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Am. Sub. S. B. No. 231

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Olman, Brown, Lendrum**

A B I L L

To amend sections 1309.109, 4501.01, 4509.01, 4511.01, 1
and 4511.99 and to enact section 4511.512 of the 2
Revised Code to exempt electric personal assistive 3
mobility devices from the definition of "vehicle" 4
in the motor vehicle and traffic laws; to permit 5
their operation on sidewalks, bikeways, and public 6
streets and highways, subject to certain 7
restrictions; and to clarify the relationship 8
between the transfer of the lottery prize award and 9
the Secured Transactions Law. 10

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

Section 1. That sections 1309.109, 4501.01, 4509.01, 4511.01, 11
and 4511.99 be amended and section 4511.512 of the Revised Code be 12
enacted to read as follows: 13

Sec. 1309.109. (A) Except as otherwise provided in divisions 14

(C) and (D) of this section, this chapter applies to:	15
(1) A transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract;	16
(2) An agricultural lien;	17
(3) A sale of accounts, chattel paper, payment intangibles, or promissory notes;	18
(4) A consignment;	19
(5) A security interest arising under section 1302.42, <u>or</u> 1302.49, division (C) of section 1302.85, or division (E) of section 1310.54 of the Revised Code, as provided in section 1309.110 of the Revised Code; and	20
(6) A security interest arising under section 1304.20 or 1305.18 of the Revised Code.	21
(B) The application of this chapter to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this chapter does not apply.	22
(C) This chapter does not apply to the extent that:	23
(1) A statute, regulation, or treaty of the United States preempts this chapter; or	24
(2) The rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under section 1305.13 of the Revised Code.	25
(D) This chapter does not apply to:	26
(1) A landlord's lien, other than an agricultural lien;	27
(2)(a) A lien, not enumerated in division (D)(2) of this section and other than an agricultural lien, given by statute or other rule of law for services or materials, including any lien	28

created under any provision of Chapter 926., sections 1311.55 to
1311.57, sections 1311.71 to 1311.80, section 1701.66, or Chapter
4585. of the Revised Code;

(b) Notwithstanding division (D)(2)(a) of this section,
section 1309.333 of the Revised Code applies with respect to
priority of the lien.

(3) An assignment of a claim for wages, salary, or other
compensation of an employee;

(4) A sale of accounts, chattel paper, payment intangibles,
or promissory notes as part of a sale of the business out of which
they arose;

(5) An assignment of accounts, chattel paper, payment
intangibles, or promissory notes that is for the purpose of
collection only;

(6) An assignment of a right to payment under a contract to
an assignee that is also obligated to perform under the contract;

(7) An assignment of a single account, payment intangible, or
promissory note to an assignee in full or partial satisfaction of
a preexisting indebtedness;

(8) A transfer of an interest in or an assignment of a claim
under a policy of insurance, other than an assignment by or to a
health-care provider of a health-care-insurance receivable and any
subsequent assignment of the right to payment, but sections
1309.315 and 1309.322 of the Revised Code apply with respect to
proceeds and priorities in proceeds;

(9) An assignment of a right represented by a judgment, other
than a judgment taken on a right to payment that was collateral;

(10) A right of recoupment or set-off, but:

(a) Section 1309.340 of the Revised Code applies with respect

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to the effectiveness of rights of recoupment or set-off against	73
deposit accounts; and	74
(b) Section 1309.404 of the Revised Code applies with respect	75
to defenses or claims of an account debtor.	76
(11) The creation or transfer of an interest in or lien on	77
real property, including a lease or rents under a lease, except to	78
the extent that provision is made for:	79
(a) Liens on real property in sections 1309.203 and 1309.308	80
of the Revised Code;	81
(b) Fixtures in section 1309.334 of the Revised Code;	82
(c) Fixture filings in sections 1309.501, 1309.502, 1309.512,	83
1309.516, and 1309.519 of the Revised Code; and	84
(d) Security agreements covering personal and real property	85
in section 1309.604 of the Revised Code.	86
(12) An assignment of a claim arising in tort, other than a	87
commercial tort claim, but sections 1309.315 and 1309.322 of the	88
Revised Code apply with respect to proceeds and priorities in	89
proceeds;	90
(13) An assignment of a deposit account in a consumer	91
transaction, but sections 1309.315 and 1309.322 of the Revised	92
Code apply with respect to proceeds and priorities in proceeds; or	93
(14) A transfer by a government, state, or governmental unit.	94
<u>(E) The granting of a security interest in all or any part of</u>	95
<u>a lottery prize award for consideration is subject to the</u>	96
<u>prohibition of division (A)(3) of section 3770.07 of the Revised</u>	97
<u>Code. The sale, assignment, or other redirection of a lottery</u>	98
<u>prize award for consideration is subject to the provisions of</u>	99
<u>division (A)(4) of section 3770.07 and sections 3770.10 to 3770.14</u>	100
<u>of the Revised Code.</u>	101

Sec. 4501.01. As used in this chapter and Chapters 4503., 102
4505., 4507., 4509., 4511., 4513., 4515., and 4517. of the Revised 103
Code, and in the penal laws, except as otherwise provided: 104

(A) "Vehicles" means everything on wheels or runners, 106
including motorized bicycles, but does not mean electric personal 107
assistive mobility devices, vehicles that are operated exclusively 108
on rails or tracks or from overhead electric trolley wires, and 109
vehicles that belong to any police department, municipal fire 110
department, or volunteer fire department, or that are used by such 111
a department in the discharge of its functions. 112

(B) "Motor vehicle" means any vehicle, including mobile homes 113
and recreational vehicles, that is propelled or drawn by power 114
other than muscular power or power collected from overhead 115
electric trolley wires. "Motor vehicle" does not include motorized 116
bicycles, road rollers, traction engines, power shovels, power 117
cranes, and other equipment used in construction work and not 118
designed for or employed in general highway transportation, 119
well-drilling machinery, ditch-digging machinery, farm machinery, 120
trailers that are used to transport agricultural produce or 121
agricultural production materials between a local place of storage 122
or supply and the farm when drawn or towed on a public road or 123
highway at a speed of twenty-five miles per hour or less, 124
threshing machinery, hay-baling machinery, corn sheller, 125
hammermill and agricultural tractors, machinery used in the 126
production of horticultural, agricultural, and vegetable products, 127
and trailers that are designed and used exclusively to transport a 128
boat between a place of storage and a marina, or in and around a 129
marina, when drawn or towed on a public road or highway for a 130
distance of no more than ten miles and at a speed of twenty-five 131
miles per hour or less. 132

(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.

(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.

(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.

(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.

(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, parades, and similar uses, but that in no event is used for

general transportation.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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 a semitrailer and a vehicle of the dolly type such as that

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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.

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(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.

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(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.

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(P) "Semitrailer" means any vehicle of the trailer type that
does not have motive power and is so designed or used with another
and separate motor vehicle that in operation a part of its own
weight or that of its load, or both, rests upon and is carried by
the other vehicle furnishing the motive power for propelling

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itself and the vehicle referred to in this division, and includes, 229
for the purpose only of registration and taxation under those 230
chapters, any vehicle of the dolly type, such as a trailer dolly, 231
that is designed or used for the conversion of a semitrailer into 232
a trailer. 233

(Q) "Recreational vehicle" means a vehicular portable 234
structure that meets all of the following conditions: 235

(1) It is designed for the sole purpose of recreational 236
travel. 237

(2) It is not used for the purpose of engaging in business 238
for profit. 239

(3) It is not used for the purpose of engaging in intrastate 240
commerce. 241

(4) It is not used for the purpose of commerce as defined in 242
49 C.F.R. 383.5, as amended. 243

(5) It is not regulated by the public utilities commission 244
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 245

(6) It is classed as one of the following: 246

(a) "Travel trailer" means a nonself-propelled recreational 247
vehicle that does not exceed an overall length of thirty-five 248
feet, exclusive of bumper and tongue or coupling, and contains 249
less than three hundred twenty square feet of space when erected 250
on site. "Travel trailer" includes a tent-type fold-out camping 251
trailer as defined in section 4517.01 of the Revised Code. 252

(b) "Motor home" means a self-propelled recreational vehicle 253
that has no fifth wheel and is constructed with permanently 254
installed facilities for cold storage, cooking and consuming of 255
food, and for sleeping. 256

(c) "Truck camper" means a nonself-propelled recreational 257
vehicle that does not have wheels for road use and is designed to 258

be placed upon and attached to a motor vehicle. "Truck camper" 259
does not include truck covers that consist of walls and a roof, 260
but do not have floors and facilities enabling them to be used as 261
a dwelling. 262

(d) "Fifth wheel trailer" means a vehicle that is of such 263
size and weight as to be movable without a special highway permit, 264
that has a gross trailer area of four hundred square feet or less, 265
that is constructed with a raised forward section that allows a 266
bi-level floor plan, and that is designed to be towed by a vehicle 267
equipped with a fifth-wheel hitch ordinarily installed in the bed 268
of a truck. 269

(e) "Park trailer" means a vehicle that is commonly known as 270
a park model recreational vehicle, meets the American national 271
standard institute standard A119.5 (1988) for park trailers, is 272
built on a single chassis, has a gross trailer area of four 273
hundred square feet or less when set up, is designed for seasonal 274
or temporary living quarters, and may be connected to utilities 275
necessary for the operation of installed features and appliances. 276

