

# As Reported by the Senate Judiciary--Criminal Justice Committee

124th General Assembly

Regular Session

2001-2002

Sub. S. B. No. 123

SENATORS Oelslager, Mead

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## A B I L L

To amend sections 9.981, 119.062, 733.40, 1547.11, 1547.111, 1547.99, 1901.024, 1901.31, 1905.01, 1905.201, 1907.20, 2151.354, 2152.19, 2152.21, 2743.191, 2743.51, 2743.52, 2903.04, 2903.06, 2903.08, 2907.24, 2919.22, 2921.331, 2923.01, 2923.122, 2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 2925.37, 2925.38, 2929.01, 2929.13, 2929.14, 2929.15, 2929.16, 2929.17, 2929.18, 2929.19, 2929.23, 2929.41, 2935.03, 2935.27, 2937.221, 2937.222, 2937.46, 2937.99, 2951.02, 2953.31, 2953.36, 3123.55, 3123.58, 3123.59, 3123.613, 3327.10, 3793.02, 3793.10, 3937.31, 4301.99, 4501.01, 4501.022, 4501.17, 4501.19, 4501.25, 4503.033, 4503.05, 4503.061, 4503.066, 4503.10, 4503.102, 4503.11, 4503.12, 4503.182, 4503.19, 4503.21, 4503.231, 4503.233, 4503.234, 4503.236, 4503.28, 4503.30, 4503.301, 4503.32, 4503.34, 4503.39, 4503.44, 4503.46, 4503.47, 4503.471, 4505.101, 4505.102, 4505.11, 4505.111, 4505.15, 4505.17, 4505.18, 4505.181, 4505.19, 4505.20, 4505.21, 4505.99, 4506.01, 4506.02, 4506.03, 4506.04, 4506.05, 4506.06, 4506.10, 4506.11, 4506.12, 4506.14, 4506.15, 4506.16,

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 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, and to make an 113  
 appropriation. 114

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

**Section 1.** That sections 9.981, 119.062, 733.40, 1547.11, 115  
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(4510.72) be amended for the purpose of adopting new section 186  
 numbers as indicated in parentheses; and sections 4508.09, 187  
 4510.01, 4510.02, 4510.021, 4510.03, 4510.031, 4510.032, 4510.034, 188  
 4510.035, 4510.036, 4510.037, 4510.04, 4510.10, 4510.11, 4510.12, 189  
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 4510.54, 4511.181, 4511.194, 4511.197, and 4549.52 of the Revised 191  
 Code be enacted to read as follows: 192

**Sec. 9.981.** (A) Sections 9.98 to 9.983 of the Revised Code 193  
 are applicable to bonds: 194

(1) The payment of the debt service on which is to be 195  
 provided for directly or indirectly by payments contracted to be 196  
 made in the bond proceedings by the absolute obligors, being 197  
 persons other than the issuer; and 198

(2) Which are authorized to be issued under sections 122.39 199  
 to 122.62, Chapter 165., 902., 3377., 3706., division ~~(D)~~(A)(4) of 200  
 section 4582.06, division ~~(H)~~(A)(8) of section 4582.31, section 201  
 4582.48, or Chapter 6121. or 6123. of the Revised Code, 202  
 notwithstanding other provisions therein. 203

(B) Sections 9.98 to 9.983 of the Revised Code are applicable 204  
 to bonds issued under Chapters 140., 152., 154., 175., and 349. of 205  
 the Revised Code, and to any bonds authorized under laws which 206  
 expressly make those sections applicable. 207

(C) Subject to division (A) of this section, the authority 208  
 provided in sections 9.98 to 9.983 of the Revised Code is 209  
 supplemental to and not in derogation of any similar authority 210  
 provided by, derived from, or implied by, any law, the Ohio 211  
 Constitution, or any charter, resolution, or ordinance, and no 212  
 inference shall be drawn to negate the authority thereunder by 213  
 reason of the express provisions of sections 9.98 to 9.983 of the 214  
 Revised Code. 215

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(D) Sections 9.98 to 9.983 of the Revised Code shall be 216  
 liberally construed to permit flexibility in the arrangements 217  
 therein provided to enhance the issuance of such bonds and provide 218  
 for terms most beneficial and satisfactory to the persons which 219  
 undertake to provide for their payment, security, and liquidity. 220

**Sec. 119.062.** (A) Notwithstanding section 119.06 of the 221  
 Revised Code, the registrar of motor vehicles is not required to 222  
 hold any hearing in connection with an order ~~revoking~~ canceling or 223  
 suspending a motor vehicle driver's or commercial driver's license 224  
 pursuant to section ~~4507.16, 4509.24, 4509.291, 4509.31, 4509.33,~~ 225  
~~4509.37, 4509.39, 4509.42, 4509.66, 4511.191, or 4511.196~~ 2903.06, 226  
2903.08, 2907.24, 2921.331, 4549.02, 4549.021, or 5743.99 or any 227  
provision of Chapter 2925., 4509., 4510., or 4511. of the Revised 228  
 Code or in connection with an out-of-service order issued under 229  
 Chapter 4506. of the Revised Code. 230

(B) Notwithstanding section 119.07 of the Revised Code, the 231  
 registrar is not required to use registered mail, return receipt 232  
 requested, in connection with an order ~~revoking~~ canceling or 233  
 suspending a motor vehicle driver's or commercial driver's 234  
 license, or a notification to a person to surrender a certificate 235  
 of registration and registration plates. 236

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



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

This section does not apply to fines collected by a mayor's 261  
court for violations of division (B) of section 4513.263 of the 262  
Revised Code, or for violations of any municipal ordinance that is 263  
substantively comparable to that division, all of which shall be 264  
forwarded to the treasurer of state as provided in division (E) of 265  
section 4513.263 of the Revised Code. 266

**Sec. 1547.11.** (A) No person shall operate or be in physical 267  
control of any vessel underway or shall manipulate any water skis, 268  
aquaplane, or similar device on the waters in this state if, at 269  
the time of the operation, control, or manipulation, any of the 270  
following applies: 271

(1) The person is under the influence of alcohol ~~or~~ a drug 272  
of abuse, or ~~the combined influence of alcohol and a drug of~~ 273  
~~abuse~~ a combination of them. 274

(2) The person has a concentration of ten-hundredths of one 275  
per cent or more by weight of alcohol per unit volume in the 276  
person's whole blood~~.~~ 277

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(3) The person has a concentration of twelve-hundredths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma. 278  
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(4) The person has a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine~~+~~. 281  
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~~(4)~~(5) The person has a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath. 284  
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(B) No person under twenty-one years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this state if, at the time of the operation, control, or manipulation, any of the following applies: 287  
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(1) The person has a concentration of at least two-hundredths of one per cent, but less than ten-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood~~+~~. 292  
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(2) The person has a concentration of at least three-hundredths of one per cent but less than twelve-hundredths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma. 296  
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(3) The person has a concentration of at least twenty-eight one-thousandths of one gram, but less than fourteen-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine~~+~~. 300  
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~~(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. 304  
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(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation of division (B)(1), (2), ~~or (3), or (4)~~ of this section, but the person shall not be convicted of more than one violation of those divisions.

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

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

The whole blood, blood serum or plasma, urine, or breath shall be analyzed in accordance with methods approved by the

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director of health by an individual possessing a valid permit 340  
issued by the director pursuant to section 3701.143 of the Revised 341  
Code. 342

¶ (2) In a criminal prosecution or juvenile court proceeding 343  
for a violation of division (A) of this section or for a violation 344  
of a prohibition that is substantially equivalent to division (A) 345  
of this section, if there was at the time the whole blood, blood 346  
serum or plasma, urine, or breath was taken a concentration of 347  
less than ten-hundredths of one per cent by weight of alcohol in 348  
the defendant's blood, less than fourteen-hundredths of one gram 349  
by weight of alcohol per one hundred milliliters of the defendant's 350  
urine, or less than ten-hundredths of one gram by weight of 351  
alcohol per two hundred ten liters of the defendant's breath the 352  
applicable concentration of alcohol specified for a violation of 353  
division (A)(2), (3), (4), or (5) of this section, that fact may 354  
be considered with other competent evidence in determining the 355  
guilt or innocence of the defendant or in making an adjudication 356  
for the child. This division does not limit or affect a criminal 357  
prosecution or juvenile court proceeding for a violation of 358  
division (B) of this section or for a violation of a prohibition 359  
that is substantially equivalent to that division. 360

(3) Upon the request of the person who was tested, the 361  
results of the chemical test shall be made available to the person 362  
or the person's attorney or agent immediately upon the completion 363  
of the test analysis. 364

The person tested may have a physician, a registered nurse, 365  
or a qualified technician or, chemist, or phlebotomist of the 366  
person's own choosing administer a chemical test or tests in 367  
addition to any administered at the direction of a law enforcement 368  
officer, and shall be so advised. The failure or inability to 369  
obtain an additional test by a person shall not preclude the 370  
admission of evidence relating to the test or tests taken at the 371

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direction of a law enforcement officer. 372

A (E)(1) Subject to division (E)(3) of this section, in any 373  
criminal prosecution or juvenile court proceeding for a violation 374  
of this section or for an equivalent violation, the court shall 375  
admit as prima-facie evidence a laboratory report from any 376  
forensic laboratory certified by the department of health that 377  
contains an analysis of the whole blood, blood serum or plasma, 378  
breath, urine, or other bodily substance tested and that contains 379  
all of the information specified in this division. The laboratory 380  
report shall contain all of the following: 381

(a) The signature, under oath, of any person who performed 382  
the analysis; 383

(b) Any findings as to the identity and quantity of alcohol, 384  
a drug of abuse, or a combination of them that was found; 385

(c) A copy of a notarized statement by the laboratory 386  
director or a designee of the director that contains the name of 387  
each certified analyst or test performer involved with the report, 388  
the analyst's or test performer's employment relationship with the 389  
laboratory that issued the report, and a notation that performing 390  
an analysis of the type involved is part of the analyst's or test 391  
performer's regular duties; 392

(d) An outline of the analyst's or test performer's 393  
education, training, and experience in performing the type of 394  
analysis involved and a certification that the laboratory 395  
satisfies appropriate quality control standards in general and, in 396  
this particular analysis, under rules of the department of health. 397

(2) Notwithstanding any other provision of law regarding the 398  
admission of evidence, a report of the type described in division 399  
(E)(1) of this section is not admissible against the defendant or 400  
child to whom it pertains in any proceeding, other than a 401  
preliminary hearing or a grand jury proceeding, unless the 402

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prosecutor has served a copy of the report on the defendant's or  
child's attorney or, if the defendant or child has no attorney, on  
the defendant or child.

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

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

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

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

(2) "Operate" means that a vessel is being used on the waters

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in this state when the vessel is not securely affixed to a dock or 434  
to shore or to any permanent structure to which the vessel has the 435  
right to affix or that a vessel is not anchored in a designated 436  
anchorage area or boat camping area that is established by the 437  
United States coast guard, this state, or a political subdivision 438  
and in which the vessel has the right to anchor. 439

**Sec. 1547.111.** (A)(1) Any person who operates or is in 440  
physical control of a vessel or uses any water skis, aquaplane, or 441  
similar device upon any waters in this state shall be deemed to 442  
have given consent to a chemical test or tests ~~of the person's~~ 443  
~~blood, breath, or urine for the purpose of determining its to~~ 444  
determine the alcohol or, drug of abuse, or alcohol and drug of 445  
abuse content of the person's whole blood, blood serum or plasma, 446  
breath, or urine if arrested for the offense of operating or being 447  
in physical control of a vessel or using manipulating any water 448  
skis, aquaplane, or similar device in violation of section 1547.11 449  
of the Revised Code or a substantially equivalent municipal 450  
ordinance. ~~The~~ 451

(2) The test or tests under division (A) of this section 452  
shall be administered at the direction of a law enforcement 453  
officer having reasonable grounds to believe the person ~~to have~~ 454  
~~been was~~ operating or in physical control of a vessel or using 455  
manipulating any water skis, aquaplane, or similar device in 456  
violation of section 1547.11 of the Revised Code or a 457  
substantially equivalent municipal ordinance. The law enforcement 458  
agency by which the officer is employed shall designate which ~~of~~ 459  
~~the~~ test or tests shall be administered. 460

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

## As Reported by the Senate Judiciary--Criminal Justice Committee

Code.

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(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.

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(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~~

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## As Reported by the Senate Judiciary--Criminal Justice Committee

~~or using any water skis, aquaplane, or similar device while under~~ 498  
~~the influence of alcohol or a drug of abuse, under the combined~~ 499  
~~influence of alcohol and a drug of abuse, or with a prohibited~~ 500  
~~concentration of alcohol in the person's blood, urine, or breath,~~ 501  
violated section 1547.11 of the Revised Code or a substantially 502  
equivalent municipal ordinance and that the person refused to 503  
submit to the chemical test upon the request of the ~~law~~ 504  
~~enforcement~~ officer, and upon receipt of the form as provided in 505  
division (C) of this section certifying that the arrested person 506  
was advised of the consequences of the refusal, the chief of the 507  
division of watercraft shall inform the person by written notice 508  
that the person is prohibited from operating or being in physical 509  
control of a vessel ~~or, from~~ using any water skis, aquaplane, or 510  
similar device, and ~~is prohibited~~ from registering any watercraft 511  
in accordance with section 1547.54 of the Revised Code, for one 512  
year following the date of the alleged violation ~~of section~~ 513  
~~1547.11 of the Revised Code~~. The suspension of these operation, 514  
physical control, use, and registration privileges shall continue 515  
for the entire one-year period, subject to review as provided in 516  
this section. 517

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

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for a period of one year following the date of the alleged 531  
violation, subject to review as provided in this section. 532

If the arrested person fails to surrender the registration 533  
certificate because it is not on the person of the arrested person 534  
or in the watercraft, the law enforcement officer who made the 535  
arrest shall order the person to surrender it within twenty-four 536  
hours to the law enforcement officer or the law enforcement agency 537  
that employs the law enforcement officer. If the person fails to 538  
do so, the law enforcement officer shall notify the chief of that 539  
fact in the statement the officer submits to the chief under this 540  
division. 541

(E) Upon suspending a person's operation, physical control, 542  
use, and registration privileges in accordance with division (D) 543  
of this section, the chief shall notify the person in writing, at 544  
the person's last known address, and inform the person that the 545  
person may petition for a hearing in accordance with division (F) 546  
of this section. If a person whose operation, physical control, 547  
use, and registration privileges have been suspended petitions for 548  
a hearing or appeals any adverse decision ~~that is adverse to the~~ 549  
~~person~~, the suspension ~~of privileges~~ shall begin at the 550  
termination of any hearing or appeal unless the hearing or appeal 551  
~~resulted~~ results in a decision favorable to the person. 552

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

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arrest occurred, agreeing to pay the cost of the proceedings and 563  
alleging error in the action taken by the chief under division (D) 564  
of this section or alleging one or more of the matters within the 565  
scope of the hearing as provided in this section, or both. The 566  
petitioner shall notify the chief of the filing of the petition 567  
and send the chief a copy of the petition. 568

The scope of the hearing is limited to the issues of whether 569  
the law enforcement officer had reasonable grounds to believe the 570  
petitioner was operating or in physical control of a vessel or 571  
using manipulating any water skis, aquaplane, or similar device 572  
~~while under the influence of alcohol or a drug of abuse, under the~~ 573  
~~combined influence of alcohol and a drug of abuse, or with a~~ 574  
~~prohibited concentration of alcohol or a drug of abuse in the~~ 575  
~~person's blood, urine, or breath~~ in violation of section 1547.11 576  
of the Revised Code or a substantially equivalent municipal 577  
ordinance, whether the petitioner was placed under arrest, whether 578  
the petitioner refused to submit to the chemical test upon request 579  
of the officer, and whether the petitioner was advised of the 580  
consequences of the petitioner's refusal. 581

(G)(1) The chief shall furnish the court a copy of the 582  
affidavit as provided in division (C) of this section and any 583  
other relevant information requested by the court. 584

(2) In hearing the matter and in determining whether the 585  
person has shown error in the decision taken by the chief as 586  
provided in division (D) of this section, the court shall decide 587  
the issue upon the relevant, competent, and material evidence 588  
submitted by the chief or the person whose operation, physical 589  
control, use, and registration privileges have been suspended. 590

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

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

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

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

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

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

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

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

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

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

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

(F) Whoever violates division (M) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.69, or 1547.92 of the Revised Code or a rule adopted under division (A)(2) of section 1547.52 of the Revised Code is guilty of a misdemeanor of the

fourth degree.

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

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

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

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should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

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

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

(3) If, within ~~five~~ six years of the offense, the offender has been convicted of or pleaded guilty to more than one violation identified in division (G)(2) of this section, the court shall

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sentence the offender to a term of imprisonment of thirty 721  
consecutive days and may sentence the offender to a longer term of 722  
imprisonment of not more than one year. In addition, the court 723  
shall impose upon the offender a fine of not less than one hundred 724  
fifty nor more than one thousand dollars. 725

In addition to any other sentence that it imposes upon the 726  
offender, the court may require the offender to attend a drivers' 727  
intervention program that is certified pursuant to section 3793.10 728  
of the Revised Code. 729

(4) Upon a showing that imprisonment would seriously affect 730  
the ability of an offender sentenced pursuant to division (G)(1), 731  
(2), or (3) of this section to continue the offender's employment, 732  
the court may authorize that the offender be granted work release 733  
from imprisonment after the offender has served the three, ten, or 734  
thirty consecutive days of imprisonment that the court is required 735  
by division (G)(1), (2), or (3) of this section to impose. No 736  
court shall authorize work release from imprisonment during the 737  
three, ten, or thirty consecutive days of imprisonment that the 738  
court is required by division (G)(1), (2), or (3) of this section 739  
to impose. The duration of the work release shall not exceed the 740  
time necessary each day for the offender to commute to and from 741  
the place of employment and the place of imprisonment and the time 742  
actually spent under employment. 743

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



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imprisonment required to be imposed pursuant to division (G)(2) or 753  
(3) of this section. Notwithstanding any section of the Revised 754  
Code that authorizes the suspension of the imposition or execution 755  
of a sentence or the placement of an offender in any treatment 756  
program in lieu of imprisonment, no court, except as specifically 757  
authorized by division (G)(1) of this section, shall suspend the 758  
three consecutive days of imprisonment required to be imposed by 759  
division (G)(1) of this section or place an offender who is 760  
sentenced pursuant to division (G)(1) of this section in any 761  
treatment program in lieu of imprisonment until after the offender 762  
has served the three consecutive days of imprisonment required to 763  
be imposed pursuant to division (G)(1) of this section. 764

(H) Whoever violates section 1547.304 of the Revised Code is 765  
guilty of a misdemeanor of the fourth degree and also shall be 766  
assessed any costs incurred by the state or a county, township, 767  
municipal corporation, or other political subdivision in disposing 768  
of an abandoned junk vessel or outboard motor, less any money 769  
accruing to the state, county, township, municipal corporation, or 770  
other political subdivision from that disposal. 771

(I) Whoever violates division (B) or (C) of section 1547.49 772  
of the Revised Code is guilty of a minor misdemeanor. 773

(J) Whoever violates section 1547.31 of the Revised Code is 774  
guilty of a misdemeanor of the fourth degree on a first offense. 775  
On each subsequent offense, the person is guilty of a misdemeanor 776  
of the third degree. 777

(K) Whoever violates section 1547.05 or 1547.051 of the 778  
Revised Code is guilty of a misdemeanor of the fourth degree if 779  
the violation is not related to a collision, injury to a person, 780  
or damage to property and a misdemeanor of the third degree if the 781  
violation is related to a collision, injury to a person, or damage 782  
to property. 783

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

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

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

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of disbursement of any moneys received by a municipal court, the 816  
county shall receive all of the costs, fees, and other moneys, 817  
except fines collected for violations of municipal ordinances and 818  
for violations of township resolutions adopted pursuant to Chapter 819  
504. of the Revised Code, that are received by the Lawrence county 820  
municipal court and shall receive fifty per cent of all of the 821  
fines for violations of municipal ordinances and for violations of 822  
township resolutions adopted pursuant to Chapter 504. of the 823  
Revised Code that are received by the court. 824

(C) The board of county commissioners of Ottawa county shall 825  
pay all of the costs of operation of the Ottawa county municipal 826  
court. Subject to sections 3375.50, 3375.53, ~~4511.19~~, 4511.193, 827  
~~4511.99~~, and 5503.04 of the Revised Code and to any other section 828  
of the Revised Code that requires a specific manner of 829  
disbursement of any moneys received by a municipal court, the 830  
county shall receive all of the costs, fees, and other moneys, 831  
except fines collected for violations of municipal ordinances and 832  
for violations of township resolutions adopted pursuant to Chapter 833  
504. of the Revised Code, that are received by the Ottawa county 834  
municipal court and shall receive fifty per cent of all of the 835  
fines for violations of municipal ordinances and for violations of 836  
township resolutions adopted pursuant to Chapter 504. of the 837  
Revised Code that are received by the court. 838

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

of the Revised Code and in any other section of the Revised Code 848  
that requires a specific manner of disbursement of any moneys 849  
received by a municipal court, that are received by the court. 850

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 851  
court shall be selected, be compensated, give bond, and have 852  
powers and duties as follows: 853

(A) There shall be a clerk of the court who is appointed or 854  
elected as follows: 855

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 856  
Medina, Toledo, Clermont county, Hamilton county, Portage county, 857  
and Wayne county municipal courts, if the population of the 858  
territory equals or exceeds one hundred thousand at the regular 859  
municipal election immediately preceding the expiration of the 860  
term of the present clerk, the clerk shall be nominated and 861  
elected by the qualified electors of the territory in the manner 862  
that is provided for the nomination and election of judges in 863  
section 1901.07 of the Revised Code. 864

The clerk so elected shall hold office for a term of six 865  
years, which term shall commence on the first day of January 866  
following the clerk's election and continue until the clerk's 867  
successor is elected and qualified. 868

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

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county and the rates set forth in sections 325.08 and 325.18 of  
the Revised Code. This compensation shall be paid from the county  
treasury in semimonthly installments and is in addition to the  
annual compensation that is received for the performance of the  
duties of the clerk of courts of 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 911  
later than four p.m. of the seventy-fifth day before the day of 912  
the primary election, in the form prescribed by section 3513.07 or 913  
3513.261 of the Revised Code. The declaration of candidacy and 914  
petition, or the nominating petition, shall conform to the 915  
applicable requirements of section 3513.05 or 3513.257 of the 916  
Revised Code. 917

If no valid declaration of candidacy and petition is filed by 918  
any person for nomination as a candidate of a particular political 919  
party for election to the office of clerk of the Akron municipal 920  
court, a primary election shall not be held for the purpose of 921  
nominating a candidate of that party for election to that office. 922  
If only one person files a valid declaration of candidacy and 923  
petition for nomination as a candidate of a particular political 924  
party for election to that office, a primary election shall not be 925  
held for the purpose of nominating a candidate of that party for 926  
election to that office, and the candidate shall be issued a 927  
certificate of nomination in the manner set forth in section 928  
3513.02 of the Revised Code. 929

Declarations of candidacy and petitions, nominating 930  
petitions, and certificates of nomination for the office of clerk 931  
of the Akron municipal court shall contain a designation of the 932  
term for which the candidate seeks election. At the following 933  
regular municipal election, all candidates for the office shall be 934  
submitted to the qualified electors of the territory of the court 935  
in the manner that is provided in section 1901.07 of the Revised 936  
Code for the election of the judges of the court. The clerk so 937  
elected shall hold office for a term of six years, which term 938  
shall commence on the first day of January following the clerk's 939  
election and continue until the clerk's successor is elected and 940  
qualified. 941

(e) In the Clermont county municipal court, the clerk of 942

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

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

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

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The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not

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later than four p.m. of the seventy-fifth day before the day of  
the primary election, in the form prescribed by section 3513.07 or  
3513.261 of the Revised Code. The declaration of candidacy and  
petition, or the nominating petition, shall conform to the  
applicable requirements of section 3513.05 or 3513.257 of the  
Revised Code.

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

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

(h) Except as otherwise provided in division (A)(1)(h) of  
this section, in the Cuyahoga Falls municipal court, candidates



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

The candidates shall file a declaration of candidacy and 1014  
petition, or a nominating petition, whichever is applicable, not 1015  
later than four p.m. of the seventy-fifth day before the day of 1016  
the primary election, in the form prescribed by section 3513.07 or 1017  
3513.261 of the Revised Code. The declaration of candidacy and 1018  
petition, or the nominating petition, shall conform to the 1019  
applicable requirements of section 3513.05 or 3513.257 of the 1020  
Revised Code. 1021

If no valid declaration of candidacy and petition is filed by 1022  
any person for nomination as a candidate of a particular political 1023  
party for election to the office of clerk of the Cuyahoga Falls 1024  
municipal court, a primary election shall not be held for the 1025  
purpose of nominating a candidate of that party for election to 1026  
that office. If only one person files a valid declaration of 1027  
candidacy and petition for nomination as a candidate of a 1028  
particular political party for election to that office, a primary 1029  
election shall not be held for the purpose of nominating a 1030  
candidate of that party for election to that office, and the 1031  
candidate shall be issued a certificate of nomination in the 1032  
manner set forth in section 3513.02 of the Revised Code. 1033

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

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office shall be submitted to the qualified electors of the 1039  
territory of the court in the manner that is provided in section 1040  
1901.07 of the Revised Code for the election of the judges of the 1041  
court. The clerk so elected shall hold office for a term of six 1042  
years, which term shall commence on the first day of January 1043  
following the clerk's election and continue until the clerk's 1044  
successor is elected and qualified. 1045

(i) Except as otherwise provided in division (A)(1)(i) of 1046  
this section, in the Toledo municipal court, candidates for 1047  
election to the office of clerk of the court shall be nominated by 1048  
primary election. The primary election shall be held on the day 1049  
specified in the charter of the city of Toledo for the nomination 1050  
of municipal officers. Notwithstanding section 3513.257 of the 1051  
Revised Code, the nominating petitions of independent candidates 1052  
shall be signed by at least two hundred fifty qualified electors 1053  
of the territory of the court. 1054

The candidates shall file a declaration of candidacy and 1055  
petition, or a nominating petition, whichever is applicable, not 1056  
later than four p.m. of the seventy-fifth day before the day of 1057  
the primary election, in the form prescribed by section 3513.07 or 1058  
3513.261 of the Revised Code. The declaration of candidacy and 1059  
petition, or the nominating petition, shall conform to the 1060  
applicable requirements of section 3513.05 or 3513.257 of the 1061  
Revised Code. 1062

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

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held for the purpose of nominating a candidate of that party for  
election to that office, and the candidate shall be issued a  
certificate of nomination in the manner set forth in section  
3513.02 of the Revised Code.

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

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

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

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

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county, acting as the clerk of the Auglaize county municipal court 1103  
and assuming the duties of that office, shall receive compensation 1104  
payable from the county treasury in semimonthly installments at 1105  
one-fourth the rate that is prescribed for the clerks of courts of 1106  
common pleas as determined in accordance with the population of 1107  
the county and the rates set forth in sections 325.08 and 325.18 1108  
of the Revised Code. 1109

(d) In the Columbiana county municipal court, the clerk of 1110  
courts of Columbiana county shall be the clerk of the municipal 1111  
court, may appoint a chief deputy clerk for each branch office 1112  
that is established pursuant to section 1901.311 of the Revised 1113  
Code, and may appoint any assistant clerks that the judges of the 1114  
court determine are necessary. All of the chief deputy clerks and 1115  
assistant clerks shall receive the compensation that the 1116  
legislative authority prescribes. The clerk of courts of 1117  
Columbiana county, acting as the clerk of the Columbiana county 1118  
municipal court and assuming the duties of that office, shall 1119  
receive compensation payable from the county treasury in 1120  
semimonthly installments at one-fourth the rate that is prescribed 1121  
for the clerks of courts of common pleas as determined in 1122  
accordance with the population of the county and the rates set 1123  
forth in sections 325.08 and 325.18 of the Revised Code. 1124

(3) During the temporary absence of the clerk due to illness, 1125  
vacation, or other proper cause, the court may appoint a temporary 1126  
clerk, who shall be paid the same compensation, have the same 1127  
authority, and perform the same duties as the clerk. 1128

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

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

(C)(1) In a municipal court, other than the Auglaize county,  
the Columbiana county, and the Lorain municipal courts, for which  
the population of the territory is less than one hundred thousand  
and in the Medina municipal court, the clerk of the municipal  
court shall receive the annual compensation that the presiding  
judge of the court prescribes, if the revenue of the court for the  
preceding calendar year, as certified by the auditor or chief  
fiscal officer of the municipal corporation in which the court is  
located or, in the case of a county-operated municipal court, the

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

(2) In a municipal court, other than the Clermont county, 1188  
Hamilton county, Medina, Portage county, and Wayne county 1189  
municipal courts, for which the population of the territory is one 1190  
hundred thousand or more, and in the Lorain municipal court, the 1191  
clerk of the municipal court shall receive annual compensation in 1192  
a sum equal to eighty-five per cent of the salary of a judge of 1193  
the court. 1194

(3) The compensation of a clerk described in division (C)(1) 1195  
or (2) of this section is payable in semimonthly installments from 1196  
the same sources and in the same manner as provided in section 1197  
1901.11 of the Revised Code. 1198

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(D) Before entering upon the duties of the clerk's office, 1199  
the clerk of a municipal court shall give bond of not less than 1200  
six thousand dollars to be determined by the judges of the court, 1201  
conditioned upon the faithful performance of the clerk's duties. 1202

(E) The clerk of a municipal court may do all of the 1203  
following: administer oaths, take affidavits, and issue executions 1204  
upon any judgment rendered in the court, including a judgment for 1205  
unpaid costs; issue, sign, and attach the seal of the court to all 1206  
writs, process, subpoenas, and papers issuing out of the court; 1207  
and approve all bonds, sureties, recognizances, and undertakings 1208  
fixed by any judge of the court or by law. The clerk may refuse to 1209  
accept for filing any pleading or paper submitted for filing by a 1210  
person who has been found to be a vexatious litigator under 1211  
section 2323.52 of the Revised Code and who has failed to obtain 1212  
leave to proceed under that section. The clerk shall do all of the 1213  
following: file and safely keep all journals, records, books, and 1214  
papers belonging or appertaining to the court; record the 1215  
proceedings of the court; perform all other duties that the judges 1216  
of the court may prescribe; and keep a book showing all receipts 1217  
and disbursements, which book shall be open for public inspection 1218  
at all times. 1219

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

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an extended record of any of the above to be made and entered, 1231  
under the proper action heading, upon the docket at the request of 1232  
any party to the case, the expense of which record may be taxed as 1233  
costs in the case or may be required to be prepaid by the party 1234  
demanding the record, upon order of the court. 1235

(F) The clerk of a municipal court shall receive, collect, 1236  
and issue receipts for all costs, fees, fines, bail, and other 1237  
moneys payable to the office or to any officer of the court. The 1238  
clerk shall each month disburse to the proper persons or officers, 1239  
and take receipts for, all costs, fees, fines, bail, and other 1240  
moneys that the clerk collects. Subject to sections 3375.50 and 1241  
4511.193 of the Revised Code and to any other section of the 1242  
Revised Code that requires a specific manner of disbursement of 1243  
any moneys received by a municipal court and except for the 1244  
Hamilton county, Lawrence county, and Ottawa county municipal 1245  
courts, the clerk shall pay all fines received for violation of 1246  
municipal ordinances into the treasury of the municipal 1247  
corporation the ordinance of which was violated and shall pay all 1248  
fines received for violation of township resolutions adopted 1249  
pursuant to Chapter 504. of the Revised Code into the treasury of 1250  
the township the resolution of which was violated. Subject to 1251  
sections 1901.024 and 4511.193 of the Revised Code, in the 1252  
Hamilton county, Lawrence county, and Ottawa county municipal 1253  
courts, the clerk shall pay fifty per cent of the fines received 1254  
for violation of municipal ordinances and fifty per cent of the 1255  
fines received for violation of township resolutions adopted 1256  
pursuant to Chapter 504. of the Revised Code into the treasury of 1257  
the county. Subject to sections 3375.50, 3375.53, ~~4511.99~~ 4511.19, 1258  
and 5503.04 of the Revised Code and to any other section of the 1259  
Revised Code that requires a specific manner of disbursement of 1260  
any moneys received by a municipal court, the clerk shall pay all 1261  
fines collected for the violation of state laws into the county 1262



## As Reported by the Senate Judiciary--Criminal Justice Committee

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

(G) All moneys paid into a municipal 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, or a domestic savings and loan association, as defined in section 1151.01 of the Revised Code, that is selected by the clerk. Any interest received upon the deposits shall be paid into the city treasury, except that, in a county-operated municipal court, the interest shall be paid into the treasury of the county in which the court is located.

On the first Monday in January of each year, the clerk shall make a list of the titles of all cases in the 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 who are entitled to the moneys 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 city treasurer, except that, in a county-operated municipal court, the moneys shall be paid to the treasurer of the county in which the court is located.

The treasurer shall pay any part of the moneys at any time to the person who has the right to the moneys upon proper certification of the clerk. 1295  
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(H) Deputy clerks may be appointed by the clerk and shall receive the compensation, payable in semimonthly installments out of the city treasury, that the clerk may prescribe, except that the compensation of any deputy clerk of a county-operated municipal court shall be paid out of the treasury of the county in which the court is located. Each deputy clerk shall take an oath of office before entering upon the duties of the deputy clerk's office and, when so qualified, may perform the duties appertaining to the office of the clerk. The clerk may require any of the deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties. 1298  
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(I) For the purposes of this section, whenever the population of the territory of a municipal court falls below one hundred thousand but not below ninety thousand, and the population of the territory prior to the most recent regular federal census exceeded one hundred thousand, the legislative authority of the municipal corporation may declare, by resolution, that the territory shall be considered to have a population of at least one hundred thousand. 1310  
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(J) The clerk or a deputy clerk shall be in attendance at all sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts. 1318  
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**Sec. 1905.01.** (A) In all municipal corporations, other than Batavia in Clermont county, not being the site of a municipal court nor a place where a judge of the Auglaize county, Crawford county, Jackson county, Miami county, Portage county, or Wayne 1322  
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county municipal court sits as required pursuant to section 1326  
 1901.021 of the Revised Code or by designation of the judges 1327  
 pursuant to section 1901.021 of the Revised Code, the mayor of the 1328  
 municipal corporation has jurisdiction, except as provided in 1329  
 divisions (B), (C), and (E) of this section and subject to the 1330  
 limitation contained in section 1905.03 and the limitation 1331  
 contained in section 1905.031 of the Revised Code, to hear and 1332  
 determine any prosecution for the violation of an ordinance of the 1333  
 municipal corporation, to hear and determine any case involving a 1334  
 violation of a vehicle parking or standing ordinance of the 1335  
 municipal corporation unless the violation is required to be 1336  
 handled by a parking violations bureau or joint parking violations 1337  
 bureau pursuant to Chapter 4521. of the Revised Code, and to hear 1338  
 and determine all criminal causes involving any moving traffic 1339  
 violation occurring on a state highway located within the 1340  
 boundaries of the municipal corporation, subject to the 1341  
 limitations of sections 2937.08 and 2938.04 of the Revised Code. 1342

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

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Revised Code that occur on a state highway located within the 1358  
 boundaries of the municipal corporation, subject to the 1359  
 limitations of sections 2937.08 and 2938.04 of the Revised Code, 1360  
 only if the person charged with the violation, within six years of 1361  
 the date of the violation charged, has not been convicted of or 1362  
 pleaded guilty to any of the following: 1363

(a) A violation of an ordinance of any municipal corporation 1364  
 relating to operating a vehicle while under the influence of 1365  
 alcohol, a drug of abuse, or ~~alcohol and a drug of abuse~~ 1366  
combination of them or relating to operating a vehicle with a 1367  
 prohibited concentration of alcohol in the whole blood, blood 1368  
serum or plasma, breath, or urine; 1369

(b) A violation of section 4511.19 of the Revised Code; 1370

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

(i) The person, in the case in which the conviction was 1376  
 obtained or the plea of guilty was entered, had been charged with 1377  
 a violation of an ordinance of ~~any municipal corporation relating~~ 1378  
~~to operating a vehicle while under the influence of alcohol, a~~ 1379  
~~drug of abuse, or alcohol and a drug of abuse or relating to~~ 1380  
~~operating a vehicle with a prohibited concentration of alcohol in~~ 1381  
~~the blood, breath, or urine~~ a type described in division (B)(1)(a) 1382  
of this section, or with a violation of section 4511.19 of the 1383  
 Revised Code; 1384

(ii) The charge of the violation described in division 1385  
 (B)(1)(c)(i) of this section was dismissed or reduced; 1386

(iii) The violation of which the person was convicted or to 1387  
 which the person pleaded guilty arose out of the same facts and 1388

circumstances and the same act as did the charge that was 1389  
dismissed or reduced. 1390

(d) A violation of a statute of the United States or of any 1391  
other state or a municipal ordinance of a municipal corporation 1392  
located in any other state that is substantially similar to 1393  
section 4511.19 of the Revised Code. 1394

(2) The mayor of a municipal corporation does not have 1395  
jurisdiction to hear and determine any prosecution or criminal 1396  
cause involving a violation described in division (B)(1)(a) or (b) 1397  
of this section, regardless of where the violation occurred, if 1398  
the person charged with the violation, within six years of the 1399  
violation charged, has been convicted of or pleaded guilty to any 1400  
violation listed in division (B)(1)(a), (b), (c), or (d) of this 1401  
section. 1402

If the mayor of a municipal corporation, in hearing a 1403  
prosecution involving a violation of an ordinance of the municipal 1404  
corporation the mayor serves relating to operating a vehicle while 1405  
under the influence of alcohol, a drug of abuse, or ~~alcohol and a~~ 1406  
~~drug of abuse~~ combination of them or relating to operating a 1407  
vehicle with a prohibited concentration of alcohol in the whole 1408  
blood, blood serum or plasma, breath, or urine, or in hearing a 1409  
criminal cause involving a violation of section 4511.19 of the 1410  
Revised Code, determines that the person charged, within six years 1411  
of the violation charged, has been convicted of or pleaded guilty 1412  
to any violation listed in division (B)(1)(a), (b), (c), or (d) of 1413  
this section, the mayor immediately shall transfer the case to the 1414  
county court or municipal court with jurisdiction over the 1415  
violation charged, in accordance with section 1905.032 of the 1416  
Revised Code. 1417

(C)(1) In all municipal corporations, other than Batavia in 1418  
Clermont county, not being the site of a municipal court and not 1419  
being a place where a judge of a court listed in division (A) of 1420

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this section sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021 of the Revised Code, the mayor of the municipal corporation, subject to sections 1901.031, 2937.08, and 2938.04 of the Revised Code, has jurisdiction to hear and determine prosecutions involving a violation of a municipal ordinance that is substantially equivalent to ~~division (B)(1) or (D)(2) of (A) of section 4510.14 or section 4507.02 4510.16~~ of the Revised Code and to hear and determine criminal causes that involve a moving traffic violation, that involve a violation of ~~division (B)(1) or (D)(2) of (A) of section 4510.14 or section 4507.02 4510.16~~ of the Revised Code, and that occur on a state highway located within the boundaries of the municipal corporation only if all of the following apply regarding the violation and the person charged:

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

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

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

(iii) A violation of any municipal ordinance or section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets, in a case in which, after a charge against the person of a violation of a type described in division (C)(1)(a)(i) or (ii) of this section was dismissed or reduced, the person is convicted of 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 1453  
dismissed or reduced. 1454

(b) Regarding a violation of division ~~(D)(2)(A)~~ of section 1455  
~~4507.02~~ 4510.14 of the Revised Code or a violation of a municipal 1456  
ordinance that is substantially equivalent to that division, the 1457  
person charged with the violation, within five years of the date 1458  
of the violation charged, has not been convicted of or pleaded 1459  
guilty to any of the following: 1460

(i) A violation of division ~~(D)(2)(A)~~ of section ~~4507.02~~ 1461  
4510.14 of the Revised Code; 1462

(ii) A violation of a municipal ordinance that is 1463  
substantially equivalent to division ~~(D)(2)(A)~~ of section ~~4507.02~~ 1464  
4510.14 of the Revised Code; 1465

(iii) A violation of any municipal ordinance or section of 1466  
the Revised Code that regulates the operation of vehicles, 1467  
streetcars, and trackless trolleys upon the highways or streets in 1468  
a case in which, after a charge against the person of a violation 1469  
of a type described in division (C)(1)(b)(i) or (ii) of this 1470  
section was dismissed or reduced, the person is convicted of or 1471  
pleads guilty to a violation that arose out of the same facts and 1472  
circumstances and the same act as did the charge that was 1473  
dismissed or reduced. 1474

(2) The mayor of a municipal corporation does not have 1475  
jurisdiction to hear and determine any prosecution or criminal 1476  
cause involving a violation described in division (C)(1)(a)(i) or 1477  
(ii) of this section if the person charged with the violation, 1478  
within five years of the violation charged, has been convicted of 1479  
or pleaded guilty to any violation listed in division 1480  
(C)(1)(a)(i), (ii), or (iii) of this section and does not have 1481  
jurisdiction to hear and determine any prosecution or criminal 1482  
cause involving a violation described in division (C)(1)(b)(i) or 1483

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(ii) of this section if the person charged with the violation, 1484  
 within five years of the violation charged, has been convicted of 1485  
 or pleaded guilty to any violation listed in division 1486  
 (C)(1)(b)(i), (ii), or (iii) of this section. 1487

(3) If the mayor of a municipal corporation, in hearing a 1488  
 prosecution involving a violation of an ordinance of the municipal 1489  
 corporation the mayor serves that is substantially equivalent to 1490  
 division ~~(B)(1) or (D)(2)~~ of (A) of section 4510.14 or section 1491  
~~4507.02~~ 4510.16 of the Revised Code or a violation of division 1492  
~~(B)(1) or (D)(2)~~ of (A) of section 4510.14 or section 4507.02 1493  
4510.16 of the Revised Code, determines that, under division 1494  
 (C)(2) of this section, mayors do not have jurisdiction of the 1495  
 prosecution, the mayor immediately shall transfer the case to the 1496  
 county court or municipal court with jurisdiction over the 1497  
 violation in accordance with section 1905.032 of the Revised Code. 1498

(D) If the mayor of a municipal corporation has jurisdiction 1499  
 pursuant to division (B)(1) of this section to hear and determine 1500  
 a prosecution or criminal cause involving a violation described in 1501  
 division (B)(1)(a) or (b) of this section, the authority of the 1502  
 mayor to hear or determine the prosecution or cause is subject to 1503  
 the limitation contained in division (C) of section 1905.03 of the 1504  
 Revised Code. If the mayor of a municipal corporation has 1505  
 jurisdiction pursuant to division (A) or (C) of this section to 1506  
 hear and determine a prosecution or criminal cause involving a 1507  
 violation other than a violation described in division (B)(1)(a) 1508  
 or (b) of this section, the authority of the mayor to hear or 1509  
 determine the prosecution or cause is subject to the limitation 1510  
 contained in division (C) of section 1905.031 of the Revised Code. 1511

(E)(1) The mayor of a municipal corporation does not have 1512  
 jurisdiction to hear and determine any prosecution or criminal 1513  
 cause involving any of the following: 1514

(a) A violation of section 2919.25 or 2919.27 of the Revised 1515



Code; 1516

(b) A violation of section 2903.11, 2903.12, 2903.13, 1517  
2903.211, or 2911.211 of the Revised Code that involves a person 1518  
who was a family or household member of the defendant at the time 1519  
of the violation; 1520

(c) A violation of a municipal ordinance that is 1521  
substantially equivalent to an offense described in division 1522  
(E)(1)(a) or (b) of this section and that involves a person who 1523  
was a family or household member of the defendant at the time of 1524  
the violation. 1525

(2) The mayor of a municipal corporation does not have 1526  
jurisdiction to hear and determine a motion filed pursuant to 1527  
section 2919.26 of the Revised Code or filed pursuant to a 1528  
municipal ordinance that is substantially equivalent to that 1529  
section or to issue a protection order pursuant to that section or 1530  
a substantially equivalent municipal ordinance. 1531

(3) As used in this section, "family or household member" has 1532  
the same meaning as in section 2919.25 of the Revised Code. 1533

(F) In keeping a docket and files, the mayor, and a mayor's 1534  
court magistrate appointed under section 1905.05 of the Revised 1535  
Code, shall be governed by the laws pertaining to county courts. 1536

**Sec. 1905.201.** The mayor of a municipal corporation that has 1537  
a mayor's court, and a mayor's court magistrate, are entitled to 1538  
suspend ~~or revoke~~, and shall suspend ~~or revoke~~, in accordance with 1539  
~~division (B) of section 4507.16~~ sections 4510.02, 4510.07, and 1540  
4511.19 of the Revised Code, the driver's or commercial driver's 1541  
license or permit or nonresident operating privilege of any person 1542  
who is convicted of or pleads guilty to a violation of division 1543  
(A) of section 4511.19 of the Revised Code, of a municipal 1544  
ordinance relating to operating a vehicle while under the 1545

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

Suspension of a commercial driver's license under this 1563  
section shall be concurrent with any period of disqualification or 1564  
suspension under section 3123.58, 3123.611, or 4506.16 of the 1565  
Revised Code ~~or period of suspension under section 3123.58 of the~~ 1566  
~~Revised Code~~. No person who is disqualified for life from holding 1567  
a commercial driver's license under section 4506.16 of the Revised 1568  
Code shall be issued a driver's license under Chapter 4507. of the 1569  
Revised Code during the period for which the commercial driver's 1570  
license was suspended under this section, and no person whose 1571  
commercial driver's license is suspended under this section shall 1572  
be issued a driver's license under Chapter 4507. of the Revised 1573  
Code during the period of the suspension. 1574

**Sec. 1907.20.** (A) The clerk of courts shall be the clerk of 1575  
the county court, except that the board of county commissioners, 1576

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

The clerks of courts of common pleas, when acting as the 1585  
clerks of county courts, and upon assuming their county court 1586  
duties, shall receive compensation at one-fourth the rate 1587  
prescribed for the clerks of courts of common pleas as determined 1588  
in accordance with the population of the county and the rates set 1589  
forth in sections 325.08 and 325.18 of the Revised Code. This 1590  
compensation shall be paid from the county treasury in semimonthly 1591  
installments and is in addition to the annual compensation 1592  
received for the performance of the duties of the clerk of a court 1593  
of common pleas as provided in sections 325.08 and 325.18 of the 1594  
Revised Code. 1595

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

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any pleading or paper submitted for filing by a person who has  
been found to be a vexatious litigator under section 2323.52 of  
the Revised Code and who has failed to obtain leave to proceed  
under that section.

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

(C) The clerk of a county court shall receive and collect all  
costs, fees, fines, penalties, bail, and other moneys payable to  
the office or to any officer of the court and issue receipts  
therefor, and shall each month disburse the costs, fees, fines,  
penalties, bail, and other moneys to the proper persons or  
officers and take receipts therefor. Subject to sections 3375.51,  
3375.53, 4511.19, 4511.193, and ~~4511.99~~ 5503.04 of the Revised  
Code and all other statutes that require a different distribution  
of fines, fines received for violations of municipal ordinances  
shall be paid into the treasury of the municipal corporation whose  
ordinance was violated, fines received for violations of township

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

The clerk shall keep a separate account of all receipts and 1646  
disbursements in civil and criminal cases. The separate account 1647  
shall be a permanent public record of the office. On the 1648  
expiration of a clerk's term, those records shall be delivered to 1649  
the clerk's successor. 1650

The clerk shall have such other powers and duties as are 1651  
prescribed by rule or order of the court. 1652

(D) All moneys paid into a county court shall be noted on the 1653  
record of the case in which they are paid and shall be deposited 1654  
in a state or national bank selected by the clerk. On the first 1655  
Monday in January of each year, the clerk shall make a list of the 1656  
titles of all cases in the county court that were finally 1657  
determined more than one year past in which there remains 1658  
unclaimed in the possession of the clerk any funds, or any part of 1659  
a deposit for security of costs not consumed by the costs in the 1660  
case. The clerk shall give notice of the moneys to the parties 1661  
entitled to them or to their attorneys of record. All the moneys 1662  
remaining unclaimed on the first day of April of each year shall 1663  
be paid by the clerk to the county treasurer. Any part of the 1664  
moneys shall be paid by the county treasurer at any time to the 1665  
person having the right to them, upon proper certification of the 1666  
clerk. 1667

(E)(1) In county court districts having appointed clerks, 1668  
deputy clerks may be appointed by the board of county 1669  
commissioners. Clerks and deputy clerks shall receive such 1670  
compensation payable in semimonthly installments out of the county 1671  
treasury as the board may prescribe. Each deputy clerk shall take 1672

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an oath of office before entering upon the duties of the deputy clerk's office and, when so qualified, may perform the duties appertaining to the office of the clerk. The clerk may require any of the deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties.

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

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

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

The board of county commissioners may authorize the clerk of

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

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

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

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

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

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

(3) Suspend ~~or revoke~~ the driver's license, probationary

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driver's license, or temporary instruction permit issued to the 1735  
child for a period of time prescribed by the court and suspend ~~or~~ 1736  
~~revoke~~ the registration of all motor vehicles registered in the 1737  
name of the child for a period of time prescribed by the court. A 1738  
child whose license or permit is so suspended ~~or revoked~~ is 1739  
ineligible for issuance of a license or permit during the period 1740  
of suspension ~~or revocation~~. At the end of the period of 1741  
suspension ~~or revocation~~, the child shall not be reissued a 1742  
license or permit until the child has paid any applicable 1743  
reinstatement fee and complied with all requirements governing 1744  
license reinstatement. 1745

(4) Commit the child to the temporary or permanent custody of 1746  
the court; 1747

(5) If, after making a disposition under division (A)(1), 1748  
(2), or (3) of this section, the court finds upon further hearing 1749  
that the child is not amenable to treatment or rehabilitation 1750  
under that disposition, make a disposition otherwise authorized 1751  
under divisions (A)(1), (3), (4), and (7) of section 2152.19 of 1752  
the Revised Code, except that the child may not be committed to or 1753  
placed in a secure correctional facility, and commitment to or 1754  
placement in a detention facility may not exceed twenty-four hours 1755  
unless authorized by division (B)(3) of section 2151.312 or 1756  
sections 2151.56 to 2151.61 of the Revised Code. 1757

(B) If a child is adjudicated an unruly child for committing 1758  
any act that, if committed by an adult, would be a drug abuse 1759  
offense, as defined in section 2925.01 of the Revised Code, or a 1760  
violation of division (B) of section 2917.11 of the Revised Code, 1761  
~~then~~, in addition to imposing, in its discretion, any other order 1762  
of disposition authorized by this section, the court shall do both 1763  
of the following: 1764

(1) Require the child to participate in a drug abuse or 1765  
alcohol abuse counseling program; 1766



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(2) Suspend ~~or revoke~~ the temporary instruction permit, 1767  
probationary driver's license, or driver's license issued to the 1768  
child for a period of time prescribed by the court ~~or, at the~~ 1769  
~~discretion of the court, until.~~ The court, in its discretion, may 1770  
~~terminate the suspension if~~ the child attends and satisfactorily 1771  
completes a drug abuse or alcohol abuse education, intervention, 1772  
or treatment program specified by the court. During the time the 1773  
child is attending ~~the~~ a program as described in this division, 1774  
the court shall retain ~~any~~ the child's temporary instruction 1775  
permit, probationary driver's license, or driver's license ~~issued~~ 1776  
~~to the child,~~ and the court shall return the permit or license 1777  
~~when the child satisfactorily completes the program if it~~ 1778  
terminates the suspension. 1779

(C)(1) If a child is adjudicated an unruly child for being an 1780  
habitual truant, in addition to or in lieu of imposing any other 1781  
order of disposition authorized by this section, the court may do 1782  
any of the following: 1783

(a) Order the board of education of the child's school 1784  
district or the governing board of the educational service center 1785  
in the child's school district to require the child to attend an 1786  
alternative school if an alternative school has been established 1787  
pursuant to section 3313.533 of the Revised Code in the school 1788  
district in which the child is entitled to attend school; 1789

(b) Require the child to participate in any academic program 1790  
or community service program; 1791

(c) Require the child to participate in a drug abuse or 1792  
alcohol abuse counseling program; 1793

(d) Require that the child receive appropriate medical or 1794  
psychological treatment or counseling; 1795

(e) Make any other order that the court finds proper to 1796  
address the child's habitual truancy, including an order requiring 1797

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the child to not be absent without legitimate excuse from the  
public school the child is supposed to attend for five or more  
consecutive days, seven or more school days in one school month,  
or twelve or more school days in a school year and including an  
order requiring the child to participate in a truancy prevention  
mediation program.

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

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

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

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

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent  
child, the court may make any of the following orders of  
disposition, in addition to any other disposition authorized or

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required by this chapter:	1829
(1) Any order that is authorized by section 2151.353 of the Revised Code for the care and protection of an abused, neglected, or dependent child.	1830 1831 1832
(2) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children by the county, by a district organized under section 2152.41 or 2151.65 of the Revised Code, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or placement required;	1833 1834 1835 1836 1837 1838 1839
(3) Place the child on community control under any sanctions, services, and conditions that the court prescribes. As a condition of community control in every case and in addition to any other condition that it imposes upon the child, the court shall require the child to abide by the law during the period of community control. As referred to in this division, community control includes, but is not limited to, the following sanctions and conditions:	1840 1841 1842 1843 1844 1845 1846 1847
(a) A period of basic probation supervision in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;	1848 1849 1850 1851
(b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;	1852 1853 1854 1855 1856
(c) A period of day reporting in which the child is required each day to report to and leave a center or another approved reporting location at specified times in order to participate in	1857 1858 1859

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work, education or training, treatment, and other approved	1860
programs at the center or outside the center;	1861
(d) A period of community service of up to five hundred hours	1862
for an act that would be a felony or a misdemeanor of the first	1863
degree if committed by an adult, up to two hundred hours for an	1864
act that would be a misdemeanor of the second, third, or fourth	1865
degree if committed by an adult, or up to thirty hours for an act	1866
that would be a minor misdemeanor if committed by an adult;	1867
(e) A requirement that the child obtain a high school	1868
diploma, a certificate of high school equivalence, vocational	1869
training, or employment;	1870
(f) A period of drug and alcohol use monitoring;	1871
(g) A requirement of alcohol or drug assessment or	1872
counseling, or a period in an alcohol or drug treatment program	1873
with a level of security for the child as determined necessary by	1874
the court;	1875
(h) A period in which the court orders the child to observe a	1876
curfew that may involve daytime or evening hours;	1877
(i) A requirement that the child serve monitored time;	1878
(j) A period of house arrest with or without electronic	1879
monitoring;	1880
(k) A period of electronic monitoring without house arrest or	1881
electronically monitored house arrest that does not exceed the	1882
maximum sentence of imprisonment that could be imposed upon an	1883
adult who commits the same act.	1884
A period of electronically monitored house arrest imposed	1885
under this division shall not extend beyond the child's	1886
twenty-first birthday. If a court imposes a period of	1887
electronically monitored house arrest upon a child under this	1888
division, it shall require the child: to wear, otherwise have	1889

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attached to the child's person, or otherwise be subject to 1890  
monitoring by a certified electronic monitoring device or to 1891  
participate in the operation of and monitoring by a certified 1892  
electronic monitoring system; to remain in the child's home or 1893  
other specified premises for the entire period of electronically 1894  
monitored house arrest except when the court permits the child to 1895  
leave those premises to go to school or to other specified 1896  
premises; to be monitored by a central system that can determine 1897  
the child's location at designated times; to report periodically 1898  
to a person designated by the court; and to enter into a written 1899  
contract with the court agreeing to comply with all requirements 1900  
imposed by the court, agreeing to pay any fee imposed by the court 1901  
for the costs of the electronically monitored house arrest, and 1902  
agreeing to waive the right to receive credit for any time served 1903  
on electronically monitored house arrest toward the period of any 1904  
other dispositional order imposed upon the child if the child 1905  
violates any of the requirements of the dispositional order of 1906  
electronically monitored house arrest. The court also may impose 1907  
other reasonable requirements upon the child. 1908

Unless ordered by the court, a child shall not receive credit 1909  
for any time served on electronically monitored house arrest 1910  
toward any other dispositional order imposed upon the child for 1911  
the act for which was imposed the dispositional order of 1912  
electronically monitored house arrest. 1913

(1) A suspension of the driver's license, probationary 1914  
driver's license, or temporary instruction permit issued to the 1915  
child for a period of time prescribed by the court, or a 1916  
suspension of the registration of all motor vehicles registered in 1917  
the name of the child for a period of time prescribed by the 1918  
court. A child whose license or permit is so suspended is 1919  
ineligible for issuance of a license or permit during the period 1920  
of suspension. At the end of the period of suspension, the child 1921

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shall not be reissued a license or permit until the child has paid 1922  
any applicable reinstatement fee and complied with all 1923  
requirements governing license reinstatement. 1924

(4) Commit the child to the custody of the court; 1925

(5) Require the child to not be absent without legitimate 1926  
excuse from the public school the child is supposed to attend for 1927  
five or more consecutive days, seven or more school days in one 1928  
school month, or twelve or more school days in a school year; 1929

(6)(a) If a child is adjudicated a delinquent child for being 1930  
a chronic truant or an habitual truant who previously has been 1931  
adjudicated an unruly child for being a habitual truant, do either 1932  
or both of the following: 1933

(i) Require the child to participate in a truancy prevention 1934  
mediation program; 1935

(ii) Make any order of disposition as authorized by this 1936  
section, except that the court shall not commit the child to a 1937  
facility described in division (A)(2) of this section unless the 1938  
court determines that the child violated a lawful court order made 1939  
pursuant to division (C)(1)(e) of section 2151.354 of the Revised 1940  
Code or division (A)(5) of this section. 1941

(b) If a child is adjudicated a delinquent child for being a 1942  
chronic truant or a habitual truant who previously has been 1943  
adjudicated an unruly child for being a habitual truant and the 1944  
court determines that the parent, guardian, or other person having 1945  
care of the child has failed to cause the child's attendance at 1946  
school in violation of section 3321.38 of the Revised Code, do 1947  
either or both of the following: 1948

(i) Require the parent, guardian, or other person having care 1949  
of the child to participate in a truancy prevention mediation 1950  
program; 1951

(ii) Require the parent, guardian, or other person having 1952

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care of the child to participate in any community service program, 1953  
preferably a community service program that requires the 1954  
involvement of the parent, guardian, or other person having care 1955  
of the child in the school attended by the child. 1956

(7) Make any further disposition that the court finds proper, 1957  
except that the child shall not be placed in any of the following: 1958  
1959

(a) A state correctional institution, a county, multicounty, 1960  
or municipal jail or workhouse, or another place in which an adult 1961  
convicted of a crime, under arrest, or charged with a crime is 1962  
held; 1963

(b) A community corrections facility, if the child would be 1964  
covered by the definition of public safety beds for purposes of 1965  
sections 5139.41 to 5139.45 of the Revised Code if the court 1966  
exercised its authority to commit the child to the legal custody 1967  
of the department of youth services for institutionalization or 1968  
institutionalization in a secure facility pursuant to this 1969  
chapter. 1970

(B) If a child is adjudicated a delinquent child, in addition 1971  
to any order of disposition made under division (A) of this 1972  
section, the court, in the following situations and for the 1973  
specified period of time, shall suspend the child's temporary 1974  
instruction permit, restricted license, probationary driver's 1975  
license, or nonresident operating privilege, or suspend the 1976  
child's ability to obtain such a permit: 1977

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

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division ~~(E)~~(F)(1)~~(a)~~, ~~(c)~~, ~~(d)~~, or ~~(e)~~ of section 2923.122 of the Revised Code. 1984  
1985

(2) ~~The~~ If the child is adjudicated a delinquent child for 1986  
committing an act that if committed by an adult would be a drug 1987  
abuse offense or for violating division (B) of section 2917.11 of 1988  
the Revised Code, ~~with~~ suspend the child's license, permit, or 1989  
privilege for a period of time prescribed by the court. The court, 1990  
in its discretion, may terminate the suspension continuing until 1991  
if the child attends and satisfactorily completes a drug abuse or 1992  
alcohol abuse education, intervention, or treatment program 1993  
specified by the court. During the time the child is attending ~~the~~ 1994  
a program as described in this division, the court shall retain 1995  
~~any~~ the child's temporary instruction permit, probationary 1996  
driver's license, or driver's license ~~issued to the child,~~ and the 1997  
court shall return the permit or license ~~when the child~~ 1998  
~~satisfactorily completes the program~~ if it terminates the 1999  
suspension as described in this division. 2000

(C) The court may establish a victim-offender mediation 2001  
program in which victims and their offenders meet to discuss the 2002  
offense and suggest possible restitution. If the court obtains the 2003  
assent of the victim of the delinquent act committed by the child, 2004  
the court may require the child to participate in the program. 2005  
2006

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



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a municipal corporation, or another governmental entity. The court shall consider the victim impact statement in determining the order of disposition to issue for the child.

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

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

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

(E) If a child is adjudicated a delinquent child for being a

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chronic truant or an habitual truant who previously has been 2048  
adjudicated an unruly child for being an habitual truant and the 2049  
court determines that the parent, guardian, or other person having 2050  
care of the child has failed to cause the child's attendance at 2051  
school in violation of section 3321.38 of the Revised Code, in 2052  
addition to any order of disposition it makes under this section, 2053  
the court shall warn the parent, guardian, or other person having 2054  
care of the child that any subsequent adjudication of the child as 2055  
an unruly or delinquent child for being an habitual or chronic 2056  
truant may result in a criminal charge against the parent, 2057  
guardian, or other person having care of the child for a violation 2058  
of division (C) of section 2919.21 or section 2919.24 of the 2059  
Revised Code. 2060

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

reasonable grounds to believe that the delinquent child is not 2080  
abiding by the law or otherwise is not complying with the 2081  
conditions of the delinquent child's community control. The court 2082  
also shall provide the written notice described in division (E)(2) 2083  
of this section to each parent, guardian, or custodian of the 2084  
delinquent child who is described in that division. 2085

(2) The court that places a child on community control under 2086  
this section shall provide the child's parent, guardian, or other 2087  
custodian with a written notice that informs them that authorized 2088  
probation officers may conduct searches pursuant to division 2089  
(E)(1) of this section. The notice shall specifically state that a 2090  
permissible search might extend to a motor vehicle, another item 2091  
of tangible or intangible personal property, or a place of 2092  
residence or other real property in which a notified parent, 2093  
guardian, or custodian has a right, title, or interest and that 2094  
the parent, guardian, or custodian expressly or impliedly permits 2095  
the child to use, occupy, or possess. 2096

**Sec. 2152.21.** (A) Unless division (C) of this section 2097  
applies, if a child is adjudicated a juvenile traffic offender, 2098  
the court may make any of the following orders of disposition: 2099

(1) Impose costs and one or more financial sanctions in 2100  
accordance with section 2152.20 of the Revised Code; 2101

(2) Suspend the child's driver's license, probationary 2102  
driver's license, or temporary instruction permit for a definite 2103  
period not exceeding two years or suspend the registration of all 2104  
motor vehicles registered in the name of the child for a definite 2105  
period not exceeding two years. A child whose license or permit is 2106  
so suspended is ineligible for issuance of a license or permit 2107  
during the period of suspension. At the end of the period of 2108  
suspension, the child shall not be reissued a license or permit 2109  
until the child has paid any applicable reinstatement fee and 2110

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complied with all requirements governing license reinstatement.	2111
(3) Place the child on community control;	2112
(4) Require the child to make restitution for all damages caused by the child's traffic violation;	2113 2114
(5)(a) If the child is adjudicated a juvenile traffic offender for committing a violation of division (A) of section 4511.19 of the Revised Code or of a municipal ordinance that is substantially equivalent to that division, commit the child, for not longer than five days, to either of the following:	2115 2116 2117 2118 2119
(i) <del>To the</del> <u>The</u> temporary custody of a detention facility or district detention facility established under section 2152.41 of the Revised Code;	2120 2121 2122
(ii) <del>To the</del> <u>The</u> temporary custody of any school, camp, institution, or other facility for children operated in whole or in part for the care of juvenile traffic offenders of that nature by the county, by a district organized under section 2152.41 or 2151.65 of the Revised Code, or by a private agency or organization within the state that is authorized and qualified to provide the care, treatment, or placement required.	2123 2124 2125 2126 2127 2128 2129
(b) If an order of disposition committing a child to the temporary custody of a home, school, camp, institution, or other facility of that nature is made under division (A)(5)(a) of this section, the length of the commitment shall not be reduced or diminished as a credit for any time that the child was held in a place of detention or shelter care, or otherwise was detained, prior to entry of the order of disposition.	2130 2131 2132 2133 2134 2135 2136
(6) If, after making a disposition under divisions (A)(1) to (5) of this section, the court finds upon further hearing that the child has failed to comply with the orders of the court and the child's operation of a motor vehicle constitutes the child a danger to the child and to others, the court may make any	2137 2138 2139 2140 2141

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disposition authorized by divisions (A)(1), (3), (4), and (7) of  
 section 2152.19 of the Revised Code, except that the child may not  
 be committed to or placed in a secure correctional facility unless  
 authorized by division (A)(5) of this section, and commitment to  
 or placement in a detention facility may not exceed twenty-four  
 hours.

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

(C) If a child is adjudicated a juvenile traffic offender for  
 violating division (B)(1) ~~or (2)~~ of section 4513.263 of the  
 Revised Code, the court shall impose the appropriate fine set  
 forth in division (G) of that ~~section 4513.99 of the Revised Code.~~  
 If a child is adjudicated a juvenile traffic offender for  
 violating division (B)(3) of section 4513.263 of the Revised Code  
 and if the child is sixteen years of age or older, the court shall

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

(D) A juvenile traffic offender is subject to sections 2180  
 4509.01 to 4509.78 of the Revised Code. 2181

**Sec. 2743.191.** (A) There is hereby created in the state 2182  
 treasury the reparations fund, which shall be used only for the 2183  
 payment of awards of reparations that are granted by the attorney 2184  
 general, the compensation of any personnel needed by the attorney 2185  
 general to administer sections 2743.51 to 2743.72 of the Revised 2186  
 Code, the compensation of witnesses as provided in division (B) of 2187  
 section 2743.65 of the Revised Code, other administrative costs of 2188  
 hearing and determining claims for an award of reparations by the 2189  
 attorney general, the costs of administering sections 2907.28 and 2190  
 2969.01 to 2969.06 of the Revised Code, the costs of investigation 2191  
 and decision-making as certified by the attorney general, the 2192  
 provision of state financial assistance to victim assistance 2193  
 programs in accordance with sections 109.91 and 109.92 of the 2194  
 Revised Code, the costs of paying the expenses of sex 2195  
 offense-related examinations and antibiotics pursuant to section 2196  
 2907.28 of the Revised Code, the cost of printing and distributing 2197  
 the pamphlet prepared by the attorney general pursuant to section 2198  
 109.42 of the Revised Code, and, subject to division (D) of 2199  
 section 2743.71 of the Revised Code, the costs associated with the 2200  
 printing and providing of information cards or other printed 2201  
 materials to law enforcement agencies and prosecuting authorities 2202  
 and with publicizing the availability of awards of reparations 2203  
 pursuant to section 2743.71 of the Revised Code. All costs paid 2204  
 pursuant to section 2743.70 of the Revised Code, the portions of 2205

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license reinstatement fees mandated by division ~~(H)~~(F)(2)(b) of 2206  
section 4511.191 of the Revised Code to be credited to the fund, 2207  
the portions of the proceeds of the sale of a forfeited vehicle 2208  
specified in division ~~(D)~~(C)(2) of section 4503.234 of the Revised 2209  
Code, payments collected by the department of rehabilitation and 2210  
correction from prisoners who voluntarily participate in an 2211  
approved work and training program pursuant to division 2212  
(C)(8)(b)(ii) of section 5145.16 of the Revised Code, and all 2213  
moneys collected by the state pursuant to its right of subrogation 2214  
provided in section 2743.72 of the Revised Code shall be deposited 2215  
in the fund. 2216

(B) In making an award of reparations, the attorney general 2217  
shall render the award against the state. The award shall be 2218  
accomplished only through the following procedure, and the 2219  
following procedure may be enforced by writ of mandamus directed 2220  
to the appropriate official: 2221

(1) The attorney general shall provide for payment of the 2222  
claimant or providers in the amount of the award. 2223

(2) The expense shall be charged against all available 2224  
unencumbered moneys in the fund. 2225

(3) If sufficient unencumbered moneys do not exist in the 2226  
fund, the attorney general shall make application for payment of 2227  
the award out of the emergency purposes account or any other 2228  
appropriation for emergencies or contingencies, and payment out of 2229  
this account or other appropriation shall be authorized if there 2230  
are sufficient moneys greater than the sum total of then pending 2231  
emergency purposes account requests or requests for releases from 2232  
the other appropriations. 2233

(4) If sufficient moneys do not exist in the account or any 2234  
other appropriation for emergencies or contingencies to pay the 2235  
award, the attorney general shall request the general assembly to 2236

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make an appropriation sufficient to pay the award, and no payment 2237  
shall be made until the appropriation has been made. The attorney 2238  
general shall make this appropriation request during the current 2239  
biennium and during each succeeding biennium until a sufficient 2240  
appropriation is made. If, prior to the time that an appropriation 2241  
is made by the general assembly pursuant to this division, the 2242  
fund has sufficient unencumbered funds to pay the award or part of 2243  
the award, the available funds shall be used to pay the award or 2244  
part of the award, and the appropriation request shall be amended 2245  
to request only sufficient funds to pay that part of the award 2246  
that is unpaid. 2247

(C) The attorney general shall not make payment on a decision 2248  
or order granting an award until all appeals have been determined 2249  
and all rights to appeal exhausted, except as otherwise provided 2250  
in this section. If any party to a claim for an award of 2251  
reparations appeals from only a portion of an award, and a 2252  
remaining portion provides for the payment of money by the state, 2253  
that part of the award calling for the payment of money by the 2254  
state and not a subject of the appeal shall be processed for 2255  
payment as described in this section. 2256

(D) The attorney general shall prepare itemized bills for the 2257  
costs of printing and distributing the pamphlet the attorney 2258  
general prepares pursuant to section 109.42 of the Revised Code. 2259  
The itemized bills shall set forth the name and address of the 2260  
persons owed the amounts set forth in them. 2261

**Sec. 2743.51.** As used in sections 2743.51 to 2743.72 of the 2262  
Revised Code: 2263

(A) "Claimant" means both of the following categories of 2264  
persons: 2265

(1) Any of the following persons who claim an award of 2266  
reparations under sections 2743.51 to 2743.72 of the Revised Code: 2267



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(a) A victim who was one of the following at the time of the criminally injurious conduct:	2268
	2269
(i) A resident of the United States;	2270
(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country.	2271
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(b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section;	2274
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(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 (A)(1)(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;	2276
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(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section.	2283
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(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	2286
	2287
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	2288
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(i) Had a permanent place of employment in this state;	2292
(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;	2293
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(iii) Was retired and receiving social security or any other	2297

retirement income;	2298
(iv) Was sixty years of age or older;	2299
(v) Was temporarily in another state for the purpose of receiving medical treatment;	2300 2301
(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;	2302 2303 2304 2305
(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;	2306 2307 2308 2309
(viii) Was a full-time student at an academic institution, college, or university located in another state;	2310 2311
(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.	2312 2313 2314 2315
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	2316 2317
(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 (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;	2318 2319 2320 2321 2322 2323 2324
(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.	2325 2326 2327

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(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:	2328
(1) The offender;	2329
(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;	2330
(3) Social security, medicare, and medicaid;	2331
(4) State-required, temporary, nonoccupational disability insurance;	2332
(5) Workers' compensation;	2333
(6) Wage continuation programs of any employer;	2334
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	2335
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	2336
(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;	2337
(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.	2338
"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections	2339
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2969.01 to 2969.06 of the Revised Code. 2357

(C) "Criminally injurious conduct" means one of the 2358  
following: 2359

(1) For the purposes of any person described in division 2360  
(A)(1) of this section, any conduct that occurs or is attempted in 2361  
this state; poses a substantial threat of personal injury or 2362  
death; and is punishable by fine, imprisonment, or death, or would 2363  
be so punishable but for the fact that the person engaging in the 2364  
conduct lacked capacity to commit the crime under the laws of this 2365  
state. Criminally injurious conduct does not include conduct 2366  
arising out of the ownership, maintenance, or use of a motor 2367  
vehicle, except when any of the following applies: 2368

(a) The person engaging in the conduct intended to cause 2369  
personal injury or death; 2370

(b) The person engaging in the conduct was using the vehicle 2371  
to flee immediately after committing a felony or an act that would 2372  
constitute a felony but for the fact that the person engaging in 2373  
the conduct lacked the capacity to commit the felony under the 2374  
laws of this state; 2375

(c) The person engaging in the conduct was using the vehicle 2376  
in a manner that constitutes an ~~OMVI~~ OVI violation; 2377

(d) The conduct occurred on or after July 25, 1990, and the 2378  
person engaging in the conduct was using the vehicle in a manner 2379  
that constitutes a violation of section 2903.08 of the Revised 2380  
Code. 2381

(2) For the purposes of any person described in division 2382  
(A)(2) of this section, any conduct that occurs or is attempted in 2383  
another state, district, territory, or foreign country; poses a 2384  
substantial threat of personal injury or death; and is punishable 2385  
by fine, imprisonment, or death, or would be so punishable but for 2386  
the fact that the person engaging in the conduct lacked capacity 2387

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to commit the crime under the laws of the state, district,	2388
territory, or foreign country in which the conduct occurred or was	2389
attempted. Criminally injurious conduct does not include conduct	2390
arising out of the ownership, maintenance, or use of a motor	2391
vehicle, except when any of the following applies:	2392
(a) The person engaging in the conduct intended to cause	2393
personal injury or death;	2394
(b) The person engaging in the conduct was using the vehicle	2395
to flee immediately after committing a felony or an act that would	2396
constitute a felony but for the fact that the person engaging in	2397
the conduct lacked the capacity to commit the felony under the	2398
laws of the state, district, territory, or foreign country in	2399
which the conduct occurred or was attempted;	2400
(c) The person engaging in the conduct was using the vehicle	2401
in a manner that constitutes an <del>OMVI</del> <u>OVI</u> violation;	2402
(d) The conduct occurred on or after July 25, 1990, the	2403
person engaging in the conduct was using the vehicle in a manner	2404
that constitutes a violation of any law of the state, district,	2405
territory, or foreign country in which the conduct occurred, and	2406
that law is substantially similar to a violation of section	2407
2903.08 of the Revised Code.	2408
(3) For the purposes of any person described in division	2409
(A)(1) or (2) of this section, terrorism that occurs within or	2410
outside the territorial jurisdiction of the United States.	2411
(D) "Dependent" means an individual wholly or partially	2412
dependent upon the victim for care and support, and includes a	2413
child of the victim born after the victim's death.	2414
(E) "Economic loss" means economic detriment consisting only	2415
of allowable expense, work loss, funeral expense, unemployment	2416
benefits loss, replacement services loss, cost of crime scene	2417
cleanup, and cost of evidence replacement. If criminally injurious	2418

## As Reported by the Senate Judiciary--Criminal Justice Committee

conduct causes death, economic loss includes a dependent's 2419  
economic loss and a dependent's replacement services loss. 2420  
Noneconomic detriment is not economic loss; however, economic loss 2421  
may be caused by pain and suffering or physical impairment. 2422

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(F)(1) "Allowable expense" means reasonable charges incurred 2424  
for reasonably needed products, services, and accommodations, 2425  
including those for medical care, rehabilitation, rehabilitative 2426  
occupational training, and other remedial treatment and care and 2427  
including replacement costs for eyeglasses and other corrective 2428  
lenses. It does not include that portion of a charge for a room in 2429  
a hospital, clinic, convalescent home, nursing home, or any other 2430  
institution engaged in providing nursing care and related services 2431  
in excess of a reasonable and customary charge for semiprivate 2432  
accommodations, unless accommodations other than semiprivate 2433  
accommodations are medically required. 2434

(2) An immediate family member of a victim of criminally 2435  
injurious conduct that consists of a homicide, a sexual assault, 2436  
domestic violence, or a severe and permanent incapacitating injury 2437  
resulting in paraplegia or a similar life-altering condition, who 2438  
requires psychiatric care or counseling as a result of the 2439  
criminally injurious conduct, may be reimbursed for that care or 2440  
counseling as an allowable expense through the victim's 2441  
application. The cumulative allowable expense for care or 2442  
counseling of that nature for each family member of a victim of 2443  
that type shall not exceed two thousand five hundred dollars. 2444

(G) "Work loss" means loss of income from work that the 2445  
injured person would have performed if the person had not been 2446  
injured and expenses reasonably incurred by the person to obtain 2447  
services in lieu of those the person would have performed for 2448  
income, reduced by any income from substitute work actually 2449  
performed by the person, or by income the person would have earned 2450

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in available appropriate substitute work that the person was 2451  
capable of performing but unreasonably failed to undertake. 2452

(H) "Replacement services loss" means expenses reasonably 2453  
incurred in obtaining ordinary and necessary services in lieu of 2454  
those the injured person would have performed, not for income, but 2455  
for the benefit of the person's self or family, if the person had 2456  
not been injured. 2457

(I) "Dependent's economic loss" means loss after a victim's 2458  
death of contributions of things of economic value to the victim's 2459  
dependents, not including services they would have received from 2460  
the victim if the victim had not suffered the fatal injury, less 2461  
expenses of the dependents avoided by reason of the victim's 2462  
death. If a minor child of a victim is adopted after the victim's 2463  
death, the minor child continues after the adoption to incur a 2464  
dependent's economic loss as a result of the victim's death. If 2465  
the surviving spouse of a victim remarries, the surviving spouse 2466  
continues after the remarriage to incur a dependent's economic 2467  
loss as a result of the victim's death. 2468

(J) "Dependent's replacement services loss" means loss 2469  
reasonably incurred by dependents after a victim's death in 2470  
obtaining ordinary and necessary services in lieu of those the 2471  
victim would have performed for their benefit if the victim had 2472  
not suffered the fatal injury, less expenses of the dependents 2473  
avoided by reason of the victim's death and not subtracted in 2474  
calculating the dependent's economic loss. If a minor child of a 2475  
victim is adopted after the victim's death, the minor child 2476  
continues after the adoption to incur a dependent's replacement 2477  
services loss as a result of the victim's death. If the surviving 2478  
spouse of a victim remarries, the surviving spouse continues after 2479  
the remarriage to incur a dependent's replacement services loss as 2480  
a result of the victim's death. 2481

(K) "Noneconomic detriment" means pain, suffering, 2482

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inconvenience, physical impairment, or other nonpecuniary damage.	2483
(L) "Victim" means a person who suffers personal injury or death as a result of any of the following:	2484
(1) Criminally injurious conduct;	2485
(2) The good faith effort of any person to prevent criminally injurious conduct;	2486
(3) The good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.	2487
(M) "Contributory misconduct" means any conduct of the claimant or of the victim through whom the claimant claims an award of reparations that is unlawful or intentionally tortious and that, without regard to the conduct's proximity in time or space to the criminally injurious conduct, has a causal relationship to the criminally injurious conduct that is the basis of the claim.	2488
(N) "Funeral expense" means any reasonable charges that are not in excess of five thousand dollars per funeral and that are incurred for expenses directly related to a victim's funeral, cremation, or burial.	2489
(O) "Unemployment benefits loss" means a loss of unemployment benefits pursuant to Chapter 4141. of the Revised Code when the loss arises solely from the inability of a victim to meet the able to work, available for suitable work, or the actively seeking suitable work requirements of division (A)(4)(a) of section 4141.29 of the Revised Code.	2490
(P) " <del>OMVI</del> <u>OVI</u> violation" means any of the following:	2491
(1) A violation of section 4511.19 of the Revised Code, of any municipal ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or <del>alcohol</del> and a drug of abuse <u>combination of them</u> , or of any municipal	2492
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ordinance prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine; 2513  
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(2) A violation of division (A)(1) of section 2903.06 of the Revised Code; 2516  
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(3) A violation of division (A)(2), (3), or (4) of section 2903.06 of the Revised Code or of a municipal ordinance substantially similar to any of those divisions, if the offender was under the influence of alcohol, a drug of abuse, or ~~alcohol and a drug of abuse~~ combination of them, at the time of the commission of the offense; 2518  
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(4) For purposes of any person described in division (A)(2) of this section, a violation of any law of the state, district, territory, or foreign country in which the criminally injurious conduct occurred, if that law is substantially similar to a violation described in division (P)(1) or (2) of this section or if that law is substantially similar to a violation described in division (P)(3) of this section and the offender was under the influence of alcohol, a drug of abuse, or ~~alcohol and a drug of abuse~~ combination of them, at the time of the commission of the offense. 2524  
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(Q) "Pendency of the claim" for an original reparations application or supplemental reparations application means the period of time from the date the criminally injurious conduct upon which the application is based occurred until the date a final decision, order, or judgment concerning that original reparations application or supplemental reparations application is issued. 2534  
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(R) "Terrorism" means any activity to which all of the following apply: 2540  
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(1) The activity involves a violent act or an act that is dangerous to human life. 2542  
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(2) The act described in division (R)(1) of this section is committed within the territorial jurisdiction of the United States and is a violation of the criminal laws of the United States, this state, or any other state or the act described in division (R)(1) of this section is committed outside the territorial jurisdiction of the United States and would be a violation of the criminal laws of the United States, this state, or any other state if committed within the territorial jurisdiction of the United States.

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

(a) Intimidate or coerce a civilian population;

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

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

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

(S) "Transcends the national boundaries of the United States" 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 2574  
replacement of property confiscated for evidentiary purposes 2575  
related to the criminally injurious conduct, not to exceed seven 2576  
hundred fifty dollars in the aggregate per claim. 2577

(V) "Provider" means any person who provides a victim or 2578  
claimant with a product, service, or accommodations that are an 2579  
allowable expense or a funeral expense. 2580

(W) "Immediate family member" means an individual who is 2581  
related to a victim within the first degree by affinity or 2582  
consanguinity. 2583

**Sec. 2743.52.** (A) The attorney general shall make awards of 2584  
reparations for economic loss arising from criminally injurious 2585  
conduct, if satisfied by a preponderance of the evidence that the 2586  
requirements for an award of reparations have been met. 2587

(B) A court of claims panel of commissioners or a judge of 2588  
the court of claims has appellate jurisdiction to order awards of 2589  
reparations for economic loss arising from criminally injurious 2590  
conduct, if satisfied by a preponderance of the evidence that the 2591  
requirements for an award of reparations have been met. 2592

(C) A decision of the attorney general, an order of a court 2593  
of claims panel of commissioners, or the judgment of a judge of 2594  
the court of claims concerning an ~~OMVI~~ OVI violation shall not be 2595  
used as the basis for any civil or criminal action and shall not 2596  
be admissible as evidence in any civil or criminal proceeding. 2597

**Sec. 2903.04.** (A) No person shall cause the death of another 2598  
or the unlawful termination of another's pregnancy as a proximate 2599  
result of the offender's committing or attempting to commit a 2600  
felony. 2601

(B) No person shall cause the death of another or the 2602

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unlawful termination of another's pregnancy as a proximate result  
of the offender's committing or attempting to commit a misdemeanor  
of any degree, a regulatory offense, or a minor misdemeanor other  
than a violation of any section contained in Title XLV of the  
Revised Code that is a minor misdemeanor and other than a  
violation of an ordinance of a municipal corporation that,  
regardless of the penalty set by ordinance for the violation, is  
substantially equivalent to any section contained in Title XLV of  
the Revised Code that is a minor misdemeanor.

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

(D) If an offender is convicted of or pleads guilty to a  
violation of division (A) or (B) of this section and if the  
felony, misdemeanor, or regulatory offense that the offender  
committed or attempted to commit, that proximately resulted in the  
death of the other person or the unlawful termination of another's  
pregnancy, and that is the basis of the offender's violation of  
division (A) or (B) of this section was a violation of division  
(A) or (B) of section 4511.19 of the Revised Code or of a  
substantially equivalent municipal ordinance or included, as an  
element of that felony, misdemeanor, or regulatory offense, the  
offender's operation or participation in the operation of a  
snowmobile, locomotive, watercraft, or aircraft while the offender  
was under the influence of alcohol, a drug of abuse, or alcohol  
and a drug of abuse, both of the following apply:

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

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

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

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

(2) Recklessly;

(3) Negligently;

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

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

(a) Except as otherwise provided in this division, aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the second degree. Aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the first degree if, at the time of the offense, the offender was driving under a suspension imposed

under Chapter ~~4507.~~ 4510. or any other provision of the Revised  
Code or if the offender previously has been convicted of or  
pleaded guilty to a violation of this section; any traffic-related  
homicide, manslaughter, or assault offense; three prior violations  
of section 4511.19 of the Revised Code or of a substantially  
equivalent municipal ordinance within the previous six years; or a  
second or subsequent felony violation of division (A) of section  
4511.19 of the Revised Code.

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

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

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

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(2) Whoever violates division (A)(3) of this section is

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guilty of vehicular homicide. Except as otherwise provided in this  
 division, vehicular homicide is a misdemeanor of the first degree.  
 Vehicular homicide is a felony of the fourth degree if, at the  
 time of the offense, the offender was driving under a suspension  
 or revocation imposed under Chapter 4507. or any other provision  
 of the Revised Code or if the offender previously has been  
 convicted of or pleaded guilty to a violation of this section or  
 any traffic-related homicide, manslaughter, or assault offense.

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

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

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In addition to any other sanctions imposed, the court shall 2729  
~~suspend impose upon the offender a class six suspension of the~~ 2730  
offender's driver's license, commercial driver's license, 2731  
temporary instruction permit, probationary license, or nonresident 2732  
operating privilege ~~for a definite period of three months to two~~ 2733  
~~years pursuant to~~ from the range specified in division (A)(6) of 2734  
section ~~4507.16~~ 4510.02 of the Revised Code or, if the offender 2735  
previously has been convicted of or pleaded guilty to a violation 2736  
of this section or any traffic-related homicide, manslaughter, or 2737  
assault offense, ~~for a definite period of one to five years~~ 2738  
~~pursuant to a class four suspension of the offender's driver's~~ 2739  
license, commercial driver's license, temporary instruction 2740  
permit, probationary license, or nonresident operating privilege 2741  
from the range specified in division (A)(4) of that section. 2742

(C) The court shall impose a mandatory prison term on an 2743  
offender who is convicted of or pleads guilty to a violation of 2744  
division (A)(1) of this section. The court shall impose a 2745  
mandatory prison term on an offender who is convicted of or pleads 2746  
guilty to a violation of division (A)(2) or (3) of this section if 2747  
either of the following applies: 2748

(1) The offender previously has been convicted of or pleaded 2749  
guilty to a violation of this section or section 2903.08 of the 2750  
Revised Code. 2751

(2) At the time of the offense, the offender was driving 2752  
under suspension under Chapter ~~4507.~~ 4510. or any other provision 2753  
of the Revised Code. 2754

(D)(1) As used in this section: 2755

(a) "Mandatory prison term" has the same meaning as in 2756  
section 2929.01 of the Revised Code. 2757

(b) "Traffic-related homicide, manslaughter, or assault 2758  
offense" means a violation of section 2903.04 of the Revised Code 2759



in circumstances in which division (D) of that section applies, a 2760  
violation of section 2903.06 or 2903.08 of the Revised Code, or a 2761  
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 2762  
Code as they existed prior to ~~the effective date of this amendment~~ 2763  
March 23, 2000. 2764

(2) For the purposes of this section, when a penalty or 2765  
suspension is enhanced because of a prior or current violation of 2766  
a specified law or a prior or current specified offense, the 2767  
reference to the violation of the specified law or the specified 2768  
offense includes any violation of any substantially equivalent 2769  
municipal ordinance, former law of this state, or current or 2770  
former law of another state or the United States. 2771

**Sec. 2903.08.** (A) No person, while operating or participating 2772  
in the operation of a motor vehicle, motorcycle, snowmobile, 2773  
locomotive, watercraft, or aircraft, shall cause serious physical 2774  
harm to another person or another's unborn in either of the 2775  
following ways: 2776

(1) As the proximate result of committing a violation of 2777  
division (A) of section 4511.19 of the Revised Code or of a 2778  
substantially equivalent municipal ordinance; 2779

(2) Recklessly. 2780

(B)(1) Whoever violates division (A)(1) of this section is 2781  
guilty of aggravated vehicular assault. Except as otherwise 2782  
provided in this division, aggravated vehicular assault is a 2783  
felony of the third degree. Aggravated vehicular assault is a 2784  
felony of the second degree if, at the time of the offense, the 2785  
offender was driving under a suspension imposed under Chapter 2786  
~~4507.~~ 4510. or any other provision of the Revised Code or if the 2787  
offender previously has been convicted of or pleaded guilty to a 2788  
violation of this section; any traffic-related homicide, 2789  
manslaughter, or assault offense; three prior violations of 2790

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section 4511.19 of the Revised Code or a substantially equivalent 2791  
municipal ordinance within the previous six years; or a second or 2792  
subsequent felony violation of division (A) of section 4511.19 of 2793  
the Revised Code. 2794

In addition to any other sanctions imposed, the court shall 2795  
~~suspend~~ impose upon the offender a class three suspension of the 2796  
offender's driver's license, commercial driver's license, 2797  
temporary instruction permit, probationary license, or nonresident 2798  
operating privilege ~~for a definite period of two to ten years~~ 2799  
~~pursuant to~~ from the range specified in division (A)(3) of section 2800  
~~4507.16~~ 4510.02 of the Revised Code or, if the offender previously 2801  
has been convicted of or pleaded guilty to a violation of this 2802  
section or any traffic-related homicide, manslaughter, or assault 2803  
offense, ~~for a definite period of three years to life pursuant to~~ 2804  
~~a class two suspension of the offender's driver's license,~~ 2805  
~~commercial driver's license, temporary instruction permit,~~ 2806  
~~probationary license, or nonresident operating privilege from the~~ 2807  
range specified in division (A)(2) of that section. 2808

(2) Whoever violates division (A)(2) of this section is 2809  
guilty of vehicular assault. Except as otherwise provided in this 2810  
division, vehicular assault is a felony of the fourth degree. 2811  
Vehicular assault is a felony of the third degree if, at the time 2812  
of the offense, the offender was driving under a suspension 2813  
imposed under Chapter ~~4507-~~ 4510. ~~or any other provision~~ of the 2814  
Revised Code or if the offender previously has been convicted of 2815  
or pleaded guilty to a violation of this section or any 2816  
traffic-related homicide, manslaughter, or assault offense. 2817

In addition to any other sanctions imposed, the court shall 2818  
~~suspend~~ impose upon the offender a class four suspension of the 2819  
offender's driver's license, commercial driver's license, 2820  
temporary instruction permit, probationary license, or nonresident 2821  
operating privilege ~~for a definite period of one to five years~~ 2822

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~~pursuant to~~ from the range specified in division (A)(4) of section 2823  
~~4507.16~~ 4510.02 of the Revised Code or, if the offender previously 2824  
has been convicted of or pleaded guilty to a violation of this 2825  
section or any traffic-related homicide, manslaughter, or assault 2826  
offense, ~~for a definite period of two to ten years pursuant to a~~ 2827  
class three suspension of the offender's driver's license, 2828  
commercial driver's license, temporary instruction permit, 2829  
probationary license, or nonresident operating privilege from the 2830  
range specified in division (A)(3) of that section. 2831

(C) The court shall impose a mandatory prison term on an 2832  
offender who is convicted of or pleads guilty to a violation of 2833  
division (A)(1) of this section. The court shall impose a 2834  
mandatory prison term on an offender who is convicted of or pleads 2835  
guilty to a violation of division (A)(2) of this section if either 2836  
of the following applies: 2837

(1) The offender previously has been convicted of or pleaded 2838  
guilty to a violation of this section or section 2903.06 of the 2839  
Revised Code. 2840

(2) At the time of the offense, the offender was driving 2841  
under suspension under Chapter ~~4507.~~ 4510. or any other provision 2842  
of the Revised Code. 2843

(D) As used in this section: 2844

(1) "Mandatory prison term" has the same meaning as in 2845  
section 2929.01 of the Revised Code. 2846

(2) "Traffic-related homicide, manslaughter, or assault 2847  
offense" has the same meaning as in section 2903.06 of the Revised 2848  
Code. 2849

(E) For the purposes of this section, when a penalty or 2850  
suspension is enhanced because of a prior or current violation of 2851  
a specified law or a prior or current specified offense, the 2852  
reference to the violation of the specified law or the specified 2853

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offense includes any violation of any substantially equivalent 2854  
municipal ordinance, former law of this state, or current or 2855  
former law of another state or the United States. 2856

**Sec. 2907.24.** (A) No person shall solicit another to engage 2857  
with such other person in sexual activity for hire. 2858

(B) No person, with knowledge that the person has tested 2859  
positive as a carrier of a virus that causes acquired 2860  
immunodeficiency syndrome, shall engage in conduct in violation of 2861  
division (A) of this section. 2862

(C)(1) Whoever violates division (A) of this section is 2863  
guilty of soliciting, a misdemeanor of the third degree. 2864

(2) Whoever violates division (B) of this section is guilty 2865  
of engaging in solicitation after a positive HIV test. If the 2866  
offender commits the violation prior to July 1, 1996, engaging in 2867  
solicitation after a positive HIV test is a felony of the second 2868  
degree. If the offender commits the violation on or after July 1, 2869  
1996, engaging in solicitation after a positive HIV test is a 2870  
felony of the third degree. 2871

(D) If a person is convicted of or pleads guilty to a 2872  
violation of any provision of this section, an attempt to commit a 2873  
violation of any provision of this section, or a violation of or 2874  
an attempt to commit a violation of a municipal ordinance that is 2875  
substantially equivalent to any provision of this section and if 2876  
the person, in committing or attempting to commit the violation, 2877  
was in, was on, or used a motor vehicle, the court, in addition to 2878  
or independent of all other penalties imposed for the violation, 2879  
shall impose upon the offender a class six suspension of the 2880  
person's driver's license, commercial driver's license, temporary 2881  
instruction permit, probationary license, or nonresident operating 2882  
privilege from the range specified in division (A)(6) of section 2883  
4510.02 of the Revised Code. 2884

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Sec. 2919.22. (A) No person, who is the parent, guardian,	2885
custodian, person having custody or control, or person in loco	2886
parentis of a child under eighteen years of age or a mentally or	2887
physically handicapped child under twenty-one years of age, shall	2888
create a substantial risk to the health or safety of the child, by	2889
violating a duty of care, protection, or support. It is not a	2890
violation of a duty of care, protection, or support under this	2891
division when the parent, guardian, custodian, or person having	2892
custody or control of a child treats the physical or mental	2893
illness or defect of the child by spiritual means through prayer	2894
alone, in accordance with the tenets of a recognized religious	2895
body.	2896
(B) No person shall do any of the following to a child under	2897
eighteen years of age or a mentally or physically handicapped	2898
child under twenty-one years of age:	2899
(1) Abuse the child;	2900
(2) Torture or cruelly abuse the child;	2901
(3) Administer corporal punishment or other physical	2902
disciplinary measure, or physically restrain the child in a cruel	2903
manner or for a prolonged period, which punishment, discipline, or	2904
restraint is excessive under the circumstances and creates a	2905
substantial risk of serious physical harm to the child;	2906
(4) Repeatedly administer unwarranted disciplinary measures	2907
to the child, when there is a substantial risk that such conduct,	2908
if continued, will seriously impair or retard the child's mental	2909
health or development;	2910
(5) Entice, coerce, permit, encourage, compel, hire, employ,	2911
use, or allow the child to act, model, or in any other way	2912
participate in, or be photographed for, the production,	2913
presentation, dissemination, or advertisement of any material or	2914

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performance that the offender knows or reasonably should know is 2915  
obscene, is sexually oriented matter, or is nudity-oriented 2916  
matter. 2917

(C)(1) No person shall operate a vehicle, streetcar, or 2918  
trackless trolley within this state in violation of division (A) 2919  
of section 4511.19 of the Revised Code when one or more children 2920  
under eighteen years of age are in the vehicle, streetcar, or 2921  
trackless trolley. Notwithstanding any other provision of law, a 2922  
person may be convicted at the same trial or proceeding of a 2923  
violation of this division and a violation of division (A) of 2924  
section 4511.19 of the Revised Code that constitutes the basis of 2925  
the charge of the violation of this division. For purposes of 2926  
~~section~~ sections 4511.191 to 4511.197 of the Revised Code and all 2927  
related provisions of law, a person arrested for a violation of 2928  
this division shall be considered to be under arrest for operating 2929  
a vehicle while under the influence of alcohol, a drug of abuse, 2930  
or ~~alcohol and a drug of abuse~~ a combination of them or for 2931  
operating a vehicle with a prohibited concentration of alcohol in 2932  
the whole blood, blood serum or plasma, breath, or urine. 2933

(2) As used in division (C)(1) of this section, "vehicle," 2934  
"streetcar," and "trackless trolley" have the same meanings as in 2935  
section 4511.01 of the Revised Code. 2936

(D)(1) Division (B)(5) of this section does not apply to any 2937  
material or performance that is produced, presented, or 2938  
disseminated for a bona fide medical, scientific, educational, 2939  
religious, governmental, judicial, or other proper purpose, by or 2940  
to a physician, psychologist, sociologist, scientist, teacher, 2941  
person pursuing bona fide studies or research, librarian, member 2942  
of the clergy, prosecutor, judge, or other person having a proper 2943  
interest in the material or performance. 2944

(2) Mistake of age is not a defense to a charge under 2945  
division (B)(5) of this section. 2946

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- (3) In a prosecution under division (B)(5) of this section, 2947  
the trier of fact may infer that an actor, model, or participant 2948  
in the material or performance involved is a juvenile if the 2949  
material or performance, through its title, text, visual 2950  
representation, or otherwise, represents or depicts the actor, 2951  
model, or participant as a juvenile. 2952
- (4) As used in this division and division (B)(5) of this 2953  
section: 2954
- (a) "Material," "performance," "obscene," and "sexual 2955  
activity" have the same meanings as in section 2907.01 of the 2956  
Revised Code. 2957
- (b) "Nudity-oriented matter" means any material or 2958  
performance that shows a minor in a state of nudity and that, 2959  
taken as a whole by the average person applying contemporary 2960  
community standards, appeals to prurient interest. 2961
- (c) "Sexually oriented matter" means any material or 2962  
performance that shows a minor participating or engaging in sexual 2963  
activity, masturbation, or bestiality. 2964
- (E)(1) Whoever violates this section is guilty of endangering 2965  
children. 2966
- (2) If the offender violates division (A) or (B)(1) of this 2967  
section, endangering children is one of the following: 2968
- (a) Except as otherwise provided in division (E)(2)(b), (c), 2969  
or (d) of this section, a misdemeanor of the first degree; 2970
- (b) If the offender previously has been convicted of an 2971  
offense under this section or of any offense involving neglect, 2972  
abandonment, contributing to the delinquency of, or physical abuse 2973  
of a child, except as otherwise provided in division (E)(2)(c) or 2974  
(d) of this section, a felony of the fourth degree; 2975
- (c) If the violation is a violation of division (A) of this 2976

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section and results in serious physical harm to the child	2977
involved, a felony of the third degree;	2978
(d) If the violation is a violation of division (B)(1) of	2979
this section and results in serious physical harm to the child	2980
involved, a felony of the second degree.	2981
(3) If the offender violates division (B)(2), (3), or (4) of	2982
this section, except as otherwise provided in this division,	2983
endangering children is a felony of the third degree. If the	2984
violation results in serious physical harm to the child involved,	2985
or if the offender previously has been convicted of an offense	2986
under this section or of any offense involving neglect,	2987
abandonment, contributing to the delinquency of, or physical abuse	2988
of a child, endangering children is a felony of the second degree.	2989
(4) If the offender violates division (B)(5) of this section,	2990
endangering children is a felony of the second degree.	2991
(5) If the offender violates division (C) of this section,	2992
the offender shall be punished as follows:	2993
(a) Except as otherwise provided in division (E)(5)(b) or (c)	2994
of this section, endangering children in violation of division (C)	2995
of this section is a misdemeanor of the first degree.	2996
(b) If the violation results in serious physical harm to the	2997
child involved or the offender previously has been convicted of an	2998
offense under this section or any offense involving neglect,	2999
abandonment, contributing to the delinquency of, or physical abuse	3000
of a child, except as otherwise provided in division (E)(5)(c) of	3001
this section, endangering children in violation of division (C) of	3002
this section is a felony of the fifth degree.	3003
(c) If the violation results in serious physical harm to the	3004
child involved and if the offender previously has been convicted	3005
of a violation of division (C) of this section, section 2903.06 or	3006
2903.08 of the Revised Code, section 2903.07 of the Revised Code	3007



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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 or revocation of the offender's driver's or commercial driver's license or permit or nonresident operating privilege under Chapter 4506., ~~4507.~~, 4509., 4510., or 4511. of the Revised Code or under any other provision of law, the court also may impose upon the offender 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.~~

(e) In addition to any term of imprisonment, fine, or other

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sentence, penalty, or sanction imposed upon the offender pursuant 3040  
 to division (E)(5)(a), (b), (c), or (d) of this section or 3041  
 pursuant to any other provision of law for the violation of 3042  
 division (C) of this section, if as part of the same trial or 3043  
 proceeding the offender also is convicted of or pleads guilty to a 3044  
 separate charge charging the violation of division (A) of section 3045  
 4511.19 of the Revised Code that was the basis of the charge of 3046  
 the violation of division (C) of this section, the offender also 3047  
 shall be sentenced, in accordance with section ~~4511.99~~ 4511.19 of 3048  
 the Revised Code, for that violation of division (A) of section 3049  
 4511.19 of the Revised Code ~~and also shall be subject to all other~~ 3050  
~~sanctions that are required or authorized by any provision of law~~ 3051  
~~for that violation of division (A) of section 4511.19 of the~~ 3052  
~~Revised Code.~~ 3053

(F)(1)(a) ~~If a A court, pursuant to division (E)(5)(d)(i) of~~ 3054  
~~this section, requires~~ may require an offender to perform not more 3055  
than two hundred hours of supervised community service work under 3056  
 the authority of an agency, subdivision, or charitable 3057  
 organization, if the offender agrees to perform the supervised 3058  
community service work. The requirement shall be part of the 3059  
 community control sanction or sentence of the offender, and the 3060  
 court shall impose the community service in accordance with and 3061  
 subject to divisions (F)(1)(a) and (b) of this section. The court 3062  
 may require an offender whom it requires to perform supervised 3063  
 community service work as part of the offender's community control 3064  
 sanction or sentence to pay the court a reasonable fee to cover 3065  
 the costs of the offender's participation in the work, including, 3066  
 but not limited to, the costs of procuring a policy or policies of 3067  
 liability insurance to cover the period during which the offender 3068  
 will perform the work. If the court requires the offender to 3069  
 perform supervised community service work as part of the 3070  
 offender's community control sanction or sentence, the court shall 3071

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do so in accordance with the following limitations and criteria: 3072

(i) The court shall require that the community service work 3073  
be performed after completion of the term of imprisonment imposed 3074  
upon the offender for the violation of division (C) of this 3075  
section, if applicable. 3076

(ii) The supervised community service work shall be subject 3077  
to the limitations set forth in divisions (F)(1)(a) to (c) of 3078  
section 2951.02 of the Revised Code. 3079

(iii) The community service work shall be supervised in the 3080  
manner described in division (F)(1)(d) of section 2951.02 of the 3081  
Revised Code by an official or person with the qualifications 3082  
described in that division. The official or person periodically 3083  
shall report in writing to the court concerning the conduct of the 3084  
offender in performing the work. 3085

(iv) The court shall inform the offender in writing that if 3086  
the offender does not adequately perform, as determined by the 3087  
court, all of the required community service work, the court may 3088  
order that the offender be committed to a jail or workhouse for a 3089  
period of time that does not exceed the term of imprisonment that 3090  
the court could have imposed upon the offender for the violation 3091  
of division (C) of this section, reduced by the total amount of 3092  
time that the offender actually was imprisoned under the sentence 3093  
or term that was imposed upon the offender for that violation and 3094  
by the total amount of time that the offender was confined for any 3095  
reason arising out of the offense for which the offender was 3096  
convicted and sentenced as described in sections 2949.08 and 3097  
2967.191 of the Revised Code, and that, if the court orders that 3098  
the offender be so committed, the court is authorized, but not 3099  
required, to grant the offender credit upon the period of the 3100  
commitment for the community service work that the offender 3101  
adequately performed. 3102

(b) If a court, pursuant to ~~this division and~~ division 3103

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~~(E)(5)(d)(i)~~(F)(1)(a) of this section, orders an offender to 3104  
perform community service work as part of the offender's community 3105  
control sanction or sentence and if the offender does not 3106  
adequately perform all of the required community service work, as 3107  
determined by the court, the court may order that the offender be 3108  
committed to a jail or workhouse for a period of time that does 3109  
not exceed the term of imprisonment that the court could have 3110  
imposed upon the offender for the violation of division (C) of 3111  
this section, reduced by the total amount of time that the 3112  
offender actually was imprisoned under the sentence or term that 3113  
was imposed upon the offender for that violation and by the total 3114  
amount of time that the offender was confined for any reason 3115  
arising out of the offense for which the offender was convicted 3116  
and sentenced as described in sections 2949.08 and 2967.191 of the 3117  
Revised Code. The court may order that a person committed pursuant 3118  
to this division shall receive hour-for-hour credit upon the 3119  
period of the commitment for the community service work that the 3120  
offender adequately performed. No commitment pursuant to this 3121  
division shall exceed the period of the term of imprisonment that 3122  
the sentencing court could have imposed upon the offender for the 3123  
violation of division (C) of this section, reduced by the total 3124  
amount of time that the offender actually was imprisoned under 3125  
that sentence or term and by the total amount of time that the 3126  
offender was confined for any reason arising out of the offense 3127  
for which the offender was convicted and sentenced as described in 3128  
sections 2949.08 and 2967.191 of the Revised Code. 3129

(2) ~~Divisions (E)(5)(d)(i) and~~ Division (F)(1) of this 3130  
section ~~do~~ does not limit or affect the authority of the court to 3131  
suspend the sentence imposed upon a misdemeanor offender and place 3132  
the offender on probation or otherwise suspend the sentence 3133  
pursuant to sections 2929.51 and 2951.02 of the Revised Code, to 3134  
require the misdemeanor offender, as a condition of the offender's 3135  
probation or of otherwise suspending the offender's sentence, to 3136

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perform supervised community service work in accordance with 3137  
 division (F) of section 2951.02 of the Revised Code, or to place a 3138  
 felony offender under a community control sanction. 3139

(G)(1) If a court suspends an offender's driver's or 3140  
 commercial driver's license or permit or nonresident operating 3141  
 privilege under division (E)(5)(d)~~(ii)~~ of this section, the period 3142  
 of the suspension shall be consecutive to, and commence after, the 3143  
 period of suspension ~~or revocation~~ of the offender's driver's or 3144  
 commercial driver's license or permit or nonresident operating 3145  
 privilege that is imposed under Chapter 4506., ~~4507.~~, 4509., 3146  
~~4510.~~, or 4511. of the Revised Code or under any other provision 3147  
 of law in relation to the violation of division (C) of this 3148  
 section that is the basis of the suspension under division 3149  
 (E)(5)(d)~~(ii)~~ of this section or in relation to the violation of 3150  
 division (A) of section 4511.19 of the Revised Code that is the 3151  
 basis for that violation of division (C) of this section. 3152

(2) An offender is not entitled to request, and the court 3153  
 shall not grant to the offender, ~~occupational~~ limited driving 3154  
 privileges ~~under division (G) of this section~~ if the offender's 3155  
 license, permit, or privilege has been suspended under division 3156  
 (E)(5)(d)~~(ii)~~ of this section and the offender, within the 3157  
 preceding ~~seven~~ six years, has been convicted of or pleaded guilty 3158  
 to three or more violations of one or more of the following: 3159

(a) Division (C) of this section; 3160

~~(b) Division (A) or (B) of section 4511.19 of the Revised~~ 3161  
~~Code;~~ 3162

~~(c) A municipal ordinance relating to operating a vehicle~~ 3163  
~~while under the influence of alcohol, a drug of abuse, or alcohol~~ 3164  
~~and a drug of abuse;~~ 3165

~~(d) A municipal ordinance relating to operating a vehicle~~ 3166  
~~with a prohibited concentration of alcohol in the blood, breath,~~ 3167

or urine; 3168

~~(e) Section 2903.04 of the Revised Code in a case in which 3169  
the offender was subject to the sanctions described in division 3170  
(D) of that section; 3171~~

~~(f) Division (A)(1) of section 2903.06 or division (A)(1) of 3172  
section 2903.08 of the Revised Code or a municipal ordinance that 3173  
is substantially similar to either of those divisions; 3174~~

~~(g) Division (A)(2), (3), or (4) of section 2903.06, division 3175  
(A)(2) of section 2903.08, or former section 2903.07 of the 3176  
Revised Code, or a municipal ordinance that is substantially 3177  
similar to any of those divisions or that former section, in a 3178  
case in which the jury or judge found that the offender was under 3179  
the influence of alcohol, a drug of abuse, or alcohol and a drug 3180  
of abuse; 3181~~

~~(h) A statute of the United States or of any other state or a 3182  
municipal ordinance of a municipal corporation located in any 3183  
other state that is substantially similar to division (A) or (B) 3184  
of section 4511.19 Any equivalent offense, as defined in section 3185  
4511.181 of the Revised Code. 3186~~

~~(3) Any other offender who is not described in division 3187  
(G)(2) of this section and whose license, permit, or nonresident 3188  
operating privilege has been suspended under division 3189  
(E)(5)(d)(ii) of this section may file with the sentencing court a 3190  
petition alleging that the suspension would seriously affect the 3191  
offender's ability to continue employment. Upon satisfactory proof 3192  
that there is reasonable cause to believe that the suspension 3193  
would seriously affect the offender's ability to continue 3194  
employment, the court may grant the offender occupational driving 3195  
privileges during the period during which the suspension otherwise 3196  
would be imposed, except that the court shall not grant 3197  
occupational driving privileges for employment as a driver of 3198~~

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~~commercial motor vehicles to any person who is disqualified from  
operating a commercial motor vehicle under section 3123.611 or  
4506.16 of the Revised Code or whose commercial driver's license  
or commercial driver's temporary instruction permit has been  
suspended under section 3123.58 of the Revised Code.~~

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

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

(i) For purposes of the provisions of section ~~4511.99~~ 4511.19  
of the Revised Code that set forth the penalties and sanctions for  
a violation of division (A) of section 4511.19 of the Revised  
Code, the conviction of or plea of guilty to the violation of  
division (C) of this section shall not constitute a violation of  
division (A) of section 4511.19 of the Revised Code;

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

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

(I) As used in this section, ~~"community:~~ 3242

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code; 3243  
3244

(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code. 3245  
3246

**Sec. 2921.331.** (A) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic. 3247  
3248  
3249

(B) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop. 3250  
3251  
3252  
3253

(C)(1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. 3254  
3255

(2) A violation of division (A) of this section is a misdemeanor of the first degree. 3256  
3257

(3) Except as provided in divisions (C)(4) and (5) of this section, a violation of division (B) of this section is a 3258  
3259



misdemeanor of the first degree.	3260
(4) Except as provided in division (C)(5) of this section, a violation of division (B) of this section is a felony of the fourth degree if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that, in committing the offense, the offender was fleeing immediately after the commission of a felony.	3261 3262 3263 3264 3265
(5)(a) A violation of division (B) of this section is a felony of the third degree if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:	3266 3267 3268
(i) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.	3269 3270
(ii) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.	3271 3272 3273
(b) If a police officer pursues an offender who is violating division (B) of this section and division (C)(5)(a) of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of division (B) of this section, shall consider, along with the factors set forth in sections 2929.12 and 2929.13 of the Revised Code that are required to be considered, all of the following:	3274 3275 3276 3277 3278 3279 3280 3281
(i) The duration of the pursuit;	3282
(ii) The distance of the pursuit;	3283
(iii) The rate of speed at which the offender operated the motor vehicle during the pursuit;	3284 3285
(iv) Whether the offender failed to stop for traffic lights or stop signs during the pursuit;	3286 3287
(v) The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;	3288 3289

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(vi) Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;	3290 3291 3292
(vii) Whether the offender committed a moving violation during the pursuit;	3293 3294
(viii) The number of moving violations the offender committed during the pursuit;	3295 3296
(ix) Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.	3297 3298 3299
(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.	3300 3301 3302 3303 3304 3305
(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 one suspension as described in division (A)(1) of that section. The court shall not grant limited driving privileges to the offender.</u>	3306 3307 3308 3309 3310 3311 3312 3313
(F) As used in this section:	3314
(1) "Moving violation" has the same meaning as in section 2743.70 of the Revised Code.	3315 3316
(2) "Police officer" has the same meaning as in section 4511.01 of the Revised Code.	3317 3318

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**Sec. 2923.01.** (A) No person, with purpose to commit or to 3319  
promote or facilitate the commission of aggravated murder, murder, 3320  
kidnapping, compelling prostitution, promoting prostitution, 3321  
aggravated arson, arson, aggravated robbery, robbery, aggravated 3322  
burglary, burglary, engaging in a pattern of corrupt activity, 3323  
corrupting another with drugs, a felony drug trafficking, 3324  
manufacturing, processing, or possession offense, theft of drugs, 3325  
or illegal processing of drug documents, the commission of a 3326  
felony offense of unauthorized use of a vehicle, or the commission 3327  
of a violation of any provision of Chapter 3734. of the Revised 3328  
Code, other than section 3734.18 of the Revised Code, that relates 3329  
to hazardous wastes, shall do either of the following: 3330

(1) With another person or persons, plan or aid in planning 3331  
the commission of any of the specified offenses; 3332

(2) Agree with another person or persons that one or more of 3333  
them will engage in conduct that facilitates the commission of any 3334  
of the specified offenses. 3335

(B) No person shall be convicted of conspiracy unless a 3336  
substantial overt act in furtherance of the conspiracy is alleged 3337  
and proved to have been done by the accused or a person with whom 3338  
the accused conspired, subsequent to the accused's entrance into 3339  
the conspiracy. For purposes of this section, an overt act is 3340  
substantial when it is of a character that manifests a purpose on 3341  
the part of the actor that the object of the conspiracy should be 3342  
completed. 3343

(C) When the offender knows or has reasonable cause to 3344  
believe that a person with whom the offender conspires also has 3345  
conspired or is conspiring with another to commit the same 3346  
offense, the offender is guilty of conspiring with that other 3347  
person, even though the other person's identity may be unknown to 3348  
the offender. 3349

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

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

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

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

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

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

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

It is for you, as jurors, in the light of all the facts presented to you from the witness stand, to evaluate such

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testimony and to determine its quality and worth or its lack of	3381
quality and worth."	3382
(3) "Conspiracy," as used in division (H)(1) of this section,	3383
does not include any conspiracy that results in an attempt to	3384
commit an offense or in the commission of an offense.	3385
(I) The following are affirmative defenses to a charge of	3386
conspiracy:	3387
(1) After conspiring to commit an offense, the actor thwarted	3388
the success of the conspiracy under circumstances manifesting a	3389
complete and voluntary renunciation of the actor's criminal	3390
purpose.	3391
(2) After conspiring to commit an offense, the actor	3392
abandoned the conspiracy prior to the commission of or attempt to	3393
commit any offense that was the object of the conspiracy, either	3394
by advising all other conspirators of the actor's abandonment, or	3395
by informing any law enforcement authority of the existence of the	3396
conspiracy and of the actor's participation in the conspiracy.	3397
(J) Whoever violates this section is guilty of conspiracy,	3398
which is one of the following:	3399
(1) A felony of the first degree, when one of the objects of	3400
the conspiracy is aggravated murder, murder, or an offense for	3401
which the maximum penalty is imprisonment for life;	3402
(2) A felony of the next lesser degree than the most serious	3403
offense that is the object of the conspiracy, when the most	3404
serious offense that is the object of the conspiracy is a felony	3405
of the first, second, third, or fourth degree;	3406
(3) A felony punishable by a fine of not more than	3407
twenty-five thousand dollars or imprisonment for not more than	3408
eighteen months, or both, when the offense that is the object of	3409
the conspiracy is a violation of any provision of Chapter 3734. of	3410

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the Revised Code, other than section 3734.18 of the Revised Code,  
that relates to hazardous wastes;

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

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

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

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

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

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

(a) The provisions of divisions (D), (F), and (G) of section  
2925.03, division (D) of section 2925.04, division (D) of section  
2925.05, division (D) of section 2925.06, and division (E) of  
section 2925.11 of the Revised Code that pertain to mandatory and

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additional fines, driver's or commercial driver's license or 3442  
 permit ~~revocations or~~ suspensions, and professionally licensed 3443  
 persons ~~or persons who have been admitted to the bar by order of~~ 3444  
~~the supreme court~~ and that would apply under the appropriate 3445  
 provisions of those divisions to a person who is convicted of or 3446  
 pleads guilty to the felony drug trafficking, manufacturing, 3447  
 processing, or possession offense that is the most serious offense 3448  
 that is the basis of the conspiracy shall apply to the person who 3449  
 is convicted of or pleads guilty to the conspiracy as if the 3450  
 person had been convicted of or pleaded guilty to the felony drug 3451  
 trafficking, manufacturing, processing, or possession offense that 3452  
 is the most serious offense that is the basis of the conspiracy. 3453

(b) The court that imposes sentence upon the person who is 3454  
 convicted of or pleads guilty to the conspiracy shall comply with 3455  
 the provisions identified as being applicable under division 3456  
 (L)(2) of this section, in addition to any other penalty or 3457  
 sanction that it imposes for the conspiracy under division (J)(2) 3458  
 or (4) of this section and Chapter 2929. of the Revised Code. 3459

(M) As used in this section:

(1) "~~felony~~ Felony drug trafficking, manufacturing, 3461  
 processing, or possession offense" means any of the following that 3462  
 is a felony: 3463

~~(1)~~(a) A violation of section 2925.03, 2925.04, 2925.05, or 3464  
 2925.06 of the Revised Code; 3465

~~(2)~~(b) A violation of section 2925.11 of the Revised Code 3466  
 that is not a minor drug possession offense. 3467

(2) "Minor drug possession offense" has the same meaning as 3468  
~~defined~~ in section 2925.01 of the Revised Code. 3469

**Sec. 2923.122.** (A) No person shall knowingly convey, or 3470  
 attempt to convey, a deadly weapon or dangerous ordnance into a 3471

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school safety zone.	3472
(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.	3473 3474
(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:	3475 3476
(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.	3477 3478
(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.	3479 3480 3481
(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 person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization.	3482 3483 3484 3485 3486 3487 3488 3489 3490 3491 3492 3493 3494
Division (C) of this section does not apply to premises upon which home schooling is conducted. Division (C) of this section also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express	3495 3496 3497 3498 3499 3500 3501 3502



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prior approval of a school administrator possesses an object that 3503  
is indistinguishable from a firearm for a legitimate purpose, 3504  
including the use of the object in a ceremonial activity, a play, 3505  
reenactment, or other dramatic presentation, or a ROTC activity or 3506  
another similar use of the object. 3507

(E)(1) Whoever violates division (A) or (B) of this section 3508  
is guilty of illegal conveyance or possession of a deadly weapon 3509  
or dangerous ordnance in a school safety zone. Except as otherwise 3510  
provided in this division, illegal conveyance or possession of a 3511  
deadly weapon or dangerous ordnance in a school safety zone is a 3512  
felony of the fifth degree. If the offender previously has been 3513  
convicted of a violation of this section, illegal conveyance or 3514  
possession of a deadly weapon or dangerous ordnance in a school 3515  
safety zone is a felony of the fourth degree. 3516

(2) Whoever violates division (C) of this section is guilty 3517  
of illegal possession of an object indistinguishable from a 3518  
firearm in a school safety zone. Except as otherwise provided in 3519  
this division, illegal possession of an object indistinguishable 3520  
from a firearm in a school safety zone is a misdemeanor of the 3521  
first degree. If the offender previously has been convicted of a 3522  
violation of this section, illegal possession of an object 3523  
indistinguishable from a firearm in a school safety zone is a 3524  
felony of the fifth degree. 3525

(F)(1) In addition to any other penalty imposed upon a person 3526  
who is convicted of or pleads guilty to a violation of this 3527  
section and subject to division (F)(2) of this section, if the 3528  
offender has not attained nineteen years of age, regardless of 3529  
whether the offender is attending or is enrolled in a school 3530  
operated by a board of education or for which the state board of 3531  
education prescribes minimum standards under section 3301.07 of 3532  
the Revised Code, the court shall impose upon the offender 3533  
~~whichever of the following penalties applies:~~ 3534

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

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

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

~~(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.~~

~~(e) If the offender is not a resident of this state, the court shall suspend for a period of not less than twelve months~~

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~~and not more than thirty-six months~~ impose a class four suspension 3567  
of the nonresident operating privilege of the offender from the 3568  
range specified in division (A)(4) of section 4510.02 of the 3569  
Revised Code. 3570

(2) If the offender shows good cause why the court should not 3571  
suspend ~~or revoke~~ one of the types of licenses, permits, or 3572  
privileges specified in division (F)(1) of this section or deny 3573  
the issuance of one of the temporary instruction permits specified 3574  
in that division, the court in its discretion may choose not to 3575  
impose the suspension, revocation, or denial required in that 3576  
division. 3577

(G) As used in this section, "object that is 3578  
indistinguishable from a firearm" means an object made, 3579  
constructed, or altered so that, to a reasonable person without 3580  
specialized training in firearms, the object appears to be a 3581  
firearm. 3582

**Sec. 2925.01.** As used in this chapter: 3583

(A) "Administer," "controlled substance," "dispense," 3584  
"distribute," "hypodermic," "manufacturer," "official written 3585  
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 3586  
"schedule II," "schedule III," "schedule IV," "schedule V," and 3587  
"wholesaler" have the same meanings as in section 3719.01 of the 3588  
Revised Code. 3589

(B) "Drug dependent person" and "drug of abuse" have the same 3590  
meanings as in section 3719.011 of the Revised Code. 3591

(C) "Drug," "dangerous drug," "licensed health professional 3592  
authorized to prescribe drugs," and "prescription" have the same 3593  
meanings as in section 4729.01 of the Revised Code. 3594

(D) "Bulk amount" of a controlled substance means any of the 3595  
following: 3596

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(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:	3597 3598 3599 3600 3601
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	3602 3603 3604 3605
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	3606 3607 3608
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	3609 3610 3611 3612 3613
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;	3614 3615 3616 3617 3618
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	3619 3620 3621
(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food,	3622 3623 3624 3625 3626 3627

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Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 3628  
amended, and the federal drug abuse control laws, as defined in 3629  
section 3719.01 of the Revised Code, that is or contains any 3630  
amount of a schedule II depressant substance or a schedule II 3631  
hallucinogenic substance; 3632

(g) An amount equal to or exceeding three grams of a 3633  
compound, mixture, preparation, or substance that is or contains 3634  
any amount of a schedule II stimulant, or any of its salts or 3635  
isomers, that is not in a final dosage form manufactured by a 3636  
person authorized by the Federal Food, Drug, and Cosmetic Act and 3637  
the federal drug abuse control laws. 3638

(2) An amount equal to or exceeding one hundred twenty grams 3639  
or thirty times the maximum daily dose in the usual dose range 3640  
specified in a standard pharmaceutical reference manual of a 3641  
compound, mixture, preparation, or substance that is or contains 3642  
any amount of a schedule III or IV substance other than an 3643  
anabolic steroid or a schedule III opiate or opium derivative; 3644

(3) An amount equal to or exceeding twenty grams or five 3645  
times the maximum daily dose in the usual dose range specified in 3646  
a standard pharmaceutical reference manual of a compound, mixture, 3647  
preparation, or substance that is or contains any amount of a 3648  
schedule III opiate or opium derivative; 3649

(4) An amount equal to or exceeding two hundred fifty 3650  
milliliters or two hundred fifty grams of a compound, mixture, 3651  
preparation, or substance that is or contains any amount of a 3652  
schedule V substance; 3653

(5) An amount equal to or exceeding two hundred solid dosage 3654  
units, sixteen grams, or sixteen milliliters of a compound, 3655  
mixture, preparation, or substance that is or contains any amount 3656  
of a schedule III anabolic steroid. 3657

(E) "Unit dose" means an amount or unit of a compound, 3658

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mixture, or preparation containing a controlled substance that is  
separately identifiable and in a form that indicates that it is  
the amount or unit by which the controlled substance is separately  
administered to or taken by an individual.

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

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

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

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

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

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

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

(I) "Harmful intoxicant" does not include beer or

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intoxicating liquor but means any compound, mixture, preparation,	3689
or substance the gas, fumes, or vapor of which when inhaled can	3690
induce intoxication, excitement, giddiness, irrational behavior,	3691
depression, stupefaction, paralysis, unconsciousness,	3692
asphyxiation, or other harmful physiological effects, and	3693
includes, but is not limited to, any of the following:	3694
(1) Any volatile organic solvent, plastic cement, model	3695
cement, fingernail polish remover, lacquer thinner, cleaning	3696
fluid, gasoline, or other preparation containing a volatile	3697
organic solvent;	3698
(2) Any aerosol propellant;	3699
(3) Any fluorocarbon refrigerant;	3700
(4) Any anesthetic gas.	3701
(J) "Manufacture" means to plant, cultivate, harvest,	3702
process, make, prepare, or otherwise engage in any part of the	3703
production of a drug, by propagation, extraction, chemical	3704
synthesis, or compounding, or any combination of the same, and	3705
includes packaging, repackaging, labeling, and other activities	3706
incident to production.	3707
(K) "Possess" or "possession" means having control over a	3708
thing or substance, but may not be inferred solely from mere	3709
access to the thing or substance through ownership or occupation	3710
of the premises upon which the thing or substance is found.	3711
(L) "Sample drug" means a drug or pharmaceutical preparation	3712
that would be hazardous to health or safety if used without the	3713
supervision of a licensed health professional authorized to	3714
prescribe drugs, or a drug of abuse, and that, at one time, had	3715
been placed in a container plainly marked as a sample by a	3716
manufacturer.	3717
(M) "Standard pharmaceutical reference manual" means the	3718

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current edition, with cumulative changes if any, of any of the	3719
following reference works:	3720
(1) "The National Formulary";	3721
(2) "The United States Pharmacopeia," prepared by authority	3722
of the United States Pharmacopeial Convention, Inc.;	3723
(3) Other standard references that are approved by the state	3724
board of pharmacy.	3725
(N) "Juvenile" means a person under eighteen years of age.	3726
(O) "Counterfeit controlled substance" means any of the	3727
following:	3728
(1) Any drug that bears, or whose container or label bears, a	3729
trademark, trade name, or other identifying mark used without	3730
authorization of the owner of rights to that trademark, trade	3731
name, or identifying mark;	3732
(2) Any unmarked or unlabeled substance that is represented	3733
to be a controlled substance manufactured, processed, packed, or	3734
distributed by a person other than the person that manufactured,	3735
processed, packed, or distributed it;	3736
(3) Any substance that is represented to be a controlled	3737
substance but is not a controlled substance or is a different	3738
controlled substance;	3739
(4) Any substance other than a controlled substance that a	3740
reasonable person would believe to be a controlled substance	3741
because of its similarity in shape, size, and color, or its	3742
markings, labeling, packaging, distribution, or the price for	3743
which it is sold or offered for sale.	3744
(P) An offense is "committed in the vicinity of a school" if	3745
the offender commits the offense on school premises, in a school	3746
building, or within one thousand feet of the boundaries of any	3747
school premises.	3748



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

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

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

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

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

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

(U) "Certified grievance committee" means a duly constituted

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and organized committee of the Ohio state bar association or of 3780  
one or more local bar associations of the state of Ohio that 3781  
complies with the criteria set forth in Rule V, section 6 of the 3782  
Rules for the Government of the Bar of Ohio. 3783

(V) "Professional license" means any license, permit, 3784  
certificate, registration, qualification, admission, temporary 3785  
license, temporary permit, temporary certificate, or temporary 3786  
registration that is described in divisions (W)(1) to ~~(35)~~(36) of 3787  
this section and that qualifies a person as a professionally 3788  
licensed person. 3789

(W) "Professionally licensed person" means any of the 3790  
following: 3791

(1) A person who has obtained a license as a manufacturer of 3792  
controlled substances or a wholesaler of controlled substances 3793  
under Chapter 3719. of the Revised Code; 3794

(2) A person who has received a certificate or temporary 3795  
certificate as a certified public accountant or who has registered 3796  
as a public accountant under Chapter 4701. of the Revised Code and 3797  
who holds an Ohio permit issued under that chapter; 3798

(3) A person who holds a certificate of qualification to 3799  
practice architecture issued or renewed and registered under 3800  
Chapter 4703. of the Revised Code; 3801

(4) A person who is registered as a landscape architect under 3802  
Chapter 4703. of the Revised Code or who holds a permit as a 3803  
landscape architect issued under that chapter; 3804

(5) A person licensed as an auctioneer or apprentice 3805  
auctioneer or licensed to operate an auction company under Chapter 3806  
4707. of the Revised Code; 3807

(6) A person who has been issued a certificate of 3808  
registration as a registered barber under Chapter 4709. of the 3809

Revised Code;	3810
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	3811 3812 3813
(8) A person who has been issued a cosmetologist's license, manicurist's license, esthetician's license, managing cosmetologist's license, managing manicurist's license, managing esthetician's license, cosmetology instructor's license, manicurist instructor's license, esthetician instructor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	3814 3815 3816 3817 3818 3819 3820
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	3821 3822 3823 3824 3825
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	3826 3827 3828 3829
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	3830 3831 3832 3833
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	3834 3835 3836
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	3837 3838
(14) A person licensed to act as a precious metals dealer	3839

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under Chapter 4728. of the Revised Code;	3840
(15) A person licensed as a pharmacist, a pharmacy intern, a	3841
wholesale distributor of dangerous drugs, or a terminal	3842
distributor of dangerous drugs under Chapter 4729. of the Revised	3843
Code;	3844
(16) A person who is authorized to practice as a physician	3845
assistant under Chapter 4730. of the Revised Code;	3846
(17) A person who has been issued a certificate to practice	3847
medicine and surgery, osteopathic medicine and surgery, a limited	3848
branch of medicine, or podiatry under Chapter 4731. of the Revised	3849
Code;	3850
(18) A person licensed as a psychologist or school	3851
psychologist under Chapter 4732. of the Revised Code;	3852
(19) A person registered to practice the profession of	3853
engineering or surveying under Chapter 4733. of the Revised Code;	3854
(20) A person who has been issued a license to practice	3855
chiropractic under Chapter 4734. of the Revised Code;	3856
(21) A person licensed to act as a real estate broker or real	3857
estate salesperson under Chapter 4735. of the Revised Code;	3858
(22) A person registered as a registered sanitarian under	3859
Chapter 4736. of the Revised Code;	3860
(23) A person licensed to operate or maintain a junkyard	3861
under Chapter 4737. of the Revised Code;	3862
(24) A person who has been issued a motor vehicle salvage	3863
dealer's license under Chapter 4738. of the Revised Code;	3864
(25) A person who has been licensed to act as a steam	3865
engineer under Chapter 4739. of the Revised Code;	3866
(26) A person who has been issued a license or temporary	3867
permit to practice veterinary medicine or any of its branches, or	3868

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who is registered as a graduate animal technician under Chapter	3869
4741. of the Revised Code;	3870
(27) A person who has been issued a hearing aid dealer's or	3871
fitter's license or trainee permit under Chapter 4747. of the	3872
Revised Code;	3873
(28) A person who has been issued a class A, class B, or	3874
class C license or who has been registered as an investigator or	3875
security guard employee under Chapter 4749. of the Revised Code;	3876
(29) A person licensed and registered to practice as a	3877
nursing home administrator under Chapter 4751. of the Revised	3878
Code;	3879
(30) A person licensed to practice as a speech-language	3880
pathologist or audiologist under Chapter 4753. of the Revised	3881
Code;	3882
(31) A person issued a license as an occupational therapist	3883
or physical therapist under Chapter 4755. of the Revised Code;	3884
(32) A person who is licensed as a professional clinical	3885
counselor or professional counselor, licensed as a social worker	3886
or independent social worker, or registered as a social work	3887
assistant under Chapter 4757. of the Revised Code;	3888
(33) A person issued a license to practice dietetics under	3889
Chapter 4759. of the Revised Code;	3890
(34) A person who has been issued a license or limited permit	3891
to practice respiratory therapy under Chapter 4761. of the Revised	3892
Code;	3893
(35) A person who has been issued a real estate appraiser	3894
certificate under Chapter 4763. of the Revised Code;	3895
<u>(36) A person who has been admitted to the bar by order of</u>	3896
<u>the supreme court in compliance with its prescribed and published</u>	3897
<u>rules.</u>	3898

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(X) "Cocaine" means any of the following:	3899
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	3900 3901
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	3902 3903 3904 3905
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	3906 3907 3908 3909 3910 3911
(Y) "L.S.D." means lysergic acid diethylamide.	3912
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	3913 3914 3915
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	3916 3917
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	3918 3919 3920 3921 3922 3923 3924
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with	3925 3926 3927 3928

the purposes and principles of sentencing under section 2929.11 of  
the Revised Code. 3929  
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(DD) "Major drug offender" has the same meaning as in section 3931  
2929.01 of the Revised Code. 3932

(EE) "Minor drug possession offense" means either of the 3933  
following: 3934

(1) A violation of section 2925.11 of the Revised Code as it 3935  
existed prior to July 1, 1996; 3936

(2) A violation of section 2925.11 of the Revised Code as it 3937  
exists on and after July 1, 1996, that is a misdemeanor or a 3938  
felony of the fifth degree. 3939

(FF) "Mandatory prison term" has the same meaning as in 3940  
section 2929.01 of the Revised Code. 3941

(GG) "Crack cocaine" means a compound, mixture, preparation, 3942  
or substance that is or contains any amount of cocaine that is 3943  
analytically identified as the base form of cocaine or that is in 3944  
a form that resembles rocks or pebbles generally intended for 3945  
individual use. 3946

(HH) "Adulterate" means to cause a drug to be adulterated as 3947  
described in section 3715.63 of the Revised Code. 3948

**Sec. 2925.02.** (A) No person shall knowingly do any of the 3949  
following: 3950

(1) By force, threat, or deception, administer to another or 3951  
induce or cause another to use a controlled substance; 3952

(2) By any means, administer or furnish to another or induce 3953  
or cause another to use a controlled substance with purpose to 3954  
cause serious physical harm to the other person, or with purpose 3955  
to cause the other person to become drug dependent; 3956

(3) By any means, administer or furnish to another or induce 3957

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- or cause another to use a controlled substance, and thereby cause  
serious physical harm to the other person, or cause the other  
person to become drug dependent;
- (4) By any means, do any of the following:
- (a) Furnish or administer a controlled substance to a  
juvenile who is at least two years the offender's junior, when the  
offender knows the age of the juvenile or is reckless in that  
regard;
- (b) Induce or cause a juvenile who is at least two years the  
offender's junior to use a controlled substance, when the offender  
knows the age of the juvenile or is reckless in that regard;
- (c) Induce or cause a juvenile who is at least two years the  
offender's junior to commit a felony drug abuse offense, when the  
offender knows the age of the juvenile or is reckless in that  
regard;
- (d) Use a juvenile, whether or not the offender knows the age  
of the juvenile, to perform any surveillance activity that is  
intended to prevent the detection of the offender or any other  
person in the commission of a felony drug abuse offense or to  
prevent the arrest of the offender or any other person for the  
commission of a felony drug abuse offense.
- (B) Division (A)(1), (3), or (4) of this section does not  
apply to manufacturers, wholesalers, licensed health professionals  
authorized to prescribe drugs, pharmacists, owners of pharmacies,  
and other persons whose conduct is in accordance with Chapters  
3719., 4715., 4723., 4729., 4731., and 4741. of the Revised Code.
- (C) Whoever violates this section is guilty of corrupting  
another with drugs. The penalty for the offense shall be  
determined as follows:
- (1) Except as otherwise provided in this division, if the



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drug involved is any compound, mixture, preparation, or substance 3988  
included in schedule I or II, with the exception of marihuana, 3989  
corrupting another with drugs is a felony of the second degree, 3990  
and, subject to division (E) of this section, the court shall 3991  
impose as a mandatory prison term one of the prison terms 3992  
prescribed for a felony of the second degree. If the drug involved 3993  
is any compound, mixture, preparation, or substance included in 3994  
schedule I or II, with the exception of marihuana, and if the 3995  
offense was committed in the vicinity of a school, corrupting 3996  
another with drugs is a felony of the first degree, and, subject 3997  
to division (E) of this section, the court shall impose as a 3998  
mandatory prison term one of the prison terms prescribed for a 3999  
felony of the first degree. 4000

(2) Except as otherwise provided in this division, if the 4001  
drug involved is any compound, mixture, preparation, or substance 4002  
included in schedule III, IV, or V, corrupting another with drugs 4003  
is a felony of the second degree, and there is a presumption for a 4004  
prison term for the offense. If the drug involved is any compound, 4005  
mixture, preparation, or substance included in schedule III, IV, 4006  
or V and if the offense was committed in the vicinity of a school, 4007  
corrupting another with drugs is a felony of the second degree, 4008  
and the court shall impose as a mandatory prison term one of the 4009  
prison terms prescribed for a felony of the second degree. 4010

(3) Except as otherwise provided in this division, if the 4011  
drug involved is marihuana, corrupting another with drugs is a 4012  
felony of the fourth degree, and division (C) of section 2929.13 4013  
of the Revised Code applies in determining whether to impose a 4014  
prison term on the offender. If the drug involved is marihuana and 4015  
if the offense was committed in the vicinity of a school, 4016  
corrupting another with drugs is a felony of the third degree, and 4017  
division (C) of section 2929.13 of the Revised Code applies in 4018  
determining whether to impose a prison term on the offender. 4019

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(D) In addition to any prison term authorized or required by 4020  
division (C) or (E) of this section and sections 2929.13 and 4021  
2929.14 of the Revised Code and in addition to any other sanction 4022  
imposed for the offense under this section or sections 2929.11 to 4023  
2929.18 of the Revised Code, the court that sentences an offender 4024  
who is convicted of or pleads guilty to a violation of division 4025  
(A) of this section or the clerk of that court shall do all of the 4026  
following that are applicable regarding the offender: 4027

(1)(a) If the violation is a felony of the first, second, or 4028  
third degree, the court shall impose upon the offender the 4029  
mandatory fine specified for the offense under division (B)(1) of 4030  
section 2929.18 of the Revised Code unless, as specified in that 4031  
division, the court determines that the offender is indigent. 4032

(b) Notwithstanding any contrary provision of section 3719.21 4033  
of the Revised Code, any mandatory fine imposed pursuant to 4034  
division (D)(1)(a) of this section and any fine imposed for a 4035  
violation of this section pursuant to division (A) of section 4036  
2929.18 of the Revised Code shall be paid by the clerk of the 4037  
court in accordance with and subject to the requirements of, and 4038  
shall be used as specified in, division (F) of section 2925.03 of 4039  
the Revised Code. 4040

(c) If a person is charged with any violation of this section 4041  
that is a felony of the first, second, or third degree, posts 4042  
bail, and forfeits the bail, the forfeited bail shall be paid by 4043  
the clerk of the court pursuant to division (D)(1)(b) of this 4044  
section as if it were a fine imposed for a violation of this 4045  
section. 4046

(2) The court ~~either shall revoke or, if it does not revoke,~~ 4047  
~~shall suspend for not less than six months or more than five~~ 4048  
~~years, the driver's or commercial driver's license or permit of~~ 4049  
~~any person who is convicted of or pleads guilty to a violation of~~ 4050  
~~this section that is a felony of the first degree and shall~~ 4051

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suspend for not less than six months nor more than five years the  
offender's 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.~~ 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 the motion and the  
court's finding of good cause for the termination, the court may  
terminate the ~~revocation~~ suspension.

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

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

(D)(3)(b) of that section.

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

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

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

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

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

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

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

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

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(1) If the drug involved in the violation is any compound,

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mixture, preparation, or substance included in schedule I or 4113  
schedule II, with the exception of marihuana, cocaine, L.S.D., 4114  
heroin, and hashish, whoever violates division (A) of this section 4115  
is guilty of aggravated trafficking in drugs. The penalty for the 4116  
offense shall be determined as follows: 4117

(a) Except as otherwise provided in division (C)(1)(b), (c), 4118  
(d), (e), or (f) of this section, aggravated trafficking in drugs 4119  
is a felony of the fourth degree, and division (C) of section 4120  
2929.13 of the Revised Code applies in determining whether to 4121  
impose a prison term on the offender. 4122

(b) Except as otherwise provided in division (C)(1)(c), (d), 4123  
(e), or (f) of this section, if the offense was committed in the 4124  
vicinity of a school or in the vicinity of a juvenile, aggravated 4125  
trafficking in drugs is a felony of the third degree, and division 4126  
(C) of section 2929.13 of the Revised Code applies in determining 4127  
whether to impose a prison term on the offender. 4128

(c) Except as otherwise provided in this division, if the 4129  
amount of the drug involved equals or exceeds the bulk amount but 4130  
is less than five times the bulk amount, aggravated trafficking in 4131  
drugs is a felony of the third degree, and the court shall impose 4132  
as a mandatory prison term one of the prison terms prescribed for 4133  
a felony of the third degree. If the amount of the drug involved 4134  
is within that range and if the offense was committed in the 4135  
vicinity of a school or in the vicinity of a juvenile, aggravated 4136  
trafficking in drugs is a felony of the second degree, and the 4137  
court shall impose as a mandatory prison term one of the prison 4138  
terms prescribed for a felony of the second degree. 4139

(d) Except as otherwise provided in this division, if the 4140  
amount of the drug involved equals or exceeds five times the bulk 4141  
amount but is less than fifty times the bulk amount, aggravated 4142  
trafficking in drugs is a felony of the second degree, and the 4143  
court shall impose as a mandatory prison term one of the prison 4144

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

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

(f) If the amount of the drug involved equals or exceeds one  
hundred times the bulk amount and regardless of whether the  
offense was committed in the vicinity of a school or in the  
vicinity of a juvenile, aggravated trafficking in drugs is a  
felony of the first degree, the offender is a major drug offender,  
and the court shall impose as a mandatory prison term the maximum  
prison term prescribed for a felony of the first degree and may  
impose an additional prison term prescribed for a major drug  
offender under division (D)(3)(b) of section 2929.14 of the  
Revised Code.

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

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

term on the offender.

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

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

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

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

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school or in the vicinity of a juvenile, trafficking in drugs is a 4209  
felony of the first degree, and the court shall impose as a 4210  
mandatory prison term one of the prison terms prescribed for a 4211  
felony of the first degree. 4212

(3) If the drug involved in the violation is marihuana or a 4213  
compound, mixture, preparation, or substance containing marihuana 4214  
other than hashish, whoever violates division (A) of this section 4215  
is guilty of trafficking in marihuana. The penalty for the offense 4216  
shall be determined as follows: 4217

(a) Except as otherwise provided in division (C)(3)(b), (c), 4218  
(d), (e), (f), or (g) of this section, trafficking in marihuana is 4219  
a felony of the fifth degree, and division (C) of section 2929.13 4220  
of the Revised Code applies in determining whether to impose a 4221  
prison term on the offender. 4222

(b) Except as otherwise provided in division (C)(3)(c), (d), 4223  
(e), (f), or (g) of this section, if the offense was committed in 4224  
the vicinity of a school or in the vicinity of a juvenile, 4225  
trafficking in marihuana is a felony of the fourth degree, and 4226  
division (C) of section 2929.13 of the Revised Code applies in 4227  
determining whether to impose a prison term on the offender. 4228

(c) Except as otherwise provided in this division, if the 4229  
amount of the drug involved equals or exceeds two hundred grams 4230  
but is less than one thousand grams, trafficking in marihuana is a 4231  
felony of the fourth degree, and division (C) of section 2929.13 4232  
of the Revised Code applies in determining whether to impose a 4233  
prison term on the offender. If the amount of the drug involved is 4234  
within that range and if the offense was committed in the vicinity 4235  
of a school or in the vicinity of a juvenile, trafficking in 4236  
marihuana is a felony of the third degree, and division (C) of 4237  
section 2929.13 of the Revised Code applies in determining whether 4238  
to impose a prison term on the offender. 4239



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

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

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

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

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offense involves a gift of twenty grams or less of marihuana, 4272  
trafficking in marihuana is a minor misdemeanor upon a first 4273  
offense and a misdemeanor of the third degree upon a subsequent 4274  
offense. If the offense involves a gift of twenty grams or less of 4275  
marihuana and if the offense was committed in the vicinity of a 4276  
school or in the vicinity of a juvenile, trafficking in marihuana 4277  
is a misdemeanor of the third degree. 4278

(4) If the drug involved in the violation is cocaine or a 4279  
compound, mixture, preparation, or substance containing cocaine, 4280  
whoever violates division (A) of this section is guilty of 4281  
trafficking in cocaine. The penalty for the offense shall be 4282  
determined as follows: 4283

(a) Except as otherwise provided in division (C)(4)(b), (c), 4284  
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 4285  
felony of the fifth degree, and division (C) of section 2929.13 of 4286  
the Revised Code applies in determining whether to impose a prison 4287  
term on the offender. 4288

(b) Except as otherwise provided in division (C)(4)(c), (d), 4289  
(e), (f), or (g) of this section, if the offense was committed in 4290  
the vicinity of a school or in the vicinity of a juvenile, 4291  
trafficking in cocaine is a felony of the fourth degree, and 4292  
division (C) of section 2929.13 of the Revised Code applies in 4293  
determining whether to impose a prison term on the offender. 4294

(c) Except as otherwise provided in this division, if the 4295  
amount of the drug involved equals or exceeds five grams but is 4296  
less than ten grams of cocaine that is not crack cocaine or equals 4297  
or exceeds one gram but is less than five grams of crack cocaine, 4298  
trafficking in cocaine is a felony of the fourth degree, and there 4299  
is a presumption for a prison term for the offense. If the amount 4300  
of the drug involved is within one of those ranges and if the 4301  
offense was committed in the vicinity of a school or in the 4302  
vicinity of a juvenile, trafficking in cocaine is a felony of the 4303

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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 ten grams but is  
less than one hundred grams of cocaine that is not crack cocaine  
or equals or exceeds five grams but is less than ten grams of  
crack cocaine, trafficking in cocaine is a felony of the third  
degree, and the court shall impose as a mandatory prison term one  
of the prison terms prescribed for a felony of the third 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 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.

(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

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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.

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

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

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

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

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a

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mandatory prison term one of the prison terms prescribed for a 4400  
felony of the second degree. If the amount of the drug involved is 4401  
within that range and if the offense was committed in the vicinity 4402  
of a school or in the vicinity of a juvenile, trafficking in 4403  
L.S.D. is a felony of the first degree, and the court shall impose 4404  
as a mandatory prison term one of the prison terms prescribed for 4405  
a felony of the first degree. 4406

(f) If the amount of the drug involved equals or exceeds one 4407  
thousand unit doses but is less than five thousand unit doses of 4408  
L.S.D. in a solid form or equals or exceeds one hundred grams but 4409  
is less than five hundred grams of L.S.D. in a liquid concentrate, 4410  
liquid extract, or liquid distillate form and regardless of 4411  
whether the offense was committed in the vicinity of a school or 4412  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 4413  
of the first degree, and the court shall impose as a mandatory 4414  
prison term one of the prison terms prescribed for a felony of the 4415  
first degree. 4416

(g) If the amount of the drug involved equals or exceeds five 4417  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 4418  
five hundred grams of L.S.D. in a liquid concentrate, liquid 4419  
extract, or liquid distillate form and regardless of whether the 4420  
offense was committed in the vicinity of a school or in the 4421  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4422  
first degree, the offender is a major drug offender, and the court 4423  
shall impose as a mandatory prison term the maximum prison term 4424  
prescribed for a felony of the first degree and may impose an 4425  
additional mandatory prison term prescribed for a major drug 4426  
offender under division (D)(3)(b) of section 2929.14 of the 4427  
Revised Code. 4428

(6) If the drug involved in the violation is heroin or a 4429  
compound, mixture, preparation, or substance containing heroin, 4430  
whoever violates division (A) of this section is guilty of 4431

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trafficking in heroin. The penalty for the offense shall be 4432  
determined as follows: 4433

(a) Except as otherwise provided in division (C)(6)(b), (c), 4434  
(d), (e), (f), or (g) of this section, trafficking in heroin is a 4435  
felony of the fifth degree, and division (C) of section 2929.13 of 4436  
the Revised Code applies in determining whether to impose a prison 4437  
term on the offender. 4438

(b) Except as otherwise provided in division (C)(6)(c), (d), 4439  
(e), (f), or (g) of this section, if the offense was committed in 4440  
the vicinity of a school or in the vicinity of a juvenile, 4441  
trafficking in heroin is a felony of the fourth degree, and 4442  
division (C) of section 2929.13 of the Revised Code applies in 4443  
determining whether to impose a prison term on the offender. 4444

(c) Except as otherwise provided in this division, if the 4445  
amount of the drug involved equals or exceeds ten unit doses but 4446  
is less than fifty unit doses or equals or exceeds one gram but is 4447  
less than five grams, trafficking in heroin is a felony of the 4448  
fourth degree, and there is a presumption for a prison term for 4449  
the offense. If the amount of the drug involved is within that 4450  
range and if the offense was committed in the vicinity of a school 4451  
or in the vicinity of a juvenile, trafficking in heroin is a 4452  
felony of the third degree, and there is a presumption for a 4453  
prison term for the offense. 4454

(d) Except as otherwise provided in this division, if the 4455  
amount of the drug involved equals or exceeds fifty unit doses but 4456  
is less than one hundred unit doses or equals or exceeds five 4457  
grams but is less than ten grams, trafficking in heroin is a 4458  
felony of the third degree, and there is a presumption for a 4459  
prison term for the offense. If the amount of the drug involved is 4460  
within that range and if the offense was committed in the vicinity 4461  
of a school or in the vicinity of a juvenile, trafficking in 4462  
heroin is a felony of the second degree, and there is a 4463

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presumption for a prison term for the offense. 4464

(e) Except as otherwise provided in this division, if the 4465  
amount of the drug involved equals or exceeds one hundred unit 4466  
doses but is less than five hundred unit doses or equals or 4467  
exceeds ten grams but is less than fifty grams, trafficking in 4468  
heroin is a felony of the second degree, and the court shall 4469  
impose as a mandatory prison term one of the prison terms 4470  
prescribed for a felony of the second degree. If the amount of the 4471  
drug involved is within that range and if the offense was 4472  
committed in the vicinity of a school or in the vicinity of a 4473  
juvenile, trafficking in heroin is a felony of the first degree, 4474  
and the court shall impose as a mandatory prison term one of the 4475  
prison terms prescribed for a felony of the first degree. 4476

(f) If the amount of the drug involved equals or exceeds five 4477  
hundred unit doses but is less than two thousand five hundred unit 4478  
doses or equals or exceeds fifty grams but is less than two 4479  
hundred fifty grams and regardless of whether the offense was 4480  
committed in the vicinity of a school or in the vicinity of a 4481  
juvenile, trafficking in heroin is a felony of the first degree, 4482  
and the court shall impose as a mandatory prison term one of the 4483  
prison terms prescribed for a felony of the first degree. 4484

(g) If the amount of the drug involved equals or exceeds two 4485  
thousand five hundred unit doses or equals or exceeds two hundred 4486  
fifty grams and regardless of whether the offense was committed in 4487  
the vicinity of a school or in the vicinity of a juvenile, 4488  
trafficking in heroin is a felony of the first degree, the 4489  
offender is a major drug offender, and the court shall impose as a 4490  
mandatory prison term the maximum prison term prescribed for a 4491  
felony of the first degree and may impose an additional mandatory 4492  
prison term prescribed for a major drug offender under division 4493  
(D)(3)(b) of section 2929.14 of the Revised Code. 4494

(7) If the drug involved in the violation is hashish or a 4495



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compound, mixture, preparation, or substance containing hashish, 4496  
whoever violates division (A) of this section is guilty of 4497  
trafficking in hashish. The penalty for the offense shall be 4498  
determined as follows: 4499

(a) Except as otherwise provided in division (C)(7)(b), (c), 4500  
(d), (e), or (f) of this section, trafficking in hashish is a 4501  
felony of the fifth degree, and division (C) of section 2929.13 of 4502  
the Revised Code applies in determining whether to impose a prison 4503  
term on the offender. 4504

(b) Except as otherwise provided in division (C)(7)(c), (d), 4505  
(e), or (f) of this section, if the offense was committed in the 4506  
vicinity of a school or in the vicinity of a juvenile, trafficking 4507  
in hashish is a felony of the fourth degree, and division (C) of 4508  
section 2929.13 of the Revised Code applies in determining whether 4509  
to impose a prison term on the offender. 4510

(c) Except as otherwise provided in this division, if the 4511  
amount of the drug involved equals or exceeds ten grams but is 4512  
less than fifty grams of hashish in a solid form or equals or 4513  
exceeds two grams but is less than ten grams of hashish in a 4514  
liquid concentrate, liquid extract, or liquid distillate form, 4515  
trafficking in hashish is a felony of the fourth degree, and 4516  
division (C) of section 2929.13 of the Revised Code applies in 4517  
determining whether to impose a prison term on the offender. If 4518  
the amount of the drug involved is within that range and if the 4519  
offense was committed in the vicinity of a school or in the 4520  
vicinity of a juvenile, trafficking in hashish is a felony of the 4521  
third degree, and division (C) of section 2929.13 of the Revised 4522  
Code applies in determining whether to impose a prison term on the 4523  
offender. 4524

(d) Except as otherwise provided in this division, if the 4525  
amount of the drug involved equals or exceeds fifty grams but is 4526  
less than two hundred fifty grams of hashish in a solid form or 4527

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

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

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

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first degree, and the court shall impose as a mandatory prison  
term the maximum prison term prescribed for a felony of the first  
degree.

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

(1) If the violation of division (A) of this section is a  
felony of the first, second, or third degree, the court shall  
impose upon the offender the mandatory fine specified for the  
offense under division (B)(1) of section 2929.18 of the Revised  
Code unless, as specified in that division, the court determines  
that the offender is indigent. Except as otherwise provided in  
division (H)(1) of this section, a mandatory fine or any other  
fine imposed for a violation of this section is subject to  
division (F) of this section. If a person is charged with a  
violation of this section that is a felony of the first, second,  
or third degree, posts bail, and forfeits the bail, the clerk of  
the court shall pay the forfeited bail pursuant to divisions  
(D)(1) and (F) of this section, as if the forfeited bail was a  
fine imposed for a violation of this section. If any amount of the  
forfeited bail remains after that payment and if a fine is imposed  
under division (H)(1) of this section, the clerk of the court  
shall pay the remaining amount of the forfeited bail pursuant to  
divisions (H)(2) and (3) of this section, as if that remaining  
amount was a fine imposed under division (H)(1) of this section.

(2) The court shall ~~revoke~~ or suspend the driver's or

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commercial driver's license or permit of the offender in 4592  
accordance with division (G) of this section. 4593

(3) If the offender is a professionally licensed person ~~or a~~ 4594  
~~person who has been admitted to the bar by order of the supreme~~ 4595  
~~court in compliance with its prescribed and published rules,~~ 4596  
the court ~~forthwith~~ immediately shall comply with section 2925.38 of 4597  
the Revised Code. 4598

(E) When a person is charged with the sale of or offer to 4599  
sell a bulk amount or a multiple of a bulk amount of a controlled 4600  
substance, the jury, or the court trying the accused, shall 4601  
determine the amount of the controlled substance involved at the 4602  
time of the offense and, if a guilty verdict is returned, shall 4603  
return the findings as part of the verdict. In any such case, it 4604  
is unnecessary to find and return the exact amount of the 4605  
controlled substance involved, and it is sufficient if the finding 4606  
and return is to the effect that the amount of the controlled 4607  
substance involved is the requisite amount, or that the amount of 4608  
the controlled substance involved is less than the requisite 4609  
amount. 4610

(F)(1) Notwithstanding any contrary provision of section 4611  
3719.21 of the Revised Code and except as provided in division (H) 4612  
of this section, the clerk of the court shall pay any mandatory 4613  
fine imposed pursuant to division (D)(1) of this section and any 4614  
fine other than a mandatory fine that is imposed for a violation 4615  
of this section pursuant to division (A) or (B)(5) of section 4616  
2929.18 of the Revised Code to the county, township, municipal 4617  
corporation, park district, as created pursuant to section 511.18 4618  
or 1545.04 of the Revised Code, or state law enforcement agencies 4619  
in this state that primarily were responsible for or involved in 4620  
making the arrest of, and in prosecuting, the offender. However, 4621  
the clerk shall not pay a mandatory fine so imposed to a law 4622  
enforcement agency unless the agency has adopted a written 4623

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internal control policy under division (F)(2) of this section that  
addresses the use of the fine moneys that it receives. Each agency  
shall use the mandatory fines so paid to subsidize the agency's  
law enforcement efforts that pertain to drug offenses, in  
accordance with the written internal control policy adopted by the  
recipient agency under division (F)(2) of this section.

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

(b) Each law enforcement agency that receives in any calendar  
year any fine moneys under division (F)(1) of this section or  
division (B)(5) of section 2925.42 of the Revised Code shall  
prepare a report covering the calendar year that cumulates all of  
the information contained in all of the public financial records  
kept by the agency pursuant to division (F)(2)(a) of this section  
for that calendar year, and shall send a copy of the cumulative  
report, no later than the first day of March in the calendar year

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following the calendar year covered by the report, to the attorney  
general. Each report received by the attorney general is a public  
record open for inspection under section 149.43 of the Revised  
Code. Not later than the fifteenth day of April in the calendar  
year in which the reports are received, the attorney general shall  
send to the president of the senate and the speaker of the house  
of representatives a written notification that does all of the  
following:

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

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

(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.

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

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

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

(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

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any ~~other~~ violation of this section or any other specified 4687  
provision of this chapter. If an offender's driver's or commercial 4688  
driver's license or permit is ~~revoked~~ suspended pursuant to this 4689  
division, the offender, at any time after the expiration of two 4690  
years from the day on which the offender's sentence was imposed or 4691  
from the day on which the offender finally was released from a 4692  
prison term under the sentence, whichever is later, may file a 4693  
motion with the sentencing court requesting termination of the 4694  
~~revocation~~ suspension; upon the filing of such a motion and the 4695  
court's finding of good cause for the termination, the court may 4696  
terminate the ~~revocation~~ suspension. 4697

(H)(1) In addition to any prison term authorized or required 4698  
by division (C) of this section and sections 2929.13 and 2929.14 4699  
of the Revised Code, in addition to any other penalty or sanction 4700  
imposed for the offense under this section or sections 2929.11 to 4701  
2929.18 of the Revised Code, and in addition to the forfeiture of 4702  
property in connection with the offense as prescribed in sections 4703  
2925.42 to 2925.45 of the Revised Code, the court that sentences 4704  
an offender who is convicted of or pleads guilty to a violation of 4705  
division (A) of this section may impose upon the offender an 4706  
additional fine specified for the offense in division (B)(4) of 4707  
section 2929.18 of the Revised Code. A fine imposed under division 4708  
(H)(1) of this section is not subject to division (F) of this 4709  
section and shall be used solely for the support of one or more 4710  
eligible alcohol and drug addiction programs in accordance with 4711  
divisions (H)(2) and (3) of this section. 4712

(2) The court that imposes a fine under division (H)(1) of 4713  
this section shall specify in the judgment that imposes the fine 4714  
one or more eligible alcohol and drug addiction programs for the 4715  
support of which the fine money is to be used. No alcohol and drug 4716  
addiction program shall receive or use money paid or collected in 4717  
satisfaction of a fine imposed under division (H)(1) of this 4718

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section unless the program is specified in the judgment that 4719  
imposes the fine. No alcohol and drug addiction program shall be 4720  
specified in the judgment unless the program is an eligible 4721  
alcohol and drug addiction program and, except as otherwise 4722  
provided in division (H)(2) of this section, unless the program is 4723  
located in the county in which the court that imposes the fine is 4724  
located or in a county that is immediately contiguous to the 4725  
county in which that court is located. If no eligible alcohol and 4726  
drug addiction program is located in any of those counties, the 4727  
judgment may specify an eligible alcohol and drug addiction 4728  
program that is located anywhere within this state. 4729

(3) Notwithstanding any contrary provision of section 3719.21 4730  
of the Revised Code, the clerk of the court shall pay any fine 4731  
imposed under division (H)(1) of this section to the eligible 4732  
alcohol and drug addiction program specified pursuant to division 4733  
(H)(2) of this section in the judgment. The eligible alcohol and 4734  
drug addiction program that receives the fine moneys shall use the 4735  
moneys only for the alcohol and drug addiction services identified 4736  
in the application for certification under section 3793.06 of the 4737  
Revised Code or in the application for a license under section 4738  
3793.11 of the Revised Code filed with the department of alcohol 4739  
and drug addiction services by the alcohol and drug addiction 4740  
program specified in the judgment. 4741

(4) Each alcohol and drug addiction program that receives in 4742  
a calendar year any fine moneys under division (H)(3) of this 4743  
section shall file an annual report covering that calendar year 4744  
with the court of common pleas and the board of county 4745  
commissioners of the county in which the program is located, with 4746  
the court of common pleas and the board of county commissioners of 4747  
each county from which the program received the moneys if that 4748  
county is different from the county in which the program is 4749  
located, and with the attorney general. The alcohol and drug 4750



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addiction program shall file the report no later than the first  
day of March in the calendar year following the calendar year in  
which the program received the fine moneys. The report shall  
include statistics on the number of persons served by the alcohol  
and drug addiction program, identify the types of alcohol and drug  
addiction services provided to those persons, and include a  
specific accounting of the purposes for which the fine moneys  
received were used. No information contained in the report shall  
identify, or enable a person to determine the identity of, any  
person served by the alcohol and drug addiction program. Each  
report received by a court of common pleas, a board of county  
commissioners, or the attorney general is a public record open for  
inspection under section 149.43 of the Revised Code.

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

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

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

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

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

(C)(1) Whoever commits a violation of division (A) of this

section that involves any drug other than marihuana is guilty of 4781  
illegal manufacture of drugs, and whoever commits a violation of 4782  
division (A) of this section that involves marihuana is guilty of 4783  
illegal cultivation of marihuana. 4784

(2) If the drug involved in the violation of division (A) of 4785  
this section is any compound, mixture, preparation, or substance 4786  
included in schedule I or II, with the exception of marihuana, 4787  
illegal manufacture of drugs is a felony of the second degree, 4788  
and, subject to division (E) of this section, the court shall 4789  
impose as a mandatory prison term one of the prison terms 4790  
prescribed for a felony of the second degree. 4791

(3) If the drug involved in the violation of division (A) of 4792  
this section is any compound, mixture, preparation, or substance 4793  
included in schedule III, IV, or V, illegal manufacture of drugs 4794  
is a felony of the third degree, and there is a presumption for a 4795  
prison term for the offense. 4796

(4) If the drug involved in the violation is marihuana, the 4797  
penalty for the offense shall be determined as follows: 4798

(a) Except as otherwise provided in division (C)(4)(b), (c), 4799  
(d), (e), or (f) of this section, illegal cultivation of marihuana 4800  
is a minor misdemeanor. 4801

(b) If the amount of marihuana involved equals or exceeds one 4802  
hundred grams but is less than two hundred grams, illegal 4803  
cultivation of marihuana is a misdemeanor of the fourth degree. 4804

(c) If the amount of marihuana involved equals or exceeds two 4805  
hundred grams but is less than one thousand grams, illegal 4806  
cultivation of marihuana is a felony of the fifth degree, and 4807  
division (B) of section 2929.13 of the Revised Code applies in 4808  
determining whether to impose a prison term on the offender. 4809

(d) If the amount of marihuana involved equals or exceeds one 4810  
thousand grams but is less than five thousand grams, illegal 4811

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cultivation of marihuana is a felony of the third degree, and 4812  
division (C) of section 2929.13 of the Revised Code applies in 4813  
determining whether to impose a prison term on the offender. 4814

(e) If the amount of marihuana involved equals or exceeds 4815  
five thousand grams but is less than twenty thousand grams, 4816  
illegal cultivation of marihuana is a felony of the third degree, 4817  
and there is a presumption for a prison term for the offense. 4818

(f) If the amount of marihuana involved equals or exceeds 4819  
twenty thousand grams, illegal cultivation of marihuana is a 4820  
felony of the second degree, and the court shall impose as a 4821  
mandatory prison term the maximum prison term prescribed for a 4822  
felony of the second degree. 4823

(D) In addition to any prison term authorized or required by 4824  
division (C) or (E) of this section and sections 2929.13 and 4825  
2929.14 of the Revised Code and in addition to any other sanction 4826  
imposed for the offense under this section or sections 2929.11 to 4827  
2929.18 of the Revised Code, the court that sentences an offender 4828  
who is convicted of or pleads guilty to a violation of division 4829  
(A) of this section shall do all of the following that are 4830  
applicable regarding the offender: 4831

(1) If the violation of division (A) of this section is a 4832  
felony of the second or third degree, the court shall impose upon 4833  
the offender the mandatory fine specified for the offense under 4834  
division (B)(1) of section 2929.18 of the Revised Code unless, as 4835  
specified in that division, the court determines that the offender 4836  
is indigent. The clerk of the court shall pay a mandatory fine or 4837  
other fine imposed for a violation of this section pursuant to 4838  
division (A) of section 2929.18 of the Revised Code in accordance 4839  
with and subject to the requirements of division (F) of section 4840  
2925.03 of the Revised Code. The agency that receives the fine 4841  
shall use the fine as specified in division (F) of section 2925.03 4842  
of the Revised Code. If a person is charged with a violation of 4843

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this section that is a felony of the second or third degree, posts  
bail, and forfeits the bail, the clerk shall pay the forfeited  
bail as if the forfeited bail were a fine imposed for a violation  
of this section.

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

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

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

(F) It is an affirmative defense, as provided in section  
2901.05 of the Revised Code, to a charge under this section for a

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fifth degree felony violation of illegal cultivation of marihuana 4876  
that the marihuana that gave rise to the charge is in an amount, 4877  
is in a form, is prepared, compounded, or mixed with substances 4878  
that are not controlled substances in a manner, or is possessed or 4879  
cultivated under any other circumstances that indicate that the 4880  
marihuana was solely for personal use. 4881

Notwithstanding any contrary provision of division (F) of 4882  
this section, if, in accordance with section 2901.05 of the 4883  
Revised Code, a person who is charged with a violation of illegal 4884  
cultivation of marihuana that is a felony of the fifth degree 4885  
sustains the burden of going forward with evidence of and 4886  
establishes by a preponderance of the evidence the affirmative 4887  
defense described in this division, the person may be prosecuted 4888  
for and may be convicted of or plead guilty to a misdemeanor 4889  
violation of illegal cultivation of marihuana. 4890

(G) Arrest or conviction for a minor misdemeanor violation of 4891  
this section does not constitute a criminal record and need not be 4892  
reported by the person so arrested or convicted in response to any 4893  
inquiries about the person's criminal record, including any 4894  
inquiries contained in an application for employment, a license, 4895  
or any other right or privilege or made in connection with the 4896  
person's appearance as a witness. 4897

**Sec. 2925.05.** (A) No person shall knowingly provide money or 4898  
other items of value to another person with the purpose that the 4899  
recipient of the money or items of value use them to obtain any 4900  
controlled substance for the purpose of violating section 2925.04 4901  
of the Revised Code or for the purpose of selling or offering to 4902  
sell the controlled substance in the following amount: 4903

(1) If the drug to be sold or offered for sale is any 4904  
compound, mixture, preparation, or substance included in schedule 4905  
I or II, with the exception of marihuana, cocaine, L.S.D., heroin, 4906

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and hashish, or schedule III, IV, or V, an amount of the drug that  
equals or exceeds the bulk amount of the drug;

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

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

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

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

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

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

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(C)(1) If the drug involved in the violation is any compound, 4938  
mixture, preparation, or substance included in schedule I or II, 4939  
with the exception of marihuana, whoever violates division (A) of 4940  
this section is guilty of aggravated funding of drug trafficking, 4941  
a felony of the first degree, and, subject to division (E) of this 4942  
section, the court shall impose as a mandatory prison term one of 4943  
the prison terms prescribed for a felony of the first degree. 4944

(2) If the drug involved in the violation is any compound, 4946  
mixture, preparation, or substance included in schedule III, IV, 4947  
or V, whoever violates division (A) of this section is guilty of 4948  
funding of drug trafficking, a felony of the second degree, and 4949  
the court shall impose as a mandatory prison term one of the 4950  
prison terms prescribed for a felony of the second degree. 4951

(3) If the drug involved in the violation is marihuana, 4952  
whoever violates division (A) of this section is guilty of funding 4953  
of marihuana trafficking, a felony of the third degree, and the 4954  
court shall impose as a mandatory prison term one of the prison 4955  
terms prescribed for a felony of the third degree. 4956

(D) In addition to any prison term authorized or required by 4957  
division (C) or (E) of this section and sections 2929.13 and 4958  
2929.14 of the Revised Code and in addition to any other sanction 4959  
imposed for the offense under this section or sections 2929.11 to 4960  
2929.18 of the Revised Code, the court that sentences an offender 4961  
who is convicted of or pleads guilty to a violation of division 4962  
(A) of this section shall do all of the following that are 4963  
applicable regarding the offender: 4964

(1) The court shall impose the mandatory fine specified for 4965  
the offense under division (B)(1) of section 2929.18 of the 4966  
Revised Code unless, as specified in that division, the court 4967  
determines that the offender is indigent. The clerk of the court 4968  
shall pay a mandatory fine or other fine imposed for a violation 4969

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of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine in accordance with division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section, posts bail, and forfeits the bail, the forfeited bail shall be paid as if the forfeited bail were a fine imposed for a violation of this section.

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

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

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term



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specified in division (D)(3)(a) of section 2929.14 of the Revised Code and may impose an additional prison term under division (D)(3)(b) of that section.

