10252
combination of a commercial car, trailer, and semitrailer, that is 10253
taxed at the rates established under section 4503.042 of the 10254
Revised Code, means the total unladen weight of the combination of 10255
vehicles fully equipped plus the maximum weight of the load to be 10256
carried on that combination of vehicles. 10257

(LL) "Chauffeured limousine" means a motor vehicle that is 10258
designed to carry nine or fewer passengers and is operated for 10259
hire on an hourly basis pursuant to a prearranged contract for the 10260
transportation of passengers on public roads and highways along a 10261
route under the control of the person hiring the vehicle and not 10262
over a defined and regular route. "Prearranged contract" means an 10263
agreement, made in advance of boarding, to provide transportation 10264
from a specific location in a chauffeured limousine at a fixed 10265
rate per hour or trip. "Chauffeured limousine" does not include 10266
any vehicle that is used exclusively in the business of funeral 10267
directing. 10268

(MM) "Manufactured home" has the same meaning as in division 10269
(C)(4) of section 3781.06 of the Revised Code. 10270

(NN) "Acquired situs," with respect to a manufactured home or 10271
a mobile home, means to become located in this state by the 10272
placement of the home on real property, but does not include the 10273

placement of a manufactured home or a mobile home in the inventory 10274
of a new motor vehicle dealer or the inventory of a manufacturer, 10275
remanufacturer, or distributor of manufactured or mobile homes. 10276

10277

(OO) "Electronic" includes electrical, digital, magnetic, 10278
optical, electromagnetic, or any other form of technology that 10279
entails capabilities similar to these technologies. 10280

(PP) "Electronic record" means a record generated, 10281
communicated, received, or stored by electronic means for use in 10282
an information system or for transmission from one information 10283
system to another. 10284

(QQ) "Electronic signature" means a signature in electronic 10285
form attached to or logically associated with an electronic 10286
record. 10287

(RR) "Financial transaction device" has the same meaning as 10288
in division (A) of section 113.40 of the Revised Code. 10289

(SS) "Electronic motor vehicle dealer" means a motor vehicle 10290
dealer licensed under Chapter 4517. of the Revised Code whom the 10291
registrar of motor vehicles determines meets the criteria 10292
designated in section 4503.035 of the Revised Code for electronic 10293
motor vehicle dealers and designates as an electronic motor 10294
vehicle dealer under that section. 10295

(TT) "Limited driving privileges" means the privilege to 10296
operate a motor vehicle that a court grants under section 4510.021 10297
of the Revised Code to a person whose driver's or commercial 10298
driver's license or permit or nonresident operating privilege has 10299
been suspended. 10300

Sec. 4501.022. (A) The registrar of motor vehicles shall 10301
determine the necessary or appropriate method by which written 10302
notice of an order ~~revoking~~ or suspending a motor vehicle driver's 10303

or commercial driver's license or requiring the surrender of a 10304
certificate of registration and registration plates may be 10305
provided to the person holding the license or the certificate of 10306
registration and registration plates. Division (A) of this section 10307
does not apply if the registrar is required to provide 10308
notification by use of a method specified by law. 10309

(B) Pursuant to rules adopted by the registrar, the bureau of 10310
motor vehicles shall implement proof of mailing procedures to 10311
provide verification that written notice of an order ~~revoking or~~ 10312
suspending a motor vehicle driver's or commercial driver's license 10313
or requiring the surrender of a certificate of registration and 10314
registration plates was sent to the person holding the license or 10315
the certificate of registration and registration plates. 10316

Sec. 4501.17. There is hereby created in the state treasury 10317
the ~~OMVI~~ OVI fines fund. The fund shall consist of fine money 10318
received by the state highway patrol pursuant to ~~division (A) of~~ 10319
section ~~4511.99~~ 4511.19 of the Revised Code, and shall be used by 10320
the state highway patrol to enforce that section ~~4511.19 of the~~ 10321
~~Revised Code~~ and to conduct programs to inform the public of the 10322
dangers of, and laws governing, the operation of motor vehicles 10323
while under the influence of alcohol. 10324

Sec. 4501.19. There is hereby created in the state treasury 10325
the law enforcement reimbursement fund. The law enforcement 10326
reimbursement fund shall consist of fees collected by the 10327
registrar of motor vehicles under division (A) ~~(6)~~ (5) of section 10328
4503.233 of the Revised Code, and shall be used to make payments 10329
to law enforcement agencies in accordance with that division. 10330
However, the director of budget and management may transfer excess 10331
money from the law enforcement reimbursement fund to the bureau of 10332
motor vehicles fund created in section 4501.25 of the Revised Code 10333
if the registrar determines that the amount of money in the law 10334

enforcement reimbursement fund exceeds the amounts required to be 10335
paid by division (A)~~(6)~~(5) of section 4503.233 of the Revised 10336
Code, and the registrar requests the director to make the 10337
transfer. All investment earnings of the law enforcement 10338
reimbursement fund shall be credited to the fund. 10339

Sec. 4501.25. There is hereby created in the state treasury 10340
the state bureau of motor vehicles fund. The fund shall consist of 10341
all money collected by the registrar of motor vehicles, including 10342
taxes, fees, and fines levied, charged, or referred to in Chapters 10343
4501., 4503., 4505., 4506., 4507., 4509., 4510., 4511., 4517., 10344
4519., and 4521., and sections 3123.59, 2935.27, 2937.221, 10345
4738.06, 4738.13, and 4738.18 of the Revised Code unless otherwise 10346
designated by law. The fund shall be used to pay the expenses of 10347
administering the law relative to the powers and duties of the 10348
registrar of motor vehicles. All investment earnings of the fund 10349
shall be retained by the fund. 10350

Sec. ~~4507.25~~ 4501.34. (A) The registrar of motor vehicles may 10351
adopt and publish rules to govern ~~his~~ the registrar's proceedings. 10352
All proceedings of the registrar shall be open to the public, and 10353
all documents in ~~his~~ the registrar's possession ~~shall be~~ are 10354
public records. ~~He~~ The registrar shall adopt a seal bearing the 10355
inscription: "Motor Vehicle Registrar of Ohio." The seal shall be 10356
affixed to all writs and authenticated copies of records, and, 10357
when it has been so attached, ~~such~~ the copies shall be received in 10358
evidence with the same effect as other public records. All courts 10359
shall take judicial notice of the seal. 10360

(B) Upon the request of any person accompanied by a 10361
nonrefundable fee of two dollars per name, the registrar may 10362
furnish lists of names and addresses as they appear upon the 10363
applications for driver's licenses, provided that any further 10364
information contained in the applications shall not be disclosed. 10365

~~All~~ The registrar shall pay all the fees collected ~~shall be paid~~ 10366
~~by the registrar~~ into the state treasury to the credit of the 10367
state bureau of motor vehicles fund established in section 4501.25 10368
of the Revised Code. 10369

This division does not apply to the list of qualified driver 10370
licensees required to be compiled and filed pursuant to section 10371
2313.06 of the Revised Code. 10372

Sec. ~~4507.26~~ 4501.351. An order, except an order relating to 10373
a license as defined in section 119.01 of the Revised Code, made 10374
by the registrar of motor vehicles may be reversed, vacated, or 10375
modified by the court of common pleas of Franklin county, or by 10376
the court of common pleas in the county in which the party 10377
affected is a resident, or in which the matter complained of 10378
arose. 10379

Sec. ~~4507.27~~ 4501.36. A proceeding to obtain the reversal, 10380
vacation, or modification of an order of the registrar of motor 10381
vehicles shall be by appeal~~7~~. Any party to the proceedings before 10382
the registrar shall file notice of ~~which shall be filed~~ the appeal 10383
in the court of common pleas on or before the expiration of thirty 10384
days from date of entry of ~~such~~ the order, ~~by any party to the~~ 10385
~~proceedings before the registrar. Such.~~ The court shall set ~~such~~ 10386
the appeal for hearing and take ~~such~~ any testimony as is necessary 10387
to decide the matter. ~~At~~ The court shall give the registrar at 10388
least ten days' notice of the time and place of ~~such~~ the hearing 10389
~~shall be given to the registrar.~~ 10390

Sec. ~~4507.28~~ 4501.37. No court may reverse, suspend, or delay 10391
any order made by the registrar of motor vehicles, or enjoin, 10392
restrain, or interfere with the registrar or a deputy registrar in 10393
the performance of official duties, except as provided in ~~sections~~ 10394
~~4507.01 to 4507.39, inclusive,~~ this chapter and Chapter 4507. or 10395

4510. of the Revised Code. 10396

Sec. ~~4507.29~~ 4501.38. Upon the request of the registrar of 10397
motor vehicles, the prosecuting attorney of the county in which 10398
any proceedings are pending, shall aid in any investigation, 10399
prosecution, hearing, or trial ~~had held~~ under ~~sections 4507.01 to~~ 10400
~~4507.39,~~ this chapter or Chapter 4506., 4507., 4510., or 4511. of 10401
the Revised Code, and shall institute and prosecute ~~such any~~ 10402
actions or proceedings for the enforcement of ~~such the~~ sections 10403
contained in those chapters, and for the punishment of all 10404
violations ~~thereof of those sections,~~ as the registrar directs. 10405

Sec. 4503.033. (A) Annually, on or before the thirty-first 10406
day of January, every deputy registrar shall file with the 10407
registrar of motor vehicles on a form prescribed by the registrar, 10408
a statement disclosing all of the following: 10409

(1) The name of the person filing the statement, and, if 10410
applicable, of his spouse and of members of his immediate family; 10411

(2) Any contribution made within the previous calendar year 10412
by the person and, if applicable, by his spouse and by members of 10413
his immediate family to each of the following: 10414

(a) Any political party; 10415

(b) Any candidate for the office of governor, attorney 10416
general, secretary of state, treasurer of state, auditor of state, 10417
member of the senate or house of representatives of the general 10418
assembly, or to the campaign committee of any such candidate. 10419

(3) The month, day, and year in which the contribution was 10420
made; 10421

(4) The full name and address of each person, political 10422
party, or campaign committee to which a contribution was made; 10423

(5) The value in dollars and cents of the contribution. 10424

(B) No person shall knowingly fail to file, on or before the filing deadline under this section, a statement that is required by division (A) of this section. 10425
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(C) No person shall knowingly make a false statement in a statement that is required to be filed under division (A) of this section. 10428
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(D) On and after ~~the effective date of this amendment~~ March 2, 1994, the statement required by division (A) of this section shall be accompanied by a filing fee of twenty-five dollars. If the statement required by division (A) of this section is not filed by the date on which it is required to be filed, the registrar of motor vehicles shall assess a late filing fee as prescribed in division (F) of section 102.02 of the Revised Code. The registrar shall deposit all fees he receives under this division into the general revenue fund of the state. 10431
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(E) Not later than the date a deputy registrar is required to file a statement under division (A) of this section, the deputy registrar shall file a copy of the statement with the office of the secretary of state. The secretary of state shall keep the copies of all statements filed with his office under this division only for the purpose of making them available for public inspection. 10440
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(F) Whoever violates division (B) of this section shall be fined one thousand dollars. Whoever violates division (C) of this section shall be fined ten thousand dollars. 10447
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Sec. 4503.05. (A) No person shall use a motor vehicle registered as a noncommercial motor vehicle ~~as defined in section 4501.01 of the Revised Code~~ for other than the purposes set forth in ~~that~~ section 4501.01 of the Revised Code. 10450
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(B) Whoever violates this section is guilty of a misdemeanor 10454

of the fourth degree. 10455

Sec. 4503.061. (A) All manufactured and mobile homes shall be 10456
listed on either the real property tax list or the manufactured 10457
home tax list of the county in which the home has situs. Each 10458
owner shall follow the procedures in this section to identify the 10459
home to the county auditor of the county containing the taxing 10460
district in which the home has situs so that the auditor may place 10461
the home on the appropriate tax list. 10462

(B) When a manufactured or mobile home first acquires situs 10463
in this state and is subject to real property taxation pursuant to 10464
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 10465
owner shall present to the auditor of the county containing the 10466
taxing district in which the home has its situs the certificate of 10467
title for the home, together with proof that all taxes due have 10468
been paid and proof that a relocation notice was obtained for the 10469
home if required under this section. Upon receiving the 10470
certificate of title and the required proofs, the auditor shall 10471
place the home on the real property tax list and proceed to treat 10472
the home as other properties on that list. After the auditor has 10473
placed the home on the tax list of real and public utility 10474
property, the auditor shall deliver the certificate of title to 10475
the clerk of the court of common pleas that issued it pursuant to 10476
section 4505.11 of the Revised Code, and the clerk shall 10477
inactivate the certificate of title. 10478

(C)(1) When a manufactured or mobile home subject to a 10479
manufactured home tax is relocated to or first acquires situs in 10480
any county that has adopted a permanent manufactured home 10481
registration system, as provided in division (F) of this section, 10482
the owner, within thirty days after the home is relocated or first 10483
acquires situs under section 4503.06 of the Revised Code, shall 10484
register the home with the county auditor of the county containing 10485

the taxing district in which the home has its situs. For the first 10486
registration in each county of situs, the owner or vendee in 10487
possession shall present to the county auditor an Ohio certificate 10488
of title, certified copy of the certificate of title, or 10489
memorandum certificate of title as such are required by law, and 10490
proof, as required by the county auditor, that the home, if it has 10491
previously been occupied and is being relocated, has been 10492
previously registered, that all taxes due and required to be paid 10493
under division (H)(1) of this section before a relocation notice 10494
may be issued have been paid, and that a relocation notice was 10495
obtained for the home if required by division (H) of this section. 10496
If the owner or vendee does not possess the Ohio certificate of 10497
title, certified copy of the certificate of title, or memorandum 10498
certificate of title at the time the owner or vendee first 10499
registers the home in a county, the county auditor shall register 10500
the home without presentation of the document, but the owner or 10501
vendee shall present the certificate of title, certified copy of 10502
the certificate of title, or memorandum certificate of title to 10503
the county auditor within fourteen days after the owner or vendee 10504
obtains possession of the document. 10505

(2) When a manufactured or mobile home is registered for the 10506
first time in a county and when the total tax due has been paid as 10507
required by division (F) of section 4503.06 of the Revised Code or 10508
divisions (E) and (H) of this section, the county treasurer shall 10509
note by writing or by a stamp on the certificate of title, 10510
certified copy of certificate of title, or memorandum certificate 10511
of title that the home has been registered and that the taxes due, 10512
if any, have been paid for the preceding five years and for the 10513
current year. The treasurer shall then issue a certificate 10514
evidencing registration and a decal to be displayed on the street 10515
side of the home. Such certificate is valid in any county in this 10516
state during the year for which it is issued. 10517

(3) For each year thereafter, the county treasurer shall 10518
issue a tax bill stating the amount of tax due under section 10519
4503.06 of the Revised Code, as provided in division (D)(6) of 10520
that section. When the total tax due has been paid as required by 10521
division (F) of section 4503.06 of the Revised Code, the county 10522
treasurer shall issue a certificate evidencing registration that 10523
shall be valid in any county in this state during the year for 10524
which the certificate is issued. 10525

(4) The permanent decal issued under this division is valid 10526
during the period of ownership, except that when a manufactured 10527
home is relocated in another county the owner shall apply for a 10528
new registration as required by this section and section 4503.06 10529
of the Revised Code. 10530

(D)(1) All owners of manufactured or mobile homes subject to 10531
the manufactured home tax being relocated to or having situs in a 10532
county that has not adopted a permanent registration system, as 10533
provided in division (F) of this section, shall register the home 10534
within thirty days after the home is relocated or first acquires 10535
situs under section 4503.06 of the Revised Code and thereafter 10536
shall annually register the home with the county auditor of the 10537
county containing the taxing district in which the home has its 10538
situs. 10539

(2) Upon the annual registration, the county treasurer shall 10540
issue a tax bill stating the amount of annual manufactured home 10541
tax due under section 4503.06 of the Revised Code, as provided in 10542
division (D)(6) of that section. When a manufactured or mobile 10543
home is registered and when the tax for the current one-half year 10544
has been paid as required by division (F) of section 4503.06 of 10545
the Revised Code, the county treasurer shall issue a certificate 10546
evidencing registration and a decal. Such certificate and decal 10547
are valid in any county in this state during the year for which 10548
they are issued. The decal shall be displayed on the street side 10549

of the home. 10550

(3) For the first annual registration in each county of 10551
situs, the county auditor shall require the owner or vendee to 10552
present an Ohio certificate of title, certified copy of the 10553
certificate of title, or memorandum certificate of title as such 10554
are required by law, and proof, as required by the county auditor, 10555
that the manufactured or mobile home has been previously 10556
registered, if such registration was required, that all taxes due 10557
and required to be paid under division (H)(1) of this section 10558
before a relocation notice may be issued have been paid, and that 10559
a relocation notice was obtained for the home if required by 10560
division (H) of this section. If the owner or vendee does not 10561
possess the Ohio certificate of title, certified copy of the 10562
certificate of title, or memorandum certificate of title at the 10563
time the owner or vendee first registers the home in a county, the 10564
county auditor shall register the home without presentation of the 10565
document, but the owner or vendee shall present the certificate of 10566
title, certified copy of the certificate of title, or memorandum 10567
certificate of title to the county auditor within fourteen days 10568
after the owner or vendee obtains possession of the document. When 10569
the county treasurer receives the tax payment, the county 10570
treasurer shall note by writing or by a stamp on the certificate 10571
of title, certified copy of the certificate of title, or 10572
memorandum certificate of title that the home has been registered 10573
for the current year and that the manufactured home taxes due, if 10574
any, have been paid for the preceding five years and for the 10575
current year. 10576

(4) For subsequent annual registrations, the auditor may 10577
require the owner or vendee in possession to present an Ohio 10578
certificate of title, certified copy of the certificate of title, 10579
or memorandum certificate of title to the county treasurer upon 10580
payment of the manufactured home tax that is due. 10581

(E)(1) Upon the application to transfer ownership of a manufactured or mobile home for which manufactured home taxes are paid pursuant to division (C) of section 4503.06 of the Revised Code the clerk of the court of common pleas shall not issue any certificate of title that does not contain or have attached both of the following:

(a) An endorsement of the county treasurer stating that the home has been registered for each year of ownership and that all manufactured home taxes imposed pursuant to section 4503.06 of the Revised Code have been paid or that no tax is due;

(b) An endorsement of the county auditor that the manufactured home transfer tax imposed pursuant to section 322.06 of the Revised Code and any fees imposed under division (F) of section 319.54 of the Revised Code have been paid.

(2) If all the taxes have not been paid, the clerk shall notify the vendee to contact the county treasurer of the county containing the taxing district in which the home has its situs at the time of the proposed transfer. The county treasurer shall then collect all the taxes that are due for the year of the transfer and all previous years not exceeding a total of five years. The county treasurer shall distribute that part of the collection owed to the county treasurer of other counties if the home had its situs in another county during a particular year when the unpaid tax became due and payable. The burden to prove the situs of the home in the years that the taxes were not paid is on the transferor of the home. Upon payment of such taxes, the county auditor shall remove all remaining taxes from the manufactured home tax list and the delinquent manufactured home tax list, and the county treasurer shall release all liens for such taxes. The clerk of courts shall issue a certificate of title, free and clear of all liens for manufactured home taxes, to the transferee of the home.

(3) Once the transfer is complete and the certificate of title has been issued, the transferee shall register the manufactured or mobile home pursuant to division (C) or (D) of this section with the county auditor of the county containing the taxing district in which the home remains after the transfer or, if the home is relocated to another county, with the county auditor of the county to which the home is relocated. The transferee need not pay the annual tax for the year of acquisition if the original owner has already paid the annual tax for that year.

(F) The county auditor may adopt a permanent registration system and issue a permanent decal with the first registration as prescribed by the tax commissioner.

(G) When any manufactured or mobile home required to be registered by this section is not registered, the county auditor shall impose a penalty of one hundred dollars upon the owner and deposit the amount to the credit of the county real estate assessment fund to be used to pay the costs of administering this section and section 4503.06 of the Revised Code. If unpaid, the penalty shall constitute a lien on the home and shall be added by the county auditor to the manufactured home tax list for collection.

(H)(1) Before moving a manufactured or mobile home on public roads from one address within this state to another address within or outside this state, the owner of the home shall obtain a relocation notice, as provided by this section, from the auditor of the county in which the home is located if the home is currently subject to taxation pursuant to section 4503.06 of the Revised Code. The auditor shall charge five dollars for the notice, and deposit the amount to the credit of the county real estate assessment fund to be used to pay the costs of administering this section and section 4503.06 of the Revised

Code. The auditor shall not issue a relocation notice unless all 10646
taxes owed on the home under section 4503.06 of the Revised Code 10647
that were first charged to the home during the period of ownership 10648
of the owner seeking the relocation notice have been paid. If the 10649
home is being moved by a new owner of the home or by a party 10650
taking repossession of the home, the auditor shall not issue a 10651
relocation notice unless all of the taxes due for the preceding 10652
five years and for the current year have been paid. A relocation 10653
notice issued by a county auditor is valid until the last day of 10654
December of the year in which it was issued. 10655

(2) If a manufactured or mobile home is not yet subject to 10656
taxation under section 4503.06 of the Revised Code, the owner of 10657
the home shall obtain a relocation notice from the dealer of the 10658
home. Within thirty days after the manufactured or mobile home is 10659
purchased, the dealer of the home shall provide the auditor of the 10660
county in which the home is to be located written notice of the 10661
name of the purchaser of the home, the registration number or 10662
vehicle identification number of the home, and the address or 10663
location to which the home is to be moved. The county auditor 10664
shall provide to each manufactured and mobile home dealer, without 10665
charge, a supply of relocation notices to be distributed to 10666
purchasers pursuant to this section. 10667

(3) The notice shall be in the form of a one-foot square 10668
yellow sign with the words "manufactured home relocation notice" 10669
printed prominently on it. The name of the owner of the home, the 10670
home's registration number or vehicle identification number, the 10671
county and the address or location to which the home is being 10672
moved, and the county in which the notice is issued shall also be 10673
entered on the notice. 10674

(4) The relocation notice must be attached to the rear of the 10675
home when the home is being moved on a public road. Except as 10676
provided in division (H)(5) of this section, no person shall drive 10677

a motor vehicle moving a manufactured or mobile home on a public road from one address to another address within this state unless a relocation notice is attached to the rear of the home.

(5) If the county auditor determines that a manufactured or mobile home has been moved without a relocation notice as required under this division, the auditor shall impose a penalty of one hundred dollars upon the owner of the home and upon the person who moved the home and deposit the amount to the credit of the county real estate assessment fund to pay the costs of administering this section and section 4503.06 of the Revised Code. If the home was relocated from one county in this state to another county in this state and the county auditor of the county to which the home was relocated imposes the penalty, that county auditor, upon collection thereof, shall cause an amount equal to the penalty to be transmitted from the county real estate assessment fund to the county auditor of the county from which the home was relocated, who shall deposit the amount to the credit of the county real estate assessment fund. If the penalty on the owner is unpaid, the penalty shall constitute a lien on the home and the auditor shall add the penalty to the manufactured home tax list for collection. If the county auditor determines that a dealer that has sold a manufactured or mobile home has failed to timely provide the information required under this division, the auditor shall impose a penalty upon the dealer in the amount of one hundred dollars. The penalty shall be credited to the county real estate assessment fund and used to pay the costs of administering this section and section 4503.06 of the Revised Code.

(I) Whoever violates division (H)(4) of this section is guilty of a minor misdemeanor.

Sec. 4503.066. (A)(1) To obtain a reduction in the assessable value of a manufactured or mobile home under section 4503.065 of

the Revised Code, the owner of the home shall file an application 10709
with the county auditor of the county in which the home is 10710
located. An application for reduction in assessable value based 10711
upon a physical disability shall be accompanied by a certificate 10712
signed by a physician, and an application for reduction in 10713
assessable value based upon a mental disability shall be 10714
accompanied by a certificate signed by a physician or psychologist 10715
licensed to practice in this state. The certificate shall attest 10716
to the fact that the applicant is permanently and totally 10717
disabled, shall be in a form that the department of taxation 10718
requires, and shall include the definition of totally and 10719
permanently disabled as set forth in section 4503.064 of the 10720
Revised Code. An application for reduction in assessable value 10721
based upon a disability certified as permanent and total by a 10722
state or federal agency having the function of so classifying 10723
persons shall be accompanied by a certificate from that agency. 10724

(2) Each application shall constitute a continuing 10725
application for a reduction in assessable value for each year in 10726
which the manufactured or mobile home is occupied by the applicant 10727
and in which the amount of the reduction in assessable value does 10728
not exceed either the amount or per cent of the reduction for the 10729
year in which the application was first filed. Failure to receive 10730
a new application or notification under division (B) of this 10731
section after a certificate of reduction has been issued under 10732
section 4503.067 of the Revised Code is prima-facie evidence that 10733
the original applicant is entitled to the reduction in assessable 10734
value calculated on the basis of the information contained in the 10735
original application. The original application and any subsequent 10736
application shall be in the form of a signed statement and shall 10737
be filed not later than the first Monday in June. The statement 10738
shall be on a form, devised and supplied by the tax commissioner, 10739
that shall require no more information than is necessary to 10740
establish the applicant's eligibility for the reduction in 10741

assessable value and the amount of the reduction to which the 10742
applicant is entitled. The form shall contain a statement that 10743
signing such application constitutes a delegation of authority by 10744
the applicant to the county auditor to examine any financial 10745
records that relate to income earned by the applicant as stated on 10746
the application for the purpose of determining eligibility under, 10747
or possible violation of, division (C) or (D) of this section. The 10748
form also shall contain a statement that conviction of willfully 10749
falsifying information to obtain a reduction in assessable value 10750
or failing to comply with division (B) of this section shall 10751
result in the revocation of the right to the reduction for a 10752
period of three years. 10753

(3) A late application for a reduction in assessable value 10754
for the year preceding the year for which an original application 10755
is filed may be filed with an original application. If the auditor 10756
determines that the information contained in the late application 10757
is correct, the auditor shall determine both the amount of the 10758
reduction in assessable value to which the applicant would have 10759
been entitled for the current tax year had the application been 10760
timely filed and approved in the preceding year, and the amount 10761
the taxes levied under section 4503.06 of the Revised Code for the 10762
current year would have been reduced as a result of the reduction 10763
in assessable value. When an applicant is permanently and totally 10764
disabled on the first day of January of the year in which the 10765
applicant files a late application, the auditor, in making the 10766
determination of the amounts of the reduction in assessable value 10767
and taxes under division (A)(3) of this section, is not required 10768
to determine that the applicant was permanently and totally 10769
disabled on the first day of January of the preceding year. 10770

The amount of the reduction in taxes pursuant to a late 10772
application shall be treated as an overpayment of taxes by the 10773

applicant. The auditor shall credit the amount of the overpayment 10774
against the amount of the taxes or penalties then due from the 10775
applicant, and, at the next succeeding settlement, the amount of 10776
the credit shall be deducted from the amount of any taxes or 10777
penalties distributable to the county or any taxing unit in the 10778
county that has received the benefit of the taxes or penalties 10779
previously overpaid, in proportion to the benefits previously 10780
received. If, after the credit has been made, there remains a 10781
balance of the overpayment, or if there are no taxes or penalties 10782
due from the applicant, the auditor shall refund that balance to 10783
the applicant by a warrant drawn on the county treasurer in favor 10784
of the applicant. The treasurer shall pay the warrant from the 10785
general fund of the county. If there is insufficient money in the 10786
general fund to make the payment, the treasurer shall pay the 10787
warrant out of any undivided manufactured or mobile home taxes 10788
subsequently received by the treasurer for distribution to the 10789
county or taxing district in the county that received the benefit 10790
of the overpaid taxes, in proportion to the benefits previously 10791
received, and the amount paid from the undivided funds shall be 10792
deducted from the money otherwise distributable to the county or 10793
taxing district in the county at the next or any succeeding 10794
distribution. At the next or any succeeding distribution after 10795
making the refund, the treasurer shall reimburse the general fund 10796
for any payment made from that fund by deducting the amount of 10797
that payment from the money distributable to the county or other 10798
taxing unit in the county that has received the benefit of the 10799
taxes, in proportion to the benefits previously received. On the 10800
second Monday in September of each year, the county auditor shall 10801
certify the total amount of the reductions in taxes made in the 10802
current year under division (A)(3) of this section to the tax 10803
commissioner who shall treat that amount as a reduction in taxes 10804
for the current tax year and shall make reimbursement to the 10805
county of that amount in the manner prescribed in section 4503.068 10806

of the Revised Code, from moneys appropriated for that purpose. 10807

(B) If in any year after an application has been filed under 10808
division (A) of this section the owner no longer qualifies for the 10809
reduction in assessable value for which the owner was issued a 10810
certificate or qualifies for a reduction that is less than either 10811
the per cent or amount of the reduction to which the owner was 10812
entitled in the year the application was filed, the owner shall 10813
notify the county auditor that the owner is not qualified for a 10814
reduction in the assessable value of the home or file a new 10815
application under division (A) of this section. 10816

During January of each year, the county auditor shall furnish 10817
each person issued a certificate of reduction in value, by 10818
ordinary mail, a form on which to report any changes in total 10819
income that would have the effect of increasing or decreasing the 10820
reduction to which the person is entitled, changes in ownership of 10821
the home, including changes in or revocation of a revocable inter 10822
vivos trust, changes in disability, and other changes in the 10823
information earlier furnished the auditor relative to the 10824
application. The form shall be completed and returned to the 10825
auditor not later than the first Monday in June if the changes 10826
would affect the level of reduction in assessable value. 10827

(C) No person shall knowingly make a false statement for the 10828
purpose of obtaining a reduction in assessable value under section 10829
4503.065 of the Revised Code. 10830

(D) No person shall knowingly fail to notify the county 10831
auditor of any change required by division (B) of this section 10832
that has the effect of maintaining or securing a reduction in 10833
assessable value of the home in excess of the reduction allowed 10834
under section 4503.065 of the Revised Code. 10835

(E) No person shall knowingly make a false statement or 10836
certification attesting to any person's physical or mental 10837

condition for purposes of qualifying such person for tax relief 10838
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 10839

(F) Whoever violates division (C), (D), or (E) of this 10840
section is guilty of a misdemeanor of the fourth degree. 10841

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 10842
motorcycle, and all-purpose vehicle required to be registered 10843
under section 4519.02 of the Revised Code shall file an 10844
application for registration under section 4519.03 of the Revised 10845
Code. The owner of a motor vehicle, other than a snowmobile, 10846
off-highway motorcycle, or all-purpose vehicle, that is not 10847
designed and constructed by the manufacturer for operation on a 10848
street or highway may not register it under this chapter except 10849
upon certification of inspection pursuant to section 4513.02 of 10850
the Revised Code by the sheriff, or the chief of police of the 10851
municipal corporation or township, with jurisdiction over the 10852
political subdivision in which the owner of the motor vehicle 10853
resides. Except as provided in section 4503.103 of the Revised 10854
Code, every owner of every other motor vehicle not previously 10855
described in this section and every person mentioned as owner in 10856
the last certificate of title of a motor vehicle that is operated 10857
or driven upon the public roads or highways shall cause to be 10858
filed each year, by mail or otherwise, in the office of the 10859
registrar of motor vehicles or a deputy registrar, a written or 10860
electronic application or a preprinted registration renewal notice 10861
issued under section 4503.102 of the Revised Code, the form of 10862
which shall be prescribed by the registrar, for registration for 10863
the following registration year, which shall begin on the first 10864
day of January of every calendar year and end on the thirty-first 10865
day of December in the same year. Applications for registration 10866
and registration renewal notices shall be filed at the times 10867
established by the registrar pursuant to section 4503.101 of the 10868
Revised Code. A motor vehicle owner also may elect to apply for or 10869

renew a motor vehicle registration by electronic means using 10870
electronic signature in accordance with rules adopted by the 10871
registrar. Except as provided in division (J) of this section, 10872
applications for registration shall be made on blanks furnished by 10873
the registrar for that purpose, containing the following 10874
information: 10875

(1) A brief description of the motor vehicle to be 10876
registered, including the name of the manufacturer, the factory 10877
number of the vehicle, the year's model, and, in the case of 10878
commercial cars, the gross weight of the vehicle fully equipped 10879
computed in the manner prescribed in section 4503.08 of the 10880
Revised Code; 10881

(2) The name and residence address of the owner, and the 10882
township and municipal corporation in which the owner resides; 10883

(3) The district of registration, which shall be determined 10884
as follows: 10885

(a) In case the motor vehicle to be registered is used for 10886
hire or principally in connection with any established business or 10887
branch business, conducted at a particular place, the district of 10888
registration is the municipal corporation in which that place is 10889
located or, if not located in any municipal corporation, the 10890
county and township in which that place is located. 10891

(b) In case the vehicle is not so used, the district of 10892
registration is the municipal corporation or county in which the 10893
owner resides at the time of making the application. 10894

(4) Whether the motor vehicle is a new or used motor vehicle; 10895
10896

(5) The date of purchase of the motor vehicle; 10897

(6) Whether the fees required to be paid for the registration 10898
or transfer of the motor vehicle, during the preceding 10899

registration year and during the preceding period of the current 10900
registration year, have been paid. Each application for 10901
registration shall be signed by the owner, either manually or by 10902
electronic signature, or pursuant to obtaining a limited power of 10903
attorney authorized by the registrar for registration, or other 10904
document authorizing such signature. If the owner elects to apply 10905
for or renew the motor vehicle registration with the registrar by 10906
electronic means, the owner's manual signature is not required. 10907

(7) The owner's social security number, if assigned, or, 10908
where a motor vehicle to be registered is used for hire or 10909
principally in connection with any established business, the 10910
owner's federal taxpayer identification number. The bureau of 10911
motor vehicles shall retain in its records all social security 10912
numbers provided under this section, but the bureau shall not 10913
place social security numbers on motor vehicle certificates of 10914
registration. 10915

(B) Each time an applicant first registers a motor vehicle in 10916
the applicant's name, the applicant shall present for inspection a 10917
physical certificate of title or a memorandum certificate showing 10918
title to the motor vehicle to be registered in the name of the 10919
applicant if a physical certificate of title or memorandum 10920
certificate has been issued by a clerk of a court of common pleas. 10921
If, under sections 4505.021, 4505.06, and 4505.08 of the Revised 10922
Code, a clerk instead has issued an electronic certificate of 10923
title for the applicant's motor vehicle, that certificate may be 10924
presented for inspection at the time of first registration in a 10925
manner prescribed by rules adopted by the registrar. When a motor 10926
vehicle inspection and maintenance program is in effect under 10927
section 3704.14 of the Revised Code and rules adopted under it, 10928
each application for registration for a vehicle required to be 10929
inspected under that section and those rules shall be accompanied 10930
by an inspection certificate for the motor vehicle issued in 10931

accordance with that section. The application shall be refused if 10932
any of the following applies: 10933

(1) The application is not in proper form. 10934

(2) The application is prohibited from being accepted by 10935
division (D) of section 2935.27, division (A) of section 2937.221, 10936
division (A) of section 4503.13, division (B) of section ~~4507.168~~ 10937
4510.22, or division (B)(1) of section 4521.10 of the Revised 10938
Code. 10939

(3) A certificate of title or memorandum certificate of title 10940
does not accompany the application or, in the case of an 10941
electronic certificate of title, is not presented in a manner 10942
prescribed by the registrar's rules. 10943

(4) All registration and transfer fees for the motor vehicle, 10944
for the preceding year or the preceding period of the current 10945
registration year, have not been paid. 10946

(5) The owner or lessee does not have an inspection 10947
certificate for the motor vehicle as provided in section 3704.14 10948
of the Revised Code, and rules adopted under it, if that section 10949
is applicable. 10950

This section does not require the payment of license or 10951
registration taxes on a motor vehicle for any preceding year, or 10952
for any preceding period of a year, if the motor vehicle was not 10953
taxable for that preceding year or period under sections 4503.02, 10954
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 10955
Revised Code. When a certificate of registration is issued upon 10956
the first registration of a motor vehicle by or on behalf of the 10957
owner, the official issuing the certificate shall indicate the 10958
issuance with a stamp on the certificate of title or memorandum 10959
certificate or, in the case of an electronic certificate of title, 10960
an electronic stamp or other notation as specified in rules 10961
adopted by the registrar, and with a stamp on the inspection 10962

certificate for the motor vehicle, if any. The official also shall 10963
indicate, by a stamp or by other means the registrar prescribes, 10964
on the registration certificate issued upon the first registration 10965
of a motor vehicle by or on behalf of the owner the odometer 10966
reading of the motor vehicle as shown in the odometer statement 10967
included in or attached to the certificate of title. Upon each 10968
subsequent registration of the motor vehicle by or on behalf of 10969
the same owner, the official also shall so indicate the odometer 10970
reading of the motor vehicle as shown on the immediately preceding 10971
certificate of registration. 10972

The registrar shall include in the permanent registration 10973
record of any vehicle required to be inspected under section 10974
3704.14 of the Revised Code the inspection certificate number from 10975
the inspection certificate that is presented at the time of 10976
registration of the vehicle as required under this division. 10977

(C) In addition, a charge of twenty-five cents shall be made 10978
for each reflectorized safety license plate issued, and a single 10979
charge of twenty-five cents shall be made for each county 10980
identification sticker or each set of county identification 10981
stickers issued, as the case may be, to cover the cost of 10982
producing the license plates and stickers, including material, 10983
manufacturing, and administrative costs. Those fees shall be in 10984
addition to the license tax. If the total cost of producing the 10985
plates is less than twenty-five cents per plate, or if the total 10986
cost of producing the stickers is less than twenty-five cents per 10987
sticker or per set issued, any excess moneys accruing from the 10988
fees shall be distributed in the same manner as provided by 10989
section 4501.04 of the Revised Code for the distribution of 10990
license tax moneys. If the total cost of producing the plates 10991
exceeds twenty-five cents per plate, or if the total cost of 10992
producing the stickers exceeds twenty-five cents per sticker or 10993
per set issued, the difference shall be paid from the license tax 10994

moneys collected pursuant to section 4503.02 of the Revised Code. 10995

(D) Each deputy registrar shall be allowed a fee of two 10996
dollars and seventy-five cents commencing on July 1, 2001, three 10997
dollars and twenty-five cents commencing on January 1, 2003, and 10998
three dollars and fifty cents commencing on January 1, 2004, for 10999
each application for registration and registration renewal notice 11000
the deputy registrar receives, which shall be for the purpose of 11001
compensating the deputy registrar for the deputy registrar's 11002
services, and such office and rental expenses, as may be necessary 11003
for the proper discharge of the deputy registrar's duties in the 11004
receiving of applications and renewal notices and the issuing of 11005
registrations. 11006

(E) Upon the certification of the registrar, the county 11007
sheriff or local police officials shall recover license plates 11008
erroneously or fraudulently issued. 11009

(F) Each deputy registrar, upon receipt of any application 11010
for registration or registration renewal notice, together with the 11011
license fee and any local motor vehicle license tax levied 11012
pursuant to Chapter 4504. of the Revised Code, shall transmit that 11013
fee and tax, if any, in the manner provided in this section, 11014
together with the original and duplicate copy of the application, 11015
to the registrar. The registrar, subject to the approval of the 11016
director of public safety, may deposit the funds collected by 11017
those deputies in a local bank or depository to the credit of the 11018
"state of Ohio, bureau of motor vehicles." Where a local bank or 11019
depository has been designated by the registrar, each deputy 11020
registrar shall deposit all moneys collected by the deputy 11021
registrar into that bank or depository not more than one business 11022
day after their collection and shall make reports to the registrar 11023
of the amounts so deposited, together with any other information, 11024
some of which may be prescribed by the treasurer of state, as the 11025
registrar may require and as prescribed by the registrar by rule. 11026

The registrar, within three days after receipt of notification of 11027
the deposit of funds by a deputy registrar in a local bank or 11028
depository, shall draw on that account in favor of the treasurer 11029
of state. The registrar, subject to the approval of the director 11030
and the treasurer of state, may make reasonable rules necessary 11031
for the prompt transmittal of fees and for safeguarding the 11032
interests of the state and of counties, townships, municipal 11033
corporations, and transportation improvement districts levying 11034
local motor vehicle license taxes. The registrar may pay service 11035
charges usually collected by banks and depositories for such 11036
service. If deputy registrars are located in communities where 11037
banking facilities are not available, they shall transmit the fees 11038
forthwith, by money order or otherwise, as the registrar, by rule 11039
approved by the director and the treasurer of state, may 11040
prescribe. The registrar may pay the usual and customary fees for 11041
such service. 11042

(G) This section does not prevent any person from making an 11043
application for a motor vehicle license directly to the registrar 11044
by mail, by electronic means, or in person at any of the 11045
registrar's offices, upon payment of a service fee of two dollars 11046
and seventy-five cents commencing on July 1, 2001, three dollars 11047
and twenty-five cents commencing on January 1, 2003, and three 11048
dollars and fifty cents commencing on January 1, 2004, for each 11049
application. 11050

(H) No person shall make a false statement as to the district 11051
of registration in an application required by division (A) of this 11052
section. Violation of this division is falsification under section 11053
2921.13 of the Revised Code and punishable as specified in that 11054
section. 11055

(I)(1) Where applicable, the requirements of division (B) of 11056
this section relating to the presentation of an inspection 11057
certificate issued under section 3704.14 of the Revised Code and 11058

rules adopted under it for a motor vehicle, the refusal of a 11059
license for failure to present an inspection certificate, and the 11060
stamping of the inspection certificate by the official issuing the 11061
certificate of registration apply to the registration of and 11062
issuance of license plates for a motor vehicle under sections 11063
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 11064
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 11065
4503.47, and 4503.51 of the Revised Code. 11066

(2)(a) The registrar shall adopt rules ensuring that each 11067
owner registering a motor vehicle in a county where a motor 11068
vehicle inspection and maintenance program is in effect under 11069
section 3704.14 of the Revised Code and rules adopted under it 11070
receives information about the requirements established in that 11071
section and those rules and about the need in those counties to 11072
present an inspection certificate with an application for 11073
registration or preregistration. 11074

(b) Upon request, the registrar shall provide the director of 11075
environmental protection, or any person that has been awarded a 11076
contract under division (D) of section 3704.14 of the Revised 11077
Code, an on-line computer data link to registration information 11078
for all passenger cars, noncommercial motor vehicles, and 11079
commercial cars that are subject to that section. The registrar 11080
also shall provide to the director of environmental protection a 11081
magnetic data tape containing registration information regarding 11082
passenger cars, noncommercial motor vehicles, and commercial cars 11083
for which a multi-year registration is in effect under section 11084
4503.103 of the Revised Code or rules adopted under it, including, 11085
without limitation, the date of issuance of the multi-year 11086
registration, the registration deadline established under rules 11087
adopted under section 4503.101 of the Revised Code that was 11088
applicable in the year in which the multi-year registration was 11089
issued, and the registration deadline for renewal of the 11090

multi-year registration. 11091

(J) Application for registration under the international 11092
registration plan, as set forth in sections 4503.60 to 4503.66 of 11093
the Revised Code, shall be made to the registrar on forms 11094
furnished by the registrar. In accordance with international 11095
registration plan guidelines and pursuant to rules adopted by the 11096
registrar, the forms shall include the following: 11097

(1) A uniform mileage schedule; 11098

(2) The gross vehicle weight of the vehicle or combined gross 11099
vehicle weight of the combination vehicle as declared by the 11100
registrant; 11101

(3) Any other information the registrar requires by rule. 11102

Sec. 4503.102. (A) The registrar of motor vehicles shall 11103
adopt rules to establish a centralized system of motor vehicle 11104
registration renewal by mail or by electronic means. Any person 11105
owning a motor vehicle that was registered in the person's name 11106
during the preceding registration year shall renew the 11107
registration of the motor vehicle not more than ninety days prior 11108
to the expiration date of the registration either by mail or by 11109
electronic means through the centralized system of registration 11110
established under this section, or in person at any office of the 11111
registrar or at a deputy registrar's office. 11112

(B)(1) No less than forty-five days prior to the expiration 11113
date of any motor vehicle registration, the registrar shall mail a 11114
renewal notice to the person in whose name the motor vehicle is 11115
registered. The renewal notice shall clearly state that the 11116
registration of the motor vehicle may be renewed by mail or 11117
electronic means through the centralized system of registration or 11118
in person at any office of the registrar or at a deputy 11119
registrar's office and shall be preprinted with information 11120

including, but not limited to, the owner's name and residence 11121
address as shown in the records of the bureau of motor vehicles, a 11122
brief description of the motor vehicle to be registered, notice of 11123
the license taxes and fees due on the motor vehicle, the toll-free 11124
telephone number of the registrar as required under division 11125
(D)(1) of section 4503.031 of the Revised Code, and any additional 11126
information the registrar may require by rule. The renewal notice 11127
shall be sent by regular mail to the owner's last known address as 11128
shown in the records of the bureau of motor vehicles. 11129

(2) If the application for renewal of the registration of a 11130
motor vehicle is prohibited from being accepted by the registrar 11131
or a deputy registrar by division (D) of section 2935.27, division 11132
(A) of section 2937.221, division (A) of section 4503.13, division 11133
(B) of section ~~4507.168~~ 4510.22, or division (B)(1) of section 11134
4521.10 of the Revised Code, the registrar is not required to send 11135
a renewal notice to the vehicle owner or vehicle lessee. 11136

(C) The owner of the motor vehicle shall verify the 11137
information contained in the notice, sign it either manually or by 11138
electronic means, and return it, either by mail or electronic 11139
means, or the owner may take it in person to any office of the 11140
registrar or of a deputy registrar, together with a financial 11141
transaction device number, when permitted by rule of the 11142
registrar, check, or money order in the amount of the registration 11143
taxes and fees payable on the motor vehicle and a mail fee of two 11144
dollars and seventy-five cents commencing on July 1, 2001, three 11145
dollars and twenty-five cents commencing on January 1, 2003, and 11146
three dollars and fifty cents commencing on January 1, 2004, plus 11147
postage as indicated on the notice, if the registration is renewed 11148
by mail, and an inspection certificate for the motor vehicle as 11149
provided in section 3704.14 of the Revised Code. If the motor 11150
vehicle owner chooses to renew the motor vehicle registration by 11151
electronic means, the owner shall proceed in accordance with the 11152

rules the registrar adopts. 11153

(D) If all registration and transfer fees for the motor 11154
vehicle for the preceding year or the preceding period of the 11155
current registration year have not been paid, if division (D) of 11156
section 2935.27, division (A) of section 2937.221, division (A) of 11157
section 4503.13, division (B) of section ~~4507.168~~ 4510.22, or 11158
division (B)(1) of section 4521.10 of the Revised Code prohibits 11159
acceptance of the renewal notice, or if the owner or lessee does 11160
not have an inspection certificate for the motor vehicle as 11161
provided in section 3704.14 of the Revised Code, if that section 11162
is applicable, the license shall be refused, and the registrar or 11163
deputy registrar shall so notify the owner. This section does not 11164
require the payment of license or registration taxes on a motor 11165
vehicle for any preceding year, or for any preceding period of a 11166
year, if the motor vehicle was not taxable for that preceding year 11167
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 11168
4503.16 or Chapter 4504. of the Revised Code. 11169

(E)(1) Failure to receive a renewal notice does not relieve a 11170
motor vehicle owner from the responsibility to renew the 11171
registration for the motor vehicle. Any person who has a motor 11172
vehicle registered in this state and who does not receive a 11173
renewal notice as provided in division (B) of this section prior 11174
to the expiration date of the registration shall request an 11175
application for registration from the registrar or a deputy 11176
registrar and sign the application manually or by electronic means 11177
and submit the application and pay any applicable license taxes 11178
and fees to the registrar or deputy registrar. 11179

(2) If the owner of a motor vehicle submits an application 11180
for registration and the registrar is prohibited by division (D) 11181
of section 2935.27, division (A) of section 2937.221, division (A) 11182
of section 4503.13, division (B) of section ~~4507.168~~ 4510.22, or 11183
division (B)(1) of section 4521.10 of the Revised Code from 11184

accepting the application, the registrar shall return the 11185
application and the payment to the owner. If the owner of a motor 11186
vehicle submits a registration renewal application to the 11187
registrar by electronic means and the registrar is prohibited from 11188
accepting the application as provided in this division, the 11189
registrar shall notify the owner of this fact and deny the 11190
application and return the payment or give a credit on the 11191
financial transaction device account of the owner in the manner 11192
the registrar prescribes by rule adopted pursuant to division (A) 11193
of this section. 11194

(F) Every deputy registrar shall post in a prominent place at 11195
the deputy's office a notice informing the public of the mail 11196
registration system required by this section and also shall post a 11197
notice that every owner of a motor vehicle and every chauffeur 11198
holding a certificate of registration is required to notify the 11199
registrar in writing of any change of residence within ten days 11200
after the change occurs. The notice shall be in such form as the 11201
registrar prescribes by rule. 11202

(G) The two dollars and seventy-five cents fee collected from 11203
July 1, 2001, through December 31, 2002, the three dollars and 11204
twenty-five cents fee collected from January 1, 2003, through 11205
December 31, 2003, and the three dollars and fifty cents fee 11206
collected after January 1, 2004, plus postage and any financial 11207
transaction device surcharge collected by the registrar for 11208
registration by mail, shall be paid to the credit of the state 11209
bureau of motor vehicles fund established by section 4501.25 of 11210
the Revised Code. 11211

(H) Pursuant to section 113.40 of the Revised Code, the 11212
registrar may implement a program permitting payment of motor 11213
vehicle registration taxes and fees, driver's license and 11214
commercial driver's license fees, and any other taxes, fees, 11215
penalties, or charges imposed or levied by the state by means of a 11216

financial transaction device. The registrar may adopt rules as 11217
necessary for this purpose. 11218

(I) For persons who reside in counties where tailpipe 11219
emissions inspections are required under the motor vehicle 11220
inspection and maintenance program, the notice required by 11221
division (B) of this section shall also include the toll-free 11222
telephone number maintained by the Ohio environmental protection 11223
agency to provide information concerning the locations of 11224
emissions testing centers. 11225

Sec. 4503.11. (A) Except as provided by sections 4503.103, 11226
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 11227
person who is the owner or chauffeur of a motor vehicle operated 11228
or driven upon the public roads or highways shall fail to file 11229
annually the application for registration or to pay the tax 11230
therefor. 11231

(B) Except as provided by sections 4503.12 and 4503.16 of the 11232
Revised Code, the taxes payable on all applications made under 11233
sections 4503.10 and 4503.102 of the Revised Code shall be the sum 11234
of the tax due under division (B)(1)(a) or (b) of this section 11235
plus the tax due under division (B)(2)(a) or (b) of this section: 11236

(1)(a) If the application is made before the second month of 11237
the current registration period to which the motor vehicle is 11238
assigned as provided in section 4503.101 of the Revised Code, the 11239
tax due is the full amount of the tax provided in section 4503.04 11240
of the Revised Code; 11241

(b) If the application is made during or after the second 11242
month of the current registration period to which the motor 11243
vehicle is assigned as provided in section 4503.101 of the Revised 11244
Code, and prior to the beginning of the next such registration 11245
period, the amount of the tax provided in section 4503.04 of the 11246
Revised Code shall be reduced by one-twelfth of the amount of such 11247

tax, rounded upward to the nearest cent, multiplied by the number 11248
of full months that have elapsed in the current registration 11249
period. The resulting amount shall be rounded upward to the next 11250
highest dollar and shall be the amount of tax due. 11251

(2)(a) If the application is made before the sixth month of 11252
the current registration period to which the motor vehicle is 11253
assigned as provided in section 4503.101 of the Revised Code, the 11254
amount of tax due is the full amount of local motor vehicle 11255
license taxes levied under Chapter 4504. of the Revised Code; 11256

(b) If the application is made during or after the sixth 11257
month of the current registration period to which the motor 11258
vehicle is assigned as provided in section 4503.101 of the Revised 11259
Code and prior to the beginning of the next such registration 11260
period, the amount of tax due is one-half of the amount of local 11261
motor vehicle license taxes levied under Chapter 4504. of the 11262
Revised Code. 11263

(C) Whoever violates this section is guilty of a misdemeanor 11264
of the fourth degree. 11265

Sec. 4503.12. (A) Upon the transfer of ownership of a motor 11266
vehicle, the registration of the motor vehicle expires and the 11267
original owner immediately shall remove the license plates from 11268
the motor vehicle, except that: 11269

~~(A)~~(1) If a statutory merger or consolidation results in the 11270
transfer of ownership of a motor vehicle from a constituent 11271
corporation to the surviving corporation, or if the incorporation 11272
of a proprietorship or partnership results in the transfer of 11273
ownership of a motor vehicle from the proprietorship or 11274
partnership to the corporation, the registration shall be 11275
continued upon the filing by the surviving or new corporation, 11276
within thirty days of such transfer, of an application for an 11277
amended certificate of registration, unless such registration is 11278

prohibited by division (D) of section 2935.27, division (A) of 11279
section 2937.221, division (B) of section ~~4507.168~~ 4510.22, or 11280
division (B)(1) of section 4521.10 of the Revised Code. The 11281
application shall be accompanied by a service fee of two dollars 11282
and seventy-five cents commencing on July 1, 2001, three dollars 11283
and twenty-five cents commencing on January 1, 2003, and three 11284
dollars and fifty cents commencing on January 1, 2004, a transfer 11285
fee of one dollar, and the original certificate of registration. 11286
Upon a proper filing, the registrar of motor vehicles shall issue 11287
an amended certificate of registration in the name of the new 11288
owner. 11289

~~(B)~~(2) If the death of the owner of a motor vehicle results 11290
in the transfer of ownership of the motor vehicle to the surviving 11291
spouse of the owner or if a motor vehicle is owned by two persons 11292
under joint ownership with right of survivorship established under 11293
section 2106.17 of the Revised Code and one of those persons dies, 11294
the registration shall be continued upon the filing by the 11295
surviving spouse of an application for an amended certificate of 11296
registration, unless such registration is prohibited by division 11297
(D) of section 2935.27, division (A) of section 2937.221, division 11298
(A) of section 4503.13, division (B) of section ~~4507.168~~ 4510.22, 11299
or division (B)(1) of section 4521.10 of the Revised Code. The 11300
application shall be accompanied by a service fee of two dollars 11301
and seventy-five cents commencing on July 1, 2001, three dollars 11302
and twenty-five cents commencing on January 1, 2003, and three 11303
dollars and fifty cents commencing on January 1, 2004, a transfer 11304
fee of one dollar, the original certificate of registration, and, 11305
in relation to a motor vehicle that is owned by two persons under 11306
joint ownership with right of survivorship established under 11307
section 2106.17 of the Revised Code, by a copy of the certificate 11308
of title that specifies that the vehicle is owned under joint 11309
ownership with right of survivorship. Upon a proper filing, the 11310
registrar shall issue an amended certificate of registration in 11311

the name of the surviving spouse. 11312

~~(C)~~(3) If the original owner of a motor vehicle that has been 11313
transferred makes application for the registration of another 11314
motor vehicle at any time during the remainder of the registration 11315
period for which the transferred motor vehicle was registered, the 11316
owner, unless such registration is prohibited by division (D) of 11317
section 2935.27, division (A) of section 2937.221, division (A) of 11318
section 4503.13, division ~~(E)~~(D) of section 4503.234, division (B) 11319
of section ~~4507.168~~ 4510.22, or division (B)(1) of section 4521.10 11320
of the Revised Code, may file an application for transfer of the 11321
registration and, where applicable, the license plates, 11322
accompanied by a service fee of two dollars and seventy-five cents 11323
commencing on July 1, 2001, three dollars and twenty-five cents 11324
commencing on January 1, 2003, and three dollars and fifty cents 11325
commencing on January 1, 2004, a transfer fee of one dollar, and 11326
the original certificate of registration. The transfer of the 11327
registration and, where applicable, the license plates from the 11328
motor vehicle for which they originally were issued to a 11329
succeeding motor vehicle purchased by the same person in whose 11330
name the original registration and license plates were issued 11331
shall be done within a period not to exceed thirty days. During 11332
that thirty-day period, the license plates from the motor vehicle 11333
for which they originally were issued may be displayed on the 11334
succeeding motor vehicle, and the succeeding motor vehicle may be 11335
operated on the public roads and highways in this state. 11336

At the time of application for transfer, the registrar shall 11337
compute and collect the amount of tax due on the succeeding motor 11338
vehicle, based upon the amount that would be due on a new 11339
registration as of the date on which the transfer is made less a 11340
credit for the unused portion of the original registration 11341
beginning on that date. If the credit exceeds the amount of tax 11342
due on the new registration, no refund shall be made. In computing 11343

the amount of tax due and credits to be allowed under this 11344
division, the provisions of division (B)(1)(a) and (b) of section 11345
4503.11 of the Revised Code shall apply. As to passenger cars, 11346
noncommercial vehicles, motor homes, and motorcycles, transfers 11347
within or between these classes of motor vehicles only shall be 11348
allowed. If the succeeding motor vehicle is of a different class 11349
than the motor vehicle for which the registration originally was 11350
issued, new license plates also shall be issued upon the surrender 11351
of the license plates originally issued and payment of the fees 11352
provided in divisions (C) and (D) of section 4503.10 of the 11353
Revised Code. 11354

~~(D)~~(4) The owner of a commercial car having a gross vehicle 11355
weight or combined gross vehicle weight of more than ten thousand 11356
pounds may transfer the registration of that commercial car to 11357
another commercial car the owner owns without transferring 11358
ownership of the first commercial car, unless registration of the 11359
second commercial car is prohibited by division (D) of section 11360
2935.27, division (A) of section 2937.221, division (A) of section 11361
4503.13, division (B) of section ~~4507.168~~ 4510.22, or division 11362
(B)(1) of section 4521.10 of the Revised Code. At any time during 11363
the remainder of the registration period for which the first 11364
commercial car was registered, the owner may file an application 11365
for the transfer of the registration and, where applicable, the 11366
license plates, accompanied by a service fee of two dollars and 11367
seventy-five cents commencing on July 1, 2001, three dollars and 11368
twenty-five cents commencing on January 1, 2003, and three dollars 11369
and fifty cents commencing on January 1, 2004, a transfer fee of 11370
one dollar, and the certificate of registration of the first 11371
commercial car. The amount of any tax due or credit to be allowed 11372
for a transfer of registration under this division shall be 11373
computed in accordance with division ~~(C)~~(A)(3) of this section. 11374

No commercial car to which a registration is transferred 11375

under this division shall be operated on a public road or highway 11376
in this state until after the transfer of registration is 11377
completed in accordance with this division. 11378

~~(E)~~(5) Upon application to the registrar or a deputy 11379
registrar, a person who owns or leases a motor vehicle may 11380
transfer special license plates assigned to that vehicle to any 11381
other vehicle that the person owns or leases or that is owned or 11382
leased by the person's spouse. The application shall be 11383
accompanied by a service fee of two dollars and seventy-five cents 11384
commencing on July 1, 2001, three dollars and twenty-five cents 11385
commencing on January 1, 2003, and three dollars and fifty cents 11386
commencing on January 1, 2004, a transfer fee of one dollar, and 11387
the original certificate of registration. As appropriate, the 11388
application also shall be accompanied by a power of attorney for 11389
the registration of a leased vehicle and a written statement 11390
releasing the special plates to the applicant. Upon a proper 11391
filing, the registrar or deputy registrar shall assign the special 11392
license plates to the motor vehicle owned or leased by the 11393
applicant and issue a new certificate of registration for that 11394
motor vehicle. 11395

(B) Whoever violates this section is guilty of a misdemeanor 11396
of the fourth degree. 11397

(C) As used in division ~~(E)~~(A)(5) of this section, "special 11398
license plates" means either of the following: 11399

(1) Any license plates for which the person to whom the 11400
license plates are issued must pay an additional fee in excess of 11401
the fees prescribed in section 4503.04 of the Revised Code, 11402
Chapter 4504. of the Revised Code, and the service fee prescribed 11403
in division (D) or (G) of section 4503.10 of the Revised Code; 11404

(2) License plates issued under section 4503.44 of the 11405
Revised Code. 11406

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 11407
application and proof of purchase of the vehicle, may be issued a 11408
temporary license placard or windshield sticker for the motor 11409
vehicle. 11410

The purchaser of a vehicle applying for a temporary license 11411
placard or windshield sticker under this section shall execute an 11412
affidavit stating that the purchaser has not been issued 11413
previously during the current registration year a license plate 11414
that could legally be transferred to the vehicle. 11415

Placards or windshield stickers shall be issued only for the 11416
applicant's use of the vehicle to enable the applicant to legally 11417
operate the motor vehicle while proper title, license plates, and 11418
a certificate of registration are being obtained, and shall be 11419
displayed on no other motor vehicle. 11420

Placards or windshield stickers issued under this section are 11421
valid for a period of thirty days from date of issuance and are 11422
not transferable or renewable. 11423

The fee for the placards or windshield stickers is two 11424
dollars plus a deputy registrar service fee of two dollars and 11425
seventy-five cents commencing on July 1, 2001, three dollars and 11426
twenty-five cents commencing on January 1, 2003, and three dollars 11427
and fifty cents commencing on January 1, 2004, for each placard 11428
issued by a deputy registrar. 11429

(B) The registrar of motor vehicles may issue to a motorized 11430
bicycle dealer or a licensed motor vehicle dealer temporary 11431
license placards to be issued to purchasers for use on vehicles 11432
sold by the dealer, in accordance with rules prescribed by the 11433
registrar. The dealer shall notify the registrar, within 11434
forty-eight hours, of the issuance of a placard by electronic 11435
means via computer equipment purchased and maintained by the 11436

dealer or in any other manner prescribed by the registrar. 11437

The fee for each placard issued by the registrar to a 11438
licensed motor vehicle dealer is two dollars plus a fee of two 11439
dollars and seventy-five cents commencing on July 1, 2001, three 11440
dollars and twenty-five cents commencing on January 1, 2003, and 11441
three dollars and fifty cents commencing on January 1, 2004. 11442

(C) The registrar of motor vehicles, at the registrar's 11443
discretion, may issue a temporary license placard. Such a placard 11444
may be issued in the case of extreme hardship encountered by a 11445
citizen from this state or another state who has attempted to 11446
comply with all registration laws, but for extreme circumstances 11447
is unable to properly register the citizen's vehicle. 11448

(D) The registrar shall adopt rules, in accordance with 11449
division (B) of section 111.15 of the Revised Code, to specify the 11450
procedures for reporting the information from applications for 11451
temporary license placards and windshield stickers and for 11452
providing the information from these applications to law 11453
enforcement agencies. 11454

(E) Temporary license placards issued under this section 11455
shall bear a distinctive combination of seven letters, numerals, 11456
or letters and numerals, and shall incorporate a security feature 11457
that, to the greatest degree possible, prevents tampering with any 11458
of the information that is entered upon a placard when it is 11459
issued. 11460

(F) Whoever violates division (A) of this section is guilty 11461
of a misdemeanor of the fourth degree. Whoever violates division 11462
(B) of this section is guilty of a misdemeanor of the first 11463
degree. 11464

(G) As used in this section, "motorized bicycle dealer" means 11465
any person engaged in the business of selling at retail, 11466
displaying, offering for sale, or dealing in motorized bicycles 11467

who is not subject to section 4503.09 of the Revised Code. 11468

Sec. 4503.19. (A) Upon the filing of an application for 11469
registration and the payment of the tax for registration, the 11470
registrar of motor vehicles or a deputy registrar shall determine 11471
whether the owner previously has been issued license plates for 11472
the motor vehicle described in the application. If no license 11473
plates previously have been issued to the owner for that motor 11474
vehicle, the registrar or deputy registrar shall assign to the 11475
motor vehicle a distinctive number and issue and deliver to the 11476
owner in the manner that the registrar may select a certificate of 11477
registration, in the form that the registrar shall prescribe, and, 11478
except as otherwise provided in this section, two license plates, 11479
duplicates of each other, and a validation sticker, or a 11480
validation sticker alone, to be attached to the number plates as 11481
provided in section 4503.191 of the Revised Code. The registrar or 11482
deputy registrar also shall charge the owner any fees required 11483
under division (C) of section 4503.10 of the Revised Code. 11484
Trailers, manufactured homes, mobile homes, semitrailers, the 11485
manufacturer thereof, the dealer, or in transit companies therein, 11486
shall be issued one license plate only and one validation sticker, 11487
or a validation sticker alone, and the license plate and 11488
validation sticker shall be displayed only on the rear of such 11489
vehicles. A commercial tractor that does not receive an 11490
apportioned license plate under the international registration 11491
plan shall be issued two license plates and one validation 11492
sticker, and the validation sticker shall be displayed on the 11493
front of the commercial tractor. An apportioned vehicle receiving 11494
an apportioned license plate under the international registration 11495
plan shall be issued one license plate only and one validation 11496
sticker, or a validation sticker alone; the license plate shall be 11497
displayed only on the front of a semitractor and on the rear of 11498
all other vehicles. School buses shall not be issued license 11499

plates but shall bear identifying numbers in the manner prescribed 11500
by section 4511.764 of the Revised Code. The certificate of 11501
registration and license plates and validation stickers, or 11502
validation stickers alone, shall be issued and delivered to the 11503
owner in person or by mail. Chauffeured limousines shall be issued 11504
license plates, a validation sticker, and a livery sticker as 11505
provided in section 4503.24 of the Revised Code. In the event of 11506
the loss, mutilation, or destruction of any certificate of 11507
registration, or of any license plates or validation stickers, or 11508
if the owner chooses to replace license plates previously issued 11509
for a motor vehicle, or if the registration certificate and 11510
license plates have been impounded as provided by division 11511
~~(F)~~(B)(1) of section 4507.02 and ~~division (A)(4)~~ of section 11512
4507.16 of the Revised Code, the owner of a motor vehicle, or 11513
manufacturer or dealer, may obtain from the registrar, or from a 11514
deputy registrar if authorized by the registrar, a duplicate 11515
thereof or new license plates bearing a different number, if the 11516
registrar considers it advisable, upon filing an application 11517
prescribed by the registrar, and upon paying a fee of one dollar 11518
for such certificate of registration, a fee of two dollars for 11519
each set of two license plates, or one dollar for each single 11520
license plate or validation sticker. In addition, each applicant 11521
for a replacement certificate of registration, license plate, or 11522
validation sticker shall pay the fees provided in divisions (C) 11523
and (D) of section 4503.10 of the Revised Code. 11524

Additionally, the registrar and each deputy registrar who 11525
either issues license plates and a validation sticker for use on 11526
any vehicle other than a commercial tractor, semitrailer, or 11527
apportioned vehicle, or who issues a validation sticker alone for 11528
use on such a vehicle and the owner has changed the owner's county 11529
of residence since the owner last was issued county identification 11530
stickers, also shall issue and deliver to the owner either one or 11531
two county identification stickers, as appropriate, which shall be 11532

attached to the license plates in a manner prescribed by the 11533
director of public safety. The county identification stickers 11534
shall identify prominently by name or number the county in which 11535
the owner of the vehicle resides at the time of registration. 11536

(B) Whoever violates this section is guilty of a minor 11537
misdemeanor. 11538

Sec. 4503.21. (A) No person who is the owner or operator of a 11539
motor vehicle shall fail to display in plain view on the front and 11540
rear of the motor vehicle the distinctive number and registration 11541
mark, including any county identification sticker and any 11542
validation sticker issued under sections 4503.19 and 4503.191 of 11543
the Revised Code, furnished by the director of public safety, 11544
except that a manufacturer of motor vehicles or dealer therein, 11545
the holder of an in transit permit, and the owner or operator of a 11546
motorcycle, motorized bicycle, manufactured home, mobile home, 11547
trailer, or semitrailer shall display on the rear only. A motor 11548
vehicle that is issued two license plates shall display the 11549
validation sticker only on the rear license plate, except that a 11550
commercial tractor that does not receive an apportioned license 11551
plate under the international registration plan shall display the 11552
validation sticker on the front of the commercial tractor. An 11553
apportioned vehicle receiving an apportioned license plate under 11554
the international registration plan shall display the license 11555
plate only on the front of a commercial tractor and on the rear of 11556
all other vehicles. All license plates shall be securely fastened 11557
so as not to swing, and shall not be covered by any material that 11558
obstructs their visibility. 11559

No person to whom a temporary license placard or windshield 11560
sticker has been issued for the use of a motor vehicle under 11561
section 4503.182 of the Revised Code, and no operator of that 11562
motor vehicle, shall fail to display the temporary license placard 11563

in plain view from the rear of the vehicle either in the rear 11564
window or on an external rear surface of the motor vehicle, or 11565
fail to display the windshield sticker in plain view on the rear 11566
window of the motor vehicle. No temporary license placard or 11567
windshield sticker shall be covered by any material that obstructs 11568
its visibility. 11569

(B) Whoever violates this section is guilty of a minor 11570
misdemeanor. 11571

Sec. 4503.231. (A) No motor vehicle registered in the name of 11572
a person whose certificate of registration and identification 11573
license plates have been impounded as provided by division 11574
~~(F)~~(B)(1) of section 4507.02 of the Revised Code, shall be 11575
operated ~~or driven~~ on any highway in this state unless it displays 11576
~~identification restricted~~ license plates ~~which~~ that are a 11577
different color from those regularly issued and carry a special 11578
serial number that may be readily identified by law enforcement 11579
officers. The registrar of motor vehicles shall designate the 11580
color and serial number to be used on ~~such~~ restricted license 11581
plates, which shall remain the same from year to year and shall 11582
not be displayed on any other motor vehicles. 11583

The bureau of motor vehicles shall adopt rules providing for 11584
the decentralization of the issuance of ~~identification restricted~~ 11585
license plates under this section. The rules shall provide for the 11586
issuance of the ~~identification restricted~~ license plates by at 11587
least one agency in each county. 11588

No person operating a motor vehicle displaying restricted 11589
license plates as described in this division shall knowingly 11590
disguise or obscure the color of the restricted plate. 11591

(B) If a person has been granted limited driving privileges 11592
with a condition of the privileges being that the person must 11593
display on the vehicle that is driven under the privileges 11594

restricted license plates that are described in this section, all 11595
of the following apply: 11596

(1) If a motor vehicle to be driven under the limited driving 11597
privileges is owned by the person's employer and if the person is 11598
required to operate that motor vehicle in the course and scope of 11599
the person's employment, the person may operate that vehicle 11600
without displaying on that vehicle restricted license plates that 11601
are issued under this section if the employer has been notified 11602
that the person has limited driving privileges and of the nature 11603
of the restriction and if the person has proof of the employer's 11604
notification in the person's possession while operating the 11605
employer's vehicle for normal business duties. A motor vehicle 11606
owned by a business that is partly or entirely owned or controlled 11607
by the person with the limited driving privileges is not a motor 11608
vehicle owned by an employer, for purposes of this division. 11609

11610

(2) If a motor vehicle to be driven under the limited driving 11611
privileges is registered in a state other than this state, instead 11612
of displaying on that vehicle restricted license plates that are 11613
issued under this section, the person with the limited driving 11614
privileges shall display on the vehicle a decal, as prescribed by 11615
the registrar of motor vehicles, that states that the vehicle is 11616
subject to limited driving privileges in this state and that 11617
describes the restriction. The decal shall be displayed on the 11618
bottom left corner of the back window of the vehicle or, if there 11619
is no back window, on the bottom left corner of the windshield of 11620
the vehicle. The bureau of motor vehicles shall adopt rules 11621
providing for the decentralization of the issuance of the decals 11622
described in this division, with the rules providing for the 11623
issuance of the decals by at least one agency in each county. 11624

11625

(C) Whoever violates this section is guilty of a minor 11626

misdemeanor. 11627

Sec. 4503.233. (A)(1) ~~As used in this section, "vehicle~~ 11628
~~owner" means either of the following:~~ 11629

~~(a) The person in whose name is registered, at the time of~~ 11630
~~the offense, a vehicle that is subject to an immobilization order~~ 11631
~~issued under division (A)(2) of this section:~~ 11632

~~(b) A person to whom, at the time of the offense, the~~ 11633
~~certificate of title to a vehicle has been assigned and who has~~ 11634
~~not obtained a certificate of title to the vehicle in that~~ 11635
~~person's name but who is deemed by the court as being the owner of~~ 11636
~~the vehicle at the time of the offense for which the vehicle is~~ 11637
~~subject to an immobilization order issued under division (A)(2) of~~ 11638
~~this section.~~ 11639

~~(2) If a court is required to order the immobilization of a~~ 11640
~~vehicle for a specified period of time pursuant to division (B)(1)~~ 11641
~~or (2), (C)(1) or (2), or (E)(1) of section 4507.99, pursuant to~~ 11642
~~division (A)(2)(b),, (6)(b), or (7)(b) of section 4511.99,~~ 11643
~~pursuant to division (B)(1) or (2) or (C)(1) or (2) of section~~ 11644
~~4507.361, or pursuant to division (B)(2)(i) or (ii) of section~~ 11645
~~4510.11, 4510.14, 4510.16, 4510.41, 4511.19, 4511.193, or 4511.203~~ 11646
~~of the Revised Code, the court shall issue an immobilization~~ 11647
~~order, subject to section 4503.235 of the Revised Code, in~~ 11648
~~accordance with this division and for the period of time specified~~ 11649
~~in the particular ~~division~~ section, and the immobilization under~~ 11650
~~the order shall be in accordance with this section. The court, at~~ 11651
~~the time of sentencing the offender for the offense relative to~~ 11652
~~which the immobilization order is issued or as soon thereafter as~~ 11653
~~is practicable, shall give a copy of the order to the offender or~~ 11654
~~the offender's counsel and to the vehicle owner or the vehicle~~ 11655
~~owner's counsel. The court promptly shall send a copy of the order~~ 11656
~~to the registrar on a form prescribed by the registrar and to the~~ 11657

person or agency it designates to execute the order. 11658

The order shall indicate the date on which it is issued, 11659
shall identify the vehicle that is subject to the order, and shall 11660
specify all of the following: 11661

(a) The period of the immobilization; 11662

(b) The place at which the court determines that the 11663
immobilization shall be carried out, provided that the court shall 11664
not determine and shall not specify that the immobilization is to 11665
be carried out at any place other than a commercially operated 11666
private storage lot, a place owned by a law enforcement or other 11667
government agency, or a place to which one of the following 11668
applies: 11669

(i) The place is leased by or otherwise under the control of 11670
a law enforcement or other government agency. 11671

(ii) The place is owned by the offender, the offender's 11672
spouse, or a parent or child of the offender. 11673

(iii) The place is owned by a private person or entity, and, 11674
prior to the issuance of the order, the private entity or person 11675
that owns the place, or the authorized agent of that private 11676
entity or person, has given express written consent for the 11677
immobilization to be carried out at that place. 11678

(iv) The place is a public street or highway on which the 11679
vehicle is parked in accordance with the law. 11680

(c) The person or agency designated by the court to execute 11681
the order, which shall be either the law enforcement agency that 11682
employs the law enforcement officer who seized the vehicle, a 11683
bailiff of the court, another person the court determines to be 11684
appropriate to execute the order, or the law enforcement agency 11685
with jurisdiction over the place of residence of the vehicle 11686
owner; 11687

(d) That neither the registrar nor a deputy registrar will be 11688
permitted to accept an application for the license plate 11689
registration of any motor vehicle in the name of the vehicle owner 11690
until the immobilization fee is paid. 11691

~~(3)~~(2) The person or agency the court designates to 11692
immobilize the vehicle shall seize or retain that vehicle's 11693
license plates and forward them to the bureau of motor vehicles. 11694

~~(4)~~(3) In all cases, the ~~vehicle owner~~ offender shall be 11695
assessed an immobilization fee of one hundred dollars, and the 11696
immobilization fee shall be paid to the registrar before the 11697
vehicle may be released to the ~~vehicle owner~~ offender Neither the 11698
registrar nor a deputy registrar shall accept an application for 11699
the registration of any motor vehicle in the name of the ~~vehicle~~ 11700
~~owner~~ offender until the immobilization fee is paid. 11701

~~(5)~~(4) If the vehicle subject to the order is immobilized 11702
pursuant to the order and is found being operated upon any street 11703
or highway in this state during the immobilization period, it 11704
shall be seized, removed from the street or highway, and 11705
criminally forfeited and disposed of pursuant to section 4503.234 11706
of the Revised Code. 11707

~~(6)~~(5) The registrar shall deposit the immobilization fee 11708
into the law enforcement reimbursement fund created by section 11709
4501.19 of the Revised Code. Money in the fund shall be expended 11710
only as provided in division (A)~~(6)~~(5) of this section. If the 11711
court designated in the order a court bailiff or another 11712
appropriate person other than a law enforcement officer to 11713
immobilize the vehicle, the amount of the fee deposited into the 11714
law enforcement reimbursement fund shall be paid out to the county 11715
treasury if the court that issued the order is a county court, to 11716
the treasury of the municipal corporation served by the court if 11717
the court that issued the order is a mayor's court, or to the city 11718

treasury of the legislative authority of the court, both as 11719
defined in section 1901.03 of the Revised Code, if the court that 11720
issued the order is a municipal court. If the court designated a 11721
law enforcement agency to immobilize the vehicle and if the law 11722
enforcement agency immobilizes the vehicle, the amount of the fee 11723
deposited into the law enforcement reimbursement fund shall be 11724
paid out to the law enforcement agency to reimburse the agency for 11725
the costs it incurs in obtaining immobilization equipment and, if 11726
required, in sending an officer or other person to search for and 11727
locate the vehicle specified in the immobilization order and to 11728
immobilize the vehicle. 11729

In addition to the immobilization fee required to be paid 11730
under division (A)~~(4)~~(3) of this section, the ~~vehicle owner~~ 11731
offender may be charged expenses or charges incurred in the 11732
removal and storage of the immobilized vehicle. 11733

(B) If a court issues an immobilization order under division 11734
(A)~~(2)~~(1) of this section, the person or agency designated by the 11735
court to execute the immobilization order promptly shall 11736
immobilize or continue the immobilization of the vehicle at the 11737
place specified by the court in the order. The registrar shall not 11738
authorize the release of the vehicle or authorize the issuance of 11739
new identification license plates for the vehicle at the end of 11740
the immobilization period until the immobilization fee has been 11741
paid. 11742

(C) Upon receipt of the license plates for a vehicle under 11743
this section, the registrar shall destroy the license plates. At 11744
the end of the immobilization period and upon the payment of the 11745
immobilization fee that must be paid under this section, the 11746
registrar shall authorize the release of the vehicle and authorize 11747
the issuance, upon the payment of the same fee as is required for 11748
the replacement of lost, mutilated, or destroyed license plates 11749
and certificates of registration, of new license plates and, if 11750

necessary, a new certificate of registration to the ~~vehicle owner~~ 11751
offender for the vehicle in question. 11752

(D)(1) If a court issues an immobilization order under 11753
division (A) of this section, the immobilization period commences 11754
on the day on which the vehicle in question is immobilized. If the 11755
vehicle in question had been seized under section ~~4507.38~~ 4510.41 11756
or 4511.195 of the Revised Code, the time between the seizure and 11757
the beginning of the immobilization period shall be credited 11758
against the immobilization period specified in the immobilization 11759
order issued under division (A) of this section. No vehicle that 11760
is ~~impounded~~ immobilized under this section is eligible to have 11761
~~special restricted~~ license plates ~~of the type described in under~~ 11762
section 4503.231 of the Revised Code issued for that vehicle. 11763
11764

(2) If a court issues an immobilization order under division 11765
(A) of this section, if the vehicle subject to the order is 11766
immobilized under the order, and if the vehicle is found being 11767
operated upon any street or highway of this state during the 11768
immobilization period, it shall be seized, removed from the street 11769
or highway, and criminally forfeited, and disposed of pursuant to 11770
section 4503.234 of the Revised Code. No vehicle that is forfeited 11771
under this provision shall be considered contraband for purposes 11772
of section 2933.41, 2933.42, or 2933.43 of the Revised Code, but 11773
shall be held by the law enforcement agency that employs the 11774
officer who seized it for disposal in accordance with section 11775
4503.234 of the Revised Code. 11776

(3) If a court issues an immobilization order under division 11777
(A) of this section, and if the vehicle is not claimed within 11778
seven days after the end of the period of immobilization or if the 11779
~~vehicle owner~~ offender has not paid the immobilization fee, the 11780
person or agency that immobilized the vehicle shall send a written 11781
notice to the ~~vehicle owner~~ offender at the ~~vehicle owner's~~ 11782

offender's last known address informing the ~~vehicle-owner~~ offender 11783
of the date on which the period of immobilization ended, that the 11784
~~vehicle-owner~~ offender has twenty days after the date of the 11785
notice to pay the immobilization fee and obtain the release of the 11786
vehicle, and that if the ~~vehicle-owner~~ offender does not pay the 11787
fee and obtain the release of the vehicle within that twenty-day 11788
period, the vehicle will be forfeited under section 4503.234 of 11789
the Revised Code to the entity that is entitled to the 11790
immobilization fee. 11791

(4) An ~~owner of a~~ offender whose motor vehicle ~~that~~ is 11792
subject to an immobilization order issued under division (A) of 11793
this section shall not sell the motor vehicle without approval of 11794
the court that issued the order. If such an ~~owner~~ offender wishes 11795
to sell the motor vehicle during the immobilization period, the 11796
~~owner~~ offender shall apply to the court that issued the 11797
immobilization order for permission to assign the title to the 11798
vehicle. If the court is satisfied that the sale will be in good 11799
faith and not for the purpose of circumventing the provisions of 11800
division (A)~~(2)~~(1) of this section, it may certify its consent to 11801
the ~~owner~~ offender and to the registrar. Upon receipt of the 11802
court's consent, the registrar shall enter the court's notice in 11803
the ~~owner's~~ offender's vehicle license plate registration record. 11804

If, during a period of immobilization under an immobilization 11805
order issued under division (A) of this section, the title to the 11806
immobilized motor vehicle is transferred by the foreclosure of a 11807
chattel mortgage, a sale upon execution, the cancellation of a 11808
conditional sales contract, or an order of a court, the involved 11809
court shall notify the registrar of the action, and the registrar 11810
shall enter the court's notice in the ~~owner's~~ offender's vehicle 11811
license plate registration record. 11812

Nothing in this section shall be construed as requiring the 11813
registrar or the clerk of the court of common pleas to note upon 11814

the certificate of title records any prohibition regarding the 11815
sale of a motor vehicle. 11816

(5) If the title to a motor vehicle that is subject to an 11817
immobilization order under division (A) of this section is 11818
assigned or transferred without court approval between the time of 11819
arrest of the ~~person who was operating the vehicle at the time of~~ 11820
offender who committed the offense for which such an order is to 11821
be issued and the time of the actual immobilization of the 11822
vehicle, the court shall order that, for a period of two years 11823
from the date of the order, neither the registrar nor any deputy 11824
registrar shall accept an application for the registration of any 11825
motor vehicle in the name of the ~~owner of the~~ offender whose 11826
vehicle ~~that~~ was assigned or transferred without court approval. 11827
The court shall notify the registrar of the order on a form 11828
prescribed by the registrar for that purpose. 11829

(E)(1) The court with jurisdiction over the case, after 11830
notice to all interested parties including lienholders, and after 11831
an opportunity for them to be heard, if the ~~vehicle owner~~ offender 11832
fails to appear in person, without good cause, or if the court 11833
finds that the ~~vehicle owner~~ offender does not intend to seek 11834
release of the vehicle at the end of the period of immobilization 11835
or that the ~~vehicle owner~~ offender is not or will not be able to 11836
pay the expenses and charges incurred in its removal and storage, 11837
may order that title to the vehicle be transferred, in order of 11838
priority, first into the name of the entity entitled to the 11839
immobilization fee under division (A)~~(6)~~(5) of this section, next 11840
into the name of a lienholder, or lastly, into the name of the 11841
owner of the place of storage. 11842

A lienholder that receives title under a court order shall do 11843
so on the condition that it pay any expenses or charges incurred 11844
in the vehicle's removal and storage. If the entity that receives 11845
title to the vehicle is the entity that is entitled to the 11846

immobilization fee under division (A)~~(6)~~(5) of this section, it 11847
shall receive title on the condition that it pay any lien on the 11848
vehicle. The court shall not order that title be transferred to 11849
any person or entity other than the owner of the place of storage 11850
if the person or entity refuses to receive the title. Any person 11851
or entity that receives title may either keep title to the vehicle 11852
or may dispose of the vehicle in any legal manner that it 11853
considers appropriate, including assignment of the certificate of 11854
title to the motor vehicle to a salvage dealer or a scrap metal 11855
processing facility. The person or entity shall not transfer the 11856
vehicle to the person who is the vehicle's immediate previous 11857
owner. 11858

If the person or entity assigns the motor vehicle to a 11859
salvage dealer or scrap metal processing facility, the person or 11860
entity shall send the assigned certificate of title to the motor 11861
vehicle to the clerk of the court of common pleas of the county in 11862
which the salvage dealer or scrap metal processing facility is 11863
located. The person or entity shall mark the face of the 11864
certificate of title with the words "FOR DESTRUCTION" and shall 11865
deliver a photocopy of the certificate of title to the salvage 11866
dealer or scrap metal processing facility for its records. 11867

(2) Whenever a court issues an order under division (E)(1) of 11868
this section, the court also shall order removal of the license 11869
plates from the vehicle and cause them to be sent to the registrar 11870
if they have not already been sent to the registrar. Thereafter, 11871
no further proceedings shall take place under this section, but 11872
the ~~vehicle owner~~ offender remains liable for payment of the 11873
immobilization fee described in division (A)~~(4)~~(3) of this section 11874
if an immobilization order previously had been issued by the 11875
court. 11876

(3) Prior to initiating a proceeding under division (E)(1) of 11877
this section, and upon payment of the fee under division (B) of 11878

section 4505.14 of the Revised Code, any interested party may 11879
cause a search to be made of the public records of the bureau of 11880
motor vehicles or the clerk of the court of common pleas, to 11881
ascertain the identity of any lienholder of the vehicle. The 11882
initiating party shall furnish this information to the clerk of 11883
the court with jurisdiction over the case, and the clerk shall 11884
provide notice to the vehicle owner, the defendant, any 11885
lienholder, and any other interested parties listed by the 11886
initiating party, at the last known address supplied by the 11887
initiating party, by certified mail or, at the option of the 11888
initiating party, by personal service or ordinary mail. 11889

As used in this section, "interested party" includes the 11890
~~vehicle owner~~ offender, all lienholders, ~~the defendant~~, the owner 11891
of the place of storage, the person or entity that caused the 11892
vehicle to be removed, and the person or entity, if any, entitled 11893
to the immobilization fee under division (A)~~(6)~~(5) of this 11894
section. 11895

Sec. 4503.234. (A) ~~As used in this section, "vehicle owner"~~ 11896
~~means the person in whose name is registered a vehicle that is~~ 11897
~~subject to an order of forfeiture issued under this section.~~ 11898

~~(B)~~ If a court is required by section 4503.233, 4503.236, 11899
4507.361, 4507.99, 4510.11, 4510.14, 4510.16, 4510.41, 4511.19, 11900
4511.193, or ~~4511.99~~ 4511.203 of the Revised Code to order the 11901
criminal forfeiture of a vehicle, the order shall be issued and 11902
enforced in accordance with this division, subject to division 11903
~~(C)~~(B) of this section ~~and section 4503.235 of the Revised Code.~~ 11904
An order of criminal forfeiture issued under this division shall 11905
authorize an appropriate law enforcement agency to seize the 11906
vehicle ordered criminally forfeited upon the terms and conditions 11907
that the court determines proper. No vehicle ordered criminally 11908
forfeited pursuant to this division shall be considered contraband 11909

for purposes of section 2933.41, 2933.42, or 2933.43 of the Revised Code, but ~~shall be held by~~ the law enforcement agency that employs the officer who seized it shall hold the vehicle for disposal in accordance with this section. A forfeiture order may be issued only after the ~~vehicle owner~~ offender has been provided with an opportunity to be heard. The prosecuting attorney shall give the ~~vehicle owner~~ offender written notice of the possibility of forfeiture by sending a copy of the relevant uniform traffic ticket or other written notice to the ~~vehicle owner~~ offender not less than seven days prior to the date of issuance of the forfeiture order. A vehicle is subject to an order of criminal forfeiture pursuant to this division upon the conviction of the offender of or plea of guilty by the offender to a violation of division (A) of section 4503.236, ~~division (B)(1) or (D)(2) of section 4507.02,~~ section ~~4507.33~~ 4510.11, 4510.14, 4510.16, or 4511.203, or division (A) of section 4511.19 of the Revised Code, or a municipal ordinance that is substantially equivalent to ~~division (A) of section 4503.236, division (B)(1) or (D)(2) of section 4507.02, section 4507.33, or division (A) of section 4511.19 of the Revised Code~~ any of those sections or divisions.

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

certified mail, return receipt requested, or by personal service. 11943

(2) No order of criminal forfeiture shall be issued pursuant 11944
to ~~division (B) of~~ this section if a lienholder or other person 11945
with an ownership interest in the vehicle establishes to the 11946
court, by a preponderance of the evidence after filing a motion 11947
with the court, that the lienholder or other ~~that~~ person neither 11948
knew nor should have known after a reasonable inquiry that the 11949
vehicle would be used or involved, or likely would be used or 11950
involved, in the violation resulting in the issuance of the order 11951
of criminal forfeiture or the violation of the order of 11952
immobilization issued under section 4503.233 of the Revised Code, 11953
that the lienholder or other ~~that~~ person did not expressly or 11954
impliedly consent to the use or involvement of the vehicle in that 11955
violation, and that the lien or ownership interest was perfected 11956
pursuant to law prior to the seizure of the vehicle under section 11957
4503.236, ~~4507.38, or 4510.41~~, 4511.195, or 4511.203 of the 11958
Revised Code. If the lienholder or holder of the ownership 11959
interest satisfies the court that these criteria have been met, 11960
the court shall preserve ~~the holder's~~ the lienholder's or other 11961
person's lien or interest, and the court either shall return the 11962
vehicle to the holder, ~~the holder's~~ or shall order that the ~~the~~ 11963
~~holder's~~ proceeds of any sale held pursuant to division (D)(C)(2) 11964
of this section be paid to the lienholder or holder of the 11965
interest less the costs of seizure, storage, and maintenance of 11966
the vehicle. The court shall not return a vehicle to a lienholder 11967
or a holder of an ownership interest ~~under division (C)(2) of this~~ 11968
~~section~~ unless the lienholder or holder submits an affidavit to 11969
the court that states that the lienholder or holder will not 11970
return the vehicle to the person from whom the vehicle was seized 11971
pursuant to the order of criminal forfeiture or to any member of 11972
that person's family and will not otherwise knowingly permit that 11973
person or any member of that person's family to obtain possession 11974
of the vehicle. 11975

(3) No order of criminal forfeiture shall be issued pursuant 11976
to ~~division (B) of~~ this section if a person with an interest in 11977
the vehicle establishes to the court, by a preponderance of the 11978
evidence after filing a motion with the court, that the person 11979
neither knew nor should have known after a reasonable inquiry that 11980
the vehicle had been used or was involved in the violation 11981
resulting in the issuance of the order of criminal forfeiture or 11982
the violation of the order of immobilization issued under section 11983
4503.233 of the Revised Code, that the person did not expressly or 11984
impliedly consent to the use or involvement of the vehicle in that 11985
violation, that the interest was perfected in good faith and for 11986
value pursuant to law between the time of the arrest of the 11987
offender and the final disposition of the criminal charge in 11988
question, and that the vehicle was in the possession of the 11989
~~vehicle owner~~ interest holder at the time of the perfection of the 11990
interest. If the court is satisfied that the interest holder has 11991
met these criteria, the court shall preserve ~~the holder's~~ the 11992
interest holder's interest, and the court either shall return the 11993
vehicle to the interest holder ~~the holder's~~ or order that the ~~the~~ 11994
~~holder's~~ proceeds of any sale held pursuant to ~~division (D)~~ (C) of 11995
this section be paid to the holder of the interest less the costs 11996
of seizure, storage, and maintenance of the vehicle. The court 11997
shall not return a vehicle to an interest holder ~~under division~~ 11998
~~(C)(3) of this section~~ unless the holder submits an affidavit to 11999
the court stating that the holder will not return the vehicle to 12000
the person from whom the holder acquired ~~the holder's~~ the holder's 12001
interest, nor to any member of that person's family, and the 12002
holder will not otherwise knowingly permit that person or any 12003
member of that person's family to obtain possession of the 12004
vehicle. 12005

~~(D)~~ (C) A vehicle ordered criminally forfeited to the state 12006
pursuant to ~~division (B) of~~ this section shall be disposed of as 12007

follows: 12008

(1) It shall be given to the law enforcement agency that 12009
employs the law enforcement officer who seized the vehicle, if 12010
that agency desires to have it; 12011

(2) If a vehicle is not disposed of pursuant to division 12012
~~(D)~~(C)(1) of this section, the vehicle shall be sold, without 12013
appraisal, if the value of the vehicle is two thousand dollars or 12014
more as determined by publications of the national auto dealer's 12015
association, at a public auction to the highest bidder for cash. 12016
Prior to the sale, the prosecuting attorney in the case shall 12017
cause a notice of the proposed sale to be given in accordance with 12018
law. The court shall cause notice of the sale of the vehicle to be 12019
published in a newspaper of general circulation in the county in 12020
which the court is located at least seven days prior to the date 12021
of the sale. The proceeds of a sale under this division or 12022
division ~~(G)~~(F) of this section shall be applied in the following 12023
order: 12024

(a) First, they shall be applied to the payment of the costs 12025
incurred in connection with the seizure, storage, and maintenance 12026
of, and provision of security for, the vehicle, any proceeding 12027
arising out of the forfeiture, and if any, the sale. 12028

(b) Second, the remaining proceeds after compliance with 12029
division ~~(D)~~(C)(2)(a) of this section, shall be applied to the 12030
payment of the value of any lien or ownership interest in the 12031
vehicle preserved under division ~~(C)~~(B) of this section. 12032

(c) Third, the remaining proceeds, after compliance with 12033
divisions ~~(D)~~(C)(2)(a) and (b) of this section, shall be applied 12034
to the appropriate funds in accordance with divisions (D)(1)(c) 12035
and (2) of section 2933.43 of the Revised Code, provided that the 12036
total of the amount so deposited under this division shall not 12037
exceed one thousand dollars. The remaining proceeds deposited 12038

under this division shall be used only for the purposes authorized 12039
by those divisions and division (D)(3)(a)(ii) of that section. 12040

(d) Fourth, the remaining proceeds after compliance with 12041
divisions ~~(D)~~(C)(2)(a) and (b) of this section and after deposit 12042
of a total amount of one thousand dollars under division 12043
~~(D)~~(C)(2)(c) of this section shall be applied so that fifty per 12044
cent of those remaining proceeds is paid into the reparation fund 12045
established by section 2743.191 of the Revised Code, twenty-five 12046
per cent is paid into the drug abuse resistance education programs 12047
fund created by division ~~(L)~~(F)(2)(e) of section 4511.191 of the 12048
Revised Code and shall be used only for the purposes authorized by 12049
division ~~(L)~~(F)(2)(e) of that section, and twenty-five per cent is 12050
applied to the appropriate funds in accordance with division 12051
(D)(1)(c) of section 2933.43 of the Revised Code. The proceeds 12052
deposited into any fund described in section 2933.43 of the 12053
Revised Code shall be used only for the purposes authorized by 12054
division (D)(1)(c), (2), and (3)(a)(ii) of that section. 12055

~~(E) Notwithstanding (D) Except as provided in division (E) of~~ 12056
section 4511.203 of the Revised Code and notwithstanding any other 12057
provision of law, neither the registrar of motor vehicles nor any 12058
deputy registrar shall accept an application for the registration 12059
of any motor vehicle in the name of any person, or register any 12060
motor vehicle in the name of any person, if both of the following 12061
apply: 12062

(1) Any vehicle registered in the person's name was 12063
criminally forfeited under ~~division (B) of~~ this section and 12064
section 4503.233, 4503.236, ~~4507.361, 4507.99~~ 4510.10, 4510.11, 12065
4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 4511.193, or 4511.99 12066
4511.203 of the Revised Code; 12067

(2) Less than five years have expired since the issuance of 12068
the most recent order of criminal forfeiture issued in relation to 12069
a vehicle registered in the person's name. 12070

~~(F)~~(E) If a court is required by section 4503.233, ~~4507.361,~~ 12071
~~4507.99~~ 4503.236, 4510.10, 4510.11, 4510.14, 4510.16, 4510.161, 12072
4510.41, 4511.19, 4511.193, or ~~4511.99~~ 4511.203 of the Revised 12073
Code to order the criminal forfeiture to the state of a vehicle, 12074
and the title to the motor vehicle is assigned or transferred, and 12075
division ~~(C)~~(B)(2) or (3) of this section applies, in addition to 12076
or independent of any other penalty established by law, the court 12077
may fine the offender the value of the vehicle as determined by 12078
publications of the national auto dealer's association. The 12079
proceeds from any fine imposed under this division ~~(F)~~ ~~of this~~ 12080
~~section~~ shall be distributed in accordance with division ~~(D)~~(4) 12081
(C)(2) of this section. 12082

~~(G)~~(F) As used in ~~division (D)~~ of this section and divisions 12083
(D)(1)(c), (D)(2), and (D)(3)(a)(ii) of section 2933.43 of the 12084
Revised Code in relation to proceeds of the sale of a vehicle 12085
under division ~~(D)~~(C) of this section, "prosecuting attorney" 12086
includes the prosecuting attorney, village solicitor, city 12087
director of law, or similar chief legal officer of a municipal 12088
corporation who prosecutes the case resulting in the conviction or 12089
guilty plea in question. 12090

(G) If the vehicle to be forfeited has an average retail 12091
value of less than two thousand dollars as determined by 12092
publications of the national auto dealer's association, no public 12093
auction is required to be held. In such a case, the court may 12094
direct that the vehicle be disposed of in any manner that it 12095
considers appropriate, including assignment of the certificate of 12096
title to the motor vehicle to a salvage dealer or a scrap metal 12097
processing facility. The court shall not transfer the vehicle to 12098
the person who is the vehicle's immediate previous owner. 12099

If the court assigns the motor vehicle to a salvage dealer or 12100
scrap metal processing facility and the court is in possession of 12101
the certificate of title to the motor vehicle, it shall send the 12102

assigned certificate of title to the motor vehicle to the clerk of 12103
the court of common pleas of the county in which the salvage 12104
dealer or scrap metal processing facility is located. The court 12105
shall mark the face of the certificate of title with the words 12106
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 12107
of title to the salvage dealer or scrap metal processing facility 12108
for its records. 12109

If the court is not in possession of the certificate of title 12110
to the motor vehicle, the court shall issue an order transferring 12111
ownership of the motor vehicle to a salvage dealer or scrap metal 12112
processing facility, send the order to the clerk of the court of 12113
common pleas of the county in which the salvage dealer or scrap 12114
metal processing facility is located, and send a photocopy of the 12115
order to the salvage dealer or scrap metal processing facility for 12116
its records. The clerk shall make the proper notations or entries 12117
in the clerk's records concerning the disposition of the motor 12118
vehicle. 12119

Sec. 4503.236. (A) No person shall operate a motor vehicle or 12120
permit the operation of a motor vehicle upon any public or private 12121
property used by the public for vehicular travel or parking 12122
knowing or having reasonable cause to believe that the motor 12123
vehicle has been ordered immobilized pursuant to an immobilization 12124
order issued under section 4503.233 of the Revised Code. 12125

(B) A motor vehicle that is operated by a person during a 12127
violation of division (A) of this section shall be criminally 12128
forfeited to the state in accordance with the procedures contained 12129
in section 4503.234 of the Revised Code, ~~but such forfeiture is~~ 12130
~~subject to section 4503.235 of the Revised Code.~~ 12131

(C) Whoever violates division (A) of this section is guilty 12132
of a misdemeanor of the second degree. 12133

Sec. 4503.28. (A) No person who is a manufacturer of, dealer 12134
in, or distributor of motor vehicles shall fail to file an 12135
application for registration and to pay the tax ~~therefor~~ for the 12136
registration and to apply for and pay the legal fees for as many 12137
certified copies ~~thereof~~ of the registration as the law requires. 12138

(B) Whoever violates this section is guilty of a misdemeanor 12139
of the fourth degree. 12140

Sec. 4503.30. (A) Any placards issued by the registrar of 12141
motor vehicles and bearing the distinctive number assigned to a 12142
manufacturer, dealer, or distributor pursuant to section 4503.27 12143
of the Revised Code may be displayed on any motor vehicle, other 12144
than commercial cars, or on any motorized bicycle owned by the 12145
manufacturer, dealer, or distributor, or lawfully in the 12146
possession or control of the manufacturer, or the agent or 12147
employee of the manufacturer, the dealer, or the agent or employee 12148
of the dealer, the distributor, or the agent or employee of the 12149
distributor, and shall be displayed on no other motor vehicle or 12150
motorized bicycle. A placard may be displayed on a motor vehicle, 12151
other than a commercial car, owned by a dealer when the vehicle is 12152
in transit from a dealer to a purchaser, when the vehicle is being 12153
demonstrated for sale or lease, or when the vehicle otherwise is 12154
being utilized by the dealer. A vehicle bearing a placard issued 12155
to a dealer under section 4503.27 of the Revised Code may be 12156
operated by the dealer, an agent or employee of the dealer, a 12157
prospective purchaser, or a third party operating the vehicle with 12158
the permission of the dealer. 12159

Such placards may be displayed on commercial cars only when 12160
the cars are in transit from a manufacturer to a dealer, from a 12161
distributor to a dealer or distributor, or from a dealer to a 12162
purchaser, or when the cars are being demonstrated for sale or 12163

lease, and shall not be displayed when the cars are being used for 12164
delivery, hauling, transporting, or other commercial purpose. 12165

(B) Whoever violates this section is guilty of a misdemeanor 12166
of the third degree. 12167

Sec. 4503.301. (A) A manufacturer, dealer, or distributor of 12168
motor vehicles may apply for a reasonable number of commercial car 12169
demonstration placards. The application shall show the make of 12170
commercial cars, commercial tractors, trailers, and semitrailers 12171
manufactured, dealt, or distributed in and shall show the taxing 12172
district in which the applicant's place of business is located. 12173
12174

Upon the filing of such application and the payment of an 12175
annual fee of five hundred dollars and appropriate postage as 12176
required by the registrar of motor vehicles, the registrar shall 12177
assign to the applicant a distinctive placard and number. Such 12178
placards shall be known as "commercial car demonstration 12179
placards," and shall expire on a date prescribed by the registrar. 12180
Upon the first application by any person for such placards, the 12181
registrar shall prorate the annual fee in accordance with section 12182
4503.11 of the Revised Code; for all renewals or replacements of 12183
such placards, the registrar shall collect the full amount of the 12184
annual fee. 12185

Commercial car demonstration placards may be displayed on 12186
commercial cars, commercial tractors, trailers and semitrailers 12187
owned by the manufacturer, dealer, or distributor, when those 12188
vehicles are operated by or being demonstrated to a prospective 12189
purchaser. In addition to the purposes permitted by section 12190
4503.30 of the Revised Code, the placards provided for in this 12191
section may be displayed on vehicles operated or used for 12192
delivery, hauling, transporting, or any other lawful purpose. When 12193
such placards are used, the placards provided for in section 12194

4503.30 of the Revised Code need not be displayed.	12195
The operator of any commercial car, commercial tractor, trailer, or semitrailer displaying the placards provided for in this section, at all times, shall carry with the operator a letter from the manufacturer, dealer, or distributor authorizing the use of such manufacturer's, dealer's, or distributor's commercial car demonstration placards.	12196 12197 12198 12199 12200 12201
When such placards are used on any commercial car or commercial tractor, such power unit shall be considered duly registered and licensed for the purposes of section 4503.38 of the Revised Code.	12202 12203 12204 12205
(B) No manufacturer, dealer, or distributor of motor vehicles shall use the commercial car demonstration placard for purposes other than those authorized by this section.	12206 12207 12208
<u>(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the third degree.</u>	12209 12210
Sec. 4503.32. (A) No person shall use the license placards provided for in section 4503.31 of the Revised Code contrary to said section.	12211 12212 12213
<u>(B) Whoever violates this section is guilty of a misdemeanor of the third degree.</u>	12214 12215
Sec. 4503.34. (A) No person who is a drive-away operator or trailer transporter, or both, engaged in the business of transporting and delivering new motor vehicles or used motor vehicles, or both, by means of the full mount method, the saddle mount method, the tow bar method, the tow-away method, or any combination thereof, or under their own power, shall fail to file an application as required by section 4503.33 of the Revised Code, and to pay the fees therefor and to apply for and pay the legal fees for as many certified copies thereof as said section	12216 12217 12218 12219 12220 12221 12222 12223 12224

requires. 12225

(B) Whoever violates this section is guilty of a minor 12226
misdemeanor. 12227

Sec. 4503.39. With regard to a motor vehicle leased by or in 12228
the name of a person named in a ~~declaration of forfeiture~~ 12229
suspension order, the registrar of motor vehicles shall adopt 12230
procedures as indicated in division (D) of section 2935.27, 12231
division (A) of section 2937.221, and division (B) of section 12232
~~4507.168~~ 4510.22 of the Revised Code. The procedures shall 12233
prescribe the information and methodology necessary to implement 12234
those divisions. 12235

Sec. 4503.44. (A) As used in this section and in section 12236
4511.69 of the Revised Code: 12237

(1) "Person with a disability that limits or impairs the 12238
ability to walk" means any person who, as determined by a 12239
physician or chiropractor, meets any of the following criteria: 12240

(a) Cannot walk two hundred feet without stopping to rest; 12241

(b) Cannot walk without the use of, or assistance from, a 12242
brace, cane, crutch, another person, prosthetic device, 12243
wheelchair, or other assistive device; 12244

(c) Is restricted by a lung disease to such an extent that 12245
the person's forced (respiratory) expiratory volume for one 12246
second, when measured by spirometry, is less than one liter, or 12247
the arterial oxygen tension is less than sixty millimeters of 12248
mercury on room air at rest; 12249

(d) Uses portable oxygen; 12250

(e) Has a cardiac condition to the extent that the person's 12251
functional limitations are classified in severity as class III or 12252
class IV according to standards set by the American heart 12253

association; 12254

(f) Is severely limited in the ability to walk due to an 12255
arthritic, neurological, or orthopedic condition; 12256

(g) Is blind. 12257

(2) "Organization" means any private organization or 12258
corporation, or any governmental board, agency, department, 12259
division, or office, that, as part of its business or program, 12260
transports persons with disabilities that limit or impair the 12261
ability to walk on a regular basis in a motor vehicle that has not 12262
been altered for the purpose of providing it with special 12263
equipment for use by handicapped persons. This definition does not 12264
apply to division (J) of this section. 12265

(3) "Physician" means a person licensed to practice medicine 12266
or surgery or osteopathic medicine and surgery under Chapter 4731. 12267
of the Revised Code. 12268

(4) "Chiropractor" means a person licensed to practice 12269
chiropractic under Chapter 4734. of the Revised Code. 12270

(B) Any organization or person with a disability that limits 12271
or impairs the ability to walk may apply to the registrar of motor 12272
vehicles for a removable windshield placard or, if the person owns 12273
or leases a motor vehicle, the person may apply for the 12274
registration of any motor vehicle the person owns or leases. In 12275
addition to one or more sets of license plates or one placard, a 12276
person with a disability that limits or impairs the ability to 12277
walk is entitled to one additional placard, but only if the person 12278
applies separately for the additional placard, states the reasons 12279
why the additional placard is needed, and the registrar, in the 12280
registrar's discretion, determines that good and justifiable cause 12281
exists to approve the request for the additional placard. When a 12282
motor vehicle has been altered for the purpose of providing it 12283
with special equipment for a person with a disability that limits 12284

or impairs the ability to walk, but is owned or leased by someone 12285
other than such a person, the owner or lessee may apply to the 12286
registrar or a deputy registrar for registration under this 12287
section. The application for registration of a motor vehicle owned 12288
or leased by a person with a disability that limits or impairs the 12289
ability to walk shall be accompanied by a signed statement from 12290
the applicant's personal physician or chiropractor certifying that 12291
the applicant meets at least one of the criteria contained in 12292
division (A)(1) of this section and that the disability is 12293
expected to continue for more than six consecutive months. The 12294
application for a removable windshield placard made by a person 12295
with a disability that limits or impairs the ability to walk shall 12296
be accompanied by a prescription from the applicant's personal 12297
physician or chiropractor prescribing such a placard for the 12298
applicant, and by a signed statement certifying that the applicant 12299
meets at least one of the criteria contained in division (A)(1) of 12300
this section. The physician or chiropractor shall state on the 12301
prescription the length of time the physician or chiropractor 12302
expects the applicant to have the disability that limits or 12303
impairs the applicant's ability to walk. The application for a 12304
removable windshield placard made by an organization shall be 12305
accompanied by such documentary evidence of regular transport of 12306
persons with disabilities that limit or impair the ability to walk 12307
by the organization as the registrar may require by rule and shall 12308
be completed in accordance with procedures that the registrar may 12309
require by rule. The application for registration of a motor 12310
vehicle that has been altered for the purpose of providing it with 12311
special equipment for a person with a disability that limits or 12312
impairs the ability to walk but is owned by someone other than 12313
such a person shall be accompanied by such documentary evidence of 12314
vehicle alterations as the registrar may require by rule. 12315

(C) When an organization, a person with a disability that 12316
12317

limits or impairs the ability to walk, or a person who does not 12318
have a disability that limits or impairs the ability to walk but 12319
owns a motor vehicle that has been altered for the purpose of 12320
providing it with special equipment for a person with a disability 12321
that limits or impairs the ability to walk first submits an 12322
application for registration of a motor vehicle under this section 12323
and every fifth year thereafter, the organization or person shall 12324
submit a signed statement from the applicant's personal physician 12325
or chiropractor, a completed application, and any required 12326
documentary evidence of vehicle alterations as provided in 12327
division (B) of this section, and also a power of attorney from 12328
the owner of the motor vehicle if the applicant leases the 12329
vehicle. Upon submission of these items, the registrar or deputy 12330
registrar shall issue to the applicant appropriate vehicle 12331
registration and a set of license plates and validation stickers, 12332
or validation stickers alone when required by section 4503.191 of 12333
the Revised Code. In addition to the letters and numbers 12334
ordinarily inscribed thereon, the license plates shall be 12335
imprinted with the international symbol of access. The license 12336
plates and validation stickers shall be issued upon payment of the 12337
regular license fee as prescribed under section 4503.04 of the 12338
Revised Code and any motor vehicle tax levied under Chapter 4504. 12339
of the Revised Code, and the payment of a service fee equal to the 12340
amount specified in division (D) or (G) of section 4503.10 of the 12341
Revised Code. 12342

(D)(1) Upon receipt of a completed and signed application for 12343
a removable windshield placard, a prescription as described in 12344
division (B) of this section, documentary evidence of regular 12345
transport of persons with disabilities that limit or impair the 12346
ability to walk, if required, and payment of a service fee equal 12347
to the amount specified in division (D) or (G) of section 4503.10 12348
of the Revised Code, the registrar or deputy registrar shall issue 12349
to the applicant a removable windshield placard, which shall bear 12350

the date of expiration on both sides of the placard and shall be 12351
valid until expired, revoked, or surrendered. Every removable 12352
windshield placard expires as described in division (D)(2) of this 12353
section, but in no case shall a removable windshield placard be 12354
valid for a period of less than sixty days. Removable windshield 12355
placards shall be renewable upon application as provided in 12356
division (B) of this section, and a service fee equal to the 12357
amount specified in division (D) or (G) of section 4503.10 of the 12358
Revised Code shall be charged for the renewal of a removable 12359
windshield placard. The registrar shall provide the application 12360
form and shall determine the information to be included thereon. 12361
The registrar also shall determine the form and size of the 12362
removable windshield placard, the material of which it is to be 12363
made, and any other information to be included thereon, and shall 12364
adopt rules relating to the issuance, expiration, revocation, 12365
surrender, and proper display of such placards. Any placard issued 12366
after October 14, 1999, shall be manufactured in a manner that 12367
allows the expiration date of the placard to be indicated on it 12368
through the punching, drilling, boring, or creation by any other 12369
means of holes in the placard. 12370

(2) At the time a removable windshield placard is issued to a 12371
person with a disability that limits or impairs the ability to 12372
walk, the registrar or deputy registrar shall enter into the 12373
records of the bureau of motor vehicles the last date on which the 12374
person will have that disability, as indicated on the accompanying 12375
prescription. Not less than thirty days prior to that date and all 12376
removable windshield placard renewal dates, the bureau shall send 12377
a renewal notice to that person at the person's last known address 12378
as shown in the records of the bureau, informing the person that 12379
the person's removable windshield placard will expire on the 12380
indicated date not to exceed five years from the date of issuance, 12381
and that the person is required to renew the placard by submitting 12382
to the registrar or a deputy registrar another prescription, as 12383

described in division (B) of this section, and by complying with 12384
the renewal provisions prescribed in division (D)(1) of this 12385
section. If such a prescription is not received by the registrar 12386
or a deputy registrar by that date, the placard issued to that 12387
person expires and no longer is valid, and this fact shall be 12388
recorded in the records of the bureau. 12389

(3) At least once every year, on a date determined by the 12390
registrar, the bureau shall examine the records of the office of 12391
vital statistics, located within the department of health, that 12392
pertain to deceased persons, and also the bureau's records of all 12393
persons who have been issued removable windshield placards and 12394
temporary removable windshield placards. If the records of the 12395
office of vital statistics indicate that a person to whom a 12396
removable windshield placard or temporary removable windshield 12397
placard has been issued is deceased, the bureau shall cancel that 12398
placard, and note the cancellation in its records. 12399

The office of vital statistics shall make available to the 12400
bureau all information necessary to enable the bureau to comply 12401
with division (D)(3) of this section. 12402

(4) Nothing in this section shall be construed to require a 12403
person or organization to apply for a removable windshield placard 12404
or special license plates if the parking card or special license 12405
plates issued to the person or organization under prior law have 12406
not expired or been surrendered or revoked. 12407

(E) Any person with a disability that limits or impairs the 12408
ability to walk may apply to the registrar or a deputy registrar 12409
for a temporary removable windshield placard. The application for 12410
a temporary removable windshield placard shall be accompanied by a 12411
prescription from the applicant's personal physician or 12412
chiropractor prescribing such a placard for the applicant, and by 12413
a signed statement certifying that the applicant meets at least 12414
one of the criteria contained in division (A)(1) of this section 12415

and that the disability is expected to continue for six 12416
consecutive months or less. The physician or chiropractor shall 12417
state on the prescription the length of time the physician or 12418
chiropractor expects the applicant to have the disability that 12419
limits or impairs the applicant's ability to walk, which cannot 12420
exceed six months from the date of the prescription. Upon receipt 12421
of an application for a temporary removable windshield placard, 12422
presentation of the prescription and the signed statement from the 12423
applicant's personal physician or chiropractor, and payment of a 12424
service fee equal to the amount specified in division (D) or (G) 12425
of section 4503.10 of the Revised Code, the registrar or deputy 12426
registrar shall issue to the applicant a temporary removable 12427
windshield placard. The temporary removable windshield placard 12428
shall be of the same size and form as the removable windshield 12429
placard, shall be printed in white on a red-colored background, 12430
and shall bear the word "temporary" in letters of such size as the 12431
registrar shall prescribe. A temporary removable windshield 12432
placard also shall bear the date of expiration on the front and 12433
back of the placard, and shall be valid until expired, 12434
surrendered, or revoked, but in no case shall such a placard be 12435
valid for a period of less than sixty days. The registrar shall 12436
provide the application form and shall determine the information 12437
to be included on it. The registrar also shall determine the 12438
material of which the temporary removable windshield placard is to 12439
be made and any other information to be included on the placard 12440
and shall adopt rules relating to the issuance, expiration, 12441
surrender, revocation, and proper display of those placards. Any 12442
temporary removable windshield placard issued after October 14, 12443
1999, shall be manufactured in a manner that allows for the 12444
expiration date of the placard to be indicated on it through the 12445
punching, drilling, boring, or creation by any other means of 12446
holes in the placard. 12447

(F) If an applicant for a removable windshield placard is a 12448

veteran of the armed forces of the United States whose disability, 12449
as defined in division (A)(1) of this section, is 12450
service-connected, the registrar or deputy registrar, upon receipt 12451
of the application, presentation of a signed statement from the 12452
applicant's personal physician or chiropractor certifying the 12453
applicant's disability, and presentation of such documentary 12454
evidence from the department of veterans affairs that the 12455
disability of the applicant meets at least one of the criteria 12456
identified in division (A)(1) of this section and is 12457
service-connected as the registrar may require by rule, but 12458
without the payment of any service fee, shall issue the applicant 12459
a removable windshield placard that is valid until expired, 12460
surrendered, or revoked. 12461

Upon a conviction of a violation of division (H), (I), or (J) 12462
of this section, the court shall report the conviction, and send 12463
the placard or parking card, if available, to the registrar, who 12464
thereupon shall revoke the privilege of using the placard or 12465
parking card and send notice in writing to the placardholder or 12466
cardholder at that holder's last known address as shown in the 12467
records of the bureau, and the placardholder or cardholder shall 12468
return the placard or card if not previously surrendered to the 12469
court, to the registrar within ten days following mailing of the 12470
notice. 12471

Whenever a person to whom a removable windshield placard or 12472
parking card has been issued moves to another state, the person 12473
shall surrender the placard or card to the registrar; and whenever 12474
an organization to which a placard or card has been issued changes 12475
its place of operation to another state, the organization shall 12476
surrender the placard or card to the registrar. 12477

(G) Subject to division (F) of section 4511.69 of the Revised 12478
Code, the operator of a motor vehicle displaying a removable 12479
windshield placard, temporary removable windshield placard, 12480

parking card, or the special license plates authorized by this 12481
section is entitled to park the motor vehicle in any special 12482
parking location reserved for persons with disabilities that limit 12483
or impair the ability to walk, also known as handicapped parking 12484
spaces or disability parking spaces. 12485

(H) No person or organization that is not eligible under 12486
division (B) or (E) of this section shall willfully and falsely 12487
represent that the person or organization is so eligible. 12488

No person or organization shall display license plates issued 12489
under this section unless the license plates have been issued for 12490
the vehicle on which they are displayed and are valid. 12491

(I) No person or organization to which a removable windshield 12492
placard or temporary removable windshield placard is issued shall 12493
do either of the following: 12494

(1) Display or permit the display of the placard on any motor 12495
vehicle when having reasonable cause to believe the motor vehicle 12496
is being used in connection with an activity that does not include 12497
providing transportation for persons with disabilities that limit 12498
or impair the ability to walk; 12499

(2) Refuse to return or surrender the placard, when required. 12500
12501

(J)(1) No person or organization to which a parking card is 12502
issued shall do either of the following: 12503

(a) Display or permit the display of the parking card on any 12504
motor vehicle when having reasonable cause to believe the motor 12505
vehicle is being used in connection with an activity that does not 12506
include providing transportation for a handicapped person; 12507

(b) Refuse to return or surrender the parking card, when 12508
required. 12509

(2) As used in division (J) of this section: 12510

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

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

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

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

(2) Paying a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code.