(R) "Pneumatic tires" means tires of rubber and fabric or 277
tires of similar material, that are inflated with air. 278

(S) "Solid tires" means tires of rubber or similar elastic 279
material that are not dependent upon confined air for support of 280
the load. 281

(T) "Solid tire vehicle" means any vehicle that is equipped 282
with two or more solid tires. 283

(U) "Farm machinery" means all machines and tools that are 284
used in the production, harvesting, and care of farm products, and 285
includes trailers that are used to transport agricultural produce 286
or agricultural production materials between a local place of 287
storage or supply and the farm when drawn or towed on a public 288
road or highway at a speed of twenty-five miles per hour or less. 289

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(V) "Owner" includes any person or firm, other than a 291
manufacturer or dealer, that has title to a motor vehicle, except 292
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 293
includes in addition manufacturers and dealers. 294

(W) "Manufacturer" and "dealer" include all persons and firms 295
that are regularly engaged in the business of manufacturing, 296
selling, displaying, offering for sale, or dealing in motor 297
vehicles, at an established place of business that is used 298
exclusively for the purpose of manufacturing, selling, displaying, 299
offering for sale, or dealing in motor vehicles. A place of 300
business that is used for manufacturing, selling, displaying, 301
offering for sale, or dealing in motor vehicles shall be deemed to 302
be used exclusively for those purposes even though snowmobiles or 303
all-purpose vehicles are sold or displayed for sale thereat, even 304
though farm machinery is sold or displayed for sale thereat, or 305
even though repair, accessory, gasoline and oil, storage, parts, 306
service, or paint departments are maintained thereat, or, in any 307
county having a population of less than seventy-five thousand at 308
the last federal census, even though a department in a place of 309
business is used to dismantle, salvage, or rebuild motor vehicles 310
by means of used parts, if such departments are operated for the 311
purpose of furthering and assisting in the business of 312
manufacturing, selling, displaying, offering for sale, or dealing 313
in motor vehicles. Places of business or departments in a place of 314
business used to dismantle, salvage, or rebuild motor vehicles by 315
means of using used parts are not considered as being maintained 316
for the purpose of assisting or furthering the manufacturing, 317
selling, displaying, and offering for sale or dealing in motor 318
vehicles. 319

(X) "Operator" includes any person who drives or operates a 320
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motor vehicle upon the public highways. 322

(Y) "Chauffeur" means any operator who operates a motor 323
vehicle, other than a taxicab, as an employee for hire; or any 324
operator whether or not the owner of a motor vehicle, other than a 325
taxicab, who operates such vehicle for transporting, for gain, 326
compensation, or profit, either persons or property owned by 327
another. Any operator of a motor vehicle who is voluntarily 328
involved in a ridesharing arrangement is not considered an 329
employee for hire or operating such vehicle for gain, 330
compensation, or profit. 331

(Z) "State" includes the territories and federal districts of 332
the United States, and the provinces of Canada. 333

(AA) "Public roads and highways" for vehicles includes all 334
public thoroughfares, bridges, and culverts. 335

(BB) "Manufacturer's number" means the manufacturer's 336
original serial number that is affixed to or imprinted upon the 337
chassis or other part of the motor vehicle. 338

(CC) "Motor number" means the manufacturer's original number 339
that is affixed to or imprinted upon the engine or motor of the 340
vehicle. 341

(DD) "Distributor" means any person who is authorized by a 342
motor vehicle manufacturer to distribute new motor vehicles to 343
licensed motor vehicle dealers at an established place of business 344
that is used exclusively for the purpose of distributing new motor 345
vehicles to licensed motor vehicle dealers, except when the 346
distributor also is a new motor vehicle dealer, in which case the 347
distributor may distribute at the location of the distributor's 348
licensed dealership. 349

(EE) "Ridesharing arrangement" means the transportation of 350
persons in a motor vehicle where the transportation is incidental 351
to another purpose of a volunteer driver and includes ridesharing 352

arrangements known as carpools, vanpools, and buspools. 353

(FF) "Apportionable vehicle" means any vehicle that is used 354
or intended for use in two or more international registration plan 355
member jurisdictions that allocate or proportionally register 356
vehicles, that is used for the transportation of persons for hire 357
or designed, used, or maintained primarily for the transportation 358
of property, and that meets any of the following qualifications: 359
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(1) Is a power unit having a gross vehicle weight in excess 361
of twenty-six thousand pounds; 362

(2) Is a power unit having three or more axles, regardless of 363
the gross vehicle weight; 364

(3) Is a combination vehicle with a gross vehicle weight in 365
excess of twenty-six thousand pounds. 366

"Apportionable vehicle" does not include recreational 367
vehicles, vehicles displaying restricted plates, city pick-up and 368
delivery vehicles, buses used for the transportation of chartered 369
parties, or vehicles owned and operated by the United States, this 370
state, or any political subdivisions thereof. 371

(GG) "Chartered party" means a group of persons who contract 372
as a group to acquire the exclusive use of a passenger-carrying 373
motor vehicle at a fixed charge for the vehicle in accordance with 374
the carrier's tariff, lawfully on file with the United States 375
department of transportation, for the purpose of group travel to a 376
specified destination or for a particular itinerary, either agreed 377
upon in advance or modified by the chartered group after having 378
left the place of origin. 379

(HH) "International registration plan" means a reciprocal 380
agreement of member jurisdictions that is endorsed by the American 381
association of motor vehicle administrators, and that promotes and 382
encourages the fullest possible use of the highway system by 383

authorizing apportioned registration of fleets of vehicles and 384
recognizing registration of vehicles apportioned in member 385
jurisdictions. 386

(II) "Restricted plate" means a license plate that has a 387
restriction of time, geographic area, mileage, or commodity, and 388
includes license plates issued to farm trucks under division (K) 389
of section 4503.04 of the Revised Code. 390

(JJ) "Gross vehicle weight," with regard to any commercial 391
car, trailer, semitrailer, or bus that is taxed at the rates 392
established under section 4503.042 of the Revised Code, means the 393
unladen weight of the vehicle fully equipped plus the maximum 394
weight of the load to be carried on the vehicle. 395

(KK) "Combined gross vehicle weight" with regard to any 396
combination of a commercial car, trailer, and semitrailer, that is 397
taxed at the rates established under section 4503.042 of the 398
Revised Code, means the total unladen weight of the combination of 399
vehicles fully equipped plus the maximum weight of the load to be 400
carried on that combination of vehicles. 401

(LL) "Chauffeured limousine" means a motor vehicle that is 402
designed to carry nine or fewer passengers and is operated for 403
hire on an hourly basis pursuant to a prearranged contract for the 404
transportation of passengers on public roads and highways along a 405
route under the control of the person hiring the vehicle and not 406
over a defined and regular route. "Prearranged contract" means an 407
agreement, made in advance of boarding, to provide transportation 408
from a specific location in a chauffeured limousine at a fixed 409
rate per hour or trip. "Chauffeured limousine" does not include 410
any vehicle that is used exclusively in the business of funeral 411
directing. 412

(MM) "Manufactured home" has the same meaning as in division 413
(C)(4) of section 3781.06 of the Revised Code. 414

(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 placement of a manufactured home or a mobile home in the inventory of a new motor vehicle dealer or the inventory of a manufacturer, remanufacturer, or distributor of manufactured or mobile homes.

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(OO) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

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(PP) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

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(QQ) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

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(RR) "Financial transaction device" has the same meaning as in division (A) of section 113.40 of the Revised Code.

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(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria designated in section 4503.035 of the Revised Code for electronic motor vehicle dealers and designates as an electronic motor vehicle dealer under that section.

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(TT) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour.

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Sec. 4509.01. As used in sections 4509.01 to 4509.78 of the Revised Code:

(A) "Person" includes every natural person, firm, partnership, association, or corporation.

(B) "Driver" means every person who drives or is in actual physical control of a motor vehicle.

(C) "License" includes any license, permit, or privilege to operate a motor vehicle issued under the laws of this state including:

(1) Any temporary instruction permit or examiner's driving permit;

(2) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;

(3) Any nonresident's operating privilege.

(D) "Owner" means a person who holds the legal title of a motor vehicle. If a motor vehicle is the subject of a lease with an immediate right of possession vested in the lessee, the lessee is the owner. A person listed as the owner on a certificate of title on which there is a notation of a security interest is the owner. A buyer or other transferee of a motor vehicle who receives the certificate of title from the seller or transferor listing the seller or transferor thereon as the owner with an assignment of title to the buyer or transferee nonetheless is the owner even though a subsequent certificate of title has not been issued listing the buyer or transferee as the owner.