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

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

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

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

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

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(2) If the offender is a professionally licensed person ~~or a~~ 5033  
~~person who has been admitted to the bar by order of the supreme~~ 5034  
~~court in compliance with its prescribed and published rules,~~ the 5035  
court immediately shall comply with section 2925.38 of the Revised 5036  
Code. 5037

(E) If a person commits any act that constitutes a violation 5038  
of division (A) of this section and that also constitutes a 5039  
violation of any other provision of the Revised Code, the 5040  
prosecutor, as defined in section 2935.01 of the Revised Code, 5041  
using customary prosecutorial discretion, may prosecute the person 5042  
for a violation of the appropriate provision of the Revised Code. 5043

**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, 5044  
or use a controlled substance. 5045

(B) This section does not apply to any of the following: 5046

(1) Manufacturers, licensed health professionals authorized 5047  
to prescribe drugs, pharmacists, owners of pharmacies, and other 5048  
persons whose conduct was in accordance with Chapters 3719., 5049  
4715., 4723., 4729., 4731., and 4741. of the Revised Code; 5050

(2) If the offense involves an anabolic steroid, any person 5051  
who is conducting or participating in a research project involving 5052  
the use of an anabolic steroid if the project has been approved by 5053  
the United States food and drug administration; 5054

(3) Any person who sells, offers for sale, prescribes, 5055  
dispenses, or administers for livestock or other nonhuman species 5056  
an anabolic steroid that is expressly intended for administration 5057  
through implants to livestock or other nonhuman species and 5058  
approved for that purpose under the "Federal Food, Drug, and 5059  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 5060  
and is sold, offered for sale, prescribed, dispensed, or 5061  
administered for that purpose in accordance with that act; 5062

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(f) If the amount of the drug involved equals or exceeds 5157  
twenty thousand grams, possession of marihuana is a felony of the 5158  
second degree, and the court shall impose as a mandatory prison 5159  
term the maximum prison term prescribed for a felony of the second 5160  
degree. 5161

(4) If the drug involved in the violation is cocaine or a 5162  
compound, mixture, preparation, or substance containing cocaine, 5163  
whoever violates division (A) of this section is guilty of 5164  
possession of cocaine. The penalty for the offense shall be 5165  
determined as follows: 5166

(a) Except as otherwise provided in division (C)(4)(b), (c), 5167  
(d), (e), or (f) of this section, possession of cocaine is a 5168  
felony of the fifth degree, and division (B) of section 2929.13 of 5169  
the Revised Code applies in determining whether to impose a prison 5170  
term on the offender. 5171

(b) If the amount of the drug involved equals or exceeds five 5172  
grams but is less than twenty-five grams of cocaine that is not 5173  
crack cocaine or equals or exceeds one gram but is less than five 5174  
grams of crack cocaine, possession of cocaine is a felony of the 5175  
fourth degree, and there is a presumption for a prison term for 5176  
the offense. 5177

(c) If the amount of the drug involved equals or exceeds 5178  
twenty-five grams but is less than one hundred grams of cocaine 5179  
that is not crack cocaine or equals or exceeds five grams but is 5180  
less than ten grams of crack cocaine, possession of cocaine is a 5181  
felony of the third degree, and the court shall impose as a 5182  
mandatory prison term one of the prison terms prescribed for a 5183  
felony of the third degree. 5184

(d) If the amount of the drug involved equals or exceeds one 5185  
hundred grams but is less than five hundred grams of cocaine that 5186  
is not crack cocaine or equals or exceeds ten grams but is less 5187

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than twenty-five grams of crack cocaine, possession of cocaine is 5188  
a felony of the second degree, and the court shall impose as a 5189  
mandatory prison term one of the prison terms prescribed for a 5190  
felony of the second degree. 5191

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

(f) If the amount of the drug involved equals or exceeds one 5199  
thousand grams of cocaine that is not crack cocaine or equals or 5200  
exceeds one hundred grams of crack cocaine, possession of cocaine 5201  
is a felony of the first degree, the offender is a major drug 5202  
offender, and the court shall impose as a mandatory prison term 5203  
the maximum prison term prescribed for a felony of the first 5204  
degree and may impose an additional mandatory prison term 5205  
prescribed for a major drug offender under division (D)(3)(b) of 5206  
section 2929.14 of the Revised Code. 5207

(5) If the drug involved in the violation is L.S.D., whoever 5208  
violates division (A) of this section is guilty of possession of 5209  
L.S.D. The penalty for the offense shall be determined as follows: 5210  
5211

(a) Except as otherwise provided in division (C)(5)(b), (c), 5212  
(d), (e), or (f) of this section, possession of L.S.D. is a felony 5213  
of the fifth degree, and division (B) of section 2929.13 of the 5214  
Revised Code applies in determining whether to impose a prison 5215  
term on the offender. 5216

(b) If the amount of L.S.D. involved equals or exceeds ten 5217  
unit doses but is less than fifty unit doses of L.S.D. in a solid 5218

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form or equals or exceeds one gram but is less than five grams of 5219  
L.S.D. in a liquid concentrate, liquid extract, or liquid 5220  
distillate form, possession of L.S.D. is a felony of the fourth 5221  
degree, and division (C) of section 2929.13 of the Revised Code 5222  
applies in determining whether to impose a prison term on the 5223  
offender. 5224

(c) If the amount of L.S.D. involved equals or exceeds fifty 5225  
unit doses, but is less than two hundred fifty unit doses of 5226  
L.S.D. in a solid form or equals or exceeds five grams but is less 5227  
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 5228  
extract, or liquid distillate form, possession of L.S.D. is a 5229  
felony of the third degree, and there is a presumption for a 5230  
prison term for the offense. 5231

(d) If the amount of L.S.D. involved equals or exceeds two 5232  
hundred fifty unit doses but is less than one thousand unit doses 5233  
of L.S.D. in a solid form or equals or exceeds twenty-five grams 5234  
but is less than one hundred grams of L.S.D. in a liquid 5235  
concentrate, liquid extract, or liquid distillate form, possession 5236  
of L.S.D. is a felony of the second degree, and the court shall 5237  
impose as a mandatory prison term one of the prison terms 5238  
prescribed for a felony of the second degree. 5239

(e) If the amount of L.S.D. involved equals or exceeds one 5240  
thousand unit doses but is less than five thousand unit doses of 5241  
L.S.D. in a solid form or equals or exceeds one hundred grams but 5242  
is less than five hundred grams of L.S.D. in a liquid concentrate, 5243  
liquid extract, or liquid distillate form, possession of L.S.D. is 5244  
a felony of the first degree, and the court shall impose as a 5245  
mandatory prison term one of the prison terms prescribed for a 5246  
felony of the first degree. 5247

(f) If the amount of L.S.D. involved equals or exceeds five 5248  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 5249  
five hundred grams of L.S.D. in a liquid concentrate, liquid 5250



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extract, or liquid distillate form, possession of L.S.D. is a 5251  
felony of the first degree, the offender is a major drug offender, 5252  
and the court shall impose as a mandatory prison term the maximum 5253  
prison term prescribed for a felony of the first degree and may 5254  
impose an additional mandatory prison term prescribed for a major 5255  
drug offender under division (D)(3)(b) of section 2929.14 of the 5256  
Revised Code. 5257

(6) If the drug involved in the violation is heroin or a 5258  
compound, mixture, preparation, or substance containing heroin, 5259  
whoever violates division (A) of this section is guilty of 5260  
possession of heroin. The penalty for the offense shall be 5261  
determined as follows: 5262

(a) Except as otherwise provided in division (C)(6)(b), (c), 5263  
(d), (e), or (f) of this section, possession of heroin is a felony 5264  
of the fifth degree, and division (B) of section 2929.13 of the 5265  
Revised Code applies in determining whether to impose a prison 5266  
term on the offender. 5267

(b) If the amount of the drug involved equals or exceeds ten 5268  
unit doses but is less than fifty unit doses or equals or exceeds 5269  
one gram but is less than five grams, possession of heroin is a 5270  
felony of the fourth degree, and division (C) of section 2929.13 5271  
of the Revised Code applies in determining whether to impose a 5272  
prison term on the offender. 5273

(c) If the amount of the drug involved equals or exceeds 5274  
fifty unit doses but is less than one hundred unit doses or equals 5275  
or exceeds five grams but is less than ten grams, possession of 5276  
heroin is a felony of the third degree, and there is a presumption 5277  
for a prison term for the offense. 5278

(d) If the amount of the drug involved equals or exceeds one 5279  
hundred unit doses but is less than five hundred unit doses or 5280  
equals or exceeds ten grams but is less than fifty grams, 5281

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possession of 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.

(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.

5312

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

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

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

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

(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any

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inquiries about the person's criminal record, including any 5345  
inquiries contained in any application for employment, license, or 5346  
other right or privilege, or made in connection with the person's 5347  
appearance as a witness. 5348

(E) In addition to any prison term authorized or required by 5349  
division (C) of this section and sections 2929.13 and 2929.14 of 5350  
the Revised Code and in addition to any other sanction that is 5351  
imposed for the offense under this section or sections 2929.11 to 5352  
2929.18 of the Revised Code, the court that sentences an offender 5353  
who is convicted of or pleads guilty to a violation of division 5354  
(A) of this section shall do all of the following that are 5355  
applicable regarding the offender: 5356

(1)(a) If the violation is a felony of the first, second, or 5357  
third degree, the court shall impose upon the offender the 5358  
mandatory fine specified for the offense under division (B)(1) of 5359  
section 2929.18 of the Revised Code unless, as specified in that 5360  
division, the court determines that the offender is indigent. 5361

(b) Notwithstanding any contrary provision of section 3719.21 5362  
of the Revised Code, the clerk of the court shall pay a mandatory 5363  
fine or other fine imposed for a violation of this section 5364  
pursuant to division (A) of section 2929.18 of the Revised Code in 5365  
accordance with and subject to the requirements of division (F) of 5366  
section 2925.03 of the Revised Code. The agency that receives the 5367  
fine shall use the fine as specified in division (F) of section 5368  
2925.03 of the Revised Code. 5369

(c) If a person is charged with a violation of this section 5370  
that is a felony of the first, second, or third degree, posts 5371  
bail, and forfeits the bail, the clerk shall pay the forfeited 5372  
bail pursuant to division (E)(1)(b) of this section as if it were 5373  
a mandatory fine imposed under division (E)(1)(a) of this section. 5374

(2) The court shall suspend for not less than six months or 5375

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more than five years the offender's driver's or commercial 5376  
driver's license or permit ~~of any person who is convicted of or~~ 5377  
~~has pleaded guilty to a violation of this section.~~ 5378

(3) If the offender is a professionally licensed person ~~or a~~ 5379  
~~person who has been admitted to the bar by order of the supreme~~ 5380  
~~court in compliance with its prescribed and published rules,~~ in 5381  
addition to any other sanction imposed for a violation of this 5382  
section, the court ~~forthwith~~ immediately shall comply with section 5383  
2925.38 of the Revised Code. 5384

(F) It is an affirmative defense, as provided in section 5385  
2901.05 of the Revised Code, to a charge of a fourth degree felony 5386  
violation under this section that the controlled substance that 5387  
gave rise to the charge is in an amount, is in a form, is 5388  
prepared, compounded, or mixed with substances that are not 5389  
controlled substances in a manner, or is possessed under any other 5390  
circumstances, that indicate that the substance was possessed 5391  
solely for personal use. Notwithstanding any contrary provision of 5392  
this section, if, in accordance with section 2901.05 of the 5393  
Revised Code, an accused who is charged with a fourth degree 5394  
felony violation of division (C)(2), (4), (5), or (6) of this 5395  
section sustains the burden of going forward with evidence of and 5396  
establishes by a preponderance of the evidence the affirmative 5397  
defense described in this division, the accused may be prosecuted 5398  
for and may plead guilty to or be convicted of a misdemeanor 5399  
violation of division (C)(2) of this section or a fifth degree 5400  
felony violation of division (C)(4), (5), or (6) of this section 5401  
respectively. 5402

(G) When a person is charged with possessing a bulk amount or 5403  
multiple of a bulk amount, division (E) of section 2925.03 of the 5404  
Revised Code applies regarding the determination of the amount of 5405  
the controlled substance involved at the time of the offense. 5406

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Sec. 2925.12. (A) No person shall knowingly make, obtain, 5407  
possess, or use any instrument, article, or thing the customary 5408  
and primary purpose of which is for the administration or use of a 5409  
dangerous drug, other than marihuana, when the instrument involved 5410  
is a hypodermic or syringe, whether or not of crude or 5411  
extemporized manufacture or assembly, and the instrument, article, 5412  
or thing involved has been used by the offender to unlawfully 5413  
administer or use a dangerous drug, other than marihuana, or to 5414  
prepare a dangerous drug, other than marihuana, for unlawful 5415  
administration or use. 5416

(B) This section does not apply to manufacturers, licensed 5417  
health professionals authorized to prescribe drugs, pharmacists, 5418  
owners of pharmacies, and other persons whose conduct was in 5419  
accordance with Chapters 3719., 4715., 4723., 4729., 4731., and 5420  
4741. of the Revised Code. 5421

(C) Whoever violates this section is guilty of possessing 5422  
drug abuse instruments, a misdemeanor of the second degree. If the 5423  
offender previously has been convicted of a drug abuse offense, a 5424  
violation of this section is a misdemeanor of the first degree. 5425

(D) In addition to any other sanction imposed upon an 5427  
offender for a violation of this section, the court shall suspend 5428  
for not less than six months or more than five years the 5429  
offender's driver's or commercial driver's license or permit of 5430  
~~any person who is convicted of or has pleaded guilty to a~~ 5431  
~~violation of this section.~~ If the offender is a professionally 5432  
licensed person or ~~a person who has been admitted to the bar by~~ 5433  
~~order of the supreme court in compliance with its prescribed and~~ 5434  
~~published rules,~~ in addition to any other sanction imposed for a 5435  
violation of this section, the court ~~forthwith~~ immediately shall 5436  
comply with section 2925.38 of the Revised Code. 5437

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Sec. 2925.13. (A) No person who is the owner, operator, or 5438  
person in charge of a locomotive, watercraft, aircraft, or other 5439  
vehicle, as defined in division (A) of section 4501.01 of the 5440  
Revised Code, shall knowingly permit the vehicle to be used for 5441  
the commission of a felony drug abuse offense. 5442

(B) No person who is the owner, lessee, or occupant, or who 5443  
has custody, control, or supervision, of premises or real estate, 5444  
including vacant land, shall knowingly permit the premises or real 5445  
estate, including vacant land, to be used for the commission of a 5446  
felony drug abuse offense by another person. 5447

(C)(1) Whoever violates this section is guilty of permitting 5448  
drug abuse. 5449

(2) Except as provided in division (C)(3) of this section, 5450  
permitting drug abuse is a misdemeanor of the first degree. 5451

(3) Permitting drug abuse is a felony of the fifth degree, 5452  
and division (C) of section 2929.13 of the Revised Code applies in 5453  
determining whether to impose a prison term on the offender, if 5454  
the felony drug abuse offense in question is a violation of 5455  
section 2925.02 or 2925.03 of the Revised Code. 5456

(D) In addition to any prison term authorized or required by 5457  
division (C) of this section and sections 2929.13 and 2929.14 of 5458  
the Revised Code and in addition to any other sanction imposed for 5459  
the offense under this section or sections 2929.11 to 2929.18 of 5460  
the Revised Code, the court that sentences a person who is 5461  
convicted of or pleads guilty to a violation of division (A) of 5462  
this section shall do all of the following that are applicable 5463  
regarding the offender: 5464

(1) The court shall suspend for not less than six months or 5465  
more than five years the offender's driver's or commercial 5466  
driver's license or permit ~~of the offender~~. 5467

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(2) If the offender is a professionally licensed person ~~or a~~ 5468  
~~person who has been admitted to the bar by order of the supreme~~ 5469  
~~court in compliance with its prescribed and published rules,~~ in 5470  
addition to any other sanction imposed for a violation of this 5471  
section, the court ~~forthwith~~ immediately shall comply with section 5472  
2925.38 of the Revised Code. 5473

(E) Notwithstanding any contrary provision of section 3719.21 5474  
of the Revised Code, the clerk of the court shall pay a fine 5475  
imposed for a violation of this section pursuant to division (A) 5476  
of section 2929.18 of the Revised Code in accordance with and 5477  
subject to the requirements of division (F) of section 2925.03 of 5478  
the Revised Code. The agency that receives the fine shall use the 5479  
fine as specified in division (F) of section 2925.03 of the 5480  
Revised Code. 5481

(F) Any premises or real estate that is permitted to be used 5482  
in violation of division (B) of this section constitutes a 5483  
nuisance subject to abatement pursuant to Chapter 3767. of the 5484  
Revised Code. 5485

**Sec. 2925.14.** (A) As used in this section, "drug 5486  
paraphernalia" means any equipment, product, or material of any 5487  
kind that is used by the offender, intended by the offender for 5488  
use, or designed for use, in propagating, cultivating, growing, 5489  
harvesting, manufacturing, compounding, converting, producing, 5490  
processing, preparing, testing, analyzing, packaging, repackaging, 5491  
storing, containing, concealing, injecting, ingesting, inhaling, 5492  
or otherwise introducing into the human body, a controlled 5493  
substance in violation of this chapter. "Drug paraphernalia" 5494  
includes, but is not limited to, any of the following equipment, 5495  
products, or materials that are used by the offender, intended by 5496  
the offender for use, or designed by the offender for use, in any 5497  
of the following manners: 5498



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- (1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived; 5499  
5500  
5501
- (2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance; 5502  
5503
- (3) An isomerization device for increasing the potency of any species of a plant that is a controlled substance; 5504  
5505
- (4) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance; 5506  
5507
- (5) A scale or balance for weighing or measuring a controlled substance; 5508  
5509
- (6) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance; 5510  
5511  
5512
- (7) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; 5513  
5514
- (8) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 5515  
5516
- (9) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 5517  
5518
- (10) A container or device for storing or concealing a controlled substance; 5519  
5520
- (11) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 5521  
5522
- (12) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; 5523  
5524  
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5526  
5527

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water pipe; carburetion tube or device; smoking or carburetion  
mask; roach clip or similar object used to hold burning material,  
such as a marihuana cigarette, that has become too small or too  
short to be held in the hand; miniature cocaine spoon, or cocaine  
vial; chamber pipe; carburetor pipe; electric pipe; air driver  
pipe; chillum; bong; or ice pipe or chiller.

(B) In determining if an object is drug paraphernalia, a  
court or law enforcement officer shall consider, in addition to  
other relevant factors, the following:

(1) Any statement by the owner, or by anyone in control, of  
the object, concerning its use;

(2) The proximity in time or space of the object, or of the  
act relating to the object, to a violation of any provision of  
this chapter;

(3) The proximity of the object to any controlled substance;

(4) The existence of any residue of a controlled substance on  
the object;

(5) Direct or circumstantial evidence of the intent of the  
owner, or of anyone in control, of the object, to deliver it to  
any person whom the owner or person in control of the object knows  
intends to use the object to facilitate a violation of any  
provision of this chapter. A finding that the owner, or anyone in  
control, of the object, is not guilty of a violation of any other  
provision of this chapter does not prevent a finding that the  
object was intended or designed by the offender for use as drug  
paraphernalia.

(6) Any oral or written instruction provided with the object  
concerning its use;

(7) Any descriptive material accompanying the object and  
explaining or depicting its use;

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(8) National or local advertising concerning the use of the object;	5558 5559
(9) The manner and circumstances in which the object is displayed for sale;	5560 5561
(10) Direct or circumstantial evidence of the ratio of the sales of the object to the total sales of the business enterprise;	5562 5563
(11) The existence and scope of legitimate uses of the object in the community;	5564 5565
(12) Expert testimony concerning the use of the object.	5566
(C)(1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia.	5567 5568
(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.	5569 5570 5571 5572
(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.	5573 5574 5575 5576 5577 5578 5579
(D) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4731., and 4741. of the Revised Code. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by section 3719.172 of the Revised Code.	5580 5581 5582 5583 5584 5585 5586
(E) Notwithstanding sections 2933.42 and 2933.43 of the	5587

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Revised Code, any drug paraphernalia that was used, possessed, 5588  
sold, or manufactured in a violation of this section shall be 5589  
seized, after a conviction for that violation shall be forfeited, 5590  
and upon forfeiture shall be disposed of pursuant to division 5591  
(D)(8) of section 2933.41 of the Revised Code. 5592

(F)(1) Whoever violates division (C)(1) of this section is 5593  
guilty of illegal use or possession of drug paraphernalia, a 5594  
misdemeanor of the fourth degree. 5595

(2) Except as provided in division (F)(3) of this section, 5596  
whoever violates division (C)(2) of this section is guilty of 5597  
dealing in drug paraphernalia, a misdemeanor of the second degree. 5598

(3) Whoever violates division (C)(2) of this section by 5599  
selling drug paraphernalia to a juvenile is guilty of selling drug 5600  
paraphernalia to juveniles, a misdemeanor of the first degree. 5601

(4) Whoever violates division (C)(3) of this section is 5602  
guilty of illegal advertising of drug paraphernalia, a misdemeanor 5603  
of the second degree. 5604

(G) In addition to any other sanction imposed upon an 5605  
offender for a violation of this section, the court shall suspend 5606  
for not less than six months or more than five years the 5607  
offender's driver's or commercial driver's license or permit of 5608  
any person who is convicted of or has pleaded guilty to a 5609  
violation of this section. If the offender is a professionally 5610  
licensed person or a person who has been admitted to the bar by 5611  
order of the supreme court in compliance with its prescribed and 5612  
published rules, in addition to any other sanction imposed for a 5613  
violation of this section, the court forthwith immediately shall 5614  
comply with section 2925.38 of the Revised Code. 5615

**Sec. 2925.22.** (A) No person, by deception, as defined in 5616  
section 2913.01 of the Revised Code, shall procure the 5617

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administration of, a prescription for, or the dispensing of, a 5618  
dangerous drug or shall possess an uncompleted preprinted 5619  
prescription blank used for writing a prescription for a dangerous 5620  
drug. 5621

(B) Whoever violates this section is guilty of deception to 5622  
obtain a dangerous drug. The penalty for the offense shall be 5623  
determined as follows: 5624

(1) If the drug involved is a compound, mixture, preparation, 5625  
or substance included in schedule I or II, with the exception of 5626  
marihuana, deception to obtain drugs is a felony of the fourth 5627  
degree, and division (C) of section 2929.13 of the Revised Code 5628  
applies in determining whether to impose a prison term on the 5629  
offender. 5630

(2) If the drug involved is a dangerous drug or a compound, 5631  
mixture, preparation, or substance included in schedule III, IV, 5632  
or V or is marihuana, deception to obtain a dangerous drug is a 5633  
felony of the fifth degree, and division (C) of section 2929.13 of 5634  
the Revised Code applies in determining whether to impose a prison 5635  
term on the offender. 5636

(C) In addition to any prison term authorized or required by 5637  
division (B) of this section and sections 2929.13 and 2929.14 of 5638  
the Revised Code and in addition to any other sanction imposed for 5639  
the offense under this section or sections 2929.11 to 2929.18 of 5640  
the Revised Code, the court that sentences an offender who is 5641  
convicted of or pleads guilty to a violation of division (A) of 5642  
this section shall do both of the following: 5643

(1) The court shall suspend for not less than six months or 5644  
more than five years the offender's driver's or commercial 5645  
driver's license or permit ~~of any person who is convicted of or~~ 5646  
~~has pleaded guilty to a violation of this section.~~ 5647

(2) If the offender is a professionally licensed person ~~or a~~ 5648

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~~person who has been admitted to the bar by order of the supreme~~ 5649  
~~court in compliance with its prescribed and published rules, in~~ 5650  
addition to any other sanction imposed for a violation of this 5651  
section, the court ~~forthwith~~ immediately shall comply with section 5652  
2925.38 of the Revised Code. 5653

(D) Notwithstanding any contrary provision of section 3719.21 5654  
of the Revised Code, the clerk of the court shall pay a fine 5655  
imposed for a violation of this section pursuant to division (A) 5656  
of section 2929.18 of the Revised Code in accordance with and 5657  
subject to the requirements of division (F) of section 2925.03 of 5658  
the Revised Code. The agency that receives the fine shall use the 5659  
fine as specified in division (F) of section 2925.03 of the 5660  
Revised Code. 5661

**Sec. 2925.23.** (A) No person shall knowingly make a false 5662  
statement in any prescription, order, report, or record required 5663  
by Chapter 3719. or 4729. of the Revised Code. 5664

(B) No person shall intentionally make, utter, or sell, or 5665  
knowingly possess any of the following that is a false or forged: 5666

(1) Prescription; 5667

(2) Uncompleted preprinted prescription blank used for 5668  
writing a prescription; 5669

(3) Official written order; 5670

(4) License for a terminal distributor of dangerous drugs as 5671  
required in section 4729.60 of the Revised Code; 5672

(5) Registration certificate for a wholesale distributor of 5673  
dangerous drugs as required in section 4729.60 of the Revised 5674  
Code. 5675

(C) No person, by theft as defined in section 2913.02 of the 5676  
Revised Code, shall acquire any of the following: 5677

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(1) A prescription;	5678
(2) An uncompleted preprinted prescription blank used for writing a prescription;	5679 5680
(3) An official written order;	5681
(4) A blank official written order;	5682
(5) A license or blank license for a terminal distributor of dangerous drugs as required in section 4729.60 of the Revised Code;	5683 5684 5685
(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.	5686 5687 5688
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	5689 5690 5691
(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.	5692 5693 5694 5695 5696
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:	5697 5698 5699 5700 5701 5702 5703 5704
(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the	5705 5706 5707

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

(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, illegal processing of drug documents is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

(1) The court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit ~~of any person who is convicted of or has pleaded guilty to a violation of this section.~~

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

(H) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of court shall pay a fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the



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Revised Code. The agency that receives the fine shall use the fine  
as specified in division (F) of section 2925.03 of the Revised  
Code.

**Sec. 2925.31.** (A) Except for lawful research, clinical,  
medical, dental, or veterinary purposes, no person, with purpose  
to induce intoxication or similar physiological effects, shall  
obtain, possess, or use a harmful intoxicant.

(B) Whoever violates this section is guilty of abusing  
harmful intoxicants, a misdemeanor of the first degree. If the  
offender previously has been convicted of a drug abuse offense,  
abusing harmful intoxicants is a felony of the fifth degree.

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

**Sec. 2925.32.** (A) Divisions (A)(1) and (2) of this section do  
not apply to the dispensing or distributing of nitrous oxide.

(1) No person shall knowingly dispense or distribute a  
harmful intoxicant to a person age eighteen or older if the person  
who dispenses or distributes it knows or has reason to believe  
that the harmful intoxicant will be used in violation of section  
2925.31 of the Revised Code.

(2) No person shall knowingly dispense or distribute a

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harmful intoxicant to a person under age eighteen if the person  
who dispenses or distributes it knows or has reason to believe  
that the harmful intoxicant will be used in violation of section  
2925.31 of the Revised Code. Division (A)(2) of this section does  
not prohibit either of the following:

(a) Dispensing or distributing a harmful intoxicant to a  
person under age eighteen if a written order from the juvenile's  
parent or guardian is provided to the dispenser or distributor;

(b) Dispensing or distributing gasoline or diesel fuel to a  
person under age eighteen if the dispenser or distributor does not  
know or have reason to believe the product will be used in  
violation of section 2925.31 of the Revised Code. Division  
(A)(2)(a) of this section does not require a person to obtain a  
written order from the parent or guardian of a person under age  
eighteen in order to distribute or dispense gasoline or diesel  
fuel to the person.

(B)(1) No person shall knowingly dispense or distribute  
nitrous oxide to a person age twenty-one or older if the person  
who dispenses or distributes it knows or has reason to believe the  
nitrous oxide will be used in violation of section 2925.31 of the  
Revised Code.

(2) Except for lawful medical, dental, or clinical purposes,  
no person shall knowingly dispense or distribute nitrous oxide to  
a person under age twenty-one.

(3) No person, at the time a cartridge of nitrous oxide is  
sold to another person, shall sell a device that allows the  
purchaser to inhale nitrous oxide from cartridges or to hold  
nitrous oxide released from cartridges for purposes of inhalation.  
The sale of any such device constitutes a rebuttable presumption  
that the person knew or had reason to believe that the purchaser  
intended to abuse the nitrous oxide.

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(4) No person who dispenses or distributes nitrous oxide in cartridges shall fail to comply with either of the following:	5800
	5801
(a) The record-keeping requirements established under division (F) of this section;	5802
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(b) The labeling and transaction identification requirements established under division (G) of this section.	5804
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(C) This section does not apply to products used in making, fabricating, assembling, transporting, or constructing a product or structure by manual labor or machinery for sale or lease to another person, or to the mining, refining, or processing of natural deposits.	5806
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(D)(1) Whoever violates division (A)(1) or (2) or division (B)(1), (2), or (3) of this section is guilty of trafficking in harmful intoxicants, a felony of the fifth degree. If the offender previously has been convicted of a drug abuse offense, trafficking in harmful intoxicants is a felony of the fourth degree. In addition to any other sanction imposed <u>upon an offender</u> for trafficking in harmful intoxicants, the court shall suspend for not less than six months or more than five years the <u>offender's</u> driver's or commercial driver's license or permit <del>of any person who is convicted of or has pleaded guilty to trafficking in harmful intoxicants</del> . If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published <del>rules</del> , in addition to any other sanction imposed for trafficking in harmful intoxicants, the court <del>forthwith</del> <u>immediately</u> shall comply with section 2925.38 of the Revised Code.	5811
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(2) Whoever violates division (B)(4)(a) or (b) of this section is guilty of improperly dispensing or distributing nitrous oxide, a misdemeanor of the fourth degree.	5828
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(E) It is an affirmative defense to a charge of a violation of division (A)(2) or (B)(2) of this section that:

(1) An individual exhibited to the defendant or an officer or employee of the defendant, for purposes of establishing the individual's age, a driver's license or permit issued by this state, a commercial driver's license or permit issued by this state, an identification card issued pursuant to section 4507.50 of the Revised Code, for another document that purports to be a license, permit, or identification card described in this division;

(2) The document exhibited appeared to be a genuine, unaltered document, to pertain to the individual, and to establish the individual's age;

(3) The defendant or the officer or employee of the defendant otherwise did not have reasonable cause to believe that the individual was under the age represented.

(F) Beginning July 1, 2000, a person who dispenses or distributes nitrous oxide shall record each transaction involving the dispensing or distributing of the nitrous oxide on a separate card. The person shall require the purchaser to sign the card and provide a complete residence address. The person dispensing or distributing the nitrous oxide shall sign and date the card. The person shall retain the card recording a transaction for one year from the date of the transaction. The person shall maintain the cards at the person's business address and make them available during normal business hours for inspection and copying by officers or employees of the state board of pharmacy or of other law enforcement agencies of this state or the United States that are authorized to investigate violations of Chapter 2925., 3719., or 4729. of the Revised Code or the federal drug abuse control laws.

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The cards used to record each transaction shall inform the purchaser of the following:	5862 5863
(1) That nitrous oxide cartridges are to be used only for purposes of preparing food;	5864 5865
(2) That inhalation of nitrous oxide can have dangerous health effects;	5866 5867
(3) That it is a violation of state law to distribute or dispense cartridges of nitrous oxide to any person under age twenty-one, punishable as a felony of the fifth degree.	5868 5869 5870
(G)(1) Each cartridge of nitrous oxide dispensed or distributed in this state shall bear the following printed warning:	5871 5872 5873
"Nitrous oxide cartridges are to be used only for purposes of preparing food. Nitrous oxide cartridges may not be sold to persons under age twenty-one. Do not inhale contents. Misuse can be dangerous to your health."	5874 5875 5876 5877
(2) Each time a person dispenses or distributes one or more cartridges of nitrous oxide, the person shall mark the packaging containing the cartridges with a label or other device that identifies the person who dispensed or distributed the nitrous oxide and the person's business address.	5878 5879 5880 5881 5882
<b>Sec. 2925.36.</b> (A) No person shall knowingly furnish another a sample drug.	5883 5884
(B) Division (A) of this section does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4731., and 4741. of the Revised Code.	5885 5886 5887 5888 5889
(C)(1) Whoever violates this section is guilty of illegal	5890

dispensing of drug samples. 5891

(2) If the drug involved in the offense is a compound, 5892  
mixture, preparation, or substance included in schedule I or II, 5893  
with the exception of marihuana, the penalty for the offense shall 5894  
be determined as follows: 5895

(a) Except as otherwise provided in division (C)(2)(b) of 5896  
this section, illegal dispensing of drug samples is a felony of 5897  
the fifth degree, and, subject to division (E) of this section, 5898  
division (C) of section 2929.13 of the Revised Code applies in 5899  
determining whether to impose a prison term on the offender. 5900

(b) If the offense was committed in the vicinity of a school 5901  
or in the vicinity of a juvenile, illegal dispensing of drug 5902  
samples is a felony of the fourth degree, and, subject to division 5903  
(E) of this section, division (C) of section 2929.13 of the 5904  
Revised Code applies in determining whether to impose a prison 5905  
term on the offender. 5906

(3) If the drug involved in the offense is a dangerous drug 5907  
or a compound, mixture, preparation, or substance included in 5908  
schedule III, IV, or V, or is marihuana, the penalty for the 5909  
offense shall be determined as follows: 5910

(a) Except as otherwise provided in division (C)(3)(b) of 5911  
this section, illegal dispensing of drug samples is a misdemeanor 5912  
of the second degree. 5913

(b) If the offense was committed in the vicinity of a school 5914  
or in the vicinity of a juvenile, illegal dispensing of drug 5915  
samples is a misdemeanor of the first degree. 5916

(D) In addition to any prison term authorized or required by 5917  
division (C) or (E) of this section and sections 2929.13 and 5918  
2929.14 of the Revised Code and in addition to any other sanction 5919  
imposed for the offense under this section or sections 2929.11 to 5920  
2929.18 of the Revised Code, the court that sentences an offender 5921

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who is convicted of or pleads guilty to a violation of division 5922  
(A) of this section shall do both of the following: 5923

(1) The court shall suspend for not less than six months or 5924  
more than five years the offender's driver's or commercial 5925  
driver's license or permit ~~of any person who is convicted of or~~ 5926  
~~has pleaded guilty to a violation of this section.~~ 5927

(2) If the offender is a professionally licensed person ~~or a~~ 5928  
~~person who has been admitted to the bar by order of the supreme~~ 5929  
~~court in compliance with its prescribed and published rules,~~ in 5930  
addition to any other sanction imposed for a violation of this 5931  
section, the court ~~forthwith~~ immediately shall comply with section 5932  
2925.38 of the Revised Code. 5933

(E) Notwithstanding the prison term authorized or required by 5934  
division (C) of this section and sections 2929.13 and 2929.14 of 5935  
the Revised Code, if the violation of division (A) of this section 5936  
involves the sale, offer to sell, or possession of a schedule I or 5937  
II controlled substance, with the exception of marihuana, and if 5938  
the court imposing sentence upon the offender finds that the 5939  
offender as a result of the violation is a major drug offender and 5940  
is guilty of a specification of the type described in section 5941  
2941.1410 of the Revised Code, the court, in lieu of the prison 5942  
term otherwise authorized or required, shall impose upon the 5943  
offender the mandatory prison term specified in division (D)(3)(a) 5944  
of section 2929.14 of the Revised Code and may impose an 5945  
additional prison term under division (D)(3)(b) of that section. 5946  
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(F) Notwithstanding any contrary provision of section 3719.21 5948  
of the Revised Code, the clerk of the court shall pay a fine 5949  
imposed for a violation of this section pursuant to division (A) 5950  
of section 2929.18 of the Revised Code in accordance with and 5951  
subject to the requirements of division (F) of section 2925.03 of 5952  
the Revised Code. The agency that receives the fine shall use the 5953

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fine as specified in division (F) of section 2925.03 of the	5954
Revised Code.	5955
<b>Sec. 2925.37.</b> (A) No person shall knowingly possess any	5956
counterfeit controlled substance.	5957
(B) No person shall knowingly make, sell, offer to sell, or	5958
deliver any substance that the person knows is a counterfeit	5959
controlled substance.	5960
(C) No person shall make, possess, sell, offer to sell, or	5961
deliver any punch, die, plate, stone, or other device knowing or	5962
having reason to know that it will be used to print or reproduce a	5963
trademark, trade name, or other identifying mark upon a	5964
counterfeit controlled substance.	5965
(D) No person shall sell, offer to sell, give, or deliver any	5966
counterfeit controlled substance to a juvenile.	5967
(E) No person shall directly or indirectly represent a	5968
counterfeit controlled substance as a controlled substance by	5969
describing its effects as the physical or psychological effects	5970
associated with use of a controlled substance.	5971
(F) No person shall directly or indirectly falsely represent	5972
or advertise a counterfeit controlled substance as a controlled	5973
substance. As used in this division, "advertise" means engaging in	5974
"advertisement," as defined in section 3715.01 of the Revised	5975
Code.	5976
(G) Whoever violates division (A) of this section is guilty	5977
of possession of counterfeit controlled substances, a misdemeanor	5978
of the first degree.	5979
(H) Whoever violates division (B) or (C) of this section is	5980
guilty of trafficking in counterfeit controlled substances. Except	5981
as otherwise provided in this division, trafficking in counterfeit	5982
controlled substances is a felony of the fifth degree, and	5983



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division (C) of section 2929.13 of the Revised Code applies in 5984  
determining whether to impose a prison term on the offender. If 5985  
the offense was committed in the vicinity of a school or in the 5986  
vicinity of a juvenile, trafficking in counterfeit controlled 5987  
substances is a felony of the fourth degree, and division (C) of 5988  
section 2929.13 of the Revised Code applies in determining whether 5989  
to impose a prison term on the offender. 5990

(I) Whoever violates division (D) of this section is guilty 5991  
of aggravated trafficking in counterfeit controlled substances. 5992  
Except as otherwise provided in this division, aggravated 5993  
trafficking in counterfeit controlled substances is a felony of 5994  
the fourth degree, and division (C) of section 2929.13 of the 5995  
Revised Code applies in determining whether to impose a prison 5996  
term on the offender. 5997

(J) Whoever violates division (E) of this section is guilty 5998  
of promoting and encouraging drug abuse. Except as otherwise 5999  
provided in this division, promoting and encouraging drug abuse is 6000  
a felony of the fifth degree, and division (C) of section 2929.13 6001  
of the Revised Code applies in determining whether to impose a 6002  
prison term on the offender. If the offense was committed in the 6003  
vicinity of a school or in the vicinity of a juvenile, promoting 6004  
and encouraging drug abuse is a felony of the fourth degree, and 6005  
division (C) of section 2929.13 of the Revised Code applies in 6006  
determining whether to impose a prison term on the offender. 6007

(K) Whoever violates division (F) of this section is guilty 6008  
of fraudulent drug advertising. Except as otherwise provided in 6009  
this division, fraudulent drug advertising is a felony of the 6010  
fifth degree, and division (C) of section 2929.13 of the Revised 6011  
Code applies in determining whether to impose a prison term on the 6012  
offender. If the offense was committed in the vicinity of a school 6013  
or in the vicinity of a juvenile, fraudulent drug advertising is a 6014  
felony of the fourth degree, and division (C) of section 2929.13 6015

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

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

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(1) The court shall suspend for not less than six months or  
more than five years the offender's driver's or commercial  
driver's license or permit ~~of any person who is convicted of or  
has pleaded guilty to any other violation of this section.~~

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

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(M) Notwithstanding any contrary provision of section 3719.21  
of the Revised Code, the clerk of the court shall pay a fine  
imposed for a violation of this section pursuant to division (A)  
of section 2929.18 of the Revised Code in accordance with and  
subject to the requirements of division (F) of section 2925.03 of  
the Revised Code. The agency that receives the fine shall use the  
fine as specified in division (F) of section 2925.03 of the  
Revised Code.

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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,  
2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22,

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2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code 6047  
is a professionally licensed person, in addition to any other 6048  
sanctions imposed for the violation, the court ~~forthwith~~, except 6049  
as otherwise provided in this section, immediately shall transmit 6050  
a certified copy of the judgment entry of conviction to the 6051  
regulatory or licensing board or agency that has the 6052  
administrative authority to suspend or revoke the offender's 6053  
professional license. If ~~a~~ the professionally licensed person who 6054  
is convicted of or pleads guilty to a violation of any section 6055  
listed in this section is a person who has been admitted to the 6056  
bar by order of the supreme court in compliance with its 6057  
prescribed and published rules, in addition to any other sanctions 6058  
imposed for the violation, the court ~~forthwith~~ immediately shall 6059  
transmit a certified copy of the judgment entry of conviction to 6060  
the secretary of the board of commissioners on grievances and 6061  
discipline of the supreme court and to either the disciplinary 6062  
counsel or the president, secretary, and ~~chairman~~ chairperson of 6063  
each certified grievance committee. 6064

**Sec. 2929.01.** As used in this chapter: 6065

(A)(1) "Alternative residential facility" means, subject to 6066  
division (A)(2) of this section, any facility other than an 6067  
offender's home or residence in which an offender is assigned to 6068  
live and that satisfies all of the following criteria: 6069

(a) It provides programs through which the offender may seek 6070  
or maintain employment or may receive education, training, 6071  
treatment, or habilitation. 6072

(b) It has received the appropriate license or certificate 6073  
for any specialized education, training, treatment, habilitation, 6074  
or other service that it provides from the government agency that 6075  
is responsible for licensing or certifying that type of education, 6076  
training, treatment, habilitation, or service. 6077

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(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.

(B) "Bad time" means the time by which the parole board administratively extends an offender's stated prison term or terms pursuant to section 2967.11 of the Revised Code because the parole board finds by clear and convincing evidence that the offender, while serving the prison term or terms, committed an act that is a criminal offense under the law of this state or the United States, whether or not the offender is prosecuted for the commission of that act.

(C) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.

(E) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.56 of the Revised Code.

(F) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code.

(G) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

(H) "Curfew" means a requirement that an offender during a

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specified period of time be at a designated place. 6109

(I) "Day reporting" means a sanction pursuant to which an 6110  
offender is required each day to report to and leave a center or 6111  
other approved reporting location at specified times in order to 6112  
participate in work, education or training, treatment, and other 6113  
approved programs at the center or outside the center. 6114

(J) "Deadly weapon" has the same meaning as in section 6115  
2923.11 of the Revised Code. 6116

(K) "Drug and alcohol use monitoring" means a program under 6117  
which an offender agrees to submit to random chemical analysis of 6118  
the offender's blood, breath, or urine to determine whether the 6119  
offender has ingested any alcohol or other drugs. 6120

(L) "Drug treatment program" means any program under which a 6121  
person undergoes assessment and treatment designed to reduce or 6122  
completely eliminate the person's physical or emotional reliance 6123  
upon alcohol, another drug, or alcohol and another drug and under 6124  
which the person may be required to receive assessment and 6125  
treatment on an outpatient basis or may be required to reside at a 6126  
facility other than the person's home or residence while 6127  
undergoing assessment and treatment. 6128

(M) "Economic loss" means any economic detriment suffered by 6129  
a victim as a result of the commission of a felony and includes 6130  
any loss of income due to lost time at work because of any injury 6131  
caused to the victim, and any property loss, medical cost, or 6132  
funeral expense incurred as a result of the commission of the 6133  
felony. 6134

(N) "Education or training" includes study at, or in 6135  
conjunction with a program offered by, a university, college, or 6136  
technical college or vocational study and also includes the 6137  
completion of primary school, secondary school, and literacy 6138  
curricula or their equivalent. 6139

(O) "Electronically monitored house arrest" has the same meaning as in section 2929.23 of the Revised Code.

(P) "Eligible offender" has the same meaning as in section 2929.23 of the Revised Code except as otherwise specified in section 2929.20 of the Revised Code.

(Q) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(R) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

(S) "House arrest" means a period of confinement of an eligible offender that is in the eligible offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code, that may be electronically monitored house arrest, and during which all of the following apply:

(1) The eligible offender is required to remain in the eligible offender's home or other specified premises for the specified period of confinement, except for periods of time during which the eligible offender is at the eligible offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.

(2) The eligible offender is required to report periodically to a person designated by the court or parole board.

(3) The eligible offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(T) "Intensive probation supervision" means a requirement

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that an offender maintain frequent contact with a person appointed 6170  
by the court, or by the parole board pursuant to section 2967.28 6171  
of the Revised Code, to supervise the offender while the offender 6172  
is seeking or maintaining necessary employment and participating 6173  
in training, education, and treatment programs as required in the 6174  
court's or parole board's order. "Intensive probation supervision" 6175  
includes intensive parole supervision and intensive post-release 6176  
control supervision. 6177

(U) "Jail" means a jail, workhouse, minimum security jail, or 6178  
other residential facility used for the confinement of alleged or 6179  
convicted offenders that is operated by a political subdivision or 6180  
a combination of political subdivisions of this state. 6181

(V) "Delinquent child" has the same meaning as in section 6182  
2152.02 of the Revised Code. 6183

(W) "License violation report" means a report that is made by 6184  
a sentencing court, or by the parole board pursuant to section 6185  
2967.28 of the Revised Code, to the regulatory or licensing board 6186  
or agency that issued an offender a professional license or a 6187  
license or permit to do business in this state and that specifies 6188  
that the offender has been convicted of or pleaded guilty to an 6189  
offense that may violate the conditions under which the offender's 6190  
professional license or license or permit to do business in this 6191  
state was granted or an offense for which the offender's 6192  
professional license or license or permit to do business in this 6193  
state may be revoked or suspended. 6194

(X) "Major drug offender" means an offender who is convicted 6195  
of or pleads guilty to the possession of, sale of, or offer to 6196  
sell any drug, compound, mixture, preparation, or substance that 6197  
consists of or contains at least one thousand grams of hashish; at 6198  
least one hundred grams of crack cocaine; at least one thousand 6199  
grams of cocaine that is not crack cocaine; at least two thousand 6200  
five hundred unit doses or two hundred fifty grams of heroin; at 6201

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least five thousand unit doses of L.S.D. or five hundred grams of  
L.S.D. in a liquid concentrate, liquid extract, or liquid  
distillate form; or at least one hundred times the amount of any  
other schedule I or II controlled substance other than marihuana  
that is necessary to commit a felony of the third degree pursuant  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised  
Code that is based on the possession of, sale of, or offer to sell  
the controlled substance.

(Y) "Mandatory prison term" means any of the following:

(1) Subject to division (Y)(2) of this section, the term in  
prison that must be imposed for the offenses or circumstances set  
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and  
division (D) of section 2929.14 of the Revised Code. Except as  
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and  
2925.11 of the Revised Code, unless the maximum or another  
specific term is required under section 2929.14 of the Revised  
Code, a mandatory prison term described in this division may be  
any prison term authorized for the level of offense.

(2) The term of sixty or one hundred twenty days in prison  
that a sentencing court is required to impose for a third or  
fourth degree felony ~~OMVI~~ OVI offense pursuant to division (G)(2)  
of section 2929.13 and division ~~(A)(4) or (8)~~ (G)(1)(d) or (e) of  
section ~~4511.99~~ 4511.19 of the Revised Code.

(3) The term in prison imposed pursuant to section 2971.03 of  
the Revised Code for the offenses and in the circumstances  
described in division (F)(11) of section 2929.13 of the Revised  
Code and that term as modified or terminated pursuant to section  
2971.05 of the Revised Code.

(Z) "Monitored time" means a period of time during which an  
offender continues to be under the control of the sentencing court  
or parole board, subject to no conditions other than leading a



law-abiding life.

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(AA) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.

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(BB) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.

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(CC) "Prison term" includes any of the following sanctions for an offender:

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(1) A stated prison term;

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(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code;

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(3) A term in prison extended by bad time imposed pursuant to section 2967.11 of the Revised Code or imposed for a violation of post-release control pursuant to section 2967.28 of the Revised Code.

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(DD) "Repeat violent offender" means a person about whom both of the following apply:

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(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in committing, or for an attempt to commit, aggravated murder, murder, involuntary manslaughter, a felony of the first degree other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person, or a felony of the second degree that involved an attempt to cause serious physical harm to a person or that resulted in

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serious physical harm to a person.	6263
(2) Either of the following applies:	6264
(a) The person previously was convicted of or pleaded guilty to, and served a prison term for, any of the following:	6265
(i) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;	6266
(ii) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed under division (DD)(2)(a)(i) of this section and that resulted in the death of a person or in physical harm to a person.	6267
(b) The person previously was adjudicated a delinquent child for committing an act that if committed by an adult would have been an offense listed in division (DD)(2)(a)(i) or (ii) of this section, the person was committed to the department of youth services for that delinquent act.	6273
(EE) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 of the Revised Code.	6274
(FF) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to a felony.	6275
(GG) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory	6276
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prison terms imposed by the sentencing court pursuant to section 2929.14 or 2971.03 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or electronically monitored house arrest imposed after earning credits pursuant to section 2967.193 of the Revised Code.

(HH) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for the offense.

(II) "Fourth degree felony ~~OMVI~~ OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section ~~4511.99 of the Revised Code~~, is a felony of the fourth degree.

(JJ) "Mandatory term of local incarceration" means the term of sixty or one hundred twenty days in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility that a sentencing court may impose upon a person who is convicted of or pleads guilty to a fourth degree felony ~~OMVI~~ OVI offense pursuant to division (G)(1) of section 2929.13 of the Revised Code and division ~~(A)(4) or (8)~~ (G)(1)(d) or (e) of section ~~4511.99~~ 4511.19 of the Revised Code.

(KK) "Designated homicide, assault, or kidnapping offense," "sexual motivation specification," "sexually violent offense," "sexually violent predator," and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

(LL) "Habitual sex offender," "sexually oriented offense," and "sexual predator" have the same meanings as in section 2950.01

of the Revised Code. 6324

(MM) An offense is "committed in the vicinity of a child" if 6325  
the offender commits the offense within thirty feet of or within 6326  
the same residential unit as a child who is under eighteen years 6327  
of age, regardless of whether the offender knows the age of the 6328  
child or whether the offender knows the offense is being committed 6329  
within thirty feet of or within the same residential unit as the 6330  
child and regardless of whether the child actually views the 6331  
commission of the offense. 6332

(NN) "Family or household member" has the same meaning as in 6333  
section 2919.25 of the Revised Code. 6334

(OO) "Motor vehicle" and "manufactured home" have the same 6335  
meanings as in section 4501.01 of the Revised Code. 6336

(PP) "Detention" and "detention facility" have the same 6337  
meanings as in section 2921.01 of the Revised Code. 6338

(QQ) "Third degree felony ~~OMVI~~ OVI offense" means a violation 6339  
of division (A) of section 4511.19 of the Revised Code that, under 6340  
division (G) of that section ~~4511.99 of the Revised Code~~, is a 6341  
felony of the third degree. 6342

(RR) "Random drug testing" has the same meaning as in section 6343  
5120.63 of the Revised Code. 6344

(SS) "Felony sex offense" has the same meaning as in section 6345  
2957.28 of the Revised Code. 6346

~~(RR)~~(TT) "Body armor" has the same meaning as in section 6347  
2941.1411 of the Revised Code. 6348

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 6349  
(G) of this section and unless a specific sanction is required to 6350  
be imposed or is precluded from being imposed pursuant to law, a 6351  
court that imposes a sentence upon an offender for a felony may 6352

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impose any sanction or combination of sanctions on the offender 6353  
that are provided in sections 2929.14 to 2929.18 of the Revised 6354  
Code. The sentence shall not impose an unnecessary burden on state 6355  
or local government resources. 6356

If the offender is eligible to be sentenced to community 6357  
control sanctions, the court shall consider the appropriateness of 6358  
imposing a financial sanction pursuant to section 2929.18 of the 6359  
Revised Code or a sanction of community service pursuant to 6360  
section 2929.17 of the Revised Code as the sole sanction for the 6361  
offense. Except as otherwise provided in this division, if the 6362  
court is required to impose a mandatory prison term for the 6363  
offense for which sentence is being imposed, the court also may 6364  
impose a financial sanction pursuant to section 2929.18 of the 6365  
Revised Code but may not impose any additional sanction or 6366  
combination of sanctions under section 2929.16 or 2929.17 of the 6367  
Revised Code. 6368

If the offender is being sentenced for a fourth degree felony 6369  
~~OMVI~~ OVI offense or for a third degree felony ~~OMVI~~ OVI offense, in 6370  
addition to the mandatory term of local incarceration or the 6371  
mandatory prison term required for the offense by division (G)(1) 6372  
or (2) of this section, the court shall impose upon the offender a 6373  
mandatory fine in accordance with division (B)(3) of section 6374  
2929.18 of the Revised Code and may impose whichever of the 6375  
following is applicable: 6376

(1) For a fourth degree felony ~~OMVI~~ OVI offense for which 6377  
sentence is imposed under division (G)(1) of this section, an 6378  
additional community control sanction or combination of community 6379  
control sanctions under section 2929.16 or 2929.17 of the Revised 6380  
Code; 6381

(2) For a third or fourth degree felony ~~OMVI~~ OVI offense for 6382  
which sentence is imposed under division (G)(2) of this section, 6383  
an additional prison term as described in division (D)(4) of 6384

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- section 2929.14 of the Revised Code. 6385
- (B)(1) Except as provided in division (B)(2), (E), (F), or 6386  
(G) of this section, in sentencing an offender for a felony of the 6387  
fourth or fifth degree, the sentencing court shall determine 6388  
whether any of the following apply: 6389
- (a) In committing the offense, the offender caused physical 6390  
harm to a person. 6391
- (b) In committing the offense, the offender attempted to 6392  
cause or made an actual threat of physical harm to a person with a 6393  
deadly weapon. 6394
- (c) In committing the offense, the offender attempted to 6395  
cause or made an actual threat of physical harm to a person, and 6396  
the offender previously was convicted of an offense that caused 6397  
physical harm to a person. 6398
- (d) The offender held a public office or position of trust 6399  
and the offense related to that office or position; the offender's 6400  
position obliged the offender to prevent the offense or to bring 6401  
those committing it to justice; or the offender's professional 6402  
reputation or position facilitated the offense or was likely to 6403  
influence the future conduct of others. 6404
- (e) The offender committed the offense for hire or as part of 6405  
an organized criminal activity. 6406
- (f) The offense is a sex offense that is a fourth or fifth 6407  
degree felony violation of section 2907.03, 2907.04, 2907.05, 6408  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 6409  
Revised Code. 6410
- (g) The offender previously served a prison term. 6411
- (h) The offender committed the offense while under a 6412  
community control sanction, while on probation, or while released 6413  
from custody on a bond or personal recognizance. 6414

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(i) The offender committed the offense while in possession of a firearm. 6415  
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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. 6417  
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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. 6425  
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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 purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code. 6435  
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(D) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree and for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a 6443  
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presumption in favor of a prison term is specified as being 6447  
applicable, it is presumed that a prison term is necessary in 6448  
order to comply with the purposes and principles of sentencing 6449  
under section 2929.11 of the Revised Code. Notwithstanding the 6450  
presumption established under this division, the sentencing court 6451  
may impose a community control sanction or a combination of 6452  
community control sanctions instead of a prison term on an 6453  
offender for a felony of the first or second degree or for a 6454  
felony drug offense that is a violation of any provision of 6455  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 6456  
presumption in favor of a prison term is specified as being 6457  
applicable if it makes both of the following findings: 6458

(1) A community control sanction or a combination of 6459  
community control sanctions would adequately punish the offender 6460  
and protect the public from future crime, because the applicable 6461  
factors under section 2929.12 of the Revised Code indicating a 6462  
lesser likelihood of recidivism outweigh the applicable factors 6463  
under that section indicating a greater likelihood of recidivism. 6464

(2) A community control sanction or a combination of 6465  
community control sanctions would not demean the seriousness of 6466  
the offense, because one or more factors under section 2929.12 of 6467  
the Revised Code that indicate that the offender's conduct was 6468  
less serious than conduct normally constituting the offense are 6469  
applicable, and they outweigh the applicable factors under that 6470  
section that indicate that the offender's conduct was more serious 6471  
than conduct normally constituting the offense. 6472

(E)(1) Except as provided in division (F) of this section, 6473  
for any drug offense that is a violation of any provision of 6474  
Chapter 2925. of the Revised Code and that is a felony of the 6475  
third, fourth, or fifth degree, the applicability of a presumption 6476  
under division (D) of this section in favor of a prison term or of 6477  
division (B) or (C) of this section in determining whether to 6478



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impose a prison term for the offense shall be determined as 6479  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 6480  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 6481  
Revised Code, whichever is applicable regarding the violation. 6482

(2) If an offender who was convicted of or pleaded guilty to 6483  
a felony violates the conditions of a community control sanction 6484  
imposed for the offense solely by reason of producing positive 6485  
results on a drug test, the court, as punishment for the violation 6486  
of the sanction, shall not order that the offender be imprisoned 6487  
unless the court determines on the record either of the following: 6488

(a) The offender had been ordered as a sanction for the 6489  
felony to participate in a drug treatment program, in a drug 6490  
education program, or in narcotics anonymous or a similar program, 6491  
and the offender continued to use illegal drugs after a reasonable 6492  
period of participation in the program. 6493

(b) The imprisonment of the offender for the violation is 6494  
consistent with the purposes and principles of sentencing set 6495  
forth in section 2929.11 of the Revised Code. 6496

(F) Notwithstanding divisions (A) to (E) of this section, the 6497  
court shall impose a prison term or terms under sections 2929.02 6498  
to 2929.06, section 2929.14, or section 2971.03 of the Revised 6499  
Code and except as specifically provided in section 2929.20 or 6500  
2967.191 of the Revised Code or when parole is authorized for the 6501  
offense under section 2967.13 of the Revised Code shall not reduce 6502  
the terms pursuant to section 2929.20, section 2967.193, or any 6503  
other provision of Chapter 2967. or Chapter 5120. of the Revised 6504  
Code for any of the following offenses: 6505

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(1) Aggravated murder when death is not imposed or murder; 6507

(2) Any rape, regardless of whether force was involved and 6508  
regardless of the age of the victim, or an attempt to commit rape 6509

by force when the victim is under thirteen years of age; 6510

(3) Gross sexual imposition or sexual battery, if the victim 6511  
is under thirteen years of age, if the offender previously was 6512  
convicted of or pleaded guilty to rape, the former offense of 6513  
felonious sexual penetration, gross sexual imposition, or sexual 6514  
battery, and if the victim of the previous offense was under 6515  
thirteen years of age; 6516

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 6517  
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 6518  
requires the imposition of a prison term; 6519

(5) A first, second, or third degree felony drug offense for 6520  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 6521  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 6522  
4729.99 of the Revised Code, whichever is applicable regarding the 6523  
violation, requires the imposition of a mandatory prison term; 6524

(6) Any offense that is a first or second degree felony and 6525  
that is not set forth in division (F)(1), (2), (3), or (4) of this 6526  
section, if the offender previously was convicted of or pleaded 6527  
guilty to aggravated murder, murder, any first or second degree 6528  
felony, or an offense under an existing or former law of this 6529  
state, another state, or the United States that is or was 6530  
substantially equivalent to one of those offenses; 6531

(7) Any offense that is a third degree felony and that is 6532  
listed in division (DD)(1) of section 2929.01 of the Revised Code 6533  
if the offender previously was convicted of or pleaded guilty to 6534  
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 6535  
section 2929.01 of the Revised Code; 6536

(8) Any offense, other than a violation of section 2923.12 of 6537  
the Revised Code, that is a felony, if the offender had a firearm 6538  
on or about the offender's person or under the offender's control 6539  
while committing the felony, with respect to a portion of the 6540

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sentence imposed pursuant to division (D)(1)(a) of section 2929.14 6541  
of the Revised Code for having the firearm; 6542

(9) Any offense of violence that is a felony, if the offender 6543  
wore or carried body armor while committing the felony offense of 6544  
violence, with respect to the portion of the sentence imposed 6545  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 6546  
Code for wearing or carrying the body armor; 6547

(10) Corrupt activity in violation of section 2923.32 of the 6548  
Revised Code when the most serious offense in the pattern of 6549  
corrupt activity that is the basis of the offense is a felony of 6550  
the first degree; 6551

(11) Any sexually violent offense for which the offender also 6552  
is convicted of or pleads guilty to a sexually violent predator 6553  
specification that was included in the indictment, count in the 6554  
indictment, or information charging the sexually violent offense; 6555  
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(12) A violation of division (A)(1) or (2) of section 2921.36 6557  
of the Revised Code, or a violation of division (C) of that 6558  
section involving an item listed in division (A)(1) or (2) of that 6559  
section, if the offender is an officer or employee of the 6560  
department of rehabilitation and correction. 6561

(G) Notwithstanding divisions (A) to (E) of this section, if 6562  
an offender is being sentenced for a fourth degree felony ~~OMVI~~ OVI 6563  
offense or for a third degree felony ~~OMVI~~ OVI offense, the court 6564  
shall impose upon the offender a mandatory term of local 6565  
incarceration or a mandatory prison term in accordance with the 6566  
following: 6567

(1) If the offender is being sentenced for a fourth degree 6568  
felony ~~OMVI~~ OVI offense, the court may impose upon the offender a 6569  
mandatory term of local incarceration of sixty days or one hundred 6570  
twenty days as specified in division ~~(A)(4)~~ (G)(1)(d) of section 6571

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4511.99 4511.19 of the Revised Code ~~or a mandatory term of local~~ 6572  
~~incarceration of one hundred twenty days as specified in division~~ 6573  
~~(A)(8) of that section.~~ The court shall not reduce the term 6574  
pursuant to section 2929.20, 2967.193, or any other provision of 6575  
the Revised Code. The court that imposes a mandatory term of local 6576  
incarceration under this division shall specify whether the term 6577  
is to be served in a jail, a community-based correctional 6578  
facility, a halfway house, or an alternative residential facility, 6579  
and the offender shall serve the term in the type of facility 6580  
specified by the court. A mandatory term of local incarceration 6581  
imposed under division (G)(1) of this section is not subject to 6582  
extension under section 2967.11 of the Revised Code, to a period 6583  
of post-release control under section 2967.28 of the Revised Code, 6584  
or to any other Revised Code provision that pertains to a prison 6585  
term. 6586

(2) If the offender is being sentenced for a third degree 6587  
felony ~~OMVI~~ OVI offense, or if the offender is being sentenced for 6588  
a fourth degree felony ~~OMVI~~ OVI offense and the court does not 6589  
impose a mandatory term of local incarceration under division 6590  
(G)(1) of this section, the court shall impose upon the offender a 6591  
mandatory prison term of sixty days or one hundred twenty days as 6592  
specified in division ~~(A)(4)~~ (G)(1)(e) of section ~~4511.99~~ 4511.19 6593  
of the Revised Code ~~or a mandatory prison term of one hundred~~ 6594  
~~twenty days as specified in division (A)(8) of that section.~~ The 6595  
court shall not reduce the term pursuant to section 2929.20, 6596  
2967.193, or any other provision of the Revised Code. In no case 6597  
shall an offender who once has been sentenced to a mandatory term 6598  
of local incarceration pursuant to division (G)(1) of this section 6599  
for a fourth degree felony ~~OMVI~~ OVI offense be sentenced to 6600  
another mandatory term of local incarceration under that division 6601  
for any violation of division (A) of section 4511.19 of the 6602  
Revised Code. The court shall not sentence the offender to a 6603  
community control sanction under section 2929.16 or 2929.17 of the 6604

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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 require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code if either of the following applies:

(1) The offense was a sexually violent offense, and the offender also was convicted of or pleaded guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the

sexually violent offense.

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(2) The judge imposing sentence for the sexually oriented offense determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator.

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(I) If an offender is being sentenced for a sexually oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duty to register pursuant to section 2950.04 of the Revised Code, the offender's duty to provide notice of a change in residence address and register the new residence address pursuant to section 2950.05 of the Revised Code, the offender's duty to periodically verify the offender's current residence address pursuant to section 2950.06 of the Revised Code, and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration and, if required under division (A)(2) of section 2950.03 of the Revised Code, shall perform the duties specified in that section.

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(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

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(2) When considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse

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offense had been committed and had involved an amount or number of  
unit doses of the controlled substance that is within the next  
lower range of controlled substance amounts than was involved in  
the attempt.

(K) As used in this section, "drug abuse offense" has the  
same meaning as in section 2925.01 of the Revised Code.

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1),  
(D)(2), (D)(3), (D)(4), or (G) of this section and except in  
relation to an offense for which a sentence of death or life  
imprisonment is to be imposed, if the court imposing a sentence  
upon an offender for a felony elects or is required to impose a  
prison term on the offender pursuant to this chapter and is not  
prohibited by division (G)(1) of section 2929.13 of the Revised  
Code from imposing a prison term on the offender, the court shall  
impose a definite prison term that shall be one of the following:

(1) For a felony of the first degree, the prison term shall  
be three, four, five, six, seven, eight, nine, or ten years.

(2) For a felony of the second degree, the prison term shall  
be two, three, four, five, six, seven, or eight years.

(3) For a felony of the third degree, the prison term shall  
be one, two, three, four, or five years.

(4) For a felony of the fourth degree, the prison term shall  
be six, seven, eight, nine, ten, eleven, twelve, thirteen,  
fourteen, fifteen, sixteen, seventeen, or eighteen months.

(5) For a felony of the fifth degree, the prison term shall  
be six, seven, eight, nine, ten, eleven, or twelve months.

(B) Except as provided in division (C), (D)(1), (D)(2),  
(D)(3), or (G) of this section, in section 2907.02 of the Revised  
Code, or in Chapter 2925. of the Revised Code, if the court

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imposing a sentence upon an offender for a felony elects or is  
required to impose a prison term on the offender and if the  
offender previously has not served a prison term, the court shall  
impose the shortest prison term authorized for the offense  
pursuant to division (A) of this section, unless the court finds  
on the record that the shortest prison term will demean the  
seriousness of the offender's conduct or will not adequately  
protect the public from future crime by the offender or others.

(C) Except as provided in division (G) of this section or in  
Chapter 2925. of the Revised Code, the court imposing a sentence  
upon an offender for a felony may impose the longest prison term  
authorized for the offense pursuant to division (A) of this  
section only upon offenders who committed the worst forms of the  
offense, upon offenders who pose the greatest likelihood of  
committing future crimes, upon certain major drug offenders under  
division (D)(3) of this section, and upon certain repeat violent  
offenders in accordance with division (D)(2) of this section.

(D)(1)(a) Except as provided in division (D)(1)(e) of this  
section, if an offender who is convicted of or pleads guilty to a  
felony also is convicted of or pleads guilty to a specification of  
the type described in section 2941.141, 2941.144, or 2941.145 of  
the Revised Code, the court shall impose on the offender one of  
the following prison terms:

(i) A prison term of six years if the specification is of the  
type described in section 2941.144 of the Revised Code that  
charges the offender with having a firearm that is an automatic  
firearm or that was equipped with a firearm muffler or silencer on  
or about the offender's person or under the offender's control  
while committing the felony;

(ii) A prison term of three years if the specification is of  
the type described in section 2941.145 of the Revised Code that  
charges the offender with having a firearm on or about the



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offender's person or under the offender's control while committing 6730  
the offense and displaying the firearm, brandishing the firearm, 6731  
indicating that the offender possessed the firearm, or using it to 6732  
facilitate the offense; 6733

(iii) A prison term of one year if the specification is of 6734  
the type described in section 2941.141 of the Revised Code that 6735  
charges the offender with having a firearm on or about the 6736  
offender's person or under the offender's control while committing 6737  
the felony. 6738

(b) If a court imposes a prison term on an offender under 6739  
division (D)(1)(a) of this section, the prison term shall not be 6740  
reduced pursuant to section 2929.20, section 2967.193, or any 6741  
other provision of Chapter 2967. or Chapter 5120. of the Revised 6742  
Code. A court shall not impose more than one prison term on an 6743  
offender under division (D)(1)(a) of this section for felonies 6744  
committed as part of the same act or transaction. 6745

(c) Except as provided in division (D)(1)(e) of this section, 6746  
if an offender who is convicted of or pleads guilty to a violation 6747  
of section 2923.161 of the Revised Code or to a felony that 6748  
includes, as an essential element, purposely or knowingly causing 6749  
or attempting to cause the death of or physical harm to another, 6750  
also is convicted of or pleads guilty to a specification of the 6751  
type described in section 2941.146 of the Revised Code that 6752  
charges the offender with committing the offense by discharging a 6753  
firearm from a motor vehicle other than a manufactured home, the 6754  
court, after imposing a prison term on the offender for the 6755  
violation of section 2923.161 of the Revised Code or for the other 6756  
felony offense under division (A), (D)(2), or (D)(3) of this 6757  
section, shall impose an additional prison term of five years upon 6758  
the offender that shall not be reduced pursuant to section 6759  
2929.20, section 2967.193, or any other provision of Chapter 2967. 6760  
or Chapter 5120. of the Revised Code. A court shall not impose 6761

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more than one additional prison term on an offender under division (D)(1)(c) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (D)(1)(c) of this section relative to an offense, the court also shall impose a prison term under division (D)(1)(a) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony offense of violence, the court shall impose on the offender a prison term of two years. The prison term so imposed shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of ~~chapter~~ Chapter 2967. or ~~chapter~~ Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(1)(d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (D)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (D)(1)(d) of this section.

(e) The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division

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(D)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply: 6794  
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(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree. 6797  
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(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense. 6799  
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(2)(a) If an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender, the court shall impose a prison term from the range of terms authorized for the offense under division (A) of this section that may be the longest term in the range and that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If the court finds that the repeat violent offender, in committing the offense, caused any physical harm that carried a substantial risk of death to a person or that involved substantial permanent incapacity or substantial permanent disfigurement of a person, the court shall impose the longest prison term from the range of terms authorized for the offense under division (A) of this section. 6802  
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(b) If the court imposing a prison term on a repeat violent offender imposes the longest prison term from the range of terms authorized for the offense under division (A) of this section, the court may impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if the court finds that both of the following apply with respect to the prison terms imposed on the offender pursuant to division (D)(2)(a) of this section and, if applicable, divisions (D)(1) and (3) of this section: 6817  
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(i) The terms so imposed are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(ii) The terms so imposed are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(3)(a) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender and requires the imposition of a ten-year prison term on the offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (C) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, or if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious

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offense in the pattern of corrupt activity being a felony of the first degree or is guilty of an attempted forcible violation of section 2907.02 of the Revised Code with the victim being under thirteen years of age and that attempted violation is the felony for which sentence is being imposed, the court shall impose upon the offender for the felony violation a ten-year prison term that cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 5120. of the Revised Code.

(b) The court imposing a prison term on an offender under division (D)(3)(a) of this section may impose an additional prison term of one, two, three, four, five, six, seven, eight, nine, or ten years, if the court, with respect to the term imposed under division (D)(3)(a) of this section and, if applicable, divisions (D)(1) and (2) of this section, makes both of the findings set forth in divisions (D)(2)(b)(i) and (ii) of this section.

(4) If the offender is being sentenced for a third or fourth degree felony ~~OMVI~~ OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if 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

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twenty days imposed as the mandatory prison term shall equal a 6890  
definite term in the range of six months to thirty months for a 6891  
fourth degree felony OVI offense and shall equal one of the 6892  
authorized prison terms specified in division (A)(3) of this 6893  
section for a third degree felony OVI offense. If the court 6894  
imposes an additional prison term under division (D)(4) of this 6895  
section, the offender shall serve the additional prison term after 6896  
the offender has served the mandatory prison term required for the 6897  
offense. The court shall not sentence the offender to a community 6898  
control sanction under section 2929.16 or 2929.17 of the Revised 6899  
Code. 6900

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 6901  
mandatory prison term is imposed upon an offender pursuant to 6902  
division (D)(1)(a) of this section for having a firearm on or 6903  
about the offender's person or under the offender's control while 6904  
committing a felony, if a mandatory prison term is imposed upon an 6905  
offender pursuant to division (D)(1)(c) of this section for 6906  
committing a felony specified in that division by discharging a 6907  
firearm from a motor vehicle, or if both types of mandatory prison 6908  
terms are imposed, the offender shall serve any mandatory prison 6909  
term imposed under either division consecutively to any other 6910  
mandatory prison term imposed under either division or under 6911  
division (D)(1)(d) of this section, consecutively to and prior to 6912  
any prison term imposed for the underlying felony pursuant to 6913  
division (A), (D)(2), or (D)(3) of this section or any other 6914  
section of the Revised Code, and consecutively to any other prison 6915  
term or mandatory prison term previously or subsequently imposed 6916  
upon the offender. 6917

(b) If a mandatory prison term is imposed upon an offender 6918  
pursuant to division (D)(1)(d) of this section for wearing or 6919  
carrying body armor while committing an offense of violence that 6920  
is a felony, the offender shall serve the mandatory term so 6921

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imposed consecutively to any other mandatory prison term imposed 6922  
under that division or under division (D)(1)(a) or (c) of this 6923  
section, consecutively to and prior to any prison term imposed for 6924  
the underlying felony under division (A), (D)(2), or (D)(3) of 6925  
this section or any other section of the Revised Code, and 6926  
consecutively to any other prison term or mandatory prison term 6927  
previously or subsequently imposed upon the offender. 6928

(2) If an offender who is an inmate in a jail, prison, or 6929  
other residential detention facility violates section 2917.02, 6930  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 6931  
who is under detention at a detention facility commits a felony 6932  
violation of section 2923.131 of the Revised Code, or if an 6933  
offender who is an inmate in a jail, prison, or other residential 6934  
detention facility or is under detention at a detention facility 6935  
commits another felony while the offender is an escapee in 6936  
violation of section 2921.34 of the Revised Code, any prison term 6937  
imposed upon the offender for one of those violations shall be 6938  
served by the offender consecutively to the prison term or term of 6939  
imprisonment the offender was serving when the offender committed 6940  
that offense and to any other prison term previously or 6941  
subsequently imposed upon the offender. 6942

(3) If a prison term is imposed for a violation of division 6943  
(B) of section 2911.01 of the Revised Code or if a prison term is 6944  
imposed for a felony violation of division (B) of section 2921.331 6945  
of the Revised Code, the offender shall serve that prison term 6946  
consecutively to any other prison term or mandatory prison term 6947  
previously or subsequently imposed upon the offender. 6948

(4) If multiple prison terms are imposed on an offender for 6949  
convictions of multiple offenses, the court may require the 6950  
offender to serve the prison terms consecutively if the court 6951  
finds that the consecutive service is necessary to protect the 6952  
public from future crime or to punish the offender and that 6953

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consecutive sentences are not disproportionate to the seriousness  
of the offender's conduct and to the danger the offender poses to  
the public, and if the court also finds any of the following:

(a) The offender committed the multiple offenses while the  
offender was awaiting trial or sentencing, was under a sanction  
imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the  
Revised Code, or was under post-release control for a prior  
offense.

(b) The harm caused by the multiple offenses was so great or  
unusual that no single prison term for any of the offenses  
committed as part of a single course of conduct adequately  
reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates  
that consecutive sentences are necessary to protect the public  
from future crime by the offender.

(5) When consecutive prison terms are imposed pursuant to  
division (E)(1), (2), (3), or (4) of this section, the term to be  
served is the aggregate of all of the terms so imposed.

(F) If a court imposes a prison term of a type described in  
division (B) of section 2967.28 of the Revised Code, it shall  
include in the sentence a requirement that the offender be subject  
to a period of post-release control after the offender's release  
from imprisonment, in accordance with that division. If a court  
imposes a prison term of a type described in division (C) of that  
section, it shall include in the sentence a requirement that the  
offender be subject to a period of post-release control after the  
offender's release from imprisonment, in accordance with that  
division, if the parole board determines that a period of  
post-release control is necessary.

(G) If a person is convicted of or pleads guilty to a  
sexually violent offense and also is convicted of or pleads guilty



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to a sexually violent predator specification that was included in 6985  
the indictment, count in the indictment, or information charging 6986  
that offense, the court shall impose sentence upon the offender in 6987  
accordance with section 2971.03 of the Revised Code, and Chapter 6988  
2971. of the Revised Code applies regarding the prison term or 6989  
term of life imprisonment without parole imposed upon the offender 6990  
and the service of that term of imprisonment. 6991

(H) If a person who has been convicted of or pleaded guilty 6992  
to a felony is sentenced to a prison term or term of imprisonment 6993  
under this section, sections 2929.02 to 2929.06 of the Revised 6994  
Code, section 2971.03 of the Revised Code, or any other provision 6995  
of law, section 5120.163 of the Revised Code applies regarding the 6996  
person while the person is confined in a state correctional 6997  
institution. 6998

(I) If an offender who is convicted of or pleads guilty to a 6999  
felony that is an offense of violence also is convicted of or 7000  
pleads guilty to a specification of the type described in section 7001  
2941.142 of the Revised Code that charges the offender with having 7002  
committed the felony while participating in a criminal gang, the 7003  
court shall impose upon the offender an additional prison term of 7004  
one, two, or three years. 7005

(J) If an offender who is convicted of or pleads guilty to 7006  
aggravated murder, murder, or a felony of the first, second, or 7007  
third degree that is an offense of violence also is convicted of 7008  
or pleads guilty to a specification of the type described in 7009  
section 2941.143 of the Revised Code that charges the offender 7010  
with having committed the offense in a school safety zone or 7011  
towards a person in a school safety zone, the court shall impose 7012  
upon the offender an additional prison term of two years. The 7013  
offender shall serve the additional two years consecutively to and 7014  
prior to the prison term imposed for the underlying offense. 7015

(K) At the time of sentencing, the court shall determine if 7016

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an offender is eligible for placement in a program of shock  
incarceration under section 5120.031 of the Revised Code or is  
eligible for placement in an intensive program prison under  
section 5120.032 of the Revised Code. The court may recommend the  
offender for placement in a program of shock incarceration, if  
eligible, or for placement in an intensive program prison, if  
eligible, disapprove placement of the offender in a program of  
shock incarceration or in an intensive program prison, regardless  
of eligibility, or make no recommendation on placement of the  
offender.

If the court disapproves placement of the offender in a  
program or prison of that nature, the department of rehabilitation  
and correction shall not place the offender in any program of  
shock incarceration or intensive program prison.

If the court approves placement of the offender in a program  
of shock incarceration or in an intensive program prison, the  
department shall notify the court if the offender is subsequently  
placed in the recommended program or prison and shall include with  
the notice a brief description of the placement.

If the court approves placement of the offender in a program  
of shock incarceration or in an intensive program prison and the  
department does not subsequently place the offender in the  
recommended program or prison, the department shall send a notice  
to the court indicating why the offender was not placed in the  
recommended program or prison.

If the court does not make a recommendation under this  
division with respect to an eligible offender, the department  
shall screen the offender and determine if there is an available  
program of shock incarceration or an intensive program prison for  
which the offender is suited. If there is an available program of  
shock incarceration or an intensive program prison for which the  
offender is suited, the department shall notify the court of the

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proposed placement of the offender and shall include with the  
notice a brief description of the placement. The court shall have  
ten days from receipt of the notice to disapprove the placement.

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a  
felony the court is not required to impose a prison term, a  
mandatory prison term, or a term of life imprisonment upon the  
offender, the court may directly impose a sentence that consists  
of one or more community control sanctions authorized pursuant to  
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the  
court is sentencing an offender for a fourth degree felony ~~OMVI~~  
OVI offense under division (G)(1) of section 2929.13 of the  
Revised Code, in addition to the mandatory term of local  
incarceration imposed under that division and the mandatory fine  
required by division (B)(3) of section 2929.18 of the Revised  
Code, the court may impose upon the offender a community control  
sanction or combination of community control sanctions in  
accordance with sections 2929.16 and 2929.17 of the Revised Code.  
The duration of all community control sanctions imposed upon an  
offender under this division shall not exceed five years. If the  
offender absconds or otherwise leaves the jurisdiction of the  
court in which the offender resides without obtaining permission  
from the court or the offender's probation officer to leave the  
jurisdiction of the court, or if the offender is confined in any  
institution for the commission of any offense while under a  
community control sanction, the period of the community control  
sanction ceases to run until the offender is brought before the  
court for its further action. If the court sentences the offender  
to one or more nonresidential sanctions under section 2929.17 of  
the Revised Code, the court shall impose as a condition of the  
nonresidential sanctions that, during the period of the sanctions,  
the offender must abide by the law and must not leave the state  
without the permission of the court or the offender's probation

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officer. The court may impose any other conditions of release 7081  
under a community control sanction that the court considers 7082  
appropriate, including, but not limited to, requiring that the 7083  
offender not ingest or be injected with a drug of abuse and submit 7084  
to random drug testing as provided in division (D) of this section 7085  
to determine whether the offender ingested or was injected with a 7086  
drug of abuse and requiring that the results of the drug test 7087  
indicate that the offender did not ingest or was not injected with 7088  
a drug of abuse. If the court is sentencing an offender for a 7089  
third or fourth degree felony ~~OMVI~~ OVI offense under division 7090  
(G)(2) of section 2929.13 of the Revised Code, the court shall not 7091  
impose upon the offender any community control sanction or 7092  
combination of community control sanctions under section 2929.16 7093  
or 2929.17 of the Revised Code. 7094

(2)(a) If a court sentences an offender to any community 7095  
control sanction or combination of community control sanctions 7096  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 7097  
Revised Code, the court shall place the offender under the general 7098  
control and supervision of a department of probation in the county 7099  
that serves the court for purposes of reporting to the court a 7100  
violation of any condition of the sanctions, any condition of 7101  
release under a community control sanction imposed by the court, a 7102  
violation of law, or the departure of the offender from this state 7103  
without the permission of the court or the offender's probation 7104  
officer. Alternatively, if the offender resides in another county 7105  
and a county department of probation has been established in that 7106  
county or that county is served by a multicounty probation 7107  
department established under section 2301.27 of the Revised Code, 7108  
the court may request the court of common pleas of that county to 7109  
receive the offender into the general control and supervision of 7110  
that county or multicounty department of probation for purposes of 7111  
reporting to the court a violation of any condition of the 7112  
sanctions,<sup>7</sup> any condition of release under a community control 7113

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sanction imposed by the court, a violation of law, or the 7114  
departure of the offender from this state without the permission 7115  
of the court or the offender's probation officer, subject to the 7116  
jurisdiction of the trial judge over and with respect to the 7117  
person of the offender, and to the rules governing that department 7118  
of probation. 7119

If there is no department of probation in the county that 7120  
serves the court, the court shall place the offender, regardless 7121  
of the offender's county of residence, under the general control 7122  
and supervision of the adult parole authority for purposes of 7123  
reporting to the court a violation of any of the sanctions, any 7124  
condition of release under a community control sanction imposed by 7125  
the court, a violation of law, or the departure of the offender 7126  
from this state without the permission of the court or the 7127  
offender's probation officer. 7128

(b) If the court imposing sentence upon an offender sentences 7129  
the offender to any community control sanction or combination of 7130  
community control sanctions authorized pursuant to section 7131  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 7132  
offender violates any condition of the sanctions, any condition of 7133  
release under a community control sanction imposed by the court, 7134  
violates any law, or departs the state without the permission of 7135  
the court or the offender's probation officer, the public or 7136  
private person or entity that operates or administers the sanction 7137  
or the program or activity that comprises the sanction shall 7138  
report the violation or departure directly to the sentencing 7139  
court, or shall report the violation or departure to the county or 7140  
multicounty department of probation with general control and 7141  
supervision over the offender under division (A)(2)(a) of this 7142  
section or the officer of that department who supervises the 7143  
offender, or, if there is no such department with general control 7144  
and supervision over the offender under that division, to the 7145

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adult parole authority. If the public or private person or entity  
that operates or administers the sanction or the program or  
activity that comprises the sanction reports the violation or  
departure to the county or multicounty department of probation or  
the adult parole authority, the department's or authority's  
officers may treat the offender as if the offender were on  
probation and in violation of the probation, and shall report the  
violation of the condition of the sanction, any condition of  
release under a community control sanction imposed by the court,  
the violation of law, or the departure from the state without the  
required permission to the sentencing court.

(B) If the conditions of a community control sanction are  
violated or if the offender violates a law or leaves the state  
without the permission of the court or the offender's probation  
officer, the sentencing court may impose a longer time under the  
same sanction if the total time under the sanctions does not  
exceed the five-year limit specified in division (A) of this  
section, may impose a more restrictive sanction under section  
2929.16, 2929.17, or 2929.18 of the Revised Code, or may impose a  
prison term on the offender pursuant to section 2929.14 of the  
Revised Code. The prison term, if any, imposed upon a violator  
pursuant to this division shall be within the range of prison  
terms available for the offense for which the sanction that was  
violated was imposed and shall not exceed the prison term  
specified in the notice provided to the offender at the sentencing  
hearing pursuant to division (B)(3) of section 2929.19 of the  
Revised Code. The court may reduce the longer period of time that  
the offender is required to spend under the longer sanction, the  
more restrictive sanction, or a prison term imposed pursuant to  
this division by the time the offender successfully spent under  
the sanction that was initially imposed.

(C) If an offender, for a significant period of time,

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fulfills the conditions of a sanction imposed pursuant to section 7178  
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 7179  
manner, the court may reduce the period of time under the sanction 7180  
or impose a less restrictive sanction, but the court shall not 7181  
permit the offender to violate any law or permit the offender to 7182  
leave the state without the permission of the court or the 7183  
offender's probation officer. 7184

(D)(1) If a court under division (A)(1) of this section 7185  
imposes a condition of release under a community control sanction 7186  
that requires the offender to submit to random drug testing, the 7187  
department of probation or the adult parole authority that has 7188  
general control and supervision of the offender under division 7189  
(A)(2)(a) of this section may cause the offender to submit to 7190  
random drug testing performed by a laboratory or entity that has 7191  
entered into a contract with any of the governmental entities or 7192  
officers authorized to enter into a contract with that laboratory 7193  
or entity under section 341.26, 753.33, or 5120.63 of the Revised 7194  
Code. 7195

(2) If no laboratory or entity described in division (D)(1) 7196  
of this section has entered into a contract as specified in that 7197  
division, the department of probation or the adult parole 7198  
authority that has general control and supervision of the offender 7199  
under division (A)(2)(a) of this section shall cause the offender 7200  
to submit to random drug testing performed by a reputable public 7201  
laboratory to determine whether the individual who is the subject 7202  
of the drug test ingested or was injected with a drug of abuse. 7203

(3) A laboratory or entity that has entered into a contract 7204  
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 7205  
shall perform the random drug tests under division (D)(1) of this 7206  
section in accordance with the applicable standards that are 7207  
included in the terms of that contract. A public laboratory shall 7208  
perform the random drug tests under division (D)(2) of this 7209

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section in accordance with the standards set forth in the policies 7210  
 and procedures established by the department of rehabilitation and 7211  
 correction pursuant to section 5120.63 of the Revised Code. An 7212  
 offender who is required under division (A)(1) of this section to 7213  
 submit to random drug testing as a condition of release under a 7214  
 community control sanction and whose test results indicate that 7215  
 the offender ingested or was injected with a drug of abuse shall 7216  
 pay the fee for the drug test if the department of probation or 7217  
 the adult parole authority that has general control and 7218  
 supervision of the offender requires payment of a fee. A 7219  
 laboratory or entity that performs the random drug testing on an 7220  
 offender under division (D)(1) or (2) of this section shall 7221  
 transmit the results of the drug test to the appropriate 7222  
 department of probation or the adult parole authority that has 7223  
 general control and supervision of the offender under division 7224  
 (A)(2)(a) of this section. 7225

**Sec. 2929.16.** (A) The court imposing a sentence for a felony 7226  
 upon an offender who is not required to serve a mandatory prison 7227  
 term may impose any community residential sanction or combination 7228  
 of community residential sanctions under this section. The court 7229  
 imposing a sentence for a fourth degree felony ~~OMVI~~ OVI offense 7230  
 under division (G)(1) of section 2929.13 of the Revised Code may 7231  
 impose upon the offender, in addition to the mandatory term of 7232  
 local incarceration imposed under that division, a community 7233  
 residential sanction or combination of community residential 7234  
 sanctions under this section, and the offender shall serve or 7235  
 satisfy the sanction or combination of sanctions after the 7236  
 offender has served the mandatory term of local incarceration 7237  
 required for the offense. Community residential sanctions include, 7238  
 but are not limited to, the following: 7239

(1) A term of up to six months at a community-based 7240  
 correctional facility that serves the county; 7241



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(2) Except as otherwise provided in division (A)(3) of this section and subject to division (D) of this section, a term of up to six months in a jail;

(3) If the offender is convicted of a fourth degree felony ~~OMVI~~ OVI offense and is sentenced under division (G)(1) of section 2929.13 of the Revised Code, subject to division (D) of this section, a term of up to one year in a jail less the mandatory term of local incarceration of sixty or one hundred twenty consecutive days of imprisonment imposed pursuant to that division;

(4) A term in a halfway house;

(5) A term in an alternative residential facility.

(B) The court that assigns any offender convicted of a felony to a residential sanction under this section may authorize the offender to be released so that the offender may seek or maintain employment, receive education or training, or receive treatment. A release pursuant to this division shall be only for the duration of time that is needed to fulfill the purpose of the release and for travel that reasonably is necessary to fulfill the purposes of the release.

(C) If the court assigns an offender to a county jail that is not a minimum security misdemeanor jail in a county that has established a county jail industry program pursuant to section 5147.30 of the Revised Code, the court shall specify, as part of the sentence, whether the sheriff of that county may consider the offender for participation in the county jail industry program. During the offender's term in the county jail, the court shall retain jurisdiction to modify its specification upon a reassessment of the offender's qualifications for participation in the program.

(D) If a court sentences an offender to a term in jail under

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division (A)(2) or (3) of this section and if the sentence is 7273  
imposed for a felony of the fourth or fifth degree that is not an 7274  
offense of violence, the court may specify that it prefers that 7275  
the offender serve the term in a minimum security jail established 7276  
under section 341.34 or 753.21 of the Revised Code. If the court 7277  
includes a specification of that type in the sentence and if the 7278  
administrator of the appropriate minimum security jail or the 7279  
designee of that administrator classifies the offender in 7280  
accordance with section 341.34 or 753.21 of the Revised Code as a 7281  
minimal security risk, the offender shall serve the term in the 7282  
minimum security jail established under section 341.34 or 753.21 7283  
of the Revised Code. Absent a specification of that type and a 7284  
finding of that type, the offender shall serve the term in a jail 7285  
other than a minimum security jail established under section 7286  
341.34 or 753.21 of the Revised Code. 7287

(E) If a person who has been convicted of or pleaded guilty 7288  
to a felony is sentenced to a community residential sanction as 7289  
described in division (A) of this section, at the time of 7290  
reception and at other times the person in charge of the operation 7291  
of the community-based correctional facility, jail, halfway house, 7292  
alternative residential facility, or other place at which the 7293  
offender will serve the residential sanction determines to be 7294  
appropriate, the person in charge of the operation of the 7295  
community-based correctional facility, jail, halfway house, 7296  
alternative residential facility, or other place may cause the 7297  
convicted offender to be examined and tested for tuberculosis, HIV 7298  
infection, hepatitis, including but not limited to hepatitis A, B, 7299  
and C, and other contagious diseases. The person in charge of the 7300  
operation of the community-based correctional facility, jail, 7301  
halfway house, alternative residential facility, or other place at 7302  
which the offender will serve the residential sanction may cause a 7303  
convicted offender in the community-based correctional facility, 7304

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jail, halfway house, alternative residential facility, or other  
place who refuses to be tested or treated for tuberculosis, HIV  
infection, hepatitis, including but not limited to hepatitis A, B,  
and C, or another contagious disease to be tested and treated  
involuntarily.

**Sec. 2929.17.** The court imposing a sentence for a felony upon  
an offender who is not required to serve a mandatory prison term  
may impose any nonresidential sanction or combination of  
nonresidential sanctions authorized under this section. If the  
court imposes one or more nonresidential sanctions authorized  
under this section, the court shall impose as a condition of the  
sanction that, during the period of the nonresidential sanction,  
the offender shall abide by the law and shall not leave the state  
without the permission of the court or the offender's probation  
officer.

The court imposing a sentence for a fourth degree felony ~~OMVI~~  
OVI offense under division (G)(1) of section 2929.13 of the  
Revised Code may impose upon the offender, in addition to the  
mandatory term of local incarceration imposed under that division,  
a nonresidential sanction or combination of nonresidential  
sanctions under this section, and the offender shall serve or  
satisfy the sanction or combination of sanctions after the  
offender has served the mandatory term of local incarceration  
required for the offense. Nonresidential sanctions include, but  
are not limited to, the following:

(A) A term of day reporting;

(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;

(C) A term of community service of up to five hundred hours  
pursuant to division (F) of section 2951.02 of the Revised Code

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or, if the court determines that the offender is financially	7336
incapable of fulfilling a financial sanction described in section	7337
2929.18 of the Revised Code, a term of community service as an	7338
alternative to a financial sanction;	7339
(D) A term in a drug treatment program with a level of	7340
security for the offender as determined necessary by the court;	7341
(E) A term of intensive probation supervision;	7342
(F) A term of basic probation supervision;	7343
(G) A term of monitored time;	7344
(H) A term of drug and alcohol use monitoring, including	7345
random drug testing pursuant to section 2951.05 of the Revised	7346
Code;	7347
(I) A curfew term;	7348
(J) A requirement that the offender obtain employment;	7349
(K) A requirement that the offender obtain education or	7350
training;	7351
(L) Provided the court obtains the prior approval of the	7352
victim, a requirement that the offender participate in	7353
victim-offender mediation;	7354
(M) A license violation report;	7355
(N) If the offense is a violation of section 2919.25 or a	7356
violation of section 2903.11, 2903.12, or 2903.13 of the Revised	7357
Code involving a person who was a family or household member at	7358
the time of the violation, if the offender committed the offense	7359
in the vicinity of one or more children who are not victims of the	7360
offense, and if the offender or the victim of the offense is a	7361
parent, guardian, custodian, or person in loco parentis of one or	7362
more of those children, a requirement that the offender obtain	7363
counseling. This division does not limit the court in requiring	7364

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the offender to obtain counseling for any offense or in any 7365  
circumstance not specified in this division. 7366

**Sec. 2929.18.** (A) Except as otherwise provided in this 7367  
division and in addition to imposing court costs pursuant to 7368  
section 2947.23 of the Revised Code, the court imposing a sentence 7369  
upon an offender for a felony may sentence the offender to any 7370  
financial sanction or combination of financial sanctions 7371  
authorized under this section or, in the circumstances specified 7372  
in section 2929.25 of the Revised Code, may impose upon the 7373  
offender a fine in accordance with that section. If the offender 7374  
is sentenced to a sanction of confinement pursuant to section 7375  
2929.14 or 2929.16 of the Revised Code that is to be served in a 7376  
facility operated by a board of county commissioners, a 7377  
legislative authority of a municipal corporation, or another 7378  
governmental entity, the court imposing sentence upon an offender 7379  
for a felony shall comply with division (A)(4)(b) of this section 7380  
in determining whether to sentence the offender to a financial 7381  
sanction described in division (A)(4)(a) of this section. 7382  
Financial sanctions that may be imposed pursuant to this section 7383  
include, but are not limited to, the following: 7384

(1) Restitution by the offender to the victim of the 7385  
offender's crime or any survivor of the victim, in an amount based 7386  
on the victim's economic loss. The court shall order that the 7387  
restitution be made to the adult probation department that serves 7388  
the county on behalf of the victim, to the clerk of courts, or to 7389  
another agency designated by the court, except that it may include 7390  
a requirement that reimbursement be made to third parties for 7391  
amounts paid to or on behalf of the victim or any survivor of the 7392  
victim for economic loss resulting from the offense. If 7393  
reimbursement to third parties is required, the reimbursement 7394  
shall be made to any governmental agency to repay any amounts paid 7395  
by the agency to or on behalf of the victim or any survivor of the 7396

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victim for economic loss resulting from the offense before any  
reimbursement is made to any person other than a governmental  
agency. If no governmental agency incurred expenses for economic  
loss of the victim or any survivor of the victim resulting from  
the offense, the reimbursement shall be made to any person other  
than a governmental agency to repay amounts paid by that person to  
or on behalf of the victim or any survivor of the victim for  
economic loss of the victim resulting from the offense. The court  
shall not require an offender to repay an insurance company for  
any amounts the company paid on behalf of the offender pursuant to  
a policy of insurance. At sentencing, the court shall determine  
the amount of restitution to be made by the offender. All  
restitution payments shall be credited against any recovery of  
economic loss in a civil action brought by the victim or any  
survivor of the victim against the offender.

(2) Except as provided in division (B)(1), (3), or (4) of  
this section, a fine payable by the offender to the state, to a  
political subdivision, or as described in division (B)(2) of this  
section to one or more law enforcement agencies, with the amount  
of the fine based on a standard percentage of the offender's daily  
income over a period of time determined by the court and based  
upon the seriousness of the offense. A fine ordered under this  
division shall not exceed the statutory fine amount authorized for  
the level of the offense under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of  
this section, a fine payable by the offender to the state, to a  
political subdivision when appropriate for a felony, or as  
described in division (B)(2) of this section to one or more law  
enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty  
thousand dollars;

(b) For a felony of the second degree, not more than fifteen

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thousand dollars;	7429
(c) For a felony of the third degree, not more than ten thousand dollars;	7430 7431
(d) For a felony of the fourth degree, not more than five thousand dollars;	7432 7433
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	7434 7435
(4)(a) Subject to division (A)(4)(b) of this section, reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	7436 7437 7438
(i) All or part of the costs of implementing any community control sanction;	7439 7440
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14 or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	7441 7442 7443 7444 7445 7446
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, one of the following applies:	7447 7448 7449 7450 7451 7452
(i) If, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners convicted of an offense other than a minor misdemeanor to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the	7453 7454 7455 7456 7457 7458

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prisoner's confinement, the court shall impose a financial  
sanction under division (A)(4)(a) of this section that requires  
the offender to reimburse the county, municipal corporation, or  
other local governmental entity for the cost of the confinement.  
In addition, the court may impose any other financial sanction  
under this section.

(ii) If, pursuant to any section identified in division  
(A)(4)(b)(i) of this section, the board, legislative authority, or  
other local governmental entity has adopted a resolution or  
ordinance specifying that prisoners convicted of felonies are not  
required to reimburse the county, municipal corporation, or other  
local governmental entity for its expenses incurred by reason of  
the prisoner's confinement, the court shall not impose a financial  
sanction under division (A)(4)(a) of this section that requires  
the offender to reimburse the county, municipal corporation, or  
other local governmental entity for the cost of the confinement,  
but the court may impose any other financial sanction under this  
section.

(iii) If neither division (A)(4)(b)(i) nor (A)(4)(b)(ii) of  
this section applies, the court may impose, but is not required to  
impose, any financial sanction under this section.

(c) Reimbursement by the offender for costs pursuant to  
section 2929.28 of the Revised Code.

(B)(1) For a first, second, or third degree felony violation  
of any provision of Chapter 2925., 3719., or 4729. of the Revised  
Code, the sentencing court shall impose upon the offender a  
mandatory fine of at least one-half of, but not more than, the  
maximum statutory fine amount authorized for the level of the  
offense pursuant to division (A)(3) of this section. If an  
offender alleges in an affidavit filed with the court prior to  
sentencing that the offender is indigent and unable to pay the  
mandatory fine and if the court determines the offender is an



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indigent person and is unable to pay the mandatory fine described in this division, the court shall not impose the mandatory fine upon the offender.

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(2) Any mandatory fine imposed upon an offender under division (B)(1) of this section and any fine imposed upon an offender under division (A)(2) or (3) of this section for any fourth or fifth degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code shall be paid to law enforcement agencies pursuant to division (F) of section 2925.03 of the Revised Code.

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(3) For a fourth degree felony ~~OMVI~~ OVI offense and for a third degree felony ~~OMVI~~ OVI offense, the sentencing court shall impose upon the offender a mandatory fine in the amount specified in division ~~(A)(4)~~ (G)(1)(d) or ~~(8)(e)~~ of section ~~4511.99~~ 4511.19 of the Revised Code, whichever is applicable. The mandatory fine so imposed shall be disbursed as provided in the division ~~(A)(4)~~ or ~~(8)~~ of section ~~4511.99~~ of the Revised Code pursuant to which it is imposed.

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(4) Notwithstanding any fine otherwise authorized or required to be imposed under division (A)(2) or (3) or (B)(1) of this section or section 2929.31 of the Revised Code for a violation of section 2925.03 of the Revised Code, in addition to any penalty or sanction imposed for that offense under section 2925.03 or sections 2929.11 to 2929.18 of the Revised Code and in addition to the forfeiture of property in connection with the offense as prescribed in sections 2925.42 to 2925.45 of the Revised Code, the court that sentences an offender for a violation of section 2925.03 of the Revised Code may impose upon the offender a fine in addition to any fine imposed under division (A)(2) or (3) of this section and in addition to any mandatory fine imposed under division (B)(1) of this section. The fine imposed under division (B)(4) of this section shall be used as provided in division (H)

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of section 2925.03 of the Revised Code. A fine imposed under 7523  
division (B)(4) of this section shall not exceed whichever of the 7524  
following is applicable: 7525

(a) The total value of any personal or real property in which 7526  
the offender has an interest and that was used in the course of, 7527  
intended for use in the course of, derived from, or realized 7528  
through conduct in violation of section 2925.03 of the Revised 7529  
Code, including any property that constitutes proceeds derived 7530  
from that offense; 7531

(b) If the offender has no interest in any property of the 7532  
type described in division (B)(4)(a) of this section or if it is 7533  
not possible to ascertain whether the offender has an interest in 7534  
any property of that type in which the offender may have an 7535  
interest, the amount of the mandatory fine for the offense imposed 7536  
under division (B)(1) of this section or, if no mandatory fine is 7537  
imposed under division (B)(1) of this section, the amount of the 7538  
fine authorized for the level of the offense imposed under 7539  
division (A)(3) of this section. 7540

(5) Prior to imposing a fine under division (B)(4) of this 7541  
section, the court shall determine whether the offender has an 7542  
interest in any property of the type described in division 7543  
(B)(4)(a) of this section. Except as provided in division (B)(6) 7544  
or (7) of this section, a fine that is authorized and imposed 7545  
under division (B)(4) of this section does not limit or affect the 7546  
imposition of the penalties and sanctions for a violation of 7547  
section 2925.03 of the Revised Code prescribed under those 7548  
sections or sections 2929.11 to 2929.18 of the Revised Code and 7549  
does not limit or affect a forfeiture of property in connection 7550  
with the offense as prescribed in sections 2925.42 to 2925.45 of 7551  
the Revised Code. 7552

(6) If the sum total of a mandatory fine amount imposed for a 7553  
first, second, or third degree felony violation of section 2925.03 7554

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of the Revised Code under division (B)(1) of this section plus the amount of any fine imposed under division (B)(4) of this section does not exceed the maximum statutory fine amount authorized for the level of the offense under division (A)(3) of this section or section 2929.31 of the Revised Code, the court may impose a fine for the offense in addition to the mandatory fine and the fine imposed under division (B)(4) of this section. The sum total of the amounts of the mandatory fine, the fine imposed under division (B)(4) of this section, and the additional fine imposed under division (B)(6) of this section shall not exceed the maximum statutory fine amount authorized for the level of the offense under division (A)(3) of this section or section 2929.31 of the Revised Code. The clerk of the court shall pay any fine that is imposed under division (B)(6) of this section to the county, township, municipal corporation, park district as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender pursuant to division (F) of section 2925.03 of the Revised Code.

(7) If the sum total of the amount of a mandatory fine imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code plus the amount of any fine imposed under division (B)(4) of this section exceeds the maximum statutory fine amount authorized for the level of the offense 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

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pursuant to sanctions imposed under section 2929.14 or 2929.16 of 7587  
the Revised Code to the treasurer of state. The treasurer of state 7588  
shall deposit the reimbursements in the confinement cost 7589  
reimbursement fund that is hereby created in the state treasury. 7590  
The department of rehabilitation and correction shall use the 7591  
amounts deposited in the fund to fund the operation of facilities 7592  
used to confine offenders pursuant to sections 2929.14 and 2929.16 7593  
of the Revised Code. 7594

(2) Except as provided in section 2951.021 of the Revised 7595  
Code, the offender shall pay reimbursements imposed upon the 7596  
offender pursuant to division (A)(4)(a) of this section to pay the 7597  
costs incurred by a county pursuant to any sanction imposed under 7598  
this section or section 2929.16 or 2929.17 of the Revised Code or 7599  
in operating a facility used to confine offenders pursuant to a 7600  
sanction imposed under section 2929.16 of the Revised Code to the 7601  
county treasurer. The county treasurer shall deposit the 7602  
reimbursements in the sanction cost reimbursement fund that each 7603  
board of county commissioners shall create in its county treasury. 7604  
The county shall use the amounts deposited in the fund to pay the 7605  
costs incurred by the county pursuant to any sanction imposed 7606  
under this section or section 2929.16 or 2929.17 of the Revised 7607  
Code or in operating a facility used to confine offenders pursuant 7608  
to a sanction imposed under section 2929.16 of the Revised Code. 7609

(3) Except as provided in section 2951.021 of the Revised 7610  
Code, the offender shall pay reimbursements imposed upon the 7611  
offender pursuant to division (A)(4)(a) of this section to pay the 7612  
costs incurred by a municipal corporation pursuant to any sanction 7613  
imposed under this section or section 2929.16 or 2929.17 of the 7614  
Revised Code or in operating a facility used to confine offenders 7615  
pursuant to a sanction imposed under section 2929.16 of the 7616  
Revised Code to the treasurer of the municipal corporation. The 7617  
treasurer shall deposit the reimbursements in a special fund that 7618

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shall be established in the treasury of each municipal  
corporation. The municipal corporation shall use the amounts  
deposited in the fund to pay the costs incurred by the municipal  
corporation 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.

(4) Except as provided in section 2951.021 of the Revised  
Code, the offender shall pay reimbursements imposed pursuant to  
division (A)(4)(a) of this section for the costs incurred by a  
private provider pursuant to a sanction imposed under this section  
or section 2929.16 or 2929.17 of the Revised Code to the provider.

(D) A financial sanction imposed pursuant to division (A) or  
(B) of this section is a judgment in favor of the state or a  
political subdivision in which the court that imposed the  
financial sanction is located, except that a financial sanction of  
reimbursement imposed pursuant to division (A)(4)(a)(ii) of this  
section upon an offender who is incarcerated in a state facility  
or a municipal jail is a judgment in favor of the state or the  
municipal corporation, a financial sanction of reimbursement  
imposed upon an offender pursuant to this section for costs  
incurred by a private provider of sanctions is a judgment in favor  
of the private provider, and a financial sanction of restitution  
imposed pursuant to this section is a judgment in favor of the  
victim of the offender's criminal act. The offender subject to the  
sanction is the judgment debtor. Imposition of a financial  
sanction and execution on the judgment does not preclude any other  
power of the court to impose or enforce sanctions on the offender.  
Once the financial sanction is imposed as a judgment, the victim,  
private provider, state, or political subdivision may bring an  
action to do any of the following:

(1) Obtain execution of the judgment through any available

procedure, including:	7651
(a) An execution against the property of the judgment debtor under Chapter 2329. of the Revised Code;	7652 7653
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	7654 7655
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	7656 7657
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	7658 7659 7660
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	7661 7662
(iii) A creditor's suit under section 2333.01 of the Revised Code.	7663 7664
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	7665 7666
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	7667 7668
(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	7669 7670
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	7671 7672 7673 7674
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.25 of the Revised Code may designate a court employee to collect, or may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction	7675 7676 7677 7678 7679

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imposed pursuant to this section or section 2929.25 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.25 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.

(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.25 of the Revised Code that have not been paid.

(H) No financial sanction imposed under this section or section 2929.25 of the Revised Code shall preclude a victim from bringing a civil action against the offender.

**Sec. 2929.19.** (A)(1) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section 2953.07 or 2953.08 of the Revised Code. At the hearing, the offender, the prosecuting attorney, the victim or the victim's representative in accordance with section 2930.14 of the Revised Code, and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(2) Except as otherwise provided in this division, before

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imposing sentence on an offender who is being sentenced for a sexually oriented offense that was committed on or after January 1, 1997, and that is not a sexually violent offense, and before imposing sentence on an offender who is being sentenced for a sexually violent offense committed on or after January 1, 1997, and who was not charged with a sexually violent predator specification in the indictment, count in the indictment, or information charging the sexually violent offense, the court shall conduct a hearing in accordance with division (B) of section 2950.09 of the Revised Code to determine whether the offender is a sexual predator. The court shall not conduct a hearing under that division if the offender is being sentenced for a sexually violent offense and a sexually violent predator specification was included in the indictment, count in the indictment, or information charging the sexually violent offense. Before imposing sentence on an offender who is being sentenced for a sexually oriented offense, the court also shall comply with division (E) of section 2950.09 of the Revised Code.

(B)(1) At the sentencing hearing, the court, before imposing sentence, shall consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code.

(2) The court shall impose a sentence and shall make a finding that gives its reasons for selecting the sentence imposed in any of the following circumstances:

(a) Unless the offense is a sexually violent offense for which the court is required to impose sentence pursuant to division (G) of section 2929.14 of the Revised Code, if it imposes a prison term for a felony of the fourth or fifth degree or for a



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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 division (B) of section 2929.13 of the Revised Code for purposes of sentencing, its reasons for imposing the prison term, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and any factors listed in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code that it found to apply relative to the offender.

(b) If it does not impose a prison term for a felony of the first or second degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and for which a presumption in favor of a prison term is specified as being applicable, its reasons for not imposing the prison term and for overriding the presumption, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and the basis of the findings it made under divisions (D)(1) and (2) of section 2929.13 of the Revised Code.

(c) If it imposes consecutive sentences under section 2929.14 of the Revised Code, its reasons for imposing the consecutive sentences;

(d) If the sentence is for one offense and it imposes a prison term for the offense that is the maximum prison term allowed for that offense by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term;

(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

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sentencing court determines at the sentencing hearing that a 7774  
prison term is necessary or required, the court shall do all of 7775  
the following: 7776

(a) Impose a stated prison term; 7777

(b) Notify the offender that, as part of the sentence, the 7778  
parole board may extend the stated prison term for certain 7779  
violations of prison rules for up to one-half of the stated prison 7780  
term; 7781

(c) Notify the offender that the offender will be supervised 7782  
under section 2967.28 of the Revised Code after the offender 7783  
leaves prison if the offender is being sentenced for a felony of 7784  
the first degree or second degree, for a felony sex offense, or 7785  
for a felony of the third degree in the commission of which the 7786  
offender caused or threatened to cause physical harm to a person; 7787

(d) Notify the offender that the offender may be supervised 7788  
under section 2967.28 of the Revised Code after the offender 7789  
leaves prison if the offender is being sentenced for a felony of 7790  
the third, fourth, or fifth degree that is not subject to division 7791  
(B)(3)(c) of this section; 7792

(e) Notify the offender that, if a period of supervision is 7793  
imposed following the offender's release from prison, as described 7794  
in division (B)(3)(c) or (d) of this section, and if the offender 7795  
violates that supervision or a condition of post-release control 7796  
imposed under division (B) of section 2967.131 of the Revised 7797  
Code, the parole board may impose a prison term, as part of the 7798  
sentence, of up to one-half of the stated prison term originally 7799  
imposed upon the offender; 7800

(f) Require that the offender not ingest or be injected with 7801  
a drug of abuse and submit to random drug testing as provided in 7802  
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 7803  
is applicable to the offender who is serving a prison term, and 7804

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require that the results of the drug test administered under any 7805  
of those sections indicate that the offender did not ingest or was 7806  
not injected with a drug of abuse. 7807

(4) If the offender is being sentenced for a sexually violent 7808  
offense that the offender committed on or after January 1, 1997, 7809  
and the offender also is convicted of or pleads guilty to a 7810  
sexually violent predator specification that was included in the 7811  
indictment, count in the indictment, or information charging the 7812  
sexually violent offense or if the offender is being sentenced for 7813  
a sexually oriented offense that the offender committed on or 7814  
after January 1, 1997, and the court imposing the sentence has 7815  
determined pursuant to division (B) of section 2950.09 of the 7816  
Revised Code that the offender is a sexual predator, the court 7817  
shall include in the offender's sentence a statement that the 7818  
offender has been adjudicated as being a sexual predator and shall 7819  
comply with the requirements of section 2950.03 of the Revised 7820  
Code. Additionally, in the circumstances described in division (G) 7821  
of section 2929.14 of the Revised Code, the court shall impose 7822  
sentence on the offender as described in that division. 7823

(5) If the sentencing court determines at the sentencing 7824  
hearing that a community control sanction should be imposed and 7825  
the court is not prohibited from imposing a community control 7826  
sanction, the court shall impose a community control sanction. The 7827  
court shall notify the offender that, if the conditions of the 7828  
sanction are violated, if the offender commits a violation of any 7829  
law, or if the offender leaves this state without the permission 7830  
of the court or the offender's probation officer, the court may 7831  
impose a longer time under the same sanction, may impose a more 7832  
restrictive sanction, or may impose a prison term on the offender 7833  
and shall indicate the specific prison term that may be imposed as 7834  
a sanction for the violation, as selected by the court from the 7835  
range of prison terms for the offense pursuant to section 2929.14 7836

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of the Revised Code. 7837

(6) Before imposing a financial sanction under section 7838  
2929.18 of the Revised Code or a fine under section 2929.25 of the 7839  
Revised Code, the court shall consider the offender's present and 7840  
future ability to pay the amount of the sanction or fine. 7841

(C)(1) If the offender is being sentenced for a fourth degree 7842  
felony ~~OMVI~~ OVI offense under division (G)(1) of section 2929.13 7843  
of the Revised Code, the court shall impose the mandatory term of 7844  
local incarceration in accordance with that division, shall impose 7845  
a mandatory fine in accordance with division (B)(3) of section 7846  
2929.18 of the Revised Code, and, in addition, may impose 7847  
additional sanctions as specified in sections 2929.15, 2929.16, 7848  
2929.17, and 2929.18 of the Revised Code. The court shall not 7849  
impose a prison term on the offender. 7850

(2) If the offender is being sentenced for a third or fourth 7851  
degree felony ~~OMVI~~ OVI offense under division (G)(2) of section 7852  
2929.13 of the Revised Code, the court shall impose the mandatory 7853  
prison term in accordance with that division, shall impose a 7854  
mandatory fine in accordance with division (B)(3) of section 7855  
2929.18 of the Revised Code, and, in addition, may impose an 7856  
additional prison term as specified in section 2929.14 of the 7857  
Revised Code. The court shall not impose any community control 7858  
sanction on the offender. 7859

(D) If the sentencing court determines at the sentencing 7860  
hearing that an offender is eligible for placement in a program of 7861  
shock incarceration under section 5120.031 of the Revised Code or 7862  
in an intensive program prison under section 5120.032 of the 7863  
Revised Code, the court, pursuant to division (K) of section 7864  
2929.14 of the Revised Code, may recommend placement of the 7865  
offender in a program of shock incarceration or an intensive 7866  
program prison, disapprove placement of the offender in a program 7867  
or prison of that nature, or make no recommendation. The court 7868

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shall make a finding that gives its reasons for its recommendation 7869  
or disapproval. 7870

**Sec. 2929.23.** (A) As used in this section: 7871

(1) "Electronic monitoring device" means any of the 7872  
following: 7873

(a) Any device that can be operated by electrical or battery 7874  
power and that conforms with all of the following: 7875

(i) The device has a transmitter that can be attached to a 7876  
person, that will transmit a specified signal to a receiver of the 7877  
type described in division (A)(1)(a)(ii) of this section if the 7878  
transmitter is removed from the person, turned off, or altered in 7879  
any manner without prior court approval in relation to 7880  
electronically monitored house arrest or electronically monitored 7881  
house detention or without prior approval of the department of 7882  
rehabilitation and correction in relation to the use of an 7883  
electronic monitoring device for an inmate on transitional control 7884  
or otherwise is tampered with, that can transmit continuously and 7885  
periodically a signal to that receiver when the person is within a 7886  
specified distance from the receiver, and that can transmit an 7887  
appropriate signal to that receiver if the person to whom it is 7888  
attached travels a specified distance from that receiver. 7889

(ii) The device has a receiver that can receive continuously 7890  
the signals transmitted by a transmitter of the type described in 7891  
division (A)(1)(a)(i) of this section, can transmit continuously 7892  
those signals by telephone to a central monitoring computer of the 7893  
type described in division (A)(1)(a)(iii) of this section, and can 7894  
transmit continuously an appropriate signal to that central 7895  
monitoring computer if the receiver is turned off or altered 7896  
without prior court approval or otherwise tampered with. 7897

(iii) The device has a central monitoring computer that can 7898

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receive continuously the signals transmitted by telephone by a receiver of the type described in division (A)(1)(a)(ii) of this section and can monitor continuously the person to whom an electronic monitoring device of the type described in division (A)(1)(a) of this section is attached.

(b) Any device that is not a device of the type described in division (A)(1)(a) of this section and that conforms with all of the following:

(i) The device includes a transmitter and receiver that can monitor and determine the location of a subject person at any time, or at a designated point in time, through the use of a central monitoring computer or through other electronic means;

(ii) The device includes a transmitter and receiver that can determine at any time, or at a designated point in time, through the use of a central monitoring computer or other electronic means the fact that the transmitter is turned off or altered in any manner without prior approval of the court in relation to electronically monitored house arrest or electronically monitored house detention or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with.

(c) Any type of technology that can adequately track or determine the location of a subject person at any time and that is approved by the director of rehabilitation and correction, including, but not limited to, any satellite technology, voice tracking system, or retinal scanning system that is so approved.

(2) "Certified electronic monitoring device" means an electronic monitoring device that has been certified by the superintendent of the bureau of criminal identification and investigation pursuant to division (C)(1) of this section.

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(3) "Eligible offender" means a person who has been convicted of or pleaded guilty to any offense, except that a person is not an "eligible offender" if any of the following apply in relation to the person, the offense, or the person and the offense:

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(a) The person is subject to or is serving a term of life imprisonment.

(b) The person is subject to or is serving a mandatory prison term imposed under division (F) of section 2929.13, division (D) of section 2929.14, or any other section of the Revised Code, provided that, after the person has served all of the mandatory prison terms so imposed, the person may be an eligible offender unless excluded by division (A)(3)(a), (c) or (d) of this section.

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(c) The offense is a ~~violation of division (A) of section 4511.19 of the Revised Code~~ fourth degree felony OVI offense, and the offender is sentenced for that offense pursuant to division (G)(1) of section 2929.13 of the Revised Code and is serving the mandatory term of local incarceration of sixty or one hundred twenty consecutive days of imprisonment imposed under that division, provided that, after the person has served all of the mandatory term of local incarceration so imposed, the person may be an eligible offender unless excluded by division (A)(3)(a), (b), or (d) of this section.

(d) The offense is a ~~violation of division (A) of section 4511.19 of the Revised Code~~ third or fourth degree felony OVI offense, and the person is sentenced for that offense pursuant to division (G)(2) of section 2929.13 of the Revised Code.

(4) "Electronically monitored house arrest" means a period of confinement of an eligible offender in the eligible offender's home or in other premises specified by the sentencing court or a

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- period of confinement of a delinquent child in the child's home or  
in other premises specified by the juvenile court, during which  
period of confinement all of the following apply:
- (a) The eligible offender or child wears, otherwise has  
attached to the eligible offender's or child's person, or  
otherwise is subject to monitoring by a certified electronic  
monitoring device, or the eligible offender or child is subject to  
monitoring by a certified electronic monitoring system;
- (b) The eligible offender or child is required to remain in  
the eligible offender's or child's home or other premises  
specified by the sentencing court or juvenile court for the  
specified period of confinement, except for periods of time during  
which the eligible offender or child is at the eligible offender's  
place of employment, at school, or at other premises as authorized  
by the sentencing court;
- (c) The eligible offender or child is subject to monitoring  
by a central system that monitors the certified electronic  
monitoring device that is attached to the eligible offender's or  
child's person or that otherwise is being used to monitor the  
eligible offender or child and that can monitor and determine the  
eligible offender's or child's location at any time or at a  
designated point in time, or the eligible offender or child is  
required to participate in monitoring by a certified electronic  
monitoring system;
- (d) The eligible offender or child is required by the  
sentencing court or juvenile court to report periodically to a  
person designated by the court;
- (e) The eligible offender or child is subject to any other  
restrictions and requirements that may be imposed by the  
sentencing court or juvenile court.
- (5) "Electronic monitoring system" means a system by which



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the location of an eligible offender can be verified 7992  
telephonically through the use of voice-activated voice response 7993  
technology that conforms with all of the following: 7994

(a) It can be programmed to call the telephone or telephones 7995  
assigned to the eligible offender who is the subject of the 7996  
monitoring as often as necessary; 7997

(b) It is equipped with a voice recognition system that can 7998  
work accurately and reliably under the anticipated conditions in 7999  
which it will operate; 8000

(c) It is equipped to perform an alarm function if the 8001  
eligible offender who is the subject of monitoring does not 8002  
respond to system commands in the manner required. 8003

(6) "Certified electronic monitoring system" means an 8004  
electronic monitoring system that has been certified by the 8005  
superintendent of the bureau of criminal identification and 8006  
investigation pursuant to division (C)(1) of this section. 8007

(7) "Transitional control" means the program of transitional 8008  
control established by the department of rehabilitation and 8009  
correction under section 2967.26 of the Revised Code, if the 8010  
department establishes a program of that nature under that 8011  
section. 8012

(B)(1) Any court may impose as a sanction pursuant to 8013  
sections 2929.15 and 2929.17 of the Revised Code a period of 8014  
electronically monitored house arrest upon an eligible offender 8015  
who is convicted of or pleads guilty to a felony, except that the 8016  
total of any period of electronically monitored house arrest 8017  
imposed upon that eligible offender plus the period of all other 8018  
sanctions imposed upon the same eligible offender pursuant to 8019  
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 8020  
Code shall not exceed five years. Any court may impose a period of 8021  
electronically monitored house arrest upon an eligible offender 8022

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who is convicted of or pleads guilty to a misdemeanor in addition 8023  
to or in lieu of any other sentence imposed or authorized for the 8024  
offense, except that the total of any period of electronically 8025  
monitored house arrest imposed upon that eligible offender plus 8026  
the period of any sentence of imprisonment imposed upon the same 8027  
eligible offender shall not exceed the maximum term of 8028  
imprisonment that could be imposed upon the eligible offender 8029  
pursuant to section 2929.21 of the Revised Code and except that, 8030  
if the offense for which an eligible offender is being sentenced 8031  
is a violation of division (A) of section 4511.19 or of division 8032  
~~(D)~~~~(2)~~ (A) of section ~~4507.02~~ 4510.14 of the Revised Code, the 8033  
court may impose a period of electronically monitored house arrest 8034  
upon the eligible offender only when authorized by and only in the 8035  
circumstances described in division ~~(A)~~~~(G)~~ of section ~~4511.99~~ 8036  
4511.19 or division ~~(B)~~~~(C)~~ of section ~~4507.99~~ 4510.14 of the 8037  
Revised Code. 8038

If a court imposes a period of electronically monitored house 8039  
arrest upon an eligible offender, it shall require the eligible 8040  
offender to wear, otherwise have attached to the eligible 8041  
offender's person, or otherwise be subject to monitoring by a 8042  
certified electronic monitoring device or to participate in the 8043  
operation of and monitoring by a certified electronic monitoring 8044  
system; to remain in the eligible offender's home or other 8045  
specified premises for the entire period of electronically 8046  
monitored house arrest except when the court permits the eligible 8047  
offender to leave those premises to go to the eligible offender's 8048  
place of employment or to other specified premises; to be 8049  
monitored by a central system that monitors the certified 8050  
electronic monitoring device that is attached to the eligible 8051  
offender's person or that otherwise is being used to monitor the 8052  
eligible offender and that can monitor and determine the eligible 8053  
offender's location at any time or at a designated point in time 8054

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or to be monitored by the certified electronic monitoring system; 8055  
to report periodically to a person designated by the court; and, 8056  
in return for receiving a period of electronically monitored house 8057  
arrest, to enter into a written contract with the court agreeing 8058  
to comply with all restrictions and requirements imposed by the 8059  
court, agreeing to pay any fee imposed by the court for the costs 8060  
of the electronically monitored house arrest imposed by the court 8061  
pursuant to division (E) of this section, and agreeing to waive 8062  
the right to receive credit for any time served on electronically 8063  
monitored house arrest toward any prison term or sentence of 8064  
imprisonment imposed upon the eligible offender for the offense 8065  
for which the period of electronically monitored house arrest was 8066  
imposed if the eligible offender violates any of the restrictions 8067  
or requirements of the period of electronically monitored house 8068  
arrest, and additionally, it may impose any other reasonable 8069  
restrictions and requirements upon the eligible offender. 8070

(2) If an eligible offender violates any of the restrictions 8071  
or requirements imposed upon the eligible offender as part of the 8072  
eligible offender's period of electronically monitored house 8073  
arrest, the eligible offender shall not receive credit for any 8074  
time served on electronically monitored house arrest toward any 8075  
prison term or sentence of imprisonment imposed upon the eligible 8076  
offender for the offense for which the period of electronically 8077  
monitored house arrest was imposed. 8078

(C)(1) The superintendent of the bureau of criminal 8079  
identification and investigation, in accordance with this section 8080  
and rules adopted by the superintendent pursuant to division 8081  
(C)(2) of this section, shall certify for use in cases of 8082  
electronically monitored house arrest and in relation to an inmate 8083  
on transitional control specific types and brands of electronic 8084  
monitoring devices and electronic monitoring systems that comply 8085  
with the requirements of this section, section 5120.073 of the 8086

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Revised Code, and those rules. Any manufacturer that, pursuant to  
this division, seeks to obtain the certification of any type or  
brand of electronic monitoring device or electronic monitoring  
system shall submit to the superintendent an application for  
certification in accordance with those rules together with the  
application fee and costs of certification as required by those  
rules. The superintendent shall not certify any electronic  
monitoring device or electronic monitoring system pursuant to this  
division unless the application fee and costs have been paid to  
the superintendent.

(2) The superintendent, in accordance with Chapter 119. of  
the Revised Code, shall adopt rules for certifying specific types  
and brands of electronic monitoring devices and electronic  
monitoring systems for use in electronically monitored house  
arrest and in relation to an inmate on transitional control. The  
rules shall set forth the requirements for obtaining the  
certification, the application fee and other costs for obtaining  
the certification, the procedure for applying for certification,  
and any other requirements and procedures considered necessary by  
the superintendent. The rules shall require that no type or brand  
of electronic monitoring device or electronic monitoring system be  
certified unless the type or brand of device or system complies  
with whichever of the following is applicable, in addition to any  
other requirements specified by the superintendent:

(a) For electronic monitoring devices of the type described  
in division (A)(1)(a) of this section, the type or brand of device  
complies with all of the following:

(i) It has a transmitter of the type described in division  
(A)(1)(a)(i) of this section, a receiver of the type described in  
division (A)(1)(a)(ii) of this section, and a central monitoring  
computer of the type described in division (A)(1)(a)(iii) of this  
section;

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- (ii) Its transmitter can be worn by or attached to a person 8119  
with a minimum of discomfort during normal activities, is 8120  
difficult to remove, turn off, or otherwise alter without prior 8121  
court approval in relation to electronically monitored house 8122  
arrest or prior approval of the department of rehabilitation and 8123  
correction in relation to the use of an electronic monitoring 8124  
device for an inmate on transitional control, and will transmit a 8125  
specified signal to the receiver if it is removed, turned off, 8126  
altered, or otherwise tampered with; 8127
- (iii) Its receiver is difficult to turn off or alter and will 8128  
transmit a signal to the central monitoring computer if it is 8129  
turned off, altered, or otherwise tampered with; 8130
- (iv) Its central monitoring computer is difficult to 8131  
circumvent; 8132
- (v) Its transmitter, receiver, and central monitoring 8133  
computer work accurately and reliably under the anticipated 8134  
conditions under which electronically monitored house arrest will 8135  
be imposed by courts or under which an electronic monitoring 8136  
device will be used by the department of rehabilitation and 8137  
correction in relation to an inmate on transitional control; 8138
- (vi) It has a backup battery power supply that operates 8139  
automatically when the main source of electrical or battery power 8140  
for the device fails. 8141
- (b) For electronic monitoring devices of the type described 8142  
in division (A)(1)(b) of this section, the type or brand of device 8143  
complies with all of the following: 8144
- (i) It has a transmitter and receiver of the type described 8145  
in divisions (A)(1)(b)(i) and (ii) of this section. 8146
- (ii) Its transmitter is difficult to turn off or alter 8147  
without prior court approval in relation to electronically 8148  
monitored house arrest or without prior approval of the department 8149

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of rehabilitation and correction in relation to the use of an 8150  
electronic monitoring device for an inmate on transitional 8151  
control, and, if the transmitter is turned off or altered in any 8152  
manner without prior approval of the court or department or 8153  
otherwise is tampered with, the fact that it has been turned off, 8154  
altered, or tampered with can be determined at any time, or at a 8155  
designated point in time, through the use of a central monitoring 8156  
computer or through other electronic means. 8157

(iii) Its receiver is difficult to turn off or alter, and, if 8158  
the receiver is turned off, altered, or otherwise tampered with, 8159  
the fact that it has been turned off, altered, or tampered with 8160  
can be determined at any time, or at a designated point in time, 8161  
through the use of a central monitoring computer or through other 8162  
electronic means. 8163

(iv) Its central monitoring computer or other means of 8164  
electronic monitoring is difficult to circumvent. 8165

(v) Its transmitter, receiver, and central monitoring 8166  
computer or other means of electronic monitoring work accurately 8167  
and reliably under the anticipated conditions under which 8168  
electronically monitored house arrest will be used, or under which 8169  
an electronic monitoring device will be used by the department of 8170  
rehabilitation and correction in relation to an inmate on 8171  
transitional control. 8172

(vi) If it operates on electrical or battery power, it has a 8173  
backup battery power supply that operates automatically when the 8174  
main source of electrical or battery power for the device fails, 8175  
or, if it does not operate on electrical or battery power, it has 8176  
a backup method of operation so that it will continue to operate 8177  
if its main method of operation fails. 8178

(c) For electronic monitoring systems, the type or brand of 8179  
system complies with all of the following: 8180

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(i) It can be programmed to call the telephone or telephones assigned to the person who is the subject of the monitoring as often as necessary;	8181 8182 8183
(ii) It is equipped with a voice recognition system that can work accurately and reliably under the anticipated conditions in which it will operate;	8184 8185 8186
(iii) It is equipped to perform an alarm function if the person who is the subject of the monitoring does not respond to system commands in the manner required.	8187 8188 8189
(3) The superintendent shall publish and make available to all courts and to the department of rehabilitation and correction, without charge, a list of all types and brands of electronic monitoring devices and electronic monitoring systems that have been certified by the superintendent pursuant to division (C)(1) of this section and information about the manufacturers of the certified devices and systems and places at which the devices and systems can be obtained.	8190 8191 8192 8193 8194 8195 8196 8197
(D) The superintendent of the bureau of criminal identification and investigation shall deposit all costs and fees collected pursuant to division (C) of this section into the general revenue fund.	8198 8199 8200 8201
(E)(1) Each county in which is located a court that imposes a period of electronically monitored house arrest as a sentencing sanction or alternative may establish in the county treasury an electronically monitored house arrest fund. The clerk of each court that uses that sentencing sanction or alternative may deposit into the fund all fees collected from eligible offenders upon whom electronically monitored house arrest is imposed pursuant to this section, section 2152.19, or any other section of the Revised Code that specifically authorizes the imposition of electronically monitored house arrest. Each court that imposes	8202 8203 8204 8205 8206 8207 8208 8209 8210 8211

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electronically monitored house arrest may adopt by local court 8212  
rule a reasonable daily fee to be paid by each eligible offender 8213  
upon whom a period of electronically monitored house arrest is 8214  
imposed as a sentencing sanction or alternative. The fee may 8215  
include the actual costs of providing house arrest and an 8216  
additional amount necessary to enable the court to provide 8217  
electronically monitored house arrest to indigent eligible 8218  
offenders. The fund may be used only for the payment of the costs 8219  
of electronically monitored house arrest, including, but not 8220  
limited to, the costs of electronically monitored house arrest for 8221  
indigent eligible offenders. 8222

(2) If a fee is adopted pursuant to division (E)(1) of this 8223  
section, it shall be in addition to any fine specifically 8224  
authorized or required by any other section of the Revised Code 8225  
for an eligible offender upon whom a period of electronically 8226  
monitored house arrest is imposed as a sentencing sanction or 8227  
alternative. 8228

**Sec. 2929.41.** (A) Except as provided in division (B) of this 8229  
section, division (E) of section 2929.14, or division (D) or (E) 8230  
of section 2971.03 of the Revised Code, a sentence of imprisonment 8231  
shall be served concurrently with any other sentence of 8232  
imprisonment imposed by a court of this state, another state, or 8233  
the United States. Except as provided in division (B)~~(2)~~(3) of 8234  
this section, a sentence of imprisonment for misdemeanor shall be 8235  
served concurrently with a prison term or sentence of imprisonment 8236  
for felony served in a state or federal correctional institution. 8237

(B)(1) A sentence of imprisonment for a misdemeanor shall be 8238  
served consecutively to any other sentence of imprisonment when 8239  
the trial court specifies that it is to be served consecutively or 8240  
when it is imposed for a misdemeanor violation of section 8241  
2907.322, 2921.34, or 2923.131 of the Revised Code. 8242



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When consecutive sentences of imprisonment are imposed for 8243  
misdemeanor under this division, the term to be served is the 8244  
aggregate of the consecutive terms imposed, except that the 8245  
aggregate term to be served shall not exceed eighteen months. 8246

~~(3)~~(2) If a court of this state imposes a prison term upon 8247  
the offender for the commission of a felony and a court of another 8248  
state or the United States also has imposed a prison term upon the 8249  
offender for the commission of a felony, the court of this state 8250  
may order that the offender serve the prison term it imposes 8251  
consecutively to any prison term imposed upon the offender by the 8252  
court of another state or the United States. 8253

~~(2)~~(3) A sentence of imprisonment imposed for a misdemeanor 8254  
violation of section 4510.11, 4510.14, 4510.16, 4510.21, or 8255  
4511.19 ~~or division (B)(1), (C), (D)(1), or (D)(2) of section~~ 8256  
~~4507.02~~ of the Revised Code shall be served consecutively to a 8257  
prison term that is imposed for a felony violation of section 8258  
2903.06, 2903.07, 2903.08, or 4511.19 of the Revised Code or a 8259  
felony violation of section 2903.04 of the Revised Code involving 8260  
the operation of a motor vehicle by the offender and that is 8261  
served in a state correctional institution when the trial court 8262  
specifies that it is to be served consecutively. 8263

When consecutive sentences of imprisonment and prison terms 8264  
are imposed for one or more misdemeanors and one or more felonies 8265  
under this division, the term to be served is the aggregate of the 8266  
consecutive terms imposed, and the offender shall serve all terms 8267  
imposed for a felony before serving any term imposed for a 8268  
misdemeanor. 8269

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, 8270  
deputy marshal, municipal police officer, township constable, 8271  
police officer of a township or joint township police district, 8272  
member of a police force employed by a metropolitan housing 8273

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authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, state university law enforcement officer appointed under section 3345.04 of the Revised Code, Ohio veterans' home police officer appointed under section 5907.02 of the Revised Code, or special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, Ohio veterans' home, or port authority in which the peace officer is appointed, employed, or elected, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(2) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the peace officer's or individual's territorial jurisdiction, a law of this state.

(3) The house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house sergeant at arms shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the sergeant at ~~arm's~~ arms's or assistant sergeant at ~~arm's~~ arms's territorial jurisdiction specified in division (D)(1)(a) of section 101.311 of the Revised Code or while providing security pursuant to division (D)(1)(f) of section 101.311 of the Revised Code, a law of this

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state, an ordinance of a municipal corporation, or a resolution of a township. 8306  
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(B)(1) When there is reasonable ground to believe that an offense of violence, the offense of criminal child enticement as defined in section 2905.05 of the Revised Code, the offense of public indecency as defined in section 2907.09 of the Revised Code, the offense of domestic violence as defined in section 2919.25 of the Revised Code, the offense of violating a protection order as defined in section 2919.27 of the Revised Code, the offense of menacing by stalking as defined in section 2903.211 of the Revised Code, the offense of aggravated trespass as defined in section 2911.211 of the Revised Code, a theft offense as defined in section 2913.01 of the Revised Code, or a felony drug abuse offense as defined in section 2925.01 of the Revised Code, has been committed within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, Ohio veterans' home, or port authority in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a peace officer described in division (A) of this section may arrest and detain until a warrant can be obtained any person who the peace officer has reasonable cause to believe is guilty of the violation. 8308  
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(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: 8332  
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(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

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occurs:	8370
(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.	8371 8372 8373 8374 8375
(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.	8376 8377 8378 8379 8380 8381 8382 8383 8384 8385 8386 8387 8388 8389
(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.	8390 8391 8392 8393
(b) If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense, it is the preferred course of action in this state that the officer arrest and detain that person pursuant to division (B)(1) of this section until a warrant can be obtained.	8394 8395 8396 8397 8398 8399 8400 8401

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If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that family or household members have committed the offense against each other, it is the preferred course of action in this state that the officer, pursuant to division (B)(1) of this section, arrest and detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B)(1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of

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violating a protection order against each other, a peace officer 8434  
described in division (A) of this section, in addition to any 8435  
other relevant circumstances, should consider all of the 8436  
following: 8437

(i) Any history of domestic violence or of any other violent 8438  
acts by either person involved in the alleged offense that the 8439  
officer reasonably can ascertain; 8440

(ii) If violence is alleged, whether the alleged violence was 8441  
caused by a person acting in self-defense; 8442

(iii) Each person's fear of physical harm, if any, resulting 8443  
from the other person's threatened use of force against any person 8444  
or resulting from the other person's use or history of the use of 8445  
force against any person, and the reasonableness of that fear; 8446

(iv) The comparative severity of any injuries suffered by the 8447  
persons involved in the alleged offense. 8448

(e)(i) A peace officer described in division (A) of this 8449  
section shall not require, as a prerequisite to arresting or 8450  
charging a person who has committed the offense of domestic 8451  
violence or the offense of violating a protection order, that the 8452  
victim of the offense specifically consent to the filing of 8453  
charges against the person who has committed the offense or sign a 8454  
complaint against the person who has committed the offense. 8455

(ii) If a person is arrested for or charged with committing 8456  
the offense of domestic violence or the offense of violating a 8457  
protection order and if the victim of the offense does not 8458  
cooperate with the involved law enforcement or prosecuting 8459  
authorities in the prosecution of the offense or, subsequent to 8460  
the arrest or the filing of the charges, informs the involved law 8461  
enforcement or prosecuting authorities that the victim does not 8462  
wish the prosecution of the offense to continue or wishes to drop 8463  
charges against the alleged offender relative to the offense, the 8464

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involved prosecuting authorities, in determining whether to  
continue with the prosecution of the offense or whether to dismiss  
charges against the alleged offender relative to the offense and  
notwithstanding the victim's failure to cooperate or the victim's  
wishes, shall consider all facts and circumstances that are  
relevant to the offense, including, but not limited to, the  
statements and observations of the peace officers who responded to  
the incident that resulted in the arrest or filing of the charges  
and of all witnesses to that incident.

(f) In determining pursuant to divisions (B)(3)(a) to (g) of  
this section whether to arrest a person pursuant to division  
(B)(1) of this section, a peace officer described in division (A)  
of this section shall not consider as a factor any possible  
shortage of cell space at the detention facility to which the  
person will be taken subsequent to the person's arrest or any  
possibility that the person's arrest might cause, contribute to,  
or exacerbate overcrowding at that detention facility or at any  
other detention facility.

(g) If a peace officer described in division (A) of this  
section intends pursuant to divisions (B)(3)(a) to (g) of this  
section to arrest a person pursuant to division (B)(1) of this  
section and if the officer is unable to do so because the person  
is not present, the officer promptly shall seek a warrant for the  
arrest of the person.

(h) If a peace officer described in division (A) of this  
section responds to a report of an alleged incident of the offense  
of domestic violence or an alleged incident of the offense of  
violating a protection order and if the circumstances of the  
incident involved the use or threatened use of a deadly weapon or  
any person involved in the incident brandished a deadly weapon  
during or in relation to the incident, the deadly weapon that was  
used, threatened to be used, or brandished constitutes contraband,



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and, to the extent possible, the officer shall seize the deadly  
weapon as contraband pursuant to section 2933.43 of the Revised  
Code. Upon the seizure of a deadly weapon pursuant to division  
(B)(3)(h) of this section, section 2933.43 of the Revised Code  
shall apply regarding the treatment and disposition of the deadly  
weapon. For purposes of that section, the "underlying criminal  
offense" that was the basis of the seizure of a deadly weapon  
under division (B)(3)(h) of this section and to which the deadly  
weapon had a relationship is any of the following that is  
applicable:

(i) The alleged incident of the offense of domestic violence  
or the alleged incident of the offense of violating a protection  
order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and  
circumstances as the report of the alleged incident of the offense  
of domestic violence or the alleged incident of the offense of  
violating a protection order to which the officer who seized the  
deadly weapon responded.

(4) If, in the circumstances described in divisions (B)(3)(a)  
to (g) of this section, a peace officer described in division (A)  
of this section arrests and detains a person pursuant to division  
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of  
this section, a peace officer described in division (A) of this  
section seizes a deadly weapon, the officer, to the extent  
described in and in accordance with section 9.86 or 2744.03 of the  
Revised Code, is immune in any civil action for damages for  
injury, death, or loss to person or property that arises from or  
is related to the arrest and detention or the seizure.

(C) When there is reasonable ground to believe that a  
violation of division (A)(1), ~~(B)(2)~~, or ~~(C)(3)~~ of section 4506.15  
or a violation of section 4511.19 of the Revised Code has been  
committed by a person operating a motor vehicle subject to

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regulation by the public utilities commission of Ohio under Title 8529  
XLIX of the Revised Code, a peace officer with authority to 8530  
enforce that provision of law may stop or detain the person whom 8531  
the officer has reasonable cause to believe was operating the 8532  
motor vehicle in violation of the division or section and, after 8533  
investigating the circumstances surrounding the operation of the 8534  
vehicle, may arrest and detain the person. 8535

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 8536  
municipal police officer, member of a police force employed by a 8537  
metropolitan housing authority under division (D) of section 8538  
3735.31 of the Revised Code, member of a police force employed by 8539  
a regional transit authority under division (Y) of section 306.35 8540  
of the Revised Code, special police officer employed by a port 8541  
authority under section 4582.04 or 4582.28 of the Revised Code, 8542  
township constable, police officer of a township or joint township 8543  
police district, state university law enforcement officer 8544  
appointed under section 3345.04 of the Revised Code, peace officer 8545  
of the department of natural resources, individual designated to 8546  
perform law enforcement duties under section 511.232, 1545.13, or 8547  
6101.75 of the Revised Code, the house sergeant at arms if the 8548  
house sergeant at arms has arrest authority pursuant to division 8549  
(E)(1) of section 101.311 of the Revised Code, or an assistant 8550  
house sergeant at arms is authorized by division (A) or (B) of 8551  
this section to arrest and detain, within the limits of the 8552  
political subdivision, metropolitan housing authority housing 8553  
project, regional transit authority facilities or those areas of a 8554  
municipal corporation that have been agreed to by a regional 8555  
transit authority and a municipal corporation located within its 8556  
territorial jurisdiction, port authority, college, or university 8557  
in which the officer is appointed, employed, or elected or within 8558  
the limits of the territorial jurisdiction of the peace officer, a 8559  
person until a warrant can be obtained, the peace officer, outside 8560  
the limits of that territory, may pursue, arrest, and detain that 8561

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person until a warrant can be obtained if all of the following  
apply:

(1) The pursuit takes place without unreasonable delay after  
the offense is committed;

(2) The pursuit is initiated within the limits of the  
political subdivision, metropolitan housing authority housing  
project, regional transit authority facilities or those areas of a  
municipal corporation that have been agreed to by a regional  
transit authority and a municipal corporation located within its  
territorial jurisdiction, port authority, college, or university  
in which the peace officer is appointed, employed, or elected or  
within the limits of the territorial jurisdiction of the peace  
officer;

(3) The offense involved is a felony, a misdemeanor of the  
first degree or a substantially equivalent municipal ordinance, a  
misdemeanor of the second degree or a substantially equivalent  
municipal ordinance, or any offense for which points are  
chargeable pursuant to ~~division (G) of section 4507.02~~ 4510.036  
of the Revised Code.

(E) In addition to the authority granted under division (A)  
or (B) of this section:

(1) A sheriff or deputy sheriff may arrest and detain, until  
a warrant can be obtained, any person found violating section  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the  
portion of any street or highway that is located immediately  
adjacent to the boundaries of the county in which the sheriff or  
deputy sheriff is elected or appointed.

(2) A member of the police force of a township police  
district created under section 505.48 of the Revised Code, a  
member of the police force of a joint township police district

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created under section 505.481 of the Revised Code, or a township constable appointed in accordance with section 509.01 of the Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township police district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under

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section 511.232, 1545.13, or 6101.75 of the Revised Code may  
arrest and detain, until a warrant can be obtained, any person  
found violating any section or chapter of the Revised Code listed  
in division (E)(1) of this section, other than sections 4513.33  
and 4513.34 of the Revised Code, on the portion of any street or  
highway that is located immediately adjacent to the boundaries of  
the lands and waters that constitute the territorial jurisdiction  
of the peace officer.

(F)(1) A department of mental health special police officer  
or a department of mental retardation and developmental  
disabilities special police officer may arrest without a warrant  
and detain until a warrant can be obtained any person found  
committing on the premises of any institution under the  
jurisdiction of the particular department a misdemeanor under a  
law of the state.

A department of mental health special police officer or a  
department of mental retardation and developmental disabilities  
special police officer may arrest without a warrant and detain  
until a warrant can be obtained any person who has been  
hospitalized, institutionalized, or confined in an institution  
under the jurisdiction of the particular department 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 and who is  
found committing on the premises of any institution under the  
jurisdiction of the particular department a violation of section  
2921.34 of the Revised Code that involves an escape from the  
premises of the institution.

(2)(a) If a department of mental health special police  
officer or a department of mental retardation and developmental  
disabilities special police officer finds any person who has been  
hospitalized, institutionalized, or confined in an institution  
under the jurisdiction of the particular department pursuant to or

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under authority of section 2945.37, 2945.371, 2945.38, 2945.39,  
2945.40, 2945.401, or 2945.402 of the Revised Code committing a  
violation of section 2921.34 of the Revised Code that involves an  
escape from the premises of the institution, or if there is  
reasonable ground to believe that a violation of section 2921.34  
of the Revised Code has been committed that involves an escape  
from the premises of an institution under the jurisdiction of the  
department of mental health or the department of mental  
retardation and developmental disabilities and if a department of  
mental health special police officer or a department of mental  
retardation and developmental disabilities special police officer  
has reasonable cause to believe that a particular person who has  
been hospitalized, institutionalized, or confined in the  
institution 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 is guilty of the violation, the special police  
officer, outside of the premises of the institution, may pursue,  
arrest, and detain that person for that violation of section  
2921.34 of the Revised Code, until a warrant can be obtained, if  
both of the following apply:

(i) The pursuit takes place without unreasonable delay after  
the offense is committed;

(ii) The pursuit is initiated within the premises of the  
institution from which the violation of section 2921.34 of the  
Revised Code occurred.

(b) For purposes of division (F)(2)(a) of this section, the  
execution of a written statement by the administrator of the  
institution in which a person had been hospitalized,  
institutionalized, or confined 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 premises of the institution in violation of section

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2921.34 of the Revised Code constitutes reasonable ground to  
believe that the violation was committed and reasonable cause to  
believe that the person alleged in the statement to have committed  
the offense is guilty of the violation.

(G) As used in this section:

(1) A "department of mental health special police officer"  
means a special police officer of the department of mental health  
designated under section 5119.14 of the Revised Code who is  
certified by the Ohio peace officer training commission under  
section 109.77 of the Revised Code as having successfully  
completed an approved peace officer basic training program.

(2) A "department of mental retardation and developmental  
disabilities special police officer" means a special police  
officer of the department of mental retardation and developmental  
disabilities designated under section 5123.13 of the Revised Code  
who is certified by the Ohio peace officer training council under  
section 109.77 of the Revised Code as having successfully  
completed an approved peace officer basic training program.

(3) "Deadly weapon" has the same meaning as in section  
2923.11 of the Revised Code.

(4) "Family or household member" has the same meaning as in  
section 2919.25 of the Revised Code.

(5) "Street" or "highway" has the same meaning as in section  
4511.01 of the Revised Code.

(6) "Interstate system" has the same meaning as in section  
5516.01 of the Revised Code.

(7) "Peace officer of the department of natural resources"  
means an employee of the department of natural resources who is a  
natural resources law enforcement staff officer designated  
pursuant to section 1501.013, a forest officer designated pursuant

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to section 1503.29, a preserve officer designated pursuant to  
 section 1517.10, a wildlife officer designated pursuant to section  
 1531.13, a park officer designated pursuant to section 1541.10, or  
 a state watercraft officer designated pursuant to section 1547.521  
 of the Revised Code.

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**Sec. 2935.27.** (A)(1) If a law enforcement officer issues a  
 citation to a person pursuant to section 2935.26 of the Revised  
 Code and if the minor misdemeanor offense for which the citation  
 is issued is an act prohibited by Chapter 4511., 4513., or 4549.  
 of the Revised Code or an act prohibited by any municipal  
 ordinance that is substantially similar to any section contained  
 in Chapter 4511., 4513., or 4549. of the Revised Code, the officer  
 shall inform the person, if the person has a current valid Ohio  
 driver's or commercial driver's license, of the possible  
 consequences of the person's actions as required under division  
 (E) of this section, and also shall inform the person that the  
 person is required either to appear at the time and place stated  
 in the citation or to comply with division (C) of section 2935.26  
 of the Revised Code.

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(2) If the person is an Ohio resident ~~who but~~ does not have a  
 current valid Ohio driver's or commercial driver's license or if  
 the person is a resident of a state that is not a member of the  
 nonresident violator compact, of which this state is a member  
 pursuant to section ~~4511.95~~ 4510.71 of the Revised Code, and if  
~~the officer shall bring the person before the court with which the~~  
~~citation is required to be filed,~~ by local rule, has prescribed a  
procedure for the setting of a reasonable security ~~by the court~~  
 pursuant to division (F) of this section, security shall be set in  
accordance with that local rule and that division.

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A court by local rule may prescribe a procedure for the  
setting of reasonable security as described in this division. As

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an alternative to this procedure, a court by local rule may 8750  
prescribe a procedure for the setting of a reasonable security by 8751  
the person without the person appearing before the court. 8752

(B) A person who ~~appears before a court to have~~ has security 8753  
set under division (A)(2) of this section shall be given a receipt 8754  
or other evidence of the deposit of the security by the court. 8755

(C) Upon compliance with division (C) of section 2935.26 of 8756  
the Revised Code by a person who was issued a citation, the clerk 8757  
of the court shall notify the court. The court shall immediately 8758  
return any sum of money, license, or other security deposited in 8759  
relation to the citation to the person, or to any other person who 8760  
deposited the security. 8761

(D) If a person who has a current valid Ohio driver's or 8762  
commercial driver's license and who was issued a citation fails to 8763  
appear at the time and place specified on the citation, fails to 8764  
comply with division (C) of section 2935.26 of the Revised Code, 8765  
or fails to comply with or satisfy any judgment of the court 8766  
within the time allowed by the court, the court shall declare the 8767  
~~forfeiture~~ suspension of the person's license. Thirty days after 8768  
the declaration ~~of forfeiture~~, the court shall enter information 8769  
relative to the ~~forfeiture~~ suspension on a form approved and 8770  
furnished by the registrar of motor vehicles, and forward the form 8771  
to the registrar. The registrar shall suspend the person's 8772  
driver's or commercial driver's license, send written notification 8773  
of the suspension to the person at the person's last known 8774  
address, and order the person to surrender the person's driver's 8775  
or commercial driver's license to the registrar within forty-eight 8776  
hours. No valid driver's or commercial driver's license shall be 8777  
granted to the person until the court having jurisdiction of the 8778  
offense that led to the suspension orders that the ~~forfeiture~~ 8779  
suspension be terminated. The court shall so order if the person, 8780  
after having failed to appear in court at the required time and 8781

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place to answer the charge or after having pleaded guilty to or 8782  
been found guilty of the violation and having failed within the 8783  
time allowed by the court to pay the fine imposed by the court, 8784  
thereafter appears to answer the charge and pays any fine imposed 8785  
by the court or pays the fine originally imposed by the court. The 8786  
court shall inform the registrar of the termination of the 8787  
~~forfeiture~~ suspension by entering information relative to the 8788  
termination on a form approved and furnished by the registrar and 8789  
sending the form to the registrar as provided in this division. 8790  
~~The court also shall charge and collect from the person~~ shall pay 8791  
to the bureau of motor vehicles a fifteen-dollar processing fee to 8792  
cover the costs of the bureau ~~of motor vehicles~~ in administering 8793  
this section. ~~The clerk of the court shall transmit monthly all~~ 8794  
~~such processing fees to the registrar for~~ shall deposit the fees 8795  
so paid into the state bureau of motor vehicles fund created by 8796  
section 4501.25 of the Revised Code. 8797

In addition, upon receipt of the copy of the declaration of 8798  
~~forfeiture~~ suspension from the court, neither the registrar nor 8799  
any deputy registrar shall accept any application for the 8800  
registration or transfer of registration of any motor vehicle 8801  
owned or leased by the person named in the declaration of 8802  
~~forfeiture~~ suspension until the court having jurisdiction of the 8803  
offense that led to the ~~forfeiture~~ suspension orders that the 8804  
~~forfeiture~~ suspension be terminated. However, for a motor vehicle 8805  
leased by a person named in a declaration of ~~forfeiture~~ 8806  
suspension, the registrar shall not implement the preceding 8807  
sentence until the registrar adopts procedures for that 8808  
implementation under section 4503.39 of the Revised Code. Upon 8809  
receipt by the registrar of an order terminating the ~~forfeiture~~ 8810  
suspension, the registrar shall take such measures as may be 8811  
necessary to permit the person to register a motor vehicle owned 8812  
or leased by the person or to transfer the registration of such a 8813  
motor vehicle, if the person later makes application to take such 8814

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action and the person otherwise is eligible to register the motor 8815  
vehicle or to transfer the registration of it. 8816

The registrar is not required to give effect to any 8817  
declaration of ~~forfeiture~~ suspension or order terminating a 8818  
~~forfeiture~~ suspension unless the order is transmitted to the 8819  
registrar by means of an electronic transfer system. 8820

If the person who was issued the citation fails to appear at 8821  
the time and place specified on the citation and fails to comply 8822  
with division (C) of section 2935.26 of the Revised Code and the 8823  
person has deposited a sum of money or other security in relation 8824  
to the citation under division (A)(2) of this section, the deposit 8825  
immediately shall be forfeited to the court. 8826

This section does not preclude further action as authorized 8827  
by division (F) of section 2935.26 of the Revised Code. 8828

(E) A law enforcement officer who issues a person a minor 8829  
misdemeanor citation for an act prohibited by Chapter 4511., 8830  
4513., or 4549. of the Revised Code or an act prohibited by a 8831  
municipal ordinance that is substantially similar to any section 8832  
contained in Chapter 4511., 4513., or 4549. of the Revised Code 8833  
shall inform the person that if the person does not appear at the 8834  
time and place stated on the citation or does not comply with 8835  
division (C) of section 2935.26 of the Revised Code, the person's 8836  
driver's or commercial driver's license will be suspended, the 8837  
person will not be eligible for the reissuance of the license or 8838  
the issuance of a new license or the issuance of a certificate of 8839  
registration for a motor vehicle owned or leased by the person, 8840  
until the person appears and complies with all orders of the 8841  
court. The person also is subject to any applicable criminal 8842  
penalties. 8843

(F) A court setting security under division (A)(2) of this 8844  
section shall do so in conformity with sections 2937.22 and 8845  
2937.23 of the Revised Code and the Rules of Criminal Procedure. 8846

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**Sec. 2937.221.** (A) A person arrested without warrant for any violation listed in division (B) of this section, and having a current valid Ohio driver's or commercial driver's license, if the person has been notified of the possible consequences of the person's actions as required by division (C) of this section, may post bond by depositing the license with the arresting officer if the officer and person so choose, or with the local court having jurisdiction if the court and person so choose. The license may be used as bond only during the period for which it is valid.

When an arresting officer accepts the driver's or commercial driver's license as bond, the officer shall note the date, time, and place of the court appearance on "the violator's notice to appear," and the notice shall serve as a valid Ohio driver's or commercial driver's license until the date and time appearing thereon. The arresting officer immediately shall forward the license to the appropriate court.

When a local court accepts the license as bond or continues the case to another date and time, it shall provide the person with a card in a form approved by the registrar of motor vehicles setting forth the license number, name, address, the date and time of the court appearance, and a statement that the license is being held as bond. The card shall serve as a valid license until the date and time contained in the card.

The court may accept other bond at any time and return the license to the person. The court shall return the license to the person when judgment is satisfied, including, but not limited to, compliance with any court orders, unless a suspension or ~~revocation~~ cancellation is part of the penalty imposed.

Neither "the violator's notice to appear" nor a court-granted card shall continue driving privileges beyond the expiration date of the license.

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If the person arrested fails to appear in court at the date 8878  
and time set by the court or fails to satisfy the judgment of the 8879  
court, including, but not limited to, compliance with all court 8880  
orders within the time allowed by the court, the court may ~~declare~~ 8881  
~~the forfeiture of~~ impose a class seven suspension of the person's 8882  
license from the range specified in division (A)(7) of section 8883  
4510.02 of the Revised Code. Thirty days after the ~~declaration of~~ 8884  
~~forfeiture~~ suspension, the court shall forward the person's 8885  
license to the registrar. The court also shall enter information 8886  
relative to the ~~forfeiture~~ suspension on a form approved and 8887  
furnished by the registrar and send the form to the registrar, ~~who~~ 8888  
and the registrar shall ~~suspend the license and~~ send written 8889  
notification of the suspension to the person at the person's last 8890  
known address. No valid driver's or commercial driver's license 8891  
shall be granted to the person until the expiration of the period 8892  
of the suspension or, prior to the expiration of that period, the 8893  
court having jurisdiction orders that the ~~forfeiture be~~ suspension 8894  
is terminated. ~~The~~ If the court terminates the suspension, the 8895  
court shall inform the registrar of the termination ~~of the~~ 8896  
~~forfeiture~~ by entering information relative to the termination on 8897  
a form approved and furnished by the registrar and sending the 8898  
form to the registrar. ~~The court also shall charge and collect~~ 8899  
~~from~~ Upon the expiration or termination of the suspension, the 8900  
person shall pay to the bureau of motor vehicles a processing fee 8901  
of fifteen dollars to cover the costs of the bureau ~~of motor~~ 8902  
~~vehicles~~ in administering this section. The ~~clerk of the court~~ 8903  
~~shall transmit monthly all such processing fees to the registrar~~ 8904  
~~for~~ shall deposit the fees so paid into the state bureau of motor 8905  
vehicles fund created by section 4501.25 of the Revised Code. 8906

In addition, upon receipt from the court of the copy of the 8907  
~~declaration of forfeiture~~ suspension, neither the registrar nor 8908  
any deputy registrar shall accept any application for the 8909

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registration or transfer of registration of any motor vehicle 8910  
owned by or leased in the name of the person named in the 8911  
~~declaration of forfeiture~~ suspension until the expiration of the 8912  
period of the suspension or, prior to the expiration of that 8913  
period, the court having jurisdiction over the offense that led to 8914  
the suspension issues an order terminating the ~~forfeiture~~ 8915  
suspension. However, for a motor vehicle leased in the name of a 8916  
person named in a ~~declaration of forfeiture~~ suspension, the 8917  
registrar shall not implement the preceding sentence until the 8918  
registrar adopts procedures for that implementation under section 8919  
4503.39 of the Revised Code. Upon the expiration of the suspension 8920  
or upon receipt by the registrar of ~~such~~ an order terminating the 8921  
suspension, the registrar also shall take ~~such~~ the measures ~~as may~~ 8922  
~~be~~ necessary to permit the person to register a motor vehicle the 8923  
person owns or leases or to transfer the registration of ~~such~~ a 8924  
motor vehicle the person owns or leases if the person later makes 8925  
a proper application and otherwise is eligible to be issued or to 8926  
transfer a motor vehicle registration. 8927

(B) Division (A) of this section applies to persons arrested 8928  
for violation of: 8929

(1) Any of the provisions of Chapter 4511. or 4513. of the 8930  
Revised Code, except sections 4511.19, 4511.20, 4511.251, and 8931  
4513.36 of the Revised Code; 8932

(2) Any municipal ordinance substantially similar to a 8933  
section included in division (B)(1) of this section; 8934

(3) Any bylaw, rule, or regulation of the Ohio turnpike 8935  
commission substantially similar to a section included in division 8936  
(B)(1) of this section. 8937

Division (A) of this section does not apply to those persons 8938  
issued a citation for the commission of a minor misdemeanor under 8939  
section 2935.26 of the Revised Code. 8940

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(C) No license shall be accepted as bond by an arresting officer or by a court under this section until the officer or court has notified the person that, if the person deposits the license with the officer or court and either does not appear on the date and at the time set by the officer or the court, if the court sets a time, or does not satisfy any judgment rendered, including, but not limited to, compliance with all court orders, the license will be suspended, and the person will not be eligible for reissuance of the license or issuance of a new license, or the issuance of a certificate of registration for a motor vehicle owned or leased by the person until the person appears and complies with any order issued by the court. The person also is subject to any criminal penalties that may apply to the person.

**Sec. 2937.222.** (A) On the motion of the prosecuting attorney or on the judge's own motion, the judge shall hold a hearing to determine whether an accused person charged with aggravated murder when it is not a capital offense, murder, a felony of the first or second degree, a violation of section 2903.06 of the Revised Code, a violation of section 2903.211 of the Revised Code that is a felony, or a felony ~~OMVI~~ OVI offense shall be denied bail. The judge shall order that the accused be detained until the conclusion of the hearing. Except for good cause, a continuance on the motion of the state shall not exceed three court days. Except for good cause, a continuance on the motion of the accused shall not exceed five court days unless the motion of the accused waives in writing the five-day limit and states in writing a specific period for which the accused requests a continuance. A continuance granted upon a motion of the accused that waives in writing the five-day limit shall not exceed five court days after the period of continuance requested in the motion.

At the hearing, the accused has the right to be represented

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by counsel and, if the accused is indigent, to have counsel 8973  
appointed. The judge shall afford the accused an opportunity to 8974  
testify, to present witnesses and other information, and to 8975  
cross-examine witnesses who appear at the hearing. The rules 8976  
concerning admissibility of evidence in criminal trials do not 8977  
apply to the presentation and consideration of information at the 8978  
hearing. Regardless of whether the hearing is being held on the 8979  
motion of the prosecuting attorney or on the court's own motion, 8980  
the state has the burden of proving that the proof is evident or 8981  
the presumption great that the accused committed the offense with 8982  
which the accused is charged, of proving that the accused poses a 8983  
substantial risk of serious physical harm to any person or to the 8984  
community, and of proving that no release conditions will 8985  
reasonably assure the safety of that person and the community. 8986

The judge may reopen the hearing at any time before trial if 8987  
the judge finds that information exists that was not known to the 8988  
movant at the time of the hearing and that that information has a 8989  
material bearing on whether bail should be denied. If a municipal 8990  
court or county court enters an order denying bail, a judge of the 8991  
court of common pleas having jurisdiction over the case may 8992  
continue that order or may hold a hearing pursuant to this section 8993  
to determine whether to continue that order. 8994

(B) No accused person shall be denied bail pursuant to this 8995  
section unless the judge finds by clear and convincing evidence 8996  
that the proof is evident or the presumption great that the 8997  
accused committed the offense described in division (A) of this 8998  
section with which the accused is charged, finds by clear and 8999  
convincing evidence that the accused poses a substantial risk of 9000  
serious physical harm to any person or to the community, and finds 9001  
by clear and convincing evidence that no release conditions will 9002  
reasonably assure the safety of that person and the community. 9003

(C) The judge, in determining whether the accused person 9004



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described in division (A) of this section poses a substantial risk  
of serious physical harm to any person or to the community and  
whether there are conditions of release that will reasonably  
assure the safety of that person and the community, shall consider  
all available information regarding all of the following:

(1) The nature and circumstances of the offense charged,  
including whether the offense is an offense of violence or  
involves alcohol or a drug of abuse;

(2) The weight of the evidence against the accused;

(3) The history and characteristics of the accused,  
including, but not limited to, both of the following:

(a) The character, physical and mental condition, family  
ties, employment, financial resources, length of residence in the  
community, community ties, past conduct, history relating to drug  
or alcohol abuse, and criminal history of the accused;

(b) Whether, at the time of the current alleged offense or at  
the time of the arrest of the accused, the accused was on  
probation, parole, post-release control, or other release pending  
trial, sentencing, appeal, or completion of sentence for the  
commission of an offense under the laws of this state, another  
state, or the United States or under a municipal ordinance.

(4) The nature and seriousness of the danger to any person or  
the community that would be posed by the person's release.

(D)(1) An order of the court of common pleas denying bail  
pursuant to this section is a final appealable order. In an appeal  
pursuant to division (D) of this section, the court of appeals  
shall do all of the following:

(a) Give the appeal priority on its calendar;

(b) Liberally modify or dispense with formal requirements in  
the interest of a speedy and just resolution of the appeal;

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(c) Decide the appeal expeditiously;	9035
(d) Promptly enter its judgment affirming or reversing the order denying bail.	9036 9037
(2) The pendency of an appeal under this section does not deprive the court of common pleas of jurisdiction to conduct further proceedings in the case or to further consider the order denying bail in accordance with this section. If, during the pendency of an appeal under division (D) of this section, the court of common pleas sets aside or terminates the order denying bail, the court of appeals shall dismiss the appeal.	9038 9039 9040 9041 9042 9043 9044
(E) As used in this section:	9045
(1) "Court day" has the same meaning as in section 5122.01 of the Revised Code.	9046 9047
(2) "Felony <del>OMVI</del> <u>OVI</u> offense" means a third degree felony <del>OMVI</del> <u>OVI</u> offense and a fourth degree felony <del>OMVI</del> <u>OVI</u> offense.	9048 9049
(3) "Fourth degree felony <del>OMVI</del> <u>OVI</u> offense" and "third degree felony <del>OMVI</del> <u>OVI</u> offense" have the same meanings as in section 2929.01 of the Revised Code.	9050 9051 9052
<b>Sec. 2937.46.</b> <u>(A)</u> The supreme court of Ohio <del>may</del> , in the interest of uniformity of procedure in the various courts, and for the purpose of promoting prompt and efficient disposition of cases arising under the traffic laws of this state and related ordinances, <del>makes</del> <u>may make</u> uniform rules for practice and procedure in courts inferior to the court of common pleas not inconsistent with the provisions of Chapter 2937. of the Revised Code, including, but not limited to:	9053 9054 9055 9056 9057 9058 9059 9060
<del>(A)</del> <u>(1)</u> Separation of arraignment and trial of traffic and other types of cases;	9061 9062
<del>(B)</del> <u>(2)</u> Consolidation of cases for trial;	9063

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<del>(C)</del> (3) Transfer of cases within the same county for the purpose of trial;	9064 9065
<del>(D)</del> (4) Designation of special referees for hearings or for receiving pleas or bail at times when courts are not in session;	9066 9067
<del>(E)</del> (5) Fixing of reasonable bonds, and disposition of cases in which bonds have been forfeited.	9068 9069
<del>All of said (B) Except as otherwise specified in division (L) of section 4511.19 of the Revised Code, all of the rules described in division (A) of this section, when promulgated by the supreme court, shall be fully binding on all courts inferior to the court of common pleas and on the court of common pleas in relation to felony violations of division (A) of section 4511.19 of the Revised Code and shall effect a cancellation of any local court rules inconsistent therewith with the supreme court's rules.</del>	9070 9071 9072 9073 9074 9075 9076 9077
<b>Sec. 2937.99.</b> (A) No person shall fail to appear as required, after having been released pursuant to section 2937.29 of the Revised Code. Whoever violates this section is guilty of failure to appear and shall be punished as set forth in division (B) or (C) of this section.	9078 9079 9080 9081 9082
(B) If the release was in connection with a <del>charge of the commission of a</del> felony <u>charge</u> or pending appeal after conviction of a felony, failure to appear is a felony of the fourth degree.	9083 9084 9085
(C) If the release was in connection with a <del>charge of the commission of a</del> misdemeanor <u>charge</u> or for appearance as a witness, failure to appear is a misdemeanor of the first degree.	9086 9087 9088
(D) This section does not apply to misdemeanors and related ordinance offenses arising under Chapters 4501., 4503., 4505., 4507., 4509., <u>4510.</u> , 4511., 4513., 4517., 4549., and 5577. of the Revised Code, except that this section does apply to violations of sections 4511.19, 4549.02, and 4549.021 of the Revised Code and	9089 9090 9091 9092 9093

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ordinance offenses related to sections 4511.19, 4549.02, and 9094  
4549.021 of the Revised Code. 9095

**Sec. 2951.02.** (A)(1) In determining whether to suspend a 9096  
sentence of imprisonment imposed upon an offender for a 9097  
misdemeanor and place the offender on probation or whether to 9098  
otherwise suspend a sentence of imprisonment imposed upon an 9099  
offender for a misdemeanor pursuant to division (A) of section 9100  
2929.51 of the Revised Code, the court shall consider the risk 9101  
that the offender will commit another offense and the need for 9102  
protecting the public from the risk, the nature and circumstances 9103  
of the offense, and the history, character, and condition of the 9104  
offender. 9105

(2) An offender who has been convicted of or pleaded guilty 9106  
to a misdemeanor shall not be placed on probation and shall not 9107  
otherwise have the sentence of imprisonment imposed upon the 9108  
offender suspended pursuant to division (A) of section 2929.51 of 9109  
the Revised Code if either of the following applies: 9110

(a) The offender is a repeat or dangerous offender. 9111

(b) The misdemeanor offense involved was not a violation of 9112  
section 2923.12 of the Revised Code and was committed while the 9113  
offender was armed with a firearm or dangerous ordnance. 9114

(B) The following do not control the court's discretion but 9115  
the court shall consider them in favor of placing an offender who 9116  
has been convicted of or pleaded guilty to a misdemeanor on 9117  
probation or in favor of otherwise suspending the offender's 9118  
sentence of imprisonment pursuant to division (A) of section 9119  
2929.51 of the Revised Code: 9120

(1) The offense neither caused nor threatened serious harm to 9121  
persons or property, or the offender did not contemplate that it 9122  
would do so. 9123

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(2) The offense was the result of circumstances unlikely to recur.	9124 9125
(3) The victim of the offense induced or facilitated it.	9126
(4) There are substantial grounds tending to excuse or justify the offense, though failing to establish a defense.	9127 9128
(5) The offender acted under strong provocation.	9129
(6) The offender has no history of prior delinquency or criminal activity, or has led a law-abiding life for a substantial period before commission of the present offense.	9130 9131 9132
(7) The offender is likely to respond affirmatively to probationary or other court-imposed treatment.	9133 9134
(8) The character and attitudes of the offender indicate that the offender is unlikely to commit another offense.	9135 9136
(9) The offender has made or will make restitution or reparation to the victim of the offender's offense for the injury, damage, or loss sustained.	9137 9138 9139
(10) Imprisonment of the offender will entail undue hardship to the offender or the offender's dependents.	9140 9141
(C)(1) When an offender who has been convicted of or pleaded guilty to a misdemeanor is placed on probation or the sentence of that type of offender otherwise is suspended pursuant to division (A) of section 2929.51 of the Revised Code, the probation or other suspension shall be at least on condition that, during the period of probation or other suspension, the offender shall abide by the law and shall not leave the state without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior, the court may impose additional requirements on the offender. Compliance with the additional requirements imposed under this division also shall be a condition	9142 9143 9144 9145 9146 9147 9148 9149 9150 9151 9152 9153

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of the offender's probation or other suspension. The additional 9154  
requirements so imposed may include, but shall not be limited to, 9155  
any of the following: 9156

(a) A requirement that the offender make restitution pursuant 9157  
to section 2929.21 of the Revised Code for all or part of the 9158  
property damage that is caused by the offender's offense and for 9159  
all or part of the value of the property that is the subject of 9160  
any theft offense that the offender committed; 9161

(b) If the offense is a violation of section 2919.25 or a 9162  
violation of section 2903.13 of the Revised Code involving a 9163  
person who was a family or household member at the time of the 9164  
violation, if the offender committed the offense in the vicinity 9165  
of one or more children who are not victims of the offense, and if 9166  
the offender or the victim of the offense is a parent, guardian, 9167  
custodian, or person in loco parentis of one or more of those 9168  
children, a requirement that the offender obtain counseling. This 9169  
division does not limit the court in imposing a requirement that 9170  
the offender obtain counseling for any offense or in any 9171  
circumstance not specified in this division. 9172

(c) A requirement that the offender not ingest or be injected 9173  
with a drug of abuse and submit to random drug testing and 9174  
requiring that the results of the drug test indicate that the 9175  
offender did not ingest or was not injected with a drug of abuse. 9176  
If the court requires the offender to submit to random drug 9177  
testing under division (C)(1)(c) of this section, the county 9178  
department of probation, the multicounty department of probation, 9179  
or the adult parole authority, as appropriate, that has general 9180  
control and supervision of offenders who are on probation or other 9181  
suspension or are under a nonresidential sanction, shall cause the 9182  
offender to submit to random drug testing pursuant to section 9183  
2951.05 of the Revised Code. 9184

(2) During the period of a misdemeanor offender's probation 9185

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or other suspension or during the period of a felon's 9186  
nonresidential sanction, authorized probation officers who are 9187  
engaged within the scope of their supervisory duties or 9188  
responsibilities may search, with or without a warrant, the person 9189  
of the offender, the place of residence of the offender, and a 9190  
motor vehicle, another item of tangible or intangible personal 9191  
property, or other real property in which the offender has a 9192  
right, title, or interest or for which the offender has the 9193  
express or implied permission of a person with a right, title, or 9194  
interest to use, occupy, or possess if the probation officers have 9195  
reasonable grounds to believe that the offender is not abiding by 9196  
the law or otherwise is not complying with the conditions of the 9197  
offender's probation or other suspension or the conditions of the 9198  
offender's nonresidential sanction. If a felon who is sentenced to 9199  
a nonresidential sanction is under the general control and 9200  
supervision of the adult parole authority, as described in 9201  
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 9202  
parole authority field officers with supervisory responsibilities 9203  
over the felon shall have the same search authority relative to 9204  
the felon during the period of the sanction as is described under 9205  
this division for probation officers. The court that places the 9206  
offender on probation or suspends the misdemeanor offender's 9207  
sentence of imprisonment pursuant to division (D)(2) or (4) of 9208  
section 2929.51 of the Revised Code or that sentences the felon to 9209  
a nonresidential sanction pursuant to section 2929.17 of the 9210  
Revised Code shall provide the offender with a written notice that 9211  
informs the offender that authorized probation officers or adult 9212  
parole authority field officers with supervisory responsibilities 9213  
over the offender who are engaged within the scope of their 9214  
supervisory duties or responsibilities may conduct those types of 9215  
searches during the period of probation or other suspension or 9216  
during the period of the nonresidential sanction if they have 9217  
reasonable grounds to believe that the offender is not abiding by 9218

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the law or otherwise is not complying with the conditions of the  
offender's probation or other suspension or the conditions of the  
offender's nonresidential sanction.

(D) The following do not control the court's discretion but  
the court shall consider them against placing an offender who has  
been convicted of or pleaded guilty to a misdemeanor on probation  
and against otherwise suspending the offender's sentence of  
imprisonment pursuant to division (A) of section 2929.51 of the  
Revised Code:

(1) The offender recently violated the conditions of pardon,  
post-release control pursuant to section 2967.28 of the Revised  
Code, or a probation or suspension pursuant to division (A) of  
section 2929.51 of the Revised Code, previously granted the  
offender.

(2) There is a substantial risk that, while at liberty during  
the period of probation or other suspension, the offender will  
commit another offense.

(3) The offender is in need of correctional or rehabilitative  
treatment that can be provided best by the offender's commitment  
to a locally governed and operated residential facility.