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

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

(M) For purposes of enforcing this section, every peace

officer is deemed to be an agent of the registrar. Any peace 12541
officer or any authorized employee of the bureau of motor vehicles 12542
who, in the performance of duties authorized by law, becomes aware 12543
of a person whose placard or parking card has been revoked 12544
pursuant to this section, may confiscate that placard or parking 12545
card and return it to the registrar. The registrar shall prescribe 12546
any forms used by law enforcement agencies in administering this 12547
section. 12548

No peace officer, law enforcement agency employing a peace 12549
officer, or political subdivision or governmental agency employing 12550
a peace officer, and no employee of the bureau is liable in a 12551
civil action for damages or loss to persons arising out of the 12552
performance of any duty required or authorized by this section. As 12553
used in this division, "peace officer" has the same meaning as in 12554
division (B) of section 2935.01 of the Revised Code. 12555

(N) All applications for registration of motor vehicles, 12556
removable windshield placards, and temporary removable windshield 12557
placards issued under this section, all renewal notices for such 12558
items, and all other publications issued by the bureau that relate 12559
to this section shall set forth the criminal penalties that may be 12560
imposed upon a person who violates any provision relating to 12561
special license plates issued under this section, the parking of 12562
vehicles displaying such license plates, and the issuance, 12563
procurement, use, and display of removable windshield placards and 12564
temporary removable windshield placards issued under this section. 12565

(O) Whoever violates this section is guilty of a misdemeanor 12566
of the fourth degree. 12567

Sec. 4503.46. (A) For the purposes of this section, "prisoner 12568
of war" means any regularly appointed, enrolled, enlisted, or 12569
inducted member of the military forces of the United States who 12570
was captured, separated, and incarcerated by an enemy of the 12571

United States at any time, and any regularly appointed, enrolled, 12572
or enlisted member of the military forces of Great Britain, 12573
France, any of the countries that comprised the former Union of 12574
Soviet Socialist Republics, Australia, Belgium, Brazil, Canada, 12575
China, Denmark, Greece, the Netherlands, New Zealand, Norway, 12576
Poland, South Africa, or any of the countries that comprised the 12577
former Yugoslavia who was a citizen of the United States at the 12578
time of such appointment, enrollment, or enlistment, and was 12579
captured, separated, and incarcerated by an enemy of this country 12580
during World War II. 12581

(B) Any person who has been a prisoner of war may apply to 12582
the registrar of motor vehicles for the registration of one 12583
passenger car, noncommercial motor vehicle, or other vehicle of a 12584
class approved by the registrar the person owns or leases. The 12585
application shall be accompanied by written evidence in the form 12586
of a record of separation, a letter from one of the armed forces 12587
of the United States or other country as provided in division (A) 12588
of this section, or other evidence as the registrar may require by 12589
rule, that such a person was a prisoner of war and was honorably 12590
discharged or is presently residing in this state on active duty 12591
with one of the branches of the armed forces of the United States, 12592
or was a prisoner of war and was honorably discharged or received 12593
an equivalent discharge or release from one of the armed forces of 12594
such other country. 12595

Upon receipt of an application for registration of a motor 12596
vehicle under this section, and presentation of satisfactory 12597
evidence of such prisoner-of-war status, the registrar shall issue 12598
to the applicant the appropriate vehicle registration and a set of 12599
license plates. In addition to the letters and numbers ordinarily 12600
inscribed thereon, the license plates shall be inscribed with the 12601
words "FORMER POW." The license plates shall be issued without 12602
payment of any registration fee or service fee as required by 12603

division (B) of section 4503.04 and sections 4503.10 and 4503.102 12604
of the Revised Code, and without payment of any applicable county, 12605
township, or municipal motor vehicle tax levied under Chapter 12606
4504. of the Revised Code. 12607

(C) The spouse of a deceased former prisoner of war who has 12608
not remarried, if the deceased person received or was eligible to 12609
receive special license plates issued under division (B) of this 12610
section, may apply to the registrar for the registration of the 12611
spouse's personal motor vehicle without the payment of any fee or 12612
tax as provided by division (B) of this section. The application 12613
for registration shall be accompanied by documentary evidence of 12614
the deceased person's status as a former prisoner of war and by 12615
any other evidence that the registrar requires by rule. 12616

Upon receipt of an application for registration under this 12617
division and presentation of satisfactory evidence as required by 12618
this division and by the registrar, the registrar shall issue to 12619
the spouse the appropriate vehicle registration and a set of 12620
license plates as provided in division (B) of this section. 12621

(D) No person who is not a former prisoner of war or spouse 12622
of a deceased former prisoner of war who has not remarried shall 12623
willfully and falsely represent that the person is such a former 12624
prisoner of war or spouse, for the purpose of obtaining license 12625
plates under this section. 12626

(E) No person shall own or lease a motor vehicle bearing 12627
license plates issued under this section unless the person is 12628
eligible to be issued the license plates. 12629

(F) Whoever violates this section is guilty of a misdemeanor 12630
of the fourth degree. 12631

Sec. 4503.47. (A) Any person who is a volunteer firefighter 12632
may apply to the registrar of motor vehicles for the registration 12633

of one passenger car or other vehicle of a class approved by the 12634
registrar the person owns or leases. The application shall be 12635
accompanied by such written evidence as the registrar may require 12636
by rule, that the person is a volunteer firefighter. 12637

Upon receipt of an application for the registration of a 12638
passenger car or other vehicle of a class approved by the 12639
registrar under this section and presentation of satisfactory 12640
evidence of such volunteer firefighter status, the registrar shall 12641
issue to the applicant the appropriate vehicle registration and a 12642
set of license plates and a validation sticker, or a validation 12643
sticker alone when required by section 4503.191 of the Revised 12644
Code. In addition to the letters and numbers ordinarily inscribed 12645
thereon, the license plates shall be inscribed with the letters 12646
"F.D." inside a Maltese cross emblem. The license plates and 12647
validation stickers shall be issued upon payment of the regular 12648
license fees as prescribed under section 4503.04 of the Revised 12649
Code and any local motor vehicle tax levied under Chapter 4504. of 12650
the Revised Code, and upon the payment of an additional fee of ten 12651
dollars for issuance under this section. The fee shall be for the 12652
purpose of compensating the bureau of motor vehicles for 12653
additional services required in the issuing of such license 12654
plates, and shall be transmitted by the registrar to the treasurer 12655
of state for deposit in the state bureau of motor vehicles fund 12656
created by section 4501.25 of the Revised Code. No person shall 12657
apply for more than one set of volunteer firefighter license 12658
plates annually. 12659

The chief of a fire department or the fire chief shall 12660
immediately notify the registrar whenever any person under the 12661
chief's supervision is no longer a volunteer firefighter. 12662

Whenever a person is no longer eligible to be issued 12663
volunteer firefighter license plates, the person shall surrender 12664
the volunteer firefighter license plates to the bureau in exchange 12665

for plates without the "F.D." emblem. A fee of five dollars shall 12666
be charged for the services required in the issuing of replacement 12667
plates when an individual is no longer eligible to be issued 12668
volunteer firefighter license plates. 12669

Application for volunteer firefighter license plates may be 12670
made, and such license plates and replacement plates shall be 12671
issued, at any time of year. 12672

No person who is not a volunteer firefighter shall willfully 12673
and falsely represent that the person is a volunteer firefighter 12674
for the purpose of obtaining volunteer firefighter license plates 12675
under this section. No person shall own a vehicle bearing such 12676
license plates unless the person is eligible to be issued such 12677
license plates. 12678

(B) Whoever violates this section is guilty of a misdemeanor 12679
of the fourth degree. 12680

Sec. 4503.471. (A) Any person who is a member in good 12681
standing of the international association of firefighters may 12682
apply to the registrar of motor vehicles for the registration of 12683
any passenger car, noncommercial vehicle, motor home, or other 12684
vehicle of a class approved by the registrar that the person owns 12685
or leases and the issuance of international association of 12686
firefighters license plates. The application shall be accompanied 12687
by the written evidence that the registrar may require by rule 12688
showing that the person is a member in good standing of the 12689
international association of firefighters. The application for 12690
international association of firefighters license plates may be 12691
combined with a request for a special reserved license plate under 12692
section 4503.40 or 4503.42 of the Revised Code. 12693

Upon receipt of an application for registration of a vehicle 12694
under this section and presentation of satisfactory evidence 12695
showing that the person is a member in good standing of the 12696

international association of firefighters, the registrar shall 12697
issue to the applicant the appropriate vehicle registrations, sets 12698
of license plates and validation stickers, or validation stickers 12699
alone when required by section 4503.191 of the Revised Code. 12700

In addition to the letters and numbers ordinarily inscribed 12701
on the license plates, international association of firefighters 12702
license plates shall be inscribed with a Maltese cross emblem 12703
designed by the international association of firefighters and 12704
approved by the registrar. International association of 12705
firefighters license plates shall bear county identification 12706
stickers that identify the county of registration by name or 12707
number. 12708

The license plates and validation stickers shall be issued 12709
upon payment of the regular license fee as prescribed under 12710
section 4503.04 of the Revised Code, payment of any local motor 12711
vehicle tax levied under Chapter 4504. of the Revised Code, and 12712
payment of an additional fee of ten dollars for the purpose of 12713
compensating the bureau of motor vehicles for additional services 12714
required in the issuing of license plates under this section. If 12715
the application for international association of firefighters 12716
license plates is combined with a request for a special reserved 12717
license plate under section 4503.40 or 4503.42 of the Revised 12718
Code, the license plate and validation sticker shall be issued 12719
upon payment of the fees and taxes contained in this division and 12720
the additional fee prescribed under section 4503.40 or 4503.42 of 12721
the Revised Code. The registrar shall deposit the additional fee 12722
of ten dollars in the state bureau of motor vehicles fund created 12723
by section 4501.25 of the Revised Code. 12724

Whenever a person no longer is eligible to be issued 12725
international association of firefighters license plates, the 12726
person shall surrender the international association of 12727
firefighters license plates to the bureau in exchange for license 12728

plates without the Maltese cross emblem described in this section. 12729
A fee of five dollars shall be charged for the services required 12730
in the issuing of replacement plates when a person no longer is 12731
eligible to be issued international association of firefighters 12732
license plates. 12733

A person may make application for international association 12734
of firefighters license plates at any time of year, and the 12735
registrar shall issue international association of firefighters 12736
license plates and replacement plates at any time of year. 12737

(B) No person who is not a member in good standing of the 12738
international association of firefighters shall willfully and 12739
falsely represent that the person is a member in good standing of 12740
the international association of firefighters for the purpose of 12741
obtaining international association of firefighters license plates 12742
under this section. No person shall own or lease a vehicle bearing 12743
international association of firefighters license plates unless 12744
the person is eligible to be issued international association of 12745
firefighters license plates. 12746

(C) Whoever violates division (B) of this section is guilty 12747
of a misdemeanor of the fourth degree. 12748

Sec. 4505.101. (A) The owner of any repair garage or place of 12749
storage in which a motor vehicle with a value of less than two 12750
thousand five hundred dollars has been left unclaimed for fifteen 12751
days or more following completion of the requested repair or the 12752
agreed term of storage may send by certified mail, return receipt 12753
requested, to the last known address of the owner a notice to 12754
remove the motor vehicle. If the motor vehicle remains unclaimed 12755
by the owner for fifteen days after the mailing of the notice, and 12756
the person on whose property the vehicle has been abandoned has 12757
received the signed receipt from the certified mail or has been 12758
notified that the delivery was not possible, the person shall 12759

obtain a certificate of title to the motor vehicle in the person's name in the manner provided in this section. 12760
12761

The owner of the repair garage or place of storage that mailed the notice shall execute an affidavit that all of the requirements of this section necessary to authorize the issuance of a certificate of title for the motor vehicle have been met. The affidavit shall set forth the value of the motor vehicle when unclaimed as determined in accordance with standards fixed by the registrar of motor vehicles; the length of time that the motor vehicle has remained unclaimed; the expenses incurred with the motor vehicle; that a notice to remove the vehicle has been mailed to the titled owner, if known, by certified mail, return receipt requested; and that a search of the records of the bureau of motor vehicles has been made for outstanding liens on the motor vehicle. 12762
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No affidavit shall be executed or filed under this section until after a search of the records of the bureau of motor vehicles has been made. If the research reveals any outstanding lien on the motor vehicle, the owner of the repair garage or place of storage of the motor vehicle shall notify the mortgagee or lienholder by certified mail, return receipt requested, stating where the motor vehicle is located and the value of the vehicle. Unless the mortgagee or lienholder claims the motor vehicle within fifteen days from the mailing of the notice, the mortgagee's mortgage or the lienholder's lien shall be invalid. 12774
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Upon presentation by the owner of the repair garage or place of storage of the affidavit, showing compliance with all requirements of this section to the clerk of courts of the county in which the repair garage or place of storage is located, the clerk of courts shall issue a certificate of title, free and clear of all liens and encumbrances, to the owner of the place of storage. 12784
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The value of the motor vehicle, as determined in accordance 12791

with standards fixed by the registrar of motor vehicles, less 12792
expenses incurred by the owner of such repair garage or place of 12793
storage, shall be paid to the clerk of courts for deposit into the 12794
county general fund upon receipt of the certificate of title. 12795

(B) Whoever violates this section shall be fined not more 12796
than two hundred dollars, imprisoned not more than ninety days, or 12797
both. 12798

Sec. 4505.102. (A) If a pawnbroker licensed under Chapter 12799
4727. of the Revised Code makes a loan that is secured by a motor 12800
vehicle, watercraft, or outboard motor and has taken possession of 12801
the motor vehicle, watercraft, or outboard motor and the 12802
certificate of title to the motor vehicle, watercraft, or outboard 12803
motor, and the owner of the motor vehicle, watercraft, or outboard 12804
motor fails to redeem or pay interest on the loan for which the 12805
motor vehicle, watercraft, or outboard motor was pledged within 12806
two months from the date of the loan or the date on which the last 12807
interest payment is due, and the pawnbroker notifies the owner by 12808
mail, with proof of mailing, as required by division (A) of 12809
section 4727.11 of the Revised Code, of the possible forfeiture of 12810
the motor vehicle, watercraft, or outboard motor, and the owner 12811
fails to redeem the motor vehicle, watercraft, or outboard motor 12812
within the thirty-day period required by that division to be 12813
specified in the notice, the pawnbroker shall proceed to obtain a 12814
certificate of title to the motor vehicle, watercraft, or outboard 12815
motor in the pawnbroker's name in the manner provided in this 12816
section. 12817

(B) The pawnbroker shall execute an affidavit stating all of 12818
the following: 12819

(1) That the pawnbroker is a pawnbroker licensed under 12820
Chapter 4727. of the Revised Code; 12821

(2) That the pawnbroker has made a loan to the owner of a 12822

motor vehicle, watercraft, or outboard motor, and the security for 12823
the loan is the motor vehicle, watercraft, or outboard motor; 12824
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(3) That both the motor vehicle, watercraft, or outboard 12826
motor and the certificate of title to the motor vehicle, 12827
watercraft, or outboard motor are in the possession of the 12828
pawnbroker; 12829

(4) That the owner of the motor vehicle, watercraft, or 12830
outboard motor has failed to redeem the pledged motor vehicle, 12831
watercraft, or outboard motor or pay interest on the loan for 12832
which the motor vehicle, watercraft, or outboard motor was pledged 12833
within two months from the date of the loan or the date on which 12834
the last interest payment was due; 12835

(5) That the pawnbroker has notified the owner of the motor 12836
vehicle, watercraft, or outboard motor by mail, with proof of 12837
mailing, as required by division (A) of section 4727.11 of the 12838
Revised Code, and the owner has failed to redeem the motor 12839
vehicle, watercraft, or outboard motor within the thirty-day 12840
period required by that division to be specified in the notice. 12841

Upon presentation by the pawnbroker of a copy of the 12842
affidavit, a copy of the pawn form, a copy of the proof of 12843
mailing, and the certificate of title to the motor vehicle, 12844
watercraft, or outboard motor, a clerk of a court of common pleas 12845
shall issue, if the record shows no lien or encumbrances exist, a 12846
certificate of title, free and clear of all liens and 12847
encumbrances, to the pawnbroker. 12848

(C) No person shall execute or present the affidavit required 12849
by this section, knowing any entry on the affidavit to be false. 12850
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(D) Whoever violates this section shall be fined not more 12852
than two hundred dollars, imprisoned not more than ninety days, or 12853

both. 12854

Sec. 4505.11. (A) Each owner of a motor vehicle and each 12855
person mentioned as owner in the last certificate of title, when 12856
the motor vehicle is dismantled, destroyed, or changed in such 12857
manner that it loses its character as a motor vehicle, or changed 12858
in such manner that it is not the motor vehicle described in the 12859
certificate of title, shall surrender the certificate of title to 12860
that motor vehicle to a clerk of a court of common pleas, and the 12861
clerk, with the consent of any holders of any liens noted on the 12862
certificate of title, then shall enter a cancellation upon the 12863
clerk's records and shall notify the registrar of motor vehicles 12864
of the cancellation. 12865

Upon the cancellation of a certificate of title in the manner 12866
prescribed by this section, any clerk and the registrar of motor 12867
vehicles may cancel and destroy all certificates and all 12868
memorandum certificates in that chain of title. 12869

(B) If an Ohio certificate of title or salvage certificate of 12870
title to a motor vehicle is assigned to a salvage dealer, the 12871
dealer is not required to obtain an Ohio certificate of title or a 12872
salvage certificate of title to the motor vehicle in the dealer's 12873
own name if the dealer dismantles or destroys the motor vehicle, 12874
indicates the number of the dealer's motor vehicle salvage 12875
dealer's license on it, marks "FOR DESTRUCTION" across the face of 12876
the certificate of title or salvage certificate of title, and 12877
surrenders the certificate of title or salvage certificate of 12878
title to a clerk of a court of common pleas as provided in 12879
division (A) of this section. If the salvage dealer retains the 12880
motor vehicle for resale, the dealer shall make application for a 12881
salvage certificate of title to the motor vehicle in the dealer's 12882
own name as provided in division (C)(1) of this section. 12883

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(C)(1) When an insurance company declares it economically 12885
impractical to repair such a motor vehicle and has paid an agreed 12886
price for the purchase of the motor vehicle to any insured or 12887
claimant owner, the insurance company shall receive the 12888
certificate of title and the motor vehicle and proceed as follows. 12889
Within thirty days, the insurance company shall deliver the 12890
certificate of title to a clerk of a court of common pleas and 12891
shall make application for a salvage certificate of title. The 12892
clerk shall issue the salvage certificate of title on a form, 12893
prescribed by the registrar, that shall be easily distinguishable 12894
from the original certificate of title and shall bear the same 12895
number and information as the original certificate of title. 12896
Except as provided in division (C)(2) of this section, the salvage 12897
certificate of title shall be assigned by the insurance company to 12898
a salvage dealer or any other person for use as evidence of 12899
ownership upon the sale or other disposition of the motor vehicle, 12900
and the salvage certificate of title shall be transferrable to any 12901
other person. The clerk shall charge a fee of four dollars for the 12902
cost of processing each salvage certificate of title. 12903
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(2) If an insurance company considers a motor vehicle as 12905
described in division (C)(1) of this section to be impossible to 12906
restore for highway operation, the insurance company may assign 12907
the certificate of title to the motor vehicle to a salvage dealer 12908
or scrap metal processing facility and send the assigned 12909
certificate of title to the clerk of the court of common pleas of 12910
the county in which the salvage dealer or scrap metal processing 12911
facility is located. The insurance company shall mark the face of 12912
the certificate of title "FOR DESTRUCTION" and shall deliver a 12913
photocopy of the certificate of title to the salvage dealer or 12914
scrap metal processing facility for its records. 12915

(3) If an insurance company declares it economically 12916

impractical to repair a motor vehicle, agrees to pay to the 12917
insured or claimant owner an amount in settlement of a claim 12918
against a policy of motor vehicle insurance covering the motor 12919
vehicle, and agrees to permit the insured or claimant owner to 12920
retain possession of the motor vehicle, the insurance company 12921
shall not pay the insured or claimant owner any amount in 12922
settlement of the insurance claim until the owner obtains a 12923
salvage certificate of title to the vehicle and furnishes a copy 12924
of the salvage certificate of title to the insurance company. 12925

(D) When a self-insured organization, rental or leasing 12926
company, or secured creditor becomes the owner of a motor vehicle 12927
that is burned, damaged, or dismantled and is determined to be 12928
economically impractical to repair, the self-insured organization, 12929
rental or leasing company, or secured creditor shall do one of the 12930
following: 12931

(1) Mark the face of the certificate of title to the motor 12932
vehicle "FOR DESTRUCTION" and surrender the certificate of title 12933
to a clerk of a court of common pleas for cancellation as 12934
described in division (A) of this section. The self-insured 12935
organization, rental or leasing company, or secured creditor then 12936
shall deliver the motor vehicle, together with a photocopy of the 12937
certificate of title, to a salvage dealer or scrap metal 12938
processing facility and shall cause the motor vehicle to be 12939
dismantled, flattened, crushed, or destroyed. 12940

(2) Obtain a salvage certificate of title to the motor 12941
vehicle in the name of the self-insured organization, rental or 12942
leasing company, or secured creditor, as provided in division 12943
(C)(1) of this section, and then sell or otherwise dispose of the 12944
motor vehicle. If the motor vehicle is sold, the self-insured 12945
organization, rental or leasing company, or secured creditor shall 12946
obtain a salvage certificate of title to the motor vehicle in the 12947
name of the purchaser from a clerk of a court of common pleas. 12948

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(E) If a motor vehicle titled with a salvage certificate of title is restored for operation upon the highways, application shall be made to a clerk of a court of common pleas for a certificate of title. Upon inspection by the state highway patrol, which shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle and of documentation or receipts for the materials used in restoration by the owner of the motor vehicle being inspected, which documentation or receipts shall be 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 fifty dollars 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

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Revised Code.	12982
(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.	12983 12984 12985 12986
(G) No motor vehicle the certificate of title to which has been marked "FOR DESTRUCTION" and surrendered to a clerk of a court of common pleas shall be used for anything except parts and scrap metal.	12987 12988 12989 12990
(H)(1) Except as otherwise provided in this division, an owner of a manufactured or mobile home that will be taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located. An owner whose home qualifies for real property taxation under divisions (B)(1)(a) and (b) of section 4503.06 of the Revised Code shall surrender the certificate within fifteen days after the home meets the conditions specified in those divisions. The auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it.	12991 12992 12993 12994 12995 12996 12997 12998 12999 13000 13001
(2) If the certificate of title for a manufactured or mobile home that is to be taxed as real property is held by a lienholder, the lienholder shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located, and the auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it. The lienholder shall surrender the certificate within thirty days after both of the following have occurred:	13002 13003 13004 13005 13006 13007 13008 13009
(a) The homeowner has provided written notice to the lienholder requesting that the certificate of title be surrendered to the auditor of the county containing the taxing district in	13010 13011 13012

which the home is located. 13013

(b) The homeowner has either paid the lienholder the 13014
remaining balance owed to the lienholder, or, with the 13015
lienholder's consent, executed and delivered to the lienholder a 13016
mortgage on the home and land on which the home is sited in the 13017
amount of the remaining balance owed to the lienholder. 13018

(3) Upon the delivery of a certificate of title by the county 13019
auditor to the clerk, the clerk shall inactivate it and retain it 13020
for a period of thirty years. 13021

(4) Upon application by the owner of a manufactured or mobile 13022
home that is taxed as real property pursuant to division (B) of 13023
section 4503.06 of the Revised Code and that no longer satisfies 13024
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 13025
section, the clerk shall reactivate the record of the certificate 13026
of title that was inactivated under division (H)(3) of this 13027
section and shall issue a new certificate of title, but only if 13028
the application contains or has attached to it all of the 13029
following: 13030

(a) An endorsement of the county treasurer that all real 13031
property taxes charged against the home under Title LVII of the 13032
Revised Code and division (B) of section 4503.06 of the Revised 13033
Code for all preceding tax years have been paid; 13034

(b) An endorsement of the county auditor that the home will 13035
be removed from the real property tax list; 13036

(c) Proof that there are no outstanding mortgages or other 13037
liens on the home or, if there are such mortgages or other liens, 13038
that the mortgagee or lienholder has consented to the reactivation 13039
of the certificate of title. 13040

(I)(1) Whoever violates division (F) of this section shall be 13041
fined not more than two thousand dollars, imprisoned not more than 13042
one year, or both. 13043

(2) Whoever violates division (G) of this section shall be 13044
fined not more than one thousand dollars, imprisoned not more than 13045
six months, or both. 13046

Sec. 4505.111. (A) Every motor vehicle, other than a motor 13047
vehicle as provided in divisions (C), (D), and (E) of section 13048
4505.11 of the Revised Code, that is assembled from component 13049
parts by a person other than the manufacturer, shall be inspected 13050
by the state highway patrol prior to issuance of title to the 13051
motor vehicle. The inspection shall include establishing proof of 13052
ownership and an inspection of the motor number and vehicle 13053
identification number of the motor vehicle, and any items of 13054
equipment the director of public safety considers advisable and 13055
requires to be inspected by rule. A fee of forty dollars in fiscal 13056
year 1998 and fifty dollars in fiscal year 1999 and thereafter 13057
shall be assessed by the state highway patrol for each inspection 13058
made pursuant to this section, and shall be deposited in the state 13059
highway safety fund established by section 4501.06 of the Revised 13060
Code. 13061

(B) Whoever violates this section shall be fined not more 13062
than two thousand dollars, imprisoned not more than one year, or 13063
both. 13064

Sec. 4505.15. (A) Manufacturers and importers shall appoint 13065
and authorize agents who shall sign manufacturer's or importer's 13066
certificates. The registrar of motor vehicles may require that a 13067
certified copy of a list containing the names and the facsimile 13068
signatures of the authorized agents be furnished ~~him~~ the registrar 13069
and be forwarded to each clerk of the court of common pleas in the 13070
respective counties within the state, and the registrar may 13071
prescribe the form of authorization to be used by manufacturers or 13072
importers and the method of certification of the names of said 13073

agents. 13074

(B) Whoever violates this section shall be fined not more 13075
than two hundred dollars, imprisoned not more than ninety days, or 13076
both. 13077

Sec. 4505.17. (A) Every sheriff, chief of police, constable, 13078
state highway patrol trooper, employee of the state highway 13079
patrol, and designated officer of the department of public safety, 13080
having knowledge of a stolen motor vehicle, immediately shall 13081
furnish the registrar of motor vehicles with full information 13082
concerning such theft. 13083

Whenever the registrar receives a report of the theft or 13084
conversion of a motor vehicle, whether the same has been 13085
registered or not and whether owned in this or any other state, 13086
the registrar shall make a distinctive record thereof, including 13087
the make of the stolen vehicle and its manufacturer's vehicle 13088
identification number. The registrar shall prepare a report 13089
listing motor vehicles stolen and recovered as disclosed by the 13090
reports submitted to the registrar, to be distributed as the 13091
registrar determines advisable. 13092

In the event of the receipt from any clerk of the court of 13093
common pleas of a copy of a certificate of title to such a motor 13094
vehicle, the registrar immediately shall notify the rightful owner 13095
thereof and the clerk who issued such certificate of title, and 13096
if, upon investigation, it appears that such certificate of title 13097
was improperly issued, the registrar immediately shall cancel the 13098
certificate. 13099

In the event of the recovery of a stolen or converted motor 13100
vehicle, the owner immediately shall notify the registrar, who 13101
shall remove the record of the theft or conversion from the 13102
registrar's file. 13103

(B) Whoever violates this section shall be fined not more 13104
than two hundred dollars, imprisoned not more than ninety days, or 13105
both. 13106

Sec. 4505.18. (A) No person shall do any of the following: 13107

(1) Operate in this state a motor vehicle for which a 13108
certificate of title is required without having that certificate 13109
in accordance with this chapter or, if a physical certificate of 13110
title has not been issued for a motor vehicle, operate the motor 13111
vehicle in this state knowing that the ownership information 13112
relating to the vehicle has not been entered into the automated 13113
title processing system by a clerk of a court of common pleas; 13114

(2) Display or display for sale or sell as a dealer or acting 13115
on behalf of a dealer, a motor vehicle without having obtained a 13116
manufacturer's or importer's certificate, a certificate of title, 13117
or an assignment of a certificate of title for it as provided in 13118
this chapter; 13119

(3) Fail to surrender any certificate of title or any 13120
certificate of registration or license plates upon cancellation of 13121
the same by the registrar of motor vehicles and notice of the 13122
cancellation as prescribed in this chapter; 13123

(4) Fail to surrender the certificate of title to a clerk of 13124
a court of common pleas as provided in this chapter in case of the 13125
destruction or dismantling or change of a motor vehicle in such 13126
respect that it is not the motor vehicle described in the 13127
certificate of title; 13128

(5) Violate any rules adopted pursuant to this chapter; 13129

(6) Except as otherwise provided in this chapter and Chapter 13130
4517. of the Revised Code, sell at wholesale a motor vehicle the 13131
ownership of which is not evidenced by an Ohio certificate of 13132
title, or the current certificate of title issued for the motor 13133

vehicle, or the manufacturer's certificate of origin, and all 13134
title assignments that evidence the seller's ownership of the 13135
motor vehicle, and an odometer disclosure statement that complies 13136
with section 4505.06 of the Revised Code and subchapter IV of the 13137
"Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 13138
(1972), 15 U.S.C. 1981; 13139

(7) Operate in this state a motor vehicle knowing that the 13140
certificate of title to the vehicle or ownership of the vehicle as 13141
otherwise reflected in the automated title processing system has 13142
been canceled. 13143

(B) This section does not apply to persons engaged in the 13144
business of warehousing or transporting motor vehicles for the 13145
purpose of salvage disposition. 13146

(C) Whoever violates this section shall be fined not more 13147
than two hundred dollars, imprisoned not more than ninety days, or 13148
both. 13149

Sec. 4505.19. (A) No person shall do any of the following: 13150

~~(A)~~(1) Procure or attempt to procure a certificate of title 13151
or a salvage certificate of title to a motor vehicle, or pass or 13152
attempt to pass a certificate of title, a salvage certificate of 13153
title, or any assignment of a certificate of title or salvage 13154
certificate of title to a motor vehicle, or in any other manner 13155
gain or attempt to gain ownership to a motor vehicle, knowing or 13156
having reason to believe that the motor vehicle or any part of the 13157
motor vehicle has been acquired through commission of a theft 13158
offense as defined in section 2913.01 of the Revised Code; 13159

~~(B)~~(2) Purport to sell or transfer a motor vehicle without 13160
delivering to the purchaser or transferee of it a certificate of 13161
title, a salvage certificate of title, or a manufacturer's or 13162
importer's certificate to it, assigned to the purchaser as 13163

provided for in this chapter, except as otherwise provided in this 13164
chapter; 13165

~~(C)~~(3) With intent to defraud, possess, sell, offer to sell, 13166
counterfeit, or supply a blank, forged, fictitious, counterfeit, 13167
stolen, or fraudulently or unlawfully obtained certificate of 13168
title, registration, bill of sale, or other instruments of 13169
ownership of a motor vehicle, or conspire to do any of the 13170
foregoing; 13171

~~(D)~~(4) Knowingly obtain goods, services, credit, or money by 13172
means of an invalid, fictitious, forged, counterfeit, stolen, or 13173
unlawfully obtained original or duplicate certificate of title, 13174
registration, bill of sale, or other instrument of ownership of a 13175
motor vehicle; 13176

~~(E)~~(5) Knowingly obtain goods, services, credit, or money by 13177
means of a certificate of title to a motor vehicle, which is 13178
required to be surrendered to the registrar of motor vehicles or 13179
the clerk of the court of common pleas as provided in this 13180
chapter. 13181

(B) Whoever violates this section shall be fined not more 13182
than five thousand dollars or imprisoned in the county jail or 13183
workhouse not less than six months nor more than one year, or 13184
both, or in a state correctional institution not less than one 13185
year nor more than five years. 13186

Sec. 4505.20. (A) Notwithstanding division (A)(2) of section 13187
4505.18 of the Revised Code or any other provision of this chapter 13188
or Chapter 4517. of the Revised Code, a secured party may 13189
designate any dealer to display, display for sale, or sell a 13190
manufactured or mobile home if the home has come into the 13191
possession of that secured party by a default in the terms of a 13192
security instrument and the certificate of title remains in the 13193
name and possession of the secured party. 13194

(B) Notwithstanding division (A)(2) of section 4505.18 of the Revised Code or any other provision of this chapter or Chapter 4517. of the Revised Code, the owner of a recreational vehicle or a secured party of a recreational vehicle who has come into possession of the vehicle by a default in the terms of a security instrument, may designate any dealer to display, display for sale, or sell the vehicle while the certificate of title remains in the possession of the owner or secured party. No dealer may display or offer for sale more than five recreational vehicles at any time under this division. No dealer may display or offer for sale a recreational vehicle under this division unless the dealer maintains insurance or the bond of a surety company authorized to transact business within this state in an amount sufficient to satisfy the fair market value of the vehicle.

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(C) The registrar of motor vehicles may adopt rules in accordance with Chapter 119. of the Revised Code prescribing the maximum number of manufactured or mobile homes that have come into the possession of a secured party by a default in the terms of a security instrument that any dealer may display or offer for sale at any time. The registrar may adopt other reasonable rules regarding the resale of such manufactured homes, mobile homes, and recreational vehicles that the registrar considers necessary.

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(D) The secured party or owner shall provide the dealer with written authorization to display, display for sale, or sell the manufactured home, mobile home, or recreational vehicle. The dealer shall show and explain the written authorization to any prospective purchaser. The written authorization shall contain the vehicle identification number, make, model, year of manufacture, and physical description of the manufactured home, mobile home, or recreational vehicle that is provided to the dealer.

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(E) As used in this section, "dealer" means a new motor 13228
vehicle dealer that is licensed under Chapter 4517. of the Revised 13229
Code. 13230

(F) Whoever violates this section shall be fined not more 13231
than two hundred dollars, imprisoned not more than ninety days, or 13232
both. 13233

Sec. 4505.21. (A) As used in this section: 13234

(1) "Certified receipt of title cancellation" means a form 13235
prescribed by the registrar of motor vehicles for use under this 13236
section that shall include all of the following: 13237

(a) The name of the owner who surrenders a certificate of 13238
title to a vehicle intended to be exported; 13239

(b) A description of the motor vehicle that shall include the 13240
year, make, model, style, vehicle identification number, color, 13241
license registration number, and the state of registration; 13242

(c) The destination of the motor vehicle; 13243

(d) Whether the purpose of the export is for sale, lease, 13244
personal use, or other specified use; 13245

(e) Such other information as the registrar determines to be 13246
appropriate. 13247

(2) A "declaration of temporary export" means a form 13248
prescribed by the registrar that includes all of the following: 13249

(a) The items specified in divisions (A)(1)(a) to (e) of this 13250
section; 13251

(b) A statement that the vehicle will not be permanently 13252
located outside of the United States and that the owner intends to 13253
return the vehicle to the United States; 13254

(c) The period of time for which it is anticipated that the motor vehicle will be located outside of the United States. 13255
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(3) "Export" means the shipping or transportation of a motor vehicle from any point inside the United States to a point outside of the United States. "Export" does not include operating the motor vehicle by means of its own power or that of a motor vehicle drawing or towing it unless the purpose of the owner is to avoid compliance with division (B) or (C) of this section. 13257
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(4) "Owner" means the person named on a certificate of title issued by this state as the owner or assignee of the owner of the motor vehicle for which the certificate of title has been issued and includes any person who is lawfully entitled to the issuance of a new certificate of title to the motor vehicle naming the person as owner of the vehicle or who is lawfully entitled to surrender the certificate of title under this section. "Owner" includes a secured party who exports or permits the export of a motor vehicle in the exercise of the secured party's rights and powers under the security agreement. 13263
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(B) No owner of a motor vehicle who exports or permits the export of the motor vehicle for permanent location outside of the United States shall do any of the following: 13273
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(1) Fail to surrender the certificate of title to the motor vehicle to the registrar prior to the date that the motor vehicle is delivered to any person for export; 13276
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13278

(2) Knowingly fail to surrender the certificate of title to the motor vehicle to the registrar prior to the date that the motor vehicle is delivered to any person for export. 13279
13280
13281

(C) No owner of a motor vehicle who exports or permits the export of the motor vehicle for temporary location outside of the United States shall do any of the following: 13282
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13284

(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 13316
noted on the certificate have consented to the surrender of the 13317
certificate, the registrar shall issue a certified receipt of 13318
title to the owner with such notation of security interests as 13319
shall be requested upon the title surrender form. 13320

(F) The registrar shall record a declaration of temporary 13321
export filed under division (B)(2) of this section and retain it 13322
with the records of the certificate of title until the owner 13323
notifies the registrar, on a form prescribed by the registrar, 13324
that the motor vehicle has been returned to the United States. 13325

(G)(1) Whoever violates division (B)(1) or (C)(1) of this 13326
section is guilty of a misdemeanor of the first degree. 13327

(2) Whoever violates division (B)(2) or (C)(2) of this 13328
section is guilty of a felony of the fifth degree. 13329

~~Sec. 4505.99. (A) Whoever violates division (G) of section 13330
4505.11 of the Revised Code shall be fined not more than one 13331
thousand dollars, imprisoned not more than six months, or both. 13332~~

~~(B) Whoever violates division (F) of section 4505.11 or 13333
section 4505.111 of the Revised Code shall be fined not more than 13334
two thousand dollars or imprisoned not more than one year, or 13335
both. 13336~~

~~(C) Whoever violates any provision of sections 4505.01 to 13337
4505.21 of the Revised Code for which no penalty ~~is~~ otherwise is 13338
provided in ~~this~~ the section that contains the provision violated 13339
shall be fined not more than two hundred dollars, imprisoned not 13340
more than ninety days, or both. 13341~~

~~(D) Whoever violates section 4505.19 of the Revised Code 13342
shall be fined not more than five thousand dollars or imprisoned 13343
in the county jail or workhouse not less than six months nor more 13344
than one year, or both, or in a state correctional institution not 13345~~

~~less than one nor more than five years.~~ 13346

~~(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.~~ 13347
13348
13349

~~(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.~~ 13350
13351
13352

Sec. 4506.01. As used in this chapter: 13353

(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: 13354
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13356

(1) One hundred milliliters of whole blood, blood serum, or blood plasma; 13357
13358

(2) Two hundred ten liters of breath; 13359

(3) One hundred milliliters of urine. 13360

(B) "School bus" has the same meaning as in section 4511.01 of the Revised Code. 13361
13362

(C) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle. 13363
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13365

(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. 13366
13367
13368
13369

(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: 13370
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13372
13373

(1) Any combination of vehicles with a combined gross vehicle 13374

weight rating of twenty-six thousand one pounds or more, provided 13375
the gross vehicle weight rating of the vehicle or vehicles being 13376
towed is in excess of ten thousand pounds; 13377

(2) Any single vehicle with a gross vehicle weight rating of 13378
twenty-six thousand one pounds or more, or any such vehicle towing 13379
a vehicle having a gross vehicle weight rating that is not in 13380
excess of ten thousand pounds; 13381

(3) Any single vehicle or combination of vehicles that is not 13382
a class A or class B vehicle, but that either is designed to 13383
transport sixteen or more passengers including the driver, or is 13384
placarded for hazardous materials; 13385

(4) Any school bus with a gross vehicle weight rating of less 13386
than twenty-six thousand one pounds that is designed to transport 13387
fewer than sixteen passengers including the driver; 13388

(5) Is transporting hazardous materials for which placarding 13389
is required by regulations adopted under the "Hazardous Materials 13390
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 13391
amended; 13392

(6) Any single vehicle or combination of vehicles that is 13393
designed to be operated and to travel on a public street or 13394
highway and is considered by the federal highway administration to 13395
be a commercial motor vehicle, including, but not limited to, a 13396
motorized crane, a vehicle whose function is to pump cement, a rig 13397
for drilling wells, and a portable crane. 13398

(F) "Controlled substance" means all of the following: 13399

(1) Any substance classified as a controlled substance under 13400
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 13401
802(6), as amended; 13402

(2) Any substance included in schedules I through V of 21 13403
C.F.R. part 1308, as amended; 13404

(3) Any drug of abuse.	13405
(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.	13406 13407 13408 13409 13410 13411 13412 13413
(H) "Disqualification" means withdrawal of the privilege to drive a commercial motor vehicle.	13414 13415
(I) "Drive" means to drive, operate, or be in physical control of a motor vehicle.	13416 13417
(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.	13418 13419 13420
(K) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.	13421 13422
(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.	13423 13424 13425 13426 13427
(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.	13428 13429 13430 13431
(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.	13432 13433 13434

(O) "Felony" means any offense under federal or state law	13435
that is punishable by death or specifically classified as a felony	13436
under the law of this state, regardless of the penalty that may be	13437
imposed.	13438
(P) "Foreign jurisdiction" means any jurisdiction other than	13439
a state.	13440
(Q) "Gross vehicle weight rating" means the value specified	13441
by the manufacturer as the maximum loaded weight of a single or a	13442
combination vehicle. The gross vehicle weight rating of a	13443
combination vehicle is the gross vehicle weight rating of the	13444
power unit plus the gross vehicle weight rating of each towed	13445
unit.	13446
(R) "Hazardous materials" means materials identified as such	13447
under regulations adopted under the "Hazardous Materials	13448
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as	13449
amended.	13450
(S) "Motor vehicle" has the same meaning as in section	13451
4511.01 of the Revised Code.	13452
(T) Except when used in sections 4506.25 and 4506.26 of the	13453
Revised Code, "out-of-service order" means a temporary prohibition	13454
against driving a commercial motor vehicle issued under this	13455
chapter or a similar law of another state or of a foreign	13456
jurisdiction.	13457
(U) "Residence" means any person's residence determined in	13458
accordance with standards prescribed in rules adopted by the	13459
registrar.	13460
(V) "Temporary residence" means residence on a temporary	13461
basis as determined by the registrar in accordance with standards	13462
prescribed in rules adopted by the registrar.	13463
(W) "Serious traffic violation" means a conviction arising	13464

from the operation of a commercial motor vehicle that involves any 13465
of the following: 13466

(1) A single charge of any speed that is in excess of the 13467
posted speed limit by an amount specified by the United States 13468
secretary of transportation and that the director of public safety 13469
designates as such by rule; 13470

(2) Violation of section 4511.20, 4511.201, or 4511.202 of 13471
the Revised Code or any similar ordinance or resolution, or of any 13472
similar law of another state or political subdivision of another 13473
state; 13474

(3) Violation of a law of this state or an ordinance or 13475
resolution relating to traffic control, other than a parking 13476
violation, or of any similar law of another state or political 13477
subdivision of another state, that results in a fatal accident; 13478

(4) Violation of any other law of this state or an ordinance 13479
or resolution relating to traffic control, other than a parking 13480
violation, that is determined to be a serious traffic violation by 13481
the United States secretary of transportation and the director 13482
designates as such by rule. 13483

(X) "State" means a state of the United States and includes 13484
the District of Columbia. 13485

(Y) "Tank vehicle" means any commercial motor vehicle that is 13486
designed to transport any liquid and has a maximum capacity 13487
greater than one hundred nineteen gallons or is designed to 13488
transport gaseous materials and has a water capacity greater than 13489
one thousand pounds within a tank that is either permanently or 13490
temporarily attached to the vehicle or its chassis. "Tank vehicle" 13491
does not include either of the following: 13492

(1) Any portable tank having a rated capacity of less than 13493
one thousand gallons; 13494

(2) Tanks used exclusively as a fuel tank for the motor vehicle to which it is attached.	13495 13496
(Z) "United States" means the fifty states and the District of Columbia.	13497 13498
(AA) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code.	13499 13500
(BB) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	13501 13502
(CC) "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded on or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.	13503 13504 13505 13506
Sec. 4506.02. (A) Nothing in this chapter applies to any person when engaged in the operation of any of the following:	13507 13508
(1) A farm truck;	13509
(2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district;	13510 13511
(3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;	13512 13513
(4) A recreational vehicle;	13514
(5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under this chapter and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow	13515 13516 13517 13518 13519 13520 13521 13522 13523

or ice emergency exists that requires additional assistance; 13524

(6) A vehicle owned by the department of defense and operated 13525
by any member or uniformed employee of the armed forces of the 13526
United States or their reserve components, including the Ohio 13527
national guard. This exception does not apply to United States 13528
reserve technicians. 13529

(7) A commercial motor vehicle that is operated for 13530
nonbusiness purposes. "Operated for nonbusiness purposes" means 13531
that the commercial motor vehicle is not used in commerce as 13532
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 13533
regulated by the public utilities commission pursuant to Chapter 13534
4919., 4921., or 4923. of the Revised Code. 13535

(8) A motor vehicle that is designed primarily for the 13536
transportation of goods and not persons, while that motor vehicle 13537
is being used for the occasional transportation of personal 13538
property by individuals not for compensation and not in the 13539
furtherance of a commercial enterprise. 13540

(B) Nothing contained in division (A)(5) of this section 13541
shall be construed as preempting or superseding any law, rule, or 13542
regulation of this state concerning the safe operation of 13543
commercial motor vehicles. 13544

~~(B)~~(C) As used in this section: 13545

(1) "Eligible unit of local government" means a village, 13546
township, or county that has a population of not more than three 13547
thousand persons according to the most recent federal census. 13548

(2) "Farm truck" means a truck controlled and operated by a 13549
farmer for use in the transportation to or from a farm, for a 13550
distance of no more than one hundred fifty miles, of products of 13551
the farm, including livestock and its products, poultry and its 13552
products, floricultural and horticultural products, and in the 13553
transportation to the farm, from a distance of no more than one 13554

hundred fifty miles, of supplies for the farm, including tile, 13555
fence, and every other thing or commodity used in agricultural, 13556
floricultural, horticultural, livestock, and poultry production, 13557
and livestock, poultry, and other animals and things used for 13558
breeding, feeding, or other purposes connected with the operation 13559
of the farm, when the truck is operated in accordance with this 13560
division and is not used in the operations of a motor 13561
transportation company or private motor carrier. 13562

(3) "Public safety vehicle" has the same meaning as in 13563
divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 13564

(4) "Recreational vehicle" includes every vehicle that is 13565
defined as a recreational vehicle in section 4501.01 of the 13566
Revised Code and is used exclusively for purposes other than 13567
engaging in business for profit. 13568

Sec. 4506.03. (A) On and after April 1, 1992, the following 13569
shall apply: 13570

(1) No person shall drive a commercial motor vehicle on a 13571
highway in this state unless ~~he~~ the person holds a valid 13572
commercial driver's license with proper endorsements for the motor 13573
vehicle being driven, issued by the registrar of motor vehicles, a 13574
valid examiner's commercial driving permit issued under section 13575
4506.13 of the Revised Code, a valid restricted commercial 13576
driver's license and waiver for farm-related service industries 13577
issued under section 4506.24 of the Revised Code, or a valid 13578
commercial driver's license temporary instruction permit issued by 13579
the registrar and is accompanied by an authorized state driver's 13580
license examiner or tester or a person who has been issued and has 13581
in ~~his~~ the person's immediate possession a current, valid 13582
commercial driver's license with proper endorsements for the motor 13583
vehicle being driven. 13584

(2) No person shall be issued a commercial driver's license 13585

until ~~he~~ the person surrenders to the registrar of motor vehicles 13586
all valid licenses issued to ~~him~~ the person by another 13587
jurisdiction recognized by this state. All surrendered licenses 13588
shall be returned by the registrar to the issuing authority. 13589

(3) No person who has been a resident of this state for 13590
thirty days or longer shall drive a commercial motor vehicle under 13591
the authority of a commercial driver's license issued by another 13592
jurisdiction. 13593

(B) As used in this section and in section 4506.09 of the 13594
Revised Code, "tester" means a person or entity acting pursuant to 13595
a valid agreement entered into under division (B) of section 13596
4506.09 of the Revised Code. 13597

(C) Whoever violates this section is guilty of a misdemeanor 13598
of the first degree. 13599

Sec. 4506.04. (A) No person shall do any of the following: 13600

(1) Drive a commercial motor vehicle while having in ~~his~~ the 13601
person's possession or otherwise under ~~his~~ the person's control 13602
more than one valid driver's license issued by this state, any 13603
other state, or by a foreign jurisdiction; 13604

(2) Drive a commercial motor vehicle on a highway in this 13605
state in violation of an out-of-service order, while ~~his~~ the 13606
person's driving privilege is suspended, revoked, or canceled, or 13607
while ~~he~~ the person is subject to disqualification; 13608

(3) Drive a motor vehicle on a highway in this state under 13609
authority of a commercial driver's license issued by another state 13610
or a foreign jurisdiction, after having been a resident of this 13611
state for thirty days or longer; 13612

(4) Knowingly give false information in any application or 13613
certification required by section 4506.07 of the Revised Code. 13614

(B) The department of public safety shall give every 13615

conviction occurring out of this state and notice of which is 13616
received after December 31, 1989, full faith and credit and treat 13617
it for sanctioning purposes under this chapter as though the 13618
conviction had occurred in this state. 13619

(C)(1) Whoever violates division (A)(1), (2), or (3) of this 13620
section is guilty of a misdemeanor of the first degree. 13621

(2) Whoever violates division (A)(4) of this section is 13622
guilty of falsification, a misdemeanor of the first degree. In 13623
addition, the provisions of section 4507.19 of the Revised Code 13624
apply. 13625

Sec. 4506.05. (A) Notwithstanding any other provision of law, 13626
a person may drive a commercial motor vehicle on a highway in this 13627
state if all of the following conditions are met: 13628

~~(A) He~~ (1) The person has a valid commercial driver's license 13629
or commercial driver's license temporary instruction permit issued 13630
by any state in accordance with the minimum standards adopted by 13631
the federal highway administration under the "Commercial Motor 13632
Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 13633
for issuance of commercial drivers' licenses; 13634

~~(B) His~~ (2) The person's commercial driver's license or 13635
permit is not suspended, revoked, or canceled; 13636

~~(C) He~~ (3) The person is not disqualified from driving a 13637
commercial motor vehicle; 13638

~~(D) He~~ (4) The person is not subject to an out-of-service 13639
order. 13640

(B) Whoever violates this section is guilty of a misdemeanor 13641
of the first degree. 13642

Sec. 4506.06. (A) The registrar of motor vehicles, upon 13643
receiving an application for a commercial driver's temporary 13644

instruction permit, may issue the permit to any person who is at 13645
least eighteen years of age and holds a valid driver's license, 13646
other than a restricted license, issued under Chapter 4507. of the 13647
Revised Code. A commercial driver's temporary instruction permit 13648
shall not be issued for a period exceeding six months and only one 13649
renewal of a permit shall be granted in a two-year period. 13650

The holder of a commercial driver's temporary instruction 13651
permit, unless otherwise disqualified, may drive a commercial 13652
motor vehicle when having the permit in the holder's actual 13653
possession and accompanied by a person who holds a valid 13654
commercial driver's license valid for the type of vehicle being 13655
driven and who occupies a seat beside the permit holder for the 13656
purpose of giving instruction in driving the motor vehicle. 13657

(B) Whoever violates this section is guilty of a misdemeanor 13658
of the first degree. 13659

Sec. 4506.10. (A) No person who holds a valid commercial 13660
driver's license shall drive a commercial motor vehicle unless the 13661
person is physically qualified to do so. Each person who drives or 13662
expects to drive a commercial motor vehicle in interstate or 13663
foreign commerce or is otherwise subject to 49 C.F.R. 391, et 13664
seq., as amended, shall certify to the registrar of motor vehicles 13665
at the time of application for a commercial driver's license that 13666
the person is in compliance with these standards. Any person who 13667
is not subject to 49 C.F.R. 391, et seq., as amended, also shall 13668
certify at the time of application that the person is not subject 13669
to these standards. 13670

(B) A person is qualified to drive a class B commercial motor 13671
vehicle with a school bus endorsement, if the person has been 13672
certified as medically qualified in accordance with rules adopted 13673
by the department of education. 13674

(C)(1) Except as provided in division (C)(2) of this section, 13675

any medical examination required by this section shall be 13676
performed only by one of the following: 13677

(a) A person licensed under Chapter 4731. of the Revised Code 13678
to practice medicine or surgery or osteopathic medicine and 13679
surgery in this state, or licensed under any similar law of 13680
another state; 13681

(b) A person licensed as a physician assistant under Chapter 13682
4730. of the Revised Code who practices under the supervision and 13683
direction of a physician as required under that chapter and who is 13684
authorized by the supervising physician to perform such a medical 13685
examination; 13686

(c) A person who is a certified nurse practitioner or a 13687
clinical nurse specialist licensed under Chapter 4723. of the 13688
Revised Code who is practicing in accordance with a standard care 13689
arrangement pursuant to section 4723.431 of the Revised Code. 13690

(2) Any part of an examination required by this section that 13691
pertains to visual acuity, field of vision, and the ability to 13692
recognize colors may be performed by a person licensed under 13693
Chapter 4725. of the Revised Code to practice optometry in this 13694
state, or licensed under any similar law of another state. 13695

(D) Whenever good cause appears, the registrar, upon issuing 13696
a commercial driver's license under this chapter, may impose 13697
restrictions suitable to the licensee's driving ability with 13698
respect to the type of motor vehicle or special mechanical control 13699
devices required on a motor vehicle that the licensee may operate, 13700
or such other restrictions applicable to the licensee as the 13701
registrar determines to be necessary. 13702

The registrar may either issue a special restricted license 13703
or may set forth ~~the restrictions~~ upon the usual license form the 13704
restrictions imposed. 13705

The registrar, upon receiving satisfactory evidence of any 13706

violation of the restrictions of the license, may ~~suspend or~~ 13707
~~revoke it~~ impose a class D license suspension of the license for 13708
the period of time specified in division (B)(4) of section 4510.02 13709
of the Revised Code. 13710

The registrar, upon receiving satisfactory evidence that an 13711
applicant or holder of a commercial driver's license has violated 13712
division (A)(4) of section 4506.04 of the Revised Code and 13713
knowingly given false information in any application or 13714
certification required by section 4506.07 of the Revised Code, 13715
shall cancel the commercial driver's license of the person or any 13716
pending application from the person for a commercial driver's 13717
license or class D driver's license for a period of at least sixty 13718
days, during which time no application for a commercial driver's 13719
license or class D driver's license shall be received from the 13720
person. 13721

(E) Whoever violates this section is guilty of a misdemeanor 13722
of the first degree. 13723

Sec. 4506.11. (A) Every commercial driver's license shall be 13724
marked "commercial driver's license" or "CDL" and shall be of such 13725
material and so designed as to prevent its reproduction or 13726
alteration without ready detection, and, to this end, shall be 13727
laminated with a transparent plastic material. The commercial 13728
driver's license for licensees under twenty-one years of age shall 13729
have characteristics prescribed by the registrar of motor vehicles 13730
distinguishing it from that issued to a licensee who is twenty-one 13731
years of age or older. Every commercial driver's license shall 13732
display all of the following information: 13733

- (1) The name and residence address of the licensee; 13734
- (2) A color photograph of the licensee; 13735
- (3) A physical description of the licensee, including sex, 13736

height, weight, and color of eyes and hair;	13737
(4) The licensee's date of birth;	13738
(5) The licensee's social security number if the person has requested that the number be displayed in accordance with section 4501.31 of the Revised Code or if federal law requires the social security number to be displayed and any number or other identifier the director of public safety considers appropriate and establishes by rules adopted under Chapter 119. of the Revised Code and in compliance with federal law.	13739 13740 13741 13742 13743 13744 13745
(6) The licensee's signature;	13746
(7) The classes of commercial motor vehicles the licensee is authorized to drive and any endorsements or restrictions relating to the licensee's driving of those vehicles;	13747 13748 13749
(8) A space marked "blood type" in which the licensee may specify the licensee's blood type;	13750 13751
(9) The name of this state;	13752
(10) The dates of issuance and of expiration of the license;	13753
(11) If the licensee has certified willingness to make an anatomical donation under section 2108.04 of the Revised Code, any symbol chosen by the registrar of motor vehicles to indicate that the licensee has certified that willingness;	13754 13755 13756 13757
(12) If the licensee 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 licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;	13758 13759 13760 13761 13762 13763 13764
(13) Any other information the registrar considers advisable and requires by rule.	13765 13766

(B) The registrar may establish and maintain a file of negatives of photographs taken for the purposes of this section.

(C) Neither the registrar nor any deputy registrar shall issue a commercial 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 commercial driver's license issued to persons who are twenty-one years of age or older.

(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor.

Sec. 4506.12. (A) Commercial drivers' licenses shall be issued in the following classes and shall include any endorsements and restrictions that are applicable. Subject to any such endorsements and restrictions, the holder of a valid commercial driver's license may drive all commercial motor vehicles in the class for which that license is issued and all lesser classes of vehicles, except that ~~he~~ the holder shall not operate a motorcycle unless ~~he~~ the holder is licensed to do so under Chapter 4507. of the Revised Code.

(B) The classes of commercial drivers' licenses and the commercial motor vehicles that they authorize the operation of are as follows:

(1) Class A--any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, if the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds.

(2) Class B--any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds.

(3) Class C--any single vehicle, or combination of vehicles, 13797
that is not a class A or class B vehicle, but that either is 13798
designed to transport sixteen or more passengers, including the 13799
driver, or is placarded for hazardous materials and any school bus 13800
with a gross vehicle weight rating of less than twenty-six 13801
thousand one pounds that is designed to transport fewer than 13802
sixteen passengers including the driver. 13803

(C) The following endorsements and restrictions apply to 13804
commercial drivers' licenses: 13805

(1) H--authorizes the driver to drive a vehicle transporting 13806
hazardous materials; 13807

(2) K--restricts the driver to only intrastate operation; 13808

(3) L--restricts the driver to vehicles not equipped with air 13809
brakes; 13810

(4) T--authorizes the driver to drive double and triple 13811
trailers; 13812

(5) P--authorizes the driver to drive vehicles carrying 13813
passengers; 13814

(6) P1--authorizes the driver to drive class A vehicles with 13815
fewer than fifteen passengers and all lesser classes of vehicles 13816
without restriction as to the number of passengers; 13817

(7) P2--authorizes the driver to drive class A or B vehicles 13818
with fewer than fifteen passengers and all lesser classes of 13819
vehicles without restriction as to the number of passengers; 13820

(8) P3--restricts the driver to driving class B school buses; 13821
13822

(9) P4--Restricts the driver to driving class C school buses 13823
designed to transport fewer than sixteen passengers including the 13824
driver. 13825

(10) N--authorizes the driver to drive tank vehicles;	13826
(11) S--authorizes the driver to drive school buses;	13827
(12) X--authorizes the driver to drive tank vehicles transporting hazardous materials;	13828 13829
(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.	13830 13831 13832 13833
(D) No person shall drive any commercial motor vehicle for which an endorsement is required under this section unless the proper endorsement appears on the person's commercial driver's license.	13834 13835 13836 13837
<u>(E) Whoever violates this section is guilty of a misdemeanor of the first degree.</u>	13838 13839
Sec. 4506.14. (A) Commercial driver's licenses shall expire as follows:	13840 13841
(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.	13842 13843 13844 13845 13846 13847
(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	13848 13849 13850 13851 13852 13853 13854 13855

replaced with a new license within ninety days prior to its 13856
expiration upon the applicant's compliance with all applicable 13857
requirements. 13858

(3) Each such license issued to replace the operator's or 13859
chauffeur's license of a person who is less than twenty-one years 13860
of age, and each such license issued as an original license to a 13861
person who is less than twenty-one years of age, shall expire on 13862
the licensee's twenty-first birthday. 13863

(B) No commercial driver's license shall be issued for a 13864
period longer than four years and ninety days. Except as provided 13865
in section 4507.12 of the Revised Code, the registrar may waive 13866
the examination of any person applying for the renewal of a 13867
commercial driver's license issued under this chapter, provided 13868
that the applicant presents either an unexpired commercial 13869
driver's license or a commercial driver's license that has expired 13870
not more than six months prior to the date of application. 13871

(C) Subject to the requirements of this chapter and except as 13872
provided in division (A)(2) of this section in regard to a person 13873
whose temporary residence is in this state, every commercial 13874
driver's license shall be renewable ninety days before its 13875
expiration upon payment of the fees required by section 4506.08 of 13876
the Revised Code. Each person applying for renewal of a commercial 13877
driver's license shall complete the application form prescribed by 13878
section 4506.07 of the Revised Code and shall provide all 13879
certifications required. If the person wishes to retain an 13880
endorsement authorizing the person to transport hazardous 13881
materials, the person shall take and successfully complete the 13882
written test for the endorsement. 13883

(D) Each person licensed as a driver under this chapter shall 13884
notify the registrar of any change in the person's address within 13885
ten days following that change. The notification shall be in 13886
writing on a form provided by the registrar and shall include the 13887

full name, date of birth, license number, county of residence, 13888
social security number, and new address of the person. 13889

(E) Whoever violates division (D) of this section is guilty 13890
of a minor misdemeanor. 13891

Sec. 4506.15. (A) No person shall do any of the following: 13892

~~(A)~~(1) Drive a commercial motor vehicle while having a 13893
measurable or detectable amount of alcohol or of a controlled 13894
substance in ~~his~~ the person's blood, breath, or urine; 13895

~~(B)~~(2) Drive a commercial motor vehicle while having an 13896
alcohol concentration of four-hundredths of one per cent or more; 13897

~~(C)~~(3) Drive a commercial motor vehicle while under the 13898
influence of a controlled substance; 13899

~~(D)~~(4) Knowingly leave the scene of an accident involving a 13900
commercial motor vehicle driven by the person; 13901

~~(E)~~(5) Use a commercial motor vehicle in the commission of a 13902
felony; 13903

~~(F)~~(6) Refuse to submit to a test under section 4506.17 of 13904
the Revised Code; 13905

~~(G)~~(7) Violate an out-of-service order issued under this 13906
chapter; 13907

~~(H)~~(8) Violate any prohibition described in divisions 13908
~~(B)~~(A)(2) to ~~(G)~~(7) of this section while transporting hazardous 13909
materials. 13910

(B) Whoever violates this section is guilty of a misdemeanor 13911
of the first degree. 13912

Sec. 4506.16. (A) Whoever violates division (A)(1) of section 13913
4506.15 of the Revised Code or a similar law of another state or a 13914
foreign jurisdiction, immediately shall be placed out-of-service 13915

for twenty-four hours, in addition to any disqualification 13916
required by this section and any other penalty imposed by the 13917
Revised Code. 13918

(B) The registrar of motor vehicles shall disqualify any 13919
person from operating a commercial motor vehicle as follows: 13920

(1) ~~Upon~~ Subject to division (B)(4) of this section, upon a 13921
first conviction for a violation of any provision of divisions 13922
~~(B)(A)(2)~~ to ~~(G)(7)~~ of section 4506.15 of the Revised Code or a 13923
similar law of another state or a foreign jurisdiction, one year, 13924
in addition to any other penalty imposed by the Revised Code; 13925

(2) Upon a first conviction for a violation of division 13926
~~(H)(A)(8)~~ of section 4506.15 of the Revised Code or a similar law 13927
of another state or a foreign jurisdiction, three years, in 13928
addition to any other penalty imposed by the Revised Code; 13929

(3) Upon a second conviction for a violation of any provision 13930
of divisions ~~(B)(A)(2)~~ to ~~(G)(7)~~ of section 4506.15 of the Revised 13931
Code or a similar law of another state or a foreign jurisdiction, 13932
or any combination of such violations arising from two or more 13933
separate incidents, the person shall be disqualified for life or 13934
for any other period of time as determined by the United States 13935
secretary of transportation and designated by the director of 13936
public safety by rule, in addition to any other penalty imposed by 13937
the Revised Code; 13938

(4) Upon conviction of a violation of division ~~(E)(A)(5)~~ of 13939
section 4506.15 of the Revised Code or a similar law of another 13940
state or a foreign jurisdiction in connection with the 13941
manufacture, distribution, or dispensing of a controlled substance 13942
or the possession with intent to manufacture, distribute, or 13943
dispense a controlled substance, the person shall be disqualified 13944
for life, in addition to any other penalty imposed by the Revised 13945
Code; 13946

(5) Upon conviction of two serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days, in addition to any other penalty imposed by the Revised Code;

(6) Upon conviction of three serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days, in addition to any other penalty imposed by the Revised Code.

(C) For the purposes of this section, conviction of a violation for which disqualification is required may be evidenced by any of the following:

(1) A judgment entry of a court of competent jurisdiction in this or any other state;

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;

(3) A computer record obtained from or through the commercial driver's license information system;

(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.

(D) Any record described in division (C) of this section shall be deemed to be self-authenticating when it is received by the bureau of motor vehicles.

(E) When disqualifying a driver, the registrar shall cause the records of the bureau to be updated to reflect that action within ten days after it occurs.

(F) The registrar immediately shall notify a driver who is finally convicted of any offense described in section 4506.15 of the Revised Code or division (B)(4), (5), or (6) of this section and thereby is subject to disqualification, of the offense or offenses involved, of the length of time for which disqualification is to be imposed, and that the driver may request a hearing within thirty days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for such a hearing is not made within thirty days of the mailing of the notice, the order of 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 whole blood, blood serum or plasma, 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 14008
having reasonable ground to stop or detain the person and, after 14009
investigating the circumstances surrounding the operation of the 14010
commercial motor vehicle, also having reasonable ground to believe 14011
the person was driving the commercial vehicle while having a 14012
measurable or detectable amount of alcohol or of a controlled 14013
substance in the person's whole blood, blood serum or plasma, 14014
breath, or urine. Any such test shall be given within two hours of 14015
the time of the alleged violation. 14016

(C) A person requested to submit to a test under division (A) 14017
of this section shall be advised by the peace officer requesting 14018
the test that a refusal to submit to the test will result in the 14019
person immediately being placed out-of-service for a period of 14020
twenty-four hours and being disqualified from operating a 14021
commercial motor vehicle for a period of not less than one year, 14022
and that the person is required to surrender the person's 14023
commercial driver's license to the peace officer. 14024

(D) If a person refuses to submit to a test after being 14025
warned as provided in division (C) of this section or submits to a 14026
test that discloses the presence of a controlled substance or an 14027
alcohol concentration of four-hundredths of one per cent or more, 14028
the person immediately shall surrender the person's commercial 14029
driver's license to the peace officer. The peace officer shall 14030
forward the license, together with a sworn report, to the 14031
registrar of motor vehicles certifying that the test was requested 14032
pursuant to division (A) of this section and that the person 14033
either refused to submit to testing or submitted to a test that 14034
disclosed the presence of a controlled substance or an alcohol 14035
concentration of four-hundredths of one per cent or more. The form 14036
and contents of the report required by this section shall be 14037
established by the registrar by rule, but shall contain the advice 14038
to be read to the driver and a statement to be signed by the 14039

driver acknowledging that the driver has been read the advice and 14040
that the form was shown to the driver. 14041

(E) Upon receipt of a sworn report from a peace officer as 14042
provided in division (D) of this section, the registrar shall 14043
disqualify the person named in the report from driving a 14044
commercial motor vehicle for the period described below: 14045

(1) Upon a first incident, one year; 14046

(2) Upon an incident of refusal or of a prohibited 14047
concentration of alcohol after one or more previous incidents of 14048
either refusal or of a prohibited concentration of alcohol, the 14049
person shall be disqualified for life or such lesser period as 14050
prescribed by rule by the registrar. 14051

(F) A ~~blood~~ test of a person's whole blood or a person's 14052
blood serum or plasma given under this section shall comply with 14053
the applicable provisions of division (D) of section 4511.19 of 14054
the Revised Code and any physician, registered nurse, or qualified 14055
technician ~~or~~, chemist, or phlebotomist who withdraws whole blood 14056
or blood serum or plasma from a person under this section, and any 14057
hospital, first-aid station, ~~or~~ clinic, or other facility at which 14058
whole blood or blood serum or plasma is withdrawn from a person 14059
pursuant to this section, is immune from criminal liability, and 14060
from civil liability that is based upon a claim of assault and 14061
battery or based upon any other claim of malpractice, for any act 14062
performed in withdrawing whole blood or blood serum or plasma from 14063
the person. 14064

(G) When a person submits to a test under this section, the 14065
results of the test, at the person's request, shall be made 14066
available to the person, the person's attorney, or the person's 14067
agent, immediately upon completion of the chemical test analysis. 14068
The person also may have an additional test administered by a 14069
physician, a registered nurse, or a qualified technician ~~or~~, 14070

chemist, or phlebotomist of the person's own choosing as provided 14071
in division (D) of section 4511.19 of the Revised Code for tests 14072
administered under that section, and the failure to obtain such a 14073
test has the same effect as in that division. 14074

(H) No person shall refuse to immediately surrender the 14075
person's commercial driver's license to a peace officer when 14076
required to do so by this section. 14077

(I) A peace officer issuing an out-of-service order or 14078
receiving a commercial driver's license surrendered under this 14079
section may remove or arrange for the removal of any commercial 14080
motor vehicle affected by the issuance of that order or the 14081
surrender of that license. 14082

(J)(1) Except for civil actions arising out of the operation 14083
of a motor vehicle and civil actions in which the state is a 14084
plaintiff, no peace officer of any law enforcement agency within 14085
this state is liable in compensatory damages in any civil action 14086
that arises under the Revised Code or common law of this state for 14087
an injury, death, or loss to person or property caused in the 14088
performance of official duties under this section and rules 14089
adopted under this section, unless the officer's actions were 14090
manifestly outside the scope of the officer's employment or 14091
official responsibilities, or unless the officer acted with 14092
malicious purpose, in bad faith, or in a wanton or reckless 14093
manner. 14094

(2) Except for civil actions that arise out of the operation 14095
of a motor vehicle and civil actions in which the state is a 14096
plaintiff, no peace officer of any law enforcement agency within 14097
this state is liable in punitive or exemplary damages in any civil 14098
action that arises under the Revised Code or common law of this 14099
state for any injury, death, or loss to person or property caused 14100
in the performance of official duties under this section of the 14101
Revised Code and rules adopted under this section, unless the 14102

officer's actions were manifestly outside the scope of the 14103
officer's employment or official responsibilities, or unless the 14104
officer acted with malicious purpose, in bad faith, or in a wanton 14105
or reckless manner. 14106

(K) When disqualifying a driver, the registrar shall cause 14107
the records of the bureau of motor vehicles to be updated to 14108
reflect the disqualification within ten days after it occurs. 14109

(L) The registrar immediately shall notify a driver who is 14110
subject to disqualification of the disqualification, of the length 14111
of the disqualification, and that the driver may request a hearing 14112
within thirty days of the mailing of the notice to show cause why 14113
the driver should not be disqualified from operating a commercial 14114
motor vehicle. If a request for such a hearing is not made within 14115
thirty days of the mailing of the notice, the order of 14116
disqualification is final. The registrar may designate hearing 14117
examiners who, after affording all parties reasonable notice, 14118
shall conduct a hearing to determine whether the disqualification 14119
order is supported by reliable evidence. The registrar shall adopt 14120
rules to implement this division. 14121

(M) Any person who is disqualified from operating a 14122
commercial motor vehicle under this section may apply to the 14123
registrar for a driver's license to operate a motor vehicle other 14124
than a commercial motor vehicle, provided the person's commercial 14125
driver's license is not otherwise suspended ~~or revoked~~. A person 14126
whose commercial driver's license is suspended ~~or revoked~~ shall 14127
not apply to the registrar for or receive a driver's license under 14128
Chapter 4507. of the Revised Code during the period of suspension 14129
~~or revocation~~. 14130

(N) Whoever violates division (H) of this section is guilty 14131
of a misdemeanor of the first degree. 14132

Sec. 4506.18. (A) Any driver who holds a commercial driver's 14133

license issued by this state and is convicted in another state or 14134
a foreign jurisdiction of violating any law or ordinance relating 14135
to motor vehicle traffic control, other than a parking violation, 14136
shall provide written notice of that conviction within thirty days 14137
after the date of conviction to the bureau of motor vehicles and 14138
to ~~his~~ the driver's employer in accordance with the provisions of 14139
49 C.F.R. 383, subpart C, as amended. 14140

(B) Whoever violates this section is guilty of a misdemeanor 14141
of the first degree. 14142

Sec. 4506.19. (A) The provisions of 49 C.F.R. 383, subpart C, 14143
as amended, shall apply to all commercial drivers or persons who 14144
apply for employment as commercial drivers. No person shall fail 14145
to make a report to ~~his~~ the person's employer as required by this 14146
section. 14147

(B) Whoever violates this section is guilty of a misdemeanor 14148
of the first degree. 14149

Sec. 4506.20. (A) Each employer shall require every applicant 14150
for employment as a driver of a commercial motor vehicle to 14151
provide the information specified in section 4506.20 of the 14152
Revised Code. 14153

(B) No employer shall knowingly permit or authorize any 14154
driver employed by ~~him~~ the employer to drive a commercial motor 14155
vehicle during any period in which any of the following apply: 14156

(1) The driver's commercial driver's license is suspended, 14157
revoked, or canceled by any state or a foreign jurisdiction; 14158

(2) The driver has lost ~~his~~ the privilege to drive, or 14159
currently is disqualified from driving, a commercial motor vehicle 14160
in any state or foreign jurisdiction; 14161

(3) The driver is subject to an out-of-service order in any 14162

state or foreign jurisdiction; 14163

(4) The driver has more than one driver's license. 14164

(C) Whoever violates this section is guilty of a misdemeanor of the first degree. 14165
14166

Sec. 4506.99. ~~(A) Whoever violates division (A) of section 4506.03, division (A)(1), (2), or (3) of section 4506.04, division (A) of section 4506.10, division (H) of section 4506.17, or section 4506.20 of the Revised Code is guilty of a misdemeanor of the first degree.~~ 14167
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~~(B) Whoever violates division (A)(4) of section 4506.04 of the Revised Code is guilty of falsification, a misdemeanor of the first degree. In addition, the provisions of section 4507.19 of the Revised Code apply.~~ 14172
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~~(C) Whoever violates division (C) of section 4506.11 or division (D) of section 4506.14 of the Revised Code is guilty of a minor misdemeanor.~~ 14176
14177
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~~(D) Whoever violates any provision of sections 4506.03 to 4506.20 of the Revised Code for which no penalty is otherwise is provided in this the section that contains the provision violated is guilty of a misdemeanor of the first degree.~~ 14179
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14182

Sec. 4507.02. ~~(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 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 this chapter or a commercial driver's license issued under Chapter 4506. of the Revised Code.~~ 14183
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~~(2) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for~~ 14190
14191

purposes of vehicular travel or parking knowing the operator does 14192
not have a valid driver's license issued to the operator by the 14193
registrar of motor vehicles under this chapter or a valid 14194
commercial driver's license issued under Chapter 4506. of the 14195
Revised Code. Whoever violates this division is guilty of a 14196
misdemeanor of the first degree. 14197

~~(3) No person, except a person expressly exempted under 14198
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 14199
operate any motorcycle upon a highway or any public or private 14200
property used by the public for purposes of vehicular travel or 14201
parking in this state unless the person has a valid license as a 14202
motorcycle operator, that was issued upon application by the 14203
registrar under this chapter. The license shall be in the form of 14204
an endorsement, as determined by the registrar, upon a driver's or 14205
commercial driver's license, if the person has a valid license to 14206
operate a motor vehicle or commercial motor vehicle, or in the 14207
form of a restricted license as provided in section 4507.14 of the 14208
Revised Code, if the person does not have a valid license to 14209
operate a motor vehicle or commercial motor vehicle.~~ 14210

~~(4)(2) No person shall receive a driver's license, or a 14211
motorcycle operator's endorsement of a driver's or commercial 14212
driver's license, unless and until the person surrenders to the 14213
registrar all valid licenses issued to the person by another 14214
jurisdiction recognized by this state. All surrendered licenses 14215
shall be returned by the registrar to the issuing authority, 14216
together with information that a license is now issued in this 14217
state. No person shall be permitted to have more than one valid 14218
license at any time.~~ 14219

~~(B)(1) No person, whose driver's or commercial driver's 14220
license or permit or nonresident's operating privilege has been 14221
suspended or revoked pursuant to Chapter 4509. of the Revised 14222
Code, shall operate any motor vehicle within this state, or 14223~~

~~knowingly permit any motor vehicle owned by the person to be 14224
operated by another person in the state, during the period of the 14225
suspension or revocation, except as specifically authorized by 14226
Chapter 4509. of the Revised Code. No person shall operate a motor 14227
vehicle within this state, or knowingly permit any motor vehicle 14228
owned by the person to be operated by another person in the state, 14229
during the period in which the person is required by section 14230
4509.45 of the Revised Code to file and maintain proof of 14231
financial responsibility for a violation of section 4509.101 of 14232
the Revised Code, unless proof of financial responsibility is 14233
maintained with respect to that vehicle. 14234~~

~~(2) No person shall operate any motor vehicle upon a highway 14235
or any public or private property used by the public for purposes 14236
of vehicular travel or parking in this state in violation of any 14237
restriction of the person's driver's or commercial driver's 14238
license imposed under division (D) of section 4506.10 or section 14239
4507.14 of the Revised Code. 14240~~

~~(C) No person, whose driver's or commercial driver's license 14241
or permit has been suspended pursuant to section 4511.191, section 14242
4511.196, or division (B) of section 4507.16 of the Revised Code, 14243
shall operate any motor vehicle within this state until the person 14244
has paid the license reinstatement fee required pursuant to 14245
division (L) of section 4511.191 of the Revised Code and the 14246
license or permit has been returned to the person or a new license 14247
or permit has been issued to the person. 14248~~

~~(D)(1) No person, whose driver's or commercial driver's 14249
license or permit or nonresident operating privilege has been 14250
suspended or revoked under any provision of the Revised Code other 14251
than Chapter 4509. of the Revised Code or under any applicable law 14252
in any other jurisdiction in which the person's license or permit 14253
was issued, shall operate any motor vehicle upon the highways or 14254
streets within this state during the period of the suspension or 14255~~

~~within one year after the date of the revocation. No person who is granted occupational driving privileges by any court shall operate any motor vehicle upon the highways or streets in this state except in accordance with the terms of the privileges.~~

~~(2) No person, whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (B) of section 4507.16 of the Revised Code, shall operate any motor vehicle upon the highways or streets within this state during the period of suspension. No person who is granted occupational driving privileges by any court shall operate any motor vehicle upon the highways or streets in this state except in accordance with the terms of those privileges.~~

~~(E)(1) It is an affirmative defense to any prosecution brought pursuant to division (B), (C), or (D) of this section that the alleged offender drove under suspension or in violation of a restriction because of a substantial emergency, provided that no other person was reasonably available to drive in response to the emergency.~~

~~(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.~~

~~(F)(1) If a person is convicted of a violation of division (B), (C), or (D) of this section 4510.11, 4510.14, 4510.16, or 4510.21 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 14288
any motor vehicle registered in the name of the person. The court 14289
shall send the impounded license plates to the registrar, who may 14290
retain the license plates until the driver's or commercial 14291
driver's license of the owner has been reinstated or destroy them 14292
pursuant to section 4503.232 of the Revised Code. 14293

If the license plates of a person convicted of a violation of 14294
~~division (B), (C), or (D) of this section~~ any provision of those 14295
sections have been impounded in accordance with the provisions of 14296
this division, the court shall notify the registrar of that 14297
action. The notice shall contain the name and address of the 14298
driver, the serial number of the driver's driver's or commercial 14299
driver's license, the serial numbers of the license plates of the 14300
motor vehicle, and the length of time for which the license plates 14301
have been impounded. The registrar shall record the data in the 14302
notice as part of the driver's permanent record. 14303

(2) Any motor vehicle owner who has had the license plates of 14304
a motor vehicle impounded pursuant to division ~~(F)~~(B)(1) of this 14305
section may apply to the registrar, or to a deputy registrar, for 14306
special license plates ~~which~~ that shall conform to the 14307
requirements of section 4503.231 of the Revised Code. The 14308
registrar or deputy registrar forthwith shall notify the court of 14309
the application and, upon approval of the court, shall issue 14310
special license plates to the applicant. Until the driver's or 14311
commercial driver's license of the owner is reinstated, any new 14312
license plates issued to the owner also shall conform to the 14313
requirements of section 4503.231 of the Revised Code. 14314

The registrar or deputy registrar shall charge the owner of a 14315
vehicle the fees provided in section 4503.19 of the Revised Code 14316
for special license plates that are issued in accordance with this 14317
division, except upon renewal as specified in section 4503.10 of 14318
the Revised Code, when the regular fee as provided in section 14319

4503.04 of the Revised Code shall be charged. The registrar or 14320
deputy registrar shall charge the owner of a vehicle the fees 14321
provided in section 4503.19 of the Revised Code whenever special 14322
license plates are exchanged, by reason of the reinstatement of 14323
the driver's or commercial driver's license of the owner, for 14324
those ordinarily issued. 14325

(3) If an owner wishes to sell a motor vehicle during the 14326
time the special license plates provided under division ~~(F)~~(B)(2) 14327
of this section are in use, the owner may apply to the court that 14328
impounded the license plates of the motor vehicle for permission 14329
to transfer title to the motor vehicle. If the court is satisfied 14330
that the sale will be made in good faith and not for the purpose 14331
of circumventing the provisions of this section, it may certify 14332
its consent to the owner and to the registrar of motor vehicles 14333
who shall enter notice of the transfer of the title of the motor 14334
vehicle in the vehicle registration record. 14335

If, during the time the special license plates provided under 14336
division ~~(F)~~(B)(2) of this section are in use, the title to a 14337
motor vehicle is transferred by the foreclosure of a chattel 14338
mortgage, a sale upon execution, the cancellation of a conditional 14339
sales contract, or by order of a court, the court shall notify the 14340
registrar of the action and the registrar shall enter notice of 14341
the transfer of the title to the motor vehicle in the vehicle 14342
registration record. 14343

~~(G)~~(C) This section is not intended to change or modify any 14344
provision of Chapter 4503. of the Revised Code with respect to the 14345
taxation of motor vehicles or the time within which the taxes on 14346
motor vehicles shall be paid. 14347

Sec. 4507.023. The registrar of motor vehicles may furnish 14348
the name and social security number of any person whose driver's 14349
license or commercial driver's license has been suspended or 14350

~~revoked~~ canceled, or of any person whose certificate of 14351
registration and license plates are subject to impoundment, to the 14352
tax commissioner. The tax commissioner may return to the registrar 14353
the address of any such person as shown on the most recent return 14354
filed by that person under section 5747.08 of the Revised Code. 14355
14356

Sec. 4507.05. (A) The registrar of motor vehicles, or a 14357
deputy registrar, upon receiving an application for a temporary 14358
instruction permit and a temporary instruction permit 14359
identification card for a driver's license from any person who is 14360
at least fifteen years and six months of age, may issue such a 14361
permit and identification card entitling the applicant to drive a 14362
motor vehicle, other than a commercial motor vehicle, upon the 14363
highways under the following conditions: 14364

(1) If the permit is issued to a person who is at least 14365
fifteen years and six months of age, but less than sixteen years 14366
of age: 14367

(a) The permit and identification card are in the holder's 14368
immediate possession; 14369

(b) The holder is accompanied by an eligible adult who 14370
actually occupies the seat beside the permit holder; 14371

(c) The total number of occupants of the vehicle does not 14372
exceed the total number of occupant restraining devices originally 14373
installed in the motor vehicle by its manufacturer, and each 14374
occupant of the vehicle is wearing all of the available elements 14375
of a properly adjusted occupant restraining device. 14376

(2) If the permit is issued to a person who is at least 14377
sixteen years of age: 14378

(a) The permit and identification card are in the holder's 14379
immediate possession; 14380

(b) The holder is accompanied by a licensed operator who is 14381
at least twenty-one years of age and is actually occupying a seat 14382
beside the driver; 14383

(c) The total number of occupants of the vehicle does not 14384
exceed the total number of occupant restraining devices originally 14385
installed in the motor vehicle by its manufacturer, and each 14386
occupant of the vehicle is wearing all of the available elements 14387
of a properly adjusted occupant restraining device. 14388

(B) The registrar or a deputy registrar, upon receiving from 14389
any person an application for a temporary instruction permit and 14390
temporary instruction permit identification card to operate a 14391
motorcycle or motorized bicycle, may issue such a permit and 14392
identification card entitling the applicant, while having the 14393
permit and identification card in the applicant's immediate 14394
possession, to drive a motorcycle or motorized bicycle under 14395
restrictions determined by the registrar. A temporary instruction 14396
permit and temporary instruction permit identification card to 14397
operate a motorized bicycle may be issued to a person fourteen or 14398
fifteen years old. 14399

(C) Any permit and identification card issued under this 14400
section shall be issued in the same manner as a driver's license, 14401
upon a form to be furnished by the registrar. A temporary 14402
instruction permit to drive a motor vehicle other than a 14403
commercial motor vehicle shall be valid for a period of one year. 14404

(D) Any person having in the person's possession a valid and 14405
current driver's license or motorcycle operator's license or 14406
endorsement issued to the person by another jurisdiction 14407
recognized by this state is exempt from obtaining a temporary 14408
instruction permit for a driver's license, but shall submit to the 14409
regular examination in obtaining a driver's license or motorcycle 14410
operator's endorsement in this state. 14411

(E) The registrar may adopt rules governing the use of 14412
temporary instruction permits and temporary instruction permit 14413
identification cards. 14414

(F)(1) No holder of a permit issued under division (A) of 14415
this section shall operate a motor vehicle upon a highway or any 14416
public or private property used by the public for purposes of 14417
vehicular travel or parking in violation of the conditions 14418
established under division (A) of this section. 14419

(2) Except as provided in division (F)(2) of this section, no 14420
holder of a permit that is issued under division (A) of this 14421
section and that is issued on or after the effective date of this 14422
amendment, and who has not attained the age of seventeen years, 14423
shall operate a motor vehicle upon a highway or any public or 14424
private property used by the public for purposes of vehicular 14425
travel or parking between the hours of one a.m. and five a.m. 14426

The holder of a permit issued under division (A) of this 14427
section on or after the effective date of this amendment, who has 14428
not attained the age of seventeen years, may operate a motor 14429
vehicle upon a highway or any public or private property used by 14430
the public for purposes of vehicular travel or parking between the 14431
hours of one a.m. and five a.m. if, at the time of such operation, 14432
the holder is accompanied by the holder's parent, guardian, or 14433
custodian, and the parent, guardian, or custodian holds a current 14434
valid driver's or commercial driver's license issued by this state 14435
and is actually occupying a seat beside the permit holder. 14436

(G)(1) Notwithstanding any other provision of law to the 14437
contrary, no law enforcement officer shall cause the operator of a 14438
motor vehicle being operated on any street or highway to stop the 14439
motor vehicle for the sole purpose of determining whether each 14440
occupant of the motor vehicle is wearing all of the available 14441
elements of a properly adjusted occupant restraining device as 14442

required by division (A) of this section, or for the sole purpose 14443
of issuing a ticket, citation, or summons if the requirement in 14444
that division has been or is being violated, or for causing the 14445
arrest of or commencing a prosecution of a person for a violation 14446
of that requirement. 14447

(2) Notwithstanding any other provision of law to the 14448
contrary, no law enforcement officer shall cause the operator of a 14449
motor vehicle being operated on any street or highway to stop the 14450
motor vehicle for the sole purpose of determining whether a 14451
violation of division (F)(2) of this section has been or is being 14452
committed or for the sole purpose of issuing a ticket, citation, 14453
or summons for such a violation or for causing the arrest of or 14454
commencing a prosecution of a person for such violation. 14455

(H) As used in this section: 14456

(1) "Eligible adult" means any of the following: 14457

(a) An instructor of a driver education course approved by 14458
the department of education or a driver training course approved 14459
by the department of public safety; 14460

(b) Any of the following persons who holds a current valid 14461
driver's or commercial driver's license issued by this state: 14462

(i) A parent, guardian, or custodian of the permit holder; 14463

(ii) A person twenty-one years of age or older who acts in 14464
loco parentis of the permit holder. 14465

(2) "Occupant restraining device" has the same meaning as in 14466
section 4513.263 of the Revised Code. 14467

(I) Whoever violates division (F)(1) or (2) of this section 14468
is guilty of a minor misdemeanor. 14469

Sec. 4507.06. (A)(1) Every application for a driver's license 14470
or motorcycle operator's license or endorsement, or duplicate of 14471

any such license or endorsement, shall be made upon the approved 14472
form furnished by the registrar of motor vehicles and shall be 14473
signed by the applicant. 14474

Every application shall state the following: 14475

(a) The applicant's name, date of birth, social security 14476
number if such has been assigned, sex, general description, 14477
including height, weight, color of hair, and eyes, residence 14478
address, including county of residence, duration of residence in 14479
this state, and country of citizenship; 14480

(b) Whether the applicant previously has been licensed as an 14481
operator, chauffeur, driver, commercial driver, or motorcycle 14482
operator and, if so, when, by what state, and whether such license 14483
is suspended or ~~revoked~~ canceled at the present time and, if so, 14484
the date of and reason for the suspension or ~~revocation~~ 14485
cancellation; 14486

(c) Whether the applicant is now or ever has been afflicted 14487
with epilepsy, or whether the applicant now is suffering from any 14488
physical or mental disability or disease and, if so, the nature 14489
and extent of the disability or disease, giving the names and 14490
addresses of physicians then or previously in attendance upon the 14491
applicant; 14492

(d) Whether an applicant for a duplicate driver's license, or 14493
duplicate license containing a motorcycle operator endorsement has 14494
pending a citation for violation of any motor vehicle law or 14495
ordinance, a description of any such citation pending, and the 14496
date of the citation; 14497

(e) Whether the applicant wishes to certify willingness to 14498
make an anatomical gift under section 2108.04 of the Revised Code, 14499
which shall be given no consideration in the issuance of a license 14500
or endorsement; 14501

(f) ~~On and after May 1, 1993, whether~~ Whether the applicant 14502

has executed a valid durable power of attorney for health care 14503
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 14504
executed a declaration governing the use or continuation, or the 14505
withholding or withdrawal, of life-sustaining treatment pursuant 14506
to sections 2133.01 to 2133.15 of the Revised Code and, if the 14507
applicant has executed either type of instrument, whether the 14508
applicant wishes the applicant's license to indicate that the 14509
applicant has executed the instrument. 14510

(2) Every applicant for a driver's license shall be 14511
photographed in color at the time the application for the license 14512
is made. The application shall state any additional information 14513
that the registrar requires. 14514

(B) The registrar or a deputy registrar, in accordance with 14515
section 3503.11 of the Revised Code, shall register as an elector 14516
any person who applies for a driver's license or motorcycle 14517
operator's license or endorsement under division (A) of this 14518
section, or for a renewal or duplicate of the license or 14519
endorsement, if the applicant is eligible and wishes to be 14520
registered as an elector. The decision of an applicant whether to 14521
register as an elector shall be given no consideration in the 14522
decision of whether to issue the applicant a license or 14523
endorsement, or a renewal or duplicate. 14524

(C) The registrar or a deputy registrar, in accordance with 14525
section 3503.11 of the Revised Code, shall offer the opportunity 14526
of completing a notice of change of residence or change of name to 14527
any applicant for a driver's license or endorsement under division 14528
(A) of this section, or for a renewal or duplicate of the license 14529
or endorsement, if the applicant is a registered elector who has 14530
changed the applicant's residence or name and has not filed such a 14531
notice. 14532

Sec. 4507.071. (A) No driver's license shall be issued to any 14533

person under eighteen years of age, except that a probationary 14534
license may be issued to a person who is at least sixteen years of 14535
age and has held a temporary instruction permit for a period of at 14536
least six months. 14537

(B) No holder of a probationary driver's license issued on or 14538
after the effective date of this section who has not attained the 14539
age of seventeen years shall operate a motor vehicle upon a 14540
highway or any public or private property used by the public for 14541
purposes of vehicular travel or parking between the hours of one 14542
a.m. and five a.m. unless the holder is accompanied by the 14543
holder's parent or guardian. 14544

(C) It is an affirmative defense to a violation of division 14545
(B) of this section if, at the time of the violation, the holder 14546
of the probationary driver's license was traveling to or from the 14547
holder's place of employment or an official function sponsored by 14548
the school the holder attends, or an emergency existed that 14549
required the holder to operate a motor vehicle in violation of 14550
division (B) of this section, or the holder was an emancipated 14551
minor. 14552

(D) No holder of a probationary license shall operate a motor 14553
vehicle upon a highway or any public or private property used by 14554
the public for purposes of vehicular travel or parking unless the 14555
total number of occupants of the vehicle does not exceed the total 14556
number of occupant restraining devices originally installed in the 14557
motor vehicle by its manufacturer, and each occupant of the 14558
vehicle is wearing all of the available elements of a properly 14559
adjusted occupant restraining device. 14560

(E) A restricted license may be issued to a person who is 14561
fourteen or fifteen years of age upon proof of hardship 14562
satisfactory to the registrar of motor vehicles. 14563

(F) Notwithstanding any other provision of law to the 14564

contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by division (D) of this section, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that division has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(G) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle 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 such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(H) As used in this section, "occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.

(I) Whoever violates division (B) or (D) of this section is guilty of a minor misdemeanor.

Sec. 4507.08. (A) No probationary license shall be issued to any person under the age of eighteen who has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed by an adult would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment

program specified by the court and has satisfactorily completed 14596
the program. 14597

(B) No temporary instruction permit or driver's license shall 14598
be issued to any person whose license has been suspended, during 14599
the period for which the license was suspended, nor to any person 14600
whose license has been ~~revoked~~ canceled, under ~~sections 4507.01 to~~ 14601
~~4507.39~~ Chapter 4510. or any other provision of the Revised Code, 14602
~~until the expiration of one year after the license was revoked.~~ 14603
14604

(C) No temporary instruction permit or driver's license shall 14605
be issued to any person whose commercial driver's license is 14606
suspended under ~~section 1905.201, 3123.58, 4507.16, 4507.34,~~ 14607
~~4507.99, 4511.191, or 4511.196~~ of the Revised Code Chapter 4510. 14608
or ~~under~~ any other provision of the Revised Code during the period 14609
of the suspension. 14610

No temporary instruction permit or driver's license shall be 14611
issued to any person when issuance is prohibited by division (A) 14612
of section 4507.091 of the Revised Code. 14613

(D) No temporary instruction permit or driver's license shall 14614
be issued to, or retained by, any of the following persons: 14615

(1) Any person who is an alcoholic, or is addicted to the use 14616
of controlled substances to the extent that the use constitutes an 14617
impairment to the person's ability to operate a motor vehicle with 14618
the required degree of safety; 14619

(2) Any person who is under the age of eighteen and has been 14620
adjudicated an unruly or delinquent child or a juvenile traffic 14621
offender for having committed any act that if committed by an 14622
adult would be a drug abuse offense, as defined in section 2925.01 14623
of the Revised Code, a violation of division (B) of section 14624
2917.11, or a violation of division (A) of section 4511.19 of the 14625
Revised Code, unless the person has been required by the court to 14626

attend a drug abuse or alcohol abuse education, intervention, or 14627
treatment program specified by the court and has satisfactorily 14628
completed the program; 14629

(3) Any person who, in the opinion of the registrar, is 14630
afflicted with or suffering from a physical or mental disability 14631
or disease that prevents the person from exercising reasonable and 14632
ordinary control over a motor vehicle while operating the vehicle 14633
upon the highways, except that a restricted license effective for 14634
six months may be issued to any person otherwise qualified who is 14635
or has been subject to any condition resulting in episodic 14636
impairment of consciousness or loss of muscular control and whose 14637
condition, in the opinion of the registrar, is dormant or is 14638
sufficiently under medical control that the person is capable of 14639
exercising reasonable and ordinary control over a motor vehicle. A 14640
restricted license effective for six months shall be issued to any 14641
person who ~~is~~ otherwise is qualified and who is subject to any 14642
condition that causes episodic impairment of consciousness or a 14643
loss of muscular control if the person presents a statement from a 14644
licensed physician that the person's condition is under effective 14645
medical control and the period of time for which the control has 14646
been continuously maintained, unless, thereafter, a medical 14647
examination is ordered and, pursuant thereto, cause for denial is 14648
found. 14649

A person to whom a six-month restricted license has been 14650
issued shall give notice of the person's medical condition to the 14651
registrar on forms provided by the registrar and signed by the 14652
licensee's physician. The notice shall be sent to the registrar 14653
six months after the issuance of the license. Subsequent 14654
restricted licenses issued to the same individual shall be 14655
effective for six months. 14656

(4) Any person who is unable to understand highway warnings 14657
or traffic signs or directions given in the English language; 14658

(5) Any person making an application whose driver's license 14659
or driving privileges are under cancellation, revocation, or 14660
suspension in the jurisdiction where issued or any other 14661
jurisdiction, until the expiration of one year after the license 14662
was canceled or revoked or until the period of suspension ends. 14663
Any person whose application is denied under this division may 14664
file a petition in the municipal court or county court in whose 14665
jurisdiction the person resides agreeing to pay the cost of the 14666
proceedings and alleging that the conduct involved in the offense 14667
that resulted in suspension, cancellation, or revocation in the 14668
foreign jurisdiction would not have resulted in a suspension, 14669
cancellation, or revocation had the offense occurred in this 14670
state. If the petition is granted, the petitioner shall notify the 14671
registrar by a certified copy of the court's findings and a 14672
license shall not be denied under this division. 14673

(6) Any person who is under a class one or two suspension 14674
imposed for a violation of section 2903.04, 2903.06, or 2903.08 of 14675
the Revised Code or whose driver's or commercial driver's license 14676
or permit ~~has been~~ was permanently revoked prior to the effective 14677
date of this amendment for a substantially equivalent violation 14678
pursuant to ~~division (C) of~~ section 4507.16 of the Revised Code; 14679

(7) Any person who is not a resident or temporary resident of 14680
this state. 14681

Sec. 4507.081. (A) Upon the expiration of a restricted 14682
license issued under division (D)(3) of section 4507.08 of the 14683
Revised Code and submission of a statement as provided in division 14684
(C) of this section, the registrar of motor vehicles may issue a 14685
driver's license to the person to whom the restricted license was 14686
issued. A driver's license issued under this section, unless 14687
otherwise ~~revoked~~ suspended or canceled, shall be effective for 14688
one year. 14689

(B) A driver's license issued under this section may be 14690
renewed annually, for no more than three consecutive years, 14691
whenever the person to whom the license has been issued submits to 14692
the registrar, by certified mail and no sooner than thirty days 14693
prior to the expiration date of the license or renewal thereof, a 14694
statement as provided in division (C) of this section. A renewal 14695
of a driver's license, unless the license is otherwise ~~revoked~~ 14696
suspended or canceled, shall be effective for one year following 14697
the expiration date of the license or renewal thereof, and shall 14698
be evidenced by a validation sticker. The renewal validation 14699
sticker shall be in a form prescribed by the registrar and shall 14700
be affixed to the license. 14701

(C) No person may be issued a driver's license under this 14702
section, and no such driver's license may be renewed, unless the 14703
person presents a signed statement from a licensed physician that 14704
the person's condition either is dormant or is under effective 14705
medical control, that the control has been maintained continuously 14706
for at least one year prior to the date on which application for 14707
the license is made, and that, if continued medication is 14708
prescribed to control the condition, the person may be depended 14709
upon to take the medication. 14710

The statement shall be made on a form provided by the 14711
registrar, shall be in not less than duplicate, and shall contain 14712
any other information the registrar considers necessary. The 14713
duplicate copy of the statement may be retained by the person 14714
requesting the license renewal and, when in the person's immediate 14715
possession and used in conjunction with the original license, 14716
shall entitle the person to operate a motor vehicle during a 14717
period of no more than thirty days following the date of 14718
submission of the statement to the registrar, except when the 14719
registrar denies the request for the license renewal and so 14720
notifies the person. 14721

(D) Whenever the registrar receives a statement indicating 14722
that the condition of a person to whom a driver's license has been 14723
issued under this section no longer is dormant or under effective 14724
medical control, the registrar shall ~~revoke~~ cancel the person's 14725
driver's license. 14726

(E) Nothing in this section shall require a person submitting 14727
a signed statement from a licensed physician to obtain a medical 14728
examination prior to the submission of the statement. 14729

(F) Any person whose driver's license has been ~~revoked~~ 14730
canceled under this section may apply for a subsequent restricted 14731
license according to the provisions of section 4507.08 of the 14732
Revised Code. 14733

Sec. 4507.111. On receipt of a notice pursuant to section 14734
3123.54 of the Revised Code, the registrar of motor vehicles shall 14735
comply with sections 3123.52 to 3123.614 of the Revised Code and 14736
any applicable rules adopted under section 3123.63 of the Revised 14737
Code with respect to a any driver's or commercial license or 14738
permit, motorcycle operator's license or endorsement, or temporary 14739
instruction permit or commercial driver's temporary instruction 14740
permit issued pursuant to this chapter by this state that is the 14741
subject of the notice. 14742

Sec. 4507.12. (A) Except as provided in division (C) of 14743
section 4507.10 of the Revised Code, each person applying for the 14744
renewal of a driver's license shall submit to a screening of ~~his~~ 14745
the person's vision before the license may be renewed. The vision 14746
screening shall be conducted at the office of the deputy registrar 14747
receiving the application for license renewal. 14748

(B) When the results of a vision screening given under 14749
division (A) of this section indicate that the vision of the 14750
person examined meets the standards required for licensing, the 14751

deputy registrar may renew the person's driver's license at that 14752
time. 14753

(C) When the results of a vision screening given under 14754
division (A) of this section indicate that the vision of the 14755
person screened may not meet the standards required for licensing, 14756
the deputy registrar shall not renew the person's driver's license 14757
at that time but shall refer the person to a driver's license 14758
examiner appointed by the superintendent of the state highway 14759
patrol under section 5503.21 of the Revised Code for a further 14760
examination of ~~his~~ the person's vision. When a person referred to 14761
a driver's license examiner by a deputy registrar does not meet 14762
the vision standards required for licensing, the driver's license 14763
examiner shall retain the person's operator's or chauffeur's 14764
license and shall immediately notify the registrar of motor 14765
vehicles of that fact. No driver's license shall be issued to any 14766
such person, until the person's vision is corrected to meet the 14767
standards required for licensing and the person passes the vision 14768
screening required by this section. Any person who operates a 14769
motor vehicle on a highway, or on any public or private property 14770
used by the public for purposes of vehicular travel or parking, 14771
during the time ~~his~~ the person's driver's license is held by a 14772
driver's license examiner under this division, shall be deemed to 14773
be operating a motor vehicle in violation of division (A) of 14774
section ~~4507.02~~ 4510.12 of the Revised Code. 14775

(D) The registrar shall adopt rules and shall provide any 14776
forms necessary to properly conduct vision screenings at the 14777
office of a deputy registrar. 14778

(E) No person conducting vision screenings under this section 14779
shall be personally liable for damages for injury or loss to 14780
persons or property and for death caused by the operation of a 14781
motor vehicle by any person whose driver's license was renewed by 14782
the deputy registrar under division (B) of this section. 14783

Sec. 4507.13. (A) The registrar of motor vehicles shall issue 14784
a driver's license to every person licensed as an operator of 14785
motor vehicles other than commercial motor vehicles. No person 14786
licensed as a commercial motor vehicle driver under Chapter 4506. 14787
of the Revised Code need procure a driver's license, but no person 14788
shall drive any commercial motor vehicle unless licensed as a 14789
commercial motor vehicle driver. 14790

Every driver's license shall display on it the distinguishing 14791
number assigned to the licensee and shall display the licensee's 14792
name and date of birth; the licensee's residence address and 14793
county of residence; a color photograph of the licensee; a brief 14794
description of the licensee for the purpose of identification; a 14795
facsimile of the signature of the licensee as it appears on the 14796
application for the license; a space marked "blood type" in which 14797
a licensee may specify the licensee's blood type; a notation, in a 14798
manner prescribed by the registrar, indicating any condition 14799
described in division (D)(3) of section 4507.08 of the Revised 14800
Code to which the licensee is subject; if the licensee has 14801
executed a durable power of attorney for health care or a 14802
declaration governing the use or continuation, or the withholding 14803
or withdrawal, of life-sustaining treatment and has specified that 14804
the licensee wishes the license to indicate that the licensee has 14805
executed either type of instrument, any symbol chosen by the 14806
registrar to indicate that the licensee has executed either type 14807
of instrument; and any additional information that the registrar 14808
requires by rule. No license shall display the licensee's social 14809
security number unless the licensee specifically requests that the 14810
licensee's social security number be displayed on the license. If 14811
federal law requires the licensee's social security number to be 14812
displayed on the license, the social security number shall be 14813
displayed on the license notwithstanding this section. 14814

The driver's license for licensees under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a licensee who is twenty-one years of age or older, except that a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of a license issued to a person who is twenty-one years of age or older.

The driver's license issued to a temporary resident shall contain the word "nonrenewable" and shall have any additional characteristics prescribed by the registrar distinguishing it from a license issued to a resident.

Every driver's or commercial driver's license displaying a motorcycle operator's endorsement and every restricted license to operate a motor vehicle also shall display the designation "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. 14846

(C) Whoever violates division (B) of this section is guilty 14847

of a minor misdemeanor. 14848

Sec. 4507.14. The registrar of motor vehicles upon issuing a 14849
driver's license, a motorcycle operator's endorsement, a driver's 14850
license renewal, or the renewal of any other license issued under 14851
this chapter, whenever good cause appears, may impose restrictions 14852
suitable to the licensee's driving ability with respect to the 14853
type of or special mechanical control devices required on a motor 14854
vehicle ~~which that~~ the licensee may operate, or ~~such any~~ other 14855
restrictions applicable to the licensee ~~as that~~ the registrar 14856
determines to be necessary. 14857

When issuing a license to a person with impaired hearing, the 14858
registrar shall require that a motor vehicle operated by the 14859
person be equipped with two outside rear vision mirrors, one on 14860
the left side and the other on the right side. 14861

The registrar either may issue a special restricted license 14862
or may set forth ~~such any~~ restrictions applicable to the license 14863
upon the usual license form. 14864

The registrar, upon receiving satisfactory evidence of any 14865
violation of the restrictions of ~~such any~~ license, after an 14866
opportunity for a hearing in accordance with Chapter 119. of the 14867
Revised Code, may ~~suspend the license for a period of six months~~ 14868
impose upon the offender a class D suspension of the license from 14869
the range specified in division (B)(4) of section 4510.02 of the 14870
Revised Code. 14871

Sec. 4507.15. For the purpose of enforcing ~~sections 4507.01~~ 14872
~~to 4507.39, inclusive,~~ this chapter and Chapter 4510. of the 14873
Revised Code, any court of record having criminal jurisdiction 14874
shall have county-wide jurisdiction within the county in which it 14875

is located to hear and finally determine cases arising under ~~such~~ 14876
~~sections this chapter and Chapter 4510. of the Revised Code. Such~~ 14877
~~actions~~ An action arising under this section shall be commenced by 14878
the filing of an affidavit, and the right of trial by jury is 14879
preserved, but indictments are not required in misdemeanor cases 14880
arising under ~~such sections this chapter and Chapter 4510. of the~~ 14881
Revised Code. The registrar shall prepare and furnish blanks for 14882
the use of ~~said the~~ court in making reports of ~~said~~ convictions 14883
and bond forfeitures arising under this chapter and Chapter 4510. 14884
of the Revised Code. 14885

Sec. 4507.16. (A)~~(1)~~ The trial judge of any court of record, 14886
in addition to or independent of all other penalties provided by 14887
law or by ordinance, shall ~~suspend for not less than thirty days~~ 14888
~~or more than three years or shall revoke the driver's or~~ 14889
~~commercial driver's license or permit or nonresident operating~~ 14890
~~privilege of any person who is convicted of or pleads guilty to~~ 14891
~~any of the following:~~ 14892

~~(a) Perjury impose upon any person who is convicted of or~~ 14893
~~pleads guilty to perjury or the making of a false affidavit under~~ 14894
this chapter, or any other law of this state requiring the 14895
registration of motor vehicles or regulating their operation on 14896
the highway; 14897

~~(b) Any crime punishable as a felony under the motor vehicle~~ 14898
~~laws of this state or any other felony in the commission of which~~ 14899
~~a motor vehicle is used;~~ 14900

~~(c) Failing to stop and disclose identity at the scene of the~~ 14901
~~accident when required by law or ordinance to do so;~~ 14902

~~(d) Street racing as defined in section 4511.251 of the~~ 14903
~~Revised Code or any substantially similar municipal ordinance;~~ 14904

~~(e) Willfully eluding or fleeing a police officer;~~ 14905

~~(f) Trafficking in cigarettes with the intent to avoid payment of the cigarette tax under division (A) of section 5743.112 of the Revised Code.~~ 14906
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~~(2) Subject to division (D)(1) of this section, the trial judge of any court of record, in addition to or independent of all other penalties provided by law or by ordinance, shall suspend 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 section 2903.06 or 2903.08 of the Revised Code. The suspension shall be for the period of time specified in section 2903.06 or 2903.08 of the Revised Code, whichever is applicable.~~ 14909
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~~(3) If a person is convicted of or pleads guilty to a violation of section 2907.24 of the Revised Code, an attempt to commit a violation of that section, or a violation of or an attempt to commit a violation of a municipal ordinance that is 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.~~ 14918
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~~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, 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~~ 14928
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the Revised Code. No judge shall suspend the first three months of 14938
suspension of an offender's license, permit, or privilege required 14939
by this division. 14940

~~(4)(B)~~ If the trial judge of any court of record suspends ~~or~~ 14941
~~revokes~~ the driver's or commercial driver's license or permit or 14942
nonresident operating privilege of a person who is convicted of or 14943
pleads guilty to any offense for which ~~such a~~ suspension ~~or~~ 14944
~~revocation of that type~~ is provided by law or ordinance, in 14945
addition to all other penalties provided by law or ordinance, the 14946
judge may issue an order prohibiting the offender from 14947
registering, renewing, or transferring the registration of any 14948
vehicle during the period that the offender's license, permit, or 14949
privilege is suspended ~~or revoked~~. The court promptly shall send a 14950
copy of the order to the registrar of motor vehicles. 14951

Upon receipt of ~~such an~~ the order from the court, neither the 14952
registrar nor any deputy registrar shall accept any application 14953
for the registration, registration renewal, or transfer of 14954
registration of any motor vehicle owned or leased by the person 14955
named in the order during the period that the person's license, 14956
permit, or privilege is suspended ~~or revoked~~, unless the registrar 14957
is properly notified by the court that the order of suspension ~~or~~ 14958
~~revocation~~ has been canceled. When the period of suspension ~~or~~ 14959
~~revocation~~ expires or the order is canceled, the registrar or 14960
deputy registrar shall accept the application for registration, 14961
registration renewal, or transfer of registration of the person 14962
named in the order. 14963

~~(B) Except as otherwise provided in this section, the trial~~ 14964
~~judge of any court of record and the mayor of a mayor's court, in~~ 14965
~~addition to or independent of all other penalties provided by law~~ 14966
~~or by ordinance, shall revoke the driver's or commercial driver's~~ 14967
~~license or permit or nonresident operating privilege of any person~~ 14968
~~who is convicted of or pleads guilty to a violation of division~~ 14969

~~(A) of section 4511.19 of the Revised Code, 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 that is substantially equivalent to division (A) of section 4511.19 of the Revised Code relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine or suspend the license, permit, or privilege as follows:~~

~~(1) Except when division (B)(2), (3), or (4) of this section applies and the judge or mayor is required to suspend or revoke the offender's license or permit pursuant to that division, the judge or mayor shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for not less than six months nor more than three years.~~

~~(2) Subject to division (B)(4) of this section, if, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a motor vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 2903.06 or 2903.08 of the Revised Code, former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to former section 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to~~

~~division (A) or (B) of section 4511.19 of the Revised Code, the judge shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for not less than one year nor more than five years.~~

~~(3) Subject to division (B)(4) of this section, if, within six years of the offense, the offender has been convicted of or pleaded guilty to two violations described in division (B)(2) of this section, 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 judge shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for not less than one year nor more than ten years.~~

~~(4) If, within six years of the offense, the offender has been convicted of or pleaded guilty to three or more violations described in division (B)(2) of this section, a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, or if the offender previously has been convicted of or pleaded guilty to a violation of division (A) of section 4511.19 of the Revised Code under circumstances in which the violation was a felony and regardless of when the violation and the conviction or guilty plea occurred, the 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.~~

~~(5) The filing of an appeal by a person whose driver's or commercial driver's license is suspended or revoked under division~~

~~(E)(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.~~ 15034
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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:~~ 15037
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~~(1) For not more than one year, upon conviction for a first violation of the requirement or prohibition;~~ 15045
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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.~~ 15047
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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 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.~~ 15052
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~~(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~~ 15061
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~~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, 2925.041, 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 15098
convicted of or pleads guilty to a violation of division (B) of 15099
section 4511.19 of the Revised Code or of a municipal ordinance 15100
substantially equivalent to that division relating to operating a 15101
vehicle with a prohibited concentration of alcohol in the blood, 15102
breath, or urine. 15103~~

~~(F)(1) A person is not entitled to request, and a judge or 15104
mayor shall not grant to the person, occupational driving 15105
privileges under division (F) of this section if a person's 15106
driver's or commercial driver's license or permit or nonresident 15107
operating privilege has been suspended pursuant to division (B) or 15108
(C) of this section or pursuant to division (F) of section 15109
4511.191 of the Revised Code, and the person, within the preceding 15110
seven years, has been convicted of or pleaded guilty to three or 15111
more violations of one or more of the following: 15112~~

~~(a) Division (A) or (B) of section 4511.19 of the Revised 15113
Code; 15114~~

~~(b) A municipal ordinance relating to operating a vehicle 15115
while under the influence of alcohol, a drug of abuse, or alcohol 15116
and a drug of abuse; 15117~~

~~(c) A municipal ordinance relating to operating a vehicle 15118
with a prohibited concentration of alcohol in the blood, breath, 15119
or urine; 15120~~

~~(d) Section 2903.04 of the Revised Code in a case in which 15121
the person was subject to the sanctions described in division (D) 15122
of that section; 15123~~

~~(e) Division (A)(1) of section 2903.06 or division (A)(1) of 15124
section 2903.08 of the Revised Code or a municipal ordinance that 15125
is substantially similar to either of those divisions; 15126~~

~~(f) Division (A)(2), (3), or (4) of section 2903.06, division 15127
(A)(2) of section 2903.08, or former section 2903.07 of the 15128~~

~~Revised Code, or a municipal ordinance that is substantially 15129
similar to any of those divisions or that former section, in a 15130
case in which the jury or judge found that the person was under 15131
the influence of alcohol, a drug of abuse, or alcohol and a drug 15132
of abuse; 15133~~

~~(g) A statute of the United States or of any other state or a 15134
municipal ordinance of a municipal corporation located in any 15135
other state that is substantially similar to division (A) or (B) 15136
of section 4511.19 of the Revised Code. 15137~~

~~(2) Any other person who is not described in division (F)(1) 15138
of this section and whose driver's or commercial driver's license 15139
or nonresident operating privilege has been suspended under any of 15140
those divisions may file a petition that alleges that the 15141
suspension would seriously affect the person's ability to continue 15142
the person's employment. The petition of a person whose license, 15143
permit, or privilege was suspended pursuant to division (F) of 15144
section 4511.191 of the Revised Code shall be filed in the court 15145
specified in division (I)(4) of that section, and the petition of 15146
a person whose license, permit, or privilege was suspended under 15147
division (B) or (C) of this section shall be filed in the 15148
municipal, county, mayor's, or in the case of a minor, juvenile 15149
court that has jurisdiction over the place of arrest. Upon 15150
satisfactory proof that there is reasonable cause to believe that 15151
the suspension would seriously affect the person's ability to 15152
continue the person's employment, the judge of the court or mayor 15153
of the mayor's court may grant the person occupational driving 15154
privileges during the period during which the suspension otherwise 15155
would be imposed, except that the judge or mayor shall not grant 15156
occupational driving privileges for employment as a driver of 15157
commercial motor vehicles to any person who is disqualified from 15158
operating a commercial motor vehicle under section 3123.611 or 15159
4506.16 of the Revised Code or whose commercial driver's license 15160~~

~~or commercial driver's temporary instruction permit has been 15161
suspended under section 3123.58 of the Revised Code, and shall not 15162
grant occupational driving privileges during any of the following 15163
periods of time: 15164~~

~~(a) The first fifteen days of suspension imposed upon an 15165
offender whose license, permit, or privilege is suspended pursuant 15166
to division (B)(1) of this section or division (F)(1) of section 15167
4511.191 of the Revised Code. On or after the sixteenth day of 15168
suspension, the court may grant the offender occupational driving 15169
privileges, but the court may provide that the offender shall not 15170
exercise the occupational driving privileges unless the vehicles 15171
the offender operates are equipped with ignition interlock 15172
devices. 15173~~

~~(b) The first thirty days of suspension imposed upon an 15174
offender whose license, permit, or privilege is suspended pursuant 15175
to division (B)(2) of this section or division (F)(2) of section 15176
4511.191 of the Revised Code. On or after the thirty first day of 15177
suspension, the court may grant the offender occupational driving 15178
privileges, but the court may provide that the offender shall not 15179
exercise the occupational driving privileges unless the vehicles 15180
the offender operates are equipped with ignition interlock 15181
devices. 15182~~

~~(c) The first one hundred eighty days of suspension imposed 15183
upon an offender whose license, permit, or privilege is suspended 15184
pursuant to division (B)(3) of this section or division (F)(3) of 15185
section 4511.191 of the Revised Code. The judge may grant 15186
occupational driving privileges to an offender who receives a 15187
suspension under either of those divisions on or after the one 15188
hundred eighty first day of the suspension only if division (F) of 15189
this section does not prohibit the judge from granting the 15190
privileges and only if the judge, at the time of granting the 15191
privileges, also issues an order prohibiting the offender, while 15192~~

~~exercising the occupational driving privileges during the period 15193
commencing with the one hundred eighty first day of suspension and 15194
ending with the first year of suspension, from operating any motor 15195
vehicle unless it is equipped with a certified ignition interlock 15196
device. After the first year of the suspension, the court may 15197
authorize the offender to continue exercising the occupational 15198
driving privileges in vehicles that are not equipped with ignition 15199
interlock devices. If the offender does not petition for 15200
occupational driving privileges until after the first year of 15201
suspension and if division (F) of this section does not prohibit 15202
the judge from granting the privileges, the judge may grant the 15203
offender occupational driving privileges without requiring the use 15204
of a certified ignition interlock device. 15205~~

~~(d) The first three years of suspension imposed upon an 15206
offender whose license, permit, or privilege is suspended pursuant 15207
to division (B)(4) of this section or division (F)(4) of section 15208
4511.191 of the Revised Code. The judge may grant occupational 15209
driving privileges to an offender who receives a suspension under 15210
either of those divisions after the first three years of 15211
suspension only if division (F) of this section does not prohibit 15212
the judge from granting the privileges and only if the judge, at 15213
the time of granting the privileges, also issues an order 15214
prohibiting the offender from operating any motor vehicle, for the 15215
period of suspension following the first three years of 15216
suspension, unless the motor vehicle is equipped with a certified 15217
ignition interlock device. 15218~~

~~(G) If a person's driver's or commercial driver's license or 15219
permit or nonresident operating privilege has been suspended under 15220
division (E) of this section, and the person, within the preceding 15221
seven years, has been convicted of or pleaded guilty to three or 15222
more violations identified in division (F)(1) of this section, the 15223
person is not entitled to request, and the judge or mayor shall 15224~~

~~not grant to the person, occupational driving privileges under 15225
this division. Any other person whose driver's or commercial 15226
driver's license or nonresident operating privilege has been 15227
suspended under division (E) of this section may file a petition 15228
that alleges that the suspension would seriously affect the 15229
person's ability to continue the person's employment. The petition 15230
shall be filed in the municipal, county, or mayor's court that has 15231
jurisdiction over the place of arrest. Upon satisfactory proof 15232
that there is reasonable cause to believe that the suspension 15233
would seriously affect the person's ability to continue the 15234
person's employment, the judge of the court or mayor of the 15235
mayor's court may grant the person occupational driving privileges 15236
during the period during which the suspension otherwise would be 15237
imposed, except that the judge or mayor shall not grant 15238
occupational driving privileges for employment as a driver of 15239
commercial motor vehicles to any person who is disqualified from 15240
operating a commercial motor vehicle under section 4506.16 of the 15241
Revised Code, and shall not grant occupational driving privileges 15242
during the first sixty days of suspension imposed upon an offender 15243
whose driver's or commercial driver's license or permit or 15244
nonresident operating privilege is suspended pursuant to division 15245
(E) of this section. 15246~~

~~(H)(1) After a driver's or commercial driver's license or 15247
permit has been suspended or revoked pursuant to this section, the 15248
judge of the court or mayor of the mayor's court that suspended or 15249
revoked the license or permit shall cause the offender to deliver 15250
the license or permit to the court. The judge, mayor, or clerk of 15251
the court or mayor's court, if the license or permit has been 15252
suspended or revoked in connection with any of the offenses listed 15253
in this section, forthwith shall forward it to the registrar with 15254
notice of the action of the court. 15255~~

~~(2) Suspension of a commercial driver's license under this 15256~~

~~section shall be concurrent with any period of disqualification 15257
under section 3123.611 or 4506.16 of the Revised Code or any 15258
period of suspension under section 3123.58 of the Revised Code. No 15259
person who is disqualified for life from holding a commercial 15260
driver's license under section 4506.16 of the Revised Code shall 15261
be issued a driver's license under this chapter during the period 15262
for which the commercial driver's license was suspended under this 15263
section, and no person whose commercial driver's license is 15264
suspended under this section shall be issued a driver's license 15265
under this chapter during the period of the suspension. 15266~~

~~(I) No judge shall suspend the first thirty days of 15267
suspension of a driver's or commercial driver's license or permit 15268
or a nonresident operating privilege required under division (A) 15269
of this section, no judge or mayor shall suspend the first six 15270
months of suspension required under division (B)(1) of this 15271
section, no judge shall suspend the first year of suspension 15272
required under division (B)(2) of this section, no judge shall 15273
suspend the first year of suspension required under division 15274
(B)(3) of this section, no judge shall suspend the first three 15275
years of suspension required under division (B)(4) of this 15276
section, no judge or mayor shall suspend the revocation required 15277
by division (D) of this section, and no judge or mayor shall 15278
suspend the first sixty days of suspension required under division 15279
(E) of this section, except that the court shall credit any period 15280
of suspension imposed pursuant to section 4511.191 or 4511.196 of 15281
the Revised Code against any time of suspension imposed pursuant 15282
to division (B) or (E) of this section as described in division 15283
(J) of this section. 15284~~

~~(J) The judge of the court or mayor of the mayor's court 15285
shall credit any time during which an offender was subject to an 15286
administrative suspension of the offender's driver's or commercial 15287
driver's license or permit or nonresident operating privilege 15288~~

~~imposed pursuant to division (E) or (F) of section 4511.191 or a 15289
suspension imposed by a judge, referee, or mayor pursuant to 15290
division (B)(1) or (2) of section 4511.196 of the Revised Code 15291
against the time to be served under a related suspension imposed 15292
pursuant to this section. 15293~~

~~(K) The judge or mayor shall notify the bureau of any 15294
determinations made, and of any suspensions or revocations 15295
imposed, pursuant to division (B) of this section. 15296~~

~~(L)(1) If a court issues an ignition interlock order under 15297
division (F) of this section, the order shall authorize the 15298
offender during the specified period to operate a motor vehicle 15299
only if it is equipped with a certified ignition interlock device. 15300
The court shall provide the offender with a copy of an ignition 15301
interlock order issued under division (F) of this section, and the 15302
copy of the order shall be used by the offender in lieu of an Ohio 15303
driver's or commercial driver's license or permit until the 15304
registrar or a deputy registrar issues the offender a restricted 15305
license. 15306~~

~~An order issued under division (F) of this section does not 15307
authorize or permit the offender to whom it has been issued to 15308
operate a vehicle during any time that the offender's driver's or 15309
commercial driver's license or permit is suspended or revoked 15310
under any other provision of law. 15311~~

~~(2) The offender may present the ignition interlock order to 15312
the registrar or to a deputy registrar. Upon presentation of the 15313
order to the registrar or a deputy registrar, the registrar or 15314
deputy registrar shall issue the offender a restricted license. A 15315
restricted license issued under this division shall be identical 15316
to an Ohio driver's license, except that it shall have printed on 15317
its face a statement that the offender is prohibited during the 15318
period specified in the court order from operating any motor 15319
vehicle that is not equipped with a certified ignition interlock 15320~~

device, and except that the date of commencement and the date of 15321
termination of the period shall be indicated conspicuously upon 15322
the face of the license. 15323

~~(3) As used in this section:~~ 15324

~~(a) "Ignition interlock device" has the same meaning as in 15325
section 4511.83 of the Revised Code. 15326~~

~~(b) "Certified ignition interlock device" means an ignition 15327
interlock device that is certified pursuant to section 4511.83 of 15328
the Revised Code. 15329~~

Sec. 4507.164. (A) Except as provided in divisions (C) to (E) 15331
of this section, when the license of any person is suspended ~~or~~ 15332
~~revoked~~ pursuant to any provision of the Revised Code other than 15333
division ~~(B)~~(G) of section 4507.16 4511.19 of the Revised Code and 15334
other than section 4510.07 of the Revised Code for a violation of 15335
a municipal OVI ordinance, the trial judge may impound the 15336
identification license plates of any motor vehicle registered in 15337
the name of the person. 15338

(B)(1) When the license of any person is suspended ~~or revoked~~ 15339
pursuant to division ~~(B)(1)~~(G)(1)(a) of section 4507.16 4511.19 of 15340
the Revised Code, or pursuant to section 4510.07 of the Revised 15341
Code for a municipal OVI offense when the suspension is equivalent 15342
in length to the suspension under division (G) of section 4511.19 15343
of the Revised Code that is specified in this division, the trial 15344
judge of the court of record or the mayor of the mayor's court 15345
that suspended ~~or revoked~~ the license may impound the 15346
identification license plates of any motor vehicle registered in 15347
the name of the person. 15348

(2) When the license of any person is suspended ~~or revoked~~ 15349
pursuant to division ~~(B)(2)~~(G)(1)(b) of section 4507.16 4511.19 of 15350
the Revised Code, or pursuant to section 4510.07 of the Revised 15351

Code for a municipal OVI offense when the suspension is equivalent 15352
in length to the suspension under division (G) of section 4511.19 15353
of the Revised Code that is specified in this division, the trial 15354
judge of the court of record that suspended ~~or revoked~~ the license 15355
shall order the impoundment of the identification license plates 15356
of the motor vehicle the offender was operating at the time of the 15357
offense and the immobilization of that vehicle in accordance with 15358
section 4503.233 and division ~~(A)(2), (6), or (7)~~ (G)(1)(b) of 15359
section ~~4511.99~~ 4511.19 or division ~~(B)(2)(i) or (ii)~~ (a) of 15360
section 4511.193 of the Revised Code and may impound the 15361
identification license plates of any other motor vehicle 15362
registered in the name of the person whose license is suspended ~~or~~ 15363
~~revoked~~. 15364

(3) When the license of any person is suspended ~~or revoked~~ 15365
pursuant to division ~~(B)(3)~~ (G)(1)(c), (d), or (4)(e) of section 15366
~~4507.16~~ 4511.19 of the Revised Code, or pursuant to section 15367
4510.07 of the Revised Code for a municipal OVI offense when the 15368
suspension is equivalent in length to the suspension under 15369
division (G) of section 4511.19 of the Revised Code that is 15370
specified in this division, the trial judge of the court of record 15371
that suspended ~~or revoked~~ the license shall order the criminal 15372
forfeiture to the state of the motor vehicle the offender was 15373
operating at the time of the offense in accordance with section 15374
4503.234 and division ~~(A)(3) or (4)~~ (G)(1)(c), (d), or (8)(e) of 15375
section ~~4511.99~~ 4511.19 or division ~~(B)(2)(b)(iii)~~ of section 15376
4511.193 of the Revised Code and may impound the identification 15377
license plates of any other motor vehicle registered in the name 15378
of the person whose license is suspended ~~or revoked~~. 15379

(C)(1) When a person is convicted of or pleads guilty to a 15380
violation of ~~division (D)(2) of section 4507.02~~ 4510.14 of the 15381
Revised Code or a substantially equivalent municipal ordinance and 15382
division (B)(1) or (2) of section ~~4507.99~~ 4510.14 or division 15383

(C)(1) or (2) of section ~~4507.36~~ 4510.161 of the Revised Code 15384
applies, the trial judge of the court of record or the mayor of 15385
the mayor's court that imposes sentence shall order the 15386
immobilization of the vehicle the person was operating at the time 15387
of the offense and the impoundment of its identification license 15388
plates in accordance with section 4503.233 and division (B)(1) or 15389
(2) of section ~~4507.99~~ 4510.14 or division (C)(1) or (2) of 15390
section ~~4507.361~~ 4510.161 of the Revised Code and may impound the 15391
identification license plates of any other vehicle registered in 15392
the name of that person. 15393

(2) When a person is convicted of or pleads guilty to a 15394
violation of ~~division (D)(2)~~ of section ~~4507.02~~ 4510.14 of the 15395
Revised Code or a substantially equivalent municipal ordinance and 15396
division (B)(3) of section ~~4507.99~~ 4510.14 or division (C)(3) of 15397
section ~~4507.361~~ 4510.161 of the Revised Code applies, the trial 15398
judge of the court of record that imposes sentence shall order the 15399
criminal forfeiture to the state of the vehicle the person was 15400
operating at the time of the offense in accordance with section 15401
4503.234 and division (B)(3) of section ~~4507.99~~ 4510.14 or 15402
division (C)(3) of section ~~4507.361~~ 4510.161 of the Revised Code 15403
and may impound the identification license plates of any other 15404
vehicle registered in the name of that person. 15405

(D)(1) When a person is convicted of or pleads guilty to a 15406
violation of ~~division (B)(1)(A)~~ of section ~~4507.02~~ 4510.16 of the 15407
Revised Code or a substantially equivalent municipal ordinance and 15408
division ~~(C)(1)(B)(2)~~ or ~~(2)(3)~~ of section ~~4507.99~~ 4510.16 or 15409
division (B)(1) or (2) of section ~~4507.361~~ 4510.161 of the Revised 15410
Code applies, the trial judge of the court of record or the mayor 15411
of the mayor's court that imposes sentence shall order the 15412
immobilization of the vehicle the person was operating at the time 15413
of the offense and the impoundment of its identification license 15414
plates in accordance with section 4503.233 and division 15415

~~(C)(1)(B)(2)~~ or ~~(2)(3)~~ of section ~~4507.99~~ 4510.16 or division 15416
(B)(1) or (2) of section ~~4507.361~~ 4510.161 of the Revised Code and 15417
may impound the identification license plates of any other vehicle 15418
registered in the name of that person. 15419

(2) When a person is convicted of or pleads guilty to a 15420
violation of division ~~(B)(1)(A)~~ of section ~~4507.02~~ 4510.16 of the 15421
Revised Code or a substantially equivalent municipal ordinance and 15422
division ~~(C)(3)(B)(4)~~ of section ~~4507.99~~ 4510.16 or division 15423
(B)(3) of section ~~4507.361~~ 4510.161 of the Revised Code applies, 15424
the trial judge of the court of record that imposes sentence shall 15425
order the criminal forfeiture to the state of the vehicle the 15426
person was operating at the time of the offense in accordance with 15427
section 4503.234 and division ~~(C)(3)(B)(4)~~ of section ~~4507.99~~ 15428
4510.16 or division (B)(3) of section ~~4507.361~~ 4510.161 of the 15429
Revised Code and may impound the identification license plates of 15430
any other vehicle registered in the name of that person. 15431

(E)(1) When a person is convicted of or pleads guilty to a 15432
violation of section ~~4507.33~~ 4511.203 of the Revised Code and the 15433
person is sentenced pursuant to division ~~(E)(C)(1)~~ or (2) of 15434
section ~~4507.99~~ 4511.203 of the Revised Code, the trial judge of 15435
the court of record or the mayor of the mayor's court that imposes 15436
sentence shall order the immobilization of the vehicle that was 15437
involved in the commission of the offense and the impoundment of 15438
its identification license plates in accordance with division 15439
~~(E)(C)(1)~~ or (2) of section ~~4507.99~~ 4511.203 and section 4503.233 15440
of the Revised Code and may impound the identification license 15441
plates of any other vehicle registered in the name of that person. 15442

(2) When a person is convicted of or pleads guilty to a 15443
violation of section ~~4507.33~~ 4511.203 of the Revised Code and the 15444
person is sentenced pursuant to division ~~(E)(2)(C)(3)~~ of section 15445
~~4507.99~~ 4511.203 of the Revised Code, the trial judge of the court 15446
of record or the mayor of the mayor's court that imposes sentence 15447

shall order the criminal forfeiture to the state of the vehicle 15448
that was involved in the commission of the offense in accordance 15449
with division ~~(E)(2)(C)(3)~~ of section ~~4507.99~~ 4511.203 and section 15450
4503.234 of the Revised Code and may impound the identification 15451
license plates of any other vehicle registered in the name of that 15452
person. 15453

(F) Except as provided in section 4503.233 or 4503.234 of the 15454
Revised Code, when the certificate of registration, the 15455
identification license plates, or both have been impounded, 15456
division ~~(F)(B)~~ of section 4507.02 of the Revised Code is 15457
applicable. 15458

(G) As used in this section, "municipal OVI offense" has the 15459
same meaning as in section 4511.181 of the Revised Code. 15460

Sec. 4507.17. Any person whose license is suspended or 15461
~~revoked under sections 4507.01 to 4507.39, inclusive, of the~~ 15462
~~Revised Code, canceled~~ is not entitled to apply for or receive a 15463
new license during the effective dates of ~~such~~ the suspension or 15464
~~revocation~~ cancellation. 15465

Sec. 4507.19. The registrar of motor vehicles may ~~suspend or~~ 15466
~~cancel~~ any driver's license ~~upon determination~~ that ~~such~~ license 15467
was obtained unlawfully, was issued in error, or has been altered 15468
or willfully destroyed. 15469

Sec. 4507.20. The registrar of motor vehicles, ~~upon~~ 15470
~~determination that any person has more than seven points charged~~ 15471
~~against him under section 4507.021 of the Revised Code, and is not~~ 15472
~~subject to the provisions of section 4507.022 of the Revised Code,~~ 15473
~~or, having~~ when the registrar has good cause to believe that the 15474
holder of a driver's or commercial driver's license is incompetent 15475
or otherwise not qualified to be licensed, shall upon written 15476
notice of at least ~~five~~ thirty days sent to the licensee's last 15477

known address, require ~~him~~ the licensee to submit to a driver's 15478
license examination ~~or~~, a physical examination, or both, or a 15479
commercial driver's license examination. Upon the conclusion of 15480
the examination, the registrar may suspend ~~or revoke~~ the license 15481
of the person, ~~or~~ may permit ~~him~~ the licensee to retain the 15482
license, or may issue ~~him~~ the licensee a restricted license. 15483
Refusal or neglect of the licensee to submit to the examination is 15484
ground for suspension ~~or revocation~~ of ~~his~~ the licensee's license. 15485

Sec. 4507.21. (A) Each applicant for a driver's license shall 15486
file an application in the office of the registrar of motor 15487
vehicles or of a deputy registrar. 15488

(B)(1) Each person under eighteen years of age applying for a 15489
driver's license issued in this state shall present satisfactory 15490
evidence of having successfully completed any one of the 15491
following: 15492

(a) A driver education course approved by the state 15493
department of education. 15494

(b) A driver training course approved by the director of 15495
public safety. 15496

(c) A driver training course comparable to a driver education 15497
or driver training course described in division (B)(1)(a) or (b) 15498
of this section and administered by a branch of the armed forces 15499
of the United States and completed by the applicant while residing 15500
outside this state for the purpose of being with or near any 15501
person serving in the armed forces of the United States. 15502

(2) Each person under eighteen years of age applying for a 15504
driver's license also shall present, on a form prescribed by the 15505
registrar, an affidavit signed by an eligible adult attesting that 15506
the person has acquired at least fifty hours of actual driving 15507

experience, with at least ten of those hours being at night. 15508

(C) If the registrar or deputy registrar determines that the 15509
applicant is entitled to the driver's license, it shall be issued. 15510
If the application shows that the applicant's license has been 15511
previously ~~revoked~~ canceled or suspended, the deputy registrar 15512
shall forward the application to the registrar, who shall 15513
determine whether the license shall be granted. 15514

(D) All applications shall be filed in duplicate, and the 15515
deputy registrar issuing the license shall immediately forward to 15516
the office of the registrar the original copy of the application, 15517
together with the duplicate copy of the certificate, if issued. 15518
The registrar shall prescribe rules as to the manner in which the 15519
deputy registrar files and maintains the applications and other 15520
records. The registrar shall file every application for a driver's 15521
or commercial driver's license and index them by name and number, 15522
and shall maintain a suitable record of all licenses issued, all 15523
convictions and bond forfeitures, all applications for licenses 15524
denied, and all licenses ~~which~~ that have been suspended or ~~revoked~~ 15525
canceled. 15526

(E) For purposes of section 2313.06 of the Revised Code, the 15527
registrar shall maintain accurate and current lists of the 15528
residents of each county who are eighteen years of age or older, 15529
have been issued, on and after January 1, 1984, driver's or 15530
commercial driver's licenses that are valid and current, and would 15531
be electors if they were registered to vote, regardless of whether 15532
they actually are registered to vote. The lists shall contain the 15533
names, addresses, dates of birth, duration of residence in this 15534
state, citizenship status, and social security numbers, if the 15535
numbers are available, of the licensees, and may contain any other 15536
information that the registrar considers suitable. 15537

(F) Each person under eighteen years of age applying for a 15538
motorcycle operator's endorsement or a restricted license enabling 15539

the applicant to operate a motorcycle shall present satisfactory 15540
evidence of having completed the courses of instruction in the 15541
motorcycle safety and education program described in section 15542
4508.08 of the Revised Code or a comparable course of instruction 15543
administered by a branch of the armed forces of the United States 15544
and completed by the applicant while residing outside this state 15545
for the purpose of being with or near any person serving in the 15546
armed forces of the United States. If the registrar or deputy 15547
registrar then determines that the applicant is entitled to the 15548
endorsement or restricted license, it shall be issued. 15549

(G) No person shall knowingly make a false statement in an 15550
affidavit presented in accordance with division (B)(2) of this 15551
section. 15552

(H) As used in this section, "eligible adult" means any of 15553
the following persons: 15554

(1) A parent, guardian, or custodian of the applicant; 15555

(2) A person over the age of twenty-one who acts in loco 15556
parentis of the applicant and who maintains proof of financial 15557
responsibility with respect to the operation of a motor vehicle 15558
owned by the applicant or with respect to the applicant's 15559
operation of any motor vehicle. 15560

(I) Whoever violates division (G) of this section is guilty 15561
of a minor misdemeanor and shall be fined one hundred dollars. 15562

Sec. 4507.30. No person shall do any of the following: 15563

(A) Display, or cause or permit to be displayed, or possess 15564
any identification card, driver's or commercial driver's license, 15565
temporary instruction permit, or commercial driver's license 15566
temporary instruction permit knowing the same to be fictitious, or 15567
to have been canceled, ~~revoked~~, suspended, or altered; 15568

(B) Lend to a person not entitled thereto, or knowingly 15569

permit ~~him~~ a person not entitled thereto to use any identification 15570
card, driver's or commercial driver's license, temporary 15571
instruction permit, or commercial driver's license temporary 15572
instruction permit issued to the person so lending or permitting 15573
the use thereof; 15574

(C) Display, or represent as one's own, any identification 15575
card, driver's or commercial driver's license, temporary 15576
instruction permit, or commercial driver's license temporary 15577
instruction permit not issued to the person so displaying the 15578
same; 15579

(D) Fail to surrender to the registrar of motor vehicles, 15580
upon ~~his~~ the registrar's demand, any identification card, driver's 15581
or commercial driver's license, temporary instruction permit, or 15582
commercial driver's license temporary instruction permit ~~which~~ 15583
that has been suspended, or canceled, ~~or~~ ~~revoked~~; 15584

(E) In any application for an identification card, driver's 15585
or commercial driver's license, temporary instruction permit, or 15586
commercial driver's license temporary instruction permit, or any 15587
renewal or duplicate thereof, knowingly conceal a material fact, 15588
or present any physician's statement required under section 15589
4507.08 or 4507.081 of the Revised Code when knowing the same to 15590
be false or fictitious. 15591

(F) Whoever violates any division of this section is guilty 15592
of a misdemeanor of the first degree. 15593

Sec. 4507.31. (A) No person shall cause or knowingly permit 15594
any minor ~~under eighteen~~ to drive a motor vehicle upon a highway 15595
as an operator, unless ~~such~~ the minor has first obtained a license 15596
or permit to drive a motor vehicle under ~~sections 4507.01 to~~ 15597
~~4507.39, inclusive, of the Revised Code~~ this chapter. 15598

(B) Whoever violates this section is guilty of a misdemeanor 15599

of the first degree. 15600

Sec. 4507.321. (A) Notwithstanding the definition of 15601
"chauffeur" in section 4501.01 of the Revised Code, no person 15602
shall employ, any minor for the purpose of operating a taxicab, 15603
~~any minor under eighteen years of age.~~ 15604

(B) Whoever violates this section is guilty of a misdemeanor 15605
of the first degree. 15606

Sec. 4507.35. (A) The operator of a motor vehicle shall 15607
display ~~his~~ the operator's driver's license, or furnish 15608
satisfactory proof that ~~he~~ the operator has ~~such a~~ driver's 15609
license, upon demand of any peace officer or of any person damaged 15610
or injured in any collision in which ~~such~~ the licensee may be 15611
involved. When a demand is properly made and the operator has ~~his~~ 15612
the operator's driver's license on or about ~~his~~ the operator's 15613
person, ~~he~~ the operator shall not refuse to display ~~said~~ the 15614
license. ~~Failure~~ A person's failure to furnish satisfactory 15615
evidence that ~~such~~ the person is licensed under ~~sections 4507.01~~ 15616
~~to 4507.30 of the Revised Code~~ this chapter when ~~such~~ the person 15617
does not have ~~his~~ the person's license on or about ~~his~~ the 15618
person's person shall be prima-facie evidence of ~~his~~ the person's 15619
not having obtained ~~such a~~ driver's license. 15620

(B) Whoever violates this section is guilty of a misdemeanor 15621
of the first degree. 15622

Sec. 4507.36. (A) No person shall knowingly make a false 15623
statement to any matter or thing required by ~~sections 4507.01 to~~ 15624
~~4507.39, inclusive, of the Revised Code~~ this chapter. 15625

(B) Whoever violates this section is guilty of a misdemeanor 15626
of the first degree. 15627

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 section, upon receipt of a fee of three dollars and fifty cents, shall issue an identification card to that person.

Any person who is a resident or temporary resident of this state whose Ohio driver's or commercial driver's license has been suspended or ~~revoked~~ canceled, upon application in compliance with section 4507.51 of the Revised Code and, except as provided in division (B) of this section, payment of a fee of three dollars and fifty cents, may be issued a temporary identification card. The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid during the effective dates of the suspension or ~~revocation~~ cancellation of the cardholder's

license, or until the birthday of the cardholder in the fourth 15659
year after the date on which it is issued, whichever is shorter. 15660
The cardholder shall surrender the identification card to the 15661
registrar or any deputy registrar before the cardholder's driver's 15662
or commercial driver's license is restored or reissued. 15663

Except as provided in division (B) of this section, the 15664
deputy registrar shall be allowed a fee of two dollars and 15665
seventy-five cents commencing on July 1, 2001, three dollars and 15666
twenty-five cents commencing on January 1, 2003, and three dollars 15667
and fifty cents commencing on January 1, 2004, for each 15668
identification card issued under this section. The fee allowed to 15669
the deputy registrar shall be in addition to the fee for issuing 15670
an identification card. 15671

Neither the registrar nor any deputy registrar shall charge a 15672
fee in excess of one dollar and fifty cents for laminating an 15673
identification card or temporary identification card. A deputy 15674
registrar laminating such a card shall retain the entire amount of 15675
the fee charged for lamination, less the actual cost to the 15676
registrar of the laminating materials used for that lamination, as 15677
specified in the contract executed by the bureau for the 15678
laminating materials and laminating equipment. The deputy 15679
registrar shall forward the amount of the cost of the laminating 15680
materials to the registrar for deposit as provided in this 15681
section. 15682

The fee collected for issuing an identification card under 15683
this section, except the fee allowed to the deputy registrar, 15684
shall be paid into the state treasury to the credit of the state 15685
bureau of motor vehicles fund created in section 4501.25 of the 15686
Revised Code. 15687

(B) A disabled veteran who has a service-connected disability 15688
rated at one hundred per cent by the veterans' administration may 15689
apply to the registrar or a deputy registrar for the issuance to 15690

that veteran of an identification card or a temporary 15691
identification card under this section without payment of any fee 15692
prescribed in division (A) of this section, including any 15693
lamination fee. 15694

If the identification card or temporary identification card 15695
of a disabled veteran described in this division is laminated by a 15696
deputy registrar who is acting as a deputy registrar pursuant to a 15697
contract with the registrar that is in effect on the effective 15698
date of this amendment, the disabled veteran shall pay the deputy 15699
registrar the lamination fee prescribed in division (A) of this 15700
section. If the identification card or temporary identification 15701
card is laminated by a deputy registrar who is acting as a deputy 15702
registrar pursuant to a contract with the registrar that is 15703
executed after July 29, 1998, the disabled veteran is not required 15704
to pay the deputy registrar the lamination fee prescribed in 15705
division (A) of this section. 15706

A disabled veteran whose identification card or temporary 15707
identification card is laminated by the registrar is not required 15708
to pay the registrar any lamination fee. 15709

An application made under division (A) of this section shall 15710
be accompanied by such documentary evidence of disability as the 15711
registrar may require by rule. 15712

Sec. 4507.52. (A) Each identification card issued by the 15713
registrar of motor vehicles or a deputy registrar shall display a 15714
distinguishing number assigned to the cardholder, and shall 15715
display the following inscription: 15716

"STATE OF OHIO IDENTIFICATION CARD 15717

This card is not valid for the purpose of operating a motor 15718
vehicle. It is provided solely for the purpose of establishing the 15719
identity of the bearer described on the card, who currently is not 15720
licensed to operate a motor vehicle in the state of Ohio." 15721

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, but shall not display the cardholder's social security number unless the cardholder specifically requests that the cardholder's social security number 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 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.