(E) "Registration" means registration certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

(F) "Nonresident" means every person who is not a resident of

this state. 475

(G) "Nonresident's operating privilege" means the privilege 476
conferred upon a nonresident by the laws of this state pertaining 477
to the operation by such person of a motor vehicle, or the use of 478
a motor vehicle owned by such person, in this state. 479

(H) "Vehicle" means every device by which any person or 480
property may be transported upon a highway, except electric 481
personal assistive mobility devices, devices moved by power 482
collected from overhead electric trolley wires, or used 483
exclusively upon stationary rails or tracks, and except devices 484
other than bicycles moved by human power. 485

(I) "Motor vehicle" means every vehicle propelled by power 486
other than muscular power or power collected from overhead 487
electric trolley wires, except motorized bicycles, road rollers, 488
traction engines, power shovels, power cranes and other equipment 489
used in construction work and not designed for or employed in 490
general highway transportation, hole-digging machinery, 491
well-drilling machinery, ditch-digging machinery, farm machinery, 492
threshing machinery, hay baling machinery, and agricultural 493
tractors and machinery used in the production of horticultural, 494
floricultural, agricultural, and vegetable products. 495

(J) "Accident" or "motor vehicle accident" means any accident 496
involving a motor vehicle which results in bodily injury to or 497
death of any person, or damage to the property of any person in 498
excess of four hundred dollars. 499

(K) "Proof of financial responsibility" means proof of 500
ability to respond in damages for liability, on account of 501
accidents occurring subsequent to the effective date of such 502
proof, arising out of the ownership, maintenance, or use of a 503
motor vehicle in the amount of twelve thousand five hundred 504
dollars because of bodily injury to or death of one person in any 505

one accident, in the amount of twenty-five thousand dollars 506
because of bodily injury to or death of two or more persons in any 507
one accident, and in the amount of seven thousand five hundred 508
dollars because of injury to property of others in any one 509
accident. 510

(L) "Motor-vehicle liability policy" means an "owner's 511
policy" or an "operator's policy" of liability insurance, 512
certified as provided in section 4509.46 or 4509.47 of the Revised 513
Code as proof of financial responsibility, and issued, except as 514
provided in section 4509.47 of the Revised Code, by an insurance 515
carrier authorized to do business in this state, to or for the 516
benefit of the person named therein as insured. 517

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 518
the Revised Code: 519

(A) "Vehicle" means every device, including a motorized 520
bicycle, in, upon, or by which any person or property may be 521
transported or drawn upon a highway, except motorized wheelchairs, 522
electric personal assistive mobility devices, devices moved by 523
power collected from overhead electric trolley wires, or used 524
exclusively upon stationary rails or tracks, and devices other 525
than bicycles moved by human power. 526

(B) "Motor vehicle" means every vehicle propelled or drawn by 527
power other than muscular power or power collected from overhead 528
electric trolley wires, except motorized bicycles, road rollers, 529
traction engines, power shovels, power cranes, and other equipment 530
used in construction work and not designed for or employed in 531
general highway transportation, hole-digging machinery, 532
well-drilling machinery, ditch-digging machinery, farm machinery, 533
trailers used to transport agricultural produce or agricultural 534
production materials between a local place of storage or supply 535
and the farm when drawn or towed on a street or highway at a speed 536

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.

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(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.

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(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.

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(E) "Public safety vehicle" means any of the following:

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(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;

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(2) Motor vehicles used by public law enforcement officers or
other persons sworn to enforce the criminal and traffic laws of
the state;

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(3) Any motor vehicle when properly identified as required by
the director of public safety, when used in response to fire
emergency calls or to provide emergency medical service to ill or
injured persons, and when operated by a duly qualified person who

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is a member of a volunteer rescue service or a volunteer fire
department, and who is on duty pursuant to the rules or directives
of that service. The state fire marshal shall be designated by the
director of public safety as the certifying agency for all public
safety vehicles described in division (E)(3) of this section.

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(4) Vehicles used by fire departments, including motor
vehicles when used by volunteer fire fighters responding to
emergency calls in the fire department service when identified as
required by the director of public safety.

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Any vehicle used to transport or provide emergency medical
service to an ill or injured person, when certified as a public
safety vehicle, shall be considered a public safety vehicle when
transporting an ill or injured person to a hospital regardless of
whether such vehicle has already passed a hospital.

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(5) Vehicles used by the commercial motor vehicle safety
enforcement unit for the enforcement of orders and rules of the
public utilities commission as specified in section 5503.34 of the
Revised Code.

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(F) "School bus" means every bus designed for carrying more
than nine passengers that is owned by a public, private, or
governmental agency or institution of learning and operated for
the transportation of children to or from a school session or a
school function, or owned by a private person and operated for
compensation for the transportation of children to or from a
school session or a school function, provided "school bus" does
not include a bus operated by a municipally owned transportation
system, a mass transit company operating exclusively within the
territorial limits of a municipal corporation, or within such
limits and the territorial limits of municipal corporations
immediately contiguous to such municipal corporation, nor a common
passenger carrier certified by the public utilities commission

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unless such bus is devoted exclusively to the transportation of
children to and from a school session or a school function, and
"school bus" does not include a van or bus used by a licensed
child day-care center or type A family day-care home to transport
children from the child day-care center or type A family day-care
home to a school if the van or bus does not have more than fifteen
children in the van or bus at any time.

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(G) "Bicycle" means every device, other than a tricycle
designed solely for use as a play vehicle by a child, propelled
solely by human power upon which any person may ride having either
two tandem wheels, or one wheel in the front and two wheels in the
rear, any of which is more than fourteen inches in diameter.

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(H) "Motorized bicycle" means any vehicle having either two
tandem wheels or one wheel in the front and two wheels in the
rear, that is capable of being pedaled and 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.

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(I) "Commercial tractor" means every motor vehicle having
motive power designed or used for drawing other vehicles and not
so constructed as to carry any load thereon, or designed or used
for drawing other vehicles while carrying a portion of such other
vehicles, or load thereon, or both.

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(J) "Agricultural tractor" means every self-propelling
vehicle designed or used for drawing other vehicles or wheeled
machinery but having no provision for carrying loads independently
of such other vehicles, and used principally for agricultural
purposes.

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(K) "Truck" means every motor vehicle, except trailers and
semitrailers, designed and used to carry property.

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(L) "Bus" means every motor vehicle designed for carrying 631
more than nine passengers and used for the transportation of 632
persons other than in a ridesharing arrangement, and every motor 633
vehicle, automobile for hire, or funeral car, other than a taxicab 634
or motor vehicle used in a ridesharing arrangement, designed and 635
used for the transportation of persons for compensation. 636

(M) "Trailer" means every vehicle designed or used for 637
carrying persons or property wholly on its own structure and for 638
being drawn by a motor vehicle, including any such vehicle when 639
formed by or operated as a combination of a "semitrailer" and a 640
vehicle of the dolly type, such as that commonly known as a 641
"trailer dolly," a vehicle used to transport agricultural produce 642
or agricultural production materials between a local place of 643
storage or supply and the farm when drawn or towed on a street or 644
highway at a speed greater than twenty-five miles per hour, and a 645
vehicle designed and used exclusively to transport a boat between 646
a place of storage and a marina, or in and around a marina, when 647
drawn or towed on a street or highway for a distance of more than 648
ten miles or at a speed of more than twenty-five miles per hour. 649

(N) "Semitrailer" means every vehicle designed or used for 650
carrying persons or property with another and separate motor 651
vehicle so that in operation a part of its own weight or that of 652
its load, or both, rests upon and is carried by another vehicle. 653

(O) "Pole trailer" means every trailer or semitrailer 654
attached to the towing vehicle by means of a reach, pole, or by 655
being boomed or otherwise secured to the towing vehicle, and 656
ordinarily used for transporting long or irregular shaped loads 657
such as poles, pipes, or structural members capable, generally, of 658
sustaining themselves as beams between the supporting connections. 659

(P) "Railroad" means a carrier of persons or property 660
operating upon rails placed principally on a private right-of-way. 661

(Q) "Railroad train" means a steam engine or an electric or 662
other motor, with or without cars coupled thereto, operated by a 663
railroad. 664

(R) "Streetcar" means a car, other than a railroad train, for 665
transporting persons or property, operated upon rails principally 666
within a street or highway. 667

(S) "Trackless trolley" means every car that collects its 668
power from overhead electric trolley wires and that is not 669
operated upon rails or tracks. 670

(T) "Explosives" means any chemical compound or mechanical 671
mixture that is intended for the purpose of producing an explosion 672
that contains any oxidizing and combustible units or other 673
ingredients in such proportions, quantities, or packing that an 674
ignition by fire, by friction, by concussion, by percussion, or by 675
a detonator of any part of the compound or mixture may cause such 676
a sudden generation of highly heated gases that the resultant 677
gaseous pressures are capable of producing destructive effects on 678
contiguous objects, or of destroying life or limb. Manufactured 679
articles shall not be held to be explosives when the individual 680
units contain explosives in such limited quantities, of such 681
nature, or in such packing, that it is impossible to procure a 682
simultaneous or a destructive explosion of such units, to the 683
injury of life, limb, or property by fire, by friction, by 684
concussion, by percussion, or by a detonator, such as fixed 685
ammunition for small arms, firecrackers, or safety fuse matches. 686

(U) "Flammable liquid" means any liquid that has a flash 687
point of seventy degrees Fahrenheit, or less, as determined by a 688
tagliabue or equivalent closed cup test device. 689

(V) "Gross weight" means the weight of a vehicle plus the 690
weight of any load thereon. 691