(4) Regardless of whether the offender knew the age of the  
victim, the victim of the offense was sixty-five years of age or  
older or permanently and totally disabled at the time of the  
commission of the offense.

(E) The criteria listed in divisions (B) and (D) of this  
section shall not be construed to limit the matters that may be  
considered in determining whether to suspend sentence of  
imprisonment and place an offender who has been convicted of or  
pleaded guilty to a misdemeanor on probation or whether to  
otherwise suspend the offender's sentence of imprisonment pursuant



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to division (A) of section 2929.51 of the Revised Code. 9250

(F)(1) When an offender is convicted of or pleads guilty to a 9251  
misdemeanor, the court may require the offender, as a condition of 9252  
probation or as a condition of otherwise suspending the offender's 9253  
sentence pursuant to division (A) of section 2929.51 of the 9254  
Revised Code, in addition to the conditions of probation or other 9255  
suspension imposed pursuant to division (C) of this section, to 9256  
perform supervised community service work under the authority of 9257  
health districts, park districts, counties, municipal 9258  
corporations, townships, other political subdivisions of the 9259  
state, or agencies of the state or any of its political 9260  
subdivisions, or under the authority of charitable organizations 9261  
that render services to the community or its citizens, in 9262  
accordance with this division. Supervised community service work 9263  
shall not be required as a condition of probation or other 9264  
suspension under this division unless the offender agrees to 9265  
perform the work offered as a condition of probation or other 9266  
suspension by the court. The court may require an offender who 9267  
agrees to perform the work to pay to it a reasonable fee to cover 9268  
the costs of the offender's participation in the work, including, 9269  
but not limited to, the costs of procuring a policy or policies of 9270  
liability insurance to cover the period during which the offender 9271  
will perform the work. 9272

A court may permit any offender convicted of a misdemeanor to 9273  
satisfy the payment of a fine imposed for the offense by 9274  
performing supervised community service work as described in this 9275  
division if the offender requests an opportunity to satisfy the 9276  
payment by this means and if the court determines the offender is 9277  
financially unable to pay the fine. 9278

The supervised community service work that may be imposed 9279  
under this division shall be subject to the following limitations: 9280

(a) The court shall fix the period of the work and, if 9281

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necessary, shall distribute it over weekends or over other  
appropriate times that will allow the offender to continue at the  
offender's occupation or to care for the offender's family. The  
period of the work as fixed by the court shall not exceed an  
aggregate of two hundred hours.

(b) An agency, political subdivision, or charitable  
organization must agree to accept the offender for the work before  
the court requires the offender to perform the work for the  
entity. A court shall not require an offender to perform  
supervised community service work for an agency, political  
subdivision, or charitable organization at a location that is an  
unreasonable distance from the offender's residence or domicile,  
unless the offender is provided with transportation to the  
location where the work is to be performed.

(c) A court may enter into an agreement with a county  
department of job and family services for the management,  
placement, and supervision of offenders eligible for community  
service work in work activities, developmental activities, and  
alternative work activities under sections 5107.40 to 5107.69 of  
the Revised Code. If a court and a county department of job and  
family services have entered into an agreement of that nature, the  
clerk of that court is authorized to pay directly to the county  
department all or a portion of the fees collected by the court  
pursuant to this division in accordance with the terms of its  
agreement.

(d) Community service work that a court requires under this  
division shall be supervised by an official of the agency,  
political subdivision, or charitable organization for which the  
work is performed or by a person designated by the agency,  
political subdivision, or charitable organization. The official or  
designated person shall be qualified for the supervision by  
education, training, or experience, and periodically shall report,

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in writing, to the court and to the offender's probation officer 9314  
concerning the conduct of the offender in performing the work. 9315

(2) When an offender is convicted of a felony, the court may 9316  
impose pursuant to sections 2929.15 and 2929.17 of the Revised 9317  
Code a sanction that requires the offender to perform supervised 9318  
community service work in accordance with this division and under 9319  
the authority of any agency, political subdivision, or charitable 9320  
organization as described in division (F)(1) of this section. The 9321  
court may require an offender who is ordered to perform the work 9322  
to pay to it a reasonable fee to cover the costs of the offender's 9323  
participation in the work, including, but not limited to, the 9324  
costs of procuring a policy or policies of liability insurance to 9325  
cover the period during which the offender will perform the work. 9326

A court may permit an offender convicted of a felony to 9327  
satisfy the payment of a fine imposed for the offense pursuant to 9328  
section 2929.18 of the Revised Code by performing supervised 9329  
community service work as described in this division if the court 9330  
determines that the offender is financially unable to pay the 9331  
fine. 9332

The supervised community service work that may be imposed 9333  
under this division shall be subject to the limitations specified 9334  
in divisions (F)(1)(a) to (d) of this section, except that the 9335  
court is not required to obtain the agreement of the offender to 9336  
impose supervised community work as a sanction. Additionally, the 9337  
total of any period of supervised community service work imposed 9338  
on an offender under this division plus the period of all other 9339  
sanctions imposed pursuant to sections 2929.15, 2929.16, 2929.17, 9340  
and 2929.18 of the Revised Code shall not exceed five years. 9341

(G)(1) When an offender is convicted of a violation of 9342  
section 4511.19 of the Revised Code, a municipal ordinance 9343  
relating to operating a vehicle while under the influence of 9344  
alcohol, a drug of abuse, or alcohol and a drug of abuse, or a 9345

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municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, the court may require, as a condition of probation in addition to the required conditions of probation and the discretionary conditions of probation that may be imposed pursuant to division (C) of this section, any suspension or revocation of a driver's or commercial driver's license or permit or nonresident operating privilege, and all other penalties provided by law or by ordinance, that the offender operate only a motor vehicle equipped with an ignition interlock device that is certified pursuant to section ~~4511.83~~ 4510.43 of the Revised Code.

(2) When a court requires an offender, as a condition of probation pursuant to division (G)(1) of this section, to operate only a motor vehicle equipped with an ignition interlock device that is certified pursuant to section ~~4511.83~~ 4510.43 of the Revised Code, the offender immediately shall surrender the offender's driver's or commercial driver's license or permit to the court. Upon the receipt of the offender's license or permit, the court shall issue an order authorizing the offender to operate a motor vehicle equipped with a certified ignition interlock device, deliver the offender's license or permit to the bureau of motor vehicles, and include in the abstract of the case forwarded to the bureau pursuant to section ~~4507.021~~ 4510.036 of the Revised Code the conditions of probation imposed pursuant to division (G)(1) of this section. The court shall give the offender a copy of its order, and that copy shall be used by the offender in lieu of a driver's or commercial driver's license or permit until the bureau issues a restricted license to the offender.

(3) Upon receipt of an offender's driver's or commercial driver's license or permit pursuant to division (G)(2) of this section, the bureau of motor vehicles shall issue a restricted license to the offender. The restricted license shall be identical

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to the surrendered license, except that it shall have printed on  
its face a statement that the offender is prohibited from  
operating a motor vehicle that is not equipped with an ignition  
interlock device that is certified pursuant to section ~~4511.83~~  
4510.43 of the Revised Code. The bureau shall deliver the  
offender's surrendered license or permit to the court upon receipt  
of a court order requiring it to do so, or reissue the offender's  
license or permit under section ~~4507.54~~ 4510.52 of the Revised  
Code if the registrar destroyed the offender's license or permit  
under that section. The offender shall surrender the restricted  
license to the court upon receipt of the offender's surrendered  
license or permit.

(4) If an offender violates a requirement of the court  
imposed under division (G)(1) of this section, the court may  
impose a class seven suspension of the offender's driver's or  
commercial driver's license or permit or nonresident operating  
privilege ~~may be suspended as provided in~~ from the range specified  
in division (A)(7) of section ~~4507.16~~ 4510.02 of the Revised Code.  
On a second or subsequent violation, the court may impose a class  
four 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)(4) of section 4510.02 of the  
Revised Code.

(H) As used in this section:

(1) "Repeat offender" and "dangerous offender" have the same  
meanings as in section 2935.36 of the Revised Code.

(2) "Firearm" and "dangerous ordnance" have the same meanings  
as in section 2923.11 of the Revised Code.

(3) "Theft offense" has the same meaning as in section  
2913.01 of the Revised Code.

(4) "Random drug testing" has the same meaning as in section

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5120.63 of the Revised Code. 9409

(5) "Ignition interlock device" has the same meaning as in 9410  
section ~~4511.83~~ 4510.01 of the Revised Code. 9411

**Sec. 2953.31.** As used in sections 2953.31 to 2953.36 of the 9412  
Revised Code: 9413

(A) "First offender" means anyone who has been convicted of 9414  
an offense in this state or any other jurisdiction and who 9415  
previously or subsequently has not been convicted of the same or a 9416  
different offense in this state or any other jurisdiction. When 9417  
two or more convictions result from or are connected with the same 9418  
act or result from offenses committed at the same time, they shall 9419  
be counted as one conviction. When two or three convictions result 9420  
from the same indictment, information, or complaint, from the same 9421  
plea of guilty, or from the same official proceeding, and result 9422  
from related criminal acts that were committed within a 9423  
three-month period but do not result from the same act or from 9424  
offenses committed at the same time, they shall be counted as one 9425  
conviction, provided that a court may decide as provided in 9426  
division (C)(1)(a) of section 2953.32 of the Revised Code that it 9427  
is not in the public interest for the two or three convictions to 9428  
be counted as one conviction. 9429

For purposes of, and except as otherwise provided in, this 9430  
division, a conviction for a minor misdemeanor, ~~a conviction~~ for a 9431  
violation of any section in Chapter 4507., 4510., 4511., 4513., or 9432  
4549. of the Revised Code, or ~~a conviction~~ for a violation of a 9433  
municipal ordinance that is substantially similar to any section 9434  
in those chapters is not a previous or subsequent conviction. ~~A~~ 9435  
However, a conviction for a violation of section 4511.19~~7~~, 9436  
~~4511.192~~, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 9437  
~~4549.07~~ 4549.62 or sections 4549.41 to 4549.46 of the Revised 9438  
Code, or ~~a conviction~~ for a violation of section 4510.11 or 9439

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4510.14 of the Revised Code that is based upon the offender's 9440  
operation of a vehicle during a suspension imposed under section 9441  
4511.191 or 4511.196 of the Revised Code, for a violation of a 9442  
substantially equivalent municipal ordinance that is substantially 9443  
similar to any of those sections, for a felony violation of Title 9444  
XLV of the Revised Code, or for a violation of a substantially 9445  
equivalent former law of this state or former municipal ordinance 9446  
shall be considered a previous or subsequent conviction. 9447

(B) "Prosecutor" means the county prosecuting attorney, city 9448  
director of law, village solicitor, or similar chief legal 9449  
officer, who has the authority to prosecute a criminal case in the 9450  
court in which the case is filed. 9451

(C) "Bail forfeiture" means the forfeiture of bail by a 9452  
defendant who is arrested for the commission of a misdemeanor, 9453  
other than a defendant in a traffic case as defined in Traffic 9454  
Rule 2, if the forfeiture is pursuant to an agreement with the 9455  
court and prosecutor in the case. 9456

(D) "Official records" has the same meaning as in division 9457  
(D) of section 2953.51 of the Revised Code. 9458

(E) "Official proceeding" has the same meaning as in section 9459  
2921.01 of the Revised Code. 9460

**Sec. 2953.36.** Sections 2953.31 to 2953.35 of the Revised Code 9461  
do not apply to any of the following: 9462

(A) Convictions when the offender is subject to a mandatory 9463  
prison term; 9464

(B) Convictions under section 2907.02, 2907.03, 2907.04, 9465  
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 9466  
2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised 9467  
Code, or a conviction for a violation of a municipal ordinance 9468  
that is substantially similar to any section contained in any of 9469

those chapters;	9470
(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;	9471 9472 9473 9474 9475
(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;	9476 9477 9478
(E) Convictions of a felony of the first or second degree;	9479
(F) Bail forfeitures in a traffic case as defined in Traffic Rule 2.	9480 9481
<b>Sec. 3123.55.</b> 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 determines that the individual is the individual named in that notice and the registrar has not received notice under section 3123.56 or 3123.57 of the Revised Code, all of the following will occur:	9482 9483 9484 9485 9486 9487 9488 9489 9490 9491 9492 9493 9494 9495 9496
(A) The registrar and all deputy registrars will be prohibited from issuing to the individual a driver's or commercial driver's license, motorcycle operator's license or endorsement, or temporary instruction permit or commercial driver's temporary	9497 9498 9499 9500



instruction permit. 9501

(B) The registrar and all deputy registrars will be 9502  
prohibited from renewing for the individual a driver's or 9503  
commercial driver's license, motorcycle operator's license or 9504  
endorsement, or commercial driver's temporary instruction permit. 9505

(C) If the individual holds a driver's or commercial driver's 9506  
license, motorcycle operator's license or endorsement, or 9507  
temporary instruction permit or commercial driver's temporary 9508  
instruction permit, ~~it~~ the registrar will be suspended impose a 9509  
class F suspension under division (B)(6) of section 4510.02 of the 9510  
Revised Code if the registrar determines that the individual is 9511  
the individual named in the notice sent pursuant to section 9512  
3123.54 of the Revised Code. 9513

(D) If the individual is the individual named in the notice, 9514  
the individual will not be issued or have renewed any license, 9515  
endorsement, or permit, and no suspension will be lifted with 9516  
respect to any license, endorsement, or permit listed in this 9517  
section until the registrar receives a notice under section 9518  
3123.56 or 3123.57 of the Revised Code. 9519

**Sec. 3123.58.** (A) On receipt of a notice pursuant to section 9520  
3123.54 of the Revised Code, the registrar of motor vehicles shall 9521  
determine whether the individual named in the notice holds or has 9522  
applied for a driver's license or commercial driver's license, 9523  
motorcycle operator's license or endorsement, or temporary 9524  
instruction permit or commercial driver's temporary instruction 9525  
permit. If the registrar determines that the individual holds or 9526  
has applied for a license, permit, or endorsement and the 9527  
individual is the individual named in the notice and does not 9528  
receive a notice pursuant to section 3123.56 or 3123.57 of the 9529  
Revised Code, the registrar immediately shall provide notice of 9530  
the determination to each deputy registrar. The registrar or a 9531

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deputy registrar may not issue to the individual a driver's or 9532  
commercial driver's license, motorcycle operator's license or 9533  
endorsement, or temporary instruction permit or commercial 9534  
driver's temporary instruction permit and may not renew for the 9535  
individual a driver's or commercial driver's license, motorcycle 9536  
operator's license or endorsement, or commercial driver's 9537  
temporary instruction permit. The registrar or a deputy registrar 9538  
also shall ~~suspend~~ impose a class F suspension of the license, 9539  
permit, or endorsement held by the individual under division 9540  
(B)(6) of section 4510.02 of the Revised Code. 9541

(B) Prior to the date specified in section 3123.52 of the 9542  
Revised Code, the registrar of motor vehicles or a deputy 9543  
registrar shall do only the following with respect to an 9544  
individual if the registrar makes the determination required under 9545  
division (A) of this section and no notice is received concerning 9546  
the individual under section 3123.56 or 3123.57 of the Revised 9547  
Code: 9548

(1) Refuse to issue or renew the individual's commercial 9549  
driver's license or commercial driver's temporary instruction 9550  
permit; 9551

(2) Impose a class F suspension under division (B)(6) of 9552  
section 4510.02 of the Revised Code on the individual with respect 9553  
to the license or permit held by the individual. 9554

**Sec. 3123.59.** Not later than seven days after receipt of a 9556  
notice pursuant to section 3123.56 or 3123.57 of the Revised Code, 9557  
the registrar of motor vehicles shall notify each deputy registrar 9558  
of the notice. The registrar and each deputy registrar shall then, 9559  
if the individual otherwise is eligible for the license, permit, 9560  
or endorsement and wants the license, permit, or endorsement, 9561  
issue a license, permit, or endorsement to, or renew a license, 9562  
permit, or endorsement of, the individual, or, if the registrar 9563

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imposed a class F suspension of the individual's license, permit, 9564  
 or endorsement ~~was suspended~~ pursuant to division (A) of section 9565  
 3123.58 of the Revised Code, remove the suspension. On and after 9566  
 the date specified in section 3123.52 of the Revised Code, the 9567  
 registrar or a deputy registrar shall remove, after receipt of a 9568  
 notice under section 3123.56 or 3123.57 of the Revised Code, a 9569  
~~disqualification~~ class F suspension imposed on an individual with 9570  
 respect to a ~~commercial driver's~~ license or ~~commercial driver's~~ 9571  
~~temporary instruction~~ permit pursuant to division (B) of section 9572  
~~3123.611~~ 3123.58 of the Revised Code. The registrar or a deputy 9573  
 registrar may charge a fee of not more than twenty-five dollars 9574  
 for issuing or renewing or removing the suspension of a license, 9575  
~~permit,~~ or for ~~removing a disqualification~~ endorsement pursuant to 9576  
 this section. The fees collected by the registrar pursuant to this 9577  
 section shall be paid into the state bureau of motor vehicles fund 9578  
 established in section 4501.25 of the Revised Code. 9579

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**Sec. 3123.613.** Prior to the date specified in section 3123.52 9581  
 of the Revised Code, instead of the notice provisions described in 9582  
 divisions (A), (B), (C), and (D) of section 3123.55 of the Revised 9583  
 Code, the notice shall specify that all of the following will 9584  
 occur: 9585

(A) The registrar of motor vehicles and all deputy registrars 9586  
 will be prohibited from issuing to, or renewing for, the 9587  
 individual a commercial driver's license or commercial driver's 9588  
 temporary instruction permit. 9589

(B) If the individual holds a commercial driver's license or 9590  
 commercial driver's temporary instruction permit, the registrar 9591  
 will impose a ~~disqualification as defined in~~ class F suspension 9592  
under division (B)(6) of section ~~4506.01~~ 4510.02 of the Revised 9593  
 Code with respect to the license or permit if the registrar 9594  
 determines that the individual is the individual named in the 9595

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notice sent pursuant to section 3123.54 of the Revised Code. 9596

(C) If the individual is the individual named in the notice, 9597  
the individual will not be issued, and the disqualification will 9598  
not be removed with respect to, any license or permit listed in 9599  
this section until the registrar receives a notice under section 9600  
3123.56 or 3123.57 of the Revised Code. 9601

**Sec. 3327.10.** (A) No person shall be employed as driver of a 9602  
school bus or motor van, owned and operated by any school district 9603  
or educational service center or privately owned and operated 9604  
under contract with any school district or service center in this 9605  
state, who has not received a certificate from the educational 9606  
service center governing board in case such person is employed by 9607  
a service center or by a local school district under the 9608  
supervision of the service center governing board, or by the 9609  
superintendent of schools, in case such person is employed by the 9610  
board of a city or exempted village school district, certifying 9611  
that such person is at least eighteen years of age and is of good 9612  
moral character and is qualified physically and otherwise for such 9613  
position. The service center governing board or the 9614  
superintendent, as the case may be, shall provide for an annual 9615  
physical examination that conforms with rules adopted by the state 9616  
board of education of each driver to ascertain ~~his~~ the driver's 9617  
physical fitness for such employment. Any certificate may be 9618  
revoked by the authority granting the same on proof that the 9619  
holder has been guilty of failing to comply with division (D)(1) 9620  
of this section, or upon a conviction or a guilty plea for a 9621  
violation, or any other action, that results in a loss or 9622  
suspension of driving rights. Failure to comply with such division 9623  
may be cause for disciplinary action or termination of employment 9624  
under division (C) of section 3319.081, or section 124.34 of the 9625  
Revised Code. 9626

(B) No person shall be employed as driver of a school bus or 9627

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motor van not subject to the rules of the department of education 9628  
pursuant to division (A) of this section who has not received a 9629  
certificate from the school administrator or contractor certifying 9630  
that such person is at least eighteen years of age, is of good 9631  
moral character, and is qualified physically and otherwise for 9632  
such position. Each driver shall have an annual physical 9633  
examination which conforms to the state highway patrol rules, 9634  
ascertaining ~~his~~ the driver's physical fitness for such 9635  
employment. Any certificate may be revoked by the authority 9636  
granting the same on proof that the holder has been guilty of 9637  
failing to comply with division (D)(2) of this section. 9638

(C) Any person who drives a school bus or motor van must give 9639  
satisfactory and sufficient bond except a driver who is an 9640  
employee of a school district and who drives a bus or motor van 9641  
owned by the school district. 9642

(D) No person employed as driver of a school bus or motor van 9643  
under this section who is convicted of a traffic violation or who 9644  
has had ~~his~~ the person's commercial driver's license suspended ~~or~~ 9645  
~~revoked~~ shall drive a school bus or motor van until such the 9646  
person has filed a written notice of such the conviction, or 9647  
suspension, ~~or revocation~~ as follows: 9648

(1) If ~~he~~ the person is employed under division (A) of this 9649  
section, such the person shall file the notice ~~shall be filed~~ with 9650  
the superintendent, or a person designated by the superintendent, 9651  
of the school district for which such the person drives a school 9652  
bus or motor van as an employee or drives a privately owned and 9653  
operated school bus or motor van under contract. 9654

(2) If employed under division (B) of this section, such the 9655  
person shall file the notice ~~shall be filed~~ with the employing 9656  
school administrator or contractor, or a person designated by the 9657  
administrator or contractor. 9658

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

**Sec. 3793.02.** (A) The department of alcohol and drug addiction services shall promote, assist in developing, and coordinate or conduct programs of education and research for the prevention of alcohol and drug addiction and for the treatment, including intervention, of alcoholics and persons who abuse drugs of abuse, including anabolic steroids. Programs established by the department shall include abstinence-based prevention and treatment programs.

(B) In addition to the other duties prescribed by this chapter, the department shall do all of the following:

(1) Promote and coordinate efforts in the provision of alcohol and drug addiction services by other state agencies, as defined in section 1.60 of the Revised Code; courts; hospitals; clinics; physicians in private practice; public health authorities; boards of alcohol, drug addiction, and mental health services; alcohol and drug addiction programs; law enforcement agencies; and related groups;

(2) Provide for education and training in prevention, diagnosis, treatment, and control of alcohol and drug addiction for medical students, physicians, nurses, social workers, professional counselors, psychologists, and other persons who provide alcohol and drug addiction services;

(3) Provide training and consultation for persons who supervise alcohol and drug addiction programs and facilities;

(4) Develop measures for evaluating the effectiveness of alcohol and drug addiction services, including services that use

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methadone treatment, and for increasing the accountability of 9689  
alcohol and drug addiction programs; 9690

(5) Provide to each court of record, and biennially update, a 9691  
list of the treatment and education programs within that court's 9692  
jurisdiction that the court may require an offender, sentenced 9693  
pursuant to ~~division (A) of section 4511.99~~ 4511.19 of the Revised 9694  
Code, to attend; 9695

(6) Print and distribute the warning sign described in 9696  
sections 3313.752, 3345.41, and 3707.50 of the Revised Code. 9697

(C) The department may accept and administer grants from 9698  
public or private sources for carrying out any of the duties 9699  
enumerated in this section. 9700

(D) Pursuant to Chapter 119. of the Revised Code, the 9701  
department shall adopt a rule defining the term "intervention" as 9702  
it is used in this chapter in connection with alcohol and drug 9703  
addiction services. The department may adopt other rules as 9704  
necessary to implement the requirements of this chapter. 9705

**Sec. 3793.10.** A drivers' intervention program may be used as 9706  
an alternative to a term of imprisonment for an offender sentenced 9707  
pursuant to division ~~(A)(1)(G)(1)(a)~~ of section ~~4511.99~~ 4511.19 of 9708  
the Revised Code, if it is certified by the director of alcohol 9709  
and drug addiction services pursuant to this section. No drivers' 9710  
intervention program shall be used as an alternative to a term of 9711  
imprisonment that is imposed pursuant to division ~~(A)(2), (3),~~ 9712  
~~(4), (6), (7)~~ (G)(1)(b), (c), (d), or (8)(e) of section ~~4511.99~~ 9713  
4511.19 of the Revised Code. 9714

To qualify for certification by the director and to receive 9715  
funds from the statewide treatment and prevention fund created by 9716  
section 4301.30 of the Revised Code in any amounts and at any 9717  
times that the director determines are appropriate, a drivers' 9718

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intervention program shall meet state minimum standards that the  
director shall establish by rule. The rules shall include, but are  
not limited to, standards governing program course hours and  
content, qualifications of program personnel, methods of  
identifying and testing participants to isolate participants with  
alcohol and drug abuse problems, referral of such persons to  
alcohol and drug addiction programs, the prompt notification of  
courts by program operators of the completion of the programs by  
persons required by courts to attend them, and record keeping,  
including methods of tracking participants for a reasonable time  
after they have left the program.

The director shall issue a certificate to any qualified  
drivers' intervention program. The certificate is valid for three  
years.

**Sec. 3937.31.** (A) Every automobile insurance policy shall be  
issued for a period of not less than two years or guaranteed  
renewable for successive policy periods totaling not less than two  
years. Where renewal is mandatory, "cancellation," as used in  
sections 3937.30 to 3937.39 of the Revised Code, includes refusal  
to renew a policy with at least the coverages, included insureds,  
and policy limits provided at the end of the next preceding policy  
period. No insurer may cancel any such policy except pursuant to  
the terms of the policy, and in accordance with sections 3937.30  
to 3937.39 of the Revised Code, and for one or more of the  
following reasons:

(1) Misrepresentation by the insured to the insurer of any  
material fact in the procurement or renewal of the insurance or in  
the submission of claims thereunder;

(2) Loss of driving privileges through suspension,  
~~revocation~~, or expiration of the driver's or commercial driver's  
license of the named insured or any member of the named insured's



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family covered as a driver; provided that the insurer shall 9750  
continue the policy in effect but exclude by endorsement all 9751  
coverage as to the person whose driver's license has been 9752  
suspended ~~or revoked~~ or has expired, if the person is other than 9753  
the named insured or the principal operator; 9754

(3) Nonpayment of premium, which means failure of the named 9755  
insured to discharge when due any of the named insured's 9756  
obligations in connection with the payment of premiums on a 9757  
policy, or any installment of such premiums, whether the premium 9758  
is payable directly to the insurer or its agent or indirectly 9759  
under any premium finance plan or extension of credit; 9760

(4) The place of residence of the insured or the state of 9761  
registration or license of the insured automobile is changed to a 9762  
state or country in which the insurer is not authorized to write 9763  
automobile coverage. 9764

This section does not apply in the case of a cancellation if 9765  
the insurer has indicated its willingness to issue a new policy 9766  
within the same insurer or within another insurer under the same 9767  
ownership or management as that of the insurer that has issued the 9768  
cancellation. 9769

(B) Sections 3937.30 to 3937.39 of the Revised Code do not 9770  
prohibit: 9771

(1) Changes in coverage or policy limits, cancellation, or 9772  
nonrenewal for any reason at the request or with the consent of 9773  
the insured; 9774

(2) Lawful surcharges, adjustments, or other changes in 9775  
premium; 9776

(3) Policy modification to all policies issued to a 9777  
classification of risk which do not effect a withdrawal or 9778  
reduction in the initial coverage or policy limits; 9779

(4) An insurer's refusing for any reason to renew a policy 9780

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upon its expiration at the end of any mandatory period, provided 9781  
such nonrenewal complies with the procedure set forth in section 9782  
3937.34 of the Revised Code. 9783

(C) Sections 3937.30 to 3937.39 of the Revised Code do not 9784  
apply to any policy or coverage that has been in effect less than 9785  
ninety days at the time notice of cancellation is mailed by the 9786  
insurer, unless it is a renewal policy. 9787

(D) Renewal of a policy does not constitute a waiver or 9788  
estoppel with respect to grounds for cancellation that existed 9789  
before the effective date of such renewal. 9790

(E) Nothing in this section prohibits an insurer from 9791  
incorporating into a policy any changes that are permitted or 9792  
required by this section or other sections of the Revised Code at 9793  
the beginning of any policy period within the two-year period set 9794  
forth in division (A) of this section. 9795

**Sec. 4301.99.** (A) Whoever violates section 4301.47, 4301.48, 9796  
4301.49, 4301.62, or 4301.70 or division (B) of section 4301.691 9797  
of the Revised Code is guilty of a minor misdemeanor. 9798

(B) Whoever violates section 4301.15, division (A)(2) or (D) 9799  
of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 9800  
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 9801  
Code is guilty of a misdemeanor of the fourth degree. 9802

If an offender who violates section 4301.64 of the Revised 9803  
Code was under the age of eighteen years at the time of the 9804  
offense, the court, in addition to any other penalties it imposes 9805  
upon the offender, shall ~~suspend~~ impose a class seven suspension 9806  
of the offender's temporary instruction permit, probationary 9807  
driver's license, or driver's license ~~for a period of six months~~ 9808  
from the range specified in division (A)(7) of section 4510.02 of 9809  
the Revised Code. If the offender is fifteen years and six months 9810

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of age or older and has not been issued a temporary instruction 9811  
permit or probationary driver's license, the offender shall not be 9812  
eligible to be issued such a license or permit for a period of six 9813  
months. If the offender has not attained the age of fifteen years 9814  
and six months, the offender shall not be eligible to be issued a 9815  
temporary instruction permit until the offender attains the age of 9816  
sixteen years. 9817

(C) Whoever violates division (D) of section 4301.21, or 9818  
section 4301.251, 4301.58, 4301.59, 4301.60, 4301.632, 4301.633, 9819  
4301.66, 4301.68, or 4301.74, division (B), (C), (D), (E), or (F) 9820  
of section 4301.69 of the Revised Code, or division (C), (D), (E), 9821  
(F), (G), or (I) of section 4301.691 of the Revised Code is guilty 9822  
of a misdemeanor of the first degree. 9823

If an offender who violates section 4301.632 of the Revised 9824  
Code was under the age of eighteen years at the time of the 9825  
offense and the offense occurred while the offender was the 9826  
operator of or a passenger in a motor vehicle, the court, in 9827  
addition to any other penalties it imposes upon the offender, 9828  
shall ~~suspend~~ impose a class seven suspension of the offender's 9829  
temporary instruction permit or probationary driver's license ~~for~~ 9830  
~~a period of six months~~ from the range specified in division (A)(7) 9831  
of section 4510.02 of the Revised Code. If the offender is fifteen 9832  
years and six months of age or older and has not been issued a 9833  
temporary instruction permit or probationary driver's license, the 9834  
offender shall not be eligible to be issued such a license or 9835  
permit for a period of six months. If the offender has not 9836  
attained the age of fifteen years and six months, the offender 9837  
shall not be eligible to be issued a temporary instruction permit 9838  
until the offender attains the age of sixteen years. 9839

(D) Whoever violates division (B) of section 4301.14, or 9840  
division (A)(1) or (3), (B), or (C) of section 4301.22 of the 9841  
Revised Code is guilty of a misdemeanor of the third degree. 9842

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(E) Whoever violates section 4301.63 or division (B) of 9843  
section 4301.631 of the Revised Code shall be fined not less than 9844  
twenty-five nor more than one hundred dollars. The court imposing 9845  
a fine for a violation of section 4301.63 or division (B) of 9846  
section 4301.631 of the Revised Code may order that the fine be 9847  
paid by the performance of public work at a reasonable hourly rate 9848  
established by the court. The court shall designate the time 9849  
within which the public work shall be completed. 9850

(F)(1) Whoever violates section 4301.634 of the Revised Code 9851  
is guilty of a misdemeanor of the first degree. If, in committing 9852  
a first violation of that section, the offender presented to the 9853  
permit holder or the permit holder's employee or agent a false, 9854  
fictitious, or altered identification card, a false or fictitious 9855  
driver's license purportedly issued by any state, or a driver's 9856  
license issued by any state that has been altered, the offender is 9857  
guilty of a misdemeanor of the first degree and shall be fined not 9858  
less than two hundred fifty and not more than one thousand 9859  
dollars, and may be sentenced to a term of imprisonment of not 9860  
more than six months. 9861

(2) On a second violation in which, for the second time, the 9862  
offender presented to the permit holder or the permit holder's 9863  
employee or agent a false, fictitious, or altered identification 9864  
card, a false or fictitious driver's license purportedly issued by 9865  
any state, or a driver's license issued by any state that has been 9866  
altered, the offender is guilty of a misdemeanor of the first 9867  
degree and shall be fined not less than five hundred nor more than 9868  
one thousand dollars, and may be sentenced to a term of 9869  
imprisonment of not more than six months. The court also may 9870  
~~suspend~~ impose a class seven suspension of the offender's driver's 9871  
or commercial driver's license or permit or nonresident operating 9872  
privilege ~~or deny the offender the opportunity to be issued a~~ 9873  
~~driver's or commercial driver's license for a period not exceeding~~ 9874

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~~sixty days from the range specified in division (A)(7) of section 4510.02 of the Revised Code.~~ 9875  
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(3) On a third or subsequent violation in which, for the 9877  
third or subsequent time, the offender presented to the permit 9878  
holder or the permit holder's employee or agent a false, 9879  
fictitious, or altered identification card, a false or fictitious 9880  
driver's license purportedly issued by any state, or a driver's 9881  
license issued by any state that has been altered, the offender is 9882  
guilty of a misdemeanor of the first degree and shall be fined not 9883  
less than five hundred nor more than one thousand dollars, and may 9884  
be sentenced to a term of imprisonment of not more than six 9885  
months. The court also shall ~~suspend~~ impose a class six suspension 9886  
of the offender's driver's or commercial driver's license or 9887  
permit or nonresident operating privilege ~~or deny the offender the~~ 9888  
~~opportunity to be issued a driver's or commercial driver's license~~ 9889  
~~for a period of ninety days from the range specified in division~~ 9890  
(A)(6) of section 4510.02 of the Revised Code, and the court may 9891  
order that the suspension or denial remain in effect until the 9892  
offender attains the age of twenty-one years. The court also may 9893  
order the offender to perform a determinate number of hours of 9894  
community service, with the court determining the actual number of 9895  
hours and the nature of the community service the offender shall 9896  
perform. 9897

(G) Whoever violates section 4301.636 of the Revised Code is 9898  
guilty of a felony of the fifth degree. 9899

(H) Whoever violates division (A)(1) of section 4301.22 of 9900  
the Revised Code is guilty of a misdemeanor, shall be fined not 9901  
less than five hundred and not more than one thousand dollars, 9902  
and, in addition to the fine, may be imprisoned for a definite 9903  
term of not more than sixty days. 9904

(I) Whoever violates division (A) of section 4301.69 or 9905  
division (H) of section 4301.691 of the Revised Code is guilty of 9906

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a misdemeanor, shall be fined not less than five hundred and not  
more than one thousand dollars, and, in addition to the fine, may  
be imprisoned for a definite term of not more than six months.

**Sec. 4501.01.** As used in this chapter and Chapters 4503.,  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the  
Revised Code, and in the penal laws, except as otherwise provided:

(A) "Vehicles" means everything on wheels or runners,  
including motorized bicycles, but does not mean vehicles that are  
operated exclusively on rails or tracks or from overhead electric  
trolley wires and vehicles that belong to any police department,  
municipal fire department, or volunteer fire department, or that  
are used by such a department in the discharge of its functions.

(B) "Motor vehicle" means any vehicle, including mobile homes  
and recreational vehicles, that is propelled or drawn by power  
other than muscular power or power collected from overhead  
electric trolley wires. "Motor vehicle" does not include motorized  
bicycles, road rollers, traction engines, power shovels, power  
cranes, and other equipment used in construction work and not  
designed for or employed in general highway transportation,  
well-drilling machinery, ditch-digging machinery, farm machinery,  
trailers that are used to transport agricultural produce or  
agricultural production materials between a local place of storage  
or supply and the farm when drawn or towed on a public road or  
highway at a speed of twenty-five miles per hour or less,  
threshing machinery, hay-baling machinery, corn sheller,  
hammermill and agricultural tractors, machinery used in the  
production of horticultural, agricultural, and vegetable products,  
and trailers that are designed and used exclusively to transport a  
boat between a place of storage and a marina, or in and around a  
marina, when drawn or towed on a public road or highway for a  
distance of no more than ten miles and at a speed of twenty-five

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miles per hour or less.

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(C) "Agricultural tractor" and "traction engine" mean any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.

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(D) "Commercial tractor," except as defined in division (C) of this section, means any motor vehicle that has motive power and either is designed or used for drawing other motor vehicles, or is designed or used for drawing another motor vehicle while carrying a portion of the other motor vehicle or its load, or both.

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(E) "Passenger car" means any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.

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(F) "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

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(G) "Historical motor vehicle" means any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours,

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parades, and similar uses, but that in no event is used for  
general transportation.

(H) "Noncommercial motor vehicle" means any motor vehicle,  
including a farm truck as defined in section 4503.04 of the  
Revised Code, that is designed by the manufacturer to carry a load  
of no more than one ton and is used exclusively for purposes other  
than engaging in business for profit.

(I) "Bus" means any motor vehicle that has motor power and is  
designed and used for carrying more than nine passengers, except  
any motor vehicle that is designed and used for carrying not more  
than fifteen passengers in a ridesharing arrangement.

(J) "Commercial car" or "truck" means any motor vehicle that  
has motor power and is designed and used for carrying merchandise  
or freight, or that is used as a commercial tractor.

(K) "Bicycle" means every device, other than a tricycle that  
is designed solely for use as a play vehicle by a child, that is  
propelled solely by human power upon which any person may ride,  
and that has either two tandem wheels, or one wheel in front and  
two wheels in the rear, any of which is more than fourteen inches  
in diameter.

(L) "Motorized bicycle" means any vehicle that either has two  
tandem wheels or one wheel in the front and two wheels in the  
rear, that is capable of being pedaled, and that is equipped with  
a helper motor of not more than fifty cubic centimeters piston  
displacement that produces no more than one brake horsepower and  
is capable of propelling the vehicle at a speed of no greater than  
twenty miles per hour on a level surface.

(M) "Trailer" means any vehicle without motive power that is  
designed or used for carrying property or persons wholly on its  
own structure and for being drawn by a motor vehicle, and includes  
any such vehicle that is formed by or operated as a combination of



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a semitrailer and a vehicle of the dolly type such as that  
commonly known as a trailer dolly, a vehicle used to transport  
agricultural produce or agricultural production materials between  
a local place of storage or supply and the farm when drawn or  
towed on a public road or highway at a speed greater than  
twenty-five miles per hour, and a vehicle that is designed and  
used exclusively to transport a boat between a place of storage  
and a marina, or in and around a marina, when drawn or towed on a  
public road or highway for a distance of more than ten miles or at  
a speed of more than twenty-five miles per hour. "Trailer" does  
not include a manufactured home or travel trailer.

(N) "Noncommercial trailer" means any trailer, except a  
travel trailer or trailer that is used to transport a boat as  
described in division (B) of this section, but, where applicable,  
includes a vehicle that is used to transport a boat as described  
in division (M) of this section, that has a gross weight of no  
more than three thousand pounds, and that is used exclusively for  
purposes other than engaging in business for a profit.

(O) "Mobile home" means a building unit or assembly of closed  
construction that is fabricated in an off-site facility, is more  
than thirty-five body feet in length or, when erected on site, is  
three hundred twenty or more square feet, is built on a permanent  
chassis, is transportable in one or more sections, and does not  
qualify as a manufactured home as defined in division (C)(4) of  
section 3781.06 of the Revised Code or as an industrialized unit  
as defined in division (C)(3) of section 3781.06 of the Revised  
Code.

(P) "Semitrailer" means any vehicle of the trailer type that  
does not have motive power and is so designed or used with another  
and separate motor vehicle that in operation a part of its own  
weight or that of its load, or both, rests upon and is carried by  
the other vehicle furnishing the motive power for propelling

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itself and the vehicle referred to in this division, and includes, 10032  
for the purpose only of registration and taxation under those 10033  
chapters, any vehicle of the dolly type, such as a trailer dolly, 10034  
that is designed or used for the conversion of a semitrailer into 10035  
a trailer. 10036

(Q) "Recreational vehicle" means a vehicular portable 10037  
structure that meets all of the following conditions: 10038

(1) It is designed for the sole purpose of recreational 10039  
travel. 10040

(2) It is not used for the purpose of engaging in business 10041  
for profit. 10042

(3) It is not used for the purpose of engaging in intrastate 10043  
commerce. 10044

(4) It is not used for the purpose of commerce as defined in 10045  
49 C.F.R. 383.5, as amended. 10046

(5) It is not regulated by the public utilities commission 10047  
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 10048

(6) It is classed as one of the following: 10049

(a) "Travel trailer" means a nonself-propelled recreational 10050  
vehicle that does not exceed an overall length of thirty-five 10051  
feet, exclusive of bumper and tongue or coupling, and contains 10052  
less than three hundred twenty square feet of space when erected 10053  
on site. "Travel trailer" includes a tent-type fold-out camping 10054  
trailer as defined in section 4517.01 of the Revised Code. 10055

(b) "Motor home" means a self-propelled recreational vehicle 10056  
that has no fifth wheel and is constructed with permanently 10057  
installed facilities for cold storage, cooking and consuming of 10058  
food, and for sleeping. 10059

(c) "Truck camper" means a nonself-propelled recreational 10060  
vehicle that does not have wheels for road use and is designed to 10061

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be placed upon and attached to a motor vehicle. "Truck camper" 10062  
does not include truck covers that consist of walls and a roof, 10063  
but do not have floors and facilities enabling them to be used as 10064  
a dwelling. 10065

(d) "Fifth wheel trailer" means a vehicle that is of such 10066  
size and weight as to be movable without a special highway permit, 10067  
that has a gross trailer area of four hundred square feet or less, 10068  
that is constructed with a raised forward section that allows a 10069  
bi-level floor plan, and that is designed to be towed by a vehicle 10070  
equipped with a fifth-wheel hitch ordinarily installed in the bed 10071  
of a truck. 10072

(e) "Park trailer" means a vehicle that is commonly known as 10073  
a park model recreational vehicle, meets the American national 10074  
standard institute standard A119.5 (1988) for park trailers, is 10075  
built on a single chassis, has a gross trailer area of four 10076  
hundred square feet or less when set up, is designed for seasonal 10077  
or temporary living quarters, and may be connected to utilities 10078  
necessary for the operation of installed features and appliances. 10079

(R) "Pneumatic tires" means tires of rubber and fabric or 10080  
tires of similar material, that are inflated with air. 10081

(S) "Solid tires" means tires of rubber or similar elastic 10082  
material that are not dependent upon confined air for support of 10083  
the load. 10084

(T) "Solid tire vehicle" means any vehicle that is equipped 10085  
with two or more solid tires. 10086

(U) "Farm machinery" means all machines and tools that are 10087  
used in the production, harvesting, and care of farm products, and 10088  
includes trailers that are used to transport agricultural produce 10089  
or agricultural production materials between a local place of 10090  
storage or supply and the farm when drawn or towed on a public 10091  
road or highway at a speed of twenty-five miles per hour or less. 10092

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(V) "Owner" includes any person, firm, or corporation other than a manufacturer or dealer that has title to a motor vehicle, except that in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers.

(W) "Manufacturer" and "dealer" include all persons, firms, and corporations that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand persons at the last federal census, even though a department in a place of business is used to dismantle, salvage, or rebuild motor vehicles by means of used parts, if such departments are operated for the purpose of furthering and assisting in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. Places of business or departments in a place of business used to dismantle, salvage, or rebuild motor vehicles by means of using used parts are not considered as being maintained for the purpose of assisting or furthering the manufacturing, selling, displaying, and offering for sale or dealing in motor vehicles.

(X) "Operator" includes any person who drives or operates a motor vehicle upon the public highways.

(Y) "Chauffeur" means any operator who operates a motor

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vehicle, other than a taxicab, as an employee for hire; or any operator whether or not the owner of a motor vehicle, other than a taxicab, who operates such vehicle for transporting, for gain, compensation, or profit, either persons or property owned by another. Any operator of a motor vehicle who is voluntarily involved in a ridesharing arrangement is not considered an employee for hire or operating such vehicle for gain, compensation, or profit.

(Z) "State" includes the territories and federal districts of the United States, and the provinces of Canada.

(AA) "Public roads and highways" for vehicles includes all public thoroughfares, bridges, and culverts.

(BB) "Manufacturer's number" means the manufacturer's original serial number that is affixed to or imprinted upon the chassis or other part of the motor vehicle.

(CC) "Motor number" means the manufacturer's original number that is affixed to or imprinted upon the engine or motor of the vehicle.

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(FF) "Apportionable vehicle" means any vehicle that is used

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or intended for use in two or more international registration plan 10156  
member jurisdictions that allocate or proportionally register 10157  
vehicles, that is used for the transportation of persons for hire 10158  
or designed, used, or maintained primarily for the transportation 10159  
of property, and that meets any of the following qualifications: 10160

(1) Is a power unit having a gross vehicle weight in excess 10161  
of twenty-six thousand pounds; 10162

(2) Is a power unit having three or more axles, regardless of 10163  
the gross vehicle weight; 10164

(3) Is a combination vehicle with a gross vehicle weight in 10165  
excess of twenty-six thousand pounds. 10166

"Apportionable vehicle" does not include recreational 10167  
vehicles, vehicles displaying restricted plates, city pick-up and 10168  
delivery vehicles, buses used for the transportation of chartered 10169  
parties, or vehicles owned and operated by the United States, this 10170  
state, or any political subdivisions thereof. 10171

(GG) "Chartered party" means a group of persons who contract 10172  
as a group to acquire the exclusive use of a passenger-carrying 10173  
motor vehicle at a fixed charge for the vehicle in accordance with 10174  
the carrier's tariff, lawfully on file with the United States 10175  
department of transportation, for the purpose of group travel to a 10176  
specified destination or for a particular itinerary, either agreed 10177  
upon in advance or modified by the chartered group after having 10178  
left the place of origin. 10179

(HH) "International registration plan" means a reciprocal 10180  
agreement of member jurisdictions that is endorsed by the American 10181  
association of motor vehicle administrators, and that promotes and 10182  
encourages the fullest possible use of the highway system by 10183  
authorizing apportioned registration of fleets of vehicles and 10184  
recognizing registration of vehicles apportioned in member 10185  
jurisdictions. 10186

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(II) "Restricted plate" means a license plate that has a restriction of time, geographic area, mileage, or commodity, and includes license plates issued to farm trucks under division (K) of section 4503.04 of the Revised Code.

(JJ) "Gross vehicle weight," with regard to any commercial car, trailer, semitrailer, or bus that is taxed at the rates established under section 4503.042 of the Revised Code, means the unladen weight of the vehicle fully equipped plus the maximum weight of the load to be carried on the vehicle.

(KK) "Combined gross vehicle weight" with regard to any combination of a commercial car, trailer, and semitrailer, that is taxed at the rates established under section 4503.042 of the Revised Code, means the total unladen weight of the combination of vehicles fully equipped plus the maximum weight of the load to be carried on that combination of vehicles.

(LL) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

(MM) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

(NN) "Acquired situs," with respect to a manufactured home or a mobile home, means to become located in this state by the placement of the home on real property, but does not include the

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placement of a manufactured home or a mobile home in the inventory 10218  
of a new motor vehicle dealer or the inventory of a manufacturer, 10219  
remanufacturer, or distributor of manufactured or mobile homes. 10220

(OO) "Electronic" includes electrical, digital, magnetic, 10221  
optical, electromagnetic, or any other form of technology that 10222  
entails capabilities similar to these technologies. 10223

(PP) "Electronic record" means a record generated, 10224  
communicated, received, or stored by electronic means for use in 10225  
an information system or for transmission from one information 10226  
system to another. 10227

(QQ) "Electronic signature" means a signature in electronic 10228  
form attached to or logically associated with an electronic 10229  
record. 10230

(RR) "Financial transaction device" has the same meaning as 10231  
in division (A) of section 113.40 of the Revised Code. 10232

(SS) "Limited driving privileges" means the privilege to 10233  
operate a motor vehicle that a court grants under section 4510.021 10234  
of the Revised Code to a person whose driver's or commercial 10235  
driver's license or permit or nonresident operating privilege has 10236  
been suspended. 10237

**Sec. 4501.022.** (A) The registrar of motor vehicles shall 10238  
determine the necessary or appropriate method by which written 10239  
notice of an order ~~revoking or~~ suspending a motor vehicle driver's 10240  
or commercial driver's license or requiring the surrender of a 10241  
certificate of registration and registration plates may be 10242  
provided to the person holding the license or the certificate of 10243  
registration and registration plates. Division (A) of this section 10244  
does not apply if the registrar is required to provide 10245  
notification by use of a method specified by law. 10246

(B) Pursuant to rules adopted by the registrar, the bureau of 10247



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motor vehicles shall implement proof of mailing procedures to 10248  
provide verification that written notice of an order ~~revoking or~~ 10249  
suspending a motor vehicle driver's or commercial driver's license 10250  
or requiring the surrender of a certificate of registration and 10251  
registration plates was sent to the person holding the license or 10252  
the certificate of registration and registration plates. 10253

**Sec. 4501.17.** There is hereby created in the state treasury 10254  
the ~~OMVI~~ OVI fines fund. The fund shall consist of fine money 10255  
received by the state highway patrol pursuant to ~~division (A) of~~ 10256  
section ~~4511.99~~ 4511.19 of the Revised Code, and shall be used by 10257  
the state highway patrol to enforce that section ~~4511.19 of the~~ 10258  
~~Revised Code~~ and to conduct programs to inform the public of the 10259  
dangers of, and laws governing, the operation of motor vehicles 10260  
while under the influence of alcohol. 10261

**Sec. 4501.19.** There is hereby created in the state treasury 10262  
the law enforcement reimbursement fund. The law enforcement 10263  
reimbursement fund shall consist of fees collected by the 10264  
registrar of motor vehicles under division (A)~~(6)~~(5) of section 10265  
4503.233 of the Revised Code, and shall be used to make payments 10266  
to law enforcement agencies in accordance with that division. 10267  
However, the director of budget and management may transfer excess 10268  
money from the law enforcement reimbursement fund to the bureau of 10269  
motor vehicles fund created in section 4501.25 of the Revised Code 10270  
if the registrar determines that the amount of money in the law 10271  
enforcement reimbursement fund exceeds the amounts required to be 10272  
paid by division (A)~~(6)~~(5) of section 4503.233 of the Revised 10273  
Code, and the registrar requests the director to make the 10274  
transfer. All investment earnings of the law enforcement 10275  
reimbursement fund shall be credited to the fund. 10276

**Sec. 4501.25.** There is hereby created in the state treasury 10277

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the state bureau of motor vehicles fund. The fund shall consist of 10278  
all money collected by the registrar of motor vehicles, including 10279  
taxes, fees, and fines levied, charged, or referred to in Chapters 10280  
4501., 4503., 4505., 4506., 4507., 4509., 4510., 4511., 4517., 10281  
4519., and 4521., and sections 3123.59, 2935.27, 2937.221, 10282  
4738.06, 4738.13, and 4738.18 of the Revised Code unless otherwise 10283  
designated by law. The fund shall be used to pay the expenses of 10284  
administering the law relative to the powers and duties of the 10285  
registrar of motor vehicles. All investment earnings of the fund 10286  
shall be retained by the fund. 10287

**Sec. ~~4507.25~~ 4501.34.** (A) The registrar of motor vehicles may 10288  
adopt and publish rules to govern ~~his~~ the registrar's proceedings. 10289  
All proceedings of the registrar shall be open to the public, and 10290  
all documents in ~~his~~ the registrar's possession ~~shall be~~ are 10291  
public records. ~~He~~ The registrar shall adopt a seal bearing the 10292  
inscription: "Motor Vehicle Registrar of Ohio." The seal shall be 10293  
affixed to all writs and authenticated copies of records, and, 10294  
when it has been so attached, ~~such~~ the copies shall be received in 10295  
evidence with the same effect as other public records. All courts 10296  
shall take judicial notice of the seal. 10297

(B) Upon the request of any person accompanied by a 10298  
nonrefundable fee of two dollars per name, the registrar may 10299  
furnish lists of names and addresses as they appear upon the 10300  
applications for driver's licenses, provided that any further 10301  
information contained in the applications shall not be disclosed. 10302  
~~All~~ The registrar shall pay all the fees collected ~~shall be paid~~ 10303  
~~by the registrar~~ into the state treasury to the credit of the 10304  
state bureau of motor vehicles fund established in section 4501.25 10305  
of the Revised Code. 10306

This division does not apply to the list of qualified driver 10307  
licensees required to be compiled and filed pursuant to section 10308

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2313.06 of the Revised Code.

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**Sec. ~~4507.26~~ 4501.35.** An order, except an order relating to a license as defined in section 119.01 of the Revised Code, made by the registrar of motor vehicles may be reversed, vacated, or modified by the court of common pleas of Franklin county, or by the court of common pleas in the county in which the party affected is a resident, or in which the matter complained of arose.

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**Sec. ~~4507.27~~ 4501.36.** A proceeding to obtain the reversal, vacation, or modification of an order of the registrar of motor vehicles shall be by appeal. Any party to the proceedings before the registrar shall file notice of which shall be filed the appeal in the court of common pleas on or before the expiration of thirty days from date of entry of ~~such the~~ order, ~~by any party to the proceedings before the registrar.~~ Such. The court shall set such the appeal for hearing and take such any testimony as is necessary to decide the matter. ~~At~~ The court shall give the registrar at least ten days' notice of the time and place of such the hearing shall be given to the registrar.

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**Sec. ~~4507.28~~ 4501.37.** No court may reverse, suspend, or delay any order made by the registrar of motor vehicles, or enjoin, restrain, or interfere with the registrar or a deputy registrar in the performance of official duties, except as provided in ~~sections 4507.01 to 4507.39, inclusive,~~ this chapter and Chapter 4507. or 4510. of the Revised Code.

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**Sec. ~~4507.29~~ 4501.38.** Upon the request of the registrar of motor vehicles, the prosecuting attorney of the county in which any proceedings are pending, shall aid in any investigation, prosecution, hearing, or trial ~~had held~~ under ~~sections 4507.01 to~~

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~~4507.39, this chapter or Chapter 4506., 4507., 4510., or 4511. of~~ 10338  
the Revised Code~~, and shall institute and prosecute such any~~ 10339  
actions or proceedings for the enforcement of ~~such the~~ sections 10340  
~~contained in those chapters,~~ and for the punishment of all 10341  
violations ~~thereof of those sections,~~ as the registrar directs. 10342

**Sec. 4503.033.** (A) Annually, on or before the thirty-first 10343  
day of January, every deputy registrar shall file with the 10344  
registrar of motor vehicles on a form prescribed by the registrar, 10345  
a statement disclosing all of the following: 10346

(1) The name of the person filing the statement, and, if 10347  
applicable, of his spouse and of members of his immediate family; 10348

(2) Any contribution made within the previous calendar year 10349  
by the person and, if applicable, by his spouse and by members of 10350  
his immediate family to each of the following: 10351

(a) Any political party; 10352

(b) Any candidate for the office of governor, attorney 10353  
general, secretary of state, treasurer of state, auditor of state, 10354  
member of the senate or house of representatives of the general 10355  
assembly, or to the campaign committee of any such candidate. 10356

(3) The month, day, and year in which the contribution was 10357  
made; 10358

(4) The full name and address of each person, political 10359  
party, or campaign committee to which a contribution was made; 10360

(5) The value in dollars and cents of the contribution. 10361

(B) No person shall knowingly fail to file, on or before the 10362  
filing deadline under this section, a statement that is required 10363  
by division (A) of this section. 10364

(C) No person shall knowingly make a false statement in a 10365  
statement that is required to be filed under division (A) of this 10366

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section. 10367

(D) On and after ~~the effective date of this amendment~~ March 10368  
2, 1994, the statement required by division (A) of this section 10369  
shall be accompanied by a filing fee of twenty-five dollars. If 10370  
the statement required by division (A) of this section is not 10371  
filed by the date on which it is required to be filed, the 10372  
registrar of motor vehicles shall assess a late filing fee as 10373  
prescribed in division (F) of section 102.02 of the Revised Code. 10374  
The registrar shall deposit all fees he receives under this 10375  
division into the general revenue fund of the state. 10376

(E) Not later than the date a deputy registrar is required to 10377  
file a statement under division (A) of this section, the deputy 10378  
registrar shall file a copy of the statement with the office of 10379  
the secretary of state. The secretary of state shall keep the 10380  
copies of all statements filed with his office under this division 10381  
only for the purpose of making them available for public 10382  
inspection. 10383

(F) Whoever violates division (B) of this section shall be 10384  
fined one thousand dollars. Whoever violates division (C) of this 10385  
section shall be fined ten thousand dollars. 10386

**Sec. 4503.05.** (A) No person shall use a motor vehicle 10387  
registered as a noncommercial motor vehicle ~~as defined in section~~ 10388  
~~4501.01 of the Revised Code~~ for other than the purposes set forth 10389  
in ~~that~~ section 4501.01 of the Revised Code. 10390

(B) Whoever violates this section is guilty of a misdemeanor 10391  
of the fourth degree. 10392

**Sec. 4503.061.** (A) All manufactured and mobile homes shall be 10393  
listed on either the real property tax list or the manufactured 10394  
home tax list of the county in which the home has situs. Each 10395  
owner shall follow the procedures in this section to identify the 10396

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home to the county auditor of the county containing the taxing 10397  
district in which the home has situs so that the auditor may place 10398  
the home on the appropriate tax list. 10399

(B) When a manufactured or mobile home first acquires situs 10400  
in this state and is subject to real property taxation pursuant to 10401  
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 10402  
owner shall present to the auditor of the county containing the 10403  
taxing district in which the home has its situs the certificate of 10404  
title for the home, together with proof that all taxes due have 10405  
been paid and proof that a relocation notice was obtained for the 10406  
home if required under this section. Upon receiving the 10407  
certificate of title and the required proofs, the auditor shall 10408  
place the home on the real property tax list and proceed to treat 10409  
the home as other properties on that list. After the auditor has 10410  
placed the home on the tax list of real and public utility 10411  
property, the auditor shall deliver the certificate of title to 10412  
the clerk of the court of common pleas that issued it pursuant to 10413  
section 4505.11 of the Revised Code, and the clerk shall 10414  
inactivate the certificate of title. 10415

(C)(1) When a manufactured or mobile home subject to a 10416  
manufactured home tax is relocated to or first acquires situs in 10417  
any county that has adopted a permanent manufactured home 10418  
registration system, as provided in division (F) of this section, 10419  
the owner, within thirty days after the home is relocated or first 10420  
acquires situs under section 4503.06 of the Revised Code, shall 10421  
register the home with the county auditor of the county containing 10422  
the taxing district in which the home has its situs. For the first 10423  
registration in each county of situs, the owner or vendee in 10424  
possession shall present to the county auditor an Ohio certificate 10425  
of title, certified copy of the certificate of title, or 10426  
memorandum certificate of title as such are required by law, and 10427  
proof, as required by the county auditor, that the home, if it has 10428

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previously been occupied and is being relocated, has been 10429  
previously registered, that all taxes due and required to be paid 10430  
under division (H)(1) of this section before a relocation notice 10431  
may be issued have been paid, and that a relocation notice was 10432  
obtained for the home if required by division (H) of this section. 10433  
If the owner or vendee does not possess the Ohio certificate of 10434  
title, certified copy of the certificate of title, or memorandum 10435  
certificate of title at the time the owner or vendee first 10436  
registers the home in a county, the county auditor shall register 10437  
the home without presentation of the document, but the owner or 10438  
vendee shall present the certificate of title, certified copy of 10439  
the certificate of title, or memorandum certificate of title to 10440  
the county auditor within fourteen days after the owner or vendee 10441  
obtains possession of the document. 10442

(2) When a manufactured or mobile home is registered for the 10443  
first time in a county and when the total tax due has been paid as 10444  
required by division (F) of section 4503.06 of the Revised Code or 10445  
divisions (E) and (H) of this section, the county treasurer shall 10446  
note by writing or by a stamp on the certificate of title, 10447  
certified copy of certificate of title, or memorandum certificate 10448  
of title that the home has been registered and that the taxes due, 10449  
if any, have been paid for the preceding five years and for the 10450  
current year. The treasurer shall then issue a certificate 10451  
evidencing registration and a decal to be displayed on the street 10452  
side of the home. Such certificate is valid in any county in this 10453  
state during the year for which it is issued. 10454

(3) For each year thereafter, the county treasurer shall 10455  
issue a tax bill stating the amount of tax due under section 10456  
4503.06 of the Revised Code, as provided in division (D)(6) of 10457  
that section. When the total tax due has been paid as required by 10458  
division (F) of section 4503.06 of the Revised Code, the county 10459  
treasurer shall issue a certificate evidencing registration that 10460

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shall be valid in any county in this state during the year for 10461  
which the certificate is issued. 10462

(4) The permanent decal issued under this division is valid 10463  
during the period of ownership, except that when a manufactured 10464  
home is relocated in another county the owner shall apply for a 10465  
new registration as required by this section and section 4503.06 10466  
of the Revised Code. 10467

(D)(1) All owners of manufactured or mobile homes subject to 10468  
the manufactured home tax being relocated to or having situs in a 10469  
county that has not adopted a permanent registration system, as 10470  
provided in division (F) of this section, shall register the home 10471  
within thirty days after the home is relocated or first acquires 10472  
situs under section 4503.06 of the Revised Code and thereafter 10473  
shall annually register the home with the county auditor of the 10474  
county containing the taxing district in which the home has its 10475  
situs. 10476

(2) Upon the annual registration, the county treasurer shall 10477  
issue a tax bill stating the amount of annual manufactured home 10478  
tax due under section 4503.06 of the Revised Code, as provided in 10479  
division (D)(6) of that section. When a manufactured or mobile 10480  
home is registered and when the tax for the current one-half year 10481  
has been paid as required by division (F) of section 4503.06 of 10482  
the Revised Code, the county treasurer shall issue a certificate 10483  
evidencing registration and a decal. Such certificate and decal 10484  
are valid in any county in this state during the year for which 10485  
they are issued. The decal shall be displayed on the street side 10486  
of the home. 10487

(3) For the first annual registration in each county of 10488  
situs, the county auditor shall require the owner or vendee to 10489  
present an Ohio certificate of title, certified copy of the 10490  
certificate of title, or memorandum certificate of title as such 10491  
are required by law, and proof, as required by the county auditor, 10492



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that the manufactured or mobile home has been previously 10493  
registered, if such registration was required, that all taxes due 10494  
and required to be paid under division (H)(1) of this section 10495  
before a relocation notice may be issued have been paid, and that 10496  
a relocation notice was obtained for the home if required by 10497  
division (H) of this section. If the owner or vendee does not 10498  
possess the Ohio certificate of title, certified copy of the 10499  
certificate of title, or memorandum certificate of title at the 10500  
time the owner or vendee first registers the home in a county, the 10501  
county auditor shall register the home without presentation of the 10502  
document, but the owner or vendee shall present the certificate of 10503  
title, certified copy of the certificate of title, or memorandum 10504  
certificate of title to the county auditor within fourteen days 10505  
after the owner or vendee obtains possession of the document. When 10506  
the county treasurer receives the tax payment, the county 10507  
treasurer shall note by writing or by a stamp on the certificate 10508  
of title, certified copy of the certificate of title, or 10509  
memorandum certificate of title that the home has been registered 10510  
for the current year and that the manufactured home taxes due, if 10511  
any, have been paid for the preceding five years and for the 10512  
current year. 10513

(4) For subsequent annual registrations, the auditor may 10514  
require the owner or vendee in possession to present an Ohio 10515  
certificate of title, certified copy of the certificate of title, 10516  
or memorandum certificate of title to the county treasurer upon 10517  
payment of the manufactured home tax that is due. 10518

(E)(1) Upon the application to transfer ownership of a 10519  
manufactured or mobile home for which manufactured home taxes are 10520  
paid pursuant to division (C) of section 4503.06 of the Revised 10521  
Code the clerk of the court of common pleas shall not issue any 10522  
certificate of title that does not contain or have attached both 10523  
of the following: 10524

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(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

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auditor of the county to which the home is relocated. The 10557  
transferee need not pay the annual tax for the year of acquisition 10558  
if the original owner has already paid the annual tax for that 10559  
year. 10560

(F) The county auditor may adopt a permanent registration 10561  
system and issue a permanent decal with the first registration as 10562  
prescribed by the tax commissioner. 10563

(G) When any manufactured or mobile home required to be 10564  
registered by this section is not registered, the county auditor 10565  
shall impose a penalty of one hundred dollars upon the owner and 10566  
deposit the amount to the credit of the county real estate 10567  
assessment fund to be used to pay the costs of administering this 10568  
section and section 4503.06 of the Revised Code. If unpaid, the 10569  
penalty shall constitute a lien on the home and shall be added by 10570  
the county auditor to the manufactured home tax list for 10571  
collection. 10572

(H)(1) Before moving a manufactured or mobile home on public 10573  
roads from one address within this state to another address within 10574  
or outside this state, the owner of the home shall obtain a 10575  
relocation notice, as provided by this section, from the auditor 10576  
of the county in which the home is located if the home is 10577  
currently subject to taxation pursuant to section 4503.06 of the 10578  
Revised Code. The auditor shall charge five dollars for the 10579  
notice, and deposit the amount to the credit of the county real 10580  
estate assessment fund to be used to pay the costs of 10581  
administering this section and section 4503.06 of the Revised 10582  
Code. The auditor shall not issue a relocation notice unless all 10583  
taxes owed on the home under section 4503.06 of the Revised Code 10584  
that were first charged to the home during the period of ownership 10585  
of the owner seeking the relocation notice have been paid. If the 10586  
home is being moved by a new owner of the home or by a party 10587  
taking repossession of the home, the auditor shall not issue a 10588

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relocation notice unless all of the taxes due for the preceding 10589  
five years and for the current year have been paid. A relocation 10590  
notice issued by a county auditor is valid until the last day of 10591  
December of the year in which it was issued. 10592

(2) If a manufactured or mobile home is not yet subject to 10593  
taxation under section 4503.06 of the Revised Code, the owner of 10594  
the home shall obtain a relocation notice from the dealer of the 10595  
home. Within thirty days after the manufactured or mobile home is 10596  
purchased, the dealer of the home shall provide the auditor of the 10597  
county in which the home is to be located written notice of the 10598  
name of the purchaser of the home, the registration number or 10599  
vehicle identification number of the home, and the address or 10600  
location to which the home is to be moved. The county auditor 10601  
shall provide to each manufactured and mobile home dealer, without 10602  
charge, a supply of relocation notices to be distributed to 10603  
purchasers pursuant to this section. 10604

(3) The notice shall be in the form of a one-foot square 10605  
yellow sign with the words "manufactured home relocation notice" 10606  
printed prominently on it. The name of the owner of the home, the 10607  
home's registration number or vehicle identification number, the 10608  
county and the address or location to which the home is being 10609  
moved, and the county in which the notice is issued shall also be 10610  
entered on the notice. 10611

(4) The relocation notice must be attached to the rear of the 10612  
home when the home is being moved on a public road. Except as 10613  
provided in division (H)(5) of this section, no person shall drive 10614  
a motor vehicle moving a manufactured or mobile home on a public 10615  
road from one address to another address within this state unless 10616  
a relocation notice is attached to the rear of the home. 10617

(5) If the county auditor determines that a manufactured or 10618  
mobile home has been moved without a relocation notice as required 10619  
under this division, the auditor shall impose a penalty of one 10620

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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  
with the county auditor of the county in which the home is  
located. An application for reduction in assessable value based  
upon a physical disability shall be accompanied by a certificate  
signed by a physician, and an application for reduction in  
assessable value based upon a mental disability shall be  
accompanied by a certificate signed by a physician or psychologist

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licensed to practice in this state. The certificate shall attest 10653  
to the fact that the applicant is permanently and totally 10654  
disabled, shall be in a form that the department of taxation 10655  
requires, and shall include the definition of totally and 10656  
permanently disabled as set forth in section 4503.064 of the 10657  
Revised Code. An application for reduction in assessable value 10658  
based upon a disability certified as permanent and total by a 10659  
state or federal agency having the function of so classifying 10660  
persons shall be accompanied by a certificate from that agency. 10661

(2) Each application shall constitute a continuing 10662  
application for a reduction in assessable value for each year in 10663  
which the manufactured or mobile home is occupied by the applicant 10664  
and in which the amount of the reduction in assessable value does 10665  
not exceed either the amount or per cent of the reduction for the 10666  
year in which the application was first filed. Failure to receive 10667  
a new application or notification under division (B) of this 10668  
section after a certificate of reduction has been issued under 10669  
section 4503.067 of the Revised Code is prima-facie evidence that 10670  
the original applicant is entitled to the reduction in assessable 10671  
value calculated on the basis of the information contained in the 10672  
original application. The original application and any subsequent 10673  
application shall be in the form of a signed statement and shall 10674  
be filed not later than the first Monday in June. The statement 10675  
shall be on a form, devised and supplied by the tax commissioner, 10676  
that shall require no more information than is necessary to 10677  
establish the applicant's eligibility for the reduction in 10678  
assessable value and the amount of the reduction to which the 10679  
applicant is entitled. The form shall contain a statement that 10680  
signing such application constitutes a delegation of authority by 10681  
the applicant to the county auditor to examine any financial 10682  
records that relate to income earned by the applicant as stated on 10683  
the application for the purpose of determining eligibility under, 10684

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or possible violation of, division (C) or (D) of this section. The  
form also shall contain a statement that conviction of willfully  
falsifying information to obtain a reduction in assessable value  
or failing to comply with division (B) of this section shall  
result in the revocation of the right to the reduction for a  
period of three years.

(3) A late application for a reduction in assessable value  
for the year preceding the year for which an original application  
is filed may be filed with an original application. If the auditor  
determines that the information contained in the late application  
is correct, the auditor shall determine both the amount of the  
reduction in assessable value to which the applicant would have  
been entitled for the current tax year had the application been  
timely filed and approved in the preceding year, and the amount  
the taxes levied under section 4503.06 of the Revised Code for the  
current year would have been reduced as a result of the reduction  
in assessable value. When an applicant is permanently and totally  
disabled on the first day of January of the year in which the  
applicant files a late application, the auditor, in making the  
determination of the amounts of the reduction in assessable value  
and taxes under division (A)(3) of this section, is not required  
to determine that the applicant was permanently and totally  
disabled on the first day of January of the preceding year.

The amount of the reduction in taxes pursuant to a late  
application shall be treated as an overpayment of taxes by the  
applicant. The auditor shall credit the amount of the overpayment  
against the amount of the taxes or penalties then due from the  
applicant, and, at the next succeeding settlement, the amount of  
the credit shall be deducted from the amount of any taxes or  
penalties distributable to the county or any taxing unit in the  
county that has received the benefit of the taxes or penalties

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previously overpaid, in proportion to the benefits previously  
received. If, after the credit has been made, there remains a  
balance of the overpayment, or if there are no taxes or penalties  
due from the applicant, the auditor shall refund that balance to  
the applicant by a warrant drawn on the county treasurer in favor  
of the applicant. The treasurer shall pay the warrant from the  
general fund of the county. If there is insufficient money in the  
general fund to make the payment, the treasurer shall pay the  
warrant out of any undivided manufactured or mobile home taxes  
subsequently received by the treasurer for distribution to the  
county or taxing district in the county that received the benefit  
of the overpaid taxes, in proportion to the benefits previously  
received, and the amount paid from the undivided funds shall be  
deducted from the money otherwise distributable to the county or  
taxing district in the county at the next or any succeeding  
distribution. At the next or any succeeding distribution after  
making the refund, the treasurer shall reimburse the general fund  
for any payment made from that fund by deducting the amount of  
that payment from the money distributable to the county or other  
taxing unit in the county that has received the benefit of the  
taxes, in proportion to the benefits previously received. On the  
second Monday in September of each year, the county auditor shall  
certify the total amount of the reductions in taxes made in the  
current year under division (A)(3) of this section to the tax  
commissioner who shall treat that amount as a reduction in taxes  
for the current tax year and shall make reimbursement to the  
county of that amount in the manner prescribed in section 4503.068  
of the Revised Code, from moneys appropriated for that purpose.

(B) If in any year after an application has been filed under  
division (A) of this section the owner no longer qualifies for the  
reduction in assessable value for which the owner was issued a  
certificate or qualifies for a reduction that is less than either



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the per cent or amount of the reduction to which the owner was 10749  
entitled in the year the application was filed, the owner shall 10750  
notify the county auditor that the owner is not qualified for a 10751  
reduction in the assessable value of the home or file a new 10752  
application under division (A) of this section. 10753

During January of each year, the county auditor shall furnish 10754  
each person issued a certificate of reduction in value, by 10755  
ordinary mail, a form on which to report any changes in total 10756  
income that would have the effect of increasing or decreasing the 10757  
reduction to which the person is entitled, changes in ownership of 10758  
the home, including changes in or revocation of a revocable inter 10759  
vivos trust, changes in disability, and other changes in the 10760  
information earlier furnished the auditor relative to the 10761  
application. The form shall be completed and returned to the 10762  
auditor not later than the first Monday in June if the changes 10763  
would affect the level of reduction in assessable value. 10764

(C) No person shall knowingly make a false statement for the 10765  
purpose of obtaining a reduction in assessable value under section 10766  
4503.065 of the Revised Code. 10767

(D) No person shall knowingly fail to notify the county 10768  
auditor of any change required by division (B) of this section 10769  
that has the effect of maintaining or securing a reduction in 10770  
assessable value of the home in excess of the reduction allowed 10771  
under section 4503.065 of the Revised Code. 10772

(E) No person shall knowingly make a false statement or 10773  
certification attesting to any person's physical or mental 10774  
condition for purposes of qualifying such person for tax relief 10775  
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 10776

(F) Whoever violates division (C), (D), or (E) of this 10777  
section is guilty of a misdemeanor of the fourth degree. 10778

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Sec. 4503.10. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff or chief of police of the municipal or township police with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times established by the registrar pursuant to section 4503.101 of the Revised Code. A motor vehicle owner also may elect to renew a motor vehicle registration by electronic means using electronic signature in accordance with rules adopted by the registrar. Except as provided in division (J) of this section, applications for registration shall be made on blanks furnished by the registrar for that purpose, containing the following information:

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- (1) A brief description of the motor vehicle to be registered, including the name of the manufacturer, the factory number of the vehicle, the year's model, and, in the case of commercial cars, the gross weight of the vehicle fully equipped computed in the manner prescribed in section 4503.08 of the Revised Code;
- (2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides;
- (3) The district of registration, which shall be determined as follows:
- (a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.
- (b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.
- (4) Whether the motor vehicle is a new or used motor vehicle;
- (5) The date of purchase of the motor vehicle;
- (6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to renew the motor vehicle registration with the registrar by electronic

means, the owner's manual signature is not required. 10843

(7) The owner's social security number, if assigned, or, 10844  
where a motor vehicle to be registered is used for hire or 10845  
principally in connection with any established business, the 10846  
owner's federal taxpayer identification number. 10847

(B) Each time the applicant first registers a motor vehicle 10848  
in the applicant's name, the applicant shall present for 10849  
inspection a certificate of title or a memorandum certificate 10850  
showing title to the motor vehicle to be registered in the 10851  
applicant. When a motor vehicle inspection and maintenance program 10852  
is in effect under section 3704.14 of the Revised Code and rules 10853  
adopted under it, each application for registration for a vehicle 10854  
required to be inspected under that section and those rules shall 10855  
be accompanied by an inspection certificate for the motor vehicle 10856  
issued in accordance with that section. The application shall be 10857  
refused if any of the following applies: 10858

(1) The application is not in proper form. 10859

(2) The application is prohibited from being accepted by 10860  
division (D) of section 2935.27, division (A) of section 2937.221, 10861  
division (A) of section 4503.13, division (B) of section ~~4507.168~~ 10862  
4510.22, or division (B)(1) of section 4521.10 of the Revised 10863  
Code. 10864

(3) A certificate of title or memorandum certificate of title 10865  
does not accompany the application. 10866

(4) All registration and transfer fees for the motor vehicle, 10867  
for the preceding year or the preceding period of the current 10868  
registration year, have not been paid. 10869

(5) The owner or lessee does not have an inspection 10870  
certificate for the motor vehicle as provided in section 3704.14 10871  
of the Revised Code, and rules adopted under it, if that section 10872  
is applicable. 10873

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This section does not require the payment of license or 10874  
registration taxes on a motor vehicle for any preceding year, or 10875  
for any preceding period of a year, if the motor vehicle was not 10876  
taxable for that preceding year or period under sections 4503.02, 10877  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 10878  
Revised Code. When a certificate of registration is issued upon 10879  
the first registration of a motor vehicle by or on behalf of the 10880  
owner, the official issuing the certificate shall indicate the 10881  
issuance with a stamp on the certificate of title or memorandum 10882  
certificate and on the inspection certificate for the motor 10883  
vehicle, if any. The official also shall indicate, by a stamp or 10884  
by such other means as the registrar prescribes, on the 10885  
registration certificate issued upon the first registration of a 10886  
motor vehicle by or on behalf of the owner the odometer reading of 10887  
the motor vehicle as shown in the odometer statement included in 10888  
or attached to the certificate of title. Upon each subsequent 10889  
registration of the motor vehicle by or on behalf of the same 10890  
owner, the official also shall so indicate the odometer reading of 10891  
the motor vehicle as shown on the immediately preceding 10892  
certificate of registration. 10893

The registrar shall include in the permanent registration 10894  
record of any vehicle required to be inspected under section 10895  
3704.14 of the Revised Code the inspection certificate number from 10896  
the inspection certificate that is presented at the time of 10897  
registration of the vehicle as required under this division. 10898

(C) In addition, a charge of twenty-five cents shall be made 10899  
for each reflectorized safety license plate issued, and a single 10900  
charge of twenty-five cents shall be made for each county 10901  
identification sticker or each set of county identification 10902  
stickers issued, as the case may be, to cover the cost of 10903  
producing the license plates and stickers, including material, 10904  
manufacturing, and administrative costs. Those fees shall be in 10905

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addition to the license tax. If the total cost of producing the plates is less than twenty-five cents per plate, or if the total cost of producing the stickers is less than twenty-five cents per sticker or per set issued, any excess moneys accruing from the fees shall be distributed in the same manner as provided by section 4501.04 of the Revised Code for the distribution of license tax moneys. If the total cost of producing the plates exceeds twenty-five cents per plate, or if the total cost of producing the stickers exceeds twenty-five cents per sticker or per set issued, the difference shall be paid from the license tax moneys collected pursuant to section 4503.02 of the Revised Code.

(D) Each deputy registrar shall be allowed a fee of two dollars and twenty-five cents for each application for registration and registration renewal notice the deputy registrar receives, which shall be for the purpose of compensating the deputy registrar for the deputy registrar's services, and such office and rental expenses, as may be necessary for the proper discharge of the deputy registrar's duties in the receiving of applications and renewal notices and the issuing of licenses.

(E) Upon the certification of the registrar, the county sheriff or local police officials shall recover license plates erroneously or fraudulently issued.

(F) Each deputy registrar, upon receipt of any application for registration or registration renewal notice, together with the license fee and any local motor vehicle license tax levied pursuant to Chapter 4504. of the Revised Code, shall transmit that fee and tax, if any, in the manner provided in this section, together with the original and duplicate copy of the application, to the registrar. The registrar, subject to the approval of the director of public safety, may deposit the funds collected by those deputies in a local bank or depository to the credit of the "state of Ohio, bureau of motor vehicles." Where a local bank or

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depository has been designated by the registrar, each deputy registrar shall deposit all moneys collected by the deputy registrar into that bank or depository not more than one business day after their collection and shall make reports to the registrar of the amounts so deposited, together with any other information, some of which may be prescribed by the treasurer of state, as the registrar may require and as prescribed by the registrar by rule. The registrar, within three days after receipt of notification of the deposit of funds by a deputy registrar in a local bank or depository, shall draw on that account in favor of the treasurer of state. The registrar, subject to the approval of the director and the treasurer of state, may make reasonable rules necessary for the prompt transmittal of fees and for safeguarding the interests of the state and of counties, townships, municipal corporations, and transportation improvement districts levying local motor vehicle license taxes. The registrar may pay service charges usually collected by banks and depositories for such service. If deputy registrars are located in communities where banking facilities are not available, they shall transmit the fees forthwith, by money order or otherwise, as the registrar, by rule approved by the director and the treasurer of state, may prescribe. The registrar may pay the usual and customary fees for such service.

(G) This section does not prevent any person from making an application for a motor vehicle license directly to the registrar by mail, by electronic means, or in person at any of the registrar's offices, upon payment of a service fee of two dollars and twenty-five cents for each application.

(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that

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section. 10970

(I)(1) Where applicable, the requirements of division (B) of 10971  
this section relating to the presentation of an inspection 10972  
certificate issued under section 3704.14 of the Revised Code and 10973  
rules adopted under it for a motor vehicle, the refusal of a 10974  
license for failure to present an inspection certificate, and the 10975  
stamping of the inspection certificate by the official issuing the 10976  
certificate of registration apply to the registration of and 10977  
issuance of license plates for a motor vehicle under sections 10978  
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 10979  
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 10980  
4503.47, and 4503.51 of the Revised Code. 10981

(2)(a) The registrar shall adopt rules ensuring that each 10982  
owner registering a motor vehicle in a county where a motor 10983  
vehicle inspection and maintenance program is in effect under 10984  
section 3704.14 of the Revised Code and rules adopted under it 10985  
receives information about the requirements established in that 10986  
section and those rules and about the need in those counties to 10987  
present an inspection certificate with an application for 10988  
registration or preregistration. 10989

(b) Upon request, the registrar shall provide the director of 10990  
environmental protection, or any person that has been awarded a 10991  
contract under division (D) of section 3704.14 of the Revised 10992  
Code, an on-line computer data link to registration information 10993  
for all passenger cars, noncommercial motor vehicles, and 10994  
commercial cars that are subject to that section. The registrar 10995  
also shall provide to the director of environmental protection a 10996  
magnetic data tape containing registration information regarding 10997  
passenger cars, noncommercial motor vehicles, and commercial cars 10998  
for which a multi-year registration is in effect under section 10999  
4503.103 of the Revised Code or rules adopted under it, including, 11000  
without limitation, the date of issuance of the multi-year 11001



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registration, the registration deadline established under rules 11002  
adopted under section 4503.101 of the Revised Code that was 11003  
applicable in the year in which the multi-year registration was 11004  
issued, and the registration deadline for renewal of the 11005  
multi-year registration. 11006

(J) Application for registration under the international 11007  
registration plan, as set forth in sections 4503.60 to 4503.66 of 11008  
the Revised Code, shall be made to the registrar on forms 11009  
furnished by the registrar. In accordance with international 11010  
registration plan guidelines and pursuant to rules adopted by the 11011  
registrar, the forms shall include the following: 11012

(1) A uniform mileage schedule; 11013

(2) The gross vehicle weight of the vehicle or combined gross 11014  
vehicle weight of the combination vehicle as declared by the 11015  
registrant; 11016

(3) Any other information the registrar requires by rule. 11017

**Sec. 4503.102.** (A) The registrar of motor vehicles shall 11018  
adopt rules to establish a centralized system of motor vehicle 11019  
registration renewal by mail or by electronic means. Any person 11020  
owning a motor vehicle that was registered in the person's name 11021  
during the preceding registration year shall renew the 11022  
registration of the motor vehicle not more than ninety days prior 11023  
to the expiration date of the registration either by mail or by 11024  
electronic means through the centralized system of registration 11025  
established under this section, or in person at any office of the 11026  
registrar or at a deputy registrar's office. 11027

(B)(1) No less than forty-five days prior to the expiration 11028  
date of any motor vehicle registration, the registrar shall mail a 11029  
renewal notice to the person in whose name the motor vehicle is 11030  
registered. The renewal notice shall clearly state that the 11031

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registration of the motor vehicle may be renewed by mail or 11032  
electronic means through the centralized system of registration or 11033  
in person at any office of the registrar or at a deputy 11034  
registrar's office and shall be preprinted with information 11035  
including, but not limited to, the owner's name and residence 11036  
address as shown in the records of the bureau of motor vehicles, a 11037  
brief description of the motor vehicle to be registered, notice of 11038  
the license taxes and fees due on the motor vehicle, the toll-free 11039  
telephone number of the registrar as required under division 11040  
(D)(1) of section 4503.031 of the Revised Code, and any additional 11041  
information the registrar may require by rule. The renewal notice 11042  
shall be sent by regular mail to the owner's last known address as 11043  
shown in the records of the bureau of motor vehicles. 11044

(2) If the application for renewal of the registration of a 11045  
motor vehicle is prohibited from being accepted by the registrar 11046  
or a deputy registrar by division (D) of section 2935.27, division 11047  
(A) of section 2937.221, division (A) of section 4503.13, division 11048  
(B) of section ~~4507.168~~ 4510.22, or division (B)(1) of section 11049  
4521.10 of the Revised Code, the registrar is not required to send 11050  
a renewal notice to the vehicle owner or vehicle lessee. 11051

(C) The owner of the motor vehicle shall verify the 11052  
information contained in the notice, sign it either manually or by 11053  
electronic means, and return it, either by mail or electronic 11054  
means, or the owner may take it in person to any office of the 11055  
registrar or of a deputy registrar, together with a financial 11056  
transaction device number, when permitted by rule of the 11057  
registrar, check, or money order in the amount of the registration 11058  
taxes and fees payable on the motor vehicle and a mail fee of two 11059  
dollars and twenty-five cents plus postage as indicated on the 11060  
notice, if the registration is renewed by mail, and an inspection 11061  
certificate for the motor vehicle as provided in section 3704.14 11062  
of the Revised Code. If the motor vehicle owner chooses to renew 11063

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the motor vehicle registration by electronic means, the owner 11064  
shall proceed in accordance with the rules the registrar adopts. 11065

(D) If all registration and transfer fees for the motor 11066  
vehicle for the preceding year or the preceding period of the 11067  
current registration year have not been paid, if division (D) of 11068  
section 2935.27, division (A) of section 2937.221, division (A) of 11069  
section 4503.13, division (B) of section ~~4507.168~~ 4510.22, or 11070  
division (B)(1) of section 4521.10 of the Revised Code prohibits 11071  
acceptance of the renewal notice, or if the owner or lessee does 11072  
not have an inspection certificate for the motor vehicle as 11073  
provided in section 3704.14 of the Revised Code, if that section 11074  
is applicable, the license shall be refused, and the registrar or 11075  
deputy registrar shall so notify the owner. This section does not 11076  
require the payment of license or registration taxes on a motor 11077  
vehicle for any preceding year, or for any preceding period of a 11078  
year, if the motor vehicle was not taxable for that preceding year 11079  
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 11080  
4503.16 or Chapter 4504. of the Revised Code. 11081

(E)(1) Failure to receive a renewal notice does not relieve a 11082  
motor vehicle owner from the responsibility to renew the 11083  
registration for the motor vehicle. Any person who has a motor 11084  
vehicle registered in this state and who does not receive a 11085  
renewal notice as provided in division (B) of this section prior 11086  
to the expiration date of the registration shall request an 11087  
application for registration from the registrar or a deputy 11088  
registrar and sign the application manually or by electronic means 11089  
and submit the application and pay any applicable license taxes 11090  
and fees to the registrar or deputy registrar. 11091

(2) If the owner of a motor vehicle submits an application 11092  
for registration and the registrar is prohibited by division (D) 11093  
of section 2935.27, division (A) of section 2937.221, division (A) 11094  
of section 4503.13, division (B) of section ~~4507.168~~ 4510.22, or 11095

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division (B)(1) of section 4521.10 of the Revised Code from 11096  
accepting the application, the registrar shall return the 11097  
application and the payment to the owner. If the owner of a motor 11098  
vehicle submits a registration renewal application to the 11099  
registrar by electronic means and the registrar is prohibited from 11100  
accepting the application as provided in this division, the 11101  
registrar shall notify the owner of this fact and deny the 11102  
application and return the payment or give a credit on the 11103  
financial transaction device account of the owner in the manner 11104  
the registrar prescribes by rule adopted pursuant to division (A) 11105  
of this section. 11106

(F) Every deputy registrar shall post in a prominent place at 11107  
the deputy's office a notice informing the public of the mail 11108  
registration system required by this section and also shall post a 11109  
notice that every owner of a motor vehicle and every chauffeur 11110  
holding a certificate of registration is required to notify the 11111  
registrar in writing of any change of residence within ten days 11112  
after the change occurs. The notice shall be in such form as the 11113  
registrar prescribes by rule. 11114

(G) The two dollars and twenty-five cents fee, plus postage 11115  
and any financial transaction device surcharge collected by the 11116  
registrar for registration by mail, shall be paid to the credit of 11117  
the state bureau of motor vehicles fund established by section 11118  
4501.25 of the Revised Code. 11119

(H) Pursuant to section 113.40 of the Revised Code, the 11120  
registrar may implement a program permitting payment of motor 11121  
vehicle registration taxes and fees, driver's license and 11122  
commercial driver's license fees, and any other taxes, fees, 11123  
penalties, or charges imposed or levied by the state by means of a 11124  
financial transaction device. The registrar may adopt rules as 11125  
necessary for this purpose. 11126

(I) For persons who reside in counties where tailpipe 11127

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emissions inspections are required under the motor vehicle 11128  
inspection and maintenance program, the notice required by 11129  
division (B) of this section shall also include the toll-free 11130  
telephone number maintained by the Ohio environmental protection 11131  
agency to provide information concerning the locations of 11132  
emissions testing centers. 11133

**Sec. 4503.11.** (A) Except as provided by sections 4503.103, 11134  
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 11135  
person who is the owner or chauffeur of a motor vehicle operated 11136  
or driven upon the public roads or highways shall fail to file 11137  
annually the application for registration or to pay the tax 11138  
therefor. 11139

(B) Except as provided by sections 4503.12 and 4503.16 of the 11140  
Revised Code, the taxes payable on all applications made under 11141  
sections 4503.10 and 4503.102 of the Revised Code shall be the sum 11142  
of the tax due under division (B)(1)(a) or (b) of this section 11143  
plus the tax due under division (B)(2)(a) or (b) of this section: 11144

(1)(a) If the application is made before the second month of 11145  
the current registration period to which the motor vehicle is 11146  
assigned as provided in section 4503.101 of the Revised Code, the 11147  
tax due is the full amount of the tax provided in section 4503.04 11148  
of the Revised Code; 11149

(b) If the application is made during or after the second 11150  
month of the current registration period to which the motor 11151  
vehicle is assigned as provided in section 4503.101 of the Revised 11152  
Code, and prior to the beginning of the next such registration 11153  
period, the amount of the tax provided in section 4503.04 of the 11154  
Revised Code shall be reduced by one-twelfth of the amount of such 11155  
tax, rounded upward to the nearest cent, multiplied by the number 11156  
of full months that have elapsed in the current registration 11157  
period. The resulting amount shall be rounded upward to the next 11158

highest dollar and shall be the amount of tax due. 11159

(2)(a) If the application is made before the sixth month of 11160  
the current registration period to which the motor vehicle is 11161  
assigned as provided in section 4503.101 of the Revised Code, the 11162  
amount of tax due is the full amount of local motor vehicle 11163  
license taxes levied under Chapter 4504. of the Revised Code; 11164

(b) If the application is made during or after the sixth 11165  
month of the current registration period to which the motor 11166  
vehicle is assigned as provided in section 4503.101 of the Revised 11167  
Code and prior to the beginning of the next such registration 11168  
period, the amount of tax due is one-half of the amount of local 11169  
motor vehicle license taxes levied under Chapter 4504. of the 11170  
Revised Code. 11171

(C) Whoever violates this section is guilty of a misdemeanor 11172  
of the fourth degree. 11173

**Sec. 4503.12.** (A) Upon the transfer of ownership of a motor 11174  
vehicle, the registration of the motor vehicle expires and the 11175  
original owner immediately shall remove the license plates from 11176  
the motor vehicle, except that: 11177

(A)(1) If a statutory merger or consolidation results in the 11178  
transfer of ownership of a motor vehicle from a constituent 11179  
corporation to the surviving corporation, or if the incorporation 11180  
of a proprietorship or partnership results in the transfer of 11181  
ownership of a motor vehicle from the proprietorship or 11182  
partnership to the corporation, the registration shall be 11183  
continued upon the filing by the surviving or new corporation, 11184  
within thirty days of such transfer, of an application for an 11185  
amended certificate of registration, unless such registration is 11186  
prohibited by division (D) of section 2935.27, division (A) of 11187  
section 2937.221, division (B) of section ~~4507.168~~ 4510.22, or 11188  
division (B)(1) of section 4521.10 of the Revised Code. The 11189

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application shall be accompanied by a service fee of two dollars 11190  
and twenty-five cents, a transfer fee of one dollar, and the 11191  
original certificate of registration. Upon a proper filing, the 11192  
registrar of motor vehicles shall issue an amended certificate of 11193  
registration in the name of the new owner. 11194

~~(B)~~(2) If the death of the owner of a motor vehicle results 11195  
in the transfer of ownership of the motor vehicle to the surviving 11196  
spouse of the owner or if a motor vehicle is owned by two persons 11197  
under joint ownership with right of survivorship established under 11198  
section 2106.17 of the Revised Code and one of those persons dies, 11199  
the registration shall be continued upon the filing by the 11200  
surviving spouse of an application for an amended certificate of 11201  
registration, unless such registration is prohibited by division 11202  
(D) of section 2935.27, division (A) of section 2937.221, division 11203  
(A) of section 4503.13, division (B) of section ~~4507.168~~ 4510.22, 11204  
or division (B)(1) of section 4521.10 of the Revised Code. The 11205  
application shall be accompanied by a service fee of two dollars 11206  
and twenty-five cents, a transfer fee of one dollar, the original 11207  
certificate of registration, and, in relation to a motor vehicle 11208  
that is owned by two persons under joint ownership with right of 11209  
survivorship established under section 2106.17 of the Revised 11210  
Code, by a copy of the certificate of title that specifies that 11211  
the vehicle is owned under joint ownership with right of 11212  
survivorship. Upon a proper filing, the registrar shall issue an 11213  
amended certificate of registration in the name of the surviving 11214  
spouse. 11215

~~(C)~~(3) If the original owner of a motor vehicle that has been 11216  
transferred makes application for the registration of another 11217  
motor vehicle at any time during the remainder of the registration 11218  
period for which the transferred motor vehicle was registered, the 11219  
owner, unless such registration is prohibited by division (D) of 11220  
section 2935.27, division (A) of section 2937.221, division (A) of 11221

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section 4503.13, division ~~(E)~~(D) of section 4503.234, division (B) 11222  
of section ~~4507.168~~ 4510.22, or division (B)(1) of section 4521.10 11223  
of the Revised Code, may file an application for transfer of the 11224  
registration and, where applicable, the license plates, 11225  
accompanied by a service fee of two dollars and twenty-five cents, 11226  
a transfer fee of one dollar, and the original certificate of 11227  
registration. The transfer of the registration and, where 11228  
applicable, the license plates from the motor vehicle for which 11229  
they originally were issued to a succeeding motor vehicle 11230  
purchased by the same person in whose name the original 11231  
registration and license plates were issued shall be done within a 11232  
period not to exceed thirty days. During that thirty-day period, 11233  
the license plates from the motor vehicle for which they 11234  
originally were issued may be displayed on the succeeding motor 11235  
vehicle, and the succeeding motor vehicle may be operated on the 11236  
public roads and highways in this state. 11237

At the time of application for transfer, the registrar shall 11238  
compute and collect the amount of tax due on the succeeding motor 11239  
vehicle, based upon the amount that would be due on a new 11240  
registration as of the date on which the transfer is made less a 11241  
credit for the unused portion of the original registration 11242  
beginning on that date. If the credit exceeds the amount of tax 11243  
due on the new registration, no refund shall be made. In computing 11244  
the amount of tax due and credits to be allowed under this 11245  
division, the provisions of division (B)(1)(a) and (b) of section 11246  
4503.11 of the Revised Code shall apply. As to passenger cars, 11247  
noncommercial vehicles, motor homes, and motorcycles, transfers 11248  
within or between these classes of motor vehicles only shall be 11249  
allowed. If the succeeding motor vehicle is of a different class 11250  
than the motor vehicle for which the registration originally was 11251  
issued, new license plates also shall be issued upon the surrender 11252  
of the license plates originally issued and payment of the fees 11253  
provided in divisions (C) and (D) of section 4503.10 of the 11254



Revised Code.

11255

~~(D)~~(4) The owner of a commercial car having a gross vehicle 11256  
weight or combined gross vehicle weight of more than ten thousand 11257  
pounds may transfer the registration of that commercial car to 11258  
another commercial car the owner owns without transferring 11259  
ownership of the first commercial car, unless registration of the 11260  
second commercial car is prohibited by division (D) of section 11261  
2935.27, division (A) of section 2937.221, division (A) of section 11262  
4503.13, division (B) of section ~~4507.168~~ 4510.22, or division 11263  
(B)(1) of section 4521.10 of the Revised Code. At any time during 11264  
the remainder of the registration period for which the first 11265  
commercial car was registered, the owner may file an application 11266  
for the transfer of the registration and, where applicable, the 11267  
license plates, accompanied by a service fee of two dollars and 11268  
twenty-five cents, a transfer fee of one dollar, and the 11269  
certificate of registration of the first commercial car. The 11270  
amount of any tax due or credit to be allowed for a transfer of 11271  
registration under this division shall be computed in accordance 11272  
with division ~~(C)~~(A)(3) of this section. 11273

No commercial car to which a registration is transferred 11274  
under this division shall be operated on a public road or highway 11275  
in this state until after the transfer of registration is 11276  
completed in accordance with this division. 11277

~~(E)~~(5) Upon application to the registrar or a deputy 11278  
registrar, a person who owns or leases a motor vehicle may 11279  
transfer special license plates assigned to that vehicle to any 11280  
other vehicle that the person owns or leases or that is owned or 11281  
leased by the person's spouse. The application shall be 11282  
accompanied by a service fee of two dollars and twenty-five cents, 11283  
a transfer fee of one dollar, and the original certificate of 11284  
registration. As appropriate, the application also shall be 11285  
accompanied by a power of attorney for the registration of a 11286

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leased vehicle and a written statement releasing the special 11287  
plates to the applicant. Upon a proper filing, the registrar or 11288  
deputy registrar shall assign the special license plates to the 11289  
motor vehicle owned or leased by the applicant and issue a new 11290  
certificate of registration for that motor vehicle. 11291

(B) Whoever violates this section is guilty of a misdemeanor 11292  
of the fourth degree. 11293

(C) As used in division ~~(E)~~(A)(5) of this section, "special 11294  
license plates" means either of the following: 11295

(1) Any license plates for which the person to whom the 11296  
license plates are issued must pay an additional fee in excess of 11297  
the fees prescribed in section 4503.04 of the Revised Code, 11298  
Chapter 4504. of the Revised Code, and the service fee prescribed 11299  
in division (D) or (G) of section 4503.10 of the Revised Code; 11300

(2) License plates issued under section 4503.44 of the 11301  
Revised Code. 11302

**Sec. 4503.182.** (A) A purchaser of a motor vehicle, upon 11303  
application and proof of purchase of the vehicle, may be issued a 11304  
temporary license placard or windshield sticker for the motor 11305  
vehicle. 11306

The purchaser of a vehicle applying for a temporary license 11307  
placard or windshield sticker under this section shall execute an 11308  
affidavit stating that the purchaser has not been issued 11309  
previously during the current registration year a license plate 11310  
that could legally be transferred to such vehicle. 11311

Placards or windshield stickers shall be issued only for the 11312  
applicant's use of the vehicle to enable the applicant to legally 11313  
operate the motor vehicle while proper title, license plates, and 11314  
a certificate of registration are being obtained, and shall be 11315  
displayed on no other motor vehicle. 11316

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Placards or windshield stickers issued under this section are 11317  
valid for a period of thirty days from date of issuance and are 11318  
not transferable or renewable. 11319

The fee for such placards or windshield stickers is two 11320  
dollars plus a fee of two dollars and twenty-five cents for each 11321  
such placard issued by a deputy registrar. 11322

(B) The registrar of motor vehicles may issue to a motorized 11323  
bicycle dealer or a licensed motor vehicle dealer temporary 11324  
license placards to be issued to purchasers for use on vehicles 11325  
sold by the licensed dealer, in accordance with rules prescribed 11326  
by the registrar. The dealer shall notify the registrar within 11327  
forty-eight hours of proof of issuance on a form prescribed by the 11328  
registrar. 11329

The fee for each such placard issued by the registrar to a 11330  
licensed motor vehicle dealer is two dollars plus a fee of two 11331  
dollars and twenty-five cents. 11332

(C) The registrar of motor vehicles, at the registrar's 11333  
discretion, may issue a temporary license placard. Such a placard 11334  
may be issued in the case of extreme hardship encountered by a 11335  
citizen from this state or another state who has attempted to 11336  
comply with all registration laws, but for extreme circumstances 11337  
is unable to properly register the citizen's vehicle. 11338

(D) The registrar shall adopt rules, in accordance with 11339  
division (B) of section 111.15 of the Revised Code, to specify the 11340  
procedures for reporting the information from applications for 11341  
temporary license placards and windshield stickers and for 11342  
providing the information from these applications to law 11343  
enforcement agencies. 11344

(E) Temporary license placards issued under this section 11345  
shall bear a distinctive combination of seven letters, numerals, 11346  
or letters and numerals, and shall incorporate a security feature 11347

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that, to the greatest degree possible, prevents tampering with any  
of the information that is entered upon a placard when it is  
issued.

(F) Whoever violates division (A) of this section is guilty  
of a misdemeanor of the fourth degree. Whoever violates division  
(B) of this section is guilty of a misdemeanor of the first  
degree.

(G) As used in this section, "motorized bicycle dealer" means  
any person engaged in the business of selling at retail,  
displaying, offering for sale, or dealing in motorized bicycles  
who is not subject to section 4503.09 of the Revised Code.

**Sec. 4503.19.** (A) Upon the filing of an application for  
registration and the payment of the tax for registration, the  
registrar of motor vehicles or a deputy registrar shall determine  
whether the owner previously has been issued license plates for  
the motor vehicle described in the application. If no license  
plates previously have been issued to the owner for that motor  
vehicle, the registrar or deputy registrar shall assign to the  
motor vehicle a distinctive number and issue and deliver to the  
owner in the manner that the registrar may select a certificate of  
registration, in the form that the registrar shall prescribe, and,  
except as otherwise provided in this section, two license plates,  
duplicates of each other, and a validation sticker, or a  
validation sticker alone, to be attached to the number plates as  
provided in section 4503.191 of the Revised Code. The registrar or  
deputy registrar also shall charge the owner any fees required  
under division (C) of section 4503.10 of the Revised Code.  
Trailers, manufactured homes, mobile homes, semitrailers, the  
manufacturer thereof, the dealer, or in transit companies therein,  
shall be issued one license plate only and one validation sticker,  
or a validation sticker alone, and the license plate and

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validation sticker shall be displayed only on the rear of such 11379  
vehicles. A commercial tractor that does not receive an 11380  
apportioned license plate under the international registration 11381  
plan shall be issued two license plates and one validation 11382  
sticker, and the validation sticker shall be displayed on the 11383  
front of the commercial tractor. An apportioned vehicle receiving 11384  
an apportioned license plate under the international registration 11385  
plan shall be issued one license plate only and one validation 11386  
sticker, or a validation sticker alone; the license plate shall be 11387  
displayed only on the front of a semitractor and on the rear of 11388  
all other vehicles. School buses shall not be issued license 11389  
plates but shall bear identifying numbers in the manner prescribed 11390  
by section 4511.764 of the Revised Code. The certificate of 11391  
registration and license plates and validation stickers, or 11392  
validation stickers alone, shall be issued and delivered to the 11393  
owner in person or by mail. Chauffeured limousines shall be issued 11394  
license plates, a validation sticker, and a livery sticker as 11395  
provided in section 4503.24 of the Revised Code. In the event of 11396  
the loss, mutilation, or destruction of any certificate of 11397  
registration, or of any license plates or validation stickers, or 11398  
if the owner chooses to replace license plates previously issued 11399  
for a motor vehicle, or if the registration certificate and 11400  
license plates have been impounded as provided by division 11401  
(F)(B)(1) of section 4507.02 and ~~division (A)(4) of section~~ 11402  
4507.16 of the Revised Code, the owner of a motor vehicle, or 11403  
manufacturer or dealer, may obtain from the registrar, or from a 11404  
deputy registrar if authorized by the registrar, a duplicate 11405  
thereof or new license plates bearing a different number, if the 11406  
registrar considers it advisable, upon filing an application 11407  
prescribed by the registrar, and upon paying a fee of one dollar 11408  
for such certificate of registration, a fee of two dollars for 11409  
each set of two license plates, or one dollar for each single 11410

license plate or validation sticker. In addition, each applicant 11411  
for a replacement certificate of registration, license plate, or 11412  
validation sticker shall pay the fees provided in divisions (C) 11413  
and (D) of section 4503.10 of the Revised Code. 11414

Additionally, the registrar and each deputy registrar who 11415  
either issues license plates and a validation sticker for use on 11416  
any vehicle other than a commercial tractor, semitrailer, or 11417  
apportioned vehicle, or who issues a validation sticker alone for 11418  
use on such a vehicle and the owner has changed the owner's county 11419  
of residence since the owner last was issued county identification 11420  
stickers, also shall issue and deliver to the owner either one or 11421  
two county identification stickers, as appropriate, which shall be 11422  
attached to the license plates in a manner prescribed by the 11423  
director of public safety. The county identification stickers 11424  
shall identify prominently by name or number the county in which 11425  
the owner of the vehicle resides at the time of registration. 11426

(B) Whoever violates this section is guilty of a minor 11427  
misdemeanor. 11428

**Sec. 4503.21.** (A) No person who is the owner or operator of a 11429  
motor vehicle shall fail to display in plain view on the front and 11430  
rear of the motor vehicle the distinctive number and registration 11431  
mark, including any county identification sticker and any 11432  
validation sticker issued under sections 4503.19 and 4503.191 of 11433  
the Revised Code, furnished by the director of public safety, 11434  
except that a manufacturer of motor vehicles or dealer therein, 11435  
the holder of an in transit permit, and the owner or operator of a 11436  
motorcycle, motorized bicycle, manufactured home, mobile home, 11437  
trailer, or semitrailer shall display on the rear only. A motor 11438  
vehicle that is issued two license plates shall display the 11439  
validation sticker only on the rear license plate, except that a 11440  
commercial tractor that does not receive an apportioned license 11441

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plate under the international registration plan shall display the 11442  
validation sticker on the front of the commercial tractor. An 11443  
apportioned vehicle receiving an apportioned license plate under 11444  
the international registration plan shall display the license 11445  
plate only on the front of a commercial tractor and on the rear of 11446  
all other vehicles. All license plates shall be securely fastened 11447  
so as not to swing, and shall not be covered by any material that 11448  
obstructs their visibility. 11449

No person to whom a temporary license placard or windshield 11450  
sticker has been issued for the use of a motor vehicle under 11451  
section 4503.182 of the Revised Code, and no operator of that 11452  
motor vehicle, shall fail to display the temporary license placard 11453  
in plain view from the rear of the vehicle either in the rear 11454  
window or on an external rear surface of the motor vehicle, or 11455  
fail to display the windshield sticker in plain view on the rear 11456  
window of the motor vehicle. No temporary license placard or 11457  
windshield sticker shall be covered by any material that obstructs 11458  
its visibility. 11459

(B) Whoever violates this section is guilty of a minor 11460  
misdemeanor. 11461

**Sec. 4503.231.** (A) No motor vehicle registered in the name of 11462  
a person whose certificate of registration and identification 11463  
license plates have been impounded as provided by division 11464  
~~(F)~~(B)(1) of section 4507.02 of the Revised Code, shall be 11465  
operated ~~or driven~~ on any highway in this state unless it displays 11466  
~~identification~~ restricted license plates ~~which that~~ are a 11467  
different color from those regularly issued and carry a special 11468  
serial number that may be readily identified by law enforcement 11469  
officers. The registrar of motor vehicles shall designate the 11470  
color and serial number to be used on ~~such~~ restricted license 11471  
plates, which shall remain the same from year to year and shall 11472

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not be displayed on any other motor vehicles. 11473

The bureau of motor vehicles shall adopt rules providing for 11474  
the decentralization of the issuance of identification restricted 11475  
license plates under this section. The rules shall provide for the 11476  
issuance of the identification restricted license plates by at 11477  
least one agency in each county. 11478

No person operating a motor vehicle displaying restricted 11479  
license plates as described in this division shall knowingly 11480  
disguise or obscure the color of the restricted plate. 11481

(B) If a person has been granted limited driving privileges 11482  
with a condition of the privileges being that the person must 11483  
display on the vehicle that is driven under the privileges 11484  
restricted license plates that are described in this section, all 11485  
of the following apply: 11486

(1) If a motor vehicle to be driven under the limited driving 11487  
privileges is owned by the person's employer and if the person is 11488  
required to operate that motor vehicle in the course and scope of 11489  
the person's employment, the person may operate that vehicle 11490  
without displaying on that vehicle restricted license plates that 11491  
are issued under this section if the employer has been notified 11492  
that the person has limited driving privileges and of the nature 11493  
of the restriction and if the person has proof of the employer's 11494  
notification in the person's possession while operating the 11495  
employer's vehicle for normal business duties. A motor vehicle 11496  
owned by a business that is partly or entirely owned or controlled 11497  
by the person with the limited driving privileges is not a motor 11498  
vehicle owned by an employer, for purposes of this division. 11499

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(2) If a motor vehicle to be driven under the limited driving 11501  
privileges is registered in a state other than this state, instead 11502  
of displaying on that vehicle restricted license plates that are 11503



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issued under this section, the person with the limited driving privileges shall display on the vehicle a decal, as prescribed by the registrar of motor vehicles, that states that the vehicle is subject to limited driving privileges in this state and that describes the restriction. The decal shall be displayed on the bottom left corner of the back window of the vehicle or, if there is no back window, on the bottom left corner of the windshield of the vehicle. The bureau of motor vehicles shall adopt rules providing for the decentralization of the issuance of the decals described in this division, with the rules providing for the issuance of the decals by at least one agency in each county.

(C) Whoever violates this section is guilty of a minor misdemeanor.

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

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

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

~~(2) If a court is required to order the immobilization of a vehicle for a specified period of time pursuant to division (B)(1) or (2), (C)(1) or (2), or (E)(1) of section 4507.99, pursuant to division (A)(2)(b), (6)(b), or (7)(b) of section 4511.99, pursuant to division (B)(1) or (2) or (C)(1) or (2) of section~~

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~~4507.361, or pursuant to division (B)(2)(i) or (ii) of section 11535~~  
~~4510.11, 4510.14, 4510.16, 4510.41, 4511.19, 4511.193, or 4511.203 11536~~  
of the Revised Code, the court shall issue an immobilization 11537  
order, ~~subject to section 4503.235 of the Revised Code,~~ in 11538  
accordance with this division and for the period of time specified 11539  
in the particular ~~division~~ section, and the immobilization under 11540  
the order shall be in accordance with this section. The court, at 11541  
the time of sentencing the offender for the offense relative to 11542  
which the immobilization order is issued or as soon thereafter as 11543  
is practicable, shall give a copy of the order to the offender or 11544  
the offender's counsel ~~and to the vehicle owner or the vehicle~~ 11545  
~~owner's counsel~~. The court promptly shall send a copy of the order 11546  
to the registrar on a form prescribed by the registrar and to the 11547  
person or agency it designates to execute the order. 11548

The order shall indicate the date on which it is issued, 11549  
shall identify the vehicle that is subject to the order, and shall 11550  
specify all of the following: 11551

(a) The period of the immobilization; 11552

(b) The place at which the court determines that the 11553  
immobilization shall be carried out, provided that the court shall 11554  
not determine and shall not specify that the immobilization is to 11555  
be carried out at any place other than a commercially operated 11556  
private storage lot, a place owned by a law enforcement or other 11557  
government agency, or a place to which one of the following 11558  
applies: 11559

(i) The place is leased by or otherwise under the control of 11560  
a law enforcement or other government agency. 11561

(ii) The place is owned by the offender, the offender's 11562  
spouse, or a parent or child of the offender. 11563

(iii) The place is owned by a private person or entity, and, 11564  
prior to the issuance of the order, the private entity or person 11565

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that owns the place, or the authorized agent of that private  
entity or person, has given express written consent for the  
immobilization to be carried out at that place.

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

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

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

~~(3)~~(2) The person or agency the court designates to  
immobilize the vehicle shall seize or retain that vehicle's  
license plates and forward them to the bureau of motor vehicles.

~~(4)~~(3) In all cases, the ~~vehicle owner~~ offender shall be  
assessed an immobilization fee of one hundred dollars, and the  
immobilization fee shall be paid to the registrar before the  
vehicle may be released to the ~~vehicle owner~~ offender. Neither the  
registrar nor a deputy registrar shall accept an application for  
the registration of any motor vehicle in the name of the ~~vehicle  
owner~~ offender until the immobilization fee is paid.

~~(5)~~(4) If the vehicle subject to the order is immobilized  
pursuant to the order and is found being operated upon any street  
or highway in this state during the immobilization period, it  
shall be seized, removed from the street or highway, and  
criminally forfeited and disposed of pursuant to section 4503.234

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of the Revised Code. 11597

(6)(5) The registrar shall deposit the immobilization fee 11598  
into the law enforcement reimbursement fund created by section 11599  
4501.19 of the Revised Code. Money in the fund shall be expended 11600  
only as provided in division (A)(6)(5) of this section. If the 11601  
court designated in the order a court bailiff or another 11602  
appropriate person other than a law enforcement officer to 11603  
immobilize the vehicle, the amount of the fee deposited into the 11604  
law enforcement reimbursement fund shall be paid out to the county 11605  
treasury if the court that issued the order is a county court, to 11606  
the treasury of the municipal corporation served by the court if 11607  
the court that issued the order is a mayor's court, or to the city 11608  
treasury of the legislative authority of the court, both as 11609  
defined in section 1901.03 of the Revised Code, if the court that 11610  
issued the order is a municipal court. If the court designated a 11611  
law enforcement agency to immobilize the vehicle and if the law 11612  
enforcement agency immobilizes the vehicle, the amount of the fee 11613  
deposited into the law enforcement reimbursement fund shall be 11614  
paid out to the law enforcement agency to reimburse the agency for 11615  
the costs it incurs in obtaining immobilization equipment and, if 11616  
required, in sending an officer or other person to search for and 11617  
locate the vehicle specified in the immobilization order and to 11618  
immobilize the vehicle. 11619

In addition to the immobilization fee required to be paid 11620  
under division (A)(4)(3) of this section, the ~~vehicle owner~~ 11621  
offender may be charged expenses or charges incurred in the 11622  
removal and storage of the immobilized vehicle. 11623

(B) If a court issues an immobilization order under division 11624  
(A)(2)(1) of this section, the person or agency designated by the 11625  
court to execute the immobilization order promptly shall 11626  
immobilize or continue the immobilization of the vehicle at the 11627  
place specified by the court in the order. The registrar shall not 11628

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authorize the release of the vehicle or authorize the issuance of 11629  
new identification license plates for the vehicle at the end of 11630  
the immobilization period until the immobilization fee has been 11631  
paid. 11632

(C) Upon receipt of the license plates for a vehicle under 11633  
this section, the registrar shall destroy the license plates. At 11634  
the end of the immobilization period and upon the payment of the 11635  
immobilization fee that must be paid under this section, the 11636  
registrar shall authorize the release of the vehicle and authorize 11637  
the issuance, upon the payment of the same fee as is required for 11638  
the replacement of lost, mutilated, or destroyed license plates 11639  
and certificates of registration, of new license plates and, if 11640  
necessary, a new certificate of registration to the ~~vehicle owner~~ 11641  
offender for the vehicle in question. 11642

(D)(1) If a court issues an immobilization order under 11643  
division (A) of this section, the immobilization period commences 11644  
on the day on which the vehicle in question is immobilized. If the 11645  
vehicle in question had been seized under section ~~4507.38~~ 4510.41 11646  
or 4511.195 of the Revised Code, the time between the seizure and 11647  
the beginning of the immobilization period shall be credited 11648  
against the immobilization period specified in the immobilization 11649  
order issued under division (A) of this section. No vehicle that 11650  
is ~~impounded~~ immobilized under this section is eligible to have 11651  
~~special restricted~~ license plates ~~of the type described in under~~ 11652  
section 4503.231 of the Revised Code issued for that vehicle. 11653

(2) If a court issues an immobilization order under division 11654  
(A) of this section, if the vehicle subject to the order is 11655  
immobilized under the order, and if the vehicle is found being 11656  
operated upon any street or highway of this state during the 11657  
immobilization period, it shall be seized, removed from the street 11658  
or highway, and criminally forfeited, and disposed of pursuant to 11659  
11660

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section 4503.234 of the Revised Code. No vehicle that is forfeited under this provision shall be considered contraband 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 for disposal in accordance with section 4503.234 of the Revised Code.

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

(4) An ~~owner of a~~ offender whose motor vehicle ~~that~~ is subject to an immobilization order issued under division (A) of this section shall not sell the motor vehicle without approval of the court that issued the order. If such an ~~owner~~ offender wishes to sell the motor vehicle during the immobilization period, the ~~owner~~ offender shall apply to the court that issued the immobilization order for permission to assign the title to the vehicle. If the court is satisfied that the sale will be in good faith and not for the purpose of circumventing the provisions of division (A)~~(2)~~(1) of this section, it may certify its consent to the ~~owner~~ offender and to the registrar. Upon receipt of the

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court's consent, the registrar shall enter the court's notice in 11693  
the ~~owner's~~ offender's vehicle license plate registration record. 11694

If, during a period of immobilization under an immobilization 11695  
order issued under division (A) of this section, the title to the 11696  
immobilized motor vehicle is transferred by the foreclosure of a 11697  
chattel mortgage, a sale upon execution, the cancellation of a 11698  
conditional sales contract, or an order of a court, the involved 11699  
court shall notify the registrar of the action, and the registrar 11700  
shall enter the court's notice in the ~~owner's~~ offender's vehicle 11701  
license plate registration record. 11702

Nothing in this section shall be construed as requiring the 11703  
registrar or the clerk of the court of common pleas to note upon 11704  
the certificate of title records any prohibition regarding the 11705  
sale of a motor vehicle. 11706

(5) If the title to a motor vehicle that is subject to an 11707  
immobilization order under division (A) of this section is 11708  
assigned or transferred without court approval between the time of 11709  
arrest of the ~~person who was operating the vehicle at the time of~~ 11710  
offender who committed the offense for which such an order is to 11711  
be issued and the time of the actual immobilization of the 11712  
vehicle, the court shall order that, for a period of two years 11713  
from the date of the order, neither the registrar nor any deputy 11714  
registrar shall accept an application for the registration of any 11715  
motor vehicle in the name of the ~~owner of the~~ offender whose 11716  
vehicle ~~that~~ was assigned or transferred without court approval. 11717  
The court shall notify the registrar of the order on a form 11718  
prescribed by the registrar for that purpose. 11719

(E)(1) The court with jurisdiction over the case, after 11720  
notice to all interested parties including lienholders, and after 11721  
an opportunity for them to be heard, if the ~~vehicle owner~~ offender 11722  
fails to appear in person, without good cause, or if the court 11723  
finds that the ~~vehicle owner~~ offender does not intend to seek 11724

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release of the vehicle at the end of the period of immobilization 11725  
or that the ~~vehicle owner~~ offender is not or will not be able to 11726  
pay the expenses and charges incurred in its removal and storage, 11727  
may order that title to the vehicle be transferred, in order of 11728  
priority, first into the name of the entity entitled to the 11729  
immobilization fee under division (A)~~(6)~~(5) of this section, next 11730  
into the name of a lienholder, or lastly, into the name of the 11731  
owner of the place of storage. 11732

A lienholder that receives title under a court order shall do 11733  
so on the condition that it pay any expenses or charges incurred 11734  
in the vehicle's removal and storage. If the entity that receives 11735  
title to the vehicle is the entity that is entitled to the 11736  
immobilization fee under division (A)~~(6)~~(5) of this section, it 11737  
shall receive title on the condition that it pay any lien on the 11738  
vehicle. The court shall not order that title be transferred to 11739  
any person or entity other than the owner of the place of storage 11740  
if the person or entity refuses to receive the title. Any person 11741  
or entity that receives title may either keep title to the vehicle 11742  
or may dispose of the vehicle in any legal manner that it 11743  
considers appropriate, including assignment of the certificate of 11744  
title to the motor vehicle to a salvage dealer or a scrap metal 11745  
processing facility. The person or entity shall not transfer the 11746  
vehicle to the person who is the vehicle's immediate previous 11747  
owner. 11748

If the person or entity assigns the motor vehicle to a 11749  
salvage dealer or scrap metal processing facility, the person or 11750  
entity shall send the assigned certificate of title to the motor 11751  
vehicle to the clerk of the court of common pleas of the county in 11752  
which the salvage dealer or scrap metal processing facility is 11753  
located. The person or entity shall mark the face of the 11754  
certificate of title with the words "FOR DESTRUCTION" and shall 11755  
deliver a photocopy of the certificate of title to the salvage 11756



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dealer or scrap metal processing facility for its records. 11757

(2) Whenever a court issues an order under division (E)(1) of 11758  
 this section, the court also shall order removal of the license 11759  
 plates from the vehicle and cause them to be sent to the registrar 11760  
 if they have not already been sent to the registrar. Thereafter, 11761  
 no further proceedings shall take place under this section, but 11762  
 the ~~vehicle owner~~ offender remains liable for payment of the 11763  
 immobilization fee described in division (A)~~(4)~~(3) of this section 11764  
 if an immobilization order previously had been issued by the 11765  
 court. 11766

(3) Prior to initiating a proceeding under division (E)(1) of 11767  
 this section, and upon payment of the fee under division (B) of 11768  
 section 4505.14 of the Revised Code, any interested party may 11769  
 cause a search to be made of the public records of the bureau of 11770  
 motor vehicles or the clerk of the court of common pleas, to 11771  
 ascertain the identity of any lienholder of the vehicle. The 11772  
 initiating party shall furnish this information to the clerk of 11773  
 the court with jurisdiction over the case, and the clerk shall 11774  
 provide notice to the vehicle owner, the defendant, any 11775  
 lienholder, and any other interested parties listed by the 11776  
 initiating party, at the last known address supplied by the 11777  
 initiating party, by certified mail or, at the option of the 11778  
 initiating party, by personal service or ordinary mail. 11779

As used in this section, "interested party" includes the 11780  
~~vehicle owner~~ offender, all lienholders, ~~the defendant~~, the owner 11781  
 of the place of storage, the person or entity that caused the 11782  
 vehicle to be removed, and the person or entity, if any, entitled 11783  
 to the immobilization fee under division (A)~~(6)~~(5) of this 11784  
 section. 11785

**Sec. 4503.234.** (A) ~~As used in this section, "vehicle owner"~~ 11786  
~~means the person in whose name is registered a vehicle that is~~ 11787

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~~subject to an order of forfeiture issued under this section.~~ 11788

(B) If a court is required by section 4503.233, 4503.236, 11789  
~~4507.361, 4507.99, 4510.11, 4510.14, 4510.16, 4510.41, 4511.19,~~ 11790  
4511.193, or ~~4511.99~~ 4511.203 of the Revised Code to order the 11791  
criminal forfeiture of a vehicle, the order shall be issued and 11792  
enforced in accordance with this division, subject to division 11793  
~~(C)(B)~~ of this section ~~and section 4503.235 of the Revised Code.~~ 11794  
An order of criminal forfeiture issued under this division shall 11795  
authorize an appropriate law enforcement agency to seize the 11796  
vehicle ordered criminally forfeited upon the terms and conditions 11797  
that the court determines proper. No vehicle ordered criminally 11798  
forfeited pursuant to this division shall be considered contraband 11799  
for purposes of section 2933.41, 2933.42, or 2933.43 of the 11800  
Revised Code, but ~~shall be held by~~ the law enforcement agency that 11801  
employs the officer who seized it shall hold the vehicle for 11802  
disposal in accordance with this section. A forfeiture order may 11803  
be issued only after the ~~vehicle owner~~ offender has been provided 11804  
with an opportunity to be heard. The prosecuting attorney shall 11805  
give the ~~vehicle owner~~ offender written notice of the possibility 11806  
of forfeiture by sending a copy of the relevant uniform traffic 11807  
ticket or other written notice to the ~~vehicle owner~~ offender not 11808  
less than seven days prior to the date of issuance of the 11809  
forfeiture order. A vehicle is subject to an order of criminal 11810  
forfeiture pursuant to this division upon the conviction of the 11811  
offender of or plea of guilty by the offender to a violation of 11812  
division (A) of section 4503.236, ~~division (B)(1) or (D)(2) of~~ 11813  
~~section 4507.02, section 4507.33~~ 4510.11, 4510.14, 4510.16, or 11814  
4511.203, or division (A) of section 4511.19 of the Revised Code, 11815  
or a municipal ordinance that is substantially equivalent to 11816  
~~division (A) of section 4503.236, division (B)(1) or (D)(2) of~~ 11817  
~~section 4507.02, section 4507.33, or division (A) of section~~ 11818  
~~4511.19 of the Revised Code~~ any of those sections or divisions. 11819

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~~(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.

(2) No order of criminal forfeiture shall be issued pursuant to ~~division (B)~~ of this section if a lienholder or other person with an ownership interest in the vehicle establishes to the court, by a preponderance of the evidence after filing a motion with the court, that the lienholder or other ~~that~~ person neither knew nor should have known after a reasonable inquiry that the vehicle would be used or involved, or likely would be used or involved, in the violation resulting in the issuance of the order of criminal forfeiture or the violation of the order of immobilization issued under section 4503.233 of the Revised Code, that the lienholder or other ~~that~~ person did not expressly or impliedly consent to the use or involvement of the vehicle in that violation, and that the lien or ownership interest was perfected pursuant to law prior to the seizure of the vehicle under section 4503.236, ~~4507.38, or 4510.41~~, 4511.195, or 4511.203 of the Revised Code. If the lienholder or holder of the ownership interest satisfies the court that these criteria have been met, the court shall preserve ~~the holder's~~ the lienholder's or other

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person's lien or interest, and the court either shall return the 11852  
vehicle to the holder, ~~the holder's~~ or shall order that the ~~the~~ 11853  
~~holder's~~ proceeds of any sale held pursuant to division ~~(D)~~(C)(2) 11854  
of this section be paid to the lienholder or holder of the 11855  
interest less the costs of seizure, storage, and maintenance of 11856  
the vehicle. The court shall not return a vehicle to a lienholder 11857  
or a holder of an ownership interest ~~under division (C)(2) of this~~ 11858  
~~section~~ unless the lienholder or holder submits an affidavit to 11859  
the court that states that the lienholder or holder will not 11860  
return the vehicle to the person from whom the vehicle was seized 11861  
pursuant to the order of criminal forfeiture or to any member of 11862  
that person's family and will not otherwise knowingly permit that 11863  
person or any member of that person's family to obtain possession 11864  
of the vehicle. 11865

(3) No order of criminal forfeiture shall be issued pursuant 11866  
to ~~division (B) of~~ this section if a person with an interest in 11867  
the vehicle establishes to the court, by a preponderance of the 11868  
evidence after filing a motion with the court, that the person 11869  
neither knew nor should have known after a reasonable inquiry that 11870  
the vehicle had been used or was involved in the violation 11871  
resulting in the issuance of the order of criminal forfeiture or 11872  
the violation of the order of immobilization issued under section 11873  
4503.233 of the Revised Code, that the person did not expressly or 11874  
impliedly consent to the use or involvement of the vehicle in that 11875  
violation, that the interest was perfected in good faith and for 11876  
value pursuant to law between the time of the arrest of the 11877  
offender and the final disposition of the criminal charge in 11878  
question, and that the vehicle was in the possession of the 11879  
~~vehicle owner~~ interest holder at the time of the perfection of the 11880  
interest. If the court is satisfied that the interest holder has 11881  
met these criteria, the court shall preserve ~~the holder's~~ the 11882  
interest holder's interest, and the court either shall return the 11883  
vehicle to the interest holder ~~the holder's~~ or order that the ~~the~~ 11884

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holder's proceeds of any sale held pursuant to division ~~(D)~~(C) of 11885  
this section be paid to the holder of the interest less the costs 11886  
of seizure, storage, and maintenance of the vehicle. The court 11887  
shall not return a vehicle to an interest holder ~~under division~~ 11888  
~~(C)(3) of this section~~ unless the holder submits an affidavit to 11889  
the court stating that the holder will not return the vehicle to 11890  
the person from whom the holder acquired ~~the holder's~~ the holder's 11891  
interest, nor to any member of that person's family, and the 11892  
holder will not otherwise knowingly permit that person or any 11893  
member of that person's family to obtain possession of the 11894  
vehicle. 11895

~~(D)~~(C) A vehicle ordered criminally forfeited to the state 11896  
pursuant to ~~division (B) of~~ this section shall be disposed of as 11897  
follows: 11898

(1) It shall be given to the law enforcement agency that 11899  
employs the law enforcement officer who seized the vehicle, if 11900  
that agency desires to have it; 11901

(2) If a vehicle is not disposed of pursuant to division 11902  
~~(D)~~(C)(1) of this section, the vehicle shall be sold, without 11903  
appraisal, if the value of the vehicle is two thousand dollars or 11904  
more as determined by publications of the national auto dealer's 11905  
association, at a public auction to the highest bidder for cash. 11906  
Prior to the sale, the prosecuting attorney in the case shall 11907  
cause a notice of the proposed sale to be given in accordance with 11908  
law. The court shall cause notice of the sale of the vehicle to be 11909  
published in a newspaper of general circulation in the county in 11910  
which the court is located at least seven days prior to the date 11911  
of the sale. The proceeds of a sale under this division or 11912  
division ~~(G)~~(F) of this section shall be applied in the following 11913  
order: 11914

(a) First, they shall be applied to the payment of the costs 11915  
incurred in connection with the seizure, storage, and maintenance 11916

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of, and provision of security for, the vehicle, any proceeding 11917  
arising out of the forfeiture, and if any, the sale. 11918

(b) Second, the remaining proceeds after compliance with 11919  
division ~~(D)~~(C)(2)(a) of this section, shall be applied to the 11920  
payment of the value of any lien or ownership interest in the 11921  
vehicle preserved under division ~~(C)~~(B) of this section. 11922

(c) Third, the remaining proceeds, after compliance with 11923  
divisions ~~(D)~~(C)(2)(a) and (b) of this section, shall be applied 11924  
to the appropriate funds in accordance with divisions (D)(1)(c) 11925  
and (2) of section 2933.43 of the Revised Code, provided that the 11926  
total of the amount so deposited under this division shall not 11927  
exceed one thousand dollars. The remaining proceeds deposited 11928  
under this division shall be used only for the purposes authorized 11929  
by those divisions and division (D)(3)(a)(ii) of that section. 11930

(d) Fourth, the remaining proceeds after compliance with 11931  
divisions ~~(D)~~(C)(2)(a) and (b) of this section and after deposit 11932  
of a total amount of one thousand dollars under division 11933  
~~(D)~~(C)(2)(c) of this section shall be applied so that fifty per 11934  
cent of those remaining proceeds is paid into the reparation fund 11935  
established by section 2743.191 of the Revised Code, twenty-five 11936  
per cent is paid into the drug abuse resistance education programs 11937  
fund created by division ~~(L)~~(F)(2)(e) of section 4511.191 of the 11938  
Revised Code and shall be used only for the purposes authorized by 11939  
division ~~(L)~~(F)(2)(e) of that section, and twenty-five per cent is 11940  
applied to the appropriate funds in accordance with division 11941  
(D)(1)(c) of section 2933.43 of the Revised Code. The proceeds 11942  
deposited into any fund described in section 2933.43 of the 11943  
Revised Code shall be used only for the purposes authorized by 11944  
division (D)(1)(c), (2), and (3)(a)(ii) of that section. 11945

~~(E) Notwithstanding (D) Except as provided in division (E) of~~ 11946  
~~section 4511.203 of the Revised Code and notwithstanding any other~~ 11947  
provision of law, neither the registrar of motor vehicles nor any 11948

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deputy registrar shall accept an application for the registration 11949  
of any motor vehicle in the name of any person, or register any 11950  
motor vehicle in the name of any person, if both of the following 11951  
apply: 11952

(1) Any vehicle registered in the person's name was 11953  
criminally forfeited under ~~division (B)~~ of this section and 11954  
section 4503.233, 4503.236, 4507.361, ~~4507.99~~ 4510.10, 4510.11, 11955  
4510.14, 4510.16, 4510.41, 4511.19, 4511.193, or ~~4511.99~~ 4511.203 11956  
of the Revised Code; 11957

(2) Less than five years have expired since the issuance of 11958  
the most recent order of criminal forfeiture issued in relation to 11959  
a vehicle registered in the person's name. 11960

~~(F)~~(E) If a court is required by section 4503.233, 4503.236, 11961  
4507.361, ~~4507.99~~ 4510.10, 4510.11, 4510.14, 4510.16, 4510.41, 11962  
4511.19, 4511.193, or ~~4511.99~~ 4511.203 of the Revised Code to 11963  
order the criminal forfeiture to the state of a vehicle, and the 11964  
title to the motor vehicle is assigned or transferred, and 11965  
division ~~(E)~~(B)(2) or (3) of this section applies, in addition to 11966  
or independent of any other penalty established by law, the court 11967  
may fine the offender the value of the vehicle as determined by 11968  
publications of the national auto dealer's association. The 11969  
proceeds from any fine imposed under this division ~~(F)~~ of ~~this~~ 11970  
~~section~~ shall be distributed in accordance with division ~~(D)~~(4) 11971  
(C)(2) of this section. 11972

~~(G)~~(F) As used in ~~division (D)~~ of this section and divisions 11973  
(D)(1)(c), (D)(2), and (D)(3)(a)(ii) of section 2933.43 of the 11974  
Revised Code in relation to proceeds of the sale of a vehicle 11975  
under division ~~(D)~~(C) of this section, "prosecuting attorney" 11976  
includes the prosecuting attorney, village solicitor, city 11977  
director of law, or similar chief legal officer of a municipal 11978  
corporation who prosecutes the case resulting in the conviction or 11979  
guilty plea in question. 11980

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

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

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

**Sec. 4503.236.** (A) No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private



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property used by the public for vehicular travel or parking 12012  
 knowing or having reasonable cause to believe that the motor 12013  
 vehicle has been ordered immobilized pursuant to an immobilization 12014  
 order issued under section 4503.233 of the Revised Code. 12015

12016

(B) A motor vehicle that is operated by a person during a 12017  
 violation of division (A) of this section shall be criminally 12018  
 forfeited to the state in accordance with the procedures contained 12019  
 in section 4503.234 of the Revised Code, ~~but such forfeiture is~~ 12020  
~~subject to section 4503.235 of the Revised Code.~~ 12021

(C) Whoever violates division (A) of this section is guilty 12022  
of a misdemeanor of the second degree. 12023

**Sec. 4503.28.** (A) No person who is a manufacturer of, dealer 12024  
 in, or distributor of motor vehicles shall fail to file an 12025  
 application for registration and to pay the tax ~~therefor~~ for the 12026  
registration and to apply for and pay the legal fees for as many 12027  
 certified copies ~~thereof~~ of the registration as the law requires. 12028

(B) Whoever violates this section is guilty of a misdemeanor 12029  
of the fourth degree. 12030

**Sec. 4503.30.** (A) Any placards issued by the registrar of 12031  
 motor vehicles and bearing the distinctive number assigned to a 12032  
 manufacturer, dealer, or distributor pursuant to section 4503.27 12033  
 of the Revised Code may be displayed on any motor vehicle, other 12034  
 than commercial cars, or on any motorized bicycle owned by the 12035  
 manufacturer, dealer, or distributor, or lawfully in the 12036  
 possession or control of the manufacturer, or the agent or 12037  
 employee of the manufacturer, the dealer, or the agent or employee 12038  
 of the dealer, the distributor, or the agent or employee of the 12039  
 distributor, and shall be displayed on no other motor vehicle or 12040  
 motorized bicycle. A placard may be displayed on a motor vehicle, 12041

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other than a commercial car, owned by a dealer when the vehicle is 12042  
in transit from a dealer to a purchaser, when the vehicle is being 12043  
demonstrated for sale or lease, or when the vehicle otherwise is 12044  
being utilized by the dealer. A vehicle bearing a placard issued 12045  
to a dealer under section 4503.27 of the Revised Code may be 12046  
operated by the dealer, an agent or employee of the dealer, a 12047  
prospective purchaser, or a third party operating the vehicle with 12048  
the permission of the dealer. 12049

Such placards may be displayed on commercial cars only when 12050  
the cars are in transit from a manufacturer to a dealer, from a 12051  
distributor to a dealer or distributor, or from a dealer to a 12052  
purchaser, or when the cars are being demonstrated for sale or 12053  
lease, and shall not be displayed when the cars are being used for 12054  
delivery, hauling, transporting, or other commercial purpose. 12055

(B) Whoever violates this section is guilty of a misdemeanor 12056  
of the third degree. 12057

**Sec. 4503.301.** (A) A manufacturer, dealer, or distributor of 12058  
motor vehicles may apply for a reasonable number of commercial car 12059  
demonstration placards. The application shall show the make of 12060  
commercial cars, commercial tractors, trailers, and semitrailers 12061  
manufactured, dealt, or distributed in and shall show the taxing 12062  
district in which the applicant's place of business is located. 12063

12064  
Upon the filing of such application and the payment of an 12065  
annual fee of five hundred dollars and appropriate postage as 12066  
required by the registrar of motor vehicles, the registrar shall 12067  
assign to the applicant a distinctive placard and number. Such 12068  
placards shall be known as "commercial car demonstration 12069  
placards," and shall expire on a date prescribed by the registrar. 12070  
Upon the first application by any person for such placards, the 12071  
registrar shall prorate the annual fee in accordance with section 12072

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4503.11 of the Revised Code; for all renewals or replacements of such placards, the registrar shall collect the full amount of the annual fee. 12073  
12074  
12075

Commercial car demonstration placards may be displayed on commercial cars, commercial tractors, trailers and semitrailers owned by the manufacturer, dealer, or distributor, when those vehicles are operated by or being demonstrated to a prospective purchaser. In addition to the purposes permitted by section 4503.30 of the Revised Code, the placards provided for in this section may be displayed on vehicles operated or used for delivery, hauling, transporting, or any other lawful purpose. When such placards are used, the placards provided for in section 4503.30 of the Revised Code need not be displayed. 12076  
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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. 12086  
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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. 12092  
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(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. 12096  
12097  
12098

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the third degree. 12099  
12100

**Sec. 4503.32.** (A) No person shall use the license placards provided for in section 4503.31 of the Revised Code contrary to 12101  
12102

said section. 12103

(B) Whoever violates this section is guilty of a misdemeanor 12104

of the third degree. 12105

**Sec. 4503.34.** (A) No person who is a drive-away operator or 12106

trailer transporter, or both, engaged in the business of 12107

transporting and delivering new motor vehicles or used motor 12108

vehicles, or both, by means of the full mount method, the saddle 12109

mount method, the tow bar method, the tow-away method, or any 12110

combination thereof, or under their own power, shall fail to file 12111

an application as required by section 4503.33 of the Revised Code, 12112

and to pay the fees therefor and to apply for and pay the legal 12113

fees for as many certified copies thereof as said section 12114

requires. 12115

(B) Whoever violates this section is guilty of a minor 12116

misdemeanor. 12117

**Sec. 4503.39.** With regard to a motor vehicle leased by or in 12118

the name of a person named in a ~~declaration of forfeiture~~ 12119

suspension order, the registrar of motor vehicles shall adopt 12120

procedures as indicated in division (D) of section 2935.27, 12121

division (A) of section 2937.221, and division (B) of section 12122

~~4507.168~~ 4510.22 of the Revised Code. The procedures shall 12123

prescribe the information and methodology necessary to implement 12124

those divisions. 12125

**Sec. 4503.44.** (A) As used in this section and in section 12126

4511.69 of the Revised Code: 12127

(1) "Person with a disability that limits or impairs the 12128

ability to walk" means any person who, as determined by a 12129

physician or chiropractor, meets any of the following criteria: 12130

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- (a) Cannot walk two hundred feet without stopping to rest; 12131
- (b) Cannot walk without the use of, or assistance from, a 12132  
brace, cane, crutch, another person, prosthetic device, 12133  
wheelchair, or other assistive device; 12134
- (c) Is restricted by a lung disease to such an extent that 12135  
the person's forced (respiratory) expiratory volume for one 12136  
second, when measured by spirometry, is less than one liter, or 12137  
the arterial oxygen tension is less than sixty millimeters of 12138  
mercury on room air at rest; 12139
- (d) Uses portable oxygen; 12140
- (e) Has a cardiac condition to the extent that the person's 12141  
functional limitations are classified in severity as class III or 12142  
class IV according to standards set by the American heart 12143  
association; 12144
- (f) Is severely limited in the ability to walk due to an 12145  
arthritic, neurological, or orthopedic condition; 12146
- (g) Is blind. 12147
- (2) "Organization" means any private organization or 12148  
corporation, or any governmental board, agency, department, 12149  
division, or office, that, as part of its business or program, 12150  
transports persons with disabilities that limit or impair the 12151  
ability to walk on a regular basis in a motor vehicle that has not 12152  
been altered for the purpose of providing it with special 12153  
equipment for use by handicapped persons. This definition does not 12154  
apply to division (J) of this section. 12155
- (3) "Physician" means a person licensed to practice medicine 12156  
or surgery or osteopathic medicine and surgery under Chapter 4731. 12157  
of the Revised Code. 12158
- (4) "Chiropractor" means a person licensed to practice 12159  
chiropractic under Chapter 4734. of the Revised Code. 12160

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

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impairs the applicant's ability to walk. The application for a  
removable windshield placard made by an organization shall be  
accompanied by such documentary evidence of regular transport of  
persons with disabilities that limit or impair the ability to walk  
by the organization as the registrar may require by rule and shall  
be completed in accordance with procedures that the registrar may  
require by rule. The application for registration of a motor  
vehicle that has been altered for the purpose of providing it with  
special equipment for a person with a disability that limits or  
impairs the ability to walk but is owned by someone other than  
such a person shall be accompanied by such documentary evidence of  
vehicle alterations as the registrar may require by rule.

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

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plates and validation stickers shall be issued upon payment of the  
regular license fee as prescribed under section 4503.04 of the  
Revised Code and any motor vehicle tax levied under Chapter 4504.  
of the Revised Code, and the payment of a service fee equal to the  
amount specified in division (D) or (G) of section 4503.10 of the  
Revised Code.

(D)(1) Upon receipt of a completed and signed application for  
a removable windshield placard, a prescription as described in  
division (B) of this section, documentary evidence of regular  
transport of persons with disabilities that limit or impair the  
ability to walk, if required, and payment of a service fee equal  
to the amount specified in division (D) or (G) of section 4503.10  
of the Revised Code, the registrar or deputy registrar shall issue  
to the applicant a removable windshield placard, which shall bear  
the date of expiration on both sides of the placard and shall be  
valid until expired, revoked, or surrendered. Every removable  
windshield placard expires as described in division (D)(2) of this  
section, but in no case shall a removable windshield placard be  
valid for a period of less than sixty days. Removable windshield  
placards shall be renewable upon application as provided in  
division (B) of this section, and a service fee equal to the  
amount specified in division (D) or (G) of section 4503.10 of the  
Revised Code shall be charged for the renewal of a removable  
windshield placard. The registrar shall provide the application  
form and shall determine the information to be included thereon.  
The registrar also shall determine the form and size of the  
removable windshield placard, the material of which it is to be  
made, and any other information to be included thereon, and shall  
adopt rules relating to the issuance, expiration, revocation,  
surrender, and proper display of such placards. Any placard issued  
after October 14, 1999, shall be manufactured in a manner that  
allows the expiration date of the placard to be indicated on it



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through the punching, drilling, boring, or creation by any other 12259  
means of holes in the placard. 12260

(2) At the time a removable windshield placard is issued to a 12261  
person with a disability that limits or impairs the ability to 12262  
walk, the registrar or deputy registrar shall enter into the 12263  
records of the bureau of motor vehicles the last date on which the 12264  
person will have that disability, as indicated on the accompanying 12265  
prescription. Not less than thirty days prior to that date and all 12266  
removable windshield placard renewal dates, the bureau shall send 12267  
a renewal notice to that person at the person's last known address 12268  
as shown in the records of the bureau, informing the person that 12269  
the person's removable windshield placard will expire on the 12270  
indicated date not to exceed five years from the date of issuance, 12271  
and that the person is required to renew the placard by submitting 12272  
to the registrar or a deputy registrar another prescription, as 12273  
described in division (B) of this section, and by complying with 12274  
the renewal provisions prescribed in division (D)(1) of this 12275  
section. If such a prescription is not received by the registrar 12276  
or a deputy registrar by that date, the placard issued to that 12277  
person expires and no longer is valid, and this fact shall be 12278  
recorded in the records of the bureau. 12279

(3) At least once every year, on a date determined by the 12280  
registrar, the bureau shall examine the records of the office of 12281  
vital statistics, located within the department of health, that 12282  
pertain to deceased persons, and also the bureau's records of all 12283  
persons who have been issued removable windshield placards and 12284  
temporary removable windshield placards. If the records of the 12285  
office of vital statistics indicate that a person to whom a 12286  
removable windshield placard or temporary removable windshield 12287  
placard has been issued is deceased, the bureau shall cancel that 12288  
placard, and note the cancellation in its records. 12289

The office of vital statistics shall make available to the 12290

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bureau all information necessary to enable the bureau to comply  
with division (D)(3) of this section. 12291  
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(4) Nothing in this section shall be construed to require a  
person or organization to apply for a removable windshield placard 12293  
or special license plates if the parking card or special license 12294  
plates issued to the person or organization under prior law have 12295  
not expired or been surrendered or revoked. 12296  
12297

(E) Any person with a disability that limits or impairs the 12298  
ability to walk may apply to the registrar or a deputy registrar 12299  
for a temporary removable windshield placard. The application for 12300  
a temporary removable windshield placard shall be accompanied by a 12301  
prescription from the applicant's personal physician or 12302  
chiropractor prescribing such a placard for the applicant, and by 12303  
a signed statement certifying that the applicant meets at least 12304  
one of the criteria contained in division (A)(1) of this section 12305  
and that the disability is expected to continue for six 12306  
consecutive months or less. The physician or chiropractor shall 12307  
state on the prescription the length of time the physician or 12308  
chiropractor expects the applicant to have the disability that 12309  
limits or impairs the applicant's ability to walk, which cannot 12310  
exceed six months from the date of the prescription. Upon receipt 12311  
of an application for a temporary removable windshield placard, 12312  
presentation of the prescription and the signed statement from the 12313  
applicant's personal physician or chiropractor, and payment of a 12314  
service fee equal to the amount specified in division (D) or (G) 12315  
of section 4503.10 of the Revised Code, the registrar or deputy 12316  
registrar shall issue to the applicant a temporary removable 12317  
windshield placard. The temporary removable windshield placard 12318  
shall be of the same size and form as the removable windshield 12319  
placard, shall be printed in white on a red-colored background, 12320  
and shall bear the word "temporary" in letters of such size as the 12321  
registrar shall prescribe. A temporary removable windshield 12322

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placard also shall bear the date of expiration on the front and  
back of the placard, and shall be valid until expired,  
surrendered, or revoked, but in no case shall such a placard be  
valid for a period of less than sixty days. The registrar shall  
provide the application form and shall determine the information  
to be included on it. The registrar also shall determine the  
material of which the temporary removable windshield placard is to  
be made and any other information to be included on the placard  
and shall adopt rules relating to the issuance, expiration,  
surrender, revocation, and proper display of those placards. Any  
temporary removable windshield placard issued after October 14,  
1999, shall be manufactured in a manner that allows for the  
expiration date of the placard to be indicated on it through the  
punching, drilling, boring, or creation by any other means of  
holes in the placard.

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

Upon a conviction of a violation of division (H), (I), or (J)  
of this section, the court shall report the conviction, and send  
the placard or parking card, if available, to the registrar, who

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thereupon shall revoke the privilege of using the placard or parking card and send notice in writing to the placardholder or cardholder at that holder's last known address as shown in the records of the bureau, and the placardholder or cardholder shall return the placard or card if not previously surrendered to the court, to the registrar within ten days following mailing of the notice.

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

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

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

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

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

(1) Display or permit the display of the placard on any motor

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vehicle when having reasonable cause to believe the motor vehicle  
is being used in connection with an activity that does not include  
providing transportation for persons with disabilities that limit  
or impair the ability to walk; 12386  
12387  
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(2) Refuse to return or surrender the placard, when required. 12390  
12391

(J)(1) No person or organization to which a parking card is 12392  
issued shall do either of the following: 12393

(a) Display or permit the display of the parking card on any 12394  
motor vehicle when having reasonable cause to believe the motor 12395  
vehicle is being used in connection with an activity that does not 12396  
include providing transportation for a handicapped person; 12397

(b) Refuse to return or surrender the parking card, when 12398  
required. 12399

(2) As used in division (J) of this section: 12400

(a) "Handicapped person" means any person who has lost the 12401  
use of one or both legs or one or both arms, who is blind, deaf, 12402  
or so severely handicapped as to be unable to move about without 12403  
the aid of crutches or a wheelchair, or whose mobility is 12404  
restricted by a permanent cardiovascular, pulmonary, or other 12405  
handicapping condition. 12406

(b) "Organization" means any private organization or 12407  
corporation, or any governmental board, agency, department, 12408  
division, or office, that, as part of its business or program, 12409  
transports handicapped persons on a regular basis in a motor 12410  
vehicle that has not been altered for the purposes of providing it 12411  
with special equipment for use by handicapped persons. 12412

(K) If a removable windshield placard, temporary removable 12413  
windshield placard, or parking card is lost, destroyed, or 12414  
mutilated, the placardholder or cardholder may obtain a duplicate 12415

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by doing both of the following:	12416
(1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;	12417 12418
(2) Paying a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code.	12419 12420
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.	12421 12422 12423
(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.	12424 12425 12426 12427 12428 12429
(M) For purposes of enforcing this section, every peace officer is deemed to be an agent of the registrar. Any peace officer or any authorized employee of the bureau of motor vehicles who, in the performance of duties authorized by law, becomes aware of a person whose placard or parking card has been revoked pursuant to this section, may confiscate that placard or parking card and return it to the registrar. The registrar shall prescribe any forms used by law enforcement agencies in administering this section.	12430 12431 12432 12433 12434 12435 12436 12437 12438
No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency employing a peace officer, and no employee of the bureau is liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section. As used in this division, "peace officer" has the same meaning as in division (B) of section 2935.01 of the Revised Code.	12439 12440 12441 12442 12443 12444 12445
(N) All applications for registration of motor vehicles,	12446

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

(O) Whoever violates this section is guilty of a misdemeanor  
of the fourth degree.

**Sec. 4503.46.** (A) For the purposes of this section, "prisoner  
of war" means any regularly appointed, enrolled, enlisted, or  
inducted member of the military forces of the United States who  
was captured, separated, and incarcerated by an enemy of the  
United States at any time, and any regularly appointed, enrolled,  
or enlisted member of the military forces of Great Britain,  
France, any of the countries that comprised the former Union of  
Soviet Socialist Republics, Australia, Belgium, Brazil, Canada,  
China, Denmark, Greece, the Netherlands, New Zealand, Norway,  
Poland, South Africa, or any of the countries that comprised the  
former Yugoslavia who was a citizen of the United States at the  
time of such appointment, enrollment, or enlistment, and was  
captured, separated, and incarcerated by an enemy of this country  
during World War II.

(B) Any person who has been a prisoner of war may apply to  
the registrar of motor vehicles for the registration of one  
passenger car, noncommercial motor vehicle, or other vehicle of a  
class approved by the registrar the person owns or leases. The  
application shall be accompanied by written evidence in the form  
of a record of separation, a letter from one of the armed forces

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of the United States or other country as provided in division (A) 12478  
of this section, or other evidence as the registrar may require by 12479  
rule, that such a person was a prisoner of war and was honorably 12480  
discharged or is presently residing in this state on active duty 12481  
with one of the branches of the armed forces of the United States, 12482  
or was a prisoner of war and was honorably discharged or received 12483  
an equivalent discharge or release from one of the armed forces of 12484  
such other country. 12485

Upon receipt of an application for registration of a motor 12486  
vehicle under this section, and presentation of satisfactory 12487  
evidence of such prisoner-of-war status, the registrar shall issue 12488  
to the applicant the appropriate vehicle registration and a set of 12489  
license plates. In addition to the letters and numbers ordinarily 12490  
inscribed thereon, the license plates shall be inscribed with the 12491  
words "FORMER POW." The license plates shall be issued without 12492  
payment of any registration fee or service fee as required by 12493  
division (B) of section 4503.04 and sections 4503.10 and 4503.102 12494  
of the Revised Code, and without payment of any applicable county, 12495  
township, or municipal motor vehicle tax levied under Chapter 12496  
4504. of the Revised Code. 12497

(C) The spouse of a deceased former prisoner of war who has 12498  
not remarried, if the deceased person received or was eligible to 12499  
receive special license plates issued under division (B) of this 12500  
section, may apply to the registrar for the registration of the 12501  
spouse's personal motor vehicle without the payment of any fee or 12502  
tax as provided by division (B) of this section. The application 12503  
for registration shall be accompanied by documentary evidence of 12504  
the deceased person's status as a former prisoner of war and by 12505  
any other evidence that the registrar requires by rule. 12506

Upon receipt of an application for registration under this 12507  
division and presentation of satisfactory evidence as required by 12508  
this division and by the registrar, the registrar shall issue to 12509



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the spouse the appropriate vehicle registration and a set of 12510  
license plates as provided in division (B) of this section. 12511

(D) No person who is not a former prisoner of war or spouse 12512  
of a deceased former prisoner of war who has not remarried shall 12513  
willfully and falsely represent that the person is such a former 12514  
prisoner of war or spouse, for the purpose of obtaining license 12515  
plates under this section. 12516

(E) No person shall own or lease a motor vehicle bearing 12517  
license plates issued under this section unless the person is 12518  
eligible to be issued the license plates. 12519

(F) Whoever violates this section is guilty of a misdemeanor 12520  
of the fourth degree. 12521

**Sec. 4503.47.** (A) Any person who is a volunteer firefighter 12522  
may apply to the registrar of motor vehicles for the registration 12523  
of one passenger car or other vehicle of a class approved by the 12524  
registrar the person owns or leases. The application shall be 12525  
accompanied by such written evidence as the registrar may require 12526  
by rule, that the person is a volunteer firefighter. 12527

Upon receipt of an application for the registration of a 12528  
passenger car or other vehicle of a class approved by the 12529  
registrar under this section and presentation of satisfactory 12530  
evidence of such volunteer firefighter status, the registrar shall 12531  
issue to the applicant the appropriate vehicle registration and a 12532  
set of license plates and a validation sticker, or a validation 12533  
sticker alone when required by section 4503.191 of the Revised 12534  
Code. In addition to the letters and numbers ordinarily inscribed 12535  
thereon, the license plates shall be inscribed with the letters 12536  
"F.D." inside a Maltese cross emblem. The license plates and 12537  
validation stickers shall be issued upon payment of the regular 12538  
license fees as prescribed under section 4503.04 of the Revised 12539  
Code and any local motor vehicle tax levied under Chapter 4504. of 12540

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the Revised Code, and upon the payment of an additional fee of ten  
dollars for issuance under this section. The fee shall be for the  
purpose of compensating the bureau of motor vehicles for  
additional services required in the issuing of such license  
plates, and shall be transmitted by the registrar to the treasurer  
of state for deposit in the state bureau of motor vehicles fund  
created by section 4501.25 of the Revised Code. No person shall  
apply for more than one set of volunteer firefighter license  
plates annually.

The chief of a fire department or the fire chief shall  
immediately notify the registrar whenever any person under the  
chief's supervision is no longer a volunteer firefighter.

Whenever a person is no longer eligible to be issued  
volunteer firefighter license plates, the person shall surrender  
the volunteer firefighter license plates to the bureau in exchange  
for plates without the "F.D." emblem. A fee of five dollars shall  
be charged for the services required in the issuing of replacement  
plates when an individual is no longer eligible to be issued  
volunteer firefighter license plates.

Application for volunteer firefighter license plates may be  
made, and such license plates and replacement plates shall be  
issued, at any time of year.

No person who is not a volunteer firefighter shall willfully  
and falsely represent that the person is a volunteer firefighter  
for the purpose of obtaining volunteer firefighter license plates  
under this section. No person shall own a vehicle bearing such  
license plates unless the person is eligible to be issued such  
license plates.

(B) Whoever violates this section is guilty of a misdemeanor  
of the fourth degree.

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**Sec. 4503.471.** (A) Any person who is a member in good standing of the international association of firefighters may apply to the registrar of motor vehicles for the registration of any passenger car, noncommercial vehicle, motor home, or other vehicle of a class approved by the registrar that the person owns or leases and the issuance of international association of firefighters license plates. The application shall be accompanied by the written evidence that the registrar may require by rule showing that the person is a member in good standing of the international association of firefighters. The application for international association of firefighters license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code.

Upon receipt of an application for registration of a vehicle under this section and presentation of satisfactory evidence showing that the person is a member in good standing of the international association of firefighters, the registrar shall issue to the applicant the appropriate vehicle registrations, sets of license plates and validation stickers, or validation stickers alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed on the license plates, international association of firefighters license plates shall be inscribed with a Maltese cross emblem designed by the international association of firefighters and approved by the registrar. International association of firefighters license plates shall bear county identification stickers that identify the county of registration by name or number.

The license plates and validation stickers shall be issued upon payment of the regular license fee as prescribed under section 4503.04 of the Revised Code, payment of any local motor vehicle tax levied under Chapter 4504. of the Revised Code, and

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payment of an additional fee of ten dollars for the purpose of 12603  
compensating the bureau of motor vehicles for additional services 12604  
required in the issuing of license plates under this section. If 12605  
the application for international association of firefighters 12606  
license plates is combined with a request for a special reserved 12607  
license plate under section 4503.40 or 4503.42 of the Revised 12608  
Code, the license plate and validation sticker shall be issued 12609  
upon payment of the fees and taxes contained in this division and 12610  
the additional fee prescribed under section 4503.40 or 4503.42 of 12611  
the Revised Code. The registrar shall deposit the additional fee 12612  
of ten dollars in the state bureau of motor vehicles fund created 12613  
by section 4501.25 of the Revised Code. 12614

Whenever a person no longer is eligible to be issued 12615  
international association of firefighters license plates, the 12616  
person shall surrender the international association of 12617  
firefighters license plates to the bureau in exchange for license 12618  
plates without the Maltese cross emblem described in this section. 12619  
A fee of five dollars shall be charged for the services required 12620  
in the issuing of replacement plates when a person no longer is 12621  
eligible to be issued international association of firefighters 12622  
license plates. 12623

A person may make application for international association 12624  
of firefighters license plates at any time of year, and the 12625  
registrar shall issue international association of firefighters 12626  
license plates and replacement plates at any time of year. 12627

(B) No person who is not a member in good standing of the 12628  
international association of firefighters shall willfully and 12629  
falsely represent that the person is a member in good standing of 12630  
the international association of firefighters for the purpose of 12631  
obtaining international association of firefighters license plates 12632  
under this section. No person shall own or lease a vehicle bearing 12633  
international association of firefighters license plates unless 12634

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the person is eligible to be issued international association of 12635  
firefighters license plates. 12636

(C) Whoever violates division (B) of this section is guilty 12637  
of a misdemeanor of the fourth degree. 12638

**Sec. 4505.101.** (A) The owner of any repair garage or place of 12639  
storage in which a motor vehicle with a value of less than two 12640  
thousand five hundred dollars has been left unclaimed for fifteen 12641  
days or more following completion of the requested repair or the 12642  
agreed term of storage may send by certified mail, return receipt 12643  
requested, to the last known address of the owner a notice to 12644  
remove the motor vehicle. If the motor vehicle remains unclaimed 12645  
by the owner for fifteen days after the mailing of the notice, and 12646  
the person on whose property the vehicle has been abandoned has 12647  
received the signed receipt from the certified mail or has been 12648  
notified that the delivery was not possible, the person shall 12649  
obtain a certificate of title to the motor vehicle in the person's 12650  
name in the manner provided in this section. 12651

The owner of the repair garage or place of storage that 12652  
mailed the notice shall execute an affidavit that all of the 12653  
requirements of this section necessary to authorize the issuance 12654  
of a certificate of title for the motor vehicle have been met. The 12655  
affidavit shall set forth the value of the motor vehicle when 12656  
unclaimed as determined in accordance with standards fixed by the 12657  
registrar of motor vehicles; the length of time that the motor 12658  
vehicle has remained unclaimed; the expenses incurred with the 12659  
motor vehicle; that a notice to remove the vehicle has been mailed 12660  
to the titled owner, if known, by certified mail, return receipt 12661  
requested; and that a search of the records of the bureau of motor 12662  
vehicles has been made for outstanding liens on the motor vehicle. 12663

No affidavit shall be executed or filed under this section 12664  
until after a search of the records of the bureau of motor 12665

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vehicles has been made. If the research reveals any outstanding 12666  
lien on the motor vehicle, the owner of the repair garage or place 12667  
of storage of the motor vehicle shall notify the mortgagee or 12668  
lienholder by certified mail, return receipt requested, stating 12669  
where the motor vehicle is located and the value of the vehicle. 12670  
Unless the mortgagee or lienholder claims the motor vehicle within 12671  
fifteen days from the mailing of the notice, the mortgagee's 12672  
mortgage or the lienholder's lien shall be invalid. 12673

Upon presentation by the owner of the repair garage or place 12674  
of storage of the affidavit, showing compliance with all 12675  
requirements of this section to the clerk of courts of the county 12676  
in which the repair garage or place of storage is located, the 12677  
clerk of courts shall issue a certificate of title, free and clear 12678  
of all liens and encumbrances, to the owner of the place of 12679  
storage. 12680

The value of the motor vehicle, as determined in accordance 12681  
with standards fixed by the registrar of motor vehicles, less 12682  
expenses incurred by the owner of such repair garage or place of 12683  
storage, shall be paid to the clerk of courts for deposit into the 12684  
county general fund upon receipt of the certificate of title. 12685

(B) Whoever violates this section shall be fined not more 12686  
than two hundred dollars, imprisoned not more than ninety days, or 12687  
both. 12688

**Sec. 4505.102.** (A) If a pawnbroker licensed under Chapter 12689  
4727. of the Revised Code makes a loan that is secured by a motor 12690  
vehicle, watercraft, or outboard motor and has taken possession of 12691  
the motor vehicle, watercraft, or outboard motor and the 12692  
certificate title to the motor vehicle, watercraft, or outboard 12693  
motor, and the owner of the motor vehicle, watercraft, or outboard 12694  
motor fails to redeem or pay interest on the loan for which the 12695  
motor vehicle, watercraft, or outboard motor was pledged within 12696

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two months from the date of the loan or the date on which the last interest payment is due, and the pawnbroker notifies the owner by mail, with proof of mailing, as required by division (A) of section 4727.11 of the Revised Code, of the possible forfeiture of the motor vehicle, watercraft, or outboard motor, and the owner fails to redeem the motor vehicle, watercraft, or outboard motor within the thirty-day period required by that division to be specified in the notice, the pawnbroker shall proceed to obtain a certificate of title to the motor vehicle, watercraft, or outboard motor in the pawnbroker's name in the manner provided in this section.

(B) The pawnbroker shall execute an affidavit stating all of the following:

(1) That the pawnbroker is a pawnbroker licensed under Chapter 4727. of the Revised Code;

(2) That the pawnbroker has made a loan to the owner of a motor vehicle, watercraft, or outboard motor, and the security for the loan is the motor vehicle, watercraft, or outboard motor;

(3) That both the motor vehicle, watercraft, or outboard motor and the certificate of title to the motor vehicle, watercraft, or outboard motor are in the possession of the pawnbroker;

(4) That the owner of the motor vehicle, watercraft, or outboard motor has failed to redeem the pledged motor vehicle, watercraft, or outboard motor or pay interest on the loan for which the motor vehicle, watercraft, or outboard motor was pledged within two months from the date of the loan or the date on which the last interest payment was due;

(5) That the pawnbroker has notified the owner of the motor vehicle, watercraft, or outboard motor by mail, with proof of mailing, as required by division (A) of section 4727.11 of the

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Revised Code, and the owner has failed to redeem the motor  
vehicle, watercraft, or outboard motor within the thirty-day  
period required by that division to be specified in the notice.

Upon presentation by the pawnbroker of a copy of the  
affidavit, a copy of the pawn form, a copy of the proof of  
mailing, and the certificate of title to the motor vehicle,  
watercraft, or outboard motor, the clerk of the court of common  
pleas of the county in which the last certificate of title to the  
motor vehicle, watercraft, or outboard motor was issued shall  
issue, if the record shows no lien or encumbrances exist, a  
certificate of title, free and clear of all liens and  
encumbrances, to the pawnbroker.

(C) No person shall execute or present the affidavit required  
by this section, knowing any entry on the affidavit to be false.

(D) Whoever violates this section shall be fined not more  
than two hundred dollars, imprisoned not more than ninety days, or  
both.

**Sec. 4505.11.** (A) Each owner of a motor vehicle and each  
person mentioned as owner in the last certificate of title, when  
the motor vehicle is dismantled, destroyed, or changed in such  
manner that it loses its character as a motor vehicle, or changed  
in such manner that it is not the motor vehicle described in the  
certificate of title, shall surrender the certificate of title to  
that motor vehicle to the clerk of the court of common pleas who  
issued it, and thereupon the clerk, with the consent of any  
holders of any liens noted thereon, shall enter a cancellation  
upon the clerk's records and shall notify the registrar of motor  
vehicles of the cancellation.

Upon the cancellation of a certificate of title in the manner  
prescribed by this section, the clerk and the registrar of motor



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vehicles may cancel and destroy all certificates and all  
memorandum certificates in that chain of title.

(B) Where an Ohio certificate of title or salvage certificate  
of title to a motor vehicle is assigned to a salvage dealer, the  
dealer is not required to obtain an Ohio certificate of title or a  
salvage certificate of title to the motor vehicle in the dealer's  
own name if the dealer dismantles or destroys the motor vehicle,  
indicates the number of the dealer's motor vehicle salvage  
dealer's license thereon, marks "FOR DESTRUCTION" across the face  
of the certificate of title or salvage certificate of title, and  
surrenders the certificate of title or salvage certificate of  
title to the clerk of the court of common pleas as provided in  
division (A) of this section. If the salvage dealer retains the  
motor vehicle for resale, the dealer shall make application for a  
salvage certificate of title to the motor vehicle in the dealer's  
own name as provided in division (C)(1) of this section.

(C)(1) When an insurance company declares it economically  
impractical to repair such a motor vehicle and has paid an agreed  
price for the purchase of the motor vehicle to any insured or  
claimant owner, the insurance company shall receive the  
certificate of title and the motor vehicle and proceed as follows.  
Within thirty days the insurance company shall deliver the  
certificate of title to the clerk of the court of common pleas and  
shall make application for a salvage certificate of title. The  
clerk shall issue the salvage certificate of title on a form,  
prescribed by the registrar, that shall be easily distinguishable  
from the original certificate of title and shall bear the same  
number and information as the original certificate of title.  
Except as provided in division (C)(2) of this section, the salvage  
certificate of title shall be assigned by the insurance company to  
a salvage dealer or any other person for use as evidence of

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ownership upon the sale or other disposition of the motor vehicle, 12791  
and the salvage certificate of title shall be transferrable to any 12792  
other person. The clerk shall charge a fee of four dollars for the 12793  
cost of processing each salvage certificate of title. 12794

(2) If an insurance company considers a motor vehicle as 12795  
described in division (C)(1) of this section to be impossible to 12796  
restore for highway operation, the insurance company may assign 12797  
the certificate of title to the motor vehicle to a salvage dealer 12798  
or scrap metal processing facility and send the assigned 12799  
certificate of title to the clerk of the court of common pleas of 12800  
the county in which the salvage dealer or scrap metal processing 12801  
facility is located. The insurance company shall mark the face of 12802  
the certificate of title "FOR DESTRUCTION" and shall deliver a 12803  
photocopy of the certificate of title to the salvage dealer or 12804  
scrap metal processing facility for its records. 12805

(3) If an insurance company declares it economically 12806  
impractical to repair a motor vehicle, agrees to pay to the 12807  
insured or claimant owner an amount in settlement of a claim 12808  
against a policy of motor vehicle insurance covering the motor 12809  
vehicle, and agrees to permit the insured or claimant owner to 12810  
retain possession of the motor vehicle, the insurance company 12811  
shall not pay the insured or claimant owner any amount in 12812  
settlement of the insurance claim until the owner obtains a 12813  
salvage certificate of title to the vehicle and furnishes a copy 12814  
of the salvage certificate of title to the insurance company. 12815

(D) When a self-insured organization, rental or leasing 12816  
company, or secured creditor becomes the owner of a motor vehicle 12817  
that is burned, damaged, or dismantled and is determined to be 12818  
economically impractical to repair, the self-insured organization, 12819  
rental or leasing company, or secured creditor shall do one of the 12820  
following: 12821

(1) Mark the face of the certificate of title to the motor 12822

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vehicle "FOR DESTRUCTION" and surrender the certificate of title 12823  
to the clerk of the court of common pleas for cancellation as 12824  
described in division (A) of this section. The self-insured 12825  
organization, rental or leasing company, or secured creditor 12826  
thereupon shall deliver the motor vehicle, together with a 12827  
photocopy of the certificate of title, to a salvage dealer or 12828  
scrap metal processing facility and shall cause the motor vehicle 12829  
to be dismantled, flattened, crushed, or destroyed. 12830

(2) Obtain a salvage certificate of title to the motor 12831  
vehicle in the name of the self-insured organization, rental or 12832  
leasing company, or secured creditor, as provided in division 12833  
(C)(1) of this section, and then sell or otherwise dispose of the 12834  
motor vehicle. If the motor vehicle is sold, the self-insured 12835  
organization, rental or leasing company, or secured creditor shall 12836  
obtain a salvage certificate of title to the motor vehicle in the 12837  
name of the purchaser from the clerk of the court of common pleas 12838  
of the county in which the purchaser resides. 12839

(E) If a motor vehicle titled with a salvage certificate of 12840  
title is restored for operation upon the highways, application 12841  
shall be made to the clerk of the court of common pleas for a 12842  
certificate of title. Upon inspection by the state highway patrol, 12843  
which shall include establishing proof of ownership and an 12844  
inspection of the motor number and vehicle identification number 12845  
of the motor vehicle and of documentation or receipts for the 12846  
materials used in restoration by the owner of the motor vehicle 12847  
being inspected, which documentation or receipts shall be 12848  
presented at the time of inspection, the clerk, upon surrender of 12849  
the salvage certificate of title, shall issue a certificate of 12850  
title for a fee prescribed by the registrar. The certificate of 12851  
title shall be in the same form as the original certificate of 12852  
title, shall bear the same number as the salvage certificate of 12853  
title and the original certificate of title, and shall bear the 12854

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words "REBUILT SALVAGE" in black boldface letters on its face. 12855  
Every subsequent certificate of title, memorandum certificate of 12856  
title, or duplicate certificate of title issued for the motor 12857  
vehicle also shall bear the words "REBUILT SALVAGE" in black 12858  
boldface letters on its face. The exact location on the face of 12859  
the certificate of title of the words "REBUILT SALVAGE" shall be 12860  
determined by the registrar, who shall develop an automated 12861  
procedure within the automated title processing system to comply 12862  
with this division. The clerk shall use reasonable care in 12863  
performing the duties imposed on the clerk by this division in 12864  
issuing a certificate of title pursuant to this division, but the 12865  
clerk is not liable for any of the clerk's errors or omissions or 12866  
those of the clerk's deputies, or the automated title processing 12867  
system in the performance of those duties. A fee of forty dollars 12868  
in fiscal year 1998 and fifty dollars in fiscal year 1999 and 12869  
thereafter shall be assessed by the state highway patrol for each 12870  
inspection made pursuant to this division and shall be deposited 12871  
into the state highway safety fund established by section 4501.06 12872  
of the Revised Code. 12873

(F) No person shall operate upon the highways in this state a 12874  
motor vehicle, title to which is evidenced by a salvage 12875  
certificate of title, except to deliver the motor vehicle pursuant 12876  
to an appointment for an inspection under this section. 12877

(G) No motor vehicle the certificate of title to which has 12878  
been marked "FOR DESTRUCTION" and surrendered to the clerk of the 12879  
court of common pleas shall be used for anything except parts and 12880  
scrap metal. 12881

(H)(1) Except as otherwise provided in this division, an 12882  
owner of a manufactured or mobile home that will be taxed as real 12883  
property pursuant to division (B) of section 4503.06 of the 12884  
Revised Code shall surrender the certificate of title to the 12885  
auditor of the county containing the taxing district in which the 12886

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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.

(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:

(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  
which the home is located;

(b) The homeowner has either paid the lienholder the  
remaining balance owed to the lienholder, or, with the  
lienholder's consent, executed and delivered to the lienholder a  
mortgage on the home and land on which the home is sited in the  
amount of the remaining balance owed to the lienholder.

(3) Upon the delivery of a certificate of title by the county  
auditor to the clerk of the court, the clerk of the court shall  
inactivate it and retain it for a period of thirty years.