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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

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which it is issued. Every identification card issued to a 15754
temporary resident shall expire in accordance with rules adopted 15755
by the registrar and is nonrenewable, but may be replaced with a 15756
new identification card upon the applicant's compliance with all 15757
applicable requirements. A cardholder may renew the cardholder's 15758
identification card within ninety days prior to the day on which 15759
it expires by filing an application and paying the prescribed fee 15760
in accordance with section 4507.50 of the Revised Code. 15761

If a cardholder applies for a driver's or commercial driver's 15762
license in this state or another licensing jurisdiction, the 15763
cardholder shall surrender the cardholder's identification card to 15764
the registrar or any deputy registrar before the license is 15765
issued. 15766

(B) If a card is lost, destroyed, or mutilated, the person to 15767
whom the card was issued may obtain a duplicate by doing both of 15768
the following: 15769

~~(A)~~(1) Furnishing suitable proof of the loss, destruction, or 15770
mutilation to the registrar or a deputy registrar; 15771

~~(B)~~(2) Filing an application and presenting documentary 15772
evidence under section 4507.51 of the Revised Code. 15773

Any person who loses a card and, after obtaining a duplicate, 15774
finds the original, immediately shall surrender the original to 15775
the registrar or a deputy registrar. 15776

A cardholder may obtain a replacement identification card 15777
that reflects any change of the cardholder's name by furnishing 15778
suitable proof of the change to the registrar or a deputy 15779
registrar and surrendering the cardholder's existing card. 15780

When a cardholder applies for a duplicate or obtains a 15781
replacement identification card, the cardholder shall pay a fee of 15782
two dollars and fifty cents. A deputy registrar shall be allowed 15783
an additional fee of two dollars and seventy-five cents commencing 15784

on July 1, 2001, three dollars and twenty-five cents commencing on 15785
January 1, 2003, and three dollars and fifty cents commencing on 15786
January 1, 2004, for issuing a duplicate or replacement 15787
identification card. A disabled veteran who is a cardholder and 15788
has a service-connected disability rated at one hundred per cent 15789
by the veterans' administration may apply to the registrar or a 15790
deputy registrar for the issuance of a duplicate or replacement 15791
identification card without payment of any fee prescribed in this 15792
section, and without payment of any lamination fee if the disabled 15793
veteran would not be required to pay a lamination fee in 15794
connection with the issuance of an identification card or 15795
temporary identification card as provided in division (B) of 15796
section 4507.50 of the Revised Code. 15797

A duplicate or replacement identification card shall expire 15798
on the same date as the card it replaces. 15799

(C) The registrar shall cancel any card upon determining that 15800
the card was obtained unlawfully, issued in error, or was altered. 15801
The registrar also shall cancel any card that is surrendered to 15802
the registrar or to a deputy registrar after the holder has 15803
obtained a duplicate, replacement, or driver's or commercial 15804
driver's license. 15805

(D)(1) No agent of the state or its political subdivisions 15806
shall condition the granting of any benefit, service, right, or 15807
privilege upon the possession by any person of an identification 15808
card. Nothing in this section shall preclude any publicly operated 15809
or franchised transit system from using an identification card for 15810
the purpose of granting benefits or services of the system. 15811

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(2) No person shall be required to apply for, carry, or 15813
possess an identification card. 15814

~~(C)~~(E) Except in regard to an identification card issued to a 15815

person who applies no more than thirty days before the applicant's 15816
twenty-first birthday, neither the registrar nor any deputy 15817
registrar shall issue an identification card to a person under 15818
twenty-one years of age that does not have the characteristics 15819
prescribed by the registrar distinguishing it from the 15820
identification card issued to persons who are twenty-one years of 15821
age or older. 15822

(F) Whoever violates division (E) of this section is guilty 15823
of a minor misdemeanor. 15824

Sec. 4507.99. ~~(A) Whoever violates division (B)(2) or (D)(1) 15825~~
~~of section 4507.02 of the Revised Code is guilty of driving under 15826~~
~~suspension or revocation or in violation of license restrictions, 15827~~
~~a misdemeanor of the first degree. Whoever violates division (C) 15828~~
~~of section 4507.02 of the Revised Code is guilty of driving 15829~~
~~without paying a license reinstatement fee, a misdemeanor of the 15830~~
~~first degree. Except as otherwise provided in division (D) of 15831~~
~~section 4507.162 of the Revised Code, the court, in addition to or 15832~~
~~independent of all other penalties provided by law, may suspend 15833~~
~~for a period not to exceed one year the driver's or commercial 15834~~
~~driver's license or permit or nonresident operating privilege of 15835~~
~~any person who pleads guilty to or is convicted of a violation of 15836~~
~~division (B)(2), (C), or (D)(1) of section 4507.02 of the Revised 15837~~
~~Code. 15838~~

~~(B) Whoever violates division (D)(2) of section 4507.02 of 15839~~
~~the Revised Code is guilty of driving under OMVI suspension or 15840~~
~~revocation and shall be punished as provided in division (B)(1), 15841~~
~~(2), or (3) and divisions (B)(4) to (8) of this section. 15842~~

~~(1) Except as otherwise provided in division (B)(2) or (3) of 15843~~
~~this section, driving under OMVI suspension or revocation is a 15844~~
~~misdemeanor of the first degree, and the court shall sentence the 15845~~
~~offender to a term of imprisonment of not less than three 15846~~

~~consecutive days and may sentence the offender pursuant to section 15847
2929.21 of the Revised Code to a longer term of imprisonment. As 15848
an alternative to the term of imprisonment required to be imposed 15849
by this division, but subject to division (B)(6) of this section, 15850
the court may sentence the offender to a term of not less than 15851
thirty consecutive days of electronically monitored house arrest 15852
as defined in division (A)(4) of section 2929.23 of the Revised 15853
Code. The period of electronically monitored house arrest shall 15854
not exceed six months. In addition, the court shall impose upon 15855
the offender a fine of not less than two hundred fifty and not 15856
more than one thousand dollars. 15857~~

~~Regardless of whether the vehicle the offender was operating 15858
at the time of the offense is registered in the offender's name or 15859
in the name of another person, the court, in addition to or 15860
independent of any other sentence that it imposes upon the 15861
offender and subject to section 4503.235 of the Revised Code, 15862
shall order the immobilization for thirty days of the vehicle the 15863
offender was operating at the time of the offense and the 15864
impoundment for thirty days of the identification license plates 15865
of that vehicle. The order for immobilization and impoundment 15866
shall be issued and enforced in accordance with section 4503.233 15867
of the Revised Code. 15868~~

~~(2) If, within five years of the offense, the offender has 15869
been convicted of or pleaded guilty to one violation of division 15870
(D)(2) of section 4507.02 of the Revised Code or a municipal 15871
ordinance that is substantially equivalent to that division, 15872
driving under OMVI suspension or revocation is a misdemeanor, and 15873
the court shall sentence the offender to a term of imprisonment of 15874
not less than ten consecutive days and may sentence the offender 15875
to a longer definite term of imprisonment of not more than one 15876
year. As an alternative to the term of imprisonment required to be 15877
imposed by this division, but subject to division (B)(6) of this 15878~~

~~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 15911
at the time of the offense is registered in the offender's name or 15912
in the name of another person, the court, in addition to or 15913
independent of any other sentence that it imposes upon the 15914
offender and subject to section 4503.235 of the Revised Code, 15915
shall order the criminal forfeiture to the state of the vehicle 15916
the offender was operating at the time of the offense. The order 15917
of criminal forfeiture shall be issued and enforced in accordance 15918
with section 4503.234 of the Revised Code. 15919~~

~~If title to a motor vehicle that is subject to an order for 15920
criminal forfeiture under this section is assigned or transferred 15921
and division (C)(2) or (3) of section 4503.234 of the Revised Code 15922
applies, in addition to or independent of any other penalty 15923
established by law, the court may fine the offender the value of 15924
the vehicle as determined by publications of the national auto 15925
dealer's association. The proceeds from any fine imposed under 15926
this division shall be distributed in accordance with division 15927
(D)(4) of section 4503.234 of the Revised Code. 15928~~

~~(4) In addition to or independent of all other penalties 15929
provided by law or ordinance, the trial judge of any court of 15930
record or the mayor of a mayor's court shall suspend for a period 15931
not to exceed one year the driver's or commercial driver's license 15932
or permit or nonresident operating privilege of an offender who is 15933
sentenced under division (B)(1), (2), or (3) of this section. 15934~~

~~(5) Fifty per cent of any fine imposed by a court under 15935
division (B)(1), (2), or (3) of this section shall be deposited 15936
into the county indigent drivers alcohol treatment fund or 15937
municipal indigent drivers alcohol treatment fund under the 15938
control of that court, as created by the county or municipal 15939
corporation pursuant to division (N) of section 4511.191 of the 15940
Revised Code. 15941~~

~~(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 15974
under this chapter during the period of the suspension. 15975~~

~~(C) Whoever violates division (B)(1) of section 4507.02 of 15976
the Revised Code is guilty of driving under financial 15977
responsibility law suspension or revocation and shall be punished 15978
as provided in division (C)(1), (2), or (3) and division (C)(4) of 15979
this section. 15980~~

~~(1) Except as otherwise provided in division (C)(2) or (3) of 15981
this section, driving under financial responsibility law 15982
suspension or revocation is a misdemeanor of the first degree. 15983~~

~~Regardless of whether the vehicle the offender was operating 15984
at the time of the offense is registered in the offender's name or 15985
in the name of another person, the court, in addition to or 15986
independent of any other sentence that it imposes upon the 15987
offender and subject to section 4503.235 of the Revised Code, 15988
shall order the immobilization for thirty days of the vehicle the 15989
offender was operating at the time of the offense and the 15990
impoundment for thirty days of the identification license plates 15991
of that vehicle. The order for immobilization and impoundment 15992
shall be issued and enforced in accordance with section 4503.233 15993
of the Revised Code. 15994~~

~~(2) If, within five years of the offense, the offender has 15995
been convicted of or pleaded guilty to one violation of division 15996
(B)(1) of section 4507.02 of the Revised Code or a municipal 15997
ordinance that is substantially equivalent to that division, 15998
driving under financial responsibility law suspension or 15999
revocation is a misdemeanor of the first degree. 16000~~

~~Regardless of whether the vehicle the offender was operating 16001
at the time of the offense is registered in the offender's name or 16002
in the name of another person, the court, in addition to or 16003
independent of any other sentence that it imposes upon the 16004~~

~~offender and subject to section 4503.235 of the Revised Code, 16005
shall order the immobilization for sixty days of the vehicle the 16006
offender was operating at the time of the offense and the 16007
impoundment for sixty days of the identification license plates of 16008
that vehicle. The order for immobilization and impoundment shall 16009
be issued and enforced in accordance with section 4503.233 of the 16010
Revised Code. 16011~~

~~(3) If, within five years of the offense, the offender has 16012
been convicted of or pleaded guilty to two or more violations of 16013
division (B)(1) of section 4507.02 of the Revised Code or a 16014
municipal ordinance that is substantially equivalent to that 16015
division, driving under financial responsibility law suspension or 16016
revocation is a misdemeanor of the first degree. 16017~~

~~Regardless of whether the vehicle the offender was operating 16018
at the time of the offense is registered in the offender's name or 16019
in the name of another person, the court, in addition to or 16020
independent of any other sentence that it imposes upon the 16021
offender and subject to section 4503.235 of the Revised Code, 16022
shall order the criminal forfeiture to the state of the vehicle 16023
the offender was operating at the time of the offense. The order 16024
of criminal forfeiture shall be issued and enforced in accordance 16025
with section 4503.234 of the Revised Code. 16026~~

~~If title to a motor vehicle that is subject to an order for 16027
criminal forfeiture under this section is assigned or transferred 16028
and division (C)(2) or (3) of section 4503.234 of the Revised Code 16029
applies, in addition to or independent of any other penalty 16030
established by law, the court may fine the offender the value of 16031
the vehicle as determined by publications of the national auto 16032
dealer's association. The proceeds from any fine imposed under 16033
this division shall be distributed in accordance with division 16034
(D)(4) of section 4503.234 of the Revised Code. 16035~~

~~(4) Except as otherwise provided in division (D) of section 16036~~

~~4507.162 of the Revised Code, the court, in addition to or 16037
independent of all other penalties provided by law, may suspend 16038
for a period not to exceed one year the driver's or commercial 16039
driver's license or permit or nonresident operating privilege of 16040
an offender who is sentenced under division (C)(1), (2), or (3) of 16041
this section. 16042~~

~~(5) The court shall not release a vehicle from the 16043
immobilization ordered under division (C)(1) or (2) of this 16044
section unless the court is presented with current proof of 16045
financial responsibility with respect to that vehicle. 16046~~

~~(D) Whoever violates division (A)(1) or (3) of section 16047
4507.02 of the Revised Code by operating a motor vehicle when the 16048
offender's driver's or commercial driver's license has been 16049
expired for no more than six months is guilty of a minor 16050
misdemeanor. Whoever violates division (B) of section 4507.13 or 16051
division (C) of section 4507.52 of the Revised Code is guilty of a 16052
minor misdemeanor. 16053~~

~~(E) Whoever violates section 4507.33 of the Revised Code is 16054
guilty of permitting the operation of a vehicle by a person with 16055
no legal right to operate a vehicle and shall be punished as 16056
provided in division (E)(1) or (2) of this section. 16057~~

~~(1) Except as otherwise provided in division (E)(2) of this 16058
section, permitting the operation of a vehicle by a person with no 16059
legal right to operate a vehicle is a misdemeanor of the first 16060
degree. In addition to or independent of any other sentence that 16061
it imposes upon the offender and subject to section 4503.235 of 16062
the Revised Code, the court shall order the immobilization for 16063
thirty days of the vehicle involved in the offense and the 16064
impoundment for thirty days of the identification license plates 16065
of that vehicle. The order for immobilization and impoundment 16066
shall be issued and enforced in accordance with section 4503.233 16067
of the Revised Code. 16068~~

~~(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.~~

~~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.~~

~~(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.~~

~~(G) Whoever violates division (G) of section 4507.21 of the
Revised Code shall be fined one hundred dollars.~~

~~(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
necessary to protect adequately the interests of the public, and
~~such~~ any other matters as the director may prescribe for the
protection of the public. The rules also shall require financial
responsibility information as part of the driver education
curriculum.

(B) Any school that offers a driver training program for

disabled persons shall provide specially trained instructors for 16131
the driver training of such persons. No school shall operate a 16132
driver training program for disabled persons after June 30, 1978, 16133
unless it has been licensed for such operation by the director. No 16134
person shall act as a specially trained instructor in a driver 16135
training program for disabled persons operated by a school after 16136
June 30, 1978, unless that person has been licensed by the 16137
director. 16138

(C) The director shall certify instructors to teach driver 16139
training to disabled persons in accordance with training program 16140
requirements established by the department of public safety. 16141

(D) No person shall operate a driver training school unless 16142
the person has a valid license issued by the director under this 16143
section. 16144

(E) Whoever violates division (D) of this section is guilty 16145
of operating a driver training school without a valid license, a 16146
minor misdemeanor. On a second or subsequent offense within two 16147
years after the first offense, the person is guilty of a 16148
misdemeanor of the fourth degree. 16149

Sec. 4508.04. (A) No person shall act as a driver training 16150
instructor and on and after June 30, 1978, no person shall act as 16151
a driver training instructor for disabled persons unless such 16152
person applies for and obtains from the director of public safety 16153
a license in the manner and form prescribed by the director. The 16154
director shall provide by rule for instructors' license 16155
requirements including moral character, physical condition, 16156
knowledge of the courses of instruction, motor vehicle laws and 16157
safety principles, previous personal and employment records, and 16158
such other matters as the director may prescribe for the 16159
protection of the public. Driver training instructors for disabled 16160
persons shall meet such additional requirements and receive such 16161

additional classroom and practical instruction as the director shall prescribe by rule. 16162
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(B)(1) No license shall be issued under this section to a person if, within ten years of the date of application for the license, the person has pleaded guilty to or been convicted of a felony under the laws of this state or the comparable laws of another jurisdiction. 16164
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(2) No license shall be issued under this section to a person if, within five years of the date of application for the license, the person has pleaded guilty to or been convicted of a misdemeanor of the first or second degree that is reasonably related to the person's fitness to be issued such a license. 16169
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(C) No person shall knowingly make a false statement on a license application submitted under this section. 16174
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(D)(1) Whoever violates division (A) of this section is guilty of acting as a driver training instructor without a valid license, a misdemeanor of the fourth degree. 16176
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(2) Whoever violates division (C) of this section may be charged with falsification under section 2921.13 of the Revised Code. 16179
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Sec. 4508.06. (A) The director of public safety may refuse to issue, or may suspend or revoke, a license in any case where in which the director finds the applicant or licensee has violated any of the provisions of this chapter, or any of the regulations adopted by the director. A No person whose license has been suspended or revoked license under this section shall be returned fail to return the license to the director by the licensee. 16182
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(B) Whoever violates division (A) of this section is guilty of failing to return a suspended or revoked license, a minor misdemeanor or, on a second or subsequent offense within two years 16189
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after the first offense, a misdemeanor of the fourth degree. 16192

Sec. 4508.091. (A) No person who operates a driver training school shall use or cause to be used in the operation of the driving school and upon any public property or private property used for vehicular traffic any vehicle that does not meet the minimum standards that are established by the director of public safety and that are applicable to vehicles used in the operation of a driving school. 16193
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(B) Whoever violates this section is guilty of using an unsafe vehicle at a driving school, a minor misdemeanor or, on a second or subsequent offense within two years after the first offense, a misdemeanor of the fourth degree. 16200
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Sec. 4509.02. As used in sections ~~4509.31~~ 4509.291 to 16204
4509.67, ~~inclusive,~~ of the Revised Code: 16205

(A) "Judgment" means any judgment which has become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle for damages, including damages for care and loss of services because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages. 16206
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(B) "State" means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada. 16217
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Sec. 4509.101. (A)(1) No person shall operate, or permit the 16220

operation of, a motor vehicle in this state, unless proof of 16221
financial responsibility is maintained continuously throughout the 16222
registration period with respect to that vehicle, or, in the case 16223
of a driver who is not the owner, with respect to that driver's 16224
operation of that vehicle. 16225

(2) Whoever violates division (A)(1) of this section shall be 16226
subject to the following civil penalties: 16227

(a) ~~Suspension of the person's operating privileges~~ Subject 16228
~~to divisions (A)(2)(b) and (c) of this section, a class E~~ 16229
~~suspension of the person's driver's license, commercial driver's~~ 16230
~~license, temporary instruction permit, probationary license, or~~ 16231
~~nonresident operating privilege for the period of time specified~~ 16232
~~in division (B)(5) of section 4510.02 of the Revised Code and~~ 16233
~~impoundment of the person's license until the person complies with~~ 16234
~~division (A)(5) of this section. The suspension shall be for a~~ 16235
~~period of not less than ninety days except that if, . The court may~~ 16236
~~grant limited driving privileges to the person only if the person~~ 16237
~~presents proof of financial responsibility and has complied with~~ 16238
~~division (A)(5) of this section.~~ 16239

(b) ~~If, within five years of the violation, the person's~~ 16240
~~operating privileges are again suspended and the person's license~~ 16241
~~again is impounded one or more times for a violation of division~~ 16242
~~(A)(1) of this section, a class C suspension of the person's~~ 16243
~~driver's license, commercial driver's license, temporary~~ 16244
~~instruction permit, probationary license, or nonresident operating~~ 16245
~~privilege for the period of time specified in division (B)(3) of~~ 16246
~~section 4510.02 of the Revised Code. The court may grant limited~~ 16247
~~driving privileges to the person only if the person presents proof~~ 16248
~~of financial responsibility and has complied with division (A)(5)~~ 16249
~~of this section, and no court may grant limited driving privileges~~ 16250
~~for the first fifteen days of the suspension shall be for a period~~ 16251
~~of not less than one year. Except as provided by section 4509.105~~ 16252

of the Revised Code, the suspension is not subject to revocation, 16253
suspension, or occupational or other limited operating privileges. 16254

(b)(c) If, within five years of the violation, the person's 16255
operating privileges are suspended and the person's license is 16256
impounded two or more times for a violation of division (A)(1) of 16257
this section, a class B suspension of the person's driver's 16258
license, commercial driver's license, temporary instruction 16259
permit, probationary license, or nonresident operating privilege 16260
for the period of time specified in division (B)(2) of section 16261
4510.02 of the Revised Code. No court may grant limited driving 16262
privileges during the suspension. 16263

(d) In addition to the suspension of an owner's license under 16264
division (A)(2)(a), (b), or (c) of this section, the suspension of 16265
the rights of the owner to register the motor vehicle and the 16266
impoundment of the owner's certificate of registration and license 16267
plates until the owner complies with division (A)(5) of this 16268
section. 16269

(3) A person to whom this state has issued a certificate of 16270
registration for a motor vehicle or a license to operate a motor 16271
vehicle or who is determined to have operated any motor vehicle or 16272
permitted the operation in this state of a motor vehicle owned by 16273
the person shall be required to verify the existence of proof of 16274
financial responsibility covering the operation of the motor 16275
vehicle or the person's operation of the motor vehicle under any 16276
of the following circumstances: 16277

(a) The person or a motor vehicle owned by the person is 16278
involved in a traffic accident that requires the filing of an 16279
accident report under section 4509.06 of the Revised Code. 16280

(b) The person receives a traffic ticket indicating that 16281
proof of the maintenance of financial responsibility was not 16282
produced upon the request of a peace officer or state highway 16283

patrol trooper made in accordance with division (D)(2) of this section. 16284
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(c) Whenever, in accordance with rules adopted by the registrar, the person is randomly selected by the registrar and requested to provide such verification. 16286
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(4) An order of the registrar that suspends and impounds a license or registration, or both, shall state the date on or before which the person is required to surrender the person's license or certificate of registration and license plates. The person is deemed to have surrendered the license or certificate of registration and license plates, in compliance with the order, if the person does either of the following: 16289
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(a) On or before the date specified in the order, personally delivers the license or certificate of registration and license plates, or causes the delivery of the items, to the registrar; 16296
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(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order. 16299
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(5) Except as provided in division (A)(6) of this section, the registrar shall not restore any operating privileges or registration rights suspended under this section, return any license, certificate of registration, or license plates impounded under this section, or reissue license plates under section 4503.232 of the Revised Code, if the registrar destroyed the impounded license plates under that section, or reissue a license under section ~~4507.54~~ 4510.52 of the Revised Code, if the registrar destroyed the suspended license under that section, unless the rights are not subject to suspension or revocation under any other law and unless the person, in addition to complying with all other conditions required by law for 16303
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reinstatement of the operating privileges or registration rights, 16315
complies with all of the following: 16316

(a) Pays a financial responsibility reinstatement fee of 16317
seventy-five dollars for the first violation of division (A)(1) of 16318
this section, two hundred fifty dollars for a second violation of 16319
that division, and five hundred dollars for a third or subsequent 16320
violation of that division; 16321

(b) If the person has not voluntarily surrendered the 16322
license, certificate, or license plates in compliance with the 16323
order, pays a financial responsibility nonvoluntary compliance fee 16324
in an amount, not to exceed fifty dollars, determined by the 16325
registrar; 16326

(c) Files and continuously maintains proof of financial 16327
responsibility under sections 4509.44 to 4509.65 of the Revised 16328
Code. 16329

(6) If the registrar issues an order under division (A)(2) of 16330
this section resulting from the failure of a person to respond to 16331
a financial responsibility random verification request under 16332
division (A)(3)(c) of this section and the person successfully 16333
maintains an affirmative defense to a violation of section ~~4507.02~~ 16334
4510.16 of the Revised Code or is determined by the registrar or a 16335
deputy registrar to have been in compliance with division (A)(1) 16336
of this section at the time of the initial financial 16337
responsibility random verification request, the registrar shall do 16338
both of the following: 16339

(a) Terminate the order of suspension or impoundment; 16340

(b) Restore the operating privileges and registration rights 16341
of the person without payment of the fees established in divisions 16342
(A)(5)(a) and (b) of this section and without a requirement to 16343
file proof of financial responsibility. 16344

(B)(1) Every party required to file an accident report under 16345

section 4509.06 of the Revised Code also shall include with the 16346
report a document described in division (G)(1) of this section. 16347

If the registrar determines, within forty-five days after the 16348
report is filed, that an operator or owner has violated division 16349
(A)(1) of this section, the registrar shall do all of the 16350
following: 16351

(a) Order the impoundment, with respect to the motor vehicle 16352
involved, required under division (A)(2)~~(b)~~(d) of this section, of 16353
the certificate of registration and license plates of any owner 16354
who has violated division (A)(1) of this section; 16355

(b) Order the suspension required under division (A)(2)(a)1 16356
(b), or (c) of this section of the license of any operator or 16357
owner who has violated division (A)(1) of this section; 16358

(c) Record the name and address of the person whose 16359
certificate of registration and license plates have been impounded 16360
or are under an order of impoundment, or whose license has been 16361
suspended or is under an order of suspension; the serial number of 16362
the person's license; the serial numbers of the person's 16363
certificate of registration and license plates; and the person's 16364
social security account number, if assigned, or, where the motor 16365
vehicle is used for hire or principally in connection with any 16366
established business, the person's federal taxpayer identification 16367
number. The information shall be recorded in such a manner that it 16368
becomes a part of the person's permanent record, and assists the 16369
registrar in monitoring compliance with the orders of suspension 16370
or impoundment. 16371

(d) Send written notification to every person to whom the 16372
order pertains, at the person's last known address as shown on the 16373
records of the bureau. The person, within ten days after the date 16374
of the mailing of the notification, shall surrender to the 16375
registrar, in a manner set forth in division (A)(4) of this 16376

section, any certificate of registration and registration plates 16377
under an order of impoundment, or any license under an order of 16378
suspension. 16379

(2) The registrar shall issue any order under division (B)(1) 16380
of this section without a hearing. Any person adversely affected 16381
by the order, within ten days after the issuance of the order, may 16382
request an administrative hearing before the registrar, who shall 16383
provide the person with an opportunity for a hearing in accordance 16384
with this paragraph. A request for a hearing does not operate as a 16385
suspension of the order. The scope of the hearing shall be limited 16386
to whether the person in fact demonstrated to the registrar proof 16387
of financial responsibility in accordance with this section. The 16388
registrar shall determine the date, time, and place of any 16389
hearing, provided that the hearing shall be held, and an order 16390
issued or findings made, within thirty days after the registrar 16391
receives a request for a hearing. If requested by the person in 16392
writing, the registrar may designate as the place of hearing the 16393
county seat of the county in which the person resides or a place 16394
within fifty miles of the person's residence. The person shall pay 16395
the cost of the hearing before the registrar, if the registrar's 16396
order of suspension or impoundment is upheld. 16397

(C) Any order of suspension or impoundment issued under this 16398
section or division (B) of section 4509.37 of the Revised Code may 16399
be terminated at any time if the registrar determines upon a 16400
showing of proof of financial responsibility that the operator or 16401
owner of the motor vehicle was in compliance with division (A)(1) 16402
of this section at the time of the traffic offense, motor vehicle 16403
inspection, or accident that resulted in the order against the 16404
person. A determination may be made without a hearing. This 16405
division does not apply unless the person shows good cause for the 16406
person's failure to present satisfactory proof of financial 16407
responsibility to the registrar prior to the issuance of the 16408

order. 16409

(D)(1) For the purpose of enforcing this section, every peace officer is deemed an agent of the registrar. 16410
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(a) Except as provided in division (D)(1)(b) of this section, any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment, pursuant to this section, may confiscate the license, certificate of registration, and license plates, and return them to the registrar. 16412
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(b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment resulting from failure to respond to a financial responsibility random verification, shall not, for that reason, arrest the owner or operator or seize the vehicle or license plates. Instead, the peace officer shall issue a citation for a violation of ~~division (B)(1) of section 4507.02~~ 4510.16 of the Revised Code specifying the circumstances as failure to respond to a financial responsibility random verification. 16420
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(2) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (G) of this section at the time the peace officer acts to enforce the traffic laws of this state and during motor vehicle inspections conducted pursuant to section 4513.02 of the Revised Code. 16431
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(3) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the 16437
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officer's request under division (D)(2) of this section. The peace 16440
officer shall inform every person who receives a traffic ticket 16441
and who has failed to produce proof of the maintenance of 16442
financial responsibility that the person must submit proof to the 16443
traffic violations bureau with any payment of a fine and costs for 16444
the ticketed violation or, if the person is to appear in court for 16445
the violation, the person must submit proof to the court. 16446

(4)(a) If a person who has failed to produce proof of the 16447
maintenance of financial responsibility appears in court for a 16448
ticketed violation, the court may permit the defendant to present 16449
evidence of proof of financial responsibility to the court at such 16450
time and in such manner as the court determines to be necessary or 16451
appropriate. The clerk of courts shall provide the registrar with 16452
the identity of any person who fails to submit proof of the 16453
maintenance of financial responsibility pursuant to division 16454
(D)(3) of this section. 16455

(b) If a person who has failed to produce proof of the 16456
maintenance of financial responsibility also fails to submit that 16457
proof to the traffic violations bureau with payment of a fine and 16458
costs for the ticketed violation, the traffic violations bureau 16459
shall notify the registrar of the identity of that person. 16460

(5)(a) Upon receiving notice from a clerk of courts or 16461
traffic violations bureau pursuant to division (D)(4) of this 16462
section, the registrar shall order the suspension of the license 16463
of the person required under division (A)(2)(a), (b), or (c) of 16464
this section and the impoundment of the person's certificate of 16465
registration and license plates required under division 16466
(A)(2)~~(b)~~(d) of this section, effective thirty days after the date 16467
of the mailing of notification. The registrar also shall notify 16468
the person that the person must present the registrar with proof 16469
of financial responsibility in accordance with this section, 16470
surrender to the registrar the person's certificate of 16471

registration, license plates, and license, or submit a statement 16472
subject to section 2921.13 of the Revised Code that the person did 16473
not operate or permit the operation of the motor vehicle at the 16474
time of the offense. Notification shall be in writing and shall be 16475
sent to the person at the person's last known address as shown on 16476
the records of the bureau of motor vehicles. The person, within 16477
fifteen days after the date of the mailing of notification, shall 16478
present proof of financial responsibility, surrender the 16479
certificate of registration, license plates, and license to the 16480
registrar in a manner set forth in division (A)(4) of this 16481
section, or submit the statement required under this section 16482
together with other information the person considers appropriate. 16483

If the registrar does not receive proof or the person does 16484
not surrender the certificate of registration, license plates, and 16485
license, in accordance with this division, the registrar shall 16486
permit the order for the suspension of the license of the person 16487
and the impoundment of the person's certificate of registration 16488
and license plates to take effect. 16489

(b) In the case of a person who presents, within the 16490
fifteen-day period, documents to show proof of financial 16491
responsibility, the registrar shall terminate the order of 16492
suspension and the impoundment of the registration and license 16493
plates required under division (A)(2)~~(b)~~(d) of this section and 16494
shall send written notification to the person, at the person's 16495
last known address as shown on the records of the bureau. 16496

(c) Any person adversely affected by the order of the 16497
registrar under division (D)(5)(a) or (b) of this section, within 16498
ten days after the issuance of the order, may request an 16499
administrative hearing before the registrar, who shall provide the 16500
person with an opportunity for a hearing in accordance with this 16501
paragraph. A request for a hearing does not operate as a 16502
suspension of the order. The scope of the hearing shall be limited 16503

to whether the person in fact demonstrated to the registrar proof 16504
of financial responsibility in accordance with this section. The 16505
registrar shall determine the date, time, and place of any 16506
hearing; provided, that the hearing shall be held, and an order 16507
issued or findings made, within thirty days after the registrar 16508
receives a request for a hearing. If requested by the person in 16509
writing, the registrar may designate as the place of hearing the 16510
county seat of the county in which the person resides or a place 16511
within fifty miles of the person's residence. Such person shall 16512
pay the cost of the hearing before the registrar, if the 16513
registrar's order of suspension or impoundment under division 16514
(D)(5)(a) or (b) of this section is upheld. 16515

(6) A peace officer may charge an owner or operator of a 16516
motor vehicle with a violation of ~~division (B)(1) of section~~ 16517
~~4507.02~~ 4510.16 of the Revised Code when the owner or operator 16518
fails to show proof of the maintenance of financial responsibility 16519
pursuant to a peace officer's request under division (D)(2) of 16520
this section, if a check of the owner or operator's driving record 16521
indicates that the owner or operator, at the time of the operation 16522
of the motor vehicle, is required to file and maintain proof of 16523
financial responsibility under section 4509.45 of the Revised Code 16524
for a previous violation of this chapter. 16525

(7) Any forms used by law enforcement agencies in 16526
administering this section shall be prescribed, supplied, and paid 16527
for by the registrar. 16528

(8) No peace officer, law enforcement agency employing a 16529
peace officer, or political subdivision or governmental agency 16530
that employs a peace officer shall be liable in a civil action for 16531
damages or loss to persons arising out of the performance of any 16532
duty required or authorized by this section. 16533

(9) As used in this division and divisions (E) and (G) of 16534
this section, "peace officer" has the meaning set forth in section 16535

2935.01 of the Revised Code. 16536

(E) All fees, except court costs, collected under this 16537
section shall be paid into the state treasury to the credit of the 16538
financial responsibility compliance fund. The financial 16539
responsibility compliance fund shall be used exclusively to cover 16540
costs incurred by the bureau in the administration of this section 16541
and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, 16542
and by any law enforcement agency employing any peace officer who 16543
returns any license, certificate of registration, and license 16544
plates to the registrar pursuant to division (C) of this section, 16545
except that the director of budget and management may transfer 16546
excess money from the financial responsibility compliance fund to 16547
the state bureau of motor vehicles fund if the registrar 16548
determines that the amount of money in the financial 16549
responsibility compliance fund exceeds the amount required to 16550
cover such costs incurred by the bureau or a law enforcement 16551
agency and requests the director to make the transfer. 16552

All investment earnings of the financial responsibility 16553
compliance fund shall be credited to the fund. 16554

(F) Chapter 119. of the Revised Code applies to this section 16555
only to the extent that any provision in that chapter is not 16556
clearly inconsistent with this section. 16557

(G)(1) The registrar, court, traffic violations bureau, or 16558
peace officer may require proof of financial responsibility to be 16559
demonstrated by use of a standard form prescribed by the 16560
registrar. If the use of a standard form is not required, a person 16561
may demonstrate proof of financial responsibility under this 16562
section by presenting to the traffic violations bureau, court, 16563
registrar, or peace officer any of the following documents or a 16564
copy of the documents: 16565

(a) A financial responsibility identification card as 16566

provided in section 4509.104 of the Revised Code; 16567

(b) A certificate of proof of financial responsibility on a 16568
form provided and approved by the registrar for the filing of an 16569
accident report required to be filed under section 4509.06 of the 16570
Revised Code; 16571

(c) A policy of liability insurance, a declaration page of a 16572
policy of liability insurance, or liability bond, if the policy or 16573
bond complies with section 4509.20 or sections 4509.49 to 4509.61 16574
of the Revised Code; 16575

(d) A bond or certification of the issuance of a bond as 16576
provided in section 4509.59 of the Revised Code; 16577

(e) A certificate of deposit of money or securities as 16578
provided in section 4509.62 of the Revised Code; 16579

(f) A certificate of self-insurance as provided in section 16580
4509.72 of the Revised Code. 16581

(2) If a person fails to demonstrate proof of financial 16582
responsibility in a manner described in division (G)(1) of this 16583
section, the person may demonstrate proof of financial 16584
responsibility under this section by any other method that the 16585
court or the bureau, by reason of circumstances in a particular 16586
case, may consider appropriate. 16587

(3) A motor carrier certificated by the interstate commerce 16588
commission or by the public utilities commission may demonstrate 16589
proof of financial responsibility by providing a statement 16590
designating the motor carrier's operating authority and averring 16591
that the insurance coverage required by the certificating 16592
authority is in full force and effect. 16593

(4)(a) A finding by the registrar or court that a person is 16594
covered by proof of financial responsibility in the form of an 16595
insurance policy or surety bond is not binding upon the named 16596

insurer or surety or any of its officers, employees, agents, or 16597
representatives and has no legal effect except for the purpose of 16598
administering this section. 16599

(b) The preparation and delivery of a financial 16600
responsibility identification card or any other document 16601
authorized to be used as proof of financial responsibility under 16602
this division does not do any of the following: 16603

(i) Create any liability or estoppel against an insurer or 16604
surety, or any of its officers, employees, agents, or 16605
representatives; 16606

(ii) Constitute an admission of the existence of, or of any 16607
liability or coverage under, any policy or bond; 16608

(iii) Waive any defenses or counterclaims available to an 16609
insurer, surety, agent, employee, or representative in an action 16610
commenced by an insured or third-party claimant upon a cause of 16611
action alleged to have arisen under an insurance policy or surety 16612
bond or by reason of the preparation and delivery of a document 16613
for use as proof of financial responsibility. 16614

(c) Whenever it is determined by a final judgment in a 16615
judicial proceeding that an insurer or surety, which has been 16616
named on a document accepted by a court or the registrar as proof 16617
of financial responsibility covering the operation of a motor 16618
vehicle at the time of an accident or offense, is not liable to 16619
pay a judgment for injuries or damages resulting from such 16620
operation, the registrar, notwithstanding any previous contrary 16621
finding, shall forthwith suspend the operating privileges and 16622
registration rights of the person against whom the judgment was 16623
rendered as provided in division (A)(2) of this section. 16624

(H) In order for any document described in division (G)(1)(b) 16625
of this section to be used for the demonstration of proof of 16626
financial responsibility under this section, the document shall 16627

state the name of the insured or obligor, the name of the insurer 16628
or surety company, and the effective and expiration dates of the 16629
financial responsibility, and designate by explicit description or 16630
by appropriate reference all motor vehicles covered which may 16631
include a reference to fleet insurance coverage. 16632

(I) For purposes of this section, "owner" does not include a 16633
licensed motor vehicle leasing dealer as defined in section 16634
4517.01 of the Revised Code, but does include a motor vehicle 16635
renting dealer as defined in section 4549.65 of the Revised Code. 16636
Nothing in this section or in section 4509.51 of the Revised Code 16637
shall be construed to prohibit a motor vehicle renting dealer from 16638
entering into a contractual agreement with a person whereby the 16639
person renting the motor vehicle agrees to be solely responsible 16640
for maintaining proof of financial responsibility, in accordance 16641
with this section, with respect to the operation, maintenance, or 16642
use of the motor vehicle during the period of the motor vehicle's 16643
rental. 16644

(J) The purpose of this section is to require the maintenance 16645
of proof of financial responsibility with respect to the operation 16646
of motor vehicles on the highways of this state, so as to minimize 16647
those situations in which persons are not compensated for injuries 16648
and damages sustained in motor vehicle accidents. The general 16649
assembly finds that this section contains reasonable civil 16650
penalties and procedures for achieving this purpose. 16651

(K) Nothing in this section shall be construed to be subject 16653
to section 4509.78 of the Revised Code. 16654

(L) The registrar shall adopt rules in accordance with 16655
Chapter 119. of the Revised Code that are necessary to administer 16656
and enforce this section. The rules shall include procedures for 16657
the surrender of license plates upon failure to maintain proof of 16658
financial responsibility and provisions relating to reinstatement 16659

of registration rights, acceptable forms of proof of financial 16660
responsibility, and verification of the existence of financial 16661
responsibility during the period of registration. 16662

Sec. 4509.17. Except as provided in sections 4509.01 to 16663
4509.78 of the Revised Code, upon failure of any person to request 16664
a hearing as provided for in section 4509.13 of the Revised Code, 16665
or to deposit the security required under section 4509.12 of the 16666
Revised Code within thirty days after the registrar of motor 16667
vehicles has sent the notice provided for in section 4509.13 of 16668
the Revised Code, the registrar shall ~~suspend the license of such~~ 16669
impose a class F suspension of the person's driver's license, 16670
commercial driver's license, temporary instruction permit, 16671
probationary license, or nonresident operating privilege for the 16672
period of time specified in division (B)(6) of section 4510.02 of 16673
the Revised Code on the person and the registrations of all motor 16674
vehicles owned by ~~such~~ the person. If the person is a nonresident, 16675
the suspension shall include the privilege of operating any motor 16676
vehicle within this state or permitting the operation within this 16677
state of any motor vehicle owned by the nonresident. 16678

Sec. 4509.24. (A) The persons involved in or affected by a 16680
motor vehicle accident may at any time enter into a written 16681
agreement for the payment of an agreed amount with respect to all 16682
claims for bodily injury to or death of any person or property 16683
damage arising from the accident which may provide for payment in 16684
installments. A signed copy of the agreement may be filed with the 16685
registrar of motor vehicles. 16686

(B) The registrar, upon filing of any such written agreement, 16687
shall not require the deposit of security by any party to the 16688
agreement for the benefit or protection of any party to the 16689
agreement. The registrar shall modify appropriately any prior 16690

order of suspension with reference to such persons, or if security 16691
has been deposited, the registrar immediately shall return to the 16692
depositor or the depositor's personal representative any deposit 16693
for the benefit or protection of any party to the agreement. 16694

(C) If the registrar receives satisfactory evidence that any 16695
person obliged to make payment under any such agreement has 16696
defaulted in payment, the registrar shall ~~issue an order of~~ impose 16697
a class F suspension with respect to that of the offender's 16698
driver's license, commercial driver's license, temporary 16699
instruction permit, probationary license, or nonresident operating 16700
privilege for the period of time specified in division (B)(6) of 16701
section 4510.02 of the Revised Code on the person as provided in 16702
section 4509.17 of the Revised Code. Such an order of suspension 16703
remains in effect until any of the following occurs: 16704

(1) Security is deposited by the person to whom the 16705
suspension applies in such amount as the registrar may then 16706
determine; 16707

(2) The registrar receives satisfactory evidence that the 16708
entire obligation has been paid or released; 16709

(3) A period of two years has elapsed following the breach of 16710
agreement and satisfactory evidence is filed with the registrar 16711
that no action has been instituted on the agreement during that 16712
period. 16713

Sec. 4509.291. (A) When a nonresident's operating privilege 16714
is suspended pursuant to section 4509.101, 4509.17, or 4509.24 of 16715
the Revised Code for a violation of any provision of sections 16716
4509.01 to 4509.78, ~~inclusive,~~ of the Revised Code, the registrar 16717
of motor vehicles shall transmit a certified copy of the record of 16718
such action to the official in charge of the issuance of licenses 16719
and registration certificates in the state in which such 16720
nonresident resides, if the law of such other state provides for 16721

action in relation thereto similar to the provision set forth in 16722
division (B) of this section. 16723

(B) Upon receipt of a certification that the operating 16724
privilege of a resident of this state has been suspended or 16725
revoked in any other state pursuant to a law providing for its 16726
suspension or revocation for failure to deposit security for the 16727
payment of judgments arising out of a motor vehicle accident or 16728
failure to give proof of financial responsibility, under 16729
circumstances which would require the registrar to suspend a 16730
nonresident's operating privilege had the accident occurred in 16731
this state, the registrar shall ~~suspend the license~~ impose a class 16732
F suspension of the person's driver's license, commercial driver's 16733
license, temporary instruction permit, probationary license, or 16734
nonresident operating privilege for the period of time specified 16735
in division (B)(6) of section 4510.02 of the Revised Code on the 16736
person and all registrations of such resident. Such suspension 16737
shall continue until such resident furnishes evidence of ~~his~~ the 16738
person's compliance with the law of such other state relating to 16739
the deposit of such security or to the giving of proof of 16740
financial responsibility. 16741

Sec. 4509.33. If a nonresident by final order or judgment of 16742
a court of record or mayor's court is convicted of, or forfeits 16743
bail or collateral deposited to secure an appearance for trial 16744
for, any offense ~~enumerated in section 4507.16 of the Revised Code~~ 16745
for which the suspension of a license is provided, the registrar 16746
of motor vehicles shall ~~suspend or revoke~~ impose a suspension of 16747
the privilege of the nonresident to operate a motor vehicle for 16748
the same period for which suspension ~~or revocation~~ of a license by 16749
a court of record is authorized by the applicable section ~~4507.16~~ 16750
of the Revised Code. The suspension ~~or revocation~~ shall remain in 16751
effect until the expiration of the period so ordered and 16752
thereafter until the nonresident gives and thereafter maintains 16753

proof of financial responsibility in accordance with section 16754
4509.45 of the Revised Code. 16755

The registrar shall also suspend the privilege of the use in 16756
this state of every motor vehicle owned by the nonresident, except 16757
that the registrar shall not suspend the privilege if the owner 16758
has given or immediately gives and thereafter maintains proof of 16759
financial responsibility with respect to all motor vehicles owned 16760
by the nonresident. The registrar shall restore such privilege of 16761
a nonresident owner when the owner gives and thereafter maintains 16762
proof of financial responsibility in accordance with section 16763
4509.45 of the Revised Code. 16764

Sec. 4509.34. (A) The suspension ~~or revocation~~ of a license 16765
referred to in ~~sections~~ section 4509.291 and ~~4509.31~~ of the 16766
Revised Code shall remain in effect and the registrar of motor 16767
vehicles shall not issue to any person whose license is so 16768
suspended ~~or revoked~~ any new or renewal license until permitted 16769
under the motor vehicle laws, and not then until such person gives 16770
and thereafter maintains proof of financial responsibility in 16771
accordance with section 4509.45 of the Revised Code. 16772

(B) The suspension of registration referred to in such 16773
sections shall remain in effect and the registrar shall not 16774
register or reregister in the name of any person whose 16775
registration is so suspended as owner of any motor vehicle, nor 16776
return or re-issue license plates for such vehicle, until such 16777
person gives and thereafter maintains proof of financial 16778
responsibility in accordance with section 4509.45 of the Revised 16779
Code. 16780

Sec. 4509.35. Whenever any person fails within thirty days to 16781
satisfy a judgment rendered within this state, upon the written 16782
request of the judgment creditor or ~~his~~ the judgment creditor's 16783

attorney, the clerk of the court which rendered the judgment, or 16784
the judge of the court or mayor of the mayor's court if the court 16785
has no clerk, immediately shall forward a certified copy of the 16786
judgment to the registrar of motor vehicles. 16787

Whenever any nonresident has been convicted of ~~the offenses~~ 16788
~~enumerated in section 4507.16~~ an offense for which the court is 16789
required to impose a license suspension under any provision of the 16790
Revised Code or has forfeited bail given to secure ~~his~~ the 16791
nonresident's appearance for trial upon a charge of any offense 16792
~~enumerated in that section~~ for which the court is required to 16793
impose a license suspension under any provision of the Revised 16794
Code, the clerk of every court of record and the mayor of every 16795
mayor's court immediately shall forward to the registrar a 16796
certified copy or transcript of the conviction or order forfeiture 16797
of bail. 16798

Sec. 4509.37. (A) The registrar of motor vehicles upon 16799
receipt of a certified copy of a judgment, shall ~~forthwith suspend~~ 16800
impose a class F suspension for the period of time specified in 16801
division (B)(6) of section 4510.02 of the Revised Code of the 16802
license and registration and any nonresident's operating privilege 16803
of any person against whom such judgment was rendered, except as 16804
provided in sections 4509.01 to 4509.78 of the Revised Code. 16805

Such certified copy of a judgment shall include the last 16806
known address, the social security number, if known, and the 16807
operator's license number, of the judgment debtor. 16808

(B) The registrar shall also impose the civil penalties 16809
specified in division (A)(2) of section 4509.101 of the Revised 16810
Code unless either of the following applies: 16811

(1) The judgment debtor presents proof of financial 16812
responsibility to the registrar proving that the judgment debtor 16813
was covered, at the time of the motor vehicle accident out of 16814

which the cause of action arose, by proof of financial 16815
responsibility in compliance with section 4509.101 of the Revised 16816
Code. 16817

(2) The judgment debtor proves to the registrar that the 16818
judgment debtor's registration and license have been previously 16819
suspended under section 4509.101 of the Revised Code by reason of 16820
the judgment debtor's failure to prove that the judgment debtor 16821
was covered, at the time of the motor vehicle accident out of 16822
which the cause of action arose, by proof of financial 16823
responsibility. 16824

Sec. 4509.40. ~~Any license, registration, and nonresident's~~ 16825
~~operating privilege suspended~~ The registrar of motor vehicles 16826
shall impose a class F suspension of the person's driver's 16827
license, commercial driver's license, temporary instruction 16828
permit, probationary license, or nonresident operating privilege 16829
for the period of time specified in division (B)(6) of section 16830
4510.02 of the Revised Code for nonpayment of a judgment ~~shall~~ 16831
~~remain so suspended for a period of seven years from the effective~~ 16832
~~date of suspension~~, and while such order is in force no license, 16833
registration, or permit to operate a motor vehicle shall be issued 16834
in the name of such person, including any such person not 16835
previously licensed. The registrar shall vacate the order of 16836
suspension upon proof that such judgment is stayed, or satisfied 16837
in full or to the extent provided in section 4509.41 of the 16838
Revised Code, subject to the exemptions stated in sections 16839
4509.37, 4509.38, 4509.39, and 4509.42 of the Revised Code, and 16840
upon such person's filing with the registrar of motor vehicles 16841
evidence of financial responsibility in accordance with section 16842
4509.45 of the Revised Code. 16843

Sec. 4509.42. (A) A judgment debtor upon due notice to the 16844
judgment creditor may apply to the court in which the judgment was 16845

rendered for the privilege of paying the judgment in installments 16846
and the court, in its discretion and without prejudice to any 16847
other legal remedies which the judgment creditor has, may order 16848
and fix the amounts and times of payment of the installments. 16849

(B) The registrar of motor vehicles shall not suspend for 16850
nonpayment of a judgment, a license, registration, or 16851
nonresident's operating privilege, and shall restore the license, 16852
registration, or nonresident's operating privilege suspended for 16853
nonpayment, when the judgment debtor gives proof of financial 16854
responsibility and maintains it in accordance with section 4509.45 16855
of the Revised Code, and obtains an order permitting the payment 16856
of the judgment in installments, and while the payment of any 16857
installment is not in default. 16858

(C) If the judgment debtor fails to pay any installment as 16859
specified by such order, then upon notice of default the registrar 16860
shall ~~forthwith suspend~~ impose a class F suspension of the 16861
license, registration, or nonresident's operating privilege of the 16862
judgment debtor until such judgment is satisfied as specified in 16863
division (B)(6) of section 4510.02 of the Revised Code. 16864

Sec. 4509.45. (A) Proof of financial responsibility when 16865
required under section ~~4507.022,~~ 4509.101, ~~4509.32,~~ 4509.33, 16866
4509.34, 4509.38, 4509.40, 4509.42, ~~or~~ 4509.44, or 4510.038 of the 16867
Revised Code may be given by filing any of the following: 16868

~~(A)~~(1) A financial responsibility identification card as 16869
provided in section 4509.104 of the Revised Code; 16870

~~(B)~~(2) A certificate of insurance as provided in section 16871
4509.46 or 4509.47 of the Revised Code; 16872

~~(C)~~(3) A bond as provided in section 4509.59 of the Revised 16873
Code; 16874

~~(D)~~(4) A certificate of deposit of money or securities as 16875

provided in section 4509.62 of the Revised Code; 16876

~~(E)~~(5) A certificate of self-insurance, as provided in 16877
section 4509.72 of the Revised Code, supplemented by an agreement 16878
by the self-insurer that, with respect to accidents occurring 16879
while the certificate is in force, ~~he~~ the self-insurer will pay 16880
the same amounts that an insurer would have been obligated to pay 16881
under an owner's motor vehicle liability policy if it had issued 16882
such a policy to the self-insurer. 16883

~~Such proof~~ (B) Proof under division (A) of this section shall 16884
be filed and maintained for five years from the date of the 16885
registrar's imposition of a class A, B, or C suspension of 16886
operating privileges by the registrar of motor vehicles and shall 16887
be filed and maintained for three years from the date of the 16888
registrar's imposition of a class D, E, or F suspension of 16889
operating privileges. 16890

Sec. 4509.74. (A) No person shall fail to report a motor 16891
vehicle accident as required under the laws of this state. 16892

(B) Whoever violates this section is guilty of a minor 16893
misdemeanor. 16894

Sec. 4509.77. (A) No person shall willfully fail to return a 16895
license or registration as required in section 4509.69 of the 16896
Revised Code. 16897

(B) Whoever violates this section shall be fined not more 16898
than five hundred dollars, imprisoned for not more than thirty 16899
days, or both. 16900

Sec. 4509.78. (A) No person shall violate section 4509.01 to 16901
4509.78, ~~inclusive,~~ of the Revised Code for which no penalty is 16902
otherwise provided. 16903

(B) Whoever violates this section shall be fined not more 16904

than five hundred dollars, imprisoned not more than ninety days, 16905
or both. 16906

Sec. 4509.79. (A) As used in this section, "ridesharing 16907
arrangement" means the transportation of persons in a motor 16908
vehicle where such transportation is incidental to another purpose 16909
of a volunteer driver and includes ridesharing arrangements known 16910
as carpools, vanpools, and buspools. 16911

(B) Every owner registering as a passenger car a motor 16912
vehicle designed and used for carrying more than nine but not more 16913
than fifteen passengers or registering a bus under division (H)(8) 16914
of section 4503.04 of the Revised Code shall have in effect, 16915
whenever the motor vehicle is used in a ridesharing arrangement, a 16916
policy of liability insurance with respect to the motor vehicle in 16917
amounts and coverage no less than: 16918

(1) One hundred thousand dollars because of bodily injury to 16919
or death of one person in any one accident; 16920

(2) Three hundred thousand dollars because of bodily injury 16921
to or death of two or more persons in any one accident; 16922

(3) Fifty thousand dollars because of injury to property of 16923
others in any one accident. 16924

(C) Whoever violates this section shall be fined not more 16925
than five thousand dollars. 16926

Sec. 4509.80. (A) Every owner registering a chauffeured 16927
limousine shall furnish and maintain proof of financial 16928
responsibility with respect to the limousine by filing with the 16929
registrar of motor vehicles any of the following: 16930

(1) A certificate of insurance as provided in section 4509.46 16931
or 4509.47 of the Revised Code; 16932

(2) A policy of liability insurance, a declaration page of a 16933

policy of liability insurance, or liability bond, if the policy or 16934
bond provides coverage in accordance with division (B) of this 16935
section and otherwise complies with sections 4509.49 to 4509.61 of 16936
the Revised Code, and if the policy or bond provides that such 16937
policy or bond shall not be canceled or terminated prior to not 16938
less than ten days after a written notice of cancellation or 16939
termination is filed with the registrar; 16940

(3) A bond or certification of the issuance of a bond if the 16941
bond provides coverage in the amount of three hundred thousand 16942
dollars and otherwise complies with section 4509.59 of the Revised 16943
Code; 16944

(4) A certificate of deposit of money or securities if the 16945
certificate of deposit provides coverage in the amount of three 16946
hundred thousand dollars and otherwise complies with section 16947
4509.62 of the Revised Code; 16948

(5) A certificate of self-insurance as provided in section 16949
4509.72 of the Revised Code. 16950

(B) As used in this section and section 4509.81 of the 16951
Revised Code, "proof of financial responsibility" means proof of 16952
ability to respond in damages for liability, on account of 16953
accidents occurring subsequent to the effective date of such 16954
proof, arising out of the ownership, maintenance, or use of a 16955
chauffeured limousine in the amount of one hundred thousand 16956
dollars because of bodily injury to or death of one person in any 16957
one accident, three hundred thousand dollars because of bodily 16958
injury to or death of two or more persons in any one accident, and 16959
fifty thousand dollars because of injury to property of others in 16960
any one accident. 16961

(C) Upon the request of a law enforcement officer, the 16962
operator of any chauffeured limousine shall produce proof of 16963
compliance with this section. The law enforcement officer 16964

requesting such proof shall notify the registrar of any violation 16965
of this section. The notice to the registrar shall be on a form 16966
prescribed by the registrar and supplied by the registrar at the 16967
registrar's expense, and shall include the license plate number of 16968
the chauffeured limousine and any other information the registrar 16969
requires. 16970

(D) The owner, or ~~his~~ the owner's designee, shall provide 16971
written notice to the registrar of cancellation or termination of 16972
the coverage required by this section not less than ten days prior 16973
to the effective date of cancellation, and, on or before the 16974
effective date of cancellation, shall voluntarily surrender the 16975
livery license plate sticker for the vehicle or vehicles for which 16976
the cancellation is effective. If the livery license plate sticker 16977
is timely and voluntarily surrendered, the registrar shall, upon 16978
the filing of proof of financial responsibility as required by 16979
this section, reinstate the livery registration of the vehicle and 16980
issue a current livery license plate sticker for the vehicle. 16981

(E) Whoever violates this section is guilty of a misdemeanor 16983
of the first degree. 16984

Sec. 4509.81. (A) Upon receipt of a notification of violation 16985
as provided in division (C) of section 4509.80 of the Revised 16986
Code; upon failure of a timely surrender of the livery license 16987
plate sticker as required by division (D) of section 4509.80 of 16988
the Revised Code; or if the registrar of motor vehicles, upon 16989
receipt of notification from an insurer of the imminent 16990
cancellation or termination of coverage required by section 16991
4509.80 of the Revised Code, fails to receive evidence of a 16992
continuation or substitution of coverage prior to the cancellation 16993
or termination date, the registrar shall order the immediate 16994
suspension of the rights of the owner of the chauffeured limousine 16995

described in the notice to register the limousine and the 16996
impoundment of the certificate of registration and registration 16997
plates for the limousine. The registrar shall notify the owner 16998
that the owner must surrender the certificate of registration and 16999
registration plates to the registrar. The notification shall be in 17000
writing and sent to the owner at the owner's last known address as 17001
shown in the records of the bureau of motor vehicles. Proceedings 17002
under this section are deemed special, summary statutory 17003
proceedings. 17004

(B) The order of suspension and impoundment of a registration 17005
shall state the date on or before which the owner of the 17006
chauffeured limousine involved is required to surrender the 17007
certificate of registration and registration plates to the 17008
registrar. The owner shall be deemed to have surrendered the 17009
certificate of registration and registration plates if the owner 17010
causes the items to be delivered to the registrar on or before the 17011
date specified in the order or mails the items to the registrar in 17012
an envelope or container bearing a postmark showing a date no 17013
later than the date specified in the order. 17014

(C) The registrar shall not restore any registration rights 17015
suspended under this section, return any certificate of 17016
registration or registration plates impounded under this section, 17017
or reissue registration plates under section 4503.232 of the 17018
Revised Code, if the registrar destroyed the impounded 17019
registration plates under that section, unless those rights are 17020
not subject to suspension ~~or revocation~~ under any other law and 17021
unless the owner complies with both of the following: 17022

(1) Pays a financial responsibility reinstatement fee of 17023
thirty dollars. The reinstatement fee may be increased, upon 17024
approval of the controlling board, up to an amount not exceeding 17025
fifty dollars. 17026

(2) Files and maintains proof of financial responsibility 17027

under section 4509.80 of the Revised Code. 17028

(D) Any owner adversely affected by the order of the 17029
registrar under this section may, within ten days after the 17030
issuance of the order, request an administrative hearing before 17031
the registrar, who shall provide the owner with an opportunity for 17032
a hearing in accordance with this division. A request for a 17033
hearing does not operate as a suspension of the order unless the 17034
owner establishes to the satisfaction of the registrar that the 17035
operation of the owner's chauffeured limousine will be covered by 17036
proof of financial responsibility during the pendency of the 17037
appeal. The scope of the hearing shall be limited to whether the 17038
owner in fact demonstrated to the registrar proof of financial 17039
responsibility in accordance with section 4509.80 of the Revised 17040
Code. The registrar shall determine the date, time, and place of 17041
any hearing, provided that the hearing shall be held and an order 17042
issued or findings made within thirty days after the registrar 17043
receives a request for a hearing. If requested by the owner in 17044
writing, the registrar may designate as the place of hearing the 17045
county seat of the county in which the owner resides or a place 17046
within fifty miles of the owner's residence. The owner shall pay 17047
the cost of the hearing before the registrar, if the registrar's 17048
order of suspension or impoundment is upheld. 17049

(E) Any order of suspension or impoundment issued under this 17050
section may be terminated at any time if the registrar determines 17051
upon a showing of proof of financial responsibility that the owner 17052
of the limousine was in compliance with section 4509.80 of the 17053
Revised Code at the time of the incident that resulted in the 17054
order against the owner. Such a determination may be made without 17055
a hearing. 17056

(F) All fees collected under this section shall be paid into 17057
the state treasury to the credit of the financial responsibility 17058
compliance fund created by section 4509.101 of the Revised Code. 17059

(G) Chapter 119. of the Revised Code applies to this section 17060
only to the extent that any provision in that chapter is not 17061
clearly inconsistent with this section. 17062

(H)(1) Proof of financial responsibility may be demonstrated 17063
by any of the methods authorized in section 4509.80 of the Revised 17064
Code. 17065

(2) Divisions (G)(4)(a) and (b) of section 4509.101 of the 17066
Revised Code apply to any finding by the registrar under this 17067
section that an owner is covered by proof of financial 17068
responsibility. 17069

Sec. 4510.01. As used in this title and in Title XXIX of the 17070
Revised Code: 17071

(A) "Cancel" or "cancellation" means the annulment or 17072
termination by the bureau of motor vehicles of a driver's license, 17073
commercial driver's license, temporary instruction permit, 17074
probationary license, or nonresident operating privilege because 17075
it was obtained unlawfully, issued in error, altered, or willfully 17076
destroyed, or because the holder no longer is entitled to the 17077
license, permit, or privilege. 17078

(B) "Drug abuse offense" has the same meaning as in section 17079
2925.01 of the Revised Code. 17080

(C) "Ignition interlock device" means a device approved by 17081
the director of public safety that connects a breath analyzer to a 17082
motor vehicle's ignition system, that is constantly available to 17083
monitor the concentration by weight of alcohol in the breath of 17084
any person attempting to start that motor vehicle by using its 17085
ignition system, and that deters starting the motor vehicle by use 17086
of its ignition system unless the person attempting to start the 17087
vehicle provides an appropriate breath sample for the device and 17088
the device determines that the concentration by weight of alcohol 17089

in the person's breath is below a preset level. 17090

(D) "Immobilizing or disabling device" means a device 17091
approved by the director of public safety that may be ordered by a 17092
court to be used by an offender as a condition of limited driving 17093
privileges. "Immobilizing or disabling device" includes an 17094
ignition interlock device, and any prototype device that is used 17095
according to protocols designed to ensure efficient and effective 17096
monitoring of limited driving privileges granted by a court to an 17097
offender. 17098

(E) "Moving violation" means any violation of any statute or 17099
ordinance that regulates the operation of vehicles, streetcars, or 17100
trackless trolleys on the highways or streets. "Moving violation" 17101
does not include a violation of section 4513.263 of the Revised 17102
Code or a substantially equivalent municipal ordinance, a 17103
violation of any statute or ordinance regulating pedestrians or 17104
the parking of vehicles, vehicle size or load limitations, vehicle 17105
fitness requirements, or vehicle registration. 17106

(F) "Municipal OVI ordinance" and "municipal OVI offense" 17107
have the same meanings as in section 4511.181 of the Revised Code. 17108

(G) "Prototype device" means any testing device to monitor 17109
limited driving privileges that has not yet been approved or 17110
disapproved by the director of public safety. 17111

(H) "Suspend" or "suspension" means the permanent or 17112
temporary withdrawal, by action of a court or the bureau of motor 17113
vehicles, of a driver's license, commercial driver's license, 17114
temporary instruction permit, probationary license, or nonresident 17115
operating privilege for the period of the suspension or the 17116
permanent or temporary withdrawal of the privilege to obtain a 17117
license, permit, or privilege of that type for the period of the 17118
suspension. 17119

Sec. 4510.02. (A) When a court elects or is required to 17120
suspend the driver's license, commercial driver's license, 17121
temporary instruction permit, probationary license, or nonresident 17122
operating privilege of any offender from a specified suspension 17123
class, for each of the following suspension classes, the court 17124
shall impose a definite period of suspension from the range 17125
specified for the suspension class: 17126

(1) For a class one suspension, a definite period for the 17127
life of the person subject to the suspension; 17128

(2) For a class two suspension, a definite period of three 17129
years to life; 17130

(3) For a class three suspension, a definite period of two to 17131
ten years; 17132

(4) For a class four suspension, a definite period of one to 17133
five years; 17134

(5) For a class five suspension, a definite period of six 17135
months to three years; 17136

(6) For a class six suspension, a definite period of three 17137
months to two years; 17138

(7) For a class seven suspension, a definite period not to 17139
exceed one year. 17140

(B) When the bureau of motor vehicles elects or is required 17141
to suspend the driver's license, commercial driver's license, 17142
temporary instruction permit, probationary license, or nonresident 17143
operating privilege of any person from a specified suspension 17144
class, for each of the following suspension classes, the period of 17145
suspension shall be as follows: 17146

(1) For a class A suspension, three years; 17147

(2) For a class B suspension, two years; 17148

<u>(3) For a class C suspension, one year;</u>	17149
<u>(4) For a class D suspension, six months;</u>	17150
<u>(5) For a class E suspension, three months;</u>	17151
<u>(6) For a class F suspension, until conditions are met.</u>	17152
<u>(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 or otherwise imposed by the court pursuant to any other provision of law ends.</u>	17153 17154 17155 17156 17157
<u>(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.</u>	17158 17159 17160 17161 17162 17163 17164 17165 17166
<u>Sec. 4510.021. (A)(1) 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 for any purpose described in division (A)(1)(a), (b), or (c) of this section during any suspension imposed by the court. In granting the privileges, the court shall specify the purposes, times, and places of the privileges and may impose any other reasonable conditions on the person's driving of a motor vehicle. The privileges shall be for any of the following limited purposes:</u>	17167 17168 17169 17170 17171 17172 17173 17174 17175
<u>(a) Occupational, educational, vocational, or medical purposes;</u>	17176 17177
<u>(b) Taking the driver's or commercial driver's license</u>	17178

<u>examination;</u>	17179
<u>(c) Attending court-ordered treatment.</u>	17180
<u>(B) Unless expressly authorized by a section of the Revised Code, a court may not grant limited driving privileges during any suspension imposed by the bureau of motor vehicles. To obtain limited driving privileges during a suspension imposed by the bureau, a petition may be filed in a court of record in the county in which the person under suspension resides. A person who is not a resident of this state shall file any petition for privileges in the Franklin county municipal court, or, if the person is a minor, in the Franklin county juvenile court. If a court grants limited driving privileges as described in this division, the privileges shall be for any of the limited purposes identified in division (A) of this section.</u>	17181
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<u>(C) When the use of an immobilizing or disabling device is not otherwise required by law, the court, as a condition of granting limited driving privileges, may require that the person's vehicle be equipped with an immobilizing or disabling device, except as provided in division (C) of section 4510.43 of the Revised Code. When the use of restricted license plates issued under section 4503.231 of the Revised Code is not otherwise required by law, the court, as a condition of granting limited driving privileges, may require that the person's vehicle be equipped with restricted license plates of that nature, except as provided in division (B) of that section.</u>	17193
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<u>(D) When the court grants limited driving privileges under section 4510.31 of the Revised Code or any other provision of law during the suspension of the temporary instruction permit or probationary driver's license of a person who is under eighteen years of age, the court may include as a purpose of the privilege the person's practicing of driving with the person's parent, guardian, or other custodian during the period of the suspension.</u>	17204
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If the court grants limited driving privileges for this purpose, 17211
the court, in addition to all other conditions it imposes, shall 17212
impose as a condition that the person exercise the privilege only 17213
when a parent, guardian, or custodian of the person who holds a 17214
current valid driver's or commercial driver's license issued by 17215
this state actually occupies the seat beside the person in the 17216
vehicle the person is operating. 17217

(E) Before granting limited driving privileges under this 17218
section, the court shall require the offender to provide proof of 17219
financial responsibility pursuant to section 4509.45 of the 17220
Revised Code. 17221

Sec. 4510.03. (A) Every county court judge, mayor of a 17222
mayor's court, and clerk of a court of record shall keep a full 17223
record of every case in which a person is charged with any 17224
violation of any provision of sections 4511.01 to 4511.771 or 17225
4513.01 to 4513.36 of the Revised Code or of any other law or 17226
ordinance regulating the operation of vehicles, streetcars, and 17227
trackless trolleys on highways or streets. 17228

(B) If a person is convicted of or forfeits bail in relation 17229
to a violation of any section listed in division (A) of this 17230
section or a violation of any other law or ordinance regulating 17231
the operation of vehicles, streetcars, and trackless trolleys on 17232
highways or streets, the county court judge, mayor of a mayor's 17233
court, or clerk, within ten days after the conviction or bail 17234
forfeiture, shall prepare and immediately forward to the bureau of 17235
motor vehicles an abstract, certified by the preparer to be true 17236
and correct, of the court record covering the case in which the 17237
person was convicted or forfeited bail. Every court of record also 17238
shall forward to the bureau of motor vehicles an abstract of the 17239
court record as described in division (C) of this section upon the 17240
conviction of any person of aggravated vehicular homicide or 17241

vehicular homicide or of a felony in the commission of which a 17242
vehicle was used. 17243

(C) Each abstract required by this section shall be made upon 17244
a form approved and furnished by the bureau and shall include the 17245
name and address of the person charged, the number of the person's 17246
driver's or commercial driver's license, probationary driver's 17247
license, or temporary instruction permit, the registration number 17248
of the vehicle involved, the nature of the offense, the date of 17249
the offense, the date of hearing, the plea, the judgment, or 17250
whether bail was forfeited, and the amount of the fine or 17251
forfeiture. 17252

Sec. 4510.031. (A) A United States district court that has 17253
jurisdiction within this state may utilize the provisions of 17254
section 4510.03 of the Revised Code in regard to any case in which 17255
a person is charged with any violation of any provision of 17256
sections 4511.01 to 4511.771 or 4513.01 to 4513.36 of the Revised 17257
Code or of any other law or ordinance regulating the operation of 17258
vehicles, streetcars, and trackless trolleys on highways or 17259
streets located on federal property within this state. The court 17260
also may forward to the bureau an abstract upon the conviction of 17261
any person of aggravated vehicular homicide or vehicular homicide 17262
or of a felony in the commission of which a vehicle was used. 17263

(B) If a United States district court acts under this 17264
section, it shall follow the procedures established in section 17265
4510.03 of the Revised Code. 17266

(C) The bureau of motor vehicles shall accept and process an 17267
abstract received from a United States district court under this 17268
section in the same manner as it accepts and processes an abstract 17269
received from a county court judge, mayor of a mayor's court, or 17270
clerk of a court of record. 17271

Sec. 4510.032. (A) If a person is charged with a violation of 17272
section 4511.19 of the Revised Code or a violation of any 17273
municipal OVI ordinance; if that charge is dismissed or reduced; 17274
if the person is convicted of or forfeits bail in relation to a 17275
violation of any other section of the Revised Code or of any 17276
ordinance that regulates the operation of vehicles, streetcars, 17277
and trackless trolleys on highways and streets but that does not 17278
relate to operating a vehicle while under the influence of 17279
alcohol, a drug of abuse, or a combination of them or to operating 17280
a vehicle with a prohibited concentration of alcohol in the whole 17281
blood, blood serum or plasma, breath, or urine; and if the 17282
violation of which the person was convicted or in relation to 17283
which the person forfeited bail arose out of the same facts and 17284
circumstances and the same act as did the charge that was 17285
dismissed or reduced, the abstract prepared under section 4510.03 17286
of the Revised Code also shall set forth the charge that was 17287
dismissed or reduced, indicate that it was dismissed or reduced, 17288
and indicate that the violation resulting in the conviction or 17289
bail forfeiture arose out of the same facts and circumstances and 17290
the same act as did the charge that was dismissed or reduced. 17291

(B) If a charge against a person of a violation of division 17292
(A) of section 4510.11, division (A) of section 4510.14, or 17293
division (A) of section 4510.16 of the Revised Code or any 17294
municipal ordinance that is substantially equivalent to any of 17295
those divisions is dismissed or reduced and if the person is 17296
convicted of or forfeits bail in relation to a violation of any 17297
other section of the Revised Code or any other ordinance that 17298
regulates the operation of vehicles, streetcars, and trackless 17299
trolleys on highways and streets that arose out of the same facts 17300
and circumstances as did the charge that was dismissed or reduced, 17301
the abstract also shall set forth the charge that was dismissed or 17302
reduced, indicate that it was dismissed or reduced, and indicate 17303

that the violation resulting in the conviction or bail forfeiture 17304
arose out of the same facts and circumstances and the same act as 17305
did the charge that was dismissed or reduced. 17306

(C)(1) If a child has been adjudicated an unruly or 17307
delinquent child or a juvenile traffic offender for having 17308
committed any act that if committed by an adult would be a drug 17309
abuse offense or any violation of division (B) of section 2917.11 17310
or of section 4511.19 of the Revised Code, the court shall notify 17311
the bureau, by means of an abstract of the court record as 17312
described in divisions (B) and (C) of section 4510.03 of the 17313
Revised Code, within ten days after the adjudication. 17314

(2) If a court requires a child to attend a drug abuse or 17315
alcohol abuse education, intervention, or treatment program, the 17316
abstract required by division (C)(1) of this section and forwarded 17317
to the bureau also shall include the name and address of the 17318
operator of the program and the date that the child entered the 17319
program. If the child satisfactorily completes the program, the 17320
court, immediately upon receipt of the information, shall send to 17321
the bureau an updated abstract that also shall contain the date on 17322
which the child satisfactorily completed the program. 17323

Sec. 4510.034. (A) Division (B) of this section applies in 17324
relation to persons who are convicted of or plead guilty to any of 17325
the following: 17326

(1) A violation of division (A) of section 4510.11, division 17327
(A) of section 4510.14, or division (A) of section 4510.16 of the 17328
Revised Code; 17329

(2) A violation of a municipal ordinance substantially 17330
equivalent to any division set forth in division (A)(1) of this 17331
section; 17332

(3) A violation of division (A) of section 4511.19 of the 17333

Revised Code or a violation of section 4511.203 of the Revised Code; 17334
17335

(4) A violation of a municipal OVI ordinance. 17336

(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. 17337
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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. 17357
17358
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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, 17362
17363

all abstracts received under this section or section 4510.03, 17364
4510.031, 4510.032, or 4510.034 of the Revised Code and shall 17365
maintain records of convictions and bond forfeitures for any 17366
violation of a state law or a municipal ordinance regulating the 17367
operation of vehicles, streetcars, and trackless trolleys on 17368
highways and streets, except a violation related to parking a 17369
motor vehicle. 17370

(B) Every court of record or mayor's court before which a 17371
person is charged with a violation for which points are chargeable 17372
by this section shall assess and transcribe to the abstract of 17373
conviction that is furnished by the bureau to the court the number 17374
of points chargeable by this section in the correct space assigned 17375
on the reporting form. A United States district court that has 17376
jurisdiction within this state and before which a person is 17377
charged with a violation for which points are chargeable by this 17378
section may assess and transcribe to the abstract of conviction 17379
report that is furnished by the bureau the number of points 17380
chargeable by this section in the correct space assigned on the 17381
reporting form. If the federal court so assesses and transcribes 17382
the points chargeable for the offense and furnishes the report to 17383
the bureau, the bureau shall record the points in the same manner 17384
as those assessed and transcribed by a court of record or mayor's 17385
court. 17386

(C) A court shall assess the following points for an offense 17387
based on the following formula: 17388

(1) Aggravated vehicular homicide, vehicular homicide, 17389
vehicular manslaughter, aggravated vehicular assault, or vehicular 17390
assault when the offense involves the operation of a vehicle, 17391
streetcar, or trackless trolley on a highway or street 17392
6 points 17393

(2) A violation of section 2921.331 of the Revised Code or 17394
any ordinance prohibiting the willful fleeing or eluding of a law 17395

<u>enforcement officer 6 points</u>	17396
<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>	17397 17398 17399 17400
<u>(4) A violation of section 4511.251 of the Revised Code or any ordinance prohibiting street racing 6 points</u>	17401 17402
<u>(5) A violation of section 4510.11, 4510.14, 4510.16, or 4510.21 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>	17403 17404 17405 17406
<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>	17407 17408 17409 17410 17411 17412 17413 17414
<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>	17415 17416 17417 17418
<u>(8) Any offense under the motor vehicle laws of this state that is a felony, or any other felony in the commission of which a motor vehicle was used 6 points</u>	17419 17420 17421
<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>	17422 17423 17424 17425 17426

<u>(10) A violation of section 4511.20 of the Revised Code or</u>	17427
<u>any ordinance prohibiting the operation of a motor vehicle in</u>	17428
<u>willful or wanton disregard of the safety of persons or property</u>	17429
<u>..... 4 points</u>	17430
<u>(11) A violation of any law or ordinance pertaining to speed:</u>	17431
	17432
<u>(a) Notwithstanding divisions (C)(11)(b) and (c) of this</u>	17433
<u>section, when the speed exceeds the lawful speed limit by thirty</u>	17434
<u>miles per hour or more 4 points</u>	17435
<u>(b) When the speed exceeds the lawful speed limit of</u>	17436
<u>fifty-five miles per hour or more by more than ten miles per hour</u>	17437
<u>..... 2 points</u>	17438
<u>(c) When the speed exceeds the lawful speed limit of less</u>	17439
<u>than fifty-five miles per hour by more than five miles per hour</u>	17440
<u>..... 2 points</u>	17441
<u>(d) When the speed does not exceed the amounts set forth in</u>	17442
<u>divisions (C)(11)(a), (b), or (c) of this section 0</u>	17443
<u>points</u>	17444
<u>(12) Operating a motor vehicle in violation of a restriction</u>	17445
<u>imposed by the registrar 2 points</u>	17446
<u>(13) All other moving violations reported under this section</u>	17447
<u>..... 2 points</u>	17448
<u>(D) Upon receiving notification from the proper court,</u>	17449
<u>including a United States district court that has jurisdiction</u>	17450
<u>within this state, the bureau shall delete any points entered for</u>	17451
<u>a bond forfeiture if the driver is acquitted of the offense for</u>	17452
<u>which bond was posted.</u>	17453
<u>(E) If a person is convicted of or forfeits bail for two or</u>	17454
<u>more offenses arising out of the same facts and points are</u>	17455
<u>chargeable for each of the offenses, points shall be charged for</u>	17456

only the conviction or bond forfeiture for which the greater 17457
number of points is chargeable, and, if the number of points 17458
chargeable for each offense is equal, only one offense shall be 17459
recorded, and points shall be charged only for that offense. 17460

Sec. 4510.037. (A) When the registrar of motor vehicles 17461
determines that the total points charged against any person under 17462
section 4510.036 of the Revised Code exceed five, the registrar 17463
shall send a warning letter to the person at the person's last 17464
known address by regular mail. The warning letter shall list the 17465
reported violations that are the basis of the points charged, list 17466
the number of points charged for each violation, and outline the 17467
suspension provisions of this section. 17468

(B) When the registrar determines that the total points 17469
charged against any person under section 4510.036 of the Revised 17470
Code within any two-year period beginning on the date of the first 17471
conviction within the two-year period is equal to twelve or more, 17472
the registrar shall send a written notice to the person at the 17473
person's last known address by regular mail. The notice shall list 17474
the reported violations that are the basis of the points charged, 17475
list the number of points charged for each violation, and state 17476
that, because the total number of points charged against the 17477
person within the applicable two-year period is equal to twelve or 17478
more, the registrar is imposing a class D suspension of the 17479
person's driver's or commercial driver's license or permit or 17480
nonresident operating privileges for the period of time specified 17481
in division (B)(4) of section 4510.02 of the Revised Code. The 17482
notice also shall state that the suspension is effective on the 17483
twentieth day after the mailing of the notice, unless the person 17484
files a petition appealing the determination and suspension in the 17485
municipal court, county court, or, if the person is under the age 17486
of eighteen, the juvenile division of the court of common pleas in 17487
whose jurisdiction the person resides or, if the person is not a 17488

resident of this state, in the Franklin county municipal court or 17489
juvenile division of the Franklin county court of common pleas. By 17490
filing the appeal of the determination and suspension, the person 17491
agrees to pay the cost of the proceedings in the appeal of the 17492
determination and suspension and alleges that the person can show 17493
cause why the person's driver's or commercial driver's license or 17494
permit or nonresident operating privileges should not be 17495
suspended. 17496

(C) Any person against whom more than five but less than 17497
twelve points have been charged under section 4510.036 of the 17498
Revised Code, for the purpose of obtaining a credit of two points 17499
against the total points charged against the person under that 17500
section, may enroll in a course of remedial driving instruction 17501
that is approved by the director of public safety. The person may 17502
enroll only one time in a course of remedial driving instruction 17503
for that purpose. Upon the person's completion of an approved 17504
course of remedial driving instruction, the registrar shall deduct 17505
two points from the total number of points charged against the 17506
person under section 4510.036 of the Revised Code. The registrar 17507
shall not deduct any points for a person who completes an approved 17508
course of remedial driving instruction pursuant to a judge's order 17509
under section 4510.02 of the Revised Code. 17510

(D) When a judge of a court of record suspends a person's 17511
driver's or commercial driver's license or permit or nonresident 17512
operating privilege and charges points against the person under 17513
section 4510.036 of the Revised Code for the offense that resulted 17514
in the suspension, the registrar shall credit that period of 17515
suspension against the time of any subsequent suspension imposed 17516
under this section for which those points were used to impose the 17517
subsequent suspension. When a United States district court that 17518
has jurisdiction within this state suspends a person's driver's or 17519
commercial driver's license or permit or nonresident operating 17520

privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 17521
4381 (1988), 18 U.S.C.A. 13, as amended, the district court 17522
prepares an abstract pursuant to section 4510.031 of the Revised 17523
Code, and the district court charges points against the person 17524
under section 4510.036 of the Revised Code for the offense that 17525
resulted in the suspension, the registrar shall credit the period 17526
of suspension imposed by the district court against the time of 17527
any subsequent suspension imposed under this section for which the 17528
points were used to impose the subsequent suspension. 17529

(E) The registrar, upon the written request of a licensee who 17530
files a petition under division (B) of this section, shall furnish 17531
the licensee a certified copy of the registrar's record of the 17532
convictions and bond forfeitures of the person. This record shall 17533
include the name, address, and date of birth of the licensee; the 17534
name of the court in which each conviction or bail forfeiture took 17535
place; the nature of the offense that was the basis of the 17536
conviction or bond forfeiture; and any other information that the 17537
registrar considers necessary. If the record indicates that twelve 17538
points or more have been charged against the person within a 17539
two-year period, it is prima-facie evidence that the person is a 17540
repeat traffic offender, and the registrar shall suspend the 17541
person's driver's or commercial driver's license or permit or 17542
nonresident operating privilege pursuant to division (B) of this 17543
section. 17544

In hearing the petition and determining whether the person 17545
filing the petition has shown cause why the person's driver's or 17546
commercial driver's license or permit or nonresident operating 17547
privilege should not be suspended, the court shall decide the 17548
issue on the record certified by the registrar and any additional 17549
relevant, competent, and material evidence that either the 17550
registrar or the person whose license is sought to be suspended 17551
submits. 17552

(F) If a petition is filed under division (B) of this section 17553
in a county court, the prosecuting attorney of the county in which 17554
the case is pending shall represent the registrar in the 17555
proceedings, except that, if the petitioner resides in a municipal 17556
corporation within the jurisdiction of the county court, the city 17557
director of law, village solicitor, or other chief legal officer 17558
of the municipal corporation shall represent the registrar in the 17559
proceedings. If a petition is filed under division (B) of this 17560
section in a municipal court, the registrar shall be represented 17561
in the resulting proceedings as provided in section 1901.34 of the 17562
Revised Code. 17563

(G) If the court determines from the evidence submitted that 17564
a person who filed a petition under division (B) of this section 17565
has failed to show cause why the person's driver's or commercial 17566
driver's license or permit or nonresident operating privileges 17567
should not be suspended, the court shall assess against the person 17568
the cost of the proceedings in the appeal of the determination and 17569
suspension and shall impose the applicable suspension under this 17570
section or suspend all or a portion of the suspension and impose 17571
any conditions or probation upon the person that the court 17572
considers proper. If the court determines from the evidence 17573
submitted that a person who filed a petition under division (B) of 17574
this section has shown cause why the person's driver's or 17575
commercial driver's license or permit or nonresident operating 17576
privileges should not be suspended, the costs of the appeal 17577
proceeding shall be paid out of the county treasury of the county 17578
in which the proceedings were held. 17579

(H) Any person whose driver's or commercial driver's license 17580
or permit or nonresident operating privileges are suspended under 17581
this section is not entitled to apply for or receive a new 17582
driver's or commercial driver's license or permit or to request or 17583
be granted nonresident operating privileges during the effective 17584

period of the suspension. 17585

(I) Upon the termination of any suspension or other penalty 17586
imposed under this section involving the surrender of license or 17587
permit and upon the request of the person whose license or permit 17588
was suspended or surrendered, the registrar shall return the 17589
license or permit to the person upon determining that the person 17590
has complied with all provisions of section 4510.038 of the 17591
Revised Code or, if the registrar destroyed the license or permit 17592
pursuant to section 4510.52 of the Revised Code, shall reissue the 17593
person's license or permit. 17594

(J) Any person whose driver's or commercial driver's license 17595
or permit or nonresident operating privileges are suspended as a 17596
repeat traffic offender under this section and who, during the 17597
suspension, operates any motor vehicle upon any public roads and 17598
highways is guilty of a misdemeanor of the first degree, and the 17599
court shall sentence the offender to a minimum term of three days 17600
in jail. No court shall suspend the first three days of jail time 17601
imposed pursuant to this division. 17602

(K) The registrar, in accordance with specific statutory 17603
authority, may suspend the privilege of driving a motor vehicle on 17604
the public roads and highways of this state that is granted to 17605
nonresidents by section 4507.04 of the Revised Code. 17606

Sec. ~~4507.022~~ 4510.038. Any person whose driver's or 17607
commercial driver's license or permit is suspended, or who is ~~put~~ 17608
~~on probation~~ or granted limited ~~or occupational~~ driving 17609
privileges, under section ~~4507.021~~ or ~~division (E)~~ of section 17610
~~4507.16~~ 4510.037, under division (H) of section 4511.19, or under 17611
section 4510.07 of the Revised Code for a violation of a municipal 17612
ordinance that is substantially equivalent to division (B) of 17613
section 4511.19 of the Revised Code, is not eligible to retain the 17614
~~person's~~ license, or to have the ~~person's~~ driving privileges 17615

reinstated, until each of the following has occurred: 17616

(A) The person successfully completes a course of remedial 17617
driving instruction approved by the director of public safety, 17618
~~provided the person commences taking the course after the person's~~ 17619
~~driver's or commercial driver's license or permit is suspended~~ 17620
~~under section 4507.021 or division (E) of section 4507.16 of the~~ 17621
~~Revised Code.~~ A minimum of twenty-five per cent of the number of 17622
hours of instruction included in the course shall be devoted to 17623
instruction on driver attitude. 17624

The course also shall devote a number of hours to instruction 17625
in the area of alcohol and drugs and the operation of ~~motor~~ 17626
vehicles. The instruction shall include, but not be limited to, a 17627
review of the laws governing the operation of a ~~motor~~ vehicle 17628
while under the influence of alcohol, drugs, or ~~both a combination~~ 17629
of them, the dangers of operating a ~~motor~~ vehicle while under the 17630
influence of alcohol, drugs, or ~~both a combination of them~~, and 17631
other information relating to the operation of ~~motor~~ vehicles and 17632
the consumption of alcoholic beverages and use of drugs. The 17633
director, in consultation with the director of alcohol and drug 17634
addiction services, shall prescribe the content of the 17635
instruction. The number of hours devoted to the area of alcohol 17636
and drugs and the operation of ~~motor~~ vehicles shall comprise a 17637
minimum of twenty-five per cent of the number of hours of 17638
instruction included in the course. 17639

(B) The person is examined in the manner provided for in 17640
section 4507.20 of the Revised Code, and found by the registrar of 17641
motor vehicles to be qualified to operate a motor vehicle; 17642

(C) The person gives and maintains proof of financial 17643
responsibility, in accordance with section 4509.45 of the Revised 17644
Code. 17645

Sec. 4510.04. It is an affirmative defense to any prosecution 17646

brought under section 4510.11, 4510.14, 4510.16, or 4510.21 of the 17647
Revised Code or under any substantially equivalent municipal 17648
ordinance that the alleged offender drove under suspension, 17649
without a valid permit or driver's or commercial driver's license, 17650
or in violation of a restriction because of a substantial 17651
emergency, and because no other person was reasonably available to 17652
drive in response to the emergency. 17653

It is an affirmative defense to any prosecution brought under 17654
section 4510.16 of the Revised Code that the order of suspension 17655
resulted from the failure of the alleged offender to respond to a 17656
financial responsibility random verification request under 17657
division (A)(3)(c) of section 4509.101 of the Revised Code and 17658
that, at the time of the initial financial responsibility random 17659
verification request, the alleged offender was in compliance with 17660
division (A)(1) of section 4509.101 of the Revised Code as shown 17661
by proof of financial responsibility that was in effect at the 17662
time of that request. 17663

Sec. ~~4507.1611~~ 4510.05. Except as ~~may~~ otherwise ~~be~~ provided 17664
in section 4510.07 or in any other provision of the Revised Code, 17665
whenever an offender is convicted of or pleads guilty to a 17666
violation of a municipal ordinance that is substantially similar 17667
to a provision of the Revised Code, and a court is permitted or 17668
required to suspend ~~or revoke~~ a person's driver's or commercial 17669
driver's license or permit for a violation of that provision, a 17670
court, in addition to any other penalties ~~it is~~ authorized by law 17671
~~to impose upon the offender,~~ may suspend the offender's driver's 17672
or commercial driver's license or permit or nonresident operating 17673
privileges for the period of time the court determines 17674
appropriate, ~~or may revoke the license or permit,~~ but ~~in no case~~ 17675
~~shall~~ the period of suspension imposed for the violation of the 17676
municipal ordinance shall not exceed the period of suspension that 17677
is permitted or required to be imposed for the violation of the 17678

provision of the Revised Code to which the municipal ordinance is 17679
substantially similar. 17680

Sec. ~~4507.1610~~ 4510.06. If a United States district court 17681
whose jurisdiction lies within this state suspends, ~~revokes,~~ or 17682
cancels, ~~or forfeits~~ the driver's or commercial driver's license 17683
~~or~~, permit, or nonresident operating privileges of any person 17684
pursuant to the "Assimilative Crimes Act," 102 Stat. 4381 (1988), 17685
18 U.S.C.A. 13, as amended, that suspension, ~~revocation,~~ or 17686
cancellation, ~~or forfeiture~~ is deemed to ~~operate in the same~~ 17687
~~manner and to~~ have the same effect throughout this state as if it 17688
were imposed under the laws of this state ~~by a judge of a court of~~ 17689
~~record of this state.~~ In ~~such a~~ that type of case, if the United 17690
States district court observes the procedures prescribed by the 17691
Revised Code and utilizes the forms prescribed by the registrar of 17692
motor vehicles, the bureau of motor vehicles shall make the 17693
appropriate notation or record and shall take any other action 17694
that is prescribed or permitted by the Revised Code. 17695

Sec. ~~4507.1613~~ 4510.07. The court imposing a sentence upon an 17696
offender for any violation of a municipal ordinance that is 17697
substantially equivalent to a violation of section 2903.06 or 17698
2907.24 of the Revised Code or for any violation of a municipal 17699
OVI ordinance also shall impose a suspension of the offender's 17700
driver's license, commercial driver's license, temporary 17701
instruction permit, probationary license, or nonresident operating 17702
privilege from the range specified in division (B) of section 17703
4510.02 of the Revised Code that is equivalent in length to the 17704
suspension required for a violation of section 2903.06 or 2907.24 17705
or division (A) or (B) of section 4511.19 of the Revised Code 17706
under similar circumstances. 17707

Sec. 4510.10. (A) As used in this section, "reinstatement 17708

fees" means the fees that are required under section 4507.1612, 17709
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 17710
provision of the Revised Code, or under a schedule established by 17711
the bureau of motor vehicles, in order to reinstate a driver's or 17712
commercial driver's license or permit or nonresident operating 17713
privilege of an offender under a suspension. 17714

(B) When a municipal court or county court determines in a 17715
pending case involving an offender that the offender cannot 17716
reasonably pay reinstatement fees due and owing by the offender 17717
relative to a suspension that has been or that will be imposed in 17718
the case, then the court, by order, may undertake either of the 17719
following, in order of preference: 17720

(1) Establish a reasonable payment plan of not less than 17721
fifty dollars per month, to be paid by the offender to the bureau 17722
of motor vehicles in all succeeding months until all reinstatement 17723
fees required of the offender are paid in full; 17724

(2) If the offender, but for the payment of the reinstatement 17725
fees, otherwise would be entitled to operate a vehicle in this 17726
state or to obtain reinstatement of the offender's operating 17727
privileges, permit the offender to operate a motor vehicle, as 17728
authorized by the court, until a future date upon which date all 17729
reinstatement fees must be paid in full. A payment extension 17730
granted under this division shall not exceed one hundred eighty 17731
days, and any operating privileges granted under this division 17732
shall be solely for the purpose of permitting the offender 17733
occupational or "family necessity" privileges in order to enable 17734
the offender to reasonably acquire the delinquent reinstatement 17735
fees due and owing. 17736

(C) If a municipal court or county court, by order, 17737
undertakes either activity described in division (B)(1) or (2) of 17738
this section, the court, at any time after the issuance of the 17739
order, may determine that a change of circumstances has occurred 17740

and may amend the order as justice requires, provided that the 17741
amended order also shall be an order that is permitted under 17742
division (B)(1) or (2) of this section. 17743

(D) If a court enters an order of the type described in 17744
division (B)(1), (B)(2), or (C) of this section, during the 17745
pendency of the order, the offender in relation to whom it applies 17746
is not subject to prosecution for failing to pay the reinstatement 17747
fees covered by the order. 17748

Sec. 4510.11. (A) No person whose driver's or commercial 17749
driver's license or permit or nonresident operating privilege has 17750
been suspended under any provision of the Revised Code, other than 17751
Chapter 4509. of the Revised Code, or under any applicable law in 17752
any other jurisdiction in which the person's license or permit was 17753
issued shall operate any motor vehicle upon the public roads and 17754
highways or upon any public or private property used by the public 17755
for purposes of vehicular travel or parking within this state 17756
during the period of suspension unless the person is granted 17757
limited driving privileges and is operating the vehicle in 17758
accordance with the terms of the limited driving privileges. 17759
17760

(B) No person shall operate any motor vehicle upon a highway 17761
or any public or private property used by the public for purposes 17762
of vehicular travel or parking in this state in violation of any 17763
restriction of the person's driver's or commercial driver's 17764
license or permit imposed under division (D) of section 4506.10 or 17765
under section 4507.14 of the Revised Code. 17766

(C)(1) Whoever violates this section is guilty of driving 17767
under suspension or in violation of a license restriction, a 17768
misdemeanor of the first degree. The court shall impose upon the 17769
offender a class seven suspension of the offender's driver's 17770
license, commercial driver's license, temporary instruction 17771

permit, probationary license, or nonresident operating privilege 17772
from the range specified in division (A)(7) of section 4510.02 of 17773
the Revised Code. 17774

(2) Except as provided in division (C)(3) or (4) of this 17775
section, the court, in addition to any other penalty that it 17776
imposes on the offender and if the vehicle is registered in the 17777
offender's name, shall order the immobilization of the vehicle 17778
involved in the offense for thirty days in accordance with section 17779
4503.233 of the Revised Code and the impoundment of that vehicle's 17780
license plates for thirty days. 17781

(3) If the offender previously has been convicted of or 17782
pleaded guilty to one violation of this section or of a 17783
substantially similar municipal ordinance, the court, in addition 17784
to any other sentence that it imposes on the offender and if the 17785
vehicle is registered in the offender's name, shall order the 17786
immobilization of the vehicle involved in the offense for sixty 17787
days in accordance with section 4503.233 of the Revised Code and 17788
the impoundment of that vehicle's license plates for sixty days. 17789

(4) If the offender previously has been convicted of or 17790
pleaded guilty to two or more violations of this section or of a 17791
substantially similar municipal ordinance, the court, in addition 17792
to any other sentence that it imposes on the offender and if the 17793
vehicle is registered in the offender's name, shall order the 17794
criminal forfeiture of the vehicle involved in the offense to the 17795
state. 17796

(D) Any order for immobilization and impoundment under this 17797
section shall be issued and enforced under section 4503.233 of the 17798
Revised Code. The court shall not release a vehicle from 17799
immobilization ordered under this section unless the court is 17800
presented with current proof of financial responsibility with 17801
respect to that vehicle. 17802

(E) Any order of criminal forfeiture under this section shall 17803
be issued and enforced under section 4503.234 of the Revised Code. 17804
Upon receipt of the copy of the order from the court, neither the 17805
registrar of motor vehicles nor a deputy registrar shall accept 17806
any application for the registration or transfer of registration 17807
of any motor vehicle owned or leased by the person named in the 17808
declaration of forfeiture. The period of registration denial shall 17809
be five years after the date of the order, unless, during that 17810
period, the court having jurisdiction of the offense that led to 17811
the order terminates the forfeiture and notifies the registrar of 17812
the termination. The registrar then shall take necessary measures 17813
to permit the person to register a vehicle owned or leased by the 17814
person or to transfer registration of the vehicle. 17815

17816

Sec. 4510.12. (A)(1) No person, except those expressly 17817
exempted under sections 4507.03, 4507.04, and 4507.05 of the 17818
Revised Code, shall operate any motor vehicle upon a public road 17819
or highway or any public or private property used by the public 17820
for purposes of vehicular travel or parking in this state unless 17821
the person has a valid driver's license issued under Chapter 4507. 17822
of the Revised Code or a commercial driver's license issued under 17823
Chapter 4506. of the Revised Code. 17824

(2) No person, except a person expressly exempted under 17825
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 17826
operate any motorcycle upon a public road or highway or any public 17827
or private property used by the public for purposes of vehicular 17828
travel or parking in this state unless the person has a valid 17829
license as a motorcycle operator that was issued upon application 17830
by the registrar of motor vehicles under Chapter 4507. of the 17831
Revised Code. The license shall be in the form of an endorsement, 17832
as determined by the registrar, upon a driver's or commercial 17833

driver's license, if the person has a valid license to operate a 17834
motor vehicle or commercial motor vehicle, or in the form of a 17835
restricted license as provided in section 4507.14 of the Revised 17836
Code, if the person does not have a valid license to operate a 17837
motor vehicle or commercial motor vehicle. 17838

(B) Whoever violates this section is guilty of operating a 17839
motor vehicle without a valid license and shall be punished as 17840
follows: 17841

(1) If the offender's driver's or commercial driver's license 17842
or permit was expired at the time of the offense for no more than 17843
six months, subject to divisions (B)(3) to (5) of this section, 17844
the offense is a minor misdemeanor. 17845

(2) If the offender's driver's or commercial driver's license 17846
or permit was expired at the time of the offense for more than six 17847
months, subject to divisions (B)(3) to (5) of this section, the 17848
offense is a misdemeanor of the fourth degree. 17849

(3) If the offender previously was convicted of or pleaded 17850
guilty to one violation of this section or a substantially 17851
equivalent municipal ordinance within the past three years, the 17852
offense is a misdemeanor of the third degree. 17853

(4) If the offender previously was convicted of or pleaded 17854
guilty to two violations of this section or a substantially 17855
equivalent municipal ordinance within the past three years, the 17856
offense is a misdemeanor of the second degree. 17857

(5) If the offender previously was convicted of or pleaded 17858
guilty to three or more violations of this section or a 17859
substantially equivalent municipal ordinance within the past three 17860
years, the offense is a misdemeanor of the first degree. 17861

(C) The court shall not impose a license suspension for a 17862
first violation of this section or if more than three years have 17863
passed since the offender's last violation of this section or a 17864

substantially equivalent municipal ordinance. 17865

(D) If the offender was convicted of or pleaded guilty to one 17866
or more violations of this section or a substantially equivalent 17867
municipal ordinance within the past three years, and if the 17868
offender's license was expired for more than six months at the 17869
time of the offense, the court shall impose a class seven 17870
suspension of the offender's driver license, commercial driver's 17871
license, temporary instruction permit, probationary license, or 17872
nonresident operating privilege from the range specified in 17873
division (A)(7) of section 4510.02 of the Revised Code. 17874

Sec. 4510.13. (A)(1) Divisions (A)(2) to (7) of this section 17875
apply to a judge or mayor regarding the suspension of, or the 17876
grant of limited driving privileges during, a suspension of an 17877
offender's driver's or commercial driver's license or permit or 17878
nonresident operating privilege imposed under division (G) or (H) 17879
of section 4511.19 of the Revised Code, under division (B) or (C) 17880
of section 4511.191 of the Revised Code, or under section 4510.07 17881
of the Revised Code for a conviction of a violation of a municipal 17882
OVI ordinance. 17883

(2) No judge or mayor shall suspend the following portions of 17884
the suspension of an offender's driver's or commercial driver's 17885
license or permit or nonresident operating privilege imposed under 17886
division (G) or (H) of section 4511.19 of the Revised Code or 17887
under section 4510.07 of the Revised Code for a conviction of a 17888
violation of a municipal OVI ordinance, provided that division 17889
(A)(2) of this section does not limit a court or mayor in 17890
crediting any period of suspension imposed pursuant to division 17891
(B) or (C) of section 4511.191 of the Revised Code against any 17892
time of judicial suspension imposed pursuant to section 4511.19 or 17893
4510.07 of the Revised Code, as described in divisions (B)(2) and 17894
(C)(2) of section 4511.191 of the Revised Code: 17895

(a) The first six months of a suspension imposed under 17896
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 17897
comparable length suspension imposed under section 4510.07 of the 17898
Revised Code; 17899

(b) The first year of a suspension imposed under division 17900
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 17901
comparable length suspension imposed under section 4510.07 of the 17902
Revised Code; 17903

(c) The first three years of a suspension imposed under 17904
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 17905
or of a comparable length suspension imposed under section 4510.07 17906
of the Revised Code; 17907

(d) The first sixty days of a suspension imposed under 17908
division (H) of section 4511.19 of the Revised Code or of a 17909
comparable length suspension imposed under section 4510.07 of the 17910
Revised Code. 17911

(3) No judge or mayor shall grant limited driving privileges 17912
to an offender whose driver's or commercial driver's license or 17913
permit or nonresident operating privilege has been suspended under 17914
division (G) or (H) of section 4511.19 of the Revised Code, under 17915
division (C) of section 4511.191 of the Revised Code, or under 17916
section 4510.07 of the Revised Code for a municipal OVI conviction 17917
if the offender, within the preceding six years, has been 17918
convicted of or pleaded guilty to three or more violations of one 17919
or more of the Revised Code sections, municipal ordinances, 17920
statutes of the United States or another state, or municipal 17921
ordinances of a municipal corporation of another state that are 17922
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 17923
Revised Code. 17924

Additionally, no judge or mayor shall grant limited driving 17925
privileges to an offender whose driver's or commercial driver's 17926

license or permit or nonresident operating privilege has been 17927
suspended under division (B) of section 4511.191 of the Revised 17928
Code if the offender, within the preceding six years, has refused 17929
three previous requests to consent to a chemical test of the 17930
person's whole blood, blood serum or plasma, breath, or urine to 17931
determine its alcohol content. 17932

(4) No judge or mayor shall grant limited driving privileges 17933
for employment as a driver of commercial motor vehicles to an 17934
offender whose driver's or commercial driver's license or permit 17935
or nonresident operating privilege has been suspended under 17936
division (G) or (H) of section 4511.19 of the Revised Code, under 17937
division (B) or (C) of section 4511.191 of the Revised Code, or 17938
under section 4510.07 of the Revised Code for a municipal OVI 17939
conviction if the offender is disqualified from operating a 17940
commercial motor vehicle, or whose license or permit has been 17941
suspended, under section 3123.58 or 4506.16 of the Revised Code. 17942

(5) No judge or mayor shall grant limited driving privileges 17943
to an offender whose driver's or commercial driver's license or 17944
permit or nonresident operating privilege has been suspended under 17945
division (G) or (H) of section 4511.19 of the Revised Code, under 17946
division (C) of section 4511.191 of the Revised Code, or under 17947
section 4510.07 of the Revised Code for a conviction of a 17948
violation of a municipal OVI ordinance during any of the following 17949
periods of time: 17950

(a) The first fifteen days of a suspension imposed under 17951
division (G)(1)(a) of section 4511.19 of the Revised Code or a 17952
comparable length suspension imposed under section 4510.07 of the 17953
Revised Code, or of a suspension imposed under division (C)(1)(a) 17954
of section 4511.191 of the Revised Code. On or after the sixteenth 17955
day of the suspension, the court may grant limited driving 17956
privileges, but the court may require that the offender shall not 17957
exercise the privileges unless the vehicles the offender operates 17958

are equipped with immobilizing or disabling devices that monitor 17959
the offender's alcohol consumption or any other type of 17960
immobilizing or disabling devices, except as provided in division 17961
(C) of section 4510.43 of the Revised Code. 17962

(b) The first thirty days of a suspension imposed under 17963
division (G)(1)(b) of section 4511.19 of the Revised Code or a 17964
comparable length suspension imposed under section 4510.07 of the 17965
Revised Code, or of a suspension imposed under division (C)(1)(b) 17966
of section 4511.191 of the Revised Code. On or after the 17967
thirty-first day of suspension, the court may grant limited 17968
driving privileges, but the court may require that the offender 17969
shall not exercise the privileges unless the vehicles the offender 17970
operates are equipped with immobilizing or disabling devices that 17971
monitor the offender's alcohol consumption or any other type of 17972
immobilizing or disabling devices, except as provided in division 17973
(C) of section 4510.43 of the Revised Code. 17974

(c) The first sixty days of a suspension imposed under 17975
division (H) of section 4511.19 of the Revised Code or a 17976
comparable length suspension imposed under section 4510.07 of the 17977
Revised Code. 17978

(d) The first one hundred eighty days of a suspension imposed 17979
under division (G)(1)(c) of section 4511.19 of the Revised Code or 17980
a comparable length suspension imposed under section 4510.07 of 17981
the Revised Code, or of a suspension imposed under division 17982
(C)(1)(c) of section 4511.191 of the Revised Code. The judge may 17983
grant limited driving privileges on or after the one hundred 17984
eighty-first day of the suspension only if the judge, at the time 17985
of granting the privileges, also issues an order prohibiting the 17986
offender, while exercising the privileges during the period 17987
commencing with the one hundred eighty-first day of suspension and 17988
ending with the first year of suspension, from operating any motor 17989
vehicle unless it is equipped with an immobilizing or disabling 17990

device that monitors the offender's alcohol consumption. After the 17991
first year of the suspension, the court may authorize the offender 17992
to continue exercising the privileges in vehicles that are not 17993
equipped with immobilizing or disabling devices that monitor the 17994
offender's alcohol consumption, except as provided in division (C) 17995
of section 4510.43 of the Revised Code. If the offender does not 17996
petition for limited driving privileges until after the first year 17997
of suspension, the judge may grant limited driving privileges 17998
without requiring the use of an immobilizing or disabling device 17999
that monitors the offender's alcohol consumption. 18000

(e) The first three years of a suspension imposed under 18002
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 18003
or a comparable length suspension imposed under section 4510.07 of 18004
the Revised Code, or of a suspension imposed under division 18005
(C)(1)(d) of section 4511.191 of the Revised Code. The judge may 18006
grant limited driving privileges after the first three years of 18007
suspension only if the judge, at the time of granting the 18008
privileges, also issues an order prohibiting the offender from 18009
operating any motor vehicle, for the period of suspension 18010
following the first three years of suspension, unless the motor 18011
vehicle is equipped with an immobilizing or disabling device that 18012
monitors the offender's alcohol consumption, except as provided in 18013
division (C) of section 4510.43 of the Revised Code. 18014

(6) No judge or mayor shall grant limited driving privileges 18015
to an offender whose driver's or commercial driver's license or 18016
permit or nonresident operating privilege has been suspended under 18017
division (B) of section 4511.191 of the Revised Code during any of 18018
the following periods of time: 18019

(a) The first thirty days of suspension imposed under 18020
division (B)(1)(a) of section 4511.191 of the Revised Code; 18021

(b) The first ninety days of suspension imposed under 18022

<u>division (B)(1)(b) of section 4511.191 of the Revised Code;</u>	18023
<u>(c) The first year of suspension imposed under division</u>	18024
<u>(B)(1)(c) of section 4511.191 of the Revised Code;</u>	18025
<u>(d) The first three years of suspension imposed under</u>	18026
<u>division (B)(1)(d) of section 4511.191 of the Revised Code.</u>	18027
<u>(7) In any case in which a judge or mayor grants limited</u>	18028
<u>driving privileges to an offender whose driver's or commercial</u>	18029
<u>driver's license or permit or nonresident operating privilege has</u>	18030
<u>been suspended under division (G) of section 4511.19 of the</u>	18031
<u>Revised Code or under section 4510.07 of the Revised Code for a</u>	18032
<u>municipal OVI conviction, the judge or mayor shall impose as a</u>	18033
<u>condition of the privileges that the offender must display on the</u>	18034
<u>vehicle that is driven subject to the privileges restricted</u>	18035
<u>license plates that are issued under section 4503.231 of the</u>	18036
<u>Revised Code, except as provided in division (B) of that section.</u>	18037
<u>(B) Any person whose driver's or commercial driver's license</u>	18038
<u>or permit or nonresident operating privilege has been suspended</u>	18039
<u>pursuant to section 4511.19 or 4511.191 of the Revised Code or</u>	18040
<u>under section 4510.07 of the Revised Code for a violation of a</u>	18041
<u>municipal OVI ordinance may file a petition for limited driving</u>	18042
<u>privileges during the suspension. The person shall file the</u>	18043
<u>petition in the court that has jurisdiction over the place of</u>	18044
<u>arrest. Subject to division (A) of this section, the court may</u>	18045
<u>grant the person limited driving privileges during the period</u>	18046
<u>during which the suspension otherwise would be imposed. However,</u>	18047
<u>the court shall not grant the privileges for employment as a</u>	18048
<u>driver of a commercial motor vehicle to any person who is</u>	18049
<u>disqualified from operating a commercial motor vehicle under</u>	18050
<u>section 4506.16 of the Revised Code or during any of the periods</u>	18051
<u>prescribed by division (A) of this section.</u>	18052
<u>(C)(1) After a driver's or commercial driver's license or</u>	18053

permit or nonresident operating privilege has been suspended 18054
pursuant to section 2903.06, 2903.08, 2907.24, 2921.331, 4511.19, 18055
4511.251, 4549.02, 4549.021, or 5743.99 of the Revised Code, any 18056
provision of Chapter 2925. of the Revised Code, or section 4510.07 18057
of the Revised Code for a violation of a municipal OVI ordinance, 18058
the judge of the court or mayor of the mayor's court that 18059
suspended the license, permit, or privilege shall cause the 18060
offender to deliver to the court the license or permit. The judge, 18061
mayor, or clerk of the court or mayor's court shall forward to the 18062
registrar the license or permit together with notice of the action 18063
of the court. 18064

(2) A suspension of a commercial driver's license under any 18065
section or chapter identified in division (C)(1) of this section 18066
shall be concurrent with any period of suspension or 18067
disqualification under section 3123.58 or 4506.16 of the Revised 18068
Code. No person who is disqualified for life from holding a 18069
commercial driver's license under section 4506.16 of the Revised 18070
Code shall be issued a driver's license under this chapter during 18071
the period for which the commercial driver's license was suspended 18072
under this section, and no person whose commercial driver's 18073
license is suspended under any section or chapter identified in 18074
division (C)(1) of this section shall be issued a driver's license 18075
under Chapter 4507. of the Revised Code during the period of the 18076
suspension. 18077

(3) No judge or mayor shall suspend any class one suspension, 18078
or any portion of any class one suspension, required by section 18079
2903.04 or 2903.06 of the Revised Code. No judge or mayor shall 18080
suspend the first thirty days of any class two, class three, class 18081
four, class five, or class six suspension imposed under section 18082
2903.06 or 2903.08 of the Revised Code. 18083

(D) The judge of the court or mayor of the mayor's court 18084
shall credit any time during which an offender was subject to an 18085

administrative suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.191 or 4511.192 of the Revised Code or a suspension imposed by a judge, referee, or mayor pursuant to division (B)(1) or (2) of section 4511.196 of the Revised Code against the time to be served under a related suspension imposed pursuant to any section or chapter identified in division (C)(1) of this chapter. 18086
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(E) The judge or mayor shall notify the bureau of motor vehicles of any determinations made pursuant to this section and of any suspension imposed pursuant to any section or chapter identified in division (C)(1) of this section. 18094
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(F)(1) If a court issues an immobilizing or disabling device order under section 4510.43 of the Revised Code, the order shall authorize the offender during the specified period to operate a motor vehicle only if it is equipped with an immobilizing or disabling device, except as provided in division (C) of that section. The court shall provide the offender with a copy of an immobilizing or disabling device order issued under section 4510.43 of the Revised Code, and the offender shall use the copy of the order in lieu of an Ohio driver's or commercial driver's license or permit until the registrar or a deputy registrar issues the offender a restricted license. 18098
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An order issued under section 4510.43 of the Revised Code does not authorize or permit the offender to whom it has been issued to operate a vehicle during any time that the offender's driver's or commercial driver's license or permit is suspended under any other provision of law. 18109
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(2) An offender may present an immobilizing or disabling device 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 18114
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restricted license. A restricted license issued under this 18118
division shall be identical to an Ohio driver's license, except 18119
that it shall have printed on its face a statement that the 18120
offender is prohibited during the period specified in the court 18121
order from operating any motor vehicle that is not equipped with 18122
an immobilizing or disabling device. The date of commencement and 18123
the date of termination of the period of suspension shall be 18124
indicated conspicuously upon the face of the license. 18125

Sec. 4510.14. (A) No person whose driver's or commercial 18126
driver's license or permit or nonresident operating privilege has 18127
been suspended under section 4511.19, 4511.191, or 4511.196 of the 18128
Revised Code or under section 4510.07 of the Revised Code for a 18129
conviction of a violation of a municipal OVI ordinance shall 18130
operate any motor vehicle upon the public roads or highways within 18131
this state during the period of the suspension. 18132

(B) Whoever violates this section is guilty of driving under 18133
OVI suspension. The court shall sentence the offender under 18134
Chapter 2929. of the Revised Code, subject to the differences 18135
authorized or required by this section. 18136

(1) Except as otherwise provided in division (B)(2) or (3) of 18137
this section, driving under OVI suspension is a misdemeanor of the 18138
first degree. The court shall sentence the offender to all of the 18139
following: 18140

(a) A mandatory jail term of three consecutive days. The 18141
three-day term shall be imposed, unless, subject to division (C) 18142
of this section, the court instead imposes a sentence of not less 18143
than thirty consecutive days of electronically monitored house 18144
arrest. A period of electronically monitored house arrest imposed 18145
under this division shall not exceed six months. If the court 18146
imposes a mandatory three-day jail term under this division, the 18147
court may impose a jail term in addition to that term, provided 18148

that in no case shall the cumulative jail term imposed for the 18149
offense exceed six months. 18150

(b) A fine of not less than two hundred fifty and not more 18151
than one thousand dollars; 18152

(c) A license suspension under division (E) of this section; 18153

(d) If the vehicle the offender was operating at the time of 18154
the offense is registered in the offender's name, immobilization 18155
for thirty days of the offender's vehicle and impoundment for 18156
thirty days of the identification license plates of that vehicle. 18157
The order for immobilization and impoundment shall be issued and 18158
enforced in accordance with section 4503.233 of the Revised Code. 18159

(2) If, within six years of the offense, the offender 18160
previously has been convicted of or pleaded guilty to one 18161
violation of this section or one equivalent offense, driving under 18162
OVI suspension is a misdemeanor of the first degree. The court 18163
shall sentence the offender to all of the following: 18164

(a) A mandatory jail term of ten consecutive days. 18165
Notwithstanding the terms of imprisonment provided in Chapter 18166
2929. of the Revised Code, the court may sentence the offender to 18167
a longer jail term of not more than one year. The ten-day 18168
mandatory jail term shall be imposed unless, subject to division 18169
(C) of this section, the court instead imposes a sentence of not 18170
less than ninety consecutive days of electronically monitored 18171
house arrest. The period of electronically monitored house arrest 18172
shall not exceed one year. 18173

(b) Notwithstanding the fines provided for in Chapter 2929. 18174
of the Revised Code, a fine of not less than five hundred and not 18175
more than two thousand five hundred dollars; 18176

(c) A license suspension under division (E) of this section; 18177

(d) If the vehicle the offender was operating at the time of 18178

the offense is registered in the offender's name, immobilization 18179
of the offender's vehicle for sixty days and the impoundment for 18180
sixty days of the identification license plates of that vehicle. 18181
The order for immobilization and impoundment shall be issued and 18182
enforced in accordance with section 4503.233 of the Revised Code. 18183

(3) If, within six years of the offense, the offender 18184
previously has been convicted of or pleaded guilty to two or more 18185
violations of this section or two or more equivalent offenses, 18186
driving under OVI suspension is a misdemeanor. The court shall 18187
sentence the offender to all of the following: 18188

(a) A mandatory jail term of thirty consecutive days. 18189
Notwithstanding the terms of imprisonment provided in Chapter 18190
2929. of the Revised Code, the court may sentence the offender to 18191
a longer jail term of not more than one year. The court shall not 18192
sentence the offender to a term of electronically monitored house 18193
arrest in lieu of the mandatory portion of the jail term. 18194

(b) Notwithstanding the fines set forth in Chapter 2929. of 18195
the Revised Code, a fine of not less than five hundred and not 18196
more than two thousand five hundred dollars; 18197

(c) A license suspension under division (E) of this section; 18198

(d) If the vehicle the offender was operating at the time of 18199
the offense is registered in the offender's name, criminal 18200
forfeiture to the state of the offender's vehicle. The order of 18201
criminal forfeiture shall be issued and enforced in accordance 18202
with section 4503.234 of the Revised Code. If title to a motor 18203
vehicle that is subject to an order for criminal forfeiture under 18204
this division is assigned or transferred and division (B)(2) or 18205
(3) of section 4503.234 of the Revised Code applies, the court may 18206
fine the offender the value of the vehicle as determined by 18207
publications of the national auto dealer's association. The 18208
proceeds from any fine so imposed shall be distributed in 18209

accordance with division (C)(2) of section 4503.234 of the Revised Code. 18210
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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. 18212
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An offender sentenced under this section to a period of electronically monitored house arrest shall be permitted work release during that period. 18220
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(D) 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 (H) of section 4511.191 of the Revised Code. 18223
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(E) 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 impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven 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)(7) of section 4510.02 of the Revised Code. 18230
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When permitted as specified in section 4510.021 of the Revised Code, if the court grants limited driving privileges during a suspension imposed under this section, the privileges 18238
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shall be granted on the additional condition that the offender 18241
must display restricted license plates, issued under section 18242
4503.231 of the Revised Code, on the vehicle driven subject to the 18243
privileges, except as provided in division (B) of that section. 18244

A suspension of a commercial driver's license under this 18245
section shall be concurrent with any period of suspension or 18246
disqualification under section 3123.58 or 4506.16 of the Revised 18247
Code. No person who is disqualified for life from holding a 18248
commercial driver's license under section 4506.16 of the Revised 18249
Code shall be issued a driver's license under Chapter 4507. of the 18250
Revised Code during the period for which the commercial driver's 18251
license was suspended under this section, and no person whose 18252
commercial driver's license is suspended under this section shall 18253
be issued a driver's license under Chapter 4507. of the Revised 18254
Code during the period of the suspension. 18255

(F) As used in this section: 18256

(1) "Electronically monitored house arrest" has the same 18257
meaning as in section 2929.23 of the Revised Code. 18258

(2) "Equivalent offense" means any of the following: 18259

(a) A violation of a municipal ordinance, law of another 18260
state, or law of the United States that is substantially 18261
equivalent to division (A) of this section; 18262

(b) A violation of a former law of this state that was 18263
substantially equivalent to division (A) of this section. 18264

(3) "Jail" has the same meaning as in section 2929.01 of the 18265
Revised Code. 18266

(4) "Mandatory jail term" means the mandatory term in jail of 18267
three, ten, or thirty consecutive days that must be imposed under 18268
division (B)(1), (2), or (3) of this section upon an offender 18269
convicted of a violation of division (A) of this section and in 18270

relation to which all of the following apply: 18271

(a) Except as specifically authorized under this section, the 18272
term must be served in a jail. 18273

(b) Except as specifically authorized under this section, the 18274
term cannot be suspended, reduced, or otherwise modified pursuant 18275
to section 2929.51, 2951.02, or any other provision of the Revised 18276
Code. 18277

Sec. ~~4507.34~~ 4510.15. Whenever a person is found guilty of 18278
reckless operation of a motor vehicle under the laws of this state 18279
or under any ordinance of any political subdivision of this state, 18280
~~of operating a motor vehicle in violation of such laws or~~ 18281
~~ordinances, relating to reckless operation,~~ the trial court of any 18282
court of record ~~may,~~ in addition to or independent of all other 18283
penalties provided by law, ~~suspend for any period of time or~~ 18284
~~revoke the~~ may impose a class five suspension of the offender's 18285
driver's license or commercial driver's license ~~of any person so~~ 18286
~~convicted or pleading guilty to such offenses for any period that~~ 18287
~~it determines, not to exceed one year or permit or nonresident~~ 18288
operating privilege from the range specified in division (A)(5) of 18289
section 4510.02 of the Revised Code. 18290

Suspension of a commercial driver's license under this 18291
section shall be concurrent with any period of suspension 18292
disqualification under section ~~3123.611~~ 3123.58 or 4506.16 of the 18293
Revised Code ~~or period of suspension under section 3123.58 of the~~ 18294
~~Revised Code.~~ No person who is disqualified for life from holding 18295
a commercial driver's license under section 4506.16 of the Revised 18296
Code shall be issued a driver's license under ~~this chapter~~ Chapter 18297
4507. of the Revised Code during the period for which the 18298
commercial driver's license was suspended under this section, and 18299
no person whose commercial driver's license is suspended under 18300
this section shall be issued a driver's license under ~~this chapter~~ 18301

Chapter 4507. of the Revised Code during the period of the 18302
suspension. 18303

Sec. 4510.16. (A) No person, whose driver's or commercial 18304
driver's license or temporary instruction permit or nonresident's 18305
operating privilege has been suspended or canceled pursuant to 18306
Chapter 4509. of the Revised Code, shall operate any motor vehicle 18307
within this state, or knowingly permit any motor vehicle owned by 18308
the person to be operated by another person in the state, during 18309
the period of the suspension or cancellation, except as 18310
specifically authorized by Chapter 4509. of the Revised Code. No 18311
person shall operate a motor vehicle within this state, or 18312
knowingly permit any motor vehicle owned by the person to be 18313
operated by another person in the state, during the period in 18314
which the person is required by section 4509.45 of the Revised 18315
Code to file and maintain proof of financial responsibility for a 18316
violation of section 4509.101 of the Revised Code, unless proof of 18317
financial responsibility is maintained with respect to that 18318
vehicle. 18319

(B)(1) Whoever violates this section is guilty of driving 18320
under financial responsibility law suspension or cancellation, a 18321
misdemeanor of the first degree. The court shall impose a class 18322
seven suspension of the offender's driver's or commercial driver's 18323
license or permit or nonresident operating privilege for the 18324
period of time specified in division (A)(7) of section 4510.02 of 18325
the Revised Code. 18326

(2) If the vehicle is registered in the offender's name, the 18327
court, in addition to or independent of any other sentence that it 18328
imposes upon the offender, shall do one of the following: 18329

(a) Except as otherwise provided in division (B)(2)(b) or (c) 18330
of this section, order the immobilization for thirty days of the 18331
vehicle involved in the offense and the impoundment for thirty 18332

days of the license plates of that vehicle; 18333

(b) If the offender previously has been convicted of or 18334
pleaded guilty to one violation of this section or a substantially 18335
similar municipal ordinance, order the immobilization for sixty 18336
days of the vehicle involved in the offense and impoundment for 18337
sixty days of the license plates of that vehicle; 18338

(c) If the offender previously has been convicted of or 18339
pleaded guilty to two or more violations of this section or a 18340
substantially similar municipal ordinance, order the criminal 18341
forfeiture to the state of the vehicle involved in the offense. If 18342
title to a motor vehicle that is subject to an order for criminal 18343
forfeiture under this division is assigned or transferred and 18344
division (B)(2) or (3) of section 4503.234 of the Revised Code 18345
applies, in addition to or independent of any other penalty 18346
established by law, the court may fine the offender the value of 18347
the vehicle as determined by publications of the national auto 18348
dealers association. The proceeds from any fine so imposed shall 18349
be distributed in accordance with division (C)(2) of that section. 18350

(C) Any order for immobilization and impoundment under this 18351
section shall be issued and enforced in accordance with sections 18352
4503.233 and 4507.02 of the Revised Code, as applicable. Any order 18353
of criminal forfeiture shall be issued and enforced in accordance 18354
with section 4503.234 of the Revised Code. The court shall not 18355
release a vehicle from immobilization orders under this section 18356
unless the court is presented with current proof of financial 18357
responsibility with respect to that vehicle. 18358

Sec. ~~4507.361~~ 4510.161. (A) The requirements and sanctions 18359
imposed by divisions (B) and (C) of this section are an adjunct to 18360
and derive from the state's exclusive authority over the 18361
registration and titling of motor vehicles and do not comprise a 18362
part of the criminal sentence to be imposed upon a person who 18363

violates a municipal ordinance that is substantially equivalent to 18364
section 4510.14 or to division (B)(1) or (D)(2)(A) of section 18365
~~4507.02~~ 4510.16 of the Revised Code. 18366

(B) If a person is convicted of or pleads guilty to a 18367
municipal ordinance that is substantially equivalent to division 18368
~~(B)(1)(A)~~ of section ~~4507.02~~ 4510.16 of the Revised Code, the 18369
court, in addition to and independent of any sentence that it 18370
imposes upon the offender for the offense, ~~regardless of whether~~ 18371
if the vehicle the offender was operating at the time of the 18372
offense is registered in ~~his~~ the offender's name ~~or in the name of~~ 18373
~~another person, and subject to section 4503.235 of the Revised~~ 18374
Code, shall do whichever of the following is applicable: 18375

(1) If, within five years of the current offense, the 18376
offender has not been convicted of or pleaded guilty to a 18377
violation of division (A) of section 4510.16 or former division 18378
(B)(1) of section 4507.02 of the Revised Code or a municipal 18379
ordinance that is substantially equivalent to ~~that~~ either 18380
division, the court shall order the immobilization for thirty days 18381
of the vehicle the offender was operating at the time of the 18382
offense and the impoundment for thirty days of the identification 18383
license plates of that vehicle. 18384

(2) If, within five years of the current offense, the 18385
offender has been convicted of or pleaded guilty to one violation 18386
of division (A) of section 4510.16 or former division (B)(1) of 18387
section 4507.02 of the Revised Code or a municipal ordinance that 18388
is substantially equivalent to ~~that~~ either division, the court 18389
shall order the immobilization for sixty days of the vehicle the 18390
offender was operating at the time of the offense and the 18391
impoundment for sixty days of the identification license plates of 18392
that vehicle. 18393

(3) If, within five years of the current offense, the 18394
offender has been convicted of or pleaded guilty to two or more 18395

violations of division (A) of section 4510.16 or former division 18396
(B)(1) of section 4507.02 of the Revised Code or a municipal 18397
ordinance that is substantially equivalent to ~~that~~ either 18398
division, the court shall order the criminal forfeiture to the 18399
state of the vehicle the offender was operating at the time of the 18400
offense. The order of criminal forfeiture shall be issued and 18401
enforced in accordance with section 4503.234 of the Revised Code. 18402

(C) If a person is convicted of or pleads guilty to a 18403
municipal ordinance that is substantially equivalent to ~~division~~ 18404
~~(D)(2) of section 4507.02~~ 4510.14 of the Revised Code, the court, 18405
in addition to and independent of any sentence that it imposes 18406
upon the offender for the offense, ~~regardless of whether~~ if the 18407
vehicle the offender was operating at the time of the offense is 18408
registered in ~~his~~ the offender's name ~~or in the name of another~~ 18409
~~person, and subject to section 4503.235 of the Revised Code~~, shall 18410
do whichever of the following is applicable: 18411

(1) If, within five years of the current offense, the 18412
offender has not been convicted of or pleaded guilty to a 18413
violation of section 4510.14 or former division (D)(2) of section 18414
4507.02 of the Revised Code or a municipal ordinance that is 18415
substantially equivalent to that section or former division, the 18416
court shall order the immobilization for thirty days of the 18417
vehicle the offender was operating at the time of the offense and 18418
the impoundment for thirty days of the identification license 18419
plates of that vehicle. 18420

(2) If, within five years of the current offense, the 18421
offender has been convicted of or pleaded guilty to one violation 18422
of section 4510.14 or former division (D)(2) of section 4507.02 of 18423
the Revised Code or a municipal ordinance that is substantially 18424
equivalent to that section or former division, the court shall 18425
order the immobilization for sixty days of the vehicle the 18426
offender was operating at the time of the offense and the 18427

impoundment for sixty days of the identification license plates of 18428
that vehicle. 18429

(3) If, within five years of the current offense, the 18430
offender has been convicted of or pleaded guilty to two or more 18431
violations of section 4510.14 or former division (D)(2) of section 18432
4507.02 of the Revised Code or a municipal ordinance that is 18433
substantially equivalent to that section or former division, the 18434
court shall order the criminal forfeiture to the state of the 18435
vehicle the offender was operating at the time of the offense. 18436

(D) An order of criminal forfeiture issued pursuant to this 18437
section shall be issued and enforced in accordance with section 18438
4503.234 of the Revised Code. An order for the immobilization and 18439
impoundment of a vehicle that issued pursuant to this section 18440
shall be issued and enforced in accordance with section 4503.233 18441
of the Revised Code. 18442

Sec. 4507.169 4510.17. (A) The registrar of motor vehicles 18443
shall ~~suspend for the period of time specified in this division~~ 18444
~~the driver's or commercial driver's license or permit of, or deny~~ 18445
~~for such period of time the issuance of a driver's or commercial~~ 18446
~~driver's license or permit to, impose a class D suspension of the~~ 18447
~~person's driver's license, commercial driver's license, temporary~~ 18448
~~instruction permit, probationary license, or nonresident operating~~ 18449
~~privilege for the period of time specified in division (B)(4) of~~ 18450
~~section 4510.02 of the Revised Code on any person who is a~~ 18451
resident of this state and is convicted of or pleads guilty to a 18452
violation of a statute of any other state or any federal statute 18453
that is substantially similar to section 2925.02, 2925.03, 18454
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 18455
2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 18456
of the Revised Code. Upon receipt of a report from a court, court 18457
clerk, or other official of any other state or from any federal 18458

authority that a resident of this state was convicted of or 18459
pleaded guilty to an offense described in this division, the 18460
registrar shall send a notice by regular first class mail to the 18461
person, at the person's last known address as shown in the records 18462
of the bureau of motor vehicles, informing the person of the 18463
suspension ~~or denial~~, that the suspension ~~or denial~~ will take 18464
effect twenty-one days from the date of the notice, and that, if 18465
the person wishes to appeal the suspension or denial, the person 18466
must file a notice of appeal within twenty-one days of the date of 18467
the notice requesting a hearing on the matter. If the person 18468
requests a hearing, the registrar shall hold the hearing not more 18469
than forty days after receipt by the registrar of the notice of 18470
appeal. The filing of a notice of appeal does not stay the 18471
operation of the suspension ~~or denial~~ that must be imposed 18472
pursuant to this division. The scope of the hearing shall be 18473
limited to whether the person actually was convicted of or pleaded 18474
guilty to the offense for which the suspension ~~or denial~~ is to be 18475
imposed. 18476