(W) "Person" means every natural person, firm, 692

co-partnership, association, or corporation.	693
(X) "Pedestrian" means any natural person afoot.	694
(Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.	695 696 697
(Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.	698 699 700
(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.	701 702 703
(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.	704 705 706
(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.	707 708 709 710 711 712
(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.	713 714 715 716
(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.	717 718 719 720 721
(FF) "Sidewalk" means that portion of a street between the	722

curb lines, or the lateral lines of a roadway, and the adjacent 723
property lines, intended for the use of pedestrians. 724

(GG) "Laned highway" means a highway the roadway of which is 725
divided into two or more clearly marked lanes for vehicular 726
traffic. 727

(HH) "Through highway" means every street or highway as 728
provided in section 4511.65 of the Revised Code. 729

(II) "State highway" means a highway under the jurisdiction 730
of the department of transportation, outside the limits of 731
municipal corporations, provided that the authority conferred upon 732
the director of transportation in section 5511.01 of the Revised 733
Code to erect state highway route markers and signs directing 734
traffic shall not be modified by sections 4511.01 to 4511.79 and 735
4511.99 of the Revised Code. 736

(JJ) "State route" means every highway that is designated 737
with an official state route number and so marked. 738

(KK) "Intersection" means: 739

(1) The area embraced within the prolongation or connection 740
of the lateral curb lines, or, if none, then the lateral boundary 741
lines of the roadways of two highways which join one another at, 742
or approximately at, right angles, or the area within which 743
vehicles traveling upon different highways joining at any other 744
angle may come in conflict. 745

(2) Where a highway includes two roadways thirty feet or more 746
apart, then every crossing of each roadway of such divided highway 747
by an intersecting highway shall be regarded as a separate 748
intersection. If an intersecting highway also includes two 749
roadways thirty feet or more apart, then every crossing of two 750
roadways of such highways shall be regarded as a separate 751
intersection. 752

(3) The junction of an alley with a street or highway, or 753
with another alley, shall not constitute an intersection. 754

(LL) "Crosswalk" means: 755

(1) That part of a roadway at intersections ordinarily 756
included within the real or projected prolongation of property 757
lines and curb lines or, in the absence of curbs, the edges of the 758
traversable roadway; 759

(2) Any portion of a roadway at an intersection or elsewhere, 760
distinctly indicated for pedestrian crossing by lines or other 761
markings on the surface; 762

(3) Notwithstanding divisions (LL)(1) and (2) of this 763
section, there shall not be a crosswalk where local authorities 764
have placed signs indicating no crossing. 765

(MM) "Safety zone" means the area or space officially set 766
apart within a roadway for the exclusive use of pedestrians and 767
protected or marked or indicated by adequate signs as to be 768
plainly visible at all times. 769

(NN) "Business district" means the territory fronting upon a 770
street or highway, including the street or highway, between 771
successive intersections within municipal corporations where fifty 772
per cent or more of the frontage between such successive 773
intersections is occupied by buildings in use for business, or 774
within or outside municipal corporations where fifty per cent or 775
more of the frontage for a distance of three hundred feet or more 776
is occupied by buildings in use for business, and the character of 777
such territory is indicated by official traffic control devices. 778

(OO) "Residence district" means the territory, not comprising 779
a business district, fronting on a street or highway, including 780
the street or highway, where, for a distance of three hundred feet 781
or more, the frontage is improved with residences or residences 782
and buildings in use for business. 783

(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 another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.

(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.

(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial

or circumferential street or highway designated by local 845
authorities within their respective jurisdictions as part of a 846
major arterial system of streets or highways. 847

(DDD) "Ridesharing arrangement" means the transportation of 848
persons in a motor vehicle where such transportation is incidental 849
to another purpose of a volunteer driver and includes ridesharing 850
arrangements known as carpools, vanpools, and buspools. 851

(EEE) "Motorized wheelchair" means any self-propelled vehicle 852
designed for, and used by, a handicapped person and that is 853
incapable of a speed in excess of eight miles per hour. 854

(FFF) "Child day-care center" and "type A family day-care 855
home" have the same meanings as in section 5104.01 of the Revised 856
Code. 857

(GGG) "Multi-wheel agricultural tractor" means a type of 858
agricultural tractor that has two or more wheels or tires on each 859
side of one axle at the rear of the tractor, is designed or used 860
for drawing other vehicles or wheeled machinery, has no provision 861
for carrying loads independently of the drawn vehicles or 862
machinery, and is used principally for agricultural purposes. 863

Sec. 4511.512. (A)(1) Electric personal assistive mobility 864
devices may be operated on the public streets, highways,
sidewalks, and paths and portions of roadways set aside for the 865
exclusive use of bicycles in accordance with this section. 866
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(2) Except as otherwise provided in this section, those 868
sections of this chapter that by their nature are applicable to an 869
electric personal assistive mobility device apply to the device 870
and the person operating it whenever it is operated upon any 871
public street, highway, sidewalk, or path or upon any portion of a 872
roadway set aside for the exclusive use of bicycles. 873

(3) A local authority may regulate or prohibit the operation 874

of electric personal assistive mobility devices on public streets, 875
highways, sidewalks, and paths, and portions of roadways set aside 876
for the exclusive use of bicycles, under its jurisdiction. 877

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(B) No operator of an electric personal assistive mobility 879
device shall do any of the following: 880

(1) Fail to yield the right-of-way to all pedestrians and 881
human-powered vehicles at all times; 882

(2) Fail to give an audible signal before overtaking and 883
passing a pedestrian; 884

(3) Operate the device at night unless the device or its 885
operator is equipped with or wearing both of the following: 886

(a) A lamp pointing to the front that emits a white light 887
visible from a distance of not less than five hundred feet; 888

(b) A red reflector facing the rear that is visible from all 889
distances from one hundred feet to six hundred feet when directly 890
in front of lawful lower beams of head lamps on a motor vehicle. 891

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(4) Operate the device on any portion of a street or highway 893
that has an established speed limit of fifty-five miles per hour 894
or more; 895

(5) Operate the device upon any path set aside for the 896
exclusive use of pedestrians or other specialized use when an 897
appropriate sign giving notice of the specialized use is posted on 898
the path; 899

(6) If under eighteen years of age, operate the device unless 900
wearing a protective helmet on the person's head with the chin 901
strap properly fastened; 902

(7) If under sixteen years of age, operate the device unless, 903
during the operation, the person is under the direct visual and 904

audible supervision of another person who is eighteen years of age
or older and is responsible for the immediate care of the person
under sixteen years of age.

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(C) No person who is under fourteen years of age shall
operate an electric personal assistive mobility device.

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(D) No person shall distribute or sell an electric personal
assistive mobility device unless the device is accompanied by a
written statement that is substantially equivalent to the
following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE
ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST
GUARDS, ELBOW PADS, AND KNEE PADS."

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(E) Nothing in this section affects or shall be construed to
affect any rule of the director of natural resources or a board of
park district commissioners governing the operation of vehicles on
lands under the control of the director or board, as applicable.

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Sec. 4511.99. (A) Whoever violates division (A)(1), (2), (3),
or (4) of section 4511.19 of the Revised Code, in addition to the
license suspension or revocation provided in section 4507.16 of
the Revised Code and any disqualification imposed under section
4506.16 of the Revised Code, shall be punished as provided in
division (A)(1), (2), (3), or (4) of this section. Whoever
violates division (A)(5), (6), or (7) of section 4511.19 of the
Revised Code, in addition to the license suspension or revocation
provided in section 4507.16 of the Revised Code and any
disqualification imposed under section 4506.16 of the Revised
Code, shall be punished as provided in division (A)(5), (6), (7),
or (8) of this section.

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(1) Except as otherwise provided in division (A)(2), (3), or
(4) of this section, the offender is guilty of a misdemeanor of
the first degree and the court shall sentence the offender to a
term of imprisonment of three consecutive days and may sentence

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the offender pursuant to section 2929.21 of the Revised Code to a
longer term of imprisonment. In addition, the court shall impose
upon the offender a fine of not less than two hundred fifty and
not more than one thousand dollars.