(4) Upon application by the owner of a manufactured or mobile  
home that is taxed as real property pursuant to division (B) of  
section 4503.06 of the Revised Code and that no longer satisfies  
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that  
section, the clerk of court shall reactivate the record of the

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certificate of title that was inactivated under division (H)(3) of 12918  
this section and shall issue a new certificate of title, but only 12919  
if the application contains or has attached to it all of the 12920  
following: 12921

(a) An endorsement of the county treasurer that all real 12922  
property taxes charged against the home under Title LVII of the 12923  
Revised Code and division (B) of section 4503.06 of the Revised 12924  
Code for all preceding tax years have been paid; 12925

(b) An endorsement of the county auditor that the home will 12926  
be removed from the real property tax list; 12927

(c) Proof that there are no outstanding mortgages or other 12928  
liens on the home or, if there are such mortgages or other liens, 12929  
that the mortgagee or lienholder has consented to the reactivation 12930  
of the certificate of title. 12931

(I)(1) Whoever violates division (F) of this section shall be 12932  
fined not more than two thousand dollars, imprisoned not more than 12933  
one year, or both. 12934

(2) Whoever violates division (G) of this section shall be 12935  
fined not more than one thousand dollars, imprisoned not more than 12936  
six months, or both. 12937

**Sec. 4505.111.** (A) Every motor vehicle, other than a motor 12938  
vehicle as provided in divisions (C), (D), and (E) of section 12939  
4505.11 of the Revised Code, that is assembled from component 12940  
parts by a person other than the manufacturer, shall be inspected 12941  
by the state highway patrol prior to issuance of title to the 12942  
motor vehicle. The inspection shall include establishing proof of 12943  
ownership and an inspection of the motor number and vehicle 12944  
identification number of the motor vehicle, and any items of 12945  
equipment the director of public safety considers advisable and 12946  
requires to be inspected by rule. A fee of forty dollars in fiscal 12947

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year 1998 and fifty dollars in fiscal year 1999 and thereafter 12948  
shall be assessed by the state highway patrol for each inspection 12949  
made pursuant to this section, and shall be deposited in the state 12950  
highway safety fund established by section 4501.06 of the Revised 12951  
Code. 12952

(B) Whoever violates this section shall be fined not more 12953  
than two thousand dollars, imprisoned not more than one year, or 12954  
both. 12955

**Sec. 4505.15.** (A) Manufacturers and importers shall appoint 12956  
and authorize agents who shall sign manufacturer's or importer's 12957  
certificates. The registrar of motor vehicles may require that a 12958  
certified copy of a list containing the names and the facsimile 12959  
signatures of the authorized agents be furnished ~~him~~ the registrar 12960  
and be forwarded to each clerk of the court of common pleas in the 12961  
respective counties within the state, and the registrar may 12962  
prescribe the form of authorization to be used by manufacturers or 12963  
importers and the method of certification of the names of said 12964  
agents. 12965

(B) Whoever violates this section shall be fined not more 12966  
than two hundred dollars, imprisoned not more than ninety days, or 12967  
both. 12968

**Sec. 4505.17.** (A) Every sheriff, chief of police, constable, 12969  
state highway patrol trooper, employee of the state highway 12970  
patrol, and designated officer of the department of public safety, 12971  
having knowledge of a stolen motor vehicle, immediately shall 12972  
furnish the registrar of motor vehicles with full information 12973  
concerning such theft. 12974

Whenever the registrar receives a report of the theft or 12975  
conversion of a motor vehicle, whether the same has been 12976  
registered or not and whether owned in this or any other state, 12977

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the registrar shall make a distinctive record thereof, including 12978  
the make of the stolen vehicle and its manufacturer's vehicle 12979  
identification number. The registrar shall prepare a report 12980  
listing motor vehicles stolen and recovered as disclosed by the 12981  
reports submitted to the registrar, to be distributed as the 12982  
registrar determines advisable. 12983

In the event of the receipt from any clerk of the court of 12984  
common pleas of a copy of a certificate of title to such a motor 12985  
vehicle, the registrar immediately shall notify the rightful owner 12986  
thereof and the clerk who issued such certificate of title, and 12987  
if, upon investigation, it appears that such certificate of title 12988  
was improperly issued, the registrar immediately shall cancel the 12989  
certificate. 12990

In the event of the recovery of a stolen or converted motor 12991  
vehicle, the owner immediately shall notify the registrar, who 12992  
shall remove the record of the theft or conversion from the 12993  
registrar's file. 12994

(B) Whoever violates this section shall be fined not more 12995  
than two hundred dollars, imprisoned not more than ninety days, or 12996  
both. 12997

**Sec. 4505.18. (A)** No person shall: 12998

~~(A)~~(1) Operate in this state a motor vehicle for which a 12999  
certificate of title is required without having such certificate 13000  
in accordance with sections 4505.01 to 4505.21 of the Revised 13001  
Code, or upon which the certificate of title has been canceled; 13002

~~(B)~~(2) Display or display for sale or sell as a dealer or 13003  
acting on behalf of a dealer, a motor vehicle without having 13004  
obtained a manufacturer's or importer's certificate or a 13005  
certificate of title therefor as provided in sections 4505.01 to 13006  
4505.21 of the Revised Code; 13007



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~~(C)~~(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the registrar of motor vehicles and notice thereof as prescribed in sections 4505.01 to 4505.21 of the Revised Code;

~~(D)~~(4) Fail to surrender the certificate of title to the clerk of the court of common pleas as provided in sections 4505.01 to 4505.21 of the Revised Code, in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

~~(E)~~(5) Violate any rules promulgated pursuant to sections 4505.01 to 4505.21 of the Revised Code—i

~~(F)~~(6) Except as otherwise provided in Chapter 4517. of the Revised Code, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with section 4505.06 of the Revised Code and subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(B) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(C) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both.

**Sec. 4505.181.** (A) Notwithstanding divisions ~~(B)~~, ~~(E)~~(A)(2), (5), and ~~(F)~~(6) of section 4505.18 of the Revised Code, a motor vehicle dealer or person acting on behalf of a motor vehicle

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dealer may display, offer for sale, or sell a used motor vehicle 13038  
without having first obtained a certificate of title for the 13039  
vehicle in the name of the dealer as required by this chapter if 13040  
the dealer or person acting on behalf of the dealer complies with 13041  
divisions (A)(1)(a) and (A)(2) of this section, or divisions 13042  
(A)(1)(b) and (A)(2) of this section, as follows: 13043

(1)(a) If the dealer has been licensed as a motor vehicle 13044  
dealer for less than the three-year period prior to the date on 13045  
which the dealer or person acting on behalf of the dealer 13046  
displays, offers for sale, or sells the used motor vehicle for 13047  
which the dealer has not obtained a certificate of title in the 13048  
name of the dealer, or if the attorney general has paid a retail 13049  
purchaser of the dealer under division (C) of this section within 13050  
three years prior to such date, the dealer posts with the attorney 13051  
general's office in favor of this state a bond of a surety company 13052  
authorized to do business in this state, in an amount of not less 13053  
than twenty-five thousand dollars, to be used solely for the 13054  
purpose of compensating retail purchasers of motor vehicles who 13055  
suffer damages due to failure of the dealer or person acting on 13056  
behalf of the dealer to comply with this section. The dealer's 13057  
surety shall notify the registrar and attorney general when a bond 13058  
is canceled. Such notification of cancellation shall include the 13059  
effective date of and reason for cancellation. 13060

(b) If the dealer has been licensed as a motor vehicle dealer 13061  
for longer than the three-year period prior to the date on which 13062  
the dealer or person acting on behalf of the dealer displays, 13063  
offers for sale, or sells the used motor vehicle for which the 13064  
dealer has not obtained a certificate of title in the name of the 13065  
dealer and the attorney general has not paid a retail purchaser of 13066  
the dealer under division (C) of this section within three years 13067  
prior to such date, the dealer pays one hundred fifty dollars to 13068  
the attorney general for deposit into the title defect recision 13069

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fund created by section 1345.52 of the Revised Code.	13070
(2) Possesses a bill of sale for each motor vehicle proposed to be displayed, offered for sale, or sold under this section and a properly executed power of attorney or other related documents from the prior owner of the motor vehicle giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle issued in the name of the dealer, and retains copies of all such documents in the dealer's or person's files until such time as certificate of title in the dealer's name is issued for each such motor vehicle by the clerk of the court of common pleas. Such documents shall be available for inspection by the bureau of motor vehicles during normal business hours.	13071 13072 13073 13074 13075 13076 13077 13078 13079 13080 13081 13082
(B) If a retail purchaser purchases a motor vehicle for which the dealer, pursuant to and in accordance with division (A) of this section, does not have a certificate of title issued in the name of the dealer at the time of the sale, the retail purchaser has an unconditional right to rescind the transaction and the dealer has an obligation to refund to the retail purchaser the full purchase price of the vehicle, if one of the following applies:	13083 13084 13085 13086 13087 13088 13089 13090
(1) The dealer fails, on or before the fortieth day following the date of the sale, to obtain a title in the name of the retail purchaser;	13091 13092 13093
(2) The title for the vehicle indicates that it is a rebuilt salvage vehicle, and the fact that it is a rebuilt salvage vehicle was not disclosed to the retail purchaser in writing prior to the execution of the purchase agreement;	13094 13095 13096 13097
(3) The title for the vehicle indicates that the dealer has made an inaccurate odometer disclosure to the retail purchaser.	13098 13099
If any of the circumstances described in divisions (B)(1) to	13100

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(3) of this section applies, a retail purchaser or the retail purchaser's representative shall notify the dealer and afford the dealer the opportunity to comply with the dealer's obligation to refund the full purchase price of the motor vehicle. Nothing in this division shall be construed as prohibiting the dealer and the retail purchaser or their representatives from negotiating a compromise resolution that is satisfactory to both parties.

(C) If a retail purchaser notifies a dealer of one or more of the circumstances listed in division (B) of this section and the dealer fails to refund to the retail purchaser the full purchase price of the vehicle or reach a satisfactory compromise with the retail purchaser within three business days of presentation of the retail purchaser's recision claim, the retail purchaser may apply to the attorney general for payment from the fund of the full purchase price to the retail purchaser.

(D) Upon application by a retail purchaser for payment from the fund, if the attorney general is satisfied that one or more of the circumstances contained in divisions (B)(1) to (3) of this section exist, the attorney general shall cause the full purchase price of the vehicle to be paid to the retail purchaser from the fund after delivery of the vehicle to the attorney general. The attorney general may sell or otherwise dispose of any vehicle that is delivered to the attorney general under this section, and may collect the proceeds of any bond posted under division (A) of this section by a dealer who has failed to comply with division (C) of this section. The proceeds from all such sales and collections shall be deposited into the title defect recision fund for use as specified in section 1345.52 of the Revised Code.

(E) Failure by a dealer to comply with division (A) or (B) of this section constitutes a deceptive act or practice in connection with a consumer transaction, and is a violation of section 1345.02 of the Revised Code.

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(F) The remedy provided in this section to retail purchasers is in addition to any remedies otherwise available to the retail purchaser for the same conduct of the dealer or person acting on behalf of the dealer under federal law or the laws of this state or a political subdivision of this state.

(G) All motor vehicle dealers licensed under Chapter 4517. of the Revised Code shall pay to the attorney general for deposit into the title defect recision fund the amount described in division (A)(1)(b) of this section beginning with the calendar year during which this section becomes effective and each year subsequent to that year until the balance in the fund is not less than three hundred thousand dollars. All such dealers also shall pay to the attorney general for deposit into the fund that amount during any year and subsequent years during which the balance in the fund is less than three hundred thousand dollars until the balance in the fund reaches three hundred thousand dollars.

If a motor vehicle dealer fails to comply with this division, the attorney general may bring a civil action in a court of competent jurisdiction to collect the amount the dealer failed to pay to the attorney general for deposit into the fund.

**Sec. 4505.19. (A)** No person shall do any of the following:

~~(A)~~(1) Procure or attempt to procure a certificate of title or a salvage certificate of title to a motor vehicle, or pass or attempt to pass a certificate of title, a salvage certificate of title, or any assignment thereof to a motor vehicle, knowing or having reason to believe that such motor vehicle or any part of the motor vehicle has been acquired through commission of a theft offense as defined in section 2913.01 of the Revised Code;

~~(B)~~(2) Purport to sell or transfer a motor vehicle without delivering to the purchaser or transferee thereof a certificate of title, a salvage certificate of title, or a manufacturer's or

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importer's certificate thereto, assigned to such purchaser as 13164  
provided for in this 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 ~~(B)~~(A)(2) of 13187  
section 4505.18 or any other provision of Chapter 4505. or 4517. 13188  
of the Revised Code, a secured party may designate any dealer to 13189  
display, display for sale, or sell a manufactured or mobile home 13190  
if the home has come into the possession of that secured party by 13191  
a default in the terms of a security instrument and the 13192  
certificate of title remains in the name and possession of the 13193  
secured party. 13194

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(B) Notwithstanding division ~~(B)~~(A)(2) of section 4505.18 or 13195  
any other provision of Chapter 4505. or 4517. of the Revised Code, 13196  
the owner of a recreational vehicle or a secured party of a 13197  
recreational vehicle who has come into possession of the vehicle 13198  
by a default in the terms of a security instrument, may designate 13199  
any dealer to display, display for sale, or sell the vehicle while 13200  
the certificate of title remains in the possession of the owner or 13201  
secured party. No dealer may display or offer for sale more than 13202  
five recreational vehicles at any time under this division. No 13203  
dealer may display or offer for sale a recreational vehicle under 13204  
this division unless the dealer maintains insurance or the bond of 13205  
a surety company authorized to transact business within this state 13206  
in an amount sufficient to satisfy the fair market value of the 13207  
vehicle. 13208

(C) The registrar of motor vehicles may adopt rules in 13209  
accordance with Chapter 119. of the Revised Code prescribing the 13210  
maximum number of manufactured or mobile homes that have come into 13211  
the possession of a secured party by a default in the terms of a 13212  
security instrument that any dealer may display or offer for sale 13213  
at any time. The registrar may adopt other reasonable rules 13214  
regarding the resale of such manufactured homes, mobile homes, and 13215  
recreational vehicles that the registrar considers necessary. 13216

(D) The secured party or owner shall provide the dealer with 13217  
written authorization to display, display for sale, or sell the 13218  
manufactured home, mobile home, or recreational vehicle. The 13219  
dealer shall show and explain the written authorization to any 13220  
prospective purchaser. The written authorization shall contain the 13221  
vehicle identification number, make, model, year of manufacture, 13222  
and physical description of the manufactured home, mobile home, or 13223  
recreational vehicle that is provided to the dealer. 13224

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(E) Whoever violates this section shall be fined not more 13226

than two hundred dollars, imprisoned not more than ninety days, or 13227  
both. 13228

(F) As used in this section, "dealer" means a new motor 13229  
vehicle dealer that is licensed under Chapter 4517. of the Revised 13230  
Code. 13231

**Sec. 4505.21.** (A) As used in this section: 13232

(1) "Certified receipt of title cancellation" means a form 13233  
prescribed by the registrar of motor vehicles for use under this 13234  
section that shall include all of the following: 13235

(a) The name of the owner who surrenders a certificate of 13236  
title to a vehicle intended to be exported; 13237

(b) A description of the motor vehicle that shall include the 13238  
year, make, model, style, vehicle identification number, color, 13239  
license registration number, and the state of registration; 13240

(c) The destination of the motor vehicle; 13241

(d) Whether the purpose of the export is for sale, lease, 13242  
personal use, or other specified use; 13243

(e) Such other information as the registrar determines to be 13244  
appropriate. 13245

(2) A "declaration of temporary export" means a form 13246  
prescribed by the registrar that includes all of the following: 13247

(a) The items specified in divisions (A)(1)(a) to (e) of this 13248  
section; 13249

(b) A statement that the vehicle will not be permanently 13250  
located outside of the United States and that the owner intends to 13251  
return the vehicle to the United States; 13252

(c) The period of time for which it is anticipated that the 13253  
motor vehicle will be located outside of the United States. 13254



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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.

(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.

(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:

(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;

(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.

(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:

(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;

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(2) Purposely fail to file a declaration of temporary export with the registrar prior to the date that the motor vehicle is delivered to any person for export in order to facilitate the commission of a conspiracy, attempt, complicity, or theft offense related to the title of a motor vehicle or the proceeds of a motor vehicle insurance policy.

(D)(1) Proof that the defendant acted in good faith and surrendered the certificate of title to the registrar within a reasonable time after delivery of the motor vehicle for export is an affirmative defense to a prosecution under division (B)(1) of this section.

(2) Proof that the defendant acted in good faith and filed a declaration of temporary export with the registrar within a reasonable time after delivery of the motor vehicle for export is an affirmative defense to a prosecution under division (C)(1) of this section.

(E) The registrar shall prescribe forms to be signed by the owner who surrenders a certificate of title for cancellation under this section and by all secured parties whose uncanceled security interests are noted on the certificate. The form shall indicate the person to whom a certified receipt of title cancellation is to be delivered and any security interests that are to be noted on the certified receipt of title cancellation. The registrar shall inspect the title surrender form and the certificate of title to determine whether any uncanceled security interests have been noted on the title under section 4505.13 of the Revised Code and whether the person exporting the vehicle is the lawful owner. If the registrar determines that the certificate is in proper order and that all secured parties having uncanceled security interests noted on the certificate have consented to the surrender of the certificate, the registrar shall issue a certified receipt of title to the owner with such notation of security interests as

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shall be requested upon the title surrender form. 13318

(F) The registrar shall record a declaration of temporary 13319  
export filed under division (B)(2) of this section and retain it 13320  
with the records of the certificate of title until the owner 13321  
notifies the registrar, on a form prescribed by the registrar, 13322  
that the motor vehicle has been returned to the United States. 13323

(G)(1) Whoever violates division (B)(1) or (C)(1) of this 13324  
section is guilty of a misdemeanor of the first degree. 13325

(2) Whoever violates division (B)(2) or (C)(2) of this 13326  
section is guilty of a felony of the fifth degree. 13327

~~Sec. 4505.99. (A) Whoever violates division (G) of section 13328~~  
~~4505.11 of the Revised Code shall be fined not more than one 13329~~  
~~thousand dollars, imprisoned not more than six months, or both. 13330~~

~~(B) Whoever violates division (F) of section 4505.11 or 13331~~  
~~section 4505.111 of the Revised Code shall be fined not more than 13332~~  
~~two thousand dollars or imprisoned not more than one year, or 13333~~  
~~both. 13334~~

~~(C) Whoever violates any provision of sections 4505.01 to 13335~~  
~~4505.21 of the Revised Code for which no penalty ~~is~~ otherwise is 13336~~  
~~provided in ~~this~~ the section that contains the provision violated 13337~~  
~~shall be fined not more than two hundred dollars, imprisoned not 13338~~  
~~more than ninety days, or both. 13339~~

~~(D) Whoever violates section 4505.19 of the Revised Code 13340~~  
~~shall be fined not more than five thousand dollars or imprisoned 13341~~  
~~in the county jail or workhouse not less than six months nor more 13342~~  
~~than one year, or both, or in a state correctional institution not 13343~~  
~~less than one nor more than five years. 13344~~

~~(E) Whoever violates division (B)(1) or (C)(1) of section 13345~~  
~~4505.21 of the Revised Code is guilty of a misdemeanor of the 13346~~  
~~first degree. 13347~~

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~~(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.~~

**Sec. 4506.01.** As used in this chapter: 13351

(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:

(1) One hundred milliliters of whole blood, blood serum, or blood plasma;

(2) Two hundred ten liters of breath;

(3) One hundred milliliters of urine.

(B) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

(C) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle.

(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.

(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:

(1) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(2) Any single vehicle with a gross vehicle weight rating of

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twenty-six thousand one pounds or more, or any such vehicle towing	13377
a vehicle having a gross vehicle weight rating that is not in	13378
excess of ten thousand pounds;	13379
(3) Any single vehicle or combination of vehicles that is not	13380
a class A or class B vehicle, but that either is designed to	13381
transport sixteen or more passengers including the driver, or is	13382
placarded for hazardous materials;	13383
(4) Any school bus with a gross vehicle weight rating of less	13384
than twenty-six thousand one pounds that is designed to transport	13385
fewer than sixteen passengers including the driver;	13386
(5) Is transporting hazardous materials for which placarding	13387
is required by regulations adopted under the "Hazardous Materials	13388
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as	13389
amended;	13390
(6) Any single vehicle or combination of vehicles that is	13391
designed to be operated and to travel on a public street or	13392
highway and is considered by the federal highway administration to	13393
be a commercial motor vehicle, including, but not limited to, a	13394
motorized crane, a vehicle whose function is to pump cement, a rig	13395
for drilling wells, and a portable crane.	13396
(F) "Controlled substance" means all of the following:	13397
(1) Any substance classified as a controlled substance under	13398
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A.	13399
802(6), as amended;	13400
(2) Any substance included in schedules I through V of 21	13401
C.F.R. part 1308, as amended;	13402
(3) Any drug of abuse.	13403
(G) "Conviction" means an unvacated adjudication of guilt or	13404
a determination that a person has violated or failed to comply	13405
with the law in a court of original jurisdiction or an authorized	13406

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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. 13407  
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(H) "Disqualification" means withdrawal of the privilege to drive a commercial motor vehicle. 13412  
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(I) "Drive" means to drive, operate, or be in physical control of a motor vehicle. 13414  
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(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. 13416  
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(K) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive. 13419  
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(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. 13421  
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(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. 13426  
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(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. 13430  
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(O) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed. 13433  
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- (P) "Foreign jurisdiction" means any jurisdiction other than a state. 13437  
13438
- (Q) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit. 13439  
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- (R) "Hazardous materials" means materials identified as such under regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 13445  
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- (S) "Motor vehicle" has the same meaning as in section 4511.01 of the Revised Code. 13449  
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- (T) Except when used in sections 4506.25 and 4506.26 of the Revised Code, "out-of-service order" means a temporary prohibition against driving a commercial motor vehicle issued under this chapter or a similar law of another state or of a foreign jurisdiction. 13451  
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- (U) "Residence" means any person's residence determined in accordance with standards prescribed in rules adopted by the registrar. 13456  
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- (V) "Temporary residence" means residence on a temporary basis as determined by the registrar in accordance with standards prescribed in rules adopted by the registrar. 13459  
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- (W) "Serious traffic violation" means a conviction arising from the operation of a commercial motor vehicle that involves any of the following: 13462  
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13464
- (1) A single charge of any speed that is in excess of the posted speed limit by an amount specified by the United States 13465  
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secretary of transportation and that the director of public safety designates as such by rule;	13467 13468
(2) Violation of section 4511.20, 4511.201, or 4511.202 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;	13469 13470 13471 13472
(3) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;	13473 13474 13475 13476
(4) Violation of any other law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, that is determined to be a serious traffic violation by the United States secretary of transportation and the director designates as such by rule.	13477 13478 13479 13480 13481
(X) "State" means a state of the United States and includes the District of Columbia.	13482 13483
(Y) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid and has a maximum capacity greater than one hundred nineteen gallons or is designed to transport gaseous materials and has a water capacity greater than one thousand pounds within a tank that is either permanently or temporarily attached to the vehicle or its chassis. "Tank vehicle" does not include either of the following:	13484 13485 13486 13487 13488 13489 13490
(1) Any portable tank having a rated capacity of less than one thousand gallons;	13491 13492
(2) Tanks used exclusively as a fuel tank for the motor vehicle to which it is attached.	13493 13494
(Z) "United States" means the fifty states and the District of Columbia.	13495 13496



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(AA) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code.	13497 13498
(BB) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	13499 13500
(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.	13501 13502 13503 13504
<b>Sec. 4506.02.</b> (A) Nothing in this chapter applies to any person when engaged in the operation of any of the following:	13505 13506
(1) A farm truck;	13507
(2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district;	13508 13509
(3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;	13510 13511
(4) A recreational vehicle;	13512
(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 or ice emergency exists that requires additional assistance;	13513 13514 13515 13516 13517 13518 13519 13520 13521 13522
(6) A vehicle owned by the department of defense and operated by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio	13523 13524 13525

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national guard. This exception does not apply to United States  
reserve technicians. 13526  
13527

(7) A commercial motor vehicle that is operated for 13528  
nonbusiness purposes. "Operated for nonbusiness purposes" means 13529  
that the commercial motor vehicle is not used in commerce as 13530  
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 13531  
regulated by the public utilities commission pursuant to Chapter 13532  
4919., 4921., or 4923. of the Revised Code. 13533

(8) A motor vehicle that is designed primarily for the 13534  
transportation of goods and not persons, while that motor vehicle 13535  
is being used for the occasional transportation of personal 13536  
property by individuals not for compensation and not in the 13537  
furtherance of a commercial enterprise. 13538

(B) Nothing contained in division (A)(5) of this section 13539  
shall be construed as preempting or superseding any law, rule, or 13540  
regulation of this state concerning the safe operation of 13541  
commercial motor vehicles. 13542

~~(B)~~(C) As used in this section: 13543

(1) "Eligible unit of local government" means a village, 13544  
township, or county that has a population of not more than three 13545  
thousand persons according to the most recent federal census. 13546

(2) "Farm truck" means a truck controlled and operated by a 13547  
farmer for use in the transportation to or from a farm, for a 13548  
distance of no more than one hundred fifty miles, of products of 13549  
the farm, including livestock and its products, poultry and its 13550  
products, floricultural and horticultural products, and in the 13551  
transportation to the farm, from a distance of no more than one 13552  
hundred fifty miles, of supplies for the farm, including tile, 13553  
fence, and every other thing or commodity used in agricultural, 13554  
floricultural, horticultural, livestock, and poultry production, 13555  
and livestock, poultry, and other animals and things used for 13556

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breeding, feeding, or other purposes connected with the operation 13557  
of the farm, when the truck is operated in accordance with this 13558  
division and is not used in the operations of a motor 13559  
transportation company or private motor carrier. 13560

(3) "Public safety vehicle" has the same meaning as in 13561  
divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 13562

(4) "Recreational vehicle" includes every vehicle that is 13563  
defined as a recreational vehicle in section 4501.01 of the 13564  
Revised Code and is used exclusively for purposes other than 13565  
engaging in business for profit. 13566

**Sec. 4506.03.** (A) On and after April 1, 1992, the following 13567  
shall apply: 13568

(1) No person shall drive a commercial motor vehicle on a 13569  
highway in this state unless ~~he~~ the person holds a valid 13570  
commercial driver's license with proper endorsements for the motor 13571  
vehicle being driven, issued by the registrar of motor vehicles, a 13572  
valid examiner's commercial driving permit issued under section 13573  
4506.13 of the Revised Code, a valid restricted commercial 13574  
driver's license and waiver for farm-related service industries 13575  
issued under section 4506.24 of the Revised Code, or a valid 13576  
commercial driver's license temporary instruction permit issued by 13577  
the registrar and is accompanied by an authorized state driver's 13578  
license examiner or tester or a person who has been issued and has 13579  
in ~~his~~ the person's immediate possession a current, valid 13580  
commercial driver's license with proper endorsements for the motor 13581  
vehicle being driven. 13582

(2) No person shall be issued a commercial driver's license 13583  
until ~~he~~ the person surrenders to the registrar of motor vehicles 13584  
all valid licenses issued to ~~him~~ the person by another 13585  
jurisdiction recognized by this state. All surrendered licenses 13586  
shall be returned by the registrar to the issuing authority. 13587

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(3) No person who has been a resident of this state for thirty days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction. 13588  
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(B) As used in this section and in section 4506.09 of the Revised Code, "tester" means a person or entity acting pursuant to a valid agreement entered into under division (B) of section 4506.09 of the Revised Code. 13592  
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(C) Whoever violates this section is guilty of a misdemeanor of the first degree. 13596  
13597

**Sec. 4506.04.** (A) No person shall do any of the following: 13598

(1) Drive a commercial motor vehicle while having in ~~his~~ the person's possession or otherwise under ~~his~~ the person's control more than one valid driver's license issued by this state, any other state, or by a foreign jurisdiction; 13599  
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(2) Drive a commercial motor vehicle on a highway in this state in violation of an out-of-service order, while ~~his~~ the person's driving privilege is suspended, revoked, or canceled, or while ~~he~~ the person is subject to disqualification; 13603  
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(3) Drive a motor vehicle on a highway in this state under authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this state for thirty days or longer; 13607  
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(4) Knowingly give false information in any application or certification required by section 4506.07 of the Revised Code. 13611  
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(B) The department of public safety shall give every conviction occurring out of this state and notice of which is received after December 31, 1989, full faith and credit and treat it for sanctioning purposes under this chapter as though the conviction had occurred in this state. 13613  
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(C)(1) Whoever violates division (A)(1), (2), or (3) of this section is guilty of a misdemeanor of the first degree. 13618  
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(2) Whoever violates division (A)(4) of this section is guilty of falsification, a misdemeanor of the first degree. In addition, the provisions of section 4507.19 of the Revised Code apply. 13620  
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**Sec. 4506.05.** (A) Notwithstanding any other provision of law, a person may drive a commercial motor vehicle on a highway in this state if all of the following conditions are met: 13624  
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~~(A) He~~ (1) The person has a valid commercial driver's license or commercial driver's license temporary instruction permit issued by any state in accordance with the minimum standards adopted by the federal highway administration under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of commercial drivers' licenses; 13627  
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~~(B) His~~ (2) The person's commercial driver's license or permit is not suspended, revoked, or canceled; 13633  
13634

~~(C) He~~ (3) The person is not disqualified from driving a commercial motor vehicle; 13635  
13636

~~(D) He~~ (4) The person is not subject to an out-of-service order. 13637  
13638

(B) Whoever violates this section is guilty of a misdemeanor of the first degree. 13639  
13640

**Sec. 4506.06.** (A) The registrar of motor vehicles, upon receiving an application for a commercial driver's temporary instruction permit, may issue the permit to any person who is at least eighteen years of age and holds a valid driver's license, other than a restricted license, issued under Chapter 4507. of the Revised Code. A commercial driver's temporary instruction permit 13641  
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shall not be issued for a period exceeding six months and only one 13647  
renewal of a permit shall be granted in a two-year period. 13648

The holder of a commercial driver's temporary instruction 13649  
permit, unless otherwise disqualified, may drive a commercial 13650  
motor vehicle when having the permit in the holder's actual 13651  
possession and accompanied by a person who holds a valid 13652  
commercial driver's license valid for the type of vehicle being 13653  
driven and who occupies a seat beside the permit holder for the 13654  
purpose of giving instruction in driving the motor vehicle. 13655

(B) Whoever violates this section is guilty of a misdemeanor 13656  
of the first degree. 13657

**Sec. 4506.10.** (A) No person who holds a valid commercial 13658  
driver's license shall drive a commercial motor vehicle unless ~~he~~ 13659  
the person is physically qualified to do so. Each person who 13660  
drives or expects to drive a commercial motor vehicle in 13661  
interstate or foreign commerce or is otherwise subject to 49 13662  
C.F.R. 391, et seq., as amended, shall certify to the registrar of 13663  
motor vehicles at the time of application for a commercial 13664  
driver's license that ~~he~~ the person is in compliance with these 13665  
standards. Any person who is not subject to 49 C.F.R. 391, et 13666  
seq., as amended, also shall certify at the time of application 13667  
that ~~he~~ the person is not subject to these standards. 13668

(B) A person is qualified to drive a class B commercial motor 13669  
vehicle with a school bus endorsement, if ~~he~~ the person has been 13670  
certified as medically qualified in accordance with rules adopted 13671  
by the department of education. 13672

(C) Any medical examination required by this section shall be 13673  
performed only by a person licensed under Chapter 4731. of the 13674  
Revised Code to practice medicine or surgery or osteopathic 13675  
medicine and surgery in this state, or licensed under any similar 13676

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law of another state, except that any part of such an examination  
that pertains to visual acuity, field of vision, and the ability  
to recognize colors may be performed by a person licensed under  
Chapter 4725. of the Revised Code to practice optometry in this  
state, or licensed under any similar law of another state.

(D) Whenever good cause appears, the registrar, upon issuing  
a commercial driver's license under this chapter, may impose  
restrictions suitable to the licensee's driving ability with  
respect to the type of motor vehicle or special mechanical control  
devices required on a motor vehicle which the licensee may  
operate, or such other restrictions applicable to the licensee as  
the registrar determines to be necessary.

The registrar may either issue a special restricted license  
or may set forth ~~such restrictions~~ upon the usual license form the  
restrictions imposed.

The registrar, upon receiving satisfactory evidence of any  
violation of the restrictions of ~~such the~~ license, may ~~suspend or~~  
~~revoke the same~~ impose a class D license suspension of the license  
for the period of time specified in division (B)(4) of section  
4510.02 of the Revised Code.

The registrar, upon receiving satisfactory evidence that an  
applicant or holder of a commercial driver's license has violated  
division (A)(4) of section 4506.04 of the Revised Code and  
knowingly given false information in any application or  
certification required by section 4506.07 of the Revised Code,  
shall cancel the commercial driver's license of the person or any  
pending application from the person for a commercial driver's  
license or class D driver's license for a period of at least sixty  
days, during which time no application for a commercial driver's  
license or class D driver's license shall be received from the  
person.

(E) Whoever violates this section is guilty of a misdemeanor 13708  
of the first degree. 13709

**Sec. 4506.11.** (A) Every commercial driver's license shall be 13710  
marked "commercial driver's license" or "CDL" and shall be of such 13711  
material and so designed as to prevent its reproduction or 13712  
alteration without ready detection, and, to this end, shall be 13713  
laminated with a transparent plastic material. The commercial 13714  
driver's license for licensees under twenty-one years of age shall 13715  
have characteristics prescribed by the registrar of motor vehicles 13716  
distinguishing it from that issued to a licensee who is twenty-one 13717  
years of age or older. Every commercial driver's license shall 13718  
display all of the following information: 13719

(1) The name and residence address of the licensee; 13720

(2) A color photograph of the licensee; 13721

(3) A physical description of the licensee, including sex, 13722  
height, weight, and color of eyes and hair; 13723

(4) The licensee's date of birth; 13724

(5) The licensee's social security number and any number or 13725  
other identifier the director of public safety considers 13726  
appropriate and establishes by rules adopted under Chapter 119. of 13727  
the Revised Code and in compliance with federal law. If the 13728  
licensee requests that the licensee's commercial driver's license 13729  
not display the licensee's social security number, the license 13730  
shall not display the number unless display of the number is 13731  
required by federal law. 13732

(6) The licensee's signature; 13733

(7) The classes of commercial motor vehicles the licensee is 13734  
authorized to drive and any endorsements or restrictions relating 13735  
to the licensee's driving of those vehicles; 13736



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(8) A space marked "blood type" in which the licensee may specify the licensee's blood type;	13737 13738
(9) The name of this state;	13739
(10) The dates of issuance and of expiration of the license;	13740
(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;	13741 13742 13743 13744
(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;	13745 13746 13747 13748 13749 13750 13751
(13) Any other information the registrar considers advisable and requires by rule.	13752 13753
(B) The registrar may establish and maintain a file of negatives of photographs taken for the purposes of this section.	13754 13755
(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.	13756 13757 13758 13759 13760 13761
<u>(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor.</u>	13762 13763
<b>Sec. 4506.12.</b> (A) Commercial drivers' licenses shall be issued in the following classes and shall include any endorsements	13764 13765

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and restrictions that are applicable. Subject to any such 13766  
endorsements and restrictions, the holder of a valid commercial 13767  
driver's license may drive all commercial motor vehicles in the 13768  
class for which that license is issued and all lesser classes of 13769  
vehicles, except that ~~he~~ the holder shall not operate a motorcycle 13770  
unless ~~he~~ the holder is licensed to do so under Chapter 4507. of 13771  
the Revised Code. 13772

(B) The classes of commercial drivers' licenses and the 13773  
commercial motor vehicles that they authorize the operation of are 13774  
as follows: 13775

(1) Class A--any combination of vehicles with a combined 13776  
gross vehicle weight rating of twenty-six thousand one pounds or 13777  
more, if the gross vehicle weight rating of the vehicle or 13778  
vehicles being towed is in excess of ten thousand pounds. 13779

(2) Class B--any single vehicle with a gross vehicle weight 13780  
rating of twenty-six thousand one pounds or more or any such 13781  
vehicle towing a vehicle having a gross vehicle weight rating that 13782  
is not in excess of ten thousand pounds. 13783

(3) Class C--any single vehicle, or combination of vehicles, 13784  
that is not a class A or class B vehicle, but that either is 13785  
designed to transport sixteen or more passengers, including the 13786  
driver, or is placarded for hazardous materials and any school bus 13787  
with a gross vehicle weight rating of less than twenty-six 13788  
thousand one pounds that is designed to transport fewer than 13789  
sixteen passengers including the driver. 13790

(C) The following endorsements and restrictions apply to 13791  
commercial drivers' licenses: 13792

(1) H--authorizes the driver to drive a vehicle transporting 13793  
hazardous materials; 13794

(2) K--restricts the driver to only intrastate operation; 13795

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(3) L--restricts the driver to vehicles not equipped with air brakes;	13796 13797
(4) T--authorizes the driver to drive double and triple trailers;	13798 13799
(5) P--authorizes the driver to drive vehicles carrying passengers;	13800 13801
(6) P1--authorizes the driver to drive class A vehicles with fewer than fifteen passengers and all lesser classes of vehicles without restriction as to the number of passengers;	13802 13803 13804
(7) P2--authorizes the driver to drive class A or B vehicles with fewer than fifteen passengers and all lesser classes of vehicles without restriction as to the number of passengers;	13805 13806 13807
(8) P3--restricts the driver to driving class B school buses;	13808 13809
(9) P4--Restricts the driver to driving class C school buses designed to transport fewer than sixteen passengers including the driver.	13810 13811 13812
(10) N--authorizes the driver to drive tank vehicles;	13813
(11) S--authorizes the driver to drive school buses;	13814
(12) X--authorizes the driver to drive tank vehicles transporting hazardous materials;	13815 13816
(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.	13817 13818 13819 13820
(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.	13821 13822 13823 13824

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(E) Whoever violates this section is guilty of a misdemeanor 13825  
of the first degree. 13826

**Sec. 4506.14.** (A) Commercial driver's licenses shall expire 13827  
as follows: 13828

(1) Except as provided in division (A)(3) of this section, 13829  
each such license issued to replace an operator's or chauffeur's 13830  
license shall expire on the original expiration date of the 13831  
operator's or chauffeur's license and, upon renewal, shall expire 13832  
on the licensee's birthday in the fourth year after the date of 13833  
issuance. 13834

(2) Except as provided in division (A)(3) of this section, 13835  
each such license issued as an original license to a person whose 13836  
residence is in this state shall expire on the licensee's birthday 13837  
in the fourth year after the date of issuance, and each such 13838  
license issued to a person whose temporary residence is in this 13839  
state shall expire in accordance with rules adopted by the 13840  
registrar of motor vehicles. A license issued to a person with a 13841  
temporary residence in this state is nonrenewable, but may be 13842  
replaced with a new license within ninety days prior to its 13843  
expiration upon the applicant's compliance with all applicable 13844  
requirements. 13845

(3) Each such license issued to replace the operator's or 13846  
chauffeur's license of a person who is less than twenty-one years 13847  
of age, and each such license issued as an original license to a 13848  
person who is less than twenty-one years of age, shall expire on 13849  
the licensee's twenty-first birthday. 13850

(B) No commercial driver's license shall be issued for a 13851  
period longer than four years and ninety days. Except as provided 13852  
in section 4507.12 of the Revised Code, the registrar may waive 13853  
the examination of any person applying for the renewal of a 13854  
commercial driver's license issued under this chapter, provided 13855

that the applicant presents either an unexpired commercial 13856  
driver's license or a commercial driver's license that has expired 13857  
not more than six months prior to the date of application. 13858

(C) Subject to the requirements of this chapter and except as 13859  
provided in division (A)(2) of this section in regard to a person 13860  
whose temporary residence is in this state, every commercial 13861  
driver's license shall be renewable ninety days before its 13862  
expiration upon payment of the fees required by section 4506.08 of 13863  
the Revised Code. Each person applying for renewal of a commercial 13864  
driver's license shall complete the application form prescribed by 13865  
section 4506.07 of the Revised Code and shall provide all 13866  
certifications required. If the person wishes to retain an 13867  
endorsement authorizing the person to transport hazardous 13868  
materials, the person shall take and successfully complete the 13869  
written test for the endorsement. 13870

(D) Each person licensed as a driver under this chapter shall 13871  
notify the registrar of any change in the person's address within 13872  
ten days following that change. The notification shall be in 13873  
writing on a form provided by the registrar and shall include the 13874  
full name, date of birth, license number, county of residence, 13875  
social security number, and new address of the person. 13876

(E) Whoever violates division (D) of this section is guilty 13877  
of a minor misdemeanor. 13878

**Sec. 4506.15.** (A) No person shall do any of the following: 13879

~~(A)(1)~~ Drive a commercial motor vehicle while having a 13880  
measurable or detectable amount of alcohol or of a controlled 13881  
substance in ~~his~~ the person's blood, breath, or urine; 13882

~~(B)(2)~~ Drive a commercial motor vehicle while having an 13883  
alcohol concentration of four-hundredths of one per cent or more; 13884

~~(C)(3)~~ Drive a commercial motor vehicle while under the 13885

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influence of a controlled substance;	13886
<del>(D)</del> (4) Knowingly leave the scene of an accident involving a commercial motor vehicle driven by the person;	13887 13888
<del>(E)</del> (5) Use a commercial motor vehicle in the commission of a felony;	13889 13890
<del>(F)</del> (6) Refuse to submit to a test under section 4506.17 of the Revised Code;	13891 13892
<del>(G)</del> (7) Violate an out-of-service order issued under this chapter;	13893 13894
<del>(H)</del> (8) Violate any prohibition described in divisions <del>(B)</del> (A)(2) to <del>(G)</del> (7) of this section while transporting hazardous materials.	13895 13896 13897
<u>(B) Whoever violates this section is guilty of a misdemeanor of the first degree.</u>	13898 13899
<b>Sec. 4506.16.</b> (A) Whoever violates division (A)(1) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, immediately shall be placed out-of-service for twenty-four hours, in addition to any disqualification required by this section and any other penalty imposed by the Revised Code.	13900 13901 13902 13903 13904 13905
(B) The registrar of motor vehicles shall disqualify any person from operating a commercial motor vehicle as follows:	13906 13907
(1) <del>Upon</del> <u>Subject to division (B)(4) of this section, upon a first conviction for a violation of any provision of</u> divisions <del>(B)</del> (A)(2) to <del>(G)</del> (7) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, one year, in addition to any other penalty imposed by the Revised Code;	13908 13909 13910 13911 13912
(2) Upon a first conviction for a violation of division <del>(H)</del> (A)(8) of section 4506.15 of the Revised Code or a similar law	13913 13914

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of another state or a foreign jurisdiction, three years, in 13915  
addition to any other penalty imposed by the Revised Code; 13916

(3) Upon a second conviction for a violation of any provision 13917  
of divisions ~~(B)~~(A)(2) to ~~(G)~~(7) of section 4506.15 of the Revised 13918  
Code or a similar law of another state or a foreign jurisdiction, 13919  
or any combination of such violations arising from two or more 13920  
separate incidents, the person shall be disqualified for life or 13921  
for any other period of time as determined by the United States 13922  
secretary of transportation and designated by the director of 13923  
public safety by rule, in addition to any other penalty imposed by 13924  
the Revised Code; 13925

(4) Upon conviction of a violation of division ~~(E)~~(A)(5) of 13926  
section 4506.15 of the Revised Code or a similar law of another 13927  
state or a foreign jurisdiction in connection with the 13928  
manufacture, distribution, or dispensing of a controlled substance 13929  
or the possession with intent to manufacture, distribute, or 13930  
dispense a controlled substance, the person shall be disqualified 13931  
for life, in addition to any other penalty imposed by the Revised 13932  
Code; 13933

(5) Upon conviction of two serious traffic violations 13934  
involving the operation of a commercial motor vehicle by the 13935  
person and arising from separate incidents occurring in a 13936  
three-year period, the person shall be disqualified for sixty 13937  
days, in addition to any other penalty imposed by the Revised 13938  
Code; 13939

(6) Upon conviction of three serious traffic violations 13940  
involving the operation of a commercial motor vehicle by the 13941  
person and arising from separate incidents occurring in a 13942  
three-year period, the person shall be disqualified for one 13943  
hundred twenty days, in addition to any other penalty imposed by 13944  
the Revised Code. 13945

(C) For the purposes of this section, conviction of a 13946

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violation for which disqualification is required may be evidenced	13947
by any of the following:	13948
(1) A judgment entry of a court of competent jurisdiction in	13949
this or any other state;	13950
(2) An administrative order of a state agency of this or any	13951
other state having statutory jurisdiction over commercial drivers;	13952
(3) A computer record obtained from or through the commercial	13953
driver's license information system;	13954
(4) A computer record obtained from or through a state agency	13955
of this or any other state having statutory jurisdiction over	13956
commercial drivers or the records of commercial drivers.	13957
(D) Any record described in division (C) of this section	13958
shall be deemed to be self-authenticating when it is received by	13959
the bureau of motor vehicles.	13960
(E) When disqualifying a driver, the registrar shall cause	13961
the records of the bureau to be updated to reflect that action	13962
within ten days after it occurs.	13963
(F) The registrar immediately shall notify a driver who is	13964
finally convicted of any offense described in section 4506.15 of	13965
the Revised Code or division (B)(4), (5), or (6) of this section	13966
and thereby is subject to disqualification, of the offense or	13967
offenses involved, of the length of time for which	13968
disqualification is to be imposed, and that the driver may request	13969
a hearing within thirty days of the mailing of the notice to show	13970
cause why the driver should not be disqualified from operating a	13971
commercial motor vehicle. If a request for such a hearing is not	13972
made within thirty days of the mailing of the notice, the order of	13973
disqualification is final. The registrar may designate hearing	13974
examiners who, after affording all parties reasonable notice,	13975
shall conduct a hearing to determine whether the disqualification	13976
order is supported by reliable evidence. The registrar shall adopt	13977



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rules to implement this division. 13978

(G) Any person who is disqualified from operating a 13979  
commercial motor vehicle under this section may apply to the 13980  
registrar for a driver's license to operate a motor vehicle other 13981  
than a commercial motor vehicle, provided the person's commercial 13982  
driver's license is not otherwise suspended ~~or revoked~~. A person 13983  
whose commercial driver's license is suspended ~~or revoked~~ shall 13984  
not apply to the registrar for or receive a driver's license under 13985  
Chapter 4507. of the Revised Code during the period of suspension 13986  
~~or revocation~~. 13987

**Sec. 4506.17.** (A) Any person who drives a commercial motor 13988  
vehicle within this state shall be deemed to have given consent to 13989  
a test or tests of the person's whole blood, blood serum or 13990  
plasma, breath, or urine for the purpose of determining the 13991  
person's alcohol concentration or the presence of any controlled 13992  
substance. 13993

(B) A test or tests as provided in division (A) of this 13994  
section may be administered at the direction of a peace officer 13995  
having reasonable ground to stop or detain the person and, after 13996  
investigating the circumstances surrounding the operation of the 13997  
commercial motor vehicle, also having reasonable ground to believe 13998  
the person was driving the commercial vehicle while having a 13999  
measurable or detectable amount of alcohol or of a controlled 14000  
substance in the person's whole blood, blood serum or plasma, 14001  
breath, or urine. Any such test shall be given within two hours of 14002  
the time of the alleged violation. 14003

(C) A person requested to submit to a test under division (A) 14004  
of this section shall be advised by the peace officer requesting 14005  
the test that a refusal to submit to the test will result in the 14006  
person immediately being placed out-of-service for a period of 14007  
twenty-four hours and being disqualified from operating a 14008

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commercial motor vehicle for a period of not less than one year, 14009  
and that the person is required to surrender the person's 14010  
commercial driver's license to the peace officer. 14011

(D) If a person refuses to submit to a test after being 14012  
warned as provided in division (C) of this section or submits to a 14013  
test that discloses the presence of a controlled substance or an 14014  
alcohol concentration of four-hundredths of one per cent or more, 14015  
the person immediately shall surrender the person's commercial 14016  
driver's license to the peace officer. The peace officer shall 14017  
forward the license, together with a sworn report, to the 14018  
registrar of motor vehicles certifying that the test was requested 14019  
pursuant to division (A) of this section and that the person 14020  
either refused to submit to testing or submitted to a test that 14021  
disclosed the presence of a controlled substance or an alcohol 14022  
concentration of four-hundredths of one per cent or more. The form 14023  
and contents of the report required by this section shall be 14024  
established by the registrar by rule, but shall contain the advice 14025  
to be read to the driver and a statement to be signed by the 14026  
driver acknowledging that the driver has been read the advice and 14027  
that the form was shown to the driver. 14028

(E) Upon receipt of a sworn report from a peace officer as 14029  
provided in division (D) of this section, the registrar shall 14030  
disqualify the person named in the report from driving a 14031  
commercial motor vehicle for the period described below: 14032

(1) Upon a first incident, one year; 14033

(2) Upon an incident of refusal or of a prohibited 14034  
concentration of alcohol after one or more previous incidents of 14035  
either refusal or of a prohibited concentration of alcohol, the 14036  
person shall be disqualified for life or such lesser period as 14037  
prescribed by rule by the registrar. 14038

(F) A ~~blood~~ test of a person's whole blood or a person's 14039

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blood serum or plasma given under this section shall comply with 14040  
the applicable provisions of division (D) of section 4511.19 of 14041  
the Revised Code and any physician, registered nurse, or qualified 14042  
technician ~~or~~, chemist, or phlebotomist who withdraws whole blood 14043  
or blood serum or plasma from a person under this section, and any 14044  
hospital, first-aid station, ~~or~~ clinic, or other facility at which 14045  
whole blood or blood serum or plasma is withdrawn from a person 14046  
pursuant to this section, is immune from criminal liability, and 14047  
from civil liability that is based upon a claim of assault and 14048  
battery or based upon any other claim of malpractice, for any act 14049  
performed in withdrawing whole blood or blood serum or plasma from 14050  
the person. 14051

(G) When a person submits to a test under this section, the 14052  
results of the test, at the person's request, shall be made 14053  
available to the person, the person's attorney, or the person's 14054  
agent, immediately upon completion of the chemical test analysis. 14055  
The person also may have an additional test administered by a 14056  
physician, a registered nurse, or a qualified technician ~~or~~, 14057  
chemist, or phlebotomist of the person's own choosing as provided 14058  
in division (D) of section 4511.19 of the Revised Code for tests 14059  
administered under that section, and the failure to obtain such a 14060  
test has the same effect as in that division. 14061

(H) No person shall refuse to immediately surrender the 14062  
person's commercial driver's license to a peace officer when 14063  
required to do so by this section. 14064

(I) A peace officer issuing an out-of-service order or 14065  
receiving a commercial driver's license surrendered under this 14066  
section may remove or arrange for the removal of any commercial 14067  
motor vehicle affected by the issuance of that order or the 14068  
surrender of that license. 14069

(J)(1) Except for civil actions arising out of the operation 14070  
of a motor vehicle and civil actions in which the state is a 14071

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plaintiff, no peace officer of any law enforcement agency within  
this state is liable in compensatory damages in any civil action  
that arises under the Revised Code or common law of this state for  
an injury, death, or loss to person or property caused in the  
performance of official duties under this section and rules  
adopted under this section, unless the officer's actions were  
manifestly outside the scope of the officer's employment or  
official responsibilities, or unless the officer acted with  
malicious purpose, in bad faith, or in a wanton or reckless  
manner.

(2) Except for civil actions that arise out of the operation  
of a motor vehicle and civil actions in which the state is a  
plaintiff, no peace officer of any law enforcement agency within  
this state is liable in punitive or exemplary damages in any civil  
action that arises under the Revised Code or common law of this  
state for any injury, death, or loss to person or property caused  
in the performance of official duties under this section of the  
Revised Code and rules adopted under this section, unless the  
officer's actions were manifestly outside the scope of the  
officer's employment or official responsibilities, or unless the  
officer acted with malicious purpose, in bad faith, or in a wanton  
or reckless manner.

(K) When disqualifying a driver, the registrar shall cause  
the records of the bureau of motor vehicles to be updated to  
reflect the disqualification within ten days after it occurs.

(L) The registrar immediately shall notify a driver who is  
subject to disqualification of the disqualification, of the length  
of the disqualification, 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

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disqualification is final. The registrar may designate hearing  
examiners who, after affording all parties reasonable notice,  
shall conduct a hearing to determine whether the disqualification  
order is supported by reliable evidence. The registrar shall adopt  
rules to implement this division.

(M) Any person who is disqualified from operating a  
commercial motor vehicle under this section may apply to the  
registrar for a driver's license to operate a motor vehicle other  
than a commercial motor vehicle, provided the person's commercial  
driver's license is not otherwise suspended ~~or revoked~~. A person  
whose commercial driver's license is suspended ~~or revoked~~ shall  
not apply to the registrar for or receive a driver's license under  
Chapter 4507. of the Revised Code during the period of suspension  
~~or revocation~~.

(N) Whoever violates division (H) of this section is guilty  
of a misdemeanor of the first degree.

**Sec. 4506.18.** (A) Any driver who holds a commercial driver's  
license issued by this state and is convicted in another state or  
a foreign jurisdiction of violating any law or ordinance relating  
to motor vehicle traffic control, other than a parking violation,  
shall provide written notice of that conviction within thirty days  
after the date of conviction to the bureau of motor vehicles and  
to ~~his~~ the driver's employer in accordance with the provisions of  
49 C.F.R. 383, subpart C, as amended.

(B) Whoever violates this section is guilty of a misdemeanor  
of the first degree.

**Sec. 4506.19.** (A) The provisions of 49 C.F.R. 383, subpart C,  
as amended, shall apply to all commercial drivers or persons who  
apply for employment as commercial drivers. No person shall fail  
to make a report to ~~his~~ the person's employer as required by this

section.	14134
<u>(B) Whoever violates this section is guilty of a misdemeanor of the first degree.</u>	14135
	14136
<b>Sec. 4506.20.</b> (A) Each employer shall require every applicant for employment as a driver of a commercial motor vehicle to provide the information specified in section 4506.20 of the Revised Code.	14137
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(B) No employer shall knowingly permit or authorize any driver employed by <del>him</del> <u>the employer</u> to drive a commercial motor vehicle during any period in which any of the following apply:	14141
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(1) The driver's commercial driver's license is suspended, revoked, or canceled by any state or a foreign jurisdiction;	14144
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(2) The driver has lost <del>his</del> <u>the</u> privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;	14146
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	14148
(3) The driver is subject to an out-of-service order in any state or foreign jurisdiction;	14149
	14150
(4) The driver has more than one driver's license.	14151
<u>(C) Whoever violates this section is guilty of a misdemeanor of the first degree.</u>	14152
	14153
<del><b>Sec. 4506.99.</b> (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.</del>	14154
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<del>(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</del>	14159
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~~the Revised Code apply.~~

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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.~~

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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.~~

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**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.~~

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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  
purposes of vehicular travel or parking knowing the operator does  
not have a valid driver's license issued to the operator by the  
registrar of motor vehicles under this chapter or a valid  
commercial driver's license issued under Chapter 4506. of the  
Revised Code. Whoever violates this division is guilty of a  
misdemeanor of the first degree.~~

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~~(3) No person, except a person expressly exempted under  
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall  
operate any motorcycle upon a highway or any public or private  
property used by the public for purposes of vehicular travel or  
parking in this state unless the person has a valid license as a  
motorcycle operator, that was issued upon application by the  
registrar under this chapter. The license shall be in the form of  
an endorsement, as determined by the registrar, upon a driver's or~~

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~~commercial driver's license, if the person has a valid license to  
operate a motor vehicle or commercial motor vehicle, or in the  
form of a restricted license as provided in section 4507.14 of the  
Revised Code, if the person does not have a valid license to  
operate a motor vehicle or commercial motor vehicle.~~

~~(4)(2) No person shall receive a driver's license, or a  
motorcycle operator's endorsement of a driver's or commercial  
driver's license, unless and until the person surrenders to the  
registrar all valid licenses issued to the person by another  
jurisdiction recognized by this state. All surrendered licenses  
shall be returned by the registrar to the issuing authority,  
together with information that a license is now issued in this  
state. No person shall be permitted to have more than one valid  
license at any time.~~

~~(B)(1) No person, whose driver's or commercial driver's  
license or permit or nonresident's operating privilege has been  
suspended or revoked pursuant to Chapter 4509. of the Revised  
Code, shall operate any motor vehicle within this state, or  
knowingly permit any motor vehicle owned by the person to be  
operated by another person in the state, during the period of the  
suspension or revocation, except as specifically authorized by  
Chapter 4509. of the Revised Code. No person shall operate a motor  
vehicle within this state, or knowingly permit any motor vehicle  
owned by the person to be operated by another person in the state,  
during the period in which the person is required by section  
4509.45 of the Revised Code to file and maintain proof of  
financial responsibility for a violation of section 4509.101 of  
the Revised Code, unless proof of financial responsibility is  
maintained with respect to that vehicle.~~

~~(2) No person 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 in violation of any~~



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~~restriction of the person's driver's or commercial driver's~~ 14225  
~~license imposed under division (D) of section 4506.10 or section~~ 14226  
~~4507.14 of the Revised Code.~~ 14227

~~(C) No person, whose driver's or commercial driver's license~~ 14228  
~~or permit has been suspended pursuant to section 4511.191, section~~ 14229  
~~4511.196, or division (B) of section 4507.16 of the Revised Code,~~ 14230  
~~shall operate any motor vehicle within this state until the person~~ 14231  
~~has paid the license reinstatement fee required pursuant to~~ 14232  
~~division (L) of section 4511.191 of the Revised Code and the~~ 14233  
~~license or permit has been returned to the person or a new license~~ 14234  
~~or permit has been issued to the person.~~ 14235

~~(D)(1) No person, whose driver's or commercial driver's~~ 14236  
~~license or permit or nonresident operating privilege has been~~ 14237  
~~suspended or revoked under any provision of the Revised Code other~~ 14238  
~~than Chapter 4509. of the Revised Code or under any applicable law~~ 14239  
~~in any other jurisdiction in which the person's license or permit~~ 14240  
~~was issued, shall operate any motor vehicle upon the highways or~~ 14241  
~~streets within this state during the period of the suspension or~~ 14242  
~~within one year after the date of the revocation. No person who is~~ 14243  
~~granted occupational driving privileges by any court shall operate~~ 14244  
~~any motor vehicle upon the highways or streets in this state~~ 14245  
~~except in accordance with the terms of the privileges.~~ 14246

~~(2) No person, whose driver's or commercial driver's license~~ 14247  
~~or permit or nonresident operating privilege has been suspended~~ 14248  
~~under division (B) of section 4507.16 of the Revised Code, shall~~ 14249  
~~operate any motor vehicle upon the highways or streets within this~~ 14250  
~~state during the period of suspension. No person who is granted~~ 14251  
~~occupational driving privileges by any court shall operate any~~ 14252  
~~motor vehicle upon the highways or streets in this state except in~~ 14253  
~~accordance with the terms of those privileges.~~ 14254

~~(E)(1) It is an affirmative defense to any prosecution~~ 14255  
~~brought pursuant to division (B), (C), or (D) of this section that~~ 14256

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~~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 any motor vehicle registered in the name of the person. The court shall send the impounded license plates to the registrar, who may retain the license plates until the driver's or commercial driver's license of the owner has been reinstated or destroy them pursuant to section 4503.232 of the Revised Code.~~

If the license plates of a person convicted of a violation of ~~division (B), (C), or (D) of this section~~ any provision of those sections have been impounded in accordance with the provisions of this division, the court shall notify the registrar of that action. The notice shall contain the name and address of the driver, the serial number of the driver's driver's or commercial driver's license, the serial numbers of the license plates of the motor vehicle, and the length of time for which the license plates

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have been impounded. The registrar shall record the data in the 14289  
notice as part of the driver's permanent record. 14290

(2) Any motor vehicle owner who has had the license plates of 14291  
a motor vehicle impounded pursuant to division ~~(F)~~(B)(1) of this 14292  
section may apply to the registrar, or to a deputy registrar, for 14293  
special license plates ~~which~~ that shall conform to the 14294  
requirements of section 4503.231 of the Revised Code. The 14295  
registrar or deputy registrar forthwith shall notify the court of 14296  
the application and, upon approval of the court, shall issue 14297  
special license plates to the applicant. Until the driver's or 14298  
commercial driver's license of the owner is reinstated, any new 14299  
license plates issued to the owner also shall conform to the 14300  
requirements of section 4503.231 of the Revised Code. 14301

The registrar or deputy registrar shall charge the owner of a 14302  
vehicle the fees provided in section 4503.19 of the Revised Code 14303  
for special license plates that are issued in accordance with this 14304  
division, except upon renewal as specified in section 4503.10 of 14305  
the Revised Code, when the regular fee as provided in section 14306  
4503.04 of the Revised Code shall be charged. The registrar or 14307  
deputy registrar shall charge the owner of a vehicle the fees 14308  
provided in section 4503.19 of the Revised Code whenever special 14309  
license plates are exchanged, by reason of the reinstatement of 14310  
the driver's or commercial driver's license of the owner, for 14311  
those ordinarily issued. 14312

(3) If an owner wishes to sell a motor vehicle during the 14313  
time the special license plates provided under division ~~(F)~~(B)(2) 14314  
of this section are in use, the owner may apply to the court that 14315  
impounded the license plates of the motor vehicle for permission 14316  
to transfer title to the motor vehicle. If the court is satisfied 14317  
that the sale will be made in good faith and not for the purpose 14318  
of circumventing the provisions of this section, it may certify 14319  
its consent to the owner and to the registrar of motor vehicles 14320

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who shall enter notice of the transfer of the title of the motor 14321  
vehicle in the vehicle registration record. 14322

If, during the time the special license plates provided under 14323  
division ~~(F)~~(B)(2) of this section are in use, the title to a 14324  
motor vehicle is transferred by the foreclosure of a chattel 14325  
mortgage, a sale upon execution, the cancellation of a conditional 14326  
sales contract, or by order of a court, the court shall notify the 14327  
registrar of the action and the registrar shall enter notice of 14328  
the transfer of the title to the motor vehicle in the vehicle 14329  
registration record. 14330

~~(G)~~(C) This section is not intended to change or modify any 14331  
provision of Chapter 4503. of the Revised Code with respect to the 14332  
taxation of motor vehicles or the time within which the taxes on 14333  
motor vehicles shall be paid. 14334

**Sec. 4507.023.** The registrar of motor vehicles may furnish 14335  
the name and social security number of any person whose driver's 14336  
license or commercial driver's license has been suspended or 14337  
~~revoked~~ canceled, or of any person whose certificate of 14338  
registration and license plates are subject to impoundment, to the 14339  
tax commissioner. The tax commissioner may return to the registrar 14340  
the address of any such person as shown on the most recent return 14341  
filed by that person under section 5747.08 of the Revised Code. 14342  
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**Sec. 4507.05.** (A) The registrar of motor vehicles, or a 14344  
deputy registrar, upon receiving an application for a temporary 14345  
instruction permit and a temporary instruction permit 14346  
identification card for a driver's license from any person who is 14347  
at least fifteen years and six months of age, may issue such a 14348  
permit and identification card entitling the applicant to drive a 14349  
motor vehicle, other than a commercial motor vehicle, upon the 14350  
highways under the following conditions: 14351

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(1) If the permit is issued to a person who is at least	14352
fifteen years and six months of age, but less than sixteen years	14353
of age:	14354
(a) The permit and identification card are in the holder's	14355
immediate possession;	14356
(b) The holder is accompanied by an eligible adult who	14357
actually occupies the seat beside the permit holder;	14358
(c) The total number of occupants of the vehicle does not	14359
exceed the total number of occupant restraining devices originally	14360
installed in the motor vehicle by its manufacturer, and each	14361
occupant of the vehicle is wearing all of the available elements	14362
of a properly adjusted occupant restraining device.	14363
(2) If the permit is issued to a person who is at least	14364
sixteen years of age:	14365
(a) The permit and identification card are in the holder's	14366
immediate possession;	14367
(b) The holder is accompanied by a licensed operator who is	14368
at least twenty-one years of age and is actually occupying a seat	14369
beside the driver;	14370
(c) The total number of occupants of the vehicle does not	14371
exceed the total number of occupant restraining devices originally	14372
installed in the motor vehicle by its manufacturer, and each	14373
occupant of the vehicle is wearing all of the available elements	14374
of a properly adjusted occupant restraining device.	14375
(B) The registrar or a deputy registrar, upon receiving from	14376
any person an application for a temporary instruction permit and	14377
temporary instruction permit identification card to operate a	14378
motorcycle or motorized bicycle, may issue such a permit and	14379
identification card entitling the applicant, while having the	14380
permit and identification card in the applicant's immediate	14381

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possession, to drive a motorcycle or motorized bicycle under 14382  
restrictions determined by the registrar. A temporary instruction 14383  
permit and temporary instruction permit identification card to 14384  
operate a motorized bicycle may be issued to a person fourteen or 14385  
fifteen years old. 14386

(C) Any permit and identification card issued under this 14387  
section shall be issued in the same manner as a driver's license, 14388  
upon a form to be furnished by the registrar. A temporary 14389  
instruction permit to drive a motor vehicle other than a 14390  
commercial motor vehicle shall be valid for a period of one year. 14391

(D) Any person having in the person's possession a valid and 14392  
current driver's license or motorcycle operator's license or 14393  
endorsement issued to the person by another jurisdiction 14394  
recognized by this state is exempt from obtaining a temporary 14395  
instruction permit for a driver's license, but shall submit to the 14396  
regular examination in obtaining a driver's license or motorcycle 14397  
operator's endorsement in this state. 14398

(E) The registrar may adopt rules governing the use of 14399  
temporary instruction permits and temporary instruction permit 14400  
identification cards. 14401

(F)(1) No holder of a permit issued under division (A) of 14402  
this section shall operate a motor vehicle upon a highway or any 14403  
public or private property used by the public for purposes of 14404  
vehicular travel or parking in violation of the conditions 14405  
established under division (A) of this section. 14406

(2) Except as provided in division (F)(2) of this section, no 14407  
holder of a permit that is issued under division (A) of this 14408  
section and that is issued on or after the effective date of this 14409  
amendment, and who has not attained the age of seventeen years, 14410  
shall operate a motor vehicle upon a highway or any public or 14411  
private property used by the public for purposes of vehicular 14412

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travel or parking between the hours of one a.m. and five a.m. 14413

The holder of a permit issued under division (A) of this 14414  
section on or after the effective date of this amendment, who has 14415  
not attained the age of seventeen years, may operate a motor 14416  
vehicle upon a highway or any public or private property used by 14417  
the public for purposes of vehicular travel or parking between the 14418  
hours of one a.m. and five a.m. if, at the time of such operation, 14419  
the holder is accompanied by the holder's parent, guardian, or 14420  
custodian, and the parent, guardian, or custodian holds a current 14421  
valid driver's or commercial driver's license issued by this state 14422  
and is actually occupying a seat beside the permit holder. 14423

(G)(1) Notwithstanding any other provision of law to the 14424  
contrary, no law enforcement officer shall cause the operator of a 14425  
motor vehicle being operated on any street or highway to stop the 14426  
motor vehicle for the sole purpose of determining whether each 14427  
occupant of the motor vehicle is wearing all of the available 14428  
elements of a properly adjusted occupant restraining device as 14429  
required by division (A) of this section, or for the sole purpose 14430  
of issuing a ticket, citation, or summons if the requirement in 14431  
that division has been or is being violated, or for causing the 14432  
arrest of or commencing a prosecution of a person for a violation 14433  
of that requirement. 14434

(2) Notwithstanding any other provision of law to the 14435  
contrary, no law enforcement officer shall cause the operator of a 14436  
motor vehicle being operated on any street or highway to stop the 14437  
motor vehicle for the sole purpose of determining whether a 14438  
violation of division (F)(2) of this section has been or is being 14439  
committed or for the sole purpose of issuing a ticket, citation, 14440  
or summons for such a violation or for causing the arrest of or 14441  
commencing a prosecution of a person for such violation. 14442

(H) As used in this section: 14443

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(1) "Eligible adult" means any of the following:	14444
(a) An instructor of a driver education course approved by the department of education or a driver training course approved by the department of public safety;	14445 14446 14447
(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state:	14448 14449
(i) A parent, guardian, or custodian of the permit holder;	14450
(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder.	14451 14452
(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	14453 14454
<u>(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor.</u>	14455 14456
<b>Sec. 4507.06.</b> (A)(1) Every application for a driver's license or motorcycle operator's license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and shall be signed by the applicant.	14457 14458 14459 14460 14461
Every application shall state the following:	14462
(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;	14463 14464 14465 14466 14467
(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or <del>revoked</del> <u> canceled </u> at the present time and, if so, the date of and reason for the suspension or <del>revocation</del>	14468 14469 14470 14471 14472



<u>cancellation;</u>	14473
(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now is suffering from any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and addresses of physicians then or previously in attendance upon the applicant;	14474 14475 14476 14477 14478 14479
(d) Whether an applicant for a duplicate driver's license, or duplicate license containing a motorcycle operator endorsement has pending a citation for violation of any motor vehicle law or ordinance, a description of any such citation pending, and the date of the citation;	14480 14481 14482 14483 14484
(e) Whether the applicant wishes to certify willingness to make an anatomical gift under section 2108.04 of the Revised Code, which shall be given no consideration in the issuance of a license or endorsement;	14485 14486 14487 14488
(f) <del>On and after May 1, 1993, whether</del> <u>Whether</u> the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the applicant's license to indicate that the applicant has executed the instrument.	14489 14490 14491 14492 14493 14494 14495 14496 14497
(2) Every applicant for a driver's license shall be photographed in color at the time the application for the license is made. The application shall state any additional information that the registrar requires.	14498 14499 14500 14501
(B) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector	14502 14503

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any person who applies for a driver's license or motorcycle operator's license or endorsement under division (A) of this section, or for a renewal or duplicate of the license or endorsement, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant a license or endorsement, or a renewal or duplicate.

(C) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall offer the opportunity of completing a notice of change of residence or change of name to any applicant for a driver's license or endorsement under division (A) of this section, or for a renewal or duplicate of the license or endorsement, if the applicant is a registered elector who has changed the applicant's residence or name and has not filed such a notice.

**Sec. 4507.071.** (A) No driver's license shall be issued to any person under eighteen years of age, except that a probationary license may be issued to a person who is at least sixteen years of age and has held a temporary instruction permit for a period of at least six months.

(B) No holder of a probationary driver's license issued on or after the effective date of this section who has not attained the age of seventeen years shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.

(C) It is an affirmative defense to a violation of division (B) of this section if, at the time of the violation, the holder of the probationary driver's license was traveling to or from the

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holder's place of employment or an official function sponsored by 14535  
the school the holder attends, or an emergency existed that 14536  
required the holder to operate a motor vehicle in violation of 14537  
division (B) of this section, or the holder was an emancipated 14538  
minor. 14539

(D) No holder of a probationary license shall operate a motor 14540  
vehicle upon a highway or any public or private property used by 14541  
the public for purposes of vehicular travel or parking unless the 14542  
total number of occupants of the vehicle does not exceed the total 14543  
number of occupant restraining devices originally installed in the 14544  
motor vehicle by its manufacturer, and each occupant of the 14545  
vehicle is wearing all of the available elements of a properly 14546  
adjusted occupant restraining device. 14547

(E) A restricted license may be issued to a person who is 14548  
fourteen or fifteen years of age upon proof of hardship 14549  
satisfactory to the registrar of motor vehicles. 14550

(F) Notwithstanding any other provision of law to the 14551  
contrary, no law enforcement officer shall cause the operator of a 14552  
motor vehicle being operated on any street or highway to stop the 14553  
motor vehicle for the sole purpose of determining whether each 14554  
occupant of the motor vehicle is wearing all of the available 14555  
elements of a properly adjusted occupant restraining device as 14556  
required by division (D) of this section, or for the sole purpose 14557  
of issuing a ticket, citation, or summons if the requirement in 14558  
that division has been or is being violated, or for causing the 14559  
arrest of or commencing a prosecution of a person for a violation 14560  
of that requirement. 14561

(G) Notwithstanding any other provision of law to the 14562  
contrary, no law enforcement officer shall cause the operator of a 14563  
motor vehicle being operated on any street or highway to stop the 14564  
motor vehicle for the sole purpose of determining whether a 14565  
violation of division (B) of this section has been or is being 14566

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committed or for the sole purpose of issuing a ticket, citation, 14567  
 or summons for such a violation or for causing the arrest of or 14568  
 commencing a prosecution of a person for such violation. 14569

(H) As used in this section, "occupant restraining device" 14570  
 has the same meaning as in section 4513.263 of the Revised Code. 14571

(I) Whoever violates division (B) or (D) of this section is 14572  
guilty of a minor misdemeanor. 14573

**Sec. 4507.08.** (A) No probationary license shall be issued to 14574  
 any person under the age of eighteen who has been adjudicated an 14575  
 unruly or delinquent child or a juvenile traffic offender for 14576  
 having committed any act that if committed by an adult would be a 14577  
 drug abuse offense, as defined in section 2925.01 of the Revised 14578  
 Code, a violation of division (B) of section 2917.11, or a 14579  
 violation of division (A) of section 4511.19 of the Revised Code, 14580  
 unless the person has been required by the court to attend a drug 14581  
 abuse or alcohol abuse education, intervention, or treatment 14582  
 program specified by the court and has satisfactorily completed 14583  
 the program. 14584

(B) No temporary instruction permit or driver's license shall 14585  
 be issued to any person whose license has been suspended, during 14586  
 the period for which the license was suspended, nor to any person 14587  
 whose license has been ~~revoked~~ canceled, under ~~sections 4507.01 to~~ 14588  
~~4507.39 Chapter 4510. or any other provision~~ of the Revised Code, 14589  
~~until the expiration of one year after the license was revoked.~~ 14590

(C) No temporary instruction permit or driver's license shall 14592  
 be issued to any person whose commercial driver's license is 14593  
 suspended under ~~section 1905.201, 3123.58, 4507.16, 4507.34,~~ 14594  
~~4507.99, 4511.191, or 4511.196 of the Revised Code Chapter 4510.~~ 14595  
 or ~~under~~ any other provision of the Revised Code during the period 14596  
 of the suspension. 14597

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No temporary instruction permit or driver's license shall be issued to any person when issuance is prohibited by division (A) of section 4507.091 of the Revised Code.

(D) No temporary instruction permit or driver's license shall be issued to, or retained by, any of the following persons:

(1) Any person who is an alcoholic, or is addicted to the use of controlled substances to the extent that the use constitutes an impairment to the person's ability to operate a motor vehicle with the required degree of safety;

(2) Any person who is under the age of eighteen and 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 the program;

(3) Any person who, in the opinion of the registrar, is afflicted with or suffering from a physical or mental disability or disease that prevents the person from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways, except that a restricted license effective for six months may be issued to any person otherwise qualified who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle. A restricted license effective for six months shall be issued to any person who ~~is~~ otherwise is qualified and who is subject to any

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condition that causes episodic impairment of consciousness or a 14630  
loss of muscular control if the person presents a statement from a 14631  
licensed physician that the person's condition is under effective 14632  
medical control and the period of time for which the control has 14633  
been continuously maintained, unless, thereafter, a medical 14634  
examination is ordered and, pursuant thereto, cause for denial is 14635  
found. 14636

A person to whom a six-month restricted license has been 14637  
issued shall give notice of the person's medical condition to the 14638  
registrar on forms provided by the registrar and signed by the 14639  
licensee's physician. The notice shall be sent to the registrar 14640  
six months after the issuance of the license. Subsequent 14641  
restricted licenses issued to the same individual shall be 14642  
effective for six months. 14643

(4) Any person who is unable to understand highway warnings 14644  
or traffic signs or directions given in the English language; 14645

(5) Any person making an application whose driver's license 14646  
or driving privileges are under cancellation, revocation, or 14647  
suspension in the jurisdiction where issued or any other 14648  
jurisdiction, until the expiration of one year after the license 14649  
was canceled or revoked or until the period of suspension ends. 14650  
Any person whose application is denied under this division may 14651  
file a petition in the municipal court or county court in whose 14652  
jurisdiction the person resides agreeing to pay the cost of the 14653  
proceedings and alleging that the conduct involved in the offense 14654  
that resulted in suspension, cancellation, or revocation in the 14655  
foreign jurisdiction would not have resulted in a suspension, 14656  
cancellation, or revocation had the offense occurred in this 14657  
state. If the petition is granted, the petitioner shall notify the 14658  
registrar by a certified copy of the court's findings and a 14659  
license shall not be denied under this division. 14660

(6) Any person who is under a class one or two suspension 14661

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imposed for a violation of section 2903.04, 2903.06, or 2903.08 of 14662  
the Revised Code or whose driver's or commercial driver's license 14663  
or permit ~~has been~~ was permanently revoked prior to the effective 14664  
date of this amendment for a substantially equivalent violation 14665  
pursuant to ~~division (C)~~ of section 4507.16 of the Revised Code; 14666

(7) Any person who is not a resident or temporary resident of 14667  
this state. 14668

**Sec. 4507.081.** (A) Upon the expiration of a restricted 14669  
license issued under division (D)(3) of section 4507.08 of the 14670  
Revised Code and submission of a statement as provided in division 14671  
(C) of this section, the registrar of motor vehicles may issue a 14672  
driver's license to the person to whom the restricted license was 14673  
issued. A driver's license issued under this section, unless 14674  
otherwise ~~revoked~~ suspended or canceled, shall be effective for 14675  
one year. 14676

(B) A driver's license issued under this section may be 14677  
renewed annually, for no more than three consecutive years, 14678  
whenever the person to whom the license has been issued submits to 14679  
the registrar, by certified mail and no sooner than thirty days 14680  
prior to the expiration date of the license or renewal thereof, a 14681  
statement as provided in division (C) of this section. A renewal 14682  
of a driver's license, unless the license is otherwise ~~revoked~~ 14683  
suspended or canceled, shall be effective for one year following 14684  
the expiration date of the license or renewal thereof, and shall 14685  
be evidenced by a validation sticker. The renewal validation 14686  
sticker shall be in a form prescribed by the registrar and shall 14687  
be affixed to the license. 14688

(C) No person may be issued a driver's license under this 14689  
section, and no such driver's license may be renewed, unless the 14690  
person presents a signed statement from a licensed physician that 14691  
the person's condition either is dormant or is under effective 14692

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medical control, that the control has been maintained continuously 14693  
for at least one year prior to the date on which application for 14694  
the license is made, and that, if continued medication is 14695  
prescribed to control the condition, the person may be depended 14696  
upon to take the medication. 14697

The statement shall be made on a form provided by the 14698  
registrar, shall be in not less than duplicate, and shall contain 14699  
any other information the registrar considers necessary. The 14700  
duplicate copy of the statement may be retained by the person 14701  
requesting the license renewal and, when in the person's immediate 14702  
possession and used in conjunction with the original license, 14703  
shall entitle the person to operate a motor vehicle during a 14704  
period of no more than thirty days following the date of 14705  
submission of the statement to the registrar, except when the 14706  
registrar denies the request for the license renewal and so 14707  
notifies the person. 14708

(D) Whenever the registrar receives a statement indicating 14709  
that the condition of a person to whom a driver's license has been 14710  
issued under this section no longer is dormant or under effective 14711  
medical control, the registrar shall ~~revoke~~ cancel the person's 14712  
driver's license. 14713

(E) Nothing in this section shall require a person submitting 14714  
a signed statement from a licensed physician to obtain a medical 14715  
examination prior to the submission of the statement. 14716

(F) Any person whose driver's license has been ~~revoked~~ 14717  
canceled under this section may apply for a subsequent restricted 14718  
license according to the provisions of section 4507.08 of the 14719  
Revised Code. 14720

**Sec. 4507.111.** On receipt of a notice pursuant to section 14721  
3123.54 of the Revised Code, the registrar of motor vehicles shall 14722  
comply with sections 3123.52 to 3123.614 of the Revised Code and 14723



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any applicable rules adopted under section 3123.63 of the Revised Code with respect to ~~a~~ any driver's or commercial license or permit, motorcycle operator's license or endorsement, or temporary instruction permit or commercial driver's temporary instruction permit issued pursuant to this chapter by this state that is the subject of the notice.

**Sec. 4507.12.** (A) Except as provided in division (C) of section 4507.10 of the Revised Code, each person applying for the renewal of a driver's license shall submit to a screening of ~~his~~ the person's vision before the license may be renewed. The vision screening shall be conducted at the office of the deputy registrar receiving the application for license renewal.

(B) When the results of a vision screening given under division (A) of this section indicate that the vision of the person examined meets the standards required for licensing, the deputy registrar may renew the person's driver's license at that time.

(C) When the results of a vision screening given under division (A) of this section indicate that the vision of the person screened may not meet the standards required for licensing, the deputy registrar shall not renew the person's driver's license at that time but shall refer the person to a driver's license examiner appointed by the superintendent of the state highway patrol under section 5503.21 of the Revised Code for a further examination of ~~his~~ the person's vision. When a person referred to a driver's license examiner by a deputy registrar does not meet the vision standards required for licensing, the driver's license examiner shall retain the person's operator's or chauffeur's license and shall immediately notify the registrar of motor vehicles of that fact. No driver's license shall be issued to any such person, until the person's vision is corrected to meet the standards required for licensing and the person passes the vision

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screening required by this section. Any person who operates a 14756  
motor vehicle on a highway, or on any public or private property 14757  
used by the public for purposes of vehicular travel or parking, 14758  
during the time ~~his~~ the person's driver's license is held by a 14759  
driver's license examiner under this division, shall be deemed to 14760  
be operating a motor vehicle in violation of division (A) of 14761  
section ~~4507.02~~ 4510.12 of the Revised Code. 14762

(D) The registrar shall adopt rules and shall provide any 14763  
forms necessary to properly conduct vision screenings at the 14764  
office of a deputy registrar. 14765

(E) No person conducting vision screenings under this section 14766  
shall be personally liable for damages for injury or loss to 14767  
persons or property and for death caused by the operation of a 14768  
motor vehicle by any person whose driver's license was renewed by 14769  
the deputy registrar under division (B) of this section. 14770

**Sec. 4507.13.** (A) The registrar of motor vehicles shall issue 14771  
a driver's license to every person licensed as an operator of 14772  
motor vehicles other than commercial motor vehicles. No person 14773  
licensed as a commercial motor vehicle driver under Chapter 4506. 14774  
of the Revised Code need procure a driver's license, but no person 14775  
shall drive any commercial motor vehicle unless licensed as a 14776  
commercial motor vehicle driver. 14777

Every driver's license shall display on it the distinguishing 14778  
number assigned to the licensee and shall display the licensee's 14779  
name, date of birth, and, except as otherwise provided in this 14780  
section, the licensee's social security number if such number has 14781  
been assigned; the licensee's residence address and county of 14782  
residence; a color photograph of the licensee; a brief description 14783  
of the licensee for the purpose of identification; a facsimile of 14784  
the signature of the licensee as it appears on the application for 14785  
the license; a space marked "blood type" in which a licensee may 14786

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specify the licensee's blood type; a notation, in a manner 14787  
prescribed by the registrar, indicating any condition described in 14788  
division (D)(3) of section 4507.08 of the Revised Code to which 14789  
the licensee is subject; if the licensee has executed a durable 14790  
power of attorney for health care or a declaration governing the 14791  
use or continuation, or the withholding or withdrawal, of 14792  
life-sustaining treatment and has specified that the licensee 14793  
wishes the license to indicate that the licensee has executed 14794  
either type of instrument, any symbol chosen by the registrar to 14795  
indicate that the licensee has executed either type of instrument; 14796  
and any additional information that the registrar requires by 14797  
rule. A license shall display the licensee's social security 14798  
number unless the licensee specifically requests that the 14799  
licensee's social security number not be displayed on the license. 14800  
If federal law requires the licensee's social security number to 14801  
be displayed on the license, the social security number shall be 14802  
displayed on the license notwithstanding a request to not display 14803  
the number pursuant to this section. 14804

The driver's license for licensees under twenty-one years of 14805  
age shall have characteristics prescribed by the registrar 14806  
distinguishing it from that issued to a licensee who is twenty-one 14807  
years of age or older, except that a driver's license issued to a 14808  
person who applies no more than thirty days before the applicant's 14809  
twenty-first birthday shall have the characteristics of a license 14810  
issued to a person who is twenty-one years of age or older. 14811

The driver's license issued to a temporary resident shall 14812  
contain the word "nonrenewable" and shall have any additional 14813  
characteristics prescribed by the registrar distinguishing it from 14814  
a license issued to a resident. 14815

Every driver's or commercial driver's license displaying a 14816  
motorcycle operator's endorsement and every restricted license to 14817  
operate a motor vehicle also shall display the designation 14818

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"novice," if the endorsement or license is issued to a person who is eighteen years of age or older and previously has not been licensed to operate a motorcycle by this state or another jurisdiction recognized by this state. The "novice" designation shall be effective for one year after the date of issuance of the motorcycle operator's endorsement or license.

Each license issued under this section shall be of such material and so designed as to prevent its reproduction or alteration without ready detection and, to this end, shall be laminated with a transparent plastic material.

(B) Except in regard to a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue a driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the driver's license issued to persons who are twenty-one years of age or older.

(C) Whoever violates division (B) of this section is guilty of a minor misdemeanor.

**Sec. 4507.14.** The registrar of motor vehicles upon issuing a driver's license, a motorcycle operator's endorsement, a driver's license renewal, or the renewal of any other license issued under this chapter, whenever good cause appears, may impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle ~~which~~ that the licensee may operate, or ~~such~~ any other restrictions applicable to the licensee ~~as~~ that the registrar determines to be necessary.

When issuing a license to a person with impaired hearing, the registrar shall require that a motor vehicle operated by the

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person be equipped with two outside rear vision mirrors, one on 14850  
the left side and the other on the right side. 14851

The registrar either may issue a special restricted license 14852  
or may set forth ~~such~~ any restrictions applicable to the license 14853  
upon the usual license form. 14854

The registrar, upon receiving satisfactory evidence of any 14855  
violation of the restrictions of ~~such~~ any license, after an 14856  
opportunity for a hearing in accordance with Chapter 119. of the 14857  
Revised Code, may ~~suspend the license for a period of six months~~ 14858  
impose upon the offender a class D suspension of the license from 14859  
the range specified in division (B)(4) of section 4510.02 of the 14860  
Revised Code. 14861

**Sec. 4507.15.** For the purpose of enforcing ~~sections 4507.01~~ 14862  
~~to 4507.39, inclusive,~~ this chapter and Chapter 4510. of the 14863  
Revised Code, any court of record having criminal jurisdiction 14864  
shall have county-wide jurisdiction within the county in which it 14865  
is located to hear and finally determine cases arising under ~~such~~ 14866  
~~sections~~ this chapter and Chapter 4510. of the Revised Code. ~~Such~~ 14867  
~~actions~~ An action arising under this section shall be commenced by 14868  
the filing of an affidavit, and the right of trial by jury is 14869  
preserved, but indictments are not required in misdemeanor cases 14870  
arising under ~~such sections~~ this chapter and Chapter 4510. of the 14871  
Revised Code. The registrar shall prepare and furnish blanks for 14872  
the use of ~~said~~ the court in making reports of ~~said~~ convictions 14873  
and bond forfeitures arising under this chapter and Chapter 4510. 14874  
of the Revised Code. 14875

**Sec. 4507.16.** (A)~~(1)~~ The trial judge of any court of record, 14876  
in addition to or independent of all other penalties provided by 14877  
law or by ordinance, shall ~~suspend for not less than thirty days~~ 14878  
~~or more than three years or shall revoke the driver's or~~ 14879

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<del>commercial driver's license or permit or nonresident operating</del>	14880
<del>privilege of any person who is convicted of or pleads guilty to</del>	14881
<del>any of the following:</del>	14882
<del>(a) Perjury impose upon any person who is convicted of or</del>	14883
<del>pleads guilty to perjury or the making of a false affidavit under</del>	14884
<del>this chapter, or any other law of this state requiring the</del>	14885
<del>registration of motor vehicles or regulating their operation on</del>	14886
<del>the highway;</del>	14887
<del>(b) Any crime punishable as a felony under the motor vehicle</del>	14888
<del>laws of this state or any other felony in the commission of which</del>	14889
<del>a motor vehicle is used;</del>	14890
<del>(c) Failing to stop and disclose identity at the scene of the</del>	14891
<del>accident when required by law or ordinance to do so;</del>	14892
<del>(d) Street racing as defined in section 4511.251 of the</del>	14893
<del>Revised Code or any substantially similar municipal ordinance;</del>	14894
<del>(e) Willfully eluding or fleeing a police officer;</del>	14895
<del>(f) Trafficking in cigarettes with the intent to avoid</del>	14896
<del>payment of the cigarette tax under division (A) of section</del>	14897
<del>5743.112 of the Revised Code;</del>	14898
<del>(2) Subject to division (D)(1) of this section, the trial</del>	14899
<del>judge of any court of record, in addition to or independent of all</del>	14900
<del>other penalties provided by law or by ordinance, shall suspend the</del>	14901
<del>driver's or commercial driver's license or permit or nonresident</del>	14902
<del>operating privilege of any person who is convicted of or pleads</del>	14903
<del>guilty to a violation of section 2903.06 or 2903.08 of the Revised</del>	14904
<del>Code. The suspension shall be for the period of time specified in</del>	14905
<del>section 2903.06 or 2903.08 of the Revised Code, whichever is</del>	14906
<del>applicable.</del>	14907
<del>(3) If a person is convicted of or pleads guilty to a</del>	14908
<del>violation of section 2907.24 of the Revised Code, an attempt to</del>	14909

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~~commit a violation of that section, or a violation of or an~~ 14910  
~~attempt to commit a violation of a municipal ordinance that is~~ 14911  
~~substantially equivalent to that section and if the person, in~~ 14912  
~~committing or attempting to commit the violation, was in, was on,~~ 14913  
~~or used a motor vehicle, the trial judge of a court of record, in~~ 14914  
~~addition to or independent of all other penalties provided by law~~ 14915  
~~or ordinance, shall suspend for thirty days the person's driver's~~ 14916  
~~or commercial driver's license or permit, a class six suspension~~ 14917  
~~of the offender's driver's license, commercial driver's license,~~ 14918  
~~temporary instruction permit, probationary license, or nonresident~~ 14919  
~~operating privilege from the range specified in division (A)(6) of~~ 14920  
~~section 4510.02 of the Revised Code.~~ 14921

~~The trial judge of any court of record, in addition to~~ 14922  
~~suspensions or revocations of licenses, permits, or privileges~~ 14923  
~~pursuant to this division and in addition to or independent of all~~ 14924  
~~other penalties provided by law or by ordinance, shall impose a~~ 14925  
~~suspended jail sentence not to exceed six months, if imprisonment~~ 14926  
~~was not imposed for the offense for which the person was~~ 14927  
~~convicted.~~ 14928

~~(4)(B)~~ If the trial judge of any court of record suspends ~~or~~ 14929  
~~revokes~~ the driver's or commercial driver's license or permit or 14930  
 nonresident operating privilege of a person who is convicted of or 14931  
 pleads guilty to any offense for which ~~such a~~ suspension ~~or~~ 14932  
~~revocation of that type~~ is provided by law or ordinance, in 14933  
 addition to all other penalties provided by law or ordinance, the 14934  
 judge may issue an order prohibiting the offender from 14935  
 registering, renewing, or transferring the registration of any 14936  
 vehicle during the period that the offender's license, permit, or 14937  
 privilege is suspended ~~or revoked~~. The court promptly shall send a 14938  
 copy of the order to the registrar of motor vehicles. 14939

Upon receipt of ~~such an~~ the order from the court, neither the 14940  
 registrar nor any deputy registrar shall accept any application 14941

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for the registration, registration renewal, or transfer of 14942  
registration of any motor vehicle owned or leased by the person 14943  
named in the order during the period that the person's license, 14944  
permit, or privilege is suspended ~~or revoked~~, unless the registrar 14945  
is properly notified by the court that the order of suspension ~~or~~ 14946  
~~revocation~~ has been canceled. When the period of suspension ~~or~~ 14947  
~~revocation~~ expires or the order is canceled, the registrar or 14948  
deputy registrar shall accept the application for registration, 14949  
registration renewal, or transfer of registration of the person 14950  
named in the order. 14951

~~(B) Except as otherwise provided in this section, the trial 14952  
judge of any court of record and the mayor of a mayor's court, in 14953  
addition to or independent of all other penalties provided by law 14954  
or by ordinance, shall revoke the driver's or commercial driver's 14955  
license or permit or nonresident operating privilege of any person 14956  
who is convicted of or pleads guilty to a violation of division 14957  
(A) of section 4511.19 of the Revised Code, of a municipal 14958  
ordinance relating to operating a vehicle while under the 14959  
influence of alcohol, a drug of abuse, or alcohol and a drug of 14960  
abuse, or of a municipal ordinance that is substantially 14961  
equivalent to division (A) of section 4511.19 of the Revised Code 14962  
relating to operating a vehicle with a prohibited concentration of 14963  
alcohol in the blood, breath, or urine or suspend the license, 14964  
permit, or privilege as follows:~~ 14965

~~(1) Except when division (B)(2), (3), or (4) of this section 14966  
applies and the judge or mayor is required to suspend or revoke 14967  
the offender's license or permit pursuant to that division, the 14968  
judge or mayor shall suspend the offender's driver's or commercial 14969  
driver's license or permit or nonresident operating privilege for 14970  
not less than six months nor more than three years.~~ 14971

~~(2) Subject to division (B)(4) of this section, if, within 14972  
six years of the offense, the offender has been convicted of or 14973~~



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~~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~~

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~~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 (B)(1), (2), (3), or (4) of this section regarding any aspect of the person's trial or sentence does not stay the operation of the suspension or revocation.~~

~~(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:~~

~~(1) For not more than one year, upon conviction for a first violation of the requirement or prohibition;~~

~~(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~~

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~~device that is certified pursuant to section 4511.83 of the~~ 15038  
~~Revised Code.~~ 15039

~~(D)(1) The trial judge of any court of record, in addition to~~ 15040  
~~or independent of all other penalties provided by law or by~~ 15041  
~~ordinance, shall permanently revoke the driver's or commercial~~ 15042  
~~driver's license or permit or nonresident operating privilege of~~ 15043  
~~any person who is convicted of or pleads guilty to a violation of~~ 15044  
~~section 2903.04 or 2903.06 of the Revised Code in a case in which~~ 15045  
~~division (D) of section 2903.04 or division (B) of section 2903.06~~ 15046  
~~of the Revised Code requires the judge to permanently revoke the~~ 15047  
~~license, permit, or privilege.~~ 15048

~~(2) In addition to any prison term authorized or required by~~ 15049  
~~the section that establishes the offense and sections 2929.13 and~~ 15050  
~~2929.14 of the Revised Code, and in addition to any other sanction~~ 15051  
~~imposed for the offense under the section that establishes the~~ 15052  
~~offense or sections 2929.11 to 2929.182 of the Revised Code, the~~ 15053  
~~court that sentences an offender who is convicted of or pleads~~ 15054  
~~guilty to a violation of section 2925.02, 2925.03, 2925.04,~~ 15055  
~~2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22,~~ 15056  
~~2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code~~ 15057  
~~either shall revoke or, if it does not revoke, shall suspend for~~ 15058  
~~not less than six months or more than five years, as specified in~~ 15059  
~~the section that establishes the offense, the person's driver's or~~ 15060  
~~commercial driver's license or permit. If the person's driver's or~~ 15061  
~~commercial driver's license or permit is under suspension on the~~ 15062  
~~date the court imposes sentence upon the person, any revocation~~ 15063  
~~imposed upon the person that is referred to in division (D)(2) of~~ 15064  
~~this section shall take effect immediately. If the person's~~ 15065  
~~driver's or commercial driver's license or permit is under~~ 15066  
~~suspension on the date the court imposes sentence upon the person,~~ 15067  
~~any period of suspension imposed upon the person that is referred~~ 15068  
~~to in division (D)(2) of this section shall take effect on the~~ 15069

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~~next day immediately following the end of that period of suspension. If the person is sixteen years of age or older and is a resident of this state but does not have a current, valid Ohio driver's or commercial driver's license or permit, the court shall order the registrar to deny to the person the issuance of a driver's or commercial driver's license or permit for six months beginning on the date the court imposes a sentence upon the person. If the person has not attained the age of sixteen years on the date the court sentences the person for the violation, the period of denial shall commence on the date the person attains the age of sixteen years.~~

~~(E) Except as otherwise provided in this section, the trial judge of any court of record and the mayor of a mayor's court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for not less than sixty days nor more than two years the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of division (B) of section 4511.19 of the Revised Code or of a municipal ordinance substantially equivalent to that division relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.~~

~~(F)(1) A person is not entitled to request, and a judge or mayor shall not grant to the person, occupational driving privileges under division (F) of this section if a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to division (B) or (C) of this section or pursuant to division (F) of section 4511.191 of the Revised Code, and the person, within the preceding seven years, has been convicted of or pleaded guilty to three or more violations of one or more of the following:~~

~~(a) Division (A) or (B) of section 4511.19 of the Revised~~

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Code:	15102
<del>(b) A municipal ordinance relating to operating a vehicle</del>	15103
<del>while under the influence of alcohol, a drug of abuse, or alcohol</del>	15104
<del>and a drug of abuse;</del>	15105
<del>(c) A municipal ordinance relating to operating a vehicle</del>	15106
<del>with a prohibited concentration of alcohol in the blood, breath,</del>	15107
<del>or urine;</del>	15108
<del>(d) Section 2903.04 of the Revised Code in a case in which</del>	15109
<del>the person was subject to the sanctions described in division (D)</del>	15110
<del>of that section;</del>	15111
<del>(e) Division (A)(1) of section 2903.06 or division (A)(1) of</del>	15112
<del>section 2903.08 of the Revised Code or a municipal ordinance that</del>	15113
<del>is substantially similar to either of those divisions;</del>	15114
<del>(f) Division (A)(2), (3), or (4) of section 2903.06, division</del>	15115
<del>(A)(2) of section 2903.08, or former section 2903.07 of the</del>	15116
<del>Revised Code, or a municipal ordinance that is substantially</del>	15117
<del>similar to any of those divisions or that former section, in a</del>	15118
<del>case in which the jury or judge found that the person was under</del>	15119
<del>the influence of alcohol, a drug of abuse, or alcohol and a drug</del>	15120
<del>of abuse;</del>	15121
<del>(g) A statute of the United States or of any other state or a</del>	15122
<del>municipal ordinance of a municipal corporation located in any</del>	15123
<del>other state that is substantially similar to division (A) or (B)</del>	15124
<del>of section 4511.19 of the Revised Code.</del>	15125
<del>(2) Any other person who is not described in division (F)(1)</del>	15126
<del>of this section and whose driver's or commercial driver's license</del>	15127
<del>or nonresident operating privilege has been suspended under any of</del>	15128
<del>those divisions may file a petition that alleges that the</del>	15129
<del>suspension would seriously affect the person's ability to continue</del>	15130
<del>the person's employment. The petition of a person whose license,</del>	15131
<del>permit, or privilege was suspended pursuant to division (F) of</del>	15132

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~~section 4511.191 of the Revised Code shall be filed in the court specified in division (I)(4) of that section, and the petition of a person whose license, permit, or privilege was suspended under division (B) or (C) of this section shall be filed in the municipal, county, mayor's, or in the case of a minor, juvenile court that has jurisdiction over the place of arrest. Upon satisfactory proof that there is reasonable cause to believe that the suspension would seriously affect the person's ability to continue the person's employment, the judge of the court or mayor of the mayor's court may grant the person occupational driving privileges during the period during which the suspension otherwise would be imposed, except that the judge or mayor shall not grant occupational driving privileges for employment as a driver of commercial motor vehicles to any person who is disqualified from operating a commercial motor vehicle under section 3123.611 or 4506.16 of the Revised Code or whose commercial driver's license or commercial driver's temporary instruction permit has been suspended under section 3123.58 of the Revised Code, and shall not grant occupational driving privileges during any of the following periods of time:~~

~~(a) The first fifteen days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(1) of this section or division (F)(1) of section 4511.191 of the Revised Code. On or after the sixteenth day of suspension, the court may grant the offender occupational driving privileges, but the court may provide that the offender shall not exercise the occupational driving privileges unless the vehicles the offender operates are equipped with ignition interlock devices.~~

~~(b) The first thirty days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(2) of this section or division (F)(2) of section~~

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~~4511.191 of the Revised Code. On or after the thirty-first day of suspension, the court may grant the offender occupational driving privileges, but the court may provide that the offender shall not exercise the occupational driving privileges unless the vehicles the offender operates are equipped with ignition interlock devices.~~

~~(c) The first one hundred eighty days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(3) of this section or division (F)(3) of section 4511.191 of the Revised Code. The judge may grant occupational driving privileges to an offender who receives a suspension under either of those divisions on or after the one hundred eighty-first day of the suspension only if division (F) of this section does not prohibit the judge from granting the privileges and only if the judge, at the time of granting the privileges, also issues an order prohibiting the offender, while exercising the occupational driving privileges during the period commencing with the one hundred eighty-first day of suspension and ending with the first year of suspension, from operating any motor vehicle unless it is equipped with a certified ignition interlock device. After the first year of the suspension, the court may authorize the offender to continue exercising the occupational driving privileges in vehicles that are not equipped with ignition interlock devices. If the offender does not petition for occupational driving privileges until after the first year of suspension and if division (F) of this section does not prohibit the judge from granting the privileges, the judge may grant the offender occupational driving privileges without requiring the use of a certified ignition interlock device.~~

~~(d) The first three years of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(4) of this section or division (F)(4) of section~~

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~~4511.191 of the Revised Code. The judge may grant occupational driving privileges to an offender who receives a suspension under either of those divisions after the first three years of suspension only if division (F) of this section does not prohibit the judge from granting the privileges and only if the judge, at the time of granting the privileges, also issues an order prohibiting the offender from operating any motor vehicle, for the period of suspension following the first three years of suspension, unless the motor vehicle is equipped with a certified ignition interlock device.~~

~~(G) If a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (E) of this section, and the person, within the preceding seven years, has been convicted of or pleaded guilty to three or more violations identified in division (F)(1) of this section, the person is not entitled to request, and the judge or mayor shall not grant to the person, occupational driving privileges under this division. Any other person whose driver's or commercial driver's license or nonresident operating privilege has been suspended under division (E) of this section may file a petition that alleges that the suspension would seriously affect the person's ability to continue the person's employment. The petition shall be filed in the municipal, county, or mayor's court that has jurisdiction over the place of arrest. Upon satisfactory proof that there is reasonable cause to believe that the suspension would seriously affect the person's ability to continue the person's employment, the judge of the court or mayor of the mayor's court may grant the person occupational driving privileges during the period during which the suspension otherwise would be imposed, except that the judge or mayor shall not grant occupational driving privileges for employment as a driver of commercial motor vehicles to any person who is disqualified from~~



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~~operating a commercial motor vehicle under section 4506.16 of the Revised Code, and shall not grant occupational driving privileges during the first sixty days of suspension imposed upon an offender whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended pursuant to division (E) of this section.~~

~~(H)(1) After a driver's or commercial driver's license or permit has been suspended or revoked pursuant to this section, the judge of the court or mayor of the mayor's court that suspended or revoked the license or permit shall cause the offender to deliver the license or permit to the court. The judge, mayor, or clerk of the court or mayor's court, if the license or permit has been suspended or revoked in connection with any of the offenses listed in this section, forthwith shall forward it to the registrar with notice of the action of the court.~~

~~(2) Suspension of a commercial driver's license under this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under this chapter during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under this chapter during the period of the suspension.~~

~~(I) No judge shall suspend the first thirty days of suspension of a driver's or commercial driver's license or permit or a nonresident operating privilege required under division (A) of this section, no judge or mayor shall suspend the first six months of suspension required under division (B)(1) of this section, no judge shall suspend the first year of suspension~~

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~~required under division (B)(2) of this section, no judge shall  
suspend the first year of suspension required under division  
(B)(3) of this section, no judge shall suspend the first three  
years of suspension required under division (B)(4) of this  
section, no judge or mayor shall suspend the revocation required  
by division (D) of this section, and no judge or mayor shall  
suspend the first sixty days of suspension required under division  
(E) of this section, except that the court shall credit any period  
of suspension imposed pursuant to section 4511.191 or 4511.196 of  
the Revised Code against any time of suspension imposed pursuant  
to division (B) or (E) of this section as described in division  
(J) of this section.~~

~~(J) The judge of the court or mayor of the mayor's court  
shall credit any time during which an offender was subject to an  
administrative suspension of the offender's driver's or commercial  
driver's license or permit or nonresident operating privilege  
imposed pursuant to division (E) or (F) of section 4511.191 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 this section.~~

~~(K) The judge or mayor shall notify the bureau of any  
determinations made, and of any suspensions or revocations  
imposed, pursuant to division (B) of this section.~~

~~(L)(1) If a court issues an ignition interlock order under  
division (F) of this section, the order shall authorize the  
offender during the specified period to operate a motor vehicle  
only if it is equipped with a certified ignition interlock device.  
The court shall provide the offender with a copy of an ignition  
interlock order issued under division (F) of this section, and the  
copy of the order shall be used by the offender in lieu of an Ohio  
driver's or commercial driver's license or permit until the~~

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~~registrar or a deputy registrar issues the offender a restricted license.~~ 15293  
15294

~~An order issued under division (F) of this section 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 or revoked under any other provision of law.~~ 15295  
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~~(2) The offender may present the ignition interlock order to the registrar or to a deputy registrar. Upon presentation of the order to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited during the period specified in the court order from operating any motor vehicle that is not equipped with a certified ignition interlock device, and except that the date of commencement and the date of termination of the period shall be indicated conspicuously upon the face of the license.~~ 15300  
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~~(3) As used in this section:~~ 15312

~~(a) "Ignition interlock device" has the same meaning as in section 4511.83 of the Revised Code.~~ 15313  
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~~(b) "Certified ignition interlock device" means an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code.~~ 15315  
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15317

**Sec. 4507.164.** (A) Except as provided in divisions (C) to (E) of this section, when the license of any person is suspended or ~~revoked~~ pursuant to any provision of the Revised Code other than ~~division (B)(G)~~ division (G) of section ~~4507.16~~ 4511.19 of the Revised Code and other than section 4510.07 of the Revised Code for a violation of 15318  
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a municipal OVI ordinance, the trial judge may impound the 15323  
 identification license plates of any motor vehicle registered in 15324  
 the name of the person. 15325

(B)(1) When the license of any person is suspended ~~or revoked~~ 15326  
 pursuant to division ~~(B)(1)(G)(1)(a)~~ of section ~~4507.16~~ 4511.19 of 15327  
 the Revised Code, or pursuant to section 4510.07 of the Revised 15328  
Code for a municipal OVI offense when the suspension is equivalent 15329  
in length to the suspension under division (G) of section 4511.19 15330  
of the Revised Code that is specified in this division, the trial 15331  
 judge of the court of record or the mayor of the mayor's court 15332  
 that suspended ~~or revoked~~ the license may impound the 15333  
 identification license plates of any motor vehicle registered in 15334  
 the name of the person. 15335

(2) When the license of any person is suspended ~~or revoked~~ 15336  
 pursuant to division ~~(B)(2)(G)(1)(b)~~ of section ~~4507.16~~ 4511.19 of 15337  
 the Revised Code, or pursuant to section 4510.07 of the Revised 15338  
Code for a municipal OVI offense when the suspension is equivalent 15339  
in length to the suspension under division (G) of section 4511.19 15340  
of the Revised Code that is specified in this division, the trial 15341  
 judge of the court of record that suspended ~~or revoked~~ the license 15342  
 shall order the impoundment of the identification license plates 15343  
 of the motor vehicle the offender was operating at the time of the 15344  
 offense and the immobilization of that vehicle in accordance with 15345  
 section 4503.233 and division ~~(A)(2),, (6), or (7)(G)(1)(b)~~ of 15346  
 section ~~4511.99~~ 4511.19 or division ~~(B)(2)(i) or (ii)(a)~~ of 15347  
 section 4511.193 of the Revised Code and may impound the 15348  
 identification license plates of any other motor vehicle 15349  
 registered in the name of the person whose license is suspended ~~or~~ 15350  
~~revoked~~. 15351

(3) When the license of any person is suspended ~~or revoked~~ 15352  
 pursuant to division ~~(B)(3)(G)(1)(c), (d), or (4)(e)~~ of section 15353  
~~4507.16~~ 4511.19 of the Revised Code, or pursuant to section 15354

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4510.07 of the Revised Code for a municipal OVI offense when the suspension is equivalent in length to the suspension under division (G) of section 4511.19 of the Revised Code that is specified in this division, the trial judge of the court of record that suspended ~~or revoked~~ the license shall order the criminal forfeiture to the state of the motor vehicle the offender was operating at the time of the offense in accordance with section 4503.234 and division ~~(A)(3) or (4)~~(G)(1)(c), (d), or (8)(e) of section ~~4511.99~~ 4511.19 or division (B)(2)(b)~~(iii)~~ of section 4511.193 of the Revised Code and may impound the identification license plates of any other motor vehicle registered in the name of the person whose license is suspended ~~or revoked~~.

(C)(1) When a person is convicted of or pleads guilty to a violation of ~~division (D)(2) of section 4507.02~~ 4510.14 of the Revised Code or a substantially equivalent municipal ordinance and division (B)(1) or (2) of section ~~4507.99~~ 4510.14 or division (C)(1) or (2) of section ~~4507.36~~ 4510.161 of the Revised Code applies, the trial judge of the court of record or the mayor of the mayor's court that imposes sentence shall order the immobilization of the vehicle the person was operating at the time of the offense and the impoundment of its identification license plates in accordance with section 4503.233 and division (B)(1) or (2) of section ~~4507.99~~ 4510.14 or division (C)(1) or (2) of section ~~4507.36~~ 4510.161 of the Revised Code and may impound the identification license plates of any other vehicle registered in the name of that person.

(2) When a person is convicted of or pleads guilty to a violation of ~~division (D)(2) of section 4507.02~~ 4510.14 of the Revised Code or a substantially equivalent municipal ordinance and division (B)(3) of section ~~4507.99~~ 4510.14 or division (C)(3) of section ~~4507.36~~ 4510.161 of the Revised Code applies, the trial judge of the court of record that imposes sentence shall order the

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criminal forfeiture to the state of the vehicle the person was 15387  
operating at the time of the offense in accordance with section 15388  
4503.234 and division (B)(3) of section ~~4507.99~~ 4510.14 or 15389  
division (C)(3) of section ~~4507.361~~ 4510.161 of the Revised Code 15390  
and may impound the identification license plates of any other 15391  
vehicle registered in the name of that person. 15392

(D)(1) When a person is convicted of or pleads guilty to a 15393  
violation of division ~~(B)(1)(A)~~ of section ~~4507.02~~ 4510.16 of the 15394  
Revised Code or a substantially equivalent municipal ordinance and 15395  
division ~~(C)(1)(B)(2)~~ or ~~(2)(3)~~ of section ~~4507.99~~ 4510.16 or 15396  
division (B)(1) or (2) of section ~~4507.361~~ 4510.161 of the Revised 15397  
Code applies, the trial judge of the court of record or the mayor 15398  
of the mayor's court that imposes sentence shall order the 15399  
immobilization of the vehicle the person was operating at the time 15400  
of the offense and the impoundment of its identification license 15401  
plates in accordance with section 4503.233 and division 15402  
~~(C)(1)(B)(2)~~ or ~~(2)(3)~~ of section ~~4507.99~~ 4510.16 or division 15403  
(B)(1) or (2) of section ~~4507.361~~ 4510.161 of the Revised Code and 15404  
may impound the identification license plates of any other vehicle 15405  
registered in the name of that person. 15406

(2) When a person is convicted of or pleads guilty to a 15407  
violation of division ~~(B)(1)(A)~~ of section ~~4507.02~~ 4510.16 of the 15408  
Revised Code or a substantially equivalent municipal ordinance and 15409  
division ~~(C)(3)(B)(4)~~ of section ~~4507.99~~ 4510.16 or division 15410  
(B)(3) of section ~~4507.361~~ 4510.161 of the Revised Code applies, 15411  
the trial judge of the court of record that imposes sentence shall 15412  
order the criminal forfeiture to the state of the vehicle the 15413  
person was operating at the time of the offense in accordance with 15414  
section 4503.234 and division ~~(C)(3)(B)(4)~~ of section ~~4507.99~~ 15415  
4510.16 or division (B)(3) of section ~~4507.361~~ 4510.161 of the 15416  
Revised Code and may impound the identification license plates of 15417  
any other vehicle registered in the name of that person. 15418

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(E)(1) When a person is convicted of or pleads guilty to a violation of section ~~4507.33~~ 4511.203 of the Revised Code and the person is sentenced pursuant to division ~~(E)(C)(1)~~ or (2) of section ~~4507.99~~ 4511.203 of the Revised Code, the trial judge of the court of record or the mayor of the mayor's court that imposes sentence shall order the immobilization of the vehicle that was involved in the commission of the offense and the impoundment of its identification license plates in accordance with division ~~(E)(C)(1)~~ or (2) of section ~~4507.99~~ 4511.203 and section 4503.233 of the Revised Code and may impound the identification license plates of any other vehicle registered in the name of that person.

(2) When a person is convicted of or pleads guilty to a violation of section ~~4507.33~~ 4511.203 of the Revised Code and the person is sentenced pursuant to division ~~(E)(2)(C)(3)~~ of section ~~4507.99~~ 4511.203 of the Revised Code, the trial judge of the court of record or the mayor of the mayor's court that imposes sentence shall order the criminal forfeiture to the state of the vehicle that was involved in the commission of the offense in accordance with division ~~(E)(2)(C)(3)~~ of section ~~4507.99~~ 4511.203 and section 4503.234 of the Revised Code and may impound the identification license plates of any other vehicle registered in the name of that person.

(F) Except as provided in section 4503.233 or 4503.234 of the Revised Code, when the certificate of registration, the identification license plates, or both have been impounded, division ~~(F)(B)~~ of section 4507.02 of the Revised Code is applicable.

(G) As used in this section, "municipal OVI offense" has the same meaning as in section 4511.181 of the Revised Code.

**Sec. 4507.17.** Any person whose license is suspended or ~~revoked under sections 4507.01 to 4507.39, inclusive, of the~~

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~~Revised Code, canceled~~ is not entitled to apply for or receive a 15450  
 new license during the effective dates of ~~such the~~ suspension or 15451  
 revocation cancellation. 15452

**Sec. 4507.19.** The registrar of motor vehicles may ~~suspend or~~ 15453  
 cancel any driver's license ~~upon determination that such license~~ 15454  
 was obtained unlawfully, was issued in error, or has been altered 15455  
 or willfully destroyed. 15456

**Sec. 4507.20.** The registrar of motor vehicles, ~~upon~~ 15457  
~~determination that any person has more than seven points charged~~ 15458  
~~against him under section 4507.021 of the Revised Code, and is not~~ 15459  
~~subject to the provisions of section 4507.022 of the Revised Code,~~ 15460  
~~or, having~~ when the registrar has good cause to believe that the 15461  
 holder of a driver's or commercial driver's license is incompetent 15462  
 or otherwise not qualified to be licensed, shall upon written 15463  
 notice of at least ~~five~~ thirty days sent to the licensee's last 15464  
 known address, require ~~him~~ the licensee to submit to a driver's 15465  
 license examination ~~or,~~ a physical examination, or both, or a 15466  
 commercial driver's license examination. Upon the conclusion of 15467  
 the examination, the registrar may ~~suspend or revoke~~ the license 15468  
 of the person, ~~or~~ may permit ~~him~~ the licensee to retain the 15469  
 license, or may issue ~~him~~ the licensee a restricted license. 15470  
 Refusal or neglect of the licensee to submit to the examination is 15471  
 ground for suspension ~~or revocation~~ of ~~his~~ the licensee's license. 15472

**Sec. 4507.21.** (A) Each applicant for a driver's license shall 15473  
 file an application in the office of the registrar of motor 15474  
 vehicles or of a deputy registrar. 15475

(B)(1) Each person under eighteen years of age applying for a 15476  
 driver's license issued in this state shall present satisfactory 15477  
 evidence of having successfully completed any one of the 15478



following: 15479

(a) A driver education course approved by the state 15480  
department of education. 15481

(b) A driver training course approved by the director of 15482  
public safety. 15483

(c) A driver training course comparable to a driver education 15484  
or driver training course described in division (B)(1)(a) or (b) 15485  
of this section and administered by a branch of the armed forces 15486  
of the United States and completed by the applicant while residing 15487  
outside this state for the purpose of being with or near any 15488  
person serving in the armed forces of the United States. 15489  
15490

(2) Each person under eighteen years of age applying for a 15491  
driver's license also shall present, on a form prescribed by the 15492  
registrar, an affidavit signed by an eligible adult attesting that 15493  
the person has acquired at least fifty hours of actual driving 15494  
experience, with at least ten of those hours being at night. 15495

(C) If the registrar or deputy registrar determines that the 15496  
applicant is entitled to the driver's license, it shall be issued. 15497  
If the application shows that the applicant's license has been 15498  
previously ~~revoked~~ canceled or suspended, the deputy registrar 15499  
shall forward the application to the registrar, who shall 15500  
determine whether the license shall be granted. 15501

(D) All applications shall be filed in duplicate, and the 15502  
deputy registrar issuing the license shall immediately forward to 15503  
the office of the registrar the original copy of the application, 15504  
together with the duplicate copy of the certificate, if issued. 15505  
The registrar shall prescribe rules as to the manner in which the 15506  
deputy registrar files and maintains the applications and other 15507  
records. The registrar shall file every application for a driver's 15508  
or commercial driver's license and index them by name and number, 15509

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and shall maintain a suitable record of all licenses issued, all  
convictions and bond forfeitures, all applications for licenses  
denied, and all licenses ~~which~~ that have been suspended or ~~revoked~~  
canceled.

(E) For purposes of section 2313.06 of the Revised Code, the  
registrar shall maintain accurate and current lists of the  
residents of each county who are eighteen years of age or older,  
have been issued, on and after January 1, 1984, driver's or  
commercial driver's licenses that are valid and current, and would  
be electors if they were registered to vote, regardless of whether  
they actually are registered to vote. The lists shall contain the  
names, addresses, dates of birth, duration of residence in this  
state, citizenship status, and social security numbers, if the  
numbers are available, of the licensees, and may contain any other  
information that the registrar considers suitable.

(F) Each person under eighteen years of age applying for a  
motorcycle operator's endorsement or a restricted license enabling  
the applicant to operate a motorcycle shall present satisfactory  
evidence of having completed the courses of instruction in the  
motorcycle safety and education program described in section  
4508.08 of the Revised Code or a comparable course of instruction  
administered by a branch of the armed forces of the United States  
and completed by the applicant while residing outside this state  
for the purpose of being with or near any person serving in the  
armed forces of the United States. If the registrar or deputy  
registrar then determines that the applicant is entitled to the  
endorsement or restricted license, it shall be issued.

(G) No person shall knowingly make a false statement in an  
affidavit presented in accordance with division (B)(2) of this  
section.

(H) As used in this section, "eligible adult" means any of  
the following persons:

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(1) A parent, guardian, or custodian of the applicant;	15542
(2) A person over the age of twenty-one who acts in loco parentis of the applicant and who maintains proof of financial responsibility with respect to the operation of a motor vehicle owned by the applicant or with respect to the applicant's operation of any motor vehicle.	15543 15544 15545 15546 15547
<u>(I) Whoever violates division (G) of this section is guilty of a minor misdemeanor and shall be fined one hundred dollars.</u>	15548 15549
<b>Sec. 4507.30.</b> No person shall <u>do any of the following:</u>	15550
(A) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, <del>revoked</del> , suspended, or altered;	15551 15552 15553 15554 15555
(B) Lend to a person not entitled thereto, or knowingly permit <del>him</del> <u>a person not entitled thereto</u> to use any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;	15556 15557 15558 15559 15560 15561
(C) Display, or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit not issued to the person so displaying the same;	15562 15563 15564 15565 15566
(D) Fail to surrender to the registrar of motor vehicles, upon <del>his</del> <u>the registrar's</u> demand, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit <del>which</del> <u>that</u> has been suspended, <u>or</u> canceled, <del>or</del> <del>revoked</del> ;	15567 15568 15569 15570 15571

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(E) In any application for an identification card, driver's  
 or commercial driver's license, temporary instruction permit, or  
 commercial driver's license temporary instruction permit, or any  
 renewal or duplicate thereof, knowingly conceal a material fact,  
 or present any physician's statement required under section  
 4507.08 or 4507.081 of the Revised Code when knowing the same to  
 be false or fictitious.

(F) Whoever violates any division of this section is guilty  
 of a misdemeanor of the first degree.

**Sec. 4507.31.** (A) No person shall cause or knowingly permit  
 any minor ~~under eighteen~~ to drive a motor vehicle upon a highway  
 as an operator, unless ~~such the~~ minor has first obtained a license  
 or permit to drive a motor vehicle under ~~sections 4507.01 to~~  
~~4507.39, inclusive, of the Revised Code~~ this chapter.

(B) Whoever violates this section is guilty of a misdemeanor  
 of the first degree.

**Sec. 4507.321.** (A) Notwithstanding the definition of  
 "chauffeur" in section 4501.01 of the Revised Code, no person  
 shall employ, any minor for the purpose of operating a taxicab,  
~~any minor under eighteen years of age.~~

(B) Whoever violates this section is guilty of a misdemeanor  
 of the first degree.

**Sec. 4507.35.** (A) The operator of a motor vehicle shall  
 display ~~his~~ the operator's driver's license, or furnish  
 satisfactory proof that ~~he~~ the operator has ~~such a driver's~~  
 license, upon demand of any peace officer or of any person damaged  
 or injured in any collision in which ~~such the~~ licensee may be  
 involved. When a demand is properly made and the operator has ~~his~~  
the operator's driver's license on or about ~~his~~ the operator's

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person, ~~he~~ the operator shall not refuse to display ~~said the~~ 15601  
license. ~~Failure~~ A person's failure to furnish satisfactory 15602  
evidence that ~~such the~~ the person is licensed under ~~sections 4507.01~~ 15603  
~~to 4507.30 of the Revised Code~~ this chapter when ~~such the~~ the person 15604  
does not have ~~his~~ the person's license on or about ~~his the~~ 15605  
person's person shall be prima-facie evidence of ~~his the person's~~ 15606  
not having obtained ~~such a driver's~~ a driver's license. 15607

(B) Whoever violates this section is guilty of a misdemeanor 15608  
of the first degree. 15609

**Sec. 4507.36.** (A) No person shall knowingly make a false 15610  
statement to any matter or thing required by ~~sections 4507.01 to~~ 15611  
~~4507.39, inclusive, of the Revised Code~~ this chapter. 15612

(B) Whoever violates this section is guilty of a misdemeanor 15613  
of the first degree. 15614

**Sec. 4507.45.** If a person's driver's license, commercial 15615  
driver's license, or nonresident operating privilege is suspended, 15616  
disqualified, or ~~revoked~~ canceled for an indefinite period of time 15617  
or for a period of at least ninety days, and if at the end of the 15618  
period of suspension, disqualification, or ~~revocation~~ cancellation 15619  
the person is eligible to have the license or privilege 15620  
reinstated, the registrar of motor vehicles shall collect a 15621  
reinstatement fee of thirty dollars when the person requests 15622  
reinstatement. However, the registrar shall not collect the fee 15623  
prescribed by this section if a different driver's license, 15624  
commercial driver's license, or nonresident operating privilege 15625  
reinstatement fee is prescribed by law. 15626

**Sec. 4507.50.** (A) The registrar of motor vehicles or a deputy 15627  
registrar, upon receipt of an application filed in compliance with 15628  
section 4507.51 of the Revised Code by any person who is a 15629

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resident or a temporary resident of this state and, except as 15630  
otherwise provided in this section, is not licensed as an operator 15631  
of a motor vehicle in this state or another licensing 15632  
jurisdiction, and, except as provided in division (B) of this 15633  
section, upon receipt of a fee of three dollars and fifty cents, 15634  
shall issue an identification card to that person. 15635

Any person who is a resident or temporary resident of this 15636  
state whose Ohio driver's or commercial driver's license has been 15637  
suspended or ~~revoked~~ canceled, upon application in compliance with 15638  
section 4507.51 of the Revised Code and, except as provided in 15639  
division (B) of this section, payment of a fee of three dollars 15640  
and fifty cents, may be issued a temporary identification card. 15641  
The temporary identification card shall be identical to an 15642  
identification card, except that it shall be printed on its face 15643  
with a statement that the card is valid during the effective dates 15644  
of the suspension or ~~revocation~~ cancellation of the cardholder's 15645  
license, or until the birthday of the cardholder in the fourth 15646  
year after the date on which it is issued, whichever is shorter. 15647  
The cardholder shall surrender the identification card to the 15648  
registrar or any deputy registrar before the cardholder's driver's 15649  
or commercial driver's license is restored or reissued. 15650

Except as provided in division (B) of this section, the 15651  
deputy registrar shall be allowed a fee of two dollars and 15652  
twenty-five cents for each identification card issued under this 15653  
section. The fee allowed to the deputy registrar shall be in 15654  
addition to the fee for issuing an identification card. 15655

Neither the registrar nor any deputy registrar shall charge a 15656  
fee in excess of one dollar and fifty cents for laminating an 15657  
identification card or temporary identification card. A deputy 15658  
registrar laminating such a card shall retain the entire amount of 15659  
the fee charged for lamination, less the actual cost to the 15660  
registrar of the laminating materials used for that lamination, as 15661

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specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section.

The fee collected for issuing an identification card under this section, except the fee allowed to the deputy registrar, shall be paid into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

(B) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran of an identification card or a temporary identification card under this section without payment of any fee prescribed in division (A) of this section, including any lamination fee.

If the identification card or temporary identification card of a disabled veteran described in this division is laminated by a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is in effect on the effective date of this amendment, the disabled veteran shall pay the deputy registrar the lamination fee prescribed in division (A) of this section. If the identification card or temporary identification card is laminated by a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is executed after the effective date of this amendment, the disabled veteran is not required to pay the deputy registrar the lamination fee prescribed in division (A) of this section.

A disabled veteran whose identification card or temporary identification card is laminated by the registrar is not required to pay the registrar any lamination fee.

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An application made under division (A) of this section shall 15694  
be accompanied by such documentary evidence of disability as the 15695  
registrar may require by rule. 15696

**Sec. 4507.52.** (A) Each identification card issued by the 15697  
registrar of motor vehicles or a deputy registrar shall display a 15698  
distinguishing number assigned to the cardholder, and shall 15699  
display the following inscription: 15700

"STATE OF OHIO IDENTIFICATION CARD 15701

This card is not valid for the purpose of operating a motor 15702  
vehicle. It is provided solely for the purpose of establishing the 15703  
identity of the bearer described on the card, who currently is not 15704  
licensed to operate a motor vehicle in the state of Ohio." 15705

The identification card shall display substantially the same 15706  
information as contained in the application and as described in 15707  
division (A)(1) of section 4507.51 of the Revised Code, including 15708  
the cardholder's social security number unless the cardholder 15709  
specifically requests that the cardholder's social security number 15710  
not be displayed on the card. If federal law requires the 15711  
cardholder's social security number to be displayed on the 15712  
identification card, the social security number shall be displayed 15713  
on the card notwithstanding a request to not display the number 15714  
pursuant to this section. The identification card also shall 15715  
display the color photograph of the cardholder. If the cardholder 15716  
has executed a durable power of attorney for health care or a 15717  
declaration governing the use or continuation, or the withholding 15718  
or withdrawal, of life-sustaining treatment and has specified that 15719  
the cardholder wishes the identification card to indicate that the 15720  
cardholder has executed either type of instrument, the card also 15721  
shall display any symbol chosen by the registrar to indicate that 15722  
the cardholder has executed either type of instrument. The card 15723  
shall be sealed in transparent plastic or similar material and 15724



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shall be so designed as to prevent its reproduction or alteration 15725  
without ready detection. 15726

The identification card for persons under twenty-one years of 15727  
age shall have characteristics prescribed by the registrar 15728  
distinguishing it from that issued to a person who is twenty-one 15729  
years of age or older, except that an identification card issued 15730  
to a person who applies no more than thirty days before the 15731  
applicant's twenty-first birthday shall have the characteristics 15732  
of an identification card issued to a person who is twenty-one 15733  
years of age or older. 15734

Every identification card issued to a resident of this state 15735  
shall expire, unless canceled or surrendered earlier, on the 15736  
birthday of the cardholder in the fourth year after the date on 15737  
which it is issued. Every identification card issued to a 15738  
temporary resident shall expire in accordance with rules adopted 15739  
by the registrar and is nonrenewable, but may be replaced with a 15740  
new identification card upon the applicant's compliance with all 15741  
applicable requirements. A cardholder may renew the cardholder's 15742  
identification card within ninety days prior to the day on which 15743  
it expires by filing an application and paying the prescribed fee 15744  
in accordance with section 4507.50 of the Revised Code. 15745

If a cardholder applies for a driver's or commercial driver's 15746  
license in this state or another licensing jurisdiction, the 15747  
cardholder shall surrender the cardholder's identification card to 15748  
the registrar or any deputy registrar before the license is 15749  
issued. 15750

(B) If a card is lost, destroyed, or mutilated, the person to 15751  
whom the card was issued may obtain a duplicate by doing both of 15752  
the following: 15753

~~(A)~~(1) Furnishing suitable proof of the loss, destruction, or 15754  
mutilation to the registrar or a deputy registrar; 15755

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~~(B)~~(2) Filing an application and presenting documentary 15756  
evidence under section 4507.51 of the Revised Code. 15757

Any person who loses a card and, after obtaining a duplicate, 15758  
finds the original, immediately shall surrender the original to 15759  
the registrar or a deputy registrar. 15760

A cardholder may obtain a replacement identification card 15761  
that reflects any change of the cardholder's name by furnishing 15762  
suitable proof of the change to the registrar or a deputy 15763  
registrar and surrendering the cardholder's existing card. 15764

When a cardholder applies for a duplicate or obtains a 15765  
replacement identification card, the cardholder shall pay a fee of 15766  
two dollars and fifty cents. A deputy registrar shall be allowed 15767  
an additional fee of two dollars and twenty-five cents for issuing 15768  
a duplicate or replacement identification card. A disabled veteran 15769  
who is a cardholder and has a service-connected disability rated 15770  
at one hundred per cent by the veterans' administration may apply 15771  
to the registrar or a deputy registrar for the issuance of a 15772  
duplicate or replacement identification card without payment of 15773  
any fee prescribed in this section, and without payment of any 15774  
lamination fee if the disabled veteran would not be required to 15775  
pay a lamination fee in connection with the issuance of an 15776  
identification card or temporary identification card as provided 15777  
in division (B) of section 4507.50 of the Revised Code. 15778

A duplicate or replacement identification card shall expire 15779  
on the same date as the card it replaces. 15780

(C) The registrar shall cancel any card upon determining that 15781  
the card was obtained unlawfully, issued in error, or was altered. 15782  
The registrar also shall cancel any card that is surrendered to 15783  
the registrar or to a deputy registrar after the holder has 15784  
obtained a duplicate, replacement, or driver's or commercial 15785  
driver's license. 15786

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(D)(1) No agent of the state or its political subdivisions shall condition the granting of any benefit, service, right, or privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system.

(2) No person shall be required to apply for, carry, or possess an identification card.

~~(C)~~(E) Except in regard to an identification card 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 an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

(F) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

**Sec. 4507.99.** ~~(A) Whoever violates division (B)(2) or (D)(1) of section 4507.02 of the Revised Code is guilty of driving under suspension or revocation or in violation of license restrictions, a misdemeanor of the first degree. Whoever violates division (C) of section 4507.02 of the Revised Code is guilty of driving without paying a license reinstatement fee, a misdemeanor of the first degree. Except as otherwise provided in division (D) of section 4507.162 of the Revised Code, the court, in addition to or independent of all other penalties provided by law, may suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of any person who pleads guilty to or is convicted of a violation of~~

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~~division (B)(2), (C), or (D)(1) of section 4507.02 of the Revised Code.~~ 15818  
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~~(B) Whoever violates division (D)(2) of section 4507.02 of the Revised Code is guilty of driving under OMVI suspension or revocation and shall be punished as provided in division (B)(1), (2), or (3) and divisions (B)(4) to (8) of this section.~~ 15820  
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~~(1) Except as otherwise provided in division (B)(2) or (3) of this section, driving under OMVI suspension or revocation is a misdemeanor of the first degree, and the court shall sentence the offender to a term of imprisonment of not less than three consecutive days and may sentence the offender pursuant to section 2929.21 of the Revised Code to a longer term of imprisonment. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (B)(6) of this section, the court may sentence the offender to a term of not less than thirty consecutive days of electronically monitored house arrest as defined in division (A)(4) of section 2929.23 of the Revised Code. The period of electronically monitored house arrest shall not exceed six months. In addition, the court shall impose upon the offender a fine of not less than two hundred fifty and not more than one thousand dollars.~~ 15824  
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~~Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to or independent of any other sentence that it imposes upon the offender and subject to section 4503.235 of the Revised Code, shall order the immobilization for thirty days of the vehicle the offender was operating at the time of the offense and the impoundment for thirty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.~~ 15839  
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~~(2) If, within five years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (D)(2) of section 4507.02 of the Revised Code or a municipal ordinance that is substantially equivalent to that division, driving under OMVI suspension or revocation is a misdemeanor, and the court shall sentence the offender to a term of imprisonment of not less than ten consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (B)(6) of this section, the court may sentence the offender to a term of not less than ninety consecutive days of electronically monitored house arrest as defined in division (A)(4) of section 2929.23 of the Revised Code. The period of electronically monitored house arrest shall not exceed one year. In addition, the court shall impose upon the offender a fine of not less than five hundred and not more than two thousand five hundred dollars.~~

~~Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to or independent of any other sentence that it imposes upon the offender and subject to section 4503.235 of the Revised Code, shall order the immobilization for sixty days of the vehicle the offender was operating at the time of the offense and the impoundment for sixty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.~~

~~(3) If, within five years of the offense, the offender has been convicted of or pleaded guilty to two or more violations of division (D)(2) of section 4507.02 of the Revised Code or a municipal ordinance that is substantially equivalent to that~~

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~~division, driving under OMVI suspension or revocation is guilty of a misdemeanor. The court shall sentence the offender to a term of imprisonment of not less than thirty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. The court shall not sentence the offender to a term of electronically monitored house arrest as defined in division (A)(4) of section 2929.23 of the Revised Code. In addition, the court shall impose upon the offender a fine of not less than five hundred and not more than two thousand five hundred dollars.~~

~~Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to or independent of any other sentence that it imposes upon the offender and subject to section 4503.235 of the Revised Code, shall order the criminal forfeiture to the state of the vehicle the offender was operating at the time of the offense. The order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Revised Code.~~

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

~~(4) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall suspend for a period not to exceed one year the driver's or commercial driver's license~~

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~~or permit or nonresident operating privilege of an offender who is~~ 15914  
~~sentenced under division (B)(1), (2), or (3) of this section.~~ 15915

~~(5) Fifty per cent of any fine imposed by a court under~~ 15916  
~~division (B)(1), (2), or (3) of this section shall be deposited~~ 15917  
~~into the county indigent drivers alcohol treatment fund or~~ 15918  
~~municipal indigent drivers alcohol treatment fund under the~~ 15919  
~~control of that court, as created by the county or municipal~~ 15920  
~~corporation pursuant to division (N) of section 4511.191 of the~~ 15921  
~~Revised Code.~~ 15922

~~(6) No court shall impose the alternative sentence of not~~ 15923  
~~less than thirty consecutive days of electronically monitored~~ 15924  
~~house arrest permitted to be imposed by division (B)(1) of this~~ 15925  
~~section or the alternative sentence of a term of not less than~~ 15926  
~~ninety consecutive days of electronically monitored house arrest~~ 15927  
~~permitted to be imposed by division (B)(2) of this section, unless~~ 15928  
~~within sixty days of the date of sentencing, the court issues a~~ 15929  
~~written finding, entered into the record, that, due to the~~ 15930  
~~unavailability of space at the incarceration facility where the~~ 15931  
~~offender is required to serve the term of imprisonment imposed~~ 15932  
~~upon the offender, the offender will not be able to begin serving~~ 15933  
~~that term of imprisonment within the sixty-day period following~~ 15934  
~~the date of sentencing. If the court issues such a finding, the~~ 15935  
~~court may impose the alternative sentence comprised of or~~ 15936  
~~including electronically monitored house arrest permitted to be~~ 15937  
~~imposed by division (B)(1) or (2) of this section.~~ 15938

~~(7) An offender sentenced under this section to a period of~~ 15939  
~~electronically monitored house arrest shall be permitted work~~ 15940  
~~release during such period. The duration of the work release shall~~ 15941  
~~not exceed the time necessary each day for the offender to commute~~ 15942  
~~to and from the place of employment and the offender's home or~~ 15943  
~~other place specified by the sentencing court and the time~~ 15944  
~~actually spent under employment.~~ 15945

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~~(8) Suspension of a commercial driver's license under this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under this chapter during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under this chapter during the period of the suspension.~~

~~(C) Whoever violates division (B)(1) of section 4507.02 of the Revised Code is guilty of driving under financial responsibility law suspension or revocation and shall be punished as provided in division (C)(1), (2), or (3) and division (C)(4) of this section.~~

~~(1) Except as otherwise provided in division (C)(2) or (3) of this section, driving under financial responsibility law suspension or revocation is a misdemeanor of the first degree.~~

~~Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to or independent of any other sentence that it imposes upon the offender and subject to section 4503.235 of the Revised Code, shall order the immobilization for thirty days of the vehicle the offender was operating at the time of the offense and the impoundment for thirty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.~~

~~(2) If, within five years of the offense, the offender has been convicted of or pleaded guilty to one violation of division~~



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~~(B)(1) of section 4507.02 of the Revised Code or a municipal ordinance that is substantially equivalent to that division, driving under financial responsibility law suspension or revocation is a misdemeanor of the first degree.~~ 15978  
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~~Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to or independent of any other sentence that it imposes upon the offender and subject to section 4503.235 of the Revised Code, shall order the immobilization for 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.~~ 15982  
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~~(3) If, within five years of the offense, the offender has been convicted of or pleaded guilty to two or more violations of division (B)(1) of section 4507.02 of the Revised Code or a municipal ordinance that is substantially equivalent to that division, driving under financial responsibility law suspension or revocation is a misdemeanor of the first degree.~~ 15993  
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~~Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to or independent of any other sentence that it imposes upon the offender and subject to section 4503.235 of the Revised Code, shall order the criminal forfeiture to the state of the vehicle the offender was operating at the time of the offense. The order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Revised Code.~~ 15999  
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~~If title to a motor vehicle that is subject to an order for criminal forfeiture under this section is assigned or transferred~~ 16008  
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~~and division (C)(2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealer's association. The proceeds from any fine imposed under this division shall be distributed in accordance with division (D)(4) of section 4503.234 of the Revised Code.~~

~~(4) Except as otherwise provided in division (D) of section 4507.162 of the Revised Code, the court, in addition to or independent of all other penalties provided by law, may suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of an offender who is sentenced under division (C)(1), (2), or (3) of this section.~~

~~(5) The court shall not release a vehicle from the immobilization ordered under division (C)(1) or (2) of this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.~~

~~(D) Whoever violates division (A)(1) or (3) of section 4507.02 of the Revised Code by operating a motor vehicle when the offender's driver's or commercial driver's license has been expired for no more than six months is guilty of a minor misdemeanor. Whoever violates division (B) of section 4507.13 or division (C) of section 4507.52 of the Revised Code is guilty of a minor misdemeanor.~~

~~(E) Whoever violates section 4507.33 of the Revised Code is guilty of permitting the operation of a vehicle by a person with no legal right to operate a vehicle and shall be punished as provided in division (E)(1) or (2) of this section.~~

~~(1) Except as otherwise provided in division (E)(2) of this section, permitting the operation of a vehicle by a person with no~~

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~~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 immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.~~

~~(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.~~ 16073

~~(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.~~ 16074  
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~~(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.~~ 16080  
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~~(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. 16087  
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**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. 16096  
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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, 16100  
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character and reputation of the operators, insurance in ~~such~~ the 16104  
sum and with ~~such~~ those provisions as the director considers 16105  
necessary to protect adequately the interests of the public, and 16106  
~~such~~ any other matters as the director may prescribe for the 16107  
protection of the public. The rules also shall require financial 16108  
responsibility information as part of the driver education 16109  
curriculum. 16110

(B) Any school that offers a driver training program for 16111  
disabled persons shall provide specially trained instructors for 16112  
the driver training of such persons. No school shall operate a 16113  
driver training program for disabled persons after June 30, 1978, 16114  
unless it has been licensed for such operation by the director. No 16115  
person shall act as a specially trained instructor in a driver 16116  
training program for disabled persons operated by a school after 16117  
June 30, 1978, unless that person has been licensed by the 16118  
director. 16119

(C) The director shall certify instructors to teach driver 16120  
training to disabled persons in accordance with training program 16121  
requirements established by the department of public safety. 16122

(D) No person shall operate a driver training school unless 16123  
the person has a valid license issued by the director under this 16124  
section. 16125

(E) Whoever violates division (D) of this section is guilty 16126  
of operating a driver training school without a valid license, a 16127  
minor misdemeanor. On a second or subsequent offense within two 16128  
years after the first offense, the person is guilty of a 16129  
misdemeanor of the fourth degree. 16130

**Sec. 4508.04.** (A) No person shall act as a driver training 16131  
instructor and on and after June 30, 1978, no person shall act as 16132  
a driver training instructor for disabled persons unless such 16133  
person applies for and obtains from the director of public safety 16134

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a license in the manner and form prescribed by the director. The 16135  
director shall provide by rule for instructors' license 16136  
requirements including moral character, physical condition, 16137  
knowledge of the courses of instruction, motor vehicle laws and 16138  
safety principles, previous personal and employment records, and 16139  
such other matters as the director may prescribe for the 16140  
protection of the public. Driver training instructors for disabled 16141  
persons shall meet such additional requirements and receive such 16142  
additional classroom and practical instruction as the director 16143  
shall prescribe by rule. 16144

(B)(1) No license shall be issued under this section to a 16145  
person if, within ten years of the date of application for the 16146  
license, the person has pleaded guilty to or been convicted of a 16147  
felony under the laws of this state or the comparable laws of 16148  
another jurisdiction. 16149

(2) No license shall be issued under this section to a person 16150  
if, within five years of the date of application for the license, 16151  
the person has pleaded guilty to or been convicted of a 16152  
misdemeanor of the first or second degree that is reasonably 16153  
related to the person's fitness to be issued such a license. 16154

(C) No person shall knowingly make a false statement on a 16155  
license application submitted under this section. 16156

(D)(1) Whoever violates division (A) of this section is 16157  
guilty of acting as a driver training instructor without a valid 16158  
license, a misdemeanor of the fourth degree. 16159

(2) Whoever violates division (C) of this section may be 16160  
charged with falsification under section 2921.13 of the Revised 16161  
Code. 16162

**Sec. 4508.06.** (A) The director of public safety may refuse to 16163  
issue, or may suspend or revoke, a license in any case where in 16164  
which the director finds the applicant or licensee has violated 16165

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any of the provisions of this chapter, or any of the regulations 16166  
 adopted by the director. A No person whose license has been 16167  
suspended or revoked license under this section shall be returned 16168  
fail to return the license to the director by the licensee. 16169

(B) Whoever violates division (A) of this section is guilty 16170  
of failing to return a suspended or revoked license, a minor 16171  
misdemeanor or, on a second or subsequent offense within two years 16172  
after the first offense, a misdemeanor of the fourth degree. 16173

**Sec. 4508.09.** (A) No person who operates a driver training 16174  
school shall use or cause to be used in the operation of the 16175  
driving school and upon any public property or private property 16176  
used for vehicular traffic any vehicle that does not meet the 16177  
minimum standards that are established by the director of public 16178  
safety and that are applicable to vehicles used in the operation 16179  
of a driving school. 16180

(B) Whoever violates this section is guilty of using an 16181  
unsafe vehicle at a driving school, a minor misdemeanor or, on a 16182  
second or subsequent offense within two years after the first 16183  
offense, a misdemeanor of the fourth degree. 16184

**Sec. 4509.02.** As used in sections 4509.31 4509.291 to 16185  
4509.67, inclusive, of the Revised Code: 16186

(A) "Judgment" means any judgment which has become final by 16187  
expiration without appeal of the time within which an appeal might 16188  
have been perfected, or by final affirmation on appeal, rendered 16189  
by a court of competent jurisdiction of any state or of the United 16190  
States, upon a cause of action arising out of the ownership, 16191  
maintenance, or use of any motor vehicle for damages, including 16192  
damages for care and loss of services because of bodily injury to 16193  
or death of any person, or for damages because of injury to or 16194  
destruction of property, including the loss of use thereof, or 16195

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upon a cause of action on an agreement of settlement for such 16196  
damages. 16197

(B) "State" means any state, territory, or possession of the 16198  
United States, the District of Columbia, or any province of the 16199  
Dominion of Canada. 16200

**Sec. 4509.101.** (A)(1) No person shall operate, or permit the 16201  
operation of, a motor vehicle in this state, unless proof of 16202  
financial responsibility is maintained continuously throughout the 16203  
registration period with respect to that vehicle, or, in the case 16204  
of a driver who is not the owner, with respect to that driver's 16205  
operation of that vehicle. 16206

(2) Whoever violates division (A)(1) of this section shall be 16207  
subject to the following civil penalties: 16208

(a) ~~Suspension of the person's operating privileges~~ Subject 16209  
to divisions (A)(2)(b) and (c) of this section, a class E 16210  
suspension of the person's driver's license, commercial driver's 16211  
license, temporary instruction permit, probationary license, or 16212  
nonresident operating privilege for the period of time specified 16213  
in division (B)(5) of section 4510.02 of the Revised Code and 16214  
impoundment of the person's license until the person complies with 16215  
division (A)(5) of this section. The suspension shall be for a 16216  
period of not less than ninety days except that if, The court may 16217  
grant limited driving privileges to the person only if the person 16218  
presents proof of financial responsibility and has complied with 16219  
division (A)(5) of this section. 16220

(b) If, within five years of the violation, the person's 16221  
operating privileges are again suspended and the person's license 16222  
again is impounded ~~one or more times~~ for a violation of division 16223  
(A)(1) of this section, a class C suspension of the person's 16224  
driver's license, commercial driver's license, temporary 16225  
instruction permit, probationary license, or nonresident operating 16226



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privilege for the period of time specified in division (B)(3) of 16227  
section 4510.02 of the Revised Code. The court may grant limited 16228  
driving privileges to the person only if the person presents proof 16229  
of financial responsibility and has complied with division (A)(5) 16230  
of this section, and no court may grant limited driving privileges 16231  
for the first fifteen days of the suspension shall be for a period 16232  
of not less than one year. Except as provided by section 4509.105 16233  
of the Revised Code, the suspension is not subject to revocation, 16234  
suspension, or occupational or other limited operating privileges. 16235

(b)(c) If, within five years of the violation, the person's 16236  
operating privileges are suspended and the person's license is 16237  
impounded two or more times for a violation of division (A)(1) of 16238  
this section, a class B suspension of the person's driver's 16239  
license, commercial driver's license, temporary instruction 16240  
permit, probationary license, or nonresident operating privilege 16241  
for the period of time specified in division (B)(2) of section 16242  
4510.02 of the Revised Code. No court may grant limited driving 16243  
privileges during the suspension. 16244

(d) In addition to the suspension of an owner's license under 16245  
division (A)(2)(a), (b), or (c) of this section, the suspension of 16246  
the rights of the owner to register the motor vehicle and the 16247  
impoundment of the owner's certificate of registration and license 16248  
plates until the owner complies with division (A)(5) of this 16249  
section. 16250

(3) A person to whom this state has issued a certificate of 16251  
registration for a motor vehicle or a license to operate a motor 16252  
vehicle or who is determined to have operated any motor vehicle or 16253  
permitted the operation in this state of a motor vehicle owned by 16254  
the person shall be required to verify the existence of proof of 16255  
financial responsibility covering the operation of the motor 16256  
vehicle or the person's operation of the motor vehicle under any 16257  
of the following circumstances: 16258

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- (a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.
- (b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.
- (c) Whenever, in accordance with rules adopted by the registrar, the person is randomly selected by the registrar and requested to provide such verification.
- (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:
- (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;
- (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.
- (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

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impounded license plates under that section, or reissue a license 16290  
under section ~~4507.54~~ 4510.52 of the Revised Code, if the 16291  
registrar destroyed the suspended license under that section, 16292  
unless the rights are not subject to suspension or revocation 16293  
under any other law and unless the person, in addition to 16294  
complying with all other conditions required by law for 16295  
reinstatement of the operating privileges or registration rights, 16296  
complies with all of the following: 16297

(a) Pays a financial responsibility reinstatement fee of 16298  
seventy-five dollars for the first violation of division (A)(1) of 16299  
this section, two hundred fifty dollars for a second violation of 16300  
that division, and five hundred dollars for a third or subsequent 16301  
violation of that division; 16302

(b) If the person has not voluntarily surrendered the 16303  
license, certificate, or license plates in compliance with the 16304  
order, pays a financial responsibility nonvoluntary compliance fee 16305  
in an amount, not to exceed fifty dollars, determined by the 16306  
registrar; 16307

(c) Files and continuously maintains proof of financial 16308  
responsibility under sections 4509.44 to 4509.65 of the Revised 16309  
Code. 16310

(6) If the registrar issues an order under division (A)(2) of 16311  
this section resulting from the failure of a person to respond to 16312  
a financial responsibility random verification request under 16313  
division (A)(3)(c) of this section and the person successfully 16314  
maintains an affirmative defense to a violation of section ~~4507.02~~ 16315  
4510.16 of the Revised Code or is determined by the registrar or a 16316  
deputy registrar to have been in compliance with division (A)(1) 16317  
of this section at the time of the initial financial 16318  
responsibility random verification request, the registrar shall do 16319  
both of the following: 16320

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- (a) Terminate the order of suspension or impoundment; 16321
- (b) Restore the operating privileges and registration rights 16322  
of the person without payment of the fees established in divisions 16323  
(A)(5)(a) and (b) of this section and without a requirement to 16324  
file proof of financial responsibility. 16325
- (B)(1) Every party required to file an accident report under 16326  
section 4509.06 of the Revised Code also shall include with the 16327  
report a document described in division (G)(1) of this section. 16328
- If the registrar determines, within forty-five days after the 16329  
report is filed, that an operator or owner has violated division 16330  
(A)(1) of this section, the registrar shall do all of the 16331  
following: 16332
- (a) Order the impoundment, with respect to the motor vehicle 16333  
involved, required under division (A)(2)~~(b)~~(d) of this section, of 16334  
the certificate of registration and license plates of any owner 16335  
who has violated division (A)(1) of this section; 16336
- (b) Order the suspension required under division (A)(2)(a), 16337  
(b), or (c) of this section of the license of any operator or 16338  
owner who has violated division (A)(1) of this section; 16339
- (c) Record the name and address of the person whose 16340  
certificate of registration and license plates have been impounded 16341  
or are under an order of impoundment, or whose license has been 16342  
suspended or is under an order of suspension; the serial number of 16343  
the person's license; the serial numbers of the person's 16344  
certificate of registration and license plates; and the person's 16345  
social security account number, if assigned, or, where the motor 16346  
vehicle is used for hire or principally in connection with any 16347  
established business, the person's federal taxpayer identification 16348  
number. The information shall be recorded in such a manner that it 16349  
becomes a part of the person's permanent record, and assists the 16350  
registrar in monitoring compliance with the orders of suspension 16351

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or impoundment.

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(d) Send written notification to every person to whom the order pertains, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of this section, any certificate of registration and registration plates under an order of impoundment, or any license under an order of suspension.

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(2) The registrar shall issue any order under division (B)(1) of this section without a hearing. Any person adversely affected by the order, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment is upheld.

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(C) Any order of suspension or impoundment issued under this section or division (B) of section 4509.37 of the Revised Code may be terminated at any time if the registrar determines upon a showing of proof of financial responsibility that the operator or owner of the motor vehicle was in compliance with division (A)(1)

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of this section at the time of the traffic offense, motor vehicle 16384  
inspection, or accident that resulted in the order against the 16385  
person. A determination may be made without a hearing. This 16386  
division does not apply unless the person shows good cause for the 16387  
person's failure to present satisfactory proof of financial 16388  
responsibility to the registrar prior to the issuance of the 16389  
order. 16390

(D)(1) For the purpose of enforcing this section, every peace 16391  
officer is deemed an agent of the registrar. 16392

(a) Except as provided in division (D)(1)(b) of this section, 16393  
any peace officer who, in the performance of the peace officer's 16394  
duties as authorized by law, becomes aware of a person whose 16395  
license is under an order of suspension, or whose certificate of 16396  
registration and license plates are under an order of impoundment, 16397  
pursuant to this section, may confiscate the license, certificate 16398  
of registration, and license plates, and return them to the 16399  
registrar. 16400

(b) Any peace officer who, in the performance of the peace 16401  
officer's duties as authorized by law, becomes aware of a person 16402  
whose license is under an order of suspension, or whose 16403  
certificate of registration and license plates are under an order 16404  
of impoundment resulting from failure to respond to a financial 16405  
responsibility random verification, shall not, for that reason, 16406  
arrest the owner or operator or seize the vehicle or license 16407  
plates. Instead, the peace officer shall issue a citation for a 16408  
violation of ~~division (B)(1) of section 4507.02~~ 4510.16 of the 16409  
Revised Code specifying the circumstances as failure to respond to 16410  
a financial responsibility random verification. 16411

(2) A peace officer shall request the owner or operator of a 16412  
motor vehicle to produce proof of financial responsibility in a 16413  
manner described in division (G) of this section at the time the 16414  
peace officer acts to enforce the traffic laws of this state and 16415

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during motor vehicle inspections conducted pursuant to section 16416  
4513.02 of the Revised Code. 16417

(3) A peace officer shall indicate on every traffic ticket 16418  
whether the person receiving the traffic ticket produced proof of 16419  
the maintenance of financial responsibility in response to the 16420  
officer's request under division (D)(2) of this section. The peace 16421  
officer shall inform every person who receives a traffic ticket 16422  
and who has failed to produce proof of the maintenance of 16423  
financial responsibility that the person must submit proof to the 16424  
traffic violations bureau with any payment of a fine and costs for 16425  
the ticketed violation or, if the person is to appear in court for 16426  
the violation, the person must submit proof to the court. 16427

(4)(a) If a person who has failed to produce proof of the 16428  
maintenance of financial responsibility appears in court for a 16429  
ticketed violation, the court may permit the defendant to present 16430  
evidence of proof of financial responsibility to the court at such 16431  
time and in such manner as the court determines to be necessary or 16432  
appropriate. The clerk of courts shall provide the registrar with 16433  
the identity of any person who fails to submit proof of the 16434  
maintenance of financial responsibility pursuant to division 16435  
(D)(3) of this section. 16436

(b) If a person who has failed to produce proof of the 16437  
maintenance of financial responsibility also fails to submit that 16438  
proof to the traffic violations bureau with payment of a fine and 16439  
costs for the ticketed violation, the traffic violations bureau 16440  
shall notify the registrar of the identity of that person. 16441

(5)(a) Upon receiving notice from a clerk of courts or 16442  
traffic violations bureau pursuant to division (D)(4) of this 16443  
section, the registrar shall order the suspension of the license 16444  
of the person required under division (A)(2)(a), (b), or (c) of 16445  
this section and the impoundment of the person's certificate of 16446  
registration and license plates required under division 16447

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(A)(2)(~~b~~)(d) of this section, effective thirty days after the date 16448  
of the mailing of notification. The registrar also shall notify 16449  
the person that the person must present the registrar with proof 16450  
of financial responsibility in accordance with this section, 16451  
surrender to the registrar the person's certificate of 16452  
registration, license plates, and license, or submit a statement 16453  
subject to section 2921.13 of the Revised Code that the person did 16454  
not operate or permit the operation of the motor vehicle at the 16455  
time of the offense. Notification shall be in writing and shall be 16456  
sent to the person at the person's last known address as shown on 16457  
the records of the bureau of motor vehicles. The person, within 16458  
fifteen days after the date of the mailing of notification, shall 16459  
present proof of financial responsibility, surrender the 16460  
certificate of registration, license plates, and license to the 16461  
registrar in a manner set forth in division (A)(4) of this 16462  
section, or submit the statement required under this section 16463  
together with other information the person considers appropriate. 16464

If the registrar does not receive proof or the person does 16465  
not surrender the certificate of registration, license plates, and 16466  
license, in accordance with this division, the registrar shall 16467  
permit the order for the suspension of the license of the person 16468  
and the impoundment of the person's certificate of registration 16469  
and license plates to take effect. 16470

(b) In the case of a person who presents, within the 16471  
fifteen-day period, documents to show proof of financial 16472  
responsibility, the registrar shall terminate the order of 16473  
suspension and the impoundment of the registration and license 16474  
plates required under division (A)(2)(~~b~~)(d) of this section and 16475  
shall send written notification to the person, at the person's 16476  
last known address as shown on the records of the bureau. 16477

(c) Any person adversely affected by the order of the 16478  
registrar under division (D)(5)(a) or (b) of this section, within 16479



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ten days after the issuance of the order, may request an  
administrative hearing before the registrar, who shall provide the  
person with an opportunity for a hearing in accordance with this  
paragraph. A request for a hearing does not operate as a  
suspension of the order. The scope of the hearing shall be limited  
to whether the person in fact demonstrated to the registrar proof  
of financial responsibility in accordance with this section. The  
registrar shall determine the date, time, and place of any  
hearing; provided, that the hearing shall be held, and an order  
issued or findings made, within thirty days after the registrar  
receives a request for a hearing. If requested by the person in  
writing, the registrar may designate as the place of hearing the  
county seat of the county in which the person resides or a place  
within fifty miles of the person's residence. Such person shall  
pay the cost of the hearing before the registrar, if the  
registrar's order of suspension or impoundment under division  
(D)(5)(a) or (b) of this section is upheld.

(6) A peace officer may charge an owner or operator of a  
motor vehicle with a violation of ~~division (B)(1) of section~~  
~~4507.02~~ 4510.16 of the Revised Code when the owner or operator  
fails to show proof of the maintenance of financial responsibility  
pursuant to a peace officer's request under division (D)(2) of  
this section, if a check of the owner or operator's driving record  
indicates that the owner or operator, at the time of the operation  
of the motor vehicle, is required to file and maintain proof of  
financial responsibility under section 4509.45 of the Revised Code  
for a previous violation of this chapter.

(7) Any forms used by law enforcement agencies in  
administering this section shall be prescribed, supplied, and paid  
for by the registrar.

(8) No peace officer, law enforcement agency employing a  
peace officer, or political subdivision or governmental agency

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that employs a peace officer shall be liable in a civil action for 16512  
damages or loss to persons arising out of the performance of any 16513  
duty required or authorized by this section. 16514

(9) As used in this division and divisions (E) and (G) of 16515  
this section, "peace officer" has the meaning set forth in section 16516  
2935.01 of the Revised Code. 16517

(E) All fees, except court costs, collected under this 16518  
section shall be paid into the state treasury to the credit of the 16519  
financial responsibility compliance fund. The financial 16520  
responsibility compliance fund shall be used exclusively to cover 16521  
costs incurred by the bureau in the administration of this section 16522  
and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, 16523  
and by any law enforcement agency employing any peace officer who 16524  
returns any license, certificate of registration, and license 16525  
plates to the registrar pursuant to division (C) of this section, 16526  
except that the director of budget and management may transfer 16527  
excess money from the financial responsibility compliance fund to 16528  
the state bureau of motor vehicles fund if the registrar 16529  
determines that the amount of money in the financial 16530  
responsibility compliance fund exceeds the amount required to 16531  
cover such costs incurred by the bureau or a law enforcement 16532  
agency and requests the director to make the transfer. 16533

All investment earnings of the financial responsibility 16534  
compliance fund shall be credited to the fund. 16535

(F) Chapter 119. of the Revised Code applies to this section 16536  
only to the extent that any provision in that chapter is not 16537  
clearly inconsistent with this section. 16538

(G)(1) The registrar, court, traffic violations bureau, or 16539  
peace officer may require proof of financial responsibility to be 16540  
demonstrated by use of a standard form prescribed by the 16541  
registrar. If the use of a standard form is not required, a person 16542

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may demonstrate proof of financial responsibility under this 16543  
section by presenting to the traffic violations bureau, court, 16544  
registrar, or peace officer any of the following documents or a 16545  
copy of the documents: 16546

(a) A financial responsibility identification card as 16547  
provided in section 4509.104 of the Revised Code; 16548

(b) A certificate of proof of financial responsibility on a 16549  
form provided and approved by the registrar for the filing of an 16550  
accident report required to be filed under section 4509.06 of the 16551  
Revised Code; 16552

(c) A policy of liability insurance, a declaration page of a 16553  
policy of liability insurance, or liability bond, if the policy or 16554  
bond complies with section 4509.20 or sections 4509.49 to 4509.61 16555  
of the Revised Code; 16556

(d) A bond or certification of the issuance of a bond as 16557  
provided in section 4509.59 of the Revised Code; 16558

(e) A certificate of deposit of money or securities as 16559  
provided in section 4509.62 of the Revised Code; 16560

(f) A certificate of self-insurance as provided in section 16561  
4509.72 of the Revised Code. 16562

(2) If a person fails to demonstrate proof of financial 16563  
responsibility in a manner described in division (G)(1) of this 16564  
section, the person may demonstrate proof of financial 16565  
responsibility under this section by any other method that the 16566  
court or the bureau, by reason of circumstances in a particular 16567  
case, may consider appropriate. 16568

(3) A motor carrier certificated by the interstate commerce 16569  
commission or by the public utilities commission may demonstrate 16570  
proof of financial responsibility by providing a statement 16571  
designating the motor carrier's operating authority and averring 16572

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that the insurance coverage required by the certificating authority is in full force and effect. 16573  
16574

(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section. 16575  
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(b) The preparation and delivery of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility under this division does not do any of the following: 16581  
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(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives; 16585  
16586  
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(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond; 16588  
16589

(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility. 16590  
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(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document accepted by a court or the registrar as proof of financial responsibility covering the operation of a motor vehicle at the time of an accident or offense, is not liable to pay a judgment for injuries or damages resulting from such operation, the registrar, notwithstanding any previous contrary finding, shall forthwith suspend the operating privileges and 16596  
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registration rights of the person against whom the judgment was 16604  
rendered as provided in division (A)(2) of this section. 16605

(H) In order for any document described in division (G)(1)(b) 16606  
of this section to be used for the demonstration of proof of 16607  
financial responsibility under this section, the document shall 16608  
state the name of the insured or obligor, the name of the insurer 16609  
or surety company, and the effective and expiration dates of the 16610  
financial responsibility, and designate by explicit description or 16611  
by appropriate reference all motor vehicles covered which may 16612  
include a reference to fleet insurance coverage. 16613

(I) For purposes of this section, "owner" does not include a 16614  
licensed motor vehicle leasing dealer as defined in section 16615  
4517.01 of the Revised Code, but does include a motor vehicle 16616  
renting dealer as defined in section 4549.65 of the Revised Code. 16617  
Nothing in this section or in section 4509.51 of the Revised Code 16618  
shall be construed to prohibit a motor vehicle renting dealer from 16619  
entering into a contractual agreement with a person whereby the 16620  
person renting the motor vehicle agrees to be solely responsible 16621  
for maintaining proof of financial responsibility, in accordance 16622  
with this section, with respect to the operation, maintenance, or 16623  
use of the motor vehicle during the period of the motor vehicle's 16624  
rental. 16625

(J) The purpose of this section is to require the maintenance 16626  
of proof of financial responsibility with respect to the operation 16627  
of motor vehicles on the highways of this state, so as to minimize 16628  
those situations in which persons are not compensated for injuries 16629  
and damages sustained in motor vehicle accidents. The general 16630  
assembly finds that this section contains reasonable civil 16631  
penalties and procedures for achieving this purpose. 16632

(K) Nothing in this section shall be construed to be subject 16634  
to section 4509.78 of the Revised Code. 16635

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(L) The registrar shall adopt rules in accordance with 16636  
 Chapter 119. of the Revised Code that are necessary to administer 16637  
 and enforce this section. The rules shall include procedures for 16638  
 the surrender of license plates upon failure to maintain proof of 16639  
 financial responsibility and provisions relating to reinstatement 16640  
 of registration rights, acceptable forms of proof of financial 16641  
 responsibility, and verification of the existence of financial 16642  
 responsibility during the period of registration. 16643

**Sec. 4509.17.** Except as provided in sections 4509.01 to 16644  
 4509.78 of the Revised Code, upon failure of any person to request 16645  
 a hearing as provided for in section 4509.13 of the Revised Code, 16646  
 or to deposit the security required under section 4509.12 of the 16647  
 Revised Code within thirty days after the registrar of motor 16648  
 vehicles has sent the notice provided for in section 4509.13 of 16649  
 the Revised Code, the registrar shall ~~suspend the license of such~~ 16650  
impose a class F suspension of the person's driver's license, 16651  
commercial driver's license, temporary instruction permit, 16652  
probationary license, or nonresident operating privilege for the 16653  
period of time specified in division (B)(6) of section 4510.02 of 16654  
the Revised Code on the person and the registrations of all motor 16655  
 vehicles owned by ~~such~~ the person. If the person is a nonresident, 16656  
 the suspension shall include the privilege of operating any motor 16657  
 vehicle within this state or permitting the operation within this 16658  
 state of any motor vehicle owned by the nonresident. 16659

**Sec. 4509.24.** (A) The persons involved in or affected by a 16661  
 motor vehicle accident may at any time enter into a written 16662  
 agreement for the payment of an agreed amount with respect to all 16663  
 claims for bodily injury to or death of any person or property 16664  
 damage arising from the accident which may provide for payment in 16665  
 installments. A signed copy of the agreement may be filed with the 16666

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registrar of motor vehicles. 16667

(B) The registrar, upon filing of any such written agreement, 16668  
shall not require the deposit of security by any party to the 16669  
agreement for the benefit or protection of any party to the 16670  
agreement. The registrar shall modify appropriately any prior 16671  
order of suspension with reference to such persons, or if security 16672  
has been deposited, the registrar immediately shall return to the 16673  
depositor or the depositor's personal representative any deposit 16674  
for the benefit or protection of any party to the agreement. 16675

(C) If the registrar receives satisfactory evidence that any 16676  
person obliged to make payment under any such agreement has 16677  
defaulted in payment, the registrar shall ~~issue an order of~~ impose 16678  
a class F suspension with respect to that of the offender's 16679  
driver's license, commercial driver's license, temporary 16680  
instruction permit, probationary license, or nonresident operating 16681  
privilege for the period of time specified in division (B)(6) of 16682  
section 4510.02 of the Revised Code on the person as provided in 16683  
section 4509.17 of the Revised Code. Such an order of suspension 16684  
remains in effect until any of the following occurs: 16685

(1) Security is deposited by the person to whom the 16686  
suspension applies in such amount as the registrar may then 16687  
determine; 16688

(2) The registrar receives satisfactory evidence that the 16689  
entire obligation has been paid or released; 16690

(3) A period of two years has elapsed following the breach of 16691  
agreement and satisfactory evidence is filed with the registrar 16692  
that no action has been instituted on the agreement during that 16693  
period. 16694

**Sec. 4509.291.** (A) When a nonresident's operating privilege 16695  
is suspended pursuant to section 4509.101, 4509.17, or 4509.24 of 16696

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the Revised Code for a violation of any provision of sections 16697  
4509.01 to 4509.78, ~~inclusive~~, of the Revised Code, the registrar 16698  
of motor vehicles shall transmit a certified copy of the record of 16699  
such action to the official in charge of the issuance of licenses 16700  
and registration certificates in the state in which such 16701  
nonresident resides, if the law of such other state provides for 16702  
action in relation thereto similar to the provision set forth in 16703  
division (B) of this section. 16704

(B) Upon receipt of a certification that the operating 16705  
privilege of a resident of this state has been suspended or 16706  
revoked in any other state pursuant to a law providing for its 16707  
suspension or revocation for failure to deposit security for the 16708  
payment of judgments arising out of a motor vehicle accident or 16709  
failure to give proof of financial responsibility, under 16710  
circumstances which would require the registrar to suspend a 16711  
nonresident's operating privilege had the accident occurred in 16712  
this state, the registrar shall ~~suspend the license~~ impose a class 16713  
F suspension of the person's driver's license, commercial driver's 16714  
license, temporary instruction permit, probationary license, or 16715  
nonresident operating privilege for the period of time specified 16716  
in division (B)(6) of section 4510.02 of the Revised Code on the 16717  
person and all registrations of such resident. Such suspension 16718  
shall continue until such resident furnishes evidence of ~~his~~ the 16719  
person's compliance with the law of such other state relating to 16720  
the deposit of such security or to the giving of proof of 16721  
financial responsibility. 16722

**Sec. 4509.33.** If a nonresident by final order or judgment of 16723  
a court of record or mayor's court is convicted of, or forfeits 16724  
bail or collateral deposited to secure an appearance for trial 16725  
for, any offense ~~enumerated in section 4507.16 of the Revised Code~~ 16726  
for which the suspension of a license is provided, the registrar 16727



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of motor vehicles shall ~~suspend or revoke~~ impose a suspension of 16728  
the privilege of the nonresident to operate a motor vehicle for 16729  
the same period for which suspension ~~or revocation~~ of a license by 16730  
a court of record is authorized by the applicable section ~~4507.16~~ 16731  
of the Revised Code. The suspension ~~or revocation~~ shall remain in 16732  
effect until the expiration of the period so ordered and 16733  
thereafter until the nonresident gives and thereafter maintains 16734  
proof of financial responsibility in accordance with section 16735  
4509.45 of the Revised Code. 16736

The registrar shall also suspend the privilege of the use in 16737  
this state of every motor vehicle owned by the nonresident, except 16738  
that the registrar shall not suspend the privilege if the owner 16739  
has given or immediately gives and thereafter maintains proof of 16740  
financial responsibility with respect to all motor vehicles owned 16741  
by the nonresident. The registrar shall restore such privilege of 16742  
a nonresident owner when the owner gives and thereafter maintains 16743  
proof of financial responsibility in accordance with section 16744  
4509.45 of the Revised Code. 16745

**Sec. 4509.34.** (A) The suspension ~~or revocation~~ of a license 16746  
referred to in ~~sections~~ section 4509.291 ~~and 4509.31~~ of the 16747  
Revised Code shall remain in effect and the registrar of motor 16748  
vehicles shall not issue to any person whose license is so 16749  
suspended ~~or revoked~~ any new or renewal license until permitted 16750  
under the motor vehicle laws, and not then until such person gives 16751  
and thereafter maintains proof of financial responsibility in 16752  
accordance with section 4509.45 of the Revised Code. 16753

(B) The suspension of registration referred to in such 16754  
sections shall remain in effect and the registrar shall not 16755  
register or reregister in the name of any person whose 16756  
registration is so suspended as owner of any motor vehicle, nor 16757  
return or re-issue license plates for such vehicle, until such 16758

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person gives and thereafter maintains proof of financial 16759  
responsibility in accordance with section 4509.45 of the Revised 16760  
Code. 16761

**Sec. 4509.35.** Whenever any person fails within thirty days to 16762  
satisfy a judgment rendered within this state, upon the written 16763  
request of the judgment creditor or ~~his~~ the judgment creditor's 16764  
attorney, the clerk of the court which rendered the judgment, or 16765  
the judge of the court or mayor of the mayor's court if the court 16766  
has no clerk, immediately shall forward a certified copy of the 16767  
judgment to the registrar of motor vehicles. 16768

Whenever any nonresident has been convicted of ~~the offenses~~ 16769  
~~enumerated in section 4507.16~~ an offense for which the court is 16770  
required to impose a license suspension under any provision of the 16771  
Revised Code or has forfeited bail given to secure ~~his~~ the 16772  
nonresident's appearance for trial upon a charge of any offense 16773  
~~enumerated in that section~~ for which the court is required to 16774  
impose a license suspension under any provision of the Revised 16775  
Code, the clerk of every court of record and the mayor of every 16776  
mayor's court immediately shall forward to the registrar a 16777  
certified copy or transcript of the conviction or order forfeiture 16778  
of bail. 16779

**Sec. 4509.37.** (A) The registrar of motor vehicles upon 16780  
receipt of a certified copy of a judgment, shall ~~forthwith suspend~~ 16781  
impose a class F suspension for the period of time specified in 16782  
division (B)(6) of section 4510.02 of the Revised Code of the 16783  
license and registration and any nonresident's operating privilege 16784  
of any person against whom such judgment was rendered, except as 16785  
provided in sections 4509.01 to 4509.78 of the Revised Code. 16786

Such certified copy of a judgment shall include the last 16787  
known address, the social security number, if known, and the 16788

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operator's license number, of the judgment debtor. 16789

(B) The registrar shall also impose the civil penalties 16790  
specified in division (A)(2) of section 4509.101 of the Revised 16791  
Code unless either of the following applies: 16792

(1) The judgment debtor presents proof of financial 16793  
responsibility to the registrar proving that the judgment debtor 16794  
was covered, at the time of the motor vehicle accident out of 16795  
which the cause of action arose, by proof of financial 16796  
responsibility in compliance with section 4509.101 of the Revised 16797  
Code. 16798

(2) The judgment debtor proves to the registrar that the 16799  
judgment debtor's registration and license have been previously 16800  
suspended under section 4509.101 of the Revised Code by reason of 16801  
the judgment debtor's failure to prove that the judgment debtor 16802  
was covered, at the time of the motor vehicle accident out of 16803  
which the cause of action arose, by proof of financial 16804  
responsibility. 16805

**Sec. 4509.40.** ~~Any license, registration, and nonresident's~~ 16806  
~~operating privilege suspended~~ The registrar of motor vehicles 16807  
shall impose a class F suspension of the person's driver's 16808  
license, commercial driver's license, temporary instruction 16809  
permit, probationary license, or nonresident operating privilege 16810  
for the period of time specified in division (B)(6) of section 16811  
4510.02 of the Revised Code for nonpayment of a judgment shall 16812  
~~remain so suspended for a period of seven years from the effective~~ 16813  
~~date of suspension,~~ and while such order is in force no license, 16814  
registration, or permit to operate a motor vehicle shall be issued 16815  
in the name of such person, including any such person not 16816  
previously licensed. The registrar shall vacate the order of 16817  
suspension upon proof that such judgment is stayed, or satisfied 16818  
in full or to the extent provided in section 4509.41 of the 16819

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Revised Code, subject to the exemptions stated in sections 16820  
 4509.37, 4509.38, 4509.39, and 4509.42 of the Revised Code, and 16821  
 upon such person's filing with the registrar of motor vehicles 16822  
 evidence of financial responsibility in accordance with section 16823  
 4509.45 of the Revised Code. 16824

**Sec. 4509.42.** (A) A judgment debtor upon due notice to the 16825  
 judgment creditor may apply to the court in which the judgment was 16826  
 rendered for the privilege of paying the judgment in installments 16827  
 and the court, in its discretion and without prejudice to any 16828  
 other legal remedies which the judgment creditor has, may order 16829  
 and fix the amounts and times of payment of the installments. 16830

(B) The registrar of motor vehicles shall not suspend for 16831  
 nonpayment of a judgment, a license, registration, or 16832  
 nonresident's operating privilege, and shall restore the license, 16833  
 registration, or nonresident's operating privilege suspended for 16834  
 nonpayment, when the judgment debtor gives proof of financial 16835  
 responsibility and maintains it in accordance with section 4509.45 16836  
 of the Revised Code, and obtains an order permitting the payment 16837  
 of the judgment in installments, and while the payment of any 16838  
 installment is not in default. 16839

(C) If the judgment debtor fails to pay any installment as 16840  
 specified by such order, then upon notice of default the registrar 16841  
 shall ~~forthwith suspend~~ impose a class F suspension of the 16842  
 license, registration, or nonresident's operating privilege of the 16843  
 judgment debtor until such judgment is satisfied as specified in 16844  
division (B)(6) of section 4510.02 of the Revised Code. 16845

**Sec. 4509.45.** (A) Proof of financial responsibility when 16846  
 required under section ~~4507.022~~, 4509.101, ~~4509.32~~, 4509.33, 16847  
 4509.34, 4509.38, 4509.40, 4509.42, ~~or~~ 4509.44, or 4510.038 of the 16848  
 Revised Code may be given by filing any of the following: 16849

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<del>(A)</del> (1) A financial responsibility identification card as provided in section 4509.104 of the Revised Code;	16850 16851
<del>(B)</del> (2) A certificate of insurance as provided in section 4509.46 or 4509.47 of the Revised Code;	16852 16853
<del>(C)</del> (3) A bond as provided in section 4509.59 of the Revised Code;	16854 16855
<del>(D)</del> (4) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;	16856 16857
<del>(E)</del> (5) A certificate of self-insurance, as provided in section 4509.72 of the Revised Code, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, <del>he</del> <u>the self-insurer</u> will pay the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to the self-insurer.	16858 16859 16860 16861 16862 16863 16864
<del>Such proof</del> <u>(B) Proof under division (A) of this section shall be filed and maintained for five years from the date of <del>the registrar's imposition of a class A, B, or C suspension of operating privileges by the registrar of motor vehicles and shall be filed and maintained for three years from the date of the registrar's imposition of a class D, E, or F suspension of operating privileges.</del></u>	16865 16866 16867 16868 16869 16870 16871
<b>Sec. 4509.74.</b> <u>(A)</u> No person shall fail to report a motor vehicle accident as required under the laws of this state.	16872 16873
<u>(B) Whoever violates this section is guilty of a minor misdemeanor.</u>	16874 16875
<b>Sec. 4509.77.</b> <u>(A)</u> No person shall willfully fail to return a license or registration as required in section 4509.69 of the Revised Code.	16876 16877 16878

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(B) Whoever violates this section shall be fined not more than five hundred dollars, imprisoned for not more than thirty days, or both. 16879  
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**Sec. 4509.78.** (A) No person shall violate section 4509.01 to 4509.78, ~~inclusive,~~ of the Revised Code for which no penalty is otherwise provided. 16882  
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(B) Whoever violates this section shall be fined not more than five hundred dollars, imprisoned not more than ninety days, or both. 16885  
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**Sec. 4509.79.** (A) As used in this section, "ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools. 16888  
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(B) Every owner registering as a passenger car a motor vehicle designed and used for carrying more than nine but not more than fifteen passengers or registering a bus under division (H)(8) of section 4503.04 of the Revised Code shall have in effect, whenever the motor vehicle is used in a ridesharing arrangement, a policy of liability insurance with respect to the motor vehicle in amounts and coverage no less than: 16893  
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(1) One hundred thousand dollars because of bodily injury to or death of one person in any one accident; 16900  
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(2) Three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; 16902  
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(3) Fifty thousand dollars because of injury to property of others in any one accident. 16904  
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(C) Whoever violates this section shall be fined not more than five thousand dollars. 16906  
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**Sec. 4509.80.** (A) Every owner registering a chauffeured limousine shall furnish and maintain proof of financial responsibility with respect to the limousine by filing with the registrar of motor vehicles any of the following:

(1) A certificate of insurance as provided in section 4509.46 or 4509.47 of the Revised Code;

(2) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond provides coverage in accordance with division (B) of this section and otherwise complies with sections 4509.49 to 4509.61 of the Revised Code, and if the policy or bond provides that such policy or bond shall not be canceled or terminated prior to not less than ten days after a written notice of cancellation or termination is filed with the registrar;

(3) A bond or certification of the issuance of a bond if the bond provides coverage in the amount of three hundred thousand dollars and otherwise complies with section 4509.59 of the Revised Code;

(4) A certificate of deposit of money or securities if the certificate of deposit provides coverage in the amount of three hundred thousand dollars and otherwise complies with section 4509.62 of the Revised Code;

(5) A certificate of self-insurance as provided in section 4509.72 of the Revised Code.