The ~~period of~~ suspension ~~or denial~~ the registrar is required 18477
to impose under this division shall end either on the last day of 18478
~~any period of~~ the class D suspension period or of the suspension 18479
of the person's nonresident operating privilege imposed by the 18480
state or federal court ~~located in the other state, or the date six~~ 18481
~~months and twenty one days from the date of the notice sent by the~~ 18482
~~registrar to the person under this division~~, whichever is earlier. 18483

The registrar shall subscribe to or otherwise participate in 18484
any information system or register, or enter into reciprocal and 18485
mutual agreements with other states and federal authorities, in 18486
order to facilitate the exchange of information with other states 18487
and the United States government regarding persons who plead 18488
guilty to or are convicted of offenses described in this division 18489
and therefore are subject to the suspension or denial described in 18490

this division. 18491

(B) The registrar shall ~~suspend for the period of time~~ 18492
~~specified in this division the driver's or commercial driver's~~ 18493
~~license or permit of, or deny for such period of time the issuance~~ 18494
~~of a driver's or commercial driver's license or permit to, impose~~ 18495
a class D suspension of the person's driver's license, commercial 18496
driver's license, temporary instruction permit, probationary 18497
license, or nonresident operating privilege for the period of time 18498
specified in division (B)(4) of section 4510.02 of the Revised 18499
Code on any person who is a resident of this state and is 18500
convicted of or pleads guilty to a violation of a statute of any 18501
other state or a municipal ordinance of a municipal corporation 18502
located in any other state that is substantially similar to 18503
section 4511.19 of the Revised Code. Upon receipt of a report from 18504
another state made pursuant to section ~~4507.60~~ 4510.61 of the 18505
Revised Code indicating that a resident of this state was 18506
convicted of or pleaded guilty to an offense described in this 18507
division, the registrar shall send a notice by regular first class 18508
mail to the person, at the person's last known address as shown in 18509
the records of the bureau of motor vehicles, informing the person 18510
of the suspension ~~or denial~~, that the suspension or denial will 18511
take effect twenty-one days from the date of the notice, and that, 18512
if the person wishes to appeal the suspension ~~or denial~~, the 18513
person must file a notice of appeal within twenty-one days of the 18514
date of the notice requesting a hearing on the matter. If the 18515
person requests a hearing, the registrar shall hold the hearing 18516
not more than forty days after receipt by the registrar of the 18517
notice of appeal. The filing of a notice of appeal does not stay 18518
the operation of the suspension ~~or denial~~ that must be imposed 18519
pursuant to this division. The scope of the hearing shall be 18520
limited to whether the person actually was convicted of or pleaded 18521
guilty to the offense for which the suspension ~~or denial~~ is to be 18522
imposed. 18523

The ~~period of suspension or denial~~ the registrar is required 18524
to impose under this division shall end either on the last day of 18525
~~any period of~~ the class D suspension period or of the suspension 18526
of the person's nonresident operating privilege imposed by the 18527
state or federal court ~~located in the other state, or the date six~~ 18528
~~months and twenty one days from the date of the notice sent by the~~ 18529
~~registrar to the person under this division,~~ whichever is earlier. 18530

(C) The registrar shall ~~suspend for the period of time~~ 18531
~~specified in this division the driver's or commercial driver's~~ 18532
~~license or permit of, or deny for such period of time the issuance~~ 18533
~~of a driver's or commercial driver's license or permit to, impose~~ 18534
a class D suspension of the child's driver's license, commercial 18535
driver's license, temporary instruction permit, or nonresident 18536
operating privilege for the period of time specified in division 18537
(B)(4) of section 4510.02 of the Revised Code on any child who is 18538
a resident of this state and is convicted of or pleads guilty to a 18539
violation of a statute of any other state or any federal statute 18540
that is substantially similar to section 2925.02, 2925.03, 18541
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 18542
2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 18543
of the Revised Code. Upon receipt of a report from a court, court 18544
clerk, or other official of any other state or from any federal 18545
authority that a child who is a resident of this state was 18546
convicted of or pleaded guilty to an offense described in this 18547
division, the registrar shall send a notice by regular first class 18548
mail to the child, at the child's last known address as shown in 18549
the records of the bureau of motor vehicles, informing the child 18550
of the suspension ~~or denial~~, that the suspension or denial will 18551
take effect twenty-one days from the date of the notice, and that, 18552
if the child wishes to appeal the suspension ~~or denial~~, the child 18553
must file a notice of appeal within twenty-one days of the date of 18554
the notice requesting a hearing on the matter. If the child 18555

requests a hearing, the registrar shall hold the hearing not more 18556
than forty days after receipt by the registrar of the notice of 18557
appeal. The filing of a notice of appeal does not stay the 18558
operation of the suspension ~~or denial~~ that must be imposed 18559
pursuant to this division. The scope of the hearing shall be 18560
limited to whether the child actually was convicted of or pleaded 18561
guilty to the offense for which the suspension ~~or denial~~ is to be 18562
imposed. 18563

The ~~period of~~ suspension the registrar is required to impose 18564
under this division shall end either on the last day of ~~any period~~ 18565
~~of the class D suspension period or of the~~ suspension of the 18566
child's nonresident operating privilege imposed by the state or 18567
federal court ~~located in the other state, or the date six months~~ 18568
~~and twenty one days from the date of the notice sent by the~~ 18569
~~registrar to the child under this division~~, whichever is earlier. 18570
If the child is a resident of this state who is sixteen years of 18571
age or older and does not have a current, valid Ohio driver's or 18572
commercial driver's license or permit, the notice shall inform the 18573
child that the child will be denied issuance of a driver's or 18574
commercial driver's license or permit for six months beginning on 18575
the date of the notice. If the child has not attained the age of 18576
sixteen years on the date of the notice, the notice shall inform 18577
the child that the period of denial of six months shall commence 18578
on the date the child attains the age of sixteen years. 18579

The registrar shall subscribe to or otherwise participate in 18580
any information system or register, or enter into reciprocal and 18581
mutual agreements with other states and federal authorities, in 18582
order to facilitate the exchange of information with other states 18583
and the United States government regarding children who are 18584
residents of this state and plead guilty to or are convicted of 18585
offenses described in this division and therefore are subject to 18586
the suspension or denial described in this division. 18587

(D) The registrar shall ~~suspend for the period of time~~ 18588
~~specified in this division the driver's or commercial driver's~~ 18589
~~license or permit of, or deny for such period of time the issuance~~ 18590
~~of a driver's or commercial driver's license or permit to, impose~~ 18591
a class D suspension of the child's driver's license, commercial 18592
driver's license, temporary instruction permit, probationary 18593
license, or nonresident operating privilege for the period of time 18594
specified in division (B)(4) of section 4510.02 of the Revised 18595
Code on any child who is a resident of this state and is convicted 18596
of or pleads guilty to a violation of a statute of any other state 18597
or a municipal ordinance of a municipal corporation located in any 18598
other state that is substantially similar to section 4511.19 of 18599
the Revised Code. Upon receipt of a report from another state made 18600
pursuant to section ~~4507.60~~ 4510.61 of the Revised Code indicating 18601
that a child who is a resident of this state was convicted of or 18602
pleaded guilty to an offense described in this division, the 18603
registrar shall send a notice by regular first class mail to the 18604
child, at the child's last known address as shown in the records 18605
of the bureau of motor vehicles, informing the child of the 18606
suspension ~~or denial~~, that the suspension ~~or denial~~ will take 18607
effect twenty-one days from the date of the notice, and that, if 18608
the child wishes to appeal the suspension ~~or denial~~, the child 18609
must file a notice of appeal within twenty-one days of the date of 18610
the notice requesting a hearing on the matter. If the child 18611
requests a hearing, the registrar shall hold the hearing not more 18612
than forty days after receipt by the registrar of the notice of 18613
appeal. The filing of a notice of appeal does not stay the 18614
operation of the suspension ~~or denial~~ that must be imposed 18615
pursuant to this division. The scope of the hearing shall be 18616
limited to whether the child actually was convicted of or pleaded 18617
guilty to the offense for which the suspension ~~or denial~~ is to be 18618
imposed. 18619

The ~~period of~~ suspension the registrar is required to impose 18620
under this division shall end either on the last day of ~~any period~~ 18621
~~of the class D suspension period or of the~~ suspension of the 18622
child's nonresident operating privilege imposed by the state or 18623
federal court ~~located in the other state, or the date six months~~ 18624
~~and twenty one days from the date of the notice sent by the~~ 18625
~~registrar to the child under this division,~~ whichever is earlier. 18626
If the child is a resident of this state who is sixteen years of 18627
age or older and does not have a current, valid Ohio driver's or 18628
commercial driver's license or permit, the notice shall inform the 18629
child that the child will be denied issuance of a driver's or 18630
commercial driver's license or permit for six months beginning on 18631
the date of the notice. If the child has not attained the age of 18632
sixteen years on the date of the notice, the notice shall inform 18633
the child that the period of denial of six months shall commence 18634
on the date the child attains the age of sixteen years. 18635

(E) Any person whose license or permit has been suspended 18636
pursuant to division (B) or (D) of this section may file a 18637
petition in the municipal or county court, or in case the person 18638
is under eighteen years of age, the juvenile court, in whose 18639
jurisdiction the person resides, agreeing to pay the cost of the 18640
proceedings and alleging that the suspension would seriously 18641
affect the person's ability to continue the person's employment. 18642
Upon satisfactory proof that there is reasonable cause to believe 18643
that the suspension would seriously affect the person's ability to 18644
continue the person's employment, the judge may grant the person 18645
~~occupational limited~~ driving privileges during the period during 18646
which the suspension otherwise would be imposed, except that the 18647
judge shall not grant ~~occupational limited~~ driving privileges for 18648
employment as a driver of a commercial motor vehicle to any person 18649
who would be disqualified from operating a commercial motor 18650
vehicle under section 4506.16 of the Revised Code if the violation 18651

had occurred in this state, or during any of the following periods 18652
of time: 18653

(1) The first fifteen days of the suspension, if the person 18654
has not been convicted within ~~five~~ six years of the date of the 18655
offense giving rise to the suspension under this section of a 18656
violation of any of the following: 18657

(a) Section 4511.19 of the Revised Code, of a municipal 18658
ordinance relating to operating a vehicle while under the 18659
influence of alcohol, a drug of abuse, or alcohol and a drug of 18660
abuse; 18661

(b) A municipal ordinance relating to operating a motor 18662
vehicle with a prohibited concentration of alcohol in the blood, 18663
breath, or urine; 18664

(c) Section 2903.04 of the Revised Code in a case in which 18665
the person was subject to the sanctions described in division (D) 18666
of that section; 18667

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 18668
section 2903.08 of the Revised Code or a municipal ordinance that 18669
is substantially similar to either of those divisions; 18670

(e) Division (A)(2), (3), or (4) of section 2903.06, division 18671
(A)(2) of section 2903.08, or ~~former~~ as it existed prior to March 18672
23, 2000 section 2903.07 of the Revised Code, or a municipal 18673
ordinance that is substantially similar to any of those divisions 18674
or that former section, in a case in which the jury or judge found 18675
that the person was under the influence of alcohol, a drug of 18676
abuse, or alcohol and a drug of abuse. 18677

(2) The first thirty days of the suspension, if the person 18678
has been convicted one time within ~~five~~ six years of the date of 18679
the offense giving rise to the suspension under this section of 18680
any violation identified in division (E)(1) of this section. 18681

(3) The first one hundred eighty days of the suspension, if 18682
the person has been convicted two times within ~~five~~ six years of 18683
the date of the offense giving rise to the suspension under this 18684
section of any violation identified in division (E)(1) of this 18685
section. 18686

(4) No ~~occupational~~ limited driving privileges may be granted 18687
if the person has been convicted three or more times within five 18688
years of the date of the offense giving rise to the suspension 18689
under this section of any violation identified in division (E)(1) 18690
of this section. 18691

If a person petitions for ~~occupational~~ limited driving 18692
privileges under division (E) of this section, the registrar shall 18693
be represented by the county prosecutor of the county in which the 18694
person resides if the petition is filed in a juvenile court or 18695
county court, except that if the person resides within a city or 18696
village that is located within the jurisdiction of the county in 18697
which the petition is filed, the city director of law or village 18698
solicitor of that city or village shall represent the registrar. 18699
If the petition is filed in a municipal court, the registrar shall 18700
be represented as provided in section 1901.34 of the Revised Code. 18701

In granting ~~occupational~~ limited driving privileges under 18702
division (E) of this section, the court may impose any condition 18703
it considers reasonable and necessary to limit the use of a 18704
vehicle by the person. The court shall deliver to the person a 18705
permit card, in a form to be prescribed by the court, setting 18706
forth the time, place, and other conditions limiting the person's 18707
use of a motor vehicle. The grant of ~~occupational~~ limited driving 18708
privileges shall be conditioned upon the person's having the 18709
permit in the person's possession at all times during which the 18710
person is operating a vehicle. 18711

A person granted ~~occupational~~ limited driving privileges who 18712

operates a vehicle for other than ~~occupational~~ limited purposes, 18713
in violation of any condition imposed by the court or without 18714
having the permit in the person's possession, is guilty of a 18715
violation of ~~division (D)(1) of section 4507.02~~ 4510.11 of the 18716
Revised Code. 18717

(F) As used in divisions (C) and (D) of this section: 18718

(1) "Child" means a person who is under the age of eighteen 18719
years, except that any person who violates a statute or ordinance 18720
described in division (C) or (D) of this section prior to 18721
attaining eighteen years of age shall be deemed a "child" 18722
irrespective of the person's age at the time the complaint or 18723
other equivalent document is filed in the other state or a 18724
hearing, trial, or other proceeding is held in the other state on 18725
the complaint or other equivalent document, and irrespective of 18726
the person's age when the period of license suspension or denial 18727
prescribed in division (C) or (D) of this section is imposed. 18728

(2) "Is convicted of or pleads guilty to" means, as it 18729
relates to a child who is a resident of this state, that in a 18730
proceeding conducted in a state or federal court located in 18731
another state for a violation of a statute or ordinance described 18732
in division (C) or (D) of this section, the result of the 18733
proceeding is any of the following: 18734

(a) Under the laws that govern the proceedings of the court, 18735
the child is adjudicated to be or admits to being a delinquent 18736
child or a juvenile traffic offender for a violation described in 18737
division (C) or (D) of this section that would be a crime if 18738
committed by an adult; 18739

(b) Under the laws that govern the proceedings of the court, 18740
the child is convicted of or pleads guilty to a violation 18741
described in division (C) or (D) of this section; 18742

(c) Under the laws that govern the proceedings of the court, 18743

irrespective of the terminology utilized in those laws, the result 18744
of the court's proceedings is the functional equivalent of 18745
division (F)(2)(a) or (b) of this section. 18746

Sec. 4510.21. (A) No person whose driver's license, 18747
commercial driver's license, temporary instruction permit, or 18748
nonresident's operating privilege has been suspended shall operate 18749
any motor vehicle upon a public road or highway or any public or 18750
private property after the suspension has expired unless the 18751
person has complied with all license reinstatement requirements 18752
imposed by the court, the bureau of motor vehicles, or another 18753
provision of the Revised Code. 18754

(B) Whoever violates this section is guilty of failure to 18755
reinstate a license, a misdemeanor of the first degree. The court 18756
may impose upon the offender a class seven suspension of the 18757
offender's driver's license, commercial driver's license, 18758
temporary instruction permit, probationary driver's license, or 18759
nonresident operating privilege from the range specified in 18760
division (A)(7) of section 4510.02 of the Revised Code. 18761

Sec. ~~4507.168~~ 4510.22. (A) If a person who has a current 18762
valid Ohio driver's ~~or~~, commercial driver's license, or temporary 18763
instruction permit is charged with a violation of any provision in 18764
sections 4511.01 to 4511.76, ~~section~~ 4511.84, ~~any provision in~~ 18765
~~sections~~ 4513.01 to 4513.65, or ~~any provision in sections~~ 4549.01 18766
to 4549.65 of the Revised Code that is classified as a misdemeanor 18767
of the first, second, third, or fourth degree or with a violation 18768
of any substantially equivalent municipal ordinance ~~that is~~ 18769
~~substantially comparable to any provision of any of these sections~~ 18770
and if the person either fails to appear in court at the required 18771
time and place to answer the charge or pleads guilty to or is 18772
found guilty of the violation and fails within the time allowed by 18773
the court to pay the fine imposed by the court, the court shall 18774

declare the ~~forfeiture~~ suspension of the person's license. Thirty 18775
days after the declaration ~~of forfeiture~~, the court shall inform 18776
the registrar of motor vehicles of the ~~forfeiture~~ declaration by 18777
entering information relative to the ~~forfeiture~~ declaration on a 18778
form approved and furnished by the registrar and sending the form 18779
to the registrar. The court also shall forward the person's 18780
license, if it is in the possession of the court, to the 18781
registrar. ~~The~~ 18782

The registrar shall ~~suspend~~ impose a class F suspension of 18783
the person's driver's or commercial driver's license, ~~or temporary~~ 18784
instruction permit for the period of time specified in division 18785
(B)(6) of section 4510.02 of the Revised Code on any person who is 18786
named in a declaration received by the registrar under this 18787
section. The registrar shall send written notification of the 18788
suspension to the person ~~of the suspension~~ at the person's last 18789
known address, and, if the person is in possession of the license, 18790
order the person to surrender the person's ~~driver's or commercial~~ 18791
~~driver's~~ license or permit to the registrar within forty-eight 18792
hours. ~~No~~ 18793

No valid driver's or commercial driver's license shall be 18794
granted to the person after the suspension, unless the court 18795
having jurisdiction of the offense that led to the suspension 18796
orders that the ~~forfeiture~~ suspension be terminated. The court 18797
shall ~~so~~ order the termination of the suspension if the person, 18798
~~after having failed to appear in court at the required time and~~ 18799
~~place to answer the charge or after having pleaded guilty to or~~ 18800
~~been found guilty of the violation and having failed within the~~ 18801
~~time allowed by the court to pay the fine imposed by the court,~~ 18802
thereafter appears to answer the charge and pays any fine imposed 18803
by the court or pays the fine originally imposed by the court. The 18804
court shall inform the registrar of the termination of the 18805
~~forfeiture~~ suspension by entering information relative to the 18806

termination on a form approved and furnished by the registrar and 18807
sending the form to the registrar. The ~~court also shall charge and~~ 18808
~~collect from the person~~ shall pay to the bureau of motor vehicles 18809
a fifteen-dollar processing fee to cover the costs of the bureau 18810
~~of motor vehicles~~ in administering this section. The ~~clerk of the~~ 18811
~~court shall transmit monthly all such processing fees to the~~ 18812
registrar ~~for~~ shall deposit the fee into the state bureau of motor 18813
vehicles fund created by section 4501.25 of the Revised Code. 18814

18815
(B) In addition to suspending the driver's or commercial 18816
driver's license or permit of the person named in a declaration of 18817
~~forfeiture~~ suspension, the registrar, upon receipt from the court 18818
of the copy of the declaration of ~~forfeiture~~ suspension, shall 18819
take any measures that may be necessary to ensure that neither the 18820
registrar nor any deputy registrar accepts any application for the 18821
registration or transfer of registration of any motor vehicle 18822
owned or leased by the person named in the declaration ~~of~~ 18823
~~forfeiture~~. However, for a motor vehicle leased by a person named 18824
in a declaration ~~of forfeiture~~, the registrar shall not implement 18825
the preceding sentence until the registrar adopts procedures for 18826
that implementation under section 4503.39 of the Revised Code. The 18827
period of denial of registration or transfer shall continue until 18828
such time as the court having jurisdiction of the offense that led 18829
to the suspension ~~of the person's driver's or commercial driver's~~ 18830
~~license~~ orders the ~~forfeiture~~ suspension to be terminated. Upon 18831
receipt by the registrar of an order terminating the ~~forfeiture~~ 18832
suspension, the registrar also shall take any measures that may be 18833
necessary to permit the person to register a motor vehicle owned 18834
or leased by the person or to transfer the registration of such a 18835
motor vehicle, if the person later makes application to take such 18836
action and otherwise is eligible to register the motor vehicle or 18837
to transfer its registration. 18838

The registrar shall not be required to give effect to any 18839
declaration of ~~forfeiture~~ suspension or order terminating a 18840
~~forfeiture~~ suspension provided by a court under this section 18841
unless the information contained in the declaration or order is 18842
transmitted to the registrar by means of an electronic transfer 18843
system. 18844

~~(C) The period of license suspension imposed pursuant to 18845
division (A) of this section is independent of any other period of 18846
license suspension that the court having jurisdiction over the 18847
offense may impose, and the period of license suspension imposed 18848
pursuant to that division and the period of denial relating to the 18849
issuance or transfer of a certificate of registration for a motor 18850
vehicle imposed pursuant to this division ~~(B) of this section~~ 18851
remains in effect until the person pays any fine imposed by the 18852
court relative to the offense. 18853~~

Sec. ~~4507.161~~ 4510.23. When any person having a driver's or 18854
commercial driver's license is adjudicated incompetent for the 18855
purpose of holding the license, as provided in section 5122.301 of 18856
the Revised Code, the probate judge shall order the license of 18857
~~such~~ the person delivered to the court. The court shall forward 18858
~~such~~ the license with notice of ~~such~~ the adjudication to the 18859
registrar of motor vehicles. The registrar ~~of motor vehicles~~ shall 18860
~~suspend such license~~ impose a class F suspension of the person's 18861
driver's or commercial driver's license for the period of time 18862
specified in division (B)(6) of section 4510.02 of the Revised 18863
Code. The suspension shall remain in effect until receipt of 18864
written notice by the head of the hospital, or other agency which 18865
has or had custody of such person, that such person's mental 18866
illness is not an impairment to such person's ability to operate a 18867
motor vehicle, or upon receipt of notice from the adjudicating 18868
court that such person has been restored to competency by court 18869

decree. 18870

Sec. ~~4507.162~~ 4510.31. (A)~~(1)~~ Except as provided in division 18871
(C) of this section, the registrar of motor vehicles shall suspend 18872
the probationary driver's license, restricted license, or 18873
temporary instruction permit issued to any person when the person 18874
has been convicted of, pleaded guilty to, or been adjudicated in 18875
juvenile court of having committed, prior to the person's 18876
eighteenth birthday, any of the following: 18877

~~(1)~~(a) Three separate violations of section 2903.06, 2903.08, 18878
2921.331, 4511.12, 4511.13, 4511.15, 4511.191, ~~4511.192~~, 4511.20, 18879
4511.201, 4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 18880
4511.57 to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 18881
Revised Code, section 4510.14 of the Revised Code involving a 18882
suspension imposed under section 4511.191 or 4511.196 of the 18883
Revised Code, section 2903.04 of the Revised Code in a case in 18884
which the person would have been subject to the sanctions 18885
described in division (D) of that section had the person been 18886
convicted of the violation of that section, former section 2903.07 18887
of the Revised Code, or any municipal ordinances similarly 18888
relating to the offenses referred to in those sections; 18889

~~(2)~~(b) One violation of section 4511.19 of the Revised Code 18890
or a substantially similar municipal ordinance; 18891

~~(3)~~(c) Two separate violations of any of the Revised Code 18892
sections referred to in division (A)(1)(a) of this section, or any 18893
municipal ordinance that is substantially similar to any of those 18894
sections. 18895

(2) Any person whose license or permit is suspended under 18896
division (A)(1)(a), ~~(2)~~(b), or ~~(3)~~(c) of this section shall mail 18897
or deliver the person's probationary driver's license, restricted 18898
license, or temporary instruction permit to the registrar within 18899
fourteen days of notification of the suspension. The registrar 18900

shall retain the license or permit during the period of the 18901
suspension. A suspension pursuant to division (A)(1)(a) of this 18902
section shall ~~remain in effect until one year has elapsed since~~ 18903
~~the date of suspension of the probationary driver's license,~~ 18904
~~restricted license, or temporary instruction permit~~ be a class C 18905
suspension, a suspension pursuant to division (A)~~(2)~~(1)(b) of this 18906
section shall ~~remain in effect until six months have elapsed since~~ 18907
~~the date of the suspension~~ be a class D suspension, and a 18908
suspension pursuant to division (A)~~(3)~~(1)(c) of this section shall 18909
~~remain in effect until ninety days have elapsed since the date of~~ 18910
~~the suspension~~ be a class E suspension, all for the periods of 18911
time specified in division (B) of section 4510.02 of the Revised 18912
Code. If the person's probationary driver's license, restricted 18913
license, or temporary instruction permit is under suspension on 18914
the date the court imposes sentence upon the person for a 18915
violation described in division (A)~~(2)~~(1)(b) of this section, the 18916
suspension shall take effect on the next day immediately following 18917
the end of that period of suspension. If the person is sixteen 18918
years of age or older and pleads guilty to or is convicted of a 18919
violation described in division (A)~~(2)~~(1)(b) of this section and 18920
the person does not have a current, valid probationary driver's 18921
license, restricted license, or temporary instruction permit, the 18922
registrar shall deny the issuance to the person of a probationary 18923
driver's license, restricted license, driver's license, commercial 18924
driver's license, or temporary instruction permit, as the case may 18925
be, for six months beginning on the date the court imposes 18926
sentence upon the person for the violation. If the person has not 18927
attained the age of sixteen years on the date the court imposes 18928
sentence upon the person for the violation, the period of denial 18929
shall commence on the date the person attains the age of sixteen 18930
years. 18931

(B) The registrar also shall ~~suspend~~ impose a class D 18932
suspension for the period of time specified in division (B)(4) of 18933

section 4510.02 of the Revised Code of the temporary instruction 18934
permit or probationary driver's license of any person under the 18935
age of eighteen who has been adjudicated an unruly child, 18936
delinquent child, or a juvenile traffic offender for having 18937
committed any act that if committed by an adult would be a drug 18938
abuse offense ~~as defined in section 2925.01 of the Revised Code,~~ 18939
or a violation of division (B) of section 2917.11 of the Revised 18940
Code ~~until the person reaches the age of eighteen years or~~ 18941
~~attends. The registrar, in the registrar's discretion, may~~ 18942
terminate the suspension if the child, at the discretion of the 18943
court, attends and satisfactorily completes a drug abuse or 18944
alcohol abuse education, intervention, or treatment program 18945
specified by the court. Any person whose temporary instruction 18946
permit or probationary driver's license is suspended under this 18947
division shall mail or deliver the person's permit or license to 18948
the registrar within fourteen days of notification of the 18949
suspension. The registrar shall retain the permit or license 18950
during the period of the suspension. 18951

(C)(1) ~~A person is not entitled to request, and a court shall~~ 18952
~~not grant to the person, occupational driving privileges under~~ 18953
~~division (C) of this section if a person is convicted of, pleads~~ 18954
~~guilty to, or is adjudicated in juvenile court of having committed~~ 18955
~~a third violation of section 4511.12, 4511.13, 4511.15, 4511.20 to~~ 18956
~~4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or~~ 18957
~~4511.75 of the Revised Code or any similar municipal ordinances,~~ 18958
~~and the person, within the preceding seven years, has been~~ 18959
~~convicted of, pleaded guilty to, or adjudicated in juvenile court~~ 18960
~~of having committed three or more violations of one or more of the~~ 18961
~~following:~~ 18962

~~(a) Division (A) or (B) of section 4511.19 of the Revised~~ 18963
~~Code:~~ 18964

~~(b) A municipal ordinance relating to operating a vehicle~~ 18965

~~while under the influence of alcohol, a drug of abuse, or alcohol
and a drug of abuse;~~ 18966
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~~(c) A municipal ordinance relating to operating a vehicle
with a prohibited concentration of alcohol in the blood, breath,
or urine;~~ 18968
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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;~~ 18971
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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;~~ 18974
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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.~~ 18977
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~~(2) For Except as provided in division (C)(3) of this
section, for any other person who is not described in division
(C)(1) of this section and who is convicted of, pleads guilty to,
or is adjudicated in juvenile court of having committed a second
or third violation of section 4511.12, 4511.13, 4511.15, 4511.20
to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or
4511.75 of the Revised Code or any similar municipal ordinances
and whose license or permit is suspended under division (A)(1)(a)
or (c) of this section, the court in which the second or third
conviction, finding, plea, or adjudication resulting in the
suspension was made, upon petition of the person, may grant the
person occupational limited driving privileges during the period
during which the suspension otherwise would be imposed under~~ 18984
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~~division (A)(1)(a) or (c) of this section if the court finds that~~ 18997
~~the person will reach the person's eighteenth birthday before the~~ 18998
~~period of suspension required to be imposed under division (A)(1)~~ 18999
~~of this section expires and further finds~~ reasonable cause to 19000
believe that the suspension, ~~if continued beyond the person's~~ 19001
~~eighteenth birthday,~~ will seriously affect the person's ability to 19002
continue in employment, educational training, vocational training, 19003
or treatment. The ~~occupational driving privileges granted under~~ 19004
~~this division shall be effective on the person's eighteenth~~ 19005
~~birthday and during the period following such birthday for which~~ 19006
~~the suspension otherwise would be imposed.~~ In granting 19007
~~occupational~~ the limited driving privileges, the court shall 19008
specify the purposes, times, and places at ~~which the person may~~ 19009
~~drive of the privileges~~ and may impose any other conditions upon 19010
the person's ~~use of~~ driving a motor vehicle that the court 19011
considers reasonable and necessary. 19012

A court that grants ~~occupational~~ limited driving privileges 19013
to a person under this division shall retain the person's 19014
probationary driver's license, restricted license, or temporary 19015
instruction permit during the period the license or permit is 19016
suspended and also during the period for which ~~occupational~~ 19017
limited driving privileges are granted, and shall deliver to the 19018
person a permit card, in a form to be prescribed by the court, 19019
setting forth the date on which the ~~occupational~~ limited driving 19020
privileges will become effective, the purposes for which the 19021
person may drive, the times and places at which the person may 19022
drive, and any other conditions imposed upon the person's use of a 19023
motor vehicle. 19024

The court immediately shall notify the registrar, in writing, 19025
of a grant of ~~occupational~~ limited driving privileges under this 19026
division. The notification shall specify the date on which the 19027
~~occupational~~ limited driving privileges will become effective, the 19028

purposes for which the person may drive, the times and places at 19029
which the person may drive, and any other conditions imposed upon 19030
the person's use of a motor vehicle. The registrar shall not 19031
suspend the probationary driver's license, restricted license, or 19032
temporary instruction permit of any person pursuant to division 19033
(A) of this section during any period for which the person has 19034
been granted ~~occupational~~ limited driving privileges as provided 19035
in this division, if the registrar has received the notification 19036
described in this division from the court. 19037

(2) Except as provided in division (C)(3) of this section, in 19038
any case in which the temporary instruction permit or probationary 19039
driver's license of a person under eighteen years of age has been 19040
suspended under division (A) or (B) of this section or any other 19041
provision of law, the court may grant the person limited driving 19042
privileges for the purpose of the person's practicing of driving 19043
with the person's parent, guardian, or other custodian during the 19044
period of the suspension. Any grant of limited driving privileges 19045
under this division shall comply with division (D) of section 19046
4510.021 of the Revised Code. 19047

(3) A court shall not grant limited driving privileges to a 19048
person identified in division (C)(1) or (2) of this section if the 19049
person, within the preceding six years, has been convicted of, 19050
pleaded guilty to, or adjudicated in juvenile court of having 19051
committed three or more violations of one or more of the divisions 19052
or sections set forth in divisions (G)(2)(b) to (g) of section 19053
2919.22 of the Revised Code. 19054

(D) If a person who has been granted ~~occupational~~ limited 19055
driving privileges under division (C) of this section is convicted 19056
of, pleads guilty to, or is adjudicated in juvenile court of 19057
having committed, a violation of ~~section 4507.02~~ Chapter 4510. of 19058
the Revised Code, or a ~~fourth~~ ~~or~~ subsequent violation of any of 19059
the ~~other~~ sections of the Revised Code listed in division 19060

(A)(1)(a) of this section or any similar municipal ordinance 19061
during the period for which the person was granted ~~occupational~~ 19062
limited driving privileges, the court that granted the 19063
~~occupational~~ limited driving privileges shall ~~revoke them and~~ 19064
~~cancel~~ suspend the person's permit card. The court or the clerk of 19065
the court immediately shall forward the person's probationary 19066
driver's license, restricted license, or temporary instruction 19067
permit together with written notification of the court's action to 19068
the registrar. Upon receipt of the license or permit and 19069
notification, the registrar shall ~~suspend~~ impose a class C 19070
suspension of the person's probationary driver's license, 19071
restricted license, or temporary instruction permit for ~~a~~ the 19072
period of ~~one-year~~ time specified in division (B)(3) of section 19073
4510.02 of the Revised Code. The registrar shall retain the 19074
license or permit during the period of suspension, and no further 19075
~~occupational~~ limited driving privileges shall be granted during 19076
that period. 19077

(E) No application for a driver's or commercial driver's 19078
license shall be received from any person whose probationary 19079
driver's license, restricted license, or temporary instruction 19080
permit has been suspended under this section until each of the 19081
following has occurred: 19082

(1) The suspension period has expired; 19083

(2) A temporary instruction permit or commercial driver's 19084
license temporary instruction permit has been issued; 19085

(3) The person successfully completes a juvenile driver 19086
improvement program approved by the registrar under ~~division (F)~~ 19087
~~of this~~ section 4510.311 of the Revised Code; 19088

(4) The applicant has submitted to the examination for a 19089
driver's license as provided for in section 4507.11 or a 19090
commercial driver's license as provided in Chapter 4506. of the 19091

Revised Code. 19092

~~(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.~~ 19093
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Sec. 4510.311. The registrar of motor vehicles shall establish standards for juvenile driver improvement programs and shall approve any 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 eighteen years of age, driver perceptions, and the value of the traffic laws. The standards also shall require a 19115
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person whose probationary driver's license was suspended under 19124
section 4510.31 of the Revised Code to undertake and pass, as 19125
successful completion of an approved juvenile driver improvement 19126
program, the driver's license examination that a person who holds 19127
a temporary instruction permit is required to undertake and pass 19128
in order to be issued a probationary driver's license. The person 19129
shall pay the applicable fee that is required to accompany an 19130
application for a driver's license as prescribed in division (E) 19131
of section 4507.23 of the Revised Code. The registrar shall 19132
prescribe the requirements for the curriculum to be provided as 19133
well as other program directives. Only those programs approved by 19134
the registrar shall be acceptable for reinstatement of the driving 19135
privileges of a person whose probationary driver's license was 19136
suspended under section 4510.31 of the Revised Code. 19137

Sec. ~~4507.061~~ 4510.32. (A) The registrar of motor vehicles 19138
shall record within ten days of receipt and keep at the main 19139
office of the bureau of motor vehicles all information provided to 19140
the registrar by the superintendent of a school district in 19141
accordance with division (B) of section 3321.13 of the Revised 19142
Code. 19143

(B) Whenever the registrar receives a notice under division 19144
(B) of section 3321.13 of the Revised Code, the registrar shall 19145
~~suspend~~ impose a class F suspension of the temporary instruction 19146
permit or driver's license of the person who is the subject of the 19147
notice for the period of time specified in division (B)(6) of 19148
section 4510.02 of the Revised Code, or, if the person has not 19149
been issued ~~such~~ a temporary instruction permit or driver's 19150
license, the registrar shall deny to the person the issuance of a 19151
~~temporary instruction~~ permit or ~~driver's~~ license. The requirements 19152
of the second paragraph of section 119.06 of the Revised Code do 19153
not apply to a suspension of a person's temporary instruction 19154
permit or driver's license or a denial of a person's opportunity 19155

to obtain a temporary instruction permit or driver's license by 19156
the registrar under this division. 19157

(C) Upon suspending the temporary instruction permit or 19158
driver's license of any person or denying any person the 19159
opportunity to be issued such a license or permit as provided in 19160
division (B) of this section, the registrar immediately shall 19161
notify the person in writing of the suspension or denial and 19162
inform the person that the person may petition for a hearing as 19163
provided in division (E) of this section. 19164

(D) Any person whose permit or license is suspended under 19165
this section shall mail or deliver the person's permit or license 19166
to the registrar of motor vehicles within twenty days of 19167
notification of the suspension; however, the person's permit or 19168
license and the person's driving privileges shall be suspended 19169
immediately upon receipt of the notification. The registrar may 19170
retain the permit or license during the period of the suspension 19171
or the registrar may destroy it under section ~~4507.54~~ 4510.52 of 19172
the Revised Code. ~~Any such suspension of a person's permit or~~ 19173
~~license or denial of a person's opportunity to obtain a permit or~~ 19174
~~license under this section shall remain in effect until the person~~ 19175
~~attains eighteen years of age or until it is terminated prior to~~ 19176
~~the child's attainment of that age pursuant to division (F) of~~ 19177
~~this section.~~ 19178

(E) Any person whose temporary instruction permit or driver's 19179
license has been suspended, or whose opportunity to obtain such a 19180
permit or license has been denied pursuant to this section, may 19181
file a petition in the juvenile court in whose jurisdiction the 19182
person resides alleging error in the action taken by the registrar 19183
~~of motor vehicles~~ under division (B) of this section or alleging 19184
one or more of the matters within the scope of the hearing, as 19185
described in this division, or both. The petitioner shall notify 19186
the registrar and the superintendent of the school district who 19187

gave the notice to the registrar and juvenile judge under division 19188
(B) of section 3321.13 of the Revised Code of the filing of the 19189
petition and send them copies of the petition. The scope of the 19190
hearing is limited to the issues of whether the notice given by 19191
the superintendent to the registrar was in error and whether the 19192
suspension or denial of driving privileges will result in 19193
substantial hardship to the petitioner. 19194

The registrar shall furnish the court a copy of the record 19195
created in accordance with division (A) of this section. The 19196
registrar and the superintendent shall furnish the court with any 19197
other relevant information required by the court. 19198

In hearing the matter and determining whether the petitioner 19199
has shown that the petitioner's temporary instruction permit or 19200
driver's license should not be suspended or that the petitioner's 19201
opportunity to obtain such a permit or license should not be 19202
denied, the court shall decide the issue upon the information 19203
furnished by the registrar and the superintendent and any such 19204
additional evidence that the registrar, the superintendent, or the 19205
petitioner submits. 19206

If the court finds from the evidence submitted that the 19207
petitioner has failed to show error in the action taken by the 19208
registrar under division (B) of this section and has failed to 19209
prove any of the matters within the scope of the hearing, then the 19210
court may assess the cost of the proceeding against the petitioner 19211
and shall uphold the suspension of the petitioner's permit or 19212
license or the denial of the petitioner's opportunity to obtain a 19213
permit or license. If the court finds that the petitioner has 19214
shown error in the action taken by the registrar under division 19215
(B) of this section or has proved one or more of the matters 19216
within the scope of the hearing, or both, the cost of the 19217
proceeding shall be paid out of the county treasury of the county 19218
in which the proceedings were held, and the suspension of the 19219

petitioner's permit or license or the denial of the person's 19220
opportunity to obtain a permit or license shall be terminated. 19221

(F) The registrar shall cancel the record created under this 19222
section of any person who is the subject of a notice given under 19223
division (B) of section 3321.13 of the Revised Code and shall 19224
terminate the suspension of the person's permit or license or the 19225
denial of the person's opportunity to obtain a permit or license, 19226
if any of the following applies: 19227

(1) The person is at least eighteen years of age. 19228

(2) The person provides evidence, as the registrar shall 19229
require by rule, of receipt of a high school diploma or a general 19230
educational development certificate of high school equivalence. 19231

(3) The superintendent of a school district informs the 19232
registrar that the notification of withdrawal, habitual absence 19233
without legitimate excuse, suspension, or expulsion concerning the 19234
person was in error. 19235

(4) The suspension or denial was imposed subsequent to a 19236
notification given under division (B)(3) or (4) of section 3321.13 19237
of the Revised Code, and the superintendent of a school district 19238
informs the registrar that the person in question has satisfied 19239
any terms or conditions established by the school as necessary to 19240
terminate the suspension or denial of driving privileges. 19241

(5) The suspension or denial was imposed subsequent to a 19242
notification given under division (B)(1) of section 3321.13 of the 19243
Revised Code, and the superintendent of a school district informs 19244
the registrar that the person in question is now attending school 19245
or enrolled in and attending an approved program to obtain a 19246
diploma or its equivalent to the satisfaction of the school 19247
superintendent. 19248

(6) The suspension or denial was imposed subsequent to a 19249
notification given under division (B)(2) of section 3321.13 of the 19250

Revised Code, the person has completed at least one semester or 19251
term of school after the one in which the notification was given, 19252
the person requests the superintendent of the school district to 19253
notify the registrar that the person no longer is habitually 19254
absent without legitimate excuse, the superintendent determines 19255
that the person has not been absent from school without legitimate 19256
excuse in the current semester or term, as determined under that 19257
division, for more than ten consecutive school days or for more 19258
than fifteen total school days, and the superintendent informs the 19259
registrar of that fact. If a person described in division (F)(6) 19260
of this section requests the superintendent of the school district 19261
to notify the registrar that the person no longer is habitually 19262
absent without legitimate excuse and the superintendent makes the 19263
determination described in this division, the superintendent shall 19264
provide the information described in division (F)(6) of this 19265
section to the registrar within five days after receiving the 19266
request. 19267

(7) The suspension or denial was imposed subsequent to a 19268
notification given under division (B)(2) of section 3321.13 of the 19269
Revised Code, and the superintendent of a school district informs 19270
the registrar that the person in question has received an age and 19271
schooling certificate in accordance with section 3331.01 of the 19272
Revised Code. 19273

(8) The person filed a petition in court under division (E) 19274
of this section and the court found that the person showed error 19275
in the action taken by the registrar under division (B) of this 19276
section or proved one or more of the matters within the scope of 19277
the hearing on the petition, as set forth in division (E) of this 19278
section, or both. 19279

At the end of the suspension period under this section and 19280
upon the request of the person whose temporary instruction permit 19281
or driver's license was suspended, the registrar shall return the 19282

driver's license or permit to the person or reissue the person's 19283
license or permit under section ~~4507.54~~ 4510.52 of the Revised 19284
Code, if the registrar destroyed the suspended license or permit 19285
under that section. 19286

Sec. ~~4507.163~~ 4510.33. (A) ~~Any~~ No person of insufficient age 19287
to purchase intoxicating liquor or beer ~~who~~, contrary to division 19288
(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 19289
intoxicating liquor or beer, a driver's or commercial driver's 19290
license, knowing the same to be fictitious, altered, or not the 19291
person's own, ~~shall thereby forfeit the driving privileges~~ 19292
~~authorized by.~~ The registrar of motor vehicles shall impose a 19293
class C suspension of the person's ~~own~~ driver's license, 19294
probationary driver's license, commercial driver's license, 19295
temporary instruction permit, or commercial driver's license 19296
temporary instruction permit ~~and be denied the issuance or~~ 19297
~~reissuance of any such license or permit by the registrar of motor~~ 19298
~~vehicles for one year beginning with the date on which~~ 19299
~~notification of such forfeiture and denial is mailed to the person~~ 19300
~~by the registrar~~ for the period of time specified in division 19301
(B)(3) of section 4510.02 of the Revised Code upon the offender 19302
and shall not issue or reissue a license or permit of that type to 19303
the offender during the suspension period. 19304
19305

(B) In any prosecution, or in any proceeding before the 19306
liquor control commission, in which the defense authorized by 19307
section 4301.639 of the Revised Code is sustained, the clerk of 19308
the court in which the prosecution was had, or the clerk of the 19309
liquor control commission, shall certify to the registrar the 19310
facts ascertainable from the clerk's records evidencing violation 19311
of division (A) or (C) of section 4507.30 of the Revised Code by a 19312
person of insufficient age to purchase intoxicating liquor or 19313
beer, including in the certification the person's name and 19314

residence address. 19315

(C) The registrar, upon receipt of the certification, shall 19316
suspend the person's license or permit to drive subject to review 19317
as provided in this section, and shall mail to the person, at the 19318
person's last known address, a notice of the suspension and of the 19319
hearing provided in division (D) of this section. 19320

(D) Any person whose license or permit to drive has been 19321
suspended under this section, within twenty days of the mailing of 19322
the notice provided above, may file a petition in the municipal 19323
court or county court, or in case the person is under the age of 19324
eighteen years, in the juvenile court, in whose jurisdiction the 19325
person resides, agreeing to pay the cost of the proceedings, and 19326
alleging error by the registrar in the suspension of the license 19327
or permit to drive, or in one or more of the matters within the 19328
scope of the hearing as provided in this section, or both. The 19329
petitioner shall notify the registrar of the filing of the 19330
petition and send the registrar a copy thereof. The scope of the 19331
hearing shall be limited to whether a court of record did in fact 19332
find that the petitioner displayed, or, if the original 19333
proceedings were before the liquor control commission, whether the 19334
petitioner did in fact display, as proof that the person was of 19335
sufficient age to purchase intoxicating liquor or beer, a driver's 19336
or commercial driver's license knowing the same to be fictitious, 19337
altered, or not the person's own, and whether the person was at 19338
that time of insufficient age legally to make a purchase of 19339
intoxicating liquor or beer. 19340

(E) In any hearing authorized by this section, the registrar 19341
shall be represented by the prosecuting attorney of the county 19342
where the petitioner resides. 19343

(F) If the court finds from the evidence submitted that the 19344
person has failed to show error in the action by the registrar or 19345
in one or more of the matters within the scope of the hearing as 19346

limited in division (D) of this section, or both, the court shall 19347
assess the cost of the proceeding against the person and shall 19348
impose the suspension provided in divisions (A) and (C) of this 19349
section. If the court finds that the person has shown error in the 19350
action taken by the registrar, or in one or more of the matters 19351
within the scope of the hearing as limited in division (B) of this 19352
section, or both, the cost of the proceeding shall be paid out of 19353
the county treasury of the county in which the proceedings were 19354
held, and the suspension provided in divisions (A) and (C) of this 19355
section shall not be imposed. The court shall inform the registrar 19356
in writing of the action taken. 19357

Sec. ~~4507.167~~ 4510.34. (A) The registrar of motor vehicles 19358
shall ~~revoke~~ impose a class F suspension for the period of time 19359
specified in division (B)(6) of section 4510.02 of the Revised 19360
Code of the probationary motorized bicycle license issued to any 19361
person when the person has been convicted of, ~~pleaded no contest~~ 19362
~~to and been found guilty of, or pleaded guilty to, in any court of~~ 19363
~~competent jurisdiction,~~ or has been adjudicated in juvenile court 19364
of having committed, a violation of division (A) or (D) of section 19365
4511.521 of the Revised Code, or of any other section of the 19366
Revised Code or similar municipal ordinance for which points are 19367
chargeable under section ~~4507.021~~ 4510.036 of the Revised Code. 19368

(B) Any person whose license is ~~revoked~~ suspended under this 19369
section shall mail or deliver ~~his~~ the person's probationary 19370
motorized bicycle license to the registrar within fourteen days of 19371
notification of ~~such revocation~~ the suspension. The registrar 19372
shall retain ~~such~~ the license during the period of ~~revocation.~~ Any 19373
~~such revocation shall remain in effect until the person reaches~~ 19374
~~sixteen years of age~~ suspension. 19375

(C) No application for a motorized bicycle license or 19376
probationary motorized bicycle license shall be received from any 19377

person whose probationary motorized bicycle license has been 19378
~~revoked~~ suspended under this section until the person reaches 19379
sixteen years of age. 19380

Sec. ~~4507.38~~ 4510.41. (A) As used in this section: 19381

(1) "Arrested person" means a person who is arrested for a 19382
violation of ~~division (B)(1) or (D)(2) of section 4507.02 or~~ 19383
section ~~4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised Code, 19384
or a municipal ordinance that is substantially equivalent to any 19385
of those ~~Revised Code provisions~~ sections, and whose arrest 19386
results in a vehicle being seized under division (B) of this 19387
section. 19388

(2) "Vehicle owner" means either of the following: 19389

(a) The person in whose name is registered, at the time of 19390
the seizure, a vehicle that is seized under division (B) of this 19391
section; 19392

(b) A person to whom the certificate of title to a vehicle 19393
that is seized under division (B) of this section has been 19394
assigned and who has not obtained a certificate of title to the 19395
vehicle in that person's name, but who is deemed by the court as 19396
being the owner of the vehicle at the time the vehicle was seized 19397
under division (B) of this section. 19398

(3) "Interested party" includes the owner of a vehicle seized 19399
under this section, all lienholders ~~of such a vehicle~~, the 19400
arrested person, the owner of the place of storage at which a 19401
vehicle seized under this section is stored, and the person or 19402
entity that caused the vehicle to be removed. 19403

(B)(1) If a person is arrested for a violation of ~~division~~ 19404
~~(B)(1) or (D)(2) of section 4507.02 or~~ section ~~4507.33~~ 4510.14, 19405
4510.16, or 4511.203 of the Revised Code, or a municipal ordinance 19406
that is substantially equivalent to any of those ~~Revised Code~~ 19407

~~provisions sections~~, the arresting officer or another officer of 19408
the law enforcement agency that employs the arresting officer, in 19409
addition to any action that the arresting officer is required or 19410
authorized to take by any other provision of law, shall seize the 19411
vehicle that the person was operating at the time of, or that was 19412
involved in, the alleged offense if the vehicle is registered in 19413
the arrested person's name and its license plates. ~~Except as~~ 19414
~~otherwise provided in this division, the officer shall seize the~~ 19415
~~vehicle and its license plates regardless of whether the vehicle~~ 19416
~~is registered in the name of the arrested person or in the name of~~ 19417
~~another person or entity. This section does not apply to or affect~~ 19418
~~any rented or leased vehicle that is being rented or leased for a~~ 19419
~~period of thirty days or less, except that a~~ A law enforcement 19420
agency that employs a law enforcement officer who makes an arrest 19421
of a type that is described in this division ~~(B)(1) of this~~ 19422
~~section~~ and that involves a rented or leased vehicle ~~of this type~~ 19423
that is being rented or leased for a period of thirty days or less 19424
shall notify, within twenty-four hours after the officer makes the 19425
arrest, the lessor or owner of the vehicle regarding the 19426
circumstances of the arrest and the location at which the vehicle 19427
may be picked up. At the time of the seizure of the vehicle, the 19428
law enforcement officer who made the arrest shall give the 19429
arrested person written notice that the vehicle and its license 19430
plates have been seized; that the vehicle either will be kept by 19431
the officer's law enforcement agency or will be immobilized at 19432
least until the person's initial appearance on the charge of the 19433
offense for which the arrest was made; that, at the initial 19434
appearance, the court in certain circumstances may order that the 19435
vehicle and license plates be released to the ~~vehicle owner~~ 19436
arrested person until the disposition of that charge; that, if the 19437
arrested person is convicted of that charge, the court generally 19438
must order the immobilization of the vehicle and the impoundment 19439
of its license plates or the forfeiture of the vehicle; and that, 19440

if the arrested person ~~is not the vehicle owner, the arrested~~ 19441
~~person immediately should inform the vehicle owner that the~~ 19442
~~vehicle and its license plates have been seized and that the~~ 19443
~~vehicle owner may be able to obtain their release at the initial~~ 19444
~~appearance or thereafter~~ may be charged expenses or charges 19445
incurred under this section and section 4503.233 of the Revised 19446
Code for the removal and storage of the vehicle. 19447

(2) The arresting officer or a law enforcement officer of the 19448
agency that employs the arresting officer shall give written 19449
notice of the seizure to the court that will conduct the initial 19450
appearance of the arrested person ~~the arrested person on the~~ 19451
charges arising out of the arrest. The notice shall be given when 19452
~~the charges are filed against the arrested person.~~ Upon receipt of 19453
the notice, the court promptly shall determine whether the 19454
arrested person is the vehicle owner ~~and whether there are any~~ 19455
~~liens recorded on the certificate of title to the vehicle.~~ If the 19456
court determines that the arrested person is not the vehicle 19457
owner, it promptly shall send by regular mail written notice of 19458
the seizure ~~of the motor vehicle to the vehicle~~ vehicle's 19459
registered owner and to all lienholders recorded on the 19460
~~certificate of title. The written notice to the vehicle owner and~~ 19461
~~lienholders~~ shall contain all of the information required by 19462
division (B)(1) of this section to be in a notice to be given to 19463
the arrested person and also shall specify the date, time, and 19464
place of the arrested person's initial appearance ~~the arrested~~ 19465
~~person.~~ The notice also shall inform the vehicle owner that if 19466
title to a motor vehicle that is subject to an order for criminal 19467
forfeiture under this section is assigned or transferred and 19468
division (B)(2) or (3) of section 4503.234 of the Revised Code 19469
applies, the court may fine the arrested person the value of the 19470
vehicle. The notice ~~to the vehicle owner~~ also shall state that if 19471
the vehicle is immobilized under division (A) of section 4503.233 19472
of the Revised Code, seven days after the end of the period of 19473

immobilization a law enforcement agency will send the vehicle 19474
owner a notice, informing the owner that if the ~~owner does not~~ 19475
~~obtain the~~ release of the vehicle is not obtained in accordance 19476
with division (D)(3) of section 4503.233 of the Revised Code, the 19477
vehicle shall be forfeited. The notice also shall inform the 19478
vehicle owner that the owner may be charged expenses or charges 19479
incurred under this section and section 4503.233 of the Revised 19480
Code for the removal and storage of the vehicle. 19481

The written notice that is given ~~or delivered~~ to the vehicle 19482
~~owner~~ arrested person also shall state that if the ~~arrested~~ person 19483
~~pleads guilty to or~~ is convicted of or pleads guilty to the 19484
offense ~~for which the arrested person was arrested~~ and the court 19485
issues an immobilization and impoundment order relative to that 19486
vehicle, division (D)(4) of section 4503.233 of the Revised Code 19487
prohibits the vehicle from being sold during the period of 19488
immobilization without the prior approval of the court. 19489

(3) At or before the initial appearance, the vehicle owner 19490
may file a motion requesting the court to order that the vehicle 19491
and its license plates be released to the vehicle owner. Except as 19492
provided in this division and subject to the payment of expenses 19493
or charges incurred in the removal and storage of the vehicle, the 19494
court, in its discretion, then may issue an order releasing the 19495
vehicle and its license plates to the vehicle owner. Such an order 19496
may be conditioned upon such terms as the court determines 19497
appropriate, including the posting of a bond in an amount 19498
determined by the court. If the arrested person is not the vehicle 19499
owner and if the vehicle owner is not present at the arrested 19500
person's initial appearance, and if the court believes that the 19501
vehicle owner was not provided with adequate notice of the initial 19502
appearance, the court, in its discretion, may allow the vehicle 19503
owner to file a motion within seven days of the initial 19504
appearance. If the court allows the vehicle owner to file such a 19505

motion after the initial appearance, the extension of time granted 19506
by the court does not extend the time within which the initial 19507
appearance is to be conducted. If the court issues an order for 19508
the release of the vehicle and its license plates, a copy of the 19509
order shall be made available to the vehicle owner. If the vehicle 19510
owner presents a copy of the order to the law enforcement agency 19511
that employs the law enforcement officer who arrested the arrested 19512
person ~~who was operating the vehicle~~, the law enforcement agency 19513
promptly shall release the vehicle and its license plates to the 19514
vehicle owner upon payment by the vehicle owner of any expenses or 19515
charges incurred in the removal or storage of the vehicle. 19516

19517

(4) A vehicle seized under division (B)(1) of this section 19518
either shall be towed to a place specified by the law enforcement 19519
agency that employs the arresting officer to be safely kept by the 19520
agency at that place for the time and in the manner specified in 19521
this section or shall be otherwise immobilized for the time and in 19522
the manner specified in this section. A law enforcement officer of 19523
that agency shall remove the identification license plates of the 19524
vehicle, and they shall be safely kept by the agency for the time 19525
and in the manner specified in this section. No vehicle that is 19526
seized and either towed or immobilized pursuant to this division 19527
shall be considered contraband for purposes of section 2933.41, 19528
2933.42, or 2933.43 of the Revised Code. The vehicle shall not be 19529
immobilized at any place other than a commercially operated 19530
private storage lot, a place owned by a law enforcement or other 19531
government agency, or a place to which one of the following 19532
applies: 19533

(a) The place is leased by or otherwise under the control of 19534
a law enforcement or other government agency. 19535

(b) The place is owned by the arrested person, the arrested 19536
person's spouse, or a parent or child of the arrested person. 19537

(c) The place is owned by a private person or entity, and, 19538
prior to the immobilization, the private entity or person that 19539
owns the place, or the authorized agent of that private entity or 19540
person, has given express written consent for the immobilization 19541
to be carried out at that place. 19542

(d) The place is a public street or highway on which the 19543
vehicle is parked in accordance with the law. 19544

(C)(1) A vehicle ~~that is~~ seized under division (B) of this 19545
section shall be safely kept at the place to which it is towed or 19546
otherwise moved by the law enforcement agency that employs the 19547
arresting officer until the initial appearance of the arrested 19548
person relative to the charge ~~the arrested person~~ in question. The 19549
license plates of the vehicle that are removed pursuant to 19550
division (B) of this section shall be safely kept by the law 19551
enforcement agency that employs the arresting officer until at 19552
least the initial appearance of the arrested person relative to 19553
the charge in question. 19554

(2)(a) ~~the owner's the owner the owner the owner's the owner~~ 19555
~~the owner's the owner's the arrested person the vehicle owner's~~ 19556
~~the owner's the owner's the arrested person the court also shall~~ 19557
~~notify the arrested person, and the movant if the movant is not~~ 19558
~~the arrested person, that if title to a motor vehicle that is~~ 19559
~~subject to an order for criminal forfeiture under this section is~~ 19560
~~assigned or transferred and division (C)(2) or (3) of section~~ 19561
~~4503.234 of the Revised Code applies, the court may fine the~~ 19562
~~offender the value of the vehicle. the owner's~~ At the initial 19563
appearance or not less than seven days prior to the date of final 19564
disposition, the court shall notify the arrested person that, if 19565
title to a motor vehicle that is subject to an order for criminal 19566
forfeiture under this section is assigned or transferred and 19567
division (B)(2) or (3) of section 4503.234 of the Revised Code 19568
applies, the court may fine the arrested person the value of the 19569

vehicle. If, at the initial appearance, the arrested person pleads 19570
guilty to the violation of ~~division (B)(1) or (D)(2) of section~~ 19571
~~4507.02 or section 4507.33~~ 4510.14, 4510.16, or 4511.203 of the 19572
Revised Code, or a municipal ordinance that is substantially 19573
equivalent to any of those ~~Revised Code provisions~~ sections or 19574
pleads no contest to and is convicted of the violation, the court 19575
shall impose sentence upon the ~~arrested~~ person as provided by law 19576
or ordinance; the court, ~~except as provided in this division and~~ 19577
~~subject to section 4503.235 of the Revised Code,~~ shall order the 19578
immobilization of the vehicle the arrested person was operating at 19579
the time of, or that was involved in, the offense if registered in 19580
the arrested person's name and the impoundment of its license 19581
plates under section 4503.233 and section ~~4507.361 or 4507.99~~ 19582
4510.14, 4510.16, 4510.161, or 4511.203 of the Revised Code or the 19583
criminal forfeiture to the state of the vehicle if registered in 19584
the arrested person's name under section 4503.234 and section 19585
~~4507.361 or 4507.99~~ 4510.14, 4510.16, 4510.161, or 4511.203 of the 19586
Revised Code, whichever is applicable; and the vehicle and its 19587
~~identification~~ license plates shall not be returned or released to 19588
the ~~vehicle owner~~ arrested person. ~~If the arrested person is not~~ 19589
~~the vehicle owner and the vehicle owner the owner's is not present~~ 19590
~~at the arrested person's initial appearance and if the court~~ 19591
~~believes that the vehicle owner was not provided adequate notice~~ 19592
~~of the initial appearance, the court, in its discretion, may~~ 19593
~~refrain for a period of time not exceeding seven days from~~ 19594
~~ordering the immobilization of the vehicle and the impoundment of~~ 19595
~~its license plates or the criminal forfeiture of the vehicle so~~ 19596
~~that the vehicle owner the owner's may appear before the court to~~ 19597
~~present evidence as to why the court should not order the~~ 19598
~~immobilization of the vehicle and the impoundment of its license~~ 19599
~~plates or the criminal forfeiture of the vehicle. If the court~~ 19600
~~refrains from ordering the immobilization of the vehicle and the~~ 19601
~~impoundment of its license plates or the criminal forfeiture of~~ 19602

~~the vehicle, section 4503.235 of the Revised Code applies relative~~ 19603
~~to the order of immobilization and impoundment or the order of~~ 19604
~~forfeiture.~~ 19605

(b) If, at any time, the charge that the arrested person 19606
violated ~~division (B)(1) or (D)(2) of section 4507.02 or section~~ 19607
~~4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised Code, or a 19608
municipal ordinance that is substantially equivalent to any of 19609
those ~~Revised Code provisions~~ sections is dismissed for any 19610
reason, the court shall order that the vehicle seized at the time 19611
of the arrest and its license plates immediately be released to 19612
the ~~vehicle owner subject to the payment of expenses or the~~ 19613
~~owner's charges incurred in the removal and storage of the vehicle~~ 19614
person. 19615

(D) If a vehicle ~~is~~ and its license plates are seized under 19616
division (B) of this section ~~the arrested person and it is~~ are not 19617
returned or released to the ~~vehicle owner the owner's~~ arrested 19618
person pursuant to division (C) of this section, the vehicle and 19619
its license plates shall be retained until the final disposition 19620
of the charge in question. Upon the final disposition of that 19621
charge, the court shall do whichever of the following is 19622
applicable: 19623

(1) If the arrested person is convicted of or pleads guilty 19624
to the violation of ~~division (B)(1) or (D)(2) of section 4507.02~~ 19625
~~or section 4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised 19626
Code, or a municipal ordinance that is substantially equivalent to 19627
any of those ~~Revised Code provisions~~ sections, the court shall 19628
impose sentence upon the ~~arrested~~ person as provided by law or 19629
ordinance and, ~~subject to section 4503.235 of the Revised Code,~~ 19630
shall order the immobilization of the vehicle the ~~arrested~~ person 19631
was operating at the time of, or that was involved in, the offense 19632
if it is registered in the arrested person's name and the 19633
impoundment of its license plates under section 4503.233 and 19634

section ~~4507.361 or 4507.99~~ 4510.14, 4510.16, 4510.161, or 19635
4511.203 of the Revised Code or the criminal forfeiture of the 19636
vehicle if it is registered in the arrested person's name under 19637
section 4503.234 and section ~~4507.361 or 4507.99~~ 4510.14, 4510.16, 19638
4510.161, or 4511.203 of the Revised Code, whichever is 19639
applicable. 19640

(2) If the arrested person is found not guilty of the 19641
violation of ~~division (B)(1) or (D)(2) of section 4507.02 or~~ 19642
section ~~4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised Code, 19643
or a municipal ordinance that is substantially equivalent to any 19644
of those ~~Revised Code provisions~~ sections, the court shall order 19645
that the vehicle and its license plates immediately be released to 19646
the ~~vehicle owner upon the payment of any expenses or the owner's~~ 19647
~~charges incurred in its removal and storage~~ arrested person. 19648

(3) If the charge that the arrested person violated ~~division~~ 19649
~~(B)(1) or (D)(2) of section 4507.02 or section 4507.33~~ 4510.14, 19650
4510.16, or 4511.203 of the Revised Code, or a municipal ordinance 19651
that is substantially equivalent to any of those ~~Revised Code~~ 19652
~~provisions~~ sections is dismissed for any reason, the court shall 19653
order that the vehicle and its license plates immediately be 19654
released to the ~~vehicle owner upon the payment of any expenses or~~ 19655
~~the owner's charges incurred in its removal and storage~~ arrested 19656
person. 19657

~~the arrested person the owner's the owner's the arrested~~ 19658
~~person~~ 19659

(4) If the impoundment of the vehicle was not authorized 19660
under this section, the court shall order that the vehicle and its 19661
license plates be returned immediately to the arrested person or, 19662
if the arrested person is not the vehicle owner, to the vehicle 19663
owner and shall order that the state or political subdivision of 19664
the law enforcement agency served by the law enforcement officer 19665
who seized the vehicle pay all expenses and charges incurred in 19666

its removal and storage. 19667

(E) If a vehicle is seized under division (B) of this 19668
section, the time between the seizure of the vehicle and either 19669
its release to the ~~vehicle owner the owner's~~ arrested person 19670
pursuant to division (C) of this section or the issuance of an 19671
order of immobilization of the vehicle under section 4503.233 of 19672
the Revised Code shall be credited against the period of 19673
immobilization ordered by the court. 19674

(F)(1) ~~The vehicle owner~~ Except as provided in division 19675
(D)(4) of this section, the arrested person may be charged 19676
expenses or charges incurred in the removal and storage of the 19677
immobilized vehicle. The court with jurisdiction over the case, 19678
after notice to all interested parties, including lienholders, and 19679
after an opportunity for them to be heard, ~~if the vehicle owner~~ 19680
~~fails to appear in person, without good cause, or~~ if the court 19681
finds that the ~~vehicle owner~~ arrested person does not intend to 19682
seek release of the vehicle at the end of the period of 19683
immobilization under section 4503.233 of the Revised Code or that 19684
the ~~vehicle owner~~ arrested person is not or will not be able to 19685
pay the expenses and charges incurred in its removal and storage, 19686
may order that title to the vehicle be transferred, in order of 19687
priority, first into the name of the person or entity that removed 19688
it, next into the name of a lienholder, or lastly into the name of 19689
the owner of the place of storage. 19690

Any lienholder that receives title under a court order shall 19691
do so on the condition that it pay any expenses or charges 19692
incurred in the vehicle's removal and storage. If the person or 19693
entity that receives title to the vehicle is the person or entity 19694
that removed it, the person or entity shall receive title on the 19695
condition that it pay any lien on the vehicle. The court shall not 19696
order that title be transferred to any person or entity other than 19697
the owner of the place of storage if the person or entity refuses 19698

to receive the title. Any person or entity that receives title 19699
either may keep title to the vehicle or may dispose of the vehicle 19700
in any legal manner that it considers appropriate, including 19701
assignment of the certificate of title to the motor vehicle to a 19702
salvage dealer or a scrap metal processing facility. The person or 19703
entity shall not transfer the vehicle to the person who is the 19704
vehicle's immediate previous owner. 19705

If the person or entity that receives title assigns the motor 19706
vehicle to a salvage dealer or scrap metal processing facility, 19707
the person or entity shall send the assigned certificate of title 19708
to the motor vehicle to the clerk of the court of common pleas of 19709
the county in which the salvage dealer or scrap metal processing 19710
facility is located. The person or entity shall mark the face of 19711
the certificate of title with the words "FOR DESTRUCTION" and 19712
shall deliver a photocopy of the certificate of title to the 19713
salvage dealer or scrap metal processing facility for its records. 19714

(2) Whenever a court issues an order under division (F)(1) of 19715
this section, the court also shall order removal of the license 19716
plates from the vehicle and cause them to be sent to the registrar 19717
if they have not already been sent to the registrar. Thereafter, 19718
no further proceedings shall take place under this section or 19719
under section 4503.233 of the Revised Code. 19720

(3) Prior to initiating a proceeding under division (F)(1) of 19721
this section, and upon payment of the fee under division (B) of 19722
section 4505.14, any interested party may cause a search to be 19723
made of the public records of the bureau of motor vehicles or the 19724
clerk of the court of common pleas, to ascertain the identity of 19725
any lienholder of the vehicle. The initiating party shall furnish 19726
this information to the clerk of the court with jurisdiction over 19727
the case, and the clerk shall provide notice to the ~~vehicle owner,~~ 19728
~~the defendant~~ arrested person, any lienholder, and any other 19729
interested parties listed by the initiating party, at the last 19730

known address supplied by the initiating party, by certified mail, 19731
or, at the option of the initiating party, by personal service or 19732
ordinary mail. 19733

~~the offender~~ 19734

Sec. 4510.43. (A)(1) The director of public safety, upon 19735
consultation with the director of health and in accordance with 19736
Chapter 119. of the Revised Code, shall certify immobilizing and 19737
disabling devices and shall publish and make available to the 19738
courts, without charge, a list of approved devices together with 19739
information about the manufacturers of the devices and where they 19740
may be obtained. The manufacturer of an immobilizing or disabling 19741
device shall pay the cost of obtaining the certification of the 19742
device to the director of public safety, and the director shall 19743
deposit the payment in the drivers' treatment and intervention 19744
fund established by sections 4511.19 and 4511.191 of the Revised 19745
Code. 19746

(2) The director of public safety, in accordance with Chapter 19747
119. of the Revised Code, shall adopt and publish rules setting 19748
forth the requirements for obtaining the certification of an 19749
immobilizing or disabling device. The director of public safety 19750
shall not certify an immobilizing or disabling device under this 19751
section unless it meets the requirements specified and published 19752
by the director in the rules adopted pursuant to this division. A 19753
certified device may consist of an ignition interlock device, an 19754
ignition blocking device initiated by time or magnetic or 19755
electronic encoding, an activity monitor, or any other device that 19756
reasonably assures compliance with an order granting limited 19757
driving privileges. 19758

The requirements for an immobilizing or disabling device that 19759
is an ignition interlock device shall include provisions for 19760
setting a minimum and maximum calibration range and shall include, 19761

<u>but shall not be limited to, specifications that the device</u>	19762
<u>complies with all of the following:</u>	19763
<u>(a) It does not impede the safe operation of the vehicle.</u>	19764
<u>(b) It has features that make circumvention difficult and</u> <u>that do not interfere with the normal use of the vehicle.</u>	19765 19766
<u>(c) It correlates well with established measures of alcohol</u> <u>impairment.</u>	19767 19768
<u>(d) It works accurately and reliably in an unsupervised</u> <u>environment.</u>	19769 19770
<u>(e) It is resistant to tampering and shows evidence of</u> <u>tampering if tampering is attempted.</u>	19771 19772
<u>(f) It is difficult to circumvent and requires premeditation</u> <u>to do so.</u>	19773 19774
<u>(g) It minimizes inconvenience to a sober user.</u>	19775
<u>(h) It requires a proper, deep-lung breath sample or other</u> <u>accurate measure of the concentration by weight of alcohol in the</u> <u>breath.</u>	19776 19777 19778
<u>(i) It operates reliably over the range of automobile</u> <u>environments.</u>	19779 19780
<u>(j) It is made by a manufacturer who is covered by product</u> <u>liability insurance.</u>	19781 19782
<u>(3) The director of public safety may adopt, in whole or in</u> <u>part, the guidelines, rules, regulations, studies, or independent</u> <u>laboratory tests performed and relied upon by other states, or</u> <u>their agencies or commissions, in the certification or approval of</u> <u>immobilizing or disabling devices.</u>	19783 19784 19785 19786 19787
<u>(4) The director of public safety shall adopt rules in</u> <u>accordance with Chapter 119. of the Revised Code for the design of</u> <u>a warning label that shall be affixed to each immobilizing or</u>	19788 19789 19790

disabling device upon installation. The label shall contain a 19791
warning that any person tampering, circumventing, or otherwise 19792
misusing the device is subject to a fine, imprisonment, or both 19793
and may be subject to civil liability. 19794

(B) A court considering the use of a prototype device in a 19795
pilot program shall advise the director of public safety, thirty 19796
days before the use, of the prototype device and its protocol, 19797
methodology, manufacturer, and licensor, lessor, other agent, or 19798
owner, and the length of the court's pilot program. A prototype 19799
device shall not be used for a violation of section 4510.14 or 19800
4511.19 of the Revised Code, a violation of a municipal OVI 19801
ordinance, or in relation to a suspension imposed under section 19802
4511.191 of the Revised Code. A court that uses a prototype device 19803
in a pilot program, periodically during the existence of the 19804
program and within fourteen days after termination of the program, 19805
shall report in writing to the director of public safety regarding 19806
the effectiveness of the prototype device and the program. 19807

(C) If a person has been granted limited driving privileges 19809
with a condition of the privileges being that the motor vehicle 19810
that is operated under the privileges must be equipped with an 19811
immobilizing or disabling device, all of the following apply: 19812

(1) If a motor vehicle to be driven under the limited driving 19813
privileges is owned by the person's employer and if the person is 19814
required to operate that motor vehicle in the course and scope of 19815
the offender's employment, the person may operate that vehicle 19816
without the installation of an immobilizing or disabling device, 19817
provided that the employer has been notified that the person has 19818
limited driving privileges and of the nature of the restriction 19819
and that the person has proof of the employer's notification in 19820
the person's possession while operating the employer's vehicle for 19821
normal business duties. A motor vehicle owned by a business that 19822

is partly or entirely owned or controlled by a person with limited driving privileges is not a motor vehicle owned by an employer, for purposes of this division. 19823
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(2) If the motor vehicle to be driven under the limited driving privileges is registered in a state other than this state, instead of installing on that vehicle an immobilizing or disabling device, 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. 19826
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Sec. 4510.44. (A)(1) No offender with limited driving privileges, during any period that the offender is required to operate only a motor vehicle equipped with an immobilizing or disabling device, shall request or permit any other person to breathe into the device if it is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or to otherwise start the motor vehicle equipped with the device, for the purpose of providing the offender with an operable motor vehicle. 19837
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(2)(a) Except as provided in division (A)(2)(b) of this section, no person shall breathe into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or otherwise start a motor vehicle equipped with an immobilizing or disabling device, for the purpose of providing an operable motor vehicle to an offender with limited driving privileges who is permitted to operate only a motor vehicle 19846
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equipped with an immobilizing or disabling device. 19854

(b) Division (A)(2)(a) of this section does not apply to a person in the following circumstances: 19855
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(i) The person is an offender with limited driving privileges. 19857
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(ii) The person breathes into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or otherwise starts a motor vehicle equipped with an immobilizing or disabling device. 19859
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(iii) The person breathes into the device or starts the vehicle for the purpose of providing the person with an operable motor vehicle. 19864
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(3) No unauthorized person shall tamper with or circumvent the operation of an immobilizing or disabling device. 19867
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(B) Whoever violates this section is guilty of an immobilizing or disabling device violation, a misdemeanor of the first degree. 19869
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Sec. 4507.54 4510.52. (A) Upon the receipt of any driver's license or commercial driver's license or permit that has been suspended, ~~revoked, or~~ canceled, ~~or forfeited~~ under any provision of law, and notwithstanding any other provision of law that requires the registrar of motor vehicles to retain the license or permit, the registrar may destroy the license or permit. 19872
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(B) If, as authorized by division (A) of this section, the registrar destroys a license or permit that has been suspended, ~~revoked, or~~ canceled, ~~or forfeited~~, he the registrar shall reissue or authorize the reissuance of a new license or permit to the person to whom the destroyed license or permit ~~originally~~ originally was issued upon payment of a fee in the same amount as 19878
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the fee specified in division (C) of section 4507.23 of the Revised Code for a duplicate license or permit and upon payment of a service fee in the same amount as specified in division (D) of section 4503.10 of the Revised Code if issued by a deputy registrar or in division (G) of that section if issued by the registrar.

This division applies only if the driver's license or commercial driver's license or permit that was destroyed would have been valid at the time the person applies for the duplicate license or permit. A duplicate driver's license or commercial driver's license or permit issued under this section shall bear the same expiration date that appeared on the license or permit it replaces.

Sec. ~~4507.55~~ 4510.53. (A) Upon ~~the~~ receipt of any driver's or commercial driver's license or permit that has been ~~revoked or~~ suspended under section 4511.19 or 4511.191 of the Revised Code, the registrar of motor vehicles, notwithstanding any other provision of law that purports to require ~~him~~ the registrar to retain the license or permit, may destroy the license or permit.

(B)(1) Subject to division (B)(2) of this section, if a driver's or commercial driver's license or permit that has been suspended under section 4511.19 or 4511.191 of the Revised Code is delivered to the registrar and if the registrar destroys the license or permit under authority of division (A) of this section, the registrar shall reissue or authorize the reissuance of a driver's or commercial driver's license to the person, free of payment of any type of fee or charge, if either of the following applies:

(a) The person appeals the suspension of the license or permit at ~~his~~ or within thirty days of the person's initial appearance, pursuant to ~~division (H) of section 4511.191~~ 4511.197

of the Revised Code, the judge of the court of record or the mayor 19915
of the mayor's court who conducts the initial appearance 19916
terminates the suspension, and the judge or mayor does not suspend 19917
the license or permit under section 4511.196 of the Revised Code; 19918

(b) The person appeals the suspension of the license or 19919
permit at ~~his~~ or within thirty days of the person's initial 19920
appearance, pursuant to ~~division (H) of section 4511.191~~ 4511.197 19921
of the Revised Code, the judge of the court of record or the mayor 19922
of the mayor's court who conducts the initial appearance does not 19923
terminate the suspension, the person appeals the judge's or 19924
mayor's decision not to terminate the suspension that is made at 19925
the initial appearance, and upon appeal of the decision, the 19926
suspension is terminated. 19927

(2) Division (B)(1) of this section applies only if the 19928
driver's or commercial driver's license that was destroyed would 19929
have been valid at the time in question, if it had not been 19930
destroyed as permitted by division (A) of this section. 19931

(C) A driver's or ~~commercial~~ commercial driver's license or 19932
permit issued to a person pursuant to division (B)(1) of this 19933
section shall bear the same expiration date as the expiration date 19934
that appeared on the license it replaces. 19935

Sec. 4510.54. (A) A person whose driver's or commercial 19936
driver's license has been suspended for life under a class one 19937
suspension or as otherwise provided by law or has been suspended 19938
for a period in excess of fifteen years under a class two 19939
suspension may file a motion with the sentencing court for 19940
modification or termination of the suspension. A motion under this 19941
division may be heard only once. The person filing the motion 19942
shall demonstrate all of the following: 19943

(1) At least fifteen years have elapsed since the suspension 19944
began. 19945

(2) For the past fifteen years, the person has not been found guilty of any felony, any offense involving a moving violation under federal law, the law of this state, or the law of any of its political subdivisions, or any violation of a suspension under this chapter or a substantially equivalent municipal ordinance. 19946
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(3) The person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standard set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar of motor vehicles, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in that section. 19952
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(4) If the suspension was imposed because the person was under the influence of alcohol, a drug of abuse, or combination of them at the time of the offense or because at the time of the offense the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(2), (3), (4), or (5) of section 4511.19 of the Revised Code, the person also shall demonstrate all of the following: 19958
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(a) The person successfully completed an alcohol, drug, or alcohol and drug treatment program. 19966
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(b) The person has not abused alcohol or other drugs for a period satisfactory to the court. 19968
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(c) For the past fifteen years, the person has not been found guilty of any alcohol-related or drug-related offense. 19970
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(B) Upon receipt of a motion for modification or termination 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. 19972
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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. 19977
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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. 19983
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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 victim's representative of the court's ruling. 19992
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(E) If a court modifies a person's license suspension under this section and the person subsequently is found guilty of any moving violation or of any substantially equivalent municipal 20006
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ordinance that carries as a possible penalty the suspension of a 20009
person's driver's or commercial driver's license, the court may 20010
reimpose the class one or other lifetime suspension, or the class 20011
two suspension, whichever is applicable. 20012

Sec. ~~4507.60~~ 4510.61. The driver license compact is hereby 20013
enacted into law and entered into with all other jurisdictions 20014
legally joining therein in the form substantially as follows: 20015

ARTICLE I 20016

Findings and Declaration of Policy 20017

(a) The party states find that: 20018

(1) The safety of their streets and highways is materially 20019
affected by the degree of compliance with state and local 20020
ordinances relating to the operation of motor vehicles. 20021

(2) Violation of such a law or ordinance is evidence that the 20022
violator engages in conduct which is likely to endanger the safety 20023
of persons and property. 20024

(3) The continuance in force of a license to drive is 20025
predicated upon compliance with laws and ordinances relating to 20026
the operation of motor vehicles, in whichever jurisdiction the 20027
vehicle is operated. 20028

(b) It is the policy of each of the party states to: 20029

(1) Promote compliance with the laws, ordinances, and 20030
administrative rules and regulations relating to the operation of 20031
motor vehicles by their operators in each of the jurisdictions 20032
where such operators drive motor vehicles. 20033

(2) Make the reciprocal recognition of licenses to drive and 20034
eligibility therefor more just and equitable by considering the 20035
over-all compliance with motor vehicle laws, ordinances, and 20036
administrative rules and regulations as a condition precedent to 20037
the continuance or issuance of any license by reason of which the 20038

licensee is authorized or permitted to operate a motor vehicle in 20039
any of the party states. 20040

ARTICLE II 20041

Definitions 20042

As used in this compact: 20043

(a) "State" means a state, territory, or possession of the 20044
United States, the District of Columbia, or the Commonwealth of 20045
Puerto Rico. 20046

(b) "Home state" means the state that has issued and has the 20047
power to suspend or revoke the use of the license or permit to 20048
operate a motor vehicle. 20049

(c) "Conviction" means a conviction of any offense related to 20050
the use or operation of a motor vehicle that is prohibited by 20051
state law, municipal ordinance, or administrative rule or 20052
regulation; or a forfeiture of bail, bond, or other security 20053
deposited to secure appearance by a person charged with having 20054
committed any such offense, and which conviction or forfeiture is 20055
required to be reported to the licensing authority. 20056

ARTICLE III 20057

Reports of Conviction 20058

The licensing authority of a party state shall report each 20059
conviction of a person from another party state occurring within 20060
its jurisdiction to the licensing authority of the home state of 20061
the licensee. Such report shall clearly identify the person 20062
convicted; describe the violation specifying the section of the 20063
statute, code, or ordinance violated; identify the court in which 20064
action was taken; indicate whether a plea of guilty or not guilty 20065
was entered, or the security; and shall include any special 20066
findings made in connection therewith. 20067

ARTICLE IV 20068

Effect of Conviction 20069

(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:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(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;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(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.

(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, 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.

ARTICLE V

Applications for New Licenses

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:

(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.

(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.

(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.

ARTICLE VI

Applicability of Other Laws

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 licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII

Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII

Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable; and if any phrase, clause, sentence, or provision of 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 20163
be held contrary to the constitution of any state party thereto, 20164
the compact shall remain in full force and effect as to the 20165
remaining states and in full force and effect as to the state 20166
affected as to all severable matters. 20167

Sec. ~~4507.61~~ 4510.62. (A) "Executive head" as used in article 20168
VIII (b) of the compact set forth in section ~~4507.60~~ 4510.61 of 20169
the Revised Code with reference to this state means the governor. 20170
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(B) "Licensing authority" as used in Articles III, IV, V, and 20172
VII of the compact set forth in section ~~4507.60~~ 4510.61 of the 20173
Revised Code with reference to this state means the bureau of 20174
motor vehicles within the department of public safety. 20175

Sec. ~~4507.62~~ 4510.63. Pursuant to Article VII of the compact 20176
set forth in section ~~4507.60~~ 4510.61 of the Revised Code the 20177
bureau of motor vehicles shall furnish to the appropriate 20178
authorities of any other party state any information or documents 20179
reasonably necessary to facilitate the administration of Articles 20180
III, IV, and V of the compact set forth in section ~~4507.60~~ 4510.61 20181
of the Revised Code. 20182

Sec. ~~4507.63~~ 4510.64. The compact administrator provided for 20183
in Article VII of the compact set forth in section ~~4507.60~~ 4510.61 20184
of the Revised Code is not entitled to any additional compensation 20185
~~because of his services~~ for serving as administrator of the 20186
compact, but shall be reimbursed for travel and other necessary 20187
expenses incurred in the performance of ~~his~~ official duties 20188
thereunder as provided by law for other state officers. 20189

Sec. ~~4511.95~~ 4510.71. The nonresident violator compact, 20190
hereinafter called "the compact," is hereby enacted into law and 20191

entered into with all other jurisdictions legally joining therein	20192
in the form substantially as follows:	20193
"NONRESIDENT VIOLATOR COMPACT	20194
Article I	20195
Findings, Declaration of Policy and Purpose	20196
(A) The party jurisdictions find that:	20197
(1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:	20198
(a) Must post collateral or bond to secure appearance for trial at a later date; or	20199
(b) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or	20200
(c) Is taken directly to court for his trial to be held.	20201
(2) In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.	20202
(3) The purpose of the practices described in divisions (A)(1) and (2) of this article is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation.	20203
(4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation.	20204
(5) The practice described in division (A)(1) of this article causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a	20205
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bond, stand trial, or pay the fine, and thus is compelled to 20222
remain in custody until some arrangement can be made. 20223

(6) The deposit of a driver's license as a bail bond, as 20224
described in division (A)(2) of this article, is viewed with 20225
disfavor. 20226

(7) The practices described herein consume an undue amount of 20227
law enforcement time. 20228

(B) It is the policy of the party jurisdictions to: 20229

(1) Seek compliance with the laws, ordinances, and 20230
administrative rules and regulations relating to the operation of 20231
motor vehicles in each of the jurisdictions; 20232

(2) Allow motorists to accept a traffic citation for certain 20233
violations and proceed on their way without delay whether or not 20234
the motorist is a resident of the jurisdiction in which the 20235
citation was issued; 20236

(3) Extend cooperation to its fullest extent among the 20237
jurisdictions for obtaining compliance with the terms of a traffic 20238
citation issued in one jurisdiction to a resident of another 20239
jurisdiction; 20240

(4) Maximize effective utilization of law enforcement 20241
personnel and assist court systems in the efficient disposition of 20242
traffic violations. 20243

(C) The purpose of this compact is to: 20244

(1) Provide a means through which the party jurisdictions may 20245
participate in a reciprocal program to effectuate the policies 20246
enumerated in division (B) of this article in a uniform and 20247
orderly manner; 20248

(2) Provide for the fair and impartial treatment of traffic 20249
violators operating within party jurisdictions in recognition of 20250
the motorist's right of due process and the sovereign status of a 20251

party jurisdiction.	20252
Article II Definitions	20253
(A) In the nonresident violator compact, the following words	20254
have the meaning indicated, unless the context requires otherwise.	20255
(B)(1) "Citation" means any summons, ticket, or other	20256
official document issued by a police officer for a traffic	20257
violation containing an order which requires the motorist to	20258
respond.	20259
(2) "Collateral" means any cash or other security deposited	20260
to secure an appearance for trial, following the issuance by a	20261
police officer of a citation for a traffic violation.	20262
(3) "Court" means a court of law or traffic tribunal.	20263
(4) "Driver's license" means any license or privilege to	20264
operate a motor vehicle issued under the laws of the home	20265
jurisdiction.	20266
(5) "Home jurisdiction" means the jurisdiction that issued	20267
the driver's license of the traffic violator.	20268
(6) "Issuing jurisdiction" means the jurisdiction in which	20269
the traffic citation was issued to the motorist.	20270
(7) "Jurisdiction" means a state, territory, or possession of	20271
the United States, the District of Columbia, or the Commonwealth	20272
of Puerto Rico.	20273
(8) "Motorist" means a driver of a motor vehicle operating in	20274
a party jurisdiction other than the home jurisdiction.	20275
(9) "Personal recognizance" means an agreement by a motorist	20276
made at the time of issuance of the traffic citation that he will	20277
comply with the terms of that traffic citation.	20278
(10) "Police officer" means any individual authorized by the	20279
party jurisdiction to issue a citation for a traffic violation.	20280

(11) "Terms of the citation" means those options expressly
stated upon the citation. 20281
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Article III 20283

Procedure for Issuing Jurisdiction 20284

(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. 20285
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(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. 20293
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(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. 20296
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(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. 20304
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(E) The licensing authority of the issuing jurisdiction may
not suspend the privilege of a motorist for whom a report has been
transmitted. 20308
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(F) The licensing authority of the issuing jurisdiction shall 20311

not transmit a report on any violation if the date of transmission 20312
is more than six months after the date on which the traffic 20313
citation was issued. 20314

(G) The licensing authority of the issuing jurisdiction shall 20315
not transmit a report on any violation where the date of issuance 20316
of the citation predates the most recent of the effective dates of 20317
entry for the two jurisdictions affected. 20318

Article IV Procedures for Home Jurisdiction 20319

(A) Upon receipt of a report of a failure to comply from the 20320
licensing authority of the issuing jurisdiction, the licensing 20321
authority of the home jurisdiction shall notify the motorist and 20322
initiate a suspension action, in accordance with the home 20323
jurisdiction's procedures, to suspend the motorist's driver's 20324
license until satisfactory evidence of compliance with the terms 20325
of the traffic citation has been furnished to the home 20326
jurisdiction licensing authority. Due process safeguards will be 20327
accorded. 20328

(B) The licensing authority of the home jurisdiction shall 20329
maintain a record of actions taken and make reports to issuing 20330
jurisdictions as provided in the compact manual. 20331

Article V Applicability of Other Laws 20332

Except as expressly required by provisions of this compact, 20333
nothing contained herein shall be construed to affect the right of 20334
any party jurisdiction to apply any of its other laws relating to 20335
licenses to drive to any person or circumstance, or to invalidate 20336
or prevent any driver license agreement or other cooperative 20337
arrangement between a party jurisdiction and nonparty 20338
jurisdiction. 20339

Article VI Compact Administrator Procedures 20340

(A) For the purpose of administering the provisions of this 20341
compact and to serve as a governing body for the resolution of all 20342

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.

(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.

(C) The board shall elect annually, from its membership, a chairman and a vice chairman.

(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.

(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 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 20374
organization or institution. 20375

(G) The board shall formulate all necessary procedures and 20376
develop uniform forms and documents for administering the 20377
provisions of this compact. All procedures and forms adopted 20378
pursuant to board action shall be contained in the compact manual. 20379

Article VII Entry into Compact and Withdrawal 20380

(A) This compact shall become effective when it has been 20381
adopted by at least two jurisdictions. 20382

(B)(1) Entry into the compact shall be made by a resolution 20383
of ratification executed by the authorized officials of the 20384
applying jurisdiction and submitted to the chairman of the board. 20385

(2) The resolution shall be in a form and content as provided 20386
in the compact manual and shall include statements that in 20387
substance are as follows: 20388

(a) A citation of the authority by which the jurisdiction is 20389
empowered to become a party to this compact; 20390

(b) Agreement to comply with the terms and provisions of the 20391
compact; 20392

(c) That compact entry is with all jurisdictions then party 20393
to the compact and with any jurisdiction that legally becomes a 20394
party to the compact. 20395

(3) The effective date of entry shall be specified by the 20396
applying jurisdiction, but it shall not be less than sixty days 20397
after notice has been given by the chairman of the board of 20398
compact administrators or by the secretariat of the board to each 20399
party jurisdiction that the resolution from the applying 20400
jurisdiction has been received. 20401

(C) A party jurisdiction may withdraw from this compact by 20402
official written notice to the other party jurisdictions, but a 20403

withdrawal shall not take effect until ninety days after notice of 20404
withdrawal is given. The notice shall be directed to the compact 20405
administrator of each member jurisdiction. No withdrawal shall 20406
affect the validity of this compact as to the remaining party 20407
jurisdictions. 20408

Article VIII Exceptions 20409

The provisions of this compact shall not apply to parking or 20410
standing violations, highway weight limit violations, and 20411
violations of law governing the transportation of hazardous 20412
materials. 20413

Article IX Amendments to the Compact 20414

(A) This compact may be amended from time to time. Amendments 20415
shall be presented in resolution form to the chairman of the board 20416
of compact administrators and may be initiated by one or more 20417
party jurisdictions. 20418

(B) Adoption of an amendment shall require endorsement of all 20419
party jurisdictions and shall become effective thirty days after 20420
the date of the last endorsement. 20421

(C) Failure of a party jurisdiction to respond to the compact 20422
chairman within one hundred twenty days after receipt of the 20423
proposed amendment shall constitute endorsement. 20424

Article X Construction and Severability 20425

This compact shall be liberally construed so as to effectuate 20426
the purposes stated herein. The provisions of this compact shall 20427
be severable and if any phrase, clause, sentence, or provision of 20428
this compact is declared to be contrary to the constitution of any 20429
party jurisdiction or of the United States or the applicability 20430
thereof to any government, agency, person, or circumstance, the 20431
compact shall not be affected thereby. If this compact shall be 20432
held contrary to the constitution of any jurisdiction party 20433
thereto, the compact shall remain in full force and effect as to 20434

the remaining jurisdictions and in full force and effect as to the 20435
jurisdiction affected as to all severable matters. 20436

Article XI Title 20437

This compact shall be known as the Nonresident Violator 20438
Compact of 1977." 20439

Sec. ~~4511.951~~ 4510.72. (A) A fee of thirty dollars shall be 20440
charged by the registrar of motor vehicles for the reinstatement 20441
of any driver's license suspended pursuant to division (A) of 20442
Article IV of the compact enacted in section ~~4511.95~~ 4510.71 of 20443
the Revised Code. 20444

(B) Pursuant to division (A) of Article VI of the nonresident 20445
violator compact of 1977 enacted in section ~~4511.95~~ 4510.71 of the 20446
Revised Code, the director of public safety shall serve as the 20447
compact administrator for Ohio. 20448

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 20449
the Revised Code: 20450

(A) "Vehicle" means every device, including a motorized 20451
bicycle, in, upon, or by which any person or property may be 20452
transported or drawn upon a highway, except that "vehicle" does 20453
not include any motorized ~~wheelchairs~~ wheelchair, ~~devices~~ any 20454
device that is moved by power collected from overhead electric 20455
trolley wires, ~~or that is~~ used exclusively upon stationary rails 20456
or tracks, ~~and devices~~ or any device, other than ~~bicycles~~ a 20457
bicycle, that is moved by human power. 20458

(B) "Motor vehicle" means every vehicle propelled or drawn by 20459
power other than muscular power or power collected from overhead 20460
electric trolley wires, except motorized bicycles, road rollers, 20461
traction engines, power shovels, power cranes, and other equipment 20462
used in construction work and not designed for or employed in 20463
general highway transportation, hole-digging machinery, 20464

well-drilling machinery, ditch-digging machinery, farm machinery, 20465
trailers used to transport agricultural produce or agricultural 20466
production materials between a local place of storage or supply 20467
and the farm when drawn or towed on a street or highway at a speed 20468
of twenty-five miles per hour or less, threshing machinery, 20469
hay-baling machinery, agricultural tractors and machinery used in 20470
the production of horticultural, floricultural, agricultural, and 20471
vegetable products, and trailers designed and used exclusively to 20472
transport a boat between a place of storage and a marina, or in 20473
and around a marina, when drawn or towed on a street or highway 20474
for a distance of no more than ten miles and at a speed of 20475
twenty-five miles per hour or less. 20476

(C) "Motorcycle" means every motor vehicle, other than a 20477
tractor, having a saddle for the use of the operator and designed 20478
to travel on not more than three wheels in contact with the 20479
ground, including, but not limited to, motor vehicles known as 20480
"motor-driven cycle," "motor scooter," or "motorcycle" without 20481
regard to weight or brake horsepower. 20482

(D) "Emergency vehicle" means emergency vehicles of 20483
municipal, township, or county departments or public utility 20484
corporations when identified as such as required by law, the 20485
director of public safety, or local authorities, and motor 20486
vehicles when commandeered by a police officer. 20487

(E) "Public safety vehicle" means any of the following: 20488

(1) Ambulances, including private ambulance companies under 20489
contract to a municipal corporation, township, or county, and 20490
private ambulances and nontransport vehicles bearing license 20491
plates issued under section 4503.49 of the Revised Code; 20492

(2) Motor vehicles used by public law enforcement officers or 20493
other persons sworn to enforce the criminal and traffic laws of 20494
the state; 20495

(3) Any motor vehicle when properly identified as required by the director of public safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)(3) of this section.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the director of public safety.

Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.

(5) Vehicles used by the commercial motor vehicle safety enforcement unit for the enforcement of orders and rules of the public utilities commission as specified in section 5503.34 of the Revised Code.

(F) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function, provided "school bus" does not include a bus operated by a municipally owned transportation

system, a mass transit company operating exclusively within the 20527
territorial limits of a municipal corporation, or within such 20528
limits and the territorial limits of municipal corporations 20529
immediately contiguous to such municipal corporation, nor a common 20530
passenger carrier certified by the public utilities commission 20531
unless such bus is devoted exclusively to the transportation of 20532
children to and from a school session or a school function, and 20533
"school bus" does not include a van or bus used by a licensed 20534
child day-care center or type A family day-care home to transport 20535
children from the child day-care center or type A family day-care 20536
home to a school if the van or bus does not have more than fifteen 20537
children in the van or bus at any time. 20538

(G) "Bicycle" means every device, other than a tricycle 20539
designed solely for use as a play vehicle by a child, propelled 20540
solely by human power upon which any person may ride having either 20541
two tandem wheels, or one wheel in the front and two wheels in the 20542
rear, any of which is more than fourteen inches in diameter. 20543

(H) "Motorized bicycle" means any vehicle having either two 20544
tandem wheels or one wheel in the front and two wheels in the 20545
rear, that is capable of being pedaled and is equipped with a 20546
helper motor of not more than fifty cubic centimeters piston 20547
displacement that produces no more than one brake horsepower and 20548
is capable of propelling the vehicle at a speed of no greater than 20549
twenty miles per hour on a level surface. 20550

(I) "Commercial tractor" means every motor vehicle having 20551
motive power designed or used for drawing other vehicles and not 20552
so constructed as to carry any load thereon, or designed or used 20553
for drawing other vehicles while carrying a portion of such other 20554
vehicles, or load thereon, or both. 20555

(J) "Agricultural tractor" means every self-propelling 20556
vehicle designed or used for drawing other vehicles or wheeled 20557
machinery but having no provision for carrying loads independently 20558

of such other vehicles, and used principally for agricultural 20559
purposes. 20560

(K) "Truck" means every motor vehicle, except trailers and 20561
semitrailers, designed and used to carry property. 20562

(L) "Bus" means every motor vehicle designed for carrying 20563
more than nine passengers and used for the transportation of 20564
persons other than in a ridesharing arrangement, and every motor 20565
vehicle, automobile for hire, or funeral car, other than a taxicab 20566
or motor vehicle used in a ridesharing arrangement, designed and 20567
used for the transportation of persons for compensation. 20568

(M) "Trailer" means every vehicle designed or used for 20569
carrying persons or property wholly on its own structure and for 20570
being drawn by a motor vehicle, including any such vehicle when 20571
formed by or operated as a combination of a "semitrailer" and a 20572
vehicle of the dolly type, such as that commonly known as a 20573
"trailer dolly," a vehicle used to transport agricultural produce 20574
or agricultural production materials between a local place of 20575
storage or supply and the farm when drawn or towed on a street or 20576
highway at a speed greater than twenty-five miles per hour, and a 20577
vehicle designed and used exclusively to transport a boat between 20578
a place of storage and a marina, or in and around a marina, when 20579
drawn or towed on a street or highway for a distance of more than 20580
ten miles or at a speed of more than twenty-five miles per hour. 20581

(N) "Semitrailer" means every vehicle designed or used for 20582
carrying persons or property with another and separate motor 20583
vehicle so that in operation a part of its own weight or that of 20584
its load, or both, rests upon and is carried by another vehicle. 20585

(O) "Pole trailer" means every trailer or semitrailer 20586
attached to the towing vehicle by means of a reach, pole, or by 20587
being boomed or otherwise secured to the towing vehicle, and 20588
ordinarily used for transporting long or irregular shaped loads 20589

such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(P) "Railroad" means a carrier of persons or property operating upon rails placed principally on a private right-of-way.

(Q) "Railroad train" means a steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

(R) "Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway.

(S) "Trackless trolley" means every car that collects its power from overhead electric trolley wires and that is not operated upon rails or tracks.

(T) "Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb, or property by fire, by friction, by concussion, by percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

(U) "Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit, or less, as determined by a

tagliabue or equivalent closed cup test device. 20621

(V) "Gross weight" means the weight of a vehicle plus the 20622
weight of any load thereon. 20623

(W) "Person" means every natural person, firm, 20624
co-partnership, association, or corporation. 20625

(X) "Pedestrian" means any natural person afoot. 20626

(Y) "Driver or operator" means every person who drives or is 20627
in actual physical control of a vehicle, trackless trolley, or 20628
streetcar. 20629

(Z) "Police officer" means every officer authorized to direct 20630
or regulate traffic, or to make arrests for violations of traffic 20631
regulations. 20632

(AA) "Local authorities" means every county, municipal, and 20633
other local board or body having authority to adopt police 20634
regulations under the constitution and laws of this state. 20635

(BB) "Street" or "highway" means the entire width between the 20636
boundary lines of every way open to the use of the public as a 20637
thoroughfare for purposes of vehicular travel. 20638

(CC) "Controlled-access highway" means every street or 20639
highway in respect to which owners or occupants of abutting lands 20640
and other persons have no legal right of access to or from the 20641
same except at such points only and in such manner as may be 20642
determined by the public authority having jurisdiction over such 20643
street or highway. 20644

(DD) "Private road or driveway" means every way or place in 20645
private ownership used for vehicular travel by the owner and those 20646
having express or implied permission from the owner but not by 20647
other persons. 20648

(EE) "Roadway" means that portion of a highway improved, 20649
designed, or ordinarily used for vehicular travel, except the berm 20650

or shoulder. If a highway includes two or more separate roadways 20651
the term "roadway" means any such roadway separately but not all 20652
such roadways collectively. 20653

(FF) "Sidewalk" means that portion of a street between the 20654
curb lines, or the lateral lines of a roadway, and the adjacent 20655
property lines, intended for the use of pedestrians. 20656

(GG) "Laned highway" means a highway the roadway of which is 20657
divided into two or more clearly marked lanes for vehicular 20658
traffic. 20659

(HH) "Through highway" means every street or highway as 20660
provided in section 4511.65 of the Revised Code. 20661

(II) "State highway" means a highway under the jurisdiction 20662
of the department of transportation, outside the limits of 20663
municipal corporations, provided that the authority conferred upon 20664
the director of transportation in section 5511.01 of the Revised 20665
Code to erect state highway route markers and signs directing 20666
traffic shall not be modified by sections 4511.01 to 4511.79 and 20667
4511.99 of the Revised Code. 20668

(JJ) "State route" means every highway that is designated 20669
with an official state route number and so marked. 20670

(KK) "Intersection" means: 20671

(1) The area embraced within the prolongation or connection 20672
of the lateral curb lines, or, if none, then the lateral boundary 20673
lines of the roadways of two highways which join one another at, 20674
or approximately at, right angles, or the area within which 20675
vehicles traveling upon different highways joining at any other 20676
angle may come in conflict. 20677

(2) Where a highway includes two roadways thirty feet or more 20678
apart, then every crossing of each roadway of such divided highway 20679
by an intersecting highway shall be regarded as a separate 20680

intersection. If an intersecting highway also includes two 20681
roadways thirty feet or more apart, then every crossing of two 20682
roadways of such highways shall be regarded as a separate 20683
intersection. 20684

(3) The junction of an alley with a street or highway, or 20685
with another alley, shall not constitute an intersection. 20686

(LL) "Crosswalk" means: 20687

(1) That part of a roadway at intersections ordinarily 20688
included within the real or projected prolongation of property 20689
lines and curb lines or, in the absence of curbs, the edges of the 20690
traversable roadway; 20691

(2) Any portion of a roadway at an intersection or elsewhere, 20692
distinctly indicated for pedestrian crossing by lines or other 20693
markings on the surface; 20694

(3) Notwithstanding divisions (LL)(1) and (2) of this 20695
section, there shall not be a crosswalk where local authorities 20696
have placed signs indicating no crossing. 20697

(MM) "Safety zone" means the area or space officially set 20698
apart within a roadway for the exclusive use of pedestrians and 20699
protected or marked or indicated by adequate signs as to be 20700
plainly visible at all times. 20701

(NN) "Business district" means the territory fronting upon a 20702
street or highway, including the street or highway, between 20703
successive intersections within municipal corporations where fifty 20704
per cent or more of the frontage between such successive 20705
intersections is occupied by buildings in use for business, or 20706
within or outside municipal corporations where fifty per cent or 20707
more of the frontage for a distance of three hundred feet or more 20708
is occupied by buildings in use for business, and the character of 20709
such territory is indicated by official traffic control devices. 20710

(OO) "Residence district" means the territory, not comprising 20711
a business district, fronting on a street or highway, including 20712
the street or highway, where, for a distance of three hundred feet 20713
or more, the frontage is improved with residences or residences 20714
and buildings in use for business. 20715

(PP) "Urban district" means the territory contiguous to and 20716
including any street or highway which is built up with structures 20717
devoted to business, industry, or dwelling houses situated at 20718
intervals of less than one hundred feet for a distance of a 20719
quarter of a mile or more, and the character of such territory is 20720
indicated by official traffic control devices. 20721

(QQ) "Traffic control devices" means all flaggers, signs, 20722
signals, markings, and devices placed or erected by authority of a 20723
public body or official having jurisdiction, for the purpose of 20724
regulating, warning, or guiding traffic, including signs denoting 20725
names of streets and highways. 20726

(RR) "Traffic control signal" means any device, whether 20727
manually, electrically, or mechanically operated, by which traffic 20728
is alternately directed to stop, to proceed, to change direction, 20729
or not to change direction. 20730

(SS) "Railroad sign or signal" means any sign, signal, or 20731
device erected by authority of a public body or official or by a 20732
railroad and intended to give notice of the presence of railroad 20733
tracks or the approach of a railroad train. 20734

(TT) "Traffic" means pedestrians, ridden or herded animals, 20735
vehicles, streetcars, trackless trolleys, and other devices, 20736
either singly or together, while using any highway for purposes of 20737
travel. 20738

(UU) "Right-of-way" means either of the following, as the 20739
context requires: 20740

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.

(AAA) "Thruway" means a through highway whose entire roadway

is reserved for through traffic and on which roadway parking is prohibited. 20771
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(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected. 20773
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(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. 20775
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(DDD) "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. 20780
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(EEE) "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour. 20784
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(FFF) "Child day-care center" and "type A family day-care home" have the same meanings as in section 5104.01 of the Revised Code. 20787
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(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes. 20790
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(HHH) "Operate" means to cause or have caused movement of a vehicle, streetcar, or trackless trolley on any public or private property used by the public for purposes of vehicular travel or parking. 20796
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(III) "Predicate motor vehicle or traffic offense" means any 20800

of the following: 20801

(1) A violation of section 4511.03, 4511.051, 4511.12, 20802
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 20803
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 20804
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 20805
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 20806
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 20807
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 20808
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 20809
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 20810
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 20811
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 20812

(2) A violation of division (A)(2) of section 4511.17, 20813
divisions (A) to (D) of section 4511.51, or division (A) of 20814
section 4511.74 of the Revised Code; 20815

(3) A violation of any provision of sections 4511.01 to 20816
4511.76 of the Revised Code for which no penalty otherwise is 20817
provided in the section that contains the provision violated; 20818

(4) A violation of a municipal ordinance that is 20819
substantially similar to any section or provision set forth or 20820
described in division (III)(1), (2), or (3) of this section. 20821

Sec. 4511.03. (A) The driver of any emergency vehicle or 20822
public safety vehicle, when responding to an emergency call, upon 20823
approaching a red or stop signal or any stop sign shall slow down 20824
as necessary for safety to traffic, but may proceed cautiously 20825
past such red or stop sign or signal with due regard for the 20826
safety of all persons using the street or highway. 20827

(B) Except as otherwise provided in this division, whoever 20828
violates this section is guilty of a minor misdemeanor. If, within 20829
one year of the offense, the offender previously has been 20830

convicted of or pleaded guilty to one predicate motor vehicle or 20831
traffic offense, whoever violates this section is guilty of a 20832
misdemeanor of the fourth degree. If, within one year of the 20833
offense, the offender previously has been convicted of two or more 20834
predicate motor vehicle or traffic offenses, whoever violates this 20835
section is guilty of a misdemeanor of the third degree. 20836

Sec. 4511.051. (A) No person, unless otherwise directed by a 20837
police officer, shall: 20838

~~(A)~~(1) As a pedestrian, occupy any space within the limits of 20839
the right-of-way of a freeway, except: in a rest area; on a 20840
facility that is separated from the roadway and shoulders of the 20841
freeway and is designed and appropriately marked for pedestrian 20842
use; in the performance of public works or official duties; as a 20843
result of an emergency caused by an accident or breakdown of a 20844
motor vehicle; or to obtain assistance; 20845

~~(B)~~(2) Occupy any space within the limits of the right-of-way 20846
of a freeway, with: an animal-drawn vehicle; a ridden or led 20847
animal; herded animals; a pushcart; a bicycle, except on a 20848
facility that is separated from the roadway and shoulders of the 20849
freeway and is designed and appropriately marked for bicycle use; 20850
a bicycle with motor attached; a motor driven cycle with a motor 20851
which produces not to exceed five brake horsepower; an 20852
agricultural tractor; farm machinery; except in the performance of 20853
public works or official duties. 20854

(B) Except as otherwise provided in this division, whoever 20855
violates this section is guilty of a minor misdemeanor. If, within 20856
one year of the offense, the offender previously has been 20857
convicted of or pleaded guilty to one predicate motor vehicle or 20858
traffic offense, whoever violates this section is guilty of a 20859
misdemeanor of the fourth degree. If, within one year of the 20860
offense, the offender previously has been convicted of two or more 20861

predicate motor vehicle or traffic offenses, whoever violates this 20862
section is guilty of a misdemeanor of the third degree. 20863

Sec. 4511.11. (A) Local authorities in their respective 20864
jurisdictions shall place and maintain traffic control devices in 20865
accordance with the department of transportation manual and 20866
specifications for a uniform system of traffic control devices, 20867
adopted under section 4511.09 of the Revised Code, upon highways 20868
under their jurisdiction as are necessary to indicate and to carry 20869
out sections 4511.01 to 4511.76 and 4511.99 of the Revised Code, 20870
local traffic ordinances, or to regulate, warn, or guide traffic. 20871

(B) The director of transportation may require to be removed 20872
any traffic control device that does not conform to the manual and 20873
specifications for a uniform system of traffic control devices on 20874
the extensions of the state highway system within municipal 20875
corporations. 20876

(C) No village shall place or maintain any traffic control 20877
signal upon an extension of the state highway system within the 20878
village without first obtaining the permission of the director. 20879
The director may revoke the permission and may require to be 20880
removed any traffic control signal that has been erected without 20881
~~his~~ the director's permission on an extension of a state highway 20882
within a village, or that, if erected under a permit granted by 20883
the director, does not conform to the state manual and 20884
specifications, or that is not operated in accordance with the 20885
terms of the permit. 20886

(D) All traffic control devices erected on a public road, 20887
street, or alley, shall conform to the state manual and 20888
specifications. 20889

(E) No person, firm, or corporation shall sell or offer for 20890
sale to local authorities any traffic control device that does not 20891
conform to the state manual and specifications, except by 20892

permission of the director. 20893

(F) No local authority shall purchase or manufacture any 20894
traffic control device that does not conform to the state manual 20895
and specifications, except by permission of the director. 20896

(G) Whoever violates division (E) of this section is guilty 20897
of a misdemeanor of the third degree. 20898

Sec. 4511.12. (A) No pedestrian, driver of a vehicle, or 20899
operator of a streetcar or trackless trolley shall disobey the 20900
instructions of any traffic control device placed in accordance 20901
with this chapter, unless at the time otherwise directed by a 20902
police officer. 20903

No provision of this chapter for which signs are required 20904
shall be enforced against an alleged violator if at the time and 20905
place of the alleged violation an official sign is not in proper 20906
position and sufficiently legible to be seen by an ordinarily 20907
observant person. Whenever a particular section of this chapter 20908
does not state that signs are required, that section shall be 20909
effective even though no signs are erected or in place. 20910

(B) Except as otherwise provided in this division, whoever 20911
violates this section is guilty of a minor misdemeanor. If, within 20912
one year of the offense, the offender previously has been 20913
convicted of or pleaded guilty to one predicate motor vehicle or 20914
traffic offense, whoever violates this section is guilty of a 20915
misdemeanor of the fourth degree. If, within one year of the 20916
offense, the offender previously has been convicted of two or more 20917
predicate motor vehicle or traffic offenses, whoever violates this 20918
section is guilty of a misdemeanor of the third degree. 20919

Sec. 4511.132. (A) The driver of a vehicle, streetcar, or 20920
trackless trolley who approaches an intersection where traffic is 20921
controlled by traffic control signals shall do all of the 20922

following, if the signal facing ~~him~~ the driver either exhibits no 20923
colored lights or colored lighted arrows or exhibits a combination 20924
of such lights or arrows that fails to clearly indicate the 20925
assignment of right-of-way: 20926

~~(A)~~(1) Stop at a clearly marked stop line, but if none, stop 20927
before entering the crosswalk on the near side of the 20928
intersection, or, if none, stop before entering the intersection; 20929

~~(B)~~(2) Yield the right-of-way to all vehicles, streetcars, or 20930
trackless trolleys in the intersection or approaching on an 20931
intersecting road, if the vehicles, streetcars, or trackless 20932
trolleys will constitute an immediate hazard during the time the 20933
driver is moving across or within the intersection or junction of 20934
roadways; 20935

~~(C)~~(3) Exercise ordinary care while proceeding through the 20936
intersection. 20937

(B) Except as otherwise provided in this division, whoever 20938
violates this section is guilty of a minor misdemeanor. If, within 20939
one year of the offense, the offender previously has been 20940
convicted of or pleaded guilty to one predicate motor vehicle or 20941
traffic offense, whoever violates this section is guilty of a 20942
misdemeanor of the fourth degree. If, within one year of the 20943
offense, the offender previously has been convicted of two or more 20944
predicate motor vehicle or traffic offenses, whoever violates this 20945
section is guilty of a misdemeanor of the third degree. 20946

Sec. 4511.16. (A) No person shall place, maintain, or display 20947
upon or in view of any highway any unauthorized sign, signal, 20948
marking, or device which purports to be, is an imitation of, or 20949
resembles a traffic control device or railroad sign or signal, or 20950
which attempts to direct the movement of traffic or hides from 20951
view or interferes with the effectiveness of any traffic control 20952
device or any railroad sign or signal, and no person shall place 20953

or maintain, nor shall any public authority permit, upon any 20954
highway any traffic sign or signal bearing thereon any commercial 20955
advertising. This section does not prohibit either the erection 20956
upon private property adjacent to highways of signs giving useful 20957
directional information and of a type that cannot be mistaken for 20958
traffic control devices or the erection upon private property of 20959
traffic control devices by the owner of real property in 20960
accordance with sections 4511.211 and 4511.432 of the Revised 20961
Code. 20962

Every such prohibited sign, signal, marking, or device is a 20963
public nuisance, and the authority having jurisdiction over the 20964
highway may remove it or cause it to be removed. 20965

(B) Except as otherwise provided in this division, whoever 20966
violates this section is guilty of a minor misdemeanor. If, within 20967
one year of the offense, the offender previously has been 20968
convicted of or pleaded guilty to one predicate motor vehicle or 20969
traffic offense, whoever violates this section is guilty of a 20970
misdemeanor of the fourth degree. If, within one year of the 20971
offense, the offender previously has been convicted of two or more 20972
predicate motor vehicle or traffic offenses, whoever violates this 20973
section is guilty of a misdemeanor of the third degree. 20974

Sec. 4511.17. (A) No person, without lawful authority, shall 20975
do any of the following: 20976

~~(A) knowingly~~ (1) Knowingly move, deface, damage, destroy, or 20977
otherwise improperly tamper with any traffic control device, any 20978
railroad sign or signal, or any inscription, shield, or insignia 20979
on the device, sign, or signal, or any part of the device, sign, 20980
or signal; 20981

~~(B) knowingly~~ (2) Knowingly drive upon or over any freshly 20982
applied pavement marking material on the surface of a roadway 20983
while the marking material is in an undried condition and is 20984

marked by flags, markers, signs, or other devices intended to 20985
protect it; 20986

~~(C) knowingly~~ (3) Knowingly move, damage, destroy, or 20987
otherwise improperly tamper with a manhole cover. 20988

(B)(1) Except as otherwise provided in this division, whoever 20989
violates division (A)(1) or (3) of this section is guilty of a 20990
misdemeanor of the third degree. If a violation of division (A)(1) 20991
or (3) of this section creates a risk of physical harm to any 20992
person, the offender is guilty of a misdemeanor of the first 20993
degree. If a violation of division (A)(1) or (3) of this section 20994
causes serious physical harm to property that is owned, leased, or 20995
controlled by a state or local authority, the offender is guilty 20996
of a felony of the fifth degree. 20997

(2) Except as otherwise provided in this division, whoever 20998
violates division (A)(2) of this section is guilty of a minor 20999
misdemeanor. If, within one year of the offense, the offender 21000
previously has been convicted of or pleaded guilty to one 21001
predicate motor vehicle or traffic offense, whoever violates 21002
division (A)(2) of this section is guilty of a misdemeanor of the 21003
fourth degree. If, within one year of the offense, the offender 21004
previously has been convicted of two or more predicate motor 21005
vehicle or traffic offenses, whoever violates division (A)(2) of 21006
this section is guilty of a misdemeanor of the third degree. 21007

Sec. 4511.18. (A) As used in this section, "traffic control 21008
device" means any sign, traffic control signal, or other device 21009
conforming to and placed or erected in accordance with the manual 21010
adopted under section 4511.09 of the Revised Code by authority of 21011
a public body or official having jurisdiction, for the purpose of 21012
regulating, warning, or guiding traffic, including signs denoting 21013
the names of streets and highways, but does not mean any pavement 21014
marking. 21015

(B) No individual shall buy or otherwise possess, or sell, a traffic control device, except when one of the following applies:

(1) In the course of ~~his~~ the individual's employment by the state or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving, or removing such a traffic control device;

(2) In the course of ~~his~~ the individual's employment by any manufacturer of traffic control devices other than a state or local authority;

(3) For the purpose of demonstrating the design and function of a traffic control device to state or local officials;

(4) When the traffic control device has been purchased from the state or a local authority at a sale of property that is no longer needed or is unfit for use;

(5) The traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

(C) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of section 2913.02 of the Revised Code or a municipal ordinance relating to theft, or for receiving stolen property in violation of section 2913.51 of the Revised Code or a municipal ordinance relating to receiving stolen property.