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

Of the fine imposed pursuant to this division, twenty-five
dollars shall be paid to an enforcement and education fund

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established by the legislative authority of the law enforcement 968
agency in this state that primarily was responsible for the arrest 969
of the offender, as determined by the court that imposes the fine. 970
This share shall be used by the agency to pay only those costs it 971
incurs in enforcing section 4511.19 of the Revised Code or a 972
substantially similar municipal ordinance and in informing the 973
public of the laws governing the operation of a motor vehicle 974
while under the influence of alcohol, the dangers of operating a 975
motor vehicle while under the influence of alcohol, and other 976
information relating to the operation of a motor vehicle and the 977
consumption of alcoholic beverages. Fifty dollars of the fine 978
imposed pursuant to this division shall be paid to the political 979
subdivision that pays the cost of housing the offender during the 980
offender's term of incarceration to the credit of the fund that 981
pays the cost of the incarceration. If the offender was confined 982
as a result of the offense prior to being sentenced for the 983
offense but is not sentenced to a term of incarceration, the fifty 984
dollars shall be paid to the political subdivision that paid the 985
cost of housing the offender during that period of confinement. 986
The political subdivision shall use this share to pay or reimburse 987
incarceration or treatment costs it incurs in housing or providing 988
drug and alcohol treatment to persons who violate section 4511.19 989
of the Revised Code or a substantially similar municipal ordinance 990
and to pay for ignition interlock devices and electronic house 991
arrest equipment for persons who violate that section. Twenty-five 992
dollars of the fine imposed pursuant to this division shall be 993
deposited into the county indigent drivers alcohol treatment fund 994
or municipal indigent drivers alcohol treatment fund under the 995
control of that court, as created by the county or municipal 996
corporation pursuant to division (N) of section 4511.191 of the 997
Revised Code. The balance of the fine shall be disbursed as 998
otherwise provided by law. 999

(2)(a) Except as otherwise provided in division (A)(4) of 1000
this section, the offender is guilty of a misdemeanor of the first 1001
degree, and, except as provided in this division, the court shall 1002
sentence the offender to a term of imprisonment of ten consecutive 1003
days and may sentence the offender pursuant to section 2929.21 of 1004
the Revised Code to a longer term of imprisonment if, within six 1005
years of the offense, the offender has been convicted of or 1006
pleaded guilty to one violation of the following: 1007

(i) Division (A) or (B) of section 4511.19 of the Revised 1008
Code; 1009

(ii) A municipal ordinance relating to operating a vehicle 1010
while under the influence of alcohol, a drug of abuse, or alcohol 1011
and a drug of abuse; 1012

(iii) A municipal ordinance relating to operating a vehicle 1013
with a prohibited concentration of alcohol in the blood, breath, 1014
or urine; 1015

(iv) Section 2903.04 of the Revised Code in a case in which 1016
the offender was subject to the sanctions described in division 1017
(D) of that section; 1018

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 1019
section 2903.08 of the Revised Code or a municipal ordinance that 1020
is substantially similar to either of those divisions; 1021

(vi) Division (A)(2), (3), or (4) of section 2903.06, 1022
division (A)(2) of section 2903.08, or former section 2903.07 of 1023
the Revised Code, or a municipal ordinance that is substantially 1024
similar to any of those divisions or that former section, in a 1025
case in which the jury or judge found that the offender was under 1026
the influence of alcohol, a drug of abuse, or alcohol and a drug 1027
of abuse; 1028

(vii) A statute of the United States or of any other state or 1029
a municipal ordinance of a municipal corporation located in any 1030

other state that is substantially similar to division (A) or (B) 1031
of section 4511.19 of the Revised Code. 1032

As an alternative to the term of imprisonment required to be 1033
imposed by this division, but subject to division (A)(12) of this 1034
section, the court may impose upon the offender a sentence 1035
consisting of both a term of imprisonment of five consecutive days 1036
and not less than eighteen consecutive days of electronically 1037
monitored house arrest as defined in division (A) of section 1038
2929.23 of the Revised Code. The five consecutive days of 1039
imprisonment and the period of electronically monitored house 1040
arrest shall not exceed six months. The five consecutive days of 1041
imprisonment do not have to be served prior to or consecutively 1042
with the period of electronically monitored house arrest. 1043

In addition, the court shall impose upon the offender a fine 1044
of not less than three hundred fifty and not more than one 1045
thousand five hundred dollars. 1046

In addition to any other sentence that it imposes upon the 1047
offender, the court may require the offender to attend a drivers' 1048
intervention program that is certified pursuant to section 3793.10 1049
of the Revised Code. If the officials of the drivers' intervention 1050
program determine that the offender is alcohol dependent, they 1051
shall notify the court, and the court shall order the offender to 1052
obtain treatment through an alcohol and drug addiction program 1053
authorized by section 3793.02 of the Revised Code. The cost of the 1054
treatment shall be paid by the offender. 1055

Of the fine imposed pursuant to this division, thirty-five 1056
dollars shall be paid to an enforcement and education fund 1057
established by the legislative authority of the law enforcement 1058
agency in this state that primarily was responsible for the arrest 1059
of the offender, as determined by the court that imposes the fine. 1060
This share shall be used by the agency to pay only those costs it 1061
incurs in enforcing section 4511.19 of the Revised Code or a 1062

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. 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.

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(3)(a) Except as otherwise provided in division (A)(4) of
this section and except as provided in this division, if, within
six years of the offense, the offender has been convicted of or
pleaded guilty to two violations identified in division (A)(2) of
this section, the court shall sentence the offender to a term of
imprisonment of thirty consecutive days and may sentence the
offender to a longer definite term of imprisonment of not more
than one year. As an alternative to the term of imprisonment
required to be imposed by this division, but subject to division
(A)(12) of this section, the court may impose upon the offender a
sentence consisting of both a term of imprisonment of fifteen
consecutive days and not less than fifty-five consecutive days of
electronically monitored house arrest as defined in division (A)
of section 2929.23 of the Revised Code. The fifteen consecutive
days of imprisonment and the period of electronically monitored
house arrest shall not exceed one year. The fifteen consecutive
days of imprisonment do not have to be served prior to or
consecutively with the period of electronically monitored house
arrest.

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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.

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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

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the treatment program be made from that court's indigent drivers
alcohol treatment fund.

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

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(b) Regardless of whether the vehicle the offender was
operating at the time of the offense is registered in the
offender's name or in the name of another person, the court, in
addition to the penalties imposed under division (A)(3)(a) of this
section and all other penalties provided by law and subject to

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section 4503.235 of the Revised Code, shall order the criminal
forfeiture to the state of the vehicle the offender was operating
at the time of the offense. The order of criminal forfeiture shall
be issued and enforced in accordance with section 4503.234 of the
Revised Code.

(4)(a)(i) If, within six years of the offense, the offender
has been convicted of or pleaded guilty to three or more
violations identified in division (A)(2) of this section, and if
sentence is not required to be imposed under division
(A)(4)(a)(ii) of this section, the offender is guilty of a felony
of the fourth degree and, notwithstanding division (A)(4) of
section 2929.14 of the Revised Code, may be sentenced to a
definite prison term that shall be not less than six months and
not more than thirty months. The court shall sentence the offender
in accordance with sections 2929.11 to 2929.19 of the Revised Code
and shall impose as part of the sentence either a mandatory term
of local incarceration of sixty consecutive days of imprisonment
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

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a felony, regardless of when the prior violation and the prior conviction or guilty plea occurred, the offender is guilty of a felony of the third degree. The court shall sentence the offender in accordance with sections 2929.11 to 2929.19 of the Revised Code and shall impose as part of the sentence a mandatory prison term of sixty consecutive days of imprisonment in accordance with division (G)(2) of section 2929.13 of the Revised Code.

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

In addition to any other sanction that it imposes upon the offender under division (A)(4)(a)(i) or (ii) of this section, the court shall require the offender to attend an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund.

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

motor vehicle while under the influence of alcohol, and other 1223
information relating to the operation of a motor vehicle and the 1224
consumption of alcoholic beverages. Four hundred forty dollars of 1225
the fine imposed pursuant to this division shall be paid to the 1226
political subdivision that pays the cost of housing the offender 1227
during the offender's term of incarceration. This share shall be 1228
used by the political subdivision to pay or reimburse 1229
incarceration or treatment costs it incurs in housing or providing 1230
drug and alcohol treatment to persons who violate section 4511.19 1231
of the Revised Code or a substantially similar municipal ordinance 1232
and to pay for ignition interlock devices and electronic house 1233
arrest equipment for persons who violate that section, and shall 1234
be paid to the credit of the fund that pays the cost of 1235
incarceration. The balance of the fine shall be disbursed as 1236
otherwise provided by law. 1237

(b) Regardless of whether the vehicle the offender was 1238
operating at the time of the offense is registered in the 1239
offender's name or in the name of another person, the court, in 1240
addition to the sanctions imposed under division (A)(4)(a) of this 1241
section and all other sanctions provided by law and subject to 1242
section 4503.235 of the Revised Code, shall order the criminal 1243
forfeiture to the state of the vehicle the offender was operating 1244
at the time of the offense. The order of criminal forfeiture shall 1245
be issued and enforced in accordance with section 4503.234 of the 1246
Revised Code. 1247

(c) As used in division (A)(4)(a) of this section, "mandatory 1248
prison term" and "mandatory term of local incarceration" have the 1249
same meanings as in section 2929.01 of the Revised Code. 1250

If title to a motor vehicle that is subject to an order for 1252
criminal forfeiture under this section is assigned or transferred 1253
and division (C)(2) or (3) of section 4503.234 of the Revised Code 1254

applies, in addition to or independent of any other penalty 1255
established by law, the court may fine the offender the value of 1256
the vehicle as determined by publications of the national auto 1257
dealer's association. The proceeds from any fine imposed under 1258
this division shall be distributed in accordance with division 1259
(D)(4) of section 4503.234 of the Revised Code. 1260

(5)(a) Except as otherwise provided in division (A)(6), (7), 1261
or (8) of this section, the offender is guilty of a misdemeanor of 1262
the first degree, and the court shall sentence the offender to one 1263
of the following: 1264

(i) A term of imprisonment of at least three consecutive days 1265
and a requirement that the offender attend, for three consecutive 1266
days, a drivers' intervention program that is certified pursuant 1267
to section 3793.10 of the Revised Code; 1268

(ii) If the court determines that the offender is not 1269
conducive to treatment in the program, if the offender refuses to 1270
attend the program, or if the place of imprisonment can provide a 1271
drivers' intervention program, a term of imprisonment of at least 1272
six consecutive days. 1273

(b) In addition, the court shall impose upon the offender a 1274
fine of not less than two hundred fifty and not more than one 1275
thousand dollars. 1276

The court may require the offender, as a condition of 1277
probation, to attend and satisfactorily complete any treatment or 1278
education programs that comply with the minimum standards adopted 1279
pursuant to Chapter 3793. of the Revised Code by the director of 1280
alcohol and drug addiction services, in addition to the required 1281
attendance at a drivers' intervention program, that the operators 1282
of the drivers' intervention program determine that the offender 1283
should attend and to report periodically to the court on the 1284
offender's progress in the programs. The court also may impose any 1285

other conditions of probation on the offender that it considers
necessary.