(B) As used in this section and section 4509.81 of the Revised Code, "proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a chauffeured limousine in the amount of one hundred thousand

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dollars because of bodily injury to or death of one person in any one accident, three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifty thousand dollars because of injury to property of others in any one accident.

(C) Upon the request of a law enforcement officer, the operator of any chauffeured limousine shall produce proof of compliance with this section. The law enforcement officer requesting such proof shall notify the registrar of any violation of this section. The notice to the registrar shall be on a form prescribed by the registrar and supplied by the registrar at the registrar's expense, and shall include the license plate number of the chauffeured limousine and any other information the registrar requires.

(D) The owner, or ~~his~~ the owner's designee, shall provide written notice to the registrar of cancellation or termination of the coverage required by this section not less than ten days prior to the effective date of cancellation, and, on or before the effective date of cancellation, shall voluntarily surrender the livery license plate sticker for the vehicle or vehicles for which the cancellation is effective. If the livery license plate sticker is timely and voluntarily surrendered, the registrar shall, upon the filing of proof of financial responsibility as required by this section, reinstate the livery registration of the vehicle and issue a current livery license plate sticker for the vehicle.

(E) Whoever violates this section is guilty of a misdemeanor of the first degree.

**Sec. 4509.81.** (A) Upon receipt of a notification of violation as provided in division (C) of section 4509.80 of the Revised Code; upon failure of a timely surrender of the livery license



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plate sticker as required by division (D) of section 4509.80 of 16969  
the Revised Code; or if the registrar of motor vehicles, upon 16970  
receipt of notification from an insurer of the imminent 16971  
cancellation or termination of coverage required by section 16972  
4509.80 of the Revised Code, fails to receive evidence of a 16973  
continuation or substitution of coverage prior to the cancellation 16974  
or termination date, the registrar shall order the immediate 16975  
suspension of the rights of the owner of the chauffeured limousine 16976  
described in the notice to register the limousine and the 16977  
impoundment of the certificate of registration and registration 16978  
plates for the limousine. The registrar shall notify the owner 16979  
that the owner must surrender the certificate of registration and 16980  
registration plates to the registrar. The notification shall be in 16981  
writing and sent to the owner at the owner's last known address as 16982  
shown in the records of the bureau of motor vehicles. Proceedings 16983  
under this section are deemed special, summary statutory 16984  
proceedings. 16985

(B) The order of suspension and impoundment of a registration 16986  
shall state the date on or before which the owner of the 16987  
chauffeured limousine involved is required to surrender the 16988  
certificate of registration and registration plates to the 16989  
registrar. The owner shall be deemed to have surrendered the 16990  
certificate of registration and registration plates if the owner 16991  
causes the items to be delivered to the registrar on or before the 16992  
date specified in the order or mails the items to the registrar in 16993  
an envelope or container bearing a postmark showing a date no 16994  
later than the date specified in the order. 16995

(C) The registrar shall not restore any registration rights 16996  
suspended under this section, return any certificate of 16997  
registration or registration plates impounded under this section, 16998  
or reissue registration plates under section 4503.232 of the 16999  
Revised Code, if the registrar destroyed the impounded 17000

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registration plates under that section, unless those rights are 17001  
not subject to suspension ~~or revocation~~ under any other law and 17002  
unless the owner complies with both of the following: 17003

(1) Pays a financial responsibility reinstatement fee of 17004  
thirty dollars. The reinstatement fee may be increased, upon 17005  
approval of the controlling board, up to an amount not exceeding 17006  
fifty dollars. 17007

(2) Files and maintains proof of financial responsibility 17008  
under section 4509.80 of the Revised Code. 17009

(D) Any owner adversely affected by the order of the 17010  
registrar under this section may, within ten days after the 17011  
issuance of the order, request an administrative hearing before 17012  
the registrar, who shall provide the owner with an opportunity for 17013  
a hearing in accordance with this division. A request for a 17014  
hearing does not operate as a suspension of the order unless the 17015  
owner establishes to the satisfaction of the registrar that the 17016  
operation of the owner's chauffeured limousine will be covered by 17017  
proof of financial responsibility during the pendency of the 17018  
appeal. The scope of the hearing shall be limited to whether the 17019  
owner in fact demonstrated to the registrar proof of financial 17020  
responsibility in accordance with section 4509.80 of the Revised 17021  
Code. The registrar shall determine the date, time, and place of 17022  
any hearing, provided that the hearing shall be held and an order 17023  
issued or findings made within thirty days after the registrar 17024  
receives a request for a hearing. If requested by the owner in 17025  
writing, the registrar may designate as the place of hearing the 17026  
county seat of the county in which the owner resides or a place 17027  
within fifty miles of the owner's residence. The owner shall pay 17028  
the cost of the hearing before the registrar, if the registrar's 17029  
order of suspension or impoundment is upheld. 17030

(E) Any order of suspension or impoundment issued under this 17031  
section may be terminated at any time if the registrar determines 17032

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upon a showing of proof of financial responsibility that the owner  
of the limousine was in compliance with section 4509.80 of the  
Revised Code at the time of the incident that resulted in the  
order against the owner. Such a determination may be made without  
a hearing.

(F) All fees collected under this section shall be paid into  
the state treasury to the credit of the financial responsibility  
compliance fund created by section 4509.101 of the Revised Code.

(G) Chapter 119. of the Revised Code applies to this section  
only to the extent that any provision in that chapter is not  
clearly inconsistent with this section.

(H)(1) Proof of financial responsibility may be demonstrated  
by any of the methods authorized in section 4509.80 of the Revised  
Code.

(2) Divisions (G)(4)(a) and (b) of section 4509.101 of the  
Revised Code apply to any finding by the registrar under this  
section that an owner is covered by proof of financial  
responsibility.

Sec. 4510.01. As used in this title and in Title XXIX of the  
Revised Code:

(A) "Cancel" or "cancellation" means the annulment or  
termination by the bureau of motor vehicles of a driver's license,  
commercial driver's license, temporary instruction permit,  
probationary license, or nonresident operating privilege because  
it was obtained unlawfully, issued in error, altered, or willfully  
destroyed, or because the holder no longer is entitled to the  
license, permit, or privilege.

(B) "Drug abuse offense" has the same meaning as in section  
2925.01 of the Revised Code.

(C) "Ignition interlock device" means a device approved by

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the director of public safety that connects a breath analyzer to a motor vehicle's ignition system, that is constantly available to monitor the concentration by weight of alcohol in the breath of any person attempting to start that motor vehicle by using its ignition system, and that deters starting the motor vehicle by use of its ignition system unless the person attempting to start the vehicle provides an appropriate breath sample for the device and the device determines that the concentration by weight of alcohol in the person's breath is below a preset level.

(D) "Immobilizing or disabling device" means a device approved by the director of public safety that may be ordered by a court to be used by an offender as a condition of limited driving privileges. "Immobilizing or disabling device" includes an ignition interlock device, and any prototype device that is used according to protocols designed to ensure efficient and effective monitoring of limited driving privileges granted by a court to an offender.

(E) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(F) "Municipal OVI ordinance" and "municipal OVI offense" have the same meanings as in section 4511.181 of the Revised Code.

(G) "Prototype device" means any testing device to monitor limited driving privileges that has not yet been approved or disapproved by the director of public safety.

(H) "Suspend" or "suspension" means the permanent or

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temporary withdrawal, by action of a court or the bureau of motor vehicles, of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of the suspension or the permanent or temporary withdrawal of the privilege to obtain a license, permit, or privilege of that type for the period of the suspension. 17094  
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Sec. 4510.02. (A) When a court elects or is required to suspend the driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege of any offender, for each of the following suspension classes, the court shall impose a definite period of suspension from the range specified for the suspension class: 17101  
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(1) For a class one suspension, a definite period for the life of the person subject to the suspension; 17107  
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(2) For a class two suspension, a definite period of three years to life; 17109  
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(3) For a class three suspension, a definite period of two to ten years; 17111  
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(4) For a class four suspension, a definite period of one to five years; 17113  
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(5) For a class five suspension, a definite period of six months to three years; 17115  
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(6) For a class six suspension, a definite period of three months to two years; 17117  
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(7) For a class seven suspension, a definite period not to exceed one year. 17119  
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(B) When the bureau of motor vehicles elects or is required to suspend the driver's license, commercial driver's license, 17121  
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<u>temporary instruction permit, probationary license, or nonresident</u>	17123
<u>operating privilege of any person, for each of the following</u>	17124
<u>suspension classes, the period of suspension shall be as follows:</u>	17125
<u>(1) For a class A suspension, three years;</u>	17126
<u>(2) For a class B suspension, two years;</u>	17127
<u>(3) For a class C suspension, one year;</u>	17128
<u>(4) For a class D suspension, six months;</u>	17129
<u>(5) For a class E suspension, three months;</u>	17130
<u>(6) For a class F suspension, until conditions are met.</u>	17131
<u>(C) The court may require a person to successfully complete a</u>	17132
<u>remedial driving course as a condition for the return of full</u>	17133
<u>driving privileges after a suspension period imposed from any</u>	17134
<u>range in division (A) of this section or otherwise imposed by the</u>	17135
<u>court pursuant to any other provision of law ends.</u>	17136
<u>(D) When a court or the bureau suspends the driver's license,</u>	17137
<u>commercial driver's license, temporary instruction permit,</u>	17138
<u>probationary license, or nonresident operating privilege of any</u>	17139
<u>offender or person pursuant to any provision of law that does not</u>	17140
<u>provide for the suspension to be from a class set forth in</u>	17141
<u>division (A) or (B) of this section, except as otherwise provided</u>	17142
<u>in the provision that authorizes or requires the suspension, the</u>	17143
<u>suspension shall be subject to and governed by this chapter.</u>	17144
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<u>Sec. 4510.021. (A) Unless expressly prohibited by section</u>	17146
<u>2919.22, section 4510.13, or any other section of the Revised</u>	17147
<u>Code, a court may grant limited driving privileges during any</u>	17148
<u>suspension imposed by the court. The privileges shall be for</u>	17149
<u>limited purposes, including but not limited to occupational,</u>	17150
<u>educational, vocational, or medical purposes, taking the driver's</u>	17151

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or commercial driver's license examination, attending 17152  
court-ordered treatment, and other reasonable purposes specified 17153  
by the court under this section. In granting the privileges, the 17154  
court shall specify the purposes, times, and places of the 17155  
privileges and may impose any other reasonable conditions on the 17156  
person's driving of a motor vehicle. 17157

(B) Unless expressly authorized by a section of the Revised 17158  
Code, a court may not grant limited driving privileges during any 17159  
suspension imposed by the bureau of motor vehicles. To obtain 17160  
limited driving privileges during a suspension imposed by the 17161  
bureau, a petition may be filed in a court of record in the county 17162  
in which the person under suspension resides. A person who is not 17163  
a resident of this state shall file any petition for privileges in 17164  
the Franklin county municipal court, or, if the person is a minor, 17165  
in the Franklin county juvenile court. 17166

(C) When the use of an immobilizing or disabling device is 17167  
not otherwise required by law, the court, as a condition of 17168  
granting limited driving privileges, may require that the person's 17169  
vehicle be equipped with an immobilizing or disabling device, 17170  
except as provided in division (C) of section 4510.43 of the 17171  
Revised Code. When the use of restricted license plates issued 17172  
under section 4503.231 of the Revised Code is not otherwise 17173  
required by law, the court, as a condition of granting limited 17174  
driving privileges, may require that the person's vehicle be 17175  
equipped with restricted license plates of that nature, except as 17176  
provided in division (B) of that section. 17177

(D) When the court grants limited driving privileges under 17178  
section 4510.31 of the Revised Code or any other provision of law 17179  
during the suspension of the temporary instruction permit or 17180  
probationary driver's license of a person who is under eighteen 17181  
years of age, the court may include as a purpose of the privilege 17182  
the person's practicing of driving with the person's parent, 17183

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guardian, or other custodian during the period of the suspension. 17184  
If the court grants limited driving privileges for this purpose, 17185  
the court, in addition to all other conditions it imposes, shall 17186  
impose as a condition that the person exercise the privilege only 17187  
when a parent, guardian, or custodian of the person who holds a 17188  
current valid driver's or commercial driver's license issued by 17189  
this state actually occupies the seat beside the person in the 17190  
vehicle the person is operating. 17191

(E) Before granting limited driving privileges under this 17192  
section, the court shall require the offender to provide proof of 17193  
financial responsibility pursuant to section 4509.45 of the 17194  
Revised Code. 17195

**Sec. 4510.03.** (A) Every county court judge, mayor of a 17196  
mayor's court, and clerk of a court of record shall keep a full 17197  
record of every case in which a person is charged with any 17198  
violation of any provision of sections 4511.01 to 4511.771 or 17199  
4513.01 to 4513.36 of the Revised Code or of any other law or 17200  
ordinance regulating the operation of vehicles, streetcars, and 17201  
trackless trolleys on highways or streets. 17202

(B) If a person is convicted of or forfeits bail in relation 17203  
to a violation of any section listed in division (A) of this 17204  
section or a violation of any other law or ordinance regulating 17205  
the operation of vehicles, streetcars, and trackless trolleys on 17206  
highways or streets, the county court judge, mayor of a mayor's 17207  
court, or clerk, within ten days after the conviction or bail 17208  
forfeiture, shall prepare and immediately forward to the bureau of 17209  
motor vehicles an abstract, certified by the preparer to be true 17210  
and correct, of the court record covering the case in which the 17211  
person was convicted or forfeited bail. Every court of record also 17212  
shall forward to the bureau of motor vehicles an abstract of the 17213  
court record as described in division (C) of this section upon the 17214  
conviction of any person of aggravated vehicular homicide or 17215



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vehicular homicide or of a felony in the commission of which a 17216  
vehicle was used. 17217

(C) Each abstract required by this section shall be made upon 17218  
a form approved and furnished by the bureau and shall include the 17219  
name and address of the person charged, the number of the person's 17220  
driver's or commercial driver's license, probationary driver's 17221  
license, or temporary instruction permit, the registration number 17222  
of the vehicle involved, the nature of the offense, the date of 17223  
the offense, the date of hearing, the plea, the judgment, or 17224  
whether bail was forfeited, and the amount of the fine or 17225  
forfeiture. 17226

**Sec. 4510.031.** (A) A United States district court that has 17227  
jurisdiction within this state may utilize the provisions of 17228  
section 4510.03 of the Revised Code in regard to any case in which 17229  
a person is charged with any violation of any provision of 17230  
sections 4511.01 to 4511.771 or 4513.01 to 4513.36 of the Revised 17231  
Code or of any other law or ordinance regulating the operation of 17232  
vehicles, streetcars, and trackless trolleys on highways or 17233  
streets located on federal property within this state. The court 17234  
also may forward to the bureau an abstract upon the conviction of 17235  
any person of aggravated vehicular homicide or vehicular homicide 17236  
or of a felony in the commission of which a vehicle was used. 17237

(B) If a United States district court acts under this 17238  
section, it shall follow the procedures established in section 17239  
4510.03 of the Revised Code. 17240

(C) The bureau of motor vehicles shall accept and process an 17241  
abstract received from a United States district court under this 17242  
section in the same manner as it accepts and processes an abstract 17243  
received from a county court judge, mayor of a mayor's court, or 17244  
clerk of a court of record. 17245

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Sec. 4510.032. (A) If a person is charged with a violation of section 4511.19 of the Revised Code or a violation of any municipal OVI ordinance; if that charge is dismissed or reduced; if the person is convicted of or forfeits bail in relation to a violation of any other section of the Revised Code or of any ordinance that regulates the operation of vehicles, streetcars, and trackless trolleys on highways and streets but that does not relate to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or to operating a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine; and if the violation of which the person was convicted or in relation to which the person forfeited bail arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced, the abstract prepared under section 4510.03 of the Revised Code also shall set forth the charge that was dismissed or reduced, indicate that it was dismissed or reduced, and indicate that the violation resulting in the conviction or bail forfeiture arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(B) If a charge against a person of a violation of division (A) of section 4510.11, division (A) of section 4510.14, or division (A) of section 4510.16 of the Revised Code or any municipal ordinance that is substantially equivalent to any of those divisions is dismissed or reduced and if the person is convicted of or forfeits bail in relation to a violation of any other section of the Revised Code or any other ordinance that regulates the operation of vehicles, streetcars, and trackless trolleys on highways and streets that arose out of the same facts and circumstances as did the charge that was dismissed or reduced, the abstract also shall set forth the charge that was dismissed or reduced, indicate that it was dismissed or reduced, and indicate

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that the violation resulting in the conviction or bail forfeiture 17278  
arose out of the same facts and circumstances and the same act as 17279  
did the charge that was dismissed or reduced. 17280

(C)(1) If a child has been adjudicated an unruly or 17281  
delinquent child or a juvenile traffic offender for having 17282  
committed any act that if committed by an adult would be a drug 17283  
abuse offense or any violation of division (B) of section 2917.11 17284  
or of section 4511.19 of the Revised Code, the court shall notify 17285  
the bureau, by means of an abstract of the court record as 17286  
described in divisions (B) and (C) of section 4510.03 of the 17287  
Revised Code, within ten days after the adjudication. 17288

(2) If a court requires a child to attend a drug abuse or 17289  
alcohol abuse education, intervention, or treatment program, the 17290  
abstract required by division (C)(1) of this section and forwarded 17291  
to the bureau also shall include the name and address of the 17292  
operator of the program and the date that the child entered the 17293  
program. If the child satisfactorily completes the program, the 17294  
court, immediately upon receipt of the information, shall send to 17295  
the bureau an updated abstract that also shall contain the date on 17296  
which the child satisfactorily completed the program. 17297

**Sec. 4510.034.** (A) Division (B) of this section applies in 17298  
relation to persons who are convicted of or plead guilty to any of 17299  
the following: 17300

(1) A violation of division (A) of section 4510.11, division 17301  
(A) of section 4510.14, or division (A) of section 4510.16 of the 17302  
Revised Code; 17303

(2) A violation of a municipal ordinance substantially 17304  
equivalent to any division set forth in division (A)(1) of this 17305  
section; 17306

(3) A violation of division (A) of section 4511.19 of the 17307

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<u>Revised Code or a violation of section 4511.203 of the Revised</u>	17308
<u>Code;</u>	17309
<u>(4) A violation of a municipal OVI ordinance.</u>	17310
<u>(B) If a person is convicted of or pleads guilty to any</u>	17311
<u>violation set forth in division (A) of this section and if</u>	17312
<u>division (D) of section 4503.234 of the Revised Code prohibits the</u>	17313
<u>registrar of motor vehicles and all deputy registrars from</u>	17314
<u>accepting an application for the registration of, or registering,</u>	17315
<u>any motor vehicle in the name of that person, the abstract</u>	17316
<u>prepared pursuant to section 4510.03, 4510.031, or 4510.032 of the</u>	17317
<u>Revised Code shall specifically set forth these facts and clearly</u>	17318
<u>indicate the date on which the order of criminal forfeiture was</u>	17319
<u>issued or would have been issued but for the operation of section</u>	17320
<u>4503.234 of the Revised Code. If the registrar receives an</u>	17321
<u>abstract containing this information relating to a person, the</u>	17322
<u>registrar, in accordance with sections 4503.12 and 4503.234 of the</u>	17323
<u>Revised Code, shall take all necessary measures to prevent the</u>	17324
<u>registrar's office or any deputy registrar from accepting from the</u>	17325
<u>person, for the period of time ending five years after the date on</u>	17326
<u>which the order was issued or would have been issued and as</u>	17327
<u>described in section 4503.234 of the Revised Code, any new</u>	17328
<u>application for the registration of any motor vehicle in the name</u>	17329
<u>of the person.</u>	17330
<u>Sec. 4510.035. The purposeful failure or refusal of any</u>	17331
<u>person to comply with any provision of section 4510.03, 4510.032,</u>	17332
<u>4510.034, 4510.036, or 4510.037 of the Revised Code constitutes</u>	17333
<u>misconduct in office and is a ground for removal of the person</u>	17334
<u>from the office.</u>	17335
<u>Sec. 4510.036. (A) The bureau of motor vehicles shall record</u>	17336
<u>within ten days, after receipt, and shall keep at its main office,</u>	17337
<u>all abstracts received under this section or section 4510.03,</u>	17338

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4510.031, 4510.032, or 4510.034 of the Revised Code and shall 17339  
maintain records of convictions and bond forfeitures for any 17340  
violation of a state law or a municipal ordinance regulating the 17341  
operation of vehicles, streetcars, and trackless trolleys on 17342  
highways and streets, except a violation related to parking a 17343  
motor vehicle. 17344

(B) Every court of record or mayor's court before which a 17345  
person is charged with a violation for which points are chargeable 17346  
by this section shall assess and transcribe to the abstract of 17347  
conviction that is furnished by the bureau to the court the number 17348  
of points chargeable by this section in the correct space assigned 17349  
on the reporting form. A United States district court that has 17350  
jurisdiction within this state and before which a person is 17351  
charged with a violation for which points are chargeable by this 17352  
section may assess and transcribe to the abstract of conviction 17353  
report that is furnished by the bureau the number of points 17354  
chargeable by this section in the correct space assigned on the 17355  
reporting form. If the federal court so assesses and transcribes 17356  
the points chargeable for the offense and furnishes the report to 17357  
the bureau, the bureau shall record the points in the same manner 17358  
as those assessed and transcribed by a court of record or mayor's 17359  
court. 17360

(C) A court shall assess the following points for an offense 17361  
based on the following formula: 17362

(1) Aggravated vehicular homicide, vehicular homicide, 17363  
vehicular manslaughter, aggravated vehicular assault, or vehicular 17364  
assault when the offense involves the operation of a vehicle, 17365  
streetcar, or trackless trolley on a highway or street ..... 17366  
6 points 17367

(2) A violation of section 2921.331 of the Revised Code or 17368  
any ordinance prohibiting the willful fleeing or eluding of a law 17369

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<u>enforcement officer ..... 6 points</u>	17370
<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>	17371 17372 17373 17374
<u>(4) A violation of section 4511.251 of the Revised Code or any ordinance prohibiting street racing ..... 6 points</u>	17375 17376
<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>	17377 17378 17379 17380
<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>	17381 17382 17383 17384 17385 17386 17387 17388
<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>	17389 17390 17391 17392
<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>	17393 17394 17395
<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>	17396 17397 17398 17399 17400

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(10) A violation of section 4511.20 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property 17401  
..... 4 points 17402  
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(11) A violation of any law or ordinance pertaining to speed: 17405  
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(a) Notwithstanding divisions (C)(11)(b) and (c) of this section, when the speed exceeds the lawful speed limit by thirty miles per hour or more 17407  
..... 4 points 17408  
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(b) When the speed exceeds the lawful speed limit of fifty-five miles per hour or more by more than ten miles per hour 17410  
..... 2 points 17411  
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(c) When the speed exceeds the lawful speed limit of less than fifty-five miles per hour by more than five miles per hour 17413  
..... 2 points 17414  
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(d) When the speed does not exceed the amounts set forth in divisions (C)(11)(a), (b), or (c) of this section 17416  
..... 0 17417  
points 17418

(12) Operating a motor vehicle in violation of a restriction imposed by the registrar 17419  
..... 2 points 17420

(13) All other moving violations reported under this section 17421  
..... 2 points 17422

(D) Upon receiving notification from the proper court, including a United States district court that has jurisdiction within this state, the bureau shall delete any points entered for a bond forfeiture if the driver is acquitted of the offense for which bond was posted. 17423  
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(E) If a person is convicted of or forfeits bail for two or more offenses arising out of the same facts and points are chargeable for each of the offenses, points shall be charged for 17428  
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only the conviction or bond forfeiture for which the greater number of points is chargeable, and, if the number of points chargeable for each offense is equal, only one offense shall be recorded, and points shall be charged only for that offense. 17431  
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**Sec. 4510.037.** (A) When the registrar of motor vehicles determines that the total points charged against any person under section 4510.036 of the Revised Code exceed five, the registrar shall send a warning letter to the person at the person's last known address by regular mail. The warning letter shall list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and outline the suspension provisions of this section. 17435  
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(B) When the registrar determines that the total points charged against any person under section 4510.036 of the Revised Code within any two-year period beginning on the date of the first conviction within the two-year period is equal to twelve or more, the registrar shall send a written notice to the person at the person's last known address by regular mail. The notice shall list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and state that, because the total number of points charged against the person within the applicable two-year period is equal to twelve or more, the registrar is imposing a class D suspension of the person's driver's or commercial driver's license or permit or nonresident operating privileges for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code. The notice also shall state that the suspension is effective on the twentieth day after the mailing of the notice, unless the person files a petition appealing the determination and suspension in the municipal court, county court, or, if the person is under the age of eighteen, the juvenile division of the court of common pleas in whose jurisdiction the person resides or, if the person is not a 17443  
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resident of this state, in the Franklin county municipal court or 17463  
juvenile division of the Franklin county court of common pleas. By 17464  
filing the appeal of the determination and suspension, the person 17465  
agrees to pay the cost of the proceedings in the appeal of the 17466  
determination and suspension and alleges that the person can show 17467  
cause why the person's driver's or commercial driver's license or 17468  
permit or nonresident operating privileges should not be 17469  
suspended. 17470

(C) Any person against whom more than five but less than 17471  
twelve points have been charged under section 4510.036 of the 17472  
Revised Code, for the purpose of obtaining a credit of two points 17473  
against the total points charged against the person under that 17474  
section, may enroll in a course of remedial driving instruction 17475  
that is approved by the director of public safety. The person may 17476  
enroll only one time in a course of remedial driving instruction 17477  
for that purpose. Upon the person's completion of an approved 17478  
course of remedial driving instruction, the registrar shall deduct 17479  
two points from the total number of points charged against the 17480  
person under section 4510.036 of the Revised Code. The registrar 17481  
shall not deduct any points for a person who completes an approved 17482  
course of remedial driving instruction pursuant to a judge's order 17483  
under section 4510.02 of the Revised Code. 17484

(D) When a judge of a court of record suspends a person's 17485  
driver's or commercial driver's license or permit or nonresident 17486  
operating privilege and charges points against the person under 17487  
section 4510.036 of the Revised Code for the offense that resulted 17488  
in the suspension, the registrar shall credit that period of 17489  
suspension against the time of any subsequent suspension imposed 17490  
under this section for which those points were used to impose the 17491  
subsequent suspension. When a United States district court that 17492  
has jurisdiction within this state suspends a person's driver's or 17493  
commercial driver's license or permit or nonresident operating 17494

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privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 17495  
4381 (1988), 18 U.S.C.A. 13, as amended, the district court 17496  
prepares an abstract pursuant to section 4510.031 of the Revised 17497  
Code, and the district court charges points against the person 17498  
under section 4510.036 of the Revised Code for the offense that 17499  
resulted in the suspension, the registrar shall credit the period 17500  
of suspension imposed by the district court against the time of 17501  
any subsequent suspension imposed under this section for which the 17502  
points were used to impose the subsequent suspension. 17503

(E) The registrar, upon the written request of a licensee who 17504  
files a petition under division (B) of this section, shall furnish 17505  
the licensee a certified copy of the registrar's record of the 17506  
convictions and bond forfeitures of the person. This record shall 17507  
include the name, address, and date of birth of the licensee; the 17508  
name of the court in which each conviction or bail forfeiture took 17509  
place; the nature of the offense that was the basis of the 17510  
conviction or bond forfeiture; and any other information that the 17511  
registrar considers necessary. If the record indicates that twelve 17512  
points or more have been charged against the person within a 17513  
two-year period, it is prima-facie evidence that the person is a 17514  
repeat traffic offender, and the registrar shall suspend the 17515  
person's driver's or commercial driver's license or permit or 17516  
nonresident operating privilege pursuant to division (B) of this 17517  
section. 17518

In hearing the petition and determining whether the person 17519  
filing the petition has shown cause why the person's driver's or 17520  
commercial driver's license or permit or nonresident operating 17521  
privilege should not be suspended, the court shall decide the 17522  
issue on the record certified by the registrar and any additional 17523  
relevant, competent, and material evidence that either the 17524  
registrar or the person whose license is sought to be suspended 17525  
submits. 17526

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(F) If a petition is filed under division (B) of this section 17527  
in a county court, the prosecuting attorney of the county in which 17528  
the case is pending shall represent the registrar in the 17529  
proceedings, except that, if the petitioner resides in a municipal 17530  
corporation within the jurisdiction of the county court, the city 17531  
director of law, village solicitor, or other chief legal officer 17532  
of the municipal corporation shall represent the registrar in the 17533  
proceedings. If a petition is filed under division (B) of this 17534  
section in a municipal court, the registrar shall be represented 17535  
in the resulting proceedings as provided in section 1901.34 of the 17536  
Revised Code. 17537

(G) If the court determines from the evidence submitted that 17538  
a person who filed a petition under division (B) of this section 17539  
has failed to show cause why the person's driver's or commercial 17540  
driver's license or permit or nonresident operating privileges 17541  
should not be suspended, the court shall assess against the person 17542  
the cost of the proceedings in the appeal of the determination and 17543  
suspension and shall impose the applicable suspension under this 17544  
section or suspend all or a portion of the suspension and impose 17545  
any conditions or probation upon the person that the court 17546  
considers proper. If the court determines from the evidence 17547  
submitted that a person who filed a petition under division (B) of 17548  
this section has shown cause why the person's driver's or 17549  
commercial driver's license or permit or nonresident operating 17550  
privileges should not be suspended, the costs of the appeal 17551  
proceeding shall be paid out of the county treasury of the county 17552  
in which the proceedings were held. 17553

(H) Any person whose driver's or commercial driver's license 17554  
or permit or nonresident operating privileges are suspended under 17555  
this section is not entitled to apply for or receive a new 17556  
driver's or commercial driver's license or permit or to request or 17557  
be granted nonresident operating privileges during the effective 17558

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period of the suspension.

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(I) Upon the termination of any suspension or other penalty imposed under this section involving the surrender of license or permit and upon the request of the person whose license or permit was suspended or surrendered, the registrar shall return the license or permit to the person upon determining that the person has complied with all provisions of section 4510.038 of the Revised Code or, if the registrar destroyed the license or permit pursuant to section 4510.52 of the Revised Code, shall reissue the person's license or permit.

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(J) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this division.

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(K) The registrar, in accordance with specific statutory authority, may suspend the privilege of driving a motor vehicle on the public roads and highways of this state that is granted to nonresidents by section 4507.04 of the Revised Code.

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**Sec. 4507.022 4510.038.** Any person whose driver's or commercial driver's license or permit is suspended, or who is ~~put on probation or granted limited or occupational~~ driving privileges, under section ~~4507.021 or division (E) of section 4507.16~~ 4510.037, under division (H) of section 4511.19, or under section 4510.07 of the Revised Code for a violation of a municipal ordinance that is substantially equivalent to division (B) of section 4511.19 of the Revised Code, is not eligible to retain the person's license, or to have the person's driving privileges

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reinstated, until each of the following has occurred: 17590

(A) The person successfully completes a course of remedial 17591  
driving instruction approved by the director of public safety, 17592  
~~provided the person commences taking the course after the person's~~ 17593  
~~driver's or commercial driver's license or permit is suspended~~ 17594  
~~under section 4507.021 or division (E) of section 4507.16 of the~~ 17595  
~~Revised Code.~~ A minimum of twenty-five per cent of the number of 17596  
hours of instruction included in the course shall be devoted to 17597  
instruction on driver attitude. 17598

The course also shall devote a number of hours to instruction 17599  
in the area of alcohol and drugs and the operation of ~~motor~~ 17600  
vehicles. The instruction shall include, but not be limited to, a 17601  
review of the laws governing the operation of a ~~motor~~ vehicle 17602  
while under the influence of alcohol, drugs, or ~~both~~ a combination 17603  
of them, the dangers of operating a ~~motor~~ vehicle while under the 17604  
influence of alcohol, drugs, or ~~both~~ a combination of them, and 17605  
other information relating to the operation of ~~motor~~ vehicles and 17606  
the consumption of alcoholic beverages and use of drugs. The 17607  
director, in consultation with the director of alcohol and drug 17608  
addiction services, shall prescribe the content of the 17609  
instruction. The number of hours devoted to the area of alcohol 17610  
and drugs and the operation of ~~motor~~ vehicles shall comprise a 17611  
minimum of twenty-five per cent of the number of hours of 17612  
instruction included in the course. 17613

(B) The person is examined in the manner provided for in 17614  
section 4507.20 of the Revised Code, and found by the registrar of 17615  
motor vehicles to be qualified to operate a motor vehicle; 17616

(C) The person gives and maintains proof of financial 17617  
responsibility, in accordance with section 4509.45 of the Revised 17618  
Code. 17619

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Sec. 4510.04. It is an affirmative defense to any prosecution brought under section 4510.11, 4510.14, 4510.16, or 4510.21 of the Revised Code or under any substantially equivalent municipal ordinance that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

It is an affirmative defense to any prosecution brought under section 4510.16 of the Revised Code 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, at the time of the initial financial responsibility random verification request, the alleged offender was in compliance with division (A)(1) of section 4509.101 of the Revised Code as shown by proof of financial responsibility that was in effect at the time of that request.

~~Sec. 4507.1611~~ 4510.05. Except as may otherwise be provided in section 4510.07 or in any other provision of the Revised Code, whenever an offender is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially similar to a provision of the Revised Code, and a court is permitted or required to suspend ~~or revoke~~ a person's driver's or commercial driver's license or permit for a violation of that provision, a court, in addition to any other penalties ~~it is~~ authorized by law ~~to impose upon the offender~~, may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privileges for the period of time the court determines appropriate, ~~or may revoke the license or permit~~, but in no case ~~shall~~ the period of suspension imposed for the violation of the

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municipal ordinance shall not exceed the period of suspension that 17651  
is permitted or required to be imposed for the violation of the 17652  
provision of the Revised Code to which the municipal ordinance is 17653  
substantially similar. 17654

**Sec. ~~4507.1610~~ 4510.06.** If a United States district court 17655  
whose jurisdiction lies within this state suspends, ~~revokes,~~ or 17656  
cancels, ~~or forfeits~~ the driver's or commercial driver's license 17657  
~~or~~ permit, or nonresident operating privileges of any person 17658  
pursuant to the "Assimilative Crimes Act," 102 Stat. 4381 (1988), 17659  
18 U.S.C.A. 13, as amended, that suspension, ~~revocation,~~ or 17660  
cancellation, ~~or forfeiture~~ is deemed to ~~operate in the same~~ 17661  
~~manner and to~~ have the same effect throughout this state as if it 17662  
were imposed under the laws of this state ~~by a judge of a court of~~ 17663  
~~record of this state.~~ In ~~such a~~ that type of case, if the United 17664  
States district court observes the procedures prescribed by the 17665  
Revised Code and utilizes the forms prescribed by the registrar of 17666  
motor vehicles, the bureau of motor vehicles shall make the 17667  
appropriate notation or record and shall take any other action 17668  
that is prescribed or permitted by the Revised Code. 17669

**Sec. ~~4507.1613~~ 4510.07.** The court imposing a sentence upon an 17670  
offender for any violation of a municipal ordinance that is 17671  
substantially equivalent to a violation of section 2903.06 or 17672  
2907.24 of the Revised Code or for any violation of a municipal 17673  
OVI ordinance also shall impose a suspension of the offender's 17674  
driver's license, commercial driver's license, temporary 17675  
instruction permit, probationary license, or nonresident operating 17676  
privilege from the range specified in division (B) of section 17677  
4510.02 of the Revised Code that is equivalent in length to the 17678  
suspension required for a violation of section 2903.06 or 2907.24 17679  
or division (A) or (B) of section 4511.19 of the Revised Code 17680  
under similar circumstances. 17681

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Sec. 4510.10. (A) As used in this section, "reinstatement fees" means the fees that are required under section 4507.1612, 4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other provision of the Revised Code, or under a schedule established by the bureau of motor vehicles, in order to reinstate a driver's or commercial driver's license or permit or nonresident operating privilege of an offender under a suspension.

(B) When a municipal court or county court determines in a pending case involving an offender that the offender cannot reasonably pay reinstatement fees due and owing by the offender relative to a suspension that has been or that will be imposed in the case, then the court, by order, may undertake either of the following, in order of preference:

(1) Establish a reasonable payment plan of not less than fifty dollars per month, to be paid by the offender to the bureau of motor vehicles in all succeeding months until all reinstatement fees required of the offender are paid in full;

(2) If the offender, but for the payment of the reinstatement fees, otherwise would be entitled to operate a vehicle in this state or to obtain reinstatement of the offender's operating privileges, permit the offender to operate a motor vehicle, as authorized by the court, until a future date upon which date all reinstatement fees must be paid in full. A payment extension granted under this division shall not exceed one hundred eighty days, and any operating privileges granted under this division shall be solely for the purpose of permitting the offender occupational or "family necessity" privileges in order to enable the offender to reasonably acquire the delinquent reinstatement fees due and owing.

(C) If a municipal court or county court, by order, undertakes either activity described in division (B)(1) or (2) of



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this section, the court, at any time after the issuance of the 17713  
order, may determine that a change of circumstances has occurred 17714  
and may amend the order as justice requires, provided that the 17715  
amended order also shall be an order that is permitted under 17716  
division (B)(1) or (2) of this section. 17717

(D) If a court enters an order of the type described in 17718  
division (B)(1), (B)(2), or (C) of this section, during the 17719  
pendency of the order, the offender in relation to whom it applies 17720  
is not subject to prosecution for failing to pay the reinstatement 17721  
fees covered by the order. 17722

Sec. 4510.11. (A) No person whose driver's or commercial 17723  
driver's license or permit or nonresident operating privilege has 17724  
been suspended under any provision of the Revised Code, other than 17725  
Chapter 4509. of the Revised Code, or under any applicable law in 17726  
any other jurisdiction in which the person's license or permit was 17727  
issued shall operate any motor vehicle upon the public roads and 17728  
highways or upon any public or private property used by the public 17729  
for purposes of vehicular travel or parking within this state 17730  
during the period of suspension unless the person is granted 17731  
limited driving privileges and is operating the vehicle in 17732  
accordance with the terms of the limited driving privileges. 17733

(B) No person shall operate any motor vehicle upon a highway 17734  
or any public or private property used by the public for purposes 17735  
of vehicular travel or parking in this state in violation of any 17736  
restriction of the person's driver's or commercial driver's 17737  
license or permit imposed under division (D) of section 4506.10 or 17738  
under section 4507.14 of the Revised Code. 17739  
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(C)(1) Whoever violates this section is guilty of driving 17741  
under suspension or in violation of a license restriction, a 17742  
misdemeanor of the first degree. The court shall impose upon the 17743

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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. 17744  
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(2) Except as provided in division (C)(3) or (4) of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for thirty days in accordance with section 4503.233 of the Revised Code and the impoundment of that vehicle's license plates for thirty days. 17749  
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(3) If the offender previously has been convicted of or pleaded guilty to one violation of this section or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for sixty days in accordance with section 4503.233 of the Revised Code and the impoundment of that vehicle's license plates for sixty days. 17756  
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(4) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the criminal forfeiture of the vehicle involved in the offense to the state. 17764  
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(D) Any order for immobilization and impoundment under this section shall be issued and enforced under section 4503.233 of the Revised Code. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with 17771  
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respect to that vehicle.

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(E) Any order of criminal forfeiture under this section shall be issued and enforced under section 4503.234 of the Revised Code. Upon receipt of the copy of the order from the court, neither the registrar of motor vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

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**Sec. 4510.12.** (A)(1) No person, except those expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid driver's license issued under Chapter 4507. of the Revised Code or a commercial driver's license issued under Chapter 4506. of the Revised Code.

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(2) No person, except a person expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid license as a motorcycle operator that was issued upon application by the registrar of motor vehicles under Chapter 4507. of the Revised Code. The license shall be in the form of an endorsement, as determined by the registrar, upon a driver's or commercial

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driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in section 4507.14 of the Revised Code, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle. 17808  
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(B) Whoever violates this section is guilty of operating a motor vehicle without a valid license and shall be punished as follows: 17813  
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(1) If the offender's driver's or commercial driver's license or permit was expired at the time of the offense for no more than six months, subject to divisions (B)(3) to (5) of this section, the offense is a minor misdemeanor. 17816  
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(2) If the offender's driver's or commercial driver's license or permit was expired at the time of the offense for more than six months, subject to divisions (B)(3) to (5) of this section, the offense is a misdemeanor of the fourth degree. 17820  
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(3) If the offender previously was convicted of or pleaded guilty to one violation of this section or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the third degree. 17824  
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(4) If the offender previously was convicted of or pleaded guilty to two violations of this section or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the second degree. 17828  
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(5) If the offender previously was convicted of or pleaded guilty to three or more violations of this section or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the first degree. 17832  
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(C) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of this section or a 17836  
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substantially equivalent municipal ordinance. 17839

(D) If the offender was convicted of or pleaded guilty to one 17840  
or more violations of this section or a substantially equivalent 17841  
municipal ordinance within the past three years, and if the 17842  
offender's license was expired for more than six months at the 17843  
time of the offense, the court shall impose a class seven 17844  
suspension of the offender's driver license, commercial driver's 17845  
license, temporary instruction permit, probationary license, or 17846  
nonresident operating privilege from the range specified in 17847  
division (A)(7) of section 4510.02 of the Revised Code. 17848

Sec. 4510.13. (A)(1) Divisions (A)(2) to (7) of this section 17849  
apply to a judge or mayor regarding the suspension of, or the 17850  
grant of limited driving privileges during, a suspension of an 17851  
offender's driver's or commercial driver's license or permit or 17852  
nonresident operating privilege imposed under division (G) or (H) 17853  
of section 4511.19 of the Revised Code, under division (B) or (C) 17854  
of section 4511.191 of the Revised Code, or under section 4510.07 17855  
of the Revised Code for a conviction of a violation of a municipal 17856  
OVI ordinance. 17857

(2) No judge or mayor shall suspend the following portions of 17858  
the suspension of an offender's driver's or commercial driver's 17859  
license or permit or nonresident operating privilege imposed under 17860  
division (G) or (H) of section 4511.19 of the Revised Code or 17861  
under section 4510.07 of the Revised Code for a conviction of a 17862  
violation of a municipal OVI ordinance, provided that division 17863  
(A)(2) of this section does not limit a court or mayor in 17864  
crediting any period of suspension imposed pursuant to division 17865  
(B) or (C) of section 4511.191 of the Revised Code against any 17866  
time of judicial suspension imposed pursuant to section 4511.19 or 17867  
4510.07 of the Revised Code, as described in divisions (B)(2) and 17868  
(C)(2) of section 4511.191 of the Revised Code: 17869

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(a) The first six months of a suspension imposed under division (G)(1)(a) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code; 17870  
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(b) The first year of a suspension imposed under division (G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code; 17874  
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(c) The first three years of a suspension imposed under division (G)(1)(d) or (e) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code; 17878  
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(d) The first sixty days of a suspension imposed under division (H) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code. 17882  
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(3) No judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) or (H) of section 4511.19 of the Revised Code, under division (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a municipal OVI conviction if the offender, within the preceding six years, has been convicted of or pleaded guilty to three or more violations of one or more of the Revised Code sections, municipal ordinances, statutes of the United States or another state, or municipal ordinances of a municipal corporation of another state that are identified in divisions (G)(2)(b) to (h) of section 2919.22 of the Revised Code. 17886  
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Additionally, no judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's 17899  
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license or permit or nonresident operating privilege has been 17901  
suspended under division (B) of section 4511.191 of the Revised 17902  
Code if the offender, within the preceding six years, has refused 17903  
three previous requests to consent to a chemical test of the 17904  
person's whole blood, blood serum or plasma, breath, or urine to 17905  
determine its alcohol content. 17906

(4) No judge or mayor shall grant limited driving privileges 17907  
for employment as a driver of commercial motor vehicles to an 17908  
offender whose driver's or commercial driver's license or permit 17909  
or nonresident operating privilege has been suspended under 17910  
division (G) or (H) of section 4511.19 of the Revised Code, under 17911  
division (B) or (C) of section 4511.191 of the Revised Code, or 17912  
under section 4510.07 of the Revised Code for a municipal OVI 17913  
conviction if the offender is disqualified from operating a 17914  
commercial motor vehicle, or whose license or permit has been 17915  
suspended, under section 3123.58 or 4506.16 of the Revised Code. 17916

(5) No judge or mayor shall grant limited driving privileges 17917  
to an offender whose driver's or commercial driver's license or 17918  
permit or nonresident operating privilege has been suspended under 17919  
division (G) or (H) of section 4511.19 of the Revised Code, under 17920  
division (C) of section 4511.191 of the Revised Code, or under 17921  
section 4510.07 of the Revised Code for a conviction of a 17922  
violation of a municipal OVI ordinance during any of the following 17923  
periods of time: 17924

(a) The first fifteen days of a suspension imposed under 17925  
division (G)(1)(a) of section 4511.19 of the Revised Code or a 17926  
comparable length suspension imposed under section 4510.07 of the 17927  
Revised Code, or of a suspension imposed under division (C)(1)(a) 17928  
of section 4511.191 of the Revised Code. On or after the sixteenth 17929  
day of the suspension, the court may grant limited driving 17930  
privileges, but the court may require that the offender shall not 17931  
exercise the privileges unless the vehicles the offender operates 17932

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are equipped with immobilizing or disabling devices that monitor 17933  
the offender's alcohol consumption or any other type of 17934  
immobilizing or disabling devices, except as provided in division 17935  
(C) of section 4510.43 of the Revised Code. 17936

(b) The first thirty days of a suspension imposed under 17937  
division (G)(1)(b) of section 4511.19 of the Revised Code or a 17938  
comparable length suspension imposed under section 4510.07 of the 17939  
Revised Code, or of a suspension imposed under division (C)(1)(b) 17940  
of section 4511.191 of the Revised Code. On or after the 17941  
thirty-first day of suspension, the court may grant limited 17942  
driving privileges, but the court may require that the offender 17943  
shall not exercise the privileges unless the vehicles the offender 17944  
operates are equipped with immobilizing or disabling devices that 17945  
monitor the offender's alcohol consumption or any other type of 17946  
immobilizing or disabling devices, except as provided in division 17947  
(C) of section 4510.43 of the Revised Code. 17948

(c) The first sixty days of a suspension imposed under 17949  
division (H) of section 4511.19 of the Revised Code or a 17950  
comparable length suspension imposed under section 4510.07 of the 17951  
Revised Code. 17952

(d) The first one hundred eighty days of a suspension imposed 17953  
under division (G)(1)(c) of section 4511.19 of the Revised Code or 17954  
a comparable length suspension imposed under section 4510.07 of 17955  
the Revised Code, or of a suspension imposed under division 17956  
(C)(1)(c) of section 4511.191 of the Revised Code. The judge may 17957  
grant limited driving privileges on or after the one hundred 17958  
eighty-first day of the suspension only if the judge, at the time 17959  
of granting the privileges, also issues an order prohibiting the 17960  
offender, while exercising the privileges during the period 17961  
commencing with the one hundred eighty-first day of suspension and 17962  
ending with the first year of suspension, from operating any motor 17963  
vehicle unless it is equipped with an immobilizing or disabling 17964



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device that monitors the offender's alcohol consumption. After the 17965  
first year of the suspension, the court may authorize the offender 17966  
to continue exercising the privileges in vehicles that are not 17967  
equipped with immobilizing or disabling devices that monitor the 17968  
offender's alcohol consumption, except as provided in division (C) 17969  
of section 4510.43 of the Revised Code. If the offender does not 17970  
petition for limited driving privileges until after the first year 17971  
of suspension, the judge may grant limited driving privileges 17972  
without requiring the use of an immobilizing or disabling device 17973  
that monitors the offender's alcohol consumption. 17974  
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(e) The first three years of a suspension imposed under 17976  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 17977  
or a comparable length suspension imposed under section 4510.07 of 17978  
the Revised Code, or of a suspension imposed under division 17979  
(C)(1)(d) of section 4511.191 of the Revised Code. The judge may 17980  
grant limited driving privileges after the first three years of 17981  
suspension only if the judge, at the time of granting the 17982  
privileges, also issues an order prohibiting the offender from 17983  
operating any motor vehicle, for the period of suspension 17984  
following the first three years of suspension, unless the motor 17985  
vehicle is equipped with an immobilizing or disabling device that 17986  
monitors the offender's alcohol consumption, except as provided in 17987  
division (C) of section 4510.43 of the Revised Code. 17988

(6) No judge or mayor shall grant limited driving privileges 17989  
to an offender whose driver's or commercial driver's license or 17990  
permit or nonresident operating privilege has been suspended under 17991  
division (B) of section 4511.191 of the Revised Code during any of 17992  
the following periods of time: 17993

(a) The first thirty days of suspension imposed under 17994  
division (B)(1)(a) of section 4511.191 of the Revised Code; 17995

(b) The first ninety days of suspension imposed under 17996

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<u>division (B)(1)(b) of section 4511.191 of the Revised Code;</u>	17997
<u>(c) The first year of suspension imposed under division</u>	17998
<u>(B)(1)(c) of section 4511.191 of the Revised Code;</u>	17999
<u>(d) The first three years of suspension imposed under</u>	18000
<u>division (B)(1)(d) of section 4511.191 of the Revised Code.</u>	18001
<u>(7) In any case in which a judge or mayor grants limited</u>	18002
<u>driving privileges to an offender whose driver's or commercial</u>	18003
<u>driver's license or permit or nonresident operating privilege has</u>	18004
<u>been suspended under division (G) of section 4511.19 of the</u>	18005
<u>Revised Code or under section 4510.07 of the Revised Code for a</u>	18006
<u>municipal OVI conviction, the judge or mayor shall impose as a</u>	18007
<u>condition of the privileges that the offender must display on the</u>	18008
<u>vehicle that is driven subject to the privileges restricted</u>	18009
<u>license plates that are issued under section 4503.231 of the</u>	18010
<u>Revised Code, except as provided in division (B) of that section.</u>	18011
<u>(B) Any person whose driver's or commercial driver's license</u>	18012
<u>or permit or nonresident operating privilege has been suspended</u>	18013
<u>pursuant to section 4511.19 or 4511.191 of the Revised Code or</u>	18014
<u>under section 4510.07 of the Revised Code for a violation of a</u>	18015
<u>municipal OVI ordinance may file a petition for limited driving</u>	18016
<u>privileges during the suspension. The person shall file the</u>	18017
<u>petition in the court that has jurisdiction over the place of</u>	18018
<u>arrest. Subject to division (A) of this section, the court may</u>	18019
<u>grant the person limited driving privileges during the period</u>	18020
<u>during which the suspension otherwise would be imposed. However,</u>	18021
<u>the court shall not grant the privileges for employment as a</u>	18022
<u>driver of a commercial motor vehicle to any person who is</u>	18023
<u>disqualified from operating a commercial motor vehicle under</u>	18024
<u>section 4506.16 of the Revised Code or during any of the periods</u>	18025
<u>prescribed by division (A) of this section.</u>	18026
<u>(C)(1) After a driver's or commercial driver's license or</u>	18027

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permit or nonresident operating privilege has been suspended 18028  
pursuant to section 2903.06, 2903.08, 2907.24, 2921.331, 4511.19, 18029  
4511.251, 4549.02, 4549.021, or 5743.99 of the Revised Code, any 18030  
provision of Chapter 2925. of the Revised Code, or section 4510.07 18031  
of the Revised Code for a violation of a municipal OVI ordinance, 18032  
the judge of the court or mayor of the mayor's court that 18033  
suspended the license, permit, or privilege shall cause the 18034  
offender to deliver to the court the license or permit. The judge, 18035  
mayor, or clerk of the court or mayor's court shall forward to the 18036  
registrar the license or permit together with notice of the action 18037  
of the court. 18038

(2) A suspension of a commercial driver's license under any 18039  
section or chapter identified in division (C)(1) of this section 18040  
shall be concurrent with any period of suspension or 18041  
disqualification under section 3123.58 or 4506.16 of the Revised 18042  
Code. No person who is disqualified for life from holding a 18043  
commercial driver's license under section 4506.16 of the Revised 18044  
Code shall be issued a driver's license under this chapter during 18045  
the period for which the commercial driver's license was suspended 18046  
under this section, and no person whose commercial driver's 18047  
license is suspended under any section or chapter identified in 18048  
division (C)(1) of this section shall be issued a driver's license 18049  
under Chapter 4507. of the Revised Code during the period of the 18050  
suspension. 18051

(3) No judge or mayor shall suspend any class one suspension, 18052  
or any portion of any class one suspension, required by section 18053  
2903.04 or 2903.06 of the Revised Code. No judge or mayor shall 18054  
suspend the first thirty days of any class two, class three, class 18055  
four, class five, or class six suspension imposed under section 18056  
2903.06 or 2903.08 of the Revised Code. 18057

(D) The judge of the court or mayor of the mayor's court 18058  
shall credit any time during which an offender was subject to an 18059

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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.

(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.

(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.

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.

(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

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restricted license. A restricted license issued under this 18092  
division shall be identical to an Ohio driver's license, except 18093  
that it shall have printed on its face a statement that the 18094  
offender is prohibited during the period specified in the court 18095  
order from operating any motor vehicle that is not equipped with 18096  
an immobilizing or disabling device. The date of commencement and 18097  
the date of termination of the period of suspension shall be 18098  
indicated conspicuously upon the face of the license. 18099

**Sec. 4510.14.** (A) No person whose driver's or commercial 18100  
driver's license or permit or nonresident operating privilege has 18101  
been suspended under section 4511.19, 4511.191, or 4511.196 of the 18102  
Revised Code or under section 4510.07 of the Revised Code for a 18103  
conviction of a violation of a municipal OVI ordinance shall 18104  
operate any motor vehicle upon the public roads or highways within 18105  
this state during the period of the suspension. 18106

(B) Whoever violates this section is guilty of driving under 18107  
OVI suspension. The court shall sentence the offender under 18108  
Chapter 2929. of the Revised Code, subject to the differences 18109  
authorized or required by this section. 18110

(1) Except as otherwise provided in division (B)(2) or (3) of 18111  
this section, driving under OVI suspension is a misdemeanor of the 18112  
first degree. The court shall sentence the offender to all of the 18113  
following: 18114

(a) A mandatory jail term of three consecutive days. The 18115  
three-day term shall be imposed, unless, subject to division (C) 18116  
of this section, the court instead imposes a sentence of not less 18117  
than thirty consecutive days of electronically monitored house 18118  
arrest. A period of electronically monitored house arrest imposed 18119  
under this division shall not exceed six months. If the court 18120  
imposes a mandatory three-day jail term under this division, the 18121  
court may impose a jail term in addition to that term, provided 18122

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- that in no case shall the cumulative jail term imposed for the offense exceed six months. 18123  
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- (b) A fine of not less than two hundred fifty and not more than one thousand dollars; 18125  
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- (c) A license suspension under division (E) of this section; 18127
- (d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization for thirty days of the offender's vehicle and impoundment for thirty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code. 18128  
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- (2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following: 18134  
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- (a) A mandatory jail term of ten consecutive days. Notwithstanding the terms of imprisonment provided in Chapter 2929. of the Revised Code, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to division (C) of this section, the court instead imposes a sentence of not less than ninety consecutive days of electronically monitored house arrest. The period of electronically monitored house arrest shall not exceed one year. 18139  
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- (b) Notwithstanding the fines provided for in Chapter 2929. of the Revised Code, a fine of not less than five hundred and not more than two thousand five hundred dollars; 18148  
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- (c) A license suspension under division (E) of this section; 18151
- (d) If the vehicle the offender was operating at the time of 18152

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the offense is registered in the offender's name, immobilization 18153  
of the offender's vehicle for sixty days and the impoundment for 18154  
sixty days of the identification license plates of that vehicle. 18155  
The order for immobilization and impoundment shall be issued and 18156  
enforced in accordance with section 4503.233 of the Revised Code. 18157

(3) If, within six years of the offense, the offender 18158  
previously has been convicted of or pleaded guilty to two or more 18159  
violations of this section or two or more equivalent offenses, 18160  
driving under OVI suspension is a misdemeanor. The court shall 18161  
sentence the offender to all of the following: 18162

(a) A mandatory jail term of thirty consecutive days. 18163  
Notwithstanding the terms of imprisonment provided in Chapter 18164  
2929. of the Revised Code, the court may sentence the offender to 18165  
a longer jail term of not more than one year. The court shall not 18166  
sentence the offender to a term of electronically monitored house 18167  
arrest in lieu of the mandatory portion of the jail term. 18168

(b) Notwithstanding the fines set forth in Chapter 2929. of 18169  
the Revised Code, a fine of not less than five hundred and not 18170  
more than two thousand five hundred dollars; 18171

(c) A license suspension under division (E) of this section; 18172

(d) If the vehicle the offender was operating at the time of 18173  
the offense is registered in the offender's name, criminal 18174  
forfeiture to the state of the offender's vehicle. The order of 18175  
criminal forfeiture shall be issued and enforced in accordance 18176  
with section 4503.234 of the Revised Code. If title to a motor 18177  
vehicle that is subject to an order for criminal forfeiture under 18178  
this division is assigned or transferred and division (B)(2) or 18179  
(3) of section 4503.234 of the Revised Code applies, the court may 18180  
fine the offender the value of the vehicle as determined by 18181  
publications of the national auto dealer's association. The 18182  
proceeds from any fine so imposed shall be distributed in 18183

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accordance with division (C)(2) of section 4503.234 of the Revised Code. 18184  
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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. 18186  
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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. 18194  
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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. 18197  
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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. 18204  
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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 18212  
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shall be granted on the additional condition that the offender 18215  
must display restricted license plates, issued under section 18216  
4503.231 of the Revised Code, on the vehicle driven subject to the 18217  
privileges, except as provided in division (B) of that section. 18218

A suspension of a commercial driver's license under this 18219  
section shall be concurrent with any period of suspension or 18220  
disqualification under section 3123.58 or 4506.16 of the Revised 18221  
Code. No person who is disqualified for life from holding a 18222  
commercial driver's license under section 4506.16 of the Revised 18223  
Code shall be issued a driver's license under Chapter 4507. of the 18224  
Revised Code during the period for which the commercial driver's 18225  
license was suspended under this section, and no person whose 18226  
commercial driver's license is suspended under this section shall 18227  
be issued a driver's license under Chapter 4507. of the Revised 18228  
Code during the period of the suspension. 18229

(F) As used in this section: 18230

(1) "Electronically monitored house arrest" has the same 18231  
meaning as in section 2929.23 of the Revised Code. 18232

(2) "Equivalent offense" means any of the following: 18233

(a) A violation of a municipal ordinance, law of another 18234  
state, or law of the United States that is substantially 18235  
equivalent to division (A) of this section; 18236

(b) A violation of a former law of this state that was 18237  
substantially equivalent to division (A) of this section. 18238

(3) "Jail" has the same meaning as in section 2929.01 of the 18239  
Revised Code. 18240

(4) "Mandatory jail term" means the mandatory term in jail of 18241  
three, ten, or thirty consecutive days that must be imposed under 18242  
division (B)(1), (2), or (3) of this section upon an offender 18243  
convicted of a violation of division (A) of this section and in 18244

relation to which all of the following apply: 18245

(a) Except as specifically authorized under this section, the 18246  
term must be served in a jail. 18247

(b) Except as specifically authorized under this section, the 18248  
term cannot be suspended, reduced, or otherwise modified pursuant 18249  
to section 2929.51, 2951.02, or any other provision of the Revised 18250  
Code. 18251

**Sec. ~~4507.34~~ 4510.15.** Whenever a person is found guilty of 18252  
reckless operation of a motor vehicle under the laws of this state 18253  
or under any ordinance of any political subdivision of this state, 18254  
~~of operating a motor vehicle in violation of such laws or~~ 18255  
~~ordinances, relating to reckless operation,~~ the trial court of any 18256  
court of record ~~may,~~ in addition to or independent of all other 18257  
penalties provided by law, ~~suspend for any period of time or~~ 18258  
~~revoke the~~ may impose a class five suspension of the offender's 18259  
driver's license or commercial driver's license ~~of any person so~~ 18260  
~~convicted or pleading guilty to such offenses for any period that~~ 18261  
~~it determines, not to exceed one year or permit or nonresident~~ 18262  
operating privilege from the range specified in division (A)(5) of 18263  
section 4510.02 of the Revised Code. 18264

Suspension of a commercial driver's license under this 18265  
section shall be concurrent with any period of suspension 18266  
disqualification under section ~~3123.611~~ 3123.58 or 4506.16 of the 18267  
Revised Code ~~or period of suspension under section 3123.58 of the~~ 18268  
~~Revised Code.~~ No person who is disqualified for life from holding 18269  
a commercial driver's license under section 4506.16 of the Revised 18270  
Code shall be issued a driver's license under ~~this chapter~~ Chapter 18271  
4507. of the Revised Code during the period for which the 18272  
commercial driver's license was suspended under this section, and 18273  
no person whose commercial driver's license is suspended under 18274  
this section shall be issued a driver's license under ~~this chapter~~ 18275

## As Reported by the Senate Judiciary--Criminal Justice Committee

Chapter 4507. of the Revised Code during the period of the 18276  
suspension. 18277

Sec. 4510.16. (A) No person, whose driver's or commercial 18278  
driver's license or temporary instruction permit or nonresident's 18279  
operating privilege has been suspended or canceled pursuant to 18280  
Chapter 4509. of the Revised Code, shall operate any motor vehicle 18281  
within this state, or knowingly permit any motor vehicle owned by 18282  
the person to be operated by another person in the state, during 18283  
the period of the suspension or cancellation, except as 18284  
specifically authorized by Chapter 4509. of the Revised Code. No 18285  
person shall operate a motor vehicle within this state, or 18286  
knowingly permit any motor vehicle owned by the person to be 18287  
operated by another person in the state, during the period in 18288  
which the person is required by section 4509.45 of the Revised 18289  
Code to file and maintain proof of financial responsibility for a 18290  
violation of section 4509.101 of the Revised Code, unless proof of 18291  
financial responsibility is maintained with respect to that 18292  
vehicle. 18293

(B)(1) Whoever violates this section is guilty of driving 18294  
under financial responsibility law suspension or cancellation, a 18295  
misdemeanor of the first degree. The registrar of motor vehicles 18296  
shall impose a class E suspension of the offender's driver's or 18297  
commercial driver's license or permit or nonresident operating 18298  
privilege for the period of time specified in division (B)(5) of 18299  
section 4510.02 of the Revised Code. 18300

(2) If the offender previously has not been convicted of or 18301  
pleaded guilty to a violation of this section or a substantially 18302  
similar municipal ordinance and if the vehicle is registered in 18303  
the offender's name, the court, in addition to or independent of 18304  
any other sentence that it imposes upon the offender, shall order 18305  
the immobilization for thirty days of the vehicle involved in the 18306  
offense and the impoundment for thirty days of the license plates 18307

## As Reported by the Senate Judiciary--Criminal Justice Committee

of that vehicle.

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(3) If the offender previously has been convicted of or pleaded guilty to one violation of this section or a substantially similar municipal ordinance and if the vehicle is registered in the offender's name, the court, in addition to or independent of any other sentence that it imposes upon the offender, shall order the immobilization for sixty days of the vehicle involved in the offense and impoundment for sixty days of the license plates of that vehicle.

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(4) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially similar municipal ordinance and if the vehicle is registered in the offender's name, the court in addition to or independent of any other sentence that it imposes upon the offender, shall order the criminal forfeiture to the state of the vehicle involved in the offense. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, 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 dealers association. The proceeds from any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

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(C) Any order for immobilization and impoundment under this section shall be issued and enforced in accordance with sections 4503.233 and 4507.02 of the Revised Code, as applicable. Any order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Revised Code. The court shall not release a vehicle from immobilization orders under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

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**Sec. ~~4507.361~~ 4510.161.** (A) The requirements and sanctions 18340  
imposed by divisions (B) and (C) of this section are an adjunct to 18341  
and derive from the state's exclusive authority over the 18342  
registration and titling of motor vehicles and do not comprise a 18343  
part of the criminal sentence to be imposed upon a person who 18344  
violates a municipal ordinance that is substantially equivalent to 18345  
section 4510.14 or to division ~~(B)(1) or (D)(2)~~(A) of section 18346  
~~4507.02~~ 4510.16 of the Revised Code. 18347

(B) If a person is convicted of or pleads guilty to a 18348  
municipal ordinance that is substantially equivalent to division 18349  
~~(B)(1)~~(A) of section ~~4507.02~~ 4510.16 of the Revised Code, the 18350  
court, in addition to and independent of any sentence that it 18351  
imposes upon the offender for the offense, ~~regardless of whether~~ 18352  
if the vehicle the offender was operating at the time of the 18353  
offense is registered in ~~his~~ the offender's name ~~or in the name of~~ 18354  
~~another person, and subject to section 4503.235 of the Revised~~ 18355  
~~Code,~~ shall do whichever of the following is applicable: 18356

(1) If, within five years of the current offense, the 18357  
offender has not been convicted of or pleaded guilty to a 18358  
violation of division (A) of section 4510.16 or former division 18359  
(B)(1) of section 4507.02 of the Revised Code or a municipal 18360  
ordinance that is substantially equivalent to ~~that~~ either 18361  
division, the court shall order the immobilization for thirty days 18362  
of the vehicle the offender was operating at the time of the 18363  
offense and the impoundment for thirty days of the identification 18364  
license plates of that vehicle. 18365

(2) If, within five years of the current offense, the 18366  
offender has been convicted of or pleaded guilty to one violation 18367  
of division (A) of section 4510.16 or former division (B)(1) of 18368  
section 4507.02 of the Revised Code or a municipal ordinance that 18369  
is substantially equivalent to ~~that~~ either division, the court 18370

## As Reported by the Senate Judiciary--Criminal Justice Committee

shall order the immobilization for sixty days of the vehicle the 18371  
offender was operating at the time of the offense and the 18372  
impoundment for sixty days of the identification license plates of 18373  
that vehicle. 18374

(3) If, within five years of the current offense, the 18375  
offender has been convicted of or pleaded guilty to two or more 18376  
violations of division (A) of section 4510.16 or former division 18377  
(B)(1) of section 4507.02 of the Revised Code or a municipal 18378  
ordinance that is substantially equivalent to ~~that~~ either 18379  
division, the court shall order the criminal forfeiture to the 18380  
state of the vehicle the offender was operating at the time of the 18381  
offense. The order of criminal forfeiture shall be issued and 18382  
enforced in accordance with section 4503.234 of the Revised Code. 18383

(C) If a person is convicted of or pleads guilty to a 18384  
municipal ordinance that is substantially equivalent to ~~division~~ 18385  
~~(D)(2) of section 4507.02~~ 4510.14 of the Revised Code, the court, 18386  
in addition to and independent of any sentence that it imposes 18387  
upon the offender for the offense, ~~regardless of whether~~ if the 18388  
vehicle the offender was operating at the time of the offense is 18389  
registered in ~~his~~ the offender's name ~~or in the name of another~~ 18390  
~~person, and subject to section 4503.235 of the Revised Code~~, shall 18391  
do whichever of the following is applicable: 18392

(1) If, within five years of the current offense, the 18393  
offender has not been convicted of or pleaded guilty to a 18394  
violation of section 4510.14 or former division (D)(2) of section 18395  
4507.02 of the Revised Code or a municipal ordinance that is 18396  
substantially equivalent to that section or former division, the 18397  
court shall order the immobilization for thirty days of the 18398  
vehicle the offender was operating at the time of the offense and 18399  
the impoundment for thirty days of the identification license 18400  
plates of that vehicle. 18401

(2) If, within five years of the current offense, the 18402

## As Reported by the Senate Judiciary--Criminal Justice Committee

offender has been convicted of or pleaded guilty to one violation 18403  
of section 4510.14 or former division (D)(2) of section 4507.02 of 18404  
the Revised Code or a municipal ordinance that is substantially 18405  
equivalent to that section or former division, the court shall 18406  
order the immobilization for sixty days of the vehicle the 18407  
offender was operating at the time of the offense and the 18408  
impoundment for sixty days of the identification license plates of 18409  
that vehicle. 18410

(3) If, within five years of the current offense, the 18411  
offender has been convicted of or pleaded guilty to two or more 18412  
violations of section 4510.14 or former division (D)(2) of section 18413  
4507.02 of the Revised Code or a municipal ordinance that is 18414  
substantially equivalent to that section or former division, the 18415  
court shall order the criminal forfeiture to the state of the 18416  
vehicle the offender was operating at the time of the offense. 18417

(D) An order of criminal forfeiture issued pursuant to this 18418  
section shall be issued and enforced in accordance with section 18419  
4503.234 of the Revised Code. An order for the immobilization and 18420  
impoundment of a vehicle that issued pursuant to this section 18421  
shall be issued and enforced in accordance with section 4503.233 18422  
of the Revised Code. 18423

**Sec. 4507.169 4510.17.** (A) The registrar of motor vehicles 18424  
shall ~~suspend for the period of time specified in this division~~ 18425  
~~the driver's or commercial driver's license or permit of, or deny~~ 18426  
~~for such period of time the issuance of a driver's or commercial~~ 18427  
~~driver's license or permit to, impose a class D suspension of the~~ 18428  
~~person's driver's license, commercial driver's license, temporary~~ 18429  
~~instruction permit, probationary license, or nonresident operating~~ 18430  
~~privilege for the period of time specified in division (B)(4) of~~ 18431  
~~section 4510.02 of the Revised Code on any person who is a~~ 18432  
resident of this state and is convicted of or pleads guilty to a 18433

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violation of a statute of any other state or any federal statute 18434  
that is substantially similar to section 2925.02, 2925.03, 18435  
2925.04, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 18436  
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 18437  
Revised Code. Upon receipt of a report from a court, court clerk, 18438  
or other official of any other state or from any federal authority 18439  
that a resident of this state was convicted of or pleaded guilty 18440  
to an offense described in this division, the registrar shall send 18441  
a notice by regular first class mail to the person, at the 18442  
person's last known address as shown in the records of the bureau 18443  
of motor vehicles, informing the person of the suspension ~~or~~ 18444  
~~denial~~, that the suspension ~~or denial~~ will take effect twenty-one 18445  
days from the date of the notice, and that, if the person wishes 18446  
to appeal the suspension ~~or denial~~, the person must file a notice 18447  
of appeal within twenty-one days of the date of the notice 18448  
requesting a hearing on the matter. If the person requests a 18449  
hearing, the registrar shall hold the hearing not more than forty 18450  
days after receipt by the registrar of the notice of appeal. The 18451  
filing of a notice of appeal does not stay the operation of the 18452  
suspension ~~or denial~~ that must be imposed pursuant to this 18453  
division. The scope of the hearing shall be limited to whether the 18454  
person actually was convicted of or pleaded guilty to the offense 18455  
for which the suspension ~~or denial~~ is to be imposed. 18456

The ~~period of~~ suspension ~~or denial~~ the registrar is required 18457  
to impose under this division shall end either on the last day of 18458  
~~any period of~~ the class D suspension period or of the suspension 18459  
of the person's nonresident operating privilege imposed by the 18460  
state or federal court located in the other state, ~~or the date six~~ 18461  
~~months and twenty one days from the date of the notice sent by the~~ 18462  
~~registrar to the person under this division, whichever is earlier.~~ 18463

The registrar shall subscribe to or otherwise participate in 18464  
any information system or register, or enter into reciprocal and 18465



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mutual agreements with other states and federal authorities, in 18466  
order to facilitate the exchange of information with other states 18467  
and the United States government regarding persons who plead 18468  
guilty to or are convicted of offenses described in this division 18469  
and therefore are subject to the suspension or denial described in 18470  
this division. 18471

(B) The registrar shall ~~suspend for the period of time~~ 18472  
~~specified in this division the driver's or commercial driver's~~ 18473  
~~license or permit of, or deny for such period of time the issuance~~ 18474  
~~of a driver's or commercial driver's license or permit to, impose~~ 18475  
a class D suspension of the person's driver's license, commercial 18476  
driver's license, temporary instruction permit, probationary 18477  
license, or nonresident operating privilege for the period of time 18478  
specified in division (B)(4) of section 4510.02 of the Revised 18479  
Code on any person who is a resident of this state and is 18480  
convicted of or pleads guilty to a violation of a statute of any 18481  
other state or a municipal ordinance of a municipal corporation 18482  
located in any other state that is substantially similar to 18483  
section 4511.19 of the Revised Code. Upon receipt of a report from 18484  
another state made pursuant to section ~~4507.60~~ 4510.61 of the 18485  
Revised Code indicating that a resident of this state was 18486  
convicted of or pleaded guilty to an offense described in this 18487  
division, the registrar shall send a notice by regular first class 18488  
mail to the person, at the person's last known address as shown in 18489  
the records of the bureau of motor vehicles, informing the person 18490  
of the suspension ~~or denial~~, that the suspension ~~or denial~~ will 18491  
take effect twenty-one days from the date of the notice, and that, 18492  
if the person wishes to appeal the suspension ~~or denial~~, the 18493  
person must file a notice of appeal within twenty-one days of the 18494  
date of the notice requesting a hearing on the matter. If the 18495  
person requests a hearing, the registrar shall hold the hearing 18496  
not more than forty days after receipt by the registrar of the 18497

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notice of appeal. The filing of a notice of appeal does not stay 18498  
the operation of the suspension ~~or denial~~ that must be imposed 18499  
pursuant to this division. The scope of the hearing shall be 18500  
limited to whether the person actually was convicted of or pleaded 18501  
guilty to the offense for which the suspension ~~or denial~~ is to be 18502  
imposed. 18503

The ~~period of suspension or denial~~ the registrar is required 18504  
to impose under this division shall end either on the last day of 18505  
~~any period of the class D suspension period or of the suspension~~ 18506  
of the person's nonresident operating privilege imposed by the 18507  
state or federal court ~~located in the other state, or the date six~~ 18508  
~~months and twenty one days from the date of the notice sent by the~~ 18509  
~~registrar to the person under this division, whichever is earlier.~~ 18510

(C) The registrar shall ~~suspend for the period of time~~ 18511  
~~specified in this division the driver's or commercial driver's~~ 18512  
~~license or permit of, or deny for such period of time the issuance~~ 18513  
~~of a driver's or commercial driver's license or permit to, impose~~ 18514  
a class D suspension of the child's driver's license, commercial 18515  
driver's license, temporary instruction permit, or nonresident 18516  
operating privilege for the period of time specified in division 18517  
(B)(4) of section 4510.02 of the Revised Code on any child who is 18518  
a resident of this state and is convicted of or pleads guilty to a 18519  
violation of a statute of any other state or any federal statute 18520  
that is substantially similar to section 2925.02, 2925.03, 18521  
2925.04, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 18522  
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 18523  
Revised Code. Upon receipt of a report from a court, court clerk, 18524  
or other official of any other state or from any federal authority 18525  
that a child who is a resident of this state was convicted of or 18526  
pleaded guilty to an offense described in this division, the 18527  
registrar shall send a notice by regular first class mail to the 18528  
child, at the child's last known address as shown in the records 18529

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of the bureau of motor vehicles, informing the child of the 18530  
suspension ~~or denial~~, that the suspension ~~or denial~~ will take 18531  
effect twenty-one days from the date of the notice, and that, if 18532  
the child wishes to appeal the suspension ~~or denial~~, the child 18533  
must file a notice of appeal within twenty-one days of the date of 18534  
the notice requesting a hearing on the matter. If the child 18535  
requests a hearing, the registrar shall hold the hearing not more 18536  
than forty days after receipt by the registrar of the notice of 18537  
appeal. The filing of a notice of appeal does not stay the 18538  
operation of the suspension ~~or denial~~ that must be imposed 18539  
pursuant to this division. The scope of the hearing shall be 18540  
limited to whether the child actually was convicted of or pleaded 18541  
guilty to the offense for which the suspension ~~or denial~~ is to be 18542  
imposed. 18543

The ~~period of~~ suspension the registrar is required to impose 18544  
under this division shall end either on the last day of ~~any period~~ 18545  
~~of the class D suspension period or of the~~ suspension of the 18546  
child's nonresident operating privilege imposed by the state or 18547  
federal court ~~located in the other state, or the date six months~~ 18548  
~~and twenty-one days from the date of the notice sent by the~~ 18549  
~~registrar to the child under this division~~, whichever is earlier. 18550  
If the child is a resident of this state who is sixteen years of 18551  
age or older and does not have a current, valid Ohio driver's or 18552  
commercial driver's license or permit, the notice shall inform the 18553  
child that the child will be denied issuance of a driver's or 18554  
commercial driver's license or permit for six months beginning on 18555  
the date of the notice. If the child has not attained the age of 18556  
sixteen years on the date of the notice, the notice shall inform 18557  
the child that the period of denial of six months shall commence 18558  
on the date the child attains the age of sixteen years. 18559

The registrar shall subscribe to or otherwise participate in 18560  
any information system or register, or enter into reciprocal and 18561

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mutual agreements with other states and federal authorities, in 18562  
 order to facilitate the exchange of information with other states 18563  
 and the United States government regarding children who are 18564  
 residents of this state and plead guilty to or are convicted of 18565  
 offenses described in this division and therefore are subject to 18566  
 the suspension or denial described in this division. 18567

(D) The registrar shall ~~suspend for the period of time~~ 18568  
~~specified in this division the driver's or commercial driver's~~ 18569  
~~license or permit of, or deny for such period of time the issuance~~ 18570  
~~of a driver's or commercial driver's license or permit to, impose~~ 18571  
a class D suspension of the child's driver's license, commercial 18572  
driver's license, temporary instruction permit, probationary 18573  
license, or nonresident operating privilege for the period of time 18574  
specified in division (B)(4) of section 4510.02 of the Revised 18575  
Code on any child who is a resident of this state and is convicted 18576  
 of or pleads guilty to a violation of a statute of any other state 18577  
 or a municipal ordinance of a municipal corporation located in any 18578  
 other state that is substantially similar to section 4511.19 of 18579  
 the Revised Code. Upon receipt of a report from another state made 18580  
 pursuant to section ~~4507.60~~ 4510.61 of the Revised Code indicating 18581  
 that a child who is a resident of this state was convicted of or 18582  
 pleaded guilty to an offense described in this division, the 18583  
 registrar shall send a notice by regular first class mail to the 18584  
 child, at the child's last known address as shown in the records 18585  
 of the bureau of motor vehicles, informing the child of the 18586  
 suspension ~~or denial~~, that the suspension ~~or denial~~ will take 18587  
 effect twenty-one days from the date of the notice, and that, if 18588  
 the child wishes to appeal the suspension ~~or denial~~, the child 18589  
 must file a notice of appeal within twenty-one days of the date of 18590  
 the notice requesting a hearing on the matter. If the child 18591  
 requests a hearing, the registrar shall hold the hearing not more 18592  
 than forty days after receipt by the registrar of the notice of 18593

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appeal. The filing of a notice of appeal does not stay the 18594  
operation of the suspension ~~or denial~~ that must be imposed 18595  
pursuant to this division. The scope of the hearing shall be 18596  
limited to whether the child actually was convicted of or pleaded 18597  
guilty to the offense for which the suspension ~~or denial~~ is to be 18598  
imposed. 18599

The ~~period of~~ suspension the registrar is required to impose 18600  
under this division shall end either on the last day of ~~any period~~ 18601  
~~of the class D suspension period or of the~~ suspension of the 18602  
child's nonresident operating privilege imposed by the state or 18603  
federal court ~~located in the other state, or the date six months~~ 18604  
~~and twenty one days from the date of the notice sent by the~~ 18605  
~~registrar to the child under this division, whichever is earlier.~~ 18606  
If the child is a resident of this state who is sixteen years of 18607  
age or older and does not have a current, valid Ohio driver's or 18608  
commercial driver's license or permit, the notice shall inform the 18609  
child that the child will be denied issuance of a driver's or 18610  
commercial driver's license or permit for six months beginning on 18611  
the date of the notice. If the child has not attained the age of 18612  
sixteen years on the date of the notice, the notice shall inform 18613  
the child that the period of denial of six months shall commence 18614  
on the date the child attains the age of sixteen years. 18615

(E) Any person whose license or permit has been suspended 18616  
pursuant to division (B) or (D) of this section may file a 18617  
petition in the municipal or county court, or in case the person 18618  
is under eighteen years of age, the juvenile court, in whose 18619  
jurisdiction the person resides, agreeing to pay the cost of the 18620  
proceedings and alleging that the suspension would seriously 18621  
affect the person's ability to continue the person's employment. 18622  
Upon satisfactory proof that there is reasonable cause to believe 18623  
that the suspension would seriously affect the person's ability to 18624  
continue the person's employment, the judge may grant the person 18625

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~~occupational~~ limited driving privileges during the period during 18626  
which the suspension otherwise would be imposed, except that the 18627  
judge shall not grant ~~occupational~~ limited driving privileges for 18628  
employment as a driver of a commercial motor vehicle to any person 18629  
who would be disqualified from operating a commercial motor 18630  
vehicle under section 4506.16 of the Revised Code if the violation 18631  
had occurred in this state, or during any of the following periods 18632  
of time: 18633

(1) The first fifteen days of the suspension, if the person 18634  
has not been convicted within ~~five~~ six years of the date of the 18635  
offense giving rise to the suspension under this section of a 18636  
violation of any of the following: 18637

(a) Section 4511.19 of the Revised Code, of a municipal 18638  
ordinance relating to operating a vehicle while under the 18639  
influence of alcohol, a drug of abuse, or alcohol and a drug of 18640  
abuse; 18641

(b) A municipal ordinance relating to operating a motor 18642  
vehicle with a prohibited concentration of alcohol in the blood, 18643  
breath, or urine; 18644

(c) Section 2903.04 of the Revised Code in a case in which 18645  
the person was subject to the sanctions described in division (D) 18646  
of that section; 18647

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 18648  
section 2903.08 of the Revised Code or a municipal ordinance that 18649  
is substantially similar to either of those divisions; 18650

(e) Division (A)(2), (3), or (4) of section 2903.06, division 18651  
(A)(2) of section 2903.08, or ~~former~~ section 2903.07 of the 18652  
Revised Code as it existed prior to March 23, 2000, or a municipal 18653  
ordinance that is substantially similar to any of those divisions 18654  
or that former section, in a case in which the jury or judge found 18655  
that the person was under the influence of alcohol, a drug of 18656

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abuse, or alcohol and a drug of abuse. 18657

(2) The first thirty days of the suspension, if the person 18658  
has been convicted one time within ~~five~~ six years of the date of 18659  
the offense giving rise to the suspension under this section of 18660  
any violation identified in division (E)(1) of this section. 18661

(3) The first one hundred eighty days of the suspension, if 18662  
the person has been convicted two times within ~~five~~ six years of 18663  
the date of the offense giving rise to the suspension under this 18664  
section of any violation identified in division (E)(1) of this 18665  
section. 18666

(4) No ~~occupational~~ limited driving privileges may be granted 18667  
if the person has been convicted three or more times within ~~five~~ 18668  
six years of the date of the offense giving rise to the suspension 18669  
under this section of any violation identified in division (E)(1) 18670  
of this section. 18671

If a person petitions for ~~occupational~~ limited driving 18672  
privileges under division (E) of this section, the registrar shall 18673  
be represented by the county prosecutor of the county in which the 18674  
person resides if the petition is filed in a juvenile court or 18675  
county court, except that if the person resides within a city or 18676  
village that is located within the jurisdiction of the county in 18677  
which the petition is filed, the city director of law or village 18678  
solicitor of that city or village shall represent the registrar. 18679  
If the petition is filed in a municipal court, the registrar shall 18680  
be represented as provided in section 1901.34 of the Revised Code. 18681

In granting ~~occupational~~ limited driving privileges under 18682  
division (E) of this section, the court may impose any condition 18683  
it considers reasonable and necessary to limit the use of a 18684  
vehicle by the person. The court shall deliver to the person a 18685  
permit card, in a form to be prescribed by the court, setting 18686  
forth the time, place, and other conditions limiting the person's 18687  
use of a motor vehicle. The grant of ~~occupational~~ limited driving 18688

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privileges shall be conditioned upon the person's having the 18689  
permit in the person's possession at all times during which the 18690  
person is operating a vehicle. 18691

A person granted ~~occupational~~ limited driving privileges who 18692  
operates a vehicle for other than ~~occupational~~ the authorized 18693  
purposes, in violation of any condition imposed by the court or 18694  
without having the permit in the person's possession, is guilty of 18695  
a violation of ~~division (D)(1)~~ of section ~~4507.02~~ 4510.11 of the 18696  
Revised Code. 18697

(F) As used in divisions (C) and (D) of this section: 18698

(1) "Child" means a person who is under the age of eighteen 18699  
years, except that any person who violates a statute or ordinance 18700  
described in division (C) or (D) of this section prior to 18701  
attaining eighteen years of age shall be deemed a "child" 18702  
irrespective of the person's age at the time the complaint or 18703  
other equivalent document is filed in the other state or a 18704  
hearing, trial, or other proceeding is held in the other state on 18705  
the complaint or other equivalent document, and irrespective of 18706  
the person's age when the period of license suspension or denial 18707  
prescribed in division (C) or (D) of this section is imposed. 18708

(2) "Is convicted of or pleads guilty to" means, as it 18709  
relates to a child who is a resident of this state, that in a 18710  
proceeding conducted in a state or federal court located in 18711  
another state for a violation of a statute or ordinance described 18712  
in division (C) or (D) of this section, the result of the 18713  
proceeding is any of the following: 18714

(a) Under the laws that govern the proceedings of the court, 18715  
the child is adjudicated to be or admits to being a delinquent 18716  
child or a juvenile traffic offender for a violation described in 18717  
division (C) or (D) of this section that would be a crime if 18718  
committed by an adult; 18719



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(b) Under the laws that govern the proceedings of the court, 18720  
 the child is convicted of or pleads guilty to a violation 18721  
 described in division (C) or (D) of this section; 18722

(c) Under the laws that govern the proceedings of the court, 18723  
 irrespective of the terminology utilized in those laws, the result 18724  
 of the court's proceedings is the functional equivalent of 18725  
 division (F)(2)(a) or (b) of this section. 18726

Sec. 4510.21. (A) No person whose driver's license, 18727  
commercial driver's license, temporary instruction permit, or 18728  
nonresident's operating privilege has been suspended shall operate 18729  
any motor vehicle upon a public road or highway or any public or 18730  
private property after the suspension has expired unless the 18731  
person has complied with all license reinstatement requirements 18732  
imposed by the court, the bureau of motor vehicles, or another 18733  
provision of the Revised Code. 18734

(B) Whoever violates this section is guilty of failure to 18735  
reinstate a license, a misdemeanor of the first degree. No court 18736  
shall impose a suspension for a violation of this section. 18737

~~Sec. 4507.168~~ 4510.22. (A) If a person who has a current 18738  
 valid Ohio driver's ~~or~~ commercial driver's license, ~~or temporary~~ 18739  
instruction permit is charged with a violation of any provision in 18740  
 sections 4511.01 to 4511.76, ~~section 4511.84, any provision in~~ 18741  
 sections 4513.01 to 4513.65, ~~or any provision in sections 4549.01~~ 18742  
 to 4549.65 of the Revised Code that is classified as a misdemeanor 18743  
 of the first, second, third, or fourth degree or with a violation 18744  
 of any substantially equivalent municipal ordinance ~~that is~~ 18745  
~~substantially comparable to any provision of any of these sections~~ 18746  
 and if the person either fails to appear in court at the required 18747  
 time and place to answer the charge or pleads guilty to or is 18748  
 found guilty of the violation and fails within the time allowed by 18749

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the court to pay the fine imposed by the court, the court shall 18750  
 declare the ~~forfeiture~~ suspension of the person's license. Thirty 18751  
 days after the declaration of ~~forfeiture~~, the court shall inform 18752  
 the registrar of motor vehicles of the ~~forfeiture~~ declaration by 18753  
 entering information relative to the ~~forfeiture~~ declaration on a 18754  
 form approved and furnished by the registrar and sending the form 18755  
 to the registrar. The court also shall forward the person's 18756  
 license, if it is in the possession of the court, to the 18757  
 registrar. ~~The~~ 18758

The registrar shall ~~suspend~~ impose a class F suspension of 18759  
the person's driver's or commercial driver's license, or temporary 18760  
instruction permit for the period of time specified in division 18761  
(B)(6) of section 4510.02 of the Revised Code on any person who is 18762  
named in a declaration received by the registrar under this 18763  
section. The registrar shall send written notification of the 18764  
suspension to the person of ~~the suspension~~ at the person's last 18765  
 known address, and, if the person is in possession of the license, 18766  
 order the person to surrender the person's ~~driver's or commercial~~ 18767  
~~driver's~~ license or permit to the registrar within forty-eight 18768  
 hours. ~~No~~ 18769

No valid driver's or commercial driver's license shall be 18770  
 granted to the person after the suspension, unless the court 18771  
 having jurisdiction of the offense that led to the suspension 18772  
 orders that the ~~forfeiture~~ suspension be terminated. The court 18773  
 shall ~~so~~ order the termination of the suspension if the person, 18774  
~~after having failed to appear in court at the required time and~~ 18775  
~~place to answer the charge or after having pleaded guilty to or~~ 18776  
~~been found guilty of the violation and having failed within the~~ 18777  
~~time allowed by the court to pay the fine imposed by the court,~~ 18778  
 thereafter appears to answer the charge and pays any fine imposed 18779  
 by the court or pays the fine originally imposed by the court. The 18780  
 court shall inform the registrar of the termination of the 18781

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~~forfeiture suspension~~ by entering information relative to the 18782  
termination on a form approved and furnished by the registrar and 18783  
sending the form to the registrar. The ~~court also shall charge and~~ 18784  
~~collect from the person shall pay to the bureau of motor vehicles~~ 18785  
a fifteen-dollar processing fee to cover the costs of the bureau 18786  
~~of motor vehicles~~ in administering this section. The ~~clerk of the~~ 18787  
~~court shall transmit monthly all such processing fees to the~~ 18788  
registrar ~~for~~ shall deposit the fee into the state bureau of motor 18789  
vehicles fund created by section 4501.25 of the Revised Code. 18790  
18791

(B) In addition to suspending the driver's or commercial 18792  
driver's license or permit of the person named in a declaration of 18793  
~~forfeiture suspension~~, the registrar, upon receipt from the court 18794  
of the copy of the declaration of ~~forfeiture suspension~~, shall 18795  
take any measures that may be necessary to ensure that neither the 18796  
registrar nor any deputy registrar accepts any application for the 18797  
registration or transfer of registration of any motor vehicle 18798  
owned or leased by the person named in the declaration ~~of~~ 18799  
~~forfeiture~~. However, for a motor vehicle leased by a person named 18800  
in a declaration ~~of forfeiture~~, the registrar shall not implement 18801  
the preceding sentence until the registrar adopts procedures for 18802  
that implementation under section 4503.39 of the Revised Code. The 18803  
period of denial of registration or transfer shall continue until 18804  
such time as the court having jurisdiction of the offense that led 18805  
to the suspension ~~of the person's driver's or commercial driver's~~ 18806  
~~license~~ orders the ~~forfeiture suspension~~ to be terminated. Upon 18807  
receipt by the registrar of an order terminating the ~~forfeiture~~ 18808  
suspension, the registrar also shall take any measures that may be 18809  
necessary to permit the person to register a motor vehicle owned 18810  
or leased by the person or to transfer the registration of such a 18811  
motor vehicle, if the person later makes application to take such 18812  
action and otherwise is eligible to register the motor vehicle or 18813  
to transfer its registration. 18814

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The registrar shall not be required to give effect to any  
 declaration of ~~forfeiture~~ suspension or order terminating a  
~~forfeiture~~ suspension provided by a court under this section  
 unless the information contained in the declaration or order is  
 transmitted to the registrar by means of an electronic transfer  
 system.

~~(C) The period of license suspension imposed pursuant to  
 division (A) of this section is independent of any other period of  
 license suspension that the court having jurisdiction over the  
 offense may impose, and the period of license suspension imposed  
 pursuant to that division and the period of denial relating to the  
 issuance or transfer of a certificate of registration for a motor  
 vehicle imposed pursuant to this division (B) of this section  
 remains in effect until the person pays any fine imposed by the  
 court relative to the offense.~~

**Sec. ~~4507.161~~ 4510.23.** When any person having a driver's or  
 commercial driver's license is adjudicated incompetent for the  
 purpose of holding the license, as provided in section 5122.301 of  
 the Revised Code, the probate judge shall order the license of  
~~such~~ the person delivered to the court. The court shall forward  
~~such~~ the license with notice of ~~such~~ the adjudication to the  
 registrar of motor vehicles. The registrar ~~of motor vehicles~~ shall  
~~suspend such license~~ impose a class F suspension of the person's  
driver's or commercial driver's license for the period of time  
specified in division (B)(6) of section 4510.02 of the Revised  
Code. The suspension shall remain in effect until receipt of  
 written notice by the head of the hospital, or other agency which  
 has or had custody of such person, that such person's mental  
 illness is not an impairment to such person's ability to operate a  
 motor vehicle, or upon receipt of notice from the adjudicating  
 court that such person has been restored to competency by court  
 decree.

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**Sec. ~~4507.162~~ 4510.31.** (A)(1) Except as provided in division 18847  
 (C) of this section, the registrar of motor vehicles shall suspend 18848  
 the probationary driver's license, restricted license, or 18849  
 temporary instruction permit issued to any person when the person 18850  
 has been convicted of, pleaded guilty to, or been adjudicated in 18851  
 juvenile court of having committed, prior to the person's 18852  
 eighteenth birthday, any of the following: 18853

~~(1)~~(a) Three separate violations of section 2903.06, 2903.08, 18854  
 2921.331, 4511.12, 4511.13, 4511.15, 4511.191, ~~4511.192~~, 4511.20, 18855  
 4511.201, 4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 18856  
 4511.57 to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 18857  
 Revised Code, section 4510.14 of the Revised Code involving a 18858  
suspension imposed under section 4511.191 or 4511.196 of the 18859  
Revised Code, section 2903.04 of the Revised Code in a case in 18860  
 which the person would have been subject to the sanctions 18861  
 described in division (D) of that section had the person been 18862  
 convicted of the violation of that section, former section 2903.07 18863  
 of the Revised Code, or any municipal ordinances similarly 18864  
 relating to the offenses referred to in those sections; 18865

~~(2)~~(b) One violation of section 4511.19 of the Revised Code 18866  
 or a substantially similar municipal ordinance; 18867

~~(3)~~(c) Two separate violations of any of the Revised Code 18868  
 sections referred to in division (A)(1)(a) of this section, or any 18869  
 municipal ordinance that is substantially similar to any of those 18870  
 sections. 18871

(2) Any person whose license or permit is suspended under 18872  
 division (A)(1)(a), ~~(2)~~(b), or ~~(3)~~(c) of this section shall mail 18873  
 or deliver the person's probationary driver's license, restricted 18874  
 license, or temporary instruction permit to the registrar within 18875  
 fourteen days of notification of the suspension. The registrar 18876  
 shall retain the license or permit during the period of the 18877

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suspension. A suspension pursuant to division (A)(1)(a) of this 18878  
section shall ~~remain in effect until one year has elapsed since~~ 18879  
~~the date of suspension of the probationary driver's license,~~ 18880  
~~restricted license, or temporary instruction permit~~ be a class C 18881  
suspension, a suspension pursuant to division (A)(2)(1)(b) of this 18882  
section shall ~~remain in effect until six months have elapsed since~~ 18883  
~~the date of the suspension~~ be a class D suspension, and a 18884  
suspension pursuant to division (A)(3)(1)(c) of this section shall 18885  
~~remain in effect until ninety days have elapsed since the date of~~ 18886  
~~the suspension~~ be a class E suspension, all for the periods of 18887  
time specified in division (B) of section 4510.02 of the Revised 18888  
Code. If the person's probationary driver's license, restricted 18889  
license, or temporary instruction permit is under suspension on 18890  
the date the court imposes sentence upon the person for a 18891  
violation described in division (A)(2)(1)(b) of this section, the 18892  
suspension shall take effect on the next day immediately following 18893  
the end of that period of suspension. If the person is sixteen 18894  
years of age or older and pleads guilty to or is convicted of a 18895  
violation described in division (A)(2)(1)(b) of this section and 18896  
the person does not have a current, valid probationary driver's 18897  
license, restricted license, or temporary instruction permit, the 18898  
registrar shall deny the issuance to the person of a probationary 18899  
driver's license, restricted license, driver's license, commercial 18900  
driver's license, or temporary instruction permit, as the case may 18901  
be, for six months beginning on the date the court imposes 18902  
sentence upon the person for the violation. If the person has not 18903  
attained the age of sixteen years on the date the court imposes 18904  
sentence upon the person for the violation, the period of denial 18905  
shall commence on the date the person attains the age of sixteen 18906  
years. 18907

(B) The registrar also shall ~~suspend~~ impose a class D 18908  
suspension for the period of time specified in division (B)(4) of 18909  
section 4510.02 of the Revised Code of the temporary instruction 18910

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permit or probationary driver's license of any person under the 18911  
age of eighteen who has been adjudicated an unruly child, 18912  
delinquent child, or a juvenile traffic offender for having 18913  
committed any act that if committed by an adult would be a drug 18914  
abuse offense ~~as defined in section 2925.01 of the Revised Code,~~ 18915  
or a violation of division (B) of section 2917.11 of the Revised 18916  
Code ~~until the person reaches the age of eighteen years or~~ 18917  
~~attends. The registrar, in the registrar's discretion, may~~ 18918  
~~terminate the suspension if the child~~, at the discretion of the 18919  
court, attends and satisfactorily completes a drug abuse or 18920  
alcohol abuse education, intervention, or treatment program 18921  
specified by the court. Any person whose temporary instruction 18922  
permit or probationary driver's license is suspended under this 18923  
division shall mail or deliver the person's permit or license to 18924  
the registrar within fourteen days of notification of the 18925  
suspension. The registrar shall retain the permit or license 18926  
during the period of the suspension. 18927

(C)(1) ~~A person is not entitled to request, and a court shall~~ 18928  
~~not grant to the person, occupational driving privileges under~~ 18929  
~~division (C) of this section if a person is convicted of, pleads~~ 18930  
~~guilty to, or is adjudicated in juvenile court of having committed~~ 18931  
~~a third violation of section 4511.12, 4511.13, 4511.15, 4511.20 to~~ 18932  
~~4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or~~ 18933  
~~4511.75 of the Revised Code or any similar municipal ordinances,~~ 18934  
~~and the person, within the preceding seven years, has been~~ 18935  
~~convicted of, pleaded guilty to, or adjudicated in juvenile court~~ 18936  
~~of having committed three or more violations of one or more of the~~ 18937  
~~following:~~ 18938

(a) ~~Division (A) or (B) of section 4511.19 of the Revised~~ 18939  
~~Code;~~ 18940

(b) ~~A municipal ordinance relating to operating a vehicle~~ 18941  
~~while under the influence of alcohol, a drug of abuse, or alcohol~~ 18942

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and a drug of abuse; 18943

~~(c) A municipal ordinance relating to operating a vehicle 18944  
with a prohibited concentration of alcohol in the blood, breath, 18945  
or urine; 18946~~

~~(d) Section 2903.04 of the Revised Code in a case in which 18947  
the person was subject to the sanctions described in division (D) 18948  
of that section; 18949~~

~~(e) Division (A)(1) of section 2903.06 or division (A)(1) of 18950  
section 2903.08 of the Revised Code or a municipal ordinance that 18951  
is substantially similar to either of those divisions; 18952~~

~~(f) Division (A)(2), (3), or (4) of section 2903.06, division 18953  
(A)(2) of section 2903.08, or former section 2903.07 of the 18954  
Revised Code, or a municipal ordinance that is substantially 18955  
similar to any of those divisions or that former section, in a 18956  
case in which the jury or judge found that the person was under 18957  
the influence of alcohol, a drug of abuse, or alcohol and a drug 18958  
of abuse. 18959~~

~~(2) For Except as provided in division (C)(3) of this 18960  
section, for any other person who is not described in division 18961  
(C)(1) of this section and who is convicted of, pleads guilty to, 18962  
or is adjudicated in juvenile court of having committed a second 18963  
or third violation of section 4511.12, 4511.13, 4511.15, 4511.20 18964  
to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 18965  
4511.75 of the Revised Code or any similar municipal ordinances 18966  
and whose license or permit is suspended under division (A)(1)(a) 18967  
or (c) of this section, the court in which the second or third 18968  
conviction, finding, plea, or adjudication resulting in the 18969  
suspension was made, upon petition of the person, may grant the 18970  
person occupational limited driving privileges during the period 18971  
during which the suspension otherwise would be imposed under 18972  
division (A)(1)(a) or (c) of this section if the court finds that 18973~~



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~~the person will reach the person's eighteenth birthday before the~~ 18974  
~~period of suspension required to be imposed under division (A)(1)~~ 18975  
~~of this section expires and further finds~~ reasonable cause to 18976  
believe that the suspension, ~~if continued beyond the person's~~ 18977  
~~eighteenth birthday,~~ will seriously affect the person's ability to 18978  
continue in employment, educational training, vocational training, 18979  
or treatment. ~~The occupational driving privileges granted under~~ 18980  
~~this division shall be effective on the person's eighteenth~~ 18981  
~~birthday and during the period following such birthday for which~~ 18982  
~~the suspension otherwise would be imposed.~~ In granting 18983  
~~occupational~~ the limited driving privileges, the court shall 18984  
specify the purposes, times, and places at ~~which the person may~~ 18985  
~~drive~~ of the privileges and may impose any other conditions upon 18986  
the person's ~~use of~~ driving a motor vehicle that the court 18987  
considers reasonable and necessary. 18988

A court that grants ~~occupational~~ limited driving privileges 18989  
to a person under this division shall retain the person's 18990  
probationary driver's license, restricted license, or temporary 18991  
instruction permit during the period the license or permit is 18992  
suspended and also during the period for which ~~occupational~~ 18993  
limited driving privileges are granted, and shall deliver to the 18994  
person a permit card, in a form to be prescribed by the court, 18995  
setting forth the date on which the ~~occupational~~ limited driving 18996  
privileges will become effective, the purposes for which the 18997  
person may drive, the times and places at which the person may 18998  
drive, and any other conditions imposed upon the person's use of a 18999  
motor vehicle. 19000

The court immediately shall notify the registrar, in writing, 19001  
of a grant of ~~occupational~~ limited driving privileges under this 19002  
division. The notification shall specify the date on which the 19003  
~~occupational~~ limited driving privileges will become effective, the 19004  
purposes for which the person may drive, the times and places at 19005

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which the person may drive, and any other conditions imposed upon 19006  
 the person's use of a motor vehicle. The registrar shall not 19007  
 suspend the probationary driver's license, restricted license, or 19008  
 temporary instruction permit of any person pursuant to division 19009  
 (A) of this section during any period for which the person has 19010  
 been granted ~~occupational~~ limited driving privileges as provided 19011  
 in this division, if the registrar has received the notification 19012  
 described in this division from the court. 19013

(2) Except as provided in division (C)(3) of this section, in 19014  
 any case in which the temporary instruction permit or probationary 19015  
 driver's license of a person under eighteen years of age has been 19016  
 suspended under division (A) or (B) of this section or any other 19017  
 provision of law, the court may grant the person limited driving 19018  
 privileges for the purpose of the person's practicing of driving 19019  
 with the person's parent, guardian, or other custodian during the 19020  
 period of the suspension. Any grant of limited driving privileges 19021  
 under this division shall comply with division (D) of section 19022  
 4510.021 of the Revised Code. 19023

(3) A court shall not grant limited driving privileges to a 19024  
 person identified in division (C)(1) or (2) of this section if the 19025  
 person, within the preceding six years, has been convicted of, 19026  
 pleaded guilty to, or adjudicated in juvenile court of having 19027  
 committed three or more violations of one or more of the divisions 19028  
 or sections set forth in divisions (G)(2)(b) to (g) of section 19029  
 2919.22 of the Revised Code. 19030

(D) If a person who has been granted ~~occupational~~ limited 19031  
 driving privileges under division (C) of this section is convicted 19032  
 of, pleads guilty to, or is adjudicated in juvenile court of 19033  
 having committed, a violation of ~~section 4507.02 Chapter 4510.~~ of 19034  
 the Revised Code, or a ~~fourth~~ or subsequent violation of any of 19035  
 the ~~other~~ sections of the Revised Code listed in division 19036  
 (A)(1)(a) of this section or any similar municipal ordinance 19037

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during the period for which the person was granted ~~occupational~~ 19038  
~~limited~~ driving privileges, the court that granted the 19039  
~~occupational~~ limited driving privileges shall ~~revoke them and~~ 19040  
~~cancel~~ suspend the person's permit card. The court or the clerk of 19041  
the court immediately shall forward the person's probationary 19042  
driver's license, restricted license, or temporary instruction 19043  
permit together with written notification of the court's action to 19044  
the registrar. Upon receipt of the license or permit and 19045  
notification, the registrar shall ~~suspend~~ impose a class C 19046  
suspension of the person's probationary driver's license, 19047  
restricted license, or temporary instruction permit for ~~a~~ the 19048  
period of ~~one year~~ time specified in division (B)(3) of section 19049  
4510.02 of the Revised Code. The registrar shall retain the 19050  
license or permit during the period of suspension, and no further 19051  
~~occupational~~ limited driving privileges shall be granted during 19052  
that period. 19053

(E) No application for a driver's or commercial driver's 19054  
license shall be received from any person whose probationary 19055  
driver's license, restricted license, or temporary instruction 19056  
permit has been suspended under this section until each of the 19057  
following has occurred: 19058

(1) The suspension period has expired; 19059

(2) A temporary instruction permit or commercial driver's 19060  
license temporary instruction permit has been issued; 19061

(3) The person successfully completes a juvenile driver 19062  
improvement program approved by the registrar under ~~division (F)~~ 19063  
~~of this~~ section 4510.311 of the Revised Code; 19064

(4) The applicant has submitted to the examination for a 19065  
driver's license as provided for in section 4507.11 or a 19066  
commercial driver's license as provided in Chapter 4506. of the 19067  
Revised Code. 19068

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~~(F) The registrar shall establish standards for juvenile driver improvement programs and shall approve any such programs that meet the established standards. The standards established by the registrar shall require a minimum of five hours of classroom instruction, with at least three hours devoted to driver skill requirements and two hours devoted to juvenile driver information related to the driving records of drivers under the age of eighteen, driver perceptions, and the value of the traffic laws. The standards also shall require a person whose probationary driver's license was suspended under this section to undertake and pass, as successful completion of an approved juvenile driver improvement program, the driver's license examination that a person who holds a temporary instruction permit is required to undertake and pass in order to be issued a probationary driver's license. The person shall pay the applicable fee that is required to accompany an application for a driver's license as prescribed in division (E) of section 4507.23 of the Revised Code. The registrar shall prescribe the requirements for the curriculum to be provided as well as other program directives. Only those programs approved by the registrar shall be acceptable for reinstatement of the driving privileges of a person whose probationary driver's license was suspended under this section.~~

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 person whose probationary driver's license was suspended under

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section 4510.31 of the Revised Code to undertake and pass, as 19101  
successful completion of an approved juvenile driver improvement 19102  
program, the driver's license examination that a person who holds 19103  
a temporary instruction permit is required to undertake and pass 19104  
in order to be issued a probationary driver's license. The person 19105  
shall pay the applicable fee that is required to accompany an 19106  
application for a driver's license as prescribed in division (E) 19107  
of section 4507.23 of the Revised Code. The registrar shall 19108  
prescribe the requirements for the curriculum to be provided as 19109  
well as other program directives. Only those programs approved by 19110  
the registrar shall be acceptable for reinstatement of the driving 19111  
privileges of a person whose probationary driver's license was 19112  
suspended under section 4510.31 of the Revised Code. 19113

**Sec. ~~4507.061~~ 4510.32.** (A) The registrar of motor vehicles 19114  
 shall record within ten days of receipt and keep at the main 19115  
 office of the bureau of motor vehicles all information provided to 19116  
 the registrar by the superintendent of a school district in 19117  
 accordance with division (B) of section 3321.13 of the Revised 19118  
 Code. 19119

(B) Whenever the registrar receives a notice under division 19120  
 (B) of section 3321.13 of the Revised Code, the registrar shall 19121  
~~suspend~~ impose a class F suspension of the temporary instruction 19122  
 permit or driver's license of the person who is the subject of the 19123  
 notice for the period of time specified in division (B)(6) of 19124  
section 4510.02 of the Revised Code, or, if the person has not 19125  
 been issued ~~such~~ a temporary instruction permit or driver's 19126  
 license, the registrar shall deny to the person the issuance of a 19127  
~~temporary instruction permit or driver's~~ license. The requirements 19128  
 of the second paragraph of section 119.06 of the Revised Code do 19129  
 not apply to a suspension of a person's temporary instruction 19130  
 permit or driver's license or a denial of a person's opportunity 19131

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to obtain a temporary instruction permit or driver's license by 19132  
the registrar under this division. 19133

(C) Upon suspending the temporary instruction permit or 19134  
driver's license of any person or denying any person the 19135  
opportunity to be issued such a license or permit as provided in 19136  
division (B) of this section, the registrar immediately shall 19137  
notify the person in writing of the suspension or denial and 19138  
inform the person that the person may petition for a hearing as 19139  
provided in division (E) of this section. 19140

(D) Any person whose permit or license is suspended under 19141  
this section shall mail or deliver the person's permit or license 19142  
to the registrar of motor vehicles within twenty days of 19143  
notification of the suspension; however, the person's permit or 19144  
license and the person's driving privileges shall be suspended 19145  
immediately upon receipt of the notification. The registrar may 19146  
retain the permit or license during the period of the suspension 19147  
or the registrar may destroy it under section ~~4507.54~~ 4510.52 of 19148  
the Revised Code. ~~Any such suspension of a person's permit or~~ 19149  
~~license or denial of a person's opportunity to obtain a permit or~~ 19150  
~~license under this section shall remain in effect until the person~~ 19151  
~~attains eighteen years of age or until it is terminated prior to~~ 19152  
~~the child's attainment of that age pursuant to division (F) of~~ 19153  
~~this section.~~ 19154

(E) Any person whose temporary instruction permit or driver's 19155  
license has been suspended, or whose opportunity to obtain such a 19156  
permit or license has been denied pursuant to this section, may 19157  
file a petition in the juvenile court in whose jurisdiction the 19158  
person resides alleging error in the action taken by the registrar 19159  
~~of motor vehicles~~ under division (B) of this section or alleging 19160  
one or more of the matters within the scope of the hearing, as 19161  
described in this division, or both. The petitioner shall notify 19162  
the registrar and the superintendent of the school district who 19163

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gave the notice to the registrar and juvenile judge under division 19164  
(B) of section 3321.13 of the Revised Code of the filing of the 19165  
petition and send them copies of the petition. The scope of the 19166  
hearing is limited to the issues of whether the notice given by 19167  
the superintendent to the registrar was in error and whether the 19168  
suspension or denial of driving privileges will result in 19169  
substantial hardship to the petitioner. 19170

The registrar shall furnish the court a copy of the record 19171  
created in accordance with division (A) of this section. The 19172  
registrar and the superintendent shall furnish the court with any 19173  
other relevant information required by the court. 19174

In hearing the matter and determining whether the petitioner 19175  
has shown that the petitioner's temporary instruction permit or 19176  
driver's license should not be suspended or that the petitioner's 19177  
opportunity to obtain such a permit or license should not be 19178  
denied, the court shall decide the issue upon the information 19179  
furnished by the registrar and the superintendent and any such 19180  
additional evidence that the registrar, the superintendent, or the 19181  
petitioner submits. 19182

If the court finds from the evidence submitted that the 19183  
petitioner has failed to show error in the action taken by the 19184  
registrar under division (B) of this section and has failed to 19185  
prove any of the matters within the scope of the hearing, then the 19186  
court may assess the cost of the proceeding against the petitioner 19187  
and shall uphold the suspension of the petitioner's permit or 19188  
license or the denial of the petitioner's opportunity to obtain a 19189  
permit or license. If the court finds that the petitioner has 19190  
shown error in the action taken by the registrar under division 19191  
(B) of this section or has proved one or more of the matters 19192  
within the scope of the hearing, or both, the cost of the 19193  
proceeding shall be paid out of the county treasury of the county 19194  
in which the proceedings were held, and the suspension of the 19195

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petitioner's permit or license or the denial of the person's 19196  
opportunity to obtain a permit or license shall be terminated. 19197

(F) The registrar shall cancel the record created under this 19198  
section of any person who is the subject of a notice given under 19199  
division (B) of section 3321.13 of the Revised Code and shall 19200  
terminate the suspension of the person's permit or license or the 19201  
denial of the person's opportunity to obtain a permit or license, 19202  
if any of the following applies: 19203

(1) The person is at least eighteen years of age. 19204

(2) The person provides evidence, as the registrar shall 19205  
require by rule, of receipt of a high school diploma or a general 19206  
educational development certificate of high school equivalence. 19207

(3) The superintendent of a school district informs the 19208  
registrar that the notification of withdrawal, habitual absence 19209  
without legitimate excuse, suspension, or expulsion concerning the 19210  
person was in error. 19211

(4) The suspension or denial was imposed subsequent to a 19212  
notification given under division (B)(3) or (4) of section 3321.13 19213  
of the Revised Code, and the superintendent of a school district 19214  
informs the registrar that the person in question has satisfied 19215  
any terms or conditions established by the school as necessary to 19216  
terminate the suspension or denial of driving privileges. 19217

(5) The suspension or denial was imposed subsequent to a 19218  
notification given under division (B)(1) of section 3321.13 of the 19219  
Revised Code, and the superintendent of a school district informs 19220  
the registrar that the person in question is now attending school 19221  
or enrolled in and attending an approved program to obtain a 19222  
diploma or its equivalent to the satisfaction of the school 19223  
superintendent. 19224

(6) The suspension or denial was imposed subsequent to a 19225  
notification given under division (B)(2) of section 3321.13 of the 19226



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Revised Code, the person has completed at least one semester or  
term of school after the one in which the notification was given,  
the person requests the superintendent of the school district to  
notify the registrar that the person no longer is habitually  
absent without legitimate excuse, the superintendent determines  
that the person has not been absent from school without legitimate  
excuse in the current semester or term, as determined under that  
division, for more than ten consecutive school days or for more  
than fifteen total school days, and the superintendent informs the  
registrar of that fact. If a person described in division (F)(6)  
of this section requests the superintendent of the school district  
to notify the registrar that the person no longer is habitually  
absent without legitimate excuse and the superintendent makes the  
determination described in this division, the superintendent shall  
provide the information described in division (F)(6) of this  
section to the registrar within five days after receiving the  
request.

(7) The suspension or denial was imposed subsequent to a  
notification given under division (B)(2) of section 3321.13 of the  
Revised Code, and the superintendent of a school district informs  
the registrar that the person in question has received an age and  
schooling certificate in accordance with section 3331.01 of the  
Revised Code.

(8) The person filed a petition in court under division (E)  
of this section and the court found that the person showed error  
in the action taken by the registrar under division (B) of this  
section or proved one or more of the matters within the scope of  
the hearing on the petition, as set forth in division (E) of this  
section, or both.

At the end of the suspension period under this section and  
upon the request of the person whose temporary instruction permit  
or driver's license was suspended, the registrar shall return the

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driver's license or permit to the person or reissue the person's 19259  
 license or permit under section ~~4507.54~~ 4510.52 of the Revised 19260  
 Code, if the registrar destroyed the suspended license or permit 19261  
 under that section. 19262

**Sec. ~~4507.163~~ 4510.33.** (A) ~~Any~~ No person of insufficient age 19263  
 to purchase intoxicating liquor or beer ~~who~~, contrary to division 19264  
 (A) or (C) of section 4507.30 of the Revised Code, ~~displays~~ shall 19265  
display as proof that the person is of sufficient age to purchase 19266  
 intoxicating liquor or beer, a driver's or commercial driver's 19267  
 license, knowing the same to be fictitious, altered, or not the 19268  
 person's own, ~~shall thereby forfeit the driving privileges~~ 19269  
~~authorized by.~~ The registrar of motor vehicles shall impose a 19270  
class C suspension of the person's own driver's license, 19271  
 probationary driver's license, commercial driver's license, 19272  
 temporary instruction permit, or commercial driver's license 19273  
 temporary instruction permit ~~and be denied the issuance or~~ 19274  
~~reissuance of any such license or permit by the registrar of motor~~ 19275  
~~vehicles for one year beginning with the date on which~~ 19276  
~~notification of such forfeiture and denial is mailed to the person~~ 19277  
~~by the registrar for the period of time specified in division~~ 19278  
~~(B)(3) of section 4510.02 of the Revised Code upon the offender~~ 19279  
~~and shall not issue or reissue a license or permit of that type to~~ 19280  
~~the offender during the suspension period.~~ 19281

(B) In any prosecution, or in any proceeding before the 19282  
 liquor control commission, in which the defense authorized by 19283  
 section 4301.639 of the Revised Code is sustained, the clerk of 19284  
 the court in which the prosecution was had, or the clerk of the 19285  
 liquor control commission, shall certify to the registrar the 19286  
 facts ascertainable from the clerk's records evidencing violation 19287  
 of division (A) or (C) of section 4507.30 of the Revised Code by a 19288  
 person of insufficient age to purchase intoxicating liquor or 19289  
 beer, including in the certification the person's name and 19290

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residence address. 19291

(C) The registrar, upon receipt of the certification, shall 19292  
suspend the person's license or permit to drive subject to review 19293  
as provided in this section, and shall mail to the person, at the 19294  
person's last known address, a notice of the suspension and of the 19295  
hearing provided in division (D) of this section. 19296

(D) Any person whose license or permit to drive has been 19297  
suspended under this section, within twenty days of the mailing of 19298  
the notice provided above, may file a petition in the municipal 19299  
court or county court, or in case the person is under the age of 19300  
eighteen years, in the juvenile court, in whose jurisdiction the 19301  
person resides, agreeing to pay the cost of the proceedings, and 19302  
alleging error by the registrar in the suspension of the license 19303  
or permit to drive, or in one or more of the matters within the 19304  
scope of the hearing as provided in this section, or both. The 19305  
petitioner shall notify the registrar of the filing of the 19306  
petition and send the registrar a copy thereof. The scope of the 19307  
hearing shall be limited to whether a court of record did in fact 19308  
find that the petitioner displayed, or, if the original 19309  
proceedings were before the liquor control commission, whether the 19310  
petitioner did in fact display, as proof that the person was of 19311  
sufficient age to purchase intoxicating liquor or beer, a driver's 19312  
or commercial driver's license knowing the same to be fictitious, 19313  
altered, or not the person's own, and whether the person was at 19314  
that time of insufficient age legally to make a purchase of 19315  
intoxicating liquor or beer. 19316

(E) In any hearing authorized by this section, the registrar 19317  
shall be represented by the prosecuting attorney of the county 19318  
where the petitioner resides. 19319

(F) If the court finds from the evidence submitted that the 19320  
person has failed to show error in the action by the registrar or 19321  
in one or more of the matters within the scope of the hearing as 19322

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limited in division (D) of this section, or both, the court shall 19323  
 assess the cost of the proceeding against the person and shall 19324  
 impose the suspension provided in divisions (A) and (C) of this 19325  
 section. If the court finds that the person has shown error in the 19326  
 action taken by the registrar, or in one or more of the matters 19327  
 within the scope of the hearing as limited in division (B) of this 19328  
 section, or both, the cost of the proceeding shall be paid out of 19329  
 the county treasury of the county in which the proceedings were 19330  
 held, and the suspension provided in divisions (A) and (C) of this 19331  
 section shall not be imposed. The court shall inform the registrar 19332  
 in writing of the action taken. 19333

~~4507.167.~~ **Sec. 4510.34.** (A) The registrar of motor vehicles 19334  
 shall ~~revoke~~ impose a class F suspension for the period of time 19335  
specified in division (B)(6) of section 4510.02 of the Revised 19336  
Code of the probationary motorized bicycle license issued to any 19337  
 person when the person has been convicted of, ~~pleaded no contest~~ 19338  
~~to and been found guilty of, or pleaded guilty to, in any court of~~ 19339  
~~competent jurisdiction,~~ or has been adjudicated in juvenile court 19340  
 of having committed, a violation of division (A) or (D) of section 19341  
 4511.521 of the Revised Code, or of any other section of the 19342  
 Revised Code or similar municipal ordinance for which points are 19343  
 chargeable under section ~~4507.021~~ 4510.036 of the Revised Code. 19344

(B) Any person whose license is ~~revoked~~ suspended under this 19345  
 section shall mail or deliver ~~his~~ the probationary motorized 19346  
 bicycle license to the registrar within fourteen days of 19347  
 notification of ~~such revocation~~ the suspension. The registrar 19348  
 shall retain ~~such~~ the license during the period of ~~revocation~~ 19349  
suspension. ~~Any such revocation shall remain in effect until the~~ 19350  
~~person reaches sixteen years of age.~~ 19351

(C) No application for a motorized bicycle license or 19352  
 probationary motorized bicycle license shall be received from any 19353

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person whose probationary motorized bicycle license has been 19354  
~~revoked~~ suspended under this section until the person reaches 19355  
 sixteen years of age. 19356

**Sec. ~~4507.38~~ 4510.41.** (A) As used in this section: 19357

(1) "Arrested person" means a person who is arrested for a 19358  
 violation of ~~division (B)(1) or (D)(2) of section 4507.02 or~~ 19359  
~~section 4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised Code, 19360  
 or a municipal ordinance that is substantially equivalent to any 19361  
 of those ~~Revised Code provisions~~ sections, and whose arrest 19362  
 results in a vehicle being seized under division (B) of this 19363  
 section. 19364

(2) "Vehicle owner" means either of the following: 19365

(a) The person in whose name is registered, at the time of 19366  
 the seizure, a vehicle that is seized under division (B) of this 19367  
 section; 19368

(b) A person to whom the certificate of title to a vehicle 19369  
 that is seized under division (B) of this section has been 19370  
 assigned and who has not obtained a certificate of title to the 19371  
 vehicle in that person's name, but who is deemed by the court as 19372  
 being the owner of the vehicle at the time the vehicle was seized 19373  
 under division (B) of this section. 19374

(3) "Interested party" includes the owner of a vehicle seized 19375  
 under this section, all lienholders ~~of such a vehicle~~, the 19376  
 arrested person, the owner of the place of storage at which a 19377  
 vehicle seized under this section is stored, and the person or 19378  
 entity that caused the vehicle to be removed. 19379

(B)(1) If a person is arrested for a violation of ~~division~~ 19380  
~~(B)(1) or (D)(2) of section 4507.02 or section 4507.33~~ 4510.14, 19381  
4510.16, or 4511.203 of the Revised Code, or a municipal ordinance 19382  
 that is substantially equivalent to any of those ~~Revised Code~~ 19383

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~~provisions sections~~, the arresting officer or another officer of 19384  
the law enforcement agency that employs the arresting officer, in 19385  
addition to any action that the arresting officer is required or 19386  
authorized to take by any other provision of law, shall seize the 19387  
vehicle that the person was operating at the time of, or that was 19388  
involved in, the alleged offense if the vehicle is registered in 19389  
the arrested person's name and its license plates. ~~Except as~~ 19390  
~~otherwise provided in this division, the officer shall seize the~~ 19391  
~~vehicle and its license plates regardless of whether the vehicle~~ 19392  
~~is registered in the name of the arrested person or in the name of~~ 19393  
~~another person or entity. This section does not apply to or affect~~ 19394  
~~any rented or leased vehicle that is being rented or leased for a~~ 19395  
~~period of thirty days or less, except that a~~ A law enforcement 19396  
agency that employs a law enforcement officer who makes an arrest 19397  
of a type that is described in this division ~~(B)(1) of this~~ 19398  
~~section~~ and that involves a rented or leased vehicle ~~of this type~~ 19399  
that is being rented or leased for a period of thirty days or less 19400  
shall notify, within twenty-four hours after the officer makes the 19401  
arrest, the lessor or owner of the vehicle regarding the 19402  
circumstances of the arrest and the location at which the vehicle 19403  
may be picked up. At the time of the seizure of the vehicle, the 19404  
law enforcement officer who made the arrest shall give the 19405  
arrested person written notice that the vehicle and its license 19406  
plates have been seized; that the vehicle either will be kept by 19407  
the officer's law enforcement agency or will be immobilized at 19408  
least until the person's initial appearance on the charge of the 19409  
offense for which the arrest was made; that, at the initial 19410  
appearance, the court in certain circumstances may order that the 19411  
vehicle and license plates be released to the ~~vehicle owner~~ 19412  
arrested person until the disposition of that charge; that, if the 19413  
arrested person is convicted of that charge, the court generally 19414  
must order the immobilization of the vehicle and the impoundment 19415  
of its license plates or the forfeiture of the vehicle; and that, 19416

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~~if the arrested person is not the vehicle owner, the arrested person immediately should inform the vehicle owner that the vehicle and its license plates have been seized and that the vehicle owner may be able to obtain their release at the initial appearance or thereafter may be charged expenses or charges incurred under this section and section 4503.233 of the Revised Code for the removal and storage of the vehicle.~~

(2) The arresting officer or a law enforcement officer of the agency that employs the arresting officer shall give written notice of the seizure to the court that will conduct the initial appearance of the arrested person ~~the arrested person on the charges arising out of the arrest. The notice shall be given when the charges are filed against the arrested person.~~ Upon receipt of the notice, the court promptly shall determine whether the arrested person is the vehicle owner ~~and whether there are any liens recorded on the certificate of title to the vehicle.~~ If the court determines that the arrested person is not the vehicle owner, it promptly shall send by regular mail written notice of the seizure ~~of the motor vehicle to the vehicle's registered owner and to all lienholders recorded on the certificate of title.~~ The written notice ~~to the vehicle owner and lienholders~~ shall contain all of the information required by division (B)(1) of this section to be in a notice to be given to the arrested person and also shall specify the date, time, and place of the arrested person's initial appearance ~~the arrested person.~~ The notice also shall inform the vehicle owner that if title to a motor vehicle that is subject to an order for criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, the court may fine the arrested person the value of the vehicle. The notice ~~to the vehicle owner~~ also shall state that if the vehicle is immobilized under division (A) of section 4503.233 of the Revised Code, seven days after the end of the period of

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immobilization a law enforcement agency will send the vehicle 19450  
owner a notice, informing the owner that if the ~~owner does not~~ 19451  
~~obtain the~~ release of the vehicle is not obtained in accordance 19452  
with division (D)(3) of section 4503.233 of the Revised Code, the 19453  
vehicle shall be forfeited. The notice also shall inform the 19454  
vehicle owner that the owner may be charged expenses or charges 19455  
incurred under this section and section 4503.233 of the Revised 19456  
Code for the removal and storage of the vehicle. 19457

The written notice that is given ~~or delivered~~ to the vehicle 19458  
~~owner~~ arrested person also shall state that if the ~~arrested person~~ 19459  
~~pleads guilty to or~~ is convicted of or pleads guilty to the 19460  
offense ~~for which the arrested person was arrested~~ and the court 19461  
issues an immobilization and impoundment order relative to that 19462  
vehicle, division (D)(4) of section 4503.233 of the Revised Code 19463  
prohibits the vehicle from being sold during the period of 19464  
immobilization without the prior approval of the court. 19465

(3) At or before the initial appearance, the vehicle owner 19466  
may file a motion requesting the court to order that the vehicle 19467  
and its license plates be released to the vehicle owner. Except as 19468  
provided in this division and subject to the payment of expenses 19469  
or charges incurred in the removal and storage of the vehicle, the 19470  
court, in its discretion, then may issue an order releasing the 19471  
vehicle and its license plates to the vehicle owner. Such an order 19472  
may be conditioned upon such terms as the court determines 19473  
appropriate, including the posting of a bond in an amount 19474  
determined by the court. If the arrested person is not the vehicle 19475  
owner and if the vehicle owner is not present at the arrested 19476  
person's initial appearance, and if the court believes that the 19477  
vehicle owner was not provided with adequate notice of the initial 19478  
appearance, the court, in its discretion, may allow the vehicle 19479  
owner to file a motion within seven days of the initial 19480  
appearance. If the court allows the vehicle owner to file such a 19481



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motion after the initial appearance, the extension of time granted by the court does not extend the time within which the initial appearance is to be conducted. If the court issues an order for the release of the vehicle and its license plates, a copy of the order shall be made available to the vehicle owner. If the vehicle owner presents a copy of the order to the law enforcement agency that employs the law enforcement officer who arrested the arrested person ~~who was operating the vehicle~~, the law enforcement agency promptly shall release the vehicle and its license plates to the vehicle owner upon payment by the vehicle owner of any expenses or charges incurred in the removal or storage of the vehicle.

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

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

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

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(c) The place is owned by a private person or entity, and, 19514  
 prior to the immobilization, the private entity or person that 19515  
 owns the place, or the authorized agent of that private entity or 19516  
 person, has given express written consent for the immobilization 19517  
 to be carried out at that place. 19518

(d) The place is a public street or highway on which the 19519  
 vehicle is parked in accordance with the law. 19520

(C)(1) A vehicle ~~that is~~ seized under division (B) of this 19521  
 section shall be safely kept at the place to which it is towed or 19522  
 otherwise moved by the law enforcement agency that employs the 19523  
 arresting officer until the initial appearance of the arrested 19524  
 person relative to the charge ~~the arrested person~~ in question. The 19525  
 license plates of the vehicle that are removed pursuant to 19526  
 division (B) of this section shall be safely kept by the law 19527  
 enforcement agency that employs the arresting officer until at 19528  
 least the initial appearance of the arrested person relative to 19529  
 the charge in question. 19530

(2)(a) ~~the owner's the owner the owner the owner's the owner~~ 19531  
~~the owner's the owner's the arrested person the vehicle owner's~~ 19532  
~~the owner's the owner's the arrested person the court also shall~~ 19533  
~~notify the arrested person, and the movant if the movant is not~~ 19534  
~~the arrested person, that if title to a motor vehicle that is~~ 19535  
~~subject to an order for criminal forfeiture under this section is~~ 19536  
~~assigned or transferred and division (C)(2) or (3) of section~~ 19537  
~~4503.234 of the Revised Code applies, the court may fine the~~ 19538  
~~offender the value of the vehicle. the owner's~~ At the initial 19539  
appearance or not less than seven days prior to the date of final 19540  
disposition, the court shall notify the arrested person that, if 19541  
title to a motor vehicle that is subject to an order for criminal 19542  
forfeiture under this section is assigned or transferred and 19543  
division (B)(2) or (3) of section 4503.234 of the Revised Code 19544  
applies, the court may fine the arrested person the value of the 19545

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vehicle. If, at the initial appearance, the arrested person pleads 19546  
guilty to the violation of ~~division (B)(1) or (D)(2) of section~~ 19547  
~~4507.02 or section 4507.33~~ 4510.14, 4510.16, or 4511.203 of the 19548  
Revised Code, or a municipal ordinance that is substantially 19549  
equivalent to any of those ~~Revised Code provisions~~ sections or 19550  
pleads no contest to and is convicted of the violation, the court 19551  
shall impose sentence upon the ~~arrested~~ person as provided by law 19552  
or ordinance; the court, ~~except as provided in this division and~~ 19553  
~~subject to section 4503.235 of the Revised Code,~~ shall order the 19554  
immobilization of the vehicle the arrested person was operating at 19555  
the time of, or that was involved in, the offense if registered in 19556  
the arrested person's name and the impoundment of its license 19557  
plates under section 4503.233 and section ~~4507.361 or 4507.99~~ 19558  
4510.14, 4510.16, 4510.161, or 4511.203 of the Revised Code or the 19559  
criminal forfeiture to the state of the vehicle if registered in 19560  
the arrested person's name under section 4503.234 and section 19561  
~~4507.361 or 4507.99~~ 4510.14, 4510.16, 4510.161, or 4511.203 of the 19562  
Revised Code, whichever is applicable; and the vehicle and its 19563  
~~identification~~ license plates shall not be returned or released to 19564  
the ~~vehicle owner~~ arrested person. If the arrested person is not 19565  
the ~~vehicle owner and the vehicle owner~~ the owner's is not present 19566  
at the ~~arrested person's initial appearance and if the court~~ 19567  
~~believes that the vehicle owner was not provided adequate notice~~ 19568  
~~of the initial appearance, the court, in its discretion, may~~ 19569  
~~refrain for a period of time not exceeding seven days from~~ 19570  
~~ordering the immobilization of the vehicle and the impoundment of~~ 19571  
~~its license plates or the criminal forfeiture of the vehicle so~~ 19572  
~~that the vehicle owner the owner's may appear before the court to~~ 19573  
~~present evidence as to why the court should not order the~~ 19574  
~~immobilization of the vehicle and the impoundment of its license~~ 19575  
~~plates or the criminal forfeiture of the vehicle. If the court~~ 19576  
~~refrains from ordering the immobilization of the vehicle and the~~ 19577  
~~impoundment of its license plates or the criminal forfeiture of~~ 19578

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~~the vehicle, section 4503.235 of the Revised Code applies relative to the order of immobilization and impoundment or the order of forfeiture.~~

(b) If, at any time, the charge that the arrested person violated ~~division (B)(1) or (D)(2) of section 4507.02 or section 4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those ~~Revised Code provisions~~ sections is dismissed for any reason, the court shall order that the vehicle seized at the time of the arrest and its license plates immediately be released to ~~the vehicle owner subject to the payment of expenses or the owner's charges incurred in the removal and storage of the vehicle~~ person.

(D) If a vehicle ~~is~~ and its license plates are seized under division (B) of this section ~~the arrested person and it is~~ are not returned or released to the vehicle owner the owner's arrested person pursuant to division (C) of this section, the vehicle and its license plates shall be retained until the final disposition of the charge in question. Upon the final disposition of that charge, the court shall do whichever of the following is applicable:

(1) If the arrested person is convicted of or pleads guilty to the violation of ~~division (B)(1) or (D)(2) of section 4507.02 or section 4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those ~~Revised Code provisions~~ sections, the court shall impose sentence upon the ~~arrested~~ person as provided by law or ordinance and, ~~subject to section 4503.235 of the Revised Code,~~ shall order the immobilization of the vehicle the ~~arrested~~ person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under section 4503.233 and

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section ~~4507.361 or 4507.99~~ 4510.14, 4510.16, 4510.161, or 19611  
~~4511.203~~ of the Revised Code or the criminal forfeiture of the 19612  
vehicle if it is registered in the arrested person's name under 19613  
section 4503.234 and section ~~4507.361 or 4507.99~~ 4510.14, 4510.16, 19614  
~~4510.161, or 4511.203~~ of the Revised Code, whichever is 19615  
applicable. 19616

(2) If the arrested person is found not guilty of the 19617  
violation of ~~division (B)(1) or (D)(2) of section 4507.02 or~~ 19618  
~~section 4507.33~~ 4510.14, 4510.16, or 4511.203 of the Revised Code, 19619  
or a municipal ordinance that is substantially equivalent to any 19620  
of those ~~Revised Code provisions~~ sections, the court shall order 19621  
that the vehicle and its license plates immediately be released to 19622  
the ~~vehicle owner upon the payment of any expenses or the owner's~~ 19623  
~~charges incurred in its removal and storage~~ arrested person. 19624

(3) If the charge that the arrested person violated ~~division~~ 19625  
~~(B)(1) or (D)(2) of section 4507.02 or section 4507.33~~ 4510.14, 19626  
~~4510.16, or 4511.203~~ of the Revised Code, or a municipal ordinance 19627  
that is substantially equivalent to any of those ~~Revised Code~~ 19628  
~~provisions~~ sections is dismissed for any reason, the court shall 19629  
order that the vehicle and its license plates immediately be 19630  
released to the ~~vehicle owner upon the payment of any expenses or~~ 19631  
~~the owner's charges incurred in its removal and storage~~ arrested 19632  
person. 19633

~~the arrested person the owner's the owner's the arrested~~ 19634  
~~person~~ 19635

(4) If the impoundment of the vehicle was not authorized 19636  
under this section, the court shall order that the vehicle and its 19637  
license plates be returned immediately to the arrested person or, 19638  
if the arrested person is not the vehicle owner, to the vehicle 19639  
owner and shall order that the state or political subdivision of 19640  
the law enforcement agency served by the law enforcement officer 19641  
who seized the vehicle pay all expenses and charges incurred in 19642

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its removal and storage. 19643

(E) If a vehicle is seized under division (B) of this 19644  
section, the time between the seizure of the vehicle and either 19645  
its release to the ~~vehicle owner the owner's~~ arrested person 19646  
pursuant to division (C) of this section or the issuance of an 19647  
order of immobilization of the vehicle under section 4503.233 of 19648  
the Revised Code shall be credited against the period of 19649  
immobilization ordered by the court. 19650

(F)(1) ~~The vehicle owner~~ Except as provided in division 19651  
(D)(4) of this section, the arrested person may be charged 19652  
expenses or charges incurred in the removal and storage of the 19653  
immobilized vehicle. The court with jurisdiction over the case, 19654  
after notice to all interested parties, including lienholders, and 19655  
after an opportunity for them to be heard, ~~if the vehicle owner~~ 19656  
~~fails to appear in person, without good cause, or if the court~~ 19657  
finds that the ~~vehicle owner~~ arrested person does not intend to 19658  
seek release of the vehicle at the end of the period of 19659  
immobilization under section 4503.233 of the Revised Code or that 19660  
the ~~vehicle owner~~ arrested person is not or will not be able to 19661  
pay the expenses and charges incurred in its removal and storage, 19662  
may order that title to the vehicle be transferred, in order of 19663  
priority, first into the name of the person or entity that removed 19664  
it, next into the name of a lienholder, or lastly into the name of 19665  
the owner of the place of storage. 19666

Any lienholder that receives title under a court order shall 19667  
do so on the condition that it pay any expenses or charges 19668  
incurred in the vehicle's removal and storage. If the person or 19669  
entity that receives title to the vehicle is the person or entity 19670  
that removed it, the person or entity shall receive title on the 19671  
condition that it pay any lien on the vehicle. The court shall not 19672  
order that title be transferred to any person or entity other than 19673  
the owner of the place of storage if the person or entity refuses 19674

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to receive the title. Any person or entity that receives title 19675  
either may keep title to the vehicle or may dispose of the vehicle 19676  
in any legal manner that it considers appropriate, including 19677  
assignment of the certificate of title to the motor vehicle to a 19678  
salvage dealer or a scrap metal processing facility. The person or 19679  
entity shall not transfer the vehicle to the person who is the 19680  
vehicle's immediate previous owner. 19681

If the person or entity that receives title assigns the motor 19682  
vehicle to a salvage dealer or scrap metal processing facility, 19683  
the person or entity shall send the assigned certificate of title 19684  
to the motor vehicle to the clerk of the court of common pleas of 19685  
the county in which the salvage dealer or scrap metal processing 19686  
facility is located. The person or entity shall mark the face of 19687  
the certificate of title with the words "FOR DESTRUCTION" and 19688  
shall deliver a photocopy of the certificate of title to the 19689  
salvage dealer or scrap metal processing facility for its records. 19690

(2) Whenever a court issues an order under division (F)(1) of 19691  
this section, the court also shall order removal of the license 19692  
plates from the vehicle and cause them to be sent to the registrar 19693  
if they have not already been sent to the registrar. Thereafter, 19694  
no further proceedings shall take place under this section or 19695  
under section 4503.233 of the Revised Code. 19696

(3) Prior to initiating a proceeding under division (F)(1) of 19697  
this section, and upon payment of the fee under division (B) of 19698  
section 4505.14, any interested party may cause a search to be 19699  
made of the public records of the bureau of motor vehicles or the 19700  
clerk of the court of common pleas, to ascertain the identity of 19701  
any lienholder of the vehicle. The initiating party shall furnish 19702  
this information to the clerk of the court with jurisdiction over 19703  
the case, and the clerk shall provide notice to the ~~vehicle owner,~~ 19704  
~~the defendant~~ arrested person, any lienholder, and any other 19705  
interested parties listed by the initiating party, at the last 19706

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known address supplied by the initiating party, by certified mail, 19707  
or, at the option of the initiating party, by personal service or 19708  
ordinary mail. 19709

~~the offender~~ 19710

Sec. 4510.43. (A)(1) The director of public safety, upon 19711  
consultation with the director of health and in accordance with 19712  
Chapter 119. of the Revised Code, shall certify immobilizing and 19713  
disabling devices and shall publish and make available to the 19714  
courts, without charge, a list of approved devices together with 19715  
information about the manufacturers of the devices and where they 19716  
may be obtained. The manufacturer of an immobilizing or disabling 19717  
device shall pay the cost of obtaining the certification of the 19718  
device to the director of public safety, and the director shall 19719  
deposit the payment in the drivers' treatment and intervention 19720  
fund established by sections 4511.19 and 4511.191 of the Revised 19721  
Code. 19722

(2) The director of public safety, in accordance with Chapter 19723  
119. of the Revised Code, shall adopt and publish rules setting 19724  
forth the requirements for obtaining the certification of an 19725  
immobilizing or disabling device. The director of public safety 19726  
shall not certify an immobilizing or disabling device under this 19727  
section unless it meets the requirements specified and published 19728  
by the director in the rules adopted pursuant to this division. A 19729  
certified device may consist of an ignition interlock device, an 19730  
ignition blocking device initiated by time or magnetic or 19731  
electronic encoding, an activity monitor, or any other device that 19732  
reasonably assures compliance with an order granting limited 19733  
driving privileges. 19734

The requirements for an immobilizing or disabling device that 19735  
is an ignition interlock device shall include provisions for 19736  
setting a minimum and maximum calibration range and shall include, 19737



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- but shall not be limited to, specifications that the device 19738  
complies with all of the following: 19739
- (a) It does not impede the safe operation of the vehicle. 19740
- (b) It has features that make circumvention difficult and 19741  
that do not interfere with the normal use of the vehicle. 19742
- (c) It correlates well with established measures of alcohol 19743  
impairment. 19744
- (d) It works accurately and reliably in an unsupervised 19745  
environment. 19746
- (e) It is resistant to tampering and shows evidence of 19747  
tampering if tampering is attempted. 19748
- (f) It is difficult to circumvent and requires premeditation 19749  
to do so. 19750
- (g) It minimizes inconvenience to a sober user. 19751
- (h) It requires a proper, deep-lung breath sample or other 19752  
accurate measure of the concentration by weight of alcohol in the 19753  
breath. 19754
- (i) It operates reliably over the range of automobile 19755  
environments. 19756
- (j) It is made by a manufacturer who is covered by product 19757  
liability insurance. 19758
- (3) The director of public safety may adopt, in whole or in 19759  
part, the guidelines, rules, regulations, studies, or independent 19760  
laboratory tests performed and relied upon by other states, or 19761  
their agencies or commissions, in the certification or approval of 19762  
immobilizing or disabling devices. 19763
- (4) The director of public safety shall adopt rules in 19764  
accordance with Chapter 119. of the Revised Code for the design of 19765  
a warning label that shall be affixed to each immobilizing or 19766

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disabling device upon installation. The label shall contain a 19767  
warning that any person tampering, circumventing, or otherwise 19768  
misusing the device is subject to a fine, imprisonment, or both 19769  
and may be subject to civil liability. 19770

(B) A court considering the use of a prototype device in a 19771  
pilot program shall advise the director of public safety, thirty 19772  
days before the use, of the prototype device and its protocol, 19773  
methodology, manufacturer, and licensor, lessor, other agent, or 19774  
owner, and the length of the court's pilot program. A prototype 19775  
device shall not be used for a violation of section 4510.14 or 19776  
4511.19 of the Revised Code, a violation of a municipal OVI 19777  
ordinance, or in relation to a suspension imposed under section 19778  
4511.191 of the Revised Code. A court that uses a prototype device 19779  
in a pilot program, periodically during the existence of the 19780  
program and within fourteen days after termination of the program, 19781  
shall report in writing to the director of public safety regarding 19782  
the effectiveness of the prototype device and the program. 19783

(C) If a person has been granted limited driving privileges 19784  
with a condition of the privileges being that the motor vehicle 19785  
that is operated under the privileges must be equipped with an 19786  
immobilizing or disabling device, all of the following apply: 19787  
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(1) If a motor vehicle to be driven under the limited driving 19789  
privileges is owned by the person's employer and if the person is 19790  
required to operate that motor vehicle in the course and scope of 19791  
the offender's employment, the person may operate that vehicle 19792  
without the installation of an immobilizing or disabling device, 19793  
provided that the employer has been notified that the person has 19794  
limited driving privileges and of the nature of the restriction 19795  
and that the person has proof of the employer's notification in 19796  
the person's possession while operating the employer's vehicle for 19797  
normal business duties. A motor vehicle owned by a business that 19798

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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. 19799  
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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. 19802  
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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. 19813  
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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 19822  
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equipped with an immobilizing or disabling device. 19830

(b) Division (A)(2)(a) of this section does not apply to a person in the following circumstances: 19831

(i) The person is an offender with limited driving privileges. 19832 19833 19834

(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. 19835 19836 19837 19838 19839

(iii) The person breathes into the device or starts the vehicle for the purpose of providing the person with an operable motor vehicle. 19840 19841 19842

(3) No unauthorized person shall tamper with or circumvent the operation of an immobilizing or disabling device. 19843 19844

(B) Whoever violates this section is guilty of an immobilizing or disabling device violation, a misdemeanor of the first degree. 19845 19846 19847

**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. 19848 19849 19850 19851 19852 19853

(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 19854 19855 19856 19857 19858 19859

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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

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of the Revised Code, the judge of the court of record or the mayor 19891  
of the mayor's court who conducts the initial appearance 19892  
terminates the suspension, and the judge or mayor does not suspend 19893  
the license or permit under section 4511.196 of the Revised Code; 19894

(b) The person appeals the suspension of the license or 19895  
permit at ~~his~~ or within thirty days of the person's initial 19896  
appearance, pursuant to ~~division (H) of section 4511.191~~ 4511.197 19897  
of the Revised Code, the judge of the court of record or the mayor 19898  
of the mayor's court who conducts the initial appearance does not 19899  
terminate the suspension, the person appeals the judge's or 19900  
mayor's decision not to terminate the suspension that is made at 19901  
the initial appearance, and upon appeal of the decision, the 19902  
suspension is terminated. 19903

(2) Division (B)(1) of this section applies only if the 19904  
driver's or commercial driver's license that was destroyed would 19905  
have been valid at the time in question, if it had not been 19906  
destroyed as permitted by division (A) of this section. 19907

(C) A driver's or ~~commercial~~ commercial driver's license or 19908  
permit issued to a person pursuant to division (B)(1) of this 19909  
section shall bear the same expiration date as the expiration date 19910  
that appeared on the license it replaces. 19911

Sec. 4510.54. (A) A person whose driver's or commercial 19912  
driver's license has been suspended for life under a class one 19913  
suspension or as otherwise provided by law or has been suspended 19914  
for a period in excess of fifteen years under a class two 19915  
suspension may file a motion with the sentencing court for 19916  
modification or termination of the suspension. A motion under this 19917  
division may be heard only once. The person filing the motion 19918  
shall demonstrate all of the following: 19919

(1) At least fifteen years have elapsed since the suspension 19920  
began. 19921

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(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. 19922  
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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. 19928  
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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: 19934  
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(a) The person successfully completed an alcohol, drug, or alcohol and drug treatment program. 19942  
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(b) The person has not abused alcohol or other drugs for a period satisfactory to the court. 19944  
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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. 19946  
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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. 19948  
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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. 19953  
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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. 19959  
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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. 19968  
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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 19982  
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ordinance that carries as a possible penalty the suspension of a 19985  
person's driver's or commercial driver's license, the court may 19986  
reimpose the class one or other lifetime suspension, or the class 19987  
two suspension, whichever is applicable. 19988

**Sec. ~~4507.60~~ 4510.61.** The driver license compact is hereby 19989  
enacted into law and entered into with all other jurisdictions 19990  
legally joining therein in the form substantially as follows: 19991

ARTICLE I 19992

Findings and Declaration of Policy 19993

(a) The party states find that: 19994

(1) The safety of their streets and highways is materially 19995  
affected by the degree of compliance with state and local 19996  
ordinances relating to the operation of motor vehicles. 19997

(2) Violation of such a law or ordinance is evidence that the 19998  
violator engages in conduct which is likely to endanger the safety 19999  
of persons and property. 20000

(3) The continuance in force of a license to drive is 20001  
predicated upon compliance with laws and ordinances relating to 20002  
the operation of motor vehicles, in whichever jurisdiction the 20003  
vehicle is operated. 20004

(b) It is the policy of each of the party states to: 20005

(1) Promote compliance with the laws, ordinances, and 20006  
administrative rules and regulations relating to the operation of 20007  
motor vehicles by their operators in each of the jurisdictions 20008  
where such operators drive motor vehicles. 20009

(2) Make the reciprocal recognition of licenses to drive and 20010  
eligibility therefor more just and equitable by considering the 20011  
over-all compliance with motor vehicle laws, ordinances, and 20012  
administrative rules and regulations as a condition precedent to 20013  
the continuance or issuance of any license by reason of which the 20014

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licensee is authorized or permitted to operate a motor vehicle in	20015
any of the party states.	20016
ARTICLE II	20017
Definitions	20018
As used in this compact:	20019
(a) "State" means a state, territory, or possession of the	20020
United States, the District of Columbia, or the Commonwealth of	20021
Puerto Rico.	20022
(b) "Home state" means the state that has issued and has the	20023
power to suspend or revoke the use of the license or permit to	20024
operate a motor vehicle.	20025
(c) "Conviction" means a conviction of any offense related to	20026
the use or operation of a motor vehicle that is prohibited by	20027
state law, municipal ordinance, or administrative rule or	20028
regulation; or a forfeiture of bail, bond, or other security	20029
deposited to secure appearance by a person charged with having	20030
committed any such offense, and which conviction or forfeiture is	20031
required to be reported to the licensing authority.	20032
ARTICLE III	20033
Reports of Conviction	20034
The licensing authority of a party state shall report each	20035
conviction of a person from another party state occurring within	20036
its jurisdiction to the licensing authority of the home state of	20037
the licensee. Such report shall clearly identify the person	20038
convicted; describe the violation specifying the section of the	20039
statute, code, or ordinance violated; identify the court in which	20040
action was taken; indicate whether a plea of guilty or not guilty	20041
was entered, or the security; and shall include any special	20042
findings made in connection therewith.	20043
ARTICLE IV	20044
Effect of Conviction	20045

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(a) The licensing authority in the home state, for the purpose of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(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

## As Reported by the Senate Judiciary--Criminal Justice Committee

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

## As Reported by the Senate Judiciary--Criminal Justice Committee

(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

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be held contrary to the constitution of any state party thereto, 20140  
the compact shall remain in full force and effect as to the 20141  
remaining states and in full force and effect as to the state 20142  
affected as to all severable matters. 20143

**Sec. ~~4507.61~~ 4510.62.** (A) "Executive head" as used in article 20144  
VIII (b) of the compact set forth in section ~~4507.60~~ 4510.61 of 20145  
the Revised Code with reference to this state means the governor. 20146  
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(B) "Licensing authority" as used in Articles III, IV, V, and 20148  
VII of the compact set forth in section ~~4507.60~~ 4510.61 of the 20149  
Revised Code with reference to this state means the bureau of 20150  
motor vehicles within the department of public safety. 20151

**Sec. ~~4507.62~~ 4510.63.** Pursuant to Article VII of the compact 20152  
set forth in section ~~4507.60~~ 4510.61 of the Revised Code the 20153  
bureau of motor vehicles shall furnish to the appropriate 20154  
authorities of any other party state any information or documents 20155  
reasonably necessary to facilitate the administration of Articles 20156  
III, IV, and V of the compact set forth in section ~~4507.60~~ 4510.61 20157  
of the Revised Code. 20158

**Sec. ~~4507.63~~ 4510.64.** The compact administrator provided for 20159  
in Article VII of the compact set forth in section ~~4507.60~~ 4510.61 20160  
of the Revised Code is not entitled to any additional compensation 20161  
~~because of his services for serving~~ as administrator of the 20162  
compact, but shall be reimbursed for travel and other necessary 20163  
expenses incurred in the performance of ~~his~~ official duties 20164  
thereunder as provided by law for other state officers. 20165

**Sec. ~~4511.95~~ 4510.71.** The nonresident violator compact, 20166  
hereinafter called "the compact," is hereby enacted into law and 20167  
entered into with all other jurisdictions legally joining therein 20168

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in the form substantially as follows:	20169
"NONRESIDENT VIOLATOR COMPACT	20170
Article I	20171
Findings, Declaration of Policy and Purpose	20172
(A) The party jurisdictions find that:	20173
(1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction:	20174
(a) Must post collateral or bond to secure appearance for trial at a later date; or	20175
(b) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or	20176
(c) Is taken directly to court for his trial to be held.	20177
(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.	20178
(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.	20179
(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.	20180
(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 bond, stand trial, or pay the fine, and thus is compelled to	20181
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remain in custody until some arrangement can be made.	20199
(6) The deposit of a driver's license as a bail bond, as described in division (A)(2) of this article, is viewed with disfavor.	20200 20201 20202
(7) The practices described herein consume an undue amount of law enforcement time.	20203 20204
(B) It is the policy of the party jurisdictions to:	20205
(1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions;	20206 20207 20208
(2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued;	20209 20210 20211 20212
(3) Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction;	20213 20214 20215 20216
(4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.	20217 20218 20219
(C) The purpose of this compact is to:	20220
(1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in division (B) of this article in a uniform and orderly manner;	20221 20222 20223 20224
(2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.	20225 20226 20227 20228



Article II Definitions	20229
(A) In the nonresident violator compact, the following words have the meaning indicated, unless the context requires otherwise.	20230 20231
(B)(1) "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.	20232 20233 20234 20235
(2) "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.	20236 20237 20238
(3) "Court" means a court of law or traffic tribunal.	20239
(4) "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.	20240 20241 20242
(5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.	20243 20244
(6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.	20245 20246
(7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.	20247 20248 20249
(8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.	20250 20251
(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.	20252 20253 20254
(10) "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.	20255 20256
(11) "Terms of the citation" means those options expressly	20257

stated upon the citation.	20258
Article III	20259
Procedure for Issuing Jurisdiction	20260
(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.	20261 20262 20263 20264 20265 20266 20267 20268
(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.	20269 20270 20271
(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.	20272 20273 20274 20275 20276 20277 20278 20279
(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.	20280 20281 20282 20283
(E) The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.	20284 20285 20286
(F) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission	20287 20288

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is more than six months after the date on which the traffic citation was issued. 20289  
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(G) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected. 20291  
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#### Article IV Procedures for Home Jurisdiction 20295

(A) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards will be accorded. 20296  
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(B) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the compact manual. 20305  
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#### Article V Applicability of Other Laws 20308

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and nonparty jurisdiction. 20309  
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#### Article VI Compact Administrator Procedures 20316

(A) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of 20317  
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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

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organization or institution.	20351
(G) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the compact manual.	20352 20353 20354 20355
Article VII Entry into Compact and Withdrawal	20356
(A) This compact shall become effective when it has been adopted by at least two jurisdictions.	20357 20358
(B)(1) Entry into the compact shall be made by a resolution of ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board.	20359 20360 20361
(2) The resolution shall be in a form and content as provided in the compact manual and shall include statements that in substance are as follows:	20362 20363 20364
(a) A citation of the authority by which the jurisdiction is empowered to become a party to this compact;	20365 20366
(b) Agreement to comply with the terms and provisions of the compact;	20367 20368
(c) That compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.	20369 20370 20371
(3) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than sixty days after notice has been given by the chairman of the board of compact administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.	20372 20373 20374 20375 20376 20377
(C) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until ninety days after notice of	20378 20379 20380

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withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

## Article VIII Exceptions 20385

The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

## Article IX Amendments to the Compact 20390

(A) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and may be initiated by one or more party jurisdictions.

(B) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective thirty days after the date of the last endorsement.

(C) Failure of a party jurisdiction to respond to the compact chairman within one hundred twenty days after receipt of the proposed amendment shall constitute endorsement.

## Article X Construction and Severability 20401

This compact shall be liberally construed so as to effectuate the purposes stated herein. 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 jurisdiction or of the United States or the applicability thereof to any government, agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the

jurisdiction affected as to all severable matters.	20412
Article XI Title	20413
This compact shall be known as the Nonresident Violator Compact of 1977."	20414 20415
<b>Sec. <del>4511.951</del> 4510.72.</b> (A) A fee of thirty dollars shall be charged by the registrar of motor vehicles for the reinstatement of any driver's license suspended pursuant to division (A) of Article IV of the compact enacted in section <del>4511.95</del> <u>4510.71</u> of the Revised Code.	20416 20417 20418 20419 20420
(B) Pursuant to division (A) of Article VI of the nonresident violator compact of 1977 enacted in section <del>4511.95</del> <u>4510.71</u> of the Revised Code, the director of public safety shall serve as the compact administrator for Ohio.	20421 20422 20423 20424
<b>Sec. 4511.01.</b> As used in this chapter and in Chapter 4513. of the Revised Code:	20425 20426
(A) "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except <u>that "vehicle" does not include any motorized wheelchairs wheelchair, devices any device that is</u> moved by power collected from overhead electric trolley wires, or <u>that is</u> used exclusively upon stationary rails or tracks, <del>and devices or any device,</del> other than <u>bicycles a bicycle, that is</u> moved by human power.	20427 20428 20429 20430 20431 20432 20433 20434
(B) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery,	20435 20436 20437 20438 20439 20440 20441

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trailers used to transport agricultural produce or agricultural  
production materials between a local place of storage or supply  
and the farm when drawn or towed on a street or highway at a speed  
of twenty-five miles per hour or less, threshing machinery,  
hay-baling machinery, agricultural tractors and machinery used in  
the production of horticultural, floricultural, agricultural, and  
vegetable products, and trailers designed and used exclusively to  
transport a boat between a place of storage and a marina, or in  
and around a marina, when drawn or towed on a street or highway  
for a distance of no more than ten miles and at a speed of  
twenty-five miles per hour or less.

(C) "Motorcycle" means every motor vehicle, other than a  
tractor, having a saddle for the use of the operator and designed  
to travel on not more than three wheels in contact with the  
ground, including, but not limited to, motor vehicles known as  
"motor-driven cycle," "motor scooter," or "motorcycle" without  
regard to weight or brake horsepower.

(D) "Emergency vehicle" means emergency vehicles of  
municipal, township, or county departments or public utility  
corporations when identified as such as required by law, the  
director of public safety, or local authorities, and motor  
vehicles when commandeered by a police officer.

(E) "Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under  
contract to a municipal corporation, township, or county, and  
private ambulances and nontransport vehicles bearing license  
plates issued under section 4503.49 of the Revised Code;

(2) Motor vehicles used by public law enforcement officers or  
other persons sworn to enforce the criminal and traffic laws of  
the state;

(3) Any motor vehicle when properly identified as required by



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the director of public safety, when used in response to fire 20473  
emergency calls or to provide emergency medical service to ill or 20474  
injured persons, and when operated by a duly qualified person who 20475  
is a member of a volunteer rescue service or a volunteer fire 20476  
department, and who is on duty pursuant to the rules or directives 20477  
of that service. The state fire marshal shall be designated by the 20478  
director of public safety as the certifying agency for all public 20479  
safety vehicles described in division (E)(3) of this section. 20480

(4) Vehicles used by fire departments, including motor 20482  
vehicles when used by volunteer fire fighters responding to 20483  
emergency calls in the fire department service when identified as 20484  
required by the director of public safety. 20485

Any vehicle used to transport or provide emergency medical 20486  
service to an ill or injured person, when certified as a public 20487  
safety vehicle, shall be considered a public safety vehicle when 20488  
transporting an ill or injured person to a hospital regardless of 20489  
whether such vehicle has already passed a hospital. 20490

(5) Vehicles used by the commercial motor vehicle safety 20491  
enforcement unit for the enforcement of orders and rules of the 20492  
public utilities commission as specified in section 5503.34 of the 20493  
Revised Code. 20494

(F) "School bus" means every bus designed for carrying more 20495  
than nine passengers that is owned by a public, private, or 20496  
governmental agency or institution of learning and operated for 20497  
the transportation of children to or from a school session or a 20498  
school function, or owned by a private person and operated for 20499  
compensation for the transportation of children to or from a 20500  
school session or a school function, provided "school bus" does 20501  
not include a bus operated by a municipally owned transportation 20502  
system, a mass transit company operating exclusively within the 20503  
territorial limits of a municipal corporation, or within such 20504

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limits and the territorial limits of municipal corporations 20505  
immediately contiguous to such municipal corporation, nor a common 20506  
passenger carrier certified by the public utilities commission 20507  
unless such bus is devoted exclusively to the transportation of 20508  
children to and from a school session or a school function, and 20509  
"school bus" does not include a van or bus used by a licensed 20510  
child day-care center or type A family day-care home to transport 20511  
children from the child day-care center or type A family day-care 20512  
home to a school if the van or bus does not have more than fifteen 20513  
children in the van or bus at any time. 20514

(G) "Bicycle" means every device, other than a tricycle 20515  
designed solely for use as a play vehicle by a child, propelled 20516  
solely by human power upon which any person may ride having either 20517  
two tandem wheels, or one wheel in the front and two wheels in the 20518  
rear, any of which is more than fourteen inches in diameter. 20519

(H) "Motorized bicycle" means any vehicle having either two 20520  
tandem wheels or one wheel in the front and two wheels in the 20521  
rear, that is capable of being pedaled and is equipped with a 20522  
helper motor of not more than fifty cubic centimeters piston 20523  
displacement that produces no more than one brake horsepower and 20524  
is capable of propelling the vehicle at a speed of no greater than 20525  
twenty miles per hour on a level surface. 20526

(I) "Commercial tractor" means every motor vehicle having 20527  
motive power designed or used for drawing other vehicles and not 20528  
so constructed as to carry any load thereon, or designed or used 20529  
for drawing other vehicles while carrying a portion of such other 20530  
vehicles, or load thereon, or both. 20531

(J) "Agricultural tractor" means every self-propelling 20532  
vehicle designed or used for drawing other vehicles or wheeled 20533  
machinery but having no provision for carrying loads independently 20534  
of such other vehicles, and used principally for agricultural 20535  
purposes. 20536

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(K) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. 20537  
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(L) "Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. 20539  
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(M) "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a "semitrailer" and a vehicle of the dolly type, such as that commonly known as a "trailer dolly," a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour, and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. 20545  
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(N) "Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. 20558  
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(O) "Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections. 20562  
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- (P) "Railroad" means a carrier of persons or property operating upon rails placed principally on a private right-of-way. 20568  
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- (Q) "Railroad train" means a steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad. 20570  
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- (R) "Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway. 20573  
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- (S) "Trackless trolley" means every car that collects its power from overhead electric trolley wires and that is not operated upon rails or tracks. 20576  
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- (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. 20579  
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- (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. 20595  
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- (V) "Gross weight" means the weight of a vehicle plus the 20598

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weight of any load thereon. 20599

(W) "Person" means every natural person, firm, 20600  
co-partnership, association, or corporation. 20601

(X) "Pedestrian" means any natural person afoot. 20602

(Y) "Driver or operator" means every person who drives or is 20603  
in actual physical control of a vehicle, trackless trolley, or 20604  
streetcar. 20605

(Z) "Police officer" means every officer authorized to direct 20606  
or regulate traffic, or to make arrests for violations of traffic 20607  
regulations. 20608

(AA) "Local authorities" means every county, municipal, and 20609  
other local board or body having authority to adopt police 20610  
regulations under the constitution and laws of this state. 20611

(BB) "Street" or "highway" means the entire width between the 20612  
boundary lines of every way open to the use of the public as a 20613  
thoroughfare for purposes of vehicular travel. 20614

(CC) "Controlled-access highway" means every street or 20615  
highway in respect to which owners or occupants of abutting lands 20616  
and other persons have no legal right of access to or from the 20617  
same except at such points only and in such manner as may be 20618  
determined by the public authority having jurisdiction over such 20619  
street or highway. 20620

(DD) "Private road or driveway" means every way or place in 20621  
private ownership used for vehicular travel by the owner and those 20622  
having express or implied permission from the owner but not by 20623  
other persons. 20624

(EE) "Roadway" means that portion of a highway improved, 20625  
designed, or ordinarily used for vehicular travel, except the berm 20626  
or shoulder. If a highway includes two or more separate roadways 20627  
the term "roadway" means any such roadway separately but not all 20628

such roadways collectively. 20629

(FF) "Sidewalk" means that portion of a street between the 20630  
curb lines, or the lateral lines of a roadway, and the adjacent 20631  
property lines, intended for the use of pedestrians. 20632

(GG) "Laned highway" means a highway the roadway of which is 20633  
divided into two or more clearly marked lanes for vehicular 20634  
traffic. 20635

(HH) "Through highway" means every street or highway as 20636  
provided in section 4511.65 of the Revised Code. 20637

(II) "State highway" means a highway under the jurisdiction 20638  
of the department of transportation, outside the limits of 20639  
municipal corporations, provided that the authority conferred upon 20640  
the director of transportation in section 5511.01 of the Revised 20641  
Code to erect state highway route markers and signs directing 20642  
traffic shall not be modified by sections 4511.01 to 4511.79 and 20643  
4511.99 of the Revised Code. 20644

(JJ) "State route" means every highway that is designated 20645  
with an official state route number and so marked. 20646

(KK) "Intersection" means: 20647

(1) The area embraced within the prolongation or connection 20648  
of the lateral curb lines, or, if none, then the lateral boundary 20649  
lines of the roadways of two highways which join one another at, 20650  
or approximately at, right angles, or the area within which 20651  
vehicles traveling upon different highways joining at any other 20652  
angle may come in conflict. 20653

(2) Where a highway includes two roadways thirty feet or more 20654  
apart, then every crossing of each roadway of such divided highway 20655  
by an intersecting highway shall be regarded as a separate 20656  
intersection. If an intersecting highway also includes two 20657  
roadways thirty feet or more apart, then every crossing of two 20658

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- roadways of such highways shall be regarded as a separate  
intersection. 20659  
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- (3) The junction of an alley with a street or highway, or  
with another alley, shall not constitute an intersection. 20661  
20662
- (LL) "Crosswalk" means: 20663
- (1) That part of a roadway at intersections ordinarily 20664  
included within the real or projected prolongation of property 20665  
lines and curb lines or, in the absence of curbs, the edges of the 20666  
traversable roadway; 20667
- (2) Any portion of a roadway at an intersection or elsewhere, 20668  
distinctly indicated for pedestrian crossing by lines or other 20669  
markings on the surface; 20670
- (3) Notwithstanding divisions (LL)(1) and (2) of this 20671  
section, there shall not be a crosswalk where local authorities 20672  
have placed signs indicating no crossing. 20673
- (MM) "Safety zone" means the area or space officially set 20674  
apart within a roadway for the exclusive use of pedestrians and 20675  
protected or marked or indicated by adequate signs as to be 20676  
plainly visible at all times. 20677
- (NN) "Business district" means the territory fronting upon a 20678  
street or highway, including the street or highway, between 20679  
successive intersections within municipal corporations where fifty 20680  
per cent or more of the frontage between such successive 20681  
intersections is occupied by buildings in use for business, or 20682  
within or outside municipal corporations where fifty per cent or 20683  
more of the frontage for a distance of three hundred feet or more 20684  
is occupied by buildings in use for business, and the character of 20685  
such territory is indicated by official traffic control devices. 20686
- (OO) "Residence district" means the territory, not comprising 20687  
a business district, fronting on a street or highway, including 20688

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the street or highway, where, for a distance of three hundred feet  
or more, the frontage is improved with residences or residences  
and buildings in use for business.