(D) Whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of the Revised Code:

(A) "Equivalent offense" means any of the following:

<u>(1) A violation of division (A) or (B) of section 4511.19 of the Revised Code;</u>	21045
	21046
<u>(2) A violation of a municipal OVI ordinance;</u>	21047
<u>(3) A violation of 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;</u>	21048
	21049
	21050
<u>(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;</u>	21051
	21052
	21053
<u>(5) A violation of 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 equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;</u>	21054
	21055
	21056
	21057
	21058
	21059
	21060
<u>(6) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code;</u>	21061
	21062
	21063
	21064
<u>(7) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code.</u>	21065
	21066
	21067
<u>(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under division (G)(1)(a), (b), or (c) of section 4511.19 of the Revised Code upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:</u>	21068
	21069
	21070
	21071
	21072
	21073
<u>(1) Except as specifically authorized under section 4511.19</u>	21074

of the Revised Code, the term must be served in a jail. 21075

(2) Except as specifically authorized under section 4511.19 21076
of the Revised Code, the term cannot be suspended, reduced, or 21077
otherwise modified pursuant to section 2929.51, 2951.02, or any 21078
other provision of the Revised Code. 21079

(C) "Municipal OVI ordinance" and "municipal OVI offense" 21080
mean any municipal ordinance prohibiting a person from operating a 21081
vehicle while under the influence of alcohol, a drug of abuse, or 21082
a combination of them or prohibiting a person from operating a 21083
vehicle with a prohibited concentration of alcohol in the whole 21084
blood, blood serum or plasma, breath, or urine. 21085

(D) "Community residential sanction," "jail," "mandatory 21086
prison term," "mandatory term of local incarceration," "sanction," 21087
and "prison term" have the same meanings as in section 2929.01 of 21088
the Revised Code. 21089

Sec. 4511.19. (A) No person shall operate any vehicle, 21090
streetcar, or trackless trolley within this state, if, at the time 21091
of the operation, any of the following apply: 21092

(1) The person is under the influence of alcohol, a drug of 21093
abuse, or ~~alcohol and a drug of abuse~~ combination of them; 21094

(2) The person has a concentration of ten-hundredths of one 21095
per cent or more but less than seventeen-hundredths of one per 21096
cent by weight per unit volume of alcohol in the person's whole 21097
blood; 21098

(3) The person has a concentration of twelve-hundredths of 21099
one per cent or more but less than two hundred four-thousandths of 21100
one per cent by weight per unit volume of alcohol in the person's 21101
blood serum or plasma; 21102

(4) The person has a concentration of ten-hundredths of one 21103
gram or more but less than seventeen-hundredths of one gram by 21104

weight of alcohol per two hundred ten liters of the person's 21105
breath; 21106

~~(4)~~(5) The person has a concentration of fourteen-hundredths 21107
of one gram or more but less than two hundred 21108
thirty-eight-thousandths of one gram by weight of alcohol per one 21109
hundred milliliters of the person's urine; 21110

~~(5)~~(6) The person has a concentration of seventeen-hundredths 21111
of one per cent or more by weight per unit volume of alcohol in 21112
the person's whole blood; 21113

~~(6)~~(7) The person has a concentration of two hundred 21114
four-thousandths of one per cent or more by weight per unit volume 21115
of alcohol in the person's blood serum or plasma; 21116

(8) The person has a concentration of seventeen-hundredths of 21117
one gram or more by weight of alcohol per two hundred ten liters 21118
of the person's breath; 21119

~~(7)~~(9) The person has a concentration of two hundred 21120
thirty-eight-thousandths of one gram or more by weight of alcohol 21121
per one hundred milliliters of the person's urine. 21122

(B) No person under twenty-one years of age shall operate any 21123
vehicle, streetcar, or trackless trolley within this state, if, at 21124
the time of the operation, any of the following apply: 21125

(1) The person has a concentration of at least two-hundredths 21126
of one per cent but less than ten-hundredths of one per cent by 21127
weight per unit volume of alcohol in the person's whole blood; 21128
21129

(2) The person has a concentration of at least 21130
three-hundredths of one per cent but less than twelve-hundredths 21131
of one per cent by weight per unit volume of alcohol in the 21132
person's blood serum or plasma; 21133

(3) The person has a concentration of at least two-hundredths 21134

of one gram but less than ten-hundredths of one gram by weight of 21135
alcohol per two hundred ten liters of the person's breath; 21136
21137

~~(3)~~(4) The person has a concentration of at least 21138
twenty-eight one-thousandths of one gram but less than 21139
fourteen-hundredths of one gram by weight of alcohol per one 21140
hundred milliliters of the person's urine. 21141

(C) In any proceeding arising out of one incident, a person 21142
may be charged with a violation of division (A)(1) and a violation 21143
of division (B)(1), (2), or (3) of this section, but the person 21144
may not be convicted of more than one violation of these 21145
divisions. 21146

(D)(1) In any criminal prosecution or juvenile court 21147
proceeding for a violation of this section, ~~of a municipal~~ 21148
~~ordinance relating to operating a vehicle while under the~~ 21149
~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 21150
~~abuse, or of a municipal ordinance relating to operating a vehicle~~ 21151
~~with a prohibited concentration of alcohol in the blood, breath,~~ 21152
~~or urine~~ or for an equivalent offense, the court may admit 21153
evidence on the concentration of alcohol, drugs of abuse, or 21154
~~alcohol and drugs of abuse~~ a combination of them in the 21155
defendant's whole blood, blood serum or plasma, breath, urine, or 21156
other bodily substance at the time of the alleged violation as 21157
shown by chemical analysis of the ~~defendant's blood, urine,~~ 21158
~~breath, or other bodily~~ substance withdrawn within two hours of 21159
the time of the alleged violation. 21160

When a person submits to a blood test at the request of a 21161
~~police~~ law enforcement officer under section 4511.191 of the 21162
Revised Code, only a physician, a registered nurse, or a qualified 21163
technician ~~or~~, chemist, or phlebotomist shall withdraw blood for 21164
the purpose of determining ~~its~~ the alcohol, drug, or alcohol and 21165
drug content of the whole blood, blood serum, or blood plasma. 21166

This limitation does not apply to the taking of breath or urine 21167
specimens. A ~~physician, a registered nurse, or a qualified~~ 21168
~~technician or chemist~~ person authorized to withdraw blood under 21169
this division may refuse to withdraw blood ~~for the purpose of~~ 21170
~~determining the alcohol, drug, or alcohol and drug content of the~~ 21171
~~blood under this division~~, if in ~~the~~ that person's opinion ~~of the~~ 21172
~~physician, nurse, technician, or chemist~~, the physical welfare of 21173
the person would be endangered by the withdrawing of blood. 21174

~~Such~~ The bodily substance withdrawn shall be analyzed in 21175
accordance with methods approved by the director of health by an 21176
individual possessing a valid permit issued by the director ~~of~~ 21177
~~health~~ pursuant to section 3701.143 of the Revised Code. 21178

(2) In a criminal prosecution or juvenile court proceeding 21179
for a violation of division (A) of this section, ~~of a municipal~~ 21180
~~ordinance relating to operating a vehicle while under the~~ 21181
~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 21182
~~abuse, or of a municipal ordinance substantially equivalent to~~ 21183
~~division (A) of this section relating to operating a vehicle with~~ 21184
~~a prohibited concentration of alcohol in the blood, breath, or~~ 21185
~~urine or for an equivalent offense~~, if there was at the time the 21186
bodily substance was withdrawn a concentration of less than 21187
ten hundredths of one per cent by weight of alcohol in the 21188
defendant's blood, less than ten hundredths of one gram by weight 21189
of alcohol per two hundred ten liters of the defendant's breath, 21190
~~or less than fourteen hundredths of one gram by weight of alcohol~~ 21191
~~per one hundred milliliters of the defendant's urine~~, such the 21192
applicable concentration of alcohol specified in divisions (A)(2), 21193
(3), (4), and (5) of this section, that fact may be considered 21194
with other competent evidence in determining the guilt or 21195
innocence of the defendant. This division does not limit or affect 21196
a criminal prosecution or juvenile court proceeding for a 21197
violation of division (B) of this section or ~~of a municipal~~ 21198

~~ordinance for an equivalent offense that is substantially~~ 21199
~~equivalent to that division (B) of this section relating to~~ 21200
~~operating a vehicle with a prohibited concentration of alcohol in~~ 21201
~~the blood, breath, or urine.~~ 21202

(3) Upon the request of the person who was tested, the 21203
results of the chemical test shall be made available to the person 21204
or the person's attorney ~~or agent~~, immediately upon the completion 21205
of the chemical test analysis. 21206

The person tested may have a physician, a registered nurse, 21207
or a qualified technician ~~or~~, chemist, or phlebotomist of the 21208
person's own choosing administer a chemical test or tests, at the 21209
person's expense, in addition to any administered at the request 21210
of a ~~police~~ law enforcement officer, ~~and shall be so advised. The~~ 21211
form to be read to the person to be tested, as required under 21212
section 4511.192 of the Revised Code, shall state that the person 21213
may have an independent test performed at the person's expense. 21214
The failure or inability to obtain an additional chemical test by 21215
a person shall not preclude the admission of evidence relating to 21216
the chemical test or tests taken at the request of a ~~police~~ law 21217
enforcement officer. 21218

~~(4) Any (E)(1) Subject to division (E)(3) of this section, in~~ 21219
~~any criminal prosecution or juvenile court proceeding for a~~ 21220
~~violation of division (A)(2), (3), (4), (5), (6), (7), (8), or (9)~~ 21221
~~or (B)(1), (2), (3), or (4) of this section or for an equivalent~~ 21222
~~offense that is substantially equivalent to any of those~~ 21223
~~divisions, a laboratory report from any forensic laboratory~~ 21224
~~certified by the department of health that contains an analysis of~~ 21225
~~the whole blood, blood serum or plasma, breath, urine, or other~~ 21226
~~bodily substance tested and that contains all of the information~~ 21227
~~specified in this division shall be admitted as prima-facie~~ 21228
~~evidence of the information and statements that the report~~ 21229
~~contains. The laboratory report shall contain all of the~~ 21230

following: 21231

(a) The signature, under oath, of any person who performed 21232
the analysis; 21233

(b) Any findings as to the identity and quantity of alcohol, 21234
a drug of abuse, or a combination of them that was found; 21235

(c) A copy of a notarized statement by the laboratory 21236
director or a designee of the director that contains the name of 21237
each certified analyst or test performer involved with the report, 21238
the analyst's or test performer's employment relationship with the 21239
laboratory that issued the report, and a notation that performing 21240
an analysis of the type involved is part of the analyst's or test 21241
performer's regular duties; 21242

(d) An outline of the analyst's or test performer's 21243
education, training, and experience in performing the type of 21244
analysis involved and a certification that the laboratory 21245
satisfies appropriate quality control standards in general and, in 21246
this particular analysis, under rules of the department of health. 21247

(2) Notwithstanding any other provision of law regarding the 21248
admission of evidence, a report of the type described in division 21249
(E)(1) of this section is not admissible against the defendant to 21250
whom it pertains in any proceeding, other than a preliminary 21251
hearing or a grand jury proceeding, unless the prosecutor has 21252
served a copy of the report on the defendant's attorney or, if the 21253
defendant has no attorney, on the defendant. 21254

(3) A report of the type described in division (E)(1) of this 21255
section shall not be prima-facie evidence of the contents, 21256
identity, or amount of any substance if, within seven days after 21257
the defendant to whom the report pertains or the defendant's 21258
attorney receives a copy of the report, the defendant or the 21259
defendant's attorney demands the testimony of the person who 21260
signed the report. The judge in the case may extend the seven-day 21261

time limit in the interest of justice. 21262

(F) Except as otherwise provided in this division, any 21263
physician, registered nurse, or qualified technician ~~or~~ chemist, 21264
or phlebotomist who withdraws blood from a person pursuant to this 21265
section, and any hospital, first-aid station, or clinic at which 21266
blood is withdrawn from a person pursuant to this section, is 21267
immune from criminal liability, and ~~from~~ civil liability ~~that is~~ 21268
based upon a claim of assault and battery or ~~based upon~~ any other 21269
claim that is not ~~in the nature of~~ a claim of malpractice, for any 21270
act performed in withdrawing blood from the person. The immunity 21271
provided in this division is not available to a person who 21272
withdraws blood if the person engages in willful or wanton 21273
misconduct. 21274

(G)(1) Whoever violates any provision of divisions (A)(1) to 21275
(9) of this section is guilty of operating a vehicle under the 21276
influence of alcohol, a drug of abuse, or a combination of them. 21277
The court shall sentence the offender under Chapter 2929. of the 21278
Revised Code, except as otherwise authorized or required by 21279
divisions (G)(1)(a) to (e) of this section: 21280

(a) Except as otherwise provided in division (G)(1)(b), (c), 21281
(d), or (e) of this section, the offender is guilty of a 21282
misdemeanor of the first degree, and the court shall sentence the 21283
offender to all of the following: 21284

(i) If the sentence is being imposed for a violation of 21285
division (A)(1), (2), (3), (4), or (5) of this section, a 21286
mandatory jail term of three consecutive days. As used in this 21287
division, three consecutive days means seventy-two consecutive 21288
hours. The court may sentence an offender to both an intervention 21289
program and a jail term. The court may impose a jail term in 21290
addition to the three-day mandatory jail term or intervention 21291
program. However, in no case shall the cumulative jail term 21292
imposed for the offense exceed six months. 21293

The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender on probation for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of probation and in addition to the required attendance at a drivers' intervention program, 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 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 on the offender any other conditions of probation that it considers necessary.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. 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 21326
serve the jail term imposed can provide a driver's intervention 21327
program, the court shall sentence the offender to a mandatory jail 21328
term of at least six consecutive days. 21329

The court may require the offender, as a condition of 21330
probation, to attend and satisfactorily complete any treatment or 21331
education programs that comply with the minimum standards adopted 21332
pursuant to Chapter 3793. of the Revised Code by the director of 21333
alcohol and drug addiction services, in addition to the required 21334
attendance at drivers' intervention program, that the operators of 21335
the drivers' intervention program determine that the offender 21336
should attend and to report periodically to the court on the 21337
offender's progress in the programs. The court also may impose any 21338
other conditions of probation on the offender that it considers 21339
necessary. 21340

(iii) In all cases, a fine of not less than two hundred fifty 21341
and not more than one thousand dollars; 21342

(iv) In all cases, a class five license suspension of the 21343
offender's driver's or commercial driver's license or permit or 21344
nonresident operating privilege from the range specified in 21345
division (A)(5) of section 4510.02 of the Revised Code. The court 21346
may grant limited driving privileges relative to the suspension 21347
under sections 4510.021 and 4510.13 of the Revised Code. 21348

(b) Except as otherwise provided in division (G)(1)(e) of 21349
this section, an offender who, within six years of the offense, 21350
previously has been convicted of or pleaded guilty to one 21351
violation of division (A) or (B) of this section or one other 21352
equivalent offense is guilty of a misdemeanor of the first degree. 21353
The court shall sentence the offender to all of the following: 21354

(i) If the sentence is being imposed for a violation of 21355
division (A)(1), (2), (3), (4), or (5) of this section, a 21356

mandatory jail term of ten consecutive days. The court shall 21357
impose the ten-day mandatory jail term under this division unless, 21358
subject to division (G)(3) of this section, it instead imposes a 21359
sentence under that division consisting of both a jail term and a 21360
term of electronically monitored house arrest. The court may 21361
impose a jail term in addition to the ten-day mandatory jail term. 21362
The cumulative jail term imposed for the offense shall not exceed 21363
six months. 21364

In addition to the jail term or the term of electronically 21365
monitored house arrest and jail term, the court may require the 21366
offender to attend a drivers' intervention program that is 21367
certified pursuant to section 3793.10 of the Revised Code. If the 21368
operator of the program determines that the offender is alcohol 21369
dependent, the program shall notify the court, and, subject to 21370
division (I) of this section, the court shall order the offender 21371
to obtain treatment through an alcohol and drug addiction program 21372
authorized by section 3793.02 of the Revised Code. 21373

(ii) If the sentence is being imposed for a violation of 21374
division (A)(6), (7), (8), or (9) of this section, except as 21375
otherwise provided in this division, a mandatory jail term of 21376
twenty consecutive days. The court shall impose the twenty-day 21377
mandatory jail term under this division unless, subject to 21378
division (G)(3) of this section, it instead imposes a sentence 21379
under that division consisting of both a jail term and a term of 21380
electronically monitored house arrest. The court may impose a jail 21381
term in addition to the twenty-day mandatory jail term. The 21382
cumulative jail term imposed for the offense shall not exceed six 21383
months. 21384

In addition to the jail term or the term of electronically 21385
monitored house arrest and jail term, the court may require the 21386
offender to attend a driver's intervention program that is 21387
certified pursuant to section 3793.10 of the Revised Code. If the 21388

operator of the program determines that the offender is alcohol 21389
dependent, the program shall notify the court, and, subject to 21390
division (I) of this section, the court shall order the offender 21391
to obtain treatment through an alcohol and drug addiction program 21392
authorized by section 3793.02 of the Revised Code. 21393

(iii) In all cases, notwithstanding the fines set forth in 21394
Chapter 2929. of the Revised Code, a fine of not less than three 21395
hundred fifty and not more than one thousand five hundred dollars; 21396

(iv) In all cases, a class four license suspension of the 21397
offender's driver's license, commercial driver's license, 21398
temporary instruction permit, probationary license, or nonresident 21399
operating privilege from the range specified in division (A)(4) of 21400
section 4510.02 of the Revised Code. The court may grant limited 21401
driving privileges relative to the suspension under sections 21402
4510.021 and 4510.13 of the Revised Code. 21403

(v) In all cases, if the vehicle is registered in the 21404
offender's name, immobilization of the vehicle involved in the 21405
offense for ninety days in accordance with section 4503.233 of the 21406
Revised Code and impoundment of the license plates of that vehicle 21407
for ninety days. 21408

(c) Except as otherwise provided in division (G)(1)(e) of 21409
this section, an offender who, within six years of the offense, 21410
previously has been convicted of or pleaded guilty to two 21411
violations of division (A) or (B) of this section or other 21412
equivalent offenses is guilty of a misdemeanor. The court shall 21413
sentence the offender to all of the following: 21414

(i) If the sentence is being imposed for a violation of 21415
division (A)(1), (2), (3), (4), or (5) of this section, a 21416
mandatory jail term of thirty consecutive days. The court shall 21417
impose the thirty-day mandatory jail term under this division 21418
unless, subject to division (G)(3) of this section, it instead 21419

imposes a sentence under that division consisting of both a jail 21420
term and a term of electronically monitored house arrest. The 21421
court may impose a jail term in addition to the thirty-day 21422
mandatory jail term. Notwithstanding the terms of imprisonment set 21423
forth in Chapter 2929. of the Revised Code, the additional jail 21424
term shall not exceed one year, and the cumulative jail term 21425
imposed for the offense shall not exceed one year. 21426

(ii) If the sentence is being imposed for a violation of 21427
division (A)(6), (7), (8), or (9) of this section, a mandatory 21428
jail term of sixty consecutive days. The court shall impose the 21429
sixty-day mandatory jail term under this division unless, subject 21430
to division (G)(3) of this section, it instead imposes a sentence 21431
under that division consisting of both a jail term and a term of 21432
electronically monitored house arrest. The court may impose a jail 21433
term in addition to the sixty-day mandatory jail term. 21434
Notwithstanding the terms of imprisonment set forth in Chapter 21435
2929. of the Revised Code, the additional jail term shall not 21436
exceed one year, and the cumulative jail term imposed for the 21437
offense shall not exceed one year. 21438

(iii) In all cases, notwithstanding the fines set forth in 21439
Chapter 2929. of the Revised Code, a fine of not less than five 21440
hundred fifty and not more than two thousand five hundred dollars; 21441

(iv) In all cases, a class three license suspension of the 21442
offender's driver's license, commercial driver's license, 21443
temporary instruction permit, probationary license, or nonresident 21444
operating privilege from the range specified in division (A)(3) of 21445
section 4510.02 of the Revised Code. The court may grant limited 21446
driving privileges relative to the suspension under sections 21447
4510.021 and 4510.13 of the Revised Code. 21448

(v) In all cases, if the vehicle is registered in the 21449
offender's name, criminal forfeiture of the vehicle involved in 21450
the offense in accordance with section 4503.234 of the Revised 21451

Code. Division (G)(6) of this section applies regarding any 21452
vehicle that is subject to an order of criminal forfeiture under 21453
this division. 21454

(vi) In all cases, participation in an alcohol and drug 21455
addiction program authorized by section 3793.02 of the Revised 21456
Code, subject to division (I) of this section. 21457

(d) Except as otherwise provided in division (G)(1)(e) of 21458
this section, an offender who, within six years of the offense, 21459
previously has been convicted of or pleaded guilty to three or 21460
more violations of division (A) or (B) of this section or other 21461
equivalent offenses is guilty of a felony of the fourth degree. 21462
The court shall sentence the offender to all of the following: 21463

(i) If the sentence is being imposed for a violation of 21464
division (A)(1), (2), (3), (4), or (5) of this section, in the 21465
discretion of the court, either a mandatory term of local 21466
incarceration of sixty consecutive days in accordance with 21467
division (G)(1) of section 2929.13 of the Revised Code or a 21468
mandatory prison term of sixty consecutive days of imprisonment in 21469
accordance with division (G)(2) of that section. If the court 21470
imposes a mandatory term of local incarceration, it may impose a 21471
jail term in addition to the sixty-day mandatory term, the 21472
cumulative total of the mandatory term and the jail term for the 21473
offense shall not exceed one year, and no prison term is 21474
authorized for the offense. If the court imposes a mandatory 21475
prison term, notwithstanding division (A)(4) of section 2929.14 of 21476
the Revised Code, it also may sentence the offender to a definite 21477
prison term that shall be not less than six months and not more 21478
than thirty months, the prison terms shall be imposed as described 21479
in division (G)(2) of section 2929.13 of the Revised Code, and no 21480
term of local incarceration, community residential sanction, or 21481
nonresidential sanction is authorized for the offense. 21482

(ii) If the sentence is being imposed for a violation of 21483

division (A)(6), (7), (8), or (9) of this section, in the 21484
discretion of the court, either a mandatory term of local 21485
incarceration of one hundred twenty consecutive days in accordance 21486
with division (G)(1) of section 2929.13 of the Revised Code or a 21487
mandatory prison term of one hundred twenty consecutive days in 21488
accordance with division (G)(2) of that section. If the court 21489
imposes a mandatory term of local incarceration, it may impose a 21490
jail term in addition to the one hundred twenty-day mandatory 21491
term, the cumulative total of the mandatory term and the jail term 21492
for the offense shall not exceed one year, and no prison term is 21493
authorized for the offense. If the court imposes a mandatory 21494
prison term, notwithstanding division (A)(4) of section 2929.14 of 21495
the Revised Code, it also may sentence the offender to a definite 21496
prison term that shall be not less than six months and not more 21497
than thirty months, the prison terms shall be imposed as described 21498
in division (G)(2) of section 2929.13 of the Revised Code, and no 21499
term of local incarceration, community residential sanction, or 21500
nonresidential sanction is authorized for the offense. 21501

(iii) In all cases, notwithstanding section 2929.18 of the 21502
Revised Code, a fine of not less than eight hundred nor more than 21503
ten thousand dollars; 21504

(iv) In all cases, a class two license suspension of the 21505
offender's driver's license, commercial driver's license, 21506
temporary instruction permit, probationary license, or nonresident 21507
operating privilege from the range specified in division (A)(2) of 21508
section 4510.02 of the Revised Code. The court may grant limited 21509
driving privileges relative to the suspension under sections 21510
4510.021 and 4510.13 of the Revised Code. 21511

(v) In all cases, if the vehicle is registered in the 21512
offender's name, criminal forfeiture of the vehicle involved in 21513
the offense in accordance with section 4503.234 of the Revised 21514
Code. Division (G)(6) of this section applies regarding any 21515

vehicle that is subject to an order of criminal forfeiture under 21516
this division. 21517

(vi) In all cases, participation in an alcohol and drug 21518
addiction program authorized by section 3793.02 of the Revised 21519
Code, subject to division (I) of this section. 21520

(vii) In all cases, if the court sentences the offender to a 21521
mandatory term of local incarceration, in addition to the 21522
mandatory term, the court, pursuant to section 2929.17 of the 21523
Revised Code, may impose a term of electronically monitored house 21524
arrest. The term shall not commence until after the offender has 21525
served the mandatory term of local incarceration. 21526

(e) An offender who previously has been convicted of or 21527
pleaded guilty to a violation of division (A) of this section that 21528
was a felony, regardless of when the violation and the conviction 21529
or guilty plea occurred, is guilty of a felony of the third 21530
degree. The court shall sentence the offender to all of the 21531
following: 21532

(i) If the offender is being sentenced for a violation of 21533
division (A)(1), (2), (3), (4), or (5) of this section, a 21534
mandatory prison term of sixty consecutive days in accordance with 21535
division (G)(2) of section 2929.13 of the Revised Code. The court 21536
may impose a prison term in addition to the sixty-day mandatory 21537
prison term. The cumulative total of the mandatory prison term and 21538
the additional prison term for the offense shall not exceed five 21539
years. No term of local incarceration, community residential 21540
sanction, or nonresidential sanction is authorized for the 21541
offense. 21542

(ii) If the sentence is being imposed for a violation of 21543
division (A)(6), (7), (8), or (9) of this section, a mandatory 21544
prison term of one hundred twenty consecutive days in accordance 21545
with division (G)(2) of section 2929.13 of the Revised Code. The 21546

court may impose a prison term in addition to the one hundred 21547
twenty-day mandatory prison term. The cumulative total of the 21548
mandatory prison term and the additional prison term for the 21549
offense shall not exceed five years. No term of local 21550
incarceration, community residential sanction, or nonresidential 21551
sanction is authorized for the offense. 21552

(iii) In all cases, notwithstanding section 2929.18 of the 21553
Revised Code, a fine of not less than eight hundred nor more than 21554
ten thousand dollars; 21555

(iv) In all cases, a class two license suspension of the 21556
offender's driver's license, commercial driver's license, 21557
temporary instruction permit, probationary license, or nonresident 21558
operating privilege from the range specified in division (A)(2) of 21559
section 4510.02 of the Revised Code. The court may grant limited 21560
driving privileges relative to the suspension under sections 21561
4510.021 and 4510.13 of the Revised Code. 21562

(v) In all cases, if the vehicle is registered in the 21563
offender's name, criminal forfeiture of the vehicle involved in 21564
the offense in accordance with section 4503.234 of the Revised 21565
Code. Division (G)(6) of this section applies regarding any 21566
vehicle that is subject to an order of criminal forfeiture under 21567
this division. 21568

(vi) In all cases, participation in an alcohol and drug 21569
addiction program authorized by section 3793.02 of the Revised 21570
Code, subject to division (I) of this section. 21571

(2) An offender who is convicted of or pleads guilty to a 21572
violation of division (A) of this section and who subsequently 21573
seeks reinstatement of the driver's or occupational driver's 21574
license or permit or nonresident operating privilege suspended 21575
under this section as a result of the conviction or guilty plea 21576
shall pay a reinstatement fee as provided in division (F)(2) of 21577

section 4511.191 of the Revised Code. 21578

(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. 21579
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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. 21589
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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 consecutive days of electronically monitored house arrest. The cumulative total of the ten consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest. 21598
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As an alternative to a mandatory jail term of thirty consecutive days required by division (G)(1)(c)(i) of this section, the court, under this division, may sentence the offender 21607
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to fifteen consecutive days in jail and not less than fifty-five 21610
consecutive days of electronically monitored house arrest. The 21611
cumulative total of the fifteen consecutive days in jail and the 21612
period of electronically monitored house arrest shall not exceed 21613
one year. The fifteen consecutive days in jail do not have to be 21614
served prior to or consecutively to the period of house arrest. 21615

As an alternative to the mandatory jail term of sixty 21616
consecutive days required by division (G)(1)(c)(ii) of this 21617
section, the court, under this division, may sentence the offender 21618
to thirty consecutive days in jail and not less than one hundred 21619
ten consecutive days of electronically monitored house arrest. The 21620
cumulative total of the thirty consecutive days in jail and the 21621
period of electronically monitored house arrest shall not exceed 21622
one year. The thirty consecutive days in jail do not have to be 21623
served prior to or consecutively to the period of house arrest. 21624

(4) If an offender's driver's or occupational driver's 21625
license or permit or nonresident operating privilege is suspended 21626
under division (G) of this section and if section 4510.13 of the 21627
Revised Code permits the court to grant limited driving 21628
privileges, the court may grant the limited driving privileges 21629
only if the court imposes as one of the conditions of the 21630
privileges that the offender must display on the vehicle that is 21631
driven subject to the privileges restricted license plates that 21632
are issued under section 4503.231 of the Revised Code, except as 21633
provided in division (B) of that section. 21634

(5) Fines imposed under this section for a violation of 21635
division (A) of this section shall be distributed as follows: 21636

(a) Twenty-five dollars of the fine imposed under division (G)(1)(a)(iii), thirty-five dollars of the fine imposed under division (G)(1)(b)(iii), one hundred twenty-three dollars of the fine imposed under division (G)(1)(c)(iii), and two hundred ten dollars of the fine imposed under division (G)(1)(d)(iii) or (e)(iii) of this section 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 this section or a municipal OVI ordinance and in informing the public of the laws governing the operation of a vehicle while under the influence of alcohol, the dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

(b) Fifty dollars of the fine imposed under division (G)(1)(a)(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. If the offender is being sentenced for a violation of division (A)(1), (2), (3), (4), or (5) of this section and 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 the share under this division 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 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 21669
section. 21670

(c) Twenty-five dollars of the fine imposed under division 21671
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 21672
division (G)(1)(b)(iii) of this section shall be deposited into 21673
the county or municipal indigent drivers' alcohol treatment fund 21674
under the control of that court, as created by the county or 21675
municipal corporation under division (N) of section 4511.191 of 21676
the Revised Code. 21677

(d) One hundred fifteen dollars of the fine imposed under 21678
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 21679
fine imposed under division (G)(1)(c)(iii), and four hundred forty 21680
dollars of the fine imposed under division (G)(1)(d)(iii) or 21681
(e)(iii) of this section shall be paid to the political 21682
subdivision that pays the cost of housing the offender during the 21683
offender's term of incarceration. The political subdivision shall 21684
use this share to pay or reimburse incarceration or treatment 21685
costs it incurs in housing or providing drug and alcohol treatment 21686
to persons who violate this section or a municipal OVI ordinance, 21687
costs for any immobilizing or disabling device used on the 21688
offender's vehicle, and costs of electronic house arrest equipment 21689
needed for persons who violate this section. 21690

(e) The balance of the fine imposed under division 21691
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 21692
section shall be disbursed as otherwise provided by law. 21693

(6) If title to a motor vehicle that is subject to an order 21694
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 21695
this section is assigned or transferred and division (B)(2) or (3) 21696
of section 4503.234 of the Revised Code applies, in addition to or 21697
independent of any other penalty established by law, the court may 21698
fine the offender the value of the vehicle as determined by 21699
publications of the national auto dealers association. The 21700

proceeds of any fine so imposed shall be distributed in accordance 21701
with division (C)(2) of that section. 21702

(H) Whoever violates division (B) of this section is guilty 21703
of operating a vehicle after underage alcohol consumption and 21704
shall be punished as follows: 21705

(1) Except as otherwise provided in division (H)(2) of this 21706
section, the offender is guilty of a misdemeanor of the fourth 21707
degree. In addition to any other sanction imposed for the offense, 21708
the court shall impose a class six suspension of the offender's 21709
driver's license, commercial driver's license, temporary 21710
instruction permit, probationary license, or nonresident operating 21711
privilege from the range specified in division (A)(6) of section 21712
4510.02 of the Revised Code. 21713

(2) If, within one year of the offense, the offender 21714
previously has been convicted of or pleaded guilty to one or more 21715
violations of division (A) or (B) of this section or other 21716
equivalent offense offenses, the offender is guilty of a 21717
misdemeanor of the third degree. In addition to any other sanction 21718
imposed for the offense, the court shall impose a class four 21719
suspension of the offender's driver's license, commercial driver's 21720
license, temporary instruction permit, probationary license, or 21721
nonresident operating privilege from the range specified in 21722
division (A)(4) of section 4510.02 of the Revised Code. 21723
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(I)(1) No court shall sentence an offender to an alcohol 21725
treatment program under this section unless the treatment program 21726
complies with the minimum standards for alcohol treatment programs 21727
adopted under Chapter 3793. of the Revised Code by the director of 21728
alcohol and drug addiction services. 21729

(2) An offender who stays in a drivers' intervention program 21730
or in an alcohol treatment program under an order issued under 21731

this section shall pay the cost of the stay in the program. 21732
However, if the court determines that an offender who stays in an 21733
alcohol treatment program under an order issued under this section 21734
is unable to pay the cost of the stay in the program, the court 21735
may order that the cost be paid from the court's indigent drivers' 21736
alcohol treatment fund. 21737

(J) If a person whose driver's or commercial driver's license 21738
or permit or nonresident operating privilege is suspended under 21739
this section files an appeal regarding any aspect of the person's 21740
trial or sentence, the appeal itself does not stay the operation 21741
of the suspension. 21742

(K) All terms defined in sections 4510.01 of the Revised Code 21743
apply to this section. If the meaning of a term defined in section 21744
4510.01 of the Revised Code conflicts with the meaning of the same 21745
term as defined in section 4501.01 or 4511.01 of the Revised Code, 21746
the term as defined in section 4510.01 of the Revised Code applies 21747
to this section. 21748

(L)(1) The Ohio Traffic Rules in effect on the effective date 21749
of this amendment, as adopted by the supreme court under authority 21750
of section 2937.46 of the Revised Code, do not apply to felony 21751
violations of this section. Subject to division (L)(2) of this 21752
section, the Rules of Criminal Procedure apply to felony 21753
violations of this section. 21754

(2) If, on or after the effective date of this amendment, the 21755
supreme court modifies the Ohio Traffic Rules to provide 21756
procedures to govern felony violations of this section, the 21757
modified rules shall apply to felony violations of this section. 21758

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 21759
as in section 4511.194 of the Revised Code. 21760

(2) Any person who operates a vehicle, streetcar, or 21761

trackless trolley upon a highway or any public or private property 21762
used by the public for vehicular travel or parking within this 21763
state or who is in physical control of a vehicle, streetcar, or 21764
trackless trolley shall be deemed to have given consent to a 21765
chemical test or tests of the person's whole blood, blood serum or 21766
plasma, breath, or urine ~~for the purpose of determining to~~ 21767
determine the alcohol, drug, or alcohol and drug content of the 21768
person's whole blood, blood serum or plasma, breath, or urine if 21769
arrested for ~~operating a vehicle while under the influence of~~ 21770
~~alcohol, a drug of abuse, or alcohol and a drug of abuse or for~~ 21771
~~operating a vehicle with a prohibited concentration of alcohol in~~ 21772
~~the blood, breath, or urine. The~~ a violation of division (A) or 21773
(B) of section 4511.19 of the Revised Code, section 4511.194 of 21774
the Revised Code, or a municipal OVI ordinance. 21775

(3) The chemical test or tests under division (A)(2) of this 21776
section shall be administered at the request of a ~~police~~ law 21777
enforcement officer having reasonable grounds to believe the 21778
person ~~to have been~~ was operating or in physical control of a 21779
vehicle ~~upon a highway or any public or private property used by~~ 21780
~~the public for vehicular travel or parking in this state while~~ 21781
~~under the influence of alcohol, a drug of abuse, or alcohol and a~~ 21782
~~drug of abuse or with a prohibited concentration of alcohol in the~~ 21783
~~blood, breath, or urine, streetcar, or trackless trolley in~~ 21784
violation of a division, section, or ordinance identified in 21785
division (A)(2) of this section. The law enforcement agency by 21786
which the officer is employed shall designate which of the tests 21787
shall be administered. 21788

~~(B)(4)~~ (4) Any person who is dead or unconscious, or who ~~is~~ 21789
otherwise is in a condition rendering the person incapable of 21790
refusal, shall be deemed ~~not~~ to have ~~withdrawn consent~~ consented 21791
as provided ~~by~~ in division (A)(2) of this section, and the test or 21792
tests may be administered, subject to sections 313.12 to 313.16 of 21793

the Revised Code. 21794

~~(C)(1) Any person under arrest for operating a vehicle while 21795
under the influence of alcohol, a drug of abuse, or alcohol and a 21796
drug of abuse or for operating a vehicle with a prohibited 21797
concentration of alcohol in the blood, breath, or urine shall be 21798
advised at a police station, or at a hospital, first aid station, 21799
or clinic to which the person has been taken for first aid or 21800
medical treatment, of both of the following: 21801~~

~~(a) The consequences, as specified in division (E) of this 21802
section, of the person's refusal to submit upon request to a 21803
chemical test designated by the law enforcement agency as provided 21804
in division (A) of this section; 21805~~

~~(b) The consequences, as specified in division (F) of this 21806
section, of the person's submission to the designated chemical 21807
test if the person is found to have a prohibited concentration of 21808
alcohol in the blood, breath, or urine. 21809~~

~~(2)(a) The advice given pursuant to division (C)(1) of this 21810
section shall be in a written form containing the information 21811
described in division (C)(2)(b) of this section and shall be read 21812
to the person. The form shall contain a statement that the form 21813
was shown to the person under arrest and read to the person in the 21814
presence of the arresting officer and either another police 21815
officer, a civilian police employee, or an employee of a hospital, 21816
first aid station, or clinic, if any, to which the person has been 21817
taken for first aid or medical treatment. The witnesses shall 21818
certify to this fact by signing the form. 21819~~

~~(b) The form required by division (C)(2)(a) of this section 21820
shall read as follows: 21821~~

~~"You now are under arrest for operating a vehicle while under 21822
the influence of alcohol, a drug of abuse, or both alcohol and a 21823
drug of abuse and will be requested by a police officer to submit 21824~~

~~to a chemical test to determine the concentration of alcohol, 21825
drugs of abuse, or alcohol and drugs of abuse in your blood, 21826
breath, or urine. 21827~~

~~If you refuse to submit to the requested test or if you 21828
submit to the requested test and are found to have a prohibited 21829
concentration of alcohol in your blood, breath, or urine, your 21830
driver's or commercial driver's license or permit or nonresident 21831
operating privilege immediately will be suspended for the period 21832
of time specified by law by the officer, on behalf of the 21833
registrar of motor vehicles. You may appeal this suspension at 21834
your initial appearance before the court that hears the charges 21835
against you resulting from the arrest, and your initial appearance 21836
will be conducted no later than five days after the arrest. This 21837
suspension is independent of the penalties for the offense, and 21838
you may be subject to other penalties upon conviction." 21839~~

~~(D)(1) If a person under arrest as described in division 21840
(C)(1) of this section is not asked by a police officer to submit 21841
to a chemical test designated as provided in division (A) of this 21842
section, the arresting officer shall seize the Ohio or 21843
out-of-state driver's or commercial driver's license or permit of 21844
the person and immediately forward the seized license or permit to 21845
the court in which the arrested person is to appear on the charge 21846
for which the person was arrested. If the arrested person does not 21847
have the person's driver's or commercial driver's license or 21848
permit on the person's self or in the person's vehicle, the 21849
arresting officer shall order the arrested person to surrender it 21850
to the law enforcement agency that employs the officer within 21851
twenty-four hours after the arrest, and, upon the surrender, the 21852
officer's employing agency immediately shall forward the license 21853
or permit to the court in which the arrested person is to appear 21854
on the charge for which the person was arrested. Upon receipt of 21855
the license or permit, the court shall retain it pending the 21856~~

~~initial appearance of the arrested person and any action taken 21857
under section 4511.196 of the Revised Code. 21858~~

~~If a person under arrest as described in division (C)(1) of 21859
this section is asked by a police officer to submit to a chemical 21860
test designated as provided in division (A) of this section and is 21861
advised of the consequences of the person's refusal or submission 21862
as provided in division (C) of this section and if the person 21863
either refuses to submit to the designated chemical test or the 21864
person submits to the designated chemical test and the test 21865
results indicate that the person's blood contained a concentration 21866
of ten hundredths of one per cent or more by weight of alcohol, 21867
the person's breath contained a concentration of ten hundredths of 21868
one gram or more by weight of alcohol per two hundred ten liters 21869
of the person's breath, or the person's urine contained a 21870
concentration of fourteen hundredths of one gram or more by weight 21871
of alcohol per one hundred milliliters of the person's urine at 21872
the time of the alleged offense, the arresting officer shall do 21873
all of the following: 21874~~

~~(a) On behalf of the registrar, serve a notice of suspension 21875
upon the person that advises the person that, independent of any 21876
penalties or sanctions imposed upon the person pursuant to any 21877
other section of the Revised Code or any other municipal 21878
ordinance, the person's driver's or commercial driver's license or 21879
permit or nonresident operating privilege is suspended, that the 21880
suspension takes effect immediately, that the suspension will last 21881
at least until the person's initial appearance on the charge that 21882
will be held within five days after the date of the person's 21883
arrest or the issuance of a citation to the person, and that the 21884
person may appeal the suspension at the initial appearance; seize 21885
the Ohio or out of state driver's or commercial driver's license 21886
or permit of the person; and immediately forward the seized 21887
license or permit to the registrar. If the arrested person does 21888~~

~~not have the person's driver's or commercial driver's license or 21889
permit on the person's self or in the person's vehicle, the 21890
arresting officer shall order the person to surrender it to the 21891
law enforcement agency that employs the officer within twenty four 21892
hours after the service of the notice of suspension, and, upon the 21893
surrender, the officer's employing agency immediately shall 21894
forward the license or permit to the registrar. 21895~~

~~(b) Verify the current residence of the person and, if it 21896
differs from that on the person's driver's or commercial driver's 21897
license or permit, notify the registrar of the change; 21898~~

~~(c) In addition to forwarding the arrested person's driver's 21899
or commercial driver's license or permit to the registrar, send to 21900
the registrar, within forty eight hours after the arrest of the 21901
person, a sworn report that includes all of the following 21902
statements: 21903~~

~~(i) That the officer had reasonable grounds to believe that, 21904
at the time of the arrest, the arrested person was operating a 21905
vehicle upon a highway or public or private property used by the 21906
public for vehicular travel or parking within this state while 21907
under the influence of alcohol, a drug of abuse, or alcohol and a 21908
drug of abuse or with a prohibited concentration of alcohol in the 21909
blood, breath, or urine; 21910~~

~~(ii) That the person was arrested and charged with operating 21911
a vehicle while under the influence of alcohol, a drug of abuse, 21912
or alcohol and a drug of abuse or with operating a vehicle with a 21913
prohibited concentration of alcohol in the blood, breath, or 21914
urine; 21915~~

~~(iii) That the officer asked the person to take the 21916
designated chemical test, advised the person of the consequences 21917
of submitting to the chemical test or refusing to take the 21918
chemical test, and gave the person the form described in division 21919~~

~~(C)(2) of this section;~~ 21920

~~(iv) That the person refused to submit to the chemical test 21921
or that the person submitted to the chemical test and the test 21922
results indicate that the person's blood contained a concentration 21923
of ten hundredths of one per cent or more by weight of alcohol, 21924
the person's breath contained a concentration of ten hundredths of 21925
one gram or more by weight of alcohol per two hundred ten liters 21926
of the person's breath, or the person's urine contained a 21927
concentration of fourteen hundredths of one gram or more by weight 21928
of alcohol per one hundred milliliters of the person's urine at 21929
the time of the alleged offense;~~ 21930

~~(v) That the officer served a notice of suspension upon the 21931
person as described in division (D)(1)(a) of this section.~~ 21932

~~(2) The sworn report of an arresting officer completed under 21933
division (D)(1)(c) of this section shall be given by the officer 21934
to the arrested person at the time of the arrest or sent to the 21935
person by regular first class mail by the registrar as soon 21936
thereafter as possible, but no later than fourteen days after 21937
receipt of the report. An arresting officer may give an unsworn 21938
report to the arrested person at the time of the arrest provided 21939
the report is complete when given to the arrested person and 21940
subsequently is sworn to by the arresting officer. As soon as 21941
possible, but no later than forty eight hours after the arrest of 21942
the person, the arresting officer shall send a copy of the sworn 21943
report to the court in which the arrested person is to appear on 21944
the charge for which the person was arrested.~~ 21945

~~(3) The sworn report of an arresting officer completed and 21946
sent to the registrar and the court under divisions (D)(1)(c) and 21947
(D)(2) of this section is prima facie proof of the information and 21948
statements that it contains and shall be admitted and considered 21949
as prima facie proof of the information and statements that it 21950
contains in any appeal under division (H) of this section relative 21951~~

~~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.~~ 21952
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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 Revised Code in regard to a person who refused to take the designated chemical test, 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 that~~ division and that section and the period of the suspension, as determined under ~~divisions (E)(1)(a) to (d) of this~~ section. The suspension shall be subject to appeal as provided in ~~this section and~~ 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies: 21955
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(a) ~~If the arrested person, within five years of the date on which the person refused the request to consent to the chemical test, 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~~ Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the ~~period of~~ suspension shall be ~~one year. If the person is a resident without a license or permit to operate a vehicle within this state, the registrar shall deny to the person the issuance of a driver's or commercial driver's license or permit for a period of one year after the date of the alleged violation~~ a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. 21971
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(b) If the arrested person, within ~~five~~ six years of the date 21984
on which the person refused the request to consent to the chemical 21985
test, had refused one previous request to consent to a chemical 21986
test ~~of the person's blood, breath, or urine to determine its~~ 21987
~~alcohol content, the period of suspension or denial shall be two~~ 21988
~~years~~ a class B suspension imposed for the period of time 21989
specified in division (B)(2) of section 4510.02 of the Revised 21990
Code. 21991

(c) If the arrested person, within ~~five~~ six years of the date 21992
on which the person refused the request to consent to the chemical 21993
test, had refused two previous requests to consent to a chemical 21994
test ~~of the person's blood, breath, or urine to determine its~~ 21995
~~alcohol content, the period of suspension or denial shall be three~~ 21996
~~years~~ a class A suspension imposed for the period of time 21997
specified in division (B)(1) of section 4510.02 of the Revised 21998
Code. 21999

(d) If the arrested person, within ~~five~~ six years of the date 22000
on which the person refused the request to consent to the chemical 22001
test, had refused three or more previous requests to consent to a 22002
chemical test ~~of the person's blood, breath, or urine to determine~~ 22003
~~its alcohol content, the period of suspension or denial shall be~~ 22004
for five years. 22005

~~(2) The suspension or denial imposed under division (E)(1) of~~ 22006
~~this section shall continue for the entire one year, two year,~~ 22007
~~three year, or five year period, subject to appeal as provided in~~ 22008
~~this section and subject to termination as provided in division~~ 22009
~~(K) of this section.~~ 22010

~~(F)(2) The registrar shall terminate a suspension of the~~ 22011
~~driver's or commercial driver's license or permit of a resident or~~ 22012
~~of the operating privilege of a nonresident, or a denial of a~~ 22013
~~driver's or commercial driver's license or permit, imposed~~ 22014

pursuant to division (B)(1) of this section upon receipt of notice 22015
that the person has entered a plea of guilty to, or has been 22016
convicted of, operating a vehicle in violation of section 4511.19 22017
of the Revised Code or in violation of a municipal OVI ordinance, 22018
if the offense for which the conviction is had or the plea is 22019
entered arose from the same incident that led to the suspension or 22020
denial. 22021

The registrar shall credit against any judicial suspension of 22022
a person's driver's or commercial driver's license or permit or 22023
nonresident operating privilege imposed pursuant to section 22024
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 22025
Revised Code for a violation of a municipal OVI ordinance, any 22026
time during which the person serves a related suspension imposed 22027
pursuant to division (B)(1) of this section. 22028

(C)(1) Upon receipt of the sworn report of an ~~arresting~~ law 22029
enforcement officer who arrested a person for a violation of 22030
division (A) or (B) of section 4511.19 of the Revised Code or a 22031
municipal OVI ordinance that was completed and sent to the 22032
registrar and a court pursuant to ~~divisions (D)(1)(c) and (D)(2)~~ 22033
~~of this~~ section 4511.192 of the Revised Code in regard to a person 22034
whose test results indicate that the person's whole blood, blood 22035
serum or plasma, breath, or urine contained a at least the 22036
concentration of ~~ten hundredths of one per cent or more by weight~~ 22037
~~of alcohol, the person's breath contained a concentration of~~ 22038
~~ten hundredths of one gram or more by weight of alcohol per two~~ 22039
~~hundred ten liters of the person's breath, or the person's urine~~ 22040
~~contained a concentration of fourteen hundredths of one gram or~~ 22041
~~more by weight of alcohol per one hundred milliliters of the~~ 22042
~~person's urine at the time of the alleged offense specified in~~ 22043
division (A)(2), (3), (4), or (5) of section 4511.19 of the 22044
Revised Code, the registrar shall enter into the registrar's 22045
records the fact that the person's driver's or commercial driver's 22046

license or permit or nonresident operating privilege was suspended 22047
by the arresting officer under ~~division (D)(1)(a)~~ of this division 22048
and section 4511.192 of the Revised Code and the period of the 22049
suspension, as determined under divisions (F)(1) to (4) of this 22050
section. The suspension shall be subject to appeal as provided in 22051
~~this section and 4511.197 of the Revised Code. The suspension~~ 22052
described in this division does not apply to, and shall not be 22053
imposed upon, a person arrested for a violation of section 22054
4511.194 of the Revised Code who submits to a designated chemical 22055
test. The suspension shall be for whichever of the following 22056
periods ~~that~~ applies: 22057

~~(1)(a)~~ Except when ~~division (F)(2), (3), or (4)~~ (C)(1)(b), 22058
(c), or (d) of this section applies and specifies a different 22059
period ~~of suspension or denial~~, the ~~period of the~~ suspension ~~or~~ 22060
~~denial~~ shall be ~~ninety days~~ a class E suspension imposed for the 22061
period of time specified in division (B)(5) of section 4510.02 of 22062
the Revised Code. 22063

~~(2)(b)~~ The ~~period of~~ suspension ~~or denial~~ shall be ~~one year~~ a 22064
class C suspension for the period of time specified in division 22065
(B)(3) of section 4510.02 of the Revised Code if the person has 22066
been convicted of or pleaded guilty to, within six years of the 22067
date the test was conducted, ~~of a~~ one violation of ~~one of the~~ 22068
~~following:~~ 22069

~~(a)~~ ~~Division~~ division (A) or (B) of section 4511.19 of the 22070
Revised Code: 22071

~~(b)~~ ~~A municipal ordinance relating to operating a vehicle~~ 22072
~~while under the influence of alcohol, a drug of abuse, or alcohol~~ 22073
~~and a drug of abuse:~~ 22074

~~(c)~~ ~~A municipal ordinance relating to operating a vehicle~~ 22075
~~with a prohibited concentration of alcohol in the blood, breath,~~ 22076
~~or urine:~~ 22077

~~(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;~~

~~(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;~~

~~(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 at the time of the commission of the offense the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;~~

~~(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 or one other equivalent offense.~~

~~(3)(c) If the person has been convicted, within six years of the date the test was conducted, of the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division ~~(F)(2)(C)(1)(b)~~ of this section, the ~~period of the suspension or denial~~ shall be ~~two years~~ a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.~~

~~(4)(d) If the person has been convicted, within six years of the date the test was conducted, of the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division ~~(F)(2)(C)(1)(b)~~ of this section, the ~~period of the suspension or denial~~ shall be ~~three years~~ a class A suspension imposed for the period of time specified in~~

division (B)(1) of section 4510.02 of the Revised Code. 22109

(2) The registrar shall terminate a suspension of the 22110
driver's or commercial driver's license or permit of a resident or 22111
of the operating privilege of a nonresident, or a denial of a 22112
driver's or commercial driver's license or permit, imposed 22113
pursuant to division (C)(1) of this section upon receipt of notice 22114
that the person has entered a plea of guilty to, or has been 22115
convicted of, operating a vehicle in violation of section 4511.19 22116
of the Revised Code or in violation of a municipal OVI ordinance, 22117
if the offense for which the conviction is had or the plea is 22118
entered arose from the same incident that led to the suspension or 22119
denial. 22120

The registrar shall credit against any judicial suspension of 22121
a person's driver's or commercial driver's license or permit or 22122
nonresident operating privilege imposed pursuant to section 22123
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 22124
Revised Code for a violation of a municipal OVI ordinance, any 22125
time during which the person serves a related suspension imposed 22126
pursuant to division (C)(1) of this section. 22127

~~(G)(D)(1)~~ A suspension of a person's driver's or commercial 22128
driver's license or permit or nonresident operating privilege 22129
under ~~division (D)(1)(a)~~ of this section for the ~~period of~~ time 22130
described in division ~~(E)(B)~~ or ~~(F)(C)~~ of this section is 22131
effective immediately from the time at which the arresting officer 22132
serves the notice of suspension upon the arrested person. Any 22133
subsequent finding that the person is not guilty of the charge 22134
that resulted in the person being requested to take, ~~or in the~~ 22135
~~person taking,~~ the chemical test or tests under division (A) of 22136
this section ~~affects~~ does not affect the suspension ~~only as~~ 22137
~~described in division (H)(2) of this section.~~ 22138

(2) If a person is arrested for operating a vehicle while 22139
~~under the influence of alcohol, a drug of abuse, or alcohol and a~~ 22140

~~drug of abuse or for operating a vehicle with a prohibited~~ 22141
~~concentration of alcohol in the blood, breath, or urine and,~~ 22142
~~streetcar, or trackless trolley in violation of division (A) or~~ 22143
~~(B) of section 4511.19 of the Revised Code or a municipal OVI~~ 22144
~~ordinance, or for being in physical control of a vehicle,~~ 22145
~~streetcar, or trackless trolley in violation of section 4511.194~~ 22146
~~of the Revised Code,~~ regardless of whether the person's driver's 22147
or commercial driver's license or permit or nonresident operating 22148
privilege is or is not suspended under division ~~(E)~~(B) or ~~(F)~~(C) 22149
of this section or Chapter 4510. of the Revised Code, the person's 22150
initial appearance on the charge resulting from the arrest shall 22151
be held within five days of the person's arrest or the issuance of 22152
the citation to the person, subject to any continuance granted by 22153
the court pursuant to ~~division (H)(1) of this section~~ 4511.197 of 22154
the Revised Code regarding the issues specified in that division. 22155

~~(H)(1) If a person is arrested for operating a vehicle while~~ 22156
~~under the influence of alcohol, a drug of abuse, or alcohol and a~~ 22157
~~drug of abuse or for operating a vehicle with a prohibited~~ 22158
~~concentration of alcohol in the blood, breath, or urine and if the~~ 22159
~~person's driver's or commercial driver's license or permit or~~ 22160
~~nonresident operating privilege is suspended under division (E) or~~ 22161
~~(F) of this section, the person may appeal the suspension at the~~ 22162
~~person's initial appearance on the charge resulting from the~~ 22163
~~arrest in the court in which the person will appear on that~~ 22164
~~charge. If the person appeals the suspension at the person's~~ 22165
~~initial appearance, the appeal does not stay the operation of the~~ 22166
~~suspension. Subject to division (H)(2) of this section, no court~~ 22167
~~has jurisdiction to grant a stay of a suspension imposed under~~ 22168
~~division (E) or (F) of this section, and any order issued by any~~ 22169
~~court that purports to grant a stay of any suspension imposed~~ 22170
~~under either of those divisions shall not be given administrative~~ 22171
~~effect.~~ 22172

~~If the person appeals the suspension at the person's initial appearance, either the person or the registrar may request a continuance of the appeal. Either the person or the registrar shall make the request for a continuance of the appeal at the same time as the making of the appeal. If either the person or the registrar requests a continuance of the appeal, the court may grant the continuance. The court also may continue the appeal on its own motion. The granting of a continuance applies only to the conduct of the appeal of the suspension and does not extend the time within which the initial appearance must be conducted, and 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.~~

~~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:~~

~~(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;~~

~~(b) Whether the law enforcement officer requested the arrested person to submit to the chemical test designated pursuant to division (A) of this section;~~

~~(c) Whether the arresting officer informed the arrested person of the consequences of refusing to be tested or of submitting to the test;~~

~~(d) Whichever of the following is applicable:~~ 22204

~~(i) Whether the arrested person refused to submit to the chemical test requested by the officer:~~ 22205
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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 of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense.~~ 22207
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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~~ 22216
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~~imposed under division (E) of this section and it is continued 22236
under this division, any subsequent finding that the person is not 22237
guilty of the charge that resulted in the person being requested 22238
to take the chemical test or tests under division (A) of this 22239
section does not terminate or otherwise affect the suspension. If 22240
the suspension was imposed under division (F) of this section and 22241
it is continued under this division, the suspension shall 22242
terminate if, for any reason, the person subsequently is found not 22243
guilty of the charge that resulted in the person taking the 22244
chemical test or tests under division (A) of this section. 22245~~

~~If, during the appeal at the initial appearance, the judge or 22246
referee of the trial court or the mayor of the mayor's court 22247
determines that one or more of the conditions specified in 22248
divisions (H)(1)(a) to (d) of this section have not been met, the 22249
judge, referee, or mayor shall terminate the suspension, subject 22250
to the imposition of a new suspension under division (B) of 22251
section 4511.196 of the Revised Code; shall notify the registrar 22252
of the decision on a form approved by the registrar; and, except 22253
as provided in division (B) of section 4511.196 of the Revised 22254
Code, shall order the registrar to return the driver's or 22255
commercial driver's license or permit to the person or to take 22256
such measures as may be necessary, if the license or permit was 22257
destroyed under section 4507.55 of the Revised Code, to permit the 22258
person to obtain a replacement driver's or commercial driver's 22259
license or permit from the registrar or a deputy registrar in 22260
accordance with that section. The court also shall issue to the 22261
person a court order, valid for not more than ten days from the 22262
date of issuance, granting the person operating privileges for 22263
that period of time. 22264~~

~~If the person appeals the suspension at the initial 22265
appearance, the registrar shall be represented by the prosecuting 22266
attorney of the county in which the arrest occurred if the initial 22267~~

~~appearance is conducted in a juvenile court or county court, 22268
except that if the arrest occurred within a city or village within 22269
the jurisdiction of the county court in which the appeal is 22270
conducted, the city director of law or village solicitor of that 22271
city or village shall represent the registrar. If the appeal is 22272
conducted in a municipal court, the registrar shall be represented 22273
as provided in section 1901.34 of the Revised Code. If the appeal 22274
is conducted in a mayor's court, the registrar shall be 22275
represented by the city director of law, village solicitor, or 22276
other chief legal officer of the municipal corporation that 22277
operates that mayor's court. 22278~~

~~(I)(1)(a) A person is not entitled to request, and a court 22279
shall not grant to the person, occupational driving privileges 22280
under division (I)(1) of this section if a person's driver's or 22281
commercial driver's license or permit or nonresident operating 22282
privilege has been suspended pursuant to division (E) of this 22283
section, and the person, within the preceding seven years, has 22284
refused three previous requests to consent to a chemical test of 22285
the person's blood, breath, or urine to determine its alcohol 22286
content or has been convicted of or pleaded guilty to three or 22287
more violations of one or more of the following: 22288~~

~~(i) Division (A) or (B) of section 4511.19 of the Revised 22289
Code; 22290~~

~~(ii) A municipal ordinance relating to operating a vehicle 22291
while under the influence of alcohol, a drug of abuse, or alcohol 22292
and a drug of abuse; 22293~~

~~(iii) A municipal ordinance relating to operating a vehicle 22294
with a prohibited concentration of alcohol in the blood, breath, 22295
or urine; 22296~~

~~(iv) Section 2903.04 of the Revised Code in a case in which 22297
the person was subject to the sanctions described in division (D) 22298~~

~~of that section;~~ 22299

~~(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;~~ 22300
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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 person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;~~ 22303
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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.~~ 22310
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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.~~ 22314
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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~~ 22327
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~~common pleas court, except that, if the arrest occurred within a 22330
city or village within the jurisdiction of the county court in 22331
which the petition is filed, the city director of law or village 22332
solicitor of that city or village shall represent the registrar. 22333
If the petition is filed in the municipal court, the registrar 22334
shall be represented as provided in section 1901.34 of the Revised 22335
Code. If the petition is filed in a mayor's court, the registrar 22336
shall be represented by the city director of law, village 22337
solicitor, or other chief legal officer of the municipal 22338
corporation that operates the mayor's court. 22339~~

~~The court, if it finds reasonable cause to believe that 22340
suspension would seriously affect the person's ability to continue 22341
in the person's employment, may grant the person occupational 22342
driving privileges during the period of suspension imposed 22343
pursuant to division (E) of this section, subject to the 22344
limitations contained in this division and division (I)(2) of this 22345
section. The court may grant the occupational driving privileges, 22346
subject to the limitations contained in this division and division 22347
(I)(2) of this section, regardless of whether the person appeals 22348
the suspension at the person's initial appearance under division 22349
(H)(1) of this section or appeals the decision of the court made 22350
pursuant to the appeal conducted at the initial appearance, and, 22351
if the person has appealed the suspension or decision, regardless 22352
of whether the matter at issue has been heard or decided by the 22353
court. The court shall not grant occupational driving privileges 22354
for employment as a driver of commercial motor vehicles to any 22355
person who is disqualified from operating a commercial motor 22356
vehicle under section 3123.611 or 4506.16 of the Revised Code or 22357
whose commercial driver's license or commercial driver's temporary 22358
instruction permit has been suspended under section 3123.58 of the 22359
Revised Code. 22360~~

~~(2)(a) In granting occupational driving privileges under 22361~~

~~division (I)(1) of this section, the court may impose any 22362
condition it considers reasonable and necessary to limit the use 22363
of a vehicle by the person. The court shall deliver to the person 22364
a permit card, in a form to be prescribed by the court, setting 22365
forth the time, place, and other conditions limiting the 22366
defendant's use of a vehicle. The grant of occupational driving 22367
privileges shall be conditioned upon the person's having the 22368
permit in the person's possession at all times during which the 22369
person is operating a vehicle. 22370~~

~~A person granted occupational driving privileges who operates 22371
a vehicle for other than occupational purposes, in violation of 22372
any condition imposed by the court, or without having the permit 22373
in the person's possession, is guilty of a violation of section 22374
4507.02 of the Revised Code. 22375~~

~~(b) The court may not grant a person occupational driving 22376
privileges under division (I)(1) of this section when prohibited 22377
by a limitation contained in that division or during any of the 22378
following periods of time: 22379~~

~~(i) The first thirty days of suspension imposed upon a person 22380
who, within five years of the date on which the person refused the 22381
request to consent to a chemical test of the person's blood, 22382
breath, or urine to determine its alcohol content and for which 22383
refusal the suspension was imposed, had not refused a previous 22384
request to consent to a chemical test of the person's blood, 22385
breath, or urine to determine its alcohol content; 22386~~

~~(ii) The first ninety days of suspension imposed upon a 22387
person who, within five years of the date on which the person 22388
refused the request to consent to a chemical test of the person's 22389
blood, breath, or urine to determine its alcohol content and for 22390
which refusal the suspension was imposed, had refused one previous 22391
request to consent to a chemical test of the person's blood, 22392
breath, or urine to determine its alcohol content; 22393~~

~~(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;~~

~~(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 blood, breath, or urine to determine its alcohol content and for which refusal the suspension was imposed, had refused three or more previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content.~~

~~(3) The court shall give information in writing of any action taken under this section to the registrar.~~

~~(4) If a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to division (F) of this section, and the person, within the preceding seven years, has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section, or section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the person 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 22426
of any other state or a municipal ordinance of a municipal 22427
corporation located in any other state that is substantially 22428
similar to division (A) or (B) of section 4511.19 of the Revised 22429
Code, the person is not entitled to request, and the court shall 22430
not grant to the person, occupational driving privileges under 22431
this division. Any other person whose driver's or commercial 22432
driver's license or nonresident operating privilege has been 22433
suspended pursuant to division (F) of this section may file in the 22434
court specified in division (I)(1)(b) of this section a petition 22435
requesting occupational driving privileges in accordance with 22436
section 4507.16 of the Revised Code. The petition may be filed at 22437
any time subsequent to the date on which the arresting officer 22438
serves the notice of suspension upon the arrested person. Upon the 22439
making of the request, occupational driving privileges may be 22440
granted in accordance with section 4507.16 of the Revised Code. 22441
The court may grant the occupational driving privileges, subject 22442
to the limitations contained in section 4507.16 of the Revised 22443
Code, regardless of whether the person appeals the suspension at 22444
the person's initial appearance under division (H)(1) of this 22445
section or appeals the decision of the court made pursuant to the 22446
appeal conducted at the initial appearance, and, if the person has 22447
appealed the suspension or decision, regardless of whether the 22448
matter at issue has been heard or decided by the court. 22449~~

~~(J)(E) When it finally has been determined under the 22450
procedures of this section and sections 4511.192 through 4511.197 22451
of the Revised Code that a nonresident's privilege to operate a 22452
vehicle within this state has been suspended, the registrar shall 22453
give information in writing of the action taken to the motor 22454
vehicle administrator of the state of the person's residence and 22455
of any state in which the person has a license. 22456~~

~~(K) A suspension of the driver's or commercial driver's 22457~~

~~license or permit of a resident, a suspension of the operating 22458
privilege of a nonresident, or a denial of a driver's or 22459
commercial driver's license or permit pursuant to division (E) or 22460
(F) of this section shall be terminated by the registrar upon 22461
receipt of notice of the person's entering a plea of guilty to, or 22462
of the person's conviction of, operating a vehicle while under the 22463
influence of alcohol, a drug of abuse, or alcohol and a drug of 22464
abuse or with a prohibited concentration of alcohol in the blood, 22465
breath, or urine, if the offense for which the plea is entered or 22466
that resulted in the conviction arose from the same incident that 22467
led to the suspension or denial. 22468~~

~~The registrar shall credit against any judicial suspension of 22469
a person's driver's or commercial driver's license or permit or 22470
nonresident operating privilege imposed pursuant to division (B) 22471
or (E) of section 4507.16 of the Revised Code any time during 22472
which the person serves a related suspension imposed pursuant to 22473
division (E) or (F) of this section. 22474~~

~~(L)(F)~~ At the end of a suspension period under this section, 22475
under section 4511.194, section 4511.196, or division (B)(G) of 22476
section 4507.16 4511.19 of the Revised Code, or under section 22477
4510.07 of the Revised Code for a violation of a municipal OVI 22478
ordinance and upon the request of the person whose driver's or 22479
commercial driver's license or permit was suspended and who is not 22480
otherwise subject to suspension, ~~revocation~~ cancellation, or 22481
disqualification, the registrar shall return the driver's or 22482
commercial driver's license or permit to the person upon the 22483
~~person's compliance with~~ occurrence of all of the conditions 22484
specified in divisions ~~(L)(F)~~(1) and (2) of this section: 22485

(1) A showing ~~by the person~~ that the person has proof of 22486
financial responsibility, a policy of liability insurance in 22487
effect that meets the minimum standards set forth in section 22488
4509.51 of the Revised Code, or proof, to the satisfaction of the 22489

registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division ~~(L)~~(F)(3) of this section, payment by the person to the bureau of motor vehicles of a license reinstatement fee of four hundred twenty-five dollars ~~to the bureau of motor vehicles~~, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. The fund shall be used to pay the costs of driver treatment and intervention programs operated pursuant to sections 3793.02 and 3793.10 of the Revised Code. The director of alcohol and drug addiction services shall determine the share of the fund that is to be allocated to alcohol and drug addiction programs authorized by section 3793.02 of the Revised Code, and the share of the fund that is to be allocated to drivers' intervention programs authorized by section 3793.10 of the Revised Code.

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

(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established. Except as otherwise provided in division ~~(L)~~(F)(2)(c) of this section, moneys in the fund shall be distributed by the department of alcohol and drug addiction services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to ~~division (N)~~ of this section, and shall be used only to pay the cost of an alcohol and drug addiction treatment program attended

by an offender or juvenile traffic offender who is ordered to 22522
attend an alcohol and drug addiction treatment program by a 22523
county, juvenile, or municipal court judge and who is determined 22524
by the county, juvenile, or municipal court judge not to have the 22525
means to pay for the person's attendance at the program or to pay 22526
the costs specified in division ~~(N)~~(H)(4) of this section in 22527
accordance with that division. Moneys in the fund that are not 22528
distributed to a county indigent drivers alcohol treatment fund, a 22529
county juvenile indigent drivers alcohol treatment fund, or a 22530
municipal indigent drivers alcohol treatment fund under division 22531
~~(N)~~(H) of this section because the director of alcohol and drug 22532
addiction services does not have the information necessary to 22533
identify the county or municipal corporation where the offender or 22534
juvenile offender was arrested may be transferred by the director 22535
of budget and management to the statewide treatment and prevention 22536
fund created by section 4301.30 of the Revised Code, upon 22537
certification of the amount by the director of alcohol and drug 22538
addiction services. 22539

(d) Seventy-five dollars shall be credited to the Ohio 22540
rehabilitation services commission established by section 3304.12 22541
of the Revised Code, to the services for rehabilitation fund, 22542
which is hereby established. The fund shall be used to match 22543
available federal matching funds where appropriate, and for any 22544
other purpose or program of the commission to rehabilitate people 22545
with disabilities to help them become employed and independent. 22546

(e) Seventy-five dollars shall be deposited into the state 22547
treasury and credited to the drug abuse resistance education 22548
programs fund, which is hereby established, to be used by the 22549
attorney general for the purposes specified in division (L)(4) of 22550
this section. 22551

(f) Thirty dollars shall be credited to the state bureau of 22552
motor vehicles fund created by section 4501.25 of the Revised 22553

Code. 22554

(g) Twenty dollars shall be credited to the trauma and 22555
emergency medical services grants fund created by section 4513.263 22556
of the Revised Code. 22557

(3) If a person's driver's or commercial driver's license or 22558
permit is suspended under ~~division (E) or (F)~~ of this section, 22559
under section 4511.196~~7~~ or division ~~(B)~~(G) of section ~~4507.16~~ 22560
4511.19 of the Revised Code, under section 4510.07 of the Revised 22561
Code for a violation of a municipal OVI ordinance or under any 22562
combination of the suspensions described in division ~~(L)~~(F)(3) of 22563
this section, and if the suspensions arise from a single incident 22564
or a single set of facts and circumstances, the person is liable 22565
for payment of, and shall be required to pay to the bureau, only 22566
one reinstatement fee of four hundred ~~five~~ twenty-five dollars. 22567
The reinstatement fee shall be distributed by the bureau in 22568
accordance with division ~~(L)~~(F)(2) of this section. 22569

(4) The attorney general shall use amounts in the drug abuse 22570
resistance education programs fund to award grants to law 22571
enforcement agencies to establish and implement drug abuse 22572
resistance education programs in public schools. Grants awarded to 22573
a law enforcement agency under ~~division (L)(2)(e)~~ of this section 22574
shall be used by the agency to pay for not more than fifty per 22575
cent of the amount of the salaries of law enforcement officers who 22576
conduct drug abuse resistance education programs in public 22577
schools. The attorney general shall not use more than six per cent 22578
of the amounts the attorney general's office receives under 22579
division ~~(L)~~(F)(2)(e) of this section to pay the costs it incurs 22580
in administering the grant program established by division 22581
~~(L)~~(F)(2)(e) of this section and in providing training and 22582
materials relating to drug abuse resistance education programs. 22583

The attorney general shall report to the governor and the 22584
general assembly each fiscal year on the progress made in 22585

establishing and implementing drug abuse resistance education 22586
programs. These reports shall include an evaluation of the 22587
effectiveness of these programs. 22588

~~(M)~~(G) Suspension of a commercial driver's license under 22589
division ~~(E)~~(B) or ~~(F)~~(C) of this section shall be concurrent with 22590
any period of disqualification under section 3123.611 or 4506.16 22591
of the Revised Code or any period of suspension under section 22592
3123.58 of the Revised Code. No person who is disqualified for 22593
life from holding a commercial driver's license under section 22594
4506.16 of the Revised Code shall be issued a driver's license 22595
under Chapter 4507. of the Revised Code during the period for 22596
which the commercial driver's license was suspended under division 22597
~~(E)~~(B) or ~~(F)~~(C) of this section, ~~and no.~~ No person whose 22598
commercial driver's license is suspended under division ~~(E)~~(B) or 22599
~~(F)~~(C) of this section shall be issued a driver's license under 22600
~~that chapter~~ Chapter 4507. of the Revised Code during the period 22601
of the suspension. 22602

~~(N)~~(H)(1) Each county shall establish an indigent drivers 22603
alcohol treatment fund, each county shall establish a juvenile 22604
indigent drivers alcohol treatment fund, and each municipal 22605
corporation in which there is a municipal court shall establish an 22606
indigent drivers alcohol treatment fund. All revenue that the 22607
general assembly appropriates to the indigent drivers alcohol 22608
treatment fund for transfer to a county indigent drivers alcohol 22609
treatment fund, a county juvenile indigent drivers alcohol 22610
treatment fund, or a municipal indigent drivers alcohol treatment 22611
fund, all portions of fees that are paid under division (L) of 22612
this section and that are credited under that division to the 22613
indigent drivers alcohol treatment fund in the state treasury for 22614
a county indigent drivers alcohol treatment fund, a county 22615
juvenile indigent drivers alcohol treatment fund, or a municipal 22616
indigent drivers alcohol treatment fund, and all portions of fines 22617

that are specified for deposit into a county or municipal indigent 22618
drivers alcohol treatment fund by section 4511.193 of the Revised 22619
Code shall be deposited into that county indigent drivers alcohol 22620
treatment fund, county juvenile indigent drivers alcohol treatment 22621
fund, or municipal indigent drivers alcohol treatment fund in 22622
accordance with division ~~(N)~~(H)(2) of this section. Additionally, 22623
all portions of fines that are paid for a violation of section 22624
4511.19 of the Revised Code or ~~division (B)(2) of section 4507.02~~ 22625
of any prohibition contained in Chapter 4510. of the Revised Code, 22626
and that are required under ~~division (A)(1), (2), (5), or (6) of~~ 22627
~~section 4511.99~~ 4511.19 or ~~division (B)(5) of section 4507.99~~ any 22628
provision of Chapter 4510. of the Revised Code to be deposited 22629
into a county indigent drivers alcohol treatment fund or municipal 22630
indigent drivers alcohol treatment fund shall be deposited into 22631
the appropriate fund in accordance with the applicable division. 22632

(2) That portion of the license reinstatement fee that is 22633
paid under division ~~(L)~~(F) of this section and that is credited 22634
under that division to the indigent drivers alcohol treatment fund 22635
shall be deposited into a county indigent drivers alcohol 22636
treatment fund, a county juvenile indigent drivers alcohol 22637
treatment fund, or a municipal indigent drivers alcohol treatment 22638
fund as follows: 22639

(a) If the suspension in question was imposed under this 22640
section, that portion of the fee shall be deposited as follows: 22641

(i) If the fee is paid by a person who was charged in a 22642
county court with the violation that resulted in the suspension, 22643
the portion shall be deposited into the county indigent drivers 22644
alcohol treatment fund under the control of that court; 22645

(ii) If the fee is paid by a person who was charged in a 22646
juvenile court with the violation that resulted in the suspension, 22647
the portion shall be deposited into the county juvenile indigent 22648
drivers alcohol treatment fund established in the county served by 22649

the court; 22650

(iii) If the fee is paid by a person who was charged in a 22651
municipal court with the violation that resulted in the 22652
suspension, the portion shall be deposited into the municipal 22653
indigent drivers alcohol treatment fund under the control of that 22654
court. 22655

(b) If the suspension in question was imposed under ~~division~~ 22656
~~(B)~~ of section ~~4507.16~~ 4511.19 of the Revised Code or under 22657
section 4510.07 of the Revised Code for a violation of a municipal 22658
OVI ordinance, that portion of the fee shall be deposited as 22659
follows: 22660

(i) If the fee is paid by a person whose license or permit 22661
was suspended by a county court, the portion shall be deposited 22662
into the county indigent drivers alcohol treatment fund under the 22663
control of that court; 22664

(ii) If the fee is paid by a person whose license or permit 22665
was suspended by a municipal court, the portion shall be deposited 22666
into the municipal indigent drivers alcohol treatment fund under 22667
the control of that court. 22668

(3) Expenditures from a county indigent drivers alcohol 22669
treatment fund, a county juvenile indigent drivers alcohol 22670
treatment fund, or a municipal indigent drivers alcohol treatment 22671
fund shall be made only upon the order of a county, juvenile, or 22672
municipal court judge and only for payment of the cost of the 22673
attendance at an alcohol and drug addiction treatment program of a 22674
person who is convicted of, or found to be a juvenile traffic 22675
offender by reason of, a violation of division (A) of section 22676
4511.19 of the Revised Code or a substantially similar municipal 22677
ordinance, who is ordered by the court to attend the alcohol and 22678
drug addiction treatment program, and who is determined by the 22679
court to be unable to pay the cost of attendance at the treatment 22680

program or for payment of the costs specified in division 22681
~~(N)~~(H)(4) of this section in accordance with that division. The 22682
alcohol and drug addiction services board or the board of alcohol, 22683
drug addiction, and mental health services established pursuant to 22684
section 340.02 or 340.021 of the Revised Code and serving the 22685
alcohol, drug addiction, and mental health service district in 22686
which the court is located shall administer the indigent drivers 22687
alcohol treatment program of the court. When a court orders an 22688
offender or juvenile traffic offender to attend an alcohol and 22689
drug addiction treatment program, the board shall determine which 22690
program is suitable to meet the needs of the offender or juvenile 22691
traffic offender, and when a suitable program is located and space 22692
is available at the program, the offender or juvenile traffic 22693
offender shall attend the program designated by the board. A 22694
reasonable amount not to exceed five per cent of the amounts 22695
credited to and deposited into the county indigent drivers alcohol 22696
treatment fund, the county juvenile indigent drivers alcohol 22697
treatment fund, or the municipal indigent drivers alcohol 22698
treatment fund serving every court whose program is administered 22699
by that board shall be paid to the board to cover the costs it 22700
incurs in administering those indigent drivers alcohol treatment 22701
programs. 22702

(4) If a county, juvenile, or municipal court determines, in 22703
consultation with the alcohol and drug addiction services board or 22704
the board of alcohol, drug addiction, and mental health services 22705
established pursuant to section 340.02 or 340.021 of the Revised 22706
Code and serving the alcohol, drug addiction, and mental health 22707
district in which the court is located, that the funds in the 22708
county indigent drivers alcohol treatment fund, the county 22709
juvenile indigent drivers alcohol treatment fund, or the municipal 22710
indigent drivers alcohol treatment fund under the control of the 22711
court are more than sufficient to satisfy the purpose for which 22712
the fund was established, as specified in divisions ~~(N)~~(H)(1) to 22713

(3) of this section, the court may declare a surplus in the fund. 22714
If the court declares a surplus in the fund, the court may expend 22715
the amount of the surplus in the fund for alcohol and drug abuse 22716
assessment and treatment of persons who are charged in the court 22717
with committing a criminal offense or with being a delinquent 22718
child or juvenile traffic offender and in relation to whom both of 22719
the following apply: 22720

(a) The court determines that substance abuse was a 22721
contributing factor leading to the criminal or delinquent activity 22722
or the juvenile traffic offense with which the person is charged. 22723

(b) The court determines that the person is unable to pay the 22724
cost of the alcohol and drug abuse assessment and treatment for 22725
which the surplus money will be used. 22726

Sec. 4511.192. ~~(A) No person whose driver's or commercial 22727
driver's license or permit or nonresident operating privilege has 22728
been suspended under section 4511.191 or 4511.196 of the Revised 22729
Code shall operate a vehicle upon the highways or streets within 22730
this state. 22731~~

~~(B) It is an affirmative defense to any prosecution brought 22732
pursuant to this section that the alleged offender drove under 22733
suspension because of a substantial emergency, provided that no 22734
other person was reasonably available to drive in response to the 22735
emergency. The arresting law enforcement officer shall give advice 22736
in accordance with this section to any person under arrest for a 22737
violation of division (A) or (B) of section 4511.19 of the Revised 22738
Code, section 4511.194 of the Revised Code, or a municipal OVI 22739
ordinance. The officer shall give that advice in a written form 22740
that contains the information described in division (B) of this 22741
section and shall read the advice to the person. The form shall 22742
contain a statement that the form was shown to the person under 22743
arrest and read to the person by the arresting officer. One or 22744~~

more persons shall witness the arresting officer's reading of the 22745
form, and the witnesses shall certify to this fact by signing the 22746
form. 22747

(B) If a person is under arrest as described in division (A) 22748
of this section, before the person may be requested to submit to a 22749
chemical test or tests to determine the alcohol, drug, or alcohol 22750
and drug content of the person's whole blood, blood serum or 22751
plasma, breath, or urine, the arresting officer shall read the 22752
following form to the person: 22753

"You now are under arrest for (state with specificity the 22754
offense for which the person was arrested - operating a vehicle 22755
under the influence of alcohol, a drug of abuse, or a combination 22756
of them in violation of state law; operating a vehicle after 22757
underage alcohol consumption in violation of state law; having 22758
physical control of a vehicle while under the influence in 22759
violation of state law; or a violation of a municipal OVI 22760
ordinance). 22761

If you refuse to take any chemical test or tests required 22762
under section 4511.191 of the Revised Code, you will be subject to 22763
at least the immediate suspension of your privilege to operate a 22764
vehicle in Ohio and the payment of a reinstatement fee. 22765

Unless you are under arrest for having physical control of a 22766
vehicle while under the influence, if you take any chemical test 22767
or tests required under section 4511.191 of the Revised Code and 22768
are found to be at or over the prohibited amount of alcohol in 22769
your whole blood, blood serum or plasma, breath, or urine as set 22770
by state law for the offense of OVI, you will be subject to at 22771
least the immediate suspension of your privilege to operate a 22772
vehicle in Ohio and the payment of a reinstatement fee. These 22773
suspension and reinstatement fee sanctions do not apply if you are 22774
under arrest for having physical control of a vehicle and you take 22775
a chemical test or tests, regardless of the outcome of the test or 22776

tests. 22777

In any case, if you take a chemical test or tests, you may 22778
have an independent chemical test taken at your own expense." 22779

(C) If the arresting law enforcement officer does not ask a 22780
person under arrest as described in division (A) of this section 22781
to submit to a chemical test or tests under section 4511.191 of 22782
the Revised Code, the arresting officer shall seize the Ohio or 22783
out-of-state driver's or commercial driver's license or permit of 22784
the person and immediately forward it to the court in which the 22785
arrested person is to appear on the charge. If the arrested person 22786
is not in possession of the person's license or permit or it is 22787
not in the person's vehicle, the officer shall order the person to 22788
surrender it to the law enforcement agency that employs the 22789
officer within twenty-four hours after the arrest, and, upon the 22790
surrender, the agency immediately shall forward the license or 22791
permit to the court in which the person is to appear on the 22792
charge. Upon receipt of the license or permit, the court shall 22793
retain it pending the arrested person's initial appearance and any 22794
action taken under section 4511.196 of the Revised Code. 22795

(D)(1) If a law enforcement officer asks a person under 22796
arrest as described in division (A) of this section to submit to a 22797
chemical test or tests under section 4511.191 of the Revised Code, 22798
if the officer advises the person in accordance with this section 22799
of the consequences of the person's refusal or submission, and if 22800
either the person refuses to submit to the test or tests or, 22801
unless the arrest was for a violation of section 4511.194 of the 22802
Revised Code, the person submits to the test or tests and the test 22803
results indicate a prohibited concentration of alcohol in the 22804
person's whole blood, blood serum or plasma, breath, or urine at 22805
the time of the alleged offense, the arresting officer shall do 22806
all of the following: 22807

(a) On behalf of the registrar of motor vehicles, notify the 22808

person that, independent of any penalties or sanctions imposed 22809
upon the person, the person's Ohio driver's or commercial driver's 22810
license or permit or nonresident operating privilege is suspended 22811
immediately, that the suspension will last at least until the 22812
person's initial appearance on the charge, which will be held 22813
within five days after the date of the person's arrest or the 22814
issuance of a citation to the person, and that the person may 22815
appeal the suspension at the initial appearance or during the 22816
period of time ending thirty days after that initial appearance; 22817

(b) Seize the driver's or commercial driver's license or 22818
permit of the person and immediately forward it to the registrar. 22819
If the arrested person is not in possession of the person's 22820
license or permit or it is not in the person's vehicle, the 22821
officer shall order the person to surrender it to the law 22822
enforcement agency that employs the officer within twenty-four 22823
hours after the person is given notice of the suspension, and, 22824
upon the surrender, the officer's employing agency immediately 22825
shall forward the license or permit to the registrar. 22826

(c) Verify the person's current residence and, if it differs 22827
from that on the person's driver's or commercial driver's license 22828
or permit, notify the registrar of the change; 22829

(d) Send to the registrar, within forty-eight hours after the 22830
arrest of the person, a sworn report that includes all of the 22831
following statements: 22832

(i) That the officer had reasonable grounds to believe that, 22833
at the time of the arrest, the arrested person was operating a 22834
vehicle, streetcar, or trackless trolley in violation of division 22835
(A) or (B) of section 4511.19 of the Revised Code or a municipal 22836
OVI ordinance or for being in physical control of a stationary 22837
vehicle, streetcar, or trackless trolley in violation of section 22838
4511.194 of the Revised Code; 22839

(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; 22840
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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; 22844
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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. 22849
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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. 22856
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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 22863
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and subsequently is sworn to by the arresting officer. As soon as 22871
possible, but not later than forty-eight hours after the arrest of 22872
the person, the arresting officer shall send a copy of the sworn 22873
report to the court in which the arrested person is to appear on 22874
the charge for which the person was arrested. 22875

(F) The sworn report of an arresting officer completed under 22876
this section is prima-facie proof of the information and 22877
statements that it contains. It shall be admitted and considered 22878
as prima-facie proof of the information and statements that it 22879
contains in any appeal under section 4511.197 of the Revised Code 22880
relative to any suspension of a person's driver's or commercial 22881
driver's license or permit or nonresident operating privilege that 22882
results from the arrest covered by the report. 22883

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed 22884
for a violation of a municipal OVI ordinance ~~relating to operating~~ 22885
~~a vehicle while under the influence of alcohol, a drug of abuse,~~ 22886
~~or alcohol and a drug of abuse or relating to operating a vehicle~~ 22887
~~with a prohibited concentration of alcohol in the blood, breath,~~ 22888
~~or urine~~ shall be deposited into the municipal or county indigent 22889
drivers alcohol treatment fund created pursuant to division ~~(N)~~(H) 22890
of section 4511.191 of the Revised Code in accordance with this 22891
section and section 733.40, divisions (A) and (B) of section 22892
1901.024, division (F) of section 1901.31, or division (C) of 22893
section 1907.20 of the Revised Code. Regardless of whether the 22894
fine is imposed by a municipal court, a mayor's court, or a 22895
juvenile court, if the fine was imposed for a violation of an 22896
ordinance of a municipal corporation that is within the 22897
jurisdiction of a municipal court, the twenty-five dollars that is 22898
subject to this section shall be deposited into the indigent 22899
drivers alcohol treatment fund of the municipal corporation in 22900
which is located the municipal court that has jurisdiction over 22901
that municipal corporation. Regardless of whether the fine is 22902

imposed by a county court, a mayor's court, or a juvenile court, 22903
if the fine was imposed for a violation of an ordinance of a 22904
municipal corporation that is within the jurisdiction of a county 22905
court, the twenty-five dollars that is subject to this section 22906
shall be deposited into the indigent drivers alcohol treatment 22907
fund of the county in which is located the county court that has 22908
jurisdiction over that municipal corporation. The deposit shall be 22909
made in accordance with section 733.40, divisions (A) and (B) of 22910
section 1901.024, division (F) of section 1901.31, or division (C) 22911
of section 1907.20 of the Revised Code. 22912

(B)(1) The requirements and sanctions imposed by divisions 22913
(B)(1) and (2) of this section are an adjunct to and derive from 22914
the state's exclusive authority over the registration and titling 22915
of motor vehicles and do not comprise a part of the criminal 22916
sentence to be imposed upon a person who violates a municipal OVI 22917
~~ordinance relating to operating a vehicle while under the~~ 22918
~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 22919
~~abuse or relating to operating a vehicle with a prohibited~~ 22920
~~concentration of alcohol in the blood, breath, or urine.~~ 22921

~~(2)(a) The court shall follow division (B)(2)(b) of this~~ 22922
~~section if~~ If a person is convicted of or pleads guilty to a 22923
violation of a municipal OVI ordinance ~~relating to operating a~~ 22924
~~vehicle while under the influence of alcohol, a drug of abuse, or~~ 22925
~~alcohol and a drug of abuse or relating to operating a vehicle~~ 22926
~~with a prohibited concentration of alcohol in the blood, breath,~~ 22927
~~or urine and if the circumstances described in division~~ 22928
~~(B)(2)(b)(iii) of this section apply or if, within the period of~~ 22929
~~time specified in division (B)(2) or (b)(i), (ii) (iii) of this~~ 22930
section, if the vehicle the offender was operating at the time of 22931
the offense is registered in the offender's name, and if, within 22932
six years of the current offense, the offender has been convicted 22933
of or pleaded guilty to ~~any violation of the following:~~ 22934

(i) Section one or more violations of division (A) or (B) of section 4511.19 of the Revised Code;	22935
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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;	22937
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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;	22940
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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;	22943
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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;	22946
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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;	22949
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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.	22956
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(b) If the circumstances described in division (B)(2)(a)(b) of this section apply or one or more other equivalent offenses, 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	22960
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~~is registered in the offender's name or in the name of another~~ 22965
~~person, and subject to section 4503.235 of the Revised Code, shall~~ 22966
do whichever of the following is applicable: 22967

~~(i)(a)~~ Except as otherwise provided in division 22968
(B)(2)(b)~~(iii)~~ of this section, if, within six years of the 22969
current offense, the offender has been convicted of or pleaded 22970
guilty to one violation described in division (B)(2)~~(a)~~ of this 22971
section, the court shall order the immobilization for ninety days 22972
of ~~the that~~ vehicle ~~the offender was operating at the time of the~~ 22973
~~offense~~ and the impoundment for ninety days of the license plates 22974
of that vehicle. The order for the immobilization and impoundment 22975
shall be issued and enforced in accordance with section 4503.233 22976
of the Revised Code. 22977

~~(ii)(b)(iii)(a)~~ 22978

~~(iii)(b)~~ If, within six years of the current offense, the 22979
offender has been convicted of or pleaded guilty to two or more 22980
violations described in division (B)(2)~~(a)~~ of this section, or if 22981
the offender previously has been convicted of or pleaded guilty to 22982
a violation of division (A) of section 4511.19 of the Revised Code 22983
under circumstances in which the violation was a felony and 22984
regardless of when the violation and the conviction or guilty plea 22985
occurred, the court shall order the criminal forfeiture to the 22986
state of ~~the that~~ vehicle ~~the offender was operating at the time~~ 22987
~~of the offense~~ The order of criminal forfeiture shall be issued 22988
and enforced in accordance with section 4503.234 of the Revised 22989
Code. 22990

Sec. 4511.194. (A) As used in this section, "physical 22991
control" means being in the driver's position of the front seat of 22992
a vehicle or in the driver's position of a streetcar or trackless 22993
trolley and having possession of the vehicle's, streetcar's, or 22994
trackless trolley's ignition key or other ignition device. 22995

(B) No person shall be 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 the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in division (A)(2), (3), (4), or (5) of section 4511.19 of the Revised Code.

(C) Whoever violates this section is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender 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.

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

~~(1) "Vehicle operator" means a person who is operating a vehicle at the time it is seized~~ Arrested person" means a person who is arrested for a violation of division (A) of section 4511.19 of the Revised Code or a municipal OVI ordinance 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 23026
under division (B) of this section. 23027

~~(3) "Municipal OMVI ordinance" means any municipal ordinance 23028
prohibiting the operation of a vehicle while under the influence 23029
of alcohol, a drug of abuse, or alcohol and a drug of abuse or 23030
prohibiting the operation of a vehicle with a prohibited 23031
concentration of alcohol in the blood, breath, or urine. 23032~~

~~(4) "Interested party" includes the owner of a vehicle seized 23033
under this section, all lienholders, the defendant arrested 23034
person, the owner of the place of storage at which a vehicle 23035
seized under this section is stored, and the person or entity that 23036
caused the vehicle to be removed. 23037~~

(B)(1) The arresting officer or another officer of the law 23038
enforcement agency that employs the arresting officer, in addition 23039
to any action that the arresting officer is required or authorized 23040
to take by section 4511.19 or 4511.191 of the Revised Code or by 23041
any other provision of law, shall seize the vehicle that a person 23042
was operating at the time of the alleged offense and its license 23043
plates if the vehicle is registered in the arrested person's name 23044
and if either of the following ~~apply~~ applies: 23045

(a) The person is arrested for a violation of division (A) of 23046
section 4511.19 of the Revised Code or of a municipal ~~OMVI~~ OVI 23047
ordinance and, within six years of the alleged violation, the 23048
person previously has been convicted of or pleaded guilty to one 23049
or more violations of ~~the following:~~ 23050

~~(i) Division division (A) or (B) of section 4511.19 of the 23051
Revised Code;~~ 23052

~~(ii) A municipal ~~OMVI~~ ordinance;~~ 23053

~~(iii) Section 2903.04 of the Revised Code in a case in which 23054
the offender was subject to the sanctions described in division 23055
(D) of that section;~~ 23056

~~(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 is substantially similar to either of those divisions;~~ 23057
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~~(v) 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;~~ 23060
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~~(vi) A statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code or one or more other equivalent offenses.~~ 23067
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(b) 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 the person previously has been convicted of or pleaded guilty to a violation of division (A) of section 4511.19 of the Revised Code under circumstances in which the violation was a felony, regardless of when the prior felony violation of division (A) of section 4511.19 of the Revised Code and the conviction or guilty plea occurred. 23072
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~~(2) Except as otherwise provided in division (B) of this section, the officer making an arrest of the type described in division (B)(1) of this section shall seize the vehicle and its license plates regardless of whether the vehicle is registered in the name of the person who was operating it or in the name of another person or entity. This section does not apply to or affect any rented or leased vehicle that is being rented or leased for a period of thirty days or less, except that a A law enforcement~~ 23080
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agency that employs a law enforcement officer who makes an arrest 23088
of a type that is described in division (B)(1) of this section and 23089
that involves a rented or leased vehicle ~~of this type that is~~ 23090
being rented or leased for a period of thirty days or less shall 23091
notify, within twenty-four hours after the officer makes the 23092
arrest, the lessor or owner of the vehicle regarding the 23093
circumstances of the arrest and the location at which the vehicle 23094
may be picked up. At the time of the seizure of the vehicle, the 23095
law enforcement officer who made the arrest shall give the ~~vehicle~~ 23096
~~operator~~ arrested person written notice that the vehicle and its 23097
license plates have been seized; that the vehicle either will be 23098
kept by the officer's law enforcement agency or will be 23099
immobilized at least until the operator's initial appearance on 23100
the charge of the offense for which the arrest was made; that, at 23101
the initial appearance, the court in certain circumstances may 23102
order that the vehicle and license plates be released to the 23103
~~vehicle owner~~ arrested person until the disposition of that 23104
charge; and that, if the ~~vehicle operator~~ arrested person is 23105
convicted of that charge, the court generally must order the 23106
immobilization of the vehicle and the impoundment of its license 23107
plates, or the forfeiture of the vehicle; ~~and that, if the~~ 23108
~~operator is not the vehicle owner, the operator immediately should~~ 23109
~~inform the vehicle owner that the vehicle and its license plates~~ 23110
~~have been seized and that the vehicle owner may be able to obtain~~ 23111
~~their return or release at the initial appearance or thereafter.~~ 23112

(3) The arresting officer or a law enforcement officer of the 23113
agency that employs the arresting officer shall give written 23114
notice of the seizure to the court that will conduct the initial 23115
appearance of the ~~vehicle operator~~. ~~The notice shall be given when~~ 23116
~~the charges are filed against the vehicle operator~~ arrested person 23117
on the charges arising out of the arrest. Upon receipt of the 23118
notice, the court promptly shall determine whether the ~~vehicle~~ 23119
~~operator~~ arrested person is the vehicle owner ~~and whether there~~ 23120

~~are any liens recorded on the certificate of title to the vehicle.~~ 23121
If the court determines that the ~~vehicle operator~~ arrested person 23122
is not the vehicle owner, it promptly shall send by regular mail 23123
written notice of the seizure ~~of the motor vehicle~~ to the ~~vehicle~~ 23124
vehicle's registered owner ~~and to all lienholders recorded on the~~ 23125
~~certificate of title.~~ The written notice ~~to the vehicle owner and~~ 23126
~~lienholders~~ shall contain all of the information required by 23127
division (B)(2) of this section to be in a notice to be given to 23128
the ~~vehicle operator~~ arrested person and also shall specify the 23129
date, time, and place of the ~~vehicle operator's~~ arrested person's 23130
initial appearance. The notice also shall inform the vehicle owner 23131
that if title to a motor vehicle that is subject to an order for 23132
criminal forfeiture under this section is assigned or transferred 23133
and division ~~(C)~~(B)(2) or (3) of section 4503.234 of the Revised 23134
Code applies, the court may fine the ~~vehicle operator~~ arrested 23135
person the value of the vehicle. The notice ~~to the vehicle owner~~ 23136
also shall state that if the vehicle is immobilized under division 23137
(A) of section 4503.233 of the Revised Code, seven days after the 23138
end of the period of immobilization a law enforcement agency will 23139
send the vehicle owner a notice, informing the ~~vehicle~~ owner that 23140
if the release of the vehicle is not obtained in accordance with 23141
division (D)(3) of section 4503.233 of the Revised Code, the 23142
vehicle shall be forfeited. The notice also shall inform the 23143
vehicle owner that the vehicle owner may be charged expenses or 23144
charges incurred under this section and section 4503.233 of the 23145
Revised Code for the removal and storage of the vehicle. 23146
23147
The written notice that is given to the ~~vehicle operator or~~ 23148
~~is sent or delivered to the vehicle owner if the vehicle owner is~~ 23149
~~not the vehicle operator~~ arrested person also shall state that if 23150
the ~~vehicle operator~~ pleads guilty to or person is convicted of or 23151
pleads guilty to the offense ~~for which the vehicle operator was~~ 23152
~~arrested~~ and the court issues an immobilization and impoundment 23153

order relative to that vehicle, division (D)(4) of section 23154
4503.233 of the Revised Code prohibits the vehicle from being sold 23155
during the period of immobilization without the prior approval of 23156
the court. 23157

(4) At or before the initial appearance, the vehicle owner 23158
may file a motion requesting the court to order that the vehicle 23159
and its license plates be released to the vehicle owner. Except as 23160
provided in this division and subject to the payment of expenses 23161
or charges incurred in the removal and storage of the vehicle, the 23162
court, in its discretion, then may issue an order releasing the 23163
vehicle and its license plates to the vehicle owner. Such an order 23164
may be conditioned upon such terms as the court determines 23165
appropriate, including the posting of a bond in an amount 23166
determined by the court. If the ~~vehicle operator~~ arrested person 23167
is not the vehicle owner and if the vehicle owner is not present 23168
at the ~~vehicle operator's~~ arrested person's initial appearance, 23169
and if the court believes that the vehicle owner was not provided 23170
with adequate notice of the initial appearance, the court, in its 23171
discretion, may allow the vehicle owner to file a motion within 23172
seven days of the initial appearance. If the court allows the 23173
vehicle owner to file such a motion after the initial appearance, 23174
the extension of time granted by the court does not extend the 23175
time within which the initial appearance is to be conducted. If 23176
the court issues an order for the release of the vehicle and its 23177
license plates, a copy of the order shall be made available to the 23178
vehicle owner. If the vehicle owner presents a copy of the order 23179
to the law enforcement agency that employs the law enforcement 23180
officer who arrested the arrested person ~~who was operating the~~ 23181
~~vehicle~~, the law enforcement agency promptly shall release the 23182
vehicle and its license plates to the vehicle owner upon payment 23183
by the vehicle owner of any expenses or charges incurred in the 23184
removal and storage of the vehicle. 23185

(5) A vehicle seized under division (B)(1) of this section 23186
either shall be towed to a place specified by the law enforcement 23187
agency that employs the arresting officer to be safely kept by the 23188
agency at that place for the time and in the manner specified in 23189
this section or shall be otherwise immobilized for the time and in 23190
the manner specified in this section. A law enforcement officer of 23191
that agency shall remove the identification license plates of the 23192
vehicle, and they shall be safely kept by the agency for the time 23193
and in the manner specified in this section. No vehicle that is 23194
seized and either towed or immobilized pursuant to this division 23195
shall be considered contraband for purposes of section 2933.41, 23196
2933.42, or 2933.43 of the Revised Code. The vehicle shall not be 23197
immobilized at any place other than a commercially operated 23198
private storage lot, a place owned by a law enforcement agency or 23199
other government agency, or a place to which one of the following 23200
applies: 23201

(a) The place is leased by or otherwise under the control of 23202
a law enforcement agency or other government agency. 23203

(b) The place is owned by the vehicle operator, the vehicle 23204
operator's spouse, or a parent or child of the vehicle operator. 23205

(c) The place is owned by a private person or entity, and, 23206
prior to the immobilization, the private entity or person that 23207
owns the place, or the authorized agent of that private entity or 23208
person, has given express written consent for the immobilization 23209
to be carried out at that place. 23210

(d) The place is a street or highway on which the vehicle is 23211
parked in accordance with the law. 23212

(C)(1) A vehicle ~~that is~~ seized under division (B) of this 23213
section shall be safely kept at the place to which it is towed or 23214
otherwise moved by the law enforcement agency that employs the 23215
arresting officer until the initial appearance of the ~~vehicle~~ 23216

~~operator~~ arrested person relative to the charge in question. The 23217
license plates of the vehicle that are removed pursuant to 23218
division (B) of this section shall be safely kept by the law 23219
enforcement agency that employs the arresting officer until the 23220
initial appearance of the ~~vehicle operator~~ arrested person 23221
relative to the charge in question. 23222

(2)(a) At the initial appearance or not less than seven days 23223
prior to the date of final disposition, the court shall notify the 23224
~~vehicle operator, if the vehicle operator is the vehicle owner,~~ 23225
arrested person that, if title to a motor vehicle that is subject 23226
to an order for criminal forfeiture under this section is assigned 23227
or transferred and division ~~(C)~~(B)(2) or (3) of section 4503.234 23228
of the Revised Code applies, the court may fine the ~~vehicle~~ 23229
~~operator~~ arrested person the value of the vehicle. If, at the 23230
initial appearance, the ~~vehicle operator~~ arrested person pleads 23231
guilty to the violation of division (A) of section 4511.19 of the 23232
Revised Code or of the municipal ~~OMVI~~ OVI ordinance or pleads no 23233
contest to and is convicted of the violation, the court shall 23234
impose sentence upon the ~~vehicle operator~~ person as provided by 23235
law or ordinance; the court, ~~except as provided in this division~~ 23236
~~and subject to section 4503.235 of the Revised Code,~~ shall order 23237
the immobilization of the vehicle the arrested person was 23238
operating at the time of the offense if registered in the arrested 23239
person's name and the impoundment of its license plates under 23240
section 4503.233 and section 4511.19 or 4511.193 ~~or 4511.99~~ of the 23241
Revised Code, ~~or the criminal forfeiture to the state~~ of the 23242
vehicle if registered in the arrested person's name under section 23243
4503.234 and section 4511.19 or 4511.193 ~~or 4511.99~~ of the Revised 23244
Code, whichever is applicable; and the vehicle and its license 23245
plates shall not be returned or released to the ~~vehicle owner. If~~ 23246
~~the vehicle operator is not the vehicle owner and the vehicle~~ 23247
~~owner is not present at the vehicle operator's initial appearance~~ 23248
~~and if the court believes that the vehicle owner was not provided~~ 23249

~~adequate notice of the initial appearance, the court, in its~~ 23250
~~discretion, may refrain for a period of time not exceeding seven~~ 23251
~~days from ordering the immobilization of the vehicle and the~~ 23252
~~impoundment of its license plates, or the criminal forfeiture of~~ 23253
~~the vehicle so that the vehicle owner may appear before the court~~ 23254
~~to present evidence as to why the court should not order the~~ 23255
~~immobilization of the vehicle and the impoundment of its license~~ 23256
~~plates, or the criminal forfeiture of the vehicle. If the court~~ 23257
~~refrains from ordering the immobilization of the vehicle and the~~ 23258
~~impoundment of its license plates, or the criminal forfeiture of~~ 23259
~~the vehicle, section 4503.235 of the Revised Code applies relative~~ 23260
~~to the order of immobilization and impoundment, or the order of~~ 23261
~~forfeiture arrested person.~~ 23262

(b) If, at any time, the charge that the ~~vehicle operator~~ 23263
arrested person violated division (A) of section 4511.19 of the 23264
Revised Code or the municipal ~~OMVI~~ OVI ordinance is dismissed for 23265
any reason, the court shall order that the vehicle seized at the 23266
time of the arrest and its license plates immediately be released 23267
to the ~~vehicle owner~~ arrested person subject to the payment of expenses or charges 23268
~~incurred in the removal and storage of the vehicle~~ person. 23269

(D) If a vehicle ~~is~~ and its license plates are seized under 23270
division (B) of this section and ~~is~~ are not returned or released 23271
to the ~~vehicle owner~~ arrested person pursuant to division (C) of 23272
this section, the vehicle ~~or~~ and its license plates shall be 23273
retained until the final disposition of the charge in question. 23274
Upon the final disposition of that charge, the court shall do 23275
whichever of the following is applicable: 23276

(1) If the ~~vehicle operator~~ arrested person is convicted of 23277
or pleads guilty to the violation of division (A) of section 23278
4511.19 of the Revised Code or of the municipal ~~OMVI~~ OVI 23279
ordinance, the court shall impose sentence upon the ~~vehicle~~ 23280
~~operator~~ person as provided by law or ordinance and, ~~subject to~~ 23281

~~section 4503.235 of the Revised Code, shall order the~~ 23282
immobilization of the vehicle the ~~vehicle operator~~ person was 23283
operating at the time of, ~~or that was involved in,~~ the offense if 23284
it is registered in the arrested person's name and the impoundment 23285
of its license plates under section 4503.233 and section 4511.19 23286
or 4511.193 ~~or 4511.99~~ of the Revised Code, or the criminal 23287
forfeiture of the vehicle if it is registered in the arrested 23288
person's name under section 4503.234 and section 4511.19 or 23289
4511.193 ~~or 4511.99~~ of the Revised Code, whichever is applicable. 23290

(2) If the ~~vehicle operator~~ arrested person is found not 23291
guilty of the violation of division (A) of section 4511.19 of the 23292
Revised Code or of the municipal ~~OMVI~~ OVI ordinance, the court 23293
shall order that the vehicle and its license plates immediately be 23294
released to the ~~vehicle owner upon the payment of any expenses or~~ 23295
~~charges incurred in its removal and storage~~ arrested person. 23296

(3) If the charge that the ~~vehicle operator~~ arrested person 23297
violated division (A) of section 4511.19 of the Revised Code or 23298
the municipal ~~OMVI~~ OVI ordinance is dismissed for any reason, the 23299
court shall order that the vehicle and its license plates 23300
immediately be released to the ~~vehicle owner upon the payment of~~ 23301
~~any expenses or charges incurred in its removal and storage~~ 23302
arrested person. 23303

(4) If the impoundment of the vehicle was not authorized 23304
under this section, the court shall order that the vehicle and its 23305
license plates be returned immediately to the arrested person or, 23306
if the arrested person is not the vehicle owner, to the vehicle 23307
owner, and shall order that the state or political subdivision of 23308
the law enforcement agency served by the law enforcement officer 23309
who seized the vehicle pay all expenses and charges incurred in 23310
its removal and storage. 23311

(E) If a vehicle is seized under division (B) of this 23312
section, the time between the seizure of the vehicle and either 23313

its release to the ~~vehicle owner~~ arrested person under division 23314
(C) of this section or the issuance of an order of immobilization 23315
of the vehicle under section 4503.233 of the Revised Code shall be 23316
credited against the period of immobilization ordered by the 23317
court. 23318

(F)(1) ~~The vehicle owner~~ Except as provided in division 23319
(D)(4) of this section, the arrested person may be charged 23320
expenses or charges incurred in the removal and storage of the 23321
immobilized vehicle. The court with jurisdiction over the case, 23322
after notice to all interested parties, including lienholders, and 23323
after an opportunity for them to be heard, ~~if the vehicle owner~~ 23324
~~fails to appear in person, without good cause, or~~ if the court 23325
finds that the ~~vehicle owner~~ arrested person does not intend to 23326
seek release of the vehicle at the end of the period of 23327
immobilization under section 4503.233 of the Revised Code or that 23328
the ~~vehicle owner~~ arrested person is not or will not be able to 23329
pay the expenses and charges incurred in its removal and storage, 23330
may order that title to the vehicle be transferred, in order of 23331
priority, first into the name of the person or entity that removed 23332
it, next into the name of a lienholder, or lastly into the name of 23333
the owner of the place of storage. 23334

Any lienholder that receives title under a court order shall 23335
do so on the condition that it pay any expenses or charges 23336
incurred in the vehicle's removal and storage. If the person or 23337
entity that receives title to the vehicle is the person or entity 23338
that removed it, the person or entity shall receive title on the 23339
condition that it pay any lien on the vehicle. The court shall not 23340
order that title be transferred to any person or entity other than 23341
the owner of the place of storage if the person or entity refuses 23342
to receive the title. Any person or entity that receives title 23343
either may keep title to the vehicle or may dispose of the vehicle 23344
in any legal manner that it considers appropriate, including 23345

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

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

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

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

initiating party, by personal service or ordinary mail. 23378

Sec. 4511.196. (A) If a person is arrested for being in 23379
physical control of a vehicle, streetcar, or trackless trolley in 23380
violation of section 4511.194 of the Revised Code, or for 23381
operating a vehicle ~~while under the influence of alcohol, a drug~~ 23382
~~of abuse, or alcohol and a drug of abuse or for operating a~~ 23383
~~vehicle with a prohibited concentration of alcohol in the blood,~~ 23384
~~breath, or urine and,~~ streetcar, or trackless trolley in violation 23385
of division (A) or (B) of section 4511.19 of the Revised Code or a 23386
municipal OVI ordinance, regardless of whether the person's 23387
driver's or commercial driver's license or permit or nonresident 23388
operating privilege is or is not suspended under ~~division (E) or~~ 23389
~~(F) of~~ section 4511.191 of the Revised Code, the person's initial 23390
appearance on the charge resulting from the arrest shall be held 23391
within five days of the person's arrest or the issuance of the 23392
citation to the person. 23393

(B)(1) If a person is arrested as described in division (A) 23394
of this section, if the person's driver's or commercial driver's 23395
license or permit or nonresident operating privilege has been 23396
suspended under ~~division (E) or (F) of~~ section 4511.191 of the 23397
Revised Code in relation to that arrest, if the person appeals the 23398
suspension in accordance with ~~division (H)(1) of that~~ section 23399
4511.197 of the Revised Code, and if the judge, magistrate, or 23400
mayor terminates the suspension in accordance with ~~division (H)(2)~~ 23401
~~of~~ that section, the judge, magistrate, or mayor, at any time 23402
prior to adjudication on the merits of the charge resulting from 23403
the arrest, may impose a new suspension of the person's license, 23404
permit, or nonresident operating privilege, notwithstanding the 23405
termination ~~of the suspension imposed under division (E) or (F) of~~ 23406
~~section 4511.191 of the Revised Code,~~ if the judge, magistrate, or 23407
mayor determines that the person's continued driving will be a 23408
threat to public safety. 23409

(2) If a person is arrested as described in division (A) of 23410
this section and if the person's driver's or commercial driver's 23411
license or permit or nonresident operating privilege has not been 23412
suspended under ~~division (E) or (F)~~ of section 4511.191 of the 23413
Revised Code in relation to that arrest, the judge, magistrate, or 23414
mayor, at any time prior to the adjudication on the merits of the 23415
charge resulting from the arrest, may impose a suspension of the 23416
person's license, permit, or nonresident operating privilege if 23417
the judge, magistrate, or mayor determines that the person's 23418
continued driving will be a threat to public safety. 23419

(C) A suspension ~~of a person's driver's or commercial~~ 23420
~~driver's license or permit or nonresident operating privilege~~ 23421
under division (B)(1) or (2) of this section shall continue until 23422
the complaint on the charge resulting from the arrest is 23423
adjudicated on the merits. A court that imposes a suspension under 23424
division (B)(2) of this section shall send the person's driver's 23425
license or permit to the registrar of motor vehicles. If the court 23426
possesses the ~~driver's or commercial driver's~~ license or permit of 23427
a person in the category described in division (B)(2) of this 23428
section and the court does not impose a suspension under that 23429
~~division (B)(2) of this section,~~ the court shall return the 23430
license or permit to the person if the license or permit has not 23431
otherwise been suspended or ~~revoked~~ cancelled. 23432

Any time during which the person serves a suspension of the 23433
person's ~~driver's or commercial driver's~~ license ~~or,~~ permit, ~~or~~ 23434
~~nonresident operating~~ privilege that is imposed pursuant to 23435
division (B)(1) or (2) of this section shall be credited against 23436
any period of judicial suspension of the person's license, permit, 23437
or ~~nonresident operating~~ privilege that is imposed ~~pursuant to~~ 23438
under division ~~(B)(G)~~ of section ~~4507.16~~ 4511.19 of the Revised 23439
Code or under section 4510.07 of the Revised Code for a violation 23440
of a municipal ordinance substantially equivalent to division (A) 23441

of section 4511.19 of the Revised Code. 23442

(D) If a person is arrested and charged with a violation of 23443
section 2903.08 of the Revised Code or a violation of section 23444
2903.06 of the Revised Code that is a felony offense, the judge at 23445
the person's initial appearance, preliminary hearing, or 23446
arraignment may suspend the person's driver's or commercial 23447
driver's license or permit or nonresident operating privilege if 23448
the judge determines at any of those proceedings that the person's 23449
continued driving will be a threat to public safety. 23450

~~The A suspension that may be imposed pursuant to~~ under this 23451
division shall continue until the indictment or information 23452
alleging the violation specified in this division is adjudicated 23453
on the merits. A court that imposes a suspension under this 23454
division shall send the person's driver's or commercial driver's 23455
license or permit to the registrar. 23456

Sec. 4511.197. (A) If a person is arrested for operating a 23457
vehicle, streetcar, or trackless trolley in violation of division 23458
(A) or (B) of section 4511.19 of the Revised Code or a municipal 23459
OVI ordinance or for being in physical control of a vehicle, 23460
streetcar, or trackless trolley in violation of section 4511.194 23461
of the Revised Code and if the person's driver's or commercial 23462
driver's license or permit or nonresident operating privilege is 23463
suspended under section 4511.191 of the Revised Code, the person 23464
may appeal the suspension at the person's initial appearance on 23465
the charge resulting from the arrest or within the period ending 23466
thirty days after the person's initial appearance on that charge, 23467
in the court in which the person will appear on that charge. If 23468
the person appeals the suspension, the appeal itself does not stay 23469
the operation of the suspension. If the person appeals the 23470
suspension, either the person or the registrar of motor vehicles 23471
may request a continuance of the appeal and the court may grant 23472

the continuance. The court also may continue the appeal on its own 23473
motion. Neither the request for, nor the granting of, a 23474
continuance stays the suspension that is the subject of the 23475
appeal, unless the court specifically grants a stay. 23476

(B) A person shall file an appeal under division (A) of this 23477
section in the municipal court, county court, juvenile court, 23478
mayor's court, or court of common pleas that has jurisdiction over 23479
the charge in relation to which the person was arrested. 23480

(C) If a person appeals a suspension under division (A) of 23481
this section, the scope of the appeal is limited to determining 23482
whether one or more of the following conditions have not been met: 23483

(1) Whether the arresting law enforcement officer had 23484
reasonable ground to believe the arrested person was operating a 23485
vehicle, streetcar, or trackless trolley in violation of division 23486
(A) or (B) of section 4511.19 of the Revised Code or a municipal 23487
OVI ordinance or was in physical control of a vehicle, streetcar, 23488
or trackless trolley in violation of section 4511.194 of the 23489
Revised Code and whether the arrested person was in fact placed 23490
under arrest; 23491

(2) Whether the law enforcement officer requested the 23492
arrested person to submit to the chemical test or tests designated 23493
pursuant to division (A) of section 4511.191 of the Revised Code; 23494

(3) Whether the arresting officer informed the arrested 23495
person of the consequences of refusing to be tested or of 23496
submitting to the test or tests; 23497

(4) Whichever of the following is applicable: 23498

(a) Whether the arrested person refused to submit to the 23499
chemical test or tests requested by the officer; 23500

(b) Whether the arrest was for a violation of division (A) or 23501
(B) of section 4511.19 of the Revised Code or a municipal OVI 23502

ordinance and, if it was, whether the chemical test results 23503
indicate that the arrested person's whole blood contained a 23504
concentration of ten-hundredths of one per cent or more by weight 23505
of alcohol, the person's blood serum or plasma contained a 23506
concentration of twelve-hundredths of one per cent or more by 23507
weight of alcohol, the person's breath contained a concentration 23508
of ten-hundredths of one gram or more by weight of alcohol per two 23509
hundred ten liters of the person's breath, or the person's urine 23510
contained a concentration of fourteen-hundredths of one gram or 23511
more by weight of alcohol per one hundred milliliters of the 23512
person's urine at the time of the alleged offense. 23513

(D) A person who appeals a suspension under division (A) of 23514
this section has the burden of proving, by a preponderance of the 23515
evidence, that one or more of the conditions specified in division 23516
(C) of this section has not been met. If, during the appeal, the 23517
judge or magistrate of the court or the mayor of the mayor's court 23518
determines that all of those conditions have been met, the judge, 23519
magistrate, or mayor shall uphold the suspension, continue the 23520
suspension, and notify the registrar of motor vehicles of the 23521
decision on a form approved by the registrar. 23522

Except as otherwise provided in this section, if a suspension 23523
imposed under section 4511.191 of the Revised Code is upheld on 23524
appeal or if the subject person does not appeal the suspension 23525
under division (A) of this section, the suspension shall continue 23526
until the complaint alleging the violation for which the person 23527
was arrested and in relation to which the suspension was imposed 23528
is adjudicated on the merits or terminated pursuant to law. If the 23529
suspension was imposed under division (B)(1) of section 4511.191 23530
of the Revised Code and it is continued under this section, any 23531
subsequent finding that the person is not guilty of the charge 23532
that resulted in the person being requested to take the chemical 23533
test or tests under division (A) of section 4511.191 of the 23534

Revised Code does not terminate or otherwise affect the 23535
suspension. If the suspension was imposed under division (C) of 23536
section 4511.191 of the Revised Code in relation to an alleged 23537
misdemeanor violation of division (A) or (B) of section 4511.19 of 23538
the Revised Code or of a municipal OVI ordinance and it is 23539
continued under this section, the suspension shall terminate if, 23540
for any reason, the person subsequently is found not guilty of the 23541
charge that resulted in the person taking the chemical test or 23542
tests. 23543

If, during the appeal, the judge or magistrate of the trial 23544
court or the mayor of the mayor's court determines that one or 23545
more of the conditions specified in division (C) of this section 23546
have not been met, the judge, magistrate, or mayor shall terminate 23547
the suspension, subject to the imposition of a new suspension 23548
under division (B) of section 4511.196 of the Revised Code; shall 23549
notify the registrar of motor vehicles of the decision on a form 23550
approved by the registrar; and, except as provided in division (B) 23551
of section 4511.196 of the Revised Code, shall order the registrar 23552
to return the driver's or commercial driver's license or permit to 23553
the person or to take any other measures that may be necessary, if 23554
the license or permit was destroyed under section 4510.53 of the 23555
Revised Code, to permit the person to obtain a replacement 23556
driver's or commercial driver's license or permit from the 23557
registrar or a deputy registrar in accordance with that section. 23558
The court also shall issue to the person a court order, valid for 23559
not more than ten days from the date of issuance, granting the 23560
person operating privileges for that period. 23561

(E) Any person whose driver's or commercial driver's license 23562
or permit or nonresident operating privilege has been suspended 23563
pursuant to section 4511.191 of the Revised Code may file a 23564
petition requesting limited driving privileges in the common pleas 23565
court, municipal court, county court, mayor's court, or juvenile 23566

court with jurisdiction over the related criminal or delinquency 23567
case. The petition may be filed at any time subsequent to the date 23568
on which the arresting law enforcement officer serves the notice 23569
of suspension upon the arrested person but no later than thirty 23570
days after the arrested person's initial appearance or 23571
arraignment. Upon the making of the request, limited driving 23572
privileges may be granted under sections 4510.021 and 4510.13 of 23573
the Revised Code, regardless of whether the person appeals the 23574
suspension under this section or appeals the decision of the court 23575
on the appeal, and, if the person has so appealed the suspension 23576
or decision, regardless of whether the matter has been heard or 23577
decided by the court. The person shall pay the costs of the 23578
proceeding, notify the registrar of the filing of the petition, 23579
and send the registrar a copy of the petition. 23580

The court may not grant the person limited driving privileges 23581
when prohibited by section 4510.13 or 4511.191 of the Revised 23582
Code. 23583

(F) Any person whose driver's or commercial driver's license 23584
or permit has been suspended under section 4511.19 of the Revised 23585
Code or under section 4510.07 of the Revised Code for a conviction 23586
of a municipal OVI offense and who desires to retain the license 23587
or permit during the pendency of an appeal, at the time sentence 23588
is pronounced, shall notify the court of record or mayor's court 23589
that suspended the license or permit of the person's intention to 23590
appeal. If the person so notifies the court, the court, mayor, or 23591
clerk of the court shall retain the license or permit until the 23592
appeal is perfected, and, if execution of sentence is stayed, the 23593
license or permit shall be returned to the person to be held by 23594
the person during the pendency of the appeal. If the appeal is not 23595
perfected or is dismissed or terminated in an affirmance of the 23596
conviction, then the license or permit shall be taken up by the 23597
court, mayor, or clerk, at the time of putting the sentence into 23598

execution, and the court shall proceed in the same manner as if no 23599
appeal was taken. 23600

(G) Except as otherwise provided in this division, if a 23601
person whose driver's or commercial driver's license or permit or 23602
nonresident operating privilege was suspended under section 23603
4511.191 of the Revised Code appeals the suspension under division 23604
(A) of this section, the prosecuting attorney of the county in 23605
which the arrest occurred shall represent the registrar of motor 23606
vehicles in the appeal. If the arrest occurred within a municipal 23607
corporation within the jurisdiction of the court in which the 23608
appeal is conducted, the city director of law, village solicitor, 23609
or other chief legal officer of that municipal corporation shall 23610
represent the registrar. If the appeal is conducted in a municipal 23611
court, the registrar shall be represented as provided in section 23612
1901.34 of the Revised Code. If the appeal is conducted in a 23613
mayor's court, the city director of law, village solicitor, or 23614
other chief legal officer of the municipal corporation that 23615
operates that mayor's court shall represent the registrar. 23616

(H) The court shall give information in writing of any action 23617
taken under this section to the registrar of motor vehicles. 23618
23619

(I) When it finally has been determined under the procedures 23620
of this section that a nonresident's privilege to operate a 23621
vehicle within this state has been suspended, the registrar of 23622
motor vehicles shall give information in writing of the action 23623
taken to the motor vehicle administrator of the state of the 23624
nonresident's residence and of any state in which the nonresident 23625
has a license. 23626

Sec. 4511.20. (A) No person shall operate a vehicle, 23627
trackless trolley, or streetcar on any street or highway in 23628
willful or wanton disregard of the safety of persons or property. 23629

(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. 4511.201. (A) No person shall operate a vehicle, trackless trolley, or streetcar on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

This section does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(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. 4511.202. (A) No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, trolley, or streetcar.

(B) Whoever violates this section is guilty of operating a

motor vehicle without being in control of it, a minor misdemeanor. 23660

Sec. ~~4507.33~~ 4511.203. (A) No person shall ~~authorize or~~ 23661
~~knowingly~~ permit a motor vehicle owned by ~~him~~ the person or under 23662
~~his~~ the person's control to be driven by ~~any person~~ another if 23663
~~either~~ any of the following ~~applies~~ apply: 23664

~~(A)(1)~~ (1) The offender knows or has reasonable cause to believe 23665
~~that~~ the other person ~~has no legal right to drive the motor~~ 23666
~~vehicle;~~ does not have a valid driver's or commercial driver's 23667
license or permit or valid nonresident driving privileges. 23668

(2) The offender knows or has reasonable cause to believe 23669
that the other person's driver's or commercial driver's license or 23670
permit or nonresident operating privileges have been suspended or 23671
canceled under Chapter 4510. or any other provision of the Revised 23672
Code. 23673

~~(B)(3)~~ (3) The offender knows or has reasonable cause to believe 23674
~~that~~ the other person's act of driving the motor vehicle would 23675
violate any prohibition contained in ~~sections 4507.01 to 4507.39~~ 23676
Chapter 4509. of the Revised Code. 23677

(4) The offender knows or has reasonable cause to believe 23678
that the other person's act of driving would violate section 23679
4511.19 of the Revised Code or any substantially equivalent 23680
municipal ordinance. 23681

(B) Without limiting or precluding the consideration of any 23682
other evidence in determining whether a violation of division 23683
(A)(1), (2), (3), or (4) of this section has occurred, it shall be 23684
prima-facie evidence that the offender knows or has reasonable 23685
cause to believe that the operator of the motor vehicle owned by 23686
the offender or under the offender's control is in a category 23687
described in division (A)(1), (2), (3), or (4) of this section if 23688
any of the following applies: 23689

(1) Regarding an operator allegedly in the category described 23690
in division (A)(1) or (3) of this section, the offender and the 23691
operator of the motor vehicle reside in the same household and are 23692
related by consanguinity or affinity. 23693

(2) Regarding an operator allegedly in the category described 23694
in division (A)(2) of this section, the offender and the operator 23695
of the motor vehicle reside in the same household, and the 23696
offender knows or has reasonable cause to believe that the 23697
operator has been charged with or convicted of any violation of 23698
law or ordinance, or has committed any other act or omission, that 23699
would or could result in the suspension or cancellation of the 23700
operator's license, permit, or privilege. 23701

(3) Regarding an operator allegedly in the category described 23702
in division (A)(4) of this section, the offender and the operator 23703
of the motor vehicle occupied the motor vehicle together at the 23704
time of the offense. 23705

(C) Whoever violates this section is guilty of wrongful 23706
entrustment of a motor vehicle, a misdemeanor of the first degree. 23707
In addition to the penalties imposed under Chapter 2929. of the 23708
Revised Code, the court shall impose a class seven suspension of 23709
the offender's driver's license, commercial driver's license, 23710
temporary instruction permit, probationary license, or nonresident 23711
operating privilege from the range specified in division (A)(7) of 23712
section 4510.02 of the Revised Code, and, if the vehicle involved 23713
in the offense is registered in the name of the offender, the 23714
court shall order one of the following: 23715

(1) Except as otherwise provided in division (C)(2) or (3) of 23716
this section, the court shall order, for thirty days, the 23717
immobilization of the vehicle involved in the offense and the 23718
impoundment of that vehicle's license plates. The order shall be 23719
issued and enforced under section 4503.233 of the Revised Code. 23720

(2) If the offender previously has been convicted of or 23721
pleaded guilty to one violation of this section or a substantially 23722
equivalent municipal ordinance, the court shall order, for sixty 23723
days, the immobilization of the vehicle involved in the offense 23724
and the impoundment of that vehicle's license plates. The order 23725
shall be issued and enforced under section 4503.233 of the Revised 23726
Code. 23727

(3) If the offender previously has been convicted of or 23728
pleaded guilty to two or more violations of this section or a 23729
substantially equivalent municipal ordinance, the court shall 23730
order the criminal forfeiture to the state of the vehicle involved 23731
in the offense. The order shall be issued and enforced under 23732
section 4503.234 of the Revised Code. 23733

If title to a motor vehicle that is subject to an order for 23734
criminal forfeiture under this division is assigned or transferred 23735
and division (B)(2) or (3) of section 4503.234 of the Revised Code 23736
applies, in addition to or independent of any other penalty 23737
established by law, the court may fine the offender the value of 23738
the vehicle as determined by publications of the national auto 23739
dealer's association. The proceeds from any fine imposed under 23740
this division shall be distributed in accordance with division 23741
(C)(2) of section 4503.234 of the Revised Code. 23742

(D) If a court orders the immobilization of a vehicle under 23743
division (C) of this section, the court shall not release the 23744
vehicle from the immobilization before the termination of the 23745
period of immobilization ordered unless the court is presented 23746
with current proof of financial responsibility with respect to 23747
that vehicle. 23748

(E) If a court orders the criminal forfeiture of a vehicle 23749
under division (C) of this section, upon receipt of the order from 23750
the court, neither the registrar of motor vehicles nor any deputy 23751

registrar shall accept any application for the registration or 23752
transfer of registration of any motor vehicle owned or leased by 23753
the person named in the order. The period of denial shall be five 23754
years after the date the order is issued, unless, during that 23755
five-year period, the court with jurisdiction of the offense that 23756
resulted in the order terminates the forfeiture and notifies the 23757
registrar of the termination. If the court terminates the 23758
forfeiture and notifies the registrar, the registrar shall take 23759
all necessary measures to permit the person to register a vehicle 23760
owned or leased by the person or to transfer the registration of 23761
the vehicle. 23762

(F) This section does not apply to motor vehicle rental 23763
dealers or motor vehicle leasing dealers, as defined in section 23764
4549.65 of the Revised Code. 23765

(G) As used in this section, a vehicle is owned by a person 23766
if, at the time of a violation of this section, the vehicle is 23767
registered in the person's name. 23768

Sec. 4511.21. (A) No person shall operate a motor vehicle, 23769
trackless trolley, or streetcar at a speed greater or less than is 23770
reasonable or proper, having due regard to the traffic, surface, 23771
and width of the street or highway and any other conditions, and 23772
no person shall drive any motor vehicle, trackless trolley, or 23773
streetcar in and upon any street or highway at a greater speed 23774
than will permit the person to bring it to a stop within the 23775
assured clear distance ahead. 23776

(B) It is prima-facie lawful, in the absence of a lower limit 23777
declared pursuant to this section by the director of 23778
transportation or local authorities, for the operator of a motor 23779
vehicle, trackless trolley, or streetcar to operate the same at a 23780
speed not exceeding the following: 23781

(1)(a) Twenty miles per hour in school zones during school 23782

recess and while children are going to or leaving school during 23783
the opening or closing hours, and when twenty miles per hour 23784
school speed limit signs are erected; except that, on 23785
controlled-access highways and expressways, if the right-of-way 23786
line fence has been erected without pedestrian opening, the speed 23787
shall be governed by division (B)(4) of this section and on 23788
freeways, if the right-of-way line fence has been erected without 23789
pedestrian opening, the speed shall be governed by divisions 23790
(B)(8) and (9) of this section. The end of every school zone may 23791
be marked by a sign indicating the end of the zone. Nothing in 23792
this section or in the manual and specifications for a uniform 23793
system of traffic control devices shall be construed to require 23794
school zones to be indicated by signs equipped with flashing or 23795
other lights, or giving other special notice of the hours in which 23796
the school zone speed limit is in effect. 23797

(b) As used in this section and in section 4511.212 of the 23798
Revised Code, "school" means any school chartered under section 23799
3301.16 of the Revised Code and any nonchartered school that 23800
during the preceding year filed with the department of education 23801
in compliance with rule 3301-35-08 of the Ohio Administrative 23802
Code, a copy of the school's report for the parents of the 23803
school's pupils certifying that the school meets Ohio minimum 23804
standards for nonchartered, nontax-supported schools and presents 23805
evidence of this filing to the jurisdiction from which it is 23806
requesting the establishment of a school zone. 23807

(c) As used in this section, "school zone" means that portion 23808
of a street or highway passing a school fronting upon the street 23809
or highway that is encompassed by projecting the school property 23810
lines to the fronting street or highway, and also includes that 23811
portion of a state highway. Upon request from local authorities 23812
for streets and highways under their jurisdiction and that portion 23813
of a state highway under the jurisdiction of the director of 23814

transportation, the director may extend the traditional school zone boundaries. The distances in divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not exceed three hundred feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the director approves as most appropriate:

(i) The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred feet on each approach direction;

(ii) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred feet on each approach direction;

(iii) The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred feet on each approach direction of the highway.

Nothing in this section shall be construed to invalidate the director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B)(1)(a) and (c) of this section.

(d) As used in this division, "crosswalk" has the meaning given that term in division (LL)(2) of section 4511.01 of the Revised Code.

The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of mental retardation and developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation, township, or county board of such engineering, traffic, and other information as the director considers

necessary, designate a school zone on any portion of a state route 23846
lying within the municipal corporation, lying within the 23847
unincorporated territory of the township, or lying adjacent to the 23848
property of a school that is operated by such county board, that 23849
includes a crosswalk customarily used by children going to or 23850
leaving a school during recess and opening and closing hours, 23851
whenever the distance, as measured in a straight line, from the 23852
school property line nearest the crosswalk to the nearest point of 23853
the crosswalk is no more than one thousand three hundred twenty 23854
feet. Such a school zone shall include the distance encompassed by 23855
the crosswalk and extending three hundred feet on each approach 23856
direction of the state route. 23857

(2) Twenty-five miles per hour in all other portions of a 23858
municipal corporation, except on state routes outside business 23859
districts, through highways outside business districts, and 23860
alleys; 23861

(3) Thirty-five miles per hour on all state routes or through 23862
highways within municipal corporations outside business districts, 23863
except as provided in divisions (B)(4) and (6) of this section; 23864
23865

(4) Fifty miles per hour on controlled-access highways and 23866
expressways within municipal corporations; 23867

(5) Fifty-five miles per hour on highways outside of 23868
municipal corporations, other than freeways as provided in 23869
division (B)(12) of this section; 23870

(6) Fifty miles per hour on state routes within municipal 23871
corporations outside urban districts unless a lower prima-facie 23872
speed is established as further provided in this section; 23873

(7) Fifteen miles per hour on all alleys within the municipal 23874
corporation; 23875

(8) Fifty-five miles per hour at all times on freeways with 23876

paved shoulders inside municipal corporations, other than freeways 23877
as provided in division (B)(12) of this section; 23878

(9) Fifty-five miles per hour at all times on freeways 23879
outside municipal corporations, other than freeways as provided in 23880
division (B)(12) of this section; 23881

(10) Fifty-five miles per hour at all times on all portions 23882
of freeways that are part of the interstate system and on all 23883
portions of freeways that are not part of the interstate system, 23884
but are built to the standards and specifications that are 23885
applicable to freeways that are part of the interstate system for 23886
operators of any motor vehicle weighing in excess of eight 23887
thousand pounds empty weight and any noncommercial bus; 23888

(11) Fifty-five miles per hour for operators of any motor 23889
vehicle weighing eight thousand pounds or less empty weight and 23890
any commercial bus at all times on all portions of freeways that 23891
are part of the interstate system and that had such a speed limit 23892
established prior to October 1, 1995, and freeways that are not 23893
part of the interstate system, but are built to the standards and 23894
specifications that are applicable to freeways that are part of 23895
the interstate system and that had such a speed limit established 23896
prior to October 1, 1995, unless a higher speed limit is 23897
established under division (L) of this section; 23898

(12) Sixty-five miles per hour for operators of any motor 23899
vehicle weighing eight thousand pounds or less empty weight and 23900
any commercial bus at all times on all portions of the following: 23901

(a) Freeways that are part of the interstate system and that 23902
had such a speed limit established prior to October 1, 1995, and 23903
freeways that are not part of the interstate system, but are built 23904
to the standards and specifications that are applicable to 23905
freeways that are part of the interstate system and that had such 23906
a speed limit established prior to October 1, 1995; 23907

(b) Freeways that are part of the interstate system and 23908
freeways that are not part of the interstate system but are built 23909
to the standards and specifications that are applicable to 23910
freeways that are part of the interstate system, and that had such 23911
a speed limit established under division (L) of this section; 23912

(c) Rural, divided, multi-lane highways that are designated 23913
as part of the national highway system under the "National Highway 23914
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 23915
and that had such a speed limit established under division (M) of 23916
this section. 23917

(C) It is prima-facie unlawful for any person to exceed any 23918
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 23919
(6), and (7) of this section, or any declared pursuant to this 23920
section by the director or local authorities and it is unlawful 23921
for any person to exceed any of the speed limitations in division 23922
(D) of this section. No person shall be convicted of more than one 23923
violation of this section for the same conduct, although 23924
violations of more than one provision of this section may be 23925
charged in the alternative in a single affidavit. 23926

(D) No person shall operate a motor vehicle, trackless 23927
trolley, or streetcar upon a street or highway as follows: 23928

(1) At a speed exceeding fifty-five miles per hour, except 23929
upon a freeway as provided in division (B)(12) of this section; 23930

(2) At a speed exceeding sixty-five miles per hour upon a 23931
freeway as provided in division (B)(12) of this section except as 23932
otherwise provided in division (D)(3) of this section; 23933

(3) If a motor vehicle weighing in excess of eight thousand 23934
pounds empty weight or a noncommercial bus as prescribed in 23935
division (B)(10) of this section, at a speed exceeding fifty-five 23936
miles per hour upon a freeway as provided in that division; 23937

(4) At a speed exceeding the posted speed limit upon a 23938
freeway for which the director has determined and declared a speed 23939
limit of not more than sixty-five miles per hour pursuant to 23940
division (L)(2) or (M) of this section; 23941

(5) At a speed exceeding sixty-five miles per hour upon a 23942
freeway for which such a speed limit has been established through 23943
the operation of division (L)(3) of this section; 23944

(6) At a speed exceeding the posted speed limit upon a 23945
freeway for which the director has determined and declared a speed 23946
limit pursuant to division (I)(2) of this section. 23947

(E) In every charge of violation of this section the 23948
affidavit and warrant shall specify the time, place, and speed at 23949
which the defendant is alleged to have driven, and in charges made 23950
in reliance upon division (C) of this section also the speed which 23951
division (B)(1)(a), (2), (3), (4), (6), or (7) of, or a limit 23952
declared pursuant to, this section declares is prima-facie lawful 23953
at the time and place of such alleged violation, except that in 23954
affidavits where a person is alleged to have driven at a greater 23955
speed than will permit the person to bring the vehicle to a stop 23956
within the assured clear distance ahead the affidavit and warrant 23957
need not specify the speed at which the defendant is alleged to 23958
have driven. 23959

(F) When a speed in excess of both a prima-facie limitation 23960
and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of 23961
this section is alleged, the defendant shall be charged in a 23962
single affidavit, alleging a single act, with a violation 23963
indicated of both division (B)(1)(a), (2), (3), (4), (6), or (7) 23964
of this section, or of a limit declared pursuant to this section 23965
by the director or local authorities, and of the limitation in 23966
division (D)(1), (2), (3), (4), (5), or (6) of this section. If 23967
the court finds a violation of division (B)(1)(a), (2), (3), (4), 23968

(6), or (7) of, or a limit declared pursuant to, this section has 23969
occurred, it shall enter a judgment of conviction under such 23970
division and dismiss the charge under division (D)(1), (2), (3), 23971
(4), (5), or (6) of this section. If it finds no violation of 23972
division (B)(1)(a), (2), (3), (4), (6), or (7) of, or a limit 23973
declared pursuant to, this section, it shall then consider whether 23974
the evidence supports a conviction under division (D)(1), (2), 23975
(3), (4), (5), or (6) of this section. 23976

(G) Points shall be assessed for violation of a limitation 23977
under division (D) of this section ~~only when the court finds the~~ 23978
~~violation involved a speed of five miles per hour or more in~~ 23979
~~excess of the posted speed limit~~ in accordance with section 23980
4510.036 of the Revised Code. 23981

(H) Whenever the director determines upon the basis of a 23982
geometric and traffic characteristic study that any speed limit 23983
set forth in divisions (B)(1)(a) to (D) of this section is greater 23984
or less than is reasonable or safe under the conditions found to 23985
exist at any portion of a street or highway under the jurisdiction 23986
of the director, the director shall determine and declare a 23987
reasonable and safe prima-facie speed limit, which shall be 23988
effective when appropriate signs giving notice of it are erected 23989
at the location. 23990

(I)(1) Except as provided in divisions (I)(2) and (K) of this 23991
section, whenever local authorities determine upon the basis of an 23992
engineering and traffic investigation that the speed permitted by 23993
divisions (B)(1)(a) to (D) of this section, on any part of a 23994
highway under their jurisdiction, is greater than is reasonable 23995
and safe under the conditions found to exist at such location, the 23996
local authorities may by resolution request the director to 23997
determine and declare a reasonable and safe prima-facie speed 23998
limit. Upon receipt of such request the director may determine and 23999
declare a reasonable and safe prima-facie speed limit at such 24000

location, and if the director does so, then such declared speed 24001
limit shall become effective only when appropriate signs giving 24002
notice thereof are erected at such location by the local 24003
authorities. The director may withdraw the declaration of a 24004
prima-facie speed limit whenever in the director's opinion the 24005
altered prima-facie speed becomes unreasonable. Upon such 24006
withdrawal, the declared prima-facie speed shall become 24007
ineffective and the signs relating thereto shall be immediately 24008
removed by the local authorities. 24009

(2) A local authority may determine on the basis of a 24010
geometric and traffic characteristic study that the speed limit of 24011
sixty-five miles per hour on a portion of a freeway under its 24012
jurisdiction that was established through the operation of 24013
division (L)(3) of this section is greater than is reasonable or 24014
safe under the conditions found to exist at that portion of the 24015
freeway. If the local authority makes such a determination, the 24016
local authority by resolution may request the director to 24017
determine and declare a reasonable and safe speed limit of not 24018
less than fifty-five miles per hour for that portion of the 24019
freeway. If the director takes such action, the declared speed 24020
limit becomes effective only when appropriate signs giving notice 24021
of it are erected at such location by the local authority. 24022

(J) Local authorities in their respective jurisdictions may 24023
authorize by ordinance higher prima-facie speeds than those stated 24024
in this section upon through highways, or upon highways or 24025
portions thereof where there are no intersections, or between 24026
widely spaced intersections, provided signs are erected giving 24027
notice of the authorized speed, but local authorities shall not 24028
modify or alter the basic rule set forth in division (A) of this 24029
section or in any event authorize by ordinance a speed in excess 24030
of fifty miles per hour. 24031

Alteration of prima-facie limits on state routes by local 24032

authorities shall not be effective until the alteration has been 24033
approved by the director. The director may withdraw approval of 24034
any altered prima-facie speed limits whenever in the director's 24035
opinion any altered prima-facie speed becomes unreasonable, and 24036
upon such withdrawal, the altered prima-facie speed shall become 24037
ineffective and the signs relating thereto shall be immediately 24038
removed by the local authorities. 24039

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 24040
section, "unimproved highway" means a highway consisting of any of 24041
the following: 24042

(a) Unimproved earth; 24043

(b) Unimproved graded and drained earth; 24044

(c) Gravel. 24045

(2) Except as otherwise provided in divisions (K)(4) and (5) 24046
of this section, whenever a board of township trustees determines 24047
upon the basis of an engineering and traffic investigation that 24048
the speed permitted by division (B)(5) of this section on any part 24049
of an unimproved highway under its jurisdiction and in the 24050
unincorporated territory of the township is greater than is 24051
reasonable or safe under the conditions found to exist at the 24052
location, the board may by resolution declare a reasonable and 24053
safe prima-facie speed limit of fifty-five but not less than 24054
twenty-five miles per hour. An altered speed limit adopted by a 24055
board of township trustees under this division becomes effective 24056
when appropriate traffic control devices, as prescribed in section 24057
4511.11 of the Revised Code, giving notice thereof are erected at 24058
the location, which shall be no sooner than sixty days after 24059
adoption of the resolution. 24060

(3)(a) Whenever, in the opinion of a board of township 24061
trustees, any altered prima-facie speed limit established by the 24062
board under this division becomes unreasonable, the board may 24063

adopt a resolution withdrawing the altered prima-facie speed 24064
limit. Upon the adoption of such a resolution, the altered 24065
prima-facie speed limit becomes ineffective and the traffic 24066
control devices relating thereto shall be immediately removed. 24067

(b) Whenever a highway ceases to be an unimproved highway and 24068
the board has adopted an altered prima-facie speed limit pursuant 24069
to division (K)(2) of this section, the board shall, by 24070
resolution, withdraw the altered prima-facie speed limit as soon 24071
as the highway ceases to be unimproved. Upon the adoption of such 24072
a resolution, the altered prima-facie speed limit becomes 24073
ineffective and the traffic control devices relating thereto shall 24074
be immediately removed. 24075

(4)(a) If the boundary of two townships rests on the 24076
centerline of an unimproved highway in unincorporated territory 24077
and both townships have jurisdiction over the highway, neither of 24078
the boards of township trustees of such townships may declare an 24079
altered prima-facie speed limit pursuant to division (K)(2) of 24080
this section on the part of the highway under their joint 24081
jurisdiction unless the boards of township trustees of both of the 24082
townships determine, upon the basis of an engineering and traffic 24083
investigation, that the speed permitted by division (B)(5) of this 24084
section is greater than is reasonable or safe under the conditions 24085
found to exist at the location and both boards agree upon a 24086
reasonable and safe prima-facie speed limit of less than 24087
fifty-five but not less than twenty-five miles per hour for that 24088
location. If both boards so agree, each shall follow the procedure 24089
specified in division (K)(2) of this section for altering the 24090
prima-facie speed limit on the highway. Except as otherwise 24091
provided in division (K)(4)(b) of this section, no speed limit 24092
altered pursuant to division (K)(4)(a) of this section may be 24093
withdrawn unless the boards of township trustees of both townships 24094
determine that the altered prima-facie speed limit previously 24095

adopted becomes unreasonable and each board adopts a resolution 24096
withdrawing the altered prima-facie speed limit pursuant to the 24097
procedure specified in division (K)(3)(a) of this section. 24098

24099

(b) Whenever a highway described in division (K)(4)(a) of 24100
this section ceases to be an unimproved highway and two boards of 24101
township trustees have adopted an altered prima-facie speed limit 24102
pursuant to division (K)(4)(a) of this section, both boards shall, 24103
by resolution, withdraw the altered prima-facie speed limit as 24104
soon as the highway ceases to be unimproved. Upon the adoption of 24105
the resolution, the altered prima-facie speed limit becomes 24106
ineffective and the traffic control devices relating thereto shall 24107
be immediately removed. 24108

(5) As used in division (K)(5) of this section: 24109

(a) "Commercial subdivision" means any platted territory 24110
outside the limits of a municipal corporation and fronting a 24111
highway where, for a distance of three hundred feet or more, the 24112
frontage is improved with buildings in use for commercial 24113
purposes, or where the entire length of the highway is less than 24114
three hundred feet long and the frontage is improved with 24115
buildings in use for commercial purposes. 24116

(b) "Residential subdivision" means any platted territory 24117
outside the limits of a municipal corporation and fronting a 24118
highway, where, for a distance of three hundred feet or more, the 24119
frontage is improved with residences or residences and buildings 24120
in use for business, or where the entire length of the highway is 24121
less than three hundred feet long and the frontage is improved 24122
with residences or residences and buildings in use for business. 24123

Whenever a board of township trustees finds upon the basis of 24124
an engineering and traffic investigation that the prima-facie 24125
speed permitted by division (B)(5) of this section on any part of 24126

a highway under its jurisdiction that is located in a commercial 24127
or residential subdivision, except on highways or portions thereof 24128
at the entrances to which vehicular traffic from the majority of 24129
intersecting highways is required to yield the right-of-way to 24130
vehicles on such highways in obedience to stop or yield signs or 24131
traffic control signals, is greater than is reasonable and safe 24132
under the conditions found to exist at the location, the board may 24133
by resolution declare a reasonable and safe prima-facie speed 24134
limit of less than fifty-five but not less than twenty-five miles 24135
per hour at the location. An altered speed limit adopted by a 24136
board of township trustees under this division shall become 24137
effective when appropriate signs giving notice thereof are erected 24138
at the location by the township. Whenever, in the opinion of a 24139
board of township trustees, any altered prima-facie speed limit 24140
established by it under this division becomes unreasonable, it may 24141
adopt a resolution withdrawing the altered prima-facie speed, and 24142
upon such withdrawal, the altered prima-facie speed shall become 24143
ineffective, and the signs relating thereto shall be immediately 24144
removed by the township. 24145

(L)(1) Within one hundred twenty days of the effective date 24146
of this amendment, the director of transportation, based upon a 24147
geometric and traffic characteristic study of a freeway that is 24148
part of the interstate system or that is not part of the 24149
interstate system, but is built to the standards and 24150
specifications that are applicable to freeways that are part of 24151
the interstate system, in consultation with the director of public 24152
safety and, if applicable, the local authority having jurisdiction 24153
over a portion of such freeway, may determine and declare that the 24154
speed limit of less than sixty-five miles per hour established on 24155
such freeway or portion of freeway either is reasonable and safe 24156
or is less than that which is reasonable and safe. 24157

(2) If the established speed limit for such a freeway or 24158

portion of freeway is determined to be less than that which is 24159
reasonable and safe, the director of transportation, in 24160
consultation with the director of public safety and, if 24161
applicable, the local authority having jurisdiction over the 24162
portion of freeway, shall determine and declare a reasonable and 24163
safe speed limit of not more than sixty-five miles per hour for 24164
that freeway or portion of freeway. 24165

The director of transportation or local authority having 24166
jurisdiction over the freeway or portion of freeway shall erect 24167
appropriate signs giving notice of the speed limit at such 24168
location within one hundred fifty days of the effective date of 24169
this amendment. Such speed limit becomes effective only when such 24170
signs are erected at the location. 24171

(3) If, within one hundred twenty days of the effective date 24172
of this amendment, the director of transportation does not make a 24173
determination and declaration of a reasonable and safe speed limit 24174
for a freeway or portion of freeway that is part of the interstate 24175
system or that is not part of the interstate system, but is built 24176
to the standards and specifications that are applicable to 24177
freeways that are part of the interstate system and that has a 24178
speed limit of less than sixty-five miles per hour, the speed 24179
limit on that freeway or portion of a freeway shall be sixty-five 24180
miles per hour. The director of transportation or local authority 24181
having jurisdiction over the freeway or portion of the freeway 24182
shall erect appropriate signs giving notice of the speed limit of 24183
sixty-five miles per hour at such location within one hundred 24184
fifty days of the effective date of this amendment. Such speed 24185
limit becomes effective only when such signs are erected at the 24186
location. A speed limit established through the operation of 24187
division (L)(3) of this section is subject to reduction under 24188
division (I)(2) of this section. 24189

(M) Within three hundred sixty days after the effective date 24190

of this amendment, the director of transportation, based upon a 24191
geometric and traffic characteristic study of a rural, divided, 24192
multi-lane highway that has been designated as part of the 24193
national highway system under the "National Highway System 24194
Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, in 24195
consultation with the director of public safety and, if 24196
applicable, the local authority having jurisdiction over a portion 24197
of the highway, may determine and declare that the speed limit of 24198
less than sixty-five miles per hour established on the highway or 24199
portion of highway either is reasonable and safe or is less than 24200
that which is reasonable and safe. 24201

If the established speed limit for the highway or portion of 24202
highway is determined to be less than that which is reasonable and 24203
safe, the director of transportation, in consultation with the 24204
director of public safety and, if applicable, the local authority 24205
having jurisdiction over the portion of highway, shall determine 24206
and declare a reasonable and safe speed limit of not more than 24207
sixty-five miles per hour for that highway or portion of highway. 24208
The director of transportation or local authority having 24209
jurisdiction over the highway or portion of highway shall erect 24210
appropriate signs giving notice of the speed limit at such 24211
location within three hundred ninety days after the effective date 24212
of this amendment. The speed limit becomes effective only when 24213
such signs are erected at the location. 24214

(N) As used in this section: 24215

(1) "Interstate system" has the same meaning as in 23 24216
U.S.C.A. 101. 24217

(2) "Commercial bus" means a motor vehicle designed for 24218
carrying more than nine passengers and used for the transportation 24219
of persons for compensation. 24220

(3) "Noncommercial bus" includes but is not limited to a 24221

school bus or a motor vehicle operated solely for the 24222
transportation of persons associated with a charitable or 24223
nonprofit organization. 24224

(O)(1) A violation of any provision of this section is one of 24225
the following: 24226

(a) Except as otherwise provided in divisions (O)(1)(b), 24227
(1)(c), (2), and (3) of this section, a minor misdemeanor; 24228

(b) If, within one year of the offense, the offender 24229
previously has been convicted of or pleaded guilty to two 24230
violations of any provision of this section or of any provision of 24231
a municipal ordinance that is substantially similar to any 24232
provision of this section, a misdemeanor of the fourth degree; 24233

(c) If, within one year of the offense, the offender 24234
previously has been convicted of or pleaded guilty to three or 24235
more violations of any provision of this section or of any 24236
provision of a municipal ordinance that is substantially similar 24237
to any provision of this section, a misdemeanor of the third 24238
degree; 24239

(2) If the offender has not previously been convicted of or 24240
pleaded guilty to a violation of any provision of this section or 24241
of any provision of a municipal ordinance that is substantially 24242
similar to this section and operated a motor vehicle faster than 24243
thirty-five miles an hour in a business district of a municipal 24244
corporation, faster than fifty miles an hour in other portions of 24245
a municipal corporation, or faster than thirty-five miles an hour 24246
in a school zone during recess or while children are going to or 24247
leaving school during the school's opening or closing hours, a 24248
misdemeanor of the fourth degree. 24249

(3) Notwithstanding division (O)(1) of this section, if the 24250
offender operated a motor vehicle in a construction zone where a 24251
sign was then posted in accordance with section 4511.98 of the 24252

Revised Code, the court, in addition to all other penalties 24253
provided by law, shall impose upon the offender a fine of two 24254
times the usual amount imposed for the violation. No court shall 24255
impose a fine of two times the usual amount imposed for the 24256
violation upon an offender if the offender alleges, in an 24257
affidavit filed with the court prior to the offender's sentencing, 24258
that the offender is indigent and is unable to pay the fine 24259
imposed pursuant to this division and if the court determines that 24260
the offender is an indigent person and unable to pay the fine. 24261

Sec. 4511.211. (A) The owner of a private road or driveway 24262
located in a private residential area containing twenty or more 24263
dwelling units may establish a speed limit on the road or driveway 24264
by complying with all of the following requirements: 24265

(1) The speed limit is not less than twenty-five miles per 24266
hour and is indicated by a sign that is in a proper position, is 24267
sufficiently legible to be seen by an ordinarily observant person, 24268
and meets the specifications for the basic speed limit sign 24269
included in the manual adopted by the department of transportation 24270
pursuant to section 4511.09 of the Revised Code; 24271

(2) The owner has posted a sign at the entrance of the 24272
private road or driveway that is in plain view and clearly informs 24273
persons entering the road or driveway that they are entering 24274
private property, a speed limit has been established for the road 24275
or driveway, and the speed limit is enforceable by law enforcement 24276
officers under state law. 24277

(B) No person shall operate a vehicle upon a private road or 24278
driveway as provided in division (A) of this section at a speed 24279
exceeding any speed limit established and posted pursuant to that 24280
division. 24281

(C) When a speed limit is established and posted in 24282
accordance with division (A) of this section, any law enforcement 24283

officer may apprehend a person violating the speed limit of the 24284
residential area by utilizing any of the means described in 24285
section 4511.091 of the Revised Code or by any other accepted 24286
method of determining the speed of a motor vehicle and may stop 24287
and charge the person with exceeding the speed limit. 24288

(D) Points shall be assessed for violation of a speed limit 24289
established and posted in accordance with division (A) of this 24290
~~section only when the violation involves a speed of five miles per~~ 24291
~~hour or more in excess of the posted speed limit~~ in accordance 24292
with section 4510.036 of the Revised Code. 24293

(E) As used in this section: 24294

(1) "Owner" includes but is not limited to a person who holds 24295
title to the real property in fee simple, a condominium owners' 24296
association, a property owner's association, the board of 24297
directors or trustees of a private community, and a nonprofit 24298
corporation governing a private community. 24299

(2) "Private residential area containing twenty or more 24300
dwelling units" does not include a Chautauqua assembly as defined 24301
in section 4511.90 of the Revised Code. 24302

(F) A violation of division (B) of this section is one of the 24303
following: 24304

(1) Except as otherwise provided in divisions (F)(2) and (3) 24305
of this section, a minor misdemeanor; 24306

(2) If, within one year of the offense, the offender 24307
previously has been convicted of or pleaded guilty to two 24308
violations of division (B) of this section or of any municipal 24309
ordinance that is substantially similar to division (B) of this 24310
section, a misdemeanor of the fourth degree; 24311

(3) If, within one year of the offense, the offender 24312
previously has been convicted of or pleaded guilty to three or 24313

more violations of division (B) of this section or of any 24314
municipal ordinance that is substantially similar to division (B) 24315
of this section, a misdemeanor of the third degree. 24316

Sec. 4511.213. (A) The driver of a motor vehicle, upon 24317
approaching a stationary public safety vehicle that is displaying 24318
a flashing red light, flashing combination red and white light, 24319
oscillating or rotating red light, oscillating or rotating 24320
combination red and white light, flashing blue light, flashing 24321
combination blue and white light, oscillating or rotating blue 24322
light, or oscillating or rotating combination blue and white 24323
light, shall do either of the following: 24324

(1) If the driver of the motor vehicle is traveling on a 24325
highway that consists of at least two lanes that carry traffic in 24326
the same direction of travel as that of the driver's motor 24327
vehicle, the driver shall proceed with due caution and, if 24328
possible and with due regard to the road, weather, and traffic 24329
conditions, shall change lanes into a lane that is not adjacent to 24330
that of the stationary public safety vehicle. 24331

(2) If the driver is not traveling on a highway of a type 24332
described in division (A)(1) of this section, or if the driver is 24333
traveling on a highway of that type but it is not possible to 24334
change lanes or if to do so would be unsafe, the driver shall 24335
proceed with due caution, reduce the speed of the motor vehicle, 24336
and maintain a safe speed for the road, weather, and traffic 24337
conditions. 24338

(B) This section does not relieve the driver of a public 24339
safety vehicle from the duty to drive with due regard for the 24340
safety of all persons and property upon the highway. 24341

(C) No person shall fail to drive a motor vehicle in 24342
compliance with division (A)(1) or (2) of this section when so 24343
required by division (A) of this section. 24344

(D)(1) 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.