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Of the fine imposed pursuant to this division, twenty-five
dollars shall be paid to an enforcement and education fund
established by the legislative authority of the law enforcement
agency in this state that primarily was responsible for the arrest
of the offender, as determined by the court that imposes the fine.
The agency shall use this share to pay only those costs it incurs
in enforcing section 4511.19 of the Revised Code or a
substantially similar municipal ordinance and in informing the
public of the laws governing the operation of a motor vehicle
while under the influence of alcohol, the dangers of operating a
motor vehicle while under the influence of alcohol, and other
information relating to the operation of a motor vehicle and the
consumption of alcoholic beverages. Fifty dollars of the fine
imposed pursuant to this division shall be paid to the political
subdivision that pays the cost of housing the offender during the
offender's term of incarceration to the credit of the fund that
pays the cost of the incarceration. The political subdivision
shall use this share to pay or reimburse incarceration or
treatment costs it incurs in housing or providing drug and alcohol
treatment to persons who violate section 4511.19 of the Revised
Code or a substantially similar municipal ordinance and to pay for
ignition interlock devices and electronic house arrest equipment
for persons who violate that section. Twenty-five dollars of the
fine imposed pursuant to this division shall be deposited into the
county indigent drivers alcohol treatment fund or municipal
indigent drivers alcohol treatment fund under the control of that
court, as created by the county or municipal corporation pursuant
to division (N) of section 4511.191 of the Revised Code. The
balance of the fine shall be disbursed as otherwise provided by
law.

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(6)(a) Except as otherwise provided in division (A)(8) of 1318
this section and except as provided in this division, if, within 1319
six years of the offense, the offender has been convicted of or 1320
pleaded guilty to one violation of division (A) or (B) of section 1321
4511.19 of the Revised Code, a municipal ordinance relating to 1322
operating a vehicle while under the influence of alcohol, a drug 1323
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1324
relating to operating a vehicle with a prohibited concentration of 1325
alcohol in the blood, breath, or urine, section 2903.04 of the 1326
Revised Code in a case in which the offender was subject to the 1327
sanctions described in division (D) of that section, section 1328
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1329
ordinance that is substantially similar to section 2903.07 of the 1330
Revised Code in a case in which the jury or judge found that the 1331
offender was under the influence of alcohol, a drug of abuse, or 1332
alcohol and a drug of abuse, or a statute of the United States or 1333
of any other state or a municipal ordinance of a municipal 1334
corporation located in any other state that is substantially 1335
similar to division (A) or (B) of section 4511.19 of the Revised 1336
Code, the offender is guilty of a misdemeanor of the first degree, 1337
and the court shall sentence the offender to a term of 1338
imprisonment of twenty consecutive days and may sentence the 1339
offender pursuant to section 2929.21 of the Revised Code to a 1340
longer term of imprisonment. As an alternative to the term of 1341
imprisonment required to be imposed by this division, but subject 1342
to division (A)(12) of this section, the court may impose upon the 1343
offender a sentence consisting of both a term of imprisonment of 1344
ten consecutive days and not less than thirty-six consecutive days 1345
of electronically monitored house arrest as defined in division 1346
(A) of section 2929.23 of the Revised Code. The ten consecutive 1347
days of imprisonment and the period of electronically monitored 1348
house arrest shall not exceed six months. The ten consecutive days 1349
of imprisonment do not have to be served prior to or consecutively 1350

with the period of electronically monitored house arrest.

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

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

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Of the fine imposed pursuant to this division, thirty-five dollars shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. 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

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alcohol treatment to persons who violate section 4511.19 of the
Revised Code or a substantially similar municipal ordinance and to
pay for ignition interlock devices and electronic house arrest
equipment for persons who violate that section, and this share
shall be paid to the credit of the fund that pays the cost of the
incarceration. Fifty dollars of the fine imposed pursuant to this
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)(6)(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.

(7)(a) Except as otherwise provided in division (A)(8) of
this section and except as provided in this division, if, within
six years of the offense, the offender has been convicted of or
pleaded guilty to two violations of division (A) or (B) of section
4511.19 of the Revised Code, a municipal ordinance relating to
operating a vehicle while under the influence of alcohol, a drug
of abuse, or alcohol and a drug of abuse, a municipal ordinance
relating to operating a vehicle with a prohibited concentration of

alcohol in the blood, breath, or urine, section 2903.04 of the
Revised Code in a case in which the offender was subject to the
sanctions described in division (D) of that section, section
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal
ordinance that is substantially similar to section 2903.07 of the
Revised Code in a case in which the jury or judge found that the
offender was under the influence of alcohol, a drug of abuse, or
alcohol and a drug of abuse, or a statute of the United States or
of any other state or a municipal ordinance of a municipal
corporation located in any other state that is substantially
similar to division (A) or (B) of section 4511.19 of the Revised
Code, the 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 1447
treatment. If the court determines that the offender is unable to 1448
pay the cost of attendance at the treatment program, the court may 1449
order that payment of the cost of the offender's attendance at the 1450
treatment program be made from that court's indigent drivers 1451
alcohol treatment fund. 1452

Of the fine imposed pursuant to this division, one hundred 1453
twenty-three dollars shall be paid to an enforcement and education 1454
fund established by the legislative authority of the law 1455
enforcement agency in this state that primarily was responsible 1456
for the arrest of the offender, as determined by the court that 1457
imposes the fine. The agency shall use this share to pay only 1458
those costs it incurs in enforcing section 4511.19 of the Revised 1459
Code or a substantially similar municipal ordinance and in 1460
informing the public of the laws governing the operation of a 1461
motor vehicle while under the influence of alcohol, the dangers of 1462
operating a motor vehicle while under the influence of alcohol, 1463
and other information relating to the operation of a motor vehicle 1464
and the consumption of alcoholic beverages. Two hundred 1465
seventy-seven dollars of the fine imposed pursuant to this 1466
division shall be paid to the political subdivision that pays the 1467
cost of housing the offender during the offender's term of 1468
incarceration. The political subdivision shall use this share to 1469
pay or reimburse incarceration or treatment costs it incurs in 1470
housing or providing drug and alcohol treatment to persons who 1471
violate section 4511.19 of the Revised Code or a substantially 1472
similar municipal ordinance and to pay for ignition interlock 1473
devices and electronic house arrest equipment for persons who 1474
violate that section, and this share shall be paid to the credit 1475
of the fund that pays the cost of incarceration. The balance of 1476
the fine shall be disbursed as otherwise provided by law. 1477

(b) Regardless of whether the vehicle the offender was 1478

operating at the time of the offense is registered in the 1479
offender's name or in the name of another person, the court, in 1480
addition to the penalties imposed under division (A)(7)(a) of this 1481
section and all other penalties provided by law and subject to 1482
section 4503.235 of the Revised Code, shall order the 1483
immobilization for one hundred eighty days of the vehicle the 1484
offender was operating at the time of the offense and the 1485
impoundment for one hundred eighty days of the identification 1486
license plates of that vehicle. The order for the immobilization 1487
and impoundment shall be issued and enforced in accordance with 1488
section 4503.233 of the Revised Code. 1489

(8)(a)(i) If, within six years of the offense, the offender 1490
has been convicted of or pleaded guilty to three or more 1491
violations of division (A) or (B) of section 4511.19 of the 1492
Revised Code, a municipal ordinance relating to operating a 1493
vehicle while under the influence of alcohol, a drug of abuse, or 1494
alcohol and a drug of abuse, a municipal ordinance relating to 1495
operating a vehicle with a prohibited concentration of alcohol in 1496
the blood, breath, or urine, section 2903.04 of the Revised Code 1497
in a case in which the offender was subject to the sanctions 1498
described in division (D) of that section, section 2903.06, 1499
2903.07, or 2903.08 of the Revised Code or a municipal ordinance 1500
that is substantially similar to section 2903.07 of the Revised 1501
Code in a case in which the jury or judge found that the offender 1502
was under the influence of alcohol, a drug of abuse, or alcohol 1503
and a drug of abuse, or a statute of the United States or of any 1504
other state or a municipal ordinance of a municipal corporation 1505
located in any other state that is substantially similar to 1506
division (A) or (B) of section 4511.19 of the Revised Code, and if 1507
sentence is not required to be imposed under division 1508
(A)(8)(a)(ii) of this section, the offender is guilty of a felony 1509
of the fourth degree and, notwithstanding division (A)(4) of 1510

section 2929.14 of the Revised Code, may be sentenced to a
definite prison term that shall be not less than six months and
not more than thirty months. The court shall sentence the offender
in accordance with sections 2929.11 to 2929.19 of the Revised Code
and shall impose as part of the sentence either a mandatory term
of local incarceration of one hundred twenty consecutive days of
imprisonment in accordance with division (G)(1) of section 2929.13
of the Revised Code or a mandatory prison term of one hundred
twenty consecutive days of imprisonment in accordance with
division (G)(2) of that section. If the court requires the
offender to serve a mandatory term of local incarceration of one
hundred twenty consecutive days of imprisonment in accordance with
division (G)(1) of section 2929.13 of the Revised Code, the court,
pursuant to section 2929.17 of the Revised Code, may impose upon
the offender a sentence that includes a term of electronically
monitored house arrest, provided that the term of electronically
monitored house arrest shall not commence until after the offender
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 1543
of the Revised Code, a fine of not less than eight hundred nor 1544
more than ten thousand dollars. 1545