(PP) "Urban district" means the territory contiguous to and  
including any street or highway which is built up with structures  
devoted to business, industry, or dwelling houses situated at  
intervals of less than one hundred feet for a distance of a  
quarter of a mile or more, and the character of such territory is  
indicated by official traffic control devices.

(QQ) "Traffic control devices" means all flaggers, signs,  
signals, markings, and devices placed or erected by authority of a  
public body or official having jurisdiction, for the purpose of  
regulating, warning, or guiding traffic, including signs denoting  
names of streets and highways.

(RR) "Traffic control signal" means any device, whether  
manually, electrically, or mechanically operated, by which traffic  
is alternately directed to stop, to proceed, to change direction,  
or not to change direction.

(SS) "Railroad sign or signal" means any sign, signal, or  
device erected by authority of a public body or official or by a  
railroad and intended to give notice of the presence of railroad  
tracks or the approach of a railroad train.

(TT) "Traffic" means pedestrians, ridden or herded animals,  
vehicles, streetcars, trackless trolleys, and other devices,  
either singly or together, while using any highway for purposes of  
travel.

(UU) "Right-of-way" means either of the following, as the  
context requires:

(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



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another vehicle, streetcar, trackless trolley, or pedestrian	20720
approaching from a different direction into its or the	20721
individual's path;	20722
(2) A general term denoting land, property, or the interest	20723
therein, usually in the configuration of a strip, acquired for or	20724
devoted to transportation purposes. When used in this context,	20725
right-of-way includes the roadway, shoulders or berm, ditch, and	20726
slopes extending to the right-of-way limits under the control of	20727
the state or local authority.	20728
(VV) "Rural mail delivery vehicle" means every vehicle used	20729
to deliver United States mail on a rural mail delivery route.	20730
(WW) "Funeral escort vehicle" means any motor vehicle,	20731
including a funeral hearse, while used to facilitate the movement	20732
of a funeral procession.	20733
(XX) "Alley" means a street or highway intended to provide	20734
access to the rear or side of lots or buildings in urban districts	20735
and not intended for the purpose of through vehicular traffic, and	20736
includes any street or highway that has been declared an "alley"	20737
by the legislative authority of the municipal corporation in which	20738
such street or highway is located.	20739
(YY) "Freeway" means a divided multi-lane highway for through	20740
traffic with all crossroads separated in grade and with full	20741
control of access.	20742
(ZZ) "Expressway" means a divided arterial highway for	20743
through traffic with full or partial control of access with an	20744
excess of fifty per cent of all crossroads separated in grade.	20745
(AAA) "Thruway" means a through highway whose entire roadway	20746
is reserved for through traffic and on which roadway parking is	20747
prohibited.	20748
(BBB) "Stop intersection" means any intersection at one or	20749

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more entrances of which stop signs are erected.	20750
(CCC) "Arterial street" means any United States or state	20751
numbered route, controlled access highway, or other major radial	20752
or circumferential street or highway designated by local	20753
authorities within their respective jurisdictions as part of a	20754
major arterial system of streets or highways.	20755
(DDD) "Ridesharing arrangement" means the transportation of	20756
persons in a motor vehicle where such transportation is incidental	20757
to another purpose of a volunteer driver and includes ridesharing	20758
arrangements known as carpools, vanpools, and buspools.	20759
(EEE) "Motorized wheelchair" means any self-propelled vehicle	20760
designed for, and used by, a handicapped person and that is	20761
incapable of a speed in excess of eight miles per hour.	20762
(FFF) "Child day-care center" and "type A family day-care	20763
home" have the same meanings as in section 5104.01 of the Revised	20764
Code.	20765
(GGG) "Multi-wheel agricultural tractor" means a type of	20766
agricultural tractor that has two or more wheels or tires on each	20767
side of one axle at the rear of the tractor, is designed or used	20768
for drawing other vehicles or wheeled machinery, has no provision	20769
for carrying loads independently of the drawn vehicles or	20770
machinery, and is used principally for agricultural purposes.	20771
<u>(HHH) "Operate" means to cause or have caused movement of a</u>	20772
<u>vehicle, streetcar, or trackless trolley on any public or private</u>	20773
<u>property used by the public for purposes of vehicular travel or</u>	20774
<u>parking.</u>	20775
<u>(III) "Predicate motor vehicle or traffic offense" means any</u>	20776
<u>of the following:</u>	20777
<u>(1) A violation of section 4511.03, 4511.051, 4511.12,</u>	20778
<u>4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213,</u>	20779

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4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 20780  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 20781  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 20782  
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 20783  
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 20784  
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 20785  
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 20786  
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 20787  
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 20788

(2) A violation of division (A)(2) of section 4511.17, 20789  
divisions (A) to (D) of section 4511.51, or division (A) of 20790  
section 4511.74 of the Revised Code; 20791

(3) A violation of any provision of sections 4511.01 to 20792  
4511.76 of the Revised Code for which no penalty otherwise is 20793  
provided in the section that contains the provision violated; 20794

(4) A violation of a municipal ordinance that is 20795  
substantially similar to any section or provision set forth or 20796  
described in division (III)(1), (2), or (3) of this section. 20797

**Sec. 4511.03. (A)** The driver of any emergency vehicle or 20798  
public safety vehicle, when responding to an emergency call, upon 20799  
approaching a red or stop signal or any stop sign shall slow down 20800  
as necessary for safety to traffic, but may proceed cautiously 20801  
past such red or stop sign or signal with due regard for the 20802  
safety of all persons using the street or highway. 20803

(B) Except as otherwise provided in this division, whoever 20804  
violates this section is guilty of a minor misdemeanor. If, within 20805  
one year of the offense, the offender previously has been 20806  
convicted of or pleaded guilty to one predicate motor vehicle or 20807  
traffic offense, whoever violates this section is guilty of a 20808  
misdemeanor of the fourth degree. If, within one year of the 20809  
offense, the offender previously has been convicted of two or more 20810

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predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. 20811  
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**Sec. 4511.051.** (A) No person, unless otherwise directed by a police officer, shall: 20813  
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(A)(1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance; 20815  
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(B)(2) Occupy any space within the limits of the right-of-way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties. 20822  
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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. 20831  
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**Sec. 4511.11.** (A) Local authorities in their respective 20840

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jurisdictions shall place and maintain traffic control devices in 20841  
accordance with the department of transportation manual and 20842  
specifications for a uniform system of traffic control devices, 20843  
adopted under section 4511.09 of the Revised Code, upon highways 20844  
under their jurisdiction as are necessary to indicate and to carry 20845  
out sections 4511.01 to 4511.76 and 4511.99 of the Revised Code, 20846  
local traffic ordinances, or to regulate, warn, or guide traffic. 20847

(B) The director of transportation may require to be removed 20848  
any traffic control device that does not conform to the manual and 20849  
specifications for a uniform system of traffic control devices on 20850  
the extensions of the state highway system within municipal 20851  
corporations. 20852

(C) No village shall place or maintain any traffic control 20853  
signal upon an extension of the state highway system within the 20854  
village without first obtaining the permission of the director. 20855  
The director may revoke the permission and may require to be 20856  
removed any traffic control signal that has been erected without 20857  
~~his~~ the director's permission on an extension of a state highway 20858  
within a village, or that, if erected under a permit granted by 20859  
the director, does not conform to the state manual and 20860  
specifications, or that is not operated in accordance with the 20861  
terms of the permit. 20862

(D) All traffic control devices erected on a public road, 20863  
street, or alley, shall conform to the state manual and 20864  
specifications. 20865

(E) No person, firm, or corporation shall sell or offer for 20866  
sale to local authorities any traffic control device that does not 20867  
conform to the state manual and specifications, except by 20868  
permission of the director. 20869

(F) No local authority shall purchase or manufacture any 20870  
traffic control device that does not conform to the state manual 20871

and specifications, except by permission of the director. 20872

(G) Whoever violates division (E) of this section is guilty 20873  
of a misdemeanor of the third degree. 20874

**Sec. 4511.12.** (A) No pedestrian, driver of a vehicle, or 20875  
operator of a streetcar or trackless trolley shall disobey the 20876  
instructions of any traffic control device placed in accordance 20877  
with this chapter, unless at the time otherwise directed by a 20878  
police officer. 20879

No provision of this chapter for which signs are required 20880  
shall be enforced against an alleged violator if at the time and 20881  
place of the alleged violation an official sign is not in proper 20882  
position and sufficiently legible to be seen by an ordinarily 20883  
observant person. Whenever a particular section of this chapter 20884  
does not state that signs are required, that section shall be 20885  
effective even though no signs are erected or in place. 20886

(B) Except as otherwise provided in this division, whoever 20887  
violates this section is guilty of a minor misdemeanor. If, within 20888  
one year of the offense, the offender previously has been 20889  
convicted of or pleaded guilty to one predicate motor vehicle or 20890  
traffic offense, whoever violates this section is guilty of a 20891  
misdemeanor of the fourth degree. If, within one year of the 20892  
offense, the offender previously has been convicted of two or more 20893  
predicate motor vehicle or traffic offenses, whoever violates this 20894  
section is guilty of a misdemeanor of the third degree. 20895

**Sec. 4511.132.** (A) The driver of a vehicle, streetcar, or 20896  
trackless trolley who approaches an intersection where traffic is 20897  
controlled by traffic control signals shall do all of the 20898  
following, if the signal facing ~~him~~ the driver either exhibits no 20899  
colored lights or colored lighted arrows or exhibits a combination 20900  
of such lights or arrows that fails to clearly indicate the 20901

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assignment of right-of-way: 20902

~~(A)~~(1) Stop at a clearly marked stop line, but if none, stop 20903  
before entering the crosswalk on the near side of the 20904  
intersection, or, if none, stop before entering the intersection; 20905

~~(B)~~(2) Yield the right-of-way to all vehicles, streetcars, or 20906  
trackless trolleys in the intersection or approaching on an 20907  
intersecting road, if the vehicles, streetcars, or trackless 20908  
trolleys will constitute an immediate hazard during the time the 20909  
driver is moving across or within the intersection or junction of 20910  
roadways; 20911

~~(C)~~(3) Exercise ordinary care while proceeding through the 20912  
intersection. 20913

(B) Except as otherwise provided in this division, whoever 20914  
violates this section is guilty of a minor misdemeanor. If, within 20915  
one year of the offense, the offender previously has been 20916  
convicted of or pleaded guilty to one predicate motor vehicle or 20917  
traffic offense, whoever violates this section is guilty of a 20918  
misdemeanor of the fourth degree. If, within one year of the 20919  
offense, the offender previously has been convicted of two or more 20920  
predicate motor vehicle or traffic offenses, whoever violates this 20921  
section is guilty of a misdemeanor of the third degree. 20922

**Sec. 4511.16.** (A) No person shall place, maintain, or display 20923  
upon or in view of any highway any unauthorized sign, signal, 20924  
marking, or device which purports to be, is an imitation of, or 20925  
resembles a traffic control device or railroad sign or signal, or 20926  
which attempts to direct the movement of traffic or hides from 20927  
view or interferes with the effectiveness of any traffic control 20928  
device or any railroad sign or signal, and no person shall place 20929  
or maintain, nor shall any public authority permit, upon any 20930  
highway any traffic sign or signal bearing thereon any commercial 20931

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advertising. This section does not prohibit either the erection 20932  
upon private property adjacent to highways of signs giving useful 20933  
directional information and of a type that cannot be mistaken for 20934  
traffic control devices or the erection upon private property of 20935  
traffic control devices by the owner of real property in 20936  
accordance with sections 4511.211 and 4511.432 of the Revised 20937  
Code. 20938

Every such prohibited sign, signal, marking, or device is a 20939  
public nuisance, and the authority having jurisdiction over the 20940  
highway may remove it or cause it to be removed. 20941

(B) Except as otherwise provided in this division, whoever 20942  
violates this section is guilty of a minor misdemeanor. If, within 20943  
one year of the offense, the offender previously has been 20944  
convicted of or pleaded guilty to one predicate motor vehicle or 20945  
traffic offense, whoever violates this section is guilty of a 20946  
misdemeanor of the fourth degree. If, within one year of the 20947  
offense, the offender previously has been convicted of two or more 20948  
predicate motor vehicle or traffic offenses, whoever violates this 20949  
section is guilty of a misdemeanor of the third degree. 20950

**Sec. 4511.17.** (A) No person, without lawful authority, shall 20951  
do any of the following: 20952

~~(A) knowingly~~ (1) Knowingly move, deface, damage, destroy, or 20953  
otherwise improperly tamper with any traffic control device, any 20954  
railroad sign or signal, or any inscription, shield, or insignia 20955  
on the device, sign, or signal, or any part of the device, sign, 20956  
or signal; 20957

~~(B) knowingly~~ (2) Knowingly drive upon or over any freshly 20958  
applied pavement marking material on the surface of a roadway 20959  
while the marking materiel is in an undried condition and is 20960  
marked by flags, markers, signs, or other devices intended to 20961



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protect it;	20962
<del>(C) knowingly (3) Knowingly</del> move, damage, destroy, or	20963
otherwise improperly tamper with a manhole cover.	20964
<u>(B)(1) Except as otherwise provided in this division, whoever</u>	20965
<u>violates division (A)(1) or (3) of this section is guilty of a</u>	20966
<u>misdemeanor of the third degree. If a violation of division (A)(1)</u>	20967
<u>or (3) of this section creates a risk of physical harm to any</u>	20968
<u>person, the offender is guilty of a misdemeanor of the first</u>	20969
<u>degree. If a violation of division (A)(1) or (3) of this section</u>	20970
<u>causes serious physical harm to property that is owned, leased, or</u>	20971
<u>controlled by a state or local authority, the offender is guilty</u>	20972
<u>of a felony of the fifth degree.</u>	20973
<u>(2) Except as otherwise provided in this division, whoever</u>	20974
<u>violates division (A)(2) of this section is guilty of a minor</u>	20975
<u>misdemeanor. If, within one year of the offense, the offender</u>	20976
<u>previously has been convicted of or pleaded guilty to one</u>	20977
<u>predicate motor vehicle or traffic offense, whoever violates</u>	20978
<u>division (A)(2) of this section is guilty of a misdemeanor of the</u>	20979
<u>fourth degree. If, within one year of the offense, the offender</u>	20980
<u>previously has been convicted of two or more predicate motor</u>	20981
<u>vehicle or traffic offenses, whoever violates division (A)(2) of</u>	20982
<u>this section is guilty of a misdemeanor of the third degree.</u>	20983
<b>Sec. 4511.18.</b> (A) As used in this section, "traffic control	20984
device" means any sign, traffic control signal, or other device	20985
conforming to and placed or erected in accordance with the manual	20986
adopted under section 4511.09 of the Revised Code by authority of	20987
a public body or official having jurisdiction, for the purpose of	20988
regulating, warning, or guiding traffic, including signs denoting	20989
the names of streets and highways, but does not mean any pavement	20990
marking.	20991
(B) No individual shall buy or otherwise possess, or sell, a	20992

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traffic control device, except when one of the following applies:	20993
(1) In the course of <del>his</del> <u>the individual's</u> employment by the	20994
state or a local authority for the express or implied purpose of	20995
manufacturing, providing, erecting, moving, or removing such a	20996
traffic control device;	20997
(2) In the course of <del>his</del> <u>the individual's</u> employment by any	20998
manufacturer of traffic control devices other than a state or	20999
local authority;	21000
(3) For the purpose of demonstrating the design and function	21001
of a traffic control device to state or local officials;	21002
(4) When the traffic control device has been purchased from	21003
the state or a local authority at a sale of property that is no	21004
longer needed or is unfit for use;	21005
(5) The traffic control device has been properly purchased	21006
from a manufacturer for use on private property and the person	21007
possessing the device has a sales receipt for the device or other	21008
acknowledgment of sale issued by the manufacturer.	21009
(C) This section does not preclude, and shall not be	21010
construed as precluding, prosecution for theft in violation of	21011
section 2913.02 of the Revised Code or a municipal ordinance	21012
relating to theft, or for receiving stolen property in violation	21013
of section 2913.51 of the Revised Code or a municipal ordinance	21014
relating to receiving stolen property.	21015
(D) <u>Whoever violates this section is guilty of a misdemeanor</u>	21016
<u>of the third degree.</u>	21017
<u>Sec. 4511.181.</u> As used in sections 4511.181 to 4511.197 of	21018
<u>the Revised Code:</u>	21019
<u>(A) "Equivalent offense" means any of the following:</u>	21020
<u>(1) A violation of division (A) or (B) of section 4511.19 of</u>	21021

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<u>the Revised Code;</u>	21022
<u>(2) A violation of a municipal OVI ordinance;</u>	21023
<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>	21024 21025 21026
<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>	21027 21028 21029
<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>	21030 21031 21032 21033 21034 21035 21036
<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>	21037 21038 21039 21040
<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>	21041 21042 21043
<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>	21044 21045 21046 21047 21048 21049
<u>(1) Except as specifically authorized under section 4511.19 of the Revised Code, the term must be served in a jail.</u>	21050 21051

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(2) Except as specifically authorized under section 4511.19 of the Revised Code, the term cannot be suspended, reduced, or otherwise modified pursuant to section 2929.51, 2951.02, or any other provision of the Revised Code. 21052  
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(C) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine. 21056  
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(D) "Community residential sanction," "jail," "mandatory prison term," "mandatory term of local incarceration," "sanction," and "prison term" have the same meanings as in section 2929.01 of the Revised Code. 21062  
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**Sec. 4511.19.** (A) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply: 21066  
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(1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse combination of them; 21069  
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(2) The person has a concentration of ten-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood; 21071  
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(3) The person has a concentration of twelve-hundredths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma; 21075  
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(4) The person has a concentration of ten-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's 21079  
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breath;	21082
<del>(4)</del> (5) The person has a concentration of fourteen-hundredths	21083
of one gram or more but less than two hundred	21084
thirty-eight-thousandths of one gram by weight of alcohol per one	21085
hundred milliliters of the person's urine;	21086
<del>(5)</del> (6) The person has a concentration of seventeen-hundredths	21087
of one per cent or more by weight <u>per unit volume</u> of alcohol in	21088
the person's <u>whole</u> blood;	21089
<del>(6)</del> (7) <u>The person has a concentration of two hundred</u>	21090
<u>four-thousandths of one per cent or more by weight per unit volume</u>	21091
<u>of alcohol in the person's blood serum or plasma;</u>	21092
(8) The person has a concentration of seventeen-hundredths of	21093
one gram or more by weight of alcohol per two hundred ten liters	21094
of the person's breath;	21095
<del>(7)</del> (9) The person has a concentration of two hundred	21096
thirty-eight-thousandths of one gram or more by weight of alcohol	21097
per one hundred milliliters of the person's urine.	21098
(B) No person under twenty-one years of age shall operate any	21099
vehicle, streetcar, or trackless trolley within this state, if, <u>at</u>	21100
<u>the time of the operation,</u> any of the following apply:	21101
(1) The person has a concentration of at least two-hundredths	21102
of one per cent but less than ten-hundredths of one per cent by	21103
weight <u>per unit volume</u> of alcohol in the person's <u>whole</u> blood;	21104
	21105
(2) <u>The person has a concentration of at least</u>	21106
<u>three-hundredths of one per cent but less than twelve-hundredths</u>	21107
<u>of one per cent by weight per unit volume of alcohol in the</u>	21108
<u>person's blood serum or plasma;</u>	21109
(3) The person has a concentration of at least two-hundredths	21110
of one gram but less than ten-hundredths of one gram by weight of	21111

## As Reported by the Senate Judiciary--Criminal Justice Committee

alcohol per two hundred ten liters of the person's breath; 21112

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+3)+(4) The person has a concentration of at least 21114

twenty-eight one-thousandths of one gram but less than 21115

fourteen-hundredths of one gram by weight of alcohol per one 21116

hundred milliliters of the person's urine. 21117

(C) In any proceeding arising out of one incident, a person 21118

may be charged with a violation of division (A)(1) and a violation 21119

of division (B)(1), (2), or (3) of this section, but the person 21120

may not be convicted of more than one violation of these 21121

divisions. 21122

(D)(1) In any criminal prosecution or juvenile court 21123

proceeding for a violation of this section, ~~of a municipal~~ 21124

~~ordinance relating to operating a vehicle while under the~~ 21125

~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 21126

~~abuse, or of a municipal ordinance relating to operating a vehicle~~ 21127

~~with a prohibited concentration of alcohol in the blood, breath,~~ 21128

~~or urine or for an equivalent offense,~~ the court may admit 21129

evidence on the concentration of alcohol, drugs of abuse, or 21130

~~alcohol and drugs of abuse~~ a combination of them in the 21131

defendant's whole blood, blood serum or plasma, breath, urine, or 21132

other bodily substance at the time of the alleged violation as 21133

shown by chemical analysis of the ~~defendant's blood, urine,~~ 21134

~~breath, or other bodily~~ substance withdrawn within two hours of 21135

the time of the alleged violation. 21136

When a person submits to a blood test at the request of a 21137

~~police~~ law enforcement officer under section 4511.191 of the 21138

Revised Code, only a physician, a registered nurse, or a qualified 21139

technician ~~or,~~ chemist, or phlebotomist shall withdraw blood for 21140

the purpose of determining ~~its~~ the alcohol, drug, or alcohol and 21141

drug content of the whole blood, blood serum, or blood plasma. 21142

This limitation does not apply to the taking of breath or urine 21143

## As Reported by the Senate Judiciary--Criminal Justice Committee

specimens. A ~~physician, a registered nurse, or a qualified~~ 21144  
~~technician or chemist~~ person authorized to withdraw blood under 21145  
this division may refuse to withdraw blood ~~for the purpose of~~ 21146  
~~determining the alcohol, drug, or alcohol and drug content of the~~ 21147  
~~blood under this division~~, if in ~~the~~ that person's opinion ~~of the~~ 21148  
~~physician, nurse, technician, or chemist,~~ the physical welfare of 21149  
the person would be endangered by the withdrawing of blood. 21150

Such ~~The~~ bodily substance withdrawn shall be analyzed in 21151  
accordance with methods approved by the director of health by an 21152  
individual possessing a valid permit issued by the director ~~of~~ 21153  
~~health~~ pursuant to section 3701.143 of the Revised Code. 21154

(2) In a criminal prosecution or juvenile court proceeding 21155  
for a violation of division (A) of this section, ~~of a municipal~~ 21156  
~~ordinance relating to operating a vehicle while under the~~ 21157  
~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 21158  
~~abuse, or of a municipal ordinance substantially equivalent to~~ 21159  
~~division (A) of this section relating to operating a vehicle with~~ 21160  
~~a prohibited concentration of alcohol in the blood, breath, or~~ 21161  
~~urine or for an equivalent offense~~, if there was at the time the 21162  
bodily substance was withdrawn a concentration of less than 21163  
~~ten-hundredths of one per cent by weight of alcohol in the~~ 21164  
~~defendant's blood, less than ten-hundredths of one gram by weight~~ 21165  
~~of alcohol per two hundred ten liters of the defendant's breath,~~ 21166  
~~or less than fourteen-hundredths of one gram by weight of alcohol~~ 21167  
~~per one hundred milliliters of the defendant's urine, such the~~ 21168  
applicable concentration of alcohol specified in divisions (A)(2), 21169  
(3), (4), and (5) of this section, that fact may be considered 21170  
with other competent evidence in determining the guilt or 21171  
innocence of the defendant. This division does not limit or affect 21172  
a criminal prosecution or juvenile court proceeding for a 21173  
violation of division (B) of this section or ~~of a municipal~~ 21174  
~~ordinance~~ for an equivalent offense that is substantially 21175

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equivalent to that division ~~(B)~~ of this section relating to 21176  
operating a vehicle with a prohibited concentration of alcohol in 21177  
the blood, breath, or urine. 21178

(3) Upon the request of the person who was tested, the 21179  
results of the chemical test shall be made available to the person 21180  
or the person's attorney ~~or agent~~, immediately upon the completion 21181  
of the chemical test analysis. 21182

The person tested may have a physician, a registered nurse, 21183  
or a qualified technician ~~or~~, chemist, or phlebotomist of the 21184  
person's own choosing administer a chemical test or tests, at the 21185  
person's expense, in addition to any administered at the request 21186  
of a police law enforcement officer, ~~and shall be so advised. The~~ 21187  
form to be read to the person to be tested, as required under 21188  
section 4511.192 of the Revised Code, shall state that the person 21189  
may have an independent test performed at the person's expense. 21190  
The failure or inability to obtain an additional chemical test by 21191  
a person shall not preclude the admission of evidence relating to 21192  
the chemical test or tests taken at the request of a police law 21193  
enforcement officer. 21194

~~(4) Any~~ (E)(1) Subject to division (E)(3) of this section, in 21195  
any criminal prosecution or juvenile court proceeding for a 21196  
violation of division (A)(2), (3), (4), (5), (6), (7), (8), or (9) 21197  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 21198  
offense that is substantially equivalent to any of those 21199  
divisions, a laboratory report from any forensic laboratory 21200  
certified by the department of health that contains an analysis of 21201  
the whole blood, blood serum or plasma, breath, urine, or other 21202  
bodily substance tested and that contains all of the information 21203  
specified in this division shall be admitted as prima-facie 21204  
evidence of the information and statements that the report 21205  
contains. The laboratory report shall contain all of the 21206  
following: 21207



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- (a) The signature, under oath, of any person who performed the analysis; 21208  
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- (b) Any findings as to the identity and quantity of alcohol, a drug of abuse, or a combination of them that was found; 21210  
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- (c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties; 21212  
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- (d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the department of health. 21219  
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- (2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (E)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant. 21224  
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- (3) A report of the type described in division (E)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice. 21231  
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(F) Except as otherwise provided in this division, any 21239  
physician, registered nurse, or qualified technician or, chemist, 21240  
or phlebotomist who withdraws blood from a person pursuant to this 21241  
section, and any hospital, first-aid station, or clinic at which 21242  
blood is withdrawn from a person pursuant to this section, is 21243  
immune from criminal liability, ~~and from civil liability that is~~ 21244  
based upon a claim of assault and battery or ~~based upon~~ any other 21245  
claim that is not ~~in the nature of~~ a claim of malpractice, for any 21246  
act performed in withdrawing blood from the person. The immunity 21247  
provided in this division is not available to a person who 21248  
withdraws blood if the person engages in willful or wanton 21249  
misconduct. 21250

(G)(1) Whoever violates any provision of divisions (A)(1) to 21251  
(9) of this section is guilty of operating a vehicle under the 21252  
influence of alcohol, a drug of abuse, or a combination of them. 21253  
The court shall sentence the offender under Chapter 2929. of the 21254  
Revised Code, except as otherwise authorized or required by 21255  
divisions (G)(1)(a) to (e) of this section: 21256

(a) Except as otherwise provided in division (G)(1)(b), (c), 21257  
(d), or (e) of this section, the offender is guilty of a 21258  
misdemeanor of the first degree, and the court shall sentence the 21259  
offender to all of the following: 21260

(i) If the sentence is being imposed for a violation of 21261  
division (A)(1), (2), (3), (4), or (5) of this section, a 21262  
mandatory jail term of three consecutive days. As used in this 21263  
division, three consecutive days means seventy-two consecutive 21264  
hours. The court may sentence an offender to both an intervention 21265  
program and a jail term. The court may impose a jail term in 21266  
addition to the three-day mandatory jail term or intervention 21267  
program. However, in no case shall the cumulative jail term 21268  
imposed for the offense exceed six months. 21269

The court may suspend the execution of the three-day jail 21270

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term under this division if the court, in lieu of that suspended 21271  
term, places the offender on probation and requires the offender 21272  
to attend, for three consecutive days, a drivers' intervention 21273  
program certified under section 3793.10 of the Revised Code. The 21274  
court also may suspend the execution of any part of the three-day 21275  
jail term under this division if it places the offender on 21276  
probation for part of the three days, requires the offender to 21277  
attend for the suspended part of the term a drivers' intervention 21278  
program so certified, and sentences the offender to a jail term 21279  
equal to the remainder of the three consecutive days that the 21280  
offender does not spend attending the program. The court may 21281  
require the offender, as a condition of probation and in addition 21282  
to the required attendance at a drivers' intervention program, to 21283  
attend and satisfactorily complete any treatment or education 21284  
programs that comply with the minimum standards adopted pursuant 21285  
to Chapter 3793. of the Revised Code by the director of alcohol 21286  
and drug addiction services that the operators of the drivers' 21287  
intervention program determine that the offender should attend and 21288  
to report periodically to the court on the offender's progress in 21289  
the programs. The court also may impose on the offender any other 21290  
conditions of probation that it considers necessary. 21291

(ii) If the sentence is being imposed for a violation of 21292  
division (A)(6), (7), (8), or (9) of this section, except as 21293  
otherwise provided in this division, a mandatory jail term of at 21294  
least three consecutive days and a requirement that the offender 21295  
attend, for three consecutive days, a drivers' intervention 21296  
program that is certified pursuant to section 3793.10 of the 21297  
Revised Code. As used in this division, three consecutive days 21298  
means seventy-two consecutive hours. If the court determines that 21299  
the offender is not conducive to treatment in a drivers' 21300  
intervention program, if the offender refuses to attend a drivers' 21301  
intervention program, or if the jail at which the offender is to 21302

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serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days. 21303  
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The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary. 21306  
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(iii) In all cases, a fine of not less than two hundred fifty and not more than one thousand dollars; 21317  
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(iv) In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. 21319  
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(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following: 21325  
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(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of ten consecutive days. The court shall 21331  
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impose the ten-day mandatory jail term under this division unless, 21334  
subject to division (G)(3) of this section, it instead imposes a 21335  
sentence under that division consisting of both a jail term and a 21336  
term of electronically monitored house arrest. The court may 21337  
impose a jail term in addition to the ten-day mandatory jail term. 21338  
The cumulative jail term imposed for the offense shall not exceed 21339  
six months. 21340

In addition to the jail term or the term of electronically 21341  
monitored house arrest and jail term, the court may require the 21342  
offender to attend a drivers' intervention program that is 21343  
certified pursuant to section 3793.10 of the Revised Code. If the 21344  
operator of the program determines that the offender is alcohol 21345  
dependent, the program shall notify the court, and, subject to 21346  
division (I) of this section, the court shall order the offender 21347  
to obtain treatment through an alcohol and drug addiction program 21348  
authorized by section 3793.02 of the Revised Code. 21349

(ii) If the sentence is being imposed for a violation of 21350  
division (A)(6), (7), (8), or (9) of this section, except as 21351  
otherwise provided in this division, a mandatory jail term of 21352  
twenty consecutive days. The court shall impose the twenty-day 21353  
mandatory jail term under this division unless, subject to 21354  
division (G)(3) of this section, it instead imposes a sentence 21355  
under that division consisting of both a jail term and a term of 21356  
electronically monitored house arrest. The court may impose a jail 21357  
term in addition to the twenty-day mandatory jail term. The 21358  
cumulative jail term imposed for the offense shall not exceed six 21359  
months. 21360

In addition to the jail term or the term of electronically 21361  
monitored house arrest and jail term, the court may require the 21362  
offender to attend a driver's intervention program that is 21363  
certified pursuant to section 3793.10 of the Revised Code. If the 21364  
operator of the program determines that the offender is alcohol 21365

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dependent, the program shall notify the court, and, subject to 21366  
division (I) of this section, the court shall order the offender 21367  
to obtain treatment through an alcohol and drug addiction program 21368  
authorized by section 3793.02 of the Revised Code. 21369

(iii) In all cases, notwithstanding the fines set forth in 21370  
Chapter 2929. of the Revised Code, a fine of not less than three 21371  
hundred fifty and not more than one thousand five hundred dollars; 21372

(iv) In all cases, a class four license suspension of the 21373  
offender's driver's license, commercial driver's license, 21374  
temporary instruction permit, probationary license, or nonresident 21375  
operating privilege from the range specified in division (A)(4) of 21376  
section 4510.02 of the Revised Code. The court may grant limited 21377  
driving privileges relative to the suspension under sections 21378  
4510.021 and 4510.13 of the Revised Code. 21379

(v) In all cases, if the vehicle is registered in the 21380  
offender's name, immobilization of the vehicle involved in the 21381  
offense for ninety days in accordance with section 4503.233 of the 21382  
Revised Code and impoundment of the license plates of that vehicle 21383  
for ninety days. 21384

(c) Except as otherwise provided in division (G)(1)(e) of 21385  
this section, an offender who, within six years of the offense, 21386  
previously has been convicted of or pleaded guilty to two 21387  
violations of division (A) or (B) of this section or other 21388  
equivalent offenses is guilty of a misdemeanor. The court shall 21389  
sentence the offender to all of the following: 21390

(i) If the sentence is being imposed for a violation of 21391  
division (A)(1), (2), (3), (4), or (5) of this section, a 21392  
mandatory jail term of thirty consecutive days. The court shall 21393  
impose the thirty-day mandatory jail term under this division 21394  
unless, subject to division (G)(3) of this section, it instead 21395  
imposes a sentence under that division consisting of both a jail 21396

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term and a term of electronically monitored house arrest. The 21397  
court may impose a jail term in addition to the thirty-day 21398  
mandatory jail term. Notwithstanding the terms of imprisonment set 21399  
forth in Chapter 2929. of the Revised Code, the additional jail 21400  
term shall not exceed one year, and the cumulative jail term 21401  
imposed for the offense shall not exceed one year. 21402

(ii) If the sentence is being imposed for a violation of 21403  
division (A)(6), (7), (8), or (9) of this section, a mandatory 21404  
jail term of sixty consecutive days. The court shall impose the 21405  
sixty-day mandatory jail term under this division unless, subject 21406  
to division (G)(3) of this section, it instead imposes a sentence 21407  
under that division consisting of both a jail term and a term of 21408  
electronically monitored house arrest. The court may impose a jail 21409  
term in addition to the sixty-day mandatory jail term. 21410  
Notwithstanding the terms of imprisonment set forth in Chapter 21411  
2929. of the Revised Code, the additional jail term shall not 21412  
exceed one year, and the cumulative jail term imposed for the 21413  
offense shall not exceed one year. 21414

(iii) In all cases, notwithstanding the fines set forth in 21415  
Chapter 2929. of the Revised Code, a fine of not less than five 21416  
hundred fifty and not more than two thousand five hundred dollars; 21417

(iv) In all cases, a class three license suspension of the 21418  
offender's driver's license, commercial driver's license, 21419  
temporary instruction permit, probationary license, or nonresident 21420  
operating privilege from the range specified in division (A)(3) of 21421  
section 4510.02 of the Revised Code. The court may grant limited 21422  
driving privileges relative to the suspension under sections 21423  
4510.021 and 4510.13 of the Revised Code. 21424

(v) In all cases, if the vehicle is registered in the 21425  
offender's name, criminal forfeiture of the vehicle involved in 21426  
the offense in accordance with section 4503.234 of the Revised 21427  
Code. Division (G)(6) of this section applies regarding any 21428

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vehicle that is subject to an order of criminal forfeiture under 21429  
this division. 21430

(vi) In all cases, participation in an alcohol and drug 21431  
addiction program authorized by section 3793.02 of the Revised 21432  
Code, subject to division (I) of this section. 21433

(d) Except as otherwise provided in division (G)(1)(e) of 21434  
this section, an offender who, within six years of the offense, 21435  
previously has been convicted of or pleaded guilty to three or 21436  
more violations of division (A) or (B) of this section or other 21437  
equivalent offenses is guilty of a felony of the fourth degree. 21438  
The court shall sentence the offender to all of the following: 21439

(i) If the sentence is being imposed for a violation of 21440  
division (A)(1), (2), (3), (4), or (5) of this section, in the 21441  
discretion of the court, either a mandatory term of local 21442  
incarceration of sixty consecutive days in accordance with 21443  
division (G)(1) of section 2929.13 of the Revised Code or a 21444  
mandatory prison term of sixty consecutive days of imprisonment in 21445  
accordance with division (G)(2) of that section. If the court 21446  
imposes a mandatory term of local incarceration, it may impose a 21447  
jail term in addition to the sixty-day mandatory term, the 21448  
cumulative total of the mandatory term and the jail term for the 21449  
offense shall not exceed one year, and no prison term is 21450  
authorized for the offense. If the court imposes a mandatory 21451  
prison term, notwithstanding division (A)(4) of section 2929.14 of 21452  
the Revised Code, it also may sentence the offender to a definite 21453  
prison term that shall be not less than six months and not more 21454  
than thirty months, the prison terms shall be imposed as described 21455  
in division (G)(2) of section 2929.13 of the Revised Code, and no 21456  
term of local incarceration, community residential sanction, or 21457  
nonresidential sanction is authorized for the offense. 21458

(ii) If the sentence is being imposed for a violation of 21459  
division (A)(6), (7), (8), or (9) of this section, in the 21460



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discretion of the court, either a mandatory term of local incarceration of one hundred twenty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of that section. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the one hundred twenty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months, the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code, and no term of local incarceration, community residential sanction, or nonresidential sanction is authorized for the offense.

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than eight hundred nor more than ten thousand dollars;

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

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

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this division.

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(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section.

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

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

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(i) If the offender is being sentenced for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code. The court may impose a prison term in addition to the sixty-day mandatory prison term. The cumulative total of the mandatory prison term and the additional prison term for the offense shall not exceed five years. No term of local incarceration, community residential sanction, or nonresidential sanction is authorized for the offense.

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(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code. The court may impose a prison term in addition to the one hundred

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twenty-day mandatory prison term. The cumulative total of the 21524  
mandatory prison term and the additional prison term for the 21525  
offense shall not exceed five years. No term of local 21526  
incarceration, community residential sanction, or nonresidential 21527  
sanction is authorized for the offense. 21528

(iii) In all cases, notwithstanding section 2929.18 of the 21529  
Revised Code, a fine of not less than eight hundred nor more than 21530  
ten thousand dollars; 21531

(iv) In all cases, a class two license suspension of the 21532  
offender's driver's license, commercial driver's license, 21533  
temporary instruction permit, probationary license, or nonresident 21534  
operating privilege from the range specified in division (A)(2) of 21535  
section 4510.02 of the Revised Code. The court may grant limited 21536  
driving privileges relative to the suspension under sections 21537  
4510.021 and 4510.13 of the Revised Code. 21538

(v) In all cases, if the vehicle is registered in the 21539  
offender's name, criminal forfeiture of the vehicle involved in 21540  
the offense in accordance with section 4503.234 of the Revised 21541  
Code. Division (G)(6) of this section applies regarding any 21542  
vehicle that is subject to an order of criminal forfeiture under 21543  
this division. 21544

(vi) In all cases, participation in an alcohol and drug 21545  
addiction program authorized by section 3793.02 of the Revised 21546  
Code, subject to division (I) of this section. 21547

(2) An offender who is convicted of or pleads guilty to a 21548  
violation of division (A) of this section and who subsequently 21549  
seeks reinstatement of the driver's or occupational driver's 21550  
license or permit or nonresident operating privilege suspended 21551  
under this section as a result of the conviction or guilty plea 21552  
shall pay a reinstatement fee as provided in division (F)(2) of 21553  
section 4511.191 of the Revised Code. 21554

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(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of electronically monitored house arrest, as defined in section 2929.23 of the Revised Code.

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.

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.

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 to fifteen consecutive days in jail and not less than fifty-five

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consecutive days of electronically monitored house arrest. The cumulative total of the fifteen consecutive days in jail and the period of electronically monitored house arrest shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

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As an alternative to the mandatory jail term of sixty consecutive days required by division (G)(1)(c)(ii) of this section, the court, under this division, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of electronically monitored house arrest. The cumulative total of the thirty consecutive days in jail and the period of electronically monitored house arrest shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

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(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (G) of this section and if section 4510.13 of the Revised Code permits the court to grant limited driving privileges, the court may grant the limited driving privileges only if the court imposes as one of the conditions of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section.

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

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(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

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education fund established by the legislative authority of the law 21619  
enforcement agency in this state that primarily was responsible 21620  
for the arrest of the offender, as determined by the court that 21621  
imposes the fine. The agency shall use this share to pay only 21622  
those costs it incurs in enforcing this section or a municipal OVI 21623  
ordinance and in informing the public of the laws governing the 21624  
operation of a vehicle while under the influence of alcohol, the 21625  
dangers of the operation of a vehicle under the influence of 21626  
alcohol, and other information relating to the operation of a 21627  
vehicle under the influence of alcohol and the consumption of 21628  
alcoholic beverages. 21629

(b) Fifty dollars of the fine imposed under division 21630  
(G)(1)(a)(iii) of this section shall be paid to the political 21631  
subdivision that pays the cost of housing the offender during the 21632  
offender's term of incarceration. If the offender is being 21633  
sentenced for a violation of division (A)(1), (2), (3), (4), or 21634  
(5) of this section and was confined as a result of the offense 21635  
prior to being sentenced for the offense but is not sentenced to a 21636  
term of incarceration, the fifty dollars shall be paid to the 21637  
political subdivision that paid the cost of housing the offender 21638  
during that period of confinement. The political subdivision shall 21639  
use the share under this division to pay or reimburse 21640  
incarceration or treatment costs it incurs in housing or providing 21641  
drug and alcohol treatment to persons who violate this section or 21642  
a municipal OVI ordinance, costs of any immobilizing or disabling 21643  
device used on the offender's vehicle, and costs of electronic 21644  
house arrest equipment needed for persons who violate this 21645  
section. 21646

(c) Twenty-five dollars of the fine imposed under division 21647  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 21648  
division (G)(1)(b)(iii) of this section shall be deposited into 21649  
the county or municipal indigent drivers' alcohol treatment fund 21650

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under the control of that court, as created by the county or 21651  
municipal corporation under division (N) of section 4511.191 of 21652  
the Revised Code. 21653

(d) One hundred fifteen dollars of the fine imposed under 21654  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 21655  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 21656  
dollars of the fine imposed under division (G)(1)(d)(iii) or 21657  
(e)(iii) of this section shall be paid to the political 21658  
subdivision that pays the cost of housing the offender during the 21659  
offender's term of incarceration. The political subdivision shall 21660  
use this share to pay or reimburse incarceration or treatment 21661  
costs it incurs in housing or providing drug and alcohol treatment 21662  
to persons who violate this section or a municipal OVI ordinance, 21663  
costs for any immobilizing or disabling device used on the 21664  
offender's vehicle, and costs of electronic house arrest equipment 21665  
needed for persons who violate this section. 21666

(e) The balance of the fine imposed under division 21667  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 21668  
section shall be disbursed as otherwise provided by law. 21669

(6) If title to a motor vehicle that is subject to an order 21670  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 21671  
this section is assigned or transferred and division (B)(2) or (3) 21672  
of section 4503.234 of the Revised Code applies, in addition to or 21673  
independent of any other penalty established by law, the court may 21674  
fine the offender the value of the vehicle as determined by 21675  
publications of the national auto dealers association. The 21676  
proceeds of any fine so imposed shall be distributed in accordance 21677  
with division (C)(2) of that section. 21678

(H) Whoever violates division (B) of this section is guilty 21679  
of operating a vehicle after underage alcohol consumption and 21680  
shall be punished as follows: 21681

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(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of this section or other equivalent offense offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code.

(I)(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services.

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



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(J) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension. 21714  
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(K) All terms defined in sections 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section. 21719  
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(L)(1) The Ohio Traffic Rules in effect on the effective date of this amendment, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (L)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section. 21725  
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(2) If, on or after the effective date of this amendment, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section. 21731  
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**Sec. 4511.191.** (A)(1) "Physical control" has the same meaning as in section 4511.194 of the Revised Code. 21735  
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(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining to determine the alcohol, drug, or alcohol and drug content of the 21737  
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person's whole blood, blood serum or plasma, breath, or urine if 21745  
 arrested for ~~operating a vehicle while under the influence of~~ 21746  
~~alcohol, a drug of abuse, or alcohol and a drug of abuse or for~~ 21747  
~~operating a vehicle with a prohibited concentration of alcohol in~~ 21748  
~~the blood, breath, or urine. The~~ a violation of division (A) or 21749  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 21750  
the Revised Code, or a municipal OVI ordinance. 21751

(3) The chemical test or tests under division (A)(2) of this 21752  
section shall be administered at the request of a police law 21753  
enforcement officer having reasonable grounds to believe the 21754  
~~person to have been~~ was operating or in physical control of a 21755  
~~vehicle upon a highway or any public or private property used by~~ 21756  
~~the public for vehicular travel or parking in this state while~~ 21757  
~~under the influence of alcohol, a drug of abuse, or alcohol and a~~ 21758  
~~drug of abuse or with a prohibited concentration of alcohol in the~~ 21759  
~~blood, breath, or urine, streetcar, or trackless trolley in~~ 21760  
~~violation of a division, section, or ordinance identified in~~ 21761  
~~division (A)(2) of this section.~~ The law enforcement agency by 21762  
~~which the officer is employed shall designate which of the tests~~ 21763  
~~shall be administered.~~ 21764

~~(B)(4)~~ (4) Any person who is dead or unconscious, or who is 21765  
~~otherwise is~~ is in a condition rendering the person incapable of 21766  
~~refusal, shall be deemed not to have withdrawn consent~~ consented 21767  
~~as provided by~~ in division (A)(2) of this section, and the test or 21768  
~~tests may be administered, subject to sections 313.12 to 313.16 of~~ 21769  
~~the Revised Code.~~ 21770

~~(C)(1) Any person under arrest for operating a vehicle while~~ 21771  
~~under the influence of alcohol, a drug of abuse, or alcohol and a~~ 21772  
~~drug of abuse or for operating a vehicle with a prohibited~~ 21773  
~~concentration of alcohol in the blood, breath, or urine shall be~~ 21774  
~~advised at a police station, or at a hospital, first-aid station,~~ 21775  
~~or clinic to which the person has been taken for first-aid or~~ 21776

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medical treatment, of both of the following: 21777

(a) The consequences, as specified in division (E) of this 21778  
section, of the person's refusal to submit upon request to a 21779  
chemical test designated by the law enforcement agency as provided 21780  
in division (A) of this section; 21781

(b) The consequences, as specified in division (F) of this 21782  
section, of the person's submission to the designated chemical 21783  
test if the person is found to have a prohibited concentration of 21784  
alcohol in the blood, breath, or urine. 21785

(2)(a) The advice given pursuant to division (C)(1) of this 21786  
section shall be in a written form containing the information 21787  
described in division (C)(2)(b) of this section and shall be read 21788  
to the person. The form shall contain a statement that the form 21789  
was shown to the person under arrest and read to the person in the 21790  
presence of the arresting officer and either another police 21791  
officer, a civilian police employee, or an employee of a hospital, 21792  
first-aid station, or clinic, if any, to which the person has been 21793  
taken for first-aid or medical treatment. The witnesses shall 21794  
certify to this fact by signing the form. 21795

(b) The form required by division (C)(2)(a) of this section 21796  
shall read as follows: 21797

"You now are under arrest for operating a vehicle while under 21798  
the influence of alcohol, a drug of abuse, or both alcohol and a 21799  
drug of abuse and will be requested by a police officer to submit 21800  
to a chemical test to determine the concentration of alcohol, 21801  
drugs of abuse, or alcohol and drugs of abuse in your blood, 21802  
breath, or urine. 21803

If you refuse to submit to the requested test or if you 21804  
submit to the requested test and are found to have a prohibited 21805  
concentration of alcohol in your blood, breath, or urine, your 21806  
driver's or commercial driver's license or permit or nonresident 21807

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~~operating privilege immediately will be suspended for the period 21808  
of time specified by law by the officer, on behalf of the 21809  
registrar of motor vehicles. You may appeal this suspension at 21810  
your initial appearance before the court that hears the charges 21811  
against you resulting from the arrest, and your initial appearance 21812  
will be conducted no later than five days after the arrest. This 21813  
suspension is independent of the penalties for the offense, and 21814  
you may be subject to other penalties upon conviction." 21815~~

~~(D)(1) If a person under arrest as described in division 21816  
(C)(1) of this section is not asked by a police officer to submit 21817  
to a chemical test designated as provided in division (A) of this 21818  
section, the arresting officer shall seize the Ohio or 21819  
out-of-state driver's or commercial driver's license or permit of 21820  
the person and immediately forward the seized license or permit to 21821  
the court in which the arrested person is to appear on the charge 21822  
for which the person was arrested. If the arrested person does not 21823  
have the person's driver's or commercial driver's license or 21824  
permit on the person's self or in the person's vehicle, the 21825  
arresting officer shall order the arrested person to surrender it 21826  
to the law enforcement agency that employs the officer within 21827  
twenty-four hours after the arrest, and, upon the surrender, the 21828  
officer's employing agency immediately shall forward the license 21829  
or permit to the court in which the arrested person is to appear 21830  
on the charge for which the person was arrested. Upon receipt of 21831  
the license or permit, the court shall retain it pending the 21832  
initial appearance of the arrested person and any action taken 21833  
under section 4511.196 of the Revised Code. 21834~~

~~If a person under arrest as described in division (C)(1) of 21835  
this section is asked by a police officer to submit to a chemical 21836  
test designated as provided in division (A) of this section and is 21837  
advised of the consequences of the person's refusal or submission 21838  
as provided in division (C) of this section and if the person 21839~~

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~~either refuses to submit to the designated chemical test or the person submits to the designated chemical test and the test results indicate that the person's blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense, the arresting officer shall do all of the following:~~

~~(a) On behalf of the registrar, serve a notice of suspension upon the person that advises the person that, independent of any penalties or sanctions imposed upon the person pursuant to any other section of the Revised Code or any other municipal ordinance, the person's driver's or commercial driver's license or permit or nonresident operating privilege is suspended, that the suspension takes effect immediately, that the suspension will last at least until the person's initial appearance on the charge that will be held within five days after the date of the person's arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance; seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person; and immediately forward the seized license or permit to the registrar. If the arrested person does not have the person's driver's or commercial driver's license or permit on the person's self or in the person's vehicle, the arresting officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four hours after the service of the notice of suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the registrar.~~

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- ~~(b) Verify the current residence of the person and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the registrar of the change;~~ 21872  
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- ~~(c) In addition to forwarding the arrested person's driver's or commercial driver's license or permit to the registrar, send to the registrar, within forty-eight hours after the arrest of the person, a sworn report that includes all of the following statements:~~ 21875  
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- ~~(i) That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle upon a highway or public or private property used by the public for vehicular travel or parking within this state while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with a prohibited concentration of alcohol in the blood, breath, or urine;~~ 21880  
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- ~~(ii) That the person was arrested and charged with operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;~~ 21887  
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- ~~(iii) That the officer asked the person to take the designated chemical test, advised the person of the consequences of submitting to the chemical test or refusing to take the chemical test, and gave the person the form described in division (C)(2) of this section;~~ 21892  
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- ~~(iv) That the person refused to submit to the chemical test or that the person submitted to the chemical test and the test results indicate that the person's blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters~~ 21897  
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~~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;~~

~~(v) That the officer served a notice of suspension upon the  
person as described in division (D)(1)(a) of this section.~~

~~(2) The sworn report of an arresting officer completed under  
division (D)(1)(c) of this section shall be given by the officer  
to the arrested person at the time of the arrest or sent to the  
person by regular first class mail by the registrar as soon  
thereafter as possible, but no later than fourteen days after  
receipt of the report. An arresting officer may give an unsworn  
report to the arrested person at the time of the arrest provided  
the report is complete when given to the arrested person and  
subsequently is sworn to by the arresting officer. As soon as  
possible, but no later than forty-eight hours after the arrest of  
the person, the arresting officer shall send a copy of the sworn  
report to the court in which the arrested person is to appear on  
the charge for which the person was arrested.~~

~~(3) The sworn report of an arresting officer completed and  
sent to the registrar and the court under divisions (D)(1)(c) and  
(D)(2) of this section is prima facie proof of the information and  
statements that it contains and shall be admitted and considered  
as prima facie proof of the information and statements that it  
contains in any appeal under division (H) of this section relative  
to any suspension of a person's driver's or commercial driver's  
license or permit or nonresident operating privilege that results  
from the arrest covered by the report.~~

~~(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~~

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~~that was~~ completed and sent to the registrar and a court pursuant 21935  
to ~~divisions (D)(1)(c) and (D)(2) of this section 4511.192 of the~~ 21936  
Revised Code in regard to a person who refused to take the 21937  
designated chemical test, the registrar shall enter into the 21938  
registrar's records the fact that the person's driver's or 21939  
commercial driver's license or permit or nonresident operating 21940  
privilege was suspended by the arresting officer under ~~division~~ 21941  
~~(D)(1)(a) of this division and that section and the period of the~~ 21942  
suspension, as determined under ~~divisions (E)(1)(a) to (d) of this~~ 21943  
section. The suspension shall be subject to appeal as provided in 21944  
~~this section and 4511.197 of the Revised Code. The suspension~~ 21945  
shall be for whichever of the following periods applies: 21946

(a) ~~If the arrested person, within five years of the date on~~ 21947  
~~which the person refused the request to consent to the chemical~~ 21948  
~~test, had not refused a previous request to consent to a chemical~~ 21949  
~~test of the person's blood, breath, or urine to determine its~~ 21950  
~~alcohol content~~ Except when division (B)(1)(b), (c), or (d) of 21951  
this section applies and specifies a different class or length of 21952  
suspension, the ~~period of~~ suspension shall be one year. If the 21953  
~~person is a resident without a license or permit to operate a~~ 21954  
~~vehicle within this state, the registrar shall deny to the person~~ 21955  
~~the issuance of a driver's or commercial driver's license or~~ 21956  
~~permit for a period of one year after the date of the alleged~~ 21957  
~~violation a class C suspension for the period of time specified in~~ 21958  
division (B)(3) of section 4510.02 of the Revised Code. 21959

(b) If the arrested person, within ~~five~~ six years of the date 21960  
on which the person refused the request to consent to the chemical 21961  
test, had refused one previous request to consent to a chemical 21962  
test ~~of the person's blood, breath, or urine to determine its~~ 21963  
~~alcohol content~~, the ~~period of~~ suspension ~~or denial~~ shall be two 21964  
years a class B suspension imposed for the period of time 21965  
specified in division (B)(2) of section 4510.02 of the Revised 21966



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Code. 21967

(c) If the arrested person, within ~~five~~ six years of the date 21968  
on which the person refused the request to consent to the chemical 21969  
test, had refused two previous requests to consent to a chemical 21970  
~~test of the person's blood, breath, or urine to determine its~~ 21971  
~~alcohol content, the period of suspension or denial shall be three~~ 21972  
years a class A suspension imposed for the period of time 21973  
specified in division (B)(1) of section 4510.02 of the Revised 21974  
Code. 21975

(d) If the arrested person, within ~~five~~ six years of the date 21976  
on which the person refused the request to consent to the chemical 21977  
test, had refused three or more previous requests to consent to a 21978  
chemical test ~~of the person's blood, breath, or urine to determine~~ 21979  
~~its alcohol content, the period of suspension or denial shall be~~ 21980  
for five years. 21981

~~(2) The suspension or denial imposed under division (E)(1) of~~ 21982  
~~this section shall continue for the entire one-year, two-year,~~ 21983  
~~three-year, or five-year period, subject to appeal as provided in~~ 21984  
~~this section and subject to termination as provided in division~~ 21985  
~~(K) of this section.~~ 21986

~~(F)(2) The registrar shall terminate a suspension of the~~ 21987  
driver's or commercial driver's license or permit of a resident or 21988  
of the operating privilege of a nonresident, or a denial of a 21989  
driver's or commercial driver's license or permit, imposed 21990  
pursuant to division (B)(1) of this section upon receipt of notice 21991  
that the person has entered a plea of guilty to, or has been 21992  
convicted of, operating a vehicle in violation of section 4511.19 21993  
of the Revised Code or in violation of a municipal OVI ordinance, 21994  
if the offense for which the conviction is had or the plea is 21995  
entered arose from the same incident that led to the suspension or 21996  
denial. 21997

The registrar shall credit against any judicial suspension of 21998

## As Reported by the Senate Judiciary--Criminal Justice Committee

a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of an ~~arresting law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was~~ completed and sent to the registrar and a court pursuant to ~~divisions (D)(1)(c) and (D)(2) of this section 4511.192 of the Revised Code~~ in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained a at least the concentration of ~~ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense~~ specified in division (A)(2), (3), (4), or (5) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under ~~division (D)(1)(a) of this division and section 4511.192 of the Revised Code~~ and the period of the suspension, as determined under divisions (F)(1) to (4) of this section. The suspension shall be subject to appeal as provided in ~~this section and 4511.197 of the Revised Code~~. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section

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<u>4511.194 of the Revised Code who submits to a designated chemical</u>	22031
<u>test. The suspension shall be for whichever of the following</u>	22032
<u>periods that applies:</u>	22033
<u>(1)(a) Except when division (F)(2), (3), or (4) (C)(1)(b),</u>	22034
<u>(c), or (d) of this section applies and specifies a different</u>	22035
<u>period of suspension or denial, the period of the suspension or</u>	22036
<u>denial shall be ninety days a class E suspension imposed for the</u>	22037
<u>period of time specified in division (B)(5) of section 4510.02 of</u>	22038
<u>the Revised Code.</u>	22039
<u>(2)(b) The period of suspension or denial shall be one year a</u>	22040
<u>class C suspension for the period of time specified in division</u>	22041
<u>(B)(3) of section 4510.02 of the Revised Code if the person has</u>	22042
<u>been convicted of or pleaded guilty to, within six years of the</u>	22043
<u>date the test was conducted, of a one violation of one of the</u>	22044
<u>following:</u>	22045
<u>(a) Division division (A) or (B) of section 4511.19 of the</u>	22046
<u>Revised Code;</u>	22047
<u>(b) A municipal ordinance relating to operating a vehicle</u>	22048
<u>while under the influence of alcohol, a drug of abuse, or alcohol</u>	22049
<u>and a drug of abuse;</u>	22050
<u>(c) A municipal ordinance relating to operating a vehicle</u>	22051
<u>with a prohibited concentration of alcohol in the blood, breath,</u>	22052
<u>or urine;</u>	22053
<u>(d) Section 2903.04 of the Revised Code in a case in which</u>	22054
<u>the offender was subject to the sanctions described in division</u>	22055
<u>(D) of that section;</u>	22056
<u>(e) Division (A)(1) of section 2903.06 or division (A)(1) of</u>	22057
<u>section 2903.08 of the Revised Code or a municipal ordinance that</u>	22058
<u>is substantially similar to either of those divisions;</u>	22059
<u>(f) Division (A)(2), (3), or (4) of section 2903.06, division</u>	22060
<u>(A)(2) of section 2903.08, or former section 2903.07 of the</u>	22061

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~~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.~~

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (C)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or has been convicted of, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance,

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if the offense for which the conviction is had or the plea is 22094  
entered arose from the same incident that led to the suspension or 22095  
denial. 22096

The registrar shall credit against any judicial suspension of 22097  
a person's driver's or commercial driver's license or permit or 22098  
nonresident operating privilege imposed pursuant to section 22099  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 22100  
Revised Code for a violation of a municipal OVI ordinance, any 22101  
time during which the person serves a related suspension imposed 22102  
pursuant to division (C)(1) of this section. 22103

~~(G)(D)(1)~~ A suspension of a person's driver's or commercial 22104  
 driver's license or permit or nonresident operating privilege 22105  
 under ~~division (D)(1)(a)~~ of this section for the ~~period of time~~ 22106  
 described in division ~~(E)(B)~~ or ~~(F)(C)~~ of this section is 22107  
 effective immediately from the time at which the arresting officer 22108  
 serves the notice of suspension upon the arrested person. Any 22109  
 subsequent finding that the person is not guilty of the charge 22110  
 that resulted in the person being requested to take, ~~or in the~~ 22111  
~~person taking,~~ the chemical test or tests under division (A) of 22112  
 this section ~~affects~~ does not affect the suspension ~~only as~~ 22113  
~~described in division (H)(2) of this section.~~ 22114

(2) If a person is arrested for operating a vehicle ~~while~~ 22115  
~~under the influence of alcohol, a drug of abuse, or alcohol and a~~ 22116  
~~drug of abuse or for operating a vehicle with a prohibited~~ 22117  
~~concentration of alcohol in the blood, breath, or urine and,~~ 22118  
streetcar, or trackless trolley in violation of division (A) or 22119  
(B) of section 4511.19 of the Revised Code or a municipal OVI 22120  
ordinance, or for being in physical control of a vehicle, 22121  
streetcar, or trackless trolley in violation of section 4511.194 22122  
of the Revised Code, regardless of whether the person's driver's 22123  
or commercial driver's license or permit or nonresident operating 22124  
privilege is or is not suspended under division ~~(E)(B)~~ or ~~(F)(C)~~ 22125

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of this section or Chapter 4510. of the Revised Code, the person's 22126  
 initial appearance on the charge resulting from the arrest shall 22127  
 be held within five days of the person's arrest or the issuance of 22128  
 the citation to the person, subject to any continuance granted by 22129  
 the court pursuant to ~~division (H)(1) of this section~~ 4511.197 of 22130  
the Revised Code regarding the issues specified in that division. 22131

~~(H)(1) If a person is arrested for operating a vehicle while 22132  
 under the influence of alcohol, a drug of abuse, or alcohol and a 22133  
 drug of abuse or for operating a vehicle with a prohibited 22134  
 concentration of alcohol in the blood, breath, or urine and if the 22135  
 person's driver's or commercial driver's license or permit or 22136  
 nonresident operating privilege is suspended under division (E) or 22137  
 (F) of this section, the person may appeal the suspension at the 22138  
 person's initial appearance on the charge resulting from the 22139  
 arrest in the court in which the person will appear on that 22140  
 charge. If the person appeals the suspension at the person's 22141  
 initial appearance, the appeal does not stay the operation of the 22142  
 suspension. Subject to division (H)(2) of this section, no court 22143  
 has jurisdiction to grant a stay of a suspension imposed under 22144  
 division (E) or (F) of this section, and any order issued by any 22145  
 court that purports to grant a stay of any suspension imposed 22146  
 under either of those divisions shall not be given administrative 22147  
 effect. 22148~~

~~If the person appeals the suspension at the person's initial 22149  
 appearance, either the person or the registrar may request a 22150  
 continuance of the appeal. Either the person or the registrar 22151  
 shall make the request for a continuance of the appeal at the same 22152  
 time as the making of the appeal. If either the person or the 22153  
 registrar requests a continuance of the appeal, the court may 22154  
 grant the continuance. The court also may continue the appeal on 22155  
 its own motion. The granting of a continuance applies only to the 22156  
 conduct of the appeal of the suspension and does not extend the 22157~~

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~~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:~~

~~(i) Whether the arrested person refused to submit to the  
chemical test requested by the officer;~~

~~(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~~

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~~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.~~

~~(2) If the person appeals the suspension at the initial  
appearance, the judge or referee of the court or the mayor of the  
mayor's court shall determine whether one or more of the  
conditions specified in divisions (H)(1)(a) to (d) of this section  
have not been met. The person who appeals the suspension has the  
burden of proving, by a preponderance of the evidence, that one or  
more of the specified conditions has not been met. If during the  
appeal at the initial appearance the judge or referee of the court  
or the mayor of the mayor's court determines that all of those  
conditions have been met, the judge, referee, or mayor shall  
uphold the suspension, shall continue the suspension, and shall  
notify the registrar of the decision on a form approved by the  
registrar. Except as otherwise provided in division (H)(2) of this  
section, if the suspension is upheld or if the person does not  
appeal the suspension at the person's initial appearance under  
division (H)(1) of this section, the suspension shall continue  
until the complaint alleging the violation for which the person  
was arrested and in relation to which the suspension was imposed  
is adjudicated on the merits by the judge or referee of the trial  
court or by the mayor of the mayor's court. If the suspension was  
imposed under division (E) of this section and it is continued  
under this division, any subsequent finding that the person is not  
guilty of the charge that resulted in the person being requested  
to take the chemical test or tests under division (A) of this  
section does not terminate or otherwise affect the suspension. If  
the suspension was imposed under division (F) of this section and  
it is continued under this division, the suspension shall  
terminate if, for any reason, the person subsequently is found not  
guilty of the charge that resulted in the person taking the~~



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~~chemical test or tests under division (A) of this section.~~ 22221

~~If, during the appeal at the initial appearance, the judge or referee of the trial court or the mayor of the mayor's court determines that one or more of the conditions specified in divisions (H)(1)(a) to (d) of this section have not been met, the judge, referee, or mayor shall terminate the suspension, subject to the imposition of a new suspension under division (B) of section 4511.196 of the Revised Code; shall notify the registrar of the decision on a form approved by the registrar; and, except as provided in division (B) of section 4511.196 of the Revised Code, shall order the registrar to return the driver's or commercial driver's license or permit to the person or to take such measures as may be necessary, if the license or permit was destroyed under section 4507.55 of the Revised Code, to permit the person to obtain a replacement driver's or commercial driver's license or permit from the registrar or a deputy registrar in accordance with that section. The court also shall issue to the person a court order, valid for not more than ten days from the date of issuance, granting the person operating privileges for that period of time.~~ 22222  
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~~If the person appeals the suspension at the initial appearance, the registrar shall be represented by the prosecuting attorney of the county in which the arrest occurred if the initial appearance is conducted in a juvenile court or county court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the appeal is conducted, the city director of law or village solicitor of that city or village shall represent the registrar. If the appeal is conducted in a municipal court, the registrar shall be represented as provided in section 1901.34 of the Revised Code. If the appeal is conducted in a mayor's court, the registrar shall be represented by the city director of law, village solicitor, or~~ 22241  
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<del>other chief legal officer of the municipal corporation that</del>	22253
<del>operates that mayor's court.</del>	22254
<del>(I)(1)(a) A person is not entitled to request, and a court</del>	22255
<del>shall not grant to the person, occupational driving privileges</del>	22256
<del>under division (I)(1) of this section if a person's driver's or</del>	22257
<del>commercial driver's license or permit or nonresident operating</del>	22258
<del>privilege has been suspended pursuant to division (E) of this</del>	22259
<del>section, and the person, within the preceding seven years, has</del>	22260
<del>refused three previous requests to consent to a chemical test of</del>	22261
<del>the person's blood, breath, or urine to determine its alcohol</del>	22262
<del>content or has been convicted of or pleaded guilty to three or</del>	22263
<del>more violations of one or more of the following:</del>	22264
<del>(i) Division (A) or (B) of section 4511.19 of the Revised</del>	22265
<del>Code;</del>	22266
<del>(ii) A municipal ordinance relating to operating a vehicle</del>	22267
<del>while under the influence of alcohol, a drug of abuse, or alcohol</del>	22268
<del>and a drug of abuse;</del>	22269
<del>(iii) A municipal ordinance relating to operating a vehicle</del>	22270
<del>with a prohibited concentration of alcohol in the blood, breath,</del>	22271
<del>or urine;</del>	22272
<del>(iv) Section 2903.04 of the Revised Code in a case in which</del>	22273
<del>the person was subject to the sanctions described in division (D)</del>	22274
<del>of that section;</del>	22275
<del>(v) Division (A)(1) of section 2903.06 or division (A)(1) of</del>	22276
<del>section 2903.08 of the Revised Code or a municipal ordinance that</del>	22277
<del>is substantially similar to either of those divisions;</del>	22278
<del>(vi) Division (A)(2), (3), or (4) of section 2903.06,</del>	22279
<del>division (A)(2) of section 2903.08, or former section 2903.07 of</del>	22280
<del>the Revised Code, or a municipal ordinance that is substantially</del>	22281
<del>similar to any of those divisions or that former section, in a</del>	22282
<del>case in which the jury or judge found that the person was under</del>	22283

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~~the influence of alcohol, a drug of abuse, or alcohol and a drug  
of abuse;~~ 22284  
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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.~~ 22286  
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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.~~ 22290  
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~~In the proceedings, the registrar shall be represented by the  
prosecuting attorney of the county in which the arrest occurred if  
the petition is filed in the juvenile court, county court, or  
common pleas court, except that, if the arrest occurred within a  
city or village within the jurisdiction of the county court in  
which the petition is filed, the city director of law or village  
solicitor of that city or village shall represent the registrar.  
If the petition is filed in the municipal court, the registrar  
shall be represented as provided in section 1901.34 of the Revised  
Code. If the petition is filed in a mayor's court, the registrar  
shall be represented by the city director of law, village  
solicitor, or other chief legal officer of the municipal  
corporation that operates the mayor's court.~~ 22303  
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~~The court, if it finds reasonable cause to believe that suspension would seriously affect the person's ability to continue in the person's employment, may grant the person occupational driving privileges during the period of suspension imposed pursuant to division (E) of this section, subject to the limitations contained in this division and division (I)(2) of this section. The court may grant the occupational driving privileges, subject to the limitations contained in this division and division (I)(2) of this section, regardless of whether the person appeals the suspension at the person's initial appearance under division (H)(1) of this section or appeals the decision of the court made pursuant to the appeal conducted at the initial appearance, and, if the person has appealed the suspension or decision, regardless of whether the matter at issue has been heard or decided by the court. The court shall not grant occupational driving privileges for employment as a driver of commercial motor vehicles to any person who is disqualified from operating a commercial motor vehicle under section 3123.611 or 4506.16 of the Revised Code or whose commercial driver's license or commercial driver's temporary instruction permit has been suspended under section 3123.58 of the Revised Code.~~

~~(2)(a) In granting occupational driving privileges under division (I)(1) of this section, the court may impose any condition it considers reasonable and necessary to limit the use of a vehicle by the person. The court shall deliver to the person a permit card, in a form to be prescribed by the court, setting forth the time, place, and other conditions limiting the defendant's use of a vehicle. The grant of occupational driving privileges shall be conditioned upon the person's having the permit in the person's possession at all times during which the person is operating a vehicle.~~

~~A person granted occupational driving privileges who operates~~

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~~a vehicle for other than occupational purposes, in violation of  
any condition imposed by the court, or without having the permit  
in the person's possession, is guilty of a violation of section  
4507.02 of the Revised Code.~~

~~(b) The court may not grant a person occupational driving  
privileges under division (I)(1) of this section when prohibited  
by a limitation contained in that division or during any of the  
following periods of time:~~

~~(i) The first thirty days of suspension imposed upon a person  
who, within five years of the date on which the person refused the  
request to consent to a chemical test of the person's blood,  
breath, or urine to determine its alcohol content and for which  
refusal the suspension was imposed, had not refused a previous  
request to consent to a chemical test of the person's blood,  
breath, or urine to determine its alcohol content;~~

~~(ii) The first ninety days of suspension imposed upon a  
person who, within five years of the date on which the person  
refused the request to consent to a chemical test of the person's  
blood, breath, or urine to determine its alcohol content and for  
which refusal the suspension was imposed, had refused one previous  
request to consent to a chemical test of the person's blood,  
breath, or urine to determine its alcohol content;~~

~~(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~~

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~~refused the request to consent to a chemical test of the person's~~ 22379  
~~blood, breath, or urine to determine its alcohol content and for~~ 22380  
~~which refusal the suspension was imposed, had refused three or~~ 22381  
~~more previous requests to consent to a chemical test of the~~ 22382  
~~person's blood, breath, or urine to determine its alcohol content.~~ 22383

~~(3) The court shall give information in writing of any action~~ 22384  
~~taken under this section to the registrar.~~ 22385

~~(4) If a person's driver's or commercial driver's license or~~ 22386  
~~permit or nonresident operating privilege has been suspended~~ 22387  
~~pursuant to division (F) of this section, and the person, within~~ 22388  
~~the preceding seven years, has been convicted of or pleaded guilty~~ 22389  
~~to three or more violations of division (A) or (B) of section~~ 22390  
~~4511.19 of the Revised Code, a municipal ordinance relating to~~ 22391  
~~operating a vehicle while under the influence of alcohol, a drug~~ 22392  
~~of abuse, or alcohol and a drug of abuse, a municipal ordinance~~ 22393  
~~relating to operating a vehicle with a prohibited concentration of~~ 22394  
~~alcohol in the blood, breath, or urine, section 2903.04 of the~~ 22395  
~~Revised Code in a case in which the person was subject to the~~ 22396  
~~sanctions described in division (D) of that section, or section~~ 22397  
~~2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal~~ 22398  
~~ordinance that is substantially similar to section 2903.07 of the~~ 22399  
~~Revised Code in a case in which the jury or judge found that the~~ 22400  
~~person was under the influence of alcohol, a drug of abuse, or~~ 22401  
~~alcohol and a drug of abuse, or a statute of the United States or~~ 22402  
~~of any other state or a municipal ordinance of a municipal~~ 22403  
~~corporation located in any other state that is substantially~~ 22404  
~~similar to division (A) or (B) of section 4511.19 of the Revised~~ 22405  
~~Code, the person is not entitled to request, and the court shall~~ 22406  
~~not grant to the person, occupational driving privileges under~~ 22407  
~~this division. Any other person whose driver's or commercial~~ 22408  
~~driver's license or nonresident operating privilege has been~~ 22409  
~~suspended pursuant to division (F) of this section may file in the~~ 22410

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~~court specified in division (I)(1)(b) of this section a petition  
requesting occupational driving privileges in accordance with  
section 4507.16 of the Revised Code. The petition may be filed at  
any time subsequent to the date on which the arresting officer  
serves the notice of suspension upon the arrested person. Upon the  
making of the request, occupational driving privileges may be  
granted in accordance with section 4507.16 of the Revised Code.  
The court may grant the occupational driving privileges, subject  
to the limitations contained in section 4507.16 of the Revised  
Code, regardless of whether the person appeals the suspension at  
the person's initial appearance under division (H)(1) of this  
section or appeals the decision of the court made pursuant to the  
appeal conducted at the initial appearance, and, if the person has  
appealed the suspension or decision, regardless of whether the  
matter at issue has been heard or decided by the court.~~

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

~~(K) A suspension of the driver's or commercial driver's  
license or permit of a resident, a suspension of the operating  
privilege of a nonresident, or a denial of a driver's or  
commercial driver's license or permit pursuant to division (E) or  
(F) of this section shall be terminated by the registrar upon  
receipt of notice of the person's entering a plea of guilty to, or  
of the person's conviction of, operating a vehicle 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, if the offense for which the plea is entered or~~

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~~that resulted in the conviction arose from the same incident that~~ 22443  
~~led to the suspension or denial.~~ 22444

~~The registrar shall credit against any judicial suspension of~~ 22445  
~~a person's driver's or commercial driver's license or permit or~~ 22446  
~~nonresident operating privilege imposed pursuant to division (B)~~ 22447  
~~or (E) of section 4507.16 of the Revised Code any time during~~ 22448  
~~which the person serves a related suspension imposed pursuant to~~ 22449  
~~division (E) or (F) of this section.~~ 22450

~~(L)(F)~~ At the end of a suspension period under this section, 22451  
under section 4511.194, section 4511.196, or division ~~(B)(G)~~ of 22452  
~~section 4507.16~~ 4511.19 of the Revised Code, or under section 22453  
4510.07 of the Revised Code for a violation of a municipal OVI 22454  
ordinance and upon the request of the person whose driver's or 22455  
commercial driver's license or permit was suspended and who is not 22456  
otherwise subject to suspension, ~~revocation~~ cancellation, or 22457  
disqualification, the registrar shall return the driver's or 22458  
commercial driver's license or permit to the person upon the 22459  
~~person's compliance with~~ occurrence of all of the conditions 22460  
specified in divisions ~~(L)(F)~~(1) and (2) of this section: 22461

(1) A showing ~~by the person~~ that the person has proof of 22462  
financial responsibility, a policy of liability insurance in 22463  
effect that meets the minimum standards set forth in section 22464  
4509.51 of the Revised Code, or proof, to the satisfaction of the 22465  
registrar, that the person is able to respond in damages in an 22466  
amount at least equal to the minimum amounts specified in section 22467  
4509.51 of the Revised Code. 22468

(2) Subject to the limitation contained in division ~~(L)(F)~~(3) 22469  
of this section, payment by the person to the bureau of motor 22470  
vehicles of a license reinstatement fee of four hundred 22471  
twenty-five dollars ~~to the bureau of motor vehicles~~, which fee 22472  
shall be deposited in the state treasury and credited as follows: 22473



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(a) One hundred twelve dollars and fifty cents shall be 22474  
credited to the statewide treatment and prevention fund created by 22475  
section 4301.30 of the Revised Code. The fund shall be used to pay 22476  
the costs of driver treatment and intervention programs operated 22477  
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 22478  
director of alcohol and drug addiction services shall determine 22479  
the share of the fund that is to be allocated to alcohol and drug 22480  
addiction programs authorized by section 3793.02 of the Revised 22481  
Code, and the share of the fund that is to be allocated to 22482  
drivers' intervention programs authorized by section 3793.10 of 22483  
the Revised Code. 22484

(b) Seventy-five dollars shall be credited to the reparations 22485  
fund created by section 2743.191 of the Revised Code. 22486

(c) Thirty-seven dollars and fifty cents shall be credited to 22487  
the indigent drivers alcohol treatment fund, which is hereby 22488  
established. Except as otherwise provided in division ~~(L)~~(F)(2)(c) 22489  
of this section, moneys in the fund shall be distributed by the 22490  
department of alcohol and drug addiction services to the county 22491  
indigent drivers alcohol treatment funds, the county juvenile 22492  
indigent drivers alcohol treatment funds, and the municipal 22493  
indigent drivers alcohol treatment funds that are required to be 22494  
established by counties and municipal corporations pursuant to 22495  
~~division (N)~~ of this section, and shall be used only to pay the 22496  
cost of an alcohol and drug addiction treatment program attended 22497  
by an offender or juvenile traffic offender who is ordered to 22498  
attend an alcohol and drug addiction treatment program by a 22499  
county, juvenile, or municipal court judge and who is determined 22500  
by the county, juvenile, or municipal court judge not to have the 22501  
means to pay for the person's attendance at the program or to pay 22502  
the costs specified in division ~~(N)~~(H)(4) of this section in 22503  
accordance with that division. Moneys in the fund that are not 22504  
distributed to a county indigent drivers alcohol treatment fund, a 22505

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county juvenile indigent drivers alcohol treatment fund, or a 22506  
municipal indigent drivers alcohol treatment fund under division 22507  
~~(N)~~(H) of this section because the director of alcohol and drug 22508  
addiction services does not have the information necessary to 22509  
identify the county or municipal corporation where the offender or 22510  
juvenile offender was arrested may be transferred by the director 22511  
of budget and management to the statewide treatment and prevention 22512  
fund created by section 4301.30 of the Revised Code, upon 22513  
certification of the amount by the director of alcohol and drug 22514  
addiction services. 22515

(d) Seventy-five dollars shall be credited to the Ohio 22516  
rehabilitation services commission established by section 3304.12 22517  
of the Revised Code, to the services for rehabilitation fund, 22518  
which is hereby established. The fund shall be used to match 22519  
available federal matching funds where appropriate, and for any 22520  
other purpose or program of the commission to rehabilitate people 22521  
with disabilities to help them become employed and independent. 22522

(e) Seventy-five dollars shall be deposited into the state 22523  
treasury and credited to the drug abuse resistance education 22524  
programs fund, which is hereby established, to be used by the 22525  
attorney general for the purposes specified in division (L)(4) of 22526  
this section. 22527

(f) Thirty dollars shall be credited to the state bureau of 22528  
motor vehicles fund created by section 4501.25 of the Revised 22529  
Code. 22530

(g) Twenty dollars shall be credited to the trauma and 22531  
emergency medical services grants fund created by section 4513.263 22532  
of the Revised Code. 22533

(3) If a person's driver's or commercial driver's license or 22534  
permit is suspended under ~~division (E) or (F)~~ of this section, 22535  
under section 4511.196~~7~~, or division ~~(B)~~(G) of section ~~4507.16~~ 22536  
4511.19 of the Revised Code, under section 4510.07 of the Revised 22537

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Code for a violation of a municipal OVI ordinance or under any 22538  
 combination of the suspensions described in division ~~(L)~~(F)(3) of 22539  
 this section, and if the suspensions arise from a single incident 22540  
 or a single set of facts and circumstances, the person is liable 22541  
 for payment of, and shall be required to pay to the bureau, only 22542  
 one reinstatement fee of four hundred ~~five~~ twenty-five dollars. 22543  
 The reinstatement fee shall be distributed by the bureau in 22544  
 accordance with division ~~(L)~~(F)(2) of this section. 22545

(4) The attorney general shall use amounts in the drug abuse 22546  
 resistance education programs fund to award grants to law 22547  
 enforcement agencies to establish and implement drug abuse 22548  
 resistance education programs in public schools. Grants awarded to 22549  
 a law enforcement agency under ~~division (L)(2)(e)~~ of this section 22550  
 shall be used by the agency to pay for not more than fifty per 22551  
 cent of the amount of the salaries of law enforcement officers who 22552  
 conduct drug abuse resistance education programs in public 22553  
 schools. The attorney general shall not use more than six per cent 22554  
 of the amounts the attorney general's office receives under 22555  
 division ~~(L)~~(F)(2)(e) of this section to pay the costs it incurs 22556  
 in administering the grant program established by division 22557  
~~(L)~~(F)(2)(e) of this section and in providing training and 22558  
 materials relating to drug abuse resistance education programs. 22559

The attorney general shall report to the governor and the 22560  
 general assembly each fiscal year on the progress made in 22561  
 establishing and implementing drug abuse resistance education 22562  
 programs. These reports shall include an evaluation of the 22563  
 effectiveness of these programs. 22564

~~(M)~~(G) Suspension of a commercial driver's license under 22565  
 division ~~(E)~~(B) or ~~(F)~~(C) of this section shall be concurrent with 22566  
 any period of disqualification under section 3123.611 or 4506.16 22567  
 of the Revised Code or any period of suspension under section 22568  
 3123.58 of the Revised Code. No person who is disqualified for 22569

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life from holding a commercial driver's license under section 22570  
 4506.16 of the Revised Code shall be issued a driver's license 22571  
 under Chapter 4507. of the Revised Code during the period for 22572  
 which the commercial driver's license was suspended under division 22573  
~~(E)(B)~~ or ~~(F)(C)~~ of this section, ~~and no.~~ No person whose 22574  
 commercial driver's license is suspended under division ~~(E)(B)~~ or 22575  
~~(F)(C)~~ of this section shall be issued a driver's license under 22576  
~~that chapter~~ Chapter 4507. of the Revised Code during the period 22577  
 of the suspension. 22578

~~(N)(H)~~(1) Each county shall establish an indigent drivers 22579  
 alcohol treatment fund, each county shall establish a juvenile 22580  
 indigent drivers alcohol treatment fund, and each municipal 22581  
 corporation in which there is a municipal court shall establish an 22582  
 indigent drivers alcohol treatment fund. All revenue that the 22583  
 general assembly appropriates to the indigent drivers alcohol 22584  
 treatment fund for transfer to a county indigent drivers alcohol 22585  
 treatment fund, a county juvenile indigent drivers alcohol 22586  
 treatment fund, or a municipal indigent drivers alcohol treatment 22587  
 fund, all portions of fees that are paid under division (L) of 22588  
 this section and that are credited under that division to the 22589  
 indigent drivers alcohol treatment fund in the state treasury for 22590  
 a county indigent drivers alcohol treatment fund, a county 22591  
 juvenile indigent drivers alcohol treatment fund, or a municipal 22592  
 indigent drivers alcohol treatment fund, and all portions of fines 22593  
 that are specified for deposit into a county or municipal indigent 22594  
 drivers alcohol treatment fund by section 4511.193 of the Revised 22595  
 Code shall be deposited into that county indigent drivers alcohol 22596  
 treatment fund, county juvenile indigent drivers alcohol treatment 22597  
 fund, or municipal indigent drivers alcohol treatment fund in 22598  
 accordance with division ~~(N)(H)~~(2) of this section. Additionally, 22599  
 all portions of fines that are paid for a violation of section 22600  
 4511.19 of the Revised Code or ~~division (B)(2) of section 4507.02~~ 22601  
of any prohibition contained in Chapter 4510. of the Revised Code, 22602

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and that are required under ~~division (A)(1), (2), (5), or (6) of~~ 22603  
section ~~4511.99~~ 4511.19 or ~~division (B)(5) of section 4507.99~~ any 22604  
provision of Chapter 4510. of the Revised Code to be deposited 22605  
into a county indigent drivers alcohol treatment fund or municipal 22606  
indigent drivers alcohol treatment fund shall be deposited into 22607  
the appropriate fund in accordance with the applicable division. 22608

(2) That portion of the license reinstatement fee that is 22609  
paid under ~~division (E)~~(F) of this section and that is credited 22610  
under that division to the indigent drivers alcohol treatment fund 22611  
shall be deposited into a county indigent drivers alcohol 22612  
treatment fund, a county juvenile indigent drivers alcohol 22613  
treatment fund, or a municipal indigent drivers alcohol treatment 22614  
fund as follows: 22615

(a) If the suspension in question was imposed under this 22616  
section, that portion of the fee shall be deposited as follows: 22617

(i) If the fee is paid by a person who was charged in a 22618  
county court with the violation that resulted in the suspension, 22619  
the portion shall be deposited into the county indigent drivers 22620  
alcohol treatment fund under the control of that court; 22621

(ii) If the fee is paid by a person who was charged in a 22622  
juvenile court with the violation that resulted in the suspension, 22623  
the portion shall be deposited into the county juvenile indigent 22624  
drivers alcohol treatment fund established in the county served by 22625  
the court; 22626

(iii) If the fee is paid by a person who was charged in a 22627  
municipal court with the violation that resulted in the 22628  
suspension, the portion shall be deposited into the municipal 22629  
indigent drivers alcohol treatment fund under the control of that 22630  
court. 22631

(b) If the suspension in question was imposed under ~~division~~ 22632  
~~(B)~~ of section ~~4507.16~~ 4511.19 of the Revised Code or under 22633

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section 4510.07 of the Revised Code for a violation of a municipal 22634  
OVI ordinance, that portion of the fee shall be deposited as 22635  
follows: 22636

(i) If the fee is paid by a person whose license or permit 22637  
was suspended by a county court, the portion shall be deposited 22638  
into the county indigent drivers alcohol treatment fund under the 22639  
control of that court; 22640

(ii) If the fee is paid by a person whose license or permit 22641  
was suspended by a municipal court, the portion shall be deposited 22642  
into the municipal indigent drivers alcohol treatment fund under 22643  
the control of that court. 22644

(3) Expenditures from a county indigent drivers alcohol 22645  
treatment fund, a county juvenile indigent drivers alcohol 22646  
treatment fund, or a municipal indigent drivers alcohol treatment 22647  
fund shall be made only upon the order of a county, juvenile, or 22648  
municipal court judge and only for payment of the cost of the 22649  
attendance at an alcohol and drug addiction treatment program of a 22650  
person who is convicted of, or found to be a juvenile traffic 22651  
offender by reason of, a violation of division (A) of section 22652  
4511.19 of the Revised Code or a substantially similar municipal 22653  
ordinance, who is ordered by the court to attend the alcohol and 22654  
drug addiction treatment program, and who is determined by the 22655  
court to be unable to pay the cost of attendance at the treatment 22656  
program or for payment of the costs specified in division 22657  
~~(N)~~(H)(4) of this section in accordance with that division. The 22658  
alcohol and drug addiction services board or the board of alcohol, 22659  
drug addiction, and mental health services established pursuant to 22660  
section 340.02 or 340.021 of the Revised Code and serving the 22661  
alcohol, drug addiction, and mental health service district in 22662  
which the court is located shall administer the indigent drivers 22663  
alcohol treatment program of the court. When a court orders an 22664  
offender or juvenile traffic offender to attend an alcohol and 22665

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drug addiction treatment program, the board shall determine which 22666  
program is suitable to meet the needs of the offender or juvenile 22667  
traffic offender, and when a suitable program is located and space 22668  
is available at the program, the offender or juvenile traffic 22669  
offender shall attend the program designated by the board. A 22670  
reasonable amount not to exceed five per cent of the amounts 22671  
credited to and deposited into the county indigent drivers alcohol 22672  
treatment fund, the county juvenile indigent drivers alcohol 22673  
treatment fund, or the municipal indigent drivers alcohol 22674  
treatment fund serving every court whose program is administered 22675  
by that board shall be paid to the board to cover the costs it 22676  
incurs in administering those indigent drivers alcohol treatment 22677  
programs. 22678

(4) If a county, juvenile, or municipal court determines, in 22679  
consultation with the alcohol and drug addiction services board or 22680  
the board of alcohol, drug addiction, and mental health services 22681  
established pursuant to section 340.02 or 340.021 of the Revised 22682  
Code and serving the alcohol, drug addiction, and mental health 22683  
district in which the court is located, that the funds in the 22684  
county indigent drivers alcohol treatment fund, the county 22685  
juvenile indigent drivers alcohol treatment fund, or the municipal 22686  
indigent drivers alcohol treatment fund under the control of the 22687  
court are more than sufficient to satisfy the purpose for which 22688  
the fund was established, as specified in divisions ~~(N)~~(H)(1) to 22689  
(3) of this section, the court may declare a surplus in the fund. 22690  
If the court declares a surplus in the fund, the court may expend 22691  
the amount of the surplus in the fund for alcohol and drug abuse 22692  
assessment and treatment of persons who are charged in the court 22693  
with committing a criminal offense or with being a delinquent 22694  
child or juvenile traffic offender and in relation to whom both of 22695  
the following apply: 22696

(a) The court determines that substance abuse was a 22697

## As Reported by the Senate Judiciary--Criminal Justice Committee

contributing factor leading to the criminal or delinquent activity 22698  
or the juvenile traffic offense with which the person is charged. 22699

(b) The court determines that the person is unable to pay the 22700  
cost of the alcohol and drug abuse assessment and treatment for 22701  
which the surplus money will be used. 22702

~~Sec. 4511.192. (A) No person whose driver's or commercial 22703  
driver's license or permit or nonresident operating privilege has 22704  
been suspended under section 4511.191 or 4511.196 of the Revised 22705  
Code shall operate a vehicle upon the highways or streets within 22706  
this state. 22707~~

~~(B) It is an affirmative defense to any prosecution brought 22708  
pursuant to this section that the alleged offender drove under 22709  
suspension because of a substantial emergency, provided that no 22710  
other person was reasonably available to drive in response to the 22711  
emergency. The arresting law enforcement officer shall give advice 22712  
in accordance with this section to any person under arrest for a 22713  
violation of division (A) or (B) of section 4511.19 of the Revised 22714  
Code, section 4511.194 of the Revised Code, or a municipal OVI 22715  
ordinance. The officer shall give that advice in a written form 22716  
that contains the information described in division (B) of this 22717  
section and shall read the advice to the person. The form shall 22718  
contain a statement that the form was shown to the person under 22719  
arrest and read to the person by the arresting officer. One or 22720  
more persons shall witness the arresting officer's reading of the 22721  
form, and the witnesses shall certify to this fact by signing the 22722  
form. 22723~~

~~(B) If a person is under arrest as described in division (A) 22724  
of this section, before the person may be requested to submit to a 22725  
chemical test or tests to determine the alcohol, drug, or alcohol 22726  
and drug content of the person's whole blood, blood serum or 22727  
plasma, breath, or urine, the arresting officer shall read the 22728~~



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following form to the person:

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"You now are under arrest for (state with specificity the offense for which the person was arrested - operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them in violation of state law; operating a vehicle after underage alcohol consumption in violation of state law; having physical control of a vehicle while under the influence in violation of state law; or a violation of a municipal OVI ordinance).

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If you refuse to take any chemical test or tests required under section 4511.191 of the Revised Code, you will be subject to at least the immediate suspension of your privilege to operate a vehicle in Ohio and the payment of a reinstatement fee.

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Unless you are under arrest for having physical control of a vehicle while under the influence, if you take any chemical test or tests required under section 4511.191 of the Revised Code and are found to be at or over the prohibited amount of alcohol in your whole blood, blood serum or plasma, breath, or urine as set by state law for the offense of OVI, you will be subject to at least the immediate suspension of your privilege to operate a vehicle in Ohio and the payment of a reinstatement fee. These suspension and reinstatement fee sanctions do not apply if you are under arrest for having physical control of a vehicle and you take a chemical test or tests, regardless of the outcome of the test or tests.

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In any case, if you take a chemical test or tests, you may have an independent chemical test taken at your own expense."

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(C) If the arresting law enforcement officer does not ask a person under arrest as described in division (A) of this section to submit to a chemical test or tests under section 4511.191 of the Revised Code, the arresting officer shall seize the Ohio or

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out-of-state driver's or commercial driver's license or permit of 22760  
the person and immediately forward it to the court in which the 22761  
arrested person is to appear on the charge. If the arrested person 22762  
is not in possession of the person's license or permit or it is 22763  
not in the person's vehicle, the officer shall order the person to 22764  
surrender it to the law enforcement agency that employs the 22765  
officer within twenty-four hours after the arrest, and, upon the 22766  
surrender, the agency immediately shall forward the license or 22767  
permit to the court in which the person is to appear on the 22768  
charge. Upon receipt of the license or permit, the court shall 22769  
retain it pending the arrested person's initial appearance and any 22770  
action taken under section 4511.196 of the Revised Code. 22771

(D)(1) If a law enforcement officer asks a person under 22772  
arrest as described in division (A) of this section to submit to a 22773  
chemical test or tests under section 4511.191 of the Revised Code, 22774  
if the officer advises the person in accordance with this section 22775  
of the consequences of the person's refusal or submission, and if 22776  
either the person refuses to submit to the test or tests or, 22777  
unless the arrest was for a violation of section 4511.194 of the 22778  
Revised Code, the person submits to the test or tests and the test 22779  
results indicate a prohibited concentration of alcohol in the 22780  
person's whole blood, blood serum or plasma, breath, or urine at 22781  
the time of the alleged offense, the arresting officer shall do 22782  
all of the following: 22783

(a) On behalf of the registrar of motor vehicles, notify the 22784  
person that, independent of any penalties or sanctions imposed 22785  
upon the person, the person's Ohio driver's or commercial driver's 22786  
license or permit or nonresident operating privilege is suspended 22787  
immediately, that the suspension will last at least until the 22788  
person's initial appearance on the charge, which will be held 22789  
within five days after the date of the person's arrest or the 22790  
issuance of a citation to the person, and that the person may 22791

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<u>appeal the suspension at the initial appearance or during the</u>	22792
<u>period of time ending thirty days after that initial appearance;</u>	22793
<u>(b) Seize the driver's or commercial driver's license or</u>	22794
<u>permit of the person and immediately forward it to the registrar.</u>	22795
<u>If the arrested person is not in possession of the person's</u>	22796
<u>license or permit or it is not in the person's vehicle, the</u>	22797
<u>officer shall order the person to surrender it to the law</u>	22798
<u>enforcement agency that employs the officer within twenty-four</u>	22799
<u>hours after the person is given notice of the suspension, and,</u>	22800
<u>upon the surrender, the officer's employing agency immediately</u>	22801
<u>shall forward the license or permit to the registrar.</u>	22802
<u>(c) Verify the person's current residence and, if it differs</u>	22803
<u>from that on the person's driver's or commercial driver's license</u>	22804
<u>or permit, notify the registrar of the change;</u>	22805
<u>(d) Send to the registrar, within forty-eight hours after the</u>	22806
<u>arrest of the person, a sworn report that includes all of the</u>	22807
<u>following statements:</u>	22808
<u>(i) That the officer had reasonable grounds to believe that,</u>	22809
<u>at the time of the arrest, the arrested person was operating a</u>	22810
<u>vehicle, streetcar, or trackless trolley in violation of division</u>	22811
<u>(A) or (B) of section 4511.19 of the Revised Code or a municipal</u>	22812
<u>OVI ordinance or for being in physical control of a stationary</u>	22813
<u>vehicle, streetcar, or trackless trolley in violation of section</u>	22814
<u>4511.194 of the Revised Code;</u>	22815
<u>(ii) That the person was arrested and charged with a</u>	22816
<u>violation of division (A) or (B) of section 4511.19 of the Revised</u>	22817
<u>Code, section 4511.194 of the Revised Code, or a municipal OVI</u>	22818
<u>ordinance;</u>	22819
<u>(iii) That the officer asked the person to take the</u>	22820
<u>designated chemical test or tests, advised the person in</u>	22821
<u>accordance with this section of the consequences of submitting to,</u>	22822

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or refusing to take, the test or tests, and gave the person the 22823  
form described in division (B) of this section; 22824

(iv) That either the person refused to submit to the chemical 22825  
test or tests or, unless the arrest was for a violation of section 22826  
4511.194 of the Revised Code, the person submitted to the chemical 22827  
test or tests and the test results indicate a prohibited 22828  
concentration of alcohol in the person's whole blood, blood serum 22829  
or plasma, breath, or urine at the time of the alleged offense. 22830  
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(2) Division (D)(1) of this section does not apply to a 22832  
person who is arrested for a violation of section 4511.194 of the 22833  
Revised Code, who is asked by a law enforcement officer to submit 22834  
to a chemical test or tests under section 4511.191 of the Revised 22835  
Code, and who submits to the test or tests, regardless of the 22836  
amount of alcohol that the test results indicate is present in the 22837  
person's whole blood, blood serum or plasma, breath, or urine. 22838

(E) The arresting officer shall give the officer's sworn 22839  
report that is completed under this section to the arrested person 22840  
at the time of the arrest, or the registrar of motor vehicles 22841  
shall send the report to the person by regular first class mail as 22842  
soon as possible after receipt of the report, but not later than 22843  
fourteen days after receipt of it. An arresting officer may give 22844  
an unsworn report to the arrested person at the time of the arrest 22845  
provided the report is complete when given to the arrested person 22846  
and subsequently is sworn to by the arresting officer. As soon as 22847  
possible, but not later than forty-eight hours after the arrest of 22848  
the person, the arresting officer shall send a copy of the sworn 22849  
report to the court in which the arrested person is to appear on 22850  
the charge for which the person was arrested. 22851

(F) The sworn report of an arresting officer completed under 22852  
this section is prima-facie proof of the information and 22853  
statements that it contains. It shall be admitted and considered 22854

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as prima-facie proof of the information and statements that it 22855  
contains in any appeal under section 4511.197 of the Revised Code 22856  
relative to any suspension of a person's driver's or commercial 22857  
driver's license or permit or nonresident operating privilege that 22858  
results from the arrest covered by the report. 22859

**Sec. 4511.193.** (A) Twenty-five dollars of any fine imposed 22860  
for a violation of a municipal OVI ordinance ~~relating to operating~~ 22861  
~~a vehicle while under the influence of alcohol, a drug of abuse,~~ 22862  
~~or alcohol and a drug of abuse or relating to operating a vehicle~~ 22863  
~~with a prohibited concentration of alcohol in the blood, breath,~~ 22864  
~~or urine~~ shall be deposited into the municipal or county indigent 22865  
drivers alcohol treatment fund created pursuant to division ~~(N)~~(H) 22866  
of section 4511.191 of the Revised Code in accordance with this 22867  
section and section 733.40, divisions (A) and (B) of section 22868  
1901.024, division (F) of section 1901.31, or division (C) of 22869  
section 1907.20 of the Revised Code. Regardless of whether the 22870  
fine is imposed by a municipal court, a mayor's court, or a 22871  
juvenile court, if the fine was imposed for a violation of an 22872  
ordinance of a municipal corporation that is within the 22873  
jurisdiction of a municipal court, the twenty-five dollars that is 22874  
subject to this section shall be deposited into the indigent 22875  
drivers alcohol treatment fund of the municipal corporation in 22876  
which is located the municipal court that has jurisdiction over 22877  
that municipal corporation. Regardless of whether the fine is 22878  
imposed by a county court, a mayor's court, or a juvenile court, 22879  
if the fine was imposed for a violation of an ordinance of a 22880  
municipal corporation that is within the jurisdiction of a county 22881  
court, the twenty-five dollars that is subject to this section 22882  
shall be deposited into the indigent drivers alcohol treatment 22883  
fund of the county in which is located the county court that has 22884  
jurisdiction over that municipal corporation. The deposit shall be 22885  
made in accordance with section 733.40, divisions (A) and (B) of 22886

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section 1901.024, division (F) of section 1901.31, or division (C) 22887  
of section 1907.20 of the Revised Code. 22888

(B)(1) The requirements and sanctions imposed by divisions 22889  
(B)(1) and (2) of this section are an adjunct to and derive from 22890  
the state's exclusive authority over the registration and titling 22891  
of motor vehicles and do not comprise a part of the criminal 22892  
sentence to be imposed upon a person who violates a municipal OVI 22893  
~~ordinance relating to operating a vehicle while under the~~ 22894  
~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 22895  
~~abuse or relating to operating a vehicle with a prohibited~~ 22896  
~~concentration of alcohol in the blood, breath, or urine.~~ 22897

(2)(a) ~~The court shall follow division (B)(2)(b) of this~~ 22898  
~~section if If a person is convicted of or pleads guilty to a~~ 22899  
~~violation of a municipal OVI ordinance relating to operating a~~ 22900  
~~vehicle while under the influence of alcohol, a drug of abuse, or~~ 22901  
~~alcohol and a drug of abuse or relating to operating a vehicle~~ 22902  
~~with a prohibited concentration of alcohol in the blood, breath,~~ 22903  
~~or urine and if the circumstances described in division~~ 22904  
~~(B)(2)(b)(iii) of this section apply or if, within the period of~~ 22905  
~~time specified in division (B)(2) or (b)(i), (ii) (iii) of this~~ 22906  
~~section, if the vehicle the offender was operating at the time of~~ 22907  
~~the offense is registered in the offender's name, and if, within~~ 22908  
~~six years of the current offense, the offender has been convicted~~ 22909  
~~of or pleaded guilty to any violation of the following:~~ 22910

~~(i) Section one or more violations of division (A) or (B) of~~ 22911  
~~section 4511.19 of the Revised Code;~~ 22912

~~(ii) A municipal ordinance relating to operating a vehicle~~ 22913  
~~while under the influence of alcohol, a drug of abuse, or alcohol~~ 22914  
~~and a drug of abuse;~~ 22915

~~(iii) A municipal ordinance relating to operating a vehicle~~ 22916  
~~with a prohibited concentration of alcohol in the blood, breath,~~ 22917

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<del>or urine;</del>	22918
<del>(iv) Section 2903.04 of the Revised Code in a case in which</del>	22919
<del>the offender was subject to the sanctions described in division</del>	22920
<del>(D) of that section;</del>	22921
<del>(v) Division (A)(1) of section 2903.06 or division (A)(1) of</del>	22922
<del>section 2903.08 of the Revised Code or a municipal ordinance that</del>	22923
<del>is substantially similar to either of those divisions;</del>	22924
<del>(vi) Division (A)(2), (3), or (4) of section 2903.06,</del>	22925
<del>division (A)(2) of section 2903.08, or former section 2903.07 of</del>	22926
<del>the Revised Code, or a municipal ordinance that is substantially</del>	22927
<del>similar to any of those divisions or that former section, in a</del>	22928
<del>case in which the jury or judge found that the offender was under</del>	22929
<del>the influence of alcohol, a drug of abuse, or alcohol and a drug</del>	22930
<del>of abuse;</del>	22931
<del>(vii) A statute of the United States or of any other state or</del>	22932
<del>a municipal ordinance of a municipal corporation located in any</del>	22933
<del>other state that is substantially similar to division (A) or (B)</del>	22934
<del>of section 4511.19 of the Revised Code.</del>	22935
<del>(b) If the circumstances described in division (B)(2)(a)(b)</del>	22936
<del>of this section apply or one or more other equivalent offenses,</del>	22937
<del>the court, in addition to and independent of any sentence that it</del>	22938
<del>imposes upon the offender for the offense, regardless of whether</del>	22939
<del>the vehicle the offender was operating at the time of the offense</del>	22940
<del>is registered in the offender's name or in the name of another</del>	22941
<del>person, and subject to section 4503.235 of the Revised Code, shall</del>	22942
<del>do whichever of the following is applicable:</del>	22943
<del>(i)(a) Except as otherwise provided in division</del>	22944
<del>(B)(2)(b)(iii) of this section, if, within six years of the</del>	22945
<del>current offense, the offender has been convicted of or pleaded</del>	22946
<del>guilty to one violation described in division (B)(2)(a) of this</del>	22947
<del>section, the court shall order the immobilization for ninety days</del>	22948

of the ~~that~~ vehicle the offender was operating at the time of the offense and the impoundment for ninety days of the license plates of that vehicle. The order for the immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.

~~(ii)(b)(iii)(a)~~ 22954

~~(iii)(b)~~ If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations described in division (B)(2)~~(a)~~ of this section, 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 court shall order the criminal forfeiture to the state of ~~the that~~ vehicle the offender was operating at the time of the offense. The order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Revised Code.

**Sec. 4511.194.** (A) As used in this section, "physical control" means being in the driver's position of the front seat of a vehicle or in the driver's position of a streetcar or trackless trolley and having possession of the vehicle's, streetcar's, or trackless trolley's ignition key or other ignition device.

(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 22979



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physical control of a vehicle while under the influence, a 22980  
misdemeanor of the first degree. In addition to other sanctions 22981  
imposed, the court may impose on the offender a class seven 22982  
suspension of the offender's driver's license, commercial driver's 22983  
license, temporary instruction permit, probationary license, or 22984  
nonresident operating privilege from the range specified in 22985  
division (A)(7) of section 4510.02 of the Revised Code. 22986

**Sec. 4511.195.** (A) As used in this section: 22987

(1) ~~"Vehicle operator" means a person who is operating a~~ 22988  
~~vehicle at the time it is seized~~ Arrested person" means a person 22989  
who is arrested for a violation of division (A) of section 4511.19 22990  
of the Revised Code or a municipal OVI ordinance and whose arrest 22991  
results in a vehicle being seized under division (B) of this 22992  
section. 22993

(2) "Vehicle owner" means either of the following: 22994

(a) The person in whose name is registered, at the time of 22995  
the seizure, a vehicle that is seized under division (B) of this 22996  
section; 22997

(b) A person to whom the certificate of title to a vehicle 22998  
that is seized under division (B) of this section has been 22999  
assigned and who has not obtained a certificate of title to the 23000  
vehicle in that person's name, but who is deemed by the court as 23001  
being the owner of the vehicle at the time the vehicle was seized 23002  
under division (B) of this section. 23003

(3) ~~"Municipal OMVI ordinance" means any municipal ordinance~~ 23004  
~~prohibiting the operation of a vehicle while under the influence~~ 23005  
~~of alcohol, a drug of abuse, or alcohol and a drug of abuse or~~ 23006  
~~prohibiting the operation of a vehicle with a prohibited~~ 23007  
~~concentration of alcohol in the blood, breath, or urine.~~ 23008

(4) "Interested party" includes the owner of a vehicle seized 23009

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under this section, all lienholders, the ~~defendant~~ arrested 23010  
person, the owner of the place of storage at which a vehicle 23011  
 seized under this section is stored, and the person or entity that 23012  
 caused the vehicle to be removed. 23013

(B)(1) The arresting officer or another officer of the law 23014  
 enforcement agency that employs the arresting officer, in addition 23015  
 to any action that the arresting officer is required or authorized 23016  
 to take by section 4511.19 or 4511.191 of the Revised Code or by 23017  
 any other provision of law, shall seize the vehicle that a person 23018  
 was operating at the time of the alleged offense and its license 23019  
 plates if the vehicle is registered in the arrested person's name 23020  
and if either of the following apply applies: 23021

(a) The person is arrested for a violation of division (A) of 23022  
 section 4511.19 of the Revised Code or of a municipal ~~OMVI~~ OVI 23023  
 ordinance and, within six years of the alleged violation, the 23024  
 person previously has been convicted of or pleaded guilty to one 23025  
 or more violations of ~~the following:~~ 23026

~~(i) Division division (A) or (B) of section 4511.19 of the~~ 23027  
~~Revised Code;~~ 23028

~~(ii) A municipal OMVI ordinance;~~ 23029

~~(iii) Section 2903.04 of the Revised Code in a case in which~~ 23030  
~~the offender was subject to the sanctions described in division~~ 23031  
~~(D) of that section;~~ 23032

~~(iv) Division (A)(1) of section 2903.06 or division (A)(1) of~~ 23033  
~~section 2903.08 of the Revised Code or a municipal ordinance that~~ 23034  
~~is substantially similar to either of those divisions;~~ 23035

~~(v) Division (A)(2), (3), or (4) of section 2903.06, division~~ 23036  
~~(A)(2) of section 2903.08, or former section 2903.07 of the~~ 23037  
~~Revised Code, or a municipal ordinance that is substantially~~ 23038  
~~similar to any of those divisions or that former section, in a~~ 23039  
~~case in which the jury or judge found that the offender was under~~ 23040

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the influence of alcohol, a drug of abuse, or alcohol and a drug  
of abuse; 23041  
23042

~~(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.~~ 23043  
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(b) The person is arrested for a violation of division (A) of 23048  
section 4511.19 of the Revised Code or of a municipal ~~OMVI~~ OVI 23049  
ordinance and the person previously has been convicted of or 23050  
pleaded guilty to a violation of division (A) of section 4511.19 23051  
of the Revised Code under circumstances in which the violation was 23052  
a felony, regardless of when the prior felony violation of 23053  
division (A) of section 4511.19 of the Revised Code and the 23054  
conviction or guilty plea occurred. 23055

~~(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  
agency that employs a law enforcement officer who makes an arrest  
of a type that is described in division (B)(1) of this section and  
that involves a rented or leased vehicle of this type that is  
being rented or leased for a period of thirty days or less shall  
notify, within twenty-four hours after the officer makes the  
arrest, the lessor or owner of the vehicle regarding the  
circumstances of the arrest and the location at which the vehicle  
may be picked up. At the time of the seizure of the vehicle, the  
law enforcement officer who made the arrest shall give the ~~vehicle~~~~ 23056  
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~~operator~~ arrested person written notice that the vehicle and its license plates have been seized; that the vehicle either will be kept by the officer's law enforcement agency or will be immobilized at least until the operator's initial appearance on the charge of the offense for which the arrest was made; that, at the initial appearance, the court in certain circumstances may order that the vehicle and license plates be released to the ~~vehicle owner~~ arrested person until the disposition of that charge; and that, if the ~~vehicle operator~~ arrested person is convicted of that charge, the court generally must order the immobilization of the vehicle and the impoundment of its license plates, or the forfeiture of the vehicle; ~~and that, if the operator is not the vehicle owner, the operator immediately should inform the vehicle owner that the vehicle and its license plates have been seized and that the vehicle owner may be able to obtain their return or release at the initial appearance or thereafter.~~

(3) The arresting officer or a law enforcement officer of the agency that employs the arresting officer shall give written notice of the seizure to the court that will conduct the initial appearance of the ~~vehicle operator~~. ~~The notice shall be given when the charges are filed against the vehicle operator~~ arrested person on the charges arising out of the arrest. Upon receipt of the notice, the court promptly shall determine whether the ~~vehicle operator~~ arrested person is the vehicle owner ~~and whether there are any liens recorded on the certificate of title to the vehicle~~. If the court determines that the ~~vehicle operator~~ arrested person is not the vehicle owner, it promptly shall send by regular mail written notice of the seizure ~~of the motor vehicle~~ to the ~~vehicle~~ vehicle's registered owner ~~and to all lienholders recorded on the certificate of title~~. The written notice ~~to the vehicle owner and lienholders~~ shall contain all of the information required by division (B)(2) of this section to be in a notice to be given to the ~~vehicle operator~~ arrested person and also shall specify the

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date, time, and place of the ~~vehicle operator's~~ arrested person's 23106  
 initial appearance. The notice also shall inform the vehicle owner 23107  
 that if title to a motor vehicle that is subject to an order for 23108  
 criminal forfeiture under this section is assigned or transferred 23109  
 and division ~~(C)~~(B)(2) or (3) of section 4503.234 of the Revised 23110  
 Code applies, the court may fine the ~~vehicle operator~~ arrested  
person the value of the vehicle. The notice ~~to the vehicle owner~~ 23112  
 also shall state that if the vehicle is immobilized under division 23113  
 (A) of section 4503.233 of the Revised Code, seven days after the 23114  
 end of the period of immobilization a law enforcement agency will 23115  
 send the vehicle owner a notice, informing the ~~vehicle~~ owner that 23116  
 if the release of the vehicle is not obtained in accordance with 23117  
 division (D)(3) of section 4503.233 of the Revised Code, the 23118  
 vehicle shall be forfeited. The notice also shall inform the 23119  
 vehicle owner that the vehicle owner may be charged expenses or 23120  
 charges incurred under this section and section 4503.233 of the 23121  
 Revised Code for the removal and storage of the vehicle. 23122

23123  
 The written notice that is given to the ~~vehicle operator or~~ 23124  
~~is sent or delivered to the vehicle owner if the vehicle owner is~~ 23125  
~~not the vehicle operator~~ arrested person also shall state that if 23126  
 the ~~vehicle operator pleads guilty to or~~ person is convicted of or 23127  
pleads guilty to the offense for which the ~~vehicle operator was~~ 23128  
~~arrested~~ and the court issues an immobilization and impoundment 23129  
 order relative to that vehicle, division (D)(4) of section 23130  
 4503.233 of the Revised Code prohibits the vehicle from being sold 23131  
 during the period of immobilization without the prior approval of 23132  
 the court. 23133

(4) At or before the initial appearance, the vehicle owner 23134  
 may file a motion requesting the court to order that the vehicle 23135  
 and its license plates be released to the vehicle owner. Except as 23136  
 provided in this division and subject to the payment of expenses 23137

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

(5) A vehicle seized under division (B)(1) of this section  
either shall be towed to a place specified by the law enforcement  
agency that employs the arresting officer to be safely kept by the  
agency at that place for the time and in the manner specified in  
this section or shall be otherwise immobilized for the time and in  
the manner specified in this section. A law enforcement officer of  
that agency shall remove the identification license plates of the  
vehicle, and they shall be safely kept by the agency for the time

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and in the manner specified in this section. No vehicle that is  
seized and either towed or immobilized pursuant to this division  
shall be considered contraband for purposes of section 2933.41,  
2933.42, or 2933.43 of the Revised Code. The vehicle shall not be  
immobilized at any place other than a commercially operated  
private storage lot, a place owned by a law enforcement agency or  
other government agency, or a place to which one of the following  
applies:

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

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

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

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

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

(2)(a) At the initial appearance or not less than seven days  
prior to the date of final disposition, the court shall notify the

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~~vehicle operator, if the vehicle operator is the vehicle owner,~~ 23201  
~~arrested person~~ that, if title to a motor vehicle that is subject 23202  
to an order for criminal forfeiture under this section is assigned 23203  
or transferred and division ~~(C)~~(B)(2) or (3) of section 4503.234 23204  
of the Revised Code applies, the court may fine the ~~vehicle~~ 23205  
~~operator~~ arrested person the value of the vehicle. If, at the 23206  
initial appearance, the ~~vehicle operator~~ arrested person pleads 23207  
guilty to the violation of division (A) of section 4511.19 of the 23208  
Revised Code or of the municipal ~~OMVI~~ OVI ordinance or pleads no 23209  
contest to and is convicted of the violation, the court shall 23210  
impose sentence upon the ~~vehicle operator~~ person as provided by 23211  
law or ordinance; the court, ~~except as provided in this division~~ 23212  
~~and subject to section 4503.235 of the Revised Code,~~ shall order 23213  
the immobilization of the vehicle the arrested person was 23214  
operating at the time of the offense if registered in the arrested 23215  
person's name and the impoundment of its license plates under 23216  
section 4503.233 and section 4511.19 or 4511.193 ~~or 4511.99~~ of the 23217  
Revised Code, ~~or the criminal forfeiture to the state~~ of the 23218  
vehicle if registered in the arrested person's name under section 23219  
4503.234 and section 4511.19 or 4511.193 ~~or 4511.99~~ of the Revised 23220  
Code, whichever is applicable; and the vehicle and its license 23221  
plates shall not be returned or released to the ~~vehicle owner~~. If 23222  
the ~~vehicle operator is not the vehicle owner and the vehicle~~ 23223  
~~owner is not present at the vehicle operator's initial appearance~~ 23224  
~~and if the court believes that the vehicle owner was not provided~~ 23225  
~~adequate notice of the initial appearance, the court, in its~~ 23226  
~~discretion, may refrain for a period of time not exceeding seven~~ 23227  
~~days from ordering the immobilization of the vehicle and the~~ 23228  
~~impoundment of its license plates, or the criminal forfeiture of~~ 23229  
~~the vehicle so that the vehicle owner may appear before the court~~ 23230  
~~to present evidence as to why the court should not order the~~ 23231  
~~immobilization of the vehicle and the impoundment of its license~~ 23232  
~~plates, or the criminal forfeiture of the vehicle. If the court~~ 23233



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~~refrains from ordering the immobilization of the vehicle and the~~ 23234  
~~impoundment of its license plates, or the criminal forfeiture of~~ 23235  
~~the vehicle, section 4503.235 of the Revised Code applies relative~~ 23236  
~~to the order of immobilization and impoundment, or the order of~~ 23237  
~~forfeiture arrested person.~~ 23238

(b) If, at any time, the charge that the ~~vehicle operator~~ 23239  
arrested person violated division (A) of section 4511.19 of the 23240  
Revised Code or the municipal ~~OMVI~~ OVI ordinance is dismissed for 23241  
any reason, the court shall order that the vehicle seized at the 23242  
time of the arrest and its license plates immediately be released 23243  
to the ~~vehicle owner subject to the payment of expenses or charges~~ 23244  
~~incurred in the removal and storage of the vehicle~~ person. 23245

(D) If a vehicle ~~is~~ and its license plates are seized under 23246  
division (B) of this section and ~~is~~ are not returned or released 23247  
to the ~~vehicle owner~~ arrested person pursuant to division (C) of 23248  
this section, the vehicle ~~or~~ and its license plates shall be 23249  
retained until the final disposition of the charge in question. 23250  
Upon the final disposition of that charge, the court shall do 23251  
whichever of the following is applicable: 23252

(1) If the ~~vehicle operator~~ arrested person is convicted of 23253  
or pleads guilty to the violation of division (A) of section 23254  
4511.19 of the Revised Code or of the municipal ~~OMVI~~ OVI 23255  
ordinance, the court shall impose sentence upon the ~~vehicle~~ 23256  
~~operator~~ person as provided by law or ordinance and, ~~subject to~~ 23257  
~~section 4503.235 of the Revised Code,~~ shall order the 23258  
immobilization of the vehicle the ~~vehicle operator~~ person was 23259  
operating at the time of, ~~or that was involved in,~~ the offense if 23260  
it is registered in the arrested person's name and the impoundment 23261  
of its license plates under section 4503.233 and section 4511.19 23262  
or 4511.193 ~~or 4511.99~~ of the Revised Code, or the criminal 23263  
forfeiture of the vehicle if it is registered in the arrested 23264  
person's name under section 4503.234 and section 4511.19 or 23265

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4511.193 ~~or 4511.99~~ of the Revised Code, whichever is applicable. 23266

(2) If the ~~vehicle operator~~ arrested person is found not 23267  
guilty of the violation of division (A) of section 4511.19 of the 23268  
Revised Code or of the municipal ~~OMV~~ OVI ordinance, the court 23269  
shall order that the vehicle and its license plates immediately be 23270  
released to the ~~vehicle owner~~ upon the payment of any expenses or 23271  
~~charges incurred in its removal and storage~~ arrested person. 23272

(3) If the charge that the ~~vehicle operator~~ arrested person 23273  
violated division (A) of section 4511.19 of the Revised Code or 23274  
the municipal ~~OMV~~ OVI ordinance is dismissed for any reason, the 23275  
court shall order that the vehicle and its license plates 23276  
immediately be released to the ~~vehicle owner~~ upon the payment of 23277  
~~any expenses or charges incurred in its removal and storage~~ 23278  
arrested person. 23279

(4) If the impoundment of the vehicle was not authorized 23280  
under this section, the court shall order that the vehicle and its 23281  
license plates be returned immediately to the arrested person or, 23282  
if the arrested person is not the vehicle owner, to the vehicle 23283  
owner, and shall order that the state or political subdivision of 23284  
the law enforcement agency served by the law enforcement officer 23285  
who seized the vehicle pay all expenses and charges incurred in 23286  
its removal and storage. 23287

(E) If a vehicle is seized under division (B) of this 23288  
section, the time between the seizure of the vehicle and either 23289  
its release to the ~~vehicle owner~~ arrested person under division 23290  
(C) of this section or the issuance of an order of immobilization 23291  
of the vehicle under section 4503.233 of the Revised Code shall be 23292  
credited against the period of immobilization ordered by the 23293  
court. 23294

(F)(1) ~~The vehicle owner~~ Except as provided in division 23295  
(D)(4) of this section, the arrested person may be charged 23296  
expenses or charges incurred in the removal and storage of the 23297

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immobilized vehicle. The court with jurisdiction over the case, 23298  
after notice to all interested parties, including lienholders, and 23299  
after an opportunity for them to be heard, ~~if the vehicle owner~~ 23300  
~~fails to appear in person, without good cause, or if the court~~ 23301  
finds that the ~~vehicle owner~~ arrested person does not intend to 23302  
seek release of the vehicle at the end of the period of 23303  
immobilization under section 4503.233 of the Revised Code or that 23304  
the ~~vehicle owner~~ arrested person is not or will not be able to 23305  
pay the expenses and charges incurred in its removal and storage, 23306  
may order that title to the vehicle be transferred, in order of 23307  
priority, first into the name of the person or entity that removed 23308  
it, next into the name of a lienholder, or lastly into the name of 23309  
the owner of the place of storage. 23310

Any lienholder that receives title under a court order shall 23311  
do so on the condition that it pay any expenses or charges 23312  
incurred in the vehicle's removal and storage. If the person or 23313  
entity that receives title to the vehicle is the person or entity 23314  
that removed it, the person or entity shall receive title on the 23315  
condition that it pay any lien on the vehicle. The court shall not 23316  
order that title be transferred to any person or entity other than 23317  
the owner of the place of storage if the person or entity refuses 23318  
to receive the title. Any person or entity that receives title 23319  
either may keep title to the vehicle or may dispose of the vehicle 23320  
in any legal manner that it considers appropriate, including 23321  
assignment of the certificate of title to the motor vehicle to a 23322  
salvage dealer or a scrap metal processing facility. The person or 23323  
entity shall not transfer the vehicle to the person who is the 23324  
vehicle's immediate previous owner. 23325

If the person or entity that receives title assigns the motor 23326  
vehicle to a salvage dealer or scrap metal processing facility, 23327  
the person or entity shall send the assigned certificate of title 23328  
to the motor vehicle to the clerk of the court of common pleas of 23329

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the county in which the salvage dealer or scrap metal processing 23330  
 facility is located. The person or entity shall mark the face of 23331  
 the certificate of title with the words "~~for destruction~~ FOR 23332  
DESTRUCTION" and shall deliver a photocopy of the certificate of 23333  
 title to the salvage dealer or scrap metal processing facility for 23334  
 its records. 23335

(2) Whenever a court issues an order under division (F)(1) of 23336  
 this section, the court also shall order removal of the license 23337  
 plates from the vehicle and cause them to be sent to the registrar 23338  
 of motor vehicles if they have not already been sent to the 23339  
 registrar. Thereafter, no further proceedings shall take place 23340  
 under this section or under section 4503.233 of the Revised Code. 23341

(3) Prior to initiating a proceeding under division (F)(1) of 23342  
 this section, and upon payment of the fee under division (B) of 23343  
 section 4505.14 of the Revised Code, any interested party may 23344  
 cause a search to be made of the public records of the bureau of 23345  
 motor vehicles or the clerk of the court of common pleas, to 23346  
 ascertain the identity of any lienholder of the vehicle. The 23347  
 initiating party shall furnish this information to the clerk of 23348  
 the court with jurisdiction over the case, and the clerk shall 23349  
 provide notice to the ~~vehicle owner, the defendant~~ arrested 23350  
person, any lienholder, and any other interested parties listed by 23351  
 the initiating party, at the last known address supplied by the 23352  
 initiating party, by certified mail or, at the option of the 23353  
 initiating party, by personal service or ordinary mail. 23354

**Sec. 4511.196.** (A) If a person is arrested for being in 23355  
physical control of a vehicle, streetcar, or trackless trolley in 23356  
violation of section 4511.194 of the Revised Code, or for 23357  
operating a vehicle while under the influence of alcohol, a drug 23358  
of abuse, or alcohol and a drug of abuse or for operating a 23359  
vehicle with a prohibited concentration of alcohol in the blood, 23360  
breath, or urine and, streetcar, or trackless trolley in violation 23361

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of division (A) or (B) of section 4511.19 of the Revised Code or a 23362  
municipal OVI ordinance, regardless of whether the person's 23363  
driver's or commercial driver's license or permit or nonresident 23364  
operating privilege is or is not suspended under ~~division (E) or~~ 23365  
~~(F)~~ of section 4511.191 of the Revised Code, the person's initial 23366  
appearance on the charge resulting from the arrest shall be held 23367  
within five days of the person's arrest or the issuance of the 23368  
citation to the person. 23369

(B)(1) If a person is arrested as described in division (A) 23370  
of this section, if the person's driver's or commercial driver's 23371  
license or permit or nonresident operating privilege has been 23372  
suspended under ~~division (E) or (F)~~ of section 4511.191 of the 23373  
Revised Code in relation to that arrest, if the person appeals the 23374  
suspension in accordance with ~~division (H)(1) of that~~ section 23375  
4511.197 of the Revised Code, and if the judge, magistrate, or 23376  
mayor terminates the suspension in accordance with ~~division (H)(2)~~ 23377  
~~of that section,~~ the judge, magistrate, or mayor, at any time 23378  
prior to adjudication on the merits of the charge resulting from 23379  
the arrest, may impose a new suspension of the person's license, 23380  
permit, or nonresident operating privilege, notwithstanding the 23381  
termination ~~of the suspension imposed under division (E) or (F) of~~ 23382  
~~section 4511.191 of the Revised Code,~~ if the judge, magistrate, or 23383  
mayor determines that the person's continued driving will be a 23384  
threat to public safety. 23385

(2) If a person is arrested as described in division (A) of 23386  
this section and if the person's driver's or commercial driver's 23387  
license or permit or nonresident operating privilege has not been 23388  
suspended under ~~division (E) or (F)~~ of section 4511.191 of the 23389  
Revised Code in relation to that arrest, the judge, magistrate, or 23390  
mayor, at any time prior to the adjudication on the merits of the 23391  
charge resulting from the arrest, may impose a suspension of the 23392  
person's license, permit, or nonresident operating privilege if 23393

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the judge, magistrate, or mayor determines that the person's 23394  
continued driving will be a threat to public safety. 23395

(C) A suspension ~~of a person's driver's or commercial~~ 23396  
~~driver's license or permit or nonresident operating privilege~~ 23397  
under division (B)(1) or (2) of this section shall continue until 23398  
the complaint on the charge resulting from the arrest is 23399  
adjudicated on the merits. A court that imposes a suspension under 23400  
division (B)(2) of this section shall send the person's driver's 23401  
license or permit to the registrar of motor vehicles. If the court 23402  
possesses the ~~driver's or commercial driver's~~ license or permit of 23403  
a person in the category described in division (B)(2) of this 23404  
section and the court does not impose a suspension under that 23405  
~~division (B)(2) of this section~~, the court shall return the 23406  
license or permit to the person if the license or permit has not 23407  
otherwise been suspended or ~~revoked~~ cancelled. 23408

Any time during which the person serves a suspension of the 23409  
person's ~~driver's or commercial driver's~~ license ~~or~~ permit, ~~or~~ 23410  
~~nonresident operating~~ privilege that is imposed pursuant to 23411  
division (B)(1) or (2) of this section shall be credited against 23412  
any period of judicial suspension of the person's license, permit, 23413  
or ~~nonresident operating~~ privilege that is imposed ~~pursuant to~~ 23414  
under division (B)(G) of section 4507.16 4511.19 of the Revised 23415  
Code or under section 4510.07 of the Revised Code for a violation 23416  
of a municipal ordinance substantially equivalent to division (A) 23417  
of section 4511.19 of the Revised Code. 23418

(D) If a person is arrested and charged with a violation of 23419  
section 2903.08 of the Revised Code or a violation of section 23420  
2903.06 of the Revised Code that is a felony offense, the judge at 23421  
the person's initial appearance, preliminary hearing, or 23422  
arraignment may suspend the person's driver's or commercial 23423  
driver's license or permit or nonresident operating privilege if 23424  
the judge determines at any of those proceedings that the person's 23425

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continued driving will be a threat to public safety. 23426

The ~~A~~ suspension ~~that may be imposed pursuant to~~ under this 23427  
division shall continue until the indictment or information 23428  
alleging the violation specified in this division is adjudicated 23429  
on the merits. A court that imposes a suspension under this 23430  
division shall send the person's driver's or commercial driver's 23431  
license or permit to the registrar. 23432

Sec. 4511.197. (A) If a person is arrested for operating a 23433  
vehicle, streetcar, or trackless trolley in violation of division 23434  
(A) or (B) of section 4511.19 of the Revised Code or a municipal 23435  
OVI ordinance or for being in physical control of a vehicle, 23436  
streetcar, or trackless trolley in violation of section 4511.194 23437  
of the Revised Code and if the person's driver's or commercial 23438  
driver's license or permit or nonresident operating privilege is 23439  
suspended under section 4511.191 of the Revised Code, the person 23440  
may appeal the suspension at the person's initial appearance on 23441  
the charge resulting from the arrest or within the period ending 23442  
thirty days after the person's initial appearance on that charge, 23443  
in the court in which the person will appear on that charge. If 23444  
the person appeals the suspension, the appeal itself does not stay 23445  
the operation of the suspension. If the person appeals the 23446  
suspension, either the person or the registrar of motor vehicles 23447  
may request a continuance of the appeal and the court may grant 23448  
the continuance. The court also may continue the appeal on its own 23449  
motion. Neither the request for, nor the granting of, a 23450  
continuance stays the suspension that is the subject of the 23451  
appeal, unless the court specifically grants a stay. 23452

(B) A person shall file an appeal under division (A) of this 23453  
section in the municipal court, county court, juvenile court, 23454  
mayor's court, or court of common pleas that has jurisdiction over 23455  
the charge in relation to which the person was arrested. 23456

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<u>(C) If a person appeals a suspension under division (A) of this section, the scope of the appeal is limited to determining whether one or more of the following conditions have not been met:</u>	23457
	23458
	23459
<u>(1) Whether the arresting law enforcement officer had reasonable ground to believe the arrested person was operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance or was in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code and whether the arrested person was in fact placed under arrest;</u>	23460
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<u>(2) Whether the law enforcement officer requested the arrested person to submit to the chemical test or tests designated pursuant to division (A) of section 4511.191 of the Revised Code;</u>	23468
	23469
	23470
<u>(3) Whether the arresting officer informed the arrested person of the consequences of refusing to be tested or of submitting to the test or tests;</u>	23471
	23472
	23473
<u>(4) Whichever of the following is applicable:</u>	23474
<u>(a) Whether the arrested person refused to submit to the chemical test or tests requested by the officer;</u>	23475
	23476
<u>(b) Whether the arrest was for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance and, if it was, whether the chemical test results indicate that the arrested person's whole blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's blood serum or plasma contained a concentration of twelve-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or</u>	23477
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more by weight of alcohol per one hundred milliliters of the 23488  
person's urine at the time of the alleged offense. 23489

(D) A person who appeals a suspension under division (A) of 23490  
this section has the burden of proving, by a preponderance of the 23491  
evidence, that one or more of the conditions specified in division 23492  
(C) of this section has not been met. If, during the appeal, the 23493  
judge or magistrate of the court or the mayor of the mayor's court 23494  
determines that all of those conditions have been met, the judge, 23495  
magistrate, or mayor shall uphold the suspension, continue the 23496  
suspension, and notify the registrar of motor vehicles of the 23497  
decision on a form approved by the registrar. 23498

Except as otherwise provided in this section, if a suspension 23499  
imposed under section 4511.191 of the Revised Code is upheld on 23500  
appeal or if the subject person does not appeal the suspension 23501  
under division (A) of this section, the suspension shall continue 23502  
until the complaint alleging the violation for which the person 23503  
was arrested and in relation to which the suspension was imposed 23504  
is adjudicated on the merits or terminated pursuant to law. If the 23505  
suspension was imposed under division (B)(1) of section 4511.191 23506  
of the Revised Code and it is continued under this section, any 23507  
subsequent finding that the person is not guilty of the charge 23508  
that resulted in the person being requested to take the chemical 23509  
test or tests under division (A) of section 4511.191 of the 23510  
Revised Code does not terminate or otherwise affect the 23511  
suspension. If the suspension was imposed under division (C) of 23512  
section 4511.191 of the Revised Code in relation to an alleged 23513  
misdemeanor violation of division (A) or (B) of section 4511.19 of 23514  
the Revised Code or of a municipal OVI ordinance and it is 23515  
continued under this section, the suspension shall terminate if, 23516  
for any reason, the person subsequently is found not guilty of the 23517  
charge that resulted in the person taking the chemical test or 23518  
tests. 23519

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If, during the appeal, the judge or magistrate of the trial court or the mayor of the mayor's court determines that one or more of the conditions specified in division (C) of this section have not been met, the judge, magistrate, or mayor shall terminate the suspension, subject to the imposition of a new suspension under division (B) of section 4511.196 of the Revised Code; shall notify the registrar of motor vehicles of the decision on a form approved by the registrar; and, except as provided in division (B) of section 4511.196 of the Revised Code, shall order the registrar to return the driver's or commercial driver's license or permit to the person or to take any other measures that may be necessary, if the license or permit was destroyed under section 4510.53 of the Revised Code, to permit the person to obtain a replacement driver's or commercial driver's license or permit from the registrar or a deputy registrar in accordance with that section. The court also shall issue to the person a court order, valid for not more than ten days from the date of issuance, granting the person operating privileges for that period.

(E) Any person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to section 4511.191 of the Revised Code may file a petition requesting limited driving privileges in the common pleas court, municipal court, county court, mayor's court, or 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 arresting law enforcement officer serves the notice of suspension upon the arrested person but no later than thirty days after the arrested person's initial appearance or arraignment. Upon the making of the request, limited driving privileges may be granted under sections 4510.021 and 4510.13 of the Revised Code, regardless of whether the person appeals the suspension under this section or appeals the decision of the court

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on the appeal, and, if the person has so appealed the suspension 23552  
or decision, regardless of whether the matter has been heard or 23553  
decided by the court. The person shall pay the costs of the 23554  
proceeding, notify the registrar of the filing of the petition, 23555  
and send the registrar a copy of the petition. 23556

The court may not grant the person limited driving privileges 23557  
when prohibited by section 4510.13 or 4511.191 of the Revised 23558  
Code. 23559

(F) Any person whose driver's or commercial driver's license 23560  
or permit has been suspended under section 4511.19 of the Revised 23561  
Code or under section 4510.07 of the Revised Code for a conviction 23562  
of a municipal OVI offense and who desires to retain the license 23563  
or permit during the pendency of an appeal, at the time sentence 23564  
is pronounced, shall notify the court of record or mayor's court 23565  
that suspended the license or permit of the person's intention to 23566  
appeal. If the person so notifies the court, the court, mayor, or 23567  
clerk of the court shall retain the license or permit until the 23568  
appeal is perfected, and, if execution of sentence is stayed, the 23569  
license or permit shall be returned to the person to be held by 23570  
the person during the pendency of the appeal. If the appeal is not 23571  
perfected or is dismissed or terminated in an affirmance of the 23572  
conviction, then the license or permit shall be taken up by the 23573  
court, mayor, or clerk, at the time of putting the sentence into 23574  
execution, and the court shall proceed in the same manner as if no 23575  
appeal was taken. 23576

(G) Except as otherwise provided in this division, if a 23577  
person whose driver's or commercial driver's license or permit or 23578  
nonresident operating privilege was suspended under section 23579  
4511.191 of the Revised Code appeals the suspension under division 23580  
(A) of this section, the prosecuting attorney of the county in 23581  
which the arrest occurred shall represent the registrar of motor 23582  
vehicles in the appeal. If the arrest occurred within a municipal 23583

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corporation within the jurisdiction of the court in which the 23584  
appeal is conducted, the city director of law, village solicitor, 23585  
or other chief legal officer of that municipal corporation shall 23586  
represent the registrar. If the appeal is conducted in a municipal 23587  
court, the registrar shall be represented as provided in section 23588  
1901.34 of the Revised Code. If the appeal is conducted in a 23589  
mayor's court, the city director of law, village solicitor, or 23590  
other chief legal officer of the municipal corporation that 23591  
operates that mayor's court shall represent the registrar. 23592

(H) The court shall give information in writing of any action 23593  
taken under this section to the registrar of motor vehicles. 23594  
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(I) When it finally has been determined under the procedures 23596  
of this section that a nonresident's privilege to operate a 23597  
vehicle within this state has been suspended, the registrar of 23598  
motor vehicles shall give information in writing of the action 23599  
taken to the motor vehicle administrator of the state of the 23600  
nonresident's residence and of any state in which the nonresident 23601  
has a license. 23602

**Sec. 4511.20.** (A) No person shall operate a vehicle, 23603  
trackless trolley, or streetcar on any street or highway in 23604  
willful or wanton disregard of the safety of persons or property. 23605

(B) Except as otherwise provided in this division, whoever 23606  
violates this section is guilty of a minor misdemeanor. If, within 23607  
one year of the offense, the offender previously has been 23608  
convicted of or pleaded guilty to one predicate motor vehicle or 23609  
traffic offense, whoever violates this section is guilty of a 23610  
misdemeanor of the fourth degree. If, within one year of the 23611  
offense, the offender previously has been convicted of two or more 23612  
predicate motor vehicle or traffic offenses, whoever violates this 23613  
section is guilty of a misdemeanor of the third degree. 23614

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**Sec. 4511.201.** (A) No person shall operate a vehicle, 23615  
 trackless trolley, or streetcar on any public or private property 23616  
 other than streets or highways, in willful or wanton disregard of 23617  
 the safety of persons or property. 23618

This section does not apply to the competitive operation of 23619  
 vehicles on public or private property when the owner of such 23620  
 property knowingly permits such operation thereon. 23621

(B) Except as otherwise provided in this division, whoever 23622  
 violates this section is guilty of a minor misdemeanor. If, within 23623  
 one year of the offense, the offender previously has been 23624  
 convicted of or pleaded guilty to one predicate motor vehicle or 23625  
 traffic offense, whoever violates this section is guilty of a 23626  
 misdemeanor of the fourth degree. If, within one year of the 23627  
 offense, the offender previously has been convicted of two or more 23628  
 predicate motor vehicle or traffic offenses, whoever violates this 23629  
 section is guilty of a misdemeanor of the third degree. 23630

**Sec. 4511.202.** (A) No person shall operate a motor vehicle, 23631  
 trackless trolley, or streetcar on any street, highway, or 23632  
 property open to the public for vehicular traffic without being in 23633  
 reasonable control of the vehicle, trolley, or streetcar. 23634

(B) Whoever violates this section is guilty of operating a 23635  
 motor vehicle without being in control of it, a minor misdemeanor. 23636

**Sec. ~~4507.33~~ 4511.203.** (A) No person shall ~~authorize or~~ 23637  
~~knowingly~~ permit a motor vehicle owned by ~~him~~ the person or under 23638  
~~his~~ the person's control to be driven by ~~any person~~ another if 23639  
~~either~~ any of the following ~~applies~~ apply: 23640

(A)(1) The offender knows or ~~has reasonable cause to believe~~ 23641  
~~should know that~~ the other person ~~has no legal right to drive the~~ 23642  
~~motor vehicle;~~ does not have a valid driver's or commercial 23643

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driver's license or permit or valid nonresident driving privileges 23644  
or that the license, permit, or privileges have been suspended or 23645  
canceled under Chapter 4510. or any other provision of the Revised 23646  
Code. 23647

~~(B)(2)~~ The offender knows or ~~has reasonable cause to believe~~ 23648  
should know that the other person's act of driving the motor 23649  
vehicle would violate any prohibition contained in ~~sections~~ 23650  
~~4507.01 to 4507.39~~ Chapter 4509. of the Revised Code. 23651

(3) The offender knows or should know that the other person's 23652  
act of driving would violate section 4511.19 of the Revised Code 23653  
or any substantially equivalent municipal ordinance. 23654

(B) It shall be prima-facie evidence that the offender knows 23655  
or should know that the operator of the motor vehicle owned by the 23656  
offender or under the offender's control is in a category 23657  
described in division (A)(1), (2), or (3) of this section if 23658  
either of the following applies: 23659

(1) The offender and the operator of the motor vehicle 23660  
occupied the motor vehicle together at the time of the offense. 23661

(2) The offender and the operator of the motor vehicle reside 23662  
in the same household. 23663

(C) Whoever violates this section is guilty of wrongful 23664  
entrustment of a motor vehicle, a misdemeanor of the first degree. 23665  
In addition to the penalties imposed under Chapter 2929. of the 23666  
Revised Code, the court shall impose a class seven suspension of 23667  
the offender's driver's license, commercial driver's license, 23668  
temporary instruction permit, probationary license, or nonresident 23669  
operating privilege from the range specified in division (A)(7) of 23670  
section 4510.02 of the Revised Code, and, if the vehicle involved 23671  
in the offense is registered in the name of the offender, the 23672  
court shall order one of the following: 23673

(1) Except as otherwise provided in division (C)(2) or (3) of 23674

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this section, the court shall order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under section 4503.233 of the Revised Code. 23675  
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(2) If the offender previously has been convicted of or pleaded guilty to one violation of this section or a substantially equivalent municipal ordinance, the court shall order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under section 4503.233 of the Revised Code. 23679  
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(3) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, the court shall order the criminal forfeiture to the state of the vehicle involved in the offense. The order shall be issued and enforced under section 4503.234 of the Revised Code. 23686  
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If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, 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 (C)(2) of section 4503.234 of the Revised Code. 23692  
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(D) If a court orders the immobilization of a vehicle under division (C) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle. 23701  
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(E) If a court orders the criminal forfeiture of a vehicle under division (C) of this section, upon receipt of the order from the court, neither the registrar of motor vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the registrar of the termination. If the court terminates the forfeiture and notifies the registrar, the registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(F) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in section 4549.65 of the Revised Code.

(G) As used in this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name.

**Sec. 4511.21.** (A) No person shall operate a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, and no person shall drive any motor vehicle, trackless trolley, or streetcar in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(B) It is prima-facie lawful, in the absence of a lower limit declared pursuant to this section by the director of transportation or local authorities, for the operator of a motor



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vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(1)(a) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except that, on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(4) of this section and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (B)(8) and (9) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

(b) As used in this section and in section 4511.212 of the Revised Code, "school" means any school chartered under section 3301.16 of the Revised Code and any nonchartered school that during the preceding year filed with the department of education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.

(c) As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that

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portion of a state highway. Upon request from local authorities  
for streets and highways under their jurisdiction and that portion  
of a state highway under the jurisdiction of the director of  
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.

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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 lying within the municipal corporation, lying within the unincorporated territory of the township, or lying adjacent to the property of a school that is operated by such county board, that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than one thousand three hundred twenty feet. Such a school zone shall include the distance encompassed by the crosswalk and extending three hundred feet on each approach direction of the state route.

(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;

(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;

(5) Fifty-five miles per hour on highways outside of municipal corporations, other than freeways as provided in division (B)(12) of this section;

(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;

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- (7) Fifteen miles per hour on all alleys within the municipal corporation; 23832  
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- (8) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in division (B)(12) of this section; 23834  
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- (9) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in division (B)(12) of this section; 23837  
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- (10) Fifty-five miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus; 23840  
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- (11) Fifty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under division (L) of this section; 23847  
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- (12) Sixty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of the following: 23857  
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- (a) Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built 23860  
23861  
23862

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to the standards and specifications that are applicable to	23863
freeways that are part of the interstate system and that had such	23864
a speed limit established prior to October 1, 1995;	23865
(b) Freeways that are part of the interstate system and	23866
freeways that are not part of the interstate system but are built	23867
to the standards and specifications that are applicable to	23868
freeways that are part of the interstate system, and that had such	23869
a speed limit established under division (L) of this section;	23870
(c) Rural, divided, multi-lane highways that are designated	23871
as part of the national highway system under the "National Highway	23872
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103,	23873
and that had such a speed limit established under division (M) of	23874
this section.	23875
(C) It is prima-facie unlawful for any person to exceed any	23876
of the speed limitations in divisions (B)(1)(a), (2), (3), (4),	23877
(6), and (7) of this section, or any declared pursuant to this	23878
section by the director or local authorities and it is unlawful	23879
for any person to exceed any of the speed limitations in division	23880
(D) of this section. No person shall be convicted of more than one	23881
violation of this section for the same conduct, although	23882
violations of more than one provision of this section may be	23883
charged in the alternative in a single affidavit.	23884
(D) No person shall operate a motor vehicle, trackless	23885
trolley, or streetcar upon a street or highway as follows:	23886
(1) At a speed exceeding fifty-five miles per hour, except	23887
upon a freeway as provided in division (B)(12) of this section;	23888
(2) At a speed exceeding sixty-five miles per hour upon a	23889
freeway as provided in division (B)(12) of this section except as	23890
otherwise provided in division (D)(3) of this section;	23891
(3) If a motor vehicle weighing in excess of eight thousand	23892
pounds empty weight or a noncommercial bus as prescribed in	23893

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division (B)(10) of this section, at a speed exceeding fifty-five miles per hour upon a freeway as provided in that division; 23894  
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(4) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit of not more than sixty-five miles per hour pursuant to division (L)(2) or (M) of this section; 23896  
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(5) At a speed exceeding sixty-five miles per hour upon a freeway for which such a speed limit has been established through the operation of division (L)(3) of this section; 23900  
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(6) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit pursuant to division (I)(2) of this section. 23903  
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(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1)(a), (2), (3), (4), (6), or (7) of, or a limit declared pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven. 23906  
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(F) When a speed in excess of both a prima-facie limitation and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B)(1)(a), (2), (3), (4), (6), or (7) of this section, or of a limit declared pursuant to this section by the director or local authorities, and of the limitation in 23918  
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division (D)(1), (2), (3), (4), (5), or (6) of this section. If 23925  
the court finds a violation of division (B)(1)(a), (2), (3), (4), 23926  
(6), or (7) of, or a limit declared pursuant to, this section has 23927  
occurred, it shall enter a judgment of conviction under such 23928  
division and dismiss the charge under division (D)(1), (2), (3), 23929  
(4), (5), or (6) of this section. If it finds no violation of 23930  
division (B)(1)(a), (2), (3), (4), (6), or (7) of, or a limit 23931  
declared pursuant to, this section, it shall then consider whether 23932  
the evidence supports a conviction under division (D)(1), (2), 23933  
(3), (4), (5), or (6) of this section. 23934

(G) Points shall be assessed for violation of a limitation 23935  
under division (D) of this section ~~only when the court finds the~~ 23936  
~~violation involved a speed of five miles per hour or more in~~ 23937  
~~excess of the posted speed limit~~ in accordance with section 23938  
4510.036 of the Revised Code. 23939

(H) Whenever the director determines upon the basis of a 23940  
geometric and traffic characteristic study that any speed limit 23941  
set forth in divisions (B)(1)(a) to (D) of this section is greater 23942  
or less than is reasonable or safe under the conditions found to 23943  
exist at any portion of a street or highway under the jurisdiction 23944  
of the director, the director shall determine and declare a 23945  
reasonable and safe prima-facie speed limit, which shall be 23946  
effective when appropriate signs giving notice of it are erected 23947  
at the location. 23948

(I)(1) Except as provided in divisions (I)(2) and (K) of this 23949  
section, whenever local authorities determine upon the basis of an 23950  
engineering and traffic investigation that the speed permitted by 23951  
divisions (B)(1)(a) to (D) of this section, on any part of a 23952  
highway under their jurisdiction, is greater than is reasonable 23953  
and safe under the conditions found to exist at such location, the 23954  
local authorities may by resolution request the director to 23955  
determine and declare a reasonable and safe prima-facie speed 23956

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limit. Upon receipt of such request the director may determine and  
declare a reasonable and safe prima-facie speed limit at such  
location, and if the director does so, then such declared speed  
limit shall become effective only when appropriate signs giving  
notice thereof are erected at such location by the local  
authorities. The director may withdraw the declaration of a  
prima-facie speed limit whenever in the director's opinion the  
altered prima-facie speed becomes unreasonable. Upon such  
withdrawal, the declared prima-facie speed shall become  
ineffective and the signs relating thereto shall be immediately  
removed by the local authorities.

(2) A local authority may determine on the basis of a  
geometric and traffic characteristic study that the speed limit of  
sixty-five miles per hour on a portion of a freeway under its  
jurisdiction that was established through the operation of  
division (L)(3) of this section is greater than is reasonable or  
safe under the conditions found to exist at that portion of the  
freeway. If the local authority makes such a determination, the  
local authority by resolution may request the director to  
determine and declare a reasonable and safe speed limit of not  
less than fifty-five miles per hour for that portion of the  
freeway. If the director takes such action, the declared speed  
limit becomes effective only when appropriate signs giving notice  
of it are erected at such location by the local authority.

(J) Local authorities in their respective jurisdictions may  
authorize by ordinance higher prima-facie speeds than those stated  
in this section upon through highways, or upon highways or  
portions thereof where there are no intersections, or between  
widely spaced intersections, provided signs are erected giving  
notice of the authorized speed, but local authorities shall not  
modify or alter the basic rule set forth in division (A) of this  
section or in any event authorize by ordinance a speed in excess



of fifty miles per hour. 23989

Alteration of prima-facie limits on state routes by local 23990  
authorities shall not be effective until the alteration has been 23991  
approved by the director. The director may withdraw approval of 23992  
any altered prima-facie speed limits whenever in the director's 23993  
opinion any altered prima-facie speed becomes unreasonable, and 23994  
upon such withdrawal, the altered prima-facie speed shall become 23995  
ineffective and the signs relating thereto shall be immediately 23996  
removed by the local authorities. 23997

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 23998  
section, "unimproved highway" means a highway consisting of any of 23999  
the following: 24000

(a) Unimproved earth; 24001

(b) Unimproved graded and drained earth; 24002

(c) Gravel. 24003

(2) Except as otherwise provided in divisions (K)(4) and (5) 24004  
of this section, whenever a board of township trustees determines 24005  
upon the basis of an engineering and traffic investigation that 24006  
the speed permitted by division (B)(5) of this section on any part 24007  
of an unimproved highway under its jurisdiction and in the 24008  
unincorporated territory of the township is greater than is 24009  
reasonable or safe under the conditions found to exist at the 24010  
location, the board may by resolution declare a reasonable and 24011  
safe prima-facie speed limit of fifty-five but not less than 24012  
twenty-five miles per hour. An altered speed limit adopted by a 24013  
board of township trustees under this division becomes effective 24014  
when appropriate traffic control devices, as prescribed in section 24015  
4511.11 of the Revised Code, giving notice thereof are erected at 24016  
the location, which shall be no sooner than sixty days after 24017  
adoption of the resolution. 24018

(3)(a) Whenever, in the opinion of a board of township 24019

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trustees, any altered prima-facie speed limit established by the board under this division becomes unreasonable, the board may adopt a resolution withdrawing the altered prima-facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(b) Whenever a highway ceases to be an unimproved highway and the board has adopted an altered prima-facie speed limit pursuant to division (K)(2) of this section, the board shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(4)(a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be

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withdrawn unless the boards of township trustees of both townships  
determine that the altered prima-facie speed limit previously  
adopted becomes unreasonable and each board adopts a resolution  
withdrawing the altered prima-facie speed limit pursuant to the  
procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of  
this section ceases to be an unimproved highway and two boards of  
township trustees have adopted an altered prima-facie speed limit  
pursuant to division (K)(4)(a) of this section, both boards shall,  
by resolution, withdraw the altered prima-facie speed limit as  
soon as the highway ceases to be unimproved. Upon the adoption of  
the resolution, the altered prima-facie speed limit becomes  
ineffective and the traffic control devices relating thereto shall  
be immediately removed.

(5) As used in division (K)(5) of this section:

(a) "Commercial subdivision" means any platted territory  
outside the limits of a municipal corporation and fronting a  
highway where, for a distance of three hundred feet or more, the  
frontage is improved with buildings in use for commercial  
purposes, or where the entire length of the highway is less than  
three hundred feet long and the frontage is improved with  
buildings in use for commercial purposes.

(b) "Residential subdivision" means any platted territory  
outside the limits of a municipal corporation and fronting a  
highway, where, for a distance of three hundred feet or more, the  
frontage is improved with residences or residences and buildings  
in use for business, or where the entire length of the highway is  
less than three hundred feet long and the frontage is improved  
with residences or residences and buildings in use for business.

Whenever a board of township trustees finds upon the basis of  
an engineering and traffic investigation that the prima-facie

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speed permitted by division (B)(5) of this section on any part of  
a highway under its jurisdiction that is located in a commercial  
or residential subdivision, except on highways or portions thereof  
at the entrances to which vehicular traffic from the majority of  
intersecting highways is required to yield the right-of-way to  
vehicles on such highways in obedience to stop or yield signs or  
traffic control signals, is greater than is reasonable and safe  
under the conditions found to exist at the location, the board may  
by resolution declare a reasonable and safe prima-facie speed  
limit of less than fifty-five but not less than twenty-five miles  
per hour at the location. An altered speed limit adopted by a  
board of township trustees under this division shall become  
effective when appropriate signs giving notice thereof are erected  
at the location by the township. Whenever, in the opinion of a  
board of township trustees, any altered prima-facie speed limit  
established by it under this division becomes unreasonable, it may  
adopt a resolution withdrawing the altered prima-facie speed, and  
upon such withdrawal, the altered prima-facie speed shall become  
ineffective, and the signs relating thereto shall be immediately  
removed by the township.

(L)(1) Within one hundred twenty days of the effective date  
of this amendment, the director of transportation, based upon a  
geometric and traffic characteristic study of a freeway that is  
part of the interstate system or that is not part of the  
interstate system, but is built to the standards and  
specifications that are applicable to freeways that are part of  
the interstate system, in consultation with the director of public  
safety and, if applicable, the local authority having jurisdiction  
over a portion of such freeway, may determine and declare that the  
speed limit of less than sixty-five miles per hour established on  
such freeway or portion of freeway either is reasonable and safe  
or is less than that which is reasonable and safe.

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(2) If the established speed limit for such a freeway or portion of freeway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of freeway, shall determine and declare a reasonable and safe speed limit of not more than sixty-five miles per hour for that freeway or portion of freeway.

The director of transportation or local authority having jurisdiction over the freeway or portion of freeway shall erect appropriate signs giving notice of the speed limit at such location within one hundred fifty days of the effective date of this amendment. Such speed limit becomes effective only when such signs are erected at the location.

(3) If, within one hundred twenty days of the effective date of this amendment, the director of transportation does not make a determination and declaration of a reasonable and safe speed limit for a freeway or portion of freeway that is part of the interstate system or that is not part of the interstate system, but is built to the standards and specifications that are applicable to freeways that are part of the interstate system and that has a speed limit of less than sixty-five miles per hour, the speed limit on that freeway or portion of a freeway shall be sixty-five miles per hour. The director of transportation or local authority having jurisdiction over the freeway or portion of the freeway shall erect appropriate signs giving notice of the speed limit of sixty-five miles per hour at such location within one hundred fifty days of the effective date of this amendment. Such speed limit becomes effective only when such signs are erected at the location. A speed limit established through the operation of division (L)(3) of this section is subject to reduction under division (I)(2) of this section.

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(M) Within three hundred sixty days after the effective date of this amendment, the director of transportation, based upon a geometric and traffic characteristic study of a rural, divided, multi-lane highway that has been designated as part of the national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over a portion of the highway, may determine and declare that the speed limit of less than sixty-five miles per hour established on the highway or portion of highway either is reasonable and safe or is less than that which is reasonable and safe.

If the established speed limit for the highway or portion of highway is determined to be less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the portion of highway, shall determine and declare a reasonable and safe speed limit of not more than sixty-five miles per hour for that highway or portion of highway. The director of transportation or local authority having jurisdiction over the highway or portion of highway shall erect appropriate signs giving notice of the speed limit at such location within three hundred ninety days after the effective date of this amendment. The speed limit becomes effective only when such signs are erected at the location.

(N) As used in this section:

(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

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(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

(O)(1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions (O)(1)(b), (1)(c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree;

(2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section or of any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3) Notwithstanding division (O)(1) of this section, if the offender operated a motor vehicle in a construction zone where a

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sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

**Sec. 4511.211.** (A) The owner of a private road or driveway located in a private residential area containing twenty or more dwelling units may establish a speed limit on the road or driveway by complying with all of the following requirements:

(1) The speed limit is not less than twenty-five miles per hour and is indicated by a sign that is in a proper position, is sufficiently legible to be seen by an ordinarily observant person, and meets the specifications for the basic speed limit sign included in the manual adopted by the department of transportation pursuant to section 4511.09 of the Revised Code;

(2) The owner has posted a sign at the entrance of the private road or driveway that is in plain view and clearly informs persons entering the road or driveway that they are entering private property, a speed limit has been established for the road or driveway, and the speed limit is enforceable by law enforcement officers under state law.

(B) No person shall operate a vehicle upon a private road or driveway as provided in division (A) of this section at a speed exceeding any speed limit established and posted pursuant to that division.

(C) When a speed limit is established and posted in



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accordance with division (A) of this section, any law enforcement officer may apprehend a person violating the speed limit of the residential area by utilizing any of the means described in section 4511.091 of the Revised Code or by any other accepted method of determining the speed of a motor vehicle and may stop and charge the person with exceeding the speed limit.

(D) Points shall be assessed for violation of a speed limit established and posted in accordance with division (A) of this section ~~only when the violation involves a speed of five miles per hour or more in excess of the posted speed limit~~ in accordance with section 4510.036 of the Revised Code.

(E) As used in this section:

(1) "Owner" includes but is not limited to a person who holds title to the real property in fee simple, a condominium owners' association, a property owner's association, the board of directors or trustees of a private community, and a nonprofit corporation governing a private community.

(2) "Private residential area containing twenty or more dwelling units" does not include a Chautauqua assembly as defined in section 4511.90 of the Revised Code.

(F) A violation of division (B) of this section is one of the following:

(1) Except as otherwise provided in divisions (F)(2) and (3) of this section, a minor misdemeanor;

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of division (B) of this section or of any municipal ordinance that is substantially similar to division (B) of this section, a misdemeanor of the fourth degree;

(3) If, within one year of the offense, the offender

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previously has been convicted of or pleaded guilty to three or 24271  
more violations of division (B) of this section or of any 24272  
municipal ordinance that is substantially similar to division (B) 24273  
of this section, a misdemeanor of the third degree. 24274

**Sec. 4511.213.** (A) The driver of a motor vehicle, upon 24275  
approaching a stationary public safety vehicle that is displaying 24276  
a flashing red light, flashing combination red and white light, 24277  
oscillating or rotating red light, oscillating or rotating 24278  
combination red and white light, flashing blue light, flashing 24279  
combination blue and white light, oscillating or rotating blue 24280  
light, or oscillating or rotating combination blue and white 24281  
light, shall do either of the following: 24282

(1) If the driver of the motor vehicle is traveling on a 24283  
highway that consists of at least two lanes that carry traffic in 24284  
the same direction of travel as that of the driver's motor 24285  
vehicle, the driver shall proceed with due caution and, if 24286  
possible and with due regard to the road, weather, and traffic 24287  
conditions, shall change lanes into a lane that is not adjacent to 24288  
that of the stationary public safety vehicle. 24289

(2) If the driver is not traveling on a highway of a type 24290  
described in division (A)(1) of this section, or if the driver is 24291  
traveling on a highway of that type but it is not possible to 24292  
change lanes or if to do so would be unsafe, the driver shall 24293  
proceed with due caution, reduce the speed of the motor vehicle, 24294  
and maintain a safe speed for the road, weather, and traffic 24295  
conditions. 24296

(B) This section does not relieve the driver of a public 24297  
safety vehicle from the duty to drive with due regard for the 24298  
safety of all persons and property upon the highway. 24299

(C) No person shall fail to drive a motor vehicle in 24300  
compliance with division (A)(1) or (2) of this section when so 24301

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required by division (A) of this section. 24302

(D)(1) Except as otherwise provided in this division, whoever 24303  
violates this section is guilty of a minor misdemeanor. If, within 24304  
one year of the offense, the offender previously has been 24305  
convicted of or pleaded guilty to one predicate motor vehicle or 24306  
traffic offense, whoever violates this section is guilty of a 24307  
misdemeanor of the fourth degree. If, within one year of the 24308  
offense, the offender previously has been convicted of two or more 24309  
predicate motor vehicle or traffic offenses, whoever violates this 24310  
section is guilty of a misdemeanor of the third degree. 24311

(2) Notwithstanding section 2929.21 of the Revised Code, upon 24312  
a finding that a person operated a motor vehicle in violation of 24313  
division (C) of this section, the court, in addition to all other 24314  
penalties provided by law, shall impose a fine of two times the 24315  
usual amount imposed for the violation. 24316

(E) As used in this section, "public safety vehicle" has the 24317  
same meaning as in section 4511.01 of the Revised Code. 24318

**Sec. 4511.22.** (A) No person shall stop or operate a vehicle, 24319  
trackless trolley, or street car at such a slow speed as to impede 24320  
or block the normal and reasonable movement of traffic, except 24321  
when stopping or reduced speed is necessary for safe operation or 24322  
to comply with law. 24323

(B) Whenever the director of transportation or local 24324  
authorities determine on the basis of an engineering and traffic 24325  
investigation that slow speeds on any part of a controlled-access 24326  
highway, expressway, or freeway consistently impede the normal and 24327  
reasonable movement of traffic, the director or such local 24328  
authority may declare a minimum speed limit below which no person 24329  
shall operate a motor vehicle, trackless trolley, or street car 24330  
except when necessary for safe operation or in compliance with 24331  
law. No minimum speed limit established hereunder shall be less 24332

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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.

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Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by the department and the existence of said signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(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. 4511.25.** (A) Upon all roadways of sufficient width, a vehicle or trackless trolley shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one-way traffic;

(5) When otherwise directed by a police officer or traffic

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control device. 24394

(B) Upon all roadways any vehicle or trackless trolley 24395  
 proceeding at less than the normal speed of traffic at the time 24396  
 and place and under the conditions then existing shall be driven 24397  
 in the right-hand lane then available for traffic, or as close as 24398  
 practicable to the right-hand curb or edge of the roadway, except 24399  
 when overtaking and passing another vehicle or trackless trolley 24400  
 proceeding in the same direction or when preparing for a left 24401  
 turn. 24402

(C) Upon any roadway having four or more lanes for moving 24403  
 traffic and providing for two-way movement of traffic, no vehicle 24404  
 or trackless trolley shall be driven to the left of the center 24405  
 line of the roadway, except when authorized by official traffic 24406  
 control devices designating certain lanes to the left of the 24407  
 center of the roadway for use by traffic not otherwise permitted 24408  
 to use the lanes, or except as permitted under division (A)(2) of 24409  
 this section. 24410

~~Division (C) of this section~~ This division shall not be 24411  
 construed as prohibiting the crossing of the center line in making 24412  
 a left turn into or from an alley, private road, or driveway. 24413

(D) Except as otherwise provided in this division, whoever 24414  
violates this section is guilty of a minor misdemeanor. If, within 24415  
one year of the offense, the offender previously has been 24416  
convicted of or pleaded guilty to one predicate motor vehicle or 24417  
traffic offense, whoever violates this section is guilty of a 24418  
misdemeanor of the fourth degree. If, within one year of the 24419  
offense, the offender previously has been convicted of two or more 24420  
predicate motor vehicle or traffic offenses, whoever violates this 24421  
section is guilty of a misdemeanor of the third degree. 24422

**Sec. 4511.251.** (A) As used in this section and ~~in sections~~ 24423  
~~4507.021 and 4507.16~~ section 4510.036 of the Revised Code, "street 24424

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24425 racing" means the operation of two or more vehicles from a point  
24426 side by side at accelerating speeds in a competitive attempt to  
24427 out-distance each other or the operation of one or more vehicles  
24428 over a common selected course, from the same point to the same  
24429 point, wherein timing is made of the participating vehicles  
24430 involving competitive accelerations or speeds. Persons rendering  
24431 assistance in any manner to such competitive use of vehicles shall  
24432 be equally charged as the participants. The operation of two or  
24433 more vehicles side by side either at speeds in excess of  
24434 prima-facie lawful speeds established by divisions (B)(1)(a) to  
24435 (B)(7) of section 4511.21 of the Revised Code or rapidly  
24436 accelerating from a common starting point to a speed in excess of  
24437 such prima-facie lawful speeds shall be prima-facie evidence of  
24438 street racing.