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

(E) As used in this section, "public safety vehicle" has the same meaning as in section 4511.01 of the Revised Code.

Sec. 4511.22. (A) No person shall stop or operate a vehicle, trackless trolley, or street car at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(B) Whenever the director of transportation or local authorities determine on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled-access highway, expressway, or freeway consistently impede the normal and 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 such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of at least one hundred feet before each end of such structure.

Upon the trial of any person charged with a violation of this

section, proof of said determination of the maximum speed by the 24407
department and the existence of said signs shall constitute 24408
prima-facie evidence of the maximum speed which can be maintained 24409
with safety to such bridge or structure. 24410

(B) Except as otherwise provided in this division, whoever 24411
violates this section is guilty of a minor misdemeanor. If, within 24412
one year of the offense, the offender previously has been 24413
convicted of or pleaded guilty to one predicate motor vehicle or 24414
traffic offense, whoever violates this section is guilty of a 24415
misdemeanor of the fourth degree. If, within one year of the 24416
offense, the offender previously has been convicted of two or more 24417
predicate motor vehicle or traffic offenses, whoever violates this 24418
section is guilty of a misdemeanor of the third degree. 24419

Sec. 4511.25. (A) Upon all roadways of sufficient width, a 24420
vehicle or trackless trolley shall be driven upon the right half 24421
of the roadway, except as follows: 24422

(1) When overtaking and passing another vehicle proceeding in 24423
the same direction, or when making a left turn under the rules 24424
governing such movements; 24425

(2) When an obstruction exists making it necessary to drive 24426
to the left of the center of the highway; provided, any person so 24427
doing shall yield the right of way to all vehicles traveling in 24428
the proper direction upon the unobstructed portion of the highway 24429
within such distance as to constitute an immediate hazard; 24430

(3) When driving upon a roadway divided into three or more 24431
marked lanes for traffic under the rules applicable thereon; 24432

(4) When driving upon a roadway designated and posted with 24433
signs for one-way traffic; 24434

(5) When otherwise directed by a police officer or traffic 24435
control device. 24436

(B) Upon all roadways any vehicle or trackless trolley 24437
proceeding at less than the normal speed of traffic at the time 24438
and place and under the conditions then existing shall be driven 24439
in the right-hand lane then available for traffic, or as close as 24440
practicable to the right-hand curb or edge of the roadway, except 24441
when overtaking and passing another vehicle or trackless trolley 24442
proceeding in the same direction or when preparing for a left 24443
turn. 24444

(C) Upon any roadway having four or more lanes for moving 24445
traffic and providing for two-way movement of traffic, no vehicle 24446
or trackless trolley shall be driven to the left of the center 24447
line of the roadway, except when authorized by official traffic 24448
control devices designating certain lanes to the left of the 24449
center of the roadway for use by traffic not otherwise permitted 24450
to use the lanes, or except as permitted under division (A)(2) of 24451
this section. 24452

~~Division (C) of this section~~ This division shall not be 24453
construed as prohibiting the crossing of the center line in making 24454
a left turn into or from an alley, private road, or driveway. 24455

(D) Except as otherwise provided in this division, whoever 24456
violates this section is guilty of a minor misdemeanor. If, within 24457
one year of the offense, the offender previously has been 24458
convicted of or pleaded guilty to one predicate motor vehicle or 24459
traffic offense, whoever violates this section is guilty of a 24460
misdemeanor of the fourth degree. If, within one year of the 24461
offense, the offender previously has been convicted of two or more 24462
predicate motor vehicle or traffic offenses, whoever violates this 24463
section is guilty of a misdemeanor of the third degree. 24464

Sec. 4511.251. (A) As used in this section and ~~in sections~~ 24465
~~4507.021 and 4507.16~~ section 4510.036 of the Revised Code, "street 24466
racing" means the operation of two or more vehicles from a point 24467

side by side at accelerating speeds in a competitive attempt to 24468
out-distance each other or the operation of one or more vehicles 24469
over a common selected course, from the same point to the same 24470
point, wherein timing is made of the participating vehicles 24471
involving competitive accelerations or speeds. Persons rendering 24472
assistance in any manner to such competitive use of vehicles shall 24473
be equally charged as the participants. The operation of two or 24474
more vehicles side by side either at speeds in excess of 24475
prima-facie lawful speeds established by divisions (B)(1)(a) to 24476
(B)(7) of section 4511.21 of the Revised Code or rapidly 24477
accelerating from a common starting point to a speed in excess of 24478
such prima-facie lawful speeds shall be prima-facie evidence of 24479
street racing. 24480

(B) No person shall participate in street racing upon any 24481
public road, street, or highway in this state. 24482

(C) Whoever violates this section is guilty of street racing, 24483
a misdemeanor of the first degree. In addition to any other 24484
sanctions, the court shall suspend the offender's driver's 24485
license, commercial driver's license, temporary instruction 24486
permit, probationary license, or nonresident operating privilege 24487
for not less than thirty days or more than one year. No judge 24488
shall suspend the first thirty days of any suspension of an 24489
offender's license, permit, or privilege imposed under this 24490
division. 24491

Sec. 4511.26. (A) Operators of vehicles and trackless 24492
trolleys proceeding in opposite directions shall pass each other 24493
to the right, and upon roadways having width for not more than one 24494
line of traffic in each direction, each operator shall give to the 24495
other one-half of the main traveled portion of the roadway or as 24496
nearly one-half as is reasonable possible. 24497

(B) Except as otherwise provided in this division, whoever 24498

violates this section is guilty of a minor misdemeanor. If, within 24499
one year of the offense, the offender previously has been 24500
convicted of or pleaded guilty to one predicate motor vehicle or 24501
traffic offense, whoever violates this section is guilty of a 24502
misdemeanor of the fourth degree. If, within one year of the 24503
offense, the offender previously has been convicted of two or more 24504
predicate motor vehicle or traffic offenses, whoever violates this 24505
section is guilty of a misdemeanor of the third degree. 24506

Sec. 4511.27. (A) The following rules govern the overtaking 24507
and passing of vehicles or trackless trolleys proceeding in the 24508
same direction: 24509

~~(A)~~(1) The operator of a vehicle or trackless trolley 24510
overtaking another vehicle or trackless trolley proceeding in the 24511
same direction shall, except as provided in division ~~(C)~~(A)~~(3)~~ of 24512
this section, signal to the vehicle or trackless trolley to be 24513
overtaken, shall pass to the left thereof at a safe distance, and 24514
shall not again drive to the right side of the roadway until 24515
safely clear of the overtaken vehicle or trackless trolley. 24516

~~(B)~~(2) Except when overtaking and passing on the right is 24517
permitted, the operator of an overtaken vehicle shall give way to 24518
the right in favor of the overtaking vehicle at the latter's 24519
audible signal, and he shall not increase the speed of his vehicle 24520
until completely passed by the overtaking vehicle. 24521

~~(C)~~(3) The operator of a vehicle or trackless trolley 24522
overtaking and passing another vehicle or trackless trolley 24523
proceeding in the same direction on a divided highway as defined 24524
in section 4511.35 of the Revised Code, a limited access highway 24525
as defined in section 5511.02 of the Revised Code, or a highway 24526
with four or more traffic lanes, is not required to signal audibly 24527
to the vehicle or trackless trolley being overtaken and passed. 24528

(B) Except as otherwise provided in this division, whoever 24529

violates this section is guilty of a minor misdemeanor. If, within 24530
one year of the offense, the offender previously has been 24531
convicted of or pleaded guilty to one predicate motor vehicle or 24532
traffic offense, whoever violates this section is guilty of a 24533
misdemeanor of the fourth degree. If, within one year of the 24534
offense, the offender previously has been convicted of two or more 24535
predicate motor vehicle or traffic offenses, whoever violates this 24536
section is guilty of a misdemeanor of the third degree. 24537

Sec. 4511.28. (A) The driver of a vehicle or trackless 24538
trolley may overtake and pass upon the right of another vehicle or 24539
trackless trolley only under the following conditions: 24540

(1) When the vehicle or trackless trolley overtaken is making 24541
or about to make a left turn; 24542

(2) Upon a roadway with unobstructed pavement of sufficient 24543
width for two or more lines of vehicles moving lawfully in the 24544
direction being traveled by the overtaking vehicle. 24545

(B) The driver of a vehicle or trackless trolley may overtake 24546
and pass another vehicle or trackless trolley only under 24547
conditions permitting such movement in safety. The movement shall 24548
not be made by driving off the roadway. 24549

(C) Except as otherwise provided in this division, whoever 24550
violates this section is guilty of a minor misdemeanor. If, within 24551
one year of the offense, the offender previously has been 24552
convicted of or pleaded guilty to one predicate motor vehicle or 24553
traffic offense, whoever violates this section is guilty of a 24554
misdemeanor of the fourth degree. If, within one year of the 24555
offense, the offender previously has been convicted of two or more 24556
predicate motor vehicle or traffic offenses, whoever violates this 24557
section is guilty of a misdemeanor of the third degree. 24558

Sec. 4511.29. (A) No vehicle or trackless trolley shall be 24559

driven to the left of the center of the roadway in overtaking and 24560
passing traffic proceeding in the same direction, unless such left 24561
side is clearly visible and is free of oncoming traffic for a 24562
sufficient distance ahead to permit such overtaking and passing to 24563
be completely made, without interfering with the safe operation of 24564
any traffic approaching from the opposite direction or any traffic 24565
overtaken. In every event the overtaking vehicle or trackless 24566
trolley must return to an authorized lane of travel as soon as 24567
practicable and in the event the passing movement involves the use 24568
of a lane authorized for traffic approaching from the opposite 24569
direction, before coming within two hundred feet of any 24570
approaching vehicle. 24571

(B) Except as otherwise provided in this division, whoever 24572
violates this section is guilty of a minor misdemeanor. If, within 24573
one year of the offense, the offender previously has been 24574
convicted of or pleaded guilty to one predicate motor vehicle or 24575
traffic offense, whoever violates this section is guilty of a 24576
misdemeanor of the fourth degree. If, within one year of the 24577
offense, the offender previously has been convicted of two or more 24578
predicate motor vehicle or traffic offenses, whoever violates this 24579
section is guilty of a misdemeanor of the third degree. 24580

Sec. 4511.30. (A) No vehicle or trackless trolley shall be 24581
driven upon the left side of the roadway under the following 24582
conditions: 24583

~~(A)~~(1) When approaching the crest of a grade or upon a curve 24584
in the highway, where the operator's view is obstructed within 24585
such a distance as to create a hazard in the event traffic might 24586
approach from the opposite direction; 24587

~~(B)~~(2) When the view is obstructed upon approaching within 24588
one hundred feet of any bridge, viaduct, or tunnel; 24589

~~(C)~~(3) When approaching within one hundred feet of or 24590

traversing any intersection or railroad grade crossing. 24591

(B) This section does not apply to vehicles or trackless 24592
trolleys upon a one-way roadway, upon a roadway where traffic is 24593
lawfully directed to be driven to the left side, or under the 24594
conditions described in division (A)(2) of section 4511.25 of the 24595
Revised Code. 24596

(C) Except as otherwise provided in this division, whoever 24597
violates this section is guilty of a minor misdemeanor. If, within 24598
one year of the offense, the offender previously has been 24599
convicted of or pleaded guilty to one predicate motor vehicle or 24600
traffic offense, whoever violates this section is guilty of a 24601
misdemeanor of the fourth degree. If, within one year of the 24602
offense, the offender previously has been convicted of two or more 24603
predicate motor vehicle or traffic offenses, whoever violates this 24604
section is guilty of a misdemeanor of the third degree. 24605

Sec. 4511.31. (A) The department of transportation may 24606
determine those portions of any state highway where overtaking and 24607
passing other traffic or driving to the left of the center or 24608
center line of the roadway would be especially hazardous, and may, 24609
by appropriate signs or markings on the highway, indicate the 24610
beginning and end of such zones. When such signs or markings are 24611
in place and clearly visible, every operator of a vehicle or 24612
trackless trolley shall obey the directions ~~thereof~~ of the signs 24613
or markings, notwithstanding the distances set out in section 24614
4511.30 of the Revised Code. 24615

(B) Except as otherwise provided in this division, whoever 24616
violates this section is guilty of a minor misdemeanor. If, within 24617
one year of the offense, the offender previously has been 24618
convicted of or pleaded guilty to one predicate motor vehicle or 24619
traffic offense, whoever violates this section is guilty of a 24620
misdemeanor of the fourth degree. If, within one year of the 24621

offense, the offender previously has been convicted of two or more 24622
predicate motor vehicle or traffic offenses, whoever violates this 24623
section is guilty of a misdemeanor of the third degree. 24624

Sec. 4511.32. (A) The department of transportation may 24625
designate any highway or any separate roadway under its 24626
jurisdiction for one-way traffic and shall erect appropriate signs 24627
giving notice thereof. 24628

Upon a roadway designated and posted with signs for one-way 24629
traffic a vehicle shall be driven only in the direction 24630
designated. 24631

A vehicle passing around a rotary traffic island shall be 24632
driven only to the right of ~~such~~ the rotary traffic island. 24633

(B) Except as otherwise provided in this division, whoever 24634
violates this section is guilty of a minor misdemeanor. If, within 24635
one year of the offense, the offender previously has been 24636
convicted of or pleaded guilty to one predicate motor vehicle or 24637
traffic offense, whoever violates this section is guilty of a 24638
misdemeanor of the fourth degree. If, within one year of the 24639
offense, the offender previously has been convicted of two or more 24640
predicate motor vehicle or traffic offenses, whoever violates this 24641
section is guilty of a misdemeanor of the third degree. 24642

Sec. 4511.33. (A) Whenever any roadway has been divided into 24643
two or more clearly marked lanes for traffic, or wherever within 24644
municipal corporations traffic is lawfully moving in two or more 24645
substantially continuous lines in the same direction, the 24646
following rules apply: 24647

~~(A)~~(1) A vehicle or trackless trolley shall be driven, as 24648
nearly as is practicable, entirely within a single lane or line of 24649
traffic and shall not be moved from such lane or line until the 24650
driver has first ascertained that such movement can be made with 24651

safety. 24652

~~(B)~~(2) Upon a roadway which is divided into three lanes and 24653
provides for two-way movement of traffic, a vehicle or trackless 24654
trolley shall not be driven in the center lane except when 24655
overtaking and passing another vehicle or trackless trolley where 24656
the roadway is clearly visible and such center lane is clear of 24657
traffic within a safe distance, or when preparing for a left turn, 24658
or where such center lane is at the time allocated exclusively to 24659
traffic moving in the direction the vehicle or trackless trolley 24660
is proceeding and is posted with signs to give notice of such 24661
allocation. 24662

~~(C)~~(3) Official signs may be erected directing specified 24663
traffic to use a designated lane or designating those lanes to be 24664
used by traffic moving in a particular direction regardless of the 24665
center of the roadway, and drivers of vehicles and trackless 24666
trolleys shall obey the directions of such signs. 24667

~~(D)~~(4) Official traffic control devices may be installed 24668
prohibiting the changing of lanes on sections of roadway and 24669
drivers of vehicles shall obey the directions of every such 24670
device. 24671

(B) Except as otherwise provided in this division, whoever 24672
violates this section is guilty of a minor misdemeanor. If, within 24673
one year of the offense, the offender previously has been 24674
convicted of or pleaded guilty to one predicate motor vehicle or 24675
traffic offense, whoever violates this section is guilty of a 24676
misdemeanor of the fourth degree. If, within one year of the 24677
offense, the offender previously has been convicted of two or more 24678
predicate motor vehicle or traffic offenses, whoever violates this 24679
section is guilty of a misdemeanor of the third degree. 24680

Sec. 4511.34. (A) The operator of a motor vehicle, streetcar, 24681
or trackless trolley shall not follow another vehicle, streetcar, 24682

or trackless trolley more closely than is reasonable and prudent, 24683
having due regard for the speed of such vehicle, streetcar, or 24684
trackless trolley, and the traffic upon and the condition of the 24685
highway. 24686

The driver of any truck, or motor vehicle drawing another 24687
vehicle, when traveling upon a roadway outside a business or 24688
residence district shall maintain a sufficient space, whenever 24689
conditions permit, between such vehicle and another vehicle ahead 24690
so an overtaking motor vehicle may enter and occupy such space 24691
without danger. This paragraph does not prevent overtaking and 24692
passing nor does it apply to any lane specially designated for use 24693
by trucks. 24694

Outside a municipal corporation, the driver of any truck, or 24695
motor vehicle when drawing another vehicle, while ascending to the 24696
crest of a grade beyond which the driver's view of a roadway is 24697
obstructed, shall not follow within three hundred feet of another 24698
truck, or motor vehicle drawing another vehicle. This paragraph 24699
shall not apply to any lane specially designated for use by 24700
trucks. 24701

Motor vehicles being driven upon any roadway outside of a 24702
business or residence district in a caravan or motorcade, shall 24703
maintain a sufficient space between such vehicles so an overtaking 24704
vehicle may enter and occupy such space without danger. This 24705
paragraph shall not apply to funeral processions. 24706

(B) Except as otherwise provided in this division, whoever 24707
violates this section is guilty of a minor misdemeanor. If, within 24708
one year of the offense, the offender previously has been 24709
convicted of or pleaded guilty to one predicate motor vehicle or 24710
traffic offense, whoever violates this section is guilty of a 24711
misdemeanor of the fourth degree. If, within one year of the 24712
offense, the offender previously has been convicted of two or more 24713
predicate motor vehicle or traffic offenses, whoever violates this 24714

section is guilty of a misdemeanor of the third degree. 24715

Sec. 4511.35. (A) Whenever any highway has been divided into 24716
two roadways by an intervening space, or by a physical barrier, or 24717
clearly indicated dividing section so constructed as to impede 24718
vehicular traffic, every vehicle shall be driven only upon the 24719
right-hand roadway, and no vehicle shall be driven over, across, 24720
or within any such dividing space, barrier, or section, except 24721
through an opening, crossover, or intersection established by 24722
public authority. This section does not prohibit the occupancy of 24723
such dividing space, barrier, or section for the purpose of an 24724
emergency stop or in compliance with an order of a police officer. 24725

(B) Except as otherwise provided in this division, whoever 24726
violates this section is guilty of a minor misdemeanor. If, within 24727
one year of the offense, the offender previously has been 24728
convicted of or pleaded guilty to one predicate motor vehicle or 24729
traffic offense, whoever violates this section is guilty of a 24730
misdemeanor of the fourth degree. If, within one year of the 24731
offense, the offender previously has been convicted of two or more 24732
predicate motor vehicle or traffic offenses, whoever violates this 24733
section is guilty of a misdemeanor of the third degree. 24734

Sec. 4511.36. (A) The driver of a vehicle intending to turn 24735
at an intersection shall be governed by the following rules: 24736

~~(A)~~(1) Approach for a right turn and a right turn shall be 24737
made as close as practicable to the right-hand curb or edge of the 24738
roadway. 24739

~~(B)~~(2) At any intersection where traffic is permitted to move 24740
in both directions on each roadway entering the intersection, an 24741
approach for a left turn shall be made in that portion of the 24742
right half of the roadway nearest the center line thereof and by 24743
passing to the right of such center line where it enters the 24744

intersection and after entering the intersection the left turn 24745
shall be made so as to leave the intersection to the right of the 24746
center line of the roadway being entered. Whenever practicable the 24747
left turn shall be made in that portion of the intersection to the 24748
left of the center of the intersection. 24749

~~(C)~~(3) At any intersection where traffic is restricted to one 24750
direction on one or more of the roadways, the driver of a vehicle 24751
intending to turn left at any such intersection shall approach the 24752
intersection in the extreme left-hand lane lawfully available to 24753
traffic moving in the direction of travel of such vehicle, and 24754
after entering the intersection the left turn shall be made so as 24755
to leave the intersection, as nearly as practicable, in the 24756
left-hand lane of the roadway being entered lawfully available to 24757
traffic moving in that lane. 24758

(B) The operator of a trackless trolley shall comply with 24759
divisions (A)(1), ~~(B)~~(2), and ~~(C)~~(3) of this section wherever 24760
practicable. 24761

(C) The department of transportation and local authorities in 24762
their respective jurisdictions may cause markers, buttons, or 24763
signs to be placed within or adjacent to intersections and thereby 24764
require and direct that a different course from that specified in 24765
this section be traveled by vehicles, streetcars, or trackless 24766
trolleys, turning at an intersection, and when markers, buttons, 24767
or signs are so placed, no operator of a vehicle, streetcar, or 24768
trackless trolley shall turn such vehicle, streetcar, or trackless 24769
trolley at an intersection other than as directed and required by 24770
such markers, buttons, or signs. 24771

(D) Except as otherwise provided in this division, whoever 24772
violates this section is guilty of a minor misdemeanor. If, within 24773
one year of the offense, the offender previously has been 24774
convicted of or pleaded guilty to one predicate motor vehicle or 24775
traffic offense, whoever violates this section is guilty of a 24776

misdemeanor of the fourth degree. If, within one year of the 24777
offense, the offender previously has been convicted of two or more 24778
predicate motor vehicle or traffic offenses, whoever violates this 24779
section is guilty of a misdemeanor of the third degree. 24780

Sec. 4511.37. (A) Except as provided in division (B) of this 24781
section, no vehicle shall be turned so as to proceed in the 24782
opposite direction upon any curve, or upon the approach to or near 24783
the crest of a grade, if the vehicle cannot be seen within five 24784
hundred feet by the driver of any other vehicle approaching from 24785
either direction. 24786

(B) The driver of an emergency vehicle or public safety 24787
vehicle, when responding to an emergency call, may turn the 24788
vehicle so as to proceed in the opposite direction. This division 24789
applies only when the emergency vehicle or public safety vehicle 24790
is responding to an emergency call, is equipped with and 24791
displaying at least one flashing, rotating, or oscillating light 24792
visible under normal atmospheric conditions from a distance of 24793
five hundred feet to the front of the vehicle, and when the driver 24794
of the vehicle is giving an audible signal by siren, exhaust 24795
whistle, or bell. This division does not relieve the driver of an 24796
emergency vehicle or public safety vehicle from the duty to drive 24797
with due regard for the safety of all persons and property upon 24798
the highway. 24799

(C) Except as otherwise provided in this division, whoever 24800
violates this section is guilty of a minor misdemeanor. If, within 24801
one year of the offense, the offender previously has been 24802
convicted of or pleaded guilty to one predicate motor vehicle or 24803
traffic offense, whoever violates this section is guilty of a 24804
misdemeanor of the fourth degree. If, within one year of the 24805
offense, the offender previously has been convicted of two or more 24806
predicate motor vehicle or traffic offenses, whoever violates this 24807

section is guilty of a misdemeanor of the third degree. 24808

Sec. 4511.38. (A) No person shall start a vehicle, streetcar, 24809
or trackless trolley which is stopped, standing, or parked until 24810
such movement can be made with reasonable safety. 24811

Before backing, operators of vehicle, streetcars, or 24812
trackless trolleys shall give ample warning, and while backing 24813
they shall exercise vigilance not to injure person or property on 24814
the street or highway. 24815

No person shall back a motor vehicle on a freeway, except: in 24816
a rest area; in the performance of public works or official 24817
duties; as a result of an emergency caused by an accident or 24818
breakdown of a motor vehicle. 24819

(B) Except as otherwise provided in this division, whoever 24820
violates this section is guilty of a minor misdemeanor. If, within 24821
one year of the offense, the offender previously has been 24822
convicted of or pleaded guilty to one predicate motor vehicle or 24823
traffic offense, whoever violates this section is guilty of a 24824
misdemeanor of the fourth degree. If, within one year of the 24825
offense, the offender previously has been convicted of two or more 24826
predicate motor vehicle or traffic offenses, whoever violates this 24827
section is guilty of a misdemeanor of the third degree. 24828

Sec. 4511.39. (A) No person shall turn a vehicle or trackless 24829
trolley or move right or left upon a highway unless and until such 24830
person has exercised due care to ascertain that the movement can 24831
be made with reasonable safety nor without giving an appropriate 24832
signal in the manner hereinafter provided. 24833

When required, a signal of intention to turn or move right or 24834
left shall be given continuously during not less than the last one 24835
hundred feet traveled by the vehicle or trackless trolley before 24836
turning. 24837

No person shall stop or suddenly decrease the speed of a 24838
vehicle or trackless trolley without first giving an appropriate 24839
signal in the manner provided herein to the driver of any vehicle 24840
or trackless trolley immediately to the rear when there is 24841
opportunity to give a signal. 24842

Any stop or turn signal required by this section shall be 24843
given either by means of the hand and arm, or by signal lights 24844
that clearly indicate to both approaching and following traffic 24845
intention to turn or move right or left, except that any motor 24846
vehicle in use on a highway shall be equipped with, and the 24847
required signal shall be given by, signal lights when the distance 24848
from the center of the top of the steering post to the left 24849
outside limit of the body, cab, or load of such motor vehicle 24850
exceeds twenty-four inches, or when the distance from the center 24851
of the top of the steering post to the rear limit of the body or 24852
load thereof exceeds fourteen feet, whether a single vehicle or a 24853
combination of vehicles. 24854

The signal lights required by this section shall not be 24855
flashed on one side only on a disabled vehicle or trackless 24856
trolley, flashed as a courtesy or "do pass" signal to operators of 24857
other vehicles or trackless trolleys approaching from the rear, 24858
nor be flashed on one side only of a parked vehicle or trackless 24859
trolley except as may be necessary for compliance with this 24860
section. 24861

(B) Except as otherwise provided in this division, whoever 24862
violates this section is guilty of a minor misdemeanor. If, within 24863
one year of the offense, the offender previously has been 24864
convicted of or pleaded guilty to one predicate motor vehicle or 24865
traffic offense, whoever violates this section is guilty of a 24866
misdemeanor of the fourth degree. If, within one year of the 24867
offense, the offender previously has been convicted of two or more 24868
predicate motor vehicle or traffic offenses, whoever violates this 24869

section is guilty of a misdemeanor of the third degree. 24870

Sec. 4511.40. (A) Except as provided in division (B) of this 24871
section, all signals required by sections 4511.01 to 4511.78 of 24872
the Revised Code, when given by hand and arm, shall be given from 24873
the left side of the vehicle in the following manner, and such 24874
signals shall indicate as follows: 24875

(1) Left turn, hand and arm extended horizontally; 24876

(2) Right turn, hand and arm extended upward; 24877

(3) Stop or decrease speed, hand and arm extended downward. 24878

(B) As an alternative to division (A)(2) of this section, a 24879
person operating a bicycle may give a right turn signal by 24880
extending the right hand and arm horizontally and to the right 24881
side of the bicycle. 24882

(C) Except as otherwise provided in this division, whoever 24883
violates this section is guilty of a minor misdemeanor. If, within 24884
one year of the offense, the offender previously has been 24885
convicted of or pleaded guilty to one predicate motor vehicle or 24886
traffic offense, whoever violates this section is guilty of a 24887
misdemeanor of the fourth degree. If, within one year of the 24888
offense, the offender previously has been convicted of two or more 24889
predicate motor vehicle or traffic offenses, whoever violates this 24890
section is guilty of a misdemeanor of the third degree. 24891

Sec. 4511.41. (A) When two vehicles, including any trackless 24892
trolley or streetcar, approach or enter an intersection from 24893
different streets or highways at approximately the same time, the 24894
driver of the vehicle on the left shall yield the right-of-way to 24895
the vehicle on the right. 24896

(B) The right-of-way rule declared in division (A) of this 24897
section is modified at through highways and otherwise as stated in 24898

Chapter 4511. of the Revised Code. 24899

(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. 24900
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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. 24909
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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. 24917
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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 24926
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stop line, but if none, before entering the crosswalk on the near 24929
side of the intersection, or, if none, then at the point nearest 24930
the intersecting roadway where the driver has a view of 24931
approaching traffic on the intersecting roadway before entering 24932
it. After having stopped, the driver shall yield the right-of-way 24933
to any vehicle in the intersection or approaching on another 24934
roadway so closely as to constitute an immediate hazard during the 24935
time the driver is moving across or within the intersection or 24936
junction of roadways. 24937

(B) The driver of a vehicle or trackless trolley approaching 24938
a yield sign shall slow down to a speed reasonable for the 24939
existing conditions and, if required for safety to stop, shall 24940
stop at a clearly marked stop line, but if none, before entering 24941
the crosswalk on the near side of the intersection, or, if none, 24942
then at the point nearest the intersecting roadway where the 24943
driver has a view of approaching traffic on the intersecting 24944
roadway before entering it. After slowing or stopping, the driver 24945
shall yield the right-of-way to any vehicle or trackless trolley 24946
in the intersection or approaching on another roadway so closely 24947
as to constitute an immediate hazard during the time the driver is 24948
moving across or within the intersection or junction of roadways. 24949
Whenever a driver is involved in a collision with a vehicle or 24950
trackless trolley in the intersection or junction of roadways, 24951
after driving past a yield sign without stopping, the collision 24952
shall be prima-facie evidence of the driver's failure to yield the 24953
right-of-way. 24954

(C) Except as otherwise provided in this division, whoever 24955
violates this section is guilty of a minor misdemeanor. If, within 24956
one year of the offense, the offender previously has been 24957
convicted of or pleaded guilty to one predicate motor vehicle or 24958
traffic offense, whoever violates this section is guilty of a 24959
misdemeanor of the fourth degree. If, within one year of the 24960

offense, the offender previously has been convicted of two or more 24961
predicate motor vehicle or traffic offenses, whoever violates this 24962
section is guilty of a misdemeanor of the third degree. 24963

Sec. 4511.431. (A) The driver of a vehicle or trackless 24964
trolley emerging from an alley, building, private road, or 24965
driveway within a business or residence district shall stop the 24966
vehicle or trackless trolley immediately prior to driving onto a 24967
sidewalk or onto the sidewalk area extending across the alley, 24968
building entrance, road, or driveway, or in the event there is no 24969
sidewalk area, shall stop at the point nearest the street to be 24970
entered where the driver has a view of approaching traffic 24971
thereon. 24972

(B) Except as otherwise provided in this division, whoever 24973
violates this section is guilty of a minor misdemeanor. If, within 24974
one year of the offense, the offender previously has been 24975
convicted of or pleaded guilty to one predicate motor vehicle or 24976
traffic offense, whoever violates this section is guilty of a 24977
misdemeanor of the fourth degree. If, within one year of the 24978
offense, the offender previously has been convicted of two or more 24979
predicate motor vehicle or traffic offenses, whoever violates this 24980
section is guilty of a misdemeanor of the third degree. 24981

Sec. 4511.432. (A) The owner of a private road or driveway 24982
located in a private residential area containing twenty or more 24983
dwelling units may erect stop signs at places where the road or 24984
driveway intersects with another private road or driveway in the 24985
residential area, in compliance with all of the following 24986
requirements: 24987

(1) The stop sign is sufficiently legible to be seen by an 24988
ordinarily observant person and meets the specifications of and is 24989
placed in accordance with the manual adopted by the department of 24990

transportation pursuant to section 4511.09 of the Revised Code+1 24991

(2) The owner has posted a sign at the entrance of the 24992
private road or driveway that is in plain view and clearly informs 24993
persons entering the road or driveway that they are entering 24994
private property, stop signs have been posted and must be obeyed, 24995
and the signs are enforceable by law enforcement officers under 24996
state law. The sign required by division (A)(2) of this section, 24997
where appropriate, may be incorporated with the sign required by 24998
division (A)(2) of section 4511.211 of the Revised Code. 24999

(B) Division (A) of section 4511.43 and section 4511.46 of 25000
the Revised Code shall be deemed to apply to the driver of a 25001
vehicle on a private road or driveway where a stop sign is placed 25002
in accordance with division (A) of this section and to a 25003
pedestrian crossing such a road or driveway at an intersection 25004
where a stop sign is in place. 25005

(C) When a stop sign is placed in accordance with division 25006
(A) of this section, any law enforcement officer may apprehend a 25007
person found violating the stop sign and may stop and charge the 25008
person with violating the stop sign. 25009

(D) Except as otherwise provided in this division, whoever 25010
violates this section is guilty of a minor misdemeanor. If, within 25011
one year of the offense, the offender previously has been 25012
convicted of or pleaded guilty to one predicate motor vehicle or 25013
traffic offense, whoever violates this section is guilty of a 25014
misdemeanor of the fourth degree. If, within one year of the 25015
offense, the offender previously has been convicted of two or more 25016
predicate motor vehicle or traffic offenses, whoever violates this 25017
section is guilty of a misdemeanor of the third degree. 25018

(E) As used in this section, and for the purpose of applying 25019
division (A) of section 4511.43 and section 4511.46 of the Revised 25020
Code to conduct under this section: 25021

(1) "Intersection" means:	25022
(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.	25023 25024 25025 25026 25027 25028
(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.	25029 25030 25031 25032
(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.	25033 25034 25035 25036 25037 25038
(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.	25039 25040 25041
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.	25042 25043 25044 25045
<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 misdemeanor of the fourth degree. If, within one year of the</u>	25046 25047 25048 25049 25050 25051

offense, the offender previously has been convicted of two or more 25052
predicate motor vehicle or traffic offenses, whoever violates this 25053
section is guilty of a misdemeanor of the third degree. 25054

Sec. 4511.441. (A) The driver of a vehicle shall yield the 25055
right-of-way to any pedestrian on a sidewalk. 25056

(B) Except as otherwise provided in this division, whoever 25057
violates this section is guilty of a minor misdemeanor. If, within 25058
one year of the offense, the offender previously has been 25059
convicted of or pleaded guilty to one predicate motor vehicle or 25060
traffic offense, whoever violates this section is guilty of a 25061
misdemeanor of the fourth degree. If, within one year of the 25062
offense, the offender previously has been convicted of two or more 25063
predicate motor vehicle or traffic offenses, whoever violates this 25064
section is guilty of a misdemeanor of the third degree. 25065

Sec. 4511.45. (A)(1) Upon the approach of a public safety 25066
vehicle or coroner's vehicle, equipped with at least one flashing, 25067
rotating or oscillating light visible under normal atmospheric 25068
conditions from a distance of five hundred feet to the front of 25069
the vehicle and the driver is giving an audible signal by siren, 25070
exhaust whistle, or bell, no driver of any other vehicle shall 25071
fail to yield the right-of-way, immediately drive if practical to 25072
a position parallel to, and as close as possible to, the right 25073
edge or curb of the highway clear of any intersection, and stop 25074
and remain in that position until the public safety vehicle or 25075
coroner's vehicle has passed, except when otherwise directed by a 25076
police officer. 25077

(2) Upon the approach of a public safety vehicle or coroner's 25078
vehicle, as stated in division (A)(1) of this section, no operator 25079
of any streetcar or trackless trolley shall fail to immediately 25080
stop the streetcar or trackless trolley clear of any intersection 25081

and keep it in that position until the public safety vehicle or 25082
coroner's vehicle has passed, except when otherwise directed by a 25083
police officer. 25084

(B) This section does not relieve the driver of a public 25085
safety vehicle or coroner's vehicle from the duty to drive with 25086
due regard for the safety of all persons and property upon the 25087
highway. 25088

(C) This section applies to a coroner's vehicle only when the 25089
vehicle is operated in accordance with section 4513.171 of the 25090
Revised Code. As used in this section, "coroner's vehicle" means a 25091
vehicle used by a coroner, deputy coroner, or coroner's 25092
investigator that is equipped with a flashing, oscillating, or 25093
rotating red or blue light and a siren, exhaust whistle, or bell 25094
capable of giving an audible signal. 25095

(D) Except as otherwise provided in this division, whoever 25096
violates division (A)(1) or (2) of this section is guilty of a 25097
misdemeanor of the fourth degree on a first offense. On a second 25098
offense within one year after the first offense, the person is 25099
guilty of a misdemeanor of the third degree, and, on each 25100
subsequent offense within one year after the first offense, the 25101
person is guilty of a misdemeanor of the second degree. 25102

Sec. 4511.451. (A) As used in this section "funeral 25103
procession" means two or more vehicles accompanying a body of a 25104
deceased person in the daytime when each of such vehicles has its 25105
headlights lighted and is displaying a purple and white pennant 25106
attached to each vehicle in such a manner as to be clearly visible 25107
to traffic approaching from any direction. 25108

(B) Excepting public safety vehicles proceeding in accordance 25109
with section 4511.45 of the Revised Code or when directed 25110
otherwise by a police officer, pedestrians and the operators of 25111
all vehicles, street cars, and trackless trolleys shall yield the 25112

right of way to each vehicle which is a part of a funeral 25113
procession. Whenever the lead vehicle in a funeral procession 25114
lawfully enters an intersection the remainder of the vehicles in 25115
such procession may continue to follow such lead vehicle through 25116
the intersection notwithstanding any traffic control devices or 25117
right of way provisions of the Revised Code, provided the operator 25118
of each vehicle exercises due care to avoid colliding with any 25119
other vehicle or pedestrian upon the roadway. 25120

No person shall operate any vehicle as a part of a funeral 25121
procession without having the headlights of such vehicle lighted 25122
and without displaying a purple and white pennant in such a manner 25123
as to be clearly visible to traffic approaching from any 25124
direction. 25125

(C) Except as otherwise provided in this division, whoever 25126
violates this section is guilty of a minor misdemeanor. If, within 25127
one year of the offense, the offender previously has been 25128
convicted of or pleaded guilty to one predicate motor vehicle or 25129
traffic offense, whoever violates this section is guilty of a 25130
misdemeanor of the fourth degree. If, within one year of the 25131
offense, the offender previously has been convicted of two or more 25132
predicate motor vehicle or traffic offenses, whoever violates this 25133
section is guilty of a misdemeanor of the third degree. 25134

Sec. 4511.452. (A) Upon the immediate approach of a public 25135
safety vehicle, as stated in section 4511.45 of the Revised Code, 25136
every pedestrian shall yield the right-of-way to the public safety 25137
vehicle. 25138

(B) This section shall not relieve the driver of a public 25139
safety vehicle from the duty to exercise due care to avoid 25140
colliding with any pedestrian. 25141

(C) Except as otherwise provided in this division, whoever 25142
violates this section is guilty of a minor misdemeanor. If, within 25143

one year of the offense, the offender previously has been 25144
convicted of or pleaded guilty to one predicate motor vehicle or 25145
traffic offense, whoever violates this section is guilty of a 25146
misdemeanor of the fourth degree. If, within one year of the 25147
offense, the offender previously has been convicted of two or more 25148
predicate motor vehicle or traffic offenses, whoever violates this 25149
section is guilty of a misdemeanor of the third degree. 25150

Sec. 4511.46. (A) When traffic control signals are not in 25151
place, not in operation, or are not clearly assigning the 25152
right-of-way, the driver of a vehicle, trackless trolley, or 25153
streetcar shall yield the right of way, slowing down or stopping 25154
if need be to so yield or if required by section 4511.132 of the 25155
Revised Code, to a pedestrian crossing the roadway within a 25156
crosswalk when the pedestrian is upon the half of the roadway upon 25157
which the vehicle is traveling, or when the pedestrian is 25158
approaching so closely from the opposite half of the roadway as to 25159
be in danger. 25160

(B) No pedestrian shall suddenly leave a curb or other place 25161
of safety and walk or run into the path of a vehicle, trackless 25162
trolley, or streetcar which is so close as to constitute an 25163
immediate hazard. 25164

(C) Division (A) of this section does not apply under the 25165
conditions stated in division (B) of section 4511.48 of the 25166
Revised Code. 25167

(D) Whenever any vehicle, trackless trolley, or streetcar is 25168
stopped at a marked crosswalk or at any unmarked crosswalk at an 25169
intersection to permit a pedestrian to cross the roadway, the 25170
driver of any other vehicle, trackless trolley, or streetcar 25171
approaching from the rear shall not overtake and pass the stopped 25172
vehicle. 25173

(E) Except as otherwise provided in this division, whoever 25174

violates this section is guilty of a minor misdemeanor. If, within 25175
one year of the offense, the offender previously has been 25176
convicted of or pleaded guilty to one predicate motor vehicle or 25177
traffic offense, whoever violates this section is guilty of a 25178
misdemeanor of the fourth degree. If, within one year of the 25179
offense, the offender previously has been convicted of two or more 25180
predicate motor vehicle or traffic offenses, whoever violates this 25181
section is guilty of a misdemeanor of the third degree. 25182

Sec. 4511.47. (A) As used in this section "blind person" or 25183
"blind pedestrian" means a person having not more than 20/200 25184
visual acuity in the better eye with correcting lenses or visual 25185
acuity greater than 20/200 but with a limitation in the fields of 25186
vision such that the widest diameter of the visual field subtends 25187
an angle no greater than twenty degrees. 25188

The driver of every vehicle shall yield the right of way to 25189
every blind pedestrian guided by a guide dog, or carrying a cane 25190
which is predominantly white or metallic in color, with or without 25191
a red tip. 25192

(B) No person, other than a blind person, while on any public 25193
highway, street, alley, or other public thoroughfare shall carry a 25194
white or metallic cane with or without a red tip. 25195

(C) Except as otherwise provided in this division, whoever 25196
violates this section is guilty of a minor misdemeanor. If, within 25197
one year of the offense, the offender previously has been 25198
convicted of or pleaded guilty to one predicate motor vehicle or 25199
traffic offense, whoever violates this section is guilty of a 25200
misdemeanor of the fourth degree. If, within one year of the 25201
offense, the offender previously has been convicted of two or more 25202
predicate motor vehicle or traffic offenses, whoever violates this 25203
section is guilty of a misdemeanor of the third degree. 25204

Sec. 4511.48. (A) Every pedestrian crossing a roadway at any 25205
point other than within a marked crosswalk or within an unmarked 25206
crosswalk at an intersection shall yield the right of way to all 25207
vehicles, trackless trolleys, or streetcars upon the roadway. 25208
25209

(B) Any pedestrian crossing a roadway at a point where a 25210
pedestrian tunnel or overhead pedestrian crossing has been 25211
provided shall yield the right of way to all traffic upon the 25212
roadway. 25213

(C) Between adjacent intersections at which traffic control 25214
signals are in operation, pedestrians shall not cross at any place 25215
except in a marked crosswalk. 25216

(D) No pedestrian shall cross a roadway intersection 25217
diagonally unless authorized by official traffic control devices; 25218
and, when authorized to cross diagonally, pedestrians shall cross 25219
only in accordance with the official traffic control devices 25220
pertaining to such crossing movements. 25221

(E) This section does not relieve the operator of a vehicle, 25222
streetcar, or trackless trolley from exercising due care to avoid 25223
colliding with any pedestrian upon any roadway. 25224

(F) Except as otherwise provided in this division, whoever 25225
violates this section is guilty of a minor misdemeanor. If, within 25226
one year of the offense, the offender previously has been 25227
convicted of or pleaded guilty to one predicate motor vehicle or 25228
traffic offense, whoever violates this section is guilty of a 25229
misdemeanor of the fourth degree. If, within one year of the 25230
offense, the offender previously has been convicted of two or more 25231
predicate motor vehicle or traffic offenses, whoever violates this 25232
section is guilty of a misdemeanor of the third degree. 25233

Sec. 4511.481. (A) A pedestrian who is under the influence of 25235

alcohol ~~or~~, any drug of abuse, or any combination thereof, of them 25236
to a degree ~~which that~~ renders himself the pedestrian a hazard 25237
shall not walk or be upon a highway. 25238

(B) Except as otherwise provided in this division, whoever 25239
violates this section is guilty of a minor misdemeanor. If, within 25240
one year of the offense, the offender previously has been 25241
convicted of or pleaded guilty to one predicate motor vehicle or 25242
traffic offense, whoever violates this section is guilty of a 25243
misdemeanor of the fourth degree. If, within one year of the 25244
offense, the offender previously has been convicted of two or more 25245
predicate motor vehicle or traffic offenses, whoever violates this 25246
section is guilty of a misdemeanor of the third degree. 25247

Sec. 4511.49. (A) Pedestrians shall move, whenever 25248
practicable, upon the right half of crosswalks. 25249

(B) Except as otherwise provided in this division, whoever 25250
violates this section is guilty of a minor misdemeanor. If, within 25251
one year of the offense, the offender previously has been 25252
convicted of or pleaded guilty to one predicate motor vehicle or 25253
traffic offense, whoever violates this section is guilty of a 25254
misdemeanor of the fourth degree. If, within one year of the 25255
offense, the offender previously has been convicted of two or more 25256
predicate motor vehicle or traffic offenses, whoever violates this 25257
section is guilty of a misdemeanor of the third degree. 25258

Sec. 4511.50. (A) Where a sidewalk is provided and its use is 25259
practicable, it shall be unlawful for any pedestrian to walk along 25260
and upon an adjacent roadway. 25261

(B) Where a sidewalk is not available, any pedestrian walking 25262
along and upon a highway shall walk only on a shoulder, as far as 25263
practicable from the edge of the roadway. 25264

(C) Where neither a sidewalk nor a shoulder is available, any 25265

pedestrian walking along and upon a highway shall walk as near as 25266
practicable to an outside edge of the roadway, and, if on a 25267
two-way roadway, shall walk only on the left side of the roadway. 25268

(D) Except as otherwise provided in sections 4511.13 and 25269
4511.46 of the Revised Code, any pedestrian upon a roadway shall 25270
yield the right-of-way to all vehicles, trackless trolleys, or 25271
streetcars upon the roadway. 25272

(E) Except as otherwise provided in this division, whoever 25273
violates this section is guilty of a minor misdemeanor. If, within 25274
one year of the offense, the offender previously has been 25275
convicted of or pleaded guilty to one predicate motor vehicle or 25276
traffic offense, whoever violates this section is guilty of a 25277
misdemeanor of the fourth degree. If, within one year of the 25278
offense, the offender previously has been convicted of two or more 25279
predicate motor vehicle or traffic offenses, whoever violates this 25280
section is guilty of a misdemeanor of the third degree. 25281

Sec. 4511.51. (A) No person while on a roadway outside a 25282
safety zone shall solicit a ride from the driver of any vehicle. 25283

(B)(1) Except as provided in division (B)(2) of this section, 25284
no person shall stand on a highway for the purpose of soliciting 25285
employment, business, or contributions from the occupant of any 25286
vehicle. 25287

(2) The legislative authority of a municipal corporation, by 25288
ordinance, may authorize the issuance of a permit to a charitable 25289
organization to allow a person acting on behalf of the 25290
organization to solicit charitable contributions from the occupant 25291
of a vehicle by standing on a highway, other than a freeway as 25292
provided in division (A)(1) of section 4511.051 of the Revised 25293
Code, that is under the jurisdiction of the municipal corporation. 25294
The permit shall be valid for only one period of time, which shall 25295
be specified in the permit, in any calendar year. The legislative 25296

authority also may specify the locations where contributions may 25297
be solicited and may impose any other restrictions on or 25298
requirements regarding the manner in which the solicitations are 25299
to be conducted that the legislative authority considers 25300
advisable. 25301

(3) As used in division (B)(2) of this section, "charitable 25302
organization" means an organization that has received from the 25303
internal revenue service a currently valid ruling or determination 25304
letter recognizing the tax-exempt status of the organization 25305
pursuant to section 501(c)(3) of the "Internal Revenue Code." 25306

(C) No person shall hang onto or ride on the outside of any 25307
motor vehicle, streetcar, or trackless trolley while it is moving 25308
upon a roadway, except mechanics or test engineers making repairs 25309
or adjustments, or workers performing specialized highway or 25310
street maintenance or construction under authority of a public 25311
agency. 25312

(D) No operator shall knowingly permit any person to hang 25313
onto, or ride on the outside of, any motor vehicle, streetcar, or 25314
trackless trolley while it is moving upon a roadway, except 25315
mechanics or test engineers making repairs or adjustments, or 25316
workers performing specialized highway or street maintenance or 25317
construction under authority of a public agency. 25318

(E) No driver of a truck, trailer, or semitrailer shall 25319
knowingly permit any person who has not attained the age of 25320
sixteen years to ride in the unenclosed or unroofed cargo storage 25321
area of ~~his~~ the driver's vehicle if the vehicle is traveling 25322
faster than twenty-five miles per hour, unless either of the 25323
following applies: 25324

(1) The cargo storage area of the vehicle is equipped with a 25325
properly secured seat to which is attached a seat safety belt that 25326
is in compliance with federal standards for an occupant 25327

restraining device as defined in division (A)(2) of section 25328
4513.263 of the Revised Code, the seat and seat safety belt were 25329
installed at the time the vehicle was originally assembled, and 25330
the person riding in the cargo storage area is in the seat and is 25331
wearing the seat safety belt; 25332

(2) An emergency exists that threatens the life of the driver 25333
or the person being transported in the cargo storage area of the 25334
truck, trailer, or semitrailer. 25335

(F) No driver of a truck, trailer, or semitrailer shall 25336
permit any person, except for those workers performing specialized 25337
highway or street maintenance or construction under authority of a 25338
public agency, to ride in the cargo storage area or on a tailgate 25339
of ~~his~~ the driver's vehicle while the tailgate is unlatched. 25340

(G)(1) Except as otherwise provided in this division, whoever 25341
violates any provision of divisions (A) to (D) of this section is 25342
guilty of a minor misdemeanor. If, within one year of the offense, 25343
the offender previously has been convicted of or pleaded guilty to 25344
one predicate motor vehicle or traffic offense, whoever violates 25345
any provision of divisions (A) to (D) of this section is guilty of 25346
a misdemeanor of the fourth degree. If, within one year of the 25347
offense, the offender previously has been convicted of two or more 25348
predicate motor vehicle or traffic offenses, whoever violates any 25349
provision of divisions (A) to (D) of this section is guilty of a 25350
misdemeanor of the third degree. 25351

(2) Whoever violates division (E) or (F) of this section is 25352
guilty of a minor misdemeanor. 25353

Sec. 4511.511. (A) No pedestrian shall enter or remain upon 25354
any bridge or approach thereto beyond the bridge signal, gate, or 25355
barrier after a bridge operation signal indication has been given. 25356

(B) No pedestrian shall pass through, around, over, or under 25357

any crossing gate or barrier at a railroad grade crossing or 25358
bridge while the gate or barrier is closed or is being opened or 25359
closed. 25360

(C) Except as otherwise provided in this division, whoever 25361
violates this section is guilty of a minor misdemeanor. If, within 25362
one year of the offense, the offender previously has been 25363
convicted of or pleaded guilty to one predicate motor vehicle or 25364
traffic offense, whoever violates this section is guilty of a 25365
misdemeanor of the fourth degree. If, within one year of the 25366
offense, the offender previously has been convicted of two or more 25367
predicate motor vehicle or traffic offenses, whoever violates this 25368
section is guilty of a misdemeanor of the third degree. 25369

Sec. 4511.521. (A) No person shall operate a motorized 25370
bicycle upon a highway or any public or private property used by 25371
the public for purposes of vehicular travel or parking, unless all 25372
of the following conditions are met: 25373

(1) The person is fourteen or fifteen years of age and holds 25374
a valid probationary motorized bicycle license issued after the 25375
person has passed the test provided for in this section, or the 25376
person is sixteen years of age or older and holds either a valid 25377
commercial driver's license issued under Chapter 4506. or a 25378
driver's license issued under Chapter 4507. of the Revised Code or 25379
a valid motorized bicycle license issued after the person has 25380
passed the test provided for in this section, except that if a 25381
person is sixteen years of age, has a valid probationary motorized 25382
bicycle license and desires a motorized bicycle license, ~~he~~ the 25383
person is not required to comply with the testing requirements 25384
provided for in this section; 25385

(2) The motorized bicycle is equipped in accordance with the 25386
rules adopted under division (B) of this section and is in proper 25387
working order; 25388

(3) The person, if ~~he is~~ under eighteen years of age, is 25389
wearing a protective helmet on ~~his~~ the person's head with the chin 25390
strap properly fastened and the motorized bicycle is equipped with 25391
a rear-view mirror. 25392

(4) The person operates the motorized bicycle when 25393
practicable within three feet of the right edge of the roadway 25394
obeying all traffic rules applicable to vehicles. 25395

(B) The director of public safety, subject to sections 119.01 25396
to 119.13 of the Revised Code, shall adopt and promulgate rules 25397
concerning protective helmets, the equipment of motorized 25398
bicycles, and the testing and qualifications of persons who do not 25399
hold a valid driver's or commercial driver's license. The test 25400
shall be as near as practicable to the examination required for a 25401
motorcycle operator's endorsement under section 4507.11 of the 25402
Revised Code. The test shall also require the operator to give an 25403
actual demonstration of ~~his~~ the operator's ability to operate and 25404
control a motorized bicycle by driving one under the supervision 25405
of an examining officer. 25406

(C) Every motorized bicycle license expires on the birthday 25407
of the applicant in the fourth year after the date it is issued, 25408
but in no event shall any motorized bicycle license be issued for 25409
a period longer than four years. 25410

(D) No person operating a motorized bicycle shall carry 25411
another person upon the motorized bicycle. 25412

(E) The protective helmet and rear-view mirror required by 25413
division (A)(3) of this section shall, on and after January 1, 25414
1985, conform with rules adopted by the director under division 25415
(B) of this section. 25416

(F) Each probationary motorized bicycle license or motorized 25417
bicycle license shall be laminated with a transparent plastic 25418
material. 25419

(G) Whoever violates division (A), (D), or (E) of this 25420
section is guilty of a minor misdemeanor. 25421

Sec. 4511.53. (A) For purposes of this section, "snowmobile" 25422
has the same meaning as given that term in section 4519.01 of the 25423
Revised Code. 25424

(B) A person operating a bicycle or motorcycle shall not ride 25425
other than upon the permanent and regular seat attached thereto, 25426
nor carry any other person upon such bicycle or motorcycle other 25427
than upon a firmly attached and regular seat thereon, nor shall 25428
any person ride upon a bicycle or motorcycle other than upon such 25429
a firmly attached and regular seat. 25430

A person shall ride upon a motorcycle only while sitting 25431
astride the seat, facing forward, with one leg on each side of the 25432
motorcycle. 25433

No person operating a bicycle shall carry any package, 25434
bundle, or article that prevents the driver from keeping at least 25435
one hand upon the handle bars. 25436

No bicycle or motorcycle shall be used to carry more persons 25437
at one time than the number for which it is designed and equipped, 25438
nor shall any motorcycle be operated on a highway when the handle 25439
bars or grips are more than fifteen inches higher than the seat or 25440
saddle for the operator. 25441

No person shall operate or be a passenger on a snowmobile or 25442
motorcycle without using safety glasses or other protective eye 25443
device. No person who is under the age of eighteen years, or who 25444
holds a motorcycle operator's endorsement or license bearing a 25445
"novice" designation that is currently in effect as provided in 25446
section 4507.13 of the Revised Code, shall operate a motorcycle on 25447
a highway, or be a passenger on a motorcycle, unless wearing a 25448
protective helmet on ~~his~~ the person's head, and no other person 25449

shall be a passenger on a motorcycle operated by such a person 25450
unless similarly wearing a protective helmet. The helmet, safety 25451
glasses, or other protective eye device shall conform with 25452
regulations prescribed and promulgated by the director of public 25453
safety. The provisions of this paragraph or a violation thereof 25454
shall not be used in the trial of any civil action. 25455

(C) Except as otherwise provided in this division, whoever 25456
violates this section is guilty of a minor misdemeanor. If, within 25457
one year of the offense, the offender previously has been 25458
convicted of or pleaded guilty to one predicate motor vehicle or 25459
traffic offense, whoever violates this section is guilty of a 25460
misdemeanor of the fourth degree. If, within one year of the 25461
offense, the offender previously has been convicted of two or more 25462
predicate motor vehicle or traffic offenses, whoever violates this 25463
section is guilty of a misdemeanor of the third degree. 25464

Sec. 4511.54. (A) No person riding upon any bicycle, coaster, 25465
roller skates, sled, or toy vehicle shall attach the same or 25466
~~himself~~ self to any streetcar, trackless trolley, or vehicle upon 25467
a roadway. 25468

No operator shall knowingly permit any person riding upon any 25469
bicycle, coaster, roller skates, sled, or toy vehicle to attach 25470
the same or ~~himself~~ self to any streetcar, trackless trolley, or 25471
vehicle while it is moving upon a roadway. 25472

This section does not apply to the towing of a disabled 25473
vehicle. 25474

(B) Except as otherwise provided in this division, whoever 25475
violates this section is guilty of a minor misdemeanor. If, within 25476
one year of the offense, the offender previously has been 25477
convicted of or pleaded guilty to one predicate motor vehicle or 25478
traffic offense, whoever violates this section is guilty of a 25479
misdemeanor of the fourth degree. If, within one year of the 25480

offense, the offender previously has been convicted of two or more 25481
predicate motor vehicle or traffic offenses, whoever violates this 25482
section is guilty of a misdemeanor of the third degree. 25483

Sec. 4511.55. (A) Every person operating a bicycle upon a 25484
roadway shall ride as near to the right side of the roadway as 25485
practicable obeying all traffic rules applicable to vehicles and 25486
exercising due care when passing a standing vehicle or one 25487
proceeding in the same direction. 25488

(B) Persons riding bicycles or motorcycles upon a roadway 25489
shall ride not more than two abreast in a single lane, except on 25490
paths or parts of roadways set aside for the exclusive use of 25491
bicycles or motorcycles. 25492

(C) Except as otherwise provided in this division, whoever 25493
violates this section is guilty of a minor misdemeanor. If, within 25494
one year of the offense, the offender previously has been 25495
convicted of or pleaded guilty to one predicate motor vehicle or 25496
traffic offense, whoever violates this section is guilty of a 25497
misdemeanor of the fourth degree. If, within one year of the 25498
offense, the offender previously has been convicted of two or more 25499
predicate motor vehicle or traffic offenses, whoever violates this 25500
section is guilty of a misdemeanor of the third degree. 25501

Sec. 4511.56. (A) Every bicycle when in use at the times 25502
specified in section 4513.03 of the Revised Code, shall be 25503
equipped with the following: 25504

(1) A lamp on the front that shall emit a white light visible 25505
from a distance of at least five hundred feet to the front; 25506
25507

(2) A red reflector on the rear of a type approved by the 25508
director of public safety that shall be visible from all distances 25509
from one hundred feet to six hundred feet to the rear when 25510

directly in front of lawful lower beams of head lamps on a motor 25511
vehicle; 25512

(3) A lamp emitting a red light visible from a distance of 25513
five hundred feet to the rear shall be used in addition to the red 25514
reflector; 25515

(4) An essentially colorless reflector on the front of a type 25516
approved by the director; 25517

(5) Either with tires with retroreflective sidewalls or with 25518
an essentially colorless or amber reflector mounted on the spokes 25519
of the front wheel and an essentially colorless or red reflector 25520
mounted on the spokes of the rear wheel. Each reflector shall be 25521
visible on each side of the wheel from a distance of six hundred 25522
feet when directly in front of lawful lower beams of head lamps on 25523
a motor vehicle. Retroreflective tires or reflectors shall be of a 25524
type approved by the director. 25525

(B) No person shall operate a bicycle unless it is equipped 25526
with a bell or other device capable of giving a signal audible for 25527
a distance of at least one hundred feet, except that a bicycle 25528
shall not be equipped with nor shall any person use upon a bicycle 25529
any siren or whistle. 25530

(C) Every bicycle shall be equipped with an adequate brake 25531
when used on a street or highway. 25532

(D) Except as otherwise provided in this division, whoever 25533
violates this section is guilty of a minor misdemeanor. If, within 25534
one year of the offense, the offender previously has been 25535
convicted of or pleaded guilty to one predicate motor vehicle or 25536
traffic offense, whoever violates this section is guilty of a 25537
misdemeanor of the fourth degree. If, within one year of the 25538
offense, the offender previously has been convicted of two or more 25539
predicate motor vehicle or traffic offenses, whoever violates this 25540
section is guilty of a misdemeanor of the third degree. 25541

Sec. 4511.57. (A) The driver of a vehicle shall not overtake 25542
and pass upon the left nor drive upon the left side of any 25543
streetcar proceeding in the same direction, whether such streetcar 25544
is in motion or at rest, except: 25545

~~(A)~~(1) When so directed by a police officer or traffic 25546
control device; 25547

~~(B)~~(2) When upon a one-way street; 25548

~~(C)~~(3) When upon a street where the tracks are so located as 25549
to prevent compliance with this section; 25550

~~(D)~~(4) When authorized by local authorities. 25551

(B) The driver of any vehicle when permitted to overtake and 25552
pass upon the left of a streetcar which has stopped for the 25553
purpose of receiving or discharging any passenger shall accord 25554
pedestrians the right of way. 25555

(C) Except as otherwise provided in this division, whoever 25556
violates this section is guilty of a minor misdemeanor. If, within 25557
one year of the offense, the offender previously has been 25558
convicted of or pleaded guilty to one predicate motor vehicle or 25559
traffic offense, whoever violates this section is guilty of a 25560
misdemeanor of the fourth degree. If, within one year of the 25561
offense, the offender previously has been convicted of two or more 25562
predicate motor vehicle or traffic offenses, whoever violates this 25563
section is guilty of a misdemeanor of the third degree. 25564

Sec. 4511.58. (A) The driver of a vehicle overtaking upon the 25565
right any streetcar stopped for the purpose of receiving or 25566
discharging any passenger shall stop such vehicle at least five 25567
feet to the rear of the nearest running board or door of such 25568
streetcar and remain standing until all passengers have boarded 25569
such streetcar, or upon alighting therefrom have reached a place 25570

of safety, except that where a safety zone has been established, a 25571
vehicle need not be brought to a stop before passing any such 25572
streetcar or any trackless trolley, but may proceed past such 25573
streetcar or trackless trolley at a speed not greater than is 25574
reasonable and proper considering the safety of pedestrians. 25575

(B) Except as otherwise provided in this division, whoever 25576
violates this section is guilty of a minor misdemeanor. If, within 25577
one year of the offense, the offender previously has been 25578
convicted of or pleaded guilty to one predicate motor vehicle or 25579
traffic offense, whoever violates this section is guilty of a 25580
misdemeanor of the fourth degree. If, within one year of the 25581
offense, the offender previously has been convicted of two or more 25582
predicate motor vehicle or traffic offenses, whoever violates this 25583
section is guilty of a misdemeanor of the third degree. 25584

Sec. 4511.59. (A) The driver of any vehicle proceeding upon 25586
any streetcar tracks in front of a streetcar shall remove such 25587
vehicle from the track as soon as practicable after signal from 25588
the operator of said streetcar. 25589

The driver of a vehicle upon overtaking and passing a 25590
streetcar shall not turn in front of such streetcar unless such 25591
movement can be made in safety. 25592

(B) Except as otherwise provided in this division, whoever 25593
violates this section is guilty of a minor misdemeanor. If, within 25594
one year of the offense, the offender previously has been 25595
convicted of or pleaded guilty to one predicate motor vehicle or 25596
traffic offense, whoever violates this section is guilty of a 25597
misdemeanor of the fourth degree. If, within one year of the 25598
offense, the offender previously has been convicted of two or more 25599
predicate motor vehicle or traffic offenses, whoever violates this 25600
section is guilty of a misdemeanor of the third degree. 25601

Sec. 4511.60. (A) No vehicle shall at any time be driven 25602
through or within a safety zone. 25603

(B) Except as otherwise provided in this division, whoever 25604
violates this section is guilty of a minor misdemeanor. If, within 25605
one year of the offense, the offender previously has been 25606
convicted of or pleaded guilty to one predicate motor vehicle or 25607
traffic offense, whoever violates this section is guilty of a 25608
misdemeanor of the fourth degree. If, within one year of the 25609
offense, the offender previously has been convicted of two or more 25610
predicate motor vehicle or traffic offenses, whoever violates this 25611
section is guilty of a misdemeanor of the third degree. 25612

Sec. 4511.61. (A) The department of transportation and local 25613
authorities in their respective jurisdictions, with the approval 25614
of the department, may designate dangerous highway crossings over 25615
railroad tracks whether on state, county, or township highways or 25616
on streets or ways within municipal corporations, and erect stop 25617
signs thereat. When such stop signs are erected, the operator of 25618
any vehicle, streetcar, or trackless trolley shall stop within 25619
fifty, but not less than fifteen, feet from the nearest rail of 25620
the railroad tracks and shall exercise due care before proceeding 25621
across such grade crossing. 25622

(B) Except as otherwise provided in this division, whoever 25623
violates this section is guilty of a minor misdemeanor. If, within 25624
one year of the offense, the offender previously has been 25625
convicted of or pleaded guilty to one predicate motor vehicle or 25626
traffic offense, whoever violates this section is guilty of a 25627
misdemeanor of the fourth degree. If, within one year of the 25628
offense, the offender previously has been convicted of two or more 25629
predicate motor vehicle or traffic offenses, whoever violates this 25630
section is guilty of a misdemeanor of the third degree. 25631

Sec. 4511.62. (A)(1) Whenever any person driving a vehicle or 25632
trackless trolley approaches a railroad grade crossing, the person 25633
shall stop within fifty feet, but not less than fifteen feet from 25634
the nearest rail of the railroad if any of the following 25635
circumstances exist at the crossing: 25636

(a) A clearly visible electric or mechanical signal device 25637
gives warning of the immediate approach of a train. 25638

(b) A crossing gate is lowered. 25639

(c) A flagperson gives or continues to give a signal of the 25640
approach or passage of a train. 25641

(d) There is insufficient space on the other side of the 25642
railroad grade crossing to accommodate the vehicle or trackless 25643
trolley the person is operating without obstructing the passage of 25644
other vehicles, trackless trolleys, pedestrians, or railroad 25645
trains, notwithstanding any traffic control signal indication to 25646
proceed. 25647

(e) An approaching train is emitting an audible signal or is 25648
plainly visible and is in hazardous proximity to the crossing. 25649

(2) A person who is driving a vehicle or trackless trolley 25650
and who approaches a railroad grade crossing shall not proceed as 25651
long as any of the circumstances described in divisions (A)(1)(a) 25652
to (e) of this section exist at the crossing. 25653

(B) No person shall drive any vehicle through, around, or 25654
under any crossing gate or barrier at a railroad crossing while 25655
the gate or barrier is closed or is being opened or closed unless 25656
the person is signaled by a law enforcement officer or flagperson 25657
that it is permissible to do so. 25658

(C) Whoever violates this section is guilty of a misdemeanor 25659
of the fourth degree. 25660

Sec. 4511.63. (A) The operator of any motor vehicle or 25661
trackless trolley, carrying passengers, for hire, of any school 25662
bus, or of any vehicle carrying explosives or flammable liquids as 25663
a cargo or as such part of a cargo as to constitute a hazard, 25664
before crossing at grade any track of a railroad, shall stop the 25665
vehicle or trackless trolley and, while so stopped, shall listen 25666
through an open door or open window and look in both directions 25667
along the track for any approaching train, and for signals 25668
indicating the approach of a train, and shall proceed only upon 25669
exercising due care after stopping, looking, and listening as 25670
required by this section. Upon proceeding, the operator of such a 25671
vehicle shall cross only in a gear that will ensure there will be 25672
no necessity for changing gears while traversing the crossing and 25673
shall not shift gears while crossing the tracks. 25674

(B) This section does not apply at any of the following: 25675

(1) Street railway grade crossings within a municipal 25676
corporation, or to abandoned tracks, spur tracks, side tracks, and 25677
industrial tracks when the public utilities commission has 25678
authorized and approved the crossing of the tracks without making 25679
the stop required by this section; 25680

(2) Through June 30, 1995, a street railway grade crossing 25681
where out-of-service signs are posted in accordance with section 25682
4955.37 of the Revised Code. 25683

(C) Except as otherwise provided in this division, whoever 25684
violates this section is guilty of a minor misdemeanor. If the 25685
offender previously has been convicted of or pleaded guilty to one 25686
or more violations of this section or section 4511.76, 4511.761, 25687
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 25688
municipal ordinance that is substantially similar to any of those 25689
sections, whoever violates this section is guilty of a misdemeanor 25690
of the fourth degree. 25691

Sec. 4511.64. (A) No person shall operate or move any 25692
crawler-type tractor, steam shovel, derrick, roller, or any 25693
equipment or structure having a normal operating speed of six or 25694
less miles per hour or a vertical body or load clearance of less 25695
than nine inches above the level surface of a roadway, upon or 25696
across any tracks at a railroad grade crossing without first 25697
complying with divisions (A)(1) and ~~(B)(2)~~ of this section. 25698

~~(A)(1)~~ Before making any such crossing, the person operating 25699
or moving any such vehicle or equipment shall first stop the same, 25700
and while stopped ~~he~~ the person shall listen and look in both 25701
directions along such track for any approaching train and for 25702
signals indicating the approach of a train, and shall proceed only 25703
upon exercising due care. 25704

~~(B)(2)~~ No such crossing shall be made when warning is given 25705
by automatic signal or crossing gates or a ~~flagman~~ flagperson or 25706
otherwise of the immediate approach of a railroad train or car. 25707

(B) If the normal sustained speed of such vehicle, equipment, 25708
or structure is not more than three miles per hour, the person 25709
owning, operating, or moving the same shall also give notice of 25710
such intended crossing to a station agent or superintendent of the 25711
railroad, and a reasonable time shall be given to such railroad to 25712
provide proper protection for such crossing. Where such vehicles 25713
or equipment are being used in constructing or repairing a section 25714
of highway lying on both sides of a railroad grade crossing, and 25715
in such construction or repair it is necessary to repeatedly move 25716
such vehicles or equipment over such crossing, one daily notice 25717
specifying when such work will start and stating the hours during 25718
which it will be prosecuted is sufficient. 25719

25720
(C) Except as otherwise provided in this division, whoever 25721
violates this section is guilty of a minor misdemeanor. If, within 25722

one year of the offense, the offender previously has been 25723
convicted of or pleaded guilty to one predicate motor vehicle or 25724
traffic offense, whoever violates this section is guilty of a 25725
misdemeanor of the fourth degree. If, within one year of the 25726
offense, the offender previously has been convicted of two or more 25727
predicate motor vehicle or traffic offenses, whoever violates this 25728
section is guilty of a misdemeanor of the third degree. 25729

Sec. 4511.66. (A) Upon any highway outside a business or 25730
residence district, no person shall stop, park, or leave standing 25731
any vehicle, whether attended or unattended, upon the paved or 25732
main traveled part of the highway if it is practicable to stop, 25733
park, or so leave such vehicle off the paved or main traveled part 25734
of said highway. In every event a clear and unobstructed portion 25735
of the highway opposite such standing vehicle shall be left for 25736
the free passage of other vehicles, and a clear view of such 25737
stopped vehicle shall be available from a distance of two hundred 25738
feet in each direction upon such highway. 25739

This section does not apply to the driver of any vehicle 25740
which is disabled while on the paved or improved or main traveled 25741
portion of a highway in such manner and to such extent that it is 25742
impossible to avoid stopping and temporarily leaving the disabled 25743
vehicle in such position. 25744

(B) Except as otherwise provided in this division, whoever 25745
violates this section is guilty of a minor misdemeanor. If, within 25746
one year of the offense, the offender previously has been 25747
convicted of or pleaded guilty to one predicate motor vehicle or 25748
traffic offense, whoever violates this section is guilty of a 25749
misdemeanor of the fourth degree. If, within one year of the 25750
offense, the offender previously has been convicted of two or more 25751
predicate motor vehicle or traffic offenses, whoever violates this 25752
section is guilty of a misdemeanor of the third degree. 25753

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;	25783
(F) (6) Within twenty feet of a crosswalk at an intersection;	25784
(G) (7) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign, or traffic control device;	25785 25786
(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;	25787 25788 25789 25790
(I) (9) Within fifty feet of the nearest rail of a railroad crossing;	25791 25792
(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;	25793 25794 25795 25796
(K) (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;	25797 25798
(L) (12) Alongside any vehicle stopped or parked at the edge or curb of a street;	25799 25800
(M) (13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;	25801 25802
(N) (14) At any place where signs prohibit stopping;	25803
(O) (15) Within one foot of another parked vehicle;	25804
(P) (16) On the roadway portion of a freeway, expressway, or thruway.	25805 25806
<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>	25807 25808 25809 25810 25811

misdemeanor of the fourth degree. If, within one year of the 25812
offense, the offender previously has been convicted of two or more 25813
predicate motor vehicle or traffic offenses, whoever violates this 25814
section is guilty of a misdemeanor of the third degree. 25815

Sec. 4511.681. (A) If an owner of private property posts on 25816
the property, in a conspicuous manner, a prohibition against 25817
parking on the property or conditions and regulations under which 25818
parking is permitted, no person shall do either of the following: 25819

~~(A)~~(1) Park a vehicle on the property without the owner's 25820
consent; 25821

~~(B)~~(2) Park a vehicle on the property in violation of any 25822
condition or regulation posted by the owner. 25823

(B) Whoever violates this section is guilty of a minor 25824
misdemeanor. 25825

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 25826
roadway where there is an adjacent curb shall be stopped or parked 25827
with the right-hand wheels of the vehicle parallel with and not 25828
more than twelve inches from the right-hand curb, unless it is 25829
impossible to approach so close to the curb; in such case the stop 25830
shall be made as close to the curb as possible and only for the 25831
time necessary to discharge and receive passengers or to load or 25832
unload merchandise. Local authorities by ordinance may permit 25833
angle parking on any roadway under their jurisdiction, except that 25834
angle parking shall not be permitted on a state route within a 25835
municipal corporation unless an unoccupied roadway width of not 25836
less than twenty-five feet is available for free-moving traffic. 25837

(B) Local authorities by ordinance may permit parking of 25838
vehicles with the left-hand wheels adjacent to and within twelve 25839
inches of the left-hand curb of a one-way roadway. 25840

(C) No vehicle or trackless trolley shall be stopped or 25841

parked on a road or highway with the vehicle or trackless trolley 25842
facing in a direction other than the direction of travel on that 25843
side of the road or highway. 25844

(D) Notwithstanding any statute or any rule, resolution, or 25845
ordinance adopted by any local authority, air compressors, 25846
tractors, trucks, and other equipment, while being used in the 25847
construction, reconstruction, installation, repair, or removal of 25848
facilities near, on, over, or under a street or highway, may stop, 25849
stand, or park where necessary in order to perform such work, 25850
provided a flagperson is on duty or warning signs or lights are 25851
displayed as may be prescribed by the director of transportation. 25852

(E) Special parking locations and privileges for persons with 25853
disabilities that limit or impair the ability to walk, also known 25854
as handicapped parking spaces or disability parking spaces, shall 25855
be provided and designated by all political subdivisions and by 25856
the state and all agencies and instrumentalities thereof at all 25857
offices and facilities, where parking is provided, whether owned, 25858
rented, or leased, and at all publicly owned parking garages. The 25859
locations shall be designated through the posting of an elevated 25860
sign, whether permanently affixed or movable, imprinted with the 25861
international symbol of access and shall be reasonably close to 25862
exits, entrances, elevators, and ramps. All elevated signs posted 25863
in accordance with this division and division (C) of section 25864
3781.111 of the Revised Code shall be mounted on a fixed or 25865
movable post, and the distance from the ground to the top edge of 25866
the sign shall measure five feet. If a new sign or a replacement 25867
sign designating a special parking location is posted on or after 25868
~~the effective date of this amendment~~ October 14, 1999, there also 25869
shall be affixed upon the surface of that sign or affixed next to 25870
the designating sign a notice that states the fine applicable for 25871
the offense of parking a motor vehicle in the special designated 25872
parking location if the motor vehicle is not legally entitled to 25873

be parked in that location. 25874

(F)(1) No person shall stop, stand, or park any motor vehicle 25875
at special parking locations provided under division (E) of this 25876
section or at special clearly marked parking locations provided in 25877
or on privately owned parking lots, parking garages, or other 25878
parking areas and designated in accordance with that division, 25879
unless one of the following applies: 25880

(a) The motor vehicle is being operated by or for the 25881
transport of a person with a disability that limits or impairs the 25882
ability to walk and is displaying a valid removable windshield 25883
placard or special license plates; 25884

(b) The motor vehicle is being operated by or for the 25885
transport of a handicapped person and is displaying a parking card 25886
or special handicapped license plates. 25887

(2) Any motor vehicle that is parked in a special marked 25888
parking location in violation of division (F)(1)(a) or (b) of this 25889
section may be towed or otherwise removed from the parking 25890
location by the law enforcement agency of the political 25891
subdivision in which the parking location is located. A motor 25892
vehicle that is so towed or removed shall not be released to its 25893
owner until the owner presents proof of ownership of the motor 25894
vehicle and pays all towing and storage fees normally imposed by 25895
that political subdivision for towing and storing motor vehicles. 25896
If the motor vehicle is a leased vehicle, it shall not be released 25897
to the lessee until the lessee presents proof that that person is 25898
the lessee of the motor vehicle and pays all towing and storage 25899
fees normally imposed by that political subdivision for towing and 25900
storing motor vehicles. 25901

(3) If a person is charged with a violation of division 25902
(F)(1)(a) or (b) of this section, it is an affirmative defense to 25903
the charge that the person suffered an injury not more than 25904

seventy-two hours prior to the time the person was issued the 25905
ticket or citation and that, because of the injury, the person 25906
meets at least one of the criteria contained in division (A)(1) of 25907
section 4503.44 of the Revised Code. 25908

(G) When a motor vehicle is being operated by or for the 25909
transport of a person with a disability that limits or impairs the 25910
ability to walk and is displaying a removable windshield placard 25911
or a temporary removable windshield placard or special license 25912
plates, or when a motor vehicle is being operated by or for the 25913
transport of a handicapped person and is displaying a parking card 25914
or special handicapped license plates, the motor vehicle is 25915
permitted to park for a period of two hours in excess of the legal 25916
parking period permitted by local authorities, except where local 25917
ordinances or police rules provide otherwise or where the vehicle 25918
is parked in such a manner as to be clearly a traffic hazard. 25919

(H) No owner of an office, facility, or parking garage where 25920
special parking locations are required to be designated in 25921
accordance with division (E) of this section shall fail to 25922
properly mark the special parking locations in accordance with 25923
that division or fail to maintain the markings of the special 25924
locations, including the erection and maintenance of the fixed or 25925
movable signs. 25926

(I) Nothing in this section shall be construed to require a 25927
person or organization to apply for a removable windshield placard 25928
or special license plates if the parking card or special license 25929
plates issued to the person or organization under prior law have 25930
not expired or been surrendered or revoked. 25931

(J)(1) Whoever violates division (A) or (C) of this section 25932
is guilty of a minor misdemeanor. 25933

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 25934
section is guilty of a misdemeanor and shall be punished as 25935

provided in division (J)(2)(a) and (b) of this section. Except as 25936
otherwise provided in division (J)(2)(a) of this section, an 25937
offender who violates division (F)(1)(a) or (b) of this section 25938
shall be fined not less than two hundred fifty nor more than five 25939
hundred dollars. An offender who violates division (F)(1)(a) or 25940
(b) of this section shall be fined not more than one hundred 25941
dollars if the offender, prior to sentencing, proves either of the 25942
following to the satisfaction of the court: 25943

(i) At the time of the violation of division (F)(1)(a) of 25944
this section, the offender or the person for whose transport the 25945
motor vehicle was being operated had been issued a removable 25946
windshield placard that then was valid or special license plates 25947
that then were valid but the offender or the person neglected to 25948
display the placard or license plates as described in division 25949
(F)(1)(a) of this section. 25950

(ii) At the time of the violation of division (F)(1)(b) of 25951
this section, the offender or the person for whose transport the 25952
motor vehicle was being operated had been issued a parking card 25953
that then was valid or special handicapped license plates that 25954
then were valid but the offender or the person neglected to 25955
display the card or license plates as described in division 25956
(F)(1)(b) of this section. 25957

(b) In no case shall an offender who violates division 25958
(F)(1)(a) or (b) of this section be sentenced to any term of 25959
imprisonment. 25960

An arrest or conviction for a violation of division (F)(1)(a) 25961
or (b) of this section does not constitute a criminal record and 25962
need not be reported by the person so arrested or convicted in 25963
response to any inquiries contained in any application for 25964
employment, license, or other right or privilege, or made in 25965
connection with the person's appearance as a witness. 25966

The clerk of the court shall pay every fine collected under 25967
division (J)(2) of this section to the political subdivision in 25968
which the violation occurred. Except as provided in division 25969
(J)(2) of this section, the political subdivision shall use the 25970
fine moneys it receives under division (J)(2) of this section to 25971
pay the expenses it incurs in complying with the signage and 25972
notice requirements contained in division (E) of this section. The 25973
political subdivision may use up to fifty per cent of each fine it 25974
receives under division (J)(2) of this section to pay the costs of 25975
educational, advocacy, support, and assistive technology programs 25976
for persons with disabilities, and for public improvements within 25977
the political subdivision that benefit or assist persons with 25978
disabilities, if governmental agencies or nonprofit organizations 25979
offer the programs. 25980

(3) Whoever violates division (H) of this section shall be 25981
punished as follows: 25982

(a) Except as otherwise provided in division (J)(3) of this 25983
section, the offender shall be issued a warning. 25984

(b) If the offender previously has been convicted of or 25985
pleaded guilty to a violation of division (H) of this section or 25986
of a municipal ordinance that is substantially similar to that 25987
division, the offender shall not be issued a warning but shall be 25988
fined twenty-five dollars for each parking location that is not 25989
properly marked or whose markings are not properly maintained. 25990

(K) As used in this section: 25991

(1) "Handicapped person" means any person who has lost the 25992
use of one or both legs or one or both arms, who is blind, deaf, 25993
or so severely handicapped as to be unable to move without the aid 25994
of crutches or a wheelchair, or whose mobility is restricted by a 25995
permanent cardiovascular, pulmonary, or other handicapping 25996
condition. 25997

(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 26028
offense, the offender previously has been convicted of two or more 26029
predicate motor vehicle or traffic offenses, whoever violates this 26030
section is guilty of a misdemeanor of the third degree. 26031

Sec. 4511.701. (A) No person shall occupy any travel trailer 26032
or manufactured or mobile home while it is being used as a 26033
conveyance upon a street or highway. 26034

(B) Except as otherwise provided in this division, whoever 26035
violates this section is guilty of a minor misdemeanor. If, within 26036
one year of the offense, the offender previously has been 26037
convicted of or pleaded guilty to one predicate motor vehicle or 26038
traffic offense, whoever violates this section is guilty of a 26039
misdemeanor of the fourth degree. If, within one year of the 26040
offense, the offender previously has been convicted of two or more 26041
predicate motor vehicle or traffic offenses, whoever violates this 26042
section is guilty of a misdemeanor of the third degree. 26043

Sec. 4511.71. (A) No person shall drive upon, along, or 26044
across a street or highway, or any part thereof, ~~which~~ of a street 26045
or highway that has been closed in the process of its 26046
construction, reconstruction, or repair, and posted with 26047
appropriate signs by the authority having jurisdiction to close 26048
such highway. 26049

(B) Except as otherwise provided in this division, whoever 26050
violates this section is guilty of a minor misdemeanor. If, within 26051
one year of the offense, the offender previously has been 26052
convicted of or pleaded guilty to one predicate motor vehicle or 26053
traffic offense, whoever violates this section is guilty of a 26054
misdemeanor of the fourth degree. If, within one year of the 26055
offense, the offender previously has been convicted of two or more 26056
predicate motor vehicle or traffic offenses, whoever violates this 26057

section is guilty of a misdemeanor of the third degree. 26058

Sec. 4511.711. (A) No person shall drive any vehicle, other 26059
than a bicycle, upon a sidewalk or sidewalk area except upon a 26060
permanent or duly authorized temporary driveway. 26061

Nothing in this section shall be construed as prohibiting 26062
local authorities from regulating the operation of bicycles within 26063
their respective jurisdictions. 26064

(B) Except as otherwise provided in this division, whoever 26065
violates this section is guilty of a minor misdemeanor. If, within 26066
one year of the offense, the offender previously has been 26067
convicted of or pleaded guilty to one predicate motor vehicle or 26068
traffic offense, whoever violates this section is guilty of a 26069
misdemeanor of the fourth degree. If, within one year of the 26070
offense, the offender previously has been convicted of two or more 26071
predicate motor vehicle or traffic offenses, whoever violates this 26072
section is guilty of a misdemeanor of the third degree. 26073

Sec. 4511.712. (A) No driver shall enter an intersection or 26074
marked crosswalk or drive onto any railroad grade crossing unless 26075
there is sufficient space on the other side of the intersection, 26076
crosswalk, or grade crossing to accommodate the vehicle, 26077
streetcar, or trackless trolley ~~he~~ the driver is operating without 26078
obstructing the passage of other vehicles, streetcars, trackless 26079
trolleys, pedestrians, or railroad trains, notwithstanding any 26080
traffic control signal indication to proceed. 26081

(B) Except as otherwise provided in this division, whoever 26082
violates this section is guilty of a minor misdemeanor. If, within 26083
one year of the offense, the offender previously has been 26084
convicted of or pleaded guilty to one predicate motor vehicle or 26085
traffic offense, whoever violates this section is guilty of a 26086
misdemeanor of the fourth degree. If, within one year of the 26087

offense, the offender previously has been convicted of two or more 26088
predicate motor vehicle or traffic offenses, whoever violates this 26089
section is guilty of a misdemeanor of the third degree. 26090

Sec. 4511.713. (A) No person shall operate a motor vehicle, 26091
snowmobile, or all-purpose vehicle upon any path set aside for the 26092
exclusive use of bicycles, when an appropriate sign giving notice 26093
of such use is posted on the path. 26094

Nothing in this section shall be construed to affect any rule 26095
of the director of natural resources governing the operation of 26096
motor vehicles, snowmobiles, all-purpose vehicles, and bicycles on 26097
lands under ~~his~~ the director's jurisdiction. 26098

(B) Except as otherwise provided in this division, whoever 26099
violates this section is guilty of a minor misdemeanor. If, within 26100
one year of the offense, the offender previously has been 26101
convicted of or pleaded guilty to one predicate motor vehicle or 26102
traffic offense, whoever violates this section is guilty of a 26103
misdemeanor of the fourth degree. If, within one year of the 26104
offense, the offender previously has been convicted of two or more 26105
predicate motor vehicle or traffic offenses, whoever violates this 26106
section is guilty of a misdemeanor of the third degree. 26107

Sec. 4511.72. (A) The driver of any vehicle, other than an 26108
emergency vehicle or public safety vehicle on official business, 26109
shall not follow any emergency vehicle or public safety vehicle 26110
traveling in response to an alarm closer than five hundred feet, 26111
or drive into or park such vehicle within the block where fire 26112
apparatus has stopped in answer to a fire alarm, unless directed 26113
to do so by a police officer or a ~~fireman~~ firefighter. 26114

(B) Except as otherwise provided in this division, whoever 26115
violates this section is guilty of a minor misdemeanor. If, within 26116
one year of the offense, the offender previously has been 26117

convicted of or pleaded guilty to one predicate motor vehicle or 26118
traffic offense, whoever violates this section is guilty of a 26119
misdemeanor of the fourth degree. If, within one year of the 26120
offense, the offender previously has been convicted of two or more 26121
predicate motor vehicle or traffic offenses, whoever violates this 26122
section is guilty of a misdemeanor of the third degree. 26123

Sec. 4511.73. (A) No streetcar, trackless trolley, or vehicle 26124
shall, without the consent of the fire department official in 26125
command, be driven over any unprotected hose of a fire department, 26126
~~when said hose~~ that is laid down on any street, private driveway, 26127
or streetcar track to be used at any fire or alarm of fire. 26128

(B) Except as otherwise provided in this division, whoever 26130
violates this section is guilty of a minor misdemeanor. If, within 26131
one year of the offense, the offender previously has been 26132
convicted of or pleaded guilty to one predicate motor vehicle or 26133
traffic offense, whoever violates this section is guilty of a 26134
misdemeanor of the fourth degree. If, within one year of the 26135
offense, the offender previously has been convicted of two or more 26136
predicate motor vehicle or traffic offenses, whoever violates this 26137
section is guilty of a misdemeanor of the third degree. 26138

Sec. 4511.74. (A) No person shall place or knowingly drop 26139
upon any part of a highway, lane, road, street, or alley any 26140
tacks, bottles, wire, glass, nails, or other articles which may 26141
damage or injure any person, vehicle, streetcar, trackless 26142
trolley, or animal traveling along or upon such highway, except 26143
such substances that may be placed upon the roadway by proper 26144
authority for the repair or construction thereof. 26145

Any person who drops or permits to be dropped or thrown upon 26146
any highway any destructive or injurious material shall 26147

immediately remove the same. 26148

Any person authorized to remove a wrecked or damaged vehicle, 26149
streetcar, or trackless trolley from a highway shall remove any 26150
glass or other injurious substance dropped upon the highway from 26151
such vehicle, streetcar, or trackless trolley. 26152

No person shall place any obstruction in or upon a highway 26153
without proper authority. 26154

(B) No person, with intent to cause physical harm to a person 26155
or a vehicle, shall place or knowingly drop upon any part of a 26156
highway, lane, road, street, or alley any tacks, bottles, wire, 26157
glass, nails, or other articles which may damage or injure any 26158
person, vehicle, streetcar, trackless trolley, or animal traveling 26159
along or upon such highway, except such substances that may be 26160
placed upon the roadway by proper authority for the repair or 26161
construction thereof. 26162

(C)(1) Except as otherwise provided in this division, whoever 26163
violates division (A) of this section is guilty of a minor 26164
misdemeanor. If, within one year of the offense, the offender 26165
previously has been convicted of or pleaded guilty to one 26166
predicate motor vehicle or traffic offense, whoever violates 26167
division (A) of this section is guilty of a misdemeanor of the 26168
fourth degree. If, within one year of the offense, the offender 26169
previously has been convicted of two or more predicate motor 26170
vehicle or traffic offenses, whoever violates division (A) of this 26171
section is guilty of a misdemeanor of the third degree. 26172

(2) Whoever violates division (B) of this section is guilty 26173
of a misdemeanor of the first degree. 26174

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 26175
trackless trolley upon meeting or overtaking from either direction 26176
any school bus stopped for the purpose of receiving or discharging 26177

any school child, person attending programs offered by community 26178
boards of mental health and county boards of mental retardation 26179
and developmental disabilities, or child attending a program 26180
offered by a head start agency, shall stop at least ten feet from 26181
the front or rear of the school bus and shall not proceed until 26182
such school bus resumes motion, or until signaled by the school 26183
bus driver to proceed. 26184

It is no defense to a charge under this division that the 26185
school bus involved failed to display or be equipped with an 26186
automatically extended stop warning sign as required by division 26187
(B) of this section. 26188

(B) Every school bus shall be equipped with amber and red 26189
visual signals meeting the requirements of section 4511.771 of the 26190
Revised Code, and an automatically extended stop warning sign of a 26191
type approved by the state board of education, which shall be 26192
actuated by the driver of the bus whenever but only whenever the 26193
bus is stopped or stopping on the roadway for the purpose of 26194
receiving or discharging school children, persons attending 26195
programs offered by community boards of mental health and county 26196
boards of mental retardation and developmental disabilities, or 26197
children attending programs offered by head start agencies. A 26198
school bus driver shall not actuate the visual signals or the stop 26199
warning sign in designated school bus loading areas where the bus 26200
is entirely off the roadway or at school buildings when children 26201
or persons attending programs offered by community boards of 26202
mental health and county boards of mental retardation and 26203
developmental disabilities are loading or unloading at curbside or 26204
at buildings when children attending programs offered by head 26205
start agencies are loading or unloading at curbside. The visual 26206
signals and stop warning sign shall be synchronized or otherwise 26207
operated as required by rule of the board. 26208

(C) Where a highway has been divided into four or more 26209

traffic lanes, a driver of a vehicle, streetcar, or trackless 26210
trolley need not stop for a school bus approaching from the 26211
opposite direction which has stopped for the purpose of receiving 26212
or discharging any school child, persons attending programs 26213
offered by community boards of mental health and county boards of 26214
mental retardation and developmental disabilities, or children 26215
attending programs offered by head start agencies. The driver of 26216
any vehicle, streetcar, or trackless trolley overtaking the school 26217
bus shall comply with division (A) of this section. 26218

(D) School buses operating on divided highways or on highways 26219
with four or more traffic lanes shall receive and discharge all 26220
school children, persons attending programs offered by community 26221
boards of mental health and county boards of mental retardation 26222
and developmental disabilities, and children attending programs 26223
offered by head start agencies on their residence side of the 26224
highway. 26225

(E) No school bus driver shall start the driver's bus until 26226
after any child, person attending programs offered by community 26227
boards of mental health and county boards of mental retardation 26228
and developmental disabilities, or child attending a program 26229
offered by a head start agency who may have alighted therefrom has 26230
reached a place of safety on the child's or person's residence 26231
side of the road. 26232

(F)(1) Whoever violates division (A) of this section may be 26233
fined an amount not to exceed five hundred dollars. A person who 26234
is issued a citation for a violation of division (A) of this 26235
section is not permitted to enter a written plea of guilty and 26236
waive the person's right to contest the citation in a trial but 26237
instead must appear in person in the proper court to answer the 26238
charge. 26239

(2) In addition to and independent of any other penalty 26240
provided by law, the court or mayor may impose upon an offender 26241

who violates this section a class seven suspension of the 26242
offender's driver's license, commercial driver's license, 26243
temporary instruction permit, probationary license, or nonresident 26244
operating privilege from the range specified in division (A)(7) of 26245
section 4510.02 of the Revised Code. When a license is suspended 26246
under this section, the court or mayor shall cause the offender to 26247
deliver the license to the court, and the court or clerk of the 26248
court immediately shall forward the license to the registrar of 26249
motor vehicles, together with notice of the court's action. 26250

(G) As used in this section: 26251

(1) "Head start agency" has the same meaning as in division 26252
(A)(1) of section 3301.31 of the Revised Code. 26253

(2) "School bus," as used in relation to children who attend 26254
a program offered by a head start agency, means a bus that is 26255
owned and operated by a head start agency, is equipped with an 26256
automatically extended stop warning sign of a type approved by the 26257
state board of education, is painted the color and displays the 26258
markings described in section 4511.77 of the Revised Code, and is 26259
equipped with amber and red visual signals meeting the 26260
requirements of section 4511.771 of the Revised Code, irrespective 26261
of whether or not the bus has fifteen or more children aboard at 26262
any time. "School bus" does not include a van owned and operated 26263
by a head start agency, irrespective of its color, lights, or 26264
markings. 26265

Sec. 4511.751. As used in this section, "license plate" 26266
includes, but is not limited to, any temporary license placard 26267
issued under section 4503.182 of the Revised Code or similar law 26268
of another jurisdiction. 26269

When the operator of a school bus believes that a motorist 26270
has violated division (A) of section 4511.75 of the Revised Code, 26271
the operator shall report the license plate number and a general 26272

description of the vehicle and of the operator of the vehicle to 26273
the law enforcement agency exercising jurisdiction over the area 26274
where the alleged violation occurred. The information contained in 26275
the report relating to the license plate number and to the general 26276
description of the vehicle and the operator of the vehicle at the 26277
time of the alleged violation may be supplied by any person with 26278
first-hand knowledge of the information. Information of which the 26279
operator of the school bus has first-hand knowledge also may be 26280
corroborated by any other person. 26281

Upon receipt of the report of the alleged violation of 26282
division (A) of section 4511.75 of the Revised Code, the law 26283
enforcement agency shall conduct an investigation to attempt to 26284
determine or confirm the identity of the operator of the vehicle 26285
at the time of the alleged violation. If the identity of the 26286
operator at the time of the alleged violation is established, the 26287
reporting of the license plate number of the vehicle shall 26288
establish probable cause for the law enforcement agency to issue a 26289
citation for the violation of division (A) of section 4511.75 of 26290
the Revised Code. However, if the identity of the operator of the 26291
vehicle at the time of the alleged violation cannot be 26292
established, the law enforcement agency shall issue a warning to 26293
the owner of the vehicle at the time of the alleged violation, 26294
except in the case of a leased or rented vehicle when the warning 26295
shall be issued to the lessee at the time of the alleged 26296
violation. 26297

The registrar of motor vehicles and deputy registrars shall, 26298
at the time of issuing license plates to any person, include with 26299
the license plate a summary of the requirements of division (A) of 26300
section 4511.75 of the Revised Code, ~~the procedures of section~~ 26301
~~4507.165 of the Revised Code,~~ and the procedures of, and penalty 26302
in division (G)(F) of section ~~4511.99~~ 4511.75 of the Revised 26303
Code. 26304

Sec. 4511.76. (A) The department of public safety, by and 26305
with the advice of the superintendent of public instruction, shall 26306
adopt and enforce rules relating to the construction, design, and 26307
equipment, including lighting equipment required by section 26308
4511.771 of the Revised Code, of all school buses both publicly 26309
and privately owned and operated in this state. 26310

(B) The department of education, by and with the advice of 26311
the director of public safety, shall adopt and enforce rules 26312
relating to the operation of all vehicles used for pupil 26313
transportation. 26314

(C) No person shall operate a vehicle used for pupil 26315
transportation within this state in violation of the rules of the 26316
department of education or the department of public safety. No 26317
person, being the owner thereof or having the supervisory 26318
responsibility therefor, shall permit the operation of a vehicle 26319
used for pupil transportation within this state in violation of 26320
the rules of the department of education or the department of 26321
public safety. 26322

(D) The department of public safety shall adopt and enforce 26323
rules relating to the issuance of a license under section 4511.763 26324
of the Revised Code. The rules may relate to the moral character 26325
of the applicant; the condition of the equipment to be operated; 26326
the liability and property damage insurance carried by the 26327
applicant; the posting of satisfactory and sufficient bond; and 26328
such other rules as the director of public safety determines 26329
reasonably necessary for the safety of the pupils to be 26330
transported. 26331

(E) As used in this section, "vehicle used for pupil 26332
transportation" means any vehicle that is identified as such by 26333
the department of education by rule and that is subject to Chapter 26334
3301-83 of the Administrative Code. 26335

(F) 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, 4511.761, 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, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.761. (A) The state highway patrol shall inspect every school bus to ascertain whether its construction, design, and equipment comply with the regulations adopted pursuant to section 4511.76 of the Revised Code and all other provisions of law.

The superintendent of the state highway patrol shall adopt a distinctive inspection decal not less than twelve inches in size, and bearing the date of the inspection, which shall be affixed to the outside surface of each side of each school bus which upon such inspection is found to comply with the regulations adopted pursuant to section 4511.76 of the Revised Code. The appearance of said decal shall be changed from year to year as to shape and color in order to provide easy visual inspection.

No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this state unless there are displayed thereon the decals issued by the state highway patrol bearing the proper date of inspection for the calendar year for which the inspection decals were issued.

(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,

4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 26367
municipal ordinance that is substantially similar to any of those 26368
sections, whoever violates this section is guilty of a misdemeanor 26369
of the fourth degree. 26370

(C) Whenever a person is found guilty in a court of record of 26371
a violation of this section, the trial judge, in addition to or 26372
independent of all other penalties provided by law, may suspend 26373
for any period of time not exceeding three years, or cancel the 26374
license of any person, partnership, association, or corporation, 26375
issued under section 4511.763 of the Revised Code. 26376

Sec. 4511.762. (A) Except as provided in division (B) of this 26377
section, no person who is the owner of a bus that previously was 26378
registered as a school bus that is used or is to be used 26379
exclusively for purposes other than the transportation of 26380
children, shall operate the bus or permit it to be operated within 26381
this state unless the bus has been painted a color different from 26382
that prescribed for school buses by section 4511.77 of the Revised 26383
Code and painted in such a way that the words "stop" and "school 26384
bus" are obliterated. 26385

(B) Any church bus that previously was registered as a school 26386
bus and is registered under section 4503.07 of the Revised Code 26387
may retain the paint color prescribed for school buses by section 26388
4511.77 of the Revised Code if the bus complies with all of the 26389
following: 26390

(1) The words "school bus" required by section 4511.77 of the 26391
Revised Code are covered or obliterated and the bus is marked on 26392
the front and rear with the words "church bus" painted in black 26393
lettering not less than ten inches in height; 26394

(2) The automatically extended stop warning sign required by 26395
section 4511.75 of the Revised Code is removed and the word "stop" 26396
required by section 4511.77 of the Revised Code is covered or 26397

obliterated; 26398

(3) The flashing red and amber lights required by section 4511.771 of the Revised Code are covered or removed; 26399
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(4) The inspection decal required by section 4511.761 of the Revised Code is covered or removed; 26401
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(5) The identification number assigned under section 4511.764 of the Revised Code and marked in black lettering on the front and rear of the bus is covered or obliterated. 26403
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(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, 4511.764, 4511.77, 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. 26406
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(D) 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. 26414
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Sec. 4511.763. (A) No person, partnership, association, or corporation shall transport pupils to or from school on a school bus or enter into a contract with a board of education of any school district for the transportation of pupils on a school bus, without being licensed by the department of public safety. 26420
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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 26425
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convicted of or pleaded guilty to one predicate motor vehicle or 26428
traffic offense, whoever violates this section is guilty of a 26429
misdemeanor of the fourth degree. If, within one year of the 26430
offense, the offender previously has been convicted of two or more 26431
predicate motor vehicle or traffic offenses, whoever violates this 26432
section is guilty of a misdemeanor of the third degree. 26433

Sec. 4511.764. (A) The superintendent of the state highway 26434
patrol shall require school buses to be registered, in the name of 26435
the owner, with the state highway patrol on forms and in 26436
accordance with regulations as the superintendent may adopt. 26437

When the superintendent is satisfied that the registration 26438
has been completed, ~~he~~ the superintendent shall assign an 26439
identifying number to each school bus registered in accordance 26440
with this section. The number so assigned shall be marked on the 26441
front and rear of the vehicle in black lettering not less than six 26442
inches in height and will remain unchanged as long as the 26443
ownership of that vehicle remains the same. 26444

No person shall operate, nor shall any person, being the 26445
owner thereof or having supervisory responsibility therefor, 26446
permit the operation of a school bus within this state unless 26447
there is displayed thereon an identifying number in accordance 26448
with this section. 26449

(B) Except as otherwise provided in this division, whoever 26450
violates this section is guilty of a minor misdemeanor. If the 26451
offender previously has been convicted of or pleaded guilty to one 26452
or more violations of section 4511.63, 4511.76, 4511.761, 26453
4511.762, 4511.77, or 4511.79 of the Revised Code or a municipal 26454
ordinance that is substantially similar to any of those sections, 26455
whoever violates this section is guilty of a misdemeanor of the 26456
fourth degree. 26457

Sec. 4511.77. (A) No person shall operate, nor shall any 26458
person being the owner thereof or having supervisory 26459
responsibility therefor permit the operation of, a school bus 26460
within this state unless it is painted national school bus yellow 26461
and is marked on both front and rear with the words "school bus" 26462
in black lettering not less than eight inches in height and on the 26463
rear of the bus with the word "stop" in black lettering not less 26464
than ten inches in height. 26465

(B) Except as otherwise provided in this division, whoever 26466
violates this section is guilty of a minor misdemeanor. If the 26467
offender previously has been convicted of or pleaded guilty to one 26468
or more violations of this section or section 4511.63, 4511.76, 26469
4511.761, 4511.762, 4511.764, or 4511.79 of the Revised Code or a 26470
municipal ordinance that is substantially similar to any of those 26471
sections, whoever violates this section is guilty of a misdemeanor 26472
of the fourth degree. 26473

(C) Whenever a person is found guilty in a court of record of 26474
a violation of this section, the trial judge, in addition to or 26475
independent of all other penalties provided by law, may suspend 26476
for any period of time not exceeding three years, or cancel the 26477
license of any person, partnership, association, or corporation, 26478
issued under section 4511.763 of the Revised Code. 26479

Sec. 4511.771. (A) Every school bus shall, in addition to any 26480
other equipment and distinctive markings required pursuant to 26481
sections 4511.76, 4511.761, 4511.764, and 4511.77 of the Revised 26482
Code, be equipped with signal lamps mounted as high as 26483
practicable, which shall display to the front two alternately 26484
flashing red lights and two alternately flashing amber lights 26485
located at the same level and to the rear two alternately flashing 26486
red lights and two alternately flashing amber lights located at 26487

the same level, and these lights shall be visible at five hundred 26488
feet in normal sunlight. The alternately flashing red lights shall 26489
be spaced as widely as practicable, and the alternately flashing 26490
amber lights shall be located next to them. 26491

(B) Except as otherwise provided in this division, whoever 26492
violates this section is guilty of a minor misdemeanor. If, within 26493
one year of the offense, the offender previously has been 26494
convicted of or pleaded guilty to one predicate motor vehicle or 26495
traffic offense, whoever violates this section is guilty of a 26496
misdemeanor of the fourth degree. If, within one year of the 26497
offense, the offender previously has been convicted of two or more 26498
predicate motor vehicle or traffic offenses, whoever violates this 26499
section is guilty of a misdemeanor of the third degree. 26500

Sec. 4511.772. (A) On and after the effective date of this 26501
section May 6, 1986, no person, school board, or governmental 26502
entity shall purchase, lease, or rent a new school bus unless the 26503
school bus has an occupant restraining device, as defined in 26504
section 4513.263 of the Revised Code, installed for use in its 26505
operator's seat. 26506

(B) Whoever violates this section is guilty of a minor 26507
misdemeanor. 26508

Sec. 4511.78. (A) As used in this section: 26509

(1) "Mass transit system" means any county transit system, 26510
regional transit authority, regional transit commission, 26511
municipally owned transportation system, mass transit company 26512
operating exclusively within the territorial limits of a municipal 26513
corporation, or within such limits and the territorial limits of 26514
municipal corporations immediately contiguous to such municipal 26515
corporation, and any common passenger carrier certified by the 26516
public utilities commission, that provides transportation for 26517

children to or from a school session or a school function. 26518

(2) "Bus" means every motor vehicle designed for carrying 26519
more than nine passengers and used for the transportation of 26520
persons, but does not mean any school bus as defined in section 26521
4511.01 of the Revised Code. 26522

(B) Whenever a mass transit system transports children to or 26523
from a school session or school function, the mass transit system 26524
shall provide for: 26525

(1) Periodic safety inspections of all buses used to provide 26526
transportation service. The inspections shall be based on rules 26527
adopted by the public utilities commission under Chapters 4921. 26528
and 4923. of the Revised Code to ensure the safety of operation of 26529
motor transportation companies and private motor carriers. 26530

(2) The safety training of all drivers operating buses used 26531
to provide transportation service; 26532

(3) The equipping of every bus with outside rear-view mirrors 26533
meeting the motor carrier regulations for bus equipment adopted by 26534
the federal highway administration. No exclusions from this 26535
requirement granted under the federal regulations shall be 26536
considered exclusions for the purposes of this division. 26537

(C) Except as otherwise provided in this division, whoever 26538
violates this section is guilty of a minor misdemeanor. If, within 26539
one year of the offense, the offender previously has been 26540
convicted of or pleaded guilty to one predicate motor vehicle or 26541
traffic offense, whoever violates this section is guilty of a 26542
misdemeanor of the fourth degree. If, within one year of the 26543
offense, the offender previously has been convicted of two or more 26544
predicate motor vehicle or traffic offenses, whoever violates this 26545
section is guilty of a misdemeanor of the third degree. 26546

Sec. 4511.79. (A) No person shall drive a "commercial motor 26547

vehicle" as defined in section 4506.01 of the Revised Code, or a 26548
"commercial car" or "commercial tractor," as defined in section 26549
4501.01 of the Revised Code, while ~~his~~ the person's ability or 26550
alertness is so impaired by fatigue, illness, or other causes that 26551
it is unsafe for ~~him~~ the person to drive such vehicle. No driver 26552
shall use any drug which would adversely affect ~~his~~ the driver's 26553
ability or alertness. 26554

(B) No owner, as defined in section 4501.01 of the Revised 26555
Code, of a "commercial motor vehicle," "commercial car," or 26556
"commercial tractor," or a person employing or otherwise directing 26557
the driver of such vehicle, shall require or knowingly permit a 26558
driver in any such condition described in division (A) of this 26559
section to drive such vehicle upon any street or highway. 26560

(C) Except as otherwise provided in this division, whoever 26561
violates this section is guilty of a minor misdemeanor. If the 26562
offender previously has been convicted of or pleaded guilty to one 26563
or more violations of this section or section 4511.63, 4511.76, 26564
4511.761, 4511.762, 4511.764, Or 4511.77 of the Revised Code or a 26565
municipal ordinance that is substantially similar to any of those 26566
sections, whoever violates this section is guilty of a misdemeanor 26567
of the fourth degree. 26568

Sec. 4511.81. (A) When any child who is in either or both of 26569
the following categories is being transported in a motor vehicle, 26570
other than a taxicab or public safety vehicle as defined in 26571
section 4511.01 of the Revised Code, that is registered in this 26572
state and is required by the United States department of 26573
transportation to be equipped with seat belts at the time of 26574
manufacture or assembly, the operator of the motor vehicle shall 26575
have the child properly secured in accordance with the 26576
manufacturer's instructions in a child restraint system that meets 26577
federal motor vehicle safety standards: 26578

(1) A child who is less than four years of age;	26579
(2) A child who weighs less than forty pounds.	26580
(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 instructions in a child restraint system that meets federal motor vehicle safety standards:	26581
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(1) A child who is less than four years of age;	26589
(2) A child who weighs less than forty pounds.	26590
(C) The director of public safety shall adopt such rules as are necessary to carry out this section.	26591
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(D) The failure of an operator of a motor vehicle to secure a child in a child restraint system as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.	26593
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(E) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.	26603
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(F) If a person who is not a resident of this state is	26608

charged with a violation of division (A) or (B) of this section 26609
and does not prove to the court, by a preponderance of the 26610
evidence, that the person's use or nonuse of a child restraint 26611
system was in accordance with the law of the state of which the 26612
person is a resident, the court shall impose the fine levied by 26613
division (H)(2) of this section ~~4511.99 of the Revised Code.~~ 26614

(G) There is hereby created in the state treasury the "child 26615
highway safety fund," consisting of fines imposed pursuant to 26616
divisions (H)(1) and (2) of this section ~~4511.99 of the Revised~~ 26617
~~Code~~ for violations of divisions (A) and (B) of this section. The 26618
money in the fund shall be used by the department of health only 26619
to defray the cost of designating hospitals as pediatric trauma 26620
centers under section 3727.081 of the Revised Code and to 26621
establish and administer a child highway safety program. The 26622
purpose of the program shall be to educate the public about child 26623
restraint systems generally and the importance of their proper 26624
use. The program also shall include a process for providing child 26625
restraint systems to persons who meet the eligibility criteria 26626
established by the department, and a toll-free telephone number 26627
the public may utilize to obtain information about child restraint 26628
systems and their proper use. 26629

The director of health, in accordance with Chapter 119. of 26630
the Revised Code, shall adopt any rules necessary to carry out 26631
this section, including rules establishing the criteria a person 26632
must meet in order to receive a child restraint system under the 26633
department's child restraint system program; provided that rules 26634
relating to the verification of pediatric trauma centers shall not 26635
be adopted under this section. 26636

(H)(1) Whoever is a resident of this state and violates 26637
division (A) or (B) of this section shall be punished as follows: 26638

(a) Except as otherwise provided in division (H)(1)(b) of 26639
this section, the offender is guilty of a minor misdemeanor. 26640

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A) or (B) of this section 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. 26641
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(2) Whoever is not a resident of this state, violates division (A) or (B) of this section, 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. 26646
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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. 26653
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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. 26657
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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. 26662
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(C) Whoever violates division (A) or (B) of this section is guilty of a minor misdemeanor. 26668
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(D) As used in this section, "litter" means garbage, trash, 26670

waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, 26671
automobile parts, furniture, glass, or anything else of an 26672
unsightly or unsanitary nature. 26673

Sec. 4511.84. (A) No person shall operate a motor vehicle 26674
while wearing earphones over, or earplugs in, both ears. As used 26675
in this section, "earphones" means any headset, radio, tape 26676
player, or other similar device that provides the listener with 26677
radio programs, music, or other recorded information through a 26678
device attached to the head and that covers all or a portion of 26679
both ears. "Earphones" does not include speakers or other 26680
listening devices that are built into protective headgear. 26681

(B) This section does not apply to: 26682

(1) Any person wearing a hearing aid; 26683

(2) Law enforcement personnel while on duty; 26684

(3) Fire department personnel and emergency medical service 26685
personnel while on duty; 26686

(4) Any person engaged in the operation of equipment for use 26687
in the maintenance or repair of any highway; 26688

(5) Any person engaged in the operation of refuse collection 26689
equipment. 26690

(C) Except as otherwise provided in this division, whoever 26691
violates this section is guilty of a minor misdemeanor. If, within 26692
one year of the offense, the offender previously has been 26693
convicted of or pleaded guilty to one predicate motor vehicle or 26694
traffic offense, whoever violates this section is guilty of a 26695
misdemeanor of the fourth degree. If, within one year of the 26696
offense, the offender previously has been convicted of two or more 26697
predicate motor vehicle or traffic offenses, whoever violates this 26698
section is guilty of a misdemeanor of the third degree. 26699

Sec. 4511.85. (A) The operator of a chauffeured limousine shall accept passengers only on the basis of prearranged contracts, as defined in division (LL) of section 4501.01 of the Revised Code, and shall not cruise in search of patronage unless the limousine is in compliance with any statute or ordinance governing the operation of taxicabs or other similar vehicles for hire.

(B) No person shall advertise or hold self out as doing business as a limousine service or livery service or other similar designation unless each vehicle used by the person to provide the service is registered in accordance with section 4503.24 of the Revised Code and is in compliance with section 4509.80 of the Revised Code.

(C) Whoever violates this section is guilty of a misdemeanor of the first degree.