In addition to any other sanction that it imposes upon the 1546
offender under division (A)(8)(a)(i) or (ii) of this section, the 1547
court shall require the offender to attend an alcohol and drug 1548
addiction program authorized by section 3793.02 of the Revised 1549
Code. The cost of the treatment shall be paid by the offender. If 1550
the court determines that the offender is unable to pay the cost 1551
of attendance at the treatment program, the court may order that 1552
payment of the cost of the offender's attendance at the treatment 1553
program be made from the court's indigent drivers alcohol 1554
treatment fund. 1555

Of the fine imposed pursuant to this division, two hundred 1556
ten dollars shall be paid to an enforcement and education fund 1557
established by the legislative authority of the law enforcement 1558
agency in this state that primarily was responsible for the arrest 1559
of the offender, as determined by the court that imposes the fine. 1560
The agency shall use this share to pay only those costs it incurs 1561
in enforcing section 4511.19 of the Revised Code or a 1562
substantially similar municipal ordinance and in informing the 1563
public of the laws governing operation of a motor vehicle while 1564
under the influence of alcohol, the dangers of operation of a 1565
motor vehicle while under the influence of alcohol, and other 1566
information relating to the operation of a motor vehicle and the 1567
consumption of alcoholic beverages. Four hundred forty dollars of 1568
the fine imposed pursuant to this division shall be paid to the 1569
political subdivision that pays the cost of housing the offender 1570
during the offender's term of incarceration. The political 1571
subdivision shall use this share to pay or reimburse incarceration 1572
or treatment costs it incurs in housing or providing drug and 1573
alcohol treatment to persons who violate section 4511.19 of the 1574

Revised Code or a substantially similar municipal ordinance and to 1575
pay for ignition interlock devices and electronic house arrest 1576
equipment for persons who violate that section, and this share 1577
shall be paid to the credit of the fund that pays the cost of 1578
incarceration. The balance of the fine shall be disbursed as 1579
otherwise provided by law. 1580

(b) Regardless of whether the vehicle the offender was 1581
operating at the time of the offense is registered in the 1582
offender's name or in the name of another person, the court, in 1583
addition to the sanctions imposed under division (A)(8)(a) of this 1584
section and all other sanctions provided by law and subject to 1585
section 4503.235 of the Revised Code, shall order the criminal 1586
forfeiture to the state of the vehicle the offender was operating 1587
at the time of the offense. The order of criminal forfeiture shall 1588
be issued and enforced in accordance with section 4503.234 of the 1589
Revised Code. 1590

(c) As used in division (A)(8)(a) of this section, "mandatory 1591
prison term" and "mandatory term of local incarceration" have the 1592
same meanings as in section 2929.01 of the Revised Code. 1593
1594

(d) If title to a motor vehicle that is subject to an order 1595
for criminal forfeiture under this section is assigned or 1596
transferred and division (C)(2) or (3) of section 4503.234 of the 1597
Revised Code applies, in addition to or independent of any other 1598
penalty established by law, the court may fine the offender the 1599
value of the vehicle as determined by publications of the national 1600
auto dealer's association. The proceeds from any fine imposed 1601
under this division shall be distributed in accordance with 1602
division (D)(4) of section 4503.234 of the Revised Code. 1603

(9)(a) Except as provided in division (A)(9)(b) of this 1604
section, upon a showing that imprisonment would seriously affect 1605
the ability of an offender sentenced pursuant to division (A)(1), 1606

(2), (3), (4), (5), (6), (7), or (8) of this section to continue
the offender's employment, the court may authorize that the
offender be granted work release from imprisonment after the
offender has served the three, six, ten, twenty, thirty, or sixty
consecutive days of imprisonment or the mandatory term of local
incarceration of sixty or one hundred twenty consecutive days that
the court is required by division (A)(1), (2), (3), (4), (5), (6),
(7), or (8) of this section to impose. No court shall authorize
work release from imprisonment during the three, six, ten, twenty,
thirty, or sixty consecutive days of imprisonment or the mandatory
term of local incarceration or mandatory prison term of sixty or
one hundred twenty consecutive days that the court is required by
division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this
section to impose. The duration of the work release shall not
exceed the time necessary each day for the offender to commute to
and from the place of employment and the place of imprisonment and
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 1639
required to be imposed on an offender by division (A)(2), (3), 1640
(6), or (7) of this section, no court shall place an offender who 1641
is sentenced pursuant to division (A)(2), (3), (4), (6), (7), or 1642
(8) of this section in any treatment program in lieu of 1643
imprisonment until after the offender has served the ten, twenty, 1644
thirty, or sixty consecutive days of imprisonment or the mandatory 1645
term of local incarceration or mandatory prison term of sixty or 1646
one hundred twenty consecutive days required to be imposed 1647
pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this 1648
section, no court that sentences an offender under division (A)(4) 1649
or (8) of this section shall impose any sanction other than a 1650
mandatory term of local incarceration or mandatory prison term to 1651
apply to the offender until after the offender has served the 1652
mandatory term of local incarceration or mandatory prison term of 1653
sixty or one hundred twenty consecutive days required to be 1654
imposed pursuant to division (A)(4) or (8) of this section, and no 1655
court that imposes a sentence of imprisonment and a period of 1656
electronically monitored house arrest upon an offender under 1657
division (A)(2), (3), (6), or (7) of this section shall suspend 1658
any portion of the sentence or place the offender in any treatment 1659
program in lieu of imprisonment or electronically monitored house 1660
arrest. Notwithstanding any section of the Revised Code that 1661
authorizes the suspension of the imposition or execution of a 1662
sentence or the placement of an offender in any treatment program 1663
in lieu of imprisonment, no court, except as specifically 1664
authorized by division (A)(1) or (5) of this section, shall 1665
suspend the three or more consecutive days of imprisonment 1666
required to be imposed by division (A)(1) or (5) of this section 1667
or place an offender who is sentenced pursuant to division (A)(1) 1668
or (5) of this section in any treatment program in lieu of 1669
imprisonment until after the offender has served the three or more 1670
consecutive days of imprisonment required to be imposed pursuant 1671

to division (A)(1) or (5) of this section. 1672

(11) No court shall sentence an offender to an alcohol 1673
treatment program pursuant to division (A)(1), (2), (3), (4), (5), 1674
(6), (7), or (8) of this section unless the treatment program 1675
complies with the minimum standards adopted pursuant to Chapter 1676
3793. of the Revised Code by the director of alcohol and drug 1677
addiction services. 1678

(12) No court shall impose the alternative sentence of a term 1679
of imprisonment plus a term of electronically monitored house 1680
arrest permitted to be imposed by division (A)(2), (3), (6), or 1681
(7) of this section, unless within sixty days of the date of 1682
sentencing, the court issues a written finding, entered into the 1683
record, that due to the unavailability of space at the 1684
incarceration facility where the offender is required to serve the 1685
term of imprisonment imposed upon the offender, the offender will 1686
not be able to commence serving the term of imprisonment within 1687
the sixty-day period following the date of sentencing. If the 1688
court issues such a written finding, the court may impose the 1689
alternative sentence comprised of a term of imprisonment and a 1690
term of electronically monitored house arrest permitted to be 1691
imposed by division (A)(2), (3), (6), or (7) of this section. 1692

(B) Whoever violates section 4511.192, 4511.251, or 4511.85 1693
of the Revised Code is guilty of a misdemeanor of the first 1694
degree. The court, in addition to or independent of all other 1695
penalties provided by law, may suspend for a period not to exceed 1696
one year the driver's or commercial driver's license or permit or 1697
nonresident operating privilege of any person who pleads guilty to 1698
or is convicted of a violation of section 4511.192 of the Revised 1699
Code. 1700

(C) Whoever violates section 4511.63, 4511.76, 4511.761, 1701
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code is 1702
guilty of one of the following: 1703