(B) No person shall participate in street racing upon any 24439  
public road, street, or highway in this state. 24440

(C) Whoever violates this section is guilty of street racing, 24441  
a misdemeanor of the first degree. In addition to any other 24442  
sanctions, the court may impose a class seven suspension of the 24443  
offender's driver's license, commercial driver's license, 24444  
temporary instruction permit, probationary license, or nonresident 24445  
operating privilege from the range specified in division (A)(7) of 24446  
section 4510.02 of the Revised Code. 24447

**Sec. 4511.26.** (A) Operators of vehicles and trackless 24448  
trolleys proceeding in opposite directions shall pass each other 24449  
to the right, and upon roadways having width for not more than one 24450  
line of traffic in each direction, each operator shall give to the 24451  
other one-half of the main traveled portion of the roadway or as 24452  
nearly one-half as is reasonable possible. 24453

(B) Except as otherwise provided in this division, whoever 24454  
violates this section is guilty of a minor misdemeanor. If, within 24455

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one year of the offense, the offender previously has been 24456  
convicted of or pleaded guilty to one predicate motor vehicle or 24457  
traffic offense, whoever violates this section is guilty of a 24458  
misdemeanor of the fourth degree. If, within one year of the 24459  
offense, the offender previously has been convicted of two or more 24460  
predicate motor vehicle or traffic offenses, whoever violates this 24461  
section is guilty of a misdemeanor of the third degree. 24462

**Sec. 4511.27.** (A) The following rules govern the overtaking 24463  
and passing of vehicles or trackless trolleys proceeding in the 24464  
same direction: 24465

~~(A)~~(1) The operator of a vehicle or trackless trolley 24466  
overtaking another vehicle or trackless trolley proceeding in the 24467  
same direction shall, except as provided in division ~~(C)~~(A)(3) of 24468  
this section, signal to the vehicle or trackless trolley to be 24469  
overtaken, shall pass to the left thereof at a safe distance, and 24470  
shall not again drive to the right side of the roadway until 24471  
safely clear of the overtaken vehicle or trackless trolley. 24472

~~(B)~~(2) Except when overtaking and passing on the right is 24473  
permitted, the operator of an overtaken vehicle shall give way to 24474  
the right in favor of the overtaking vehicle at the latter's 24475  
audible signal, and he shall not increase the speed of his vehicle 24476  
until completely passed by the overtaking vehicle. 24477

~~(C)~~(3) The operator of a vehicle or trackless trolley 24478  
overtaking and passing another vehicle or trackless trolley 24479  
proceeding in the same direction on a divided highway as defined 24480  
in section 4511.35 of the Revised Code, a limited access highway 24481  
as defined in section 5511.02 of the Revised Code, or a highway 24482  
with four or more traffic lanes, is not required to signal audibly 24483  
to the vehicle or trackless trolley being overtaken and passed. 24484

(B) Except as otherwise provided in this division, whoever 24485  
violates this section is guilty of a minor misdemeanor. If, within 24486



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one year of the offense, the offender previously has been 24487  
convicted of or pleaded guilty to one predicate motor vehicle or 24488  
traffic offense, whoever violates this section is guilty of a 24489  
misdemeanor of the fourth degree. If, within one year of the 24490  
offense, the offender previously has been convicted of two or more 24491  
predicate motor vehicle or traffic offenses, whoever violates this 24492  
section is guilty of a misdemeanor of the third degree. 24493

**Sec. 4511.28.** (A) The driver of a vehicle or trackless 24494  
trolley may overtake and pass upon the right of another vehicle or 24495  
trackless trolley only under the following conditions: 24496

(1) When the vehicle or trackless trolley overtaken is making 24497  
or about to make a left turn; 24498

(2) Upon a roadway with unobstructed pavement of sufficient 24499  
width for two or more lines of vehicles moving lawfully in the 24500  
direction being traveled by the overtaking vehicle. 24501

(B) The driver of a vehicle or trackless trolley may overtake 24502  
and pass another vehicle or trackless trolley only under 24503  
conditions permitting such movement in safety. The movement shall 24504  
not be made by driving off the roadway. 24505

(C) Except as otherwise provided in this division, whoever 24506  
violates this section is guilty of a minor misdemeanor. If, within 24507  
one year of the offense, the offender previously has been 24508  
convicted of or pleaded guilty to one predicate motor vehicle or 24509  
traffic offense, whoever violates this section is guilty of a 24510  
misdemeanor of the fourth degree. If, within one year of the 24511  
offense, the offender previously has been convicted of two or more 24512  
predicate motor vehicle or traffic offenses, whoever violates this 24513  
section is guilty of a misdemeanor of the third degree. 24514

**Sec. 4511.29.** (A) No vehicle or trackless trolley shall be 24515  
driven to the left of the center of the roadway in overtaking and 24516

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passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle or trackless trolley must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction, before coming within two hundred feet of any approaching 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. 4511.30.** (A) No vehicle or trackless trolley shall be driven upon the left side of the roadway under the following conditions:

~~(A)~~(1) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

~~(B)~~(2) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel;

~~(C)~~(3) When approaching within one hundred feet of or

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traversing any intersection or railroad grade crossing. 24547

(B) This section does not apply to vehicles or trackless 24548  
trolleys upon a one-way roadway, upon a roadway where traffic is 24549  
lawfully directed to be driven to the left side, or under the 24550  
conditions described in division (A)(2) of section 4511.25 of the 24551  
Revised Code. 24552

(C) Except as otherwise provided in this division, whoever 24553  
violates this section is guilty of a minor misdemeanor. If, within 24554  
one year of the offense, the offender previously has been 24555  
convicted of or pleaded guilty to one predicate motor vehicle or 24556  
traffic offense, whoever violates this section is guilty of a 24557  
misdemeanor of the fourth degree. If, within one year of the 24558  
offense, the offender previously has been convicted of two or more 24559  
predicate motor vehicle or traffic offenses, whoever violates this 24560  
section is guilty of a misdemeanor of the third degree. 24561

**Sec. 4511.31.** (A) The department of transportation may 24562  
determine those portions of any state highway where overtaking and 24563  
passing other traffic or driving to the left of the center or 24564  
center line of the roadway would be especially hazardous, and may, 24565  
by appropriate signs or markings on the highway, indicate the 24566  
beginning and end of such zones. When such signs or markings are 24567  
in place and clearly visible, every operator of a vehicle or 24568  
trackless trolley shall obey the directions ~~thereof~~ of the signs 24569  
or markings, notwithstanding the distances set out in section 24570  
4511.30 of the Revised Code. 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

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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. 4511.32. (A)** The department of transportation may 24581  
designate any highway or any separate roadway under its 24582  
jurisdiction for one-way traffic and shall erect appropriate signs 24583  
giving notice thereof. 24584

Upon a roadway designated and posted with signs for one-way 24585  
traffic a vehicle shall be driven only in the direction 24586  
designated. 24587

A vehicle passing around a rotary traffic island shall be 24588  
driven only to the right of ~~such~~ the rotary traffic island. 24589

(B) Except as otherwise provided in this division, whoever 24590  
violates this section is guilty of a minor misdemeanor. If, within 24591  
one year of the offense, the offender previously has been 24592  
convicted of or pleaded guilty to one predicate motor vehicle or 24593  
traffic offense, whoever violates this section is guilty of a 24594  
misdemeanor of the fourth degree. If, within one year of the 24595  
offense, the offender previously has been convicted of two or more 24596  
predicate motor vehicle or traffic offenses, whoever violates this 24597  
section is guilty of a misdemeanor of the third degree. 24598

**Sec. 4511.33. (A)** Whenever any roadway has been divided into 24599  
two or more clearly marked lanes for traffic, or wherever within 24600  
municipal corporations traffic is lawfully moving in two or more 24601  
substantially continuous lines in the same direction, the 24602  
following rules apply: 24603

~~(A)~~(1) A vehicle or trackless trolley shall be driven, as 24604  
nearly as is practicable, entirely within a single lane or line of 24605  
traffic and shall not be moved from such lane or line until the 24606  
driver has first ascertained that such movement can be made with 24607

safety. 24608

~~(B)~~(2) Upon a roadway which is divided into three lanes and 24609  
provides for two-way movement of traffic, a vehicle or trackless 24610  
trolley shall not be driven in the center lane except when 24611  
overtaking and passing another vehicle or trackless trolley where 24612  
the roadway is clearly visible and such center lane is clear of 24613  
traffic within a safe distance, or when preparing for a left turn, 24614  
or where such center lane is at the time allocated exclusively to 24615  
traffic moving in the direction the vehicle or trackless trolley 24616  
is proceeding and is posted with signs to give notice of such 24617  
allocation. 24618

~~(C)~~(3) Official signs may be erected directing specified 24619  
traffic to use a designated lane or designating those lanes to be 24620  
used by traffic moving in a particular direction regardless of the 24621  
center of the roadway, and drivers of vehicles and trackless 24622  
trolleys shall obey the directions of such signs. 24623

~~(D)~~(4) Official traffic control devices may be installed 24624  
prohibiting the changing of lanes on sections of roadway and 24625  
drivers of vehicles shall obey the directions of every such 24626  
device. 24627

(B) Except as otherwise provided in this division, whoever 24628  
violates this section is guilty of a minor misdemeanor. If, within 24629  
one year of the offense, the offender previously has been 24630  
convicted of or pleaded guilty to one predicate motor vehicle or 24631  
traffic offense, whoever violates this section is guilty of a 24632  
misdemeanor of the fourth degree. If, within one year of the 24633  
offense, the offender previously has been convicted of two or more 24634  
predicate motor vehicle or traffic offenses, whoever violates this 24635  
section is guilty of a misdemeanor of the third degree. 24636

**Sec. 4511.34.** (A) The operator of a motor vehicle, streetcar, 24637  
or trackless trolley shall not follow another vehicle, streetcar, 24638

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or trackless trolley more closely than is reasonable and prudent, 24639  
having due regard for the speed of such vehicle, streetcar, or 24640  
trackless trolley, and the traffic upon and the condition of the 24641  
highway. 24642

The driver of any truck, or motor vehicle drawing another 24643  
vehicle, when traveling upon a roadway outside a business or 24644  
residence district shall maintain a sufficient space, whenever 24645  
conditions permit, between such vehicle and another vehicle ahead 24646  
so an overtaking motor vehicle may enter and occupy such space 24647  
without danger. This paragraph does not prevent overtaking and 24648  
passing nor does it apply to any lane specially designated for use 24649  
by trucks. 24650

Outside a municipal corporation, the driver of any truck, or 24651  
motor vehicle when drawing another vehicle, while ascending to the 24652  
crest of a grade beyond which the driver's view of a roadway is 24653  
obstructed, shall not follow within three hundred feet of another 24654  
truck, or motor vehicle drawing another vehicle. This paragraph 24655  
shall not apply to any lane specially designated for use by 24656  
trucks. 24657

Motor vehicles being driven upon any roadway outside of a 24658  
business or residence district in a caravan or motorcade, shall 24659  
maintain a sufficient space between such vehicles so an overtaking 24660  
vehicle may enter and occupy such space without danger. This 24661  
paragraph shall not apply to funeral processions. 24662

(B) Except as otherwise provided in this division, whoever 24663  
violates this section is guilty of a minor misdemeanor. If, within 24664  
one year of the offense, the offender previously has been 24665  
convicted of or pleaded guilty to one predicate motor vehicle or 24666  
traffic offense, whoever violates this section is guilty of a 24667  
misdemeanor of the fourth degree. If, within one year of the 24668  
offense, the offender previously has been convicted of two or more 24669

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predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. 24670  
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**Sec. 4511.35. (A)** Whenever any highway has been divided into 24672  
two roadways by an intervening space, or by a physical barrier, or 24673  
clearly indicated dividing section so constructed as to impede 24674  
vehicular traffic, every vehicle shall be driven only upon the 24675  
right-hand roadway, and no vehicle shall be driven over, across, 24676  
or within any such dividing space, barrier, or section, except 24677  
through an opening, crossover, or intersection established by 24678  
public authority. This section does not prohibit the occupancy of 24679  
such dividing space, barrier, or section for the purpose of an 24680  
emergency stop or in compliance with an order of a police officer. 24681

(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. 24682  
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**Sec. 4511.36. (A)** The driver of a vehicle intending to turn 24691  
at an intersection shall be governed by the following rules: 24692

~~(A)~~(1) Approach for a right turn and a right turn shall be 24693  
made as close as practicable to the right-hand curb or edge of the 24694  
roadway. 24695

~~(B)~~(2) At any intersection where traffic is permitted to move 24696  
in both directions on each roadway entering the intersection, an 24697  
approach for a left turn shall be made in that portion of the 24698  
right half of the roadway nearest the center line thereof and by 24699

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passing to the right of such center line where it enters the 24700  
intersection and after entering the intersection the left turn 24701  
shall be made so as to leave the intersection to the right of the 24702  
center line of the roadway being entered. Whenever practicable the 24703  
left turn shall be made in that portion of the intersection to the 24704  
left of the center of the intersection. 24705

~~(C)~~(3) At any intersection where traffic is restricted to one 24706  
direction on one or more of the roadways, the driver of a vehicle 24707  
intending to turn left at any such intersection shall approach the 24708  
intersection in the extreme left-hand lane lawfully available to 24709  
traffic moving in the direction of travel of such vehicle, and 24710  
after entering the intersection the left turn shall be made so as 24711  
to leave the intersection, as nearly as practicable, in the 24712  
left-hand lane of the roadway being entered lawfully available to 24713  
traffic moving in that lane. 24714

(B) The operator of a trackless trolley shall comply with 24715  
divisions (A)(1), ~~(B)~~(2), and ~~(C)~~(3) of this section wherever 24716  
practicable. 24717

(C) The department of transportation and local authorities in 24718  
their respective jurisdictions may cause markers, buttons, or 24719  
signs to be placed within or adjacent to intersections and thereby 24720  
require and direct that a different course from that specified in 24721  
this section be traveled by vehicles, streetcars, or trackless 24722  
trolleys, turning at an intersection, and when markers, buttons, 24723  
or signs are so placed, no operator of a vehicle, streetcar, or 24724  
trackless trolley shall turn such vehicle, streetcar, or trackless 24725  
trolley at an intersection other than as directed and required by 24726  
such markers, buttons, or signs. 24727

(D) Except as otherwise provided in this division, whoever 24728  
violates this section is guilty of a minor misdemeanor. If, within 24729  
one year of the offense, the offender previously has been 24730  
convicted of or pleaded guilty to one predicate motor vehicle or 24731



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traffic offense, whoever violates this section is guilty of a 24732  
misdemeanor of the fourth degree. If, within one year of the 24733  
offense, the offender previously has been convicted of two or more 24734  
predicate motor vehicle or traffic offenses, whoever violates this 24735  
section is guilty of a misdemeanor of the third degree. 24736

**Sec. 4511.37.** (A) Except as provided in division (B) of this 24737  
section, no vehicle shall be turned so as to proceed in the 24738  
opposite direction upon any curve, or upon the approach to or near 24739  
the crest of a grade, if the vehicle cannot be seen within five 24740  
hundred feet by the driver of any other vehicle approaching from 24741  
either direction. 24742

(B) The driver of an emergency vehicle or public safety 24743  
vehicle, when responding to an emergency call, may turn the 24744  
vehicle so as to proceed in the opposite direction. This division 24745  
applies only when the emergency vehicle or public safety vehicle 24746  
is responding to an emergency call, is equipped with and 24747  
displaying at least one flashing, rotating, or oscillating light 24748  
visible under normal atmospheric conditions from a distance of 24749  
five hundred feet to the front of the vehicle, and when the driver 24750  
of the vehicle is giving an audible signal by siren, exhaust 24751  
whistle, or bell. This division does not relieve the driver of an 24752  
emergency vehicle or public safety vehicle from the duty to drive 24753  
with due regard for the safety of all persons and property upon 24754  
the highway. 24755

(C) Except as otherwise provided in this division, whoever 24756  
violates this section is guilty of a minor misdemeanor. If, within 24757  
one year of the offense, the offender previously has been 24758  
convicted of or pleaded guilty to one predicate motor vehicle or 24759  
traffic offense, whoever violates this section is guilty of a 24760  
misdemeanor of the fourth degree. If, within one year of the 24761  
offense, the offender previously has been convicted of two or more 24762  
predicate motor vehicle or traffic offenses, whoever violates this 24763

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section is guilty of a misdemeanor of the third degree. 24764

**Sec. 4511.38.** (A) No person shall start a vehicle, streetcar, 24765  
or trackless trolley which is stopped, standing, or parked until 24766  
such movement can be made with reasonable safety. 24767

Before backing, operators of vehicle, streetcars, or 24768  
trackless trolleys shall give ample warning, and while backing 24769  
they shall exercise vigilance not to injure person or property on 24770  
the street or highway. 24771

No person shall back a motor vehicle on a freeway, except: in 24772  
a rest area; in the performance of public works or official 24773  
duties; as a result of an emergency caused by an accident or 24774  
breakdown of a motor vehicle. 24775

(B) Except as otherwise provided in this division, whoever 24776  
violates this section is guilty of a minor misdemeanor. If, within 24777  
one year of the offense, the offender previously has been 24778  
convicted of or pleaded guilty to one predicate motor vehicle or 24779  
traffic offense, whoever violates this section is guilty of a 24780  
misdemeanor of the fourth degree. If, within one year of the 24781  
offense, the offender previously has been convicted of two or more 24782  
predicate motor vehicle or traffic offenses, whoever violates this 24783  
section is guilty of a misdemeanor of the third degree. 24784

**Sec. 4511.39.** (A) No person shall turn a vehicle or trackless 24785  
trolley or move right or left upon a highway unless and until such 24786  
person has exercised due care to ascertain that the movement can 24787  
be made with reasonable safety nor without giving an appropriate 24788  
signal in the manner hereinafter provided. 24789

When required, a signal of intention to turn or move right or 24790  
left shall be given continuously during not less than the last one 24791  
hundred feet traveled by the vehicle or trackless trolley before 24792  
turning. 24793

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No person shall stop or suddenly decrease the speed of a vehicle or trackless trolley without first giving an appropriate signal in the manner provided herein to the driver of any vehicle or trackless trolley immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle or trackless trolley, flashed as a courtesy or "do pass" signal to operators of other vehicles or trackless trolleys approaching from the rear, nor be flashed on one side only of a parked vehicle or trackless trolley except as may be necessary for compliance with this section.

(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

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section is guilty of a misdemeanor of the third degree. 24826

**Sec. 4511.40.** (A) Except as provided in division (B) of this 24827  
section, all signals required by sections 4511.01 to 4511.78 of 24828  
the Revised Code, when given by hand and arm, shall be given from 24829  
the left side of the vehicle in the following manner, and such 24830  
signals shall indicate as follows: 24831

(1) Left turn, hand and arm extended horizontally; 24832

(2) Right turn, hand and arm extended upward; 24833

(3) Stop or decrease speed, hand and arm extended downward. 24834

(B) As an alternative to division (A)(2) of this section, a 24835  
person operating a bicycle may give a right turn signal by 24836  
extending the right hand and arm horizontally and to the right 24837  
side of the bicycle. 24838

(C) Except as otherwise provided in this division, whoever 24839  
violates this section is guilty of a minor misdemeanor. If, within 24840  
one year of the offense, the offender previously has been 24841  
convicted of or pleaded guilty to one predicate motor vehicle or 24842  
traffic offense, whoever violates this section is guilty of a 24843  
misdemeanor of the fourth degree. If, within one year of the 24844  
offense, the offender previously has been convicted of two or more 24845  
predicate motor vehicle or traffic offenses, whoever violates this 24846  
section is guilty of a misdemeanor of the third degree. 24847

**Sec. 4511.41.** (A) When two vehicles, including any trackless 24848  
trolley or streetcar, approach or enter an intersection from 24849  
different streets or highways at approximately the same time, the 24850  
driver of the vehicle on the left shall yield the right-of-way to 24851  
the vehicle on the right. 24852

(B) The right-of-way rule declared in division (A) of this 24853  
section is modified at through highways and otherwise as stated in 24854

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Chapter 4511. of the Revised Code.

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(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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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.

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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.

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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

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stop line, but if none, before entering the crosswalk on the near 24885  
side of the intersection, or, if none, then at the point nearest 24886  
the intersecting roadway where the driver has a view of 24887  
approaching traffic on the intersecting roadway before entering 24888  
it. After having stopped, the driver shall yield the right-of-way 24889  
to any vehicle in the intersection or approaching on another 24890  
roadway so closely as to constitute an immediate hazard during the 24891  
time the driver is moving across or within the intersection or 24892  
junction of roadways. 24893

(B) The driver of a vehicle or trackless trolley approaching 24894  
a yield sign shall slow down to a speed reasonable for the 24895  
existing conditions and, if required for safety to stop, shall 24896  
stop at a clearly marked stop line, but if none, before entering 24897  
the crosswalk on the near side of the intersection, or, if none, 24898  
then at the point nearest the intersecting roadway where the 24899  
driver has a view of approaching traffic on the intersecting 24900  
roadway before entering it. After slowing or stopping, the driver 24901  
shall yield the right-of-way to any vehicle or trackless trolley 24902  
in the intersection or approaching on another roadway so closely 24903  
as to constitute an immediate hazard during the time the driver is 24904  
moving across or within the intersection or junction of roadways. 24905  
Whenever a driver is involved in a collision with a vehicle or 24906  
trackless trolley in the intersection or junction of roadways, 24907  
after driving past a yield sign without stopping, the collision 24908  
shall be prima-facie evidence of the driver's failure to yield the 24909  
right-of-way. 24910

(C) Except as otherwise provided in this division, whoever 24911  
violates this section is guilty of a minor misdemeanor. If, within 24912  
one year of the offense, the offender previously has been 24913  
convicted of or pleaded guilty to one predicate motor vehicle or 24914  
traffic offense, whoever violates this section is guilty of a 24915  
misdemeanor of the fourth degree. If, within one year of the 24916

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offense, the offender previously has been convicted of two or more 24917  
predicate motor vehicle or traffic offenses, whoever violates this 24918  
section is guilty of a misdemeanor of the third degree. 24919

**Sec. 4511.431.** (A) The driver of a vehicle or trackless 24920  
 trolley emerging from an alley, building, private road, or 24921  
 driveway within a business or residence district shall stop the 24922  
 vehicle or trackless trolley immediately prior to driving onto a 24923  
 sidewalk or onto the sidewalk area extending across the alley, 24924  
 building entrance, road, or driveway, or in the event there is no 24925  
 sidewalk area, shall stop at the point nearest the street to be 24926  
 entered where the driver has a view of approaching traffic 24927  
 thereon. 24928

(B) Except as otherwise provided in this division, whoever 24929  
violates this section is guilty of a minor misdemeanor. If, within 24930  
one year of the offense, the offender previously has been 24931  
convicted of or pleaded guilty to one predicate motor vehicle or 24932  
traffic offense, whoever violates this section is guilty of a 24933  
misdemeanor of the fourth degree. If, within one year of the 24934  
offense, the offender previously has been convicted of two or more 24935  
predicate motor vehicle or traffic offenses, whoever violates this 24936  
section is guilty of a misdemeanor of the third degree. 24937

**Sec. 4511.432.** (A) The owner of a private road or driveway 24938  
 located in a private residential area containing twenty or more 24939  
 dwelling units may erect stop signs at places where the road or 24940  
 driveway intersects with another private road or driveway in the 24941  
 residential area, in compliance with all of the following 24942  
 requirements: 24943

(1) The stop sign is sufficiently legible to be seen by an 24944  
 ordinarily observant person and meets the specifications of and is 24945  
 placed in accordance with the manual adopted by the department of 24946

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transportation pursuant to section 4511.09 of the Revised Code. 24947

(2) The owner has posted a sign at the entrance of the 24948  
private road or driveway that is in plain view and clearly informs 24949  
persons entering the road or driveway that they are entering 24950  
private property, stop signs have been posted and must be obeyed, 24951  
and the signs are enforceable by law enforcement officers under 24952  
state law. The sign required by division (A)(2) of this section, 24953  
where appropriate, may be incorporated with the sign required by 24954  
division (A)(2) of section 4511.211 of the Revised Code. 24955

(B) Division (A) of section 4511.43 and section 4511.46 of 24956  
the Revised Code shall be deemed to apply to the driver of a 24957  
vehicle on a private road or driveway where a stop sign is placed 24958  
in accordance with division (A) of this section and to a 24959  
pedestrian crossing such a road or driveway at an intersection 24960  
where a stop sign is in place. 24961

(C) When a stop sign is placed in accordance with division 24962  
(A) of this section, any law enforcement officer may apprehend a 24963  
person found violating the stop sign and may stop and charge the 24964  
person with violating the stop sign. 24965

(D) Except as otherwise provided in this division, whoever 24966  
violates this section is guilty of a minor misdemeanor. If, within 24967  
one year of the offense, the offender previously has been 24968  
convicted of or pleaded guilty to one predicate motor vehicle or 24969  
traffic offense, whoever violates this section is guilty of a 24970  
misdemeanor of the fourth degree. If, within one year of the 24971  
offense, the offender previously has been convicted of two or more 24972  
predicate motor vehicle or traffic offenses, whoever violates this 24973  
section is guilty of a misdemeanor of the third degree. 24974

(E) As used in this section, and for the purpose of applying 24975  
division (A) of section 4511.43 and section 4511.46 of the Revised 24976  
Code to conduct under this section: 24977



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(1) "Intersection" means:	24978
(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.	24979 24980 24981 24982 24983 24984
(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.	24985 24986 24987 24988
(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.	24989 24990 24991 24992 24993 24994
(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.	24995 24996 24997
<b>Sec. 4511.44. (A)</b> 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.	24998 24999 25000 25001
<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>	25002 25003 25004 25005 25006 25007

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offense, the offender previously has been convicted of two or more 25008  
predicate motor vehicle or traffic offenses, whoever violates this 25009  
section is guilty of a misdemeanor of the third degree. 25010

**Sec. 4511.441.** (A) The driver of a vehicle shall yield the 25011  
right-of-way to any pedestrian on a sidewalk. 25012

(B) Except as otherwise provided in this division, whoever 25013  
violates this section is guilty of a minor misdemeanor. If, within 25014  
one year of the offense, the offender previously has been 25015  
convicted of or pleaded guilty to one predicate motor vehicle or 25016  
traffic offense, whoever violates this section is guilty of a 25017  
misdemeanor of the fourth degree. If, within one year of the 25018  
offense, the offender previously has been convicted of two or more 25019  
predicate motor vehicle or traffic offenses, whoever violates this 25020  
section is guilty of a misdemeanor of the third degree. 25021

**Sec. 4511.45.** (A)(1) Upon the approach of a public safety 25022  
vehicle or coroner's vehicle, equipped with at least one flashing, 25023  
rotating or oscillating light visible under normal atmospheric 25024  
conditions from a distance of five hundred feet to the front of 25025  
the vehicle and the driver is giving an audible signal by siren, 25026  
exhaust whistle, or bell, no driver of any other vehicle shall 25027  
fail to yield the right-of-way, immediately drive if practical to 25028  
a position parallel to, and as close as possible to, the right 25029  
edge or curb of the highway clear of any intersection, and stop 25030  
and remain in that position until the public safety vehicle or 25031  
coroner's vehicle has passed, except when otherwise directed by a 25032  
police officer. 25033

(2) Upon the approach of a public safety vehicle or coroner's 25034  
vehicle, as stated in division (A)(1) of this section, no operator 25035  
of any streetcar or trackless trolley shall fail to immediately 25036  
stop the streetcar or trackless trolley clear of any intersection 25037

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and keep it in that position until the public safety vehicle or  
coroner's vehicle has passed, except when otherwise directed by a  
police officer.

(B) This section does not relieve the driver of a public  
safety vehicle or coroner's vehicle from the duty to drive with  
due regard for the safety of all persons and property upon the  
highway.

(C) This section applies to a coroner's vehicle only when the  
vehicle is operated in accordance with section 4513.171 of the  
Revised Code. As used in this section, "coroner's vehicle" means a  
vehicle used by a coroner, deputy coroner, or coroner's  
investigator that is equipped with a flashing, oscillating, or  
rotating red or blue light and a siren, exhaust whistle, or bell  
capable of giving an audible signal.

(D) Except as otherwise provided in this division, whoever  
violates division (A)(1) or (2) of this section is guilty of a  
misdemeanor of the fourth degree on a first offense. On a second  
offense within one year after the first offense, the person is  
guilty of a misdemeanor of the third degree, and, on each  
subsequent offense within one year after the first offense, the  
person is guilty of a misdemeanor of the second degree.

**Sec. 4511.451.** (A) As used in this section "funeral  
procession" means two or more vehicles accompanying a body of a  
deceased person in the daytime when each of such vehicles has its  
headlights lighted and is displaying a purple and white pennant  
attached to each vehicle in such a manner as to be clearly visible  
to traffic approaching from any direction.

(B) Excepting public safety vehicles proceeding in accordance  
with section 4511.45 of the Revised Code or when directed  
otherwise by a police officer, pedestrians and the operators of  
all vehicles, street cars, and trackless trolleys shall yield the

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right of way to each vehicle which is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection the remainder of the vehicles in such procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control devices or right of way provisions of the Revised Code, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

No person shall operate any vehicle as a part of a funeral procession without having the headlights of such vehicle lighted and without displaying a purple and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

(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. 4511.452.** (A) Upon the immediate approach of a public safety vehicle, as stated in section 4511.45 of the Revised Code, every pedestrian shall yield the right-of-way to the public safety vehicle.

(B) This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within

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one year of the offense, the offender previously has been 25100  
convicted of or pleaded guilty to one predicate motor vehicle or 25101  
traffic offense, whoever violates this section is guilty of a 25102  
misdemeanor of the fourth degree. If, within one year of the 25103  
offense, the offender previously has been convicted of two or more 25104  
predicate motor vehicle or traffic offenses, whoever violates this 25105  
section is guilty of a misdemeanor of the third degree. 25106

**Sec. 4511.46.** (A) When traffic control signals are not in 25107  
place, not in operation, or are not clearly assigning the 25108  
right-of-way, the driver of a vehicle, trackless trolley, or 25109  
streetcar shall yield the right of way, slowing down or stopping 25110  
if need be to so yield or if required by section 4511.132 of the 25111  
Revised Code, to a pedestrian crossing the roadway within a 25112  
crosswalk when the pedestrian is upon the half of the roadway upon 25113  
which the vehicle is traveling, or when the pedestrian is 25114  
approaching so closely from the opposite half of the roadway as to 25115  
be in danger. 25116

(B) No pedestrian shall suddenly leave a curb or other place 25117  
of safety and walk or run into the path of a vehicle, trackless 25118  
trolley, or streetcar which is so close as to constitute an 25119  
immediate hazard. 25120

(C) Division (A) of this section does not apply under the 25121  
conditions stated in division (B) of section 4511.48 of the 25122  
Revised Code. 25123

(D) Whenever any vehicle, trackless trolley, or streetcar is 25124  
stopped at a marked crosswalk or at any unmarked crosswalk at an 25125  
intersection to permit a pedestrian to cross the roadway, the 25126  
driver of any other vehicle, trackless trolley, or streetcar 25127  
approaching from the rear shall not overtake and pass the stopped 25128  
vehicle. 25129

(E) Except as otherwise provided in this division, whoever 25130

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violates this section is guilty of a minor misdemeanor. If, within 25131  
one year of the offense, the offender previously has been 25132  
convicted of or pleaded guilty to one predicate motor vehicle or 25133  
traffic offense, whoever violates this section is guilty of a 25134  
misdemeanor of the fourth degree. If, within one year of the 25135  
offense, the offender previously has been convicted of two or more 25136  
predicate motor vehicle or traffic offenses, whoever violates this 25137  
section is guilty of a misdemeanor of the third degree. 25138

**Sec. 4511.47.** (A) As used in this section "blind person" or 25139  
"blind pedestrian" means a person having not more than 20/200 25140  
visual acuity in the better eye with correcting lenses or visual 25141  
acuity greater than 20/200 but with a limitation in the fields of 25142  
vision such that the widest diameter of the visual field subtends 25143  
an angle no greater than twenty degrees. 25144

The driver of every vehicle shall yield the right of way to 25145  
every blind pedestrian guided by a guide dog, or carrying a cane 25146  
which is predominantly white or metallic in color, with or without 25147  
a red tip. 25148

(B) No person, other than a blind person, while on any public 25149  
highway, street, alley, or other public thoroughfare shall carry a 25150  
white or metallic cane with or without a red tip. 25151

(C) Except as otherwise provided in this division, whoever 25152  
violates this section is guilty of a minor misdemeanor. If, within 25153  
one year of the offense, the offender previously has been 25154  
convicted of or pleaded guilty to one predicate motor vehicle or 25155  
traffic offense, whoever violates this section is guilty of a 25156  
misdemeanor of the fourth degree. If, within one year of the 25157  
offense, the offender previously has been convicted of two or more 25158  
predicate motor vehicle or traffic offenses, whoever violates this 25159  
section is guilty of a misdemeanor of the third degree. 25160

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Sec. 4511.48. (A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles, trackless trolleys, or streetcars upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all traffic upon the roadway.

(C) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(D) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(E) This section does not relieve the operator of a vehicle, streetcar, or trackless trolley from exercising due care to avoid colliding with any pedestrian upon any roadway.

(F) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4511.481. (A) A pedestrian who is under the influence of

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alcohol or, any drug of abuse, or any combination thereof, of them 25192  
 to a degree which that renders himself the pedestrian a hazard 25193  
 shall not walk or be upon a highway. 25194

(B) Except as otherwise provided in this division, whoever 25195  
violates this section is guilty of a minor misdemeanor. If, within 25196  
one year of the offense, the offender previously has been 25197  
convicted of or pleaded guilty to one predicate motor vehicle or 25198  
traffic offense, whoever violates this section is guilty of a 25199  
misdemeanor of the fourth degree. If, within one year of the 25200  
offense, the offender previously has been convicted of two or more 25201  
predicate motor vehicle or traffic offenses, whoever violates this 25202  
section is guilty of a misdemeanor of the third degree. 25203

**Sec. 4511.49.** (A) Pedestrians shall move, whenever 25204  
 practicable, upon the right half of crosswalks. 25205

(B) Except as otherwise provided in this division, whoever 25206  
violates this section is guilty of a minor misdemeanor. If, within 25207  
one year of the offense, the offender previously has been 25208  
convicted of or pleaded guilty to one predicate motor vehicle or 25209  
traffic offense, whoever violates this section is guilty of a 25210  
misdemeanor of the fourth degree. If, within one year of the 25211  
offense, the offender previously has been convicted of two or more 25212  
predicate motor vehicle or traffic offenses, whoever violates this 25213  
section is guilty of a misdemeanor of the third degree. 25214

**Sec. 4511.50.** (A) Where a sidewalk is provided and its use is 25215  
 practicable, it shall be unlawful for any pedestrian to walk along 25216  
 and upon an adjacent roadway. 25217

(B) Where a sidewalk is not available, any pedestrian walking 25218  
 along and upon a highway shall walk only on a shoulder, as far as 25219  
 practicable from the edge of the roadway. 25220



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(C) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(D) Except as otherwise provided in sections 4511.13 and 4511.46 of the Revised Code, any pedestrian upon a roadway shall yield the right-of-way to all vehicles, trackless trolleys, or streetcars upon the roadway.

(E) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

**Sec. 4511.51.** (A) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(B)(1) Except as provided in division (B)(2) of this section, no person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

(2) The legislative authority of a municipal corporation, by ordinance, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway as provided in division (A)(1) of section 4511.051 of the Revised Code, that is under the jurisdiction of the municipal corporation. The permit shall be valid for only one period of time, which shall

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be specified in the permit, in any calendar year. The legislative 25252  
authority also may specify the locations where contributions may 25253  
be solicited and may impose any other restrictions on or 25254  
requirements regarding the manner in which the solicitations are 25255  
to be conducted that the legislative authority considers 25256  
advisable. 25257

(3) As used in division (B)(2) of this section, "charitable 25258  
organization" means an organization that has received from the 25259  
internal revenue service a currently valid ruling or determination 25260  
letter recognizing the tax-exempt status of the organization 25261  
pursuant to section 501(c)(3) of the "Internal Revenue Code." 25262

(C) No person shall hang onto or ride on the outside of any 25263  
motor vehicle, streetcar, or trackless trolley while it is moving 25264  
upon a roadway, except mechanics or test engineers making repairs 25265  
or adjustments, or workers performing specialized highway or 25266  
street maintenance or construction under authority of a public 25267  
agency. 25268

(D) No operator shall knowingly permit any person to hang 25269  
onto, or ride on the outside of, any motor vehicle, streetcar, or 25270  
trackless trolley while it is moving upon a roadway, except 25271  
mechanics or test engineers making repairs or adjustments, or 25272  
workers performing specialized highway or street maintenance or 25273  
construction under authority of a public agency. 25274

(E) No driver of a truck, trailer, or semitrailer shall 25275  
knowingly permit any person who has not attained the age of 25276  
sixteen years to ride in the unenclosed or unroofed cargo storage 25277  
area of ~~his~~ the driver's vehicle if the vehicle is traveling 25278  
faster than twenty-five miles per hour, unless either of the 25279  
following applies: 25280

(1) The cargo storage area of the vehicle is equipped with a 25281  
properly secured seat to which is attached a seat safety belt that 25282  
is in compliance with federal standards for an occupant 25283

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restraining device as defined in division (A)(2) of section 25284  
4513.263 of the Revised Code, the seat and seat safety belt were 25285  
installed at the time the vehicle was originally assembled, and 25286  
the person riding in the cargo storage area is in the seat and is 25287  
wearing the seat safety belt; 25288

(2) An emergency exists that threatens the life of the driver 25289  
or the person being transported in the cargo storage area of the 25290  
truck, trailer, or semitrailer. 25291

(F) No driver of a truck, trailer, or semitrailer shall 25292  
permit any person, except for those workers performing specialized 25293  
highway or street maintenance or construction under authority of a 25294  
public agency, to ride in the cargo storage area or on a tailgate 25295  
of ~~his~~ the driver's vehicle while the tailgate is unlatched. 25296

(G)(1) Except as otherwise provided in this division, whoever 25297  
violates any provision of divisions (A) to (D) of this section is 25298  
guilty of a minor misdemeanor. If, within one year of the offense, 25299  
the offender previously has been convicted of or pleaded guilty to 25300  
one predicate motor vehicle or traffic offense, whoever violates 25301  
any provision of divisions (A) to (D) of this section is guilty of 25302  
a misdemeanor of the fourth degree. If, within one year of the 25303  
offense, the offender previously has been convicted of two or more 25304  
predicate motor vehicle or traffic offenses, whoever violates any 25305  
provision of divisions (A) to (D) of this section is guilty of a 25306  
misdemeanor of the third degree. 25307

(2) Whoever violates division (E) or (F) of this section is 25308  
guilty of a minor misdemeanor. 25309

**Sec. 4511.511.** (A) No pedestrian shall enter or remain upon 25310  
any bridge or approach thereto beyond the bridge signal, gate, or 25311  
barrier after a bridge operation signal indication has been given. 25312

(B) No pedestrian shall pass through, around, over, or under 25313

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any crossing gate or barrier at a railroad grade crossing or 25314  
bridge while the gate or barrier is closed or is being opened or 25315  
closed. 25316

(C) Except as otherwise provided in this division, whoever 25317  
violates this section is guilty of a minor misdemeanor. If, within 25318  
one year of the offense, the offender previously has been 25319  
convicted of or pleaded guilty to one predicate motor vehicle or 25320  
traffic offense, whoever violates this section is guilty of a 25321  
misdemeanor of the fourth degree. If, within one year of the 25322  
offense, the offender previously has been convicted of two or more 25323  
predicate motor vehicle or traffic offenses, whoever violates this 25324  
section is guilty of a misdemeanor of the third degree. 25325

**Sec. 4511.521.** (A) No person shall operate a motorized 25326  
bicycle upon a highway or any public or private property used by 25327  
the public for purposes of vehicular travel or parking, unless all 25328  
of the following conditions are met: 25329

(1) The person is fourteen or fifteen years of age and holds 25330  
a valid probationary motorized bicycle license issued after the 25331  
person has passed the test provided for in this section, or the 25332  
person is sixteen years of age or older and holds either a valid 25333  
commercial driver's license issued under Chapter 4506. or a 25334  
driver's license issued under Chapter 4507. of the Revised Code or 25335  
a valid motorized bicycle license issued after the person has 25336  
passed the test provided for in this section, except that if a 25337  
person is sixteen years of age, has a valid probationary motorized 25338  
bicycle license and desires a motorized bicycle license, ~~he~~ the 25339  
person is not required to comply with the testing requirements 25340  
provided for in this section; 25341

(2) The motorized bicycle is equipped in accordance with the 25342  
rules adopted under division (B) of this section and is in proper 25343  
working order; 25344

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(3) The person, if ~~he is~~ under eighteen years of age, is 25345  
wearing a protective helmet on ~~his~~ the person's head with the chin 25346  
strap properly fastened and the motorized bicycle is equipped with 25347  
a rear-view mirror. 25348

(4) The person operates the motorized bicycle when 25349  
practicable within three feet of the right edge of the roadway 25350  
obeying all traffic rules applicable to vehicles. 25351

(B) The director of public safety, subject to sections 119.01 25352  
to 119.13 of the Revised Code, shall adopt and promulgate rules 25353  
concerning protective helmets, the equipment of motorized 25354  
bicycles, and the testing and qualifications of persons who do not 25355  
hold a valid driver's or commercial driver's license. The test 25356  
shall be as near as practicable to the examination required for a 25357  
motorcycle operator's endorsement under section 4507.11 of the 25358  
Revised Code. The test shall also require the operator to give an 25359  
actual demonstration of ~~his~~ the operator's ability to operate and 25360  
control a motorized bicycle by driving one under the supervision 25361  
of an examining officer. 25362

(C) Every motorized bicycle license expires on the birthday 25363  
of the applicant in the fourth year after the date it is issued, 25364  
but in no event shall any motorized bicycle license be issued for 25365  
a period longer than four years. 25366

(D) No person operating a motorized bicycle shall carry 25367  
another person upon the motorized bicycle. 25368

(E) The protective helmet and rear-view mirror required by 25369  
division (A)(3) of this section shall, on and after January 1, 25370  
1985, conform with rules adopted by the director under division 25371  
(B) of this section. 25372

(F) Each probationary motorized bicycle license or motorized 25373  
bicycle license shall be laminated with a transparent plastic 25374  
material. 25375

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(G) Whoever violates division (A), (D), or (E) of this section is guilty of a minor misdemeanor. 25376  
25377

**Sec. 4511.53.** (A) For purposes of this section, "snowmobile" 25378  
has the same meaning as given that term in section 4519.01 of the 25379  
Revised Code. 25380

(B) A person operating a bicycle or motorcycle shall not ride 25381  
other than upon the permanent and regular seat attached thereto, 25382  
nor carry any other person upon such bicycle or motorcycle other 25383  
than upon a firmly attached and regular seat thereon, nor shall 25384  
any person ride upon a bicycle or motorcycle other than upon such 25385  
a firmly attached and regular seat. 25386

A person shall ride upon a motorcycle only while sitting 25387  
astride the seat, facing forward, with one leg on each side of the 25388  
motorcycle. 25389

No person operating a bicycle shall carry any package, 25390  
bundle, or article that prevents the driver from keeping at least 25391  
one hand upon the handle bars. 25392

No bicycle or motorcycle shall be used to carry more persons 25393  
at one time than the number for which it is designed and equipped, 25394  
nor shall any motorcycle be operated on a highway when the handle 25395  
bars or grips are more than fifteen inches higher than the seat or 25396  
saddle for the operator. 25397

No person shall operate or be a passenger on a snowmobile or 25398  
motorcycle without using safety glasses or other protective eye 25399  
device. No person who is under the age of eighteen years, or who 25400  
holds a motorcycle operator's endorsement or license bearing a 25401  
"novice" designation that is currently in effect as provided in 25402  
section 4507.13 of the Revised Code, shall operate a motorcycle on 25403  
a highway, or be a passenger on a motorcycle, unless wearing a 25404  
protective helmet on ~~his~~ the person's head, and no other person 25405

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shall be a passenger on a motorcycle operated by such a person 25406  
unless similarly wearing a protective helmet. The helmet, safety 25407  
glasses, or other protective eye device shall conform with 25408  
regulations prescribed and promulgated by the director of public 25409  
safety. The provisions of this paragraph or a violation thereof 25410  
shall not be used in the trial of any civil action. 25411

(C) Except as otherwise provided in this division, whoever 25412  
violates this section is guilty of a minor misdemeanor. If, within 25413  
one year of the offense, the offender previously has been 25414  
convicted of or pleaded guilty to one predicate motor vehicle or 25415  
traffic offense, whoever violates this section is guilty of a 25416  
misdemeanor of the fourth degree. If, within one year of the 25417  
offense, the offender previously has been convicted of two or more 25418  
predicate motor vehicle or traffic offenses, whoever violates this 25419  
section is guilty of a misdemeanor of the third degree. 25420

**Sec. 4511.54.** (A) No person riding upon any bicycle, coaster, 25421  
roller skates, sled, or toy vehicle shall attach the same or 25422  
~~himself~~ self to any streetcar, trackless trolley, or vehicle upon 25423  
a roadway. 25424

No operator shall knowingly permit any person riding upon any 25425  
bicycle, coaster, roller skates, sled, or toy vehicle to attach 25426  
the same or ~~himself~~ self to any streetcar, trackless trolley, or 25427  
vehicle while it is moving upon a roadway. 25428

This section does not apply to the towing of a disabled 25429  
vehicle. 25430

(B) Except as otherwise provided in this division, whoever 25431  
violates this section is guilty of a minor misdemeanor. If, within 25432  
one year of the offense, the offender previously has been 25433  
convicted of or pleaded guilty to one predicate motor vehicle or 25434  
traffic offense, whoever violates this section is guilty of a 25435  
misdemeanor of the fourth degree. If, within one year of the 25436

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offense, the offender previously has been convicted of two or more 25437  
predicate motor vehicle or traffic offenses, whoever violates this 25438  
section is guilty of a misdemeanor of the third degree. 25439

**Sec. 4511.55.** (A) Every person operating a bicycle upon a 25440  
roadway shall ride as near to the right side of the roadway as 25441  
practicable obeying all traffic rules applicable to vehicles and 25442  
exercising due care when passing a standing vehicle or one 25443  
proceeding in the same direction. 25444

(B) Persons riding bicycles or motorcycles upon a roadway 25445  
shall ride not more than two abreast in a single lane, except on 25446  
paths or parts of roadways set aside for the exclusive use of 25447  
bicycles or motorcycles. 25448

(C) Except as otherwise provided in this division, whoever 25449  
violates this section is guilty of a minor misdemeanor. If, within 25450  
one year of the offense, the offender previously has been 25451  
convicted of or pleaded guilty to one predicate motor vehicle or 25452  
traffic offense, whoever violates this section is guilty of a 25453  
misdemeanor of the fourth degree. If, within one year of the 25454  
offense, the offender previously has been convicted of two or more 25455  
predicate motor vehicle or traffic offenses, whoever violates this 25456  
section is guilty of a misdemeanor of the third degree. 25457

**Sec. 4511.56.** (A) Every bicycle when in use at the times 25458  
specified in section 4513.03 of the Revised Code, shall be 25459  
equipped with the following: 25460

(1) A lamp on the front that shall emit a white light visible 25461  
from a distance of at least five hundred feet to the front; 25462  
25463

(2) A red reflector on the rear of a type approved by the 25464  
director of public safety that shall be visible from all distances 25465  
from one hundred feet to six hundred feet to the rear when 25466



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- directly in front of lawful lower beams of head lamps on a motor  
vehicle; 25467  
25468
- (3) A lamp emitting a red light visible from a distance of 25469  
five hundred feet to the rear shall be used in addition to the red 25470  
reflector; 25471
- (4) An essentially colorless reflector on the front of a type 25472  
approved by the director; 25473
- (5) Either with tires with retroreflective sidewalls or with 25474  
an essentially colorless or amber reflector mounted on the spokes 25475  
of the front wheel and an essentially colorless or red reflector 25476  
mounted on the spokes of the rear wheel. Each reflector shall be 25477  
visible on each side of the wheel from a distance of six hundred 25478  
feet when directly in front of lawful lower beams of head lamps on 25479  
a motor vehicle. Retroreflective tires or reflectors shall be of a 25480  
type approved by the director. 25481
- (B) No person shall operate a bicycle unless it is equipped 25482  
with a bell or other device capable of giving a signal audible for 25483  
a distance of at least one hundred feet, except that a bicycle 25484  
shall not be equipped with nor shall any person use upon a bicycle 25485  
any siren or whistle. 25486
- (C) Every bicycle shall be equipped with an adequate brake 25487  
when used on a street or highway. 25488
- (D) Except as otherwise provided in this division, whoever 25489  
violates this section is guilty of a minor misdemeanor. If, within 25490  
one year of the offense, the offender previously has been 25491  
convicted of or pleaded guilty to one predicate motor vehicle or 25492  
traffic offense, whoever violates this section is guilty of a 25493  
misdemeanor of the fourth degree. If, within one year of the 25494  
offense, the offender previously has been convicted of two or more 25495  
predicate motor vehicle or traffic offenses, whoever violates this 25496  
section is guilty of a misdemeanor of the third degree. 25497

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**Sec. 4511.57.** (A) The driver of a vehicle shall not overtake 25498  
and pass upon the left nor drive upon the left side of any 25499  
streetcar proceeding in the same direction, whether such streetcar 25500  
is in motion or at rest, except: 25501

~~(A)~~(1) When so directed by a police officer or traffic 25502  
control device; 25503

~~(B)~~(2) When upon a one-way street; 25504

~~(C)~~(3) When upon a street where the tracks are so located as 25505  
to prevent compliance with this section; 25506

~~(D)~~(4) When authorized by local authorities. 25507

(B) The driver of any vehicle when permitted to overtake and 25508  
pass upon the left of a streetcar which has stopped for the 25509  
purpose of receiving or discharging any passenger shall accord 25510  
pedestrians the right of way. 25511

(C) Except as otherwise provided in this division, whoever 25512  
violates this section is guilty of a minor misdemeanor. If, within 25513  
one year of the offense, the offender previously has been 25514  
convicted of or pleaded guilty to one predicate motor vehicle or 25515  
traffic offense, whoever violates this section is guilty of a 25516  
misdemeanor of the fourth degree. If, within one year of the 25517  
offense, the offender previously has been convicted of two or more 25518  
predicate motor vehicle or traffic offenses, whoever violates this 25519  
section is guilty of a misdemeanor of the third degree. 25520

**Sec. 4511.58.** (A) The driver of a vehicle overtaking upon the 25521  
right any streetcar stopped for the purpose of receiving or 25522  
discharging any passenger shall stop such vehicle at least five 25523  
feet to the rear of the nearest running board or door of such 25524  
streetcar and remain standing until all passengers have boarded 25525  
such streetcar, or upon alighting therefrom have reached a place 25526

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of safety, except that where a safety zone has been established, a 25527  
vehicle need not be brought to a stop before passing any such 25528  
streetcar or any trackless trolley, but may proceed past such 25529  
streetcar or trackless trolley at a speed not greater than is 25530  
reasonable and proper considering the safety of pedestrians. 25531

(B) Except as otherwise provided in this division, whoever 25532  
violates this section is guilty of a minor misdemeanor. If, within 25533  
one year of the offense, the offender previously has been 25534  
convicted of or pleaded guilty to one predicate motor vehicle or 25535  
traffic offense, whoever violates this section is guilty of a 25536  
misdemeanor of the fourth degree. If, within one year of the 25537  
offense, the offender previously has been convicted of two or more 25538  
predicate motor vehicle or traffic offenses, whoever violates this 25539  
section is guilty of a misdemeanor of the third degree. 25540

**Sec. 4511.59.** (A) The driver of any vehicle proceeding upon 25542  
any streetcar tracks in front of a streetcar shall remove such 25543  
vehicle from the track as soon as practicable after signal from 25544  
the operator of said streetcar. 25545

The driver of a vehicle upon overtaking and passing a 25546  
streetcar shall not turn in front of such streetcar unless such 25547  
movement can be made in safety. 25548

(B) Except as otherwise provided in this division, whoever 25549  
violates this section is guilty of a minor misdemeanor. If, within 25550  
one year of the offense, the offender previously has been 25551  
convicted of or pleaded guilty to one predicate motor vehicle or 25552  
traffic offense, whoever violates this section is guilty of a 25553  
misdemeanor of the fourth degree. If, within one year of the 25554  
offense, the offender previously has been convicted of two or more 25555  
predicate motor vehicle or traffic offenses, whoever violates this 25556  
section is guilty of a misdemeanor of the third degree. 25557

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Sec. 4511.60. (A) No vehicle shall at any time be driven 25558  
through or within a safety zone. 25559

(B) Except as otherwise provided in this division, whoever 25560  
violates this section is guilty of a minor misdemeanor. If, within 25561  
one year of the offense, the offender previously has been 25562  
convicted of or pleaded guilty to one predicate motor vehicle or 25563  
traffic offense, whoever violates this section is guilty of a 25564  
misdemeanor of the fourth degree. If, within one year of the 25565  
offense, the offender previously has been convicted of two or more 25566  
predicate motor vehicle or traffic offenses, whoever violates this 25567  
section is guilty of a misdemeanor of the third degree. 25568

Sec. 4511.61. (A) The department of transportation and local 25569  
authorities in their respective jurisdictions, with the approval 25570  
of the department, may designate dangerous highway crossings over 25571  
railroad tracks whether on state, county, or township highways or 25572  
on streets or ways within municipal corporations, and erect stop 25573  
signs thereat. When such stop signs are erected, the operator of 25574  
any vehicle, streetcar, or trackless trolley shall stop within 25575  
fifty, but not less than fifteen, feet from the nearest rail of 25576  
the railroad tracks and shall exercise due care before proceeding 25577  
across such grade crossing. 25578

(B) Except as otherwise provided in this division, whoever 25579  
violates this section is guilty of a minor misdemeanor. If, within 25580  
one year of the offense, the offender previously has been 25581  
convicted of or pleaded guilty to one predicate motor vehicle or 25582  
traffic offense, whoever violates this section is guilty of a 25583  
misdemeanor of the fourth degree. If, within one year of the 25584  
offense, the offender previously has been convicted of two or more 25585  
predicate motor vehicle or traffic offenses, whoever violates this 25586  
section is guilty of a misdemeanor of the third degree. 25587

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<b>Sec. 4511.62.</b> (A)(1) Whenever any person driving a vehicle or	25588
trackless trolley approaches a railroad grade crossing, the person	25589
shall stop within fifty feet, but not less than fifteen feet from	25590
the nearest rail of the railroad if any of the following	25591
circumstances exist at the crossing:	25592
(a) A clearly visible electric or mechanical signal device	25593
gives warning of the immediate approach of a train.	25594
(b) A crossing gate is lowered.	25595
(c) A flagperson gives or continues to give a signal of the	25596
approach or passage of a train.	25597
(d) There is insufficient space on the other side of the	25598
railroad grade crossing to accommodate the vehicle or trackless	25599
trolley the person is operating without obstructing the passage of	25600
other vehicles, trackless trolleys, pedestrians, or railroad	25601
trains, notwithstanding any traffic control signal indication to	25602
proceed.	25603
(e) An approaching train is emitting an audible signal or is	25604
plainly visible and is in hazardous proximity to the crossing.	25605
(2) A person who is driving a vehicle or trackless trolley	25606
and who approaches a railroad grade crossing shall not proceed as	25607
long as any of the circumstances described in divisions (A)(1)(a)	25608
to (e) of this section exist at the crossing.	25609
(B) No person shall drive any vehicle through, around, or	25610
under any crossing gate or barrier at a railroad crossing while	25611
the gate or barrier is closed or is being opened or closed unless	25612
the person is signaled by a law enforcement officer or flagperson	25613
that it is permissible to do so.	25614
(C) <u>Whoever violates this section is guilty of a misdemeanor</u>	25615
<u>of the fourth degree.</u>	25616

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Sec. 4511.63. (A) The operator of any motor vehicle or 25617  
trackless trolley, carrying passengers, for hire, of any school 25618  
bus, or of any vehicle carrying explosives or flammable liquids as 25619  
a cargo or as such part of a cargo as to constitute a hazard, 25620  
before crossing at grade any track of a railroad, shall stop the 25621  
vehicle or trackless trolley and, while so stopped, shall listen 25622  
through an open door or open window and look in both directions 25623  
along the track for any approaching train, and for signals 25624  
indicating the approach of a train, and shall proceed only upon 25625  
exercising due care after stopping, looking, and listening as 25626  
required by this section. Upon proceeding, the operator of such a 25627  
vehicle shall cross only in a gear that will ensure there will be 25628  
no necessity for changing gears while traversing the crossing and 25629  
shall not shift gears while crossing the tracks. 25630

(B) This section does not apply at any of the following: 25631

(1) Street railway grade crossings within a municipal 25632  
corporation, or to abandoned tracks, spur tracks, side tracks, and 25633  
industrial tracks when the public utilities commission has 25634  
authorized and approved the crossing of the tracks without making 25635  
the stop required by this section; 25636

(2) Through June 30, 1995, a street railway grade crossing 25637  
where out-of-service signs are posted in accordance with section 25638  
4955.37 of the Revised Code. 25639

(C) Except as otherwise provided in this division, whoever 25640  
violates this section is guilty of a minor misdemeanor. If the 25641  
offender previously has been convicted of or pleaded guilty to one 25642  
or more violations of this section or section 4511.76, 4511.761, 25643  
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 25644  
municipal ordinance that is substantially similar to any of those 25645  
sections, whoever violates this section is guilty of a misdemeanor 25646  
of the fourth degree. 25647

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Sec. 4511.64. (A) No person shall operate or move any 25648  
crawler-type tractor, steam shovel, derrick, roller, or any 25649  
equipment or structure having a normal operating speed of six or 25650  
less miles per hour or a vertical body or load clearance of less 25651  
than nine inches above the level surface of a roadway, upon or 25652  
across any tracks at a railroad grade crossing without first 25653  
complying with divisions (A)(1) and (B)(2) of this section. 25654

(A)(1) Before making any such crossing, the person operating 25655  
or moving any such vehicle or equipment shall first stop the same, 25656  
and while stopped ~~he~~ the person shall listen and look in both 25657  
directions along such track for any approaching train and for 25658  
signals indicating the approach of a train, and shall proceed only 25659  
upon exercising due care. 25660

(B)(2) No such crossing shall be made when warning is given 25661  
by automatic signal or crossing gates or a ~~flagman~~ flagperson or 25662  
otherwise of the immediate approach of a railroad train or car. 25663

(B) If the normal sustained speed of such vehicle, equipment, 25664  
or structure is not more than three miles per hour, the person 25665  
owning, operating, or moving the same shall also give notice of 25666  
such intended crossing to a station agent or superintendent of the 25667  
railroad, and a reasonable time shall be given to such railroad to 25668  
provide proper protection for such crossing. Where such vehicles 25669  
or equipment are being used in constructing or repairing a section 25670  
of highway lying on both sides of a railroad grade crossing, and 25671  
in such construction or repair it is necessary to repeatedly move 25672  
such vehicles or equipment over such crossing, one daily notice 25673  
specifying when such work will start and stating the hours during 25674  
which it will be prosecuted is sufficient. 25675

25676

(C) Except as otherwise provided in this division, whoever 25677  
violates this section is guilty of a minor misdemeanor. If, within 25678

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one year of the offense, the offender previously has been 25679  
convicted of or pleaded guilty to one predicate motor vehicle or 25680  
traffic offense, whoever violates this section is guilty of a 25681  
misdemeanor of the fourth degree. If, within one year of the 25682  
offense, the offender previously has been convicted of two or more 25683  
predicate motor vehicle or traffic offenses, whoever violates this 25684  
section is guilty of a misdemeanor of the third degree. 25685

**Sec. 4511.66.** (A) Upon any highway outside a business or 25686  
residence district, no person shall stop, park, or leave standing 25687  
any vehicle, whether attended or unattended, upon the paved or 25688  
main traveled part of the highway if it is practicable to stop, 25689  
park, or so leave such vehicle off the paved or main traveled part 25690  
of said highway. In every event a clear and unobstructed portion 25691  
of the highway opposite such standing vehicle shall be left for 25692  
the free passage of other vehicles, and a clear view of such 25693  
stopped vehicle shall be available from a distance of two hundred 25694  
feet in each direction upon such highway. 25695

This section does not apply to the driver of any vehicle 25696  
which is disabled while on the paved or improved or main traveled 25697  
portion of a highway in such manner and to such extent that it is 25698  
impossible to avoid stopping and temporarily leaving the disabled 25699  
vehicle in such position. 25700

(B) Except as otherwise provided in this division, whoever 25701  
violates this section is guilty of a minor misdemeanor. If, within 25702  
one year of the offense, the offender previously has been 25703  
convicted of or pleaded guilty to one predicate motor vehicle or 25704  
traffic offense, whoever violates this section is guilty of a 25705  
misdemeanor of the fourth degree. If, within one year of the 25706  
offense, the offender previously has been convicted of two or more 25707  
predicate motor vehicle or traffic offenses, whoever violates this 25708  
section is guilty of a misdemeanor of the third degree. 25709



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**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;

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<del>(E)</del> (5) On a crosswalk;	25739
<del>(F)</del> (6) Within twenty feet of a crosswalk at an intersection;	25740
<del>(G)</del> (7) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign, or traffic control device;	25741 25742
<del>(H)</del> (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;	25743 25744 25745 25746
<del>(I)</del> (9) Within fifty feet of the nearest rail of a railroad crossing;	25747 25748
<del>(J)</del> (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;	25749 25750 25751 25752
<del>(K)</del> (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;	25753 25754
<del>(L)</del> (12) Alongside any vehicle stopped or parked at the edge or curb of a street;	25755 25756
<del>(M)</del> (13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;	25757 25758
<del>(N)</del> (14) At any place where signs prohibit stopping;	25759
<del>(O)</del> (15) Within one foot of another parked vehicle;	25760
<del>(P)</del> (16) On the roadway portion of a freeway, expressway, or thruway.	25761 25762
<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>	25763 25764 25765 25766 25767

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misdemeanor of the fourth degree. If, within one year of the 25768  
offense, the offender previously has been convicted of two or more 25769  
predicate motor vehicle or traffic offenses, whoever violates this 25770  
section is guilty of a misdemeanor of the third degree. 25771

**Sec. 4511.681.** (A) If an owner of private property posts on 25772  
the property, in a conspicuous manner, a prohibition against 25773  
parking on the property or conditions and regulations under which 25774  
parking is permitted, no person shall do either of the following: 25775

~~(A)~~(1) Park a vehicle on the property without the owner's 25776  
consent; 25777

~~(B)~~(2) Park a vehicle on the property in violation of any 25778  
condition or regulation posted by the owner. 25779

(B) Whoever violates this section is guilty of a minor 25780  
misdemeanor. 25781

**Sec. 4511.69.** (A) Every vehicle stopped or parked upon a 25782  
roadway where there is an adjacent curb shall be stopped or parked 25783  
with the right-hand wheels of the vehicle parallel with and not 25784  
more than twelve inches from the right-hand curb, unless it is 25785  
impossible to approach so close to the curb; in such case the stop 25786  
shall be made as close to the curb as possible and only for the 25787  
time necessary to discharge and receive passengers or to load or 25788  
unload merchandise. Local authorities by ordinance may permit 25789  
angle parking on any roadway under their jurisdiction, except that 25790  
angle parking shall not be permitted on a state route within a 25791  
municipal corporation unless an unoccupied roadway width of not 25792  
less than twenty-five feet is available for free-moving traffic. 25793

(B) Local authorities by ordinance may permit parking of 25794  
vehicles with the left-hand wheels adjacent to and within twelve 25795  
inches of the left-hand curb of a one-way roadway. 25796

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(C) No vehicle or trackless trolley shall be stopped or 25797  
parked on a road or highway with the vehicle or trackless trolley 25798  
facing in a direction other than the direction of travel on that 25799  
side of the road or highway. 25800

(D) Notwithstanding any statute or any rule, resolution, or 25801  
ordinance adopted by any local authority, air compressors, 25802  
tractors, trucks, and other equipment, while being used in the 25803  
construction, reconstruction, installation, repair, or removal of 25804  
facilities near, on, over, or under a street or highway, may stop, 25805  
stand, or park where necessary in order to perform such work, 25806  
provided a flagperson is on duty or warning signs or lights are 25807  
displayed as may be prescribed by the director of transportation. 25808

(E) Special parking locations and privileges for persons with 25809  
disabilities that limit or impair the ability to walk, also known 25810  
as handicapped parking spaces or disability parking spaces, shall 25811  
be provided and designated by all political subdivisions and by 25812  
the state and all agencies and instrumentalities thereof at all 25813  
offices and facilities, where parking is provided, whether owned, 25814  
rented, or leased, and at all publicly owned parking garages. The 25815  
locations shall be designated through the posting of an elevated 25816  
sign, whether permanently affixed or movable, imprinted with the 25817  
international symbol of access and shall be reasonably close to 25818  
exits, entrances, elevators, and ramps. All elevated signs posted 25819  
in accordance with this division and division (C) of section 25820  
3781.111 of the Revised Code shall be mounted on a fixed or 25821  
movable post, and the distance from the ground to the top edge of 25822  
the sign shall measure five feet. If a new sign or a replacement 25823  
sign designating a special parking location is posted on or after 25824  
~~the effective date of this amendment~~ October 14, 1999, there also 25825  
shall be affixed upon the surface of that sign or affixed next to 25826  
the designating sign a notice that states the fine applicable for 25827  
the offense of parking a motor vehicle in the special designated 25828

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parking location if the motor vehicle is not legally entitled to 25829  
be parked in that location. 25830

(F)(1) No person shall stop, stand, or park any motor vehicle 25831  
at special parking locations provided under division (E) of this 25832  
section or at special clearly marked parking locations provided in 25833  
or on privately owned parking lots, parking garages, or other 25834  
parking areas and designated in accordance with that division, 25835  
unless one of the following applies: 25836

(a) The motor vehicle is being operated by or for the 25837  
transport of a person with a disability that limits or impairs the 25838  
ability to walk and is displaying a valid removable windshield 25839  
placard or special license plates; 25840

(b) The motor vehicle is being operated by or for the 25841  
transport of a handicapped person and is displaying a parking card 25842  
or special handicapped license plates. 25843

(2) Any motor vehicle that is parked in a special marked 25844  
parking location in violation of division (F)(1)(a) or (b) of this 25845  
section may be towed or otherwise removed from the parking 25846  
location by the law enforcement agency of the political 25847  
subdivision in which the parking location is located. A motor 25848  
vehicle that is so towed or removed shall not be released to its 25849  
owner until the owner presents proof of ownership of the motor 25850  
vehicle and pays all towing and storage fees normally imposed by 25851  
that political subdivision for towing and storing motor vehicles. 25852  
If the motor vehicle is a leased vehicle, it shall not be released 25853  
to the lessee until the lessee presents proof that that person is 25854  
the lessee of the motor vehicle and pays all towing and storage 25855  
fees normally imposed by that political subdivision for towing and 25856  
storing motor vehicles. 25857

(3) If a person is charged with a violation of division 25858  
(F)(1)(a) or (b) of this section, it is an affirmative defense to 25859  
the charge that the person suffered an injury not more than 25860

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seventy-two hours prior to the time the person was issued the  
ticket or citation and that, because of the injury, the person  
meets at least one of the criteria contained in division (A)(1) of  
section 4503.44 of the Revised Code.

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

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

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

(J)(1) Whoever violates division (A) or (C) of this section  
is guilty of a minor misdemeanor.

(2)(a) Whoever violates division (F)(1)(a) or (b) of this  
section is guilty of a misdemeanor and shall be punished as

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provided in division (J)(2)(a) and (b) of this section. Except as 25892  
otherwise provided in division (J)(2)(a) of this section, an 25893  
offender who violates division (F)(1)(a) or (b) of this section 25894  
shall be fined not less than two hundred fifty nor more than five 25895  
hundred dollars. An offender who violates division (F)(1)(a) or 25896  
(b) of this section shall be fined not more than one hundred 25897  
dollars if the offender, prior to sentencing, proves either of the 25898  
following to the satisfaction of the court: 25899

(i) At the time of the violation of division (F)(1)(a) of 25900  
this section, the offender or the person for whose transport the 25901  
motor vehicle was being operated had been issued a removable 25902  
windshield placard that then was valid or special license plates 25903  
that then were valid but the offender or the person neglected to 25904  
display the placard or license plates as described in division 25905  
(F)(1)(a) of this section. 25906

(ii) At the time of the violation of division (F)(1)(b) of 25907  
this section, the offender or the person for whose transport the 25908  
motor vehicle was being operated had been issued a parking card 25909  
that then was valid or special handicapped license plates that 25910  
then were valid but the offender or the person neglected to 25911  
display the card or license plates as described in division 25912  
(F)(1)(b) of this section. 25913

(b) In no case shall an offender who violates division 25914  
(F)(1)(a) or (b) of this section be sentenced to any term of 25915  
imprisonment. 25916

An arrest or conviction for a violation of division (F)(1)(a) 25917  
or (b) of this section does not constitute a criminal record and 25918  
need not be reported by the person so arrested or convicted in 25919  
response to any inquiries contained in any application for 25920  
employment, license, or other right or privilege, or made in 25921  
connection with the person's appearance as a witness. 25922

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The clerk of the court shall pay every fine collected under 25923  
division (J)(2) of this section to the political subdivision in 25924  
which the violation occurred. Except as provided in division 25925  
(J)(2) of this section, the political subdivision shall use the 25926  
fine moneys it receives under division (J)(2) of this section to 25927  
pay the expenses it incurs in complying with the signage and 25928  
notice requirements contained in division (E) of this section. The 25929  
political subdivision may use up to fifty per cent of each fine it 25930  
receives under division (J)(2) of this section to pay the costs of 25931  
educational, advocacy, support, and assistive technology programs 25932  
for persons with disabilities, and for public improvements within 25933  
the political subdivision that benefit or assist persons with 25934  
disabilities, if governmental agencies or nonprofit organizations 25935  
offer the programs. 25936

(3) Whoever violates division (H) of this section shall be 25937  
punished as follows: 25938

(a) Except as otherwise provided in division (J)(3) of this 25939  
section, the offender shall be issued a warning. 25940

(b) If the offender previously has been convicted of or 25941  
pleaded guilty to a violation of division (H) of this section or 25942  
of a municipal ordinance that is substantially similar to that 25943  
division, the offender shall not be issued a warning but shall be 25944  
fined twenty-five dollars for each parking location that is not 25945  
properly marked or whose markings are not properly maintained. 25946

(K) As used in this section: 25947

(1) "Handicapped person" means any person who has lost the 25948  
use of one or both legs or one or both arms, who is blind, deaf, 25949  
or so severely handicapped as to be unable to move without the aid 25950  
of crutches or a wheelchair, or whose mobility is restricted by a 25951  
permanent cardiovascular, pulmonary, or other handicapping 25952  
condition. 25953



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(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

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offense, the offender previously has been convicted of two or more 25985  
predicate motor vehicle or traffic offenses, whoever violates this 25986  
section is guilty of a misdemeanor of the third degree. 25987

**Sec. 4511.701.** (A) No person shall occupy any travel trailer 25988  
 or manufactured or mobile home while it is being used as a 25989  
 conveyance upon a street or highway. 25990

(B) Except as otherwise provided in this division, whoever 25991  
violates this section is guilty of a minor misdemeanor. If, within 25992  
one year of the offense, the offender previously has been 25993  
convicted of or pleaded guilty to one predicate motor vehicle or 25994  
traffic offense, whoever violates this section is guilty of a 25995  
misdemeanor of the fourth degree. If, within one year of the 25996  
offense, the offender previously has been convicted of two or more 25997  
predicate motor vehicle or traffic offenses, whoever violates this 25998  
section is guilty of a misdemeanor of the third degree. 25999

**Sec. 4511.71.** (A) No person shall drive upon, along, or 26000  
 across a street or highway, or any part thereof, which of a street 26001  
or highway that has been closed in the process of its 26002  
 construction, reconstruction, or repair, and posted with 26003  
 appropriate signs by the authority having jurisdiction to close 26004  
 such highway. 26005

(B) Except as otherwise provided in this division, whoever 26006  
violates this section is guilty of a minor misdemeanor. If, within 26007  
one year of the offense, the offender previously has been 26008  
convicted of or pleaded guilty to one predicate motor vehicle or 26009  
traffic offense, whoever violates this section is guilty of a 26010  
misdemeanor of the fourth degree. If, within one year of the 26011  
offense, the offender previously has been convicted of two or more 26012  
predicate motor vehicle or traffic offenses, whoever violates this 26013  
section is guilty of a misdemeanor of the third degree. 26014

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Sec. 4511.711. (A) No person shall drive any vehicle, other 26015  
than a bicycle, upon a sidewalk or sidewalk area except upon a 26016  
permanent or duly authorized temporary driveway. 26017

Nothing in this section shall be construed as prohibiting 26018  
local authorities from regulating the operation of bicycles within 26019  
their respective jurisdictions. 26020

(B) Except as otherwise provided in this division, whoever 26021  
violates this section is guilty of a minor misdemeanor. If, within 26022  
one year of the offense, the offender previously has been 26023  
convicted of or pleaded guilty to one predicate motor vehicle or 26024  
traffic offense, whoever violates this section is guilty of a 26025  
misdemeanor of the fourth degree. If, within one year of the 26026  
offense, the offender previously has been convicted of two or more 26027  
predicate motor vehicle or traffic offenses, whoever violates this 26028  
section is guilty of a misdemeanor of the third degree. 26029

Sec. 4511.712. (A) No driver shall enter an intersection or 26030  
marked crosswalk or drive onto any railroad grade crossing unless 26031  
there is sufficient space on the other side of the intersection, 26032  
crosswalk, or grade crossing to accommodate the vehicle, 26033  
streetcar, or trackless trolley ~~he~~ the driver is operating without 26034  
obstructing the passage of other vehicles, streetcars, trackless 26035  
trolleys, pedestrians, or railroad trains, notwithstanding any 26036  
traffic control signal indication to proceed. 26037

(B) Except as otherwise provided in this division, whoever 26038  
violates this section is guilty of a minor misdemeanor. If, within 26039  
one year of the offense, the offender previously has been 26040  
convicted of or pleaded guilty to one predicate motor vehicle or 26041  
traffic offense, whoever violates this section is guilty of a 26042  
misdemeanor of the fourth degree. If, within one year of the 26043  
offense, the offender previously has been convicted of two or more 26044

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predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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**Sec. 4511.713.** (A) No person shall operate a motor vehicle, snowmobile, or all-purpose vehicle upon any path set aside for the exclusive use of bicycles, when an appropriate sign giving notice of such use is posted on the path.

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Nothing in this section shall be construed to affect any rule of the director of natural resources governing the operation of motor vehicles, snowmobiles, all-purpose vehicles, and bicycles on lands under ~~his~~ the director's jurisdiction.

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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.

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**Sec. 4511.72.** (A) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than five hundred feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a ~~fireman~~ firefighter.

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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

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traffic offense, whoever violates this section is guilty of a 26075  
misdemeanor of the fourth degree. If, within one year of the 26076  
offense, the offender previously has been convicted of two or more 26077  
predicate motor vehicle or traffic offenses, whoever violates this 26078  
section is guilty of a misdemeanor of the third degree. 26079

**Sec. 4511.73.** (A) No streetcar, trackless trolley, or vehicle 26080  
shall, without the consent of the fire department official in 26081  
command, be driven over any unprotected hose of a fire department, 26082  
~~when said hose~~ that is laid down on any street, private driveway, 26083  
or streetcar track to be used at any fire or alarm of fire. 26084

(B) Except as otherwise provided in this division, whoever 26086  
violates this section is guilty of a minor misdemeanor. If, within 26087  
one year of the offense, the offender previously has been 26088  
convicted of or pleaded guilty to one predicate motor vehicle or 26089  
traffic offense, whoever violates this section is guilty of a 26090  
misdemeanor of the fourth degree. If, within one year of the 26091  
offense, the offender previously has been convicted of two or more 26092  
predicate motor vehicle or traffic offenses, whoever violates this 26093  
section is guilty of a misdemeanor of the third degree. 26094

**Sec. 4511.74.** (A) No person shall place or knowingly drop 26095  
upon any part of a highway, lane, road, street, or alley any 26096  
tacks, bottles, wire, glass, nails, or other articles which may 26097  
damage or injure any person, vehicle, streetcar, trackless 26098  
trolley, or animal traveling along or upon such highway, except 26099  
such substances that may be placed upon the roadway by proper 26100  
authority for the repair or construction thereof. 26101

Any person who drops or permits to be dropped or thrown upon 26102  
any highway any destructive or injurious material shall 26103  
immediately remove the same. 26104

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Any person authorized to remove a wrecked or damaged vehicle, streetcar, or trackless trolley from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle, streetcar, or trackless trolley.

No person shall place any obstruction in or upon a highway without proper authority.

(B) No person, with intent to cause physical harm to a person or a vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, streetcar, trackless trolley, or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(C)(1) Except as otherwise provided in this division, whoever violates division (A) of 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 division (A) of 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 division (A) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree.

**Sec. 4511.75.** (A) The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of mental retardation

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and developmental disabilities, or child attending a program 26136  
offered by a head start agency, shall stop at least ten feet from 26137  
the front or rear of the school bus and shall not proceed until 26138  
such school bus resumes motion, or until signaled by the school 26139  
bus driver to proceed. 26140

It is no defense to a charge under this division that the 26141  
school bus involved failed to display or be equipped with an 26142  
automatically extended stop warning sign as required by division 26143  
(B) of this section. 26144

(B) Every school bus shall be equipped with amber and red 26145  
visual signals meeting the requirements of section 4511.771 of the 26146  
Revised Code, and an automatically extended stop warning sign of a 26147  
type approved by the state board of education, which shall be 26148  
actuated by the driver of the bus whenever but only whenever the 26149  
bus is stopped or stopping on the roadway for the purpose of 26150  
receiving or discharging school children, persons attending 26151  
programs offered by community boards of mental health and county 26152  
boards of mental retardation and developmental disabilities, or 26153  
children attending programs offered by head start agencies. A 26154  
school bus driver shall not actuate the visual signals or the stop 26155  
warning sign in designated school bus loading areas where the bus 26156  
is entirely off the roadway or at school buildings when children 26157  
or persons attending programs offered by community boards of 26158  
mental health and county boards of mental retardation and 26159  
developmental disabilities are loading or unloading at curbside or 26160  
at buildings when children attending programs offered by head 26161  
start agencies are loading or unloading at curbside. The visual 26162  
signals and stop warning sign shall be synchronized or otherwise 26163  
operated as required by rule of the board. 26164

(C) Where a highway has been divided into four or more 26165  
traffic lanes, a driver of a vehicle, streetcar, or trackless 26166  
trolley need not stop for a school bus approaching from the 26167

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opposite direction which has stopped for the purpose of receiving 26168  
or discharging any school child, persons attending programs 26169  
offered by community boards of mental health and county boards of 26170  
mental retardation and developmental disabilities, or children 26171  
attending programs offered by head start agencies. The driver of 26172  
any vehicle, streetcar, or trackless trolley overtaking the school 26173  
bus shall comply with division (A) of this section. 26174

(D) School buses operating on divided highways or on highways 26175  
with four or more traffic lanes shall receive and discharge all 26176  
school children, persons attending programs offered by community 26177  
boards of mental health and county boards of mental retardation 26178  
and developmental disabilities, and children attending programs 26179  
offered by head start agencies on their residence side of the 26180  
highway. 26181

(E) No school bus driver shall start the driver's bus until 26182  
after any child, person attending programs offered by community 26183  
boards of mental health and county boards of mental retardation 26184  
and developmental disabilities, or child attending a program 26185  
offered by a head start agency who may have alighted therefrom has 26186  
reached a place of safety on the child's or person's residence 26187  
side of the road. 26188

(F)(1) Whoever violates division (A) of this section may be 26189  
fined an amount not to exceed five hundred dollars. A person who 26190  
is issued a citation for a violation of division (A) of this 26191  
section is not permitted to enter a written plea of guilty and 26192  
waive the person's right to contest the citation in a trial but 26193  
instead must appear in person in the proper court to answer the 26194  
charge. 26195

(2) In addition to and independent of any other penalty 26196  
provided by law, the court or mayor may impose upon an offender 26197  
who violates this section a class seven suspension of the 26198  
offender's driver's license, commercial driver's license, 26199



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temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the registrar of motor vehicles, together with notice of the court's action.

(G) As used in this section: 26207

(1) "Head start agency" has the same meaning as in division (A)(1) of section 3301.31 of the Revised Code. 26208  
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(2) "School bus," as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the state board of education, is painted the color and displays the markings described in section 4511.77 of the Revised Code, and is equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings. 26210  
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**Sec. 4511.751.** As used in this section, "license plate" includes, but is not limited to, any temporary license placard issued under section 4503.182 of the Revised Code or similar law of another jurisdiction. 26222  
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When the operator of a school bus believes that a motorist has violated division (A) of section 4511.75 of the Revised Code, the operator shall report the license plate number and a general description of the vehicle and of the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area 26226  
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where the alleged violation occurred. The information contained in  
the report relating to the license plate number and to the general  
description of the vehicle and the operator of the vehicle at the  
time of the alleged violation may be supplied by any person with  
first-hand knowledge of the information. Information of which the  
operator of the school bus has first-hand knowledge also may be  
corroborated by any other person.

Upon receipt of the report of the alleged violation of  
division (A) of section 4511.75 of the Revised Code, the law  
enforcement agency shall conduct an investigation to attempt to  
determine or confirm the identity of the operator of the vehicle  
at the time of the alleged violation. If the identity of the  
operator at the time of the alleged violation is established, the  
reporting of the license plate number of the vehicle shall  
establish probable cause for the law enforcement agency to issue a  
citation for the violation of division (A) of section 4511.75 of  
the Revised Code. However, if the identity of the operator of the  
vehicle at the time of the alleged violation cannot be  
established, the law enforcement agency shall issue a warning to  
the owner of the vehicle at the time of the alleged violation,  
except in the case of a leased or rented vehicle when the warning  
shall be issued to the lessee at the time of the alleged  
violation.

The registrar of motor vehicles and deputy registrars shall,  
at the time of issuing license plates to any person, include with  
the license plate a summary of the requirements of division (A) of  
section 4511.75 of the Revised Code, ~~the procedures of section~~  
~~4507.165 of the Revised Code~~, and the procedures of, and penalty  
in division (G)(F) of section ~~4511.99~~ 4511.75 of the Revised  
Code.

**Sec. 4511.76.** (A) The department of public safety, by and

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with the advice of the superintendent of public instruction, shall 26262  
adopt and enforce rules relating to the construction, design, and 26263  
equipment, including lighting equipment required by section 26264  
4511.771 of the Revised Code, of all school buses both publicly 26265  
and privately owned and operated in this state. 26266

(B) The department of education, by and with the advice of 26267  
the director of public safety, shall adopt and enforce rules 26268  
relating to the operation of all school buses both publicly and 26269  
privately owned and operated in this state. 26270

(C) No person shall operate a school bus within this state in 26271  
violation of the rules of the department of education or the 26272  
department of public safety. No person, being the owner thereof or 26273  
having the supervisory responsibility therefor, shall permit the 26274  
operation of a school bus within this state in violation of the 26275  
rules of the department of education or the department of public 26276  
safety. 26277

(D) The department of public safety shall adopt and enforce 26278  
rules relating to the issuance of a license under section 4511.763 26279  
of the Revised Code. The rules may relate to the moral character 26280  
of the applicant; the condition of the equipment to be operated; 26281  
the liability and property damage insurance carried by the 26282  
applicant; the posting of satisfactory and sufficient bond; and 26283  
such other rules as the director of public safety determines 26284  
reasonably necessary for the safety of the pupils to be 26285  
transported. 26286

(E) Except as otherwise provided in this division, whoever 26287  
violates this section is guilty of a minor misdemeanor. If the 26288  
offender previously has been convicted of or pleaded guilty to one 26289  
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 26290  
municipal ordinance that is substantially similar to any of those 26291  
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sections, whoever violates this section is guilty of a misdemeanor 26293  
of the fourth degree. 26294

**Sec. 4511.761. (A)** The state highway patrol shall inspect 26295  
every school bus to ascertain whether its construction, design, 26296  
and equipment comply with the regulations adopted pursuant to 26297  
section 4511.76 of the Revised Code and all other provisions of 26298  
law. 26299

The superintendent of the state highway patrol shall adopt a 26300  
distinctive inspection decal not less than twelve inches in size, 26301  
and bearing the date of the inspection, which shall be affixed to 26302  
the outside surface of each side of each school bus which upon 26303  
such inspection is found to comply with the regulations adopted 26304  
pursuant to section 4511.76 of the Revised Code. The appearance of 26305  
said decal shall be changed from year to year as to shape and 26306  
color in order to provide easy visual inspection. 26307

No person shall operate, nor shall any person being the owner 26308  
thereof or having supervisory responsibility therefor permit the 26309  
operation of, a school bus within this state unless there are 26310  
displayed thereon the decals issued by the state highway patrol 26311  
bearing the proper date of inspection for the calendar year for 26312  
which the inspection decals were issued. 26313

(B) Except as otherwise provided in this division, whoever 26314  
violates this section is guilty of a minor misdemeanor. If the 26315  
offender previously has been convicted of or pleaded guilty to one 26316  
or more violations of this section or section 4511.63, 4511.76, 26317  
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 26318  
municipal ordinance that is substantially similar to any of those 26319  
sections, whoever violates this section is guilty of a misdemeanor 26320  
of the fourth degree. 26321

(C) Whenever a person is found guilty in a court of record of 26322  
a violation of this section, the trial judge, in addition to or 26323

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independent of all other penalties provided by law, may suspend 26324  
for any period of time not exceeding three years, or cancel the 26325  
license of any person, partnership, association, or corporation, 26326  
issued under section 4511.763 of the Revised Code. 26327

**Sec. 4511.762.** (A) Except as provided in division (B) of this 26328  
section, no person who is the owner of a bus that previously was 26329  
registered as a school bus that is used or is to be used 26330  
exclusively for purposes other than the transportation of 26331  
children, shall operate the bus or permit it to be operated within 26332  
this state unless the bus has been painted a color different from 26333  
that prescribed for school buses by section 4511.77 of the Revised 26334  
Code and painted in such a way that the words "stop" and "school 26335  
bus" are obliterated. 26336

(B) Any church bus that previously was registered as a school 26337  
bus and is registered under section 4503.07 of the Revised Code 26338  
may retain the paint color prescribed for school buses by section 26339  
4511.77 of the Revised Code if the bus complies with all of the 26340  
following: 26341

(1) The words "school bus" required by section 4511.77 of the 26342  
Revised Code are covered or obliterated and the bus is marked on 26343  
the front and rear with the words "church bus" painted in black 26344  
lettering not less than ten inches in height; 26345

(2) The automatically extended stop warning sign required by 26346  
section 4511.75 of the Revised Code is removed and the word "stop" 26347  
required by section 4511.77 of the Revised Code is covered or 26348  
obliterated; 26349

(3) The flashing red and amber lights required by section 26350  
4511.771 of the Revised Code are covered or removed; 26351

(4) The inspection decal required by section 4511.761 of the 26352  
Revised Code is covered or removed; 26353

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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.

(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.

(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.

**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.

(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.

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**Sec. 4511.764.** (A) The superintendent of the state highway patrol shall require school buses to be registered, in the name of the owner, with the state highway patrol on forms and in accordance with regulations as the superintendent may adopt.

When the superintendent is satisfied that the registration has been completed, ~~he~~ the superintendent shall assign an identifying number to each school bus registered in accordance with this section. The number so assigned shall be marked on the front and rear of the vehicle in black lettering not less than six inches in height and will remain unchanged as long as the ownership of that vehicle remains the same.

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 is displayed thereon an identifying number in accordance with this section.

(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 section 4511.63, 4511.76, 4511.761, 4511.762, 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. 4511.77.** (A) 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 it is painted national school bus yellow and is marked on both front and rear with the words "school bus" in black lettering not less than eight inches in height and on the

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rear of the bus with the word "stop" in black lettering not less than ten inches in height. 26415  
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(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. 26417  
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(C) Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time not exceeding three years, or cancel the license of any person, partnership, association, or corporation, issued under section 4511.763 of the Revised Code. 26425  
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**Sec. 4511.771.** (A) Every school bus shall, in addition to any other equipment and distinctive markings required pursuant to sections 4511.76, 4511.761, 4511.764, and 4511.77 of the Revised Code, be equipped with signal lamps mounted as high as practicable, which shall display to the front two alternately flashing red lights and two alternately flashing amber lights located at the same level and to the rear two alternately flashing red lights and two alternately flashing amber lights located at the same level, and these lights shall be visible at five hundred feet in normal sunlight. The alternately flashing red lights shall be spaced as widely as practicable, and the alternately flashing amber lights shall be located next to them. 26431  
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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 26443  
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convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

**Sec. 4511.772. (A)** ~~On and after the effective date of this section~~ May 6, 1986, no person, school board, or governmental entity shall purchase, lease, or rent a new school bus unless the school bus has an occupant restraining device, as defined in section 4513.263 of the Revised Code, installed for use in its operator's seat.

(B) Whoever violates this section is guilty of a minor misdemeanor.

**Sec. 4511.78. (A)** As used in this section:

(1) "Mass transit system" means any county transit system, regional transit authority, regional transit commission, municipally owned transportation system, mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, and any common passenger carrier certified by the public utilities commission, that provides transportation for children to or from a school session or a school function.

(2) "Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons, but does not mean any school bus as defined in section 4511.01 of the Revised Code.

(B) Whenever a mass transit system transports children to or from a school session or school function, the mass transit system

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shall provide for:

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(1) Periodic safety inspections of all buses used to provide transportation service. The inspections shall be based on rules adopted by the public utilities commission under Chapters 4921. and 4923. of the Revised Code to ensure the safety of operation of motor transportation companies and private motor carriers.

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(2) The safety training of all drivers operating buses used to provide transportation service;

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(3) The equipping of every bus with outside rear-view mirrors meeting the motor carrier regulations for bus equipment adopted by the federal highway administration. No exclusions from this requirement granted under the federal regulations shall be considered exclusions for the purposes of this division.

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(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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**Sec. 4511.79.** (A) No person shall drive a "commercial motor vehicle" as defined in section 4506.01 of the Revised Code, or a "commercial car" or "commercial tractor," as defined in section 4501.01 of the Revised Code, while ~~his~~ the person's ability or alertness is so impaired by fatigue, illness, or other causes that it is unsafe for ~~him~~ the person to drive such vehicle. No driver shall use any drug which would adversely affect ~~his~~ the driver's ability or alertness.

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(B) No owner, as defined in section 4501.01 of the Revised Code, of a "commercial motor vehicle," "commercial car," or "commercial tractor," or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver in any such condition described in division (A) of this section to drive such vehicle upon any street or highway.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, Or 4511.77 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

**Sec. 4511.81.** (A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is registered in this state and is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is registered in this state and is owned, leased, or otherwise under the control of a nursery school, kindergarten, or day-care center, the operator of the motor vehicle shall have the

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child properly secured in accordance with the manufacturer's 26537  
instructions in a child restraint system that meets federal motor 26538  
vehicle safety standards: 26539

(1) A child who is less than four years of age; 26540

(2) A child who weighs less than forty pounds. 26541

(C) The director of public safety shall adopt such rules as 26542  
are necessary to carry out this section. 26543

(D) The failure of an operator of a motor vehicle to secure a 26544  
child in a child restraint system as required by this section is 26545  
not negligence imputable to the child, is not admissible as 26546  
evidence in any civil action involving the rights of the child 26547  
against any other person allegedly liable for injuries to the 26548  
child, is not to be used as a basis for a criminal prosecution of 26549  
the operator of the motor vehicle other than a prosecution for a 26550  
violation of this section, and is not admissible as evidence in 26551  
any criminal action involving the operator of the motor vehicle 26552  
other than a prosecution for a violation of this section. 26553

(E) This section does not apply when an emergency exists that 26554  
threatens the life of any person operating a motor vehicle and to 26555  
whom this section otherwise would apply or the life of any child 26556  
who otherwise would be required to be restrained under this 26557  
section. 26558

(F) If a person who is not a resident of this state is 26559  
charged with a violation of division (A) or (B) of this section 26560  
and does not prove to the court, by a preponderance of the 26561  
evidence, that the person's use or nonuse of a child restraint 26562  
system was in accordance with the law of the state of which the 26563  
person is a resident, the court shall impose the fine levied by 26564  
division (H)(2) of this section ~~4511.99 of the Revised Code~~. 26565

(G) There is hereby created in the state treasury the "child 26566  
highway safety fund," consisting of fines imposed pursuant to 26567

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divisions (H)(1) and (2) of this section ~~4511.99 of the Revised~~ 26568  
~~Code~~ for violations of divisions (A) and (B) of this section. The 26569  
money in the fund shall be used by the department of health only 26570  
to defray the cost of verifying pediatric trauma centers under 26571  
section 3702.161 of the Revised Code and to establish and 26572  
administer a child highway safety program. The purpose of the 26573  
program shall be to educate the public about child restraint 26574  
systems generally and the importance of their proper use. The 26575  
program also shall include a process for providing child restraint 26576  
systems to persons who meet the eligibility criteria established 26577  
by the department, and a toll-free telephone number the public may 26578  
utilize to obtain information about child restraint systems and 26579  
their proper use. 26580

The director of health, in accordance with Chapter 119. of 26581  
the Revised Code, shall adopt any rules necessary to carry out 26582  
this section, including rules establishing the criteria a person 26583  
must meet in order to receive a child restraint system under the 26584  
department's child restraint system program; provided that rules 26585  
relating to the verification of pediatric trauma centers shall not 26586  
be adopted under this section. 26587

(H)(1) Whoever is a resident of this state and violates 26588  
division (A) or (B) of this section shall be punished as follows: 26589

(a) Except as otherwise provided in division (H)(1)(b) of 26590  
this section, the offender is guilty of a minor misdemeanor. 26591

(b) If the offender previously has been convicted of or 26592  
pleaded guilty to a violation of division (A) or (B) of this 26593  
section or of a municipal ordinance that is substantially similar 26594  
to either of those divisions, the offender is guilty of a 26595  
misdemeanor of the fourth degree. 26596

(2) Whoever is not a resident of this state, violates 26597  
division (A) or (B) of this section, and fails to prove by a 26598

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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. 26599  
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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. 26604  
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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. 26608  
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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. 26614  
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(C) Whoever violates division (A) or (B) of this section is guilty of a minor misdemeanor. 26619  
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(D) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature. 26621  
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**Sec. 4511.84.** (A) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player, or other similar device that provides the listener with 26625  
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radio programs, music, or other recorded information through a 26629  
device attached to the head and that covers all or a portion of 26630  
both ears. "Earphones" does not include speakers or other 26631  
listening devices that are built into protective headgear. 26632

(B) This section does not apply to: 26633

(1) Any person wearing a hearing aid; 26634

(2) Law enforcement personnel while on duty; 26635

(3) Fire department personnel and emergency medical service 26636  
personnel while on duty; 26637

(4) Any person engaged in the operation of equipment for use 26638  
in the maintenance or repair of any highway; 26639

(5) Any person engaged in the operation of refuse collection 26640  
equipment. 26641

(C) Except as otherwise provided in this division, whoever 26642  
violates this section is guilty of a minor misdemeanor. If, within 26643  
one year of the offense, the offender previously has been 26644  
convicted of or pleaded guilty to one predicate motor vehicle or 26645  
traffic offense, whoever violates this section is guilty of a 26646  
misdemeanor of the fourth degree. If, within one year of the 26647  
offense, the offender previously has been convicted of two or more 26648  
predicate motor vehicle or traffic offenses, whoever violates this 26649  
section is guilty of a misdemeanor of the third degree. 26650

**Sec. 4511.85.** (A) The operator of a chauffeured limousine 26651  
shall accept passengers only on the basis of prearranged 26652  
contracts, as defined in division (LL) of section 4501.01 of the 26653  
Revised Code, and shall not cruise in search of patronage unless 26654  
the limousine is in compliance with any statute or ordinance 26655  
governing the operation of taxicabs or other similar vehicles for 26656  
hire. 26657

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(B) No person shall advertise or hold self out as doing 26658  
business as a limousine service or livery service or other similar 26659  
designation unless each vehicle used by the person to provide the 26660  
service is registered in accordance with section 4503.24 of the 26661  
Revised Code and is in compliance with section 4509.80 of the 26662  
Revised Code. 26663

(C) Whoever violates this section is guilty of a misdemeanor 26664  
of the first degree. 26665

**Sec. 4511.99.** ~~(A) Whoever violates division (A)(1), (2), (3),~~ 26666  
~~or (4) of section 4511.19 of the Revised Code, in addition to the~~ 26667  
~~license suspension or revocation provided in section 4507.16 of~~ 26668  
~~the Revised Code and any disqualification imposed under section~~ 26669  
~~4506.16 of the Revised Code, shall be punished as provided in~~ 26670  
~~division (A)(1), (2), (3), or (4) of this section. Whoever~~ 26671  
~~violates division (A)(5), (6), or (7) of section 4511.19 of the~~ 26672  
~~Revised Code, in addition to the license suspension or revocation~~ 26673  
~~provided in section 4507.16 of the Revised Code and any~~ 26674  
~~disqualification imposed under section 4506.16 of the Revised~~ 26675  
~~Code, shall be punished as provided in division (A)(5), (6), (7),~~ 26676  
~~or (8) of this section.~~ 26677

~~(1) Except as otherwise provided in division (A)(2), (3), or~~ 26678  
~~(4) of this section, the offender is guilty of a misdemeanor of~~ 26679  
~~the first degree and the court shall sentence the offender to a~~ 26680  
~~term of imprisonment of three consecutive days and may sentence~~ 26681  
~~the offender pursuant to section 2929.21 of the Revised Code to a~~ 26682  
~~longer term of imprisonment. In addition, the court shall impose~~ 26683  
~~upon the offender a fine of not less than two hundred fifty and~~ 26684  
~~not more than one thousand dollars.~~ 26685

~~The court may suspend the execution of the mandatory three~~ 26686  
~~consecutive days of imprisonment that it is required to impose by~~ 26687  
~~this division, if the court, in lieu of the suspended term of~~ 26688



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

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

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~~while under the influence of alcohol, the dangers of operating a motor vehicle while under the influence of alcohol, and other information relating to the operation of a motor vehicle and the consumption of alcoholic beverages. Fifty dollars of the fine imposed pursuant to this division shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration to the credit of the fund that pays the cost of the incarceration. If the offender was confined as a result of the offense prior to being sentenced for the offense but is not sentenced to a term of incarceration, the fifty dollars shall be paid to the political subdivision that paid the cost of housing the offender during that period of confinement. The political subdivision shall use this share to pay or reimburse incarceration or treatment costs it incurs in housing or providing drug and alcohol treatment to persons who violate section 4511.19 of the Revised Code or a substantially similar municipal ordinance and to pay for ignition interlock devices and electronic house arrest equipment for persons who violate that section. Twenty-five dollars of the fine imposed pursuant to this division shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (N) of section 4511.191 of the Revised Code. The balance of the fine shall be disbursed as otherwise provided by law.~~

~~(2)(a) Except as otherwise provided in division (A)(4) of this section, the offender is guilty of a misdemeanor of the first degree, and, except as provided in this division, the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to section 2929.21 of the Revised Code to a longer term of imprisonment if, within six years of the offense, the offender has been convicted of or~~

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<del>pleaded guilty to one violation of the following:</del>	26753
<del>(i) Division (A) or (B) of section 4511.19 of the Revised Code:</del>	26754
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<del>(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:</del>	26756
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<del>(iii) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine:</del>	26759
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<del>(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:</del>	26762
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<del>(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:</del>	26765
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<del>(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:</del>	26768
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<del>(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.</del>	26775
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<del>As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (A)(12) of this section, the court may impose upon the offender a sentence consisting of both a term of imprisonment of five consecutive days</del>	26779
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~~and not less than eighteen consecutive days of electronically  
monitored house arrest as defined in division (A) of section  
2929.23 of the Revised Code. The five consecutive days of  
imprisonment and the period of electronically monitored house  
arrest shall not exceed six months. The five consecutive days of  
imprisonment do not have to be served prior to or consecutively  
with the period of electronically monitored house arrest.~~

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

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

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

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

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

~~(3)(a) Except as otherwise provided in division (A)(4) of this section and except as provided in this division, if, within six years of the offense, the offender has been convicted of or~~

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~~pleaded guilty to two violations identified in division (A)(2) of  
this section, the court shall sentence the offender to a term of  
imprisonment of thirty consecutive days and may sentence the  
offender to a longer definite term of imprisonment of not more  
than one year. As an alternative to the term of imprisonment  
required to be imposed by this division, but subject to division  
(A)(12) of this section, the court may impose upon the offender a  
sentence consisting of both a term of imprisonment of fifteen  
consecutive days and not less than fifty-five consecutive days of  
electronically monitored house arrest as defined in division (A)  
of section 2929.23 of the Revised Code. The fifteen consecutive  
days of imprisonment and the period of electronically monitored  
house arrest shall not exceed one year. The fifteen consecutive  
days of imprisonment do not have to be served prior to or  
consecutively with the period of electronically monitored house  
arrest.~~

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

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

~~Of the fine imposed pursuant to this division, one hundred  
twenty-three dollars shall be paid to an enforcement and education  
fund established by the legislative authority of the law  
enforcement agency in this state that primarily was responsible~~

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~~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.~~

~~(b) Regardless of whether the vehicle the offender was  
operating at the time of the offense is registered in the  
offender's name or in the name of another person, the court, in  
addition to the penalties imposed under division (A)(3)(a) of this  
section and all other penalties provided by law and subject to  
section 4503.235 of the Revised Code, shall order the criminal  
forfeiture to the state of the vehicle the offender was operating  
at the time of the offense. The order of criminal forfeiture shall  
be issued and enforced in accordance with section 4503.234 of the  
Revised Code.~~

~~(4)(a)(i) If, within six years of the offense, the offender~~

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has been convicted of or pleaded guilty to three or more  
violations identified in division (A)(2) of this section, and if  
sentence is not required to be imposed under division  
(A)(4)(a)(ii) of this section, the offender is guilty of a felony  
of the fourth degree and, notwithstanding division (A)(4) of  
section 2929.14 of the Revised Code, may be sentenced to a  
definite prison term that shall be not less than six months and  
not more than thirty months. The court shall sentence the offender  
in accordance with sections 2929.11 to 2929.19 of the Revised Code  
and shall impose as part of the sentence either a mandatory term  
of local incarceration of sixty consecutive days of imprisonment  
in accordance with division (G)(1) of section 2929.13 of the  
Revised Code or a mandatory prison term of sixty consecutive days  
of imprisonment in accordance with division (G)(2) of that  
section. If the court requires the offender to serve a mandatory  
term of local incarceration of sixty consecutive days of  
imprisonment in accordance with division (G)(1) of section 2929.13  
of the Revised Code, the court, pursuant to section 2929.17 of the  
Revised Code, may impose upon the offender a sentence that  
includes a term of electronically monitored house arrest, provided  
that the term of electronically monitored house arrest shall not  
commence until after the offender has served the mandatory term of  
local incarceration.

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



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~~division (G)(2) of section 2929.13 of the Revised Code. 26943~~

~~(iii) In addition to all other sanctions imposed on an 26944~~  
~~offender under division (A)(4)(a)(i) or (ii) of this section, the 26945~~  
~~court shall impose upon the offender, pursuant to section 2929.18 26946~~  
~~of the Revised Code, a fine of not less than eight hundred nor 26947~~  
~~more than ten thousand dollars. 26948~~

~~In addition to any other sanction that it imposes upon the 26949~~  
~~offender under division (A)(4)(a)(i) or (ii) of this section, the 26950~~  
~~court shall require the offender to attend an alcohol and drug 26951~~  
~~addiction program authorized by section 3793.02 of the Revised 26952~~  
~~Code. The cost of the treatment shall be paid by the offender. If 26953~~  
~~the court determines that the offender is unable to pay the cost 26954~~  
~~of attendance at the treatment program, the court may order that 26955~~  
~~payment of the cost of the offender's attendance at the treatment 26956~~  
~~program be made from the court's indigent drivers alcohol 26957~~  
~~treatment fund. 26958~~

~~Of the fine imposed pursuant to this division, two hundred 26959~~  
~~ten dollars shall be paid to an enforcement and education fund 26960~~  
~~established by the legislative authority of the law enforcement 26961~~  
~~agency in this state that primarily was responsible for the arrest 26962~~  
~~of the offender, as determined by the court that imposes the fine. 26963~~  
~~This share shall be used by the agency to pay only those costs it 26964~~  
~~incurs in enforcing section 4511.19 of the Revised Code or a 26965~~  
~~substantially similar municipal ordinance and in informing the 26966~~  
~~public of the laws governing operation of a motor vehicle while 26967~~  
~~under the influence of alcohol, the dangers of operation of a 26968~~  
~~motor vehicle while under the influence of alcohol, and other 26969~~  
~~information relating to the operation of a motor vehicle and the 26970~~  
~~consumption of alcoholic beverages. Four hundred forty dollars of 26971~~  
~~the fine imposed pursuant to this division shall be paid to the 26972~~  
~~political subdivision that pays the cost of housing the offender 26973~~  
~~during the offender's term of incarceration. This share shall be 26974~~

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~~used by the political subdivision to pay or reimburse  
incarceration or treatment costs it incurs in housing or providing  
drug and alcohol treatment to persons who violate section 4511.19  
of the Revised Code or a substantially similar municipal ordinance  
and to pay for ignition interlock devices and electronic house  
arrest equipment for persons who violate that section, and shall  
be paid to the credit of the fund that pays the cost of  
incarceration. The balance of the fine shall be disbursed as  
otherwise provided by law.~~

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

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

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

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~~(5)(a) Except as otherwise provided in division (A)(6), (7),  
or (8) of this section, the offender is guilty of a misdemeanor of  
the first degree, and the court shall sentence the offender to one  
of the following:~~

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

~~(ii) If the court determines that the offender is not  
conducive to treatment in the program, if the offender refuses to  
attend the program, or if the place of imprisonment can provide a  
drivers' intervention program, a term of imprisonment of at least  
six consecutive days.~~

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

~~The court may require the offender, as a condition of  
probation, to attend and satisfactorily complete any treatment or  
education programs that comply with the minimum standards adopted  
pursuant to Chapter 3793. of the Revised Code by the director of  
alcohol and drug addiction services, in addition to the required  
attendance at a drivers' intervention program, that the operators  
of the drivers' intervention program determine that the offender  
should attend and to report periodically to the court on the  
offender's progress in the programs. The court also may impose any  
other conditions of probation on the offender that it considers  
necessary.~~

~~Of the fine imposed pursuant to this division, twenty-five  
dollars shall be paid to an enforcement and education fund  
established by the legislative authority of the law enforcement  
agency in this state that primarily was responsible for the arrest~~

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~~of the offender, as determined by the court that imposes the fine. 27038  
The agency shall use this share to pay only those costs it incurs 27039  
in enforcing section 4511.19 of the Revised Code or a 27040  
substantially similar municipal ordinance and in informing the 27041  
public of the laws governing the operation of a motor vehicle 27042  
while under the influence of alcohol, the dangers of operating a 27043  
motor vehicle while under the influence of alcohol, and other 27044  
information relating to the operation of a motor vehicle and the 27045  
consumption of alcoholic beverages. Fifty dollars of the fine 27046  
imposed pursuant to this division shall be paid to the political 27047  
subdivision that pays the cost of housing the offender during the 27048  
offender's term of incarceration to the credit of the fund that 27049  
pays the cost of the incarceration. The political subdivision 27050  
shall use this share to pay or reimburse incarceration or 27051  
treatment costs it incurs in housing or providing drug and alcohol 27052  
treatment to persons who violate section 4511.19 of the Revised 27053  
Code or a substantially similar municipal ordinance and to pay for 27054  
ignition interlock devices and electronic house arrest equipment 27055  
for persons who violate that section. Twenty-five dollars of the 27056  
fine imposed pursuant to this division shall be deposited into the 27057  
county indigent drivers alcohol treatment fund or municipal 27058  
indigent drivers alcohol treatment fund under the control of that 27059  
court, as created by the county or municipal corporation pursuant 27060  
to division (N) of section 4511.191 of the Revised Code. The 27061  
balance of the fine shall be disbursed as otherwise provided by 27062  
law. 27063~~

~~(6)(a) Except as otherwise provided in division (A)(8) of 27064  
this section and except as provided in this division, if, within 27065  
six years of the offense, the offender has been convicted of or 27066  
pleaded guilty to one violation of division (A) or (B) of section 27067  
4511.19 of the Revised Code, a municipal ordinance relating to 27068  
operating a vehicle while under the influence of alcohol, a drug 27069~~

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~~of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to a term of imprisonment of twenty consecutive days and may sentence the offender pursuant to section 2929.21 of the Revised Code to a longer term of imprisonment. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (A)(12) of this section, the court may impose upon the offender a sentence consisting of both a term of imprisonment of ten consecutive days and not less than thirty-six consecutive days of electronically monitored house arrest as defined in division (A) of section 2929.23 of the Revised Code. The ten consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed six months. The ten consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.~~

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

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

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

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~~incarceration. Fifty dollars of the fine imposed pursuant to this 27134  
division shall be deposited into the county indigent drivers 27135  
alcohol treatment fund or municipal indigent drivers alcohol 27136  
treatment fund under the control of that court, as created by the 27137  
county or municipal corporation pursuant to division (N) of 27138  
section 4511.191 of the Revised Code. The balance of the fine 27139  
shall be disbursed as otherwise provided by law. 27140~~

~~(b) Regardless of whether the vehicle the offender was 27141  
operating at the time of the offense is registered in the 27142  
offender's name or in the name of another person, the court, in 27143  
addition to the penalties imposed under division (A)(6)(a) of this 27144  
section and all other penalties provided by law and subject to 27145  
section 4503.235 of the Revised Code, shall order the 27146  
immobilization for ninety days of the vehicle the offender was 27147  
operating at the time of the offense and the impoundment for 27148  
ninety days of the identification license plates of that vehicle. 27149  
The order for the immobilization and impoundment shall be issued 27150  
and enforced in accordance with section 4503.233 of the Revised 27151  
Code. 27152~~

~~(7)(a) Except as otherwise provided in division (A)(8) of 27153  
this section and except as provided in this division, if, within 27154  
six years of the offense, the offender has been convicted of or 27155  
pleaded guilty to two violations of division (A) or (B) of section 27156  
4511.19 of the Revised Code, a municipal ordinance relating to 27157  
operating a vehicle while under the influence of alcohol, a drug 27158  
of abuse, or alcohol and a drug of abuse, a municipal ordinance 27159  
relating to operating a vehicle with a prohibited concentration of 27160  
alcohol in the blood, breath, or urine, section 2903.04 of the 27161  
Revised Code in a case in which the offender was subject to the 27162  
sanctions described in division (D) of that section, section 27163  
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 27164  
ordinance that is substantially similar to section 2903.07 of the 27165~~

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~~Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the court shall sentence the offender to a term of imprisonment of sixty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (A)(12) of this section, the court may impose upon the offender a sentence consisting of both a term of imprisonment of thirty consecutive days and not less than one hundred ten consecutive days of electronically monitored house arrest as defined in division (A) of section 2929.23 of the Revised Code. The thirty consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed one year. The thirty consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.~~

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

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



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alcohol treatment fund. 27198

~~Of the fine imposed pursuant to this division, one hundred 27199  
twenty-three dollars shall be paid to an enforcement and education 27200  
fund established by the legislative authority of the law 27201  
enforcement agency in this state that primarily was responsible 27202  
for the arrest of the offender, as determined by the court that 27203  
imposes the fine. The agency shall use this share to pay only 27204  
those costs it incurs in enforcing section 4511.19 of the Revised 27205  
Code or a substantially similar municipal ordinance and in 27206  
informing the public of the laws governing the operation of a 27207  
motor vehicle while under the influence of alcohol, the dangers of 27208  
operating a motor vehicle while under the influence of alcohol, 27209  
and other information relating to the operation of a motor vehicle 27210  
and the consumption of alcoholic beverages. Two hundred 27211  
seventy-seven dollars of the fine imposed pursuant to this 27212  
division shall be paid to the political subdivision that pays the 27213  
cost of housing the offender during the offender's term of 27214  
incarceration. The political subdivision shall use this share to 27215  
pay or reimburse incarceration or treatment costs it incurs in 27216  
housing or providing drug and alcohol treatment to persons who 27217  
violate section 4511.19 of the Revised Code or a substantially 27218  
similar municipal ordinance and to pay for ignition interlock 27219  
devices and electronic house arrest equipment for persons who 27220  
violate that section, and this share shall be paid to the credit 27221  
of the fund that pays the cost of incarceration. The balance of 27222  
the fine shall be disbursed as otherwise provided by law. 27223~~

~~(b) Regardless of whether the vehicle the offender was 27224  
operating at the time of the offense is registered in the 27225  
offender's name or in the name of another person, the court, in 27226  
addition to the penalties imposed under division (A)(7)(a) of this 27227  
section and all other penalties provided by law and subject to 27228  
section 4503.235 of the Revised Code, shall order the 27229~~

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~~immobilization for one hundred eighty days of the vehicle the  
offender was operating at the time of the offense and the  
impoundment for one hundred eighty days of the identification  
license plates of that vehicle. The order for the immobilization  
and impoundment shall be issued and enforced in accordance with  
section 4503.233 of the Revised Code.~~

~~(8)(a)(i) If, within six years of the offense, the offender  
has been convicted of or pleaded guilty to three or more  
violations of division (A) or (B) of section 4511.19 of the  
Revised Code, a municipal ordinance relating to operating a  
vehicle while under the influence of alcohol, a drug of abuse, or  
alcohol and a drug of abuse, a municipal ordinance relating to  
operating a vehicle with a prohibited concentration of alcohol in  
the blood, breath, or urine, section 2903.04 of the Revised Code  
in a case in which the offender was subject to the sanctions  
described in division (D) of that section, section 2903.06,  
2903.07, or 2903.08 of the Revised Code or a municipal ordinance  
that is substantially similar to section 2903.07 of the Revised  
Code in a case in which the jury or judge found that the offender  
was under the influence of alcohol, a drug of abuse, or alcohol  
and a drug of abuse, or a statute of the United States or of any  
other state or a municipal ordinance of a municipal corporation  
located in any other state that is substantially similar to  
division (A) or (B) of section 4511.19 of the Revised Code, and if  
sentence is not required to be imposed under division  
(A)(8)(a)(ii) of this section, the offender is guilty of a felony  
of the fourth degree and, notwithstanding division (A)(4) of  
section 2929.14 of the Revised Code, may be sentenced to a  
definite prison term that shall be not less than six months and  
not more than thirty months. The court shall sentence the offender  
in accordance with sections 2929.11 to 2929.19 of the Revised Code  
and shall impose as part of the sentence either a mandatory term~~

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~~of local incarceration of one hundred twenty consecutive days of imprisonment in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days of imprisonment in accordance with division (G)(2) of that section. If the court requires the offender to serve a mandatory term of local incarceration of one hundred twenty consecutive days of imprisonment in accordance with division (G)(1) of section 2929.13 of the Revised Code, the court, pursuant to section 2929.17 of the Revised Code, may impose upon the offender a sentence that includes a term of electronically monitored house arrest, provided that the term of electronically monitored house arrest shall not commence until after the offender has served the mandatory term of local incarceration.~~

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

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

~~In addition to any other sanction that it imposes upon the offender under division (A)(8)(a)(i) or (ii) of this section, the~~

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

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

~~otherwise provided by law.~~ 27326

~~(b) Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to the sanctions imposed under division (A)(8)(a) of this section and all other sanctions provided by law and subject to section 4503.235 of the Revised Code, shall order the criminal forfeiture to the state of the vehicle the offender was operating at the time of the offense. The order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Revised Code.~~ 27327  
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~~(c) As used in division (A)(8)(a) of this section, "mandatory prison term" and "mandatory term of local incarceration" have the same meanings as in section 2929.01 of the Revised Code.~~ 27337  
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~~(d) If title to a motor vehicle that is subject to an order for criminal forfeiture under this section is assigned or transferred and division (C)(2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealer's association. The proceeds from any fine imposed under this division shall be distributed in accordance with division (D)(4) of section 4503.234 of the Revised Code.~~ 27341  
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~~(9)(a) Except as provided in division (A)(9)(b) of this section, upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this section to continue the offender's employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, six, ten, twenty, thirty, or sixty consecutive days of imprisonment or the mandatory term of local~~ 27350  
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~~incarceration of sixty or one hundred twenty consecutive days that  
the court is required by division (A)(1), (2), (3), (4), (5), (6),  
(7), or (8) of this section to impose. No court shall authorize  
work release from imprisonment during the three, six, ten, twenty,  
thirty, or sixty consecutive days of imprisonment or the mandatory  
term of local incarceration or mandatory prison term of sixty or  
one hundred twenty consecutive days that the court is required by  
division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this  
section to impose. The duration of the work release shall not  
exceed the time necessary each day for the offender to commute to  
and from the place of employment and the place of imprisonment and  
the time actually spent under employment.~~

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

~~(10) Notwithstanding any section of the Revised Code that  
authorizes the suspension of the imposition or execution of a  
sentence, the placement of an offender in any treatment program in  
lieu of imprisonment, or the use of a community control sanction  
for an offender convicted of a felony, no court shall suspend the  
ten, twenty, thirty, or sixty consecutive days of imprisonment  
required to be imposed on an offender by division (A)(2), (3),  
(6), or (7) of this section, no court shall place an offender who  
is sentenced pursuant to division (A)(2), (3), (4), (6), (7), or  
(8) of this section in any treatment program in lieu of~~

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~~imprisonment until after the offender has served the ten, twenty, 27390  
thirty, or sixty consecutive days of imprisonment or the mandatory 27391  
term of local incarceration or mandatory prison term of sixty or 27392  
one hundred twenty consecutive days required to be imposed 27393  
pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this 27394  
section, no court that sentences an offender under division (A)(4) 27395  
or (8) of this section shall impose any sanction other than a 27396  
mandatory term of local incarceration or mandatory prison term to 27397  
apply to the offender until after the offender has served the 27398  
mandatory term of local incarceration or mandatory prison term of 27399  
sixty or one hundred twenty consecutive days required to be 27400  
imposed pursuant to division (A)(4) or (8) of this section, and no 27401  
court that imposes a sentence of imprisonment and a period of 27402  
electronically monitored house arrest upon an offender under 27403  
division (A)(2), (3), (6), or (7) of this section shall suspend 27404  
any portion of the sentence or place the offender in any treatment 27405  
program in lieu of imprisonment or electronically monitored house 27406  
arrest. Notwithstanding any section of the Revised Code that 27407  
authorizes the suspension of the imposition or execution of a 27408  
sentence or the placement of an offender in any treatment program 27409  
in lieu of imprisonment, no court, except as specifically 27410  
authorized by division (A)(1) or (5) of this section, shall 27411  
suspend the three or more consecutive days of imprisonment 27412  
required to be imposed by division (A)(1) or (5) of this section 27413  
or place an offender who is sentenced pursuant to division (A)(1) 27414  
or (5) of this section in any treatment program in lieu of 27415  
imprisonment until after the offender has served the three or more 27416  
consecutive days of imprisonment required to be imposed pursuant 27417  
to division (A)(1) or (5) of this section. 27418~~

~~(11) No court shall sentence an offender to an alcohol 27419  
treatment program pursuant to division (A)(1), (2), (3), (4), (5), 27420  
(6), (7), or (8) of this section unless the treatment program 27421~~

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~~complies with the minimum standards adopted pursuant to Chapter 27422  
3793. of the Revised Code by the director of alcohol and drug 27423  
addiction services. 27424~~

~~(12) No court shall impose the alternative sentence of a term 27425  
of imprisonment plus a term of electronically monitored house 27426  
arrest permitted to be imposed by division (A)(2), (3), (6), or 27427  
(7) of this section, unless within sixty days of the date of 27428  
sentencing, the court issues a written finding, entered into the 27429  
record, that due to the unavailability of space at the 27430  
incarceration facility where the offender is required to serve the 27431  
term of imprisonment imposed upon the offender, the offender will 27432  
not be able to commence serving the term of imprisonment within 27433  
the sixty-day period following the date of sentencing. If the 27434  
court issues such a written finding, the court may impose the 27435  
alternative sentence comprised of a term of imprisonment and a 27436  
term of electronically monitored house arrest permitted to be 27437  
imposed by division (A)(2), (3), (6), or (7) of this section. 27438~~

~~(B) Whoever violates section 4511.192, 4511.251, or 4511.85 27439  
of the Revised Code is guilty of a misdemeanor of the first 27440  
degree. The court, in addition to or independent of all other 27441  
penalties provided by law, may suspend for a period not to exceed 27442  
one year the driver's or commercial driver's license or permit or 27443  
nonresident operating privilege of any person who pleads guilty to 27444  
or is convicted of a violation of section 4511.192 of the Revised 27445  
Code. 27446~~

~~(C) Whoever violates section 4511.63, 4511.76, 4511.761, 27447  
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code is 27448  
guilty of one of the following: 27449~~

~~(1) Except as otherwise provided in division (C)(2) of this 27450  
section, a minor misdemeanor. 27451~~

~~(2) If the offender previously has been convicted of or 27452~~



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~~pleaded guilty to one or more violations of section 4511.63,  
4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the  
Revised Code or a municipal ordinance that is substantially  
similar to any of those sections, a misdemeanor of the fourth  
degree.~~

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

~~(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;~~

~~(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;~~

~~(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.~~

~~(2) When any person is found guilty of a first offense for a  
violation of section 4511.21 of the Revised Code upon a finding  
that the person operated a motor vehicle faster than thirty-five  
miles an hour in a business district of a municipal corporation,~~

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~~or faster than fifty miles an hour in other portions, or faster  
than thirty-five miles an hour while passing through a school zone  
during recess or while children are going to or leaving school  
during the opening or closing hours, the person is guilty of a  
misdemeanor of the fourth degree.~~

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

~~(4) Notwithstanding section 2929.21 of the Revised Code, upon  
a finding that a person operated a motor vehicle in violation of  
division (C) of section 4511.213 of the Revised Code, the court,  
in addition to all other penalties provided by law, shall impose a  
fine of two times the usual amount imposed for the violation.~~

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

~~(F) Whoever violates division (E) or (F) of section 4511.51,  
division (A), (D), or (E) of section 4511.521, section 4511.681,~~

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~~division (A) or (C) of section 4511.69, section 4511.772, or  
division (A) or (B) of section 4511.82 of the Revised Code is  
guilty of a minor misdemeanor.~~

~~(G) Whoever violates division (A) of section 4511.75 of the  
Revised Code may be fined an amount not to exceed five hundred  
dollars. A person who is issued a citation for a violation of  
division (A) of section 4511.75 of the Revised Code is not  
permitted to enter a written plea of guilty and waive the person's  
right to contest the citation in a trial, but instead must appear  
in person in the proper court to answer the charge.~~

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

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

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

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

~~(3) 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)~~

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~~of section 4511.81 of the Revised Code.~~ 27547

~~(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.~~ 27548  
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~~(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.~~ 27551  
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~~(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.~~ 27555  
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~~(L) Whoever violates division (H) of section 4511.69 of the Revised Code shall be punished as follows:~~ 27565  
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~~(1) Except as otherwise provided in division (L)(2) of this section, the offender shall be issued a warning.~~ 27567  
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~~(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.~~ 27569  
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~~(M) Whoever violates division (A)(1) or (2) of section 4511.45 of the Revised Code is guilty of a misdemeanor of the~~ 27576  
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~~fourth degree on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree; and on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree.~~

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

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

~~(b) The offender is guilty of a misdemeanor of the third degree if, within one year of the offense, the offender has been convicted of or pleaded guilty to any 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 or division (A)(2) of section 2903.08 of the Revised Code or a~~

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~~municipal ordinance that is substantially similar to any of those  
divisions, or former section 2903.07 of the Revised Code or a  
substantially similar municipal ordinance, 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  
other state that is substantially similar to division (A) or (B)  
of section 4511.19 of the Revised Code.~~

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

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

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

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

~~Every fine collected under this division shall be paid by the  
clerk of the court to the political subdivision in which the  
violation occurred. Except as provided in this division, the  
political subdivision shall use the fine moneys it receives under~~

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~~this division to pay the expenses it incurs in complying with the signage and notice requirements contained in division (E) of section 4511.69 of the Revised Code. The political subdivision may use up to fifty per cent of each fine it receives under this division to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.~~

**Sec. 4513.02.** (A) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.

(B) When directed by any state highway patrol trooper, the operator of any motor vehicle shall stop and submit such motor vehicle to an inspection under division (B)(1) or (2) of this section, as appropriate, and such tests as are necessary.

(1) Any motor vehicle not subject to inspection by the public utilities commission shall be inspected and tested to determine whether it is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, or in violation of the equipment provisions of Chapter 4513. of the Revised Code.

Such inspection shall be made with respect to the brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust system, windshield wipers, tires, and such other items of equipment as designated by the superintendent of the state highway patrol by rule or regulation adopted pursuant to sections 119.01 to 119.13 of the Revised Code.

Upon determining that a motor vehicle is in safe operating condition and its equipment in conformity with Chapter 4513. of

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the Revised Code, the inspecting officer shall issue to the operator an official inspection sticker, which shall be in such form as the superintendent prescribes except that its color shall vary from year to year.

(2) Any motor vehicle subject to inspection by the public utilities commission shall be inspected and tested in accordance with rules adopted by the commission. Upon determining that the vehicle and operator are in compliance with rules adopted by the commission, the inspecting officer shall issue to the operator an appropriate official inspection sticker.

(C) The superintendent of the state highway patrol, pursuant to sections 119.01 to 119.13 of the Revised Code, shall determine and promulgate standards for any inspection program conducted by a political subdivision of this state. These standards shall exempt licensed collector's vehicles and historical motor vehicles from inspection. Any motor vehicle bearing a valid certificate of inspection issued by another state or a political subdivision of this state whose inspection program conforms to the superintendent's standards, and any licensed collector's vehicle or historical motor vehicle which is not in a condition which endangers the safety of persons or property, shall be exempt from the tests provided in division (B) of this section.

(D) Every person, firm, association, or corporation that, in the conduct of its business, owns and operates not less than fifteen motor vehicles in this state that are not subject to regulation by the public utilities commission and that, for the purpose of storing, repairing, maintaining, and servicing such motor vehicles, equips and operates one or more service departments within this state, may file with the superintendent of the state highway patrol applications for permits for such service departments as official inspection stations for its own motor vehicles. Upon receiving an application for each such service



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department, and after determining that it is properly equipped and 27702  
has competent personnel to perform the inspections referred to in 27703  
this section, the superintendent shall issue the necessary 27704  
inspection stickers and permit to operate as an official 27705  
inspection station. Any such person who has had one or more 27706  
service departments so designated as official inspection stations 27707  
may have motor vehicles that are owned and operated by the person 27708  
and that are not subject to regulation by the public utilities 27709  
commission, excepting private passenger cars owned by the person 27710  
or the person's employees, inspected at such service department; 27711  
and any motor vehicle bearing a valid certificate of inspection 27712  
issued by such service department shall be exempt from the tests 27713  
provided in division (B) of this section. 27714

No permit for an official inspection station shall be 27715  
assigned or transferred or used at any location other than therein 27716  
designated, and every such permit shall be posted in a conspicuous 27717  
place at the location designated. 27718

If a person, firm, association, or corporation owns and 27719  
operates fifteen or more motor vehicles in the conduct of business 27720  
and is subject to regulation by the public utilities commission, 27721  
that person, firm, association, or corporation is not eligible to 27722  
apply to the superintendent for permits to enable any of its 27723  
service departments to serve as official inspection stations for 27724  
its own motor vehicles. 27725

(E) When any motor vehicle is found to be unsafe for 27726  
operation, the inspecting officer may order it removed from the 27727  
highway and not operated, except for purposes of removal and 27728  
repair, until it has been repaired pursuant to a repair order as 27729  
provided in division (F) of this section. 27730

(F) When any motor vehicle is found to be defective or in 27731  
violation of Chapter 4513. of the Revised Code, the inspecting 27732  
officer may issue a repair order, in such form and containing such 27733

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information as the superintendent shall prescribe, to the owner or 27734  
operator of the motor vehicle. The owner or operator shall 27735  
thereupon obtain such repairs as are required and shall, as 27736  
directed by the inspecting officer, return the repair order 27737  
together with proof of compliance with its provisions. When any 27738  
motor vehicle or operator subject to rules of the public utilities 27739  
commission fails the inspection, the inspecting officer shall 27740  
issue an appropriate order to obtain compliance with such rules. 27741

(G) Sections 4513.01 to 4513.37 of the Revised Code, with 27742  
respect to equipment on vehicles, do not apply to implements of 27743  
husbandry, road machinery, road rollers, or agricultural tractors 27744  
except as made applicable to such articles of machinery. 27745

(H) Except as otherwise provided in this division, whoever 27746  
violates this section is guilty of a minor misdemeanor. If the 27747  
offender previously has been convicted of a violation of this 27748  
section, whoever violates this section is guilty of a misdemeanor 27749  
of the third degree. 27750

**Sec. 4513.021.** (A) As used in this section: 27751

(1) "Passenger car" means any motor vehicle with motive 27752  
power, designed for carrying ten persons or less, except a 27753  
multipurpose passenger vehicle or motorcycle. 27754

(2) "Multipurpose passenger vehicle" means a motor vehicle 27755  
with motive power, except a motorcycle, designed to carry ten 27756  
persons or less, that is constructed either on a truck chassis or 27757  
with special features for occasional off-road operation. 27758

(3) "Truck" means every motor vehicle, except trailers and 27759  
semitrailers, designed and used to carry property and having a 27760  
gross vehicle weight rating of ten thousand pounds or less. 27761

(4) "Manufacturer" has the same meaning as in section 4501.01 27762  
of the Revised Code. 27763

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- (5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for that vehicle. 27764  
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- (B) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt rules in conformance with standards of the vehicle equipment safety commission, that shall govern the maximum bumper height or, in the absence of bumpers and in cases where bumper heights have been lowered or modified, the maximum height to the bottom of the frame rail, of any passenger car, multipurpose passenger vehicle, or truck. 27766  
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- (C) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this state that does not conform to the requirements of this section or to any applicable rule adopted pursuant to this section. 27773  
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- (D) No person shall modify any motor vehicle registered in this state in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system. 27778  
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- (E) Nothing contained in this section or in the rules adopted pursuant to this section shall be construed to prohibit either of the following: 27785  
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- (1) The installation upon a passenger car, multipurpose passenger vehicle, or truck registered in this state of heavy duty equipment, including shock absorbers and overload springs; 27788  
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- (2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this state with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle. 27791  
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(F) This section and the rules adopted pursuant to it do not 27795  
apply to any specially designed or modified passenger car, 27796  
multipurpose passenger vehicle, or truck when operated off a 27797  
street or highway in races and similar events. 27798

(G) Except as otherwise provided in this division, whoever 27799  
violates this section is guilty of a minor misdemeanor. If the 27800  
offender previously has been convicted of a violation of this 27801  
section, whoever violates this section is guilty of a misdemeanor 27802  
of the third degree. 27803

**Sec. 4513.022.** (A) As part of the motor vehicle inspection 27804  
conducted pursuant to section 4513.02 of the Revised Code, the 27805  
state highway patrol trooper shall request that the owner or 27806  
operator of the motor vehicle produce proof that the owner 27807  
maintains or has maintained on the owner's behalf, proof of 27808  
financial responsibility as required by section 4509.101 of the 27809  
Revised Code. 27810

(B) A state highway patrol trooper shall indicate on every 27811  
traffic ticket issued pursuant to a motor vehicle inspection 27812  
whether the person receiving the traffic ticket produced proof of 27813  
the maintenance of financial responsibility in response to the 27814  
state highway patrol trooper's request. The state highway patrol 27815  
trooper shall inform every person who receives a traffic ticket 27816  
and who has failed to produce proof of the maintenance of 27817  
financial responsibility at the time of the motor vehicle 27818  
inspection that the person must submit proof to the traffic 27819  
violations bureau with any payment of a fine and costs for the 27820  
ticketed violation or, if the person is to appear in court for the 27821  
violation, the person must submit proof to the court. 27822

(C)(1) If a person who has failed to produce proof of the 27823  
maintenance of financial responsibility appears in court for a 27824  
ticketed violation, the court may permit the defendant to present 27825

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evidence of proof of financial responsibility to the court at such 27826  
time and in such manner as the court determines to be necessary or 27827  
appropriate. The clerk of courts shall provide the registrar with 27828  
the identity of any person who fails to submit proof of the 27829  
maintenance of financial responsibility pursuant to division (B) 27830  
of this section. 27831

(2) If a person who has failed to present proof of the 27832  
maintenance of financial responsibility also fails to submit that 27833  
proof to the traffic violations bureau, the traffic violations 27834  
bureau shall notify the registrar of the identity of that person. 27835

(3) Upon receiving notice from a clerk of courts or a traffic 27836  
violation bureau pursuant to division (C) of this section, the 27837  
registrar shall proceed against these persons under division (D) 27838  
of section 4509.101 of the Revised Code in the same manner as the 27839  
registrar proceeds against persons identified by the clerk of 27840  
courts under division (D)(4) of section 4509.101 of the Revised 27841  
Code. 27842

(D) A state highway patrol trooper may charge an owner or 27843  
operator of a motor vehicle with a violation ~~if division (B)(1)~~ of 27844  
section ~~4507.02~~ 4510.16 of the Revised Code when the operator 27845  
fails to produce proof of the maintenance of financial 27846  
responsibility upon the state highway patrol trooper's request 27847  
under division (A) of this section, if a check of the owner or 27848  
operator's driving record indicates that the owner or operator, at 27849  
the time of the motor vehicle inspection, is required to file and 27850  
maintain proof of financial responsibility under section 4509.45 27851  
of the Revised Code for a previous violation of Chapter 4509. of 27852  
the Revised Code. 27853

**Sec. 4513.03.** (A) Every vehicle upon a street or highway 27854  
within this state during the time from sunset to sunrise, and at 27855  
any other time when there are unfavorable atmospheric conditions 27856

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or when there is not sufficient natural light to render 27857  
discernible persons, vehicles, and substantial objects on the 27858  
highway at a distance of one thousand feet ahead, shall display 27859  
lighted lights and illuminating devices as required by sections 27860  
4513.04 to 4513.37 of the Revised Code, for different classes of 27861  
vehicles; except that every motorized bicycle shall display at 27862  
such times lighted lights meeting the rules adopted by the 27863  
director of public safety under section 4511.521 of the Revised 27864  
Code. No motor vehicle, during such times, shall be operated upon 27865  
a street or highway within this state using only parking lights as 27866  
illumination. 27867

Whenever in such sections a requirement is declared as to the 27868  
distance from which certain lamps and devices shall render objects 27869  
visible, or within which such lamps or devices shall be visible, 27870  
such distance shall be measured upon a straight level unlighted 27871  
highway under normal atmospheric conditions unless a different 27872  
condition is expressly stated. 27873

Whenever in such sections a requirement is declared as to the 27874  
mounted height of lights or devices, it shall mean from the center 27875  
of such light or device to the level ground upon which the vehicle 27876  
stands. 27877

(B) Whoever violates this section shall be punished as 27878  
provided in section 4513.99 of the Revised Code. 27879

**Sec. 4513.04.** (A) Every motor vehicle, other than a 27880  
motorcycle, and every trackless trolley shall be equipped with at 27881  
least two headlights with at least one near each side of the front 27882  
of the motor vehicle or trackless trolley. 27883

Every motorcycle shall be equipped with at least one and not 27884  
more than two headlights. 27885

(B) Whoever violates this section shall be punished as 27886  
provided in section 4513.99 of the Revised Code. 27887

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**Sec. 4513.05.** (A) Every motor vehicle, trackless trolley, 27888  
trailer, semitrailer, pole trailer, or vehicle which is being 27889  
drawn at the end of a train of vehicles shall be equipped with at 27890  
least one tail light mounted on the rear which, when lighted, 27891  
shall emit a red light visible from a distance of five hundred 27892  
feet to the rear, provided that in the case of a train of vehicles 27893  
only the tail light on the rearmost vehicle need be visible from 27894  
the distance specified. 27895

Either a tail light or a separate light shall be so 27896  
constructed and placed as to illuminate with a white light the 27897  
rear registration plate, when such registration plate is required, 27898  
and render it legible from a distance of fifty feet to the rear. 27899  
Any tail light, together with any separate light for illuminating 27900  
the rear registration plate, shall be so wired as to be lighted 27901  
whenever the headlights or auxiliary driving lights are lighted, 27902  
except where separate lighting systems are provided for trailers 27903  
for the purpose of illuminating such registration plate. 27904

(B) Whoever violates this section shall be punished as 27905  
provided in section 4513.99 of the Revised Code. 27906

**Sec. 4513.06.** (A) Every new motor vehicle sold after 27907  
September 6, 1941, and operated on a highway, other than a 27908  
commercial tractor, to which a trailer or semitrailer is attached 27909  
shall carry at the rear, either as a part of the tail lamps or 27910  
separately, two red reflectors meeting the requirements of this 27911  
section, except that vehicles of the type mentioned in section 27912  
4513.07 of the Revised Code shall be equipped with reflectors as 27913  
required by the regulations provided for in said section. 27914

Every such reflector shall be of such size and 27915  
characteristics and so maintained as to be visible at night from 27916  
all distances within three hundred feet to fifty feet from such 27917

vehicle. 27918

(B) Whoever violates this section shall be punished as 27919  
provided in section 4513.99 of the Revised Code. 27920

**Sec. 4513.07.** (A) The director of public safety shall 27921  
prescribe and promulgate regulations relating to clearance lights, 27922  
marker lights, reflectors, and stop lights on ~~busses~~ buses, 27923  
trackless trolleys, trucks, commercial tractors, trailers, 27924  
semitrailers, and pole trailers, when operated upon any highway, 27925  
and such vehicles shall be equipped as required by such 27926  
regulations, and such equipment shall be lighted at all times 27927  
mentioned in section 4513.03 of the Revised Code, except that 27928  
clearance lights and side marker lights need not be lighted on any 27929  
such vehicle when it is operated within a municipal corporation 27930  
where there is sufficient light to reveal any person or 27931  
substantial object on the highway at a distance of five hundred 27932  
feet. 27933

Such equipment shall be in addition to all other lights 27934  
specifically required by sections 4513.03 to 4513.16 of the 27935  
Revised Code. 27936

Vehicles operated under the jurisdiction of the public 27937  
utilities commission are not subject to this section. 27938

(B) Whoever violates this section shall be punished as 27939  
provided in section 4513.99 of the Revised Code. 27940

**Sec. 4513.071.** (A) Every motor vehicle, trailer, semitrailer, 27941  
and pole trailer when operated upon a highway shall be equipped 27942  
with two or more stop lights, except that passenger cars 27943  
manufactured or assembled prior to January 1, 1967, motorcycles, 27944  
and motor-driven cycles shall be equipped with at least one stop 27945  
light. Stop lights shall be mounted on the rear of the vehicle, 27946  
actuated upon application of the service brake, and may be 27947



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incorporated with other rear lights. Such stop lights when 27948  
actuated shall emit a red light visible from a distance of five 27949  
hundred feet to the rear, provided that in the case of a train of 27950  
vehicles only the stop lights on the rear-most vehicle need be 27951  
visible from the distance specified. 27952

Such stop lights when actuated shall give a steady warning 27953  
light to the rear of a vehicle or train of vehicles to indicate 27954  
the intention of the operator to diminish the speed of or stop a 27955  
vehicle or train of vehicles. 27956

When stop lights are used as required by this section, they 27957  
shall be constructed or installed so as to provide adequate and 27958  
reliable illumination and shall conform to the appropriate rules 27959  
and regulations established under section 4513.19 of the Revised 27960  
Code. 27961

Historical motor vehicles as defined in section 4503.181 of 27962  
the Revised Code, not originally manufactured with stop lights, 27963  
are not subject to this section. 27964

(B) Whoever violates this section shall be punished as 27965  
provided in section 4513.99 of the Revised Code. 27966

**Sec. 4513.09.** (A) Whenever the load upon any vehicle extends 27967  
to the rear four feet or more beyond the bed or body of such 27968  
vehicle, there shall be displayed at the extreme rear end of the 27969  
load, at the times specified in section 4513.03 of the Revised 27970  
Code, a red light or lantern plainly visible from a distance of at 27971  
least five hundred feet to the sides and rear. The red light or 27972  
lantern required by this section is in addition to the red rear 27973  
light required upon every vehicle. At any other time there shall 27974  
be displayed at the extreme rear end of such load a red flag or 27975  
cloth not less than sixteen inches square. 27976

(B) Whoever violates this section shall be punished as 27977  
provided in section 4513.99 of the Revised Code. 27978

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**Sec. 4513.10.** (A) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or a shoulder adjacent thereto, whether attended or unattended, during the times mentioned in section 4513.03 of the Revised Code, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred feet to the front of such vehicle, and a red light visible from a distance of five hundred feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked within a municipal corporation where there is sufficient light to reveal any person or substantial object within a distance of five hundred feet upon such highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(B) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

**Sec. 4513.11.** (A) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (G) of section 4513.02 of the Revised Code, not specifically required to be equipped with lamps or other lighting devices by sections 4513.03 to 4513.10 of the Revised Code, shall, at the times specified in section 4513.03 of the Revised Code, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required or authorized by this section

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shall meet standards adopted by the director of public safety. 28010

(B) All boat trailers, farm machinery, and other machinery, 28011  
including all road construction machinery, upon a street or 28012  
highway, except when being used in actual construction and 28013  
maintenance work in an area guarded by a flagperson, or where 28014  
flares are used, or when operating or traveling within the limits 28015  
of a construction area designated by the director of 28016  
transportation, a city engineer, or the county engineer of the 28017  
several counties, when such construction area is marked in 28018  
accordance with requirements of the director and the manual of 28019  
uniform traffic control devices, as set forth in section 4511.09 28020  
of the Revised Code, which is designed for operation at a speed of 28021  
twenty-five miles per hour or less shall be operated at a speed 28022  
not exceeding twenty-five miles per hour, and shall display a 28023  
triangular slow-moving vehicle emblem (SMV). The emblem shall be 28024  
mounted so as to be visible from a distance of not less than five 28025  
hundred feet to the rear. The director of public safety shall 28026  
adopt standards and specifications for the design and position of 28027  
mounting the SMV emblem. The standards and specifications for SMV 28028  
emblems referred to in this section shall correlate with and, so 28029  
far as possible, conform with those approved by the American 28030  
society of agricultural engineers. 28031

As used in this division, "machinery" does not include any 28032  
vehicle designed to be drawn by an animal. 28033

(C) The use of the SMV emblem shall be restricted to 28034  
animal-drawn vehicles, and to the slow-moving vehicles specified 28035  
in division (B) of this section operating or traveling within the 28036  
limits of the highway. Its use on slow-moving vehicles being 28037  
transported upon other types of vehicles or on any other type of 28038  
vehicle or stationary object on the highway is prohibited. 28039

(D) No person shall sell, lease, rent, or operate any boat 28040  
trailer, farm machinery, or other machinery defined as a 28041

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slow-moving vehicle in division (B) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (B) of this section.

(E) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, in addition to the use of the slow-moving vehicle emblem, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in section 4513.03 of the Revised Code. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by section 4513.17 of the Revised Code, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(F) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

(1) With a slow-moving vehicle emblem complying with division (B) of this section;

(2) With alternate reflective material complying with rules adopted under this division;

(3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The director of public safety, subject to Chapter 119. of the Revised Code, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall

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permit, as a minimum, the alternate reflective material to be 28073  
black, gray, or silver in color. The alternate reflective material 28074  
shall be mounted on the animal-drawn vehicle so as to be visible, 28075  
at all times specified in section 4513.03 of the Revised Code, 28076  
from a distance of not less than five hundred feet to the rear 28077  
when illuminated by the lawful lower beams of headlamps. 28078

(G) Whoever violates this section shall be punished as 28079  
provided in section 4513.99 of the Revised Code. 28080

(H) As used in this section, "boat trailer" means any vehicle 28081  
designed and used exclusively to transport a boat between a place 28082  
of storage and a marina, or in and around a marina, when drawn or 28083  
towed on a street or highway for a distance of no more than ten 28084  
miles and at a speed of twenty-five miles per hour or less. 28085  
28086

**Sec. 4513.111.** (A)(1) Every multi-wheel agricultural tractor 28087  
whose model year was 2001 or earlier, when being operated or 28088  
traveling on a street or highway at the times specified in section 28089  
4513.03 of the Revised Code, at a minimum shall be equipped with 28090  
and display reflectors and illuminated amber lamps so that the 28091  
extreme left and right projections of the tractor are indicated by 28092  
flashing lamps displaying amber light, visible to the front and 28093  
the rear, by amber reflectors, all visible to the front, and by 28094  
red reflectors, all visible to the rear. 28095

(2) The lamps displaying amber light need not flash 28096  
simultaneously and need not flash in conjunction with any 28097  
directional signals of the tractor. 28098

(3) The lamps and reflectors required by division (A)(1) of 28099  
this section and their placement shall meet standards and 28100  
specifications contained in rules adopted by the director of 28101  
public safety in accordance with Chapter 119. of the Revised Code. 28102  
The rules governing the amber lamps, amber reflectors, and red 28103

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reflectors and their placement shall correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 respectively of the American society of agricultural engineers standard ANSI/ASAE S279.10 OCT98, lighting and marking of agricultural equipment on highways.

(B) Every unit of farm machinery whose model year was 2002 or later, when being operated or traveling on a street or highway at the times specified in section 4513.03 of the Revised Code, shall be equipped with and display markings and illuminated lamps that meet or exceed the lighting, illumination, and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American society of agricultural engineers standard ANSI/ASAE S279.10 OCT98, lighting and marking of agricultural equipment on highways.

(C) The lights and reflectors required by division (A) of this section are in addition to the slow-moving vehicle emblem and lights required or permitted by section 4513.11 or 4513.17 of the Revised Code to be displayed on farm machinery being operated or traveling on a street or highway.

(D) No person shall operate any unit of farm machinery on a street or highway or cause any unit of farm machinery to travel on a street or highway in violation of division (A) or (B) of this section.

(E) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

**Sec. 4513.12.** (A) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than one hundred feet ahead of the vehicle.

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Any motor vehicle may be equipped with not more than three 28135  
auxiliary driving lights mounted on the front of the vehicle. The 28136  
director of public safety shall prescribe specifications for 28137  
auxiliary driving lights and regulations for their use, and any 28138  
such lights which do not conform to said specifications and 28139  
regulations shall not be used. 28140

(B) Whoever violates this section shall be punished as 28141  
provided in section 4513.99 of the Revised Code. 28142

**Sec. 4513.13.** (A) Any motor vehicle may be equipped with side 28143  
cowl or fender lights which shall emit a white or amber light 28144  
without glare. 28145

Any motor vehicle may be equipped with lights on each side 28146  
thereof which shall emit a white or amber light without glare. 28147

Any motor vehicle may equipped with back-up lights, either 28148  
separately or in combination with another light. No back-up lights 28149  
shall be continuously lighted when the motor vehicle is in forward 28150  
motion. 28151

(B) Whoever violates this section shall be punished as 28152  
provided in section 4513.99 of the Revised Code. 28153

**Sec. 4513.14.** (A) At all times mentioned in section 4513.03 28154  
of the Revised Code at least two lighted lights shall be 28155  
displayed, one near each side of the front of every motor vehicle 28156  
and trackless trolley, except when such vehicle or trackless 28157  
trolley is parked subject to the regulations governing lights on 28158  
parked vehicles and trackless trolleys. 28159

The director of public safety shall prescribe and promulgate 28160  
regulations relating to the design and use of such lights and such 28161  
regulations shall be in accordance with currently recognized 28162  
standards. 28163

(B) Whoever violates this section shall be punished as 28164  
provided in section 4513.99 of the Revised Code. 28165

**Sec. 4513.15.** (A) Whenever a motor vehicle is being operated 28166  
on a roadway or shoulder adjacent thereto during the times 28167  
specified in section 4513.03 of the Revised Code, the driver shall 28168  
use a distribution of light, or composite beam, directed high 28169  
enough and of sufficient intensity to reveal persons, vehicles, 28170  
and substantial objects at a safe distance in advance of the 28171  
vehicle, subject to the following requirements; 28172

~~(A)~~(1) Whenever the driver of a vehicle approaches an 28173  
oncoming vehicle, such driver shall use a distribution of light, 28174  
or composite beam, so aimed that the glaring rays are not 28175  
projected into the eyes of the oncoming driver. 28176

~~(B)~~(2) Every new motor vehicle registered in this state, 28177  
which has multiple-beam road lighting equipment shall be equipped 28178  
with a beam indicator, which shall be lighted whenever the 28179  
uppermost distribution of light from the headlights is in use, and 28180  
shall not otherwise be lighted. Said indicator shall be so 28181  
designed and located that, when lighted, it will be readily 28182  
visible without glare to the driver of the vehicle. 28183

(B) Whoever violates this section shall be punished as 28184  
provided in section 4513.99 of the Revised Code. 28185

**Sec. 4513.16.** (A) Any motor vehicle may be operated under the 28186  
conditions specified in section 4513.03 of the Revised Code when 28187  
it is equipped with two lighted lights upon the front thereof 28188  
capable of revealing persons and substantial objects seventy-five 28189  
feet ahead, in lieu of lights required in section 4513.14 of the 28190  
Revised Code, provided that such vehicle shall not be operated at 28191  
a speed in excess of twenty miles per hour. 28192

(B) Whoever violates this section shall be punished as 28193



provided in section 4513.99 of the Revised Code. 28194

**Sec. 4513.17.** (A) Whenever a motor vehicle equipped with 28195  
headlights also is equipped with any auxiliary lights or spotlight 28196  
or any other light on the front thereof projecting a beam of an 28197  
intensity greater than three hundred candle power, not more than a 28198  
total of five of any such lights on the front of a vehicle shall 28199  
be lighted at any one time when the vehicle is upon a highway. 28200

(B) Any lighted light or illuminating device upon a motor 28201  
vehicle, other than headlights, spotlights, signal lights, or 28202  
auxiliary driving lights, that projects a beam of light of an 28203  
intensity greater than three hundred candle power, shall be so 28204  
directed that no part of the beam will strike the level of the 28205  
roadway on which the vehicle stands at a distance of more than 28206  
seventy-five feet from the vehicle. 28207

(C)(1) Flashing lights are prohibited on motor vehicles, 28208  
except as a means for indicating a right or a left turn, or in the 28209  
presence of a vehicular traffic hazard requiring unusual care in 28210  
approaching, or overtaking or passing. This prohibition does not 28211  
apply to emergency vehicles, road service vehicles servicing or 28212  
towing a disabled vehicle, traffic line stripers, snow plows, 28213  
rural mail delivery vehicles, vehicles as provided in section 28214  
4513.182 of the Revised Code, department of transportation 28215  
maintenance vehicles, funeral hearses, funeral escort vehicles, 28216  
and similar equipment operated by the department or local 28217  
authorities, which shall be equipped with and display, when used 28218  
on a street or highway for the special purpose necessitating such 28219  
lights, a flashing, oscillating, or rotating amber light, but 28220  
shall not display a flashing, oscillating, or rotating light of 28221  
any other color, nor to vehicles or machinery permitted by section 28222  
4513.11 of the Revised Code to have a flashing red light. 28223

(2) When used on a street or highway, farm machinery and 28224

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vehicles escorting farm machinery may be equipped with and display 28225  
 a flashing, oscillating, or rotating amber light, and the 28226  
 prohibition contained in division (C)(1) of this section does not 28227  
 apply to such machinery or vehicles. Farm machinery also may 28228  
 display the lights described in section 4513.11 of the Revised 28229  
 Code. 28230

(D) Except a person operating a public safety vehicle, as 28231  
 defined in division (E) of section 4511.01 of the Revised Code, or 28232  
 a school bus, no person shall operate, move, or park upon, or 28233  
 permit to stand within the right-of-way of any public street or 28234  
 highway any vehicle or equipment that is equipped with and 28235  
 displaying a flashing red or a flashing combination red and white 28236  
 light, or an oscillating or rotating red light, or a combination 28237  
 red and white oscillating or rotating light; and except a public 28238  
 law enforcement officer, or other person sworn to enforce the 28239  
 criminal and traffic laws of the state, operating a public safety 28240  
 vehicle when on duty, no person shall operate, move, or park upon, 28241  
 or permit to stand within the right-of-way of any street or 28242  
 highway any vehicle or equipment that is equipped with, or upon 28243  
 which is mounted, and displaying a flashing blue or a flashing 28244  
 combination blue and white light, or an oscillating or rotating 28245  
 blue light, or a combination blue and white oscillating or 28246  
 rotating light. 28247

(E) This section does not prohibit the use of warning lights 28248  
 required by law or the simultaneous flashing of turn signals on 28249  
 disabled vehicles or on vehicles being operated in unfavorable 28250  
 atmospheric conditions in order to enhance their visibility. This 28251  
 section also does not prohibit the simultaneous flashing of turn 28252  
 signals or warning lights either on farm machinery or vehicles 28253  
 escorting farm machinery, when used on a street or highway. 28254

(F) Whoever violates this section shall be punished as 28255  
provided in section 4513.99 of the Revised Code. 28256

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**Sec. 4513.171.** (A) Notwithstanding any other provision of law, a motor vehicle operated by a coroner, deputy coroner, or coroner's investigator may be equipped with a flashing, oscillating, or rotating red or blue light and a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet. Such a vehicle may display the flashing, oscillating, or rotating red or blue light and may give the audible signal of the siren, exhaust whistle, or bell only when responding to a fatality or a fatal motor vehicle accident on a street or highway and only at those locations where the stoppage of traffic impedes the ability of the coroner, deputy coroner, or coroner's investigator to arrive at the site of the fatality.

This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(B) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

**Sec. 4513.18.** (A) The director of transportation shall adopt standards and specifications applicable to headlights, clearance lights, identification, and other lights, on snow removal equipment when operated on the highways, and on vehicles operating under special permits pursuant to section 4513.34 of the Revised Code, in lieu of the lights otherwise required on motor vehicles. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow removal equipment, and oversize vehicles when in service upon the highways. The standards and specifications for lights referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway

officials. 28288

It is unlawful to operate snow removal equipment on a highway 28289  
unless the lights thereon comply with and are lighted when and as 28290  
required by the standards and specifications adopted as provided 28291  
in this section. 28292

(B) Whoever violates this section shall be punished as 28293  
provided in section 4513.99 of the Revised Code. 28294

**Sec. 4513.182.** (A) No person shall operate any motor vehicle 28295  
owned, leased, or hired by a nursery school, kindergarten, or 28296  
day-care center, while transporting preschool children to or from 28297  
such an institution unless the motor vehicle is equipped with and 28298  
displaying two amber flashing lights mounted on a bar attached to 28299  
the top of the vehicle, and a sign bearing the designation 28300  
"caution--children," which shall be attached to the bar carrying 28301  
the amber flashing lights in such a manner as to be legible to 28302  
persons both in front of and behind the vehicle. The lights and 28303  
sign shall meet standards and specifications adopted by the 28304  
director of public safety. The director, subject to Chapter 119. 28305  
of the Revised Code, shall adopt standards and specifications for 28306  
the lights and sign, which shall include, but are not limited to, 28307  
requirements for the color and size of lettering to be used on the 28308  
sign, the type of material to be used for the sign, and the method 28309  
of mounting the lights and sign so that they can be removed from a 28310  
motor vehicle being used for purposes other than those specified 28311  
in this section. 28312

(B) No person shall operate a motor vehicle displaying the 28313  
lights and sign required by this section for any purpose other 28314  
than the transportation of preschool children as provided in this 28315  
section. 28316

(C) Whoever violates this section shall be punished as 28317

provided in section 4513.99 of the Revised Code. 28318

**Sec. 4513.19.** (A) No person shall use any lights mentioned in 28319  
sections 4513.03 to 4513.18 of the Revised Code, upon any motor 28320  
vehicle, trailer, or semitrailer unless said lights are equipped, 28321  
mounted, and adjusted as to focus and aim in accordance with 28322  
regulations which are prescribed by the director of public safety. 28323

(B) Whoever violates this section shall be punished as 28324  
provided in section 4513.99 of the Revised Code. 28325

**Sec. 4513.20.** (A) The following requirements govern as to 28326  
brake equipment on vehicles: 28327

~~(A)~~(1) Every trackless trolley and motor vehicle, other than 28328  
a motorcycle, when operated upon a highway shall be equipped with 28329  
brakes adequate to control the movement of and to stop and hold 28330  
such trackless trolley or motor vehicle, including two separate 28331  
means of applying the brakes, each of which means shall be 28332  
effective to apply the brakes to at least two wheels. If these two 28333  
separate means of applying the brakes are connected in any way, 28334  
then on such trackless trolleys or motor vehicles manufactured or 28335  
assembled after January 1, 1942, they shall be so constructed that 28336  
failure of any one part of the operating mechanism shall not leave 28337  
the trackless trolley or motor vehicle without brakes on at least 28338  
two wheels. 28339

~~(B)~~(2) Every motorcycle, when operated upon a highway shall 28340  
be equipped with at least one adequate brake, which may be 28341  
operated by hand or by foot. 28342

~~(C)~~(3) Every motorized bicycle shall be equipped with brakes 28343  
meeting the rules adopted by the director of public safety under 28344  
section 4511.521 of the Revised Code. 28345

~~(D)~~(4) When operated upon the highways of this state, the 28346  
following vehicles shall be equipped with brakes adequate to 28347

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control the movement of and to stop and to hold the vehicle, 28348  
designed to be applied by the driver of the towing motor vehicle 28349  
from its cab, and also designed and connected so that, in case of 28350  
a breakaway of the towed vehicle, the brakes shall be 28351  
automatically applied: 28352

~~(1)~~(a) Every trailer or semitrailer, except a pole trailer, 28353  
with an empty weight of two thousand pounds or more, manufactured 28354  
or assembled on or after January 1, 1942; 28355

~~(2)~~(b) Every manufactured home or travel trailer with an 28356  
empty weight of two thousand pounds or more, manufactured or 28357  
assembled on or after January 1, 2001. 28358

~~(E)~~(5) In any combination of motor-drawn trailers or 28359  
semitrailers equipped with brakes, means shall be provided for 28360  
applying the rearmost brakes in approximate synchronism with the 28361  
brakes on the towing vehicle, and developing the required braking 28362  
effort on the rearmost wheels at the fastest rate; or means shall 28363  
be provided for applying braking effort first on the rearmost 28364  
brakes; or both of the above means, capable of being used 28365  
alternatively, may be employed. 28366

~~(F)~~(6) Every vehicle and combination of vehicles, except 28367  
motorcycles and motorized bicycles, and except trailers and 28368  
semitrailers of a gross weight of less than two thousand pounds, 28369  
and pole trailers, shall be equipped with parking brakes adequate 28370  
to hold the vehicle on any grade on which it is operated, under 28371  
all conditions of loading, on a surface free from snow, ice, or 28372  
loose material. The parking brakes shall be capable of being 28373  
applied in conformance with the foregoing requirements by the 28374  
driver's muscular effort or by spring action or by equivalent 28375  
means. Their operation may be assisted by the service brakes or 28376  
other source of power provided that failure of the service brake 28377  
actuation system or other power assisting mechanism will not 28378  
prevent the parking brakes from being applied in conformance with 28379

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the foregoing requirements. The parking brakes shall be so 28380  
designed that when once applied they shall remain applied with the 28381  
required effectiveness despite exhaustion of any source of energy 28382  
or leakage of any kind. 28383

~~(G)~~(7) The same brake drums, brake shoes and lining 28384  
assemblies, brake shoe anchors, and mechanical brake shoe 28385  
actuation mechanism normally associated with the wheel brake 28386  
assemblies may be used for both the service brakes and the parking 28387  
brakes. If the means of applying the parking brakes and the 28388  
service brakes are connected in any way, they shall be so 28389  
constructed that failure of any one part shall not leave the 28390  
vehicle without operative brakes. 28391

~~(H)~~(8) Every trackless trolley, motor vehicle, or combination 28392  
of motor-drawn vehicles shall be capable at all times and under 28393  
all conditions of loading of being stopped on a dry, smooth, level 28394  
road free from loose material, upon application of the service or 28395  
foot brake, within the following specified distances, or shall be 28396  
capable of being decelerated at a sustained rate corresponding to 28397  
these distances: 28398

~~(1)~~(a) Trackless trolleys, vehicles, or combinations of 28399  
vehicles having brakes on all wheels shall come to a stop in 28400  
thirty feet or less from a speed of twenty miles per hour. 28401

~~(2)~~(b) Vehicles or combinations of vehicles not having brakes 28402  
on all wheels shall come to a stop in forty feet or less from a 28403  
speed of twenty miles per hour. 28404

~~(I)~~(9) All brakes shall be maintained in good working order 28405  
and shall be so adjusted as to operate as equally as practicable 28406  
with respect to the wheels on opposite sides of the trackless 28407  
trolley or vehicle. 28408

(B) Whoever violates this section shall be punished as 28409  
provided in section 4513.99 of the Revised Code. 28410

**Sec. 4513.201.** (A) No hydraulic brake fluid for use in motor vehicles shall be sold in this state if the brake fluid is below the minimum standard of specifications for heavy duty type brake fluid established by the society of automotive engineers and the standard of specifications established by 49 C.F.R. 571.116, as amended.

(B) All manufacturers, packers, or distributors of brake fluid selling such fluid in this state shall state on the containers that the brake fluid therein meets or exceeds the applicable minimum SAE standard of specifications and the standard of specifications established in 49 C.F.R. 571.116, as amended.

(C) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

**Sec. 4513.202.** (A) No brake lining, brake lining material, or brake lining assemblies for use as repair and replacement parts in motor vehicles shall be sold in this state if these items do not meet or exceed the minimum standard of specifications established by the society of automotive engineers and the standard of specifications established in 49 C.F.R. 571.105, as amended, and 49 C.F.R. 571.135, as amended.

(B) All manufacturers or distributors of brake lining, brake lining material, or brake lining assemblies selling these items for use as repair and replacement parts in motor vehicles shall state that the items meet or exceed the applicable minimum standard of specifications.

(C) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

(D) As used in this section, "minimum standard of specifications" means a minimum standard for brake system or brake component performance that meets the need for motor vehicle safety



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and complies with the applicable SAE standards and recommended 28441  
practices, and the federal motor vehicle safety standards that 28442  
cover the same aspect of performance for any brake lining, brake 28443  
lining material, or brake lining assemblies. 28444

**Sec. 4513.21.** (A) Every motor vehicle or trackless trolley 28445  
when operated upon a highway shall be equipped with a horn which 28446  
is in good working order and capable of emitting sound audible, 28447  
under normal conditions, from a distance of not less than two 28448  
hundred feet. 28449

No motor vehicle or trackless trolley shall be equipped with, 28450  
nor shall any person use upon a vehicle, any siren, whistle, or 28451  
bell. Any vehicle may be equipped with a theft alarm signal device 28452  
which shall be so arranged that it cannot be used as an ordinary 28453  
warning signal. Every emergency vehicle shall be equipped with a 28454  
siren, whistle, or bell, capable of emitting sound audible under 28455  
normal conditions from a distance of not less than five hundred 28456  
feet and of a type approved by the director of public safety. Such 28457  
equipment shall not be used except when such vehicle is operated 28458  
in response to an emergency call or is in the immediate pursuit of 28459  
an actual or suspected violator of the law, in which case the 28460  
driver of the emergency vehicle shall sound such equipment when it 28461  
is necessary to warn pedestrians and other drivers of the approach 28462  
thereof. 28463

(B) Whoever violates this section shall be punished as 28464  
provided in section 4513.99 of the Revised Code. 28465

**Sec. 4513.22.** (A) Every motor vehicle and motorcycle with an 28466  
internal combustion engine shall at all times be equipped with a 28467  
muffler which is in good working order and in constant operation 28468  
to prevent excessive or unusual noise, and no person shall use a 28469  
muffler cutout, by-pass, or similar device upon a motor vehicle on 28470  
a highway. Every motorcycle muffler shall be equipped with baffle 28471

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plates. 28472

No person shall own, operate, or have in ~~his~~ the person's 28473  
possession any motor vehicle or motorcycle equipped with a device 28474  
for producing excessive smoke or gas, or so equipped as to permit 28475  
oil or any other chemical to flow into or upon the exhaust pipe or 28476  
muffler of such vehicle, or equipped in any other way to produce 28477  
or emit smoke or dangerous or annoying gases from any portion of 28478  
such vehicle, other than the ordinary gases emitted by the exhaust 28479  
of an internal combustion engine under normal operation. 28480

(B) Whoever violates this section shall be punished as 28481  
provided in section 4513.99 of the Revised Code. 28482

**Sec. 4513.23.** (A) Every motor vehicle, motorcycle, and 28483  
trackless trolley shall be equipped with a mirror so located as to 28484  
reflect to the operator a view of the highway to the rear of such 28485  
vehicle, motorcycle, or trackless trolley. Operators of vehicles, 28486  
motorcycles, streetcars, and trackless trolleys shall have a clear 28487  
and unobstructed view to the front and to both sides of their 28488  
vehicles, motorcycles, streetcars, or trackless trolleys and shall 28489  
have a clear view to the rear of their vehicles, motorcycles, 28490  
streetcars, or trackless trolleys by mirror. 28491

(B) Whoever violates this section shall be punished as 28492  
provided in section 4513.99 of the Revised Code. 28493

**Sec. 4513.24.** (A) No person shall drive any motor vehicle on 28494  
a street or highway in this state, other than a motorcycle or 28495  
motorized bicycle, that is not equipped with a windshield. 28496

(B) No person shall drive any motor vehicle, other than a 28497  
bus, with any sign, poster, or other nontransparent material upon 28498  
the front windshield, sidewings, side, or rear windows of such 28499  
vehicle other than a certificate or other paper required to be 28500

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displayed by law, except that there may be in the lower left-hand  
or right-hand corner of the windshield a sign, poster, or decal  
not to exceed four inches in height by six inches in width. No  
sign, poster, or decal shall be displayed in the front windshield  
in such a manner as to conceal the vehicle identification number  
for the motor vehicle when, in accordance with federal law, that  
number is located inside the vehicle passenger compartment and so  
placed as to be readable through the vehicle glazing without  
moving any part of the vehicle.

(C) The windshield on every motor vehicle, streetcar, and  
trackless trolley shall be equipped with a device for cleaning  
rain, snow, or other moisture from the windshield. The device  
shall be maintained in good working order and so constructed as to  
be controlled or operated by the operator of the vehicle,  
streetcar, or trackless trolley.

(D) Whoever violates this section shall be punished as  
provided in section 4513.99 of the Revised Code.

**Sec. 4513.241.** (A) The director of public safety, in  
accordance with Chapter 119. of the Revised Code, shall adopt  
rules governing the use of tinted glass, and the use of  
transparent, nontransparent, translucent, and reflectorized  
materials in or on motor vehicle windshields, side windows,  
sidewings, and rear windows that prevent a person of normal vision  
looking into the motor vehicle from seeing or identifying persons  
or objects inside the motor vehicle.

(B) The rules adopted under this section may provide for  
persons who meet either of the following qualifications:

(1) On November 11, 1994, or the effective date of ~~this~~  
~~section or of~~ any rule adopted under this section, own a motor  
vehicle that does not ~~conform~~ conform to the requirements of this  
section or of any rule adopted under this section;

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(2) Establish residency in this state and are required to register a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section.

(C) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to the requirements of this section and of any applicable rule adopted under this section.

(D) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to the requirements of this section or of any rule adopted under this section.

(E) No used motor vehicle dealer or new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, shall sell any motor vehicle that fails to conform to the requirements of this section or of any rule adopted under this section.

(F) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.

(G) This section does not apply to the manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by federal motor vehicle safety standard number two hundred five.

(H) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this section does not apply to any school bus used to transport a handicapped child pursuant to a special education program under Chapter 3323. of the Revised Code, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, "handicapped child" and "special education program" have the same meanings as in section 3323.01 of the

Revised Code. 28563

(I) This section does not apply to any school bus that is to 28564  
be sold and operated outside this state. 28565

(J) Whoever violates division (C), (D), (E), or (F) of this 28566  
section is guilty of a minor misdemeanor. 28567

**Sec. 4513.242.** (A) Notwithstanding section 4513.24 and 28568  
division (F) of section 4513.241 of the Revised Code or any rule 28569  
adopted thereunder, a decal, whether reflectorized or not, may be 28570  
displayed upon any side window or siding of a motor vehicle if 28571  
all of the following are met: 28572

~~(A)~~(1) The decal is necessary for public or private security 28573  
arrangements to which the motor vehicle periodically is subjected; 28574

~~(B)~~(2) The decal is no larger than is necessary to accomplish 28575  
the security arrangements; 28576

~~(C)~~(3) The decal does not obscure the vision of the motor 28577  
vehicle operator or prevent a person looking into the motor 28578  
vehicle from seeing or identifying persons or objects inside the 28579  
motor vehicle. 28580

(B) Whoever violates this section shall be punished as 28581  
provided in section 4513.99 of the Revised Code. 28582

**Sec. 4513.25.** (A) Every solid tire, as defined in section 28583  
4501.01 of the Revised Code, on a vehicle shall have rubber or 28584  
other resilient material on its entire traction surface at least 28585  
one inch thick above the edge of the flange of the entire 28586  
periphery. 28587

(B) Whoever violates this section shall be punished as 28588  
provided in section 4513.99 of the Revised Code. 28589

**Sec. 4513.26.** (A) No person shall sell any new motor vehicle 28590

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nor shall any new motor vehicle be registered, and no person shall  
operate any motor vehicle, which is registered in this state and  
which has been manufactured or assembled on or after January 1,  
1936, unless the motor vehicle is equipped with safety glass  
wherever glass is used in the windshields, doors, partitions, rear  
windows, and windows on each side immediately adjacent to the rear  
window.

"Safety glass" means any product composed of glass so  
manufactured, fabricated, or treated as substantially to prevent  
shattering and flying of the glass when it is struck or broken, or  
such other or similar product as may be approved by the registrar  
of motor vehicles.

Glass other than safety glass shall not be offered for sale,  
or sold for use in, or installed in any door, window, partition,  
or windshield that is required by this section to be equipped with  
safety glass.

(B) Whoever violates this section shall be punished as  
provided in section 4513.99 of the Revised Code.

**Sec. 4513.261.** (A)(1) No person shall operate any motor  
vehicle manufactured or assembled on or after January 1, 1954,  
unless the vehicle is equipped with electrical or mechanical  
directional signals.

(2) No person shall operate any motorcycle or motor-driven  
cycle manufactured or assembled on or after January 1, 1968,  
unless the vehicle is equipped with electrical or mechanical  
directional signals.

(B) "Directional signals" means an electrical or mechanical  
signal device capable of clearly indicating an intention to turn  
either to the right or to the left and which shall be visible from  
both the front and rear.

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(C) All mechanical signal devices shall be self-illuminating 28621  
 devices when in use at the times mentioned in section 4513.03 of 28622  
 the Revised Code. 28623

(D) Whoever violates this section is guilty of a minor 28624  
misdemeanor. 28625

**Sec. 4513.262.** (A) As used in this section and in section 28626  
 4513.263 of the Revised Code, the component parts of a "seat 28627  
 safety belt" include a belt, anchor attachment assembly, and a 28628  
 buckle or closing device. 28629

~~(A)~~(B) No person shall sell, lease, rent, or operate any 28630  
 passenger car, as defined in division (E) of section 4501.01 of 28631  
 the Revised Code, that is registered or to be registered in this 28632  
 state and that is manufactured or assembled on or after January 1, 28633  
 1962, unless the passenger car is equipped with sufficient 28634  
 anchorage units at the attachment points for attaching at least 28635  
 two sets of seat safety belts to its front seat. Such anchorage 28636  
 units at the attachment points shall be of such construction, 28637  
 design, and strength to support a loop load pull of not less than 28638  
 four thousand pounds for each belt. 28639

~~(B)~~(C) No person shall sell, lease, or rent any passenger 28640  
 car, as defined in division (E) of section 4501.01 of the Revised 28641  
 Code, that is registered or to be registered in this state and 28642  
 that is manufactured or assembled on or after January 1, 1966, 28643  
 unless the passenger car has installed in its front seat at least 28644  
 two seat safety belt assemblies. 28645

~~(C)~~(D) After January 1, 1966, neither any seat safety belt 28646  
 for use in a motor vehicle nor any component part of any such seat 28647  
 safety belt shall be sold in this state unless the seat safety 28648  
 belt or the component part satisfies the minimum standard of 28649  
 specifications established by the society of automotive engineers 28650  
 for automotive seat belts and unless the seat safety belt or 28651

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component part is labeled so as to indicate that it meets those 28652  
minimum standard specifications. 28653

~~(D)~~(E) Each sale, lease, or rental in violation of this 28654  
section constitutes a separate offense. 28655

(F) Whoever violates this section is guilty of a minor 28656  
misdemeanor. 28657

**Sec. 4513.263.** (A) As used in this section and in section 28658  
4513.99 of the Revised Code: 28659

(1) "Automobile" means any commercial tractor, passenger car, 28660  
commercial car, or truck that is required to be factory-equipped 28661  
with an occupant restraining device for the operator or any 28662  
passenger by regulations adopted by the United States secretary of 28663  
transportation pursuant to the "National Traffic and Motor Vehicle 28664  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 28665  
28666

(2) "Occupant restraining device" means a seat safety belt, 28667  
shoulder belt, harness, or other safety device for restraining a 28668  
person who is an operator of or passenger in an automobile and 28669  
that satisfies the minimum federal vehicle safety standards 28670  
established by the United States department of transportation. 28671

(3) "Passenger" means any person in an automobile, other than 28672  
its operator, who is occupying a seating position for which an 28673  
occupant restraining device is provided. 28674

(4) "Commercial tractor," "passenger car," and "commercial 28675  
car" have the same meanings as in section 4501.01 of the Revised 28676  
Code. 28677

(5) "Vehicle" and "motor vehicle," as used in the definitions 28678  
of the terms set forth in division (A)(4) of this section, have 28679  
the same meanings as in section 4511.01 of the Revised Code. 28680  
28681



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(B) No person shall do any of the following:	28682
(1) Operate an automobile on any street or highway unless	28683
that person is wearing all of the available elements of a properly	28684
adjusted occupant restraining device, or operate a school bus that	28685
has an occupant restraining device installed for use in its	28686
operator's seat unless that person is wearing all of the available	28687
elements of the device, as properly adjusted;	28688
(2) Operate an automobile on any street or highway unless	28689
each passenger in the automobile who is subject to the requirement	28690
set forth in division (B)(3) of this section is wearing all of the	28691
available elements of a properly adjusted occupant restraining	28692
device;	28693
(3) Occupy, as a passenger, a seating position on the front	28694
seat of an automobile being operated on any street or highway	28695
unless that person is wearing all of the available elements of a	28696
properly adjusted occupant restraining device;	28697
(4) Operate a taxicab on any street or highway unless all	28698
factory-equipped occupant restraining devices in the taxicab are	28699
maintained in usable form.	28700
(C) Division (B)(3) of this section does not apply to a	28701
person who is required by section 4511.81 of the Revised Code to	28702
be secured in a child restraint device. Division (B)(1) of this	28703
section does not apply to a person who is an employee of the	28704
United States postal service or of a newspaper home delivery	28705
service, during any period in which the person is engaged in the	28706
operation of an automobile to deliver mail or newspapers to	28707
addressees. Divisions (B)(1) and (3) of this section do not apply	28708
to a person who has an affidavit signed by a physician licensed to	28709
practice in this state under Chapter 4731. of the Revised Code or	28710
a chiropractor licensed to practice in this state under Chapter	28711
4734. of the Revised Code that states that the person has a	28712

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physical impairment that makes use of an occupant restraining	28713
device impossible or impractical.	28714
(D) Notwithstanding any provision of law to the contrary, no	28715
law enforcement officer shall cause an operator of an automobile	28716
being operated on any street or highway to stop the automobile for	28717
the sole purpose of determining whether a violation of division	28718
(B) of this section has been or is being committed or for the sole	28719
purpose of issuing a ticket, citation, or summons for a violation	28720
of that nature or causing the arrest of or commencing a	28721
prosecution of a person for a violation of that nature, and no law	28722
enforcement officer shall view the interior or visually inspect	28723
any automobile being operated on any street or highway for the	28724
sole purpose of determining whether a violation of that nature has	28725
been or is being committed.	28726
(E) All fines collected for violations of division (B) of	28727
this section, or for violations of any ordinance or resolution of	28728
a political subdivision that is substantively comparable to that	28729
division, shall be forwarded to the treasurer of state for deposit	28730
as follows:	28731
(1) Eight per cent shall be deposited into the seat belt	28732
education fund, which is hereby created in the state treasury, and	28733
shall be used by the department of public safety to establish a	28734
seat belt education program.	28735
(2) Eight per cent shall be deposited into the elementary	28736
school program fund, which is hereby created in the state	28737
treasury, and shall be used by the department of public safety to	28738
establish and administer elementary school programs that encourage	28739
seat safety belt use.	28740
(3) Two per cent shall be deposited into the Ohio ambulance	28741
licensing trust fund created by section 4766.05 of the Revised	28742
Code.	28743

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(4) Twenty-eight per cent shall be deposited into the trauma and emergency medical services fund, which is hereby created in the state treasury, and shall be used by the department of public safety for the administration of the division of emergency medical services and the state board of emergency medical services.

(5) Fifty-four per cent shall be deposited into the trauma and emergency medical services grants fund, which is hereby created in the state treasury, and shall be used by the state board of emergency medical services to make grants, in accordance with section 4765.07 of the Revised Code and rules the board adopts under section 4765.11 of the Revised Code.

(F)(1) Subject to division (F)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device or to ensure that each passenger of an automobile being operated by the person is wearing all of the available elements of such a device, in violation of division (B)(2) of this section, shall not be considered or used as evidence of negligence or contributory negligence, shall not diminish recovery for damages in any civil action involving the person arising from the ownership, maintenance, or operation of an automobile; shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in any civil or criminal action involving the person other than a prosecution for a violation of this section.

(2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of

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Evidence, the fact that the occupant was not wearing the available  
occupant restraining device, was not wearing all of the available  
elements of such a device, or was not wearing such a device as  
properly adjusted is admissible in evidence in relation to any  
claim for relief in a tort action to the extent that the claim for  
relief satisfies all of the following:

(a) It seeks to recover damages for injury or death to the  
occupant.

(b) The defendant in question is the manufacturer, designer,  
distributor, or seller of the passenger car.

(c) The claim for relief against the defendant in question is  
that the injury or death sustained by the occupant was enhanced or  
aggravated by some design defect in the passenger car or that the  
passenger car was not crashworthy.

(3) As used in division (F)(2) of this section, "tort action"  
means a civil action for damages for injury, death, or loss to  
person or property. "Tort action" includes a product liability  
claim that is subject to sections 2307.71 to 2307.80 of the  
Revised Code, but does not include a civil action for damages for  
a breach of a contract or another agreement between persons.

(G)(1) Whoever violates division (B)(1) of this section shall  
be fined thirty dollars.

(2) Whoever violates division (B)(3) of this section shall be  
fined twenty dollars.

(3) Except as otherwise provided in this division, whoever  
violates division (B)(4) of this section is guilty of a minor  
misdemeanor. If the offender previously has been convicted of or  
pleaded guilty to a violation of division (B)(4) of this section,  
whoever violates division (B)(4) of this section is guilty of a  
misdemeanor of the third degree.