~~**Sec. 4511.99.** (A) Whoever violates division (A)(1), (2), (3), or (4) of section 4511.19 of the Revised Code, in addition to the license suspension or revocation provided in section 4507.16 of the Revised Code and any disqualification imposed under section 4506.16 of the Revised Code, shall be punished as provided in division (A)(1), (2), (3), or (4) of this section. Whoever violates division (A)(5), (6), or (7) of section 4511.19 of the Revised Code, in addition to the license suspension or revocation provided in section 4507.16 of the Revised Code and any disqualification imposed under section 4506.16 of the Revised Code, shall be punished as provided in division (A)(5), (6), (7), or (8) of this section.~~

~~(1) Except as otherwise provided in division (A)(2), (3), or (4) of this section, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a~~

~~term of imprisonment of three consecutive days and may sentence 26730
the offender pursuant to section 2929.21 of the Revised Code to a 26731
longer term of imprisonment. In addition, the court shall impose 26732
upon the offender a fine of not less than two hundred fifty and 26733
not more than one thousand dollars. 26734~~

~~The court may suspend the execution of the mandatory three 26735
consecutive days of imprisonment that it is required to impose by 26736
this division, if the court, in lieu of the suspended term of 26737
imprisonment, places the offender on probation and requires the 26738
offender to attend, for three consecutive days, a drivers' 26739
intervention program that is certified pursuant to section 3793.10 26740
of the Revised Code. The court also may suspend the execution of 26741
any part of the mandatory three consecutive days of imprisonment 26742
that it is required to impose by this division, if the court 26743
places the offender on probation for part of the three consecutive 26744
days; requires the offender to attend, for that part of the three 26745
consecutive days, a drivers' intervention program that is 26746
certified pursuant to section 3793.10 of the Revised Code; and 26747
sentences the offender to a term of imprisonment equal to the 26748
remainder of the three consecutive days that the offender does not 26749
spend attending the drivers' intervention program. The court may 26750
require the offender, as a condition of probation, to attend and 26751
satisfactorily complete any treatment or education programs that 26752
comply with the minimum standards adopted pursuant to Chapter 26753
3793. of the Revised Code by the director of alcohol and drug 26754
addiction services, in addition to the required attendance at a 26755
drivers' intervention program, that the operators of the drivers' 26756
intervention program determine that the offender should attend and 26757
to report periodically to the court on the offender's progress in 26758
the programs. The court also may impose any other conditions of 26759
probation on the offender that it considers necessary. 26760~~

~~Of the fine imposed pursuant to this division, twenty five 26761~~

~~dollars shall be paid to an enforcement and education fund 26762~~
~~established by the legislative authority of the law enforcement 26763~~
~~agency in this state that primarily was responsible for the arrest 26764~~
~~of the offender, as determined by the court that imposes the fine. 26765~~
~~This share shall be used by the agency to pay only those costs it 26766~~
~~incurs in enforcing section 4511.19 of the Revised Code or a 26767~~
~~substantially similar municipal ordinance and in informing the 26768~~
~~public of the laws governing the operation of a motor vehicle 26769~~
~~while under the influence of alcohol, the dangers of operating a 26770~~
~~motor vehicle while under the influence of alcohol, and other 26771~~
~~information relating to the operation of a motor vehicle and the 26772~~
~~consumption of alcoholic beverages. Fifty dollars of the fine 26773~~
~~imposed pursuant to this division shall be paid to the political 26774~~
~~subdivision that pays the cost of housing the offender during the 26775~~
~~offender's term of incarceration to the credit of the fund that 26776~~
~~pays the cost of the incarceration. If the offender was confined 26777~~
~~as a result of the offense prior to being sentenced for the 26778~~
~~offense but is not sentenced to a term of incarceration, the fifty 26779~~
~~dollars shall be paid to the political subdivision that paid the 26780~~
~~cost of housing the offender during that period of confinement. 26781~~
~~The political subdivision shall use this share to pay or reimburse 26782~~
~~incarceration or treatment costs it incurs in housing or providing 26783~~
~~drug and alcohol treatment to persons who violate section 4511.19 26784~~
~~of the Revised Code or a substantially similar municipal ordinance 26785~~
~~and to pay for ignition interlock devices and electronic house 26786~~
~~arrest equipment for persons who violate that section. Twenty five 26787~~
~~dollars of the fine imposed pursuant to this division shall be 26788~~
~~deposited into the county indigent drivers alcohol treatment fund 26789~~
~~or municipal indigent drivers alcohol treatment fund under the 26790~~
~~control of that court, as created by the county or municipal 26791~~
~~corporation pursuant to division (N) of section 4511.191 of the 26792~~
~~Revised Code. The balance of the fine shall be disbursed as 26793~~
~~otherwise provided by law. 26794~~

~~(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:~~

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

~~(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;~~

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

~~(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;~~

~~(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;~~

~~(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;~~

~~(vii) A statute of the United States or of any other state or~~

~~a municipal ordinance of a municipal corporation located in any 26825
other state that is substantially similar to division (A) or (B) 26826
of section 4511.19 of the Revised Code. 26827~~

~~As an alternative to the term of imprisonment required to be 26828
imposed by this division, but subject to division (A)(12) of this 26829
section, the court may impose upon the offender a sentence 26830
consisting of both a term of imprisonment of five consecutive days 26831
and not less than eighteen consecutive days of electronically 26832
monitored house arrest as defined in division (A) of section 26833
2929.23 of the Revised Code. The five consecutive days of 26834
imprisonment and the period of electronically monitored house 26835
arrest shall not exceed six months. The five consecutive days of 26836
imprisonment do not have to be served prior to or consecutively 26837
with the period of electronically monitored house arrest. 26838~~

~~In addition, the court shall impose upon the offender a fine 26839
of not less than three hundred fifty and not more than one 26840
thousand five hundred dollars. 26841~~

~~In addition to any other sentence that it imposes upon the 26842
offender, the court may require the offender to attend a drivers' 26843
intervention program that is certified pursuant to section 3793.10 26844
of the Revised Code. If the officials of the drivers' intervention 26845
program determine that the offender is alcohol dependent, they 26846
shall notify the court, and the court shall order the offender to 26847
obtain treatment through an alcohol and drug addiction program 26848
authorized by section 3793.02 of the Revised Code. The cost of the 26849
treatment shall be paid by the offender. 26850~~

~~Of the fine imposed pursuant to this division, thirty five 26851
dollars shall be paid to an enforcement and education fund 26852
established by the legislative authority of the law enforcement 26853
agency in this state that primarily was responsible for the arrest 26854
of the offender, as determined by the court that imposes the fine. 26855
This share shall be used by the agency to pay only those costs it 26856~~

~~incurs in enforcing section 4511.19 of the Revised Code or a 26857
substantially similar municipal ordinance and in informing the 26858
public of the laws governing the operation of a motor vehicle 26859
while under the influence of alcohol, the dangers of operating a 26860
motor vehicle while under the influence of alcohol, and other 26861
information relating to the operation of a motor vehicle and the 26862
consumption of alcoholic beverages. One hundred fifteen dollars of 26863
the fine imposed pursuant to this division shall be paid to the 26864
political subdivision that pays the cost of housing the offender 26865
during the offender's term of incarceration. This share shall be 26866
used by the political subdivision to pay or reimburse 26867
incarceration or treatment costs it incurs in housing or providing 26868
drug and alcohol treatment to persons who violate section 4511.19 26869
of the Revised Code or a substantially similar municipal ordinance 26870
and to pay for ignition interlock devices and electronic house 26871
arrest equipment for persons who violate that section, and shall 26872
be paid to the credit of the fund that pays the cost of the 26873
incarceration. Fifty dollars of the fine imposed pursuant to this 26874
division shall be deposited into the county indigent drivers 26875
alcohol treatment fund or municipal indigent drivers alcohol 26876
treatment fund under the control of that court, as created by the 26877
county or municipal corporation pursuant to division (N) of 26878
section 4511.191 of the Revised Code. The balance of the fine 26879
shall be disbursed as otherwise provided by law. 26880~~

~~(b) Regardless of whether the vehicle the offender was 26881
operating at the time of the offense is registered in the 26882
offender's name or in the name of another person, the court, in 26883
addition to the penalties imposed under division (A)(2)(a) of this 26884
section and all other penalties provided by law and subject to 26885
section 4503.235 of the Revised Code, shall order the 26886
immobilization for ninety days of the vehicle the offender was 26887
operating at the time of the offense and the impoundment for 26888
ninety days of the identification license plates of that vehicle. 26889~~

~~The order for the immobilization and impoundment shall be issued 26890
and enforced in accordance with section 4503.233 of the Revised 26891
Code. 26892~~

~~(3)(a) Except as otherwise provided in division (A)(4) of 26893
this section and except as provided in this division, if, within 26894
six years of the offense, the offender has been convicted of or 26895
pleaded guilty to two violations identified in division (A)(2) of 26896
this section, the court shall sentence the offender to a term of 26897
imprisonment of thirty consecutive days and may sentence the 26898
offender to a longer definite term of imprisonment of not more 26899
than one year. As an alternative to the term of imprisonment 26900
required to be imposed by this division, but subject to division 26901
(A)(12) of this section, the court may impose upon the offender a 26902
sentence consisting of both a term of imprisonment of fifteen 26903
consecutive days and not less than fifty five consecutive days of 26904
electronically monitored house arrest as defined in division (A) 26905
of section 2929.23 of the Revised Code. The fifteen consecutive 26906
days of imprisonment and the period of electronically monitored 26907
house arrest shall not exceed one year. The fifteen consecutive 26908
days of imprisonment do not have to be served prior to or 26909
consecutively with the period of electronically monitored house 26910
arrest. 26911~~

~~In addition, the court shall impose upon the offender a fine 26912
of not less than five hundred fifty and not more than two thousand 26913
five hundred dollars. 26914~~

~~In addition to any other sentence that it imposes upon the 26915
offender, the court shall require the offender to attend an 26916
alcohol and drug addiction program authorized by section 3793.02 26917
of the Revised Code. The cost of the treatment shall be paid by 26918
the offender. If the court determines that the offender is unable 26919
to pay the cost of attendance at the treatment program, the court 26920
may order that payment of the cost of the offender's attendance at 26921~~

~~the treatment program be made from that court's indigent drivers
alcohol treatment fund.~~ 26922
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~~Of the fine imposed pursuant to this division, one hundred
twenty three dollars shall be paid to an enforcement and education
fund established by the legislative authority of the law
enforcement agency in this state that primarily was responsible
for the arrest of the offender, as determined by the court that
imposes the fine. This share shall be used by the agency to pay
only those costs it incurs in enforcing section 4511.19 of the
Revised Code or a substantially similar municipal ordinance and in
informing the public of the laws governing the operation of a
motor vehicle while under the influence of alcohol, the dangers of
operating a motor vehicle while under the influence of alcohol,
and other information relating to the operation of a motor vehicle
and the consumption of alcoholic beverages. Two hundred
seventy seven dollars of the fine imposed pursuant to this
division shall be paid to the political subdivision that pays the
cost of housing the offender during the offender's term of
incarceration. This share shall be used by the political
subdivision to pay or reimburse incarceration or treatment costs
it incurs in housing or providing drug and alcohol treatment to
persons who violate section 4511.19 of the Revised Code or a
substantially similar municipal ordinance and to pay for ignition
interlock devices and electronic house arrest equipment for
persons who violate that section and shall be paid to the credit
of the fund that pays the cost of incarceration. The balance of
the fine shall be disbursed as otherwise provided by law.~~ 26924
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~~(b) Regardless of whether the vehicle the offender was
operating at the time of the offense is registered in the
offender's name or in the name of another person, the court, in
addition to the penalties imposed under division (A)(3)(a) of this
section and all other penalties provided by law and subject to~~ 26949
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~~section 4503.235 of the Revised Code, shall order the criminal 26954
forfeiture to the state of the vehicle the offender was operating 26955
at the time of the offense. The order of criminal forfeiture shall 26956
be issued and enforced in accordance with section 4503.234 of the 26957
Revised Code. 26958~~

~~(4)(a)(i) If, within six years of the offense, the offender 26959
has been convicted of or pleaded guilty to three or more 26960
violations identified in division (A)(2) of this section, and if 26961
sentence is not required to be imposed under division 26962
(A)(4)(a)(ii) of this section, the offender is guilty of a felony 26963
of the fourth degree and, notwithstanding division (A)(4) of 26964
section 2929.14 of the Revised Code, may be sentenced to a 26965
definite prison term that shall be not less than six months and 26966
not more than thirty months. The court shall sentence the offender 26967
in accordance with sections 2929.11 to 2929.19 of the Revised Code 26968
and shall impose as part of the sentence either a mandatory term 26969
of local incarceration of sixty consecutive days of imprisonment 26970
in accordance with division (G)(1) of section 2929.13 of the 26971
Revised Code or a mandatory prison term of sixty consecutive days 26972
of imprisonment in accordance with division (G)(2) of that 26973
section. If the court requires the offender to serve a mandatory 26974
term of local incarceration of sixty consecutive days of 26975
imprisonment in accordance with division (G)(1) of section 2929.13 26976
of the Revised Code, the court, pursuant to section 2929.17 of the 26977
Revised Code, may impose upon the offender a sentence that 26978
includes a term of electronically monitored house arrest, provided 26979
that the term of electronically monitored house arrest shall not 26980
commence until after the offender has served the mandatory term of 26981
local incarceration. 26982~~

~~(ii) If the offender previously has been convicted of or 26983
pleaded guilty to a violation of division (A) of section 4511.19 26984
of the Revised Code under circumstances in which the violation was 26985~~

~~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 sixty consecutive days of imprisonment in accordance with
division (C)(2) of section 2929.13 of the Revised Code.~~

~~(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.~~

~~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.~~

~~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 27018
information relating to the operation of a motor vehicle and the 27019
consumption of alcoholic beverages. Four hundred forty dollars of 27020
the fine imposed pursuant to this division shall be paid to the 27021
political subdivision that pays the cost of housing the offender 27022
during the offender's term of incarceration. This share shall be 27023
used by the political subdivision to pay or reimburse 27024
incarceration or treatment costs it incurs in housing or providing 27025
drug and alcohol treatment to persons who violate section 4511.19 27026
of the Revised Code or a substantially similar municipal ordinance 27027
and to pay for ignition interlock devices and electronic house 27028
arrest equipment for persons who violate that section, and shall 27029
be paid to the credit of the fund that pays the cost of 27030
incarceration. The balance of the fine shall be disbursed as 27031
otherwise provided by law. 27032~~

~~(b) Regardless of whether the vehicle the offender was 27033
operating at the time of the offense is registered in the 27034
offender's name or in the name of another person, the court, in 27035
addition to the sanctions imposed under division (A)(4)(a) of this 27036
section and all other sanctions provided by law and subject to 27037
section 4503.235 of the Revised Code, shall order the criminal 27038
forfeiture to the state of the vehicle the offender was operating 27039
at the time of the offense. The order of criminal forfeiture shall 27040
be issued and enforced in accordance with section 4503.234 of the 27041
Revised Code. 27042~~

~~(c) As used in division (A)(4)(a) of this section, "mandatory 27043
prison term" and "mandatory term of local incarceration" have the 27044
same meanings as in section 2929.01 of the Revised Code. 27045~~

~~If title to a motor vehicle that is subject to an order for 27047
criminal forfeiture under this section is assigned or transferred 27048
and division (C)(2) or (3) of section 4503.234 of the Revised Code 27049~~

~~applies, in addition to or independent of any other penalty 27050
established by law, the court may fine the offender the value of 27051
the vehicle as determined by publications of the national auto 27052
dealer's association. The proceeds from any fine imposed under 27053
this division shall be distributed in accordance with division 27054
(D)(4) of section 4503.234 of the Revised Code. 27055~~

~~(5)(a) Except as otherwise provided in division (A)(6), (7), 27056
or (8) of this section, the offender is guilty of a misdemeanor of 27057
the first degree, and the court shall sentence the offender to one 27058
of the following: 27059~~

~~(i) A term of imprisonment of at least three consecutive days 27060
and a requirement that the offender attend, for three consecutive 27061
days, a drivers' intervention program that is certified pursuant 27062
to section 3793.10 of the Revised Code; 27063~~

~~(ii) If the court determines that the offender is not 27064
conducive to treatment in the program, if the offender refuses to 27065
attend the program, or if the place of imprisonment can provide a 27066
drivers' intervention program, a term of imprisonment of at least 27067
six consecutive days. 27068~~

~~(b) In addition, the court shall impose upon the offender a 27069
fine of not less than two hundred fifty and not more than one 27070
thousand dollars. 27071~~

~~The court may require the offender, as a condition of 27072
probation, to attend and satisfactorily complete any treatment or 27073
education programs that comply with the minimum standards adopted 27074
pursuant to Chapter 3793. of the Revised Code by the director of 27075
alcohol and drug addiction services, in addition to the required 27076
attendance at a drivers' intervention program, that the operators 27077
of the drivers' intervention program determine that the offender 27078
should attend and to report periodically to the court on the 27079
offender's progress in the programs. The court also may impose any 27080~~

~~other conditions of probation on the offender that it considers
necessary.~~ 27081
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~~Of the fine imposed pursuant to this division, twenty five
dollars shall be paid to an enforcement and education fund
established by the legislative authority of the law enforcement
agency in this state that primarily was responsible for the arrest
of the offender, as determined by the court that imposes the fine.
The agency shall use this share to pay only those costs it incurs
in enforcing section 4511.19 of the Revised Code or a
substantially similar municipal ordinance and in informing the
public of the laws governing the operation of a motor vehicle
while under the influence of alcohol, the dangers of operating a
motor vehicle while under the influence of alcohol, and other
information relating to the operation of a motor vehicle and the
consumption of alcoholic beverages. Fifty dollars of the fine
imposed pursuant to this division shall be paid to the political
subdivision that pays the cost of housing the offender during the
offender's term of incarceration to the credit of the fund that
pays the cost of the 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. 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.~~ 27083
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~~(6)(a) Except as otherwise provided in division (A)(8) of 27113
this section and except as provided in this division, if, within 27114
six years of the offense, the offender has been convicted of or 27115
pleaded guilty to one violation of division (A) or (B) of section 27116
4511.19 of the Revised Code, a municipal ordinance relating to 27117
operating a vehicle while under the influence of alcohol, a drug 27118
of abuse, or alcohol and a drug of abuse, a municipal ordinance 27119
relating to operating a vehicle with a prohibited concentration of 27120
alcohol in the blood, breath, or urine, section 2903.04 of the 27121
Revised Code in a case in which the offender was subject to the 27122
sanctions described in division (D) of that section, section 27123
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 27124
ordinance that is substantially similar to section 2903.07 of the 27125
Revised Code in a case in which the jury or judge found that the 27126
offender was under the influence of alcohol, a drug of abuse, or 27127
alcohol and a drug of abuse, or a statute of the United States or 27128
of any other state or a municipal ordinance of a municipal 27129
corporation located in any other state that is substantially 27130
similar to division (A) or (B) of section 4511.19 of the Revised 27131
Code, the offender is guilty of a misdemeanor of the first degree, 27132
and the court shall sentence the offender to a term of 27133
imprisonment of twenty consecutive days and may sentence the 27134
offender pursuant to section 2929.21 of the Revised Code to a 27135
longer term of imprisonment. As an alternative to the term of 27136
imprisonment required to be imposed by this division, but subject 27137
to division (A)(12) of this section, the court may impose upon the 27138
offender a sentence consisting of both a term of imprisonment of 27139
ten consecutive days and not less than thirty six consecutive days 27140
of electronically monitored house arrest as defined in division 27141
(A) of section 2929.23 of the Revised Code. The ten consecutive 27142
days of imprisonment and the period of electronically monitored 27143
house arrest shall not exceed six months. The ten consecutive days 27144
of imprisonment do not have to be served prior to or consecutively 27145~~

~~with the period of electronically monitored house arrest. 27146~~
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~~In addition, the court shall impose upon the offender a fine 27148~~
~~of not less than three hundred fifty and not more than one 27149~~
~~thousand five hundred dollars. 27150~~

~~In addition to any other sentence that it imposes upon the 27151~~
~~offender, the court may require the offender to attend a drivers' 27152~~
~~intervention program that is certified pursuant to section 3793.10 27153~~
~~of the Revised Code. If the officials of the drivers' intervention 27154~~
~~program determine that the offender is alcohol dependent, they 27155~~
~~shall notify the court, and the court shall order the offender to 27156~~
~~obtain treatment through an alcohol and drug addiction program 27157~~
~~authorized by section 3793.02 of the Revised Code. The offender 27158~~
~~shall pay the cost of the treatment. 27159~~

~~Of the fine imposed pursuant to this division, thirty five 27160~~
~~dollars shall be paid to an enforcement and education fund 27161~~
~~established by the legislative authority of the law enforcement 27162~~
~~agency in this state that primarily was responsible for the arrest 27163~~
~~of the offender, as determined by the court that imposes the fine. 27164~~
~~The agency shall use this share to pay only those costs it incurs 27165~~
~~in enforcing section 4511.19 of the Revised Code or a 27166~~
~~substantially similar municipal ordinance and in informing the 27167~~
~~public of the laws governing the operation of a motor vehicle 27168~~
~~while under the influence of alcohol, the dangers of operating a 27169~~
~~motor vehicle while under the influence of alcohol, and other 27170~~
~~information relating to the operation of a motor vehicle and the 27171~~
~~consumption of alcoholic beverages. One hundred fifteen dollars of 27172~~
~~the fine imposed pursuant to this division shall be paid to the 27173~~
~~political subdivision that pays the cost of housing the offender 27174~~
~~during the offender's term of incarceration. The political 27175~~
~~subdivision shall use this share to pay or reimburse incarceration 27176~~
~~or treatment costs it incurs in housing or providing drug and 27177~~

~~alcohol treatment to persons who violate section 4511.19 of the 27178
Revised Code or a substantially similar municipal ordinance and to 27179
pay for ignition interlock devices and electronic house arrest 27180
equipment for persons who violate that section, and this share 27181
shall be paid to the credit of the fund that pays the cost of the 27182
incarceration. Fifty dollars of the fine imposed pursuant to this 27183
division shall be deposited into the county indigent drivers 27184
alcohol treatment fund or municipal indigent drivers alcohol 27185
treatment fund under the control of that court, as created by the 27186
county or municipal corporation pursuant to division (N) of 27187
section 4511.191 of the Revised Code. The balance of the fine 27188
shall be disbursed as otherwise provided by law. 27189~~

~~(b) Regardless of whether the vehicle the offender was 27190
operating at the time of the offense is registered in the 27191
offender's name or in the name of another person, the court, in 27192
addition to the penalties imposed under division (A)(6)(a) of this 27193
section and all other penalties provided by law and subject to 27194
section 4503.235 of the Revised Code, shall order the 27195
immobilization for ninety days of the vehicle the offender was 27196
operating at the time of the offense and the impoundment for 27197
ninety days of the identification license plates of that vehicle. 27198
The order for the immobilization and impoundment shall be issued 27199
and enforced in accordance with section 4503.233 of the Revised 27200
Code. 27201~~

~~(7)(a) Except as otherwise provided in division (A)(8) of 27202
this section and except as provided in this division, if, within 27203
six years of the offense, the offender has been convicted of or 27204
pleaded guilty to two violations of division (A) or (B) of section 27205
4511.19 of the Revised Code, a municipal ordinance relating to 27206
operating a vehicle while under the influence of alcohol, a drug 27207
of abuse, or alcohol and a drug of abuse, a municipal ordinance 27208
relating to operating a vehicle with a prohibited concentration of 27209~~

~~alcohol in the blood, breath, or urine, section 2903.04 of the 27210
Revised Code in a case in which the offender was subject to the 27211
sanctions described in division (D) of that section, section 27212
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 27213
ordinance that is substantially similar to section 2903.07 of the 27214
Revised Code in a case in which the jury or judge found that the 27215
offender was under the influence of alcohol, a drug of abuse, or 27216
alcohol and a drug of abuse, or a statute of the United States or 27217
of any other state or a municipal ordinance of a municipal 27218
corporation located in any other state that is substantially 27219
similar to division (A) or (B) of section 4511.19 of the Revised 27220
Code, the court shall sentence the offender to a term of 27221
imprisonment of sixty consecutive days and may sentence the 27222
offender to a longer definite term of imprisonment of not more 27223
than one year. As an alternative to the term of imprisonment 27224
required to be imposed by this division, but subject to division 27225
(A)(12) of this section, the court may impose upon the offender a 27226
sentence consisting of both a term of imprisonment of thirty 27227
consecutive days and not less than one hundred ten consecutive 27228
days of electronically monitored house arrest as defined in 27229
division (A) of section 2929.23 of the Revised Code. The thirty 27230
consecutive days of imprisonment and the period of electronically 27231
monitored house arrest shall not exceed one year. The thirty 27232
consecutive days of imprisonment do not have to be served prior to 27233
or consecutively with the period of electronically monitored house 27234
arrest. 27235~~

~~In addition, the court shall impose upon the offender a fine 27236
of not less than five hundred fifty and not more than two thousand 27237
five hundred dollars. 27238~~

~~In addition to any other sentence that it imposes upon the 27239
offender, the court shall require the offender to attend an 27240
alcohol and drug addiction program authorized by section 3793.02 27241~~

~~of the Revised Code. The offender shall pay the cost of the 27242
treatment. If the court determines that the offender is unable to 27243
pay the cost of attendance at the treatment program, the court may 27244
order that payment of the cost of the offender's attendance at the 27245
treatment program be made from that court's indigent drivers 27246
alcohol treatment fund. 27247~~

~~Of the fine imposed pursuant to this division, one hundred 27248
twenty three dollars shall be paid to an enforcement and education 27249
fund established by the legislative authority of the law 27250
enforcement agency in this state that primarily was responsible 27251
for the arrest of the offender, as determined by the court that 27252
imposes the fine. The agency shall use this share to pay only 27253
those costs it incurs in enforcing section 4511.19 of the Revised 27254
Code or a substantially similar municipal ordinance and in 27255
informing the public of the laws governing the operation of a 27256
motor vehicle while under the influence of alcohol, the dangers of 27257
operating a motor vehicle while under the influence of alcohol, 27258
and other information relating to the operation of a motor vehicle 27259
and the consumption of alcoholic beverages. Two hundred 27260
seventy seven dollars of the fine imposed pursuant to this 27261
division shall be paid to the political subdivision that pays the 27262
cost of housing the offender during the offender's term of 27263
incarceration. The political subdivision shall use this share to 27264
pay or reimburse incarceration or treatment costs it incurs in 27265
housing or providing drug and alcohol treatment to persons who 27266
violate section 4511.19 of the Revised Code or a substantially 27267
similar municipal ordinance and to pay for ignition interlock 27268
devices and electronic house arrest equipment for persons who 27269
violate that section, and this share shall be paid to the credit 27270
of the fund that pays the cost of incarceration. The balance of 27271
the fine shall be disbursed as otherwise provided by law. 27272~~

~~(b) Regardless of whether the vehicle the offender was 27273~~

~~operating at the time of the offense is registered in the 27274
offender's name or in the name of another person, the court, in 27275
addition to the penalties imposed under division (A)(7)(a) of this 27276
section and all other penalties provided by law and subject to 27277
section 4503.235 of the Revised Code, shall order the 27278
immobilization for one hundred eighty days of the vehicle the 27279
offender was operating at the time of the offense and the 27280
impoundment for one hundred eighty days of the identification 27281
license plates of that vehicle. The order for the immobilization 27282
and impoundment shall be issued and enforced in accordance with 27283
section 4503.233 of the Revised Code. 27284~~

~~(8)(a)(i) If, within six years of the offense, the offender 27285
has been convicted of or pleaded guilty to three or more 27286
violations of division (A) or (B) of section 4511.19 of the 27287
Revised Code, a municipal ordinance relating to operating a 27288
vehicle while under the influence of alcohol, a drug of abuse, or 27289
alcohol and a drug of abuse, a municipal ordinance relating to 27290
operating a vehicle with a prohibited concentration of alcohol in 27291
the blood, breath, or urine, section 2903.04 of the Revised Code 27292
in a case in which the offender was subject to the sanctions 27293
described in division (D) of that section, section 2903.06, 27294
2903.07, or 2903.08 of the Revised Code or a municipal ordinance 27295
that is substantially similar to section 2903.07 of the Revised 27296
Code in a case in which the jury or judge found that the offender 27297
was under the influence of alcohol, a drug of abuse, or alcohol 27298
and a drug of abuse, or a statute of the United States or of any 27299
other state or a municipal ordinance of a municipal corporation 27300
located in any other state that is substantially similar to 27301
division (A) or (B) of section 4511.19 of the Revised Code, and if 27302
sentence is not required to be imposed under division 27303
(A)(8)(a)(ii) of this section, the offender is guilty of a felony 27304
of the fourth degree and, notwithstanding division (A)(4) of 27305
section 2929.14 of the Revised Code, may be sentenced to a 27306~~

~~definite prison term that shall be not less than six months and 27307
not more than thirty months. The court shall sentence the offender 27308
in accordance with sections 2929.11 to 2929.19 of the Revised Code 27309
and shall impose as part of the sentence either a mandatory term 27310
of local incarceration of one hundred twenty consecutive days of 27311
imprisonment in accordance with division (G)(1) of section 2929.13 27312
of the Revised Code or a mandatory prison term of one hundred 27313
twenty consecutive days of imprisonment in accordance with 27314
division (G)(2) of that section. If the court requires the 27315
offender to serve a mandatory term of local incarceration of one 27316
hundred twenty consecutive days of imprisonment in accordance with 27317
division (G)(1) of section 2929.13 of the Revised Code, the court, 27318
pursuant to section 2929.17 of the Revised Code, may impose upon 27319
the offender a sentence that includes a term of electronically 27320
monitored house arrest, provided that the term of electronically 27321
monitored house arrest shall not commence until after the offender 27322
has served the mandatory term of local incarceration. 27323~~

~~(ii) If the offender previously has been convicted of or 27324
pleaded guilty to a violation of division (A) of section 4511.19 27325
of the Revised Code under circumstances in which the violation was 27326
a felony, regardless of when the prior violation and the prior 27327
conviction or guilty plea occurred, the offender is guilty of a 27328
felony of the third degree. The court shall sentence the offender 27329
in accordance with sections 2929.11 to 2929.19 of the Revised Code 27330
and shall impose as part of the sentence a mandatory prison term 27331
of one hundred twenty consecutive days of imprisonment in 27332
accordance with division (G)(2) of section 2929.13 of the Revised 27333
Code. 27334~~

~~(iii) In addition to all other sanctions imposed on an 27335
offender under division (A)(8)(a)(i) or (ii) of this section, the 27336
court shall impose upon the offender, pursuant to section 2929.18 27337
27338~~

~~of the Revised Code, a fine of not less than eight hundred nor
more than ten thousand dollars.~~ 27339
27340

~~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.~~ 27341
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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.
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~~ 27351
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~~pay for ignition interlock devices and electronic house arrest 27371
equipment for persons who violate that section, and this share 27372
shall be paid to the credit of the fund that pays the cost of 27373
incarceration. The balance of the fine shall be disbursed as 27374
otherwise provided by law. 27375~~

~~(b) Regardless of whether the vehicle the offender was 27376
operating at the time of the offense is registered in the 27377
offender's name or in the name of another person, the court, in 27378
addition to the sanctions imposed under division (A)(8)(a) of this 27379
section and all other sanctions provided by law and subject to 27380
section 4503.235 of the Revised Code, shall order the criminal 27381
forfeiture to the state of the vehicle the offender was operating 27382
at the time of the offense. The order of criminal forfeiture shall 27383
be issued and enforced in accordance with section 4503.234 of the 27384
Revised Code. 27385~~

~~(c) As used in division (A)(8)(a) of this section, "mandatory 27386
prison term" and "mandatory term of local incarceration" have the 27387
same meanings as in section 2929.01 of the Revised Code. 27388
27389~~

~~(d) If title to a motor vehicle that is subject to an order 27390
for criminal forfeiture under this section is assigned or 27391
transferred and division (C)(2) or (3) of section 4503.234 of the 27392
Revised Code applies, in addition to or independent of any other 27393
penalty established by law, the court may fine the offender the 27394
value of the vehicle as determined by publications of the national 27395
auto dealer's association. The proceeds from any fine imposed 27396
under this division shall be distributed in accordance with 27397
division (D)(4) of section 4503.234 of the Revised Code. 27398~~

~~(9)(a) Except as provided in division (A)(9)(b) of this 27399
section, upon a showing that imprisonment would seriously affect 27400
the ability of an offender sentenced pursuant to division (A)(1), 27401
(2), (3), (4), (5), (6), (7), or (8) of this section to continue 27402~~

~~the offender's employment, the court may authorize that the
offender be granted work release from imprisonment after the
offender has served the three, six, ten, twenty, thirty, or sixty
consecutive days of imprisonment or the mandatory term of local
incarceration of sixty or one hundred twenty consecutive days that
the court is required by division (A)(1), (2), (3), (4), (5), (6),
(7), or (8) of this section to impose. No court shall authorize
work release from imprisonment during the three, six, ten, twenty,
thirty, or sixty consecutive days of imprisonment or the mandatory
term of local incarceration or mandatory prison term of sixty or
one hundred twenty consecutive days that the court is required by
division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this
section to impose. The duration of the work release shall not
exceed the time necessary each day for the offender to commute to
and from the place of employment and the place of imprisonment and
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), 27435
(6), or (7) of this section, no court shall place an offender who 27436
is sentenced pursuant to division (A)(2), (3), (4), (6), (7), or 27437
(8) of this section in any treatment program in lieu of 27438
imprisonment until after the offender has served the ten, twenty, 27439
thirty, or sixty consecutive days of imprisonment or the mandatory 27440
term of local incarceration or mandatory prison term of sixty or 27441
one hundred twenty consecutive days required to be imposed 27442
pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this 27443
section, no court that sentences an offender under division (A)(4) 27444
or (8) of this section shall impose any sanction other than a 27445
mandatory term of local incarceration or mandatory prison term to 27446
apply to the offender until after the offender has served the 27447
mandatory term of local incarceration or mandatory prison term of 27448
sixty or one hundred twenty consecutive days required to be 27449
imposed pursuant to division (A)(4) or (8) of this section, and no 27450
court that imposes a sentence of imprisonment and a period of 27451
electronically monitored house arrest upon an offender under 27452
division (A)(2), (3), (6), or (7) of this section shall suspend 27453
any portion of the sentence or place the offender in any treatment 27454
program in lieu of imprisonment or electronically monitored house 27455
arrest. Notwithstanding any section of the Revised Code that 27456
authorizes the suspension of the imposition or execution of a 27457
sentence or the placement of an offender in any treatment program 27458
in lieu of imprisonment, no court, except as specifically 27459
authorized by division (A)(1) or (5) of this section, shall 27460
suspend the three or more consecutive days of imprisonment 27461
required to be imposed by division (A)(1) or (5) of this section 27462
or place an offender who is sentenced pursuant to division (A)(1) 27463
or (5) of this section in any treatment program in lieu of 27464
imprisonment until after the offender has served the three or more 27465
consecutive days of imprisonment required to be imposed pursuant 27466
to division (A)(1) or (5) of this section. 27467~~

~~(11) No court shall sentence an offender to an alcohol treatment program pursuant to division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this section unless the treatment program complies with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services.~~

~~(12) No court shall impose the alternative sentence of a term of imprisonment plus a term of electronically monitored house arrest permitted to be imposed by division (A)(2), (3), (6), or (7) of this section, unless within sixty days of the date of sentencing, the court issues a written finding, entered into the record, that due to the unavailability of space at the incarceration facility where the offender is required to serve the term of imprisonment imposed upon the offender, the offender will not be able to commence serving the term of imprisonment within the sixty day period following the date of sentencing. If the court issues such a written finding, the court may impose the alternative sentence comprised of a term of imprisonment and a term of electronically monitored house arrest permitted to be imposed by division (A)(2), (3), (6), or (7) of this section.~~

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

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

~~(1) Except as otherwise provided in division (C)(2) of this section, a minor misdemeanor.~~ 27499
27500

~~(2) If the offender previously has been convicted of or pleaded guilty to one or more violations of section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, a misdemeanor of the fourth degree.~~ 27501
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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:~~ 27507
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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;~~ 27511
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27513

~~(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;~~ 27514
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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.~~ 27523
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~~(2) When any person is found guilty of a first offense for a~~ 27529

~~violation of section 4511.21 of the Revised Code upon a finding 27530
that the person operated a motor vehicle faster than thirty five 27531
miles an hour in a business district of a municipal corporation, 27532
or faster than fifty miles an hour in other portions, or faster 27533
than thirty five miles an hour while passing through a school zone 27534
during recess or while children are going to or leaving school 27535
during the opening or closing hours, the person is guilty of a 27536
misdemeanor of the fourth degree. 27537~~

~~(3) Notwithstanding section 2929.21 of the Revised Code, upon 27538
a finding that such person operated a motor vehicle in a 27539
construction zone where a sign was then posted in accordance with 27540
section 4511.98 of the Revised Code, the court, in addition to all 27541
other penalties provided by law, shall impose a fine of two times 27542
the usual amount imposed for the violation. No court shall impose 27543
a fine of two times the usual amount imposed for the violation 27544
upon an offender who alleges, in an affidavit filed with the court 27545
prior to the offender's sentencing, that the offender is indigent 27546
and is unable to pay the fine imposed pursuant to this division, 27547
provided the court determines the offender is an indigent person 27548
and is unable to pay the fine. 27549~~

~~(4) Notwithstanding section 2929.21 of the Revised Code, upon 27550
a finding that a person operated a motor vehicle in violation of 27551
division (C) of section 4511.213 of the Revised Code, the court, 27552
in addition to all other penalties provided by law, shall impose a 27553
fine of two times the usual amount imposed for the violation. 27554~~

~~(E) Whenever a person is found guilty in a court of record of 27556
a violation of section 4511.761, 4511.762, or 4511.77 of the 27557
Revised Code, the trial judge, in addition to or independent of 27558
all other penalties provided by law, may suspend for any period of 27559
time not exceeding three years, or revoke the license of any 27560
person, partnership, association, or corporation, issued under 27561~~

~~section 4511.763 of the Revised Code. 27562~~

~~(F) Whoever violates division (E) or (F) of section 4511.51, 27563
division (A), (D), or (E) of section 4511.521, section 4511.681, 27564
division (A) or (C) of section 4511.69, section 4511.772, or 27565
division (A) or (B) of section 4511.82 of the Revised Code is 27566
guilty of a minor misdemeanor. 27567~~

~~(G) Whoever violates division (A) of section 4511.75 of the 27568
Revised Code may be fined an amount not to exceed five hundred 27569
dollars. A person who is issued a citation for a violation of 27570
division (A) of section 4511.75 of the Revised Code is not 27571
permitted to enter a written plea of guilty and waive the person's 27572
right to contest the citation in a trial, but instead must appear 27573
in person in the proper court to answer the charge. 27574~~

~~(H)(1) Whoever is a resident of this state and violates 27575
division (A) or (B) of section 4511.81 of the Revised Code shall 27576
be punished as follows: 27577~~

~~(a) Except as otherwise provided in division (H)(1)(b) of 27578
this section, the offender is guilty of a minor misdemeanor. 27579~~

~~(b) If the offender previously has been convicted of or 27580
pleaded guilty to a violation of division (A) or (B) of section 27581
4511.81 of the Revised Code or of a municipal ordinance that is 27582
substantially similar to either of those divisions, the offender 27583
is guilty of a misdemeanor of the fourth degree. 27584~~

~~(2) Whoever is not a resident of this state, violates 27585
division (A) or (B) of section 4511.81 of the Revised Code, and 27586
fails to prove by a preponderance of the evidence that the 27587
offender's use or nonuse of a child restraint system was in 27588
accordance with the law of the state of which the offender is a 27589
resident is guilty of a minor misdemeanor on a first offense; on a 27590
second or subsequent offense, that person is guilty of a 27591
misdemeanor of the fourth degree. 27592~~

~~(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 section 4511.81 of the Revised Code.~~

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

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

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

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

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

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

~~not properly maintained. 27624~~

~~(M) Whoever violates division (A)(1) or (2) of section 27625~~
~~4511.45 of the Revised Code is guilty of a misdemeanor of the 27626~~
~~fourth degree on a first offense; on a second offense within one 27627~~
~~year after the first offense, the person is guilty of a 27628~~
~~misdemeanor of the third degree; and on each subsequent offense 27629~~
~~within one year after the first offense, the person is guilty of a 27630~~
~~misdemeanor of the second degree. 27631~~

~~(N)(1) Whoever violates division (B) of section 4511.19 of 27632~~
~~the Revised Code is guilty of operating a motor vehicle after 27633~~
~~under age alcohol consumption and shall be punished as follows: 27634~~

~~(a) Except as otherwise provided in division (N)(1)(b) of 27635~~
~~this section, the offender is guilty of a misdemeanor of the 27636~~
~~fourth degree. 27637~~

~~(b) The offender is guilty of a misdemeanor of the third 27638~~
~~degree if, within one year of the offense, the offender has been 27639~~
~~convicted of or pleaded guilty to any violation of the following: 27640~~

~~(i) Division (A) or (B) of section 4511.19 of the Revised 27641~~
~~Code; 27642~~

~~(ii) A municipal ordinance relating to operating a vehicle 27643~~
~~while under the influence of alcohol, a drug of abuse, or alcohol 27644~~
~~and a drug of abuse; 27645~~

~~(iii) A municipal ordinance relating to operating a vehicle 27646~~
~~with a prohibited concentration of alcohol in the blood, breath, 27647~~
~~or urine; 27648~~

~~(iv) Section 2903.04 of the Revised Code in a case in which 27649~~
~~the offender was subject to the sanctions described in division 27650~~
~~(D) of that section; 27651~~

~~(v) Division (A)(1) of section 2903.06 or division (A)(1) of 27652~~
~~section 2903.08 of the Revised Code or a municipal ordinance that 27653~~

~~is substantially similar to either of those divisions;~~ 27654

~~(vi) Division (A)(2), (3), or (4) of section 2903.06 or 27655
division (A)(2) of section 2903.08 of the Revised Code or a 27656
municipal ordinance that is substantially similar to any of those 27657
divisions, or former section 2903.07 of the Revised Code or a 27658
substantially similar municipal ordinance, in a case in which the 27659
jury or judge found that the offender was under the influence of 27660
alcohol, a drug of abuse, or alcohol and a drug of abuse;~~ 27661

~~(vii) A statute of the United States or of any other state or 27662
a municipal ordinance of a municipal corporation located in any 27663
other state that is substantially similar to division (A) or (B) 27664
of section 4511.19 of the Revised Code.~~ 27665

~~(2) In addition to or independent of all other penalties 27666
provided by law, the offender's driver's or commercial driver's 27667
license or permit or nonresident operating privilege shall be 27668
suspended in accordance with, and for the period of time specified 27669
in, division (E) of section 4507.16 of the Revised Code.~~ 27670

~~(O) Whoever violates section 4511.62 of the Revised Code is 27671
guilty of a misdemeanor of the fourth degree.~~ 27672

~~(P) Whoever violates division (F)(1)(a) or (b) of section 27673
4511.69 of the Revised Code is guilty of a misdemeanor and shall 27674
be fined not less than two hundred fifty nor more than five 27675
hundred dollars, but in no case shall an offender be sentenced to 27676
any term of imprisonment.~~ 27677

~~Arrest or conviction for a violation of division (F)(1)(a) or 27678
(b) of section 4511.69 of the Revised Code does not constitute a 27679
criminal record and need not be reported by the person so arrested 27680
or convicted in response to any inquiries contained in any 27681
application for employment, license, or other right or privilege, 27682
or made in connection with the person's appearance as a witness.~~ 27683

~~Every fine collected under this division shall be paid by the 27684~~

~~clerk of the court to the political subdivision in which the 27685
violation occurred. Except as provided in this division, the 27686
political subdivision shall use the fine moneys it receives under 27687
this division to pay the expenses it incurs in complying with the 27688
signage and notice requirements contained in division (E) of 27689
section 4511.69 of the Revised Code. The political subdivision may 27690
use up to fifty per cent of each fine it receives under this 27691
division to pay the costs of educational, advocacy, support, and 27692
assistive technology programs for persons with disabilities, and 27693
for public improvements within the political subdivision that 27694
benefit or assist persons with disabilities, if governmental 27695
agencies or nonprofit organizations offer the programs. 27696~~

Sec. 4513.02. (A) No person shall drive or move, or cause or 27697
knowingly permit to be driven or moved, on any highway any vehicle 27698
or combination of vehicles which is in such unsafe condition as to 27699
endanger any person. 27700

(B) When directed by any state highway patrol trooper, the 27701
operator of any motor vehicle shall stop and submit such motor 27702
vehicle to an inspection under division (B)(1) or (2) of this 27703
section, as appropriate, and such tests as are necessary. 27704

(1) Any motor vehicle not subject to inspection by the public 27705
utilities commission shall be inspected and tested to determine 27706
whether it is unsafe or not equipped as required by law, or that 27707
its equipment is not in proper adjustment or repair, or in 27708
violation of the equipment provisions of Chapter 4513. of the 27709
Revised Code. 27710

Such inspection shall be made with respect to the brakes, 27711
lights, turn signals, steering, horns and warning devices, glass, 27712
mirrors, exhaust system, windshield wipers, tires, and such other 27713
items of equipment as designated by the superintendent of the 27714
state highway patrol by rule or regulation adopted pursuant to 27715

sections 119.01 to 119.13 of the Revised Code. 27716

Upon determining that a motor vehicle is in safe operating 27717
condition and its equipment in conformity with Chapter 4513. of 27718
the Revised Code, the inspecting officer shall issue to the 27719
operator an official inspection sticker, which shall be in such 27720
form as the superintendent prescribes except that its color shall 27721
vary from year to year. 27722

(2) Any motor vehicle subject to inspection by the public 27723
utilities commission shall be inspected and tested in accordance 27724
with rules adopted by the commission. Upon determining that the 27725
vehicle and operator are in compliance with rules adopted by the 27726
commission, the inspecting officer shall issue to the operator an 27727
appropriate official inspection sticker. 27728

(C) The superintendent of the state highway patrol, pursuant 27729
to sections 119.01 to 119.13 of the Revised Code, shall determine 27730
and promulgate standards for any inspection program conducted by a 27731
political subdivision of this state. These standards shall exempt 27732
licensed collector's vehicles and historical motor vehicles from 27733
inspection. Any motor vehicle bearing a valid certificate of 27734
inspection issued by another state or a political subdivision of 27735
this state whose inspection program conforms to the 27736
superintendent's standards, and any licensed collector's vehicle 27737
or historical motor vehicle which is not in a condition which 27738
endangers the safety of persons or property, shall be exempt from 27739
the tests provided in division (B) of this section. 27740

(D) Every person, firm, association, or corporation that, in 27741
the conduct of its business, owns and operates not less than 27742
fifteen motor vehicles in this state that are not subject to 27743
regulation by the public utilities commission and that, for the 27744
purpose of storing, repairing, maintaining, and servicing such 27745
motor vehicles, equips and operates one or more service 27746
departments within this state, may file with the superintendent of 27747

the state highway patrol applications for permits for such service 27748
departments as official inspection stations for its own motor 27749
vehicles. Upon receiving an application for each such service 27750
department, and after determining that it is properly equipped and 27751
has competent personnel to perform the inspections referred to in 27752
this section, the superintendent shall issue the necessary 27753
inspection stickers and permit to operate as an official 27754
inspection station. Any such person who has had one or more 27755
service departments so designated as official inspection stations 27756
may have motor vehicles that are owned and operated by the person 27757
and that are not subject to regulation by the public utilities 27758
commission, excepting private passenger cars owned by the person 27759
or the person's employees, inspected at such service department; 27760
and any motor vehicle bearing a valid certificate of inspection 27761
issued by such service department shall be exempt from the tests 27762
provided in division (B) of this section. 27763

No permit for an official inspection station shall be 27764
assigned or transferred or used at any location other than therein 27765
designated, and every such permit shall be posted in a conspicuous 27766
place at the location designated. 27767

If a person, firm, association, or corporation owns and 27768
operates fifteen or more motor vehicles in the conduct of business 27769
and is subject to regulation by the public utilities commission, 27770
that person, firm, association, or corporation is not eligible to 27771
apply to the superintendent for permits to enable any of its 27772
service departments to serve as official inspection stations for 27773
its own motor vehicles. 27774

(E) When any motor vehicle is found to be unsafe for 27775
operation, the inspecting officer may order it removed from the 27776
highway and not operated, except for purposes of removal and 27777
repair, until it has been repaired pursuant to a repair order as 27778
provided in division (F) of this section. 27779

(F) When any motor vehicle is found to be defective or in violation of Chapter 4513. of the Revised Code, the inspecting officer may issue a repair order, in such form and containing such information as the superintendent shall prescribe, to the owner or operator of the motor vehicle. The owner or operator shall thereupon obtain such repairs as are required and shall, as directed by the inspecting officer, return the repair order together with proof of compliance with its provisions. When any motor vehicle or operator subject to rules of the public utilities commission fails the inspection, the inspecting officer shall issue an appropriate order to obtain compliance with such rules.

(G) Sections 4513.01 to 4513.37 of the Revised Code, with respect to equipment on vehicles, do not apply to implements of husbandry, road machinery, road rollers, or agricultural tractors except as made applicable to such articles of machinery.

(H) 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 a violation of this section, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4513.021. (A) As used in this section: 27800

(1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle. 27801
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(2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation. 27804
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(3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a 27808
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gross vehicle weight rating of ten thousand pounds or less. 27810

(4) "Manufacturer" has the same meaning as in section 4501.01 27811
of the Revised Code. 27812

(5) "Gross vehicle weight rating" means the manufacturer's 27813
gross vehicle weight rating established for that vehicle. 27814

(B) The director of public safety, in accordance with Chapter 27815
119. of the Revised Code, shall adopt rules in conformance with 27816
standards of the vehicle equipment safety commission, that shall 27817
govern the maximum bumper height or, in the absence of bumpers and 27818
in cases where bumper heights have been lowered or modified, the 27819
maximum height to the bottom of the frame rail, of any passenger 27820
car, multipurpose passenger vehicle, or truck. 27821

(C) No person shall operate upon a street or highway any 27822
passenger car, multipurpose passenger vehicle, or truck registered 27823
in this state that does not conform to the requirements of this 27824
section or to any applicable rule adopted pursuant to this 27825
section. 27826

(D) No person shall modify any motor vehicle registered in 27827
this state in such a manner as to cause the vehicle body or 27828
chassis to come in contact with the ground, expose the fuel tank 27829
to damage from collision, or cause the wheels to come in contact 27830
with the body under normal operation, and no person shall 27831
disconnect any part of the original suspension system of the 27832
vehicle to defeat the safe operation of that system. 27833

(E) Nothing contained in this section or in the rules adopted 27834
pursuant to this section shall be construed to prohibit either of 27835
the following: 27836

(1) The installation upon a passenger car, multipurpose 27837
passenger vehicle, or truck registered in this state of heavy duty 27838
equipment, including shock absorbers and overload springs; 27839

(2) The operation on a street or highway of a passenger car, 27840
multipurpose passenger vehicle, or truck registered in this state 27841
with normal wear to the suspension system if the normal wear does 27842
not adversely affect the control of the vehicle. 27843

(F) This section and the rules adopted pursuant to it do not 27844
apply to any specially designed or modified passenger car, 27845
multipurpose passenger vehicle, or truck when operated off a 27846
street or highway in races and similar events. 27847

(G) Except as otherwise provided in this division, whoever 27848
violates this section is guilty of a minor misdemeanor. If the 27849
offender previously has been convicted of a violation of this 27850
section, whoever violates this section is guilty of a misdemeanor 27851
of the third degree. 27852

Sec. 4513.022. (A) As part of the motor vehicle inspection 27853
conducted pursuant to section 4513.02 of the Revised Code, the 27854
state highway patrol trooper shall request that the owner or 27855
operator of the motor vehicle produce proof that the owner 27856
maintains or has maintained on the owner's behalf, proof of 27857
financial responsibility as required by section 4509.101 of the 27858
Revised Code. 27859

(B) A state highway patrol trooper shall indicate on every 27860
traffic ticket issued pursuant to a motor vehicle inspection 27861
whether the person receiving the traffic ticket produced proof of 27862
the maintenance of financial responsibility in response to the 27863
state highway patrol trooper's request. The state highway patrol 27864
trooper shall inform every person who receives a traffic ticket 27865
and who has failed to produce proof of the maintenance of 27866
financial responsibility at the time of the motor vehicle 27867
inspection that the person must submit proof to the traffic 27868
violations bureau with any payment of a fine and costs for the 27869
ticketed violation or, if the person is to appear in court for the 27870

violation, the person must submit proof to the court. 27871

(C)(1) If a person who has failed to produce proof of the 27872
maintenance of financial responsibility appears in court for a 27873
ticketed violation, the court may permit the defendant to present 27874
evidence of proof of financial responsibility to the court at such 27875
time and in such manner as the court determines to be necessary or 27876
appropriate. The clerk of courts shall provide the registrar with 27877
the identity of any person who fails to submit proof of the 27878
maintenance of financial responsibility pursuant to division (B) 27879
of this section. 27880

(2) If a person who has failed to present proof of the 27881
maintenance of financial responsibility also fails to submit that 27882
proof to the traffic violations bureau, the traffic violations 27883
bureau shall notify the registrar of the identity of that person. 27884

(3) Upon receiving notice from a clerk of courts or a traffic 27885
violation bureau pursuant to division (C) of this section, the 27886
registrar shall proceed against these persons under division (D) 27887
of section 4509.101 of the Revised Code in the same manner as the 27888
registrar proceeds against persons identified by the clerk of 27889
courts under division (D)(4) of section 4509.101 of the Revised 27890
Code. 27891

(D) A state highway patrol trooper may charge an owner or 27892
operator of a motor vehicle with a violation ~~if division (B)(1)~~ of 27893
section ~~4507.02~~ 4510.16 of the Revised Code when the operator 27894
fails to produce proof of the maintenance of financial 27895
responsibility upon the state highway patrol trooper's request 27896
under division (A) of this section, if a check of the owner or 27897
operator's driving record indicates that the owner or operator, at 27898
the time of the motor vehicle inspection, is required to file and 27899
maintain proof of financial responsibility under section 4509.45 27900
of the Revised Code for a previous violation of Chapter 4509. of 27901
the Revised Code. 27902

Sec. 4513.03. (A) Every vehicle upon a street or highway 27903
within this state during the time from sunset to sunrise, and at 27904
any other time when there are unfavorable atmospheric conditions 27905
or when there is not sufficient natural light to render 27906
discernible persons, vehicles, and substantial objects on the 27907
highway at a distance of one thousand feet ahead, shall display 27908
lighted lights and illuminating devices as required by sections 27909
4513.04 to 4513.37 of the Revised Code, for different classes of 27910
vehicles; except that every motorized bicycle shall display at 27911
such times lighted lights meeting the rules adopted by the 27912
director of public safety under section 4511.521 of the Revised 27913
Code. No motor vehicle, during such times, shall be operated upon 27914
a street or highway within this state using only parking lights as 27915
illumination. 27916

Whenever in such sections a requirement is declared as to the 27917
distance from which certain lamps and devices shall render objects 27918
visible, or within which such lamps or devices shall be visible, 27919
such distance shall be measured upon a straight level unlighted 27920
highway under normal atmospheric conditions unless a different 27921
condition is expressly stated. 27922

Whenever in such sections a requirement is declared as to the 27923
mounted height of lights or devices, it shall mean from the center 27924
of such light or device to the level ground upon which the vehicle 27925
stands. 27926

(B) Whoever violates this section shall be punished as 27927
provided in section 4513.99 of the Revised Code. 27928

Sec. 4513.04. (A) Every motor vehicle, other than a 27929
motorcycle, and every trackless trolley shall be equipped with at 27930
least two headlights with at least one near each side of the front 27931
of the motor vehicle or trackless trolley. 27932

Every motorcycle shall be equipped with at least one and not more than two headlights. 27933
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(B) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code. 27935
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Sec. 4513.05. (A) Every motor vehicle, trackless trolley, trailer, semitrailer, pole trailer, or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the tail light on the rearmost vehicle need be visible from the distance specified. 27937
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Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate. 27945
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(B) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code. 27954
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Sec. 4513.06. (A) Every new motor vehicle sold after September 6, 1941, and operated on a highway, other than a commercial tractor, to which a trailer or semitrailer is attached shall carry at the rear, either as a part of the tail lamps or separately, two red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in section 4513.07 of the Revised Code shall be equipped with reflectors as 27956
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required by the regulations provided for in said section. 27963

Every such reflector shall be of such size and 27964
characteristics and so maintained as to be visible at night from 27965
all distances within three hundred feet to fifty feet from such 27966
vehicle. 27967

(B) Whoever violates this section shall be punished as 27968
provided in section 4513.99 of the Revised Code. 27969

Sec. 4513.07. (A) The director of public safety shall 27970
prescribe and promulgate regulations relating to clearance lights, 27971
marker lights, reflectors, and stop lights on ~~busses~~ buses, 27972
trackless trolleys, trucks, commercial tractors, trailers, 27973
semitrailers, and pole trailers, when operated upon any highway, 27974
and such vehicles shall be equipped as required by such 27975
regulations, and such equipment shall be lighted at all times 27976
mentioned in section 4513.03 of the Revised Code, except that 27977
clearance lights and side marker lights need not be lighted on any 27978
such vehicle when it is operated within a municipal corporation 27979
where there is sufficient light to reveal any person or 27980
substantial object on the highway at a distance of five hundred 27981
feet. 27982

Such equipment shall be in addition to all other lights 27983
specifically required by sections 4513.03 to 4513.16 of the 27984
Revised Code. 27985

Vehicles operated under the jurisdiction of the public 27986
utilities commission are not subject to this section. 27987

(B) Whoever violates this section shall be punished as 27988
provided in section 4513.99 of the Revised Code. 27989

Sec. 4513.071. (A) Every motor vehicle, trailer, semitrailer, 27990
and pole trailer when operated upon a highway shall be equipped 27991
with two or more stop lights, except that passenger cars 27992

manufactured or assembled prior to January 1, 1967, motorcycles, 27993
and motor-driven cycles shall be equipped with at least one stop 27994
light. Stop lights shall be mounted on the rear of the vehicle, 27995
actuated upon application of the service brake, and may be 27996
incorporated with other rear lights. Such stop lights when 27997
actuated shall emit a red light visible from a distance of five 27998
hundred feet to the rear, provided that in the case of a train of 27999
vehicles only the stop lights on the rear-most vehicle need be 28000
visible from the distance specified. 28001

Such stop lights when actuated shall give a steady warning 28002
light to the rear of a vehicle or train of vehicles to indicate 28003
the intention of the operator to diminish the speed of or stop a 28004
vehicle or train of vehicles. 28005

When stop lights are used as required by this section, they 28006
shall be constructed or installed so as to provide adequate and 28007
reliable illumination and shall conform to the appropriate rules 28008
and regulations established under section 4513.19 of the Revised 28009
Code. 28010

Historical motor vehicles as defined in section 4503.181 of 28011
the Revised Code, not originally manufactured with stop lights, 28012
are not subject to this section. 28013

(B) Whoever violates this section shall be punished as 28014
provided in section 4513.99 of the Revised Code. 28015

Sec. 4513.09. (A) Whenever the load upon any vehicle extends 28016
to the rear four feet or more beyond the bed or body of such 28017
vehicle, there shall be displayed at the extreme rear end of the 28018
load, at the times specified in section 4513.03 of the Revised 28019
Code, a red light or lantern plainly visible from a distance of at 28020
least five hundred feet to the sides and rear. The red light or 28021
lantern required by this section is in addition to the red rear 28022
light required upon every vehicle. At any other time there shall 28023

be displayed at the extreme rear end of such load a red flag or 28024
cloth not less than sixteen inches square. 28025

(B) Whoever violates this section shall be punished as 28026
provided in section 4513.99 of the Revised Code. 28027

Sec. 4513.10. (A) Except in case of an emergency, whenever a 28028
vehicle is parked or stopped upon a roadway open to traffic or a 28029
shoulder adjacent thereto, whether attended or unattended, during 28030
the times mentioned in section 4513.03 of the Revised Code, such 28031
vehicle shall be equipped with one or more lights which shall 28032
exhibit a white or amber light on the roadway side visible from a 28033
distance of five hundred feet to the front of such vehicle, and a 28034
red light visible from a distance of five hundred feet to the 28035
rear. No lights need be displayed upon any such vehicle when it is 28036
stopped or parked within a municipal corporation where there is 28037
sufficient light to reveal any person or substantial object within 28038
a distance of five hundred feet upon such highway. Any lighted 28039
headlights upon a parked vehicle shall be depressed or dimmed. 28040

(B) Whoever violates this section shall be punished as 28041
provided in section 4513.99 of the Revised Code. 28042

Sec. 4513.11. (A) All vehicles other than bicycles, including 28043
animal-drawn vehicles and vehicles referred to in division (G) of 28044
section 4513.02 of the Revised Code, not specifically required to 28045
be equipped with lamps or other lighting devices by sections 28046
4513.03 to 4513.10 of the Revised Code, shall, at the times 28047
specified in section 4513.03 of the Revised Code, be equipped with 28048
at least one lamp displaying a white light visible from a distance 28049
of not less than one thousand feet to the front of the vehicle, 28050
and also shall be equipped with two lamps displaying red light 28051
visible from a distance of not less than one thousand feet to the 28052
rear of the vehicle, or as an alternative, one lamp displaying a 28053

red light visible from a distance of not less than one thousand 28054
feet to the rear and two red reflectors visible from all distances 28055
of six hundred feet to one hundred feet to the rear when 28056
illuminated by the lawful lower beams of headlamps. 28057

Lamps and reflectors required or authorized by this section 28058
shall meet standards adopted by the director of public safety. 28059

(B) All boat trailers, farm machinery, and other machinery, 28060
including all road construction machinery, upon a street or 28061
highway, except when being used in actual construction and 28062
maintenance work in an area guarded by a flagperson, or where 28063
flares are used, or when operating or traveling within the limits 28064
of a construction area designated by the director of 28065
transportation, a city engineer, or the county engineer of the 28066
several counties, when such construction area is marked in 28067
accordance with requirements of the director and the manual of 28068
uniform traffic control devices, as set forth in section 4511.09 28069
of the Revised Code, which is designed for operation at a speed of 28070
twenty-five miles per hour or less shall be operated at a speed 28071
not exceeding twenty-five miles per hour, and shall display a 28072
triangular slow-moving vehicle emblem (SMV). The emblem shall be 28073
mounted so as to be visible from a distance of not less than five 28074
hundred feet to the rear. The director of public safety shall 28075
adopt standards and specifications for the design and position of 28076
mounting the SMV emblem. The standards and specifications for SMV 28077
emblems referred to in this section shall correlate with and, so 28078
far as possible, conform with those approved by the American 28079
society of agricultural engineers. 28080

As used in this division, "machinery" does not include any 28081
vehicle designed to be drawn by an animal. 28082

(C) The use of the SMV emblem shall be restricted to 28083
animal-drawn vehicles, and to the slow-moving vehicles specified 28084
in division (B) of this section operating or traveling within the 28085

limits of the highway. Its use on slow-moving vehicles being 28086
transported upon other types of vehicles or on any other type of 28087
vehicle or stationary object on the highway is prohibited. 28088

(D) No person shall sell, lease, rent, or operate any boat 28089
trailer, farm machinery, or other machinery defined as a 28090
slow-moving vehicle in division (B) of this section, except those 28091
units designed to be completely mounted on a primary power unit, 28092
which is manufactured or assembled on or after April 1, 1966, 28093
unless the vehicle is equipped with a slow-moving vehicle emblem 28094
mounting device as specified in division (B) of this section. 28095

(E) Any boat trailer, farm machinery, or other machinery 28096
defined as a slow-moving vehicle in division (B) of this section, 28097
in addition to the use of the slow-moving vehicle emblem, may be 28098
equipped with a red flashing light that shall be visible from a 28099
distance of not less than one thousand feet to the rear at all 28100
times specified in section 4513.03 of the Revised Code. When a 28101
double-faced light is used, it shall display amber light to the 28102
front and red light to the rear. 28103

In addition to the lights described in this division, farm 28104
machinery and motor vehicles escorting farm machinery may display 28105
a flashing, oscillating, or rotating amber light, as permitted by 28106
section 4513.17 of the Revised Code, and also may display 28107
simultaneously flashing turn signals or warning lights, as 28108
permitted by that section. 28109

(F) Every animal-drawn vehicle upon a street or highway shall 28110
at all times be equipped in one of the following ways: 28111

(1) With a slow-moving vehicle emblem complying with division 28112
(B) of this section; 28113

(2) With alternate reflective material complying with rules 28114
adopted under this division; 28115

(3) With both a slow-moving vehicle emblem and alternate 28116

reflective material as specified in this division. 28117

The director of public safety, subject to Chapter 119. of the 28118
Revised Code, shall adopt rules establishing standards and 28119
specifications for the position of mounting of the alternate 28120
reflective material authorized by this division. The rules shall 28121
permit, as a minimum, the alternate reflective material to be 28122
black, gray, or silver in color. The alternate reflective material 28123
shall be mounted on the animal-drawn vehicle so as to be visible, 28124
at all times specified in section 4513.03 of the Revised Code, 28125
from a distance of not less than five hundred feet to the rear 28126
when illuminated by the lawful lower beams of headlamps. 28127

(G) Whoever violates this section shall be punished as 28128
provided in section 4513.99 of the Revised Code. 28129

(H) As used in this section, "boat trailer" means any vehicle 28130
designed and used exclusively to transport a boat between a place 28131
of storage and a marina, or in and around a marina, when drawn or 28132
towed on a street or highway for a distance of no more than ten 28133
miles and at a speed of twenty-five miles per hour or less. 28134

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Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor 28136
whose model year was 2001 or earlier, when being operated or 28137
traveling on a street or highway at the times specified in section 28138
4513.03 of the Revised Code, at a minimum shall be equipped with 28139
and display reflectors and illuminated amber lamps so that the 28140
extreme left and right projections of the tractor are indicated by 28141
flashing lamps displaying amber light, visible to the front and 28142
the rear, by amber reflectors, all visible to the front, and by 28143
red reflectors, all visible to the rear. 28144

(2) The lamps displaying amber light need not flash 28145
simultaneously and need not flash in conjunction with any 28146
directional signals of the tractor. 28147

(3) The lamps and reflectors required by division (A)(1) of 28148
this section and their placement shall meet standards and 28149
specifications contained in rules adopted by the director of 28150
public safety in accordance with Chapter 119. of the Revised Code. 28151
The rules governing the amber lamps, amber reflectors, and red 28152
reflectors and their placement shall correlate with and, as far as 28153
possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 28154
respectively of the American society of agricultural engineers 28155
standard ANSI/ASAE S279.10 OCT98, lighting and marking of 28156
agricultural equipment on highways. 28157

(B) Every unit of farm machinery whose model year was 2002 or 28158
later, when being operated or traveling on a street or highway at 28159
the times specified in section 4513.03 of the Revised Code, shall 28160
be equipped with and display markings and illuminated lamps that 28161
meet or exceed the lighting, illumination, and marking standards 28162
and specifications that are applicable to that type of farm 28163
machinery for the unit's model year specified in the American 28164
society of agricultural engineers standard ANSI/ASAE S279.10 28165
OCT98, lighting and marking of agricultural equipment on highways. 28166

(C) The lights and reflectors required by division (A) of 28167
this section are in addition to the slow-moving vehicle emblem and 28168
lights required or permitted by section 4513.11 or 4513.17 of the 28169
Revised Code to be displayed on farm machinery being operated or 28170
traveling on a street or highway. 28171

(D) No person shall operate any unit of farm machinery on a 28172
street or highway or cause any unit of farm machinery to travel on 28173
a street or highway in violation of division (A) or (B) of this 28174
section. 28175

(E) Whoever violates this section shall be punished as 28176
provided in section 4513.99 of the Revised Code. 28177

Sec. 4513.12. (A) Any motor vehicle may be equipped with not 28178
more than one spotlight and every lighted spotlight shall be so 28179
aimed and used upon approaching another vehicle that no part of 28180
the high-intensity portion of the beam will be directed to the 28181
left of the prolongation of the extreme left side of the vehicle, 28182
nor more than one hundred feet ahead of the vehicle. 28183

Any motor vehicle may be equipped with not more than three 28184
auxiliary driving lights mounted on the front of the vehicle. The 28185
director of public safety shall prescribe specifications for 28186
auxiliary driving lights and regulations for their use, and any 28187
such lights which do not conform to said specifications and 28188
regulations shall not be used. 28189

(B) Whoever violates this section shall be punished as 28190
provided in section 4513.99 of the Revised Code. 28191

Sec. 4513.13. (A) Any motor vehicle may be equipped with side 28192
cowl or fender lights which shall emit a white or amber light 28193
without glare. 28194

Any motor vehicle may be equipped with lights on each side 28195
thereof which shall emit a white or amber light without glare. 28196

Any motor vehicle may equipped with back-up lights, either 28197
separately or in combination with another light. No back-up lights 28198
shall be continuously lighted when the motor vehicle is in forward 28199
motion. 28200

(B) Whoever violates this section shall be punished as 28201
provided in section 4513.99 of the Revised Code. 28202

Sec. 4513.14. (A) At all times mentioned in section 4513.03 28203
of the Revised Code at least two lighted lights shall be 28204
displayed, one near each side of the front of every motor vehicle 28205
and trackless trolley, except when such vehicle or trackless 28206

trolley is parked subject to the regulations governing lights on 28207
parked vehicles and trackless trolleys. 28208

The director of public safety shall prescribe and promulgate 28209
regulations relating to the design and use of such lights and such 28210
regulations shall be in accordance with currently recognized 28211
standards. 28212

(B) Whoever violates this section shall be punished as 28213
provided in section 4513.99 of the Revised Code. 28214

Sec. 4513.15. (A) Whenever a motor vehicle is being operated 28215
on a roadway or shoulder adjacent thereto during the times 28216
specified in section 4513.03 of the Revised Code, the driver shall 28217
use a distribution of light, or composite beam, directed high 28218
enough and of sufficient intensity to reveal persons, vehicles, 28219
and substantial objects at a safe distance in advance of the 28220
vehicle, subject to the following requirements; 28221

~~(A)~~(1) Whenever the driver of a vehicle approaches an 28222
oncoming vehicle, such driver shall use a distribution of light, 28223
or composite beam, so aimed that the glaring rays are not 28224
projected into the eyes of the oncoming driver. 28225

~~(B)~~(2) Every new motor vehicle registered in this state, 28226
which has multiple-beam road lighting equipment shall be equipped 28227
with a beam indicator, which shall be lighted whenever the 28228
uppermost distribution of light from the headlights is in use, and 28229
shall not otherwise be lighted. Said indicator shall be so 28230
designed and located that, when lighted, it will be readily 28231
visible without glare to the driver of the vehicle. 28232

(B) Whoever violates this section shall be punished as 28233
provided in section 4513.99 of the Revised Code. 28234

Sec. 4513.16. (A) Any motor vehicle may be operated under the 28235
conditions specified in section 4513.03 of the Revised Code when 28236

it is equipped with two lighted lights upon the front thereof 28237
capable of revealing persons and substantial objects seventy-five 28238
feet ahead, in lieu of lights required in section 4513.14 of the 28239
Revised Code, provided that such vehicle shall not be operated at 28240
a speed in excess of twenty miles per hour. 28241

(B) Whoever violates this section shall be punished as 28242
provided in section 4513.99 of the Revised Code. 28243

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 28244
headlights also is equipped with any auxiliary lights or spotlight 28245
or any other light on the front thereof projecting a beam of an 28246
intensity greater than three hundred candle power, not more than a 28247
total of five of any such lights on the front of a vehicle shall 28248
be lighted at any one time when the vehicle is upon a highway. 28249

(B) Any lighted light or illuminating device upon a motor 28250
vehicle, other than headlights, spotlights, signal lights, or 28251
auxiliary driving lights, that projects a beam of light of an 28252
intensity greater than three hundred candle power, shall be so 28253
directed that no part of the beam will strike the level of the 28254
roadway on which the vehicle stands at a distance of more than 28255
seventy-five feet from the vehicle. 28256

(C)(1) Flashing lights are prohibited on motor vehicles, 28257
except as a means for indicating a right or a left turn, or in the 28258
presence of a vehicular traffic hazard requiring unusual care in 28259
approaching, or overtaking or passing. This prohibition does not 28260
apply to emergency vehicles, road service vehicles servicing or 28261
towing a disabled vehicle, traffic line stripers, snow plows, 28262
rural mail delivery vehicles, vehicles as provided in section 28263
4513.182 of the Revised Code, department of transportation 28264
maintenance vehicles, funeral hearses, funeral escort vehicles, 28265
and similar equipment operated by the department or local 28266
authorities, which shall be equipped with and display, when used 28267

on a street or highway for the special purpose necessitating such 28268
lights, a flashing, oscillating, or rotating amber light, but 28269
shall not display a flashing, oscillating, or rotating light of 28270
any other color, nor to vehicles or machinery permitted by section 28271
4513.11 of the Revised Code to have a flashing red light. 28272

(2) When used on a street or highway, farm machinery and 28273
vehicles escorting farm machinery may be equipped with and display 28274
a flashing, oscillating, or rotating amber light, and the 28275
prohibition contained in division (C)(1) of this section does not 28276
apply to such machinery or vehicles. Farm machinery also may 28277
display the lights described in section 4513.11 of the Revised 28278
Code. 28279

(D) Except a person operating a public safety vehicle, as 28280
defined in division (E) of section 4511.01 of the Revised Code, or 28281
a school bus, no person shall operate, move, or park upon, or 28282
permit to stand within the right-of-way of any public street or 28283
highway any vehicle or equipment that is equipped with and 28284
displaying a flashing red or a flashing combination red and white 28285
light, or an oscillating or rotating red light, or a combination 28286
red and white oscillating or rotating light; and except a public 28287
law enforcement officer, or other person sworn to enforce the 28288
criminal and traffic laws of the state, operating a public safety 28289
vehicle when on duty, no person shall operate, move, or park upon, 28290
or permit to stand within the right-of-way of any street or 28291
highway any vehicle or equipment that is equipped with, or upon 28292
which is mounted, and displaying a flashing blue or a flashing 28293
combination blue and white light, or an oscillating or rotating 28294
blue light, or a combination blue and white oscillating or 28295
rotating light. 28296

(E) This section does not prohibit the use of warning lights 28297
required by law or the simultaneous flashing of turn signals on 28298
disabled vehicles or on vehicles being operated in unfavorable 28299

atmospheric conditions in order to enhance their visibility. This 28300
section also does not prohibit the simultaneous flashing of turn 28301
signals or warning lights either on farm machinery or vehicles 28302
escorting farm machinery, when used on a street or highway. 28303

(F) Whoever violates this section shall be punished as 28304
provided in section 4513.99 of the Revised Code. 28305

Sec. 4513.171. (A) Notwithstanding any other provision of 28306
law, a motor vehicle operated by a coroner, deputy coroner, or 28307
coroner's investigator may be equipped with a flashing, 28308
oscillating, or rotating red or blue light and a siren, whistle, 28309
or bell capable of emitting sound audible under normal conditions 28310
from a distance of not less than five hundred feet. Such a vehicle 28311
may display the flashing, oscillating, or rotating red or blue 28312
light and may give the audible signal of the siren, exhaust 28313
whistle, or bell only when responding to a fatality or a fatal 28314
motor vehicle accident on a street or highway and only at those 28315
locations where the stoppage of traffic impedes the ability of the 28316
coroner, deputy coroner, or coroner's investigator to arrive at 28317
the site of the fatality. 28318

This section does not relieve a coroner, deputy coroner, or 28319
coroner's investigator operating a motor vehicle from the duty to 28320
drive with due regard for the safety of all persons and property 28321
upon the highway. 28322

(B) Whoever violates this section shall be punished as 28323
provided in section 4513.99 of the Revised Code. 28324

Sec. 4513.18. (A) The director of transportation shall adopt 28325
standards and specifications applicable to headlights, clearance 28326
lights, identification, and other lights, on snow removal 28327
equipment when operated on the highways, and on vehicles operating 28328
under special permits pursuant to section 4513.34 of the Revised 28329

Code, in lieu of the lights otherwise required on motor vehicles. 28330
Such standards and specifications may permit the use of flashing 28331
lights for purposes of identification on snow removal equipment, 28332
and oversize vehicles when in service upon the highways. The 28333
standards and specifications for lights referred to in this 28334
section shall correlate with and, so far as possible, conform with 28335
those approved by the American association of state highway 28336
officials. 28337

It is unlawful to operate snow removal equipment on a highway 28338
unless the lights thereon comply with and are lighted when and as 28339
required by the standards and specifications adopted as provided 28340
in this section. 28341

(B) Whoever violates this section shall be punished as 28342
provided in section 4513.99 of the Revised Code. 28343

Sec. 4513.182. (A) No person shall operate any motor vehicle 28344
owned, leased, or hired by a nursery school, kindergarten, or 28345
day-care center, while transporting preschool children to or from 28346
such an institution unless the motor vehicle is equipped with and 28347
displaying two amber flashing lights mounted on a bar attached to 28348
the top of the vehicle, and a sign bearing the designation 28349
"caution--children," which shall be attached to the bar carrying 28350
the amber flashing lights in such a manner as to be legible to 28351
persons both in front of and behind the vehicle. The lights and 28352
sign shall meet standards and specifications adopted by the 28353
director of public safety. The director, subject to Chapter 119. 28354
of the Revised Code, shall adopt standards and specifications for 28355
the lights and sign, which shall include, but are not limited to, 28356
requirements for the color and size of lettering to be used on the 28357
sign, the type of material to be used for the sign, and the method 28358
of mounting the lights and sign so that they can be removed from a 28359
motor vehicle being used for purposes other than those specified 28360

in this section. 28361

(B) No person shall operate a motor vehicle displaying the 28362
lights and sign required by this section for any purpose other 28363
than the transportation of preschool children as provided in this 28364
section. 28365

(C) Whoever violates this section shall be punished as 28366
provided in section 4513.99 of the Revised Code. 28367

Sec. 4513.19. (A) No person shall use any lights mentioned in 28368
sections 4513.03 to 4513.18 of the Revised Code, upon any motor 28369
vehicle, trailer, or semitrailer unless said lights are equipped, 28370
mounted, and adjusted as to focus and aim in accordance with 28371
regulations which are prescribed by the director of public safety. 28372

(B) Whoever violates this section shall be punished as 28373
provided in section 4513.99 of the Revised Code. 28374

Sec. 4513.20. (A) The following requirements govern as to 28375
brake equipment on vehicles: 28376

~~(A)~~(1) Every trackless trolley and motor vehicle, other than 28377
a motorcycle, when operated upon a highway shall be equipped with 28378
brakes adequate to control the movement of and to stop and hold 28379
such trackless trolley or motor vehicle, including two separate 28380
means of applying the brakes, each of which means shall be 28381
effective to apply the brakes to at least two wheels. If these two 28382
separate means of applying the brakes are connected in any way, 28383
then on such trackless trolleys or motor vehicles manufactured or 28384
assembled after January 1, 1942, they shall be so constructed that 28385
failure of any one part of the operating mechanism shall not leave 28386
the trackless trolley or motor vehicle without brakes on at least 28387
two wheels. 28388

~~(B)~~(2) Every motorcycle, when operated upon a highway shall 28389
be equipped with at least one adequate brake, which may be 28390

operated by hand or by foot. 28391

~~(C)~~(3) Every motorized bicycle shall be equipped with brakes 28392
meeting the rules adopted by the director of public safety under 28393
section 4511.521 of the Revised Code. 28394

~~(D)~~(4) When operated upon the highways of this state, the 28395
following vehicles shall be equipped with brakes adequate to 28396
control the movement of and to stop and to hold the vehicle, 28397
designed to be applied by the driver of the towing motor vehicle 28398
from its cab, and also designed and connected so that, in case of 28399
a breakaway of the towed vehicle, the brakes shall be 28400
automatically applied: 28401

~~(1)~~(a) Every trailer or semitrailer, except a pole trailer, 28402
with an empty weight of two thousand pounds or more, manufactured 28403
or assembled on or after January 1, 1942; 28404

~~(2)~~(b) Every manufactured home or travel trailer with an 28405
empty weight of two thousand pounds or more, manufactured or 28406
assembled on or after January 1, 2001. 28407

~~(E)~~(5) In any combination of motor-drawn trailers or 28408
semitrailers equipped with brakes, means shall be provided for 28409
applying the rearmost brakes in approximate synchronism with the 28410
brakes on the towing vehicle, and developing the required braking 28411
effort on the rearmost wheels at the fastest rate; or means shall 28412
be provided for applying braking effort first on the rearmost 28413
brakes; or both of the above means, capable of being used 28414
alternatively, may be employed. 28415

~~(F)~~(6) Every vehicle and combination of vehicles, except 28416
motorcycles and motorized bicycles, and except trailers and 28417
semitrailers of a gross weight of less than two thousand pounds, 28418
and pole trailers, shall be equipped with parking brakes adequate 28419
to hold the vehicle on any grade on which it is operated, under 28420
all conditions of loading, on a surface free from snow, ice, or 28421

loose material. The parking brakes shall be capable of being 28422
applied in conformance with the foregoing requirements by the 28423
driver's muscular effort or by spring action or by equivalent 28424
means. Their operation may be assisted by the service brakes or 28425
other source of power provided that failure of the service brake 28426
actuation system or other power assisting mechanism will not 28427
prevent the parking brakes from being applied in conformance with 28428
the foregoing requirements. The parking brakes shall be so 28429
designed that when once applied they shall remain applied with the 28430
required effectiveness despite exhaustion of any source of energy 28431
or leakage of any kind. 28432

~~(G)~~(7) The same brake drums, brake shoes and lining 28433
assemblies, brake shoe anchors, and mechanical brake shoe 28434
actuation mechanism normally associated with the wheel brake 28435
assemblies may be used for both the service brakes and the parking 28436
brakes. If the means of applying the parking brakes and the 28437
service brakes are connected in any way, they shall be so 28438
constructed that failure of any one part shall not leave the 28439
vehicle without operative brakes. 28440

~~(H)~~(8) Every trackless trolley, motor vehicle, or combination 28441
of motor-drawn vehicles shall be capable at all times and under 28442
all conditions of loading of being stopped on a dry, smooth, level 28443
road free from loose material, upon application of the service or 28444
foot brake, within the following specified distances, or shall be 28445
capable of being decelerated at a sustained rate corresponding to 28446
these distances: 28447

~~(1)~~(a) Trackless trolleys, vehicles, or combinations of 28448
vehicles having brakes on all wheels shall come to a stop in 28449
thirty feet or less from a speed of twenty miles per hour. 28450

~~(2)~~(b) Vehicles or combinations of vehicles not having brakes 28451
on all wheels shall come to a stop in forty feet or less from a 28452
speed of twenty miles per hour. 28453

~~(I)~~(9) All brakes shall be maintained in good working order 28454
and shall be so adjusted as to operate as equally as practicable 28455
with respect to the wheels on opposite sides of the trackless 28456
trolley or vehicle. 28457

(B) Whoever violates this section shall be punished as 28458
provided in section 4513.99 of the Revised Code. 28459

Sec. 4513.201. (A) No hydraulic brake fluid for use in motor 28460
vehicles shall be sold in this state if the brake fluid is below 28461
the minimum standard of specifications for heavy duty type brake 28462
fluid established by the society of automotive engineers and the 28463
standard of specifications established by 49 C.F.R. 571.116, as 28464
amended. 28465

(B) All manufacturers, packers, or distributors of brake 28466
fluid selling such fluid in this state shall state on the 28467
containers that the brake fluid therein meets or exceeds the 28468
applicable minimum SAE standard of specifications and the standard 28469
of specifications established in 49 C.F.R. 571.116, as amended. 28470

(C) Whoever violates this section shall be punished as 28471
provided in section 4513.99 of the Revised Code. 28472

Sec. 4513.202. (A) No brake lining, brake lining material, or 28473
brake lining assemblies for use as repair and replacement parts in 28474
motor vehicles shall be sold in this state if these items do not 28475
meet or exceed the minimum standard of specifications established 28476
by the society of automotive engineers and the standard of 28477
specifications established in 49 C.F.R. 571.105, as amended, and 28478
49 C.F.R. 571.135, as amended. 28479

(B) All manufacturers or distributors of brake lining, brake 28480
lining material, or brake lining assemblies selling these items 28481
for use as repair and replacement parts in motor vehicles shall 28482
state that the items meet or exceed the applicable minimum 28483

standard of specifications. 28484

(C) Whoever violates this section shall be punished as 28485
provided in section 4513.99 of the Revised Code. 28486

(D) As used in this section, "minimum standard of 28487
specifications" means a minimum standard for brake system or brake 28488
component performance that meets the need for motor vehicle safety 28489
and complies with the applicable SAE standards and recommended 28490
practices, and the federal motor vehicle safety standards that 28491
cover the same aspect of performance for any brake lining, brake 28492
lining material, or brake lining assemblies. 28493

Sec. 4513.21. (A) Every motor vehicle or trackless trolley 28494
when operated upon a highway shall be equipped with a horn which 28495
is in good working order and capable of emitting sound audible, 28496
under normal conditions, from a distance of not less than two 28497
hundred feet. 28498

No motor vehicle or trackless trolley shall be equipped with, 28499
nor shall any person use upon a vehicle, any siren, whistle, or 28500
bell. Any vehicle may be equipped with a theft alarm signal device 28501
which shall be so arranged that it cannot be used as an ordinary 28502
warning signal. Every emergency vehicle shall be equipped with a 28503
siren, whistle, or bell, capable of emitting sound audible under 28504
normal conditions from a distance of not less than five hundred 28505
feet and of a type approved by the director of public safety. Such 28506
equipment shall not be used except when such vehicle is operated 28507
in response to an emergency call or is in the immediate pursuit of 28508
an actual or suspected violator of the law, in which case the 28509
driver of the emergency vehicle shall sound such equipment when it 28510
is necessary to warn pedestrians and other drivers of the approach 28511
thereof. 28512

(B) Whoever violates this section shall be punished as 28513
provided in section 4513.99 of the Revised Code. 28514

Sec. 4513.22. (A) Every motor vehicle and motorcycle with an 28515
internal combustion engine shall at all times be equipped with a 28516
muffler which is in good working order and in constant operation 28517
to prevent excessive or unusual noise, and no person shall use a 28518
muffler cutout, by-pass, or similar device upon a motor vehicle on 28519
a highway. Every motorcycle muffler shall be equipped with baffle 28520
plates. 28521

No person shall own, operate, or have in ~~his~~ the person's 28522
possession any motor vehicle or motorcycle equipped with a device 28523
for producing excessive smoke or gas, or so equipped as to permit 28524
oil or any other chemical to flow into or upon the exhaust pipe or 28525
muffler of such vehicle, or equipped in any other way to produce 28526
or emit smoke or dangerous or annoying gases from any portion of 28527
such vehicle, other than the ordinary gases emitted by the exhaust 28528
of an internal combustion engine under normal operation. 28529

(B) Whoever violates this section shall be punished as 28530
provided in section 4513.99 of the Revised Code. 28531

Sec. 4513.23. (A) Every motor vehicle, motorcycle, and 28532
trackless trolley shall be equipped with a mirror so located as to 28533
reflect to the operator a view of the highway to the rear of such 28534
vehicle, motorcycle, or trackless trolley. Operators of vehicles, 28535
motorcycles, streetcars, and trackless trolleys shall have a clear 28536
and unobstructed view to the front and to both sides of their 28537
vehicles, motorcycles, streetcars, or trackless trolleys and shall 28538
have a clear view to the rear of their vehicles, motorcycles, 28539
streetcars, or trackless trolleys by mirror. 28540

(B) Whoever violates this section shall be punished as 28541
provided in section 4513.99 of the Revised Code. 28542

Sec. 4513.24. (A) No person shall drive any motor vehicle on 28543

a street or highway in this state, other than a motorcycle or 28544
motorized bicycle, that is not equipped with a windshield. 28545

(B) No person shall drive any motor vehicle, other than a 28546
bus, with any sign, poster, or other nontransparent material upon 28547
the front windshield, sidewings, side, or rear windows of such 28548
vehicle other than a certificate or other paper required to be 28549
displayed by law, except that there may be in the lower left-hand 28550
or right-hand corner of the windshield a sign, poster, or decal 28551
not to exceed four inches in height by six inches in width. No 28552
sign, poster, or decal shall be displayed in the front windshield 28553
in such a manner as to conceal the vehicle identification number 28554
for the motor vehicle when, in accordance with federal law, that 28555
number is located inside the vehicle passenger compartment and so 28556
placed as to be readable through the vehicle glazing without 28557
moving any part of the vehicle. 28558

(C) The windshield on every motor vehicle, streetcar, and 28559
trackless trolley shall be equipped with a device for cleaning 28560
rain, snow, or other moisture from the windshield. The device 28561
shall be maintained in good working order and so constructed as to 28562
be controlled or operated by the operator of the vehicle, 28563
streetcar, or trackless trolley. 28564

(D) Whoever violates this section shall be punished as 28565
provided in section 4513.99 of the Revised Code. 28566

Sec. 4513.241. (A) The director of public safety, in 28567
accordance with Chapter 119. of the Revised Code, shall adopt 28568
rules governing the use of tinted glass, and the use of 28569
transparent, nontransparent, translucent, and reflectorized 28570
materials in or on motor vehicle windshields, side windows, 28571
sidewings, and rear windows that prevent a person of normal vision 28572
looking into the motor vehicle from seeing or identifying persons 28573
or objects inside the motor vehicle. 28574

(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 28605
handicapped child pursuant to a special education program under 28606
Chapter 3323. of the Revised Code, whom it is impossible or 28607
impractical to transport by regular school bus in the course of 28608
regular route transportation provided by a school district. As 28609
used in this division, "handicapped child" and "special education 28610
program" have the same meanings as in section 3323.01 of the 28611
Revised Code. 28612

(I) This section does not apply to any school bus that is to 28613
be sold and operated outside this state. 28614

(J) Whoever violates division (C), (D), (E), or (F) of this 28615
section is guilty of a minor misdemeanor. 28616

Sec. 4513.242. (A) Notwithstanding section 4513.24 and 28617
division (F) of section 4513.241 of the Revised Code or any rule 28618
adopted thereunder, a decal, whether reflectorized or not, may be 28619
displayed upon any side window or siding of a motor vehicle if 28620
all of the following are met: 28621

~~(A)~~(1) The decal is necessary for public or private security 28622
arrangements to which the motor vehicle periodically is subjected; 28623

~~(B)~~(2) The decal is no larger than is necessary to accomplish 28624
the security arrangements; 28625

~~(C)~~(3) The decal does not obscure the vision of the motor 28626
vehicle operator or prevent a person looking into the motor 28627
vehicle from seeing or identifying persons or objects inside the 28628
motor vehicle. 28629

(B) Whoever violates this section shall be punished as 28630
provided in section 4513.99 of the Revised Code. 28631

Sec. 4513.25. (A) Every solid tire, as defined in section 28632
4501.01 of the Revised Code, on a vehicle shall have rubber or 28633

other resilient material on its entire traction surface at least 28634
one inch thick above the edge of the flange of the entire 28635
periphery. 28636

(B) Whoever violates this section shall be punished as 28637
provided in section 4513.99 of the Revised Code. 28638

Sec. 4513.26. (A) No person shall sell any new motor vehicle 28639
nor shall any new motor vehicle be registered, and no person shall 28640
operate any motor vehicle, which is registered in this state and 28641
which has been manufactured or assembled on or after January 1, 28642
1936, unless the motor vehicle is equipped with safety glass 28643
wherever glass is used in the windshields, doors, partitions, rear 28644
windows, and windows on each side immediately adjacent to the rear 28645
window. 28646

"Safety glass" means any product composed of glass so 28647
manufactured, fabricated, or treated as substantially to prevent 28648
shattering and flying of the glass when it is struck or broken, or 28649
such other or similar product as may be approved by the registrar 28650
of motor vehicles. 28651

Glass other than safety glass shall not be offered for sale, 28652
or sold for use in, or installed in any door, window, partition, 28653
or windshield that is required by this section to be equipped with 28654
safety glass. 28655

(B) Whoever violates this section shall be punished as 28656
provided in section 4513.99 of the Revised Code. 28657

Sec. 4513.261. (A)(1) No person shall operate any motor 28658
vehicle manufactured or assembled on or after January 1, 1954, 28659
unless the vehicle is equipped with electrical or mechanical 28660
directional signals. 28661

(2) No person shall operate any motorcycle or motor-driven 28662
cycle manufactured or assembled on or after January 1, 1968, 28663

unless the vehicle is equipped with electrical or mechanical 28664
directional signals. 28665

(B) "Directional signals" means an electrical or mechanical 28666
signal device capable of clearly indicating an intention to turn 28667
either to the right or to the left and which shall be visible from 28668
both the front and rear. 28669

(C) All mechanical signal devices shall be self-illuminating 28670
devices when in use at the times mentioned in section 4513.03 of 28671
the Revised Code. 28672

(D) Whoever violates this section is guilty of a minor 28673
misdemeanor. 28674

Sec. 4513.262. (A) As used in this section and in section 28675
4513.263 of the Revised Code, the component parts of a "seat 28676
safety belt" include a belt, anchor attachment assembly, and a 28677
buckle or closing device. 28678

~~(A)~~(B) No person shall sell, lease, rent, or operate any 28679
passenger car, as defined in division (E) of section 4501.01 of 28680
the Revised Code, that is registered or to be registered in this 28681
state and that is manufactured or assembled on or after January 1, 28682
1962, unless the passenger car is equipped with sufficient 28683
anchorage units at the attachment points for attaching at least 28684
two sets of seat safety belts to its front seat. Such anchorage 28685
units at the attachment points shall be of such construction, 28686
design, and strength to support a loop load pull of not less than 28687
four thousand pounds for each belt. 28688

~~(B)~~(C) No person shall sell, lease, or rent any passenger 28689
car, as defined in division (E) of section 4501.01 of the Revised 28690
Code, that is registered or to be registered in this state and 28691
that is manufactured or assembled on or after January 1, 1966, 28692
unless the passenger car has installed in its front seat at least 28693

two seat safety belt assemblies. 28694

~~(C)~~(D) After January 1, 1966, neither any seat safety belt 28695
for use in a motor vehicle nor any component part of any such seat 28696
safety belt shall be sold in this state unless the seat safety 28697
belt or the component part satisfies the minimum standard of 28698
specifications established by the society of automotive engineers 28699
for automotive seat belts and unless the seat safety belt or 28700
component part is labeled so as to indicate that it meets those 28701
minimum standard specifications. 28702

~~(D)~~(E) Each sale, lease, or rental in violation of this 28703
section constitutes a separate offense. 28704

(F) Whoever violates this section is guilty of a minor 28705
misdemeanor. 28706

Sec. 4513.263. (A) As used in this section and in section 28707
4513.99 of the Revised Code: 28708

(1) "Automobile" means any commercial tractor, passenger car, 28709
commercial car, or truck that is required to be factory-equipped 28710
with an occupant restraining device for the operator or any 28711
passenger by regulations adopted by the United States secretary of 28712
transportation pursuant to the "National Traffic and Motor Vehicle 28713
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 28714

(2) "Occupant restraining device" means a seat safety belt, 28716
shoulder belt, harness, or other safety device for restraining a 28717
person who is an operator of or passenger in an automobile and 28718
that satisfies the minimum federal vehicle safety standards 28719
established by the United States department of transportation. 28720

(3) "Passenger" means any person in an automobile, other than 28721
its operator, who is occupying a seating position for which an 28722
occupant restraining device is provided. 28723

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code. 28724
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(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code. 28727
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(B) No person shall do any of the following: 28731

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted; 28732
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(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device; 28738
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(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device; 28743
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(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form. 28747
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(C) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to be secured in a child restraint device. Division (B)(1) of this section does not apply to a person who is an employee of the 28750
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United States postal service or of a newspaper home delivery 28754
service, during any period in which the person is engaged in the 28755
operation of an automobile to deliver mail or newspapers to 28756
addressees. Divisions (B)(1) and (3) of this section do not apply 28757
to a person who has an affidavit signed by a physician licensed to 28758
practice in this state under Chapter 4731. of the Revised Code or 28759
a chiropractor licensed to practice in this state under Chapter 28760
4734. of the Revised Code that states that the person has a 28761
physical impairment that makes use of an occupant restraining 28762
device impossible or impractical. 28763

(D) Notwithstanding any provision of law to the contrary, no 28764
law enforcement officer shall cause an operator of an automobile 28765
being operated on any street or highway to stop the automobile for 28766
the sole purpose of determining whether a violation of division 28767
(B) of this section has been or is being committed or for the sole 28768
purpose of issuing a ticket, citation, or summons for a violation 28769
of that nature or causing the arrest of or commencing a 28770
prosecution of a person for a violation of that nature, and no law 28771
enforcement officer shall view the interior or visually inspect 28772
any automobile being operated on any street or highway for the 28773
sole purpose of determining whether a violation of that nature has 28774
been or is being committed. 28775

(E) All fines collected for violations of division (B) of 28776
this section, or for violations of any ordinance or resolution of 28777
a political subdivision that is substantively comparable to that 28778
division, shall be forwarded to the treasurer of state for deposit 28779
as follows: 28780

(1) Eight per cent shall be deposited into the seat belt 28781
education fund, which is hereby created in the state treasury, and 28782
shall be used by the department of public safety to establish a 28783
seat belt education program. 28784

(2) Eight per cent shall be deposited into the elementary 28785

school program fund, which is hereby created in the state 28786
treasury, and shall be used by the department of public safety to 28787
establish and administer elementary school programs that encourage 28788
seat safety belt use. 28789

(3) Two per cent shall be deposited into the Ohio ambulance 28790
licensing trust fund created by section 4766.05 of the Revised 28791
Code. 28792

(4) Twenty-eight per cent shall be deposited into the trauma 28793
and emergency medical services fund, which is hereby created in 28794
the state treasury, and shall be used by the department of public 28795
safety for the administration of the division of emergency medical 28796
services and the state board of emergency medical services. 28797

(5) Fifty-four per cent shall be deposited into the trauma 28798
and emergency medical services grants fund, which is hereby 28799
created in the state treasury, and shall be used by the state 28800
board of emergency medical services to make grants, in accordance 28801
with section 4765.07 of the Revised Code and rules the board 28802
adopts under section 4765.11 of the Revised Code. 28803

(F)(1) Subject to division (F)(2) of this section, the 28804
failure of a person to wear all of the available elements of a 28805
properly adjusted occupant restraining device or to ensure that 28806
each passenger of an automobile being operated by the person is 28807
wearing all of the available elements of such a device, in 28808
violation of division (B) of this section, shall not be considered 28809
or used as evidence of negligence or contributory negligence, 28810
shall not diminish recovery for damages in any civil action 28811
involving the person arising from the ownership, maintenance, or 28812
operation of an automobile; shall not be used as a basis for a 28813
criminal prosecution of the person other than a prosecution for a 28814
violation of this section; and shall not be admissible as evidence 28815
in any civil or criminal action involving the person other than a 28816
prosecution for a violation of this section. 28817

(2) If, at the time of an accident involving a passenger car 28818
equipped with occupant restraining devices, any occupant of the 28819
passenger car who sustained injury or death was not wearing an 28820
available occupant restraining device, was not wearing all of the 28821
available elements of such a device, or was not wearing such a 28822
device as properly adjusted, then, consistent with the Rules of 28823
Evidence, the fact that the occupant was not wearing the available 28824
occupant restraining device, was not wearing all of the available 28825
elements of such a device, or was not wearing such a device as 28826
properly adjusted is admissible in evidence in relation to any 28827
claim for relief in a tort action to the extent that the claim for 28828
relief satisfies all of the following: 28829

(a) It seeks to recover damages for injury or death to the 28830
occupant. 28831

(b) The defendant in question is the manufacturer, designer, 28832
distributor, or seller of the passenger car. 28833

(c) The claim for relief against the defendant in question is 28834
that the injury or death sustained by the occupant was enhanced or 28835
aggravated by some design defect in the passenger car or that the 28836
passenger car was not crashworthy. 28837

(3) As used in division (F)(2) of this section, "tort action" 28838
means a civil action for damages for injury, death, or loss to 28839
person or property. "Tort action" includes a product liability 28840
claim that is subject to sections 2307.71 to 2307.80 of the 28841
Revised Code, but does not include a civil action for damages for 28842
a breach of a contract or another agreement between persons. 28843

(G)(1) Whoever violates division (B)(1) of this section shall 28844
be fined thirty dollars. 28845

(2) Whoever violates division (B)(3) of this section shall be 28846
fined twenty dollars. 28847

(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, trackless trolley, bus, or commercial tractor upon any highway outside the corporate limits of municipalities at any time from sunset to sunrise unless there is carried in such vehicle and trackless trolley, except as provided in division (B) of this section, the following equipment which shall be of the types approved by the director of transportation:

(1) At least three flares or three red reflectors or three red electric lanterns, each of which is capable of being seen and distinguished at a distance of five hundred feet under normal atmospheric conditions at night time;

(2) At least three red-burning fusees, unless red reflectors or red electric lanterns are carried;

(3) At least two red cloth flags, not less than twelve inches square, with standards to support them;

(4) The type of red reflectors shall comply with such standards and specifications in effect on September 16, 1963 or later established by the interstate commerce commission and must be certified as meeting such standards by underwriter's laboratories.

(B) No person shall operate at the time and under the conditions stated in this section any motor vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, unless there is carried in such

vehicle three red electric lanterns or three red reflectors 28878
meeting the requirements stated in division (A) of this section. 28879
There shall not be carried in any such vehicle any flare, fusee, 28880
or signal produced by a flame. 28881

(C) This section does not apply to any person who operates 28882
any motor vehicle in a work area designated by protection 28883
equipment devices that are displayed and used in accordance with 28884
the manual adopted by the department of transportation under 28885
section 4511.09 of the Revised Code. 28886

(D) Whoever violates this section shall be punished as 28887
provided in section 4513.99 of the Revised Code. 28888

Sec. 4513.28. (A) Whenever any motor truck, trackless 28889
trolley, bus, commercial tractor, trailer, semi-trailer, or pole 28890
trailer is disabled upon the traveled portion of any highway or 28891
the shoulder thereof outside of any municipality, or upon any 28892
freeway, expressway, thruway and connecting, entering or exiting 28893
ramps within a municipality, at any time when lighted lamps are 28894
required on vehicles and trackless trolleys, the operator of such 28895
vehicle or trackless trolley shall display the following warning 28896
devices upon the highway during the time the vehicle or trackless 28897
trolley is so disabled on the highway except as provided in 28898
division (B) of this section: 28899

(1) A lighted fusee shall be immediately placed on the 28900
roadway at the traffic side of such vehicle or trackless trolley, 28901
unless red electric lanterns or red reflectors are displayed. 28902

(2) Within the burning period of the fusee and as promptly as 28903
possible, three lighted flares or pot torches, or three red 28904
reflectors or three red electric lanterns shall be placed on the 28905
roadway as follows: 28906

(a) One at a distance of forty paces or approximately one 28907

hundred feet in advance of the vehicle; 28908

(b) One at a distance of forty paces or approximately one 28909
hundred feet to the rear of the vehicle or trackless trolley 28910
except as provided in this section, each in the center of the lane 28911
of traffic occupied by the disabled vehicle or trackless trolley; 28912

(c) One at the traffic side of the vehicle or trackless 28913
trolley. 28914

(B) Whenever any vehicle used in transporting flammable 28915
liquids in bulk, or in transporting compressed flammable gases, is 28916
disabled upon a highway at any time or place mentioned in division 28917
(A) of this section, the driver of such vehicle shall display upon 28918
the roadway the following warning devices: 28919

(1) One red electric lantern or one red reflector shall be 28920
immediately placed on the roadway at the traffic side of the 28921
vehicle; 28922

(2) Two other red electric lanterns or two other red 28923
reflectors shall be placed to the front and rear of the vehicle in 28924
the same manner prescribed for flares in division (A) of this 28925
section. 28926

(C) When a vehicle of a type specified in division (B) of 28927
this section is disabled, the use of flares, fusees, or any signal 28928
produced by flame as warning signals is prohibited. 28929

(D) Whenever any vehicle or trackless trolley of a type 28930
referred to in this section is disabled upon the traveled portion 28931
of a highway or the shoulder thereof, outside of any municipality, 28932
or upon any freeway, expressway, thruway and connecting, entering 28933
or exiting ramps within a municipality, at any time when the 28934
display of fusees, flares, red reflectors, or electric lanterns is 28935
not required, the operator of such vehicle or trackless trolley 28936
shall display two red flags upon the roadway in the lane of 28937
traffic occupied by the disabled vehicle or trackless trolley, one 28938

at a distance of forty paces or approximately one hundred feet in 28939
advance of the vehicle or trackless trolley, and one at a distance 28940
of forty paces or approximately one hundred feet to the rear of 28941
the vehicle or trackless trolley, except as provided in this 28942
section. 28943

(E) The flares, fusees, lanterns, red reflectors, and flags 28944
to be displayed as required in this section shall conform with the 28945
requirements of section 4513.27 of the Revised Code applicable 28946
thereto. 28947

(F) In the event the vehicle or trackless trolley is disabled 28948
near a curve, crest of a hill, or other obstruction of view, the 28949
flare, flag, reflector, or lantern in that direction shall be 28950
placed as to afford ample warning to other users of the highway, 28951
but in no case shall it be placed less than forty paces or 28952
approximately one hundred feet nor more than one hundred twenty 28953
paces or approximately three hundred feet from the disabled 28954
vehicle or trackless trolley. 28955

(G) This section does not apply to the operator of any 28956
vehicle in a work area designated by protection equipment devices 28957
that are displayed and used in accordance with the manual adopted 28958
by the department of transportation under section 4511.09 of the 28959
Revised Code. 28960

(H) Whoever violates this section shall be punished as 28961
provided in section 4513.99 of the Revised Code. 28962

Sec. 4513.29. (A) Any person operating any vehicle 28963
transporting explosives upon a highway shall at all times comply 28964
with the following requirements: 28965

~~(A)~~(1) Said vehicle shall be marked or placarded on each side 28966
and on the rear with the word "explosives" in letters not less 28967
than eight inches high, or there shall be displayed on the rear of 28968

such vehicle a red flag not less than twenty-four inches square 28969
marked with the word "danger" in white letters six inches high, or 28970
shall be marked or placarded in accordance with section 177.823 of 28971
the United States department of transportation regulations. 28972
28973

~~(B)~~(2) Said vehicle shall be equipped with not less than two 28974
fire extinguishers, filled and ready for immediate use, and placed 28975
at convenient points on such vehicle. 28976

~~(C)~~(3) The director of transportation may promulgate such 28977
regulations governing the transportation of explosives and other 28978
dangerous articles by vehicles upon the highway as are reasonably 28979
necessary to enforce sections 4513.01 to 4513.37 of the Revised 28980
Code. 28981

(B) Whoever violates this section shall be punished as 28982
provided in section 4513.99 of the Revised Code. 28983

Sec. 4513.30. (A) No passenger-type vehicle shall be operated 28984
on a highway with any load carried on such vehicle which extends 28985
more than six inches beyond the line of the fenders on the 28986
vehicle's left side. 28987

(B) Whoever violates this section shall be punished as 28988
provided in section 4513.99 of the Revised Code. 28989

Sec. 4513.31. (A) No vehicle shall be driven or moved on any 28990
highway unless the vehicle is so constructed, loaded, or covered 28991
as to prevent any of its load from dropping, sifting, leaking, or 28992
otherwise escaping therefrom, except that sand or other substance 28993
may be dropped for the purpose of securing traction, or water or 28994
other substance may be sprinkled on a roadway in cleaning or 28995
maintaining the roadway. 28996

(B) Except for a farm vehicle used to transport agricultural 28997
produce or agricultural production materials or a rubbish vehicle 28998

in the process of acquiring its load, no vehicle loaded with 28999
garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, 29000
rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, 29001
or any other material of an unsanitary nature that is susceptible 29002
to blowing or bouncing from a moving vehicle shall be driven or 29003
moved on any highway unless the load is covered with a sufficient 29004
cover to prevent the load or any part of the load from spilling 29005
onto the highway. 29006

(C) Whoever violates this section shall be punished as 29007
provided in section 4513.99 of the Revised Code. 29008

Sec. 4513.32. (A) When one vehicle is towing another vehicle, 29009
the drawbar or other connection shall be of sufficient strength to 29010
pull all the weight towed thereby, and the drawbar or other 29011
connection shall not exceed fifteen feet from one vehicle to the 29012
other, except the connection between any two vehicles transporting 29013
poles, pipe, machinery, or other objects of structural nature 29014
which cannot readily be dismembered. 29015

When one vehicle is towing another and the connection 29016
consists only of a chain, rope, or cable, there shall be displayed 29017
upon such connection a white flag or cloth not less than twelve 29018
inches square. 29019

In addition to such drawbar or other connection, each trailer 29020
and each semitrailer which is not connected to a commercial 29021
tractor by means of a fifth wheel shall be coupled with stay 29022
chains or cables to the vehicle by which it is being drawn. The 29023
chains or cables shall be of sufficient size and strength to 29024
prevent the towed vehicle's parting from the drawing vehicle in 29025
case the drawbar or other connection should break or become 29026
disengaged. In case of a loaded pole trailer, the connecting pole 29027
to the drawing vehicle shall be coupled to the drawing vehicle 29028
with stay chains or cables of sufficient size and strength to 29029

prevent the towed vehicle's parting from the drawing vehicle. 29030

Every trailer or semitrailer, except pole and cable trailers 29031
and pole and cable dollies operated by a public utility as defined 29032
in section 5727.01 of the Revised Code, shall be equipped with a 29033
coupling device, which shall be so designed and constructed that 29034
the trailer will follow substantially in the path of the vehicle 29035
drawing it, without whipping or swerving from side to side. 29036
Vehicles used to transport agricultural produce or agricultural 29037
production materials between a local place of storage and supply 29038
and the farm, when drawn or towed on a street or highway at a 29039
speed of twenty-five miles per hour or less, and vehicles designed 29040
and used exclusively to transport a boat between a place of 29041
storage and a marina, or in and around a marina, when drawn or 29042
towed on a street or highway for a distance of no more than ten 29043
miles and at a speed of twenty-five miles per hour or less, shall 29044
have a drawbar or other connection, including the hitch mounted on 29045
the towing vehicle, which shall be of sufficient strength to pull 29046
all the weight towed thereby. Only one such vehicle used to 29047
transport agricultural produce or agricultural production 29048
materials as provided in this section may be towed or drawn at one 29049
time, except as follows: 29050

~~(A)~~(1) An agricultural tractor may tow or draw more than one 29051
such vehicle; 29052

~~(B)~~(2) A pickup truck or straight truck designed by the 29053
manufacturer to carry a load of not less than one-half ton and not 29054
more than two tons may tow or draw not more than two such vehicles 29055
that are being used to transport agricultural produce from the 29056
farm to a local place of storage. No vehicle being so towed by 29057
such a pickup truck or straight truck shall be considered to be a 29058
motor vehicle. 29059

(B) Whoever violates this section shall be punished as 29060
provided in section 4513.99 of the Revised Code. 29061

Sec. 4513.34. (A) The director of transportation with respect 29062
to all highways that are a part of the state highway system and 29063
local authorities with respect to highways under their 29064
jurisdiction, upon application in writing and for good cause 29065
shown, may issue a special permit in writing authorizing the 29066
applicant to operate or move a vehicle or combination of vehicles 29067
of a size or weight of vehicle or load exceeding the maximum 29068
specified in sections 5577.01 to 5577.09 of the Revised Code, or 29069
otherwise not in conformity with sections 4513.01 to 4513.37 of 29070
the Revised Code, upon any highway under the jurisdiction of the 29071
authority granting the permit. 29072

For purposes of this section, the director may designate 29073
certain state highways or portions of state highways as special 29074
economic development highways. If an application submitted to the 29075
director under this section involves travel of a nonconforming 29076
vehicle or combination of vehicles upon a special economic 29077
development highway, the director, in determining whether good 29078
cause has been shown that issuance of a permit is justified, shall 29079
consider the effect the travel of the vehicle or combination of 29080
vehicles will have on the economic development in the area in 29081
which the designated highway or portion of highway is located. 29082

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 29083
Code, the holder of a special permit issued by the director under 29084
this section may move the vehicle or combination of vehicles 29085
described in the special permit on any highway that is a part of 29086
the state highway system when the movement is partly within and 29087
partly without the corporate limits of a municipal corporation. No 29088
local authority shall require any other permit or license or 29089
charge any license fee or other charge against the holder of a 29090
permit for the movement of a vehicle or combination of vehicles on 29091
any highway that is a part of the state highway system. The 29092

director shall not require the holder of a permit issued by a 29093
local authority to obtain a special permit for the movement of 29094
vehicles or combination of vehicles on highways within the 29095
jurisdiction of the local authority. Permits may be issued for any 29096
period of time not to exceed one year, as the director in the 29097
director's discretion or a local authority in its discretion 29098
determines advisable, or for the duration of any public 29099
construction project. 29100

(C) The application for a permit shall be in the form that 29101
the director or local authority prescribes. The director or local 29102
authority may prescribe a permit fee to be imposed and collected 29103
when any permit described in this section is issued. The permit 29104
fee may be in an amount sufficient to reimburse the director or 29105
local authority for the administrative costs incurred in issuing 29106
the permit, and also to cover the cost of the normal and expected 29107
damage caused to the roadway or a street or highway structure as 29108
the result of the operation of the nonconforming vehicle or 29109
combination of vehicles. The director, in accordance with Chapter 29110
119. of the Revised Code, shall establish a schedule of fees for 29111
permits issued by the director under this section. 29112

For the purposes of this section and of rules adopted by the 29113
director under this section, milk transported in bulk by vehicle 29114
is deemed a nondivisible load. 29115

(D) The director or local authority may issue or withhold a 29116
permit. If a permit is to be issued, the director or local 29117
authority may limit or prescribe conditions of operation for the 29118
vehicle and may require the posting of a bond or other security 29119
conditioned upon the sufficiency of the permit fee to compensate 29120
for damage caused to the roadway or a street or highway structure. 29121
In addition, a local authority, as a condition of issuance of an 29122
overweight permit, may require the applicant to develop and enter 29123
into a mutual agreement with the local authority to compensate for 29124

or to repair excess damage caused to the roadway by travel under 29125
the permit. 29126

For a permit that will allow travel of a nonconforming 29127
vehicle or combination of vehicles on a special economic 29128
development highway, the director, as a condition of issuance, may 29129
require the applicant to agree to make periodic payments to the 29130
department to compensate for damage caused to the roadway by 29131
travel under the permit. 29132

(E) Every permit shall be carried in the vehicle or 29133
combination of vehicles to which it refers and shall be open to 29134
inspection by any police officer or authorized agent of any 29135
authority granting the permit. No person shall violate any of the 29136
terms of a permit. 29137

(F) Whoever violates this section shall be punished as 29138
provided in section 4513.99 of the Revised Code. 29139

Sec. 4513.36. (A) No person shall resist, hinder, obstruct, 29140
or abuse any sheriff, constable, or other official while ~~such that~~ 29141
official is attempting to arrest offenders under any provision of 29142
sections 4511.01 to 4511.78, ~~inclusive,~~ 4511.99, and 4513.01 to 29143
4513.37, ~~inclusive,~~ of the Revised Code. No person shall interfere 29144
with any person charged under ~~such~~ any provision of any of those 29145
sections with the enforcement of the law relative to public 29146
highways. 29147

(B) Whoever violates this section is guilty of a minor 29148
misdemeanor. 29149

Sec. 4513.361. (A) No person shall knowingly present, 29150
display, or orally communicate a false name, social security 29151
number, or date of birth to a law enforcement officer who is in 29152
the process of issuing to the person a traffic ticket or 29153
complaint. 29154

(B) Whoever violates this section is guilty of a misdemeanor 29155
of the first degree. 29156

Sec. 4513.51. (A) Except as provided in division (B) of this 29157
section, on and after July 1, 2001, no person shall operate a bus, 29158
nor shall any person being the owner of a bus or having 29159
supervisory responsibility for a bus permit the operation of any 29160
bus, unless the bus displays a valid, current safety inspection 29161
decal issued by the state highway patrol under section 4513.52 of 29162
the Revised Code. 29163

(B) For the purpose of complying with the requirements of 29164
this section and section 4513.52 of the Revised Code, the owner or 29165
other operator of a bus may drive the bus directly to an 29166
inspection site conducted by the state highway patrol and directly 29167
back to the person's place of business without a valid 29168
registration and without displaying a safety inspection decal, 29169
provided that no passengers may occupy the bus during such 29170
operation. 29171

(C) The registrar of motor vehicles shall not accept an 29172
application for registration of a bus unless the bus owner 29173
presents a valid safety inspection report for the applicable 29174
registration year. 29175

(D) Whoever violates division (A) of this section is guilty 29176
of a misdemeanor of the first degree. 29177

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 29178
police of a municipal corporation, township, or township police 29179
district, within the sheriff's or chief's respective territorial 29180
jurisdiction, upon complaint of any person adversely affected, may 29181
order into storage any motor vehicle, other than an abandoned junk 29182
motor vehicle as defined in section 4513.63 of the Revised Code, 29183
that has been left on private residential or private agricultural 29184

property for at least four hours without the permission of the 29185
person having the right to the possession of the property. The 29186
sheriff or chief of police, upon complaint of the owner of a 29187
repair garage or place of storage, may order into storage any 29188
motor vehicle, other than an abandoned junk motor vehicle, that 29189
has been left at the garage or place of storage for a longer 29190
period than that agreed upon. The place of storage shall be 29191
designated by the sheriff or chief of police. When ordering a 29192
motor vehicle into storage pursuant to this division, a sheriff or 29193
chief of police, whenever possible, shall arrange for the removal 29194
of the motor vehicle by a private tow truck operator or towing 29195
company. Subject to division (C) of this section, the owner of a 29196
motor vehicle that has been removed pursuant to this division may 29197
recover the vehicle only in accordance with division (E) of this 29198
section. 29199

(2) Divisions (A)(1) to (3) of this section do not apply to 29200
any private residential or private agricultural property that is 29201
established as a private tow-away zone in accordance with division 29202
(B) of this section. 29203

(3) As used in divisions (A)(1) and (2) of this section, 29204
"private residential property" means private property on which is 29205
located one or more structures that are used as a home, residence, 29206
or sleeping place by one or more persons, if no more than three 29207
separate households are maintained in the structure or structures. 29208
"Private residential property" does not include any private 29209
property on which is located one or more structures that are used 29210
as a home, residence, or sleeping place by two or more persons, if 29211
more than three separate households are maintained in the 29212
structure or structures. 29213

(B)(1) The owner of private property may establish a private 29214
tow-away zone only if all of the following conditions are 29215
satisfied: 29216

(a) The owner posts on the owner's property a sign, that is 29217
at least eighteen inches by twenty-four inches in size, that is 29218
visible from all entrances to the property, and that contains at 29219
least all of the following information: 29220

(i) A notice that the property is a private tow-away zone and 29221
that vehicles not authorized to park on the property will be towed 29222
away; 29223

(ii) The telephone number of the person from whom a 29224
towed-away vehicle can be recovered, and the address of the place 29225
to which the vehicle will be taken and the place from which it may 29226
be recovered; 29227

(iii) A statement that the vehicle may be recovered at any 29228
time during the day or night upon the submission of proof of 29229
ownership and the payment of a towing charge, in an amount not to 29230
exceed ninety dollars, and a storage charge, in an amount not to 29231
exceed twelve dollars per twenty-four-hour period; except that the 29232
charge for towing shall not exceed one hundred fifty dollars, and 29233
the storage charge shall not exceed twenty dollars per 29234
twenty-four-hour period, if the vehicle has a manufacturer's gross 29235
vehicle weight rating in excess of ten thousand pounds and is a 29236
truck, bus, or a combination of a commercial tractor and trailer 29237
or semitrailer. 29238

(b) The place to which the towed vehicle is taken and from 29239
which it may be recovered is conveniently located, is well 29240
lighted, and is on or within a reasonable distance of a regularly 29241
scheduled route of one or more modes of public transportation, if 29242
any public transportation is available in the municipal 29243
corporation or township in which the private tow-away zone is 29244
located. 29245

(2) If a vehicle is parked on private property that is 29246
established as a private tow-away zone in accordance with division 29247

(B)(1) of this section, without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or the owner's agent may remove, or cause the removal of, the vehicle, the owner and the operator of the vehicle shall be deemed to have consented to the removal and storage of the vehicle and to the payment of the towing and storage charges specified in division (B)(1)(a)(iii) of this section, and the owner, subject to division (C) of this section, may recover a vehicle that has been so removed only in accordance with division (E) of this section.

(3) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of private property located within the municipal corporation shall remove, or shall cause the removal and storage of, any vehicle pursuant to division (B)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(4) Divisions (B)(1) to (3) of this section do not affect or limit the operation of division (A) of this section or sections 4513.61 to 4513.65 of the Revised Code as they relate to property other than private property that is established as a private tow-away zone under division (B)(1) of this section.

(C) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to division (A)(1) of this section or of a vehicle that is being removed under authority of division (B)(2) of this section arrives after the motor vehicle or vehicle has been prepared for removal, but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of motor vehicles under division (A)(1) of this section or of vehicles under division (B)(2) of this section, whichever is applicable, that normally is assessed by the person who has prepared the motor vehicle or vehicle for removal, in

order to obtain release of the motor vehicle or vehicle. Upon 29280
payment of that fee, the motor vehicle or vehicle shall be 29281
released to the owner or operator, and upon its release, the owner 29282
or operator immediately shall move it so that: 29283

(1) If the motor vehicle was ordered into storage pursuant to 29284
division (A)(1) of this section, it is not on the private 29285
residential or private agricultural property without the 29286
permission of the person having the right to possession of the 29287
property, or is not at the garage or place of storage without the 29288
permission of the owner, whichever is applicable. 29289

(2) If the vehicle was being removed under authority of 29290
division (B)(2) of this section, it is not parked on the private 29291
property established as a private tow-away zone without the 29292
consent of the owner or in violation of any posted parking 29293
condition or regulation. 29294

(D)(1) If an owner of private property that is established as 29295
a private tow-away zone in accordance with division (B)(1) of this 29296
section or the authorized agent of such an owner removes or causes 29297
the removal of a vehicle from that property under authority of 29298
division (B)(2) of this section, the owner or agent promptly shall 29299
notify the police department of the municipal corporation, 29300
township, or township police district in which the property is 29301
located, of the removal, the vehicle's license number, make, 29302
model, and color, the location from which it was removed, the date 29303
and time of its removal, the telephone number of the person from 29304
whom it may be recovered, and the address of the place to which it 29305
has been taken and from which it may be recovered. 29306

(2) Each county sheriff and each chief of police of a 29307
municipal corporation, township, or township police district shall 29308
maintain a record of motor vehicles that the sheriff or chief 29309
orders into storage pursuant to division (A)(1) of this section 29310
and of vehicles removed from private property in the sheriff's or 29311

chief's jurisdiction that is established as a private tow-away 29312
zone of which the sheriff or chief has received notice under 29313
division (D)(1) of this section. The record shall include an entry 29314
for each such motor vehicle or vehicle that identifies the motor 29315
vehicle's or vehicle's license number, make, model, and color, the 29316
location from which it was removed, the date and time of its 29317
removal, the telephone number of the person from whom it may be 29318
recovered, and the address of the place to which it has been taken 29319
and from which it may be recovered. Any information in the record 29320
that pertains to a particular motor vehicle or vehicle shall be 29321
provided to any person who, either in person or pursuant to a 29322
telephone call, identifies self as the owner or operator of the 29323
motor vehicle or vehicle and requests information pertaining to 29324
its location. 29325

(3) Any person who registers a complaint that is the basis of 29326
a sheriff's or police chief's order for the removal and storage of 29327
a motor vehicle under division (A)(1) of this section shall 29328
provide the identity of the law enforcement agency with which the 29329
complaint was registered to any person who identifies self as the 29330
owner or operator of the motor vehicle and requests information 29331
pertaining to its location. 29332

(E) The owner of a motor vehicle that is ordered into storage 29333
pursuant to division (A)(1) of this section or of a vehicle that 29334
is removed under authority of division (B)(2) of this section may 29335
reclaim it upon payment of any expenses or charges incurred in its 29336
removal, in an amount not to exceed ninety dollars, and storage, 29337
in an amount not to exceed twelve dollars per twenty-four-hour 29338
period; except that the charge for towing shall not exceed one 29339
hundred fifty dollars, and the storage charge shall not exceed 29340
twenty dollars per twenty-four-hour period, if the vehicle has a 29341
manufacturer's gross vehicle weight rating in excess of ten 29342
thousand pounds and is a truck, bus, or a combination of a 29343

commercial tractor and trailer or semitrailer. Presentation of 29344
proof of ownership, which may be evidenced by a certificate of 29345
title to the motor vehicle or vehicle also shall be required for 29346
reclamation of the vehicle. If a motor vehicle that is ordered 29347
into storage pursuant to division (A)(1) of this section remains 29348
unclaimed by the owner for thirty days, the procedures established 29349
by sections 4513.61 and 4513.62 of the Revised Code shall apply. 29350

29351

(F) No person shall remove, or cause the removal of, any 29352
vehicle from private property that is established as a private 29353
tow-away zone under division (B)(1) of this section other than in 29354
accordance with division (B)(2) of this section, and no person 29355
shall remove, or cause the removal of, any motor vehicle from any 29356
other private property other than in accordance with division 29357
(A)(1) of this section or sections 4513.61 to 4513.65 of the 29358
Revised Code. 29359

(G)(1) Whoever violates division (B)(3) of this section is 29360
guilty of a minor misdemeanor. 29361

(2) Except as otherwise provided in this division, whoever 29362
violates division (F) of this section is guilty of a minor 29363
misdemeanor. If the offender previously has been convicted of or 29364
pleaded guilty to a violation of division (F) of this section, 29365
whoever violates division (F) of this section is guilty of a 29366
misdemeanor of the third degree. 29367

Sec. 4513.64. (A) No person shall willfully leave an 29368
abandoned junk motor vehicle as defined in section 4513.63 of the 29369
Revised Code on private property for more than seventy-two hours 29370
without the permission of the person having the right to the 29371
possession of the property, or on a public street or other 29372
property open to the public for purposes of vehicular travel or 29373
parking, or upon or within the right-of-way of any road or 29374

highway, for forty-eight hours or longer without notification to 29375
the sheriff of the county or chief of police of the municipal 29376
corporation, township, or township police district of the reasons 29377
for leaving the motor vehicle in such place. 29378

For purposes of this section, the fact that a motor vehicle 29379
has been so left without permission or notification is prima-facie 29380
evidence of abandonment. 29381

Nothing contained in sections 4513.60, 4513.61, and 4513.63 29382
of the Revised Code shall invalidate the provisions of municipal 29383
ordinances or township resolutions regulating or prohibiting the 29384
abandonment of motor vehicles on streets, highways, public 29385
property, or private property within municipal corporations or 29386
townships. 29387

(B) Whoever violates this section is guilty of a minor 29388
misdemeanor and shall also be assessed any costs incurred by the 29389
county, township, or municipal corporation in disposing of the 29390
abandoned junk motor vehicle that is the basis of the violation, 29391
less any money accruing to the county, to the township, or to the 29392
municipal corporation from this disposal of the vehicle. 29393

Sec. 4513.65. (A) For purposes of this section, "junk motor 29394
vehicle" means any motor vehicle meeting the requirements of 29395
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 29396
Code that is left uncovered in the open on private property for 29397
more than seventy-two hours with the permission of the person 29398
having the right to the possession of the property, except if the 29399
person is operating a junk yard or scrap metal processing facility 29400
licensed under authority of sections 4737.05 to 4737.12 of the 29401
Revised Code, or regulated under authority of a political 29402
subdivision; or if the property on which the motor vehicle is left 29403
is not subject to licensure or regulation by any governmental 29404
authority, unless the person having the right to the possession of 29405

the property can establish that the motor vehicle is part of a 29406
bona fide commercial operation; or if the motor vehicle is a 29407
collector's vehicle. 29408

No political subdivision shall prevent a person from storing 29409
or keeping, or restrict ~~him~~ a person in the method of storing or 29410
keeping, any collector's vehicle on private property with the 29411
permission of the person having the right to the possession of the 29412
property; except that a political subdivision may require a person 29413
having such permission to conceal, by means of buildings, fences, 29414
vegetation, terrain, or other suitable obstruction, any unlicensed 29415
collector's vehicle stored in the open. 29416

The sheriff of a county, or chief of police of a municipal 29417
corporation, within ~~his~~ the sheriff's or chief's respective 29418
territorial jurisdiction, a state highway patrol trooper, a board 29419
of township trustees, the legislative authority of a municipal 29420
corporation, or the zoning authority of a township or a municipal 29421
corporation, may send notice, by certified mail with return 29422
receipt requested, to the person having the right to the 29423
possession of the property on which a junk motor vehicle is left, 29424
that within ten days of receipt of the notice, the junk motor 29425
vehicle either shall be covered by being housed in a garage or 29426
other suitable structure, or shall be removed from the property. 29427

No person shall willfully leave a junk motor vehicle 29428
uncovered in the open for more than ten days after receipt of a 29429
notice as provided in this section. The fact that a junk motor 29430
vehicle is so left is prima-facie evidence of willful failure to 29431
comply with the notice, and each subsequent period of thirty days 29432
that a junk motor vehicle continues to be so left constitutes a 29433
separate offense. 29434

(B) Except as otherwise provided in this division, whoever 29435
violates this section is guilty of a minor misdemeanor on a first 29436
offense. If the offender previously has been convicted of or 29437

pleaded guilty to one violation of this section, whoever violates 29438
this section is guilty of a misdemeanor of the fourth degree. If 29439
the offender previously has been convicted of or pleaded guilty to 29440
two or more violations of this section, whoever violates this 29441
section is guilty of a misdemeanor of the third degree. 29442

~~Sec. 4513.99. (A) Whoever violates division (C), (D), (E), or~~ 29443
~~(F) of section 4513.241, section 4513.261, 4513.262, or 4513.36,~~ 29444
~~or division (B)(3) of section 4513.60 of the Revised Code is~~ 29445
~~guilty of a minor misdemeanor.~~ 29446

~~(B) Whoever violates section 4513.02 or 4513.021, or division~~ 29447
~~(B)(4) of section 4513.263, or division (F) of section 4513.60 of~~ 29448
~~the Revised Code is guilty of a minor misdemeanor on a first~~ 29449
~~offense; on a second or subsequent offense such person is guilty~~ 29450
~~of a misdemeanor of the third degree.~~ 29451

~~(C) Any violation of section 4513.03, 4513.04, 4513.05,~~ 29452
~~4513.06, 4513.07, 4513.071, 4513.09, 4513.10, 4513.11, 4513.111,~~ 29453
~~4513.12, 4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171,~~ 29454
~~4513.18, 4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21,~~ 29455
~~4513.22, 4513.23, 4513.24, 4513.242, 4513.25, 4513.26, 4513.27,~~ 29456
~~4513.28, 4513.29, 4513.30, 4513.31, 4513.32, or 4513.34 of the~~ 29457
~~Revised Code shall be punished under division (B) of this section.~~ 29458

~~(B) Whoever violates the sections of this chapter that are~~ 29459
~~specifically required to be punished under this division, or any~~ 29460
~~provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of~~ 29461
~~the Revised Code, for which violation no penalty is otherwise~~ 29462
~~provided, is guilty of a minor misdemeanor on a first offense; on~~ 29463
~~a second offense within one year after the first offense, such the~~ 29464
~~person is guilty of a misdemeanor of the fourth degree; on each~~ 29465
~~subsequent offense within one year after the first offense, such~~ 29466
~~the person is guilty of a misdemeanor of the third degree.~~ 29467

~~(D) Whoever violates section 4513.64 of the Revised Code is~~ 29468

~~guilty of a minor misdemeanor, and shall also be assessed any 29469
costs incurred by the county, township, or municipal corporation 29470
in disposing of such abandoned junk motor vehicle, less any money 29471
accruing to the county, to the township, or to the municipal 29472
corporation from such disposal. 29473~~

~~(E) Whoever violates section 4513.65 of the Revised Code is 29474
guilty of a minor misdemeanor on a first offense; on a second 29475
offense, such person is guilty of a misdemeanor of the fourth 29476
degree; on each subsequent offense, such person is guilty of a 29477
misdemeanor of the third degree. 29478~~

~~(F) Whoever violates division (B)(1) of section 4513.263 of 29479
the Revised Code shall be fined thirty dollars. 29480~~

~~(G) Whoever violates division (B)(3) of section 4513.263 of 29481
the Revised Code shall be fined twenty dollars. 29482~~

~~(H) Whoever violates section 4513.361 or division (A) of 29483
section 4513.51 of the Revised Code is guilty of a misdemeanor of 29484
the first degree. 29485~~

Sec. 4517.02. (A) Except as otherwise provided in this 29486
section, no person shall do any of the following: 29487

(1) Engage in the business of displaying or selling at retail 29488
new motor vehicles or assume to engage in such business, unless 29489
the person is licensed as a new motor vehicle dealer under 29490
sections 4517.01 to 4517.45 of the Revised Code, or is a 29491
salesperson licensed under those sections and employed by a 29492
licensed new motor vehicle dealer; 29493

(2) Engage in the business of offering for sale, displaying 29494
for sale, or selling at retail or wholesale used motor vehicles or 29495
assume to engage in that business, unless the person is licensed 29496
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 29497
or is a salesperson licensed under those sections and employed by 29498

a licensed used motor vehicle dealer or licensed new motor vehicle dealer; 29499
29500

(3) Engage in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle, in the manner described in division (M) of section 4517.01 of the Revised Code, unless the person is licensed as a motor vehicle leasing dealer under sections 4517.01 to 4517.45 of the Revised Code; 29501
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(4) Engage in the business of motor vehicle auctioning or assume to engage in such business, unless the person is licensed as a motor vehicle auction owner under sections 4517.01 to 4517.45 and 4707.01 to 4707.99 of the Revised Code; 29507
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(5) Engage in the business of distributing motor vehicles or assume to engage in such business, unless the person is licensed as a distributor under sections 4517.01 to 4517.45 of the Revised Code; 29511
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(6) Make more than five casual sales of motor vehicles in a twelve-month period, commencing with the day of the month in which the first such sale is made, nor provide a location or space for the sale of motor vehicles at a flea market, without obtaining a license as a dealer under sections 4517.01 to 4517.45 of the Revised Code; provided however that nothing in this section shall be construed to prohibit the disposition without a license of a motor vehicle originally acquired and held for purposes other than sale, rental, or lease to an employee, retiree, officer, or director of the person making the disposition, to a corporation affiliated with the person making the disposition, or to a person licensed under sections 4517.01 to 4517.45 of the Revised Code; 29515
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(7) Engage in the business of brokering manufactured homes unless that person is licensed as a manufactured home broker under sections 4517.01 to 4517.45 of the Revised Code. 29527
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(B) Nothing in this section shall be construed to require an auctioneer licensed under sections 4707.01 to 4707.19 of the Revised Code, to obtain a motor vehicle salesperson's license under sections 4517.01 to 4517.45 of the Revised Code when conducting an auction sale for a licensed motor vehicle dealer on the dealer's premises, or when conducting an auction sale for a licensed motor vehicle auction owner; nor shall such an auctioneer be required to obtain a motor vehicle auction owner's license under sections 4517.01 to 4517.45 of the Revised Code when engaged in auctioning for a licensed motor vehicle auction owner.

(C) Sections 4517.01 to 4517.45 of the Revised Code do not apply to any of the following:

(1) Persons engaging in the business of selling commercial tractors, trailers, or semitrailers incidentally to engaging primarily in business other than the selling or leasing of motor vehicles;

(2) Mortgagees selling at retail only those motor vehicles that have come into their possession by a default in the terms of a mortgage contract;

(3) The leasing, rental, and interchange of motor vehicles used directly in the rendition of a public utility service by regulated motor carriers.

(D) When a partnership licensed under sections 4517.01 to 4517.45 of the Revised Code is dissolved by death, the surviving partners may operate under the license for a period of sixty days, and the heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy.

(E) No remanufacturer shall engage in the business of selling at retail any new motor vehicle without having written authority

from the manufacturer or distributor of the vehicle to sell new 29561
motor vehicles and to perform repairs under the terms of the 29562
manufacturer's or distributor's new motor vehicle warranty, 29563
unless, at the time of the sale of the vehicle, each customer is 29564
furnished with a binding agreement ensuring that the customer has 29565
the right to have the vehicle serviced or repaired by a new motor 29566
vehicle dealer who is franchised to sell and service vehicles of 29567
the same line-make as the chassis of the remanufactured vehicle 29568
purchased by the customer and whose service or repair facility is 29569
located within either twenty miles of the remanufacturer's 29570
location and place of business or twenty miles of the customer's 29571
residence or place of business. If there is no such new motor 29572
vehicle dealer located within twenty miles of the remanufacturer's 29573
location and place of business or the customer's residence or 29574
place of business, the binding agreement furnished to the customer 29575
may be with the new motor vehicle dealer who is franchised to sell 29576
and service vehicles of the same line-make as the chassis of the 29577
remanufactured vehicle purchased by the customer and whose service 29578
or repair facility is located nearest to the remanufacturer's 29579
location and place of business or the customer's residence or 29580
place of business. Additionally, at the time of sale of any 29581
vehicle, each customer of the remanufacturer shall be furnished 29582
with a warranty issued by the remanufacturer for a term of at 29583
least one year. 29584

(F) Except as otherwise provided in this division, whoever 29585
violates this section is guilty of a minor misdemeanor and shall 29586
be subject to a mandatory fine of one hundred dollars. If the 29587
offender previously has been convicted of or pleaded guilty to a 29588
violation of this section, whoever violates this section is guilty 29589
of a misdemeanor of the first degree and shall be subject to a 29590
mandatory fine of one thousand dollars. 29591

Sec. 4517.03. (A) A place of business that is used for 29592

selling, displaying, offering for sale, or dealing in motor 29593
vehicles shall be considered as used exclusively for those 29594
purposes even though snowmobiles, farm machinery, outdoor power 29595
equipment, watercraft and related products, or products 29596
manufactured or distributed by a motor vehicle manufacturer with 29597
which the motor vehicle dealer has a franchise agreement are sold 29598
or displayed there, or if repair, accessory, gasoline and oil, 29599
storage, parts, service, or paint departments are maintained 29600
there, or such products or services are provided there, if the 29601
departments are operated or the products or services are provided 29602
for the business of selling, displaying, offering for sale, or 29603
dealing in motor vehicles. Places of business or departments in a 29604
place of business used to dismantle, salvage, or rebuild motor 29605
vehicles by means of using used parts, are not considered as being 29606
maintained for the purpose of assisting or furthering the selling, 29607
displaying, offering for sale, or dealing in motor vehicles. A 29608
place of business shall be considered as used exclusively for 29609
selling, displaying, offering for sale, or dealing in motor 29610
vehicles even though a business owned by a motor vehicle leasing 29611
dealer or a motor vehicle renting dealer is located at the place 29612
of business. 29613

(B) No new motor vehicle dealer shall sell, display, offer 29614
for sale, or deal in motor vehicles at any place except an 29615
established place of business that is used exclusively for the 29616
purpose of selling, displaying, offering for sale, or dealing in 29617
motor vehicles. The place of business shall have space, under 29618
roof, for the display of at least one new motor vehicle and 29619
facilities and space therewith for the inspection, servicing, and 29620
repair of at least one motor vehicle; except that a new motor 29621
vehicle dealer selling manufactured or mobile homes is exempt from 29622
the requirement that a place of business have space, under roof, 29623
for the display of at least one new motor vehicle and facilities 29624
and space for the inspection, servicing, and repair of at least 29625

one motor vehicle. 29626

Nothing in Chapter 4517. of the Revised Code shall be 29627
construed as prohibiting the sale of a new or used manufactured or 29628
mobile home located in a manufactured home park by a licensed new 29629
or used motor vehicle dealer. 29630

(C) No used motor vehicle dealer shall sell, display, offer 29631
for sale, or deal in motor vehicles at any place except an 29632
established place of business that is used exclusively for the 29633
purpose of selling, displaying, offering for sale, or dealing in 29634
motor vehicles. 29635

(D) No motor vehicle leasing dealer shall make a motor 29636
vehicle available for use by another, in the manner described in 29637
division (M) of section 4517.01 of the Revised Code, at any place 29638
except an established place of business that is used for leasing 29639
motor vehicles; except that a motor vehicle leasing dealer who is 29640
also a new motor vehicle dealer or used motor vehicle dealer may 29641
lease motor vehicles at the same place of business at which the 29642
dealer sells, offers for sale, or deals in new or used motor 29643
vehicles. 29644

(E) No motor vehicle leasing dealer or motor vehicle renting 29645
dealer shall sell a motor vehicle within ninety days after a 29646
certificate of title to the motor vehicle is issued to the dealer, 29647
except when a salvage certificate of title is issued to replace 29648
the original certificate of title and except when a motor vehicle 29649
leasing dealer sells a motor vehicle to another motor vehicle 29650
leasing dealer at the end of a sublease pursuant to that sublease. 29651

(F) No distributor shall distribute new motor vehicles to new 29652
motor vehicle dealers at any place except an established place of 29653
business that is used exclusively for the purpose of distributing 29654
new motor vehicles to new motor vehicle dealers; except that a 29655
distributor who is also a new motor vehicle dealer may distribute 29656

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.