(1) Except as otherwise provided in division (C)(2) of this section, a minor misdemeanor. 1704
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(2) If the offender previously has been convicted of or pleaded guilty to one or more violations of section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, a misdemeanor of the fourth degree. 1706
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(D)(1) Whoever violates any provision of sections 4511.01 to 4511.76 or section 4511.84 of the Revised Code, for which no penalty otherwise is provided in this section is guilty of one of the following: 1712
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(a) Except as otherwise provided in division (D)(1)(b), (1)(c), (2), (3), or (4) of this section, a minor misdemeanor; 1716
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(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one violation of any provision of sections 4511.01 to 4511.76 or section 4511.84 of the Revised Code for which no penalty otherwise is provided in this section or a municipal ordinance that is substantially similar to any provision of sections 4511.01 to 4511.76 or section 4511.84 of the Revised Code for which no penalty otherwise is provided in this section, a misdemeanor of the fourth degree; 1718
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(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of any provision described in division (D)(1)(b) of this section or any municipal ordinance that is substantially similar to any of those provisions, a misdemeanor of the third degree. 1727
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(2) When any person is found guilty of a first offense for a violation of section 4511.21 of the Revised Code upon a finding 1733
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that the person operated a motor vehicle faster than thirty-five 1735
miles an hour in a business district of a municipal corporation, 1736
or faster than fifty miles an hour in other portions, or faster 1737
than thirty-five miles an hour while passing through a school zone 1738
during recess or while children are going to or leaving school 1739
during the opening or closing hours, the person is guilty of a 1740
misdemeanor of the fourth degree. 1741

(3) Notwithstanding section 2929.21 of the Revised Code, upon 1742
a finding that such person operated a motor vehicle in a 1743
construction zone where a sign was then posted in accordance with 1744
section 4511.98 of the Revised Code, the court, in addition to all 1745
other penalties provided by law, shall impose a fine of two times 1746
the usual amount imposed for the violation. No court shall impose 1747
a fine of two times the usual amount imposed for the violation 1748
upon an offender who alleges, in an affidavit filed with the court 1749
prior to the offender's sentencing, that the offender is indigent 1750
and is unable to pay the fine imposed pursuant to this division, 1751
provided the court determines the offender is an indigent person 1752
and is unable to pay the fine. 1753

(4) Notwithstanding section 2929.21 of the Revised Code, upon 1754
a finding that a person operated a motor vehicle in violation of 1755
division (C) of section 4511.213 of the Revised Code, the court, 1756
in addition to all other penalties provided by law, shall impose a 1757
fine of two times the usual amount imposed for the violation. 1758

(E) Whenever a person is found guilty in a court of record of 1760
a violation of section 4511.761, 4511.762, or 4511.77 of the 1761
Revised Code, the trial judge, in addition to or independent of 1762
all other penalties provided by law, may suspend for any period of 1763
time not exceeding three years, or revoke the license of any 1764
person, partnership, association, or corporation, issued under 1765
section 4511.763 of the Revised Code. 1766

(F) Whoever violates division (E) or (F) of section 4511.51, 1767
division (A), (D), or (E) of section 4511.521, section 4511.681, 1768
division (A) or (C) of section 4511.69, section 4511.772, or 1769
division (A) or (B) of section 4511.82 of the Revised Code is 1770
guilty of a minor misdemeanor. 1771

(G) Whoever violates division (A) of section 4511.75 of the 1772
Revised Code may be fined an amount not to exceed five hundred 1773
dollars. A person who is issued a citation for a violation of 1774
division (A) of section 4511.75 of the Revised Code is not 1775
permitted to enter a written plea of guilty and waive the person's 1776
right to contest the citation in a trial, but instead must appear 1777
in person in the proper court to answer the charge. 1778

(H)(1) Whoever is a resident of this state and violates 1779
division (A) or (B) of section 4511.81 of the Revised Code shall 1780
be punished as follows: 1781

(a) Except as otherwise provided in division (H)(1)(b) of 1782
this section, the offender is guilty of a minor misdemeanor. 1783

(b) If the offender previously has been convicted of or 1784
pleaded guilty to a violation of division (A) or (B) of section 1785
4511.81 of the Revised Code or of a municipal ordinance that is 1786
substantially similar to either of those divisions, the offender 1787
is guilty of a misdemeanor of the fourth degree. 1788

(2) Whoever is not a resident of this state, violates 1789
division (A) or (B) of section 4511.81 of the Revised Code, and 1790
fails to prove by a preponderance of the evidence that the 1791
offender's use or nonuse of a child restraint system was in 1792
accordance with the law of the state of which the offender is a 1793
resident is guilty of a minor misdemeanor on a first offense; on a 1794
second or subsequent offense, that person is guilty of a 1795
misdemeanor of the fourth degree. 1796

(3) All fines imposed pursuant to division (H)(1) or (2) of 1797

this section shall be forwarded to the treasurer of state for 1798
deposit in the "child highway safety fund" created by division (G) 1799
of section 4511.81 of the Revised Code. 1800

(I) Whoever violates section 4511.202 of the Revised Code is 1801
guilty of operating a motor vehicle without being in control of 1802
it, a minor misdemeanor. 1803

(J) Whoever violates division (B) of section 4511.74, 1804
division (B)(1), (2), or (3), (C), or (E)(1), (2), or (3) of 1805
section 4511.83 of the Revised Code is guilty of a misdemeanor of 1806
the first degree. 1807

(K) Except as otherwise provided in this division, whoever 1808
violates division (E) of section 4511.11, division (A) or (C) of 1809
section 4511.17, or section 4511.18 of the Revised Code is guilty 1810
of a misdemeanor of the third degree. If a violation of division 1811
(A) or (C) of section 4511.17 of the Revised Code creates a risk 1812
of physical harm to any person, the offender is guilty of a 1813
misdemeanor of the first degree. A violation of division (A) or 1814
(C) of section 4511.17 of the Revised Code that causes serious 1815
physical harm to property that is owned, leased, or controlled by 1816
a state or local authority is a felony of the fifth degree. 1817

(L) Whoever violates division (H) of section 4511.69 of the 1818
Revised Code shall be punished as follows: 1819

(1) Except as otherwise provided in division (L)(2) of this 1820
section, the offender shall be issued a warning. 1821

(2) If the offender previously has been convicted of or 1822
pleaded guilty to a violation of division (H) of section 4511.69 1823
of the Revised Code or of a municipal ordinance that is 1824
substantially similar to that division, the offender shall not be 1825
issued a warning but shall be fined twenty-five dollars for each 1826
parking location that is not properly marked or whose markings are 1827
not properly maintained. 1828

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

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

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

(b) The offender is guilty of a misdemeanor of the third degree if, within one year of the offense, the offender has been 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 1859
division (A)(2) of section 2903.08 of the Revised Code or a 1860
municipal ordinance that is substantially similar to any of those 1861
divisions, or former section 2903.07 of the Revised Code or a 1862
substantially similar municipal ordinance, in a case in which the 1863
jury or judge found that the offender was under the influence of 1864
alcohol, a drug of abuse, or alcohol and a drug of abuse; 1865

(vii) A statute of the United States or of any other state or 1866
a municipal ordinance of a municipal corporation located in any 1867
other state that is substantially similar to division (A) or (B) 1868
of section 4511.19 of the Revised Code. 1869

(2) In addition to or independent of all other penalties 1870
provided by law, the offender's driver's or commercial driver's 1871
license or permit or nonresident operating privilege shall be 1872
suspended in accordance with, and for the period of time specified 1873
in, division (E) of section 4507.16 of the Revised Code. 1874

(O) Whoever violates section 4511.62 of the Revised Code is 1875
guilty of a misdemeanor of the fourth degree. 1876

(P) Whoever violates division (F)(1)(a) or (b) of section 1877
4511.69 of the Revised Code is guilty of a misdemeanor and shall 1878
be fined not less than two hundred fifty nor more than five 1879
hundred dollars, but in no case shall an offender be sentenced to 1880
any term of imprisonment. 1881

Arrest or conviction for a violation of division (F)(1)(a) or 1882
(b) of section 4511.69 of the Revised Code does not constitute a 1883
criminal record and need not be reported by the person so arrested 1884
or convicted in response to any inquiries contained in any 1885
application for employment, license, or other right or privilege, 1886
or made in connection with the person's appearance as a witness. 1887

Every fine collected under this division shall be paid by the 1888
clerk of the court to the political subdivision in which the 1889

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

(Q)(1) Whoever violates division (B) or (C) of section 4511.512 of the Revised Code is guilty of a minor misdemeanor and shall be punished as follows:

(a) The offender shall be fined ten dollars.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 4511.512 of the Revised Code or a substantially similar municipal ordinance, the court, in addition to imposing the fine required under division (Q)(1)(a) of this section, shall do one of the following:

(i) Order the impoundment for not less than one day but not more than thirty days of the electric personal assistive mobility device that was involved in the current violation of that division. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than five dollars per day, provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed fifty dollars.

(ii) If the court does not issue an impoundment order

pursuant to division (O)(1)(b)(i) of this section, issue an order 1921
prohibiting the offender from operating any electric personal 1922
assistive mobility device on the public streets, highways, 1923
sidewalks, and paths and portions of roadways set aside for the 1924
exclusive use of bicycles for not less than one day but not more 1925
than thirty days. 1926

(2) Whoever violates division (D) of section 4511.512 of the 1927
Revised Code is guilty of a minor misdemeanor. 1928

Section 2. That existing sections 1309.109, 4501.01, 4509.01, 1929
4511.01, and 4511.99 of the Revised Code are hereby repealed. 1930