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<b>Sec. 4513.27.</b> (A) No person shall operate any motor truck,	28807
trackless trolley, bus, or commercial tractor upon any highway	28808
outside the corporate limits of municipalities at any time from	28809
sunset to sunrise unless there is carried in such vehicle and	28810
trackless trolley, except as provided in division (B) of this	28811
section, the following equipment which shall be of the types	28812
approved by the director of transportation:	28813
(1) At least three flares or three red reflectors or three	28814
red electric lanterns, each of which is capable of being seen and	28815
distinguished at a distance of five hundred feet under normal	28816
atmospheric conditions at night time;	28817
(2) At least three red-burning fusees, unless red reflectors	28818
or red electric lanterns are carried;	28819
(3) At least two red cloth flags, not less than twelve inches	28820
square, with standards to support them;	28821
(4) The type of red reflectors shall comply with such	28822
standards and specifications in effect on September 16, 1963 or	28823
later established by the interstate commerce commission and must	28824
be certified as meeting such standards by underwriter's	28825
laboratories.	28826
(B) No person shall operate at the time and under the	28827
conditions stated in this section any motor vehicle used in	28828
transporting flammable liquids in bulk, or in transporting	28829
compressed flammable gases, unless there is carried in such	28830
vehicle three red electric lanterns or three red reflectors	28831
meeting the requirements stated in division (A) of this section.	28832
There shall not be carried in any such vehicle any flare, fusee,	28833
or signal produced by a flame.	28834
(C) This section does not apply to any person who operates	28835
any motor vehicle in a work area designated by protection	28836

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equipment devices that are displayed and used in accordance with 28837  
the manual adopted by the department of transportation under 28838  
section 4511.09 of the Revised Code. 28839

(D) Whoever violates this section shall be punished as 28840  
provided in section 4513.99 of the Revised Code. 28841

**Sec. 4513.28.** (A) Whenever any motor truck, trackless 28842  
trolley, bus, commercial tractor, trailer, semi-trailer, or pole 28843  
trailer is disabled upon the traveled portion of any highway or 28844  
the shoulder thereof outside of any municipality, or upon any 28845  
freeway, expressway, thruway and connecting, entering or exiting 28846  
ramps within a municipality, at any time when lighted lamps are 28847  
required on vehicles and trackless trolleys, the operator of such 28848  
vehicle or trackless trolley shall display the following warning 28849  
devices upon the highway during the time the vehicle or trackless 28850  
trolley is so disabled on the highway except as provided in 28851  
division (B) of this section: 28852

(1) A lighted fusee shall be immediately placed on the 28853  
roadway at the traffic side of such vehicle or trackless trolley, 28854  
unless red electric lanterns or red reflectors are displayed. 28855

(2) Within the burning period of the fusee and as promptly as 28856  
possible, three lighted flares or pot torches, or three red 28857  
reflectors or three red electric lanterns shall be placed on the 28858  
roadway as follows: 28859

(a) One at a distance of forty paces or approximately one 28860  
hundred feet in advance of the vehicle; 28861

(b) One at a distance of forty paces or approximately one 28862  
hundred feet to the rear of the vehicle or trackless trolley 28863  
except as provided in this section, each in the center of the lane 28864  
of traffic occupied by the disabled vehicle or trackless trolley; 28865

(c) One at the traffic side of the vehicle or trackless 28866

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trolley. 28867

(B) Whenever any vehicle used in transporting flammable 28868  
liquids in bulk, or in transporting compressed flammable gases, is 28869  
disabled upon a highway at any time or place mentioned in division 28870  
(A) of this section, the driver of such vehicle shall display upon 28871  
the roadway the following warning devices: 28872

(1) One red electric lantern or one red reflector shall be 28873  
immediately placed on the roadway at the traffic side of the 28874  
vehicle; 28875

(2) Two other red electric lanterns or two other red 28876  
reflectors shall be placed to the front and rear of the vehicle in 28877  
the same manner prescribed for flares in division (A) of this 28878  
section. 28879

(C) When a vehicle of a type specified in division (B) of 28880  
this section is disabled, the use of flares, fusees, or any signal 28881  
produced by flame as warning signals is prohibited. 28882

(D) Whenever any vehicle or trackless trolley of a type 28883  
referred to in this section is disabled upon the traveled portion 28884  
of a highway or the shoulder thereof, outside of any municipality, 28885  
or upon any freeway, expressway, thruway and connecting, entering 28886  
or exiting ramps within a municipality, at any time when the 28887  
display of fusees, flares, red reflectors, or electric lanterns is 28888  
not required, the operator of such vehicle or trackless trolley 28889  
shall display two red flags upon the roadway in the lane of 28890  
traffic occupied by the disabled vehicle or trackless trolley, one 28891  
at a distance of forty paces or approximately one hundred feet in 28892  
advance of the vehicle or trackless trolley, and one at a distance 28893  
of forty paces or approximately one hundred feet to the rear of 28894  
the vehicle or trackless trolley, except as provided in this 28895  
section. 28896

(E) The flares, fusees, lanterns, red reflectors, and flags 28897

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to be displayed as required in this section shall conform with the 28898  
requirements of section 4513.27 of the Revised Code applicable 28899  
thereto. 28900

(F) In the event the vehicle or trackless trolley is disabled 28901  
near a curve, crest of a hill, or other obstruction of view, the 28902  
flare, flag, reflector, or lantern in that direction shall be 28903  
placed as to afford ample warning to other users of the highway, 28904  
but in no case shall it be placed less than forty paces or 28905  
approximately one hundred feet nor more than one hundred twenty 28906  
paces or approximately three hundred feet from the disabled 28907  
vehicle or trackless trolley. 28908

(G) This section does not apply to the operator of any 28909  
vehicle in a work area designated by protection equipment devices 28910  
that are displayed and used in accordance with the manual adopted 28911  
by the department of transportation under section 4511.09 of the 28912  
Revised Code. 28913

(H) Whoever violates this section shall be punished as 28914  
provided in section 4513.99 of the Revised Code. 28915

**Sec. 4513.29. (A)** Any person operating any vehicle 28916  
transporting explosives upon a highway shall at all times comply 28917  
with the following requirements: 28918

~~(A)~~(1) Said vehicle shall be marked or placarded on each side 28919  
and on the rear with the word "explosives" in letters not less 28920  
than eight inches high, or there shall be displayed on the rear of 28921  
such vehicle a red flag not less than twenty-four inches square 28922  
marked with the word "danger" in white letters six inches high, or 28923  
shall be marked or placarded in accordance with section 177.823 of 28924  
the United States department of transportation regulations. 28925

28926

~~(B)~~(2) Said vehicle shall be equipped with not less than two 28927



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fire extinguishers, filled and ready for immediate use, and placed 28928  
at convenient points on such vehicle. 28929

~~(C)~~(3) The director of transportation may promulgate such 28930  
regulations governing the transportation of explosives and other 28931  
dangerous articles by vehicles upon the highway as are reasonably 28932  
necessary to enforce sections 4513.01 to 4513.37 of the Revised 28933  
Code. 28934

(B) Whoever violates this section shall be punished as 28935  
provided in section 4513.99 of the Revised Code. 28936

**Sec. 4513.30.** (A) No passenger-type vehicle shall be operated 28937  
on a highway with any load carried on such vehicle which extends 28938  
more than six inches beyond the line of the fenders on the 28939  
vehicle's left side. 28940

(B) Whoever violates this section shall be punished as 28941  
provided in section 4513.99 of the Revised Code. 28942

**Sec. 4513.31.** (A) No vehicle shall be driven or moved on any 28943  
highway unless the vehicle is so constructed, loaded, or covered 28944  
as to prevent any of its load from dropping, sifting, leaking, or 28945  
otherwise escaping therefrom, except that sand or other substance 28946  
may be dropped for the purpose of securing traction, or water or 28947  
other substance may be sprinkled on a roadway in cleaning or 28948  
maintaining the roadway. 28949

(B) Except for a farm vehicle used to transport agricultural 28950  
produce or agricultural production materials or a rubbish vehicle 28951  
in the process of acquiring its load, no vehicle loaded with 28952  
garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, 28953  
rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, 28954  
or any other material of an unsanitary nature that is susceptible 28955  
to blowing or bouncing from a moving vehicle shall be driven or 28956  
moved on any highway unless the load is covered with a sufficient 28957

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cover to prevent the load or any part of the load from spilling 28958  
onto the highway. 28959

(C) Whoever violates this section shall be punished as 28960  
provided in section 4513.99 of the Revised Code. 28961

**Sec. 4513.32.** (A) When one vehicle is towing another vehicle, 28962  
the drawbar or other connection shall be of sufficient strength to 28963  
pull all the weight towed thereby, and the drawbar or other 28964  
connection shall not exceed fifteen feet from one vehicle to the 28965  
other, except the connection between any two vehicles transporting 28966  
poles, pipe, machinery, or other objects of structural nature 28967  
which cannot readily be dismembered. 28968

When one vehicle is towing another and the connection 28969  
consists only of a chain, rope, or cable, there shall be displayed 28970  
upon such connection a white flag or cloth not less than twelve 28971  
inches square. 28972

In addition to such drawbar or other connection, each trailer 28973  
and each semitrailer which is not connected to a commercial 28974  
tractor by means of a fifth wheel shall be coupled with stay 28975  
chains or cables to the vehicle by which it is being drawn. The 28976  
chains or cables shall be of sufficient size and strength to 28977  
prevent the towed vehicle's parting from the drawing vehicle in 28978  
case the drawbar or other connection should break or become 28979  
disengaged. In case of a loaded pole trailer, the connecting pole 28980  
to the drawing vehicle shall be coupled to the drawing vehicle 28981  
with stay chains or cables of sufficient size and strength to 28982  
prevent the towed vehicle's parting from the drawing vehicle. 28983

Every trailer or semitrailer, except pole and cable trailers 28984  
and pole and cable dollies operated by a public utility as defined 28985  
in section 5727.01 of the Revised Code, shall be equipped with a 28986  
coupling device, which shall be so designed and constructed that 28987  
the trailer will follow substantially in the path of the vehicle 28988

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drawing it, without whipping or swerving from side to side. 28989  
Vehicles used to transport agricultural produce or agricultural 28990  
production materials between a local place of storage and supply 28991  
and the farm, when drawn or towed on a street or highway at a 28992  
speed of twenty-five miles per hour or less, and vehicles designed 28993  
and used exclusively to transport a boat between a place of 28994  
storage and a marina, or in and around a marina, when drawn or 28995  
towed on a street or highway for a distance of no more than ten 28996  
miles and at a speed of twenty-five miles per hour or less, shall 28997  
have a drawbar or other connection, including the hitch mounted on 28998  
the towing vehicle, which shall be of sufficient strength to pull 28999  
all the weight towed thereby. Only one such vehicle used to 29000  
transport agricultural produce or agricultural production 29001  
materials as provided in this section may be towed or drawn at one 29002  
time, except as follows: 29003

~~(A)~~(1) An agricultural tractor may tow or draw more than one 29004  
such vehicle; 29005

~~(B)~~(2) A pickup truck or straight truck designed by the 29006  
manufacturer to carry a load of not less than one-half ton and not 29007  
more than two tons may tow or draw not more than two such vehicles 29008  
that are being used to transport agricultural produce from the 29009  
farm to a local place of storage. No vehicle being so towed by 29010  
such a pickup truck or straight truck shall be considered to be a 29011  
motor vehicle. 29012

(B) Whoever violates this section shall be punished as 29013  
provided in section 4513.99 of the Revised Code. 29014

**Sec. 4513.34.** (A) The director of transportation with respect 29015  
to all highways which are a part of the state highway system and 29016  
local authorities with respect to highways under their 29017  
jurisdiction may, upon application in writing and for good cause 29018  
shown, issue a special permit in writing authorizing the applicant 29019

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to operate or move a vehicle or combination of vehicles of a size 29020  
or weight of vehicle or load exceeding the maximum specified in 29021  
sections 5577.01 to 5577.09 of the Revised Code, or otherwise not 29022  
in conformity with sections 4513.01 to 4513.37 of the Revised 29023  
Code, upon any highway under the jurisdiction of the authority 29024  
granting such permit. Notwithstanding sections 715.22 and 723.01 29025  
of the Revised Code, the holder of a special permit issued by the 29026  
director under this section may move the vehicle or combination of 29027  
vehicles described in such special permit on any highway which is 29028  
a part of the state highway system, when the movement is partly 29029  
within and partly without the corporate limits of a municipal 29030  
corporation. No local authority shall require any other permit or 29031  
license or charge any license fee or other charge against the 29032  
holder of a permit for the movement of a vehicle or combination of 29033  
vehicles on any highway that is a part of the state highway 29034  
system. No holder of a permit issued by a local authority shall be 29035  
required by the director to obtain a special permit for the 29036  
movement of vehicles or combination of vehicles on highways within 29037  
the jurisdiction of the local authority. Permits may be issued for 29038  
any period of time, not to exceed one year, as the director in ~~his~~ 29039  
the director's discretion or a local authority in its discretion 29040  
deems advisable or for the duration of any public construction 29041  
project. 29042

The application for a permit shall be in such form as the 29043  
director or local authority prescribes. The director or local 29044  
authority may prescribe a permit fee to be imposed and collected 29045  
when any permit described in this section is issued. The permit 29046  
fee may be in an amount sufficient to reimburse the director or 29047  
local authority for the administrative costs incurred in issuing 29048  
the permit, and also to cover the cost of the normal and expected 29049  
damage caused to the roadway or a street or highway structure as 29050  
the result of the operation of the nonconforming vehicle or 29051

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combination of vehicles. The director, in accordance with Chapter 29052  
119. of the Revised Code, shall establish a schedule of fees for 29053  
permits issued by the director under this section. 29054

For the purposes of this section and of rules adopted by the 29055  
director under this section, milk transported in bulk by vehicle 29056  
is deemed a nondivisible load. 29057

The director or local authority may issue or withhold a 29058  
permit. If a permit is to be issued, the director or local 29059  
authority may limit or prescribe conditions of operation for the 29060  
vehicle, and may require the posting of a bond or other security 29061  
conditioned upon the sufficiency of the permit fee to compensate 29062  
for damage caused to the roadway or a street or highway structure. 29063

Every permit shall be carried in the vehicle or combination 29064  
of vehicles to which it refers and shall be open to inspection by 29065  
any police officer or authorized agent of any authority granting 29066  
the permit. No person shall violate any of the terms of a permit. 29067

(B) Whoever violates this section shall be punished as 29068  
provided in section 4513.99 of the Revised Code. 29069

**Sec. 4513.36.** (A) No person shall resist, hinder, obstruct, 29070  
or abuse any sheriff, constable, or other official while ~~such that~~ 29071  
official is attempting to arrest offenders under any provision of 29072  
sections 4511.01 to 4511.78, ~~inclusive,~~ 4511.99, and 4513.01 to 29073  
4513.37, ~~inclusive,~~ of the Revised Code. No person shall interfere 29074  
with any person charged under ~~such~~ any provision of any of those 29075  
sections with the enforcement of the law relative to public 29076  
highways. 29077

(B) Whoever violates this section is guilty of a minor 29078  
misdemeanor. 29079

**Sec. 4513.361.** (A) No person shall knowingly present, 29080

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display, or orally communicate a false name, social security 29081  
number, or date of birth to a law enforcement officer who is in 29082  
the process of issuing to the person a traffic ticket or 29083  
complaint. 29084

(B) Whoever violates this section is guilty of a misdemeanor 29085  
of the first degree. 29086

**Sec. 4513.51.** (A) Except as provided in division (B) of this 29087  
section, on and after July 1, 2001, no person shall operate a bus, 29088  
nor shall any person being the owner of a bus or having 29089  
supervisory responsibility for a bus permit the operation of any 29090  
bus, unless the bus displays a valid, current safety inspection 29091  
decal issued by the state highway patrol under section 4513.52 of 29092  
the Revised Code. 29093

(B) For the purpose of complying with the requirements of 29094  
this section and section 4513.52 of the Revised Code, the owner or 29095  
other operator of a bus may drive the bus directly to an 29096  
inspection site conducted by the state highway patrol and directly 29097  
back to the person's place of business without a valid 29098  
registration and without displaying a safety inspection decal, 29099  
provided that no passengers may occupy the bus during such 29100  
operation. 29101

(C) The registrar of motor vehicles shall not accept an 29102  
application for registration of a bus unless the bus owner 29103  
presents a valid safety inspection report for the applicable 29104  
registration year. 29105

(D) Whoever violates division (A) of this section is guilty 29106  
of a misdemeanor of the first degree. 29107

**Sec. 4513.60.** (A)(1) The sheriff of a county or chief of 29108  
police of a municipal corporation, township, or township police 29109

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district, within the sheriff's or chief's respective territorial 29110  
jurisdiction, upon complaint of any person adversely affected, may 29111  
order into storage any motor vehicle, other than an abandoned junk 29112  
motor vehicle as defined in section 4513.63 of the Revised Code, 29113  
that has been left on private residential or private agricultural 29114  
property for at least four hours without the permission of the 29115  
person having the right to the possession of the property. The 29116  
sheriff or chief of police, upon complaint of the owner of a 29117  
repair garage or place of storage, may order into storage any 29118  
motor vehicle, other than an abandoned junk motor vehicle, that 29119  
has been left at the garage or place of storage for a longer 29120  
period than that agreed upon. The place of storage shall be 29121  
designated by the sheriff or chief of police. When ordering a 29122  
motor vehicle into storage pursuant to this division, a sheriff or 29123  
chief of police, whenever possible, shall arrange for the removal 29124  
of the motor vehicle by a private tow truck operator or towing 29125  
company. Subject to division (C) of this section, the owner of a 29126  
motor vehicle that has been removed pursuant to this division may 29127  
recover the vehicle only in accordance with division (E) of this 29128  
section. 29129

(2) Divisions (A)(1) to (3) of this section do not apply to 29130  
any private residential or private agricultural property that is 29131  
established as a private tow-away zone in accordance with division 29132  
(B) of this section. 29133

(3) As used in divisions (A)(1) and (2) of this section, 29134  
"private residential property" means private property on which is 29135  
located one or more structures that are used as a home, residence, 29136  
or sleeping place by one or more persons, if no more than three 29137  
separate households are maintained in the structure or structures. 29138  
"Private residential property" does not include any private 29139  
property on which is located one or more structures that are used 29140  
as a home, residence, or sleeping place by two or more persons, if 29141

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more than three separate households are maintained in the	29142
structure or structures.	29143
(B)(1) The owner of private property may establish a private	29144
tow-away zone only if all of the following conditions are	29145
satisfied:	29146
(a) The owner posts on the owner's property a sign, that is	29147
at least eighteen inches by twenty-four inches in size, that is	29148
visible from all entrances to the property, and that contains at	29149
least all of the following information:	29150
(i) A notice that the property is a private tow-away zone and	29151
that vehicles not authorized to park on the property will be towed	29152
away;	29153
(ii) The telephone number of the person from whom a	29154
towed-away vehicle can be recovered, and the address of the place	29155
to which the vehicle will be taken and the place from which it may	29156
be recovered;	29157
(iii) A statement that the vehicle may be recovered at any	29158
time during the day or night upon the submission of proof of	29159
ownership and the payment of a towing charge, in an amount not to	29160
exceed ninety dollars, and a storage charge, in an amount not to	29161
exceed twelve dollars per twenty-four-hour period; except that the	29162
charge for towing shall not exceed one hundred fifty dollars, and	29163
the storage charge shall not exceed twenty dollars per	29164
twenty-four-hour period, if the vehicle has a manufacturer's gross	29165
vehicle weight rating in excess of ten thousand pounds and is a	29166
truck, bus, or a combination of a commercial tractor and trailer	29167
or semitrailer.	29168
(b) The place to which the towed vehicle is taken and from	29169
which it may be recovered is conveniently located, is well	29170
lighted, and is on or within a reasonable distance of a regularly	29171
scheduled route of one or more modes of public transportation, if	29172



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any public transportation is available in the municipal 29173  
corporation or township in which the private tow-away zone is 29174  
located. 29175

(2) If a vehicle is parked on private property that is 29176  
established as a private tow-away zone in accordance with division 29177  
(B)(1) of this section, without the consent of the owner of the 29178  
property or in violation of any posted parking condition or 29179  
regulation, the owner or the owner's agent may remove, or cause 29180  
the removal of, the vehicle, the owner and the operator of the 29181  
vehicle shall be deemed to have consented to the removal and 29182  
storage of the vehicle and to the payment of the towing and 29183  
storage charges specified in division (B)(1)(a)(iii) of this 29184  
section, and the owner, subject to division (C) of this section, 29185  
may recover a vehicle that has been so removed only in accordance 29186  
with division (E) of this section. 29187

(3) If a municipal corporation requires tow trucks and tow 29188  
truck operators to be licensed, no owner of private property 29189  
located within the municipal corporation shall remove, or shall 29190  
cause the removal and storage of, any vehicle pursuant to division 29191  
(B)(2) of this section by an unlicensed tow truck or unlicensed 29192  
tow truck operator. 29193

(4) Divisions (B)(1) to (3) of this section do not affect or 29194  
limit the operation of division (A) of this section or sections 29195  
4513.61 to 4513.65 of the Revised Code as they relate to property 29196  
other than private property that is established as a private 29197  
tow-away zone under division (B)(1) of this section. 29198

(C) If the owner or operator of a motor vehicle that has been 29199  
ordered into storage pursuant to division (A)(1) of this section 29200  
or of a vehicle that is being removed under authority of division 29201  
(B)(2) of this section arrives after the motor vehicle or vehicle 29202  
has been prepared for removal, but prior to its actual removal 29203  
from the property, the owner or operator shall be given the 29204

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opportunity to pay a fee of not more than one-half of the charge 29205  
for the removal of motor vehicles under division (A)(1) of this 29206  
section or of vehicles under division (B)(2) of this section, 29207  
whichever is applicable, that normally is assessed by the person 29208  
who has prepared the motor vehicle or vehicle for removal, in 29209  
order to obtain release of the motor vehicle or vehicle. Upon 29210  
payment of that fee, the motor vehicle or vehicle shall be 29211  
released to the owner or operator, and upon its release, the owner 29212  
or operator immediately shall move it so that: 29213

(1) If the motor vehicle was ordered into storage pursuant to 29214  
division (A)(1) of this section, it is not on the private 29215  
residential or private agricultural property without the 29216  
permission of the person having the right to possession of the 29217  
property, or is not at the garage or place of storage without the 29218  
permission of the owner, whichever is applicable. 29219

(2) If the vehicle was being removed under authority of 29220  
division (B)(2) of this section, it is not parked on the private 29221  
property established as a private tow-away zone without the 29222  
consent of the owner or in violation of any posted parking 29223  
condition or regulation. 29224

(D)(1) If an owner of private property that is established as 29225  
a private tow-away zone in accordance with division (B)(1) of this 29226  
section or the authorized agent of such an owner removes or causes 29227  
the removal of a vehicle from that property under authority of 29228  
division (B)(2) of this section, the owner or agent promptly shall 29229  
notify the police department of the municipal corporation, 29230  
township, or township police district in which the property is 29231  
located, of the removal, the vehicle's license number, make, 29232  
model, and color, the location from which it was removed, the date 29233  
and time of its removal, the telephone number of the person from 29234  
whom it may be recovered, and the address of the place to which it 29235  
has been taken and from which it may be recovered. 29236

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(2) Each county sheriff and each chief of police of a municipal corporation, township, or township police district shall maintain a record of motor vehicles that the sheriff or chief orders into storage pursuant to division (A)(1) of this section and of vehicles removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under division (D)(1) of this section. The record shall include an entry for each such motor vehicle or vehicle that identifies the motor vehicle's or vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular motor vehicle or vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle or vehicle and requests information pertaining to its location.

(3) Any person who registers a complaint that is the basis of a sheriff's or police chief's order for the removal and storage of a motor vehicle under division (A)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(E) The owner of a motor vehicle that is ordered into storage pursuant to division (A)(1) of this section or of a vehicle that is removed under authority of division (B)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed ninety dollars, and storage, in an amount not to exceed twelve dollars per twenty-four-hour

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period; except that the charge for towing shall not exceed one  
hundred fifty dollars, and the storage charge shall not exceed  
twenty dollars per twenty-four-hour period, if the vehicle has a  
manufacturer's gross vehicle weight rating in excess of ten  
thousand pounds and is a truck, bus, or a combination of a  
commercial tractor and trailer or semitrailer. Presentation of  
proof of ownership, which may be evidenced by a certificate of  
title to the motor vehicle or vehicle also shall be required for  
reclamation of the vehicle. If a motor vehicle that is ordered  
into storage pursuant to division (A)(1) of this section remains  
unclaimed by the owner for thirty days, the procedures established  
by sections 4513.61 and 4513.62 of the Revised Code shall apply.

(F) No person shall remove, or cause the removal of, any  
vehicle from private property that is established as a private  
tow-away zone under division (B)(1) of this section other than in  
accordance with division (B)(2) of this section, and no person  
shall remove, or cause the removal of, any motor vehicle from any  
other private property other than in accordance with division  
(A)(1) of this section or sections 4513.61 to 4513.65 of the  
Revised Code.

(G)(1) Whoever violates division (B)(3) of this section is  
guilty of a minor misdemeanor.

(2) Except as otherwise provided in this division, whoever  
violates division (F) of this section is guilty of a minor  
misdemeanor. If the offender previously has been convicted of or  
pleaded guilty to a violation of division (F) of this section,  
whoever violates division (F) of this section is guilty of a  
misdemeanor of the third degree.

**Sec. 4513.64.** (A) No person shall willfully leave an  
abandoned junk motor vehicle as defined in section 4513.63 of the

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Revised Code on private property for more than seventy-two hours 29300  
 without the permission of the person having the right to the 29301  
 possession of the property, or on a public street or other 29302  
 property open to the public for purposes of vehicular travel or 29303  
 parking, or upon or within the right-of-way of any road or 29304  
 highway, for forty-eight hours or longer without notification to 29305  
 the sheriff of the county or chief of police of the municipal 29306  
 corporation, township, or township police district of the reasons 29307  
 for leaving the motor vehicle in such place. 29308

For purposes of this section, the fact that a motor vehicle 29309  
 has been so left without permission or notification is prima-facie 29310  
 evidence of abandonment. 29311

Nothing contained in sections 4513.60, 4513.61, and 4513.63 29312  
 of the Revised Code shall invalidate the provisions of municipal 29313  
 ordinances or township resolutions regulating or prohibiting the 29314  
 abandonment of motor vehicles on streets, highways, public 29315  
 property, or private property within municipal corporations or 29316  
 townships. 29317

(B) Whoever violates this section is guilty of a minor 29318  
misdemeanor and shall also be assessed any costs incurred by the 29319  
county, township, or municipal corporation in disposing of the 29320  
abandoned junk motor vehicle that is the basis of the violation, 29321  
less any money accruing to the county, to the township, or to the 29322  
municipal corporation from this disposal of the vehicle. 29323

**Sec. 4513.65.** (A) For purposes of this section, "junk motor 29324  
 vehicle" means any motor vehicle meeting the requirements of 29325  
 divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 29326  
 Code that is left uncovered in the open on private property for 29327  
 more than seventy-two hours with the permission of the person 29328  
 having the right to the possession of the property, except if the 29329  
 person is operating a junk yard or scrap metal processing facility 29330

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licensed under authority of sections 4737.05 to 4737.12 of the Revised Code, or regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

No political subdivision shall prevent a person from storing or keeping, or restrict ~~him~~ a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property; except that a political subdivision may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

The sheriff of a county, or chief of police of a municipal corporation, within ~~his~~ the sheriff's or chief's respective territorial jurisdiction, a state highway patrol trooper, a board of township trustees, the legislative authority of a municipal corporation, or the zoning authority of a township or a municipal corporation, may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days

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that a junk motor vehicle continues to be so left constitutes a separate offense. 29363  
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(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor on a first offense. If the offender previously has been convicted of or pleaded guilty to one violation of this section, whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, whoever violates this section is guilty of a misdemeanor of the third degree. 29365  
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**Sec. 4513.99.** ~~(A) Whoever violates division (C), (D), (E), or (F) of section 4513.241, section 4513.261, 4513.262, or 4513.36, or division (B)(3) of section 4513.60 of the Revised Code is guilty of a minor misdemeanor.~~ 29373  
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~~(B) Whoever violates section 4513.02 or 4513.021, or division (B)(4) of section 4513.263, or division (F) of section 4513.60 of the Revised Code is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense such person is guilty of a misdemeanor of the third degree.~~ 29377  
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~~(C) Any violation of section 4513.03, 4513.04, 4513.05, 4513.06, 4513.07, 4513.071, 4513.09, 4513.10, 4513.11, 4513.111, 4513.12, 4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18, 4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21, 4513.22, 4513.23, 4513.24, 4513.242, 4513.25, 4513.26, 4513.27, 4513.28, 4513.29, 4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code shall be punished under division (B) of this section.~~ 29382  
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(B) Whoever violates the sections of this chapter that are specifically required to be punished under this division, or any provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of the Revised Code, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on 29389  
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a second offense within one year after the first offense, ~~such the~~ 29394  
 person is guilty of a misdemeanor of the fourth degree; on each 29395  
 subsequent offense within one year after the first offense, ~~such~~ 29396  
~~the~~ person is guilty of a misdemeanor of the third degree. 29397

~~(D) Whoever violates section 4513.64 of the Revised Code is~~ 29398  
~~guilty of a minor misdemeanor, and shall also be assessed any~~ 29399  
~~costs incurred by the county, township, or municipal corporation~~ 29400  
~~in disposing of such abandoned junk motor vehicle, less any money~~ 29401  
~~accruing to the county, to the township, or to the municipal~~ 29402  
~~corporation from such disposal.~~ 29403

~~(E) Whoever violates section 4513.65 of the Revised Code is~~ 29404  
~~guilty of a minor misdemeanor on a first offense; on a second~~ 29405  
~~offense, such person is guilty of a misdemeanor of the fourth~~ 29406  
~~degree; on each subsequent offense, such person is guilty of a~~ 29407  
~~misdemeanor of the third degree.~~ 29408

~~(F) Whoever violates division (B)(1) of section 4513.263 of~~ 29409  
~~the Revised Code shall be fined thirty dollars.~~ 29410

~~(G) Whoever violates division (B)(3) of section 4513.263 of~~ 29411  
~~the Revised Code shall be fined twenty dollars.~~ 29412

~~(H) Whoever violates section 4513.361 or division (A) of~~ 29413  
~~section 4513.51 of the Revised Code is guilty of a misdemeanor of~~ 29414  
~~the first degree.~~ 29415

**Sec. 4517.02.** (A) Except as otherwise provided in this 29416  
 section, no person shall do any of the following: 29417

(1) Engage in the business of displaying or selling at retail 29418  
 new motor vehicles or assume to engage in such business, unless 29419  
 the person is licensed as a new motor vehicle dealer under 29420  
 sections 4517.01 to 4517.45 of the Revised Code, or is a 29421  
 salesperson licensed under those sections and employed by a 29422  
 licensed new motor vehicle dealer; 29423



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- (2) Engage in the business of offering for sale, displaying 29424  
for sale, or selling at retail or wholesale used motor vehicles or 29425  
assume to engage in that business, unless the person is licensed 29426  
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 29427  
or is a salesperson licensed under those sections and employed by 29428  
a licensed used motor vehicle dealer or licensed new motor vehicle 29429  
dealer; 29430
- (3) Engage in the business of regularly making available, 29431  
offering to make available, or arranging for another person to use 29432  
a motor vehicle, in the manner described in division (M) of 29433  
section 4517.01 of the Revised Code, unless the person is licensed 29434  
as a motor vehicle leasing dealer under sections 4517.01 to 29435  
4517.45 of the Revised Code; 29436
- (4) Engage in the business of motor vehicle auctioning or 29437  
assume to engage in such business, unless the person is licensed 29438  
as a motor vehicle auction owner under sections 4517.01 to 4517.45 29439  
and 4707.01 to 4707.99 of the Revised Code; 29440
- (5) Engage in the business of distributing motor vehicles or 29441  
assume to engage in such business, unless the person is licensed 29442  
as a distributor under sections 4517.01 to 4517.45 of the Revised 29443  
Code; 29444
- (6) Make more than five casual sales of motor vehicles in a 29445  
twelve-month period, commencing with the day of the month in which 29446  
the first such sale is made, nor provide a location or space for 29447  
the sale of motor vehicles at a flea market, without obtaining a 29448  
license as a dealer under sections 4517.01 to 4517.45 of the 29449  
Revised Code; provided however that nothing in this section shall 29450  
be construed to prohibit the disposition without a license of a 29451  
motor vehicle originally acquired and held for purposes other than 29452  
sale, rental, or lease to an employee, retiree, officer, or 29453  
director of the person making the disposition, to a corporation 29454  
affiliated with the person making the disposition, or to a person 29455

licensed under sections 4517.01 to 4517.45 of the Revised Code; 29456

(7) Engage in the business of brokering manufactured homes 29457  
unless that person is licensed as a manufactured home broker under 29458  
sections 4517.01 to 4517.45 of the Revised Code. 29459

(B) Nothing in this section shall be construed to require an 29460  
auctioneer licensed under sections 4707.01 to 4707.19 of the 29461  
Revised Code, to obtain a motor vehicle salesperson's license 29462  
under sections 4517.01 to 4517.45 of the Revised Code when 29463  
conducting an auction sale for a licensed motor vehicle dealer on 29464  
the dealer's premises, or when conducting an auction sale for a 29465  
licensed motor vehicle auction owner; nor shall such an auctioneer 29466  
be required to obtain a motor vehicle auction owner's license 29467  
under sections 4517.01 to 4517.45 of the Revised Code when engaged 29468  
in auctioning for a licensed motor vehicle auction owner. 29469

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 29470  
apply to any of the following: 29471

(1) Persons engaging in the business of selling commercial 29472  
tractors, trailers, or semitrailers incidentally to engaging 29473  
primarily in business other than the selling or leasing of motor 29474  
vehicles; 29475

(2) Mortgagees selling at retail only those motor vehicles 29476  
that have come into their possession by a default in the terms of 29477  
a mortgage contract; 29478

(3) The leasing, rental, and interchange of motor vehicles 29479  
used directly in the rendition of a public utility service by 29480  
regulated motor carriers. 29481

(D) When a partnership licensed under sections 4517.01 to 29482  
4517.45 of the Revised Code is dissolved by death, the surviving 29483  
partners may operate under the license for a period of sixty days, 29484  
and the heirs or representatives of deceased persons and receivers 29485  
or trustees in bankruptcy appointed by any competent authority may 29486

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operate under the license of the person succeeded in possession by 29487  
such heir, representative, receiver, or trustee in bankruptcy. 29488

(E) No remanufacturer shall engage in the business of selling 29489  
at retail any new motor vehicle without having written authority 29490  
from the manufacturer or distributor of the vehicle to sell new 29491  
motor vehicles and to perform repairs under the terms of the 29492  
manufacturer's or distributor's new motor vehicle warranty, 29493  
unless, at the time of the sale of the vehicle, each customer is 29494  
furnished with a binding agreement ensuring that the customer has 29495  
the right to have the vehicle serviced or repaired by a new motor 29496  
vehicle dealer who is franchised to sell and service vehicles of 29497  
the same line-make as the chassis of the remanufactured vehicle 29498  
purchased by the customer and whose service or repair facility is 29499  
located within either twenty miles of the remanufacturer's 29500  
location and place of business or twenty miles of the customer's 29501  
residence or place of business. If there is no such new motor 29502  
vehicle dealer located within twenty miles of the remanufacturer's 29503  
location and place of business or the customer's residence or 29504  
place of business, the binding agreement furnished to the customer 29505  
may be with the new motor vehicle dealer who is franchised to sell 29506  
and service vehicles of the same line-make as the chassis of the 29507  
remanufactured vehicle purchased by the customer and whose service 29508  
or repair facility is located nearest to the remanufacturer's 29509  
location and place of business or the customer's residence or 29510  
place of business. Additionally, at the time of sale of any 29511  
vehicle, each customer of the remanufacturer shall be furnished 29512  
with a warranty issued by the remanufacturer for a term of at 29513  
least one year. 29514

(F) Except as otherwise provided in this division, whoever 29515  
violates this section is guilty of a minor misdemeanor and shall 29516  
be subject to a mandatory fine of one hundred dollars. If the 29517  
offender previously has been convicted of or pleaded guilty to a 29518

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violation of this section, whoever violates this section is guilty 29519  
of a misdemeanor of the first degree and shall be subject to a 29520  
mandatory fine of one thousand dollars. 29521

**Sec. 4517.03.** (A) A place of business that is used for 29522  
selling, displaying, offering for sale, or dealing in motor 29523  
vehicles shall be considered as used exclusively for those 29524  
purposes even though snowmobiles, farm machinery, outdoor power 29525  
equipment, watercraft and related products, or products 29526  
manufactured or distributed by a motor vehicle manufacturer with 29527  
which the motor vehicle dealer has a franchise agreement are sold 29528  
or displayed there, or if repair, accessory, gasoline and oil, 29529  
storage, parts, service, or paint departments are maintained 29530  
there, or such products or services are provided there, if the 29531  
departments are operated or the products or services are provided 29532  
for the business of selling, displaying, offering for sale, or 29533  
dealing in motor vehicles. Places of business or departments in a 29534  
place of business used to dismantle, salvage, or rebuild motor 29535  
vehicles by means of using used parts, are not considered as being 29536  
maintained for the purpose of assisting or furthering the selling, 29537  
displaying, offering for sale, or dealing in motor vehicles. A 29538  
place of business shall be considered as used exclusively for 29539  
selling, displaying, offering for sale, or dealing in motor 29540  
vehicles even though a business owned by a motor vehicle leasing 29541  
dealer or a motor vehicle renting dealer is located at the place 29542  
of business. 29543

(B) No new motor vehicle dealer shall sell, display, offer 29544  
for sale, or deal in motor vehicles at any place except an 29545  
established place of business that is used exclusively for the 29546  
purpose of selling, displaying, offering for sale, or dealing in 29547  
motor vehicles. The place of business shall have space, under 29548  
roof, for the display of at least one new motor vehicle and 29549  
facilities and space therewith for the inspection, servicing, and 29550

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repair of at least one motor vehicle; except that a new motor  
vehicle dealer selling manufactured or mobile homes is exempt from  
the requirement that a place of business have space, under roof,  
for the display of at least one new motor vehicle and facilities  
and space for the inspection, servicing, and repair of at least  
one motor vehicle.

Nothing in Chapter 4517. of the Revised Code shall be  
construed as prohibiting the sale of a new or used manufactured or  
mobile home located in a manufactured home park by a licensed new  
or used motor vehicle dealer.

(C) No used motor vehicle dealer shall sell, display, offer  
for sale, or deal in motor vehicles at any place except an  
established place of business that is used exclusively for the  
purpose of selling, displaying, offering for sale, or dealing in  
motor vehicles.

(D) No motor vehicle leasing dealer shall make a motor  
vehicle available for use by another, in the manner described in  
division (M) of section 4517.01 of the Revised Code, at any place  
except an established place of business that is used for leasing  
motor vehicles; except that a motor vehicle leasing dealer who is  
also a new motor vehicle dealer or used motor vehicle dealer may  
lease motor vehicles at the same place of business at which the  
dealer sells, offers for sale, or deals in new or used motor  
vehicles.

(E) No motor vehicle leasing dealer or motor vehicle renting  
dealer shall sell a motor vehicle within ninety days after a  
certificate of title to the motor vehicle is issued to the dealer,  
except when a salvage certificate of title is issued to replace  
the original certificate of title and except when a motor vehicle  
leasing dealer sells a motor vehicle to another motor vehicle  
leasing dealer at the end of a sublease pursuant to that sublease.

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(F) No distributor shall distribute new motor vehicles to new motor vehicle dealers at any place except an established place of business that is used exclusively for the purpose of distributing new motor vehicles to new motor vehicle dealers; except that a distributor who is also a new motor vehicle dealer may distribute new motor vehicles at the same place of business at which the distributor sells, displays, offers for sale, or deals in new motor vehicles.

(G) No person, firm, or corporation that sells, displays, or offers for sale tent-type fold-out camping trailers is subject to the requirement that the person's, firm's, or corporation's place of business be used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles. No person, firm, or corporation that sells, displays, or offers for sale tent-type fold-out camping trailers, trailers, semitrailers, or park trailers is subject to the requirement that the place of business have space, under roof, for the display of at least one new motor vehicle and facilities and space for the inspection, servicing, and repair of at least one motor vehicle.

(H) No manufactured or mobile home broker shall engage in the business of brokering manufactured or mobile homes at any place except an established place of business that is used exclusively for the purpose of brokering manufactured or mobile homes.

(I) Nothing in this section shall be construed to prohibit persons licensed under this chapter from making sales calls.

(J) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(K) As used in this section:

(1) "Motor vehicle leasing dealer" has the same meaning as in section 4517.01 of the Revised Code.

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(2) "Motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code. 29613  
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(3) "Watercraft" has the same meaning as in section 1547.01 of the Revised Code. 29615  
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**Sec. 4517.19.** (A) No motor vehicle wholesaler shall: 29617

~~(A)~~(1) Sell, offer for sale, or display for sale at wholesale a motor vehicle, when the motor vehicle wholesaler has reasonable cause to believe that the odometer of the motor vehicle has been changed, tampered with, or disconnected to reflect a lesser mileage or use, unless the motor vehicle wholesaler first gives clear and unequivocal notice of the odometer's altered condition; 29618  
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~~(B)~~(2) Sell or offer for sale at wholesale a motor vehicle unless the motor vehicle wholesaler is the legal owner of the motor vehicle; 29625  
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~~(C)~~(3) Sell, offer for sale, or display for sale at wholesale a motor vehicle without making available an odometer disclosure statement that is signed by the owner of the motor vehicle as required by section 4505.06 of the Revised Code and that complies with subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981; 29628  
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~~(D)~~(4) Fail, within ten days of acceptance of an offer for sale at wholesale, to deliver an Ohio certificate of title or the current certificate of title issued for the motor vehicle, and all title assignments that evidence the seller's ownership of the motor vehicle, to the purchaser of the motor vehicle. Failure to deliver title within ten days of acceptance of an offer for sale at wholesale is grounds for rescission of the agreement to buy. 29634  
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(B) Except as otherwise provided in this division, whoever violates this section is guilty of a misdemeanor of the second 29641  
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degree. If the offender previously has been convicted of or 29643  
pleaded guilty to a violation of this section, whoever violates 29644  
this section is guilty of a misdemeanor of the first degree. 29645

**Sec. 4517.20.** (A) No motor vehicle dealer licensed under 29646  
 Chapter 4517. of the Revised Code shall do any of the following: 29647

~~(A)~~(1) Directly or indirectly, solicit the sale of a motor 29648  
 vehicle through a pecuniarily interested person other than a 29649  
 salesperson licensed in the employ of a licensed dealer; 29650

~~(B)~~(2) Pay any commission or compensation in any form to any 29651  
 person in connection with the sale of a motor vehicle unless the 29652  
 person is licensed as a salesperson in the employ of the dealer; 29653

~~(C)~~(3) Fail to immediately notify the registrar of motor 29654  
 vehicles upon termination of the employment of any person licensed 29655  
 as a salesperson to sell, display, offer for sale, or deal in 29656  
 motor vehicles for the dealer; 29657

~~(D)~~(4) Knowingly engage in any wholesale motor vehicle 29658  
 transaction with any person required to be licensed pursuant to 29659  
 Chapter 4517. of the Revised Code, if the person is not licensed 29660  
 pursuant to that chapter, if the person's license to operate as a 29661  
 dealer has been suspended or revoked, or if the person's 29662  
 application for a license to operate as a dealer has been denied. 29663

(B) Whoever violates this section is guilty of a misdemeanor 29664  
of the fourth degree. 29665

**Sec. 4517.21.** (A) No motor vehicle auction owner licensed 29666  
 under Chapter 4517. of the Revised Code shall: 29667

~~(A)~~(1) Engage in the sale of motor vehicles at retail from 29668  
 the same licensed location; 29669

~~(B)~~(2) Knowingly permit the auctioning of a motor vehicle if 29670  
 the motor vehicle auction owner has reasonable cause to believe it 29671



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is not being offered for sale by the legal owner of the motor vehicle;	29672 29673
<del>(C)</del> (3) Knowingly permit the sale of a motor vehicle to any person except a motor vehicle dealer licensed in this state or any other jurisdiction, or any other person licensed pursuant to Chapter 4517. of the Revised Code or a substantially similar statute of any other jurisdiction;	29674 29675 29676 29677 29678
<del>(D)</del> (4) Knowingly permit the sale of a motor vehicle by any person who is not licensed pursuant to Chapter 4517. of the Revised Code;	29679 29680 29681
<del>(E)</del> (5) Knowingly permit any person to violate section 4517.19 of the Revised Code;	29682 29683
<del>(F)</del> (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:	29684 29685 29686 29687 29688 29689 29690
<del>(1)</del> (a) The year, make, model and vehicle identification number of the motor vehicle;	29691 29692
<del>(2)</del> (b) The name and address of the selling dealer;	29693
<del>(3)</del> (c) The name and address of the buying dealer;	29694
<del>(4)</del> (d) The date of the sale;	29695
<del>(5)</del> (e) The purchase price;	29696
<del>(6)</del> (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.	29697 29698 29699 29700
A motor vehicle auction owner may supplement the required	29701

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information with any additional information the motor vehicle  
auction owner considers appropriate. 29702  
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~~(G)~~(7) Knowingly permit a dealer whose license has been 29704  
suspended or revoked, or a person whose application for a license 29705  
to operate as a dealer has been denied, to participate as a buyer 29706  
or seller at the motor vehicle auction owner's auction after 29707  
notification by the registrar of the suspension or revocation of a 29708  
license, or denial of an application for a license. The registrar 29709  
shall notify each auction owner by certified mail, return receipt 29710  
requested, within five business days of the suspension or 29711  
revocation of a license, or the denial of an application for 29712  
license. Any motor vehicle auction owner who has knowledge of the 29713  
presence at the motor vehicle auction owner's auction of a dealer 29714  
whose license has been suspended or revoked, or of a person whose 29715  
application for a license to operate as a dealer has been denied, 29716  
shall immediately cause the removal of the person from the 29717  
auction. 29718

~~(H)~~(8) Knowingly accept a motor vehicle for sale or possible 29719  
sale by a dealer whose license has been suspended or revoked, 29720  
during the period of suspension or revocation, or by a person 29721  
whose application for a license to operate as a dealer has been 29722  
denied, after notification by the registrar, in accordance with 29723  
division (G) of this section, of the suspension or revocation of 29724  
the license, or denial of an application for a license. 29725

~~(I)~~(9) Knowingly permit the auctioning of a motor vehicle 29726  
whose ownership is not evidenced at the time of auctioning by a 29727  
current certificate of title or a manufacturer's certificate of 29728  
origin, and all title assignments that evidence the seller's 29729  
ownership of the motor vehicle, without first giving clear and 29730  
unequivocal notice of the lack of such evidence. 29731

(B) Whoever violates this section is guilty of a misdemeanor 29732  
of the fourth degree. 29733

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**Sec. 4517.22.** (A) Any group of licensed new motor vehicle dealers may display motor vehicles at a motor vehicle show within the general market area allocated to a licensed new motor vehicle dealer, whenever all of the following conditions are met:

(1) The primary purpose of the motor vehicle show is the exhibition of competitive makes and models of motor vehicles to provide the general public the opportunity to review and inspect various makes and models of motor vehicles at a single location;

(2) Not less than thirty days before the planned opening date of the motor vehicle show, the group requests and receives permission to hold the show from the registrar of motor vehicles.

(B) No contracts shall be signed, deposits taken, or sales consummated at the location of a motor vehicle show.

(C) Any sponsor of a motor vehicle show shall offer by mail an invitation to all new motor vehicle dealers dealing in competitive types of motor vehicles in the general market area to participate and display motor vehicles in the show. The sponsor may offer a similar invitation to manufacturers or distributors. A copy of each invitation shall be retained by the sponsor for at least one year after the show.

(D) No person except a manufacturer or distributor shall hold in any public place a motor vehicle show at which only one motor vehicle is displayed, and no such single unit show shall be held unless the manufacturer or distributor requests and receives permission from the registrar not less than thirty days before the show.

(E) The registrar shall not grant permission for any motor vehicle show to be held, unless it is proven to the registrar's satisfaction that no attempt is being made to circumvent the provisions of sections 4517.01 to 4517.45 of the Revised Code.

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(F) Nothing contained in this section shall be construed as prohibiting the taking of orders for nonmotorized recreational vehicles as defined in section 4501.01 of the Revised Code at sports or camping shows.

(G) No motor vehicle dealer, motor vehicle leasing dealer, motor vehicle auction owner, or distributor licensed under sections 4517.01 to 4517.45 of the Revised Code shall display a motor vehicle at any place except the dealer's, owner's, or distributor's licensed location, unless the dealer, owner, or distributor first obtains permission from the registrar and complies with the applicable rules of the motor vehicle dealers board.

(H) Nothing contained in this section shall be construed as prohibiting the display of, the taking of orders for, or the sale of, livestock trailers at livestock and agricultural shows, including county fairs. Notwithstanding section 4517.03 of the Revised Code, livestock trailers may be sold at livestock and agricultural shows, including county fairs, as permitted by this division.

As used in this division, "livestock trailer" means a new or used trailer designed by its manufacturer to be used to transport horses or to transport animals generally used for food or in the production of food, including cattle, sheep, goats, rabbits, poultry, swine, and any other animals included by the director of agriculture in rules adopted under section 901.72 of the Revised Code.

(I) Notwithstanding division (B) of this section, contracts may be signed, deposits taken, and sales consummated at the location of a motor vehicle show where the motor vehicles involved are horse trailers or towing vehicles that are trucks and have a gross vehicle weight of more than three-quarters of a ton, the motor vehicle show is being held as part of or in connection with

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a major livestock show, the licensed new motor vehicle dealers  
involved have complied with the applicable requirements of this  
section, and the registrar has granted permission for the motor  
vehicle show in accordance with division (E) of this section.

As used in this division ~~(I) of this section~~:

(1) "Major livestock show" means any show of livestock that  
is held at the Ohio state fairgrounds, is national in scope, and  
that continues for more than ten consecutive days.

(2) "Truck" has the same meaning as in section 4511.01 of the  
Revised Code.

(3) "Gross vehicle weight" means the unladen weight of the  
vehicle fully equipped.

(J) Whoever violates this section is guilty of a misdemeanor  
of the fourth degree.

**Sec. 4517.23.** (A) Any licensed motor vehicle dealer, motor  
vehicle leasing dealer, manufactured home broker, or distributor  
shall notify the registrar of motor vehicles concerning any change  
in status as a dealer, motor vehicle leasing dealer, manufactured  
home broker, or distributor during the period for which the  
dealer, broker, or distributor is licensed, if the change of  
status concerns any of the following:

~~(A)~~(1) Personnel of owners, partners, officers, or directors;

~~(B)~~(2) Location of office or principal place of business;

~~(C)~~(3) In the case of a motor vehicle dealer, any contract or  
agreement with any manufacturer or distributor; and in the case of  
a distributor, any contract or agreement with any manufacturer.

(B) The notification required by division (A) of this section  
shall be made by filing with the registrar, within fifteen days

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after the change of status, a supplemental statement in a form 29825  
prescribed by the registrar showing in what respect the status has 29826  
been changed. If the change involves a change in any contract or 29827  
agreement between any manufacturer or distributor, and dealer, or 29828  
any manufacturer and distributor, the supplemental statement shall 29829  
be accompanied by such copies of contracts, statements, and 29830  
certificates as would have been required by sections 4517.01 to 29831  
4517.45 of the Revised Code if the change had occurred prior to 29832  
the licensee's application for license. 29833

The motor vehicle dealers board may adopt a rule exempting 29834  
from the notification requirement of division (A)(1) of this 29835  
section any dealer if stock in the dealer or its parent company is 29836  
publicly traded and if there are public records with state or 29837  
federal agencies that provide the information required by division 29838  
(A)(1) of this section. 29839

(C) Whoever violates this section is guilty of a misdemeanor 29840  
of the fourth degree. 29841

**Sec. 4517.24.** (A) No two motor vehicle dealers shall engage 29842  
in business at the same location, unless they agree to be jointly, 29843  
severally, and personally liable for any liability arising from 29844  
their engaging in business at the same location. The agreement 29845  
shall be filed with the motor vehicle dealers board, and shall 29846  
also be made a part of the articles of incorporation of each such 29847  
dealer filed with the secretary of state. Whenever the board has 29848  
reason to believe that a dealer who has entered into such an 29849  
agreement has revoked the agreement but continues to engage in 29850  
business at the same location, the board shall revoke the dealer's 29851  
license. 29852

(B) This section does not apply to two or more motor vehicle 29853  
dealers engaged in the business of selling new or used 29854  
manufactured or mobile homes in the same manufactured home park. 29855

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(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree. 29856  
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**Sec. 4517.25.** (A) Every dealer shall maintain a mileage disclosure statement from the previous owner of each motor vehicle the dealer sells, purchases, or receives as a trade on another motor vehicle. The mileage disclosure statement shall be in such form and include such information as the motor vehicle dealers board requires by rule. 29858  
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(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree. 29864  
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**Sec. 4517.26.** (A) Every retail and wholesale sale of a motor vehicle shall be preceded by a written instrument or contract that shall contain all of the agreements of the parties and shall be signed by the buyer and the seller. The seller, upon execution of the agreement or contract and before the delivery of the motor vehicle, shall deliver to the buyer a copy of the agreement or contract that shall clearly describe the motor vehicle sold to the buyer, including, where applicable, its vehicle identification number and the mileage appearing on the odometer of the vehicle at the time of sale and whether the mileage is accurate; the sale price of the vehicle, and, if applicable, the amount paid down by the buyer; the amount credited to the buyer for any trade-in, and a description thereof; the amount of any finance charge; the amount charged for any motor vehicle insurance, and a statement of the types of insurance provided by the policy or policies; the amount of any other charge, and a specification of its purpose; the net balance due from the buyer; and the terms of the payment of the net balance. 29866  
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This section does not apply to a casual sale of a motor vehicle. 29884  
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(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree. 29886  
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**Sec. 4517.27.** (A) In accordance with Chapter 119. of the Revised Code, the registrar of motor vehicles shall adopt rules for the regulation of manufactured home brokers. The rules shall require that a manufactured home broker maintain a bond of a surety company authorized to transact business in this state in an amount determined by the registrar. The rules also shall require each person licensed as a manufactured home broker to maintain at all times a special or trust bank account that is noninterest-bearing, is separate and distinct from any personal or other account of the broker, and into which shall be deposited and maintained all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. In a form determined by the registrar, a manufactured home broker shall submit written proof to the registrar of the continued maintenance of the special or trust account. A depository where special or trust accounts are maintained in accordance with this section shall be located in this state. 29888  
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(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree. 29905  
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**Sec. 4517.40.** (A) No person who is engaged in or about to engage in the business of selling motor vehicles at retail shall enter into any contract, agreement, or understanding, express or implied, with any manufacturer or distributor of motor vehicles, that ~~he~~ the person will sell only to a designated person or class of persons all or any part of the retail installment contracts arising out of the sale by ~~him~~ the person of motor vehicles, or that ~~he~~ the person will refuse to sell such retail installment contracts to any designated person or class of persons. Any such contract, agreement, or understanding is void. 29907  
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(B) Whoever violates this section is guilty of a misdemeanor 29917  
of the fourth degree. 29918

**Sec. 4517.41.** (A) No manufacturer or distributor of motor 29919  
vehicles, or the officer, agent, or representative of such 29920  
manufacturer or distributor, shall induce or coerce, or attempt to 29921  
induce or coerce, any retail motor vehicle dealer or prospective 29922  
retail motor vehicle dealer to sell or refuse to sell all or any 29923  
portion of ~~his~~ the dealer's or prospective dealer's retail 29924  
installment contracts to any person or class of persons designated 29925  
by the manufacturer or distributor, by means of any statement, 29926  
suggestion, promise, or threat, made directly or indirectly, that 29927  
the manufacturer or distributor will in any manner injure or 29928  
benefit the dealer, or by means of any act of the manufacturer or 29929  
distributor that has benefited or injured the dealer, or by means 29930  
of any statement or representation, made directly or indirectly, 29931  
that the dealer is under any obligation to make or refuse to make 29932  
such sale. 29933

(B) Whoever violates this section is guilty of a misdemeanor 29934  
of the fourth degree. 29935

**Sec. 4517.42.** (A) No person engaged in the business of buying 29936  
retail installment contracts from motor vehicle dealers in this 29937  
state, and no officer, agent, or representative of such person, 29938  
shall purchase or attempt to purchase any such retail installment 29939  
contract from any motor vehicle dealer in this state in the 29940  
following circumstances: 29941

~~(A)~~(1) When the dealer in consequence of any contract, 29942  
agreement, or arrangement between such person and a manufacturer 29943  
or distributor supplying motor vehicles to the dealer has been 29944  
induced or coerced to sell the retail installment contract by 29945  
means of any statement, suggestion, promise, or threat, made 29946

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directly or indirectly, that the manufacturer or distributor 29947  
 supplying motor vehicles to the dealer would in any manner injure 29948  
 or benefit the dealer, or by means of any act of the manufacturer 29949  
 or distributor that has benefited or injured the dealer, or by 29950  
 means of any statement or representation, made directly or 29951  
 indirectly, that the dealer is under any obligation to make such 29952  
 sale; 29953

~~(B)~~(2) When such person has received or has contracted to 29954  
 receive from any manufacturer or distributor supplying motor 29955  
 vehicles to the dealer, or has given or contracted to give to the 29956  
 manufacturer or distributor, any subsidy or thing of service or 29957  
 value, where the effect of the giving or receiving of the subsidy 29958  
 or thing of service or value may be to lessen or eliminate 29959  
 competition in the business of purchasing retail installment 29960  
 contracts from motor vehicle dealers or may tend to grant an 29961  
 unfair trade advantage or to create a monopoly in such person. 29962

(B) Whoever violates this section is guilty of a misdemeanor 29963  
of the fourth degree. 29964

**Sec. 4517.43.** (A) The applications for licenses and the 29965  
 copies of contracts required by sections 4517.04, 4517.05, 29966  
 4517.051, 4517.052, 4517.06, 4517.07, 4517.08, and 4517.09 of the 29967  
 Revised Code are not part of the public records but are 29968  
 confidential information for the use of the registrar of motor 29969  
 vehicles and the motor vehicle dealers board. No person shall 29970  
 divulge any information contained in such applications and 29971  
 acquired by the person in the person's capacity as an official or 29972  
 employee of the bureau of motor vehicles or of the board, except 29973  
 in a report to the registrar, to the board, or when called upon to 29974  
 testify in any court or proceeding. 29975

(B) Whoever violates this section is guilty of a minor 29976  
misdemeanor. 29977

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**Sec. 4517.44.** (A) No manufacturer or distributor of motor vehicles, dealer in motor vehicles, or manufactured home broker, nor any owner, proprietor, person in control, or keeper of any garage, stable, shop, or other place of business, shall fail to keep or cause to be kept any record required by law.

(B) Whoever violates this section is guilty of a minor misdemeanor.

**Sec. 4517.45.** (A) No dealer licensed to sell motor vehicles at retail in this state under Chapter 4517. of the Revised Code shall attach to any motor vehicle offered for sale by ~~him~~ the dealer any tag or placard bearing ~~his~~ the dealer's name, or the name of ~~his~~ the dealer's place of business, whenever the method of attachment involves drilling or otherwise creating holes in any part of the body or trim of the vehicle, unless the purchaser consents in writing to such method of attachment.

Any damage to the body or trim of a motor vehicle that results from a violation of this section shall, at the request of the purchaser of the vehicle, be repaired by the dealer in a manner acceptable to the purchaser, and at no cost to ~~him~~ the purchaser.

(B) Whoever violates this section is guilty of a minor misdemeanor.

**Sec. 4517.64.** (A) No franchisor shall do any of the following:

~~(A)~~(1) Fail to obey a requirement or order made by the motor vehicle dealers board, or the order of any court upon application of the board;

~~(B)~~(2) Fail to perform a duty imposed upon it by sections 4517.50 to 4517.65 of the Revised Code, or do any act prohibited

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by those sections. 30007

(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. 30008  
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(C) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the fourth degree. 30011  
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**Sec. 4517.99.** ~~(A)~~ Whoever violates any provision of sections 4517.01 to 4517.65 of the Revised Code, for which no penalty ~~is~~ otherwise is provided in ~~this~~ the section that contains the provision violated, or any rule promulgated by the registrar of motor vehicles or the motor vehicle dealers board under sections 4517.01 to 4517.45 of the Revised Code, is guilty of a misdemeanor of the fourth degree. 30013  
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~~(B) Whoever violates sections 4517.43 to 4517.45 of the Revised Code is guilty of a minor misdemeanor.~~ 30020  
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~~(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.~~ 30022  
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~~(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.~~ 30028  
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**Sec. 4519.02.** (A) Except as provided in divisions (B), (C), and (D) of this section, no person shall operate any snowmobile, off-highway motorcycle, or all-purpose vehicle within this state unless the snowmobile, off-highway motorcycle, or all-purpose vehicle is registered and numbered in accordance with sections 30032  
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4519.03 and 4519.04 of the Revised Code. 30037

(B) No registration is required for a snowmobile, off-highway 30038  
motorcycle, or all-purpose vehicle that is operated exclusively 30039  
upon lands owned by the owner of the snowmobile, off-highway 30040  
motorcycle, or all-purpose vehicle, or on lands to which the owner 30041  
has a contractual right. 30042

(C) No registration is required for a snowmobile, off-highway 30043  
motorcycle, or all-purpose vehicle owned and used in this state by 30044  
a resident of another state whenever that state has in effect a 30045  
registration law similar to this chapter and the snowmobile, 30046  
off-highway motorcycle, or all-purpose vehicle is properly 30047  
registered thereunder. Any snowmobile, off-highway motorcycle, or 30048  
all purpose vehicle owned and used in this state by a resident of 30049  
another state not having such a registration requirement shall 30050  
comply with section 4519.09 of the Revised Code. 30051

(D) No registration is required for a snowmobile, off-highway 30052  
motorcycle, or all-purpose vehicle owned and used in this state by 30053  
the United States, another state, or a political subdivision 30054  
thereof, but the snowmobile, off-highway motorcycle, or 30055  
all-purpose vehicle shall display the name of the owner thereon. 30056  
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(E) The owner or operator of any all-purpose vehicle operated 30058  
or used upon the waters in this state shall comply with Chapters 30059  
1547. and 1548. of the Revised Code relative to the operation of 30060  
watercraft. 30061

(F) Except as otherwise provided in this division, whoever 30062  
violates division (A) of this section shall be fined not more than 30063  
twenty-five dollars. If the offender previously has been convicted 30064  
of or pleaded guilty to a violation of division (A) of this 30065  
section, whoever violates division (A) of this section shall be 30066  
fined not less than twenty-five nor more than fifty dollars. 30067

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**Sec. 4519.05.** (A) Whenever a registered snowmobile, 30068  
off-highway motorcycle, or all-purpose vehicle is destroyed or 30069  
similarly disposed of, the owner shall surrender the certificate 30070  
of registration to the registrar of motor vehicles or a deputy 30071  
registrar within fifteen days following the destruction or 30072  
disposal. The registrar thereupon shall cancel the certificate and 30073  
enter that fact in the registrar's records. 30074

In the case of an off-highway motorcycle or all-purpose 30075  
vehicle for which a certificate of title has been issued, the 30076  
owner also shall surrender the certificate of title to the clerk 30077  
of the court of common pleas who issued it and the clerk, with the 30078  
consent of any lienholders noted thereon, shall enter a 30079  
cancellation upon the clerk's records and shall notify the 30080  
registrar of the cancellation. Upon the cancellation of a 30081  
certificate of title in the manner prescribed by this division, 30082  
the clerk and the registrar may cancel and destroy all 30083  
certificates of title and memorandum certificates of title in that 30084  
chain of title. 30085

(B) Subject to division (B) of section 4519.03 of the Revised 30086  
Code, whenever the ownership of a registered snowmobile, 30087  
off-highway motorcycle, or all-purpose vehicle is transferred by 30088  
sale or otherwise, the new owner, within fifteen days following 30089  
the transfer, shall make application to the registrar or a deputy 30090  
registrar for the transfer of the certificate of registration. 30091  
Upon receipt of the application and a fee of one dollar, the 30092  
registrar shall transfer the certificate to the new owner and 30093  
shall enter the new owner's name and address in the registrar's 30094  
records. 30095

(C) Whenever the owner of a registered snowmobile, 30096  
off-highway motorcycle, or all-purpose vehicle changes address, 30097  
the owner shall surrender the certificate of registration to the 30098

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registrar or a deputy registrar within fifteen days following the  
address change. Upon receipt of the certificate, the registrar  
shall enter the new address thereon and shall make the appropriate  
change in the registrar's records. In a case where the owner's  
change of address involves a move outside of the state, the  
registrar shall cancel the certificate of registration for that  
snowmobile, off-highway motorcycle, or all-purpose vehicle.

(D) Whenever a certificate of registration for a snowmobile,  
off-highway motorcycle, or all-purpose vehicle is lost, mutilated,  
or destroyed, the owner may obtain a duplicate certificate, which  
shall be identified as such, upon application and the payment of a  
fee of one dollar.

(E) Whoever violates division (A), (B), or (C) of this  
section shall be fined not more than twenty-five dollars for a  
first offense; for each subsequent offense, the offender shall be  
fined not less than twenty-five nor more than fifty dollars.

**Sec. 4519.06.** (A) Any person who is a dealer in snowmobiles,  
off-highway motorcycles, or all-purpose vehicles shall make  
application for registration, for each place in this state at  
which the business of selling, manufacturing, leasing, or renting  
snowmobiles, off-highway motorcycles, or all-purpose vehicles is  
carried on. The application shall show the make of snowmobile,  
off-highway motorcycle, or all-purpose vehicle manufactured, sold,  
leased, or rented at such place, and shall be accompanied by a fee  
of twenty-five dollars. Upon the filing of the application and the  
payment of the fee therefor, the registrar of motor vehicles shall  
assign to the applicant a distinctive number. The number shall be  
displayed upon each snowmobile, off-highway motorcycle, or  
all-purpose vehicle in the places prescribed in section 4519.04 of  
the Revised Code whenever the vehicle is being used prior to sale  
or transfer. The registrar shall adopt rules specifying the manner

in which the number may be temporarily affixed to the vehicle. 30130

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Upon the termination of any dealership registered under this 30132

section, the dealer, within fifteen days following such 30133

termination, shall notify the registrar, who shall enter that fact 30134

in the registrar's records. 30135

Notwithstanding section 4517.01 of the Revised Code, a dealer 30136

licensed to sell motor vehicles also may be registered as a dealer 30137

in snowmobiles, off-highway motorcycles, or all-purpose vehicles 30138

under this section, and may display, sell, or rent such vehicles 30139

at the dealer's established place of business. 30140

(B) Except as otherwise provided in this division, whoever 30141

violates this section shall be fined not more than fifty dollars. 30142

If the offender previously has been convicted of or pleaded guilty 30143

to a violation of this section, whoever violates this section 30144

shall be fined not less than fifty nor more than two hundred 30145

dollars. 30146

**Sec. 4519.20.** (A) The director of public safety, pursuant to 30147

Chapter 119. of the Revised Code, shall adopt rules for the 30148

equipment of snowmobiles, off-highway motorcycles, and all-purpose 30149

vehicles. The rules may be revised from time to time as the 30150

director considers necessary, and shall include, but not 30151

necessarily be limited to, requirements for the following items of 30152

equipment: 30153

(1) At least one headlight having a minimum candlepower of 30154

sufficient intensity to reveal persons and objects at a distance 30155

of at least one hundred feet ahead under normal atmospheric 30156

conditions during hours of darkness; 30157

(2) At least one red tail light having a minimum candlepower 30158

of sufficient intensity to be plainly visible from a distance of 30159



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five hundred feet to the rear under normal atmospheric conditions 30160  
during hours of darkness; 30161

(3) Adequate brakes. Every snowmobile, while traveling on 30162  
packed snow, shall be capable of carrying a driver who weighs one 30163  
hundred seventy-five pounds or more, and, while carrying such 30164  
driver, be capable of stopping in not more than forty feet from an 30165  
initial steady speed of twenty miles per hour, or locking its 30166  
traction belt. 30167

(4) A muffler system capable of precluding the emission of 30168  
excessive smoke or exhaust fumes, and of limiting the engine noise 30169  
of vehicles. On snowmobiles manufactured after January 1, 1973, 30170  
such requirement shall include sound dampening equipment such that 30171  
noise does not exceed eighty-two decibels on the "A" scale at 30172  
fifty feet as measured according to SAE J192 (September 1970). 30173

(B) No person shall operate any snowmobile, off-highway 30174  
motorcycle, or all-purpose vehicle in violation of division 30175  
(A)(1), (2), (3), or (4) of this section, except that equipment 30176  
specified in divisions (A)(1) and (2) of this section shall not be 30177  
required on snowmobiles, off-highway motorcycles, or all-purpose 30178  
vehicles operated during the daylight hours. 30179

(C) Except as otherwise provided in this division, whoever 30180  
violates division (B) of this section shall be fined not more than 30181  
fifty dollars. If the offender within the preceding year 30182  
previously has committed a violation of division (B) of this 30183  
section, whoever violates division (B) of this section shall be 30184  
fined not less than fifteen nor more than one hundred dollars, 30185  
imprisoned not more than three days, or both. 30186

**Sec. 4519.22.** (A) No person shall have for sale, sell, offer 30187  
for sale, lease, rent, or otherwise furnish for hire in this state 30188  
any new snowmobile, off-highway motorcycle, or all-purpose vehicle 30189  
that fails to comply with any rule adopted by the director of 30190

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public safety under section 4519.20 of the Revised Code, after the 30191  
effective date of the rule. 30192

(B) Except as otherwise provided in this division, whoever 30193  
violates this section shall be fined not more than fifty dollars. 30194  
If the offender within the preceding year previously has committed 30195  
a violation of this section, whoever violates this section shall 30196  
be fined not less than fifteen nor more than one hundred dollars, 30197  
imprisoned not more than three days, or both. 30198

**Sec. 4519.40.** (A) The applicable provisions of Chapters 4511. 30199  
and 4549. of the Revised Code shall be applied to the operation of 30200  
snowmobiles, off-highway motorcycles, and all-purpose vehicles, 30201  
except that no snowmobile, off-highway motorcycle, or all-purpose 30202  
vehicle shall be operated as follows: 30203

(A)(1) On any limited access highway or freeway or the 30204  
right-of-way thereof, except for emergency travel only during such 30205  
time and in such manner as the director of public safety shall 30206  
designate; 30207

(B)(2) On any private property, or in any nursery or planting 30208  
area, without the permission of the owner or other person having 30209  
the right to possession of the property; 30210

(C)(3) On any land or waters controlled by the state, except 30211  
at those locations where a sign has been posted permitting such 30212  
operation; 30213

(D)(4) On the tracks or right-of-way of any operating 30214  
railroad; 30215

(E)(5) While transporting any firearm, bow, or other 30216  
implement for hunting, that is not unloaded and securely encased; 30217

(F)(6) For the purpose of chasing, pursuing, capturing, or 30218  
killing any animal or wildfowl; 30219

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~~(G)~~(7) During the time from sunset to sunrise, unless 30220  
displaying lighted lights as required by section 4519.20 of the 30221  
Revised Code. 30222

(B) Whoever violates this section shall be fined not less 30223  
than fifty nor more than five hundred dollars, imprisoned not less 30224  
than three nor more than thirty days, or both. 30225

**Sec. 4519.41.** Snowmobiles, off-highway motorcycles, and 30226  
all-purpose vehicles may be operated as follows: 30227

(A) To make a crossing of a highway, other than a highway as 30228  
designated in division (A)(1) of section 4519.40 of the Revised 30229  
Code, whenever the crossing can be made in safety and will not 30230  
interfere with the movement of vehicular traffic approaching from 30231  
any direction on the highway, and provided that the operator 30232  
yields the right-of-way to any approaching traffic that presents 30233  
an immediate hazard; 30234

(B) On highways in the county or township road systems 30235  
whenever the local authority having jurisdiction over such 30236  
highways so permits; 30237

(C) Off and alongside a street or highway for limited 30238  
distances from the point of unloading from a conveyance to the 30239  
point at which the snowmobile, off-highway motorcycle, or 30240  
all-purpose vehicle is intended and authorized to be operated; 30241

(D) On the berm or shoulder of a highway, other than a 30242  
highway as designated in division (A)(1) of section 4519.40 of the 30243  
Revised Code, when the terrain permits such operation to be 30244  
undertaken safely and without the necessity of entering any 30245  
traffic lane; 30246

(E) On the berm or shoulder of a county or township road, 30247  
while traveling from one area of operation of the snowmobile, 30248  
off-highway motorcycle, or all-purpose vehicle to another such 30249

area.

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**Sec. 4519.44.** (A) No person who does not hold a valid,  
current motor vehicle driver's or commercial driver's license,  
motorcycle operator's endorsement, or probationary license, issued  
under Chapter 4506. or 4507. of the Revised Code, shall operate a  
snowmobile, off-highway motorcycle, or all-purpose vehicle on any  
street or highway in this state, on any portion of the  
right-of-way thereof, or on any public land or waters.

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(B) No person who is less than sixteen years of age shall  
operate a snowmobile, off-highway motorcycle, or all-purpose  
vehicle on any land or waters other than private property or  
waters owned by or leased to the person's parent or guardian,  
unless accompanied by another person who is eighteen years of age,  
or older, and who holds a license as provided in division (A) of  
this section, except that the department of natural resources may  
permit such operation on state controlled land under its  
jurisdiction when such person is less than sixteen years of age,  
but is twelve years of age or older and is accompanied by a parent  
or guardian who is a licensed driver eighteen years of age or  
older.

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(C) Whoever violates this section shall be fined not less  
than fifty nor more than five hundred dollars, imprisoned not less  
than three nor more than thirty days, or both.

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**Sec. 4519.45.** (A) Any dealer who rents, leases, or otherwise  
furnishes a snowmobile, off-highway motorcycle, or all-purpose  
vehicle for hire shall maintain the vehicle in safe operating  
condition. No dealer, or agent or employee of a dealer, shall  
rent, lease, or otherwise furnish a snowmobile, off-highway  
motorcycle, or all-purpose vehicle for hire to any person who does  
not hold a license as required by division (A) of section 4519.44

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of the Revised Code, or to any person whom the dealer or an agent 30280  
or employee of the dealer has reasonable cause to believe is 30281  
incompetent to operate the vehicle in a safe and lawful manner. 30282

(B) Whoever violates this section shall be fined not less 30283  
than one hundred nor more than five hundred dollars. 30284

**Sec. 4519.52.** (A) Except as provided in section 4519.54 of 30285  
the Revised Code, on and after ~~the effective date of this section~~ 30286  
July 1, 1999, no dealer engaged in the business of selling new or 30287  
used off-highway motorcycles or all-purpose vehicles shall sell or 30288  
otherwise transfer a new or used off-highway motorcycle or 30289  
all-purpose vehicle without obtaining a certificate of title to 30290  
the new or used motorcycle or vehicle, in accordance with this 30291  
chapter, and delivering the certificate of title or memorandum 30292  
certificate of title to the purchaser or transferee. 30293

(B)(1) A person who is not a dealer engaged in the business 30294  
of selling new or used off-highway motorcycles or all-purpose 30295  
vehicles and who, on and after ~~the effective date of this section~~ 30296  
July 1, 1999, owns an off-highway motorcycle or all-purpose 30297  
vehicle, may choose to obtain a certificate of title to the 30298  
motorcycle or vehicle. The person shall comply with this chapter 30299  
in order to obtain the certificate of title. 30300

(2) If a person who is not a dealer engaged in the business 30301  
of selling new or used off-highway motorcycles or all-purpose 30302  
vehicles and who owns an off-highway motorcycle or all-purpose 30303  
vehicle obtains a certificate of title to the motorcycle or 30304  
vehicle, that person shall not sell or otherwise transfer the 30305  
motorcycle or vehicle without delivering to the purchaser or 30306  
transferee a certificate of title with such assignment thereon as 30307  
is necessary to show title in the purchaser or transferee, and no 30308  
person shall subsequently purchase or otherwise acquire the 30309  
motorcycle or vehicle without obtaining a certificate of title to 30310

the motorcycle or vehicle in the person's own name. 30311

(C) Whoever violates this section shall be fined fifty 30312  
dollars. 30313

**Sec. 4519.66. (A)** No person shall do any of the following: 30314

~~(A)~~(1) Operate in this state an off-highway motorcycle or 30315  
all-purpose vehicle without having a certificate of title for the 30316  
off-highway motorcycle or all-purpose vehicle, if such a 30317  
certificate is required by this chapter to be issued for the 30318  
off-highway motorcycle or all-purpose vehicle; 30319

~~(B)~~(2) Operate in this state an off-highway motorcycle or 30320  
all-purpose vehicle if a certificate of title to the off-highway 30321  
motorcycle or all-purpose vehicle has been issued and then has 30322  
been canceled; 30323

~~(C)~~(3) Fail to surrender any certificate of title upon 30324  
cancellation of the same by the registrar of motor vehicles and 30325  
notice thereof as prescribed in this chapter; 30326

~~(D)~~(4) Fail to surrender the certificate of title to the 30327  
clerk of the court of common pleas as provided in this chapter, in 30328  
case of the destruction or dismantling of, or change in, the 30329  
off-highway motorcycle or all-purpose vehicle described in the 30330  
certificate of title; 30331

~~(E)~~(5) Violate sections 4519.51 to 4519.70 of the Revised 30332  
Code for which no penalty is otherwise provided in the section 30333  
violated or any lawful rules promulgated pursuant to those 30334  
sections. 30335

(B) Whoever violates this section shall be fined not more 30336  
than two hundred dollars, imprisoned not more than ninety days, or 30337  
both. 30338

**Sec. 4519.67. (A)** No person shall do any of the following: 30339

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~~(A)~~(1) Procure or attempt to procure a certificate of title 30340  
to an off-highway motorcycle or all-purpose vehicle, or pass or 30341  
attempt to pass a certificate of title or any assignment thereof 30342  
to an off-highway motorcycle or all-purpose vehicle, knowing or 30343  
having reason to believe that the off-highway motorcycle or 30344  
all-purpose vehicle has been stolen; 30345

~~(B)~~(2) Sell or offer for sale in this state an off-highway 30346  
motorcycle or all-purpose vehicle on which the manufacturer's or 30347  
assigned vehicle identification number has been destroyed, 30348  
removed, covered, altered, or defaced with knowledge of the 30349  
destruction, removal, covering, alteration, or defacement of the 30350  
manufacturer's or assigned vehicle identification number; 30351

~~(C)~~(3) Sell or transfer an off-highway motorcycle or 30352  
all-purpose vehicle without delivering to the purchaser or 30353  
transferee thereof a certificate of title, or a manufacturer's or 30354  
importer's certificate thereto, assigned to the purchaser as 30355  
provided for in this chapter. 30356

(B) Whoever violates this section shall be fined not more 30357  
than five thousand dollars, imprisoned in the county jail or 30358  
workhouse not less than six months nor more than one year or in 30359  
the penitentiary not less than one year nor more than five years, 30360  
or both. 30361

**Sec. 4549.01.** (A) No person while operating a motor vehicle 30362  
shall fail to slow down and stop ~~said~~ the vehicle when signalled 30363  
to do so upon meeting or overtaking a horse-drawn vehicle or 30364  
person on horseback and to remain stationary until ~~such~~ the 30365  
vehicle or person has passed, provided ~~such~~ the signal to stop is 30366  
given in good faith, under circumstances of necessity, and only as 30367  
often and for ~~such~~ that length of time as is required for ~~such~~ the 30368  
vehicle or person to pass, whether it is approaching from the 30369  
front or rear. 30370

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(B) Whoever violates this section is guilty of a minor 30371  
misdemeanor on a first offense and a misdemeanor of the fourth 30372  
degree on each subsequent offense. 30373

**Sec. 4549.02.** (A) In case of accident to or collision with 30374  
persons or property upon any of the public roads or highways, due 30375  
to the driving or operation thereon of any motor vehicle, the 30376  
person ~~so~~ driving or operating ~~such~~ the motor vehicle, having 30377  
knowledge of ~~such~~ the accident or collision, ~~shall~~ immediately 30378  
shall stop ~~his~~ the driver's or operator's motor vehicle at the 30379  
scene of the accident or collision and shall remain at the scene 30380  
of ~~such~~ the accident or collision until ~~he~~ the driver or operator 30381  
has given ~~his~~ the driver's or operator's name and address and, if 30382  
~~he~~ the driver or operator is not the owner, the name and address 30383  
of the owner of ~~such~~ that motor vehicle, together with the 30384  
registered number of ~~such~~ that motor vehicle, to any person 30385  
injured in ~~such~~ the accident or collision or to the operator, 30386  
occupant, owner, or attendant of any motor vehicle damaged in ~~such~~ 30387  
the accident or collision, or to any police officer at the scene 30388  
of ~~such~~ the accident or collision. 30389

In the event the injured person is unable to comprehend and 30390  
record the information required to be given by this section, the 30391  
other driver involved in ~~such~~ the accident or collision ~~shall~~ 30392  
forthwith shall notify the nearest police authority concerning the 30393  
location of the accident or collision, and ~~his~~ the driver's name, 30394  
address, and the registered number of the motor vehicle ~~he~~ the 30395  
driver was operating, and then remain at the scene of the accident 30396  
or collision until a police officer arrives, unless removed from 30397  
the scene by an emergency vehicle operated by a political 30398  
subdivision or an ambulance. 30399

If ~~such~~ the accident or collision is with an unoccupied or 30400  
unattended motor vehicle, the operator ~~so colliding~~ who collides 30401



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with ~~such~~ the motor vehicle shall securely attach the information 30402  
 required to be given in this section, in writing, to a conspicuous 30403  
 place in or on ~~said~~ the unoccupied or unattended motor vehicle. 30404

(B) Whoever violates division (A) of this section is guilty 30405  
of failure to stop after an accident, a misdemeanor of the first 30406  
degree. If the violation results in serious physical harm or death 30407  
to a person, failure to stop after an accident is a felony of the 30408  
fifth degree. The court, in addition to any other penalties 30409  
provided by law, shall impose upon the offender a class five 30410  
suspension of the offender's driver's license, commercial driver's 30411  
license, temporary instruction permit, probationary license, or 30412  
nonresident operating privilege from the range specified in 30413  
division (A)(5) of section 4510.02 of the Revised Code. 30414

30415

**Sec. 4549.021.** (A) In case of accident or collision resulting 30416  
in injury or damage to persons or property upon any public or 30417  
private property other than public roads or highways, due to the 30418  
driving or operation thereon of any motor vehicle, the person ~~so~~ 30419  
driving or operating ~~such~~ the motor vehicle, having knowledge of 30420  
~~such~~ the accident or collision, shall stop, and, upon request of 30421  
the person injured or damaged, or any other person, shall give 30422  
~~such~~ that person ~~his~~ the driver's or operator's name and address, 30423  
and, if ~~he~~ the driver or operator is not the owner, the name and 30424  
address of the owner of ~~such~~ that motor vehicle, together with the 30425  
registered number of ~~such~~ that motor vehicle, and, if available, 30426  
exhibit ~~his~~ the driver's or operator's driver's or commercial 30427  
driver's license. 30428

If the owner or person in charge of ~~such~~ the damaged property 30429  
 is not furnished such information, the driver of the motor vehicle 30430  
 involved in the accident or collision ~~shall~~, within twenty-four 30431  
 hours after ~~such~~ the accident or collision, shall forward to the 30432  
 police department of the city or village in which ~~such~~ the 30433

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accident or collision occurred or if it occurred outside the 30434  
corporate limits of a city or village to the sheriff of the county 30435  
in which ~~such~~ the accident or collision occurred the same 30436  
information required to be given to the owner or person in control 30437  
of ~~such~~ the damaged property and give the date, time, and location 30438  
of the accident or collision. 30439

If the accident or collision is with an unoccupied or 30440  
unattended motor vehicle, the operator ~~so colliding~~ who collides 30441  
with ~~such~~ the motor vehicle shall securely attach the information 30442  
required to be given in this section, in writing, to a conspicuous 30443  
place in or on the unoccupied or unattended motor vehicle. 30444

(B) Whoever violates division (A) of this section is guilty 30445  
of failure to stop after a nonpublic road accident, a misdemeanor 30446  
of the first degree. If the violation results in serious physical 30447  
harm or death to a person, failure to stop after a nonpublic road 30448  
accident is a felony of the fifth degree. The court, in addition 30449  
to any other penalties provided by law, shall impose upon the 30450  
offender a class five suspension of the offender's driver's 30451  
license, commercial driver's license, temporary instruction 30452  
permit, probationary license, or nonresident operating privilege 30453  
from the range specified in division (A)(5) of section 4510.02 of 30454  
the Revised Code. 30455

**Sec. 4549.03.** (A) The driver of any vehicle involved in an 30456  
accident resulting in damage to real property, or personal 30457  
property attached to ~~such~~ real property, legally upon or adjacent 30458  
to a public road or highway ~~shall~~ immediately shall stop and take 30459  
reasonable steps to locate and notify the owner or person in 30460  
charge of ~~such~~ the property of ~~such~~ that fact, of ~~his~~ the driver's 30461  
name and ~~his~~ address, and of the registration number of the 30462  
vehicle ~~he~~ the driver is driving and ~~shall~~, upon request and if 30463  
available, shall exhibit ~~his~~ the driver's driver's or commercial 30464  
driver's license. 30465

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If the owner or person in charge of ~~such the~~ property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to ~~such the~~ property ~~shall~~, within twenty-four hours after ~~such the~~ accident, shall forward to the police department of the city or village in which ~~such the~~ accident or collision occurred, or if it occurred outside the corporate limits of a city or village to the sheriff of the county in which ~~such the~~ accident or collision occurred, the same information required to be given to the owner or person in control of ~~such the~~ property and give the location of the accident and a description of the damage insofar as it is known.

(B) Whoever violates division (A) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

**Sec. 4549.042.** (A)(1) No person shall sell or otherwise dispose of a master key designed to fit more than one motor vehicle, knowing or having reasonable cause to believe ~~such the~~ key will be used to commit a crime.

(2) No person shall buy, receive, or have in ~~his~~ the person's possession a master key designed to fit more than one motor vehicle, for the purpose of using ~~such the~~ key to commit a crime.

(B) Whoever violates division (A)(1) or (2) of this section is guilty of a motor vehicle master key violation, a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

**Sec. 4549.08.** (A) No person shall operate or drive a motor vehicle upon the public roads and highways in this state if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

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<del>(A)</del> (1) Is fictitious;	30496
<del>(B)</del> (2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;	30497 30498
<del>(C)</del> (3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public roads and highways in this state when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public roads and highways in this state, during the thirty-day period described in division <del>(C)</del> (A)(3) of section 4503.12 of the Revised Code.	30499 30500 30501 30502 30503 30504 30505 30506
(B) A person who fails to comply with the transfer of registration provisions of section 4503.12 of the Revised Code and is charged with a violation of that section shall not be charged with a violation of this section.	30507 30508 30509 30510
<u>(C) Whoever violates division (A)(1), (2), or (3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.</u>	30511 30512 30513 30514 30515
<b>Sec. 4549.10.</b> (A) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless <del>such</del> <u>the</u> vehicle carries and displays two placards, except as provided in section 4503.21 of the Revised Code, issued by the director of public safety, <del>bearing that bear</del> the registration number of its manufacturer or dealer.	30516 30517 30518 30519 30520 30521
<u>(B) Whoever violates division (A) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.</u>	30522 30523 30524 30525

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**Sec. 4549.11.** (A) No person shall operate or drive upon the highways of this state a motor vehicle acquired from a former owner who has registered the ~~same~~ motor vehicle, while ~~such~~ the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration.

(B) Whoever violates division (A) of this section is guilty of operation of a motor vehicle bearing license plates or an identification mark issued to another, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

**Sec. 4549.12.** (A) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive ~~such~~ the motor vehicle upon the highways of this state, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this state relating to the registration and identification of motor vehicles.

(B) Whoever violates division (A) of this section is guilty of illegal operation by a resident of this state of a motor vehicle bearing the distinctive number or identification mark issued by a foreign jurisdiction, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

**Sec. 4549.18.** (A) The operator of a "commercial car," as defined in section 4501.01 of the Revised Code, when ~~such~~ the commercial car is required to be registered under the Revised Code, shall, when operating ~~such~~ the commercial car, trailer, or semitrailer on the streets, roads, or highways of this state, display inside or on the vehicle the certificate of registration for ~~such~~ the commercial car, trailer, or semitrailer provided for

in section 4503.19 of the Revised Code, or shall carry ~~such the~~ 30556  
certificate on ~~his~~ the operator's person and display ~~such~~ 30557  
~~certificate it~~ upon the demand of any state highway patrol trooper 30558  
or other peace officer. 30559

Every person operating a commercial car, trailer, or 30560  
semitrailer required to be registered under the Revised Code, 30561  
shall permit the inspection of the certificate of registration 30562  
upon demand of the superintendent or any member of the state 30563  
highway patrol or other peace officer of this state. 30564

(B) Whoever violates division (A) of this section is guilty 30565  
of a commercial car certificate of registration violation, a minor 30566  
misdemeanor. 30567

**Sec. 4549.42.** (A) No person shall adjust, alter, change, 30568  
tamper with, advance, set back, disconnect, or fail to connect, an 30569  
odometer of a motor vehicle, or cause any of the foregoing to 30570  
occur to an odometer of a motor vehicle with the intent to alter 30571  
the number of miles registered on the odometer. 30572

(B) Division (A) of this section does not apply to the 30573  
disconnection of an odometer used for registering the mileage of 30574  
any new motor vehicle being tested by the manufacturer prior to 30575  
delivery to a franchise dealer. 30576

(C) Nothing in this section ~~shall prevent~~ prevents the 30577  
service of an odometer, provided that after ~~such the~~ service a 30578  
completed form, captioned "notice of odometer repair", shall be 30579  
attached to the left door frame of the motor vehicle by the person 30580  
performing ~~such the~~ repairs. ~~Such~~ The notice shall contain, in 30581  
bold-face type, the following information and statements: 30582

"Notice of Odometer Repair 30583

The odometer of this motor vehicle was repaired or replaced 30584  
on ..... (date of service). 30585

The mileage registered on the odometer of this motor vehicle 30586  
before repair was ..... (mileage). 30587

The mileage registered on the odometer of this motor vehicle 30588  
after repair is ..... (mileage). 30589

..... 30590  
(~~Repairman's~~ Repairer's  
signature)" 30591

(D) No person shall intentionally remove or alter the notice 30592  
required by division (C) of this section. 30593

(E) If after the service of an odometer, the odometer can be 30594  
set at the same mileage as before ~~such~~ the service, the odometer 30595  
shall be adjusted to reflect that mileage registered on the 30596  
odometer of the motor vehicle before the service. If the odometer 30597  
cannot be set at the same mileage as before ~~such~~ the service, the 30598  
odometer of the motor vehicle shall be adjusted to read "zero". 30599

(F) Except as otherwise provided in this division, whoever 30600  
violates this section is guilty of tampering with an odometer, a 30601  
felony of the fifth degree. If the offender previously has been 30602  
convicted of or pleaded guilty to a violation of this section or 30603  
of any provision of sections 4549.43 to 4549.46 of the Revised 30604  
Code, tampering with an odometer is a felony of the fourth degree. 30605

**Sec. 4549.43.** (A) No person, with intent to defraud, shall 30606  
advertise for sale, sell, use, or install on any part of any motor 30607  
vehicle or an odometer in any motor vehicle any device ~~which~~ that 30608  
causes the odometer to register any mileage other than the actual 30609  
mileage driven by the motor vehicle. For the purpose of this 30610  
section, the actual mileage driven is that mileage driven by the 30611  
motor vehicle as registered by an odometer within the 30612  
manufacturer's designed tolerance. 30613

(B) Except as otherwise provided in this division, whoever 30614

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violates this section is guilty of selling or installing an 30615  
odometer tampering device, a felony of the fourth degree. If the 30616  
offender previously has been convicted of or pleaded guilty to a 30617  
violation of this section, section 4549.42, or any provision of 30618  
sections 4549.44 to 4549.46 of the Revised Code, selling or 30619  
installing an odometer tampering device is a felony of the third 30620  
degree. 30621

**Sec. 4549.44.** (A) No person, with intent to defraud, shall 30622  
operate a motor vehicle on any public street, road, or highway of 30623  
this state knowing that the odometer of ~~such~~ the vehicle is 30624  
disconnected or nonfunctional. 30625

A person's intent to defraud under this section may be 30626  
inferred from evidence of the circumstances of the vehicle's 30627  
operation, including facts pertaining to the length of time or 30628  
number of miles of operation with a nonfunctioning or disconnected 30629  
odometer, and the fact that the person subsequently transferred 30630  
the vehicle without disclosing the inoperative odometer to the 30631  
transferee in violation of section 4549.45 of the Revised Code. 30632

(B) Except as otherwise provided in this division, whoever 30633  
violates this section is guilty of fraudulent driving without a 30634  
functional odometer, a felony of the fourth degree. If the 30635  
offender previously has been convicted of or pleaded guilty to a 30636  
violation of this section, section 4549.42 or 4549.43, or any 30637  
provision of sections 4549.45 to 4549.46 of the Revised Code, 30638  
fraudulent driving without a functional odometer is a felony of 30639  
the third degree. 30640

**Sec. 4549.45.** (A) No person shall transfer a motor vehicle if 30641  
the person knows or recklessly disregards facts indicating that 30642  
the odometer of the motor vehicle has been changed, tampered with, 30643  
or disconnected, or has been in any other manner nonfunctional, to 30644  
reflect a lesser mileage or use, unless that person gives clear 30645



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and unequivocal notice of ~~such~~ the tampering or nonfunction or of 30646  
~~his~~ the person's reasonable belief of tampering or nonfunction, to 30647  
the transferee in writing prior to the transfer. In a prosecution 30648  
for violation of this section, evidence that a transferor or ~~his~~ 30649  
the transferor's agent has changed, tampered with, disconnected, 30650  
or failed to connect the odometer of the motor vehicle constitutes 30651  
prima-facie evidence of knowledge of the odometer's altered 30652  
condition. 30653

(B) Except as otherwise provided in this division, whoever 30654  
violates this section is guilty of transferring a motor vehicle 30655  
that has a tampered or nonfunctional odometer, a felony of the 30656  
fourth degree. If the offender previously has been convicted of or 30657  
pleaded guilty to a violation of this section, any provision of 30658  
sections 4549.42 to 4549.44, or any provision of section 4549.451 30659  
or 4549.46 of the Revised Code, transferring a motor vehicle that 30660  
has a tampered or nonfunctional odometer is a felony of the third 30661  
degree. 30662

**Sec. 4549.451.** (A) No auctioneer licensed under Chapter 4707. 30663  
of the Revised Code shall advertise for sale by means of any 30664  
written advertisement, brochure, flyer, or other writing, any 30665  
motor vehicle the auctioneer knows or has reason to believe has an 30666  
odometer that has been changed, tampered with, or disconnected, or 30667  
in any other manner has been nonfunctional, unless the listing or 30668  
description of the vehicle contained in the written advertisement, 30669  
brochure, flyer, or other writing contains one of the two 30670  
following statements: 30671

~~(A)~~(1) "This motor vehicle has an odometer that has been 30672  
changed, tampered with, or disconnected, or otherwise has been 30673  
nonfunctional." 30674

~~(B)~~(2) "Nonactual odometer reading: warning - odometer 30675  
discrepancy." 30676

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(B) The statement selected by the auctioneer shall be printed 30677  
in type identical in size to the other type used in the listing or 30678  
description, and shall be located within the listing or 30679  
description and not located as a footnote to the listing or 30680  
description. 30681

(C) Except as otherwise provided in this division, whoever 30682  
violates this section is guilty of a felony of the fourth degree. 30683  
If the offender previously has been convicted of or pleaded guilty 30684  
to a violation of this section, any provision of sections 4549.42 30685  
to 4549.45, or section 4549.46 of the Revised Code, whoever 30686  
violates this section is guilty of a felony of the third degree. 30687

**Sec. 4549.46.** (A) No transferor shall fail to provide the 30688  
true and complete odometer disclosures required by section 4505.06 30689  
of the Revised Code. The transferor of a motor vehicle is not in 30690  
violation of this ~~section's provisions~~ division requiring a true 30691  
odometer reading if the odometer reading is incorrect due to a 30692  
previous owner's violation of any of the provisions contained in 30693  
sections 4549.42 to 4549.46 of the Revised Code, unless the 30694  
transferor knows of or recklessly disregards facts indicating the 30695  
violation. 30696

(B) No dealer or wholesaler who acquires ownership of a motor 30697  
vehicle shall accept any written odometer disclosure statement 30698  
unless the statement is completed as required by section 4505.06 30699  
of the Revised Code. 30700

(C) A motor vehicle leasing dealer may obtain a written 30701  
odometer disclosure statement completed as required by section 30702  
4505.06 of the Revised Code from a motor vehicle lessee that can 30703  
be used as prima-facie evidence in any legal action arising under 30704  
sections 4549.41 to 4549.46 of the Revised Code. 30705

(D) Except as otherwise provided in this division, whoever 30706  
violates division (A) or (B) of this section is guilty of an 30707

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odometer disclosure violation, a felony of the fourth degree. If 30708  
the offender previously has been convicted of or pleaded guilty to 30709  
a violation of this section or any provision of sections 4549.42 30710  
to 4549.451 of the Revised Code, a violation of this section is a 30711  
felony of the third degree. 30712

Sec. 4549.52. The prosecuting attorney of the county in which 30713  
a violation of any provision of sections 4549.41 to 4549.51 of the 30714  
Revised Code occurs, or the attorney general, may bring a criminal 30715  
action to enforce the provisions of sections 4549.41 to 4549.51 of 30716  
the Revised Code. The attorney general and the prosecuting 30717  
attorney of the county in which a person licensed or granted a 30718  
permit under Chapter 4517. of the Revised Code is convicted of or 30719  
pleads guilty to a violation of any provision of sections 4549.41 30720  
to 4549.46 of the Revised Code shall report the conviction or 30721  
guilty plea to the registrar of motor vehicles within five 30722  
business days of the conviction or plea. 30723

Sec. 4549.62. (A) No person shall, with purpose to conceal or 30724  
destroy the identity of a vehicle or vehicle part, shall remove, 30725  
deface, cover, alter, or destroy any vehicle identification number 30726  
or derivative thereof of a vehicle identification number on a 30727  
vehicle or vehicle part. 30728

(B) No person shall, with purpose to conceal or destroy the 30729  
identity of a vehicle or a vehicle part, shall remove, deface, 30730  
cover, alter, or destroy any identifying number that has been 30731  
lawfully placed upon a vehicle or vehicle part by an owner of the 30732  
vehicle or vehicle part, other than the manufacturer, for the 30733  
purpose of deterring its theft and facilitating its recovery if 30734  
stolen. 30735

(C) No person shall, with purpose to conceal or destroy the 30736  
identity of a vehicle or vehicle part, shall place a counterfeit 30737  
vehicle identification number or derivative thereof of a vehicle 30738

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identification number upon the vehicle or vehicle part. 30739

(D)(1) No person shall buy, offer to buy, sell, offer to 30740  
sell, receive, dispose of, conceal, or, except as provided in 30741  
division (D)(4) of this section, possess any vehicle or vehicle 30742  
part with knowledge that the vehicle identification number or a 30743  
derivative ~~thereof~~ of the vehicle identification number has been 30744  
removed, defaced, covered, altered, or destroyed in such a manner 30745  
that the identity of the vehicle or part cannot be determined by a 30746  
visual examination of the number at the site where the 30747  
manufacturer placed the number. 30748

(2)(a) A vehicle or vehicle part from which the vehicle 30749  
identification number or a derivative ~~thereof~~ of the vehicle  
identification number has been so removed, defaced, covered, 30750  
altered, or destroyed shall be seized and forfeited under section 30751  
2933.41 of the Revised Code unless division (D)(3) or (4) of this 30752  
section applies to the vehicle or part. If a derivative of the 30753  
vehicle identification number has been removed, defaced, covered, 30754  
altered, or destroyed in such a manner that the identity of the 30755  
part cannot be determined, the entire vehicle is subject to 30756  
seizure pending a determination of the original identity and 30757  
ownership of the vehicle and parts of the vehicle, and the rights 30758  
of innocent owners to reclaim the remainder or any part of the 30759  
vehicle. 30760  
30761

(b) The lawful owners of parts upon a vehicle that has been 30762  
seized under this section and that is subject to forfeiture under 30763  
section 2933.41 of the Revised Code are entitled to reclaim their 30764  
respective parts upon satisfactory proof of all of the following: 30765

(i) That the part is not needed for evidence in pending 30766  
proceedings involving the vehicle or part and is not subject to 30767  
forfeiture under section 2933.41 of the Revised Code; 30768

(ii) That the original identity and ownership of the part can 30769  
be determined and that the claimant is the lawful owner of the 30770

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- part; 30771
- (iii) That no vehicle identification number or derivative of 30772  
a vehicle identification number on the part has been destroyed or 30773  
concealed in such a manner that the identity of the part cannot be 30774  
determined from that number; 30775
- (iv) Payment of all costs of removing the part. 30776
- (3) Divisions (A), (B), and (D)(1) and (2) of this section do 30777  
not apply to the good faith acquisition and disposition of 30778  
vehicles and vehicle parts as junk or scrap in the ordinary course 30779  
of business by a scrap metal processing facility as defined in 30780  
division ~~(E)~~(D) of section 4737.05 of the Revised Code or by a 30781  
motor vehicle salvage dealer licensed under Chapter 4738. of the 30782  
Revised Code. This division ~~(D)~~(3) does not create an element of 30783  
an offense or an affirmative defense, or affect the burden of 30784  
proceeding with the evidence or burden of proof in a criminal 30785  
proceeding. 30786
- (4)(a) Divisions (D)(1) and (2) of this section do not apply 30787  
to the possession of an owner, or the owner's insurer, who 30788  
provides satisfactory evidence of all of the following: 30789
- (i) That the vehicle identification number or derivative 30790  
thereof on the vehicle or part has been removed, defaced, covered, 30791  
altered, or destroyed, after the owner acquired such possession, 30792  
by another person without the consent of the owner, by accident or 30793  
other casualty not due to the owner's purpose to conceal or 30794  
destroy the identity of the vehicle or vehicle part, or by 30795  
ordinary wear and tear; 30796
- (ii) That the person is the owner of the vehicle as shown on 30797  
a valid certificate of title issued by this state or certificate 30798  
of title or other lawful evidence of title issued in another 30799  
state, in a clear chain of title beginning with the manufacturer; 30800
- (iii) That the original identity of the vehicle can be 30801

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established in a manner that excludes any reasonable probability  
that the vehicle has been stolen from another person. 30802  
30803

(b) The registrar of motor vehicles shall adopt rules under 30804  
Chapter 119. of the Revised Code to permit an owner described in 30805  
division (D)(4)(a) of this section, upon application and 30806  
submission of satisfactory evidence to the registrar ~~of motor~~ 30807  
~~vehicles~~, to obtain authority to replace the vehicle 30808  
identification number under the supervision of a peace officer, 30809  
trooper of the state highway patrol, or representative of the 30810  
registrar. The rules shall be designed to restore the 30811  
identification of the vehicle in a manner that will deter its 30812  
theft and facilitate its marketability. Until such rules are 30813  
adopted, the registrar shall follow the existing procedure for the 30814  
replacement of vehicle identification numbers that have been 30815  
established by the registrar, with such modifications as the 30816  
registrar determines to be necessary or appropriate for the 30817  
administration of the laws ~~he~~ the registrar is required to 30818  
administer. 30819

The registrar may issue a temporary permit to an owner of a 30820  
motor vehicle who is described in division (D)(4)(a) of this 30821  
section to authorize the owner to retain possession of the motor 30822  
vehicle and to transfer title to the motor vehicle with the 30823  
consent of the registrar. 30824

(c) No owner described in division (D)(4)(a) of this section 30825  
shall ~~knowingly~~ fail knowingly to apply to the registrar for 30826  
authority to replace the vehicle identification number, within 30827  
thirty days after the later of the following dates: 30828

(i) The date of receipt by the applicant of actual knowledge 30829  
of the concealment or destruction; 30830

(ii) If the property has been stolen, the date thereafter 30831  
upon which the applicant obtains possession of the vehicle or has 30832

been notified by a law enforcement agency that the vehicle has  
been recovered. 30833  
30834

The requirement of division (D)(4)(c) of this section may be  
excused by the registrar for good cause shown. 30835  
30836

(E) Whoever violates division (A), (B), (C), or (D)(1) of  
this section is guilty of a felony of the fifth degree on a first  
offense and a felony of the fourth degree on each subsequent  
offense. 30837  
30838  
30839  
30840

(F) Whoever violates division (D)(4)(c) of this section is  
guilty of a minor misdemeanor. 30841  
30842

**Sec. 4551.04.** (A) No person shall transport trees or boughs  
described in section 4551.01 of the Revised Code in violation of  
sections 4551.01 to 4551.03, ~~inclusive~~, of the Revised Code. 30843  
30844  
30845

(B) Whoever violates this section shall be fined not more  
than one thousand dollars, imprisoned not more than thirty days,  
or both. 30846  
30847  
30848

**Sec. 4561.11.** (A) All airports, landing fields, and landing  
areas shall be approved by the department of transportation before  
being used for commercial purposes. The department may issue a  
certificate of approval in each case. The department shall require  
that a complete plan of such airport, landing field, or landing  
area be filed with it before granting or issuing such approval;  
provided that in no case in which the department licenses or  
certifies an airport, landing field, or landing area constructed,  
maintained, or supported, in whole or in part, by public funds,  
under sections 4561.01 to 4561.151 of the Revised Code, shall the  
public be deprived of the use thereof or its facilities for  
aviation purposes as fully and equally as all other parties. 30849  
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In any case in which the department rejects or disapproves an application to operate an airport, landing field, or landing area, or in any case in which the department issues an order requiring certain things to be done before approval, it shall set forth its reasons therefor and shall state the requirements to be met before such approval will be given or such order modified or changed. In any case in which the department considers it necessary, it may order the closing of any airport, landing field, or landing area for commercial purposes until the requirements of the order made by the department are complied with.

Appeal from any action or decision of the department in any such matter shall be made in accordance with sections 119.01 to 119.13 of the Revised Code.

The department shall require that any person engaged within this state in operating aircraft, in any form of navigation, shall be the holder of a currently effective ~~airman's~~ aviator's license issued by the civil aeronautics administration.

The ~~airman's~~ aviator's license required by this section shall be kept in the personal possession of the pilot when the pilot is operating aircraft within this state, and shall be presented for inspection upon the request of any passenger, any authorized representative of the department, or any official manager or person in charge of any airport, landing field, or area in this state upon which the pilot lands.

(B) Whoever violates this section shall be fined not more than five hundred dollars, imprisoned not more than ninety days, or both.

**Sec. 4561.12.** (A) No aircraft shall be operated or maintained on any public land or water owned or controlled by this state, or by any political subdivision ~~thereof~~ of this state, except at such places and under such rules and regulations governing and



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controlling the operation and maintenance of aircraft as are 30893  
 adopted and promulgated by the department of transportation in 30894  
 accordance with sections 119.01 to 119.13 of the Revised Code. 30895

30896

Such action and approval by the department shall not become 30897  
 effective until it has been approved by the adoption and 30898  
 promulgation of appropriate rules and regulations governing, 30899  
 controlling, and approving said places and the method of operation 30900  
 and maintenance of aircraft, by the department, division, 30901  
 political subdivision, agent, or agency of this state having 30902  
 ownership or control of the places on said public land or water 30903  
 which are affected by such operation or maintenance of aircraft 30904  
 thereon. 30905

(B) Whoever violates this section shall be fined not more 30906  
than five hundred dollars, imprisoned not more than ninety days, 30907  
or both. 30908

**Sec. 4561.14.** (A) No person shall operate any aircraft in 30909  
 this state unless such person is the holder of a valid ~~airman's~~ 30910  
aviator's license issued by the United States. 30911

No person operating an aircraft within this state shall fail 30912  
 to exhibit such license for inspection upon the demand of any 30913  
 passenger on such aircraft, or fail to exhibit same for inspection 30914  
 upon the demand of any peace officer, member or employee of the 30915  
 department of transportation, or manager or person in charge of an 30916  
 airport or landing field within this state, prior to taking off or 30917  
 upon landing said aircraft. 30918

No person shall operate an aircraft within this state unless 30919  
 such aircraft is licensed and registered by the United States; 30920  
 this section is inapplicable to the operation of military aircraft 30921  
 of the United States, aircraft of a state, territory, or 30922

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possession of the United States, or aircraft licensed by a foreign  
country with which the United States has a reciprocal agreement  
covering the operation of such aircraft.

No person shall operate an aircraft within this state in  
violation of any air traffic rules in force under the laws of the  
United States or under sections 4561.01 to 4561.14 of the Revised  
Code, and the rules and regulations of the department adopted  
pursuant thereto.

(B) Whoever violates this section shall be fined not more  
than five hundred dollars, imprisoned not more than ninety days,  
or both.

**Sec. 4561.15.** (A) No person shall commit any of the following  
acts:

(1) Carry passengers in an aircraft unless the person  
piloting the aircraft is a holder of a valid ~~airman's~~ airperson's  
certificate of competency in the grade of private pilot or higher  
issued by the United States; this division of this section is  
inapplicable to the operation of military aircraft of the United  
States, aircraft of a state, territory, or possession of the  
United States, or aircraft licensed by a foreign country with  
which the United States has a reciprocal agreement covering the  
operation of such aircraft-i

(2) Operate an aircraft on the land or water or in the air  
space over this state in a careless or reckless manner that  
endangers any person or property, or with willful or wanton  
disregard for the rights or safety of others-i

(3) Operate an aircraft on the land or water or in the air  
space over this state while under the influence of intoxicating  
liquor, controlled substances, or other habit-forming drugs-i

(4) Tamper with, alter, destroy, remove, carry away, or cause

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to be carried away any object used for the marking of airports, 30953  
landing fields, or other aeronautical facilities in this state, or 30954  
in any way change the position or location of such markings, 30955  
except by the direction of the proper authorities charged with the 30956  
maintenance and operation of such facilities, or illegally possess 30957  
any object used for such markings. 30958

(B) Jurisdiction over any proceedings charging a violation of 30959  
this section is limited to courts of record. 30960

(C) Whoever violates this section shall be fined not more 30961  
than five hundred dollars, imprisoned not more than six months, or 30962  
both. 30963

**Sec. 4561.22.** (A) No owner or operator of an aircraft shall 30964  
violate sections 4561.17 to 4561.20, ~~inclusive,~~ of the Revised 30965  
Code. 30966

(B) Whoever violates this section shall be fined not more 30967  
than one hundred dollars, imprisoned not more than thirty days, or 30968  
both. 30969

**Sec. 4561.24.** (A) No person shall operate a motor vehicle 30970  
upon any runway of an airport without prior approval of the person 30971  
in charge of the airport when the airport has been certified as a 30972  
commercial airport by the office of aviation. 30973

Any person lending assistance to the operator or operation of 30974  
a vehicle engaged in such activity shall be equally charged as the 30975  
participants. 30976

(B) Except as otherwise provided in this division, whoever 30977  
violates this section shall be fined not less than one hundred nor 30978  
more than five hundred dollars, imprisoned for not more than six 30979  
months, or both. If the offender previously has committed a 30980  
violation of this section, whoever violates this section shall be 30981

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fined not less than two hundred nor more than one thousand 30982  
dollars, imprisoned for not more than one year, or both. 30983

(C) As used in this section, "motor vehicle" has the same 30984  
 meaning as in section 4501.01 of the Revised Code. 30985

(D) Airport vehicles and emergency and maintenance equipment 30986  
 are exempted from this section. 30987

**Sec. 4561.31.** (A)(1) Except as provided in divisions (D), 30988  
 (E), and (F) of this section, no person shall commence to install 30989  
 any structure or object of natural growth in this state, any part 30990  
 of which will penetrate or is reasonably expected to penetrate 30991  
 into or through any airport's clear zone surface, horizontal 30992  
 surface, conical surface, primary surface, approach surface, or 30993  
 transitional surface without first obtaining a permit from the 30994  
 department of transportation under section 4561.34 of the Revised 30995  
 Code. The replacement of an existing structure or object of 30996  
 natural growth with, respectively, a structure or object that is 30997  
 not more than ten feet or twenty per cent higher than the height 30998  
 of the existing structure or object, whichever is higher, does not 30999  
 constitute commencing to install a structure or object, except 31000  
 when any part of the structure or object will penetrate or is 31001  
 reasonably expected to penetrate into or through any airport's 31002  
 clear zone surface, horizontal surface, conical surface, primary 31003  
 surface, approach surface, or transitional surface. Such 31004  
 replacement of a like structure or object is not exempt from any 31005  
 other requirements of state or local law. 31006

(2) No person shall substantially change, as determined by 31007  
 the department, the height or location of any structure or object 31008  
 of natural growth in this state, any part of which, as a result of 31009  
 such change, will penetrate or is reasonably expected to penetrate 31010  
 into or through any airport's clear zone surface, horizontal 31011  
 surface, conical surface, primary surface, approach surface, or 31012

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transitional surface, and for which installation had commenced or  
which was already installed prior to ~~the effective date of this~~  
~~section~~ October 15, 1991, without first obtaining a permit from  
the department under section 4561.34 of the Revised Code. This  
division does not exempt the structure or object from any other  
requirements of state or local law.

(3) No person shall substantially change, as determined by  
the department, the height or location of any structure or object  
of natural growth for which a permit was issued pursuant to  
section 4561.34 of the Revised Code, without first obtaining an  
amended permit from the department under that section.

(B) No person shall install, operate, or maintain any  
structure or object of natural growth for which a permit has been  
issued under section 4561.34 of the Revised Code, except in  
compliance with the permit's terms and conditions and with any  
rules or orders issued under sections 4561.30 to 4561.39 of the  
Revised Code.

(C) The holder of a permit issued under section 4561.34 of  
the Revised Code, with the department's approval, may transfer the  
permit to another person who agrees to comply with its terms and  
conditions.

(D) Any person who receives a permit to construct, establish,  
substantially change, or substantially alter a structure or object  
of natural growth from an airport zoning board on or after ~~the~~  
~~effective date of this section~~ October 15, 1991, under Chapter  
4563. of the Revised Code is not required to apply for a permit  
from the department under sections 4561.30 to 4561.39 of the  
Revised Code, provided that the airport zoning board has adopted  
airport zoning regulations pursuant to section 4563.032 of the  
Revised Code.

(E) Any person who receives a certificate from the power

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siting board pursuant to section 4906.03 or 4906.10 of the Revised Code on or after ~~the effective date of this section~~ October 15, 1991, is not required to apply for a permit from the department under sections 4561.30 to 4561.39 of the Revised Code.

(F) Any person who, in accordance with 14 C.F.R. 77.11 to 77.19, notified the federal aviation administration prior to June 1, 1991, that ~~he~~ the person proposes to construct, establish, substantially change, or substantially alter a structure or object of natural growth is not required to apply for a permit from the department under sections 4561.30 to 4561.39 of the Revised Code in connection with the construction, establishment, substantial change, or substantial alteration of the structure or object of natural growth either as originally proposed to the federal aviation administration or as altered as the person or the federal aviation administration considers necessary, provided that the federal aviation administration, pursuant to 14 C.F.R. Part 77, does not determine that the proposed construction, establishment, substantial change, or substantial alteration of the structure or object of natural growth would be a hazard to air navigation.

(G)(1) Whoever violates division (A)(1) or (2) of this section is guilty of a misdemeanor of the third degree. Each day of violation constitutes a separate offense.

(2) Whoever violates division (A)(3) or (B) of this section is guilty of a misdemeanor of the first degree. Each day of violation constitutes a separate offense.

**Sec. 4561.99.** ~~(A)~~ Whoever violates any provision of sections 4561.01 4561.021 to 4561.14 4561.13 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated shall be fined not more than five hundred dollars, imprisoned not more than ninety days, or both.

~~(B) Whoever violates section 4561.15 of the Revised Code~~

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~~shall be fined not more than five hundred dollars, imprisoned not  
more than six months, or both.~~ 31075  
31076

~~(C) Whoever violates section 4561.22 of the Revised Code  
shall be fined not more than one hundred dollars, imprisoned not  
more than thirty days, or both.~~ 31077  
31078  
31079

~~(D) Whoever violates section 4561.24 of the Revised Code  
shall be fined not less than one hundred nor more than five  
hundred dollars, imprisoned for not more than six months, or both,  
for a first offense and shall be fined not less than two hundred  
nor more than one thousand dollars, imprisoned for not more than  
one year, or both, for each subsequent offense.~~ 31080  
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~~(E) Whoever violates division (A)(1) or (2) of section  
4561.31 of the Revised Code is guilty of a misdemeanor of the  
third degree. Each day of violation constitutes a separate  
offense.~~ 31086  
31087  
31088  
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~~(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.~~ 31090  
31091  
31092  
31093

**Sec. 4563.09.** No airport zoning regulations adopted under 31094  
sections 4563.01 to 4563.21, inclusive, and section 4563.99 of the 31095  
Revised Code, shall require the removal, lowering, or other change 31096  
or alteration of any structure or object of natural growth not 31097  
conforming to the regulations when adopted or amended, or 31098  
otherwise interfere with the continuance of any nonconforming use, 31099  
except as provided in section 4563.14 of the Revised Code. 31100

**Sec. 4563.10.** Nothing in sections 4563.01 to 4563.21, 31101  
inclusive, of the Revised Code, shall confer any power on any 31102  
political subdivision or airport zoning board to prohibit the use 31103  
of any land for farming, dairying, pasturage, apiculture, 31104

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horticulture, floriculture, viticulture, or animal and poultry 31105  
husbandry, except where such use shall create an airport hazard. 31106  
The provisions of sections 4563.01 to 4563.21, ~~inclusive, and~~ 31107  
~~section 4563.99~~ of the Revised Code shall not apply in respect to 31108  
the location, relocation, erection, construction, reconstruction, 31109  
change, alteration, maintenance, removal, use, or enlargement of 31110  
any buildings or structures, now existing or constructed in the 31111  
future, of any public utility or railroad. 31112

**Sec. 4563.20.** (A) No person shall violate any regulation, 31113  
order, or ruling promulgated or made pursuant to sections 4563.01 31114  
to 4563.21, ~~inclusive,~~ of the Revised Code. 31115

(B) Whoever violates this section shall be fined not more 31116  
than one hundred dollars. Each day's willful continuation of the 31117  
violation is a separate offense. 31118

**Sec. 4582.06.** (A) A port authority created in accordance with 31119  
section 4582.02 of the Revised Code may: 31120

~~(A)~~(1) Acquire, construct, furnish, equip, maintain, repair, 31121  
sell, exchange, lease to or from, lease with an option to 31122  
purchase, convey other interests in, or operate real or personal 31123  
property, or any combination thereof, related to, useful for, or 31124  
in furtherance of any authorized purpose, and make charges for the 31125  
use of any port authority facility, which shall be not less than 31126  
the charges established for the same services furnished by a 31127  
public utility or common carrier in the jurisdiction of the 31128  
particular port authority; 31129

~~(B)~~(2) Straighten, deepen, and improve any canal, channel, 31130  
river, stream, or other water course or way that may be necessary 31131  
or proper in the development of the facilities of the port 31132  
authority; 31133



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~~(C)~~(3) Issue bonds or notes for the acquisition, 31134  
construction, furnishing, or equipping of any real or personal 31135  
property, or any combination thereof, related to, useful for, or 31136  
in furtherance of any authorized purpose, in compliance with 31137  
Chapter 133. of the Revised Code, except that the bonds or notes 31138  
only may be issued pursuant to a vote of the electors residing 31139  
within the territory of the port authority. The net indebtedness 31140  
incurred by a port authority shall never exceed two per cent of 31141  
the total value of all property within the territory comprising 31142  
the authority as listed and assessed for taxation. 31143

~~(D)~~(4) By resolution of its board of directors, issue revenue 31144  
bonds beyond the limit of bonded indebtedness provided by law, for 31145  
the acquisition, construction, furnishing, or equipping of any 31146  
real or personal property, or any combination thereof, related to, 31147  
useful for, or in furtherance of any authorized purpose, including 31148  
all costs in connection with or incidental thereto. 31149  
31150

The revenue bonds of the port authority shall be secured only 31151  
by a pledge of and a lien on the revenues of the port authority 31152  
derived from those loan payments, rentals, fees, charges, or other 31153  
revenues that are designated in the resolution, including, but not 31154  
limited to, any property to be acquired, constructed, furnished, 31155  
or equipped with the proceeds of the bond issue, after provision 31156  
only for the reasonable cost of operating, maintaining, and 31157  
repairing the property of the port authority so designated. The 31158  
bonds may further be secured by the covenant of the port authority 31159  
to maintain rates or charges that will produce revenues sufficient 31160  
to meet the costs of operating, maintaining, and repairing such 31161  
property and to meet the interest and principal requirements of 31162  
the bonds and to establish and maintain reserves for the foregoing 31163  
purposes. The board of directors, by resolution, may provide for 31164  
the issuance of additional revenue bonds from time to time, to be 31165

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secured equally and ratably, without preference, priority, or 31166  
distinction, with outstanding revenue bonds, but subject to the 31167  
terms and limitations of any trust agreement described in this 31168  
section, and of any resolution authorizing bonds then outstanding. 31169  
The board of directors, by resolution, may designate additional 31170  
property of the port authority, the revenues of which shall be 31171  
pledged and be subject to a lien for the payment of the debt 31172  
charges on revenue bonds theretofore authorized by resolution of 31173  
the board of directors, to the same extent as the revenues above 31174  
described. 31175

In the discretion of the board of directors, the revenue 31176  
bonds of the port authority may be secured by a trust agreement 31177  
between the board of directors on behalf of the port authority and 31178  
a corporate trustee, that may be any trust company or bank having 31179  
powers of a trust company, within or without the state. 31180

The trust agreement may provide for the pledge or assignment 31181  
of the revenues to be received, but shall not pledge the general 31182  
credit and taxing power of the port authority. A trust agreement 31183  
securing revenue bonds issued to acquire, construct, furnish, or 31184  
equip real property, plants, factories, offices, and other 31185  
structures and facilities for authorized purposes consistent with 31186  
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 31187  
the real or personal property, or a combination thereof, to be 31188  
acquired, constructed, furnished, or equipped from the proceeds of 31189  
such revenue bonds, as further security for the bonds. The trust 31190  
agreement or the resolution providing for the issuance of revenue 31191  
bonds may set forth the rights and remedies of the bondholders and 31192  
trustee, and may contain other provisions for protecting and 31193  
enforcing their rights and remedies that are determined in the 31194  
discretion of the board of directors to be reasonable and proper. 31195  
The agreement or resolution may provide for the custody, 31196  
investment, and disbursement of all moneys derived from the sale 31197

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of such bonds, or from the revenues of the port authority, other  
than those moneys received from taxes levied pursuant to section  
4582.14 of the Revised Code, and may provide for the deposit of  
such funds without regard to section 4582.15 of the Revised Code.

All bonds issued under authority of this chapter, regardless  
of form or terms and regardless of any other law to the contrary,  
shall have all qualities and incidents of negotiable instruments,  
subject to provisions for registration, and may be issued in  
coupon, fully registered, or other form, or any combination  
thereof, as the board of directors determines. Provision may be  
made for the registration of any coupon bonds as to principal  
alone or as to both principal and interest, and for the conversion  
into coupon bonds of any fully registered bonds or bonds  
registered as to both principal and interest.

The revenue bonds shall bear interest at such rate or rates,  
shall bear such date or dates, and shall mature within forty years  
following the date of issuance and in such amount, at such time or  
times, and in such number of installments, as may be provided in  
or pursuant to the resolution authorizing their issuance. Any  
original issue of revenue bonds shall mature not later than forty  
years from their date of issue. Such resolution also shall provide  
for the execution of the bonds, which may be by facsimile  
signatures unless prohibited by the resolution, and the manner of  
sale of the bonds. The resolution shall provide for, or provide  
for the determination of, any other terms and conditions relative  
to the issuance, sale, and retirement of the bonds that the board  
of directors in its discretion determines to be reasonable and  
proper.

Whenever a port authority considers it expedient, it may  
issue renewal notes and refund any bonds, whether the bonds to be  
refunded have or have not matured. The final maturity of any  
notes, including any renewal notes, shall not be later than five

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years from the date of issue of the original issue of notes. The 31230  
final maturity of any refunding bonds shall not be later than the 31231  
later of forty years from the date of issue of the original issue 31232  
of bonds or the date by which it is expected, at the time of 31233  
issuance of the refunding bonds, that the useful life of all of 31234  
the property, other than interests in land, refinanced with 31235  
proceeds of the bonds will have expired. The refunding bonds shall 31236  
be sold and the proceeds applied to the purchase, redemption, or 31237  
payment of the bonds to be refunded and the costs of issuance of 31238  
the refunding bonds. The bonds and notes issued under this 31239  
chapter, their transfer, and the income therefrom, shall at all 31240  
times be free from taxation within the state. 31241

~~(E)~~(5) Do any of the following, in regard to any interests in 31242  
any real or personal property, or any combination thereof, 31243  
including, without limitation, machinery, equipment, plants, 31244  
factories, offices, and other structures and facilities related 31245  
to, useful for, or in furtherance of any authorized purpose, for 31246  
such consideration and in such manner, consistent with Article 31247  
VIII, Ohio Constitution, as the board in its sole discretion may 31248  
determine: 31249

~~(1)~~(a) Loan moneys to any person for the acquisition, 31250  
construction, furnishing, and equipping of the property; 31251

~~(2)~~(b) Acquire, construct, maintain, repair, furnish, and 31252  
equip the property; 31253

~~(3)~~(c) Sell to, exchange with, lease, convey other interests 31254  
in, or lease with an option to purchase the same or any lesser 31255  
interest in the property to the same or any other person or 31256  
governmental entity; 31257

~~(4)~~(d) Guarantee the obligations of any person or 31258  
governmental entity. 31259

A port authority may accept and hold as consideration for the 31260

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conveyance of property or any interest therein such property or  
interests therein as the board in its discretion may determine,  
notwithstanding any restrictions that apply to the investment of  
funds by a port authority.

~~(F)~~(6) Construct, maintain, repair, furnish, equip, sell,  
exchange, lease, or lease with an option to purchase, any property  
that it is authorized to acquire. A port authority that is subject  
to this section also may operate any property in connection with  
transportation, recreational, governmental operations, or cultural  
activities.

~~(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;

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~~(b)~~(ii) Any contract secured exclusively by or to be paid 31292  
exclusively from the general revenues of the port authority. For 31293  
the purposes of this section, any revenues derived by the port 31294  
authority under a lease or other agreement that, by its terms, 31295  
contemplates the use of amounts payable under the agreement either 31296  
to pay the costs of the improvement that is the subject of the 31297  
contract or to secure obligations of the port authority issued to 31298  
finance costs of such improvement, are excluded from general 31299  
revenues. 31300

~~(G)~~(7) Apply to the proper authorities of the United States 31301  
pursuant to appropriate law for the right to establish, operate, 31302  
and maintain foreign trade zones and to establish, operate, and 31303  
maintain foreign trade zones; and to acquire land or property 31304  
therefor, in a manner consistent with section 4582.17 of the 31305  
Revised Code; 31306

~~(H)~~(8) Exercise the right of eminent domain to appropriate 31307  
any land, rights, rights-of-way, franchises, easements, or other 31308  
property, necessary or proper for any authorized purpose, pursuant 31309  
to the procedure provided in sections 163.01 to 163.22 of the 31310  
Revised Code, if funds equal to the appraised value of the 31311  
property to be acquired as a result of such proceedings are 31312  
available for that purpose, except that nothing contained in 31313  
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 31314  
port authority to take or disturb property or facilities belonging 31315  
to any agency or political subdivision of this state, public 31316  
utility, or common carrier, which property or facilities are 31317  
necessary and convenient in the operation of the agency or 31318  
political subdivision, public utility, or common carrier, unless 31319  
provision is made for the restoration, relocation, or duplication 31320  
of the property or facilities, or upon the election of the agency 31321  
or political subdivision, public utility, or common carrier, for 31322  
the payment of compensation, if any, at the sole cost of the port 31323

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authority, provided that: 31324

~~(1)~~(a) If any restoration or duplication proposed to be made 31325  
pursuant to this section involves a relocation of such property or 31326  
facilities, the new facilities and location shall be of at least 31327  
comparable utilitarian value and effectiveness, and the relocation 31328  
shall not impair the ability of the public utility or common 31329  
carrier to compete in its original area of operation. 31330

~~(2)~~(b) If any restoration or duplication made pursuant to 31331  
this section involves a relocation of such property or facilities, 31332  
the port authority shall acquire no interest or right in or to the 31333  
appropriated property or facilities, except as provided in 31334  
division ~~(K)~~(A)(11) of this section, until the relocated property 31335  
or facilities are available for use and until marketable title 31336  
thereto has been transferred to the public utility or common 31337  
carrier. 31338

~~(3)~~(c) Provisions for restoration or duplication shall be 31339  
described in detail in the resolution for appropriation passed by 31340  
the port authority. 31341

~~(I)~~(9) Enjoy and possess the same rights, privileges, and 31342  
powers granted municipal corporations under sections 721.04 to 31343  
721.11 of the Revised Code; 31344

~~(J)~~(10) Maintain such funds as it considers necessary; 31345

~~(K)~~(11) Direct its agents or employees, when properly 31346  
identified in writing, and after at least five days' written 31347  
notice, to enter upon lands within the confines of its 31348  
jurisdiction in order to make surveys and examinations preliminary 31349  
to location and construction of works for the purposes of the port 31350  
authority, without liability of the port authority or its agents 31351  
or employees except for actual damage done; 31352

~~(L)~~(12) Sell, lease, or convey other interests in real and 31353  
personal property and grant easements or rights-of-way over 31354

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property of the port authority. The board of directors shall 31355  
specify the consideration and any terms thereof for the sale, 31356  
lease, or conveyance of other interests in real and personal 31357  
property. Any determinations made by the board of directors under 31358  
this division shall be conclusive. The sale, lease, or conveyance 31359  
may be made without advertising and the receipt of bids. 31360

~~(M)~~(13) Promote, advertise, and publicize the port authority 31361  
facilities and its authorized purposes, provide information to 31362  
persons with an interest in transportation and other port 31363  
authority activities, and appear before rate-making authorities to 31364  
represent and promote the interests of the port authority and its 31365  
authorized purposes; 31366

~~(N)~~(14) Adopt rules, not in conflict with general law, 31367  
governing the use of and the safeguarding of its property, 31368  
grounds, buildings, equipment, and facilities, safeguarding 31369  
persons and their property located on or in port authority 31370  
property, and governing the conduct of its employees and the 31371  
public, in order to promote the public safety and convenience in 31372  
and about its terminals and grounds, and to maintain order. Any 31373  
such regulation shall be posted at no less than five public places 31374  
in the port authority, as determined by the board of directors, 31375  
for a period of not fewer than fifteen days, and shall be 31376  
available for public inspection at the principal office of the 31377  
port authority during regular business hours. No person shall 31378  
violate any lawful regulation adopted and posted as provided in 31379  
this division. 31380

~~(O)~~(15) Do all acts necessary or appropriate to carry out its 31381  
authorized purposes. The port authority shall have the powers and 31382  
rights granted to other subdivisions under section 9.20 of the 31383  
Revised Code. 31384

(B) Any instrument by which real property is acquired 31385  
pursuant to this section shall identify the agency of the state 31386



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that has the use and benefit of the real property as specified in 31387  
 section 5301.012 of the Revised Code. 31388

(C) Whoever violates division (A)(14) of this section is 31389  
guilty of a minor misdemeanor. 31390

**Sec. 4582.31.** (A) A port authority created in accordance with 31391  
 section 4582.22 of the Revised Code may: 31392

~~(A)~~(1) Adopt bylaws for the regulation of its affairs and the 31393  
 conduct of its business; 31394

~~(B)~~(2) Adopt an official seal; 31395

~~(C)~~(3) Maintain a principal office within its jurisdiction, 31396  
 and maintain such branch offices as it may require; 31397

~~(D)~~(4) Acquire, construct, furnish, equip, maintain, repair, 31398  
 sell, exchange, lease to or from, or lease with an option to 31399  
 purchase, convey other interests in real or personal property, or 31400  
 any combination thereof, related to, useful for, or in furtherance 31401  
 of any authorized purpose and operate any property in connection 31402  
 with transportation, recreational, governmental operations, or 31403  
 cultural activities; 31404

~~(E)~~(5) Straighten, deepen, and improve any channel, river, 31405  
 stream, or other water course or way which may be necessary or 31406  
 proper in the development of the facilities of a port authority; 31407

~~(F)~~(6) Make available the use or services of any port 31408  
 authority facility to one or more persons, one or more 31409  
 governmental agencies, or any combination thereof; 31410

~~(G)~~(7) Issue bonds or notes for the acquisition, 31411  
 construction, furnishing, or equipping of any port authority 31412  
 facility or other permanent improvement that a port authority is 31413  
 authorized to acquire, construct, furnish, or equip, in compliance 31414  
 with Chapter 133. of the Revised Code, except that such bonds or 31415  
 notes may only be issued pursuant to a vote of the electors 31416

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residing within the area of jurisdiction of the port authority. 31417

The net indebtedness incurred by a port authority shall never 31418

exceed two per cent of the total value of all property within the 31419

territory comprising the port authority as listed and assessed for 31420

taxation. 31421

~~(H)~~(8) Issue port authority revenue bonds beyond the limit of 31422

bonded indebtedness provided by law, payable solely from revenues 31423

as provided in section 4582.48 of the Revised Code, for the 31424

purpose of providing funds to pay the costs of any port authority 31425

facility or facilities or parts thereof; 31426

~~(I)~~(9) Apply to the proper authorities of the United States 31427

pursuant to appropriate law for the right to establish, operate, 31428

and maintain foreign trade zones and establish, operate, and 31429

maintain foreign trade zones and to acquire, exchange, sell, lease 31430

to or from, lease with an option to purchase, or operate 31431

facilities, land, or property therefor in accordance with the 31432

"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 31433

81u; 31434

~~(J)~~(10) Enjoy and possess the same rights, privileges, and 31435

powers granted municipal corporations under sections 721.04 to 31436

721.11 of the Revised Code; 31437

~~(K)~~(11) Maintain such funds as it considers necessary; 31438

~~(L)~~(12) Direct its agents or employees, when properly 31439

identified in writing, and after at least five days' written 31440

notice, to enter upon lands within the confines of its 31441

jurisdiction in order to make surveys and examinations preliminary 31442

to location and construction of works for the purposes of the port 31443

authority, without liability of the port authority or its agents 31444

or employees except for actual damage done; 31445

~~(M)~~(13) Promote, advertise, and publicize the port authority 31446

and its facilities; provide information to shippers and other 31447

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commercial interests; and appear before rate-making authorities to 31448  
represent and promote the interests of the port authority; 31449

~~(N)~~(14) Adopt rules, not in conflict with general law, it 31450  
finds necessary or incidental to the performance of its duties and 31451  
the execution of its powers under sections 4582.21 to 4582.54 of 31452  
the Revised Code. Any such rule shall be posted at no less than 31453  
five public places in the port authority, as determined by the 31454  
board of directors, for a period of not fewer than fifteen days, 31455  
and shall be available for public inspection at the principal 31456  
office of the port authority during regular business hours. No 31457  
person shall violate any lawful rule adopted and posted as 31458  
provided in this division. 31459

~~(O)~~(15) Do any of the following, in regard to any interests 31460  
in any real or personal property, or any combination thereof, 31461  
including, without limitation, machinery, equipment, plants, 31462  
factories, offices, and other structures and facilities related 31463  
to, useful for, or in furtherance of any authorized purpose, for 31464  
such consideration and in such manner, consistent with Article 31465  
VIII of the Ohio Constitution, as the board in its sole discretion 31466  
may determine: 31467

~~(1)~~(a) Loan moneys to any person or governmental entity for 31468  
the acquisition, construction, furnishing, and equipping of the 31469  
property; 31470

~~(2)~~(b) Acquire, construct, maintain, repair, furnish, and 31471  
equip the property; 31472

~~(3)~~(c) Sell to, exchange with, lease, convey other interests 31473  
in, or lease with an option to purchase the same or any lesser 31474  
interest in the property to the same or any other person or 31475  
governmental entity; 31476

~~(4)~~(d) Guarantee the obligations of any person or 31477  
governmental entity. 31478

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A port authority may accept and hold as consideration for the conveyance of property or any interest therein such property or interests therein as the board in its discretion may determine, notwithstanding any restrictions that apply to the investment of funds by a port authority.

~~(P)~~(16) Sell, lease, or convey other interests in real and personal property, and grant easements or rights-of-way over property of the port authority. The board of directors shall specify the consideration and any terms for the sale, lease, or conveyance of other interests in real and personal property. Any determination made by the board under this division shall be conclusive. The sale, lease, or conveyance may be made without advertising and the receipt of bids.

~~(Q)~~(17) Exercise the right of eminent domain to appropriate any land, rights, rights-of-way, franchises, easements, or other property, necessary or proper for any authorized purpose, pursuant to the procedure provided in sections 163.01 to 163.22 of the Revised Code, if funds equal to the appraised value of the property to be acquired as a result of such proceedings are available for that purpose. However, nothing contained in sections 4582.201 to 4582.59 of the Revised Code shall authorize a port authority to take or disturb property or facilities belonging to any agency or political subdivision of this state, public utility, or common carrier, which property or facilities are necessary and convenient in the operation of the agency or political subdivision, public utility, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facilities, or upon the election of the agency or political subdivision, public utility, or common carrier, for the payment of compensation, if any, at the sole cost of the port authority, provided that:

~~(1)~~(a) If any restoration or duplication proposed to be made

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under this section involves a relocation of the property or 31511  
facilities, the new facilities and location shall be of at least 31512  
comparable utilitarian value and effectiveness and shall not 31513  
impair the ability of the public utility or common carrier to 31514  
compete in its original area of operation; 31515

~~(2)~~(b) If any restoration or duplication made under this 31516  
section involves a relocation of the property or facilities, the 31517  
port authority shall acquire no interest or right in or to the 31518  
appropriated property or facilities, except as provided in 31519  
division (0) of this section, until the relocated property or 31520  
facilities are available for use and until marketable title 31521  
thereto has been transferred to the public utility or common 31522  
carrier. 31523

~~(R)~~(1)~~(18)~~(a) Make and enter into all contracts and 31524  
agreements and execute all instruments necessary or incidental to 31525  
the performance of its duties and the execution of its powers 31526  
under sections 4582.21 to 4582.59 of the Revised Code. 31527

~~(2)~~(b) Except as provided in division ~~(R)~~(3)~~(A)~~(18)(c) of 31528  
this section, when the cost of a contract for the construction of 31529  
any building, structure, or other improvement undertaken by a port 31530  
authority involves an expenditure exceeding twenty-five thousand 31531  
dollars, and the port authority is the contracting entity, the 31532  
port authority shall make a written contract after notice calling 31533  
for bids for the award of the contract has been given by 31534  
publication twice, with at least seven days between publications, 31535  
in a newspaper of general circulation in the area of the port 31536  
authority. Each such contract shall be let to the lowest 31537  
responsive and responsible bidder in accordance with section 9.312 31538  
of the Revised Code. Every contract shall be accompanied by or 31539  
shall refer to plans and specifications for the work to be done, 31540  
prepared for and approved by the port authority, signed by an 31541  
authorized officer of the port authority and by the contractor, 31542

and shall be executed in triplicate. 31543

Each bid shall be awarded in accordance with sections 153.54, 31544  
153.57, and 153.571 of the Revised Code. The port authority may 31545  
reject any and all bids. 31546

~~(3)~~(c) The board of directors by rule may provide criteria 31547  
for the negotiation and award without competitive bidding of any 31548  
contract as to which the port authority is the contracting entity 31549  
for the construction of any building or structure or other 31550  
improvement under any of the following circumstances: 31551

~~(a)~~(i) There exists a real and present emergency that 31552  
threatens damage or injury to persons or property of the port 31553  
authority or other persons, provided that a statement specifying 31554  
the nature of the emergency that is the basis for the negotiation 31555  
and award of a contract without competitive bidding shall be 31556  
signed by the officer of the port authority that executes that 31557  
contract at the time of the contract's execution and shall be 31558  
attached to the contract. 31559

~~(b)~~(ii) A commonly recognized industry or other standard or 31560  
specification does not exist and cannot objectively be articulated 31561  
for the improvement. 31562

~~(c)~~(iii) The contract is for any energy conservation measure 31563  
as defined in section 307.041 of the Revised Code. 31564

~~(d)~~(iv) With respect to material to be incorporated into the 31565  
improvement, only a single source or supplier exists for the 31566  
material. 31567

~~(e)~~(v) A single bid is received by the port authority after 31568  
complying with the provisions of division ~~(R)~~(2)(A)(18)(b) of this 31569  
section. 31570

~~(4)~~(a)~~(d)~~(i) If a contract is to be negotiated and awarded 31571  
without competitive bidding for the reason set forth in division 31572  
~~(R)~~(3)(b)(A)(18)(c)(ii) of this section, the port authority shall 31573

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publish a notice calling for technical proposals at least twice, 31574  
 with at least seven days between publications, in a newspaper of 31575  
 general circulation in the area of the port authority. After 31576  
 receipt of the technical proposals, the port authority may 31577  
 negotiate with and award a contract for the improvement to the 31578  
 proposer making the proposal considered to be the most 31579  
 advantageous to the port authority. 31580

~~(b)(ii)~~ If a contract is to be negotiated and awarded without 31581  
 competitive bidding for the reason set forth in division 31582  
~~(R)(3)(d)(A)(18)(c)(iv)~~ of this section, any construction 31583  
 activities related to the incorporation of the material into the 31584  
 improvement also may be provided without competitive bidding by 31585  
 the source or supplier of that material. 31586

~~(5)(a)(e)(i)~~ Any purchase, exchange, sale, lease, lease with 31587  
 an option to purchase, conveyance of other interests in, or other 31588  
 contract with a person or governmental entity that pertains to the 31589  
 acquisition, construction, maintenance, repair, furnishing, 31590  
 equipping, or operation of any real or personal property, or any 31591  
 combination thereof, related to, useful for, or in furtherance of 31592  
 an activity contemplated by Section 13 or 16 of Article VIII, Ohio 31593  
 Constitution, shall be made in such manner and subject to such 31594  
 terms and conditions as may be determined by the board of 31595  
 directors in its discretion. 31596

~~(b)(ii)~~ Division ~~(R)(5)(a)(A)(18)(e)(i)~~ of this section 31597  
 applies to all contracts that are subject to the division, 31598  
 notwithstanding any other provision of law that might otherwise 31599  
 apply, including, without limitation, any requirement of notice, 31600  
 any requirement of competitive bidding or selection, or any 31601  
 requirement for the provision of security. 31602

~~(e)(iii)~~ Divisions ~~(R)(5)(a)(A)(18)(e)(i)~~ and ~~(b)(ii)~~ of this 31603  
 section do not apply to either of the following: 31604

~~(i) Any: any~~ contract secured by or to be paid from moneys 31605

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raised by taxation or the proceeds of obligations secured by a 31606  
pledge of moneys raised by taxation- 31607

~~(ii) Any; or any~~ contract secured exclusively by or to be 31608  
paid exclusively from the general revenues of the port authority. 31609  
For the purposes of this section, any revenues derived by the port 31610  
authority under a lease or other agreement that, by its terms, 31611  
contemplates the use of amounts payable under the agreement either 31612  
to pay the costs of the improvement that is the subject of the 31613  
contract or to secure obligations of the port authority issued to 31614  
finance costs of such improvement, are excluded from general 31615  
revenues. 31616

~~(S)(19)~~ Employ managers, superintendents, and other employees 31617  
and retain or contract with consulting engineers, financial 31618  
consultants, accounting experts, architects, attorneys, and any 31619  
other consultants and independent contractors as are necessary in 31620  
its judgment to carry out this chapter, and fix the compensation 31621  
thereof. All expenses thereof shall be payable from any available 31622  
funds of the port authority or from funds appropriated for that 31623  
purpose by a political subdivision creating or participating in 31624  
the creation of the port authority. 31625

~~(T)(20)~~ Receive and accept from any state or federal agency 31626  
grants and loans for or in aid of the construction of any port 31627  
authority facility or for research and development with respect to 31628  
port authority facilities, and receive and accept aid or 31629  
contributions from any source of money, property, labor, or other 31630  
things of value, to be held, used, and applied only for the 31631  
purposes for which the grants and contributions are made; 31632

~~(U)(21)~~ Engage in research and development with respect to 31633  
port authority facilities; 31634

~~(V)(22)~~ Purchase fire and extended coverage and liability 31635  
insurance for any port authority facility and for the principal 31636  
office and branch offices of the port authority, insurance 31637



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protecting the port authority and its officers and employees 31638  
 against liability for damage to property or injury to or death of 31639  
 persons arising from its operations, and any other insurance the 31640  
 port authority may agree to provide under any resolution 31641  
 authorizing its port authority revenue bonds or in any trust 31642  
 agreement securing the same; 31643

~~(W)~~(23) Charge, alter, and collect rentals and other charges 31644  
 for the use or services of any port authority facility as provided 31645  
 in section 4582.43 of the Revised Code; 31646

~~(X)~~(24) Provide coverage for its employees under Chapters 31647  
 145., 4123., and 4141. of the Revised Code; 31648

~~(Y)~~(25) Do all acts necessary or proper to carry out the 31649  
 powers expressly granted in sections 4582.21 to 4582.59 of the 31650  
 Revised Code. 31651

(B) Any instrument by which real property is acquired 31652  
 pursuant to this section shall identify the agency of the state 31653  
 that has the use and benefit of the real property as specified in 31654  
 section 5301.012 of the Revised Code. 31655

(C) Whoever violates division (A)(14) of this section is 31656  
guilty of a minor misdemeanor. 31657

**Sec. 4582.59.** Sections 4582.22 to ~~4582.99~~ 4582.59 of the 31658  
 Revised Code and division (C) of section 4582.06 of the Revised 31659  
Code being necessary for the welfare of the state and its 31660  
 inhabitants shall be liberally construed to effect the purposes 31661  
 thereof. 31662

**Sec. 4583.01.** (A) No person shall keep a ferry across a 31663  
 stream running through or bounding on a county in this state, 31664  
 without having obtained a license therefor from the court of 31665  
 common pleas of such county. 31666

(B) Whoever violates this section shall be fined not more 31667  
than thirty dollars. 31668

**Sec. 5120.032.** (A) No later than January 1, 1998, the 31669  
department of rehabilitation and correction shall develop and 31670  
implement intensive program prisons for male and female prisoners 31671  
other than prisoners described in division (B)(2) of this section. 31672  
The intensive program prisons shall include institutions at which 31673  
imprisonment of the type described in division (B)(2)(a) of 31674  
section 5120.031 of the Revised Code is provided and prisons that 31675  
focus on educational achievement, vocational training, alcohol and 31676  
other drug abuse treatment, community service and conservation 31677  
work, and other intensive regimens or combinations of intensive 31678  
regimens. 31679

(B)(1)(a) Except as provided in division (B)(2) of this 31680  
section, if the sentencing court determines that a prisoner is 31681  
eligible for placement in an intensive program prison under this 31682  
section and the sentencing court either recommends the offender 31683  
for placement in the intensive program prison or makes no 31684  
recommendation on placement of the prisoner, the department may 31685  
place the prisoner in an intensive program prison established 31686  
pursuant to division (A) of this section. 31687

If the sentencing court recommends a prisoner for placement 31688  
in an intensive program prison and the department subsequently 31689  
places the prisoner in the recommended prison, the department 31690  
shall notify the court of the prisoner's placement in the 31691  
recommended intensive program prison and shall include with the 31692  
notice a brief description of the placement. 31693

If the sentencing court approves placement of a prisoner in 31694  
an intensive program prison and the department does not 31695  
subsequently place the offender in the recommended prison, the 31696  
department shall send a notice to the court indicating why the 31697

prisoner was not placed in the recommended prison. 31698

If the sentencing court does not make a recommendation on the 31699  
placement of an eligible prisoner in an intensive program prison, 31700  
the department shall screen the prisoner and determine if the 31701  
prisoner is suited for the prison. If the prisoner is suited for 31702  
the intensive program prison, at least three weeks prior to 31703  
placing the prisoner in the prison, the department shall notify 31704  
the sentencing court of the proposed placement of the prisoner in 31705  
the intensive program prison and shall include with the notice a 31706  
brief description of the placement. The court shall have ten days 31707  
from receipt of the notice to disapprove the placement. If the 31708  
sentencing court disapproves the placement, the department shall 31709  
not proceed with it. If the sentencing court does not timely 31710  
disapprove of the placement, the department may proceed with plans 31711  
for it. 31712

If the sentencing court determines that a prisoner is not 31713  
eligible for placement in an intensive program prison or if the 31714  
sentencing court disapproves placement of an offender in a prison 31715  
of that nature, the department of rehabilitation and correction 31716  
shall not place the prisoner in any intensive program prison. 31717

(b) The department may reduce the stated prison term of a 31718  
prisoner upon the prisoner's successful completion of a ninety-day 31719  
period in an intensive program prison. A prisoner whose term has 31720  
been so reduced shall be required to serve an intermediate, 31721  
transitional type of detention followed by a release under 31722  
post-release control sanctions or, in the alternative, shall be 31723  
placed under post-release control sanctions, as described in 31724  
division (B)(2)(b)(ii) of section 5120.031 of the Revised Code. In 31725  
either case, the placement under post-release control sanctions 31726  
shall be under terms set by the parole board in accordance with 31727  
section 2967.28 of the Revised Code and shall be subject to the 31728  
provisions of that section with respect to a violation of any 31729

post-release control sanction. 31730

(2) A prisoner who is in any of the following categories is 31731  
not eligible to participate in an intensive program prison 31732  
established pursuant to division (A) of this section: 31733

(a) The prisoner is serving a prison term for aggravated 31734  
murder, murder, or a felony of the first or second degree or a 31735  
comparable offense under the law in effect prior to July 1, 1996, 31736  
or the prisoner previously has been imprisoned for aggravated 31737  
murder, murder, or a felony of the first or second degree or a 31738  
comparable offense under the law in effect prior to July 1, 1996. 31739

(b) The prisoner is serving a mandatory prison term, as 31740  
defined in section 2929.01 of the Revised Code. 31741

(c) The prisoner is serving a prison term for a felony of the 31742  
third, fourth, or fifth degree that either is a sex offense, an 31743  
offense betraying public trust, or an offense in which the 31744  
prisoner caused or attempted to cause actual physical harm to a 31745  
person, the prisoner is serving a prison term for a comparable 31746  
offense under the law in effect prior to July 1, 1996, or the 31747  
prisoner previously has been imprisoned for an offense of that 31748  
type or a comparable ~~offence~~ offense under the law in effect prior 31749  
to July 1, 1996. 31750

(d) The prisoner is serving a mandatory prison term in prison 31751  
for a third or ~~fourth~~ fourth degree felony ~~OMVI~~ OVI offense, as 31752  
defined in section 2929.01 of the Revised Code, that was imposed 31753  
pursuant to division (G)(2) of section 2929.13 of the Revised 31754  
Code. 31755

(C) Upon the implementation of intensive program prisons 31756  
pursuant to division (A) of this section, the department at all 31757  
times shall maintain intensive program prisons sufficient in 31758  
number to reduce the prison terms of at least three hundred fifty 31759  
prisoners who are eligible for reduction of their stated prison 31760

## As Reported by the Senate Judiciary--Criminal Justice Committee

terms as a result of their completion of a regimen in an intensive program prison under this section. 31761  
31762

**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. 31763  
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(B) Within eighteen months after October 17, 1996, the department of rehabilitation and correction shall develop and implement intensive program prisons for male and female prisoners who are sentenced pursuant to division (G)(2) of section 2929.13 of the Revised Code to a mandatory prison term for a third or fourth degree felony ~~OMVI~~ OVI offense. The department shall contract pursuant to section 9.06 of the Revised Code for the private operation and management of the initial intensive program prison established under this section and may contract pursuant to that section for the private operation and management of any other intensive program prison established under this section. The intensive program prisons established under this section shall include prisons that focus on educational achievement, vocational training, alcohol and other drug abuse treatment, community service and conservation work, and other intensive regimens or combinations of intensive regimens. 31767  
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(C) Except as provided in division (D) of this section, the department may place a prisoner who is sentenced to a mandatory prison term for a third or fourth degree felony ~~OMVI~~ OVI offense in an intensive program prison established pursuant to division (B) of this section if the sentencing judge, upon notification by the department of its intent to place the prisoner in an intensive program prison, does not notify the department that the judge disapproves the placement. If the stated prison term imposed on a prisoner who is so placed is longer than the mandatory prison term 31783  
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that is required to be imposed on the prisoner, the department may 31792  
reduce the stated prison term upon the prisoner's successful 31793  
completion of the prisoner's mandatory prison term in an intensive 31794  
program prison. A prisoner whose term has been so reduced shall be 31795  
required to serve an intermediate, transitional type of detention 31796  
followed by a release under post-release control sanctions or, in 31797  
the alternative, shall be placed under post-release control 31798  
sanctions, as described in division (B)(2)(b)(ii) of section 31799  
5120.031 of the Revised Code. In either case, the placement under 31800  
post-release control sanctions shall be under terms set by the 31801  
parole board in accordance with section 2967.28 of the Revised 31802  
Code and shall be subject to the provisions of that section with 31803  
respect to a violation of any post-release control sanction. Upon 31804  
the establishment of the initial intensive program prison pursuant 31805  
to division (B) of this section that is privately operated and 31806  
managed by a contractor pursuant to a contract entered into under 31807  
section 9.06 of the Revised Code, the department shall comply with 31808  
divisions (G)(2)(a) and (b) of section 2929.13 of the Revised Code 31809  
in placing prisoners in intensive program prisons under this 31810  
section. 31811

(D) A prisoner who is sentenced to a mandatory prison term 31812  
for a third or fourth degree felony ~~OMVI~~ OVI offense is not 31813  
eligible to participate in an intensive program prison established 31814  
under division (B) of this section if any of the following applies 31815  
regarding the prisoner: 31816

(1) In addition to the mandatory prison term for the third or 31817  
fourth degree felony ~~OMVI~~ OVI offense, the prisoner also is 31818  
serving a prison term of a type described in division (B)(2)(a), 31819  
(b), or (c) of section 5120.032 of the Revised Code. 31820

(2) The prisoner previously has been imprisoned for an 31821  
offense of a type described in division (B)(2)(a) or (c) of 31822  
section 5120.032 of the Revised Code or a comparable offense under 31823

the law in effect prior to July 1, 1996. 31824

(E) Intensive program prisons established under division (B) 31825  
of this section are not subject to section 5120.032 of the Revised 31826  
Code. 31827

**Sec. 5120.161.** (A) Except as provided in division (C) of this 31828  
section, the department of rehabilitation and correction may enter 31829  
into an agreement with any local authority operating a county, 31830  
multicounty, municipal, municipal-county, or multicounty-municipal 31831  
jail or workhouse, as described in section 307.93, 341.21, or 31832  
753.16 of the Revised Code, for the housing in the jail or 31833  
workhouse operated by the local authority of persons who are 31834  
convicted of or plead guilty to a felony of the fourth or fifth 31835  
degree if the person previously has not been convicted of or 31836  
pleaded guilty to a felony and if the felony is not an offense of 31837  
violence. The agreement shall specify a per diem fee that the 31838  
department shall pay the local authority for each such person 31839  
housed in the jail or workhouse pursuant to the agreement, shall 31840  
set forth any other terms and conditions for the housing of such 31841  
persons in the jail or workhouse, and shall indicate that the 31842  
department, subject to the relevant terms and conditions set 31843  
forth, may designate those persons to be housed at the jail or 31844  
workhouse. 31845

(B) A person designated by the department to be housed in a 31846  
county, multicounty, municipal, municipal-county, or 31847  
multicounty-municipal jail or workhouse that is the subject of an 31848  
agreement entered into under division (A) of this section shall be 31849  
conveyed by the department to that jail or workhouse and shall be 31850  
kept at the jail or workhouse until the person's term of 31851  
imprisonment expires, the person is pardoned, paroled, or placed 31852  
under a post-release control sanction, or the person is 31853  
transferred under the laws permitting the transfer of prisoners. 31854

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The department shall pay the local authority that operates the jail or workhouse the per diem fee specified in the agreement for each such person housed in the jail or workhouse. Each such person housed in the jail or workhouse shall be under the direct supervision and control of the keeper, superintendent, or other person in charge of the jail or workhouse, but shall be considered for all other purposes to be within the custody of the department of rehabilitation and correction. Section 2967.193 of the Revised Code and all other provisions of the Revised Code that pertain to persons within the custody of the department that would not by their nature clearly be inapplicable apply to persons housed pursuant to this section.

(C) The department of rehabilitation and correction shall not enter into an agreement pursuant to division (A) of this section with any local authority unless the jail or workhouse operated by the authority complies with the Minimum Standards for Jails in Ohio.

(D) A court that sentences a person for a felony may include as the sentence or part of the sentence, in accordance with division (A) of section 2929.16 of the Revised Code and regardless of whether the jail or workhouse is the subject of an agreement entered into under division (A) of this section, a sanction that consists of a term of up to six months in a jail or workhouse or, if the offense is a fourth degree felony ~~OMVI~~ OVI offense and the offender is sentenced under division (G)(1) of section 2929.13 of the Revised Code, a sanction that consists of a term of up to one year in jail less the mandatory term of local incarceration of sixty or one hundred twenty consecutive days imposed pursuant to division (G)(1) of section 2929.13 of the Revised Code.

(E) "Fourth degree felony ~~OMVI~~ OVI offense" and "mandatory term of local incarceration" have the same meanings as in section 2929.01 of the Revised Code.



**Sec. 5503.22.** Driver's license examiners assigned to the 31887  
driver's license examination section shall conduct all 31888  
examinations for driver's licenses as required by sections 4507.01 31889  
to ~~4507.38, inclusive,~~ 4507.36 of the Revised Code, subject to the 31890  
regulations issued by the registrar of motor vehicles. 31891

**Sec. 5743.99.** (A) Whoever violates section 5743.10, 5743.11, 31892  
or 5743.12 or division (C) of section 5743.54 of the Revised Code 31893  
is guilty of a misdemeanor of the first degree. If the offender 31894  
has been previously convicted of an offense under this division, 31895  
violation is a felony of the fourth degree. 31896

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 31897  
5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a 31898  
felony of the fourth degree. If the offender has been previously 31899  
convicted of an offense under this division, violation is a felony 31900  
of the second degree. 31901

(C) Whoever violates section 5743.41 or 5743.42 of the 31902  
Revised Code is guilty of a misdemeanor of the fourth degree. If 31903  
the offender has been previously convicted of an offense under 31904  
this division, violation is a misdemeanor of the third degree. 31905

(D) Whoever violates section 5743.21 of the Revised Code is 31906  
guilty of a misdemeanor of the first degree. If the offender has 31907  
been previously convicted of an offense under this division, 31908  
violation is a felony of the fifth degree. 31909

(E) Whoever violates any provision of this chapter, or any 31910  
rule promulgated by the tax commissioner under authority of this 31911  
chapter, for the violation of which no penalty is provided 31912  
elsewhere, is guilty of a misdemeanor of the fourth degree. 31913

(F) In addition to any other penalty imposed upon a person 31914  
convicted of a violation of section 5743.112 or 5743.60 of the 31915  
Revised Code who was the operator of a motor vehicle used in the 31916

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violation, the ~~registrar of motor vehicles court~~ shall suspend any 31917  
~~for not less than thirty days or more than three years the~~ 31918  
~~driver's or commercial driver's license issued to the offender.~~ 31919  
The court shall send a copy of its suspension order and 31920  
determination to the registrar of motor vehicles, and the 31921  
registrar, pursuant to the order and determination ~~of the trial~~ 31922  
~~judge of any court of record as provided in section 4507.16 of the~~ 31923  
~~Revised Code,~~ shall impose a suspension of the same duration. 31924

**Section 2.** That existing sections 9.981, 119.062, 733.40, 31925  
1547.11, 1547.111, 1547.99, 1901.024, 1901.31, 1905.01, 1905.201, 31926  
1907.20, 2151.354, 2152.19, 2152.21, 2743.191, 2743.51, 2743.52, 31927  
2903.04, 2903.06, 2903.08, 2907.24, 2919.22, 2921.331, 2923.01, 31928  
2923.122, 2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 31929  
2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 31930  
2925.32, 2925.36, 3123.55, 3123.58, 3123.59, 3123.613, 2925.37, 31931  
2925.38, 2929.01, 2929.13, 2929.14, 2929.15, 2929.16, 2929.17, 31932  
2929.18, 2929.19, 2929.23, 2929.41, 2935.03, 2935.27, 2937.221, 31933  
2937.222, 2937.46, 2937.99, 2951.02, 2953.31, 2953.36, 3123.55, 31934  
3123.58, 3123.59, 3123.613, 3327.10, 3793.02, 3793.10, 3937.31, 31935  
4301.99, 4501.01, 4501.022, 4501.17, 4501.19, 4501.25, 4503.033, 31936  
4503.05, 4503.061, 4503.066, 4503.10, 4503.102, 4503.11, 4503.12, 31937  
4503.182, 4503.19, 4503.21, 4503.231, 4503.233, 4503.234, 31938  
4503.236, 4503.28, 4503.30, 4503.301, 4503.32, 4503.34, 4503.39, 31939  
4503.44, 4503.46, 4503.47, 4503.471, 4505.101, 4505.102, 4505.11, 31940  
4505.111, 4505.15, 4505.17, 4505.18, 4505.181, 4505.19, 4505.20, 31941  
4505.21, 4505.99, 4506.01, 4506.02, 4506.03, 4506.04, 4506.05, 31942  
4506.06, 4506.10, 4506.11, 4506.12, 4506.14, 4506.15, 4506.16, 31943  
4506.17, 4506.18, 4506.19, 4506.20, 4506.99, 4507.02, 4507.022, 31944  
4507.023, 4507.05, 4507.06, 4507.061, 4507.071, 4507.08, 4507.081, 31945  
4507.111, 4507.12, 4507.13, 4507.14, 4507.15, 4507.16, 4507.161, 31946  
4507.162, 4507.163, 4507.164, 4507.167, 4507.168, 4507.169, 31947  
4507.1610, 4507.1611, 4507.1613, 4507.17, 4507.19, 4507.20, 31948

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4507.21, 4507.25, 4507.26, 4507.27, 4507.28, 4507.29, 4507.30,	31949
4507.31, 4507.321, 4507.33, 4507.34, 4507.35, 4507.36, 4507.361,	31950
4507.38, 4507.45, 4507.50, 4507.52, 4507.54, 4507.55, 4507.60,	31951
4507.61, 4507.62, 4507.63, 4507.99, 4508.03, 4508.04, 4508.06,	31952
4509.02, 4509.101, 4509.17, 4509.24, 4509.291, 4509.33, 4509.34,	31953
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4509.78, 4509.79, 4509.80, 4509.81, 4511.01, 4511.03, 4511.051,	31955
4511.11, 4511.12, 4511.132, 4511.16, 4511.17, 4511.18, 4511.19,	31956
4511.191, 4511.192, 4511.193, 4511.195, 4511.196, 4511.20,	31957
4511.201, 4511.202, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23,	31958
4511.25, 4511.251, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30,	31959
4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37,	31960
4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431,	31961
4511.432, 4511.44, 4511.441, 4511.45, 4511.451, 4511.452, 4511.46,	31962
4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.51, 4511.511,	31963
4511.521, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58,	31964
4511.59, 4511.60, 4511.61, 4511.62, 4511.63, 4511.64, 4511.66,	31965
4511.661, 4511.68, 4511.681, 4511.69, 4511.70, 4511.701, 4511.71,	31966
4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.74, 4511.75,	31967
4511.751, 4511.76, 4511.761, 4511.762, 4511.763, 4511.764,	31968
4511.77, 4511.771, 4511.772, 4511.78, 4511.79, 4511.81, 4511.82,	31969
4511.84, 4511.85, 4511.95, 4511.951, 4511.99, 4513.02, 4513.021,	31970
4513.022, 4513.03, 4513.04, 4513.05, 4513.06, 4513.07, 4513.071,	31971
4513.09, 4513.10, 4513.11, 4513.111, 4513.12, 4513.13, 4513.14,	31972
4513.15, 4513.16, 4513.17, 4513.171, 4513.18, 4513.182, 4513.19,	31973
4513.20, 4513.201, 4513.202, 4513.21, 4513.22, 4513.23, 4513.24,	31974
4513.241, 4513.242, 4513.25, 4513.26, 4513.261, 4513.262,	31975
4513.263, 4513.27, 4513.28, 4513.29, 4513.30, 4513.31, 4513.32,	31976
4513.34, 4513.36, 4513.361, 4513.51, 4513.60, 4513.64, 4513.65,	31977
4513.99, 4517.02, 4517.03, 4517.19, 4517.20, 4517.21, 4517.22,	31978
4517.23, 4517.24, 4517.25, 4517.26, 4517.27, 4517.40, 4517.41,	31979
4517.42, 4517.43, 4517.44, 4517.45, 4517.64, 4517.99, 4519.02,	31980

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4519.05, 4519.06, 4519.20, 4519.22, 4519.40, 4519.41, 4519.44, 31981  
 4519.45, 4519.52, 4519.66, 4519.67, 4549.01, 4549.02, 4549.021, 31982  
 4549.03, 4549.042, 4549.08, 4549.10, 4549.11, 4549.12, 4549.18, 31983  
 4549.42, 4549.43, 4549.44, 4549.45, 4549.451, 4549.46, 4549.62, 31984  
 4551.04, 4561.11, 4561.12, 4561.14, 4561.15, 4561.22, 4561.24, 31985  
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 4582.59, 4583.01, 5120.032, 5120.033, 5120.161, 5503.22, and 31987  
 5743.99 and sections 3123.611, 4503.235, 4503.99, 4507.012, 31988  
 4507.021, 4507.165, 4507.166, 4507.18, 4508.99, 4509.105, 4509.31, 31989  
 4509.32, 4509.99, 4511.83, 4511.991, 4519.99, 4549.99, 4551.99, 31990  
 4563.99, 4582.99, and 4583.99 of the Revised Code are hereby 31991  
 repealed. 31992

**Section 3.** The General Assembly hereby recommends to the 31993  
 Supreme Court that it amend the Ohio Traffic Rules that have been 31994  
 adopted under authority of section 2937.46 of the Revised Code to 31995  
 provide procedures to govern felony violations of section 4511.19 31996  
 of the Revised Code. 31997

**Section 4.** Sections 1 and 2 of this act shall take effect on 31998  
 January 1, 2003. 31999

**Section 5.** Notwithstanding division (B) of section 1.58 of 32000  
 the Revised Code, the provisions of the Revised Code amended or 32001  
 enacted in Sections 1 and 2 of this act shall apply only in 32002  
 relation to conduct and offenses committed on or after January 1, 32003  
 2003. Conduct and offenses committed prior to January 1, 2003, 32004  
 shall be governed by the law in effect on the date the conduct or 32005  
 offense was committed. 32006

**Section 6.** All items in this section are hereby appropriated 32007  
 as designated out of any moneys in the state treasury to the 32008  
 credit of the State Special Revenue Fund Group. For all 32009

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appropriations made in this act, those in the first column are for 32010  
 fiscal year 2002 and those in the second column are for fiscal 32011  
 year 2003. The appropriations made in this act are in addition to 32012  
 any other appropriations made for the 2001-2003 biennium. 32013

## AGO ATTORNEY GENERAL 32014

State Special Revenue Fund Group 32015

5N0 055-627 Traffic Law Training \$ 211,000 \$ 0 32016

TOTAL SSR State Special Revenue 32017

TOTAL ALL BUDGET FUND GROUPS \$ 211,000 \$ 0 32019

## TRAFFIC LAW TRAINING 32020

No later than 30 days after the effective date of this 32021  
 section, the Director of Budget and Management shall transfer 32022  
 \$211,000 cash from the General Revenue Fund to the Traffic Law 32023  
 Training Fund (Fund 5N0). The transferred cash shall be used by 32024  
 the Attorney General for the purpose of developing, printing, and 32025  
 distributing, in conjunction with the Ohio Department of Public 32026  
 Safety and the Ohio Criminal Sentencing Commission, training 32027  
 materials for the Ohio Department of Public Safety, law 32028  
 enforcement, and other appropriate persons for the implementation 32029  
 of this act. 32030

Within the limits set forth in this act, the Director of 32031  
 Budget and Management shall establish accounts indicating the 32032  
 source and amount of funds for each appropriation made in this 32033  
 act, and shall determine the form and manner in which 32034  
 appropriation accounts shall be maintained. Expenditures from 32035  
 appropriations contained in this act shall be accounted for as 32036  
 though made in the main appropriations act of the 124th General 32037  
 Assembly. 32038

The appropriations made in this act are subject to all 32039  
 provisions of the main appropriations act of the 124th General 32040  
 Assembly. 32041

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This section is not subject to the referendum. Therefore, 32042  
under Ohio Constitution, Article II, Section 1d and section 1.471 32043  
of the Revised Code, this section goes into immediate effect when 32044  
this act becomes law. 32045

**Section 7.** (A) If, on or after March 31, 1999, a person filed 32046  
an application in a court that requested the sealing of a 32047  
conviction record under sections 2953.31 to 2953.36 of the Revised 32048  
Code, if at the time the application was filed section 2953.36 did 32049  
not make sections 2953.31 to 2953.35 of the Revised Code 32050  
inapplicable to the conviction that was the subject of the 32051  
application, if the person withdrew the application prior to March 32052  
31, 2001, and if the person refiles an application in the 32053  
appropriate court within ninety days after the effective date of 32054  
this section that requests the sealing of the same conviction 32055  
record under sections 2953.31 to 2953.36 of the Revised Code, all 32056  
of the following apply: 32057

(1) Divisions (C), (D), and (E) of section 2953.36 of the 32058  
Revised Code, as they have existed since March 23, 2000, do not 32059  
apply regarding the application or the determination of whether it 32060  
should be accepted or granted, and the court may accept and grant 32061  
the application regardless of whether the conviction that is the 32062  
subject of the application is a conviction to which any of those 32063  
divisions, but for the operation of this division, makes sections 32064  
2953.31 to 2953.35 of the Revised Code inapplicable. 32065

(2) Except as provided in division (A)(1) of this section, 32066  
the provisions of sections 2953.31 to 2953.36 of the Revised Code 32067  
that are in effect at the time of the refileing of the application 32068  
apply regarding the application and the determination of whether 32069  
it should be granted. 32070

(B) This section shall expire one year after this act becomes 32071  
law. 32072

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**Section 8.** Section 2923.01 of the Revised Code is presented 32073  
in this act as a composite of the section as amended by both Sub. 32074  
H.B. 125 and Am. Sub. S.B. 269 of the 121st General Assembly. 32075  
Section 2925.03 of the Revised Code is presented in this act as a 32076  
composite of the section as amended by both Am. H.B. 528 and Am. 32077  
Sub. S.B. 107 of the 123rd General Assembly. Section 2929.01 of 32078  
the Revised Code is presented in this act as a composite of the 32079  
section as amended by Am. Sub. H.B. 349, Am. Sub. S.B. 179, and 32080  
Am. Sub. S.B. 222 of the 123rd General Assembly. Section 2929.13 32081  
of the Revised Code is presented in this act as a composite of the 32082  
section as amended by Am. H.B. 528, Am. Sub. S.B. 22, Am. Sub. 32083  
S.B. 107, Am. S.B. 142, and Am. Sub. S.B. 222 of the 123rd General 32084  
Assembly. Sections 2929.15 and 2929.19 of the Revised Code are 32085  
presented in this act as a composite of the section as amended by 32086  
Am. Sub. H.B. 349, Am. Sub. S.B. 22, and Am. Sub. S.B. 107 of the 32087  
123rd General Assembly. Section 2929.17 of the Revised Code is 32088  
presented in this act as a composite of the section as amended by 32089  
Am. Sub. H.B. 349, Am. S.B. 9, Am. Sub. S.B. 22, and Am. Sub. S.B. 32090  
107 of the 123rd General Assembly. Section 2929.18 of the Revised 32091  
Code is presented in this act as a composite of the section as 32092  
amended by Am. H.B. 528, Am. Sub. S.B. 22, and Am. Sub. S.B. 107 32093  
of the 123rd General Assembly. Sections 2929.41 and 5120.032 of 32094  
the Revised Code are presented in this act as a composite of the 32095  
section as amended by both Am. Sub. S.B. 22 and Am. Sub. S.B. 107 32096  
of the 123rd General Assembly. Section 2937.222 of the Revised 32097  
Code is presented in this act as a composite of the section as 32098  
amended by both Am. Sub. H.B. 137 and Am. Sub. S.B. 22 of the 32099  
123rd General Assembly. Section 4503.12 of the Revised Code is 32100  
presented in this act as a composite of the section as amended by 32101  
both Am. H.B. 141 and Am. Sub. S.B. 60 of the 122nd General 32102  
Assembly. Sections 4503.233 and 4507.164 of the Revised Code are 32103  
presented in this act as a composite of the sections as amended by 32104

## As Reported by the Senate Judiciary--Criminal Justice Committee

Am. H.B. 80, Am. Sub. S.B. 22 and Am. Sub. S.B. 107 of the 123rd 32105  
General Assembly. Section 4503.234 of the Revised Code is 32106  
presented in this act as a composite of the section as amended by 32107  
both Am. Sub. H.B. 353 and Am. Sub. H.B. 676 of the 121st General 32108  
Assembly. Section 4507.38 of the Revised Code, renumbered as 32109  
section 4510.41 of the Revised Code, is presented in this act as a 32110  
composite of the section as amended by both Am. Sub. H.B. 353 and 32111  
Am. Sub. H.B. 676 of the 121st General Assembly. Section 4511.193 32112  
of the Revised Code is presented in this act as a composite of the 32113  
section as amended by both Am. H.B. 80 and Am. Sub. S.B. 107 of 32114  
the 123rd General Assembly. Section 4513.99 of the Revised Code is 32115  
presented in this act as a composite of the section as amended by 32116  
both Am. Sub. H.B. 138 and Am. Sub. H.B. 600 of the 123rd General 32117  
Assembly. Sections 4582.06 and 4582.31 of the Revised Code are 32118  
presented in this act as a composite of the sections as amended by 32119  
both Sub. H.B. 19 and Am. S.B. 137 of the 123rd General Assembly. 32120  
The General Assembly, applying the principle stated in division 32121  
(B) of section 1.52 of the Revised Code that amendments are to be 32122  
harmonized if reasonably capable of simultaneous operation, finds 32123  
that the composites are the resulting versions of the sections in 32124  
effect prior to the effective date of the sections as presented in 32125  
this act. 32126