(3) "Watercraft" has the same meaning as in section 1547.01 of the Revised Code.

Sec. 4517.19. (A) No motor vehicle wholesaler shall: 29687

~~(A)~~(1) Sell, offer for sale, or display for sale at wholesale 29688
a motor vehicle, when the motor vehicle wholesaler has reasonable 29689
cause to believe that the odometer of the motor vehicle has been 29690
changed, tampered with, or disconnected to reflect a lesser 29691
mileage or use, unless the motor vehicle wholesaler first gives 29692
clear and unequivocal notice of the odometer's altered condition; 29693
29694

~~(B)~~(2) Sell or offer for sale at wholesale a motor vehicle 29695
unless the motor vehicle wholesaler is the legal owner of the 29696
motor vehicle; 29697

~~(C)~~(3) Sell, offer for sale, or display for sale at wholesale 29698
a motor vehicle without making available an odometer disclosure 29699
statement that is signed by the owner of the motor vehicle as 29700
required by section 4505.06 of the Revised Code and that complies 29701
with subchapter IV of the "Motor Vehicle Information and Cost 29702
Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981; 29703

~~(D)~~(4) Fail, within ten days of acceptance of an offer for 29704
sale at wholesale, to deliver an Ohio certificate of title or the 29705
current certificate of title issued for the motor vehicle, and all 29706
title assignments that evidence the seller's ownership of the 29707
motor vehicle, to the purchaser of the motor vehicle. Failure to 29708
deliver title within ten days of acceptance of an offer for sale 29709
at wholesale is grounds for rescission of the agreement to buy. 29710

(B) Except as otherwise provided in this division, whoever 29711
violates this section is guilty of a misdemeanor of the second 29712
degree. If the offender previously has been convicted of or 29713
pleaded guilty to a violation of this section, whoever violates 29714
this section is guilty of a misdemeanor of the first degree. 29715

Sec. 4517.20. (A) No motor vehicle dealer licensed under 29716

Chapter 4517. of the Revised Code shall do any of the following: 29717

~~(A)~~(1) Directly or indirectly, solicit the sale of a motor 29718
vehicle through a pecuniarily interested person other than a 29719
salesperson licensed in the employ of a licensed dealer; 29720

~~(B)~~(2) Pay any commission or compensation in any form to any 29721
person in connection with the sale of a motor vehicle unless the 29722
person is licensed as a salesperson in the employ of the dealer; 29723

~~(C)~~(3) Fail to immediately notify the registrar of motor 29724
vehicles upon termination of the employment of any person licensed 29725
as a salesperson to sell, display, offer for sale, or deal in 29726
motor vehicles for the dealer; 29727

~~(D)~~(4) Knowingly engage in any wholesale motor vehicle 29728
transaction with any person required to be licensed pursuant to 29729
Chapter 4517. of the Revised Code, if the person is not licensed 29730
pursuant to that chapter, if the person's license to operate as a 29731
dealer has been suspended or revoked, or if the person's 29732
application for a license to operate as a dealer has been denied. 29733

(B) Whoever violates this section is guilty of a misdemeanor 29734
of the fourth degree. 29735

Sec. 4517.21. (A) No motor vehicle auction owner licensed 29736
under Chapter 4517. of the Revised Code shall: 29737

~~(A)~~(1) Engage in the sale of motor vehicles at retail from 29738
the same licensed location; 29739

~~(B)~~(2) Knowingly permit the auctioning of a motor vehicle if 29740
the motor vehicle auction owner has reasonable cause to believe it 29741
is not being offered for sale by the legal owner of the motor 29742
vehicle; 29743

~~(C)~~(3) Knowingly permit the sale of a motor vehicle to any 29744
person except a motor vehicle dealer licensed in this state or any 29745
other jurisdiction, or any other person licensed pursuant to 29746

Chapter 4517. of the Revised Code or a substantially similar statute of any other jurisdiction;

~~(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;

~~(E)~~(5) Knowingly permit any person to violate section 4517.19 of the Revised Code;

~~(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:

~~(1)~~(a) The year, make, model and vehicle identification number of the motor vehicle;

~~(2)~~(b) The name and address of the selling dealer;

~~(3)~~(c) The name and address of the buying dealer;

~~(4)~~(d) The date of the sale;

~~(5)~~(e) The purchase price;

~~(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.

A motor vehicle auction owner may supplement the required information with any additional information the motor vehicle auction owner considers appropriate.

~~(G)~~(7) Knowingly permit a dealer whose license has been suspended or revoked, or a person whose application for a license to operate as a dealer has been denied, to participate as a buyer

or seller at the motor vehicle auction owner's auction after 29777
notification by the registrar of the suspension or revocation of a 29778
license, or denial of an application for a license. The registrar 29779
shall notify each auction owner by certified mail, return receipt 29780
requested, within five business days of the suspension or 29781
revocation of a license, or the denial of an application for 29782
license. Any motor vehicle auction owner who has knowledge of the 29783
presence at the motor vehicle auction owner's auction of a dealer 29784
whose license has been suspended or revoked, or of a person whose 29785
application for a license to operate as a dealer has been denied, 29786
shall immediately cause the removal of the person from the 29787
auction. 29788

~~(H)~~(8) Knowingly accept a motor vehicle for sale or possible 29789
sale by a dealer whose license has been suspended or revoked, 29790
during the period of suspension or revocation, or by a person 29791
whose application for a license to operate as a dealer has been 29792
denied, after notification by the registrar, in accordance with 29793
division (G) of this section, of the suspension or revocation of 29794
the license, or denial of an application for a license. 29795

~~(I)~~(9) Knowingly permit the auctioning of a motor vehicle 29796
whose ownership is not evidenced at the time of auctioning by a 29797
current certificate of title or a manufacturer's certificate of 29798
origin, and all title assignments that evidence the seller's 29799
ownership of the motor vehicle, without first giving clear and 29800
unequivocal notice of the lack of such evidence. 29801

(B) Whoever violates this section is guilty of a misdemeanor 29802
of the fourth degree. 29803

Sec. 4517.22. (A) Any group of licensed new motor vehicle 29804
dealers may display motor vehicles at a motor vehicle show within 29805
the general market area allocated to a licensed new motor vehicle 29806
dealer, whenever all of the following conditions are met: 29807

(1) The primary purpose of the motor vehicle show is the 29808
exhibition of competitive makes and models of motor vehicles to 29809
provide the general public the opportunity to review and inspect 29810
various makes and models of motor vehicles at a single location; 29811

(2) Not less than thirty days before the planned opening date 29812
of the motor vehicle show, the group requests and receives 29813
permission to hold the show from the registrar of motor vehicles. 29814

(B) No contracts shall be signed, deposits taken, or sales 29815
consummated at the location of a motor vehicle show. 29816

(C) Any sponsor of a motor vehicle show shall offer by mail 29817
an invitation to all new motor vehicle dealers dealing in 29818
competitive types of motor vehicles in the general market area to 29819
participate and display motor vehicles in the show. The sponsor 29820
may offer a similar invitation to manufacturers or distributors. A 29821
copy of each invitation shall be retained by the sponsor for at 29822
least one year after the show. 29823

(D) No person except a manufacturer or distributor shall hold 29824
in any public place a motor vehicle show at which only one motor 29825
vehicle is displayed, and no such single unit show shall be held 29826
unless the manufacturer or distributor requests and receives 29827
permission from the registrar not less than thirty days before the 29828
show. 29829

(E) The registrar shall not grant permission for any motor 29830
vehicle show to be held, unless it is proven to the registrar's 29831
satisfaction that no attempt is being made to circumvent the 29832
provisions of sections 4517.01 to 4517.45 of the Revised Code. 29833

(F) Nothing contained in this section shall be construed as 29834
prohibiting the taking of orders for nonmotorized recreational 29835
vehicles as defined in section 4501.01 of the Revised Code at 29836
sports or camping shows. 29837

(G) No motor vehicle dealer, motor vehicle leasing dealer, 29838
motor vehicle auction owner, or distributor licensed under 29839
sections 4517.01 to 4517.45 of the Revised Code shall display a 29840
motor vehicle at any place except the dealer's, owner's, or 29841
distributor's licensed location, unless the dealer, owner, or 29842
distributor first obtains permission from the registrar and 29843
complies with the applicable rules of the motor vehicle dealers 29844
board. 29845

(H) Nothing contained in this section shall be construed as 29846
prohibiting the display of, the taking of orders for, or the sale 29847
of, livestock trailers at livestock and agricultural shows, 29848
including county fairs. Notwithstanding section 4517.03 of the 29849
Revised Code, livestock trailers may be sold at livestock and 29850
agricultural shows, including county fairs, as permitted by this 29851
division. 29852

As used in this division, "livestock trailer" means a new or 29853
used trailer designed by its manufacturer to be used to transport 29854
horses or to transport animals generally used for food or in the 29855
production of food, including cattle, sheep, goats, rabbits, 29856
poultry, swine, and any other animals included by the director of 29857
agriculture in rules adopted under section 901.72 of the Revised 29858
Code. 29859

(I) Notwithstanding division (B) of this section, contracts 29860
may be signed, deposits taken, and sales consummated at the 29861
location of a motor vehicle show where the motor vehicles involved 29862
are horse trailers or towing vehicles that are trucks and have a 29863
gross vehicle weight of more than three-quarters of a ton, the 29864
motor vehicle show is being held as part of or in connection with 29865
a major livestock show, the licensed new motor vehicle dealers 29866
involved have complied with the applicable requirements of this 29867
section, and the registrar has granted permission for the motor 29868
vehicle show in accordance with division (E) of this section. 29869

As used in this division ~~(I)~~ of ~~this~~ section: 29870

(1) "Major livestock show" means any show of livestock that 29871
is held at the Ohio state fairgrounds, is national in scope, and 29872
that continues for more than ten consecutive days. 29873

(2) "Truck" has the same meaning as in section 4511.01 of the 29874
Revised Code. 29875

(3) "Gross vehicle weight" means the unladen weight of the 29876
vehicle fully equipped. 29877

(J) Whoever violates this section is guilty of a misdemeanor 29878
of the fourth degree. 29879

Sec. 4517.23. (A) Any licensed motor vehicle dealer, motor 29880
vehicle leasing dealer, manufactured home broker, or distributor 29881
shall notify the registrar of motor vehicles concerning any change 29882
in status as a dealer, motor vehicle leasing dealer, manufactured 29883
home broker, or distributor during the period for which the 29884
dealer, broker, or distributor is licensed, if the change of 29885
status concerns any of the following: 29886

~~(A)~~(1) Personnel of owners, partners, officers, or directors; 29887
29888

~~(B)~~(2) Location of office or principal place of business; 29889

~~(C)~~(3) In the case of a motor vehicle dealer, any contract or 29890
agreement with any manufacturer or distributor; and in the case of 29891
a distributor, any contract or agreement with any manufacturer. 29892

(B) The notification required by division (A) of this section 29893
shall be made by filing with the registrar, within fifteen days 29894
after the change of status, a supplemental statement in a form 29895
prescribed by the registrar showing in what respect the status has 29896
been changed. If the change involves a change in any contract or 29897
agreement between any manufacturer or distributor, and dealer, or 29898

any manufacturer and distributor, the supplemental statement shall 29899
be accompanied by such copies of contracts, statements, and 29900
certificates as would have been required by sections 4517.01 to 29901
4517.45 of the Revised Code if the change had occurred prior to 29902
the licensee's application for license. 29903

The motor vehicle dealers board may adopt a rule exempting 29904
from the notification requirement of division (A)(1) of this 29905
section any dealer if stock in the dealer or its parent company is 29906
publicly traded and if there are public records with state or 29907
federal agencies that provide the information required by division 29908
(A)(1) of this section. 29909

(C) Whoever violates this section is guilty of a misdemeanor 29910
of the fourth degree. 29911

Sec. 4517.24. (A) No two motor vehicle dealers shall engage 29912
in business at the same location, unless they agree to be jointly, 29913
severally, and personally liable for any liability arising from 29914
their engaging in business at the same location. The agreement 29915
shall be filed with the motor vehicle dealers board, and shall 29916
also be made a part of the articles of incorporation of each such 29917
dealer filed with the secretary of state. Whenever the board has 29918
reason to believe that a dealer who has entered into such an 29919
agreement has revoked the agreement but continues to engage in 29920
business at the same location, the board shall revoke the dealer's 29921
license. 29922

(B) This section does not apply to two or more motor vehicle 29923
dealers engaged in the business of selling new or used 29924
manufactured or mobile homes in the same manufactured home park. 29925

(C) Whoever violates this section is guilty of a misdemeanor 29926
of the fourth degree. 29927

Sec. 4517.25. (A) Every dealer shall maintain a mileage 29928

disclosure statement from the previous owner of each motor vehicle 29929
the dealer sells, purchases, or receives as a trade on another 29930
motor vehicle. The mileage disclosure statement shall be in such 29931
form and include such information as the motor vehicle dealers 29932
board requires by rule. 29933

(B) Whoever violates this section is guilty of a misdemeanor 29934
of the fourth degree. 29935

Sec. 4517.26. (A) Every retail and wholesale sale of a motor 29936
vehicle shall be preceded by a written instrument or contract that 29937
shall contain all of the agreements of the parties and shall be 29938
signed by the buyer and the seller. The seller, upon execution of 29939
the agreement or contract and before the delivery of the motor 29940
vehicle, shall deliver to the buyer a copy of the agreement or 29941
contract that shall clearly describe the motor vehicle sold to the 29942
buyer, including, where applicable, its vehicle identification 29943
number and the mileage appearing on the odometer of the vehicle at 29944
the time of sale and whether the mileage is accurate; the sale 29945
price of the vehicle, and, if applicable, the amount paid down by 29946
the buyer; the amount credited to the buyer for any trade-in, and 29947
a description thereof; the amount of any finance charge; the 29948
amount charged for any motor vehicle insurance, and a statement of 29949
the types of insurance provided by the policy or policies; the 29950
amount of any other charge, and a specification of its purpose; 29951
the net balance due from the buyer; and the terms of the payment 29952
of the net balance. 29953

This section does not apply to a casual sale of a motor 29954
vehicle. 29955

(B) Whoever violates this section is guilty of a misdemeanor 29956
of the fourth degree. 29957

Sec. 4517.27. (A) In accordance with Chapter 119. of the 29958

Revised Code, the registrar of motor vehicles shall adopt rules 29959
for the regulation of manufactured home brokers. The rules shall 29960
require that a manufactured home broker maintain a bond of a 29961
surety company authorized to transact business in this state in an 29962
amount determined by the registrar. The rules also shall require 29963
each person licensed as a manufactured home broker to maintain at 29964
all times a special or trust bank account that is 29965
noninterest-bearing, is separate and distinct from any personal or 29966
other account of the broker, and into which shall be deposited and 29967
maintained all escrow funds, security deposits, and other moneys 29968
received by the broker in a fiduciary capacity. In a form 29969
determined by the registrar, a manufactured home broker shall 29970
submit written proof to the registrar of the continued maintenance 29971
of the special or trust account. A depository where special or 29972
trust accounts are maintained in accordance with this section 29973
shall be located in this state. 29974

(B) Whoever violates this section is guilty of a misdemeanor 29975
of the fourth degree. 29976

Sec. 4517.40. (A) No person who is engaged in or about to 29977
engage in the business of selling motor vehicles at retail shall 29978
enter into any contract, agreement, or understanding, express or 29979
implied, with any manufacturer or distributor of motor vehicles, 29980
that ~~he~~ the person will sell only to a designated person or class 29981
of persons all or any part of the retail installment contracts 29982
arising out of the sale by ~~him~~ the person of motor vehicles, or 29983
that ~~he~~ the person will refuse to sell such retail installment 29984
contracts to any designated person or class of persons. Any such 29985
contract, agreement, or understanding is void. 29986

(B) Whoever violates this section is guilty of a misdemeanor 29987
of the fourth degree. 29988

Sec. 4517.41. (A) No manufacturer or distributor of motor vehicles, or the officer, agent, or representative of such manufacturer or distributor, shall induce or coerce, or attempt to induce or coerce, any retail motor vehicle dealer or prospective retail motor vehicle dealer to sell or refuse to sell all or any portion of ~~his~~ the dealer's or prospective dealer's retail installment contracts to any person or class of persons designated by the manufacturer or distributor, by means of any statement, suggestion, promise, or threat, made directly or indirectly, that the manufacturer or distributor will in any manner injure or benefit the dealer, or by means of any act of the manufacturer or distributor that has benefited or injured the dealer, or by means of any statement or representation, made directly or indirectly, that the dealer is under any obligation to make or refuse to make such sale.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4517.42. (A) No person engaged in the business of buying retail installment contracts from motor vehicle dealers in this state, and no officer, agent, or representative of such person, shall purchase or attempt to purchase any such retail installment contract from any motor vehicle dealer in this state in the following circumstances:

~~(A)~~(1) When the dealer in consequence of any contract, agreement, or arrangement between such person and a manufacturer or distributor supplying motor vehicles to the dealer has been induced or coerced to sell the retail installment contract by means of any statement, suggestion, promise, or threat, made directly or indirectly, that the manufacturer or distributor supplying motor vehicles to the dealer would in any manner injure

or benefit the dealer, or by means of any act of the manufacturer 30019
or distributor that has benefited or injured the dealer, or by 30020
means of any statement or representation, made directly or 30021
indirectly, that the dealer is under any obligation to make such 30022
sale; 30023

~~(B)~~(2) When such person has received or has contracted to 30024
receive from any manufacturer or distributor supplying motor 30025
vehicles to the dealer, or has given or contracted to give to the 30026
manufacturer or distributor, any subsidy or thing of service or 30027
value, where the effect of the giving or receiving of the subsidy 30028
or thing of service or value may be to lessen or eliminate 30029
competition in the business of purchasing retail installment 30030
contracts from motor vehicle dealers or may tend to grant an 30031
unfair trade advantage or to create a monopoly in such person. 30032

(B) Whoever violates this section is guilty of a misdemeanor 30033
of the fourth degree. 30034

Sec. 4517.43. (A) The applications for licenses and the 30035
copies of contracts required by sections 4517.04, 4517.05, 30036
4517.051, 4517.052, 4517.06, 4517.07, 4517.08, and 4517.09 of the 30037
Revised Code are not part of the public records but are 30038
confidential information for the use of the registrar of motor 30039
vehicles and the motor vehicle dealers board. No person shall 30040
divulge any information contained in such applications and 30041
acquired by the person in the person's capacity as an official or 30042
employee of the bureau of motor vehicles or of the board, except 30043
in a report to the registrar, to the board, or when called upon to 30044
testify in any court or proceeding. 30045

(B) Whoever violates this section is guilty of a minor 30046
misdemeanor. 30047

Sec. 4517.44. (A) No manufacturer or distributor of motor 30048

vehicles, dealer in motor vehicles, or manufactured home broker, 30049
nor any owner, proprietor, person in control, or keeper of any 30050
garage, stable, shop, or other place of business, shall fail to 30051
keep or cause to be kept any record required by law. 30052

(B) Whoever violates this section is guilty of a minor 30053
misdemeanor. 30054

Sec. 4517.45. (A) No dealer licensed to sell motor vehicles 30055
at retail in this state under Chapter 4517. of the Revised Code 30056
shall attach to any motor vehicle offered for sale by ~~him~~ the 30057
dealer any tag or placard bearing ~~his~~ the dealer's name, or the 30058
name of ~~his~~ the dealer's place of business, whenever the method of 30059
attachment involves drilling or otherwise creating holes in any 30060
part of the body or trim of the vehicle, unless the purchaser 30061
consents in writing to such method of attachment. 30062

Any damage to the body or trim of a motor vehicle that 30063
results from a violation of this section shall, at the request of 30064
the purchaser of the vehicle, be repaired by the dealer in a 30065
manner acceptable to the purchaser, and at no cost to ~~him~~ the 30066
purchaser. 30067

(B) Whoever violates this section is guilty of a minor 30068
misdemeanor. 30069

Sec. 4517.64. (A) No franchisor shall do any of the 30070
following: 30071

~~(A)~~(1) Fail to obey a requirement or order made by the motor 30072
vehicle dealers board, or the order of any court upon application 30073
of the board; 30074

~~(B)~~(2) Fail to perform a duty imposed upon it by sections 30075
4517.50 to 4517.65 of the Revised Code, or do any act prohibited 30076
by those sections. 30077

(B) No franchisee or prospective transferee shall fail to perform a duty imposed upon it by sections 4517.50 to 4517.65 of the Revised Code or do any act prohibited by those sections. 30078
30079
30080

(C) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the fourth degree. 30081
30082

Sec. 4517.99. ~~(A)~~ Whoever violates any provision of sections 30083
4517.01 to 4517.65 of the Revised Code, for which no penalty ~~is~~ 30084
otherwise is provided in ~~this~~ the section that contains the 30085
provision violated, or any rule promulgated by the registrar of 30086
motor vehicles or the motor vehicle dealers board under sections 30087
4517.01 to 4517.45 of the Revised Code, is guilty of a misdemeanor 30088
of the fourth degree. 30089

~~(B) Whoever violates sections 4517.43 to 4517.45 of the Revised Code is guilty of a minor misdemeanor.~~ 30090
30091

~~(C) Whoever violates section 4517.02 of the Revised Code is guilty of a minor misdemeanor on a first offense and shall be subject to a mandatory fine of one hundred dollars; on each subsequent offense such person is guilty of a misdemeanor of the first degree and shall be subject to a mandatory fine of one thousand dollars.~~ 30092
30093
30094
30095
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30097

~~(D) Whoever violates section 4517.19 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense; on each subsequent offense the person is guilty of a misdemeanor of the first degree.~~ 30098
30099
30100
30101

Sec. 4519.02. (A) Except as provided in divisions (B), (C), 30102
and (D) of this section, no person shall operate any snowmobile, 30103
off-highway motorcycle, or all-purpose vehicle within this state 30104
unless the snowmobile, off-highway motorcycle, or all-purpose 30105
vehicle is registered and numbered in accordance with sections 30106
4519.03 and 4519.04 of the Revised Code. 30107

(B) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle that is operated exclusively upon lands owned by the owner of the snowmobile, off-highway motorcycle, or all-purpose vehicle, or on lands to which the owner has a contractual right.

(C) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to this chapter and the snowmobile, off-highway motorcycle, or all-purpose vehicle is properly registered thereunder. Any snowmobile, off-highway motorcycle, or all purpose vehicle owned and used in this state by a resident of another state not having such a registration requirement shall comply with section 4519.09 of the Revised Code.

(D) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.

(E) The owner or operator of any all-purpose vehicle operated or used upon the waters in this state shall comply with Chapters 1547. and 1548. of the Revised Code relative to the operation of watercraft.

(F) Except as otherwise provided in this division, whoever violates division (A) of this section shall be fined not more than twenty-five dollars. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, whoever violates division (A) of this section shall be fined not less than twenty-five nor more than fifty dollars.

Sec. 4519.05. (A) Whenever a registered snowmobile, 30138
off-highway motorcycle, or all-purpose vehicle is destroyed or 30139
similarly disposed of, the owner shall surrender the certificate 30140
of registration to the registrar of motor vehicles or a deputy 30141
registrar within fifteen days following the destruction or 30142
disposal. The registrar thereupon shall cancel the certificate and 30143
enter that fact in the registrar's records. 30144

In the case of an off-highway motorcycle or all-purpose 30145
vehicle for which a certificate of title has been issued, the 30146
owner also shall surrender the certificate of title to the clerk 30147
of the court of common pleas who issued it and the clerk, with the 30148
consent of any lienholders noted thereon, shall enter a 30149
cancellation upon the clerk's records and shall notify the 30150
registrar of the cancellation. Upon the cancellation of a 30151
certificate of title in the manner prescribed by this division, 30152
the clerk and the registrar may cancel and destroy all 30153
certificates of title and memorandum certificates of title in that 30154
chain of title. 30155

(B) Subject to division (B) of section 4519.03 of the Revised 30156
Code, whenever the ownership of a registered snowmobile, 30157
off-highway motorcycle, or all-purpose vehicle is transferred by 30158
sale or otherwise, the new owner, within fifteen days following 30159
the transfer, shall make application to the registrar or a deputy 30160
registrar for the transfer of the certificate of registration. 30161
Upon receipt of the application and a fee of one dollar, the 30162
registrar shall transfer the certificate to the new owner and 30163
shall enter the new owner's name and address in the registrar's 30164
records. 30165

(C) Whenever the owner of a registered snowmobile, 30166
off-highway motorcycle, or all-purpose vehicle changes address, 30167
the owner shall surrender the certificate of registration to the 30168

registrar or a deputy registrar within fifteen days following the 30169
address change. Upon receipt of the certificate, the registrar 30170
shall enter the new address thereon and shall make the appropriate 30171
change in the registrar's records. In a case where the owner's 30172
change of address involves a move outside of the state, the 30173
registrar shall cancel the certificate of registration for that 30174
snowmobile, off-highway motorcycle, or all-purpose vehicle. 30175

(D) Whenever a certificate of registration for a snowmobile, 30176
off-highway motorcycle, or all-purpose vehicle is lost, mutilated, 30177
or destroyed, the owner may obtain a duplicate certificate, which 30178
shall be identified as such, upon application and the payment of a 30179
fee of one dollar. 30180

(E) Whoever violates division (A), (B), or (C) of this 30181
section shall be fined not more than twenty-five dollars for a 30182
first offense; for each subsequent offense, the offender shall be 30183
fined not less than twenty-five nor more than fifty dollars. 30184

Sec. 4519.06. (A) Any person who is a dealer in snowmobiles, 30185
off-highway motorcycles, or all-purpose vehicles shall make 30186
application for registration, for each place in this state at 30187
which the business of selling, manufacturing, leasing, or renting 30188
snowmobiles, off-highway motorcycles, or all-purpose vehicles is 30189
carried on. The application shall show the make of snowmobile, 30190
off-highway motorcycle, or all-purpose vehicle manufactured, sold, 30191
leased, or rented at such place, and shall be accompanied by a fee 30192
of twenty-five dollars. Upon the filing of the application and the 30193
payment of the fee therefor, the registrar of motor vehicles shall 30194
assign to the applicant a distinctive number. The number shall be 30195
displayed upon each snowmobile, off-highway motorcycle, or 30196
all-purpose vehicle in the places prescribed in section 4519.04 of 30197
the Revised Code whenever the vehicle is being used prior to sale 30198
or transfer. The registrar shall adopt rules specifying the manner 30199

in which the number may be temporarily affixed to the vehicle. 30200

30201

Upon the termination of any dealership registered under this 30202

section, the dealer, within fifteen days following such 30203

termination, shall notify the registrar, who shall enter that fact 30204

in the registrar's records. 30205

Notwithstanding section 4517.01 of the Revised Code, a dealer 30206

licensed to sell motor vehicles also may be registered as a dealer 30207

in snowmobiles, off-highway motorcycles, or all-purpose vehicles 30208

under this section, and may display, sell, or rent such vehicles 30209

at the dealer's established place of business. 30210

(B) Except as otherwise provided in this division, whoever 30211

violates this section shall be fined not more than fifty dollars. 30212

If the offender previously has been convicted of or pleaded guilty 30213

to a violation of this section, whoever violates this section 30214

shall be fined not less than fifty nor more than two hundred 30215

dollars. 30216

Sec. 4519.20. (A) The director of public safety, pursuant to 30217

Chapter 119. of the Revised Code, shall adopt rules for the 30218

equipment of snowmobiles, off-highway motorcycles, and all-purpose 30219

vehicles. The rules may be revised from time to time as the 30220

director considers necessary, and shall include, but not 30221

necessarily be limited to, requirements for the following items of 30222

equipment: 30223

(1) At least one headlight having a minimum candlepower of 30224

sufficient intensity to reveal persons and objects at a distance 30225

of at least one hundred feet ahead under normal atmospheric 30226

conditions during hours of darkness; 30227

(2) At least one red tail light having a minimum candlepower 30228

of sufficient intensity to be plainly visible from a distance of 30229

five hundred feet to the rear under normal atmospheric conditions 30230
during hours of darkness; 30231

(3) Adequate brakes. Every snowmobile, while traveling on 30232
packed snow, shall be capable of carrying a driver who weighs one 30233
hundred seventy-five pounds or more, and, while carrying such 30234
driver, be capable of stopping in not more than forty feet from an 30235
initial steady speed of twenty miles per hour, or locking its 30236
traction belt. 30237

(4) A muffler system capable of precluding the emission of 30238
excessive smoke or exhaust fumes, and of limiting the engine noise 30239
of vehicles. On snowmobiles manufactured after January 1, 1973, 30240
such requirement shall include sound dampening equipment such that 30241
noise does not exceed eighty-two decibels on the "A" scale at 30242
fifty feet as measured according to SAE J192 (September 1970). 30243

(B) No person shall operate any snowmobile, off-highway 30244
motorcycle, or all-purpose vehicle in violation of division 30245
(A)(1), (2), (3), or (4) of this section, except that equipment 30246
specified in divisions (A)(1) and (2) of this section shall not be 30247
required on snowmobiles, off-highway motorcycles, or all-purpose 30248
vehicles operated during the daylight hours. 30249

(C) Except as otherwise provided in this division, whoever 30250
violates division (B) of this section shall be fined not more than 30251
fifty dollars. If the offender within the preceding year 30252
previously has committed a violation of division (B) of this 30253
section, whoever violates division (B) of this section shall be 30254
fined not less than fifteen nor more than one hundred dollars, 30255
imprisoned not more than three days, or both. 30256

Sec. 4519.22. (A) No person shall have for sale, sell, offer 30257
for sale, lease, rent, or otherwise furnish for hire in this state 30258
any new snowmobile, off-highway motorcycle, or all-purpose vehicle 30259
that fails to comply with any rule adopted by the director of 30260

public safety under section 4519.20 of the Revised Code, after the 30261
effective date of the rule. 30262

(B) Except as otherwise provided in this division, whoever 30263
violates this section shall be fined not more than fifty dollars. 30264
If the offender within the preceding year previously has committed 30265
a violation of this section, whoever violates this section shall 30266
be fined not less than fifteen nor more than one hundred dollars, 30267
imprisoned not more than three days, or both. 30268

Sec. 4519.40. (A) The applicable provisions of Chapters 4511. 30269
and 4549. of the Revised Code shall be applied to the operation of 30270
snowmobiles, off-highway motorcycles, and all-purpose vehicles, 30271
except that no snowmobile, off-highway motorcycle, or all-purpose 30272
vehicle shall be operated as follows: 30273

~~(A)~~(1) On any limited access highway or freeway or the 30274
right-of-way thereof, except for emergency travel only during such 30275
time and in such manner as the director of public safety shall 30276
designate; 30277

~~(B)~~(2) On any private property, or in any nursery or planting 30278
area, without the permission of the owner or other person having 30279
the right to possession of the property; 30280

~~(C)~~(3) On any land or waters controlled by the state, except 30281
at those locations where a sign has been posted permitting such 30282
operation; 30283

~~(D)~~(4) On the tracks or right-of-way of any operating 30284
railroad; 30285

~~(E)~~(5) While transporting any firearm, bow, or other 30286
implement for hunting, that is not unloaded and securely encased; 30287

~~(F)~~(6) For the purpose of chasing, pursuing, capturing, or 30288
killing any animal or wildfowl; 30289

~~(G)~~(7) During the time from sunset to sunrise, unless 30290

displaying lighted lights as required by section 4519.20 of the Revised Code.

(B) 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.

Sec. 4519.41. Snowmobiles, off-highway motorcycles, and all-purpose vehicles may be operated as follows:

(A) To make a crossing of a highway, other than a highway as designated in division (A)(1) of section 4519.40 of the Revised Code, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right-of-way to any approaching traffic that presents an immediate hazard;

(B) On highways in the county or township road systems whenever the local authority having jurisdiction over such highways so permits;

(C) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile, off-highway motorcycle, or all-purpose vehicle is intended and authorized to be operated;

(D) On the berm or shoulder of a highway, other than a highway as designated in division (A)(1) of section 4519.40 of the Revised Code, when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane;

(E) On the berm or shoulder of a county or township road, while traveling from one area of operation of the snowmobile, off-highway motorcycle, or all-purpose vehicle to another such area.

Sec. 4519.44. (A) No person who does not hold a valid, 30321
current motor vehicle driver's or commercial driver's license, 30322
motorcycle operator's endorsement, or probationary license, issued 30323
under Chapter 4506. or 4507. of the Revised Code, shall operate a 30324
snowmobile, off-highway motorcycle, or all-purpose vehicle on any 30325
street or highway in this state, on any portion of the 30326
right-of-way thereof, or on any public land or waters. 30327

(B) No person who is less than sixteen years of age shall 30328
operate a snowmobile, off-highway motorcycle, or all-purpose 30329
vehicle on any land or waters other than private property or 30330
waters owned by or leased to the person's parent or guardian, 30331
unless accompanied by another person who is eighteen years of age, 30332
or older, and who holds a license as provided in division (A) of 30333
this section, except that the department of natural resources may 30334
permit such operation on state controlled land under its 30335
jurisdiction when such person is less than sixteen years of age, 30336
but is twelve years of age or older and is accompanied by a parent 30337
or guardian who is a licensed driver eighteen years of age or 30338
older. 30339

(C) Whoever violates this section shall be fined not less 30340
than fifty nor more than five hundred dollars, imprisoned not less 30341
than three nor more than thirty days, or both. 30342

Sec. 4519.45. (A) Any dealer who rents, leases, or otherwise 30343
furnishes a snowmobile, off-highway motorcycle, or all-purpose 30344
vehicle for hire shall maintain the vehicle in safe operating 30345
condition. No dealer, or agent or employee of a dealer, shall 30346
rent, lease, or otherwise furnish a snowmobile, off-highway 30347
motorcycle, or all-purpose vehicle for hire to any person who does 30348
not hold a license as required by division (A) of section 4519.44 30349
of the Revised Code, or to any person whom the dealer or an agent 30350

or employee of the dealer has reasonable cause to believe is 30351
incompetent to operate the vehicle in a safe and lawful manner. 30352

(B) Whoever violates this section shall be fined not less 30353
than one hundred nor more than five hundred dollars. 30354

Sec. 4519.52. (A) Except as provided in sections 4519.521 and 30355
4519.54 of the Revised Code, no dealer engaged in the business of 30356
selling new or used off-highway motorcycles or all-purpose 30357
vehicles shall sell or otherwise transfer a new or used 30358
off-highway motorcycle or all-purpose vehicle without obtaining a 30359
certificate of title to the new or used motorcycle or vehicle, in 30360
accordance with this chapter, and delivering the certificate of 30361
title or memorandum certificate of title to the purchaser or 30362
transferee. 30363

(B)(1) A person who is not a dealer engaged in the business 30364
of selling new or used off-highway motorcycles or all-purpose 30365
vehicles and who owns an off-highway motorcycle or all-purpose 30366
vehicle may choose to obtain a certificate of title to the 30367
motorcycle or vehicle. The person shall comply with this chapter 30368
in order to obtain the certificate of title. 30369

(2) If a person who is not a dealer engaged in the business 30370
of selling new or used off-highway motorcycles or all-purpose 30371
vehicles and who owns an off-highway motorcycle or all-purpose 30372
vehicle obtains a certificate of title to the motorcycle or 30373
vehicle, that person, except as otherwise provided in section 30374
4519.521 of the Revised Code, shall not sell or otherwise transfer 30375
the motorcycle or vehicle without delivering to the purchaser or 30376
transferee a certificate of title with an assignment on it as is 30377
necessary to show title in the purchaser or transferee, and no 30378
person shall subsequently purchase or otherwise acquire the 30379
motorcycle or vehicle without obtaining a certificate of title to 30380
the motorcycle or vehicle in the person's own name. 30381

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(C) Whoever violates this section shall be fined fifty
dollars.

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Sec. 4519.66. (A) No person shall do any of the following:

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~~(A)~~(1) Operate in this state an off-highway motorcycle or
all-purpose vehicle without having a certificate of title for the
off-highway motorcycle or all-purpose vehicle, if such a
certificate is required by this chapter to be issued for the
off-highway motorcycle or all-purpose vehicle, or, if a physical
certificate of title has not been issued for it, operate an
off-highway motorcycle or all-purpose vehicle knowing that the
ownership information relating to the motorcycle or vehicle has
not been entered into the automated title processing system by a
clerk of a court of common pleas;

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~~(B)~~(2) Operate in this state an off-highway motorcycle or
all-purpose vehicle if a certificate of title to the off-highway
motorcycle or all-purpose vehicle has been issued and then has
been canceled;

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~~(C)~~(3) Fail to surrender any certificate of title upon
cancellation of it by the registrar of motor vehicles and notice
of the cancellation as prescribed in this chapter;

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~~(D)~~(4) Fail to surrender the certificate of title to a clerk
of a court of common pleas as provided in this chapter, in case of
the destruction or dismantling of, or change in, the off-highway
motorcycle or all-purpose vehicle described in the certificate of
title;

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~~(E)~~(5) Violate any provision of sections 4519.51 to 4519.70
of the Revised Code for which no penalty is otherwise provided or
any lawful rules adopted pursuant to those sections;

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~~(F)~~(6) Operate in this state an off-highway motorcycle or

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all-purpose vehicle knowing that the certificate of title to or 30412
ownership of the motorcycle or vehicle as otherwise reflected in 30413
the automated title processing system has been canceled. 30414

(B) Whoever violates this section shall be fined not more 30415
than two hundred dollars, imprisoned not more than ninety days, or 30416
both. 30417

Sec. 4519.67. (A) No person shall do any of the following: 30418

~~(A)~~(1) Procure or attempt to procure a certificate of title 30419
to an off-highway motorcycle or all-purpose vehicle, or pass or 30420
attempt to pass a certificate of title or any assignment of a 30421
certificate of title to an off-highway motorcycle or all-purpose 30422
vehicle, or in any other manner gain or attempt to gain ownership 30423
to an off-highway motorcycle or all-purpose vehicle, knowing or 30424
having reason to believe that the off-highway motorcycle or 30425
all-purpose vehicle has been stolen; 30426

~~(B)~~(2) Sell or offer for sale in this state an off-highway 30427
motorcycle or all-purpose vehicle on which the manufacturer's or 30428
assigned vehicle identification number has been destroyed, 30429
removed, covered, altered, or defaced with knowledge of the 30430
destruction, removal, covering, alteration, or defacement of the 30431
manufacturer's or assigned vehicle identification number; 30432

~~(C)~~(3) Except as otherwise provided in this chapter, sell or 30433
transfer an off-highway motorcycle or all-purpose vehicle without 30434
delivering to the purchaser or transferee of it a certificate of 30435
title, or a manufacturer's or importer's certificate to it, 30436
assigned to the purchaser as provided for in this chapter. 30437

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(B) Whoever violates this section shall be fined not more 30439
than five thousand dollars, imprisoned in the county jail or 30440
workhouse not less than six months nor more than one year or in 30441

the penitentiary not less than one year nor more than five years, 30442
or both. 30443

Sec. 4549.01. (A) No person while operating a motor vehicle 30444
shall fail to slow down and stop ~~said~~ the vehicle when signalled 30445
to do so upon meeting or overtaking a horse-drawn vehicle or 30446
person on horseback and to remain stationary until ~~such~~ the 30447
vehicle or person has passed, provided ~~such~~ the signal to stop is 30448
given in good faith, under circumstances of necessity, and only as 30449
often and for ~~such~~ that length of time as is required for ~~such~~ the 30450
vehicle or person to pass, whether it is approaching from the 30451
front or rear. 30452

(B) Whoever violates this section is guilty of a minor 30453
misdemeanor on a first offense and a misdemeanor of the fourth 30454
degree on each subsequent offense. 30455

Sec. 4549.02. (A) In case of accident to or collision with 30456
persons or property upon any of the public roads or highways, due 30457
to the driving or operation thereon of any motor vehicle, the 30458
person ~~se~~ driving or operating ~~such~~ the motor vehicle, having 30459
knowledge of ~~such~~ the accident or collision, ~~shall~~ immediately 30460
~~shall~~ stop ~~his~~ the driver's or operator's motor vehicle at the 30461
scene of the accident or collision and shall remain at the scene 30462
of ~~such~~ the accident or collision until ~~he~~ the driver or operator 30463
has given ~~his~~ the driver's or operator's name and address and, if 30464
~~he~~ the driver or operator is not the owner, the name and address 30465
of the owner of ~~such~~ that motor vehicle, together with the 30466
registered number of ~~such~~ that motor vehicle, to any person 30467
injured in ~~such~~ the accident or collision or to the operator, 30468
occupant, owner, or attendant of any motor vehicle damaged in ~~such~~ 30469
the accident or collision, or to any police officer at the scene 30470
of ~~such~~ the accident or collision. 30471

In the event the injured person is unable to comprehend and 30472
record the information required to be given by this section, the 30473
other driver involved in ~~such~~ the accident or collision ~~shall~~ 30474
forthwith shall notify the nearest police authority concerning the 30475
location of the accident or collision, and ~~his~~ the driver's name, 30476
address, and the registered number of the motor vehicle ~~he~~ the 30477
driver was operating, and then remain at the scene of the accident 30478
or collision until a police officer arrives, unless removed from 30479
the scene by an emergency vehicle operated by a political 30480
subdivision or an ambulance. 30481

If ~~such~~ the accident or collision is with an unoccupied or 30482
unattended motor vehicle, the operator ~~so colliding~~ who collides 30483
with ~~such~~ the motor vehicle shall securely attach the information 30484
required to be given in this section, in writing, to a conspicuous 30485
place in or on ~~said~~ the unoccupied or unattended motor vehicle. 30486

(B) Whoever violates division (A) of this section is guilty 30487
of failure to stop after an accident, a misdemeanor of the first 30488
degree. If the violation results in serious physical harm or death 30489
to a person, failure to stop after an accident is a felony of the 30490
fifth degree. The court, in addition to any other penalties 30491
provided by law, shall impose upon the offender a class five 30492
suspension of the offender's driver's license, commercial driver's 30493
license, temporary instruction permit, probationary license, or 30494
nonresident operating privilege from the range specified in 30495
division (A)(5) of section 4510.02 of the Revised Code. No judge 30496
shall suspend the first six months of suspension of an offender's 30497
license, permit, or privilege required by this division. 30498

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Sec. 4549.021. (A) In case of accident or collision resulting 30500
in injury or damage to persons or property upon any public or 30501
private property other than public roads or highways, due to the 30502

driving or operation thereon of any motor vehicle, the person ~~so~~ 30503
driving or operating ~~such~~ the motor vehicle, having knowledge of 30504
~~such~~ the accident or collision, shall stop, and, upon request of 30505
the person injured or damaged, or any other person, shall give 30506
~~such~~ that person ~~his~~ the driver's or operator's name and address, 30507
and, if ~~he~~ the driver or operator is not the owner, the name and 30508
address of the owner of ~~such~~ that motor vehicle, together with the 30509
registered number of ~~such~~ that motor vehicle, and, if available, 30510
exhibit ~~his~~ the driver's or operator's driver's or commercial 30511
driver's license. 30512

If the owner or person in charge of ~~such~~ the damaged property 30513
is not furnished such information, the driver of the motor vehicle 30514
involved in the accident or collision ~~shall~~, within twenty-four 30515
hours after ~~such~~ the accident or collision, shall forward to the 30516
police department of the city or village in which ~~such~~ the 30517
accident or collision occurred or if it occurred outside the 30518
corporate limits of a city or village to the sheriff of the county 30519
in which ~~such~~ the accident or collision occurred the same 30520
information required to be given to the owner or person in control 30521
of ~~such~~ the damaged property and give the date, time, and location 30522
of the accident or collision. 30523

If the accident or collision is with an unoccupied or 30524
unattended motor vehicle, the operator ~~so colliding~~ who collides 30525
with ~~such~~ the motor vehicle shall securely attach the information 30526
required to be given in this section, in writing, to a conspicuous 30527
place in or on the unoccupied or unattended motor vehicle. 30528

(B) Whoever violates division (A) of this section is guilty 30529
of failure to stop after a nonpublic road accident, a misdemeanor 30530
of the first degree. If the violation results in serious physical 30531
harm or death to a person, failure to stop after a nonpublic road 30532
accident is a felony of the fifth degree. The court, in addition 30533
to any other penalties provided by law, shall impose upon the 30534

offender a class five suspension of the offender's driver's 30535
license, commercial driver's license, temporary instruction 30536
permit, probationary license, or nonresident operating privilege 30537
from the range specified in division (A)(5) of section 4510.02 of 30538
the Revised Code. No judge shall suspend the first six months of 30539
suspension of an offender's license, permit, or privilege required 30540
by this division. 30541

Sec. 4549.03. (A) The driver of any vehicle involved in an 30542
accident resulting in damage to real property, or personal 30543
property attached to ~~such~~ real property, legally upon or adjacent 30544
to a public road or highway ~~shall~~ immediately shall stop and take 30545
reasonable steps to locate and notify the owner or person in 30546
charge of ~~such~~ the property of ~~such~~ that fact, of ~~his~~ the driver's 30547
name and ~~his~~ address, and of the registration number of the 30548
vehicle ~~he~~ the driver is driving and ~~shall~~, upon request and if 30549
available, shall exhibit ~~his~~ the driver's driver's or commercial 30550
driver's license. 30551

If the owner or person in charge of ~~such~~ the property cannot 30552
be located after reasonable search, the driver of the vehicle 30553
involved in the accident resulting in damage to ~~such~~ the property 30554
~~shall~~, within twenty-four hours after ~~such~~ the accident, shall 30555
forward to the police department of the city or village in which 30556
~~such~~ the accident or collision occurred, or if it occurred outside 30557
the corporate limits of a city or village to the sheriff of the 30558
county in which ~~such~~ the accident or collision occurred, the same 30559
information required to be given to the owner or person in control 30560
of ~~such~~ the property and give the location of the accident and a 30561
description of the damage insofar as it is known. 30562

(B) Whoever violates division (A) of this section is guilty 30563
of failure to stop after an accident involving the property of 30564
others, a misdemeanor of the first degree. 30565

Sec. 4549.042. (A)(1) No person shall sell or otherwise 30566
dispose of a master key designed to fit more than one motor 30567
vehicle, knowing or having reasonable cause to believe ~~such~~ the 30568
key will be used to commit a crime. 30569

(2) No person shall buy, receive, or have in ~~his~~ the person's 30570
possession a master key designed to fit more than one motor 30571
vehicle, for the purpose of using ~~such~~ the key to commit a crime. 30572
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(B) Whoever violates division (A)(1) or (2) of this section 30574
is guilty of a motor vehicle master key violation, a felony of the 30575
fifth degree on a first offense and a felony of the fourth degree 30576
on each subsequent offense. 30577

Sec. 4549.08. (A) No person shall operate or drive a motor 30578
vehicle upon the public roads and highways in this state if it 30579
displays a license plate or a distinctive number or identification 30580
mark that meets any of the following criteria: 30581

~~(A)~~(1) Is fictitious; 30582

~~(B)~~(2) Is a counterfeit or an unlawfully made copy of any 30583
distinctive number or identification mark; 30584

~~(C)~~(3) Belongs to another motor vehicle, provided that this 30585
section does not apply to a motor vehicle that is operated on the 30586
public roads and highways in this state when the motor vehicle 30587
displays license plates that originally were issued for a motor 30588
vehicle that previously was owned by the same person who owns the 30589
motor vehicle that is operated on the public roads and highways in 30590
this state, during the thirty-day period described in division 30591
~~(C)~~(A)(3) of section 4503.12 of the Revised Code. 30592

(B) A person who fails to comply with the transfer of 30593
registration provisions of section 4503.12 of the Revised Code and 30594

is charged with a violation of that section shall not be charged 30595
with a violation of this section. 30596

(C) Whoever violates division (A)(1), (2), or (3) of this 30597
section is guilty of operating a motor vehicle bearing an invalid 30598
license plate or identification mark, a misdemeanor of the fourth 30599
degree on a first offense and a misdemeanor of the third degree on 30600
each subsequent offense. 30601

Sec. 4549.10. (A) No person shall operate or cause to be 30602
operated upon a public road or highway a motor vehicle of a 30603
manufacturer or dealer unless ~~such~~ the vehicle carries and 30604
displays two placards, except as provided in section 4503.21 of 30605
the Revised Code, issued by the director of public safety, ~~bearing~~ 30606
that bear the registration number of its manufacturer or dealer. 30607

(B) Whoever violates division (A) of this section is guilty 30608
of illegal operation of a manufacturer's or dealer's motor 30609
vehicle, a minor misdemeanor on a first offense and a misdemeanor 30610
of the fourth degree on each subsequent offense. 30611

Sec. 4549.11. (A) No person shall operate or drive upon the 30612
highways of this state a motor vehicle acquired from a former 30613
owner who has registered the ~~same~~ motor vehicle, while ~~such~~ the 30614
motor vehicle displays the distinctive number or identification 30615
mark assigned to it upon its original registration. 30616

(B) Whoever violates division (A) of this section is guilty 30617
of operation of a motor vehicle bearing license plates or an 30618
identification mark issued to another, a minor misdemeanor on a 30619
first offense and a misdemeanor of the fourth degree on each 30620
subsequent offense. 30621

Sec. 4549.12. (A) No person who is the owner of a motor 30622
vehicle and a resident of this state shall operate or drive ~~such~~ 30623

the motor vehicle upon the highways of this state, while it 30624
displays a distinctive number or identification mark issued by or 30625
under the authority of another state, without complying with the 30626
laws of this state relating to the registration and identification 30627
of motor vehicles. 30628

(B) Whoever violates division (A) of this section is guilty 30629
of illegal operation by a resident of this state of a motor 30630
vehicle bearing the distinctive number or identification mark 30631
issued by a foreign jurisdiction, a minor misdemeanor on a first 30632
offense and a misdemeanor of the fourth degree on each subsequent 30633
offense. 30634

Sec. 4549.18. (A) The operator of a "commercial car," as 30635
defined in section 4501.01 of the Revised Code, when ~~such~~ the 30636
commercial car is required to be registered under the Revised 30637
Code, shall, when operating ~~such~~ the commercial car, trailer, or 30638
semitrailer on the streets, roads, or highways of this state, 30639
display inside or on the vehicle the certificate of registration 30640
for ~~such~~ the commercial car, trailer, or semitrailer provided for 30641
in section 4503.19 of the Revised Code, or shall carry ~~such~~ the 30642
certificate on ~~his~~ the operator's person and display ~~such~~ 30643
~~certificate~~ it upon the demand of any state highway patrol trooper 30644
or other peace officer. 30645

Every person operating a commercial car, trailer, or 30646
semitrailer required to be registered under the Revised Code, 30647
shall permit the inspection of the certificate of registration 30648
upon demand of the superintendent or any member of the state 30649
highway patrol or other peace officer of this state. 30650

(B) Whoever violates division (A) of this section is guilty 30651
of a commercial car certificate of registration violation, a minor 30652
misdemeanor. 30653

Sec. 4549.42. (A) No person shall adjust, alter, change, 30654
tamper with, advance, set back, disconnect, or fail to connect, an 30655
odometer of a motor vehicle, or cause any of the foregoing to 30656
occur to an odometer of a motor vehicle with the intent to alter 30657
the number of miles registered on the odometer. 30658

(B) Division (A) of this section does not apply to the 30659
disconnection of an odometer used for registering the mileage of 30660
any new motor vehicle being tested by the manufacturer prior to 30661
delivery to a franchise dealer. 30662

(C) Nothing in this section ~~shall prevent~~ prevents the 30663
service of an odometer, provided that after ~~such~~ the service a 30664
completed form, captioned "notice of odometer repair", shall be 30665
attached to the left door frame of the motor vehicle by the person 30666
performing ~~such~~ the repairs. ~~Such~~ The notice shall contain, in 30667
bold-face type, the following information and statements: 30668

"Notice of Odometer Repair 30669

The odometer of this motor vehicle was repaired or replaced 30670
on (date of service). 30671

The mileage registered on the odometer of this motor vehicle 30672
before repair was (mileage). 30673

The mileage registered on the odometer of this motor vehicle 30674
after repair is (mileage). 30675

..... 30676

(~~Repairman's~~ Repairer's 30677
signature)"

(D) No person shall intentionally remove or alter the notice 30678
required by division (C) of this section. 30679

(E) If after the service of an odometer, the odometer can be 30680
set at the same mileage as before ~~such~~ the service, the odometer 30681
shall be adjusted to reflect that mileage registered on the 30682

odometer of the motor vehicle before the service. If the odometer 30683
cannot be set at the same mileage as before ~~such~~ the service, the 30684
odometer of the motor vehicle shall be adjusted to read "zero". 30685

(F) Except as otherwise provided in this division, whoever 30686
violates this section is guilty of tampering with an odometer, a 30687
felony of the fifth degree. If the offender previously has been 30688
convicted of or pleaded guilty to a violation of this section or 30689
of any provision of sections 4549.43 to 4549.46 of the Revised 30690
Code, tampering with an odometer is a felony of the fourth degree. 30691

Sec. 4549.43. (A) No person, with intent to defraud, shall 30692
advertise for sale, sell, use, or install on any part of any motor 30693
vehicle or an odometer in any motor vehicle any device ~~which~~ that 30694
causes the odometer to register any mileage other than the actual 30695
mileage driven by the motor vehicle. For the purpose of this 30696
section, the actual mileage driven is that mileage driven by the 30697
motor vehicle as registered by an odometer within the 30698
manufacturer's designed tolerance. 30699

(B) Except as otherwise provided in this division, whoever 30700
violates this section is guilty of selling or installing an 30701
odometer tampering device, a felony of the fourth degree. If the 30702
offender previously has been convicted of or pleaded guilty to a 30703
violation of this section, section 4549.42, or any provision of 30704
sections 4549.44 to 4549.46 of the Revised Code, selling or 30705
installing an odometer tampering device is a felony of the third 30706
degree. 30707

Sec. 4549.44. (A) No person, with intent to defraud, shall 30708
operate a motor vehicle on any public street, road, or highway of 30709
this state knowing that the odometer of ~~such~~ the vehicle is 30710
disconnected or nonfunctional. 30711

A person's intent to defraud under this section may be 30712

inferred from evidence of the circumstances of the vehicle's 30713
operation, including facts pertaining to the length of time or 30714
number of miles of operation with a nonfunctioning or disconnected 30715
odometer, and the fact that the person subsequently transferred 30716
the vehicle without disclosing the inoperative odometer to the 30717
transferee in violation of section 4549.45 of the Revised Code. 30718

(B) Except as otherwise provided in this division, whoever 30719
violates this section is guilty of fraudulent driving without a 30720
functional odometer, a felony of the fourth degree. If the 30721
offender previously has been convicted of or pleaded guilty to a 30722
violation of this section, section 4549.42 or 4549.43, or any 30723
provision of sections 4549.45 to 4549.46 of the Revised Code, 30724
fraudulent driving without a functional odometer is a felony of 30725
the third degree. 30726

Sec. 4549.45. (A) No person shall transfer a motor vehicle if 30727
the person knows or recklessly disregards facts indicating that 30728
the odometer of the motor vehicle has been changed, tampered with, 30729
or disconnected, or has been in any other manner nonfunctional, to 30730
reflect a lesser mileage or use, unless that person gives clear 30731
and unequivocal notice of ~~such~~ the tampering or nonfunction or of 30732
~~his~~ the person's reasonable belief of tampering or nonfunction, to 30733
the transferee in writing prior to the transfer. In a prosecution 30734
for violation of this section, evidence that a transferor or ~~his~~ 30735
the transferor's agent has changed, tampered with, disconnected, 30736
or failed to connect the odometer of the motor vehicle constitutes 30737
prima-facie evidence of knowledge of the odometer's altered 30738
condition. 30739

(B) Except as otherwise provided in this division, whoever 30740
violates this section is guilty of transferring a motor vehicle 30741
that has a tampered or nonfunctional odometer, a felony of the 30742
fourth degree. If the offender previously has been convicted of or 30743

pleaded guilty to a violation of this section, any provision of 30744
sections 4549.42 to 4549.44, or any provision of section 4549.451 30745
or 4549.46 of the Revised Code, transferring a motor vehicle that 30746
has a tampered or nonfunctional odometer is a felony of the third 30747
degree. 30748

Sec. 4549.451. (A) No auctioneer licensed under Chapter 4707. 30749
of the Revised Code shall advertise for sale by means of any 30750
written advertisement, brochure, flyer, or other writing, any 30751
motor vehicle the auctioneer knows or has reason to believe has an 30752
odometer that has been changed, tampered with, or disconnected, or 30753
in any other manner has been nonfunctional, unless the listing or 30754
description of the vehicle contained in the written advertisement, 30755
brochure, flyer, or other writing contains one of the two 30756
following statements: 30757

~~(A)~~(1) "This motor vehicle has an odometer that has been 30758
changed, tampered with, or disconnected, or otherwise has been 30759
nonfunctional." 30760

~~(B)~~(2) "Nonactual odometer reading: warning - odometer 30761
discrepancy." 30762

(B) The statement selected by the auctioneer shall be printed 30763
in type identical in size to the other type used in the listing or 30764
description, and shall be located within the listing or 30765
description and not located as a footnote to the listing or 30766
description. 30767

(C) Except as otherwise provided in this division, whoever 30768
violates this section is guilty of a felony of the fourth degree. 30769
If the offender previously has been convicted of or pleaded guilty 30770
to a violation of this section, any provision of sections 4549.42 30771
to 4549.45, or section 4549.46 of the Revised Code, whoever 30772
violates this section is guilty of a felony of the third degree. 30773

Sec. 4549.46. (A) No transferor shall fail to provide the true and complete odometer disclosures required by section 4505.06 of the Revised Code. The transferor of a motor vehicle is not in violation of this ~~section's provisions~~ division requiring a true odometer reading if the odometer reading is incorrect due to a previous owner's violation of any of the provisions contained in sections 4549.42 to 4549.46 of the Revised Code, unless the transferor knows of or recklessly disregards facts indicating the violation.

(B) No dealer or wholesaler who acquires ownership of a motor vehicle shall accept any written odometer disclosure statement unless the statement is completed as required by section 4505.06 of the Revised Code.

(C) A motor vehicle leasing dealer may obtain a written odometer disclosure statement completed as required by section 4505.06 of the Revised Code from a motor vehicle lessee that can be used as prima-facie evidence in any legal action arising under sections 4549.41 to 4549.46 of the Revised Code.

(D) Except as otherwise provided in this division, whoever violates division (A) or (B) of this section is guilty of an odometer disclosure violation, a felony of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of this section or any provision of sections 4549.42 to 4549.451 of the Revised Code, a violation of this section is a felony of the third degree.

Sec. 4549.52. The prosecuting attorney of the county in which a violation of any provision of sections 4549.41 to 4549.51 of the Revised Code occurs, or the attorney general, may bring a criminal action to enforce the provisions of sections 4549.41 to 4549.51 of the Revised Code. The attorney general and the prosecuting

attorney of the county in which a person licensed or granted a 30804
permit under Chapter 4517. of the Revised Code is convicted of or 30805
pleads guilty to a violation of any provision of sections 4549.41 30806
to 4549.46 of the Revised Code shall report the conviction or 30807
guilty plea to the registrar of motor vehicles within five 30808
business days of the conviction or plea. 30809

Sec. 4549.62. (A) No person ~~shall~~, with purpose to conceal or 30810
destroy the identity of a vehicle or vehicle part, shall remove, 30811
deface, cover, alter, or destroy any vehicle identification number 30812
or derivative ~~thereof~~ of a vehicle identification number on a 30813
vehicle or vehicle part. 30814

(B) No person ~~shall~~, with purpose to conceal or destroy the 30815
identity of a vehicle or a vehicle part, shall remove, deface, 30816
cover, alter, or destroy any identifying number that has been 30817
lawfully placed upon a vehicle or vehicle part by an owner of the 30818
vehicle or vehicle part, other than the manufacturer, for the 30819
purpose of deterring its theft and facilitating its recovery if 30820
stolen. 30821

(C) No person ~~shall~~, with purpose to conceal or destroy the 30822
identity of a vehicle or vehicle part, shall place a counterfeit 30823
vehicle identification number or derivative ~~thereof~~ of a vehicle 30824
identification number upon the vehicle or vehicle part. 30825

(D)(1) No person shall buy, offer to buy, sell, offer to 30826
sell, receive, dispose of, conceal, or, except as provided in 30827
division (D)(4) of this section, possess any vehicle or vehicle 30828
part with knowledge that the vehicle identification number or a 30829
derivative ~~thereof~~ of the vehicle identification number has been 30830
removed, defaced, covered, altered, or destroyed in such a manner 30831
that the identity of the vehicle or part cannot be determined by a 30832
visual examination of the number at the site where the 30833
manufacturer placed the number. 30834

(2)(a) A vehicle or vehicle part from which the vehicle 30835
identification number or a derivative ~~thereof~~ of the vehicle 30836
identification number has been so removed, defaced, covered, 30837
altered, or destroyed shall be seized and forfeited under section 30838
2933.41 of the Revised Code unless division (D)(3) or (4) of this 30839
section applies to the vehicle or part. If a derivative of the 30840
vehicle identification number has been removed, defaced, covered, 30841
altered, or destroyed in such a manner that the identity of the 30842
part cannot be determined, the entire vehicle is subject to 30843
seizure pending a determination of the original identity and 30844
ownership of the vehicle and parts of the vehicle, and the rights 30845
of innocent owners to reclaim the remainder or any part of the 30846
vehicle. 30847

(b) The lawful owners of parts upon a vehicle that has been 30848
seized under this section and that is subject to forfeiture under 30849
section 2933.41 of the Revised Code are entitled to reclaim their 30850
respective parts upon satisfactory proof of all of the following: 30851

(i) That the part is not needed for evidence in pending 30852
proceedings involving the vehicle or part and is not subject to 30853
forfeiture under section 2933.41 of the Revised Code; 30854

(ii) That the original identity and ownership of the part can 30855
be determined and that the claimant is the lawful owner of the 30856
part; 30857

(iii) That no vehicle identification number or derivative of 30858
a vehicle identification number on the part has been destroyed or 30859
concealed in such a manner that the identity of the part cannot be 30860
determined from that number; 30861

(iv) Payment of all costs of removing the part. 30862

(3) Divisions (A), (B), and (D)(1) and (2) of this section do 30863
not apply to the good faith acquisition and disposition of 30864
vehicles and vehicle parts as junk or scrap in the ordinary course 30865

of business by a scrap metal processing facility as defined in 30866
division ~~(E)~~(D) of section 4737.05 of the Revised Code or by a 30867
motor vehicle salvage dealer licensed under Chapter 4738. of the 30868
Revised Code. This division ~~(D)~~~~(3)~~ does not create an element of 30869
an offense or an affirmative defense, or affect the burden of 30870
proceeding with the evidence or burden of proof in a criminal 30871
proceeding. 30872

(4)(a) Divisions (D)(1) and (2) of this section do not apply 30873
to the possession of an owner, or the owner's insurer, who 30874
provides satisfactory evidence of all of the following: 30875

(i) That the vehicle identification number or derivative 30876
thereof on the vehicle or part has been removed, defaced, covered, 30877
altered, or destroyed, after the owner acquired such possession, 30878
by another person without the consent of the owner, by accident or 30879
other casualty not due to the owner's purpose to conceal or 30880
destroy the identity of the vehicle or vehicle part, or by 30881
ordinary wear and tear; 30882

(ii) That the person is the owner of the vehicle as shown on 30883
a valid certificate of title issued by this state or certificate 30884
of title or other lawful evidence of title issued in another 30885
state, in a clear chain of title beginning with the manufacturer; 30886

(iii) That the original identity of the vehicle can be 30887
established in a manner that excludes any reasonable probability 30888
that the vehicle has been stolen from another person. 30889

(b) The registrar of motor vehicles shall adopt rules under 30890
Chapter 119. of the Revised Code to permit an owner described in 30891
division (D)(4)(a) of this section, upon application and 30892
submission of satisfactory evidence to the registrar ~~of motor~~ 30893
~~vehicles~~, to obtain authority to replace the vehicle 30894
identification number under the supervision of a peace officer, 30895
trooper of the state highway patrol, or representative of the 30896

registrar. The rules shall be designed to restore the 30897
identification of the vehicle in a manner that will deter its 30898
theft and facilitate its marketability. Until such rules are 30899
adopted, the registrar shall follow the existing procedure for the 30900
replacement of vehicle identification numbers that have been 30901
established by the registrar, with such modifications as the 30902
registrar determines to be necessary or appropriate for the 30903
administration of the laws ~~he~~ the registrar is required to 30904
administer. 30905

The registrar may issue a temporary permit to an owner of a 30906
motor vehicle who is described in division (D)(4)(a) of this 30907
section to authorize the owner to retain possession of the motor 30908
vehicle and to transfer title to the motor vehicle with the 30909
consent of the registrar. 30910

(c) No owner described in division (D)(4)(a) of this section 30911
shall ~~knowingly~~ fail knowingly to apply to the registrar for 30912
authority to replace the vehicle identification number, within 30913
thirty days after the later of the following dates: 30914

(i) The date of receipt by the applicant of actual knowledge 30915
of the concealment or destruction; 30916

(ii) If the property has been stolen, the date thereafter 30917
upon which the applicant obtains possession of the vehicle or has 30918
been notified by a law enforcement agency that the vehicle has 30919
been recovered. 30920

The requirement of division (D)(4)(c) of this section may be 30921
excused by the registrar for good cause shown. 30922

(E) Whoever violates division (A), (B), (C), or (D)(1) of 30923
this section is guilty of a felony of the fifth degree on a first 30924
offense and a felony of the fourth degree on each subsequent 30925
offense. 30926

(F) Whoever violates division (D)(4)(c) of this section is 30927

guilty of a minor misdemeanor. 30928

Sec. 4551.04. (A) No person shall transport trees or boughs 30929
described in section 4551.01 of the Revised Code in violation of 30930
sections 4551.01 to 4551.03, ~~inclusive,~~ of the Revised Code. 30931

(B) Whoever violates this section shall be fined not more 30932
than one thousand dollars, imprisoned not more than thirty days,
or both. 30933
30934

Sec. 4561.11. (A) All airports, landing fields, and landing 30935
areas shall be approved by the department of transportation before 30936
being used for commercial purposes. The department may issue a 30937
certificate of approval in each case. The department shall require 30938
that a complete plan of such airport, landing field, or landing 30939
area be filed with it before granting or issuing such approval; 30940
provided that in no case in which the department licenses or 30941
certifies an airport, landing field, or landing area constructed, 30942
maintained, or supported, in whole or in part, by public funds, 30943
under sections 4561.01 to 4561.151 of the Revised Code, shall the 30944
public be deprived of the use thereof or its facilities for 30945
aviation purposes as fully and equally as all other parties. 30946
30947

In any case in which the department rejects or disapproves an 30948
application to operate an airport, landing field, or landing area, 30949
or in any case in which the department issues an order requiring 30950
certain things to be done before approval, it shall set forth its 30951
reasons therefor and shall state the requirements to be met before 30952
such approval will be given or such order modified or changed. In 30953
any case in which the department considers it necessary, it may 30954
order the closing of any airport, landing field, or landing area 30955
for commercial purposes until the requirements of the order made 30956
by the department are complied with. 30957

Appeal from any action or decision of the department in any 30958
such matter shall be made in accordance with sections 119.01 to 30959
119.13 of the Revised Code. 30960

The department shall require that any person engaged within 30961
this state in operating aircraft, in any form of navigation, shall 30962
be the holder of a currently effective ~~airman's~~ aviator's license 30963
issued by the civil aeronautics administration. 30964

The ~~airman's~~ aviator's license required by this section shall 30965
be kept in the personal possession of the pilot when the pilot is 30966
operating aircraft within this state, and shall be presented for 30967
inspection upon the request of any passenger, any authorized 30968
representative of the department, or any official manager or 30969
person in charge of any airport, landing field, or area in this 30970
state upon which the pilot lands. 30971

(B) Whoever violates this section shall be fined not more 30972
than five hundred dollars, imprisoned not more than ninety days,
or both. 30973
30974

Sec. 4561.12. (A) No aircraft shall be operated or maintained 30975
on any public land or water owned or controlled by this state, or 30976
by any political subdivision ~~thereof~~ of this state, except at such 30977
places and under such rules and regulations governing and 30978
controlling the operation and maintenance of aircraft as are 30979
adopted and promulgated by the department of transportation in 30980
accordance with sections 119.01 to 119.13 of the Revised Code. 30981
30982

Such action and approval by the department shall not become 30983
effective until it has been approved by the adoption and 30984
promulgation of appropriate rules and regulations governing, 30985
controlling, and approving said places and the method of operation 30986
and maintenance of aircraft, by the department, division, 30987

political subdivision, agent, or agency of this state having 30988
ownership or control of the places on said public land or water 30989
which are affected by such operation or maintenance of aircraft 30990
thereon. 30991

(B) Whoever violates this section shall be fined not more 30992
than five hundred dollars, imprisoned not more than ninety days, 30993
or both. 30994

Sec. 4561.14. (A) No person shall operate any aircraft in 30995
this state unless such person is the holder of a valid ~~airman's~~ 30996
aviator's license issued by the United States. 30997

No person operating an aircraft within this state shall fail 30998
to exhibit such license for inspection upon the demand of any 30999
passenger on such aircraft, or fail to exhibit same for inspection 31000
upon the demand of any peace officer, member or employee of the 31001
department of transportation, or manager or person in charge of an 31002
airport or landing field within this state, prior to taking off or 31003
upon landing said aircraft. 31004

No person shall operate an aircraft within this state unless 31005
such aircraft is licensed and registered by the United States; 31006
this section is inapplicable to the operation of military aircraft 31007
of the United States, aircraft of a state, territory, or 31008
possession of the United States, or aircraft licensed by a foreign 31009
country with which the United States has a reciprocal agreement 31010
covering the operation of such aircraft. 31011

No person shall operate an aircraft within this state in 31012
violation of any air traffic rules in force under the laws of the 31013
United States or under sections 4561.01 to 4561.14 of the Revised 31014
Code, and the rules and regulations of the department adopted 31015
pursuant thereto. 31016

(B) Whoever violates this section shall be fined not more 31017

than five hundred dollars, imprisoned not more than ninety days, 31018
or both. 31019

Sec. 4561.15. (A) No person shall commit any of the following 31020
acts: 31021

(1) Carry passengers in an aircraft unless the person 31022
piloting the aircraft is a holder of a valid ~~airman's~~ airperson's 31023
certificate of competency in the grade of private pilot or higher 31024
issued by the United States; this division of this section is 31025
inapplicable to the operation of military aircraft of the United 31026
States, aircraft of a state, territory, or possession of the 31027
United States, or aircraft licensed by a foreign country with 31028
which the United States has a reciprocal agreement covering the 31029
operation of such aircraft-; 31030

(2) Operate an aircraft on the land or water or in the air 31031
space over this state in a careless or reckless manner that 31032
endangers any person or property, or with willful or wanton 31033
disregard for the rights or safety of others-; 31034

(3) Operate an aircraft on the land or water or in the air 31035
space over this state while under the influence of intoxicating 31036
liquor, controlled substances, or other habit-forming drugs-; 31037

(4) Tamper with, alter, destroy, remove, carry away, or cause 31038
to be carried away any object used for the marking of airports, 31039
landing fields, or other aeronautical facilities in this state, or 31040
in any way change the position or location of such markings, 31041
except by the direction of the proper authorities charged with the 31042
maintenance and operation of such facilities, or illegally possess 31043
any object used for such markings. 31044

(B) Jurisdiction over any proceedings charging a violation of 31045
this section is limited to courts of record. 31046

(C) Whoever violates this section shall be fined not more 31047

than five hundred dollars, imprisoned not more than six months, or 31048
both. 31049

Sec. 4561.22. (A) No owner or operator of an aircraft shall 31050
violate sections 4561.17 to 4561.20, ~~inclusive,~~ of the Revised 31051
Code. 31052

(B) Whoever violates this section shall be fined not more 31053
than one hundred dollars, imprisoned not more than thirty days, or 31054
both. 31055

Sec. 4561.24. (A) No person shall operate a motor vehicle 31056
upon any runway of an airport without prior approval of the person 31057
in charge of the airport when the airport has been certified as a 31058
commercial airport by the office of aviation. 31059

Any person lending assistance to the operator or operation of 31060
a vehicle engaged in such activity shall be equally charged as the 31061
participants. 31062

(B) Except as otherwise provided in this division, whoever 31063
violates this section shall be fined not less than one hundred nor 31064
more than five hundred dollars, imprisoned for not more than six 31065
months, or both. If the offender previously has committed a 31066
violation of this section, whoever violates this section shall be 31067
fined not less than two hundred nor more than one thousand 31068
dollars, imprisoned for not more than one year, or both. 31069

(C) As used in this section, "motor vehicle" has the same 31070
meaning as in section 4501.01 of the Revised Code. 31071

(D) Airport vehicles and emergency and maintenance equipment 31072
are exempted from this section. 31073

Sec. 4561.31. (A)(1) Except as provided in divisions (D), 31074
(E), and (F) of this section, no person shall commence to install 31075
any structure or object of natural growth in this state, any part 31076

of which will penetrate or is reasonably expected to penetrate 31077
into or through any airport's clear zone surface, horizontal 31078
surface, conical surface, primary surface, approach surface, or 31079
transitional surface without first obtaining a permit from the 31080
department of transportation under section 4561.34 of the Revised 31081
Code. The replacement of an existing structure or object of 31082
natural growth with, respectively, a structure or object that is 31083
not more than ten feet or twenty per cent higher than the height 31084
of the existing structure or object, whichever is higher, does not 31085
constitute commencing to install a structure or object, except 31086
when any part of the structure or object will penetrate or is 31087
reasonably expected to penetrate into or through any airport's 31088
clear zone surface, horizontal surface, conical surface, primary 31089
surface, approach surface, or transitional surface. Such 31090
replacement of a like structure or object is not exempt from any 31091
other requirements of state or local law. 31092

(2) No person shall substantially change, as determined by 31093
the department, the height or location of any structure or object 31094
of natural growth in this state, any part of which, as a result of 31095
such change, will penetrate or is reasonably expected to penetrate 31096
into or through any airport's clear zone surface, horizontal 31097
surface, conical surface, primary surface, approach surface, or 31098
transitional surface, and for which installation had commenced or 31099
which was already installed prior to ~~the effective date of this~~ 31100
~~section~~ October 15, 1991, without first obtaining a permit from 31101
the department under section 4561.34 of the Revised Code. This 31102
division does not exempt the structure or object from any other 31103
requirements of state or local law. 31104

(3) No person shall substantially change, as determined by 31105
the department, the height or location of any structure or object 31106
of natural growth for which a permit was issued pursuant to 31107
section 4561.34 of the Revised Code, without first obtaining an 31108

amended permit from the department under that section. 31109

(B) No person shall install, operate, or maintain any 31110
structure or object of natural growth for which a permit has been 31111
issued under section 4561.34 of the Revised Code, except in 31112
compliance with the permit's terms and conditions and with any 31113
rules or orders issued under sections 4561.30 to 4561.39 of the 31114
Revised Code. 31115

(C) The holder of a permit issued under section 4561.34 of 31116
the Revised Code, with the department's approval, may transfer the 31117
permit to another person who agrees to comply with its terms and 31118
conditions. 31119

(D) Any person who receives a permit to construct, establish, 31120
substantially change, or substantially alter a structure or object 31121
of natural growth from an airport zoning board on or after ~~the~~ 31122
~~effective date of this section~~ October 15, 1991, under Chapter 31123
4563. of the Revised Code is not required to apply for a permit 31124
from the department under sections 4561.30 to 4561.39 of the 31125
Revised Code, provided that the airport zoning board has adopted 31126
airport zoning regulations pursuant to section 4563.032 of the 31127
Revised Code. 31128

(E) Any person who receives a certificate from the power 31129
siting board pursuant to section 4906.03 or 4906.10 of the Revised 31130
Code on or after ~~the effective date of this section~~ October 15, 31131
1991, is not required to apply for a permit from the department 31132
under sections 4561.30 to 4561.39 of the Revised Code. 31133

(F) Any person who, in accordance with 14 C.F.R. 77.11 to 31134
77.19, notified the federal aviation administration prior to June 31135
1, 1991, that ~~he~~ the person proposes to construct, establish, 31136
substantially change, or substantially alter a structure or object 31137
of natural growth is not required to apply for a permit from the 31138
department under sections 4561.30 to 4561.39 of the Revised Code 31139

in connection with the construction, establishment, substantial 31140
change, or substantial alteration of the structure or object of 31141
natural growth either as originally proposed to the federal 31142
aviation administration or as altered as the person or the federal 31143
aviation administration considers necessary, provided that the 31144
federal aviation administration, pursuant to 14 C.F.R. Part 77, 31145
does not determine that the proposed construction, establishment, 31146
substantial change, or substantial alteration of the structure or 31147
object of natural growth would be a hazard to air navigation. 31148

(G)(1) Whoever violates division (A)(1) or (2) of this 31149
section is guilty of a misdemeanor of the third degree. Each day 31150
of violation constitutes a separate offense. 31151

(2) Whoever violates division (A)(3) or (B) of this section 31152
is guilty of a misdemeanor of the first degree. Each day of 31153
violation constitutes a separate offense. 31154

Sec. 4561.99. ~~(A)~~ Whoever violates any provision of sections 31155
~~4561.01~~ 4561.021 to ~~4561.14~~ 4561.13 of the Revised Code for which 31156
no penalty otherwise is provided in the section that contains the 31157
provision violated shall be fined not more than five hundred 31158
dollars, imprisoned not more than ninety days, or both. 31159

~~(B) Whoever violates section 4561.15 of the Revised Code 31160~~
~~shall be fined not more than five hundred dollars, imprisoned not 31161~~
~~more than six months, or both. 31162~~

~~(C) Whoever violates section 4561.22 of the Revised Code 31163~~
~~shall be fined not more than one hundred dollars, imprisoned not 31164~~
~~more than thirty days, or both. 31165~~

~~(D) Whoever violates section 4561.24 of the Revised Code 31166~~
~~shall be fined not less than one hundred nor more than five 31167~~
~~hundred dollars, imprisoned for not more than six months, or both, 31168~~
~~for a first offense and shall be fined not less than two hundred 31169~~

~~nor more than one thousand dollars, imprisoned for not more than
one year, or both, for each subsequent offense.~~ 31170
31171

~~(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.~~ 31172
31173
31174
31175

~~(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.~~ 31176
31177
31178
31179

Sec. 4563.09. No airport zoning regulations adopted under 31180
sections 4563.01 to 4563.21, ~~inclusive, and section 4563.99~~ of the 31181
Revised Code, shall require the removal, lowering, or other change 31182
or alteration of any structure or object of natural growth not 31183
conforming to the regulations when adopted or amended, or 31184
otherwise interfere with the continuance of any nonconforming use, 31185
except as provided in section 4563.14 of the Revised Code. 31186

Sec. 4563.10. Nothing in sections 4563.01 to 4563.21, 31187
~~inclusive,~~ of the Revised Code, shall confer any power on any 31188
political subdivision or airport zoning board to prohibit the use 31189
of any land for farming, dairying, pasturage, apiculture, 31190
horticulture, floriculture, viticulture, or animal and poultry 31191
husbandry, except where such use shall create an airport hazard. 31192
The provisions of sections 4563.01 to 4563.21, ~~inclusive, and~~ 31193
~~section 4563.99~~ of the Revised Code shall not apply in respect to 31194
the location, relocation, erection, construction, reconstruction, 31195
change, alteration, maintenance, removal, use, or enlargement of 31196
any buildings or structures, now existing or constructed in the 31197
future, of any public utility or railroad. 31198

Sec. 4563.20. (A) No person shall violate any regulation, 31199

order, or ruling promulgated or made pursuant to sections 4563.01 31200
to 4563.21, ~~inclusive~~, of the Revised Code. 31201

(B) Whoever violates this section shall be fined not more 31202
than one hundred dollars. Each day's willful continuation of the 31203
violation is a separate offense. 31204

Sec. 4582.06. (A) A port authority created in accordance with 31205
section 4582.02 of the Revised Code may: 31206

~~(A)~~(1) Acquire, construct, furnish, equip, maintain, repair, 31207
sell, exchange, lease to or from, lease with an option to 31208
purchase, convey other interests in, or operate real or personal 31209
property, or any combination thereof, related to, useful for, or 31210
in furtherance of any authorized purpose, and make charges for the 31211
use of any port authority facility, which shall be not less than 31212
the charges established for the same services furnished by a 31213
public utility or common carrier in the jurisdiction of the 31214
particular port authority; 31215

~~(B)~~(2) Straighten, deepen, and improve any canal, channel, 31216
river, stream, or other water course or way that may be necessary 31217
or proper in the development of the facilities of the port 31218
authority; 31219

~~(C)~~(3) Issue bonds or notes for the acquisition, 31220
construction, furnishing, or equipping of any real or personal 31221
property, or any combination thereof, related to, useful for, or 31222
in furtherance of any authorized purpose, in compliance with 31223
Chapter 133. of the Revised Code, except that the bonds or notes 31224
only may be issued pursuant to a vote of the electors residing 31225
within the territory of the port authority. The net indebtedness 31226
incurred by a port authority shall never exceed two per cent of 31227
the total value of all property within the territory comprising 31228
the authority as listed and assessed for taxation. 31229

~~(D)~~(4) By resolution of its board of directors, issue revenue 31230
bonds beyond the limit of bonded indebtedness provided by law, for 31231
the acquisition, construction, furnishing, or equipping of any 31232
real or personal property, or any combination thereof, related to, 31233
useful for, or in furtherance of any authorized purpose, including 31234
all costs in connection with or incidental thereto. 31235
31236

The revenue bonds of the port authority shall be secured only 31237
by a pledge of and a lien on the revenues of the port authority 31238
derived from those loan payments, rentals, fees, charges, or other 31239
revenues that are designated in the resolution, including, but not 31240
limited to, any property to be acquired, constructed, furnished, 31241
or equipped with the proceeds of the bond issue, after provision 31242
only for the reasonable cost of operating, maintaining, and 31243
repairing the property of the port authority so designated. The 31244
bonds may further be secured by the covenant of the port authority 31245
to maintain rates or charges that will produce revenues sufficient 31246
to meet the costs of operating, maintaining, and repairing such 31247
property and to meet the interest and principal requirements of 31248
the bonds and to establish and maintain reserves for the foregoing 31249
purposes. The board of directors, by resolution, may provide for 31250
the issuance of additional revenue bonds from time to time, to be 31251
secured equally and ratably, without preference, priority, or 31252
distinction, with outstanding revenue bonds, but subject to the 31253
terms and limitations of any trust agreement described in this 31254
section, and of any resolution authorizing bonds then outstanding. 31255
The board of directors, by resolution, may designate additional 31256
property of the port authority, the revenues of which shall be 31257
pledged and be subject to a lien for the payment of the debt 31258
charges on revenue bonds theretofore authorized by resolution of 31259
the board of directors, to the same extent as the revenues above 31260
described. 31261

In the discretion of the board of directors, the revenue 31262
bonds of the port authority may be secured by a trust agreement 31263
between the board of directors on behalf of the port authority and 31264
a corporate trustee, that may be any trust company or bank having 31265
powers of a trust company, within or without the state. 31266

The trust agreement may provide for the pledge or assignment 31267
of the revenues to be received, but shall not pledge the general 31268
credit and taxing power of the port authority. A trust agreement 31269
securing revenue bonds issued to acquire, construct, furnish, or 31270
equip real property, plants, factories, offices, and other 31271
structures and facilities for authorized purposes consistent with 31272
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 31273
the real or personal property, or a combination thereof, to be 31274
acquired, constructed, furnished, or equipped from the proceeds of 31275
such revenue bonds, as further security for the bonds. The trust 31276
agreement or the resolution providing for the issuance of revenue 31277
bonds may set forth the rights and remedies of the bondholders and 31278
trustee, and may contain other provisions for protecting and 31279
enforcing their rights and remedies that are determined in the 31280
discretion of the board of directors to be reasonable and proper. 31281
The agreement or resolution may provide for the custody, 31282
investment, and disbursement of all moneys derived from the sale 31283
of such bonds, or from the revenues of the port authority, other 31284
than those moneys received from taxes levied pursuant to section 31285
4582.14 of the Revised Code, and may provide for the deposit of 31286
such funds without regard to section 4582.15 of the Revised Code. 31287

All bonds issued under authority of this chapter, regardless 31288
of form or terms and regardless of any other law to the contrary, 31289
shall have all qualities and incidents of negotiable instruments, 31290
subject to provisions for registration, and may be issued in 31291
coupon, fully registered, or other form, or any combination 31292
thereof, as the board of directors determines. Provision may be 31293

made for the registration of any coupon bonds as to principal 31294
alone or as to both principal and interest, and for the conversion 31295
into coupon bonds of any fully registered bonds or bonds 31296
registered as to both principal and interest. 31297

The revenue bonds shall bear interest at such rate or rates, 31298
shall bear such date or dates, and shall mature within forty years 31299
following the date of issuance and in such amount, at such time or 31300
times, and in such number of installments, as may be provided in 31301
or pursuant to the resolution authorizing their issuance. Any 31302
original issue of revenue bonds shall mature not later than forty 31303
years from their date of issue. Such resolution also shall provide 31304
for the execution of the bonds, which may be by facsimile 31305
signatures unless prohibited by the resolution, and the manner of 31306
sale of the bonds. The resolution shall provide for, or provide 31307
for the determination of, any other terms and conditions relative 31308
to the issuance, sale, and retirement of the bonds that the board 31309
of directors in its discretion determines to be reasonable and 31310
proper. 31311

Whenever a port authority considers it expedient, it may 31312
issue renewal notes and refund any bonds, whether the bonds to be 31313
refunded have or have not matured. The final maturity of any 31314
notes, including any renewal notes, shall not be later than five 31315
years from the date of issue of the original issue of notes. The 31316
final maturity of any refunding bonds shall not be later than the 31317
later of forty years from the date of issue of the original issue 31318
of bonds or the date by which it is expected, at the time of 31319
issuance of the refunding bonds, that the useful life of all of 31320
the property, other than interests in land, refinanced with 31321
proceeds of the bonds will have expired. The refunding bonds shall 31322
be sold and the proceeds applied to the purchase, redemption, or 31323
payment of the bonds to be refunded and the costs of issuance of 31324
the refunding bonds. The bonds and notes issued under this 31325

chapter, their transfer, and the income therefrom, shall at all 31326
times be free from taxation within the state. 31327

~~(E)~~(5) Do any of the following, in regard to any interests in 31328
any real or personal property, or any combination thereof, 31329
including, without limitation, machinery, equipment, plants, 31330
factories, offices, and other structures and facilities related 31331
to, useful for, or in furtherance of any authorized purpose, for 31332
such consideration and in such manner, consistent with Article 31333
VIII, Ohio Constitution, as the board in its sole discretion may 31334
determine: 31335

~~(1)~~(a) Loan moneys to any person for the acquisition, 31336
construction, furnishing, and equipping of the property; 31337

~~(2)~~(b) Acquire, construct, maintain, repair, furnish, and 31338
equip the property; 31339

~~(3)~~(c) Sell to, exchange with, lease, convey other interests 31340
in, or lease with an option to purchase the same or any lesser 31341
interest in the property to the same or any other person or 31342
governmental entity; 31343

~~(4)~~(d) Guarantee the obligations of any person or 31344
governmental entity. 31345

A port authority may accept and hold as consideration for the 31346
conveyance of property or any interest therein such property or 31347
interests therein as the board in its discretion may determine, 31348
notwithstanding any restrictions that apply to the investment of 31349
funds by a port authority. 31350

~~(F)~~(6) Construct, maintain, repair, furnish, equip, sell, 31351
exchange, lease, or lease with an option to purchase, any property 31352
that it is authorized to acquire. A port authority that is subject 31353
to this section also may operate any property in connection with 31354
transportation, recreational, governmental operations, or cultural 31355
activities. 31356

~~(1)~~(a) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of an activity contemplated by Section 13 or 16 of Article VIII, Ohio Constitution, shall be made in such manner and subject to such terms and conditions as may be determined by the board of directors in its discretion.

~~(2)~~(b) Division ~~(F)~~~~(1)~~(A)(6)(a) of this section applies to all contracts that are subject to the division, notwithstanding any other provision of law that might otherwise apply, including, without limitation, any requirement of notice, any requirement of competitive bidding or selection, or any requirement for the provision of security.

~~(3)~~(c) Divisions ~~(F)~~~~(1)~~(A)(6)(a) and ~~(2)~~(b) of this section do not apply to either of the following:

~~(a)~~(i) Any contract secured by or to be paid from moneys raised by taxation or the proceeds of obligations secured by a pledge of moneys raised by taxation;

~~(b)~~(ii) Any contract secured exclusively by or to be paid exclusively from the general revenues of the port authority. For the purposes of this section, any revenues derived by the port authority under a lease or other agreement that, by its terms, contemplates the use of amounts payable under the agreement either to pay the costs of the improvement that is the subject of the contract or to secure obligations of the port authority issued to finance costs of such improvement, are excluded from general revenues.

~~(G)~~(7) Apply to the proper authorities of the United States

pursuant to appropriate law for the right to establish, operate, 31388
and maintain foreign trade zones and to establish, operate, and 31389
maintain foreign trade zones; and to acquire land or property 31390
therefor, in a manner consistent with section 4582.17 of the 31391
Revised Code; 31392

~~(H)~~(8) Exercise the right of eminent domain to appropriate 31393
any land, rights, rights-of-way, franchises, easements, or other 31394
property, necessary or proper for any authorized purpose, pursuant 31395
to the procedure provided in sections 163.01 to 163.22 of the 31396
Revised Code, if funds equal to the appraised value of the 31397
property to be acquired as a result of such proceedings are 31398
available for that purpose, except that nothing contained in 31399
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 31400
port authority to take or disturb property or facilities belonging 31401
to any agency or political subdivision of this state, public 31402
utility, or common carrier, which property or facilities are 31403
necessary and convenient in the operation of the agency or 31404
political subdivision, public utility, or common carrier, unless 31405
provision is made for the restoration, relocation, or duplication 31406
of the property or facilities, or upon the election of the agency 31407
or political subdivision, public utility, or common carrier, for 31408
the payment of compensation, if any, at the sole cost of the port 31409
authority, provided that: 31410

~~(1)~~(a) If any restoration or duplication proposed to be made 31411
pursuant to this section involves a relocation of such property or 31412
facilities, the new facilities and location shall be of at least 31413
comparable utilitarian value and effectiveness, and the relocation 31414
shall not impair the ability of the public utility or common 31415
carrier to compete in its original area of operation. 31416

~~(2)~~(b) If any restoration or duplication made pursuant to 31417
this section involves a relocation of such property or facilities, 31418
the port authority shall acquire no interest or right in or to the 31419

appropriated property or facilities, except as provided in 31420
division ~~(K)~~(A)~~(11)~~ of this section, until the relocated property 31421
or facilities are available for use and until marketable title 31422
thereto has been transferred to the public utility or common 31423
carrier. 31424

~~(3)~~(c) Provisions for restoration or duplication shall be 31425
described in detail in the resolution for appropriation passed by 31426
the port authority. 31427

~~(I)~~(9) Enjoy and possess the same rights, privileges, and 31428
powers granted municipal corporations under sections 721.04 to 31429
721.11 of the Revised Code; 31430

~~(J)~~(10) Maintain such funds as it considers necessary; 31431

~~(K)~~(11) Direct its agents or employees, when properly 31432
identified in writing, and after at least five days' written 31433
notice, to enter upon lands within the confines of its 31434
jurisdiction in order to make surveys and examinations preliminary 31435
to location and construction of works for the purposes of the port 31436
authority, without liability of the port authority or its agents 31437
or employees except for actual damage done; 31438

~~(L)~~(12) Sell, lease, or convey other interests in real and 31439
personal property and grant easements or rights-of-way over 31440
property of the port authority. The board of directors shall 31441
specify the consideration and any terms thereof for the sale, 31442
lease, or conveyance of other interests in real and personal 31443
property. Any determinations made by the board of directors under 31444
this division shall be conclusive. The sale, lease, or conveyance 31445
may be made without advertising and the receipt of bids. 31446

~~(M)~~(13) Promote, advertise, and publicize the port authority 31447
facilities and its authorized purposes, provide information to 31448
persons with an interest in transportation and other port 31449
authority activities, and appear before rate-making authorities to 31450

represent and promote the interests of the port authority and its 31451
authorized purposes; 31452

~~(N)~~(14) Adopt rules, not in conflict with general law, 31453
governing the use of and the safeguarding of its property, 31454
grounds, buildings, equipment, and facilities, safeguarding 31455
persons and their property located on or in port authority 31456
property, and governing the conduct of its employees and the 31457
public, in order to promote the public safety and convenience in 31458
and about its terminals and grounds, and to maintain order. Any 31459
such regulation shall be posted at no less than five public places 31460
in the port authority, as determined by the board of directors, 31461
for a period of not fewer than fifteen days, and shall be 31462
available for public inspection at the principal office of the 31463
port authority during regular business hours. No person shall 31464
violate any lawful regulation adopted and posted as provided in 31465
this division. 31466

~~(O)~~(15) Do all acts necessary or appropriate to carry out its 31467
authorized purposes. The port authority shall have the powers and 31468
rights granted to other subdivisions under section 9.20 of the 31469
Revised Code. 31470

(B) Any instrument by which real property is acquired 31471
pursuant to this section shall identify the agency of the state 31472
that has the use and benefit of the real property as specified in 31473
section 5301.012 of the Revised Code. 31474

(C) Whoever violates division (A)(14) of this section is 31475
guilty of a minor misdemeanor. 31476

Sec. 4582.31. (A) A port authority created in accordance with 31477
section 4582.22 of the Revised Code may: 31478

~~(A)~~(1) Adopt bylaws for the regulation of its affairs and the 31479
conduct of its business; 31480

(B) <u>(2)</u> Adopt an official seal;	31481
(C) <u>(3)</u> Maintain a principal office within its jurisdiction, and maintain such branch offices as it may require;	31482 31483
(D) <u>(4)</u> Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, or lease with an option to purchase, convey other interests in real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose and operate any property in connection with transportation, recreational, governmental operations, or cultural activities;	31484 31485 31486 31487 31488 31489 31490
(E) <u>(5)</u> Straighten, deepen, and improve any channel, river, stream, or other water course or way which may be necessary or proper in the development of the facilities of a port authority;	31491 31492 31493
(F) <u>(6)</u> Make available the use or services of any port authority facility to one or more persons, one or more governmental agencies, or any combination thereof;	31494 31495 31496
(G) <u>(7)</u> Issue bonds or notes for the acquisition, construction, furnishing, or equipping of any port authority facility or other permanent improvement that a port authority is authorized to acquire, construct, furnish, or equip, in compliance with Chapter 133. of the Revised Code, except that such bonds or notes may only be issued pursuant to a vote of the electors residing within the area of jurisdiction of the port authority. The net indebtedness incurred by a port authority shall never exceed two per cent of the total value of all property within the territory comprising the port authority as listed and assessed for taxation.	31497 31498 31499 31500 31501 31502 31503 31504 31505 31506 31507
(H) <u>(8)</u> Issue port authority revenue bonds beyond the limit of bonded indebtedness provided by law, payable solely from revenues as provided in section 4582.48 of the Revised Code, for the purpose of providing funds to pay the costs of any port authority	31508 31509 31510 31511

facility or facilities or parts thereof; 31512

~~(I)~~(9) Apply to the proper authorities of the United States 31513
pursuant to appropriate law for the right to establish, operate, 31514
and maintain foreign trade zones and establish, operate, and 31515
maintain foreign trade zones and to acquire, exchange, sell, lease 31516
to or from, lease with an option to purchase, or operate 31517
facilities, land, or property therefor in accordance with the 31518
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 31519
81u; 31520

~~(J)~~(10) Enjoy and possess the same rights, privileges, and 31521
powers granted municipal corporations under sections 721.04 to 31522
721.11 of the Revised Code; 31523

~~(K)~~(11) Maintain such funds as it considers necessary; 31524

~~(L)~~(12) Direct its agents or employees, when properly 31525
identified in writing, and after at least five days' written 31526
notice, to enter upon lands within the confines of its 31527
jurisdiction in order to make surveys and examinations preliminary 31528
to location and construction of works for the purposes of the port 31529
authority, without liability of the port authority or its agents 31530
or employees except for actual damage done; 31531

~~(M)~~(13) Promote, advertise, and publicize the port authority 31532
and its facilities; provide information to shippers and other 31533
commercial interests; and appear before rate-making authorities to 31534
represent and promote the interests of the port authority; 31535

~~(N)~~(14) Adopt rules, not in conflict with general law, it 31536
finds necessary or incidental to the performance of its duties and 31537
the execution of its powers under sections 4582.21 to 4582.54 of 31538
the Revised Code. Any such rule shall be posted at no less than 31539
five public places in the port authority, as determined by the 31540
board of directors, for a period of not fewer than fifteen days, 31541
and shall be available for public inspection at the principal 31542

office of the port authority during regular business hours. No 31543
person shall violate any lawful rule adopted and posted as 31544
provided in this division. 31545

~~(15)~~ Do any of the following, in regard to any interests 31546
in any real or personal property, or any combination thereof, 31547
including, without limitation, machinery, equipment, plants, 31548
factories, offices, and other structures and facilities related 31549
to, useful for, or in furtherance of any authorized purpose, for 31550
such consideration and in such manner, consistent with Article 31551
VIII of the Ohio Constitution, as the board in its sole discretion 31552
may determine: 31553

~~(1)(a)~~ Loan moneys to any person or governmental entity for 31554
the acquisition, construction, furnishing, and equipping of the 31555
property; 31556

~~(2)(b)~~ Acquire, construct, maintain, repair, furnish, and 31557
equip the property; 31558

~~(3)(c)~~ Sell to, exchange with, lease, convey other interests 31559
in, or lease with an option to purchase the same or any lesser 31560
interest in the property to the same or any other person or 31561
governmental entity; 31562

~~(4)(d)~~ Guarantee the obligations of any person or 31563
governmental entity. 31564

A port authority may accept and hold as consideration for the 31565
conveyance of property or any interest therein such property or 31566
interests therein as the board in its discretion may determine, 31567
notwithstanding any restrictions that apply to the investment of 31568
funds by a port authority. 31569

~~(16)~~ Sell, lease, or convey other interests in real and 31570
personal property, and grant easements or rights-of-way over 31571
property of the port authority. The board of directors shall 31572
specify the consideration and any terms for the sale, lease, or 31573

conveyance of other interests in real and personal property. Any 31574
determination made by the board under this division shall be 31575
conclusive. The sale, lease, or conveyance may be made without 31576
advertising and the receipt of bids. 31577

~~(Q)~~(17) Exercise the right of eminent domain to appropriate 31578
any land, rights, rights-of-way, franchises, easements, or other 31579
property, necessary or proper for any authorized purpose, pursuant 31580
to the procedure provided in sections 163.01 to 163.22 of the 31581
Revised Code, if funds equal to the appraised value of the 31582
property to be acquired as a result of such proceedings are 31583
available for that purpose. However, nothing contained in sections 31584
4582.201 to 4582.59 of the Revised Code shall authorize a port 31585
authority to take or disturb property or facilities belonging to 31586
any agency or political subdivision of this state, public utility, 31587
or common carrier, which property or facilities are necessary and 31588
convenient in the operation of the agency or political 31589
subdivision, public utility, or common carrier, unless provision 31590
is made for the restoration, relocation, or duplication of such 31591
property or facilities, or upon the election of the agency or 31592
political subdivision, public utility, or common carrier, for the 31593
payment of compensation, if any, at the sole cost of the port 31594
authority, provided that: 31595

~~(1)~~(a) If any restoration or duplication proposed to be made 31596
under this section involves a relocation of the property or 31597
facilities, the new facilities and location shall be of at least 31598
comparable utilitarian value and effectiveness and shall not 31599
impair the ability of the public utility or common carrier to 31600
compete in its original area of operation; 31601

~~(2)~~(b) If any restoration or duplication made under this 31602
section involves a relocation of the property or facilities, the 31603
port authority shall acquire no interest or right in or to the 31604
appropriated property or facilities, except as provided in 31605

division (O) of this section, until the relocated property or 31606
facilities are available for use and until marketable title 31607
thereto has been transferred to the public utility or common 31608
carrier. 31609

~~(R)(1)(18)(a)~~ Make and enter into all contracts and 31610
agreements and execute all instruments necessary or incidental to 31611
the performance of its duties and the execution of its powers 31612
under sections 4582.21 to 4582.59 of the Revised Code. 31613

~~(2)(b)~~ Except as provided in division ~~(R)(3)(A)(18)(c)~~ of 31614
this section, when the cost of a contract for the construction of 31615
any building, structure, or other improvement undertaken by a port 31616
authority involves an expenditure exceeding twenty-five thousand 31617
dollars, and the port authority is the contracting entity, the 31618
port authority shall make a written contract after notice calling 31619
for bids for the award of the contract has been given by 31620
publication twice, with at least seven days between publications, 31621
in a newspaper of general circulation in the area of the port 31622
authority. Each such contract shall be let to the lowest 31623
responsive and responsible bidder in accordance with section 9.312 31624
of the Revised Code. Every contract shall be accompanied by or 31625
shall refer to plans and specifications for the work to be done, 31626
prepared for and approved by the port authority, signed by an 31627
authorized officer of the port authority and by the contractor, 31628
and shall be executed in triplicate. 31629

Each bid shall be awarded in accordance with sections 153.54, 31630
153.57, and 153.571 of the Revised Code. The port authority may 31631
reject any and all bids. 31632

~~(3)(c)~~ The board of directors by rule may provide criteria 31633
for the negotiation and award without competitive bidding of any 31634
contract as to which the port authority is the contracting entity 31635
for the construction of any building or structure or other 31636
improvement under any of the following circumstances: 31637

~~(a)~~(i) There exists a real and present emergency that 31638
threatens damage or injury to persons or property of the port 31639
authority or other persons, provided that a statement specifying 31640
the nature of the emergency that is the basis for the negotiation 31641
and award of a contract without competitive bidding shall be 31642
signed by the officer of the port authority that executes that 31643
contract at the time of the contract's execution and shall be 31644
attached to the contract. 31645

~~(b)~~(ii) A commonly recognized industry or other standard or 31646
specification does not exist and cannot objectively be articulated 31647
for the improvement. 31648

~~(c)~~(iii) The contract is for any energy conservation measure 31649
as defined in section 307.041 of the Revised Code. 31650

~~(d)~~(iv) With respect to material to be incorporated into the 31651
improvement, only a single source or supplier exists for the 31652
material. 31653

~~(e)~~(v) A single bid is received by the port authority after 31654
complying with the provisions of division ~~(R)~~(2)(A)(18)(b) of this 31655
section. 31656

~~(4)(a)~~(d)(i) If a contract is to be negotiated and awarded 31657
without competitive bidding for the reason set forth in division 31658
~~(R)~~(3)(b)(A)(18)(c)(ii) of this section, the port authority shall 31659
publish a notice calling for technical proposals at least twice, 31660
with at least seven days between publications, in a newspaper of 31661
general circulation in the area of the port authority. After 31662
receipt of the technical proposals, the port authority may 31663
negotiate with and award a contract for the improvement to the 31664
proposer making the proposal considered to be the most 31665
advantageous to the port authority. 31666

~~(b)~~(ii) If a contract is to be negotiated and awarded without 31667
competitive bidding for the reason set forth in division 31668

~~(R)(3)(d)(A)(18)(c)(iv)~~ of this section, any construction 31669
activities related to the incorporation of the material into the 31670
improvement also may be provided without competitive bidding by 31671
the source or supplier of that material. 31672

~~(5)(a)(e)(i)~~ Any purchase, exchange, sale, lease, lease with 31673
an option to purchase, conveyance of other interests in, or other 31674
contract with a person or governmental entity that pertains to the 31675
acquisition, construction, maintenance, repair, furnishing, 31676
equipping, or operation of any real or personal property, or any 31677
combination thereof, related to, useful for, or in furtherance of 31678
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 31679
Constitution, shall be made in such manner and subject to such 31680
terms and conditions as may be determined by the board of 31681
directors in its discretion. 31682

~~(b)(ii)~~ Division ~~(R)(5)(a)(A)(18)(e)(i)~~ of this section 31683
applies to all contracts that are subject to the division, 31684
notwithstanding any other provision of law that might otherwise 31685
apply, including, without limitation, any requirement of notice, 31686
any requirement of competitive bidding or selection, or any 31687
requirement for the provision of security. 31688

~~(e)(iii)~~ Divisions ~~(R)(5)(a)(A)(18)(e)(i)~~ and ~~(b)(ii)~~ of this 31689
section do not apply to either of the following: 31690

~~(i) Any: any~~ contract secured by or to be paid from moneys 31691
raised by taxation or the proceeds of obligations secured by a 31692
pledge of moneys raised by taxation. 31693

~~(ii) Any; or any~~ contract secured exclusively by or to be 31694
paid exclusively from the general revenues of the port authority. 31695
For the purposes of this section, any revenues derived by the port 31696
authority under a lease or other agreement that, by its terms, 31697
contemplates the use of amounts payable under the agreement either 31698
to pay the costs of the improvement that is the subject of the 31699

contract or to secure obligations of the port authority issued to 31700
finance costs of such improvement, are excluded from general 31701
revenues. 31702

~~(S)~~(19) Employ managers, superintendents, and other employees 31703
and retain or contract with consulting engineers, financial 31704
consultants, accounting experts, architects, attorneys, and any 31705
other consultants and independent contractors as are necessary in 31706
its judgment to carry out this chapter, and fix the compensation 31707
thereof. All expenses thereof shall be payable from any available 31708
funds of the port authority or from funds appropriated for that 31709
purpose by a political subdivision creating or participating in 31710
the creation of the port authority. 31711

~~(T)~~(20) Receive and accept from any state or federal agency 31712
grants and loans for or in aid of the construction of any port 31713
authority facility or for research and development with respect to 31714
port authority facilities, and receive and accept aid or 31715
contributions from any source of money, property, labor, or other 31716
things of value, to be held, used, and applied only for the 31717
purposes for which the grants and contributions are made; 31718

~~(U)~~(21) Engage in research and development with respect to 31719
port authority facilities; 31720

~~(V)~~(22) Purchase fire and extended coverage and liability 31721
insurance for any port authority facility and for the principal 31722
office and branch offices of the port authority, insurance 31723
protecting the port authority and its officers and employees 31724
against liability for damage to property or injury to or death of 31725
persons arising from its operations, and any other insurance the 31726
port authority may agree to provide under any resolution 31727
authorizing its port authority revenue bonds or in any trust 31728
agreement securing the same; 31729

~~(W)~~(23) Charge, alter, and collect rentals and other charges 31730

for the use or services of any port authority facility as provided 31731
in section 4582.43 of the Revised Code; 31732

~~(X)~~(24) Provide coverage for its employees under Chapters 31733
145., 4123., and 4141. of the Revised Code; 31734

~~(Y)~~(25) Do all acts necessary or proper to carry out the 31735
powers expressly granted in sections 4582.21 to 4582.59 of the 31736
Revised Code. 31737

(B) Any instrument by which real property is acquired 31738
pursuant to this section shall identify the agency of the state 31739
that has the use and benefit of the real property as specified in 31740
section 5301.012 of the Revised Code. 31741

(C) Whoever violates division (A)(14) of this section is 31742
guilty of a minor misdemeanor. 31743

Sec. 4582.59. Sections 4582.22 to ~~4582.99~~ 4582.59 of the 31744
Revised Code and division (C) of section 4582.06 of the Revised 31745
Code being necessary for the welfare of the state and its 31746
inhabitants shall be liberally construed to effect the purposes 31747
thereof. 31748

Sec. 4583.01. (A) No person shall keep a ferry across a 31749
stream running through or bounding on a county in this state, 31750
without having obtained a license therefor from the court of 31751
common pleas of such county. 31752

(B) Whoever violates this section shall be fined not more 31753
than thirty dollars. 31754

Sec. 5120.032. (A) No later than January 1, 1998, the 31755
department of rehabilitation and correction shall develop and 31756
implement intensive program prisons for male and female prisoners 31757
other than prisoners described in division (B)(2) of this section. 31758
The intensive program prisons shall include institutions at which 31759

imprisonment of the type described in division (B)(2)(a) of 31760
section 5120.031 of the Revised Code is provided and prisons that 31761
focus on educational achievement, vocational training, alcohol and 31762
other drug abuse treatment, community service and conservation 31763
work, and other intensive regimens or combinations of intensive 31764
regimens. 31765

(B)(1)(a) Except as provided in division (B)(2) of this 31766
section, if the sentencing court determines that a prisoner is 31767
eligible for placement in an intensive program prison under this 31768
section and the sentencing court either recommends the offender 31769
for placement in the intensive program prison or makes no 31770
recommendation on placement of the prisoner, the department may 31771
place the prisoner in an intensive program prison established 31772
pursuant to division (A) of this section. 31773

If the sentencing court recommends a prisoner for placement 31774
in an intensive program prison and the department subsequently 31775
places the prisoner in the recommended prison, the department 31776
shall notify the court of the prisoner's placement in the 31777
recommended intensive program prison and shall include with the 31778
notice a brief description of the placement. 31779

If the sentencing court approves placement of a prisoner in 31780
an intensive program prison and the department does not 31781
subsequently place the offender in the recommended prison, the 31782
department shall send a notice to the court indicating why the 31783
prisoner was not placed in the recommended prison. 31784

If the sentencing court does not make a recommendation on the 31785
placement of an eligible prisoner in an intensive program prison, 31786
the department shall screen the prisoner and determine if the 31787
prisoner is suited for the prison. If the prisoner is suited for 31788
the intensive program prison, at least three weeks prior to 31789
placing the prisoner in the prison, the department shall notify 31790
the sentencing court of the proposed placement of the prisoner in 31791

the intensive program prison and shall include with the notice a 31792
brief description of the placement. The court shall have ten days 31793
from receipt of the notice to disapprove the placement. If the 31794
sentencing court disapproves the placement, the department shall 31795
not proceed with it. If the sentencing court does not timely 31796
disapprove of the placement, the department may proceed with plans 31797
for it. 31798

If the sentencing court determines that a prisoner is not 31799
eligible for placement in an intensive program prison or if the 31800
sentencing court disapproves placement of an offender in a prison 31801
of that nature, the department of rehabilitation and correction 31802
shall not place the prisoner in any intensive program prison. 31803

(b) The department may reduce the stated prison term of a 31804
prisoner upon the prisoner's successful completion of a ninety-day 31805
period in an intensive program prison. A prisoner whose term has 31806
been so reduced shall be required to serve an intermediate, 31807
transitional type of detention followed by a release under 31808
post-release control sanctions or, in the alternative, shall be 31809
placed under post-release control sanctions, as described in 31810
division (B)(2)(b)(ii) of section 5120.031 of the Revised Code. In 31811
either case, the placement under post-release control sanctions 31812
shall be under terms set by the parole board in accordance with 31813
section 2967.28 of the Revised Code and shall be subject to the 31814
provisions of that section with respect to a violation of any 31815
post-release control sanction. 31816

(2) A prisoner who is in any of the following categories is 31817
not eligible to participate in an intensive program prison 31818
established pursuant to division (A) of this section: 31819

(a) The prisoner is serving a prison term for aggravated 31820
murder, murder, or a felony of the first or second degree or a 31821
comparable offense under the law in effect prior to July 1, 1996, 31822
or the prisoner previously has been imprisoned for aggravated 31823

murder, murder, or a felony of the first or second degree or a comparable offense under the law in effect prior to July 1, 1996.

(b) The prisoner is serving a mandatory prison term, as defined in section 2929.01 of the Revised Code.

(c) The prisoner is serving a prison term for a felony of the third, fourth, or fifth degree that either is a sex offense, an offense betraying public trust, or an offense in which the prisoner caused or attempted to cause actual physical harm to a person, the prisoner is serving a prison term for a comparable offense under the law in effect prior to July 1, 1996, or the prisoner previously has been imprisoned for an offense of that type or a comparable offense under the law in effect prior to July 1, 1996.

(d) The prisoner is serving a mandatory prison term in prison for a third or ~~fourth~~ fourth degree felony ~~OMVI~~ OVI offense, as defined in section 2929.01 of the Revised Code, that was imposed pursuant to division (G)(2) of section 2929.13 of the Revised Code.

(C) Upon the implementation of intensive program prisons pursuant to division (A) of this section, the department at all times shall maintain intensive program prisons sufficient in number to reduce the prison terms of at least three hundred fifty prisoners who are eligible for reduction of their stated prison terms as a result of their completion of a regimen in an intensive program prison under this section.

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.

(B) Within eighteen months after October 17, 1996, the

department of rehabilitation and correction shall develop and 31854
implement intensive program prisons for male and female prisoners 31855
who are sentenced pursuant to division (G)(2) of section 2929.13 31856
of the Revised Code to a mandatory prison term for a third or 31857
fourth degree felony ~~OMVI~~ OVI offense. The department shall 31858
contract pursuant to section 9.06 of the Revised Code for the 31859
private operation and management of the initial intensive program 31860
prison established under this section and may contract pursuant to 31861
that section for the private operation and management of any other 31862
intensive program prison established under this section. The 31863
intensive program prisons established under this section shall 31864
include prisons that focus on educational achievement, vocational 31865
training, alcohol and other drug abuse treatment, community 31866
service and conservation work, and other intensive regimens or 31867
combinations of intensive regimens. 31868

(C) Except as provided in division (D) of this section, the 31869
department may place a prisoner who is sentenced to a mandatory 31870
prison term for a third or fourth degree felony ~~OMVI~~ OVI offense 31871
in an intensive program prison established pursuant to division 31872
(B) of this section if the sentencing judge, upon notification by 31873
the department of its intent to place the prisoner in an intensive 31874
program prison, does not notify the department that the judge 31875
disapproves the placement. If the stated prison term imposed on a 31876
prisoner who is so placed is longer than the mandatory prison term 31877
that is required to be imposed on the prisoner, the department may 31878
reduce the stated prison term upon the prisoner's successful 31879
completion of the prisoner's mandatory prison term in an intensive 31880
program prison. A prisoner whose term has been so reduced shall be 31881
required to serve an intermediate, transitional type of detention 31882
followed by a release under post-release control sanctions or, in 31883
the alternative, shall be placed under post-release control 31884
sanctions, as described in division (B)(2)(b)(ii) of section 31885
5120.031 of the Revised Code. In either case, the placement under 31886

post-release control sanctions shall be under terms set by the 31887
parole board in accordance with section 2967.28 of the Revised 31888
Code and shall be subject to the provisions of that section with 31889
respect to a violation of any post-release control sanction. Upon 31890
the establishment of the initial intensive program prison pursuant 31891
to division (B) of this section that is privately operated and 31892
managed by a contractor pursuant to a contract entered into under 31893
section 9.06 of the Revised Code, the department shall comply with 31894
divisions (G)(2)(a) and (b) of section 2929.13 of the Revised Code 31895
in placing prisoners in intensive program prisons under this 31896
section. 31897

(D) A prisoner who is sentenced to a mandatory prison term 31898
for a third or fourth degree felony ~~OMVI~~ OVI offense is not 31899
eligible to participate in an intensive program prison established 31900
under division (B) of this section if any of the following applies 31901
regarding the prisoner: 31902

(1) In addition to the mandatory prison term for the third or 31903
fourth degree felony ~~OMVI~~ OVI offense, the prisoner also is 31904
serving a prison term of a type described in division (B)(2)(a), 31905
(b), or (c) of section 5120.032 of the Revised Code. 31906

(2) The prisoner previously has been imprisoned for an 31907
offense of a type described in division (B)(2)(a) or (c) of 31908
section 5120.032 of the Revised Code or a comparable offense under 31909
the law in effect prior to July 1, 1996. 31910

(E) Intensive program prisons established under division (B) 31911
of this section are not subject to section 5120.032 of the Revised 31912
Code. 31913

Sec. 5120.161. (A) Except as provided in division (C) of this 31914
section, the department of rehabilitation and correction may enter 31915
into an agreement with any local authority operating a county, 31916
multicounty, municipal, municipal-county, or multicounty-municipal 31917

jail or workhouse, as described in section 307.93, 341.21, or 31918
753.16 of the Revised Code, for the housing in the jail or 31919
workhouse operated by the local authority of persons who are 31920
convicted of or plead guilty to a felony of the fourth or fifth 31921
degree if the person previously has not been convicted of or 31922
pleaded guilty to a felony and if the felony is not an offense of 31923
violence. The agreement shall specify a per diem fee that the 31924
department shall pay the local authority for each such person 31925
housed in the jail or workhouse pursuant to the agreement, shall 31926
set forth any other terms and conditions for the housing of such 31927
persons in the jail or workhouse, and shall indicate that the 31928
department, subject to the relevant terms and conditions set 31929
forth, may designate those persons to be housed at the jail or 31930
workhouse. 31931

(B) A person designated by the department to be housed in a 31932
county, multicounty, municipal, municipal-county, or 31933
multicounty-municipal jail or workhouse that is the subject of an 31934
agreement entered into under division (A) of this section shall be 31935
conveyed by the department to that jail or workhouse and shall be 31936
kept at the jail or workhouse until the person's term of 31937
imprisonment expires, the person is pardoned, paroled, or placed 31938
under a post-release control sanction, or the person is 31939
transferred under the laws permitting the transfer of prisoners. 31940
The department shall pay the local authority that operates the 31941
jail or workhouse the per diem fee specified in the agreement for 31942
each such person housed in the jail or workhouse. Each such person 31943
housed in the jail or workhouse shall be under the direct 31944
supervision and control of the keeper, superintendent, or other 31945
person in charge of the jail or workhouse, but shall be considered 31946
for all other purposes to be within the custody of the department 31947
of rehabilitation and correction. Section 2967.193 of the Revised 31948
Code and all other provisions of the Revised Code that pertain to 31949
persons within the custody of the department that would not by 31950

their nature clearly be inapplicable apply to persons housed 31951
pursuant to this section. 31952

(C) The department of rehabilitation and correction shall not 31953
enter into an agreement pursuant to division (A) of this section 31954
with any local authority unless the jail or workhouse operated by 31955
the authority complies with the Minimum Standards for Jails in 31956
Ohio. 31957

(D) A court that sentences a person for a felony may include 31958
as the sentence or part of the sentence, in accordance with 31959
division (A) of section 2929.16 of the Revised Code and regardless 31960
of whether the jail or workhouse is the subject of an agreement 31961
entered into under division (A) of this section, a sanction that 31962
consists of a term of up to six months in a jail or workhouse or, 31963
if the offense is a fourth degree felony ~~OMVI~~ OVI offense and the 31964
offender is sentenced under division (G)(1) of section 2929.13 of 31965
the Revised Code, a sanction that consists of a term of up to one 31966
year in jail less the mandatory term of local incarceration of 31967
sixty or one hundred twenty consecutive days imposed pursuant to 31968
division (G)(1) of section 2929.13 of the Revised Code. 31969

(E) "Fourth degree felony ~~OMVI~~ OVI offense" and "mandatory 31970
term of local incarceration" have the same meanings as in section 31971
2929.01 of the Revised Code. 31972

Sec. 5503.22. Driver's license examiners assigned to the 31973
driver's license examination section shall conduct all 31974
examinations for driver's licenses as required by sections 4507.01 31975
to ~~4507.38, inclusive,~~ 4507.36 of the Revised Code, subject to the 31976
regulations issued by the registrar of motor vehicles. 31977

Sec. 5743.99. (A) Whoever violates section 5743.10, 5743.11, 31978
or 5743.12 or division (C) of section 5743.54 of the Revised Code 31979
is guilty of a misdemeanor of the first degree. If the offender 31980

has been previously convicted of an offense under this division, 31981
violation is a felony of the fourth degree. 31982

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 31983
5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a 31984
felony of the fourth degree. If the offender has been previously 31985
convicted of an offense under this division, violation is a felony 31986
of the second degree. 31987

(C) Whoever violates section 5743.41 or 5743.42 of the 31988
Revised Code is guilty of a misdemeanor of the fourth degree. If 31989
the offender has been previously convicted of an offense under 31990
this division, violation is a misdemeanor of the third degree. 31991

(D) Whoever violates section 5743.21 of the Revised Code is 31992
guilty of a misdemeanor of the first degree. If the offender has 31993
been previously convicted of an offense under this division, 31994
violation is a felony of the fifth degree. 31995

(E) Whoever violates any provision of this chapter, or any 31996
rule promulgated by the tax commissioner under authority of this 31997
chapter, for the violation of which no penalty is provided 31998
elsewhere, is guilty of a misdemeanor of the fourth degree. 31999

(F) In addition to any other penalty imposed upon a person 32000
convicted of a violation of section 5743.112 or 5743.60 of the 32001
Revised Code who was the operator of a motor vehicle used in the 32002
violation, ~~the registrar of motor vehicles court~~ shall suspend any 32003
for not less than thirty days or more than three years the 32004
offender's driver's ~~or~~ license, commercial driver's license issued 32005
to the offender, temporary instruction permit, probationary 32006
license, or nonresident operating privilege. The court shall send 32007
a copy of its suspension order and determination to the registrar 32008
of motor vehicles, and the registrar, pursuant to the order and 32009
determination of the trial judge of any court of record as 32010
provided in section 4507.16 of the Revised Code, shall impose a 32011

suspension of the same duration. No judge shall suspend the first 32012
thirty days of suspension of an offender's license, permit, or 32013
privilege required by this division. 32014

Section 2. That existing sections 9.981, 119.062, 733.40, 32015
1547.11, 1547.111, 1547.99, 1901.024, 1901.31, 1905.01, 1905.201, 32016
1907.20, 2151.354, 2152.19, 2152.21, 2743.191, 2743.51, 2743.52, 32017
2903.04, 2903.06, 2903.08, 2907.24, 2919.22, 2921.331, 2923.01, 32018
2923.122, 2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 32019
2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 32020
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4503.10, 4503.102, 4503.11, 4503.12, 4503.182, 4503.19, 4503.21, 32027
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4506.03, 4506.04, 4506.05, 4506.06, 4506.10, 4506.11, 4506.12, 32032
4506.14, 4506.15, 4506.16, 4506.17, 4506.18, 4506.19, 4506.20, 32033
4506.99, 4507.02, 4507.022, 4507.023, 4507.05, 4507.06, 4507.061, 32034
4507.071, 4507.08, 4507.081, 4507.111, 4507.12, 4507.13, 4507.14, 32035
4507.15, 4507.16, 4507.161, 4507.162, 4507.163, 4507.164, 32036
4507.167, 4507.168, 4507.169, 4507.1610, 4507.1611, 4507.1613, 32037
4507.17, 4507.19, 4507.20, 4507.21, 4507.25, 4507.26, 4507.27, 32038
4507.28, 4507.29, 4507.30, 4507.31, 4507.321, 4507.33, 4507.34, 32039
4507.35, 4507.36, 4507.361, 4507.38, 4507.45, 4507.50, 4507.52, 32040
4507.54, 4507.55, 4507.60, 4507.61, 4507.62, 4507.63, 4507.99, 32041
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4511.17, 4511.18, 4511.19, 4511.191, 4511.192, 4511.193, 4511.195, 32046
4511.196, 4511.20, 4511.201, 4511.202, 4511.21, 4511.211, 32047
4511.213, 4511.22, 4511.23, 4511.25, 4511.251, 4511.26, 4511.27, 32048
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4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 32052
4511.50, 4511.51, 4511.511, 4511.521, 4511.53, 4511.54, 4511.55, 32053
4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 32054
4511.63, 4511.64, 4511.66, 4511.661, 4511.68, 4511.681, 4511.69, 32055
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4513.02, 4513.021, 4513.022, 4513.03, 4513.04, 4513.05, 4513.06, 32060
4513.07, 4513.071, 4513.09, 4513.10, 4513.11, 4513.111, 4513.12, 32061
4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18, 32062
4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21, 4513.22, 32063
4513.23, 4513.24, 4513.241, 4513.242, 4513.25, 4513.26, 4513.261, 32064
4513.262, 4513.263, 4513.27, 4513.28, 4513.29, 4513.30, 4513.31, 32065
4513.32, 4513.34, 4513.36, 4513.361, 4513.51, 4513.60, 4513.64, 32066
4513.65, 4513.99, 4517.02, 4517.03, 4517.19, 4517.20, 4517.21, 32067
4517.22, 4517.23, 4517.24, 4517.25, 4517.26, 4517.27, 4517.40, 32068
4517.41, 4517.42, 4517.43, 4517.44, 4517.45, 4517.64, 4517.99, 32069
4519.02, 4519.05, 4519.06, 4519.20, 4519.22, 4519.40, 4519.41, 32070
4519.44, 4519.45, 4519.52, 4519.66, 4519.67, 4549.01, 4549.02, 32071
4549.021, 4549.03, 4549.042, 4549.08, 4549.10, 4549.11, 4549.12, 32072
4549.18, 4549.42, 4549.43, 4549.44, 4549.45, 4549.451, 4549.46, 32073
4549.62, 4551.04, 4561.11, 4561.12, 4561.14, 4561.15, 4561.22, 32074
4561.24, 4561.31, 4561.99, 4563.09, 4563.10, 4563.20, 4582.06, 32075
4582.31, 4582.59, 4583.01, 5120.032, 5120.033, 5120.161, 5503.22, 32076

and 5743.99 and sections 3123.611, 4503.235, 4503.99, 4507.012, 32077
4507.021, 4507.165, 4507.166, 4507.18, 4508.99, 4509.105, 4509.31, 32078
4509.32, 4509.99, 4511.83, 4511.991, 4519.99, 4549.99, 4551.99, 32079
4563.99, 4582.99, and 4583.99 of the Revised Code are hereby 32080
repealed. 32081

Section 3. The General Assembly hereby recommends to the 32082
Supreme Court that it amend the Ohio Traffic Rules that have been 32083
adopted under authority of section 2937.46 of the Revised Code to 32084
provide procedures to govern felony violations of section 4511.19 32085
of the Revised Code. 32086

Section 4. Sections 1 and 2 of this act shall take effect on 32087
January 1, 2004. 32088

Section 5. Notwithstanding division (B) of section 1.58 of 32089
the Revised Code, the provisions of the Revised Code amended or 32090
enacted in Sections 1 and 2 of this act shall apply only in 32091
relation to conduct and offenses committed on or after January 1, 32092
2004. Conduct and offenses committed prior to January 1, 2004, 32093
shall be governed by the law in effect on the date the conduct or 32094
offense was committed. 32095

Section 6. From any amount appropriated to the Attorney 32096
General specifically for this purpose or from any other funds 32097
available to the Attorney General that could be used for this 32098
purpose, the Attorney General shall develop, print, and 32099
distribute, in conjunction with the Ohio Department of Public 32100
Safety and the Ohio Criminal Sentencing Commission, training 32101
materials for the Ohio Department of Public Safety, law 32102
enforcement, and other appropriate persons for the implementation 32103
of this act. 32104

Section 7. (A) If, on or after March 31, 1999, a person filed an application in a court that requested the sealing of a conviction record under sections 2953.31 to 2953.36 of the Revised Code, if at the time the application was filed section 2953.36 did not make sections 2953.31 to 2953.35 of the Revised Code inapplicable to the conviction that was the subject of the application, if the person withdrew the application prior to March 31, 2001, and if the person refiles an application in the appropriate court within ninety days after the effective date of this section that requests the sealing of the same conviction record under sections 2953.31 to 2953.36 of the Revised Code, all of the following apply:

(1) Divisions (C), (D), and (E) of section 2953.36 of the Revised Code, as they have existed since March 23, 2000, do not apply regarding the application or the determination of whether it should be accepted or granted, and the court may accept and grant the application regardless of whether the conviction that is the subject of the application is a conviction to which any of those divisions, but for the operation of this division, makes sections 2953.31 to 2953.35 of the Revised Code inapplicable.

(2) Except as provided in division (A)(1) of this section, the provisions of sections 2953.31 to 2953.36 of the Revised Code that are in effect at the time of the refiling of the application apply regarding the application and the determination of whether it should be granted.

(B) This section shall expire one year after this act becomes law.

Section 8. Section 2923.01 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 125 and Am. Sub. S.B. 269 of the 121st General Assembly. Section 2925.03 of the Revised Code is presented in this act as a

composite of the section as amended by both Am. H.B. 528 and Am. 32136
Sub. S.B. 107 of the 123rd General Assembly. Section 2929.01 of 32137
the Revised Code is presented in this act as a composite of the 32138
section as amended by Am. Sub. H.B. 349, Am. Sub. S.B. 179, and 32139
Am. Sub. S.B. 222 of the 123rd General Assembly. Section 2929.13 32140
of the Revised Code is presented in this act as a composite of the 32141
section as amended by Am. H.B. 528, Am. Sub. S.B. 22, Am. Sub. 32142
S.B. 107, Am. S.B. 142, and Am. Sub. S.B. 222 of the 123rd General 32143
Assembly. Sections 2929.15 and 2929.19 of the Revised Code are 32144
presented in this act as a composite of the section as amended by 32145
Am. Sub. H.B. 349, Am. Sub. S.B. 22, and Am. Sub. S.B. 107 of the 32146
123rd General Assembly. Section 2929.17 of the Revised Code is 32147
presented in this act as a composite of the section as amended by 32148
Am. Sub. H.B. 349, Am. S.B. 9, Am. Sub. S.B. 22, and Am. Sub. S.B. 32149
107 of the 123rd General Assembly. Section 2929.18 of the Revised 32150
Code is presented in this act as a composite of the section as 32151
amended by Am. H.B. 528, Am. Sub. S.B. 22, and Am. Sub. S.B. 107 32152
of the 123rd General Assembly. Sections 2929.41 and 5120.032 of 32153
the Revised Code are presented in this act as a composite of the 32154
section as amended by both Am. Sub. S.B. 22 and Am. Sub. S.B. 107 32155
of the 123rd General Assembly. Section 2937.222 of the Revised 32156
Code is presented in this act as a composite of the section as 32157
amended by both Am. Sub. H.B. 137 and Am. Sub. S.B. 22 of the 32158
123rd General Assembly. Section 4503.10 of the Revised Code is 32159
presented in this act as a composite of the section as amended by 32160
Am. Sub. H.B. 94, S.B. 31, and Sub. S.B. 59, all of the 124th 32161
General Assembly. Sections 4503.233 and 4507.164 of the Revised 32162
Code are presented in this act as a composite of the sections as 32163
amended by Am. H.B. 80, Am. Sub. S.B. 22 and Am. Sub. S.B. 107 of 32164
the 123rd General Assembly. Section 4503.234 of the Revised Code 32165
is presented in this act as a composite of the section as amended 32166
by both Am. Sub. H.B. 353 and Am. Sub. H.B. 676 of the 121st 32167
General Assembly. Section 4507.38 of the Revised Code, renumbered 32168

as section 4510.41 of the Revised Code, is presented in this act 32169
as a composite of the section as amended by both Am. Sub. H.B. 353 32170
and Am. Sub. H.B. 676 of the 121st General Assembly. Section 32171
4511.193 of the Revised Code is presented in this act as a 32172
composite of the section as amended by both Am. H.B. 80 and Am. 32173
Sub. S.B. 107 of the 123rd General Assembly. Section 4513.99 of 32174
the Revised Code is presented in this act as a composite of the 32175
section as amended by both Am. Sub. H.B. 138 and Am. Sub. H.B. 600 32176
of the 123rd General Assembly. Sections 4582.06 and 4582.31 of the 32177
Revised Code are presented in this act as a composite of the 32178
sections as amended by both Sub. H.B. 19 and Am. S.B. 137 of the 32179
123rd General Assembly. The General Assembly, applying the 32180
principle stated in division (B) of section 1.52 of the Revised 32181
Code that amendments are to be harmonized if reasonably capable of 32182
simultaneous operation, finds that the composites are the 32183
resulting versions of the sections in effect prior to the 32184
effective date of the sections as presented in this act. 32185