

# As Reported by the House State Government Committee

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## 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 16  
security interest in personal property or fixtures by contract; 17

(2) An agricultural lien; 18

(3) A sale of accounts, chattel paper, payment intangibles, or promissory notes;	19 20
(4) A consignment;	21
(5) A security interest arising under section 1302.42 <del>7</del> <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	22 23 24 25
(6) A security interest arising under section 1304.20 or 1305.18 of the Revised Code.	26 27
(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.	28 29 30 31
(C) This chapter does not apply to the extent that:	32
(1) A statute, regulation, or treaty of the United States preempts this chapter; or	33 34
(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.	35 36 37
(D) This chapter does not apply to:	38
(1) A landlord's lien, other than an agricultural lien;	39
(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 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;	40 41 42 43 44 45
(b) Notwithstanding division (D)(2)(a) of this section, section 1309.333 of the Revised Code applies with respect to	46 47

priority of the lien.	48
(3) An assignment of a claim for wages, salary, or other compensation of an employee;	49 50
(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;	51 52 53
(5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes that is for the purpose of collection only;	54 55 56
(6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;	57 58
(7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;	59 60 61
(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;	62 63 64 65 66 67
(9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;	68 69 70
(10) A right of recoupment or set-off, but:	71
(a) Section 1309.340 of the Revised Code applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and	72 73 74
(b) Section 1309.404 of the Revised Code applies with respect to defenses or claims of an account debtor.	75 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

(E) The sale, pledge, assignment, or granting of a security 95  
interest in all or any part of a lottery prize award for 96  
consideration is also subject to sections 3770.07 and 3770.10 to 97  
3770.15 of the Revised Code. 98

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 99  
4505., 4507., 4509., 4511., 4513., 4515., and 4517. of the Revised 100  
Code, and in the penal laws, except as otherwise provided: 101

(A) "Vehicles" means everything on wheels or runners, 103  
including motorized bicycles, but does not mean electric personal 104  
assistive mobility devices, vehicles that are operated exclusively 105

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on rails or tracks or from overhead electric trolley wires, and 106  
vehicles that belong to any police department, municipal fire 107  
department, or volunteer fire department, or that are used by such 108  
a department in the discharge of its functions. 109

(B) "Motor vehicle" means any vehicle, including mobile homes 110  
and recreational vehicles, that is propelled or drawn by power 111  
other than muscular power or power collected from overhead 112  
electric trolley wires. "Motor vehicle" does not include motorized 113  
bicycles, road rollers, traction engines, power shovels, power 114  
cranes, and other equipment used in construction work and not 115  
designed for or employed in general highway transportation, 116  
well-drilling machinery, ditch-digging machinery, farm machinery, 117  
trailers that are used to transport agricultural produce or 118  
agricultural production materials between a local place of storage 119  
or supply and the farm when drawn or towed on a public road or 120  
highway at a speed of twenty-five miles per hour or less, 121  
threshing machinery, hay-baling machinery, corn sheller, 122  
hammermill and agricultural tractors, machinery used in the 123  
production of horticultural, agricultural, and vegetable products, 124  
and trailers that are designed and used exclusively to transport a 125  
boat between a place of storage and a marina, or in and around a 126  
marina, when drawn or towed on a public road or highway for a 127  
distance of no more than ten miles and at a speed of twenty-five 128  
miles per hour or less. 129

(C) "Agricultural tractor" and "traction engine" mean any 131  
self-propelling vehicle that is designed or used for drawing other 132  
vehicles or wheeled machinery, but has no provisions for carrying 133  
loads independently of such other vehicles, and that is used 134  
principally for agricultural purposes. 135

(D) "Commercial tractor," except as defined in division (C) 136  
of this section, means any motor vehicle that has motive power and 137

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.

(H) "Noncommercial motor vehicle" means any motor vehicle,  
including a farm truck as defined in section 4503.04 of the  
Revised Code, that is designed by the manufacturer to carry a load  
of no more than one ton and is used exclusively for purposes other  
than engaging in business for profit.

(I) "Bus" means any motor vehicle that has motor power and is

designed and used for carrying more than nine passengers, except  
any motor vehicle that is designed and used for carrying not more  
than fifteen passengers in a ridesharing arrangement.

(J) "Commercial car" or "truck" means any motor vehicle that  
has motor power and is designed and used for carrying merchandise  
or freight, or that is used as a commercial tractor.

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

(L) "Motorized bicycle" means any vehicle that either has two  
tandem wheels or one wheel in the front and two wheels in the  
rear, that is capable of being pedaled, and that is equipped with  
a helper motor of not more than fifty cubic centimeters piston  
displacement that produces no more than one brake horsepower and  
is capable of propelling the vehicle at a speed of no greater than  
twenty miles per hour on a level surface.

(M) "Trailer" means any vehicle without motive power that is  
designed or used for carrying property or persons wholly on its  
own structure and for being drawn by a motor vehicle, and includes  
any such vehicle that is formed by or operated as a combination of  
a semitrailer and a vehicle of the dolly type such as that  
commonly known as a trailer dolly, a vehicle used to transport  
agricultural produce or agricultural production materials between  
a local place of storage or supply and the farm when drawn or  
towed on a public road or highway at a speed greater than  
twenty-five miles per hour, and a vehicle that is designed and  
used exclusively to transport a boat between a place of storage  
and a marina, or in and around a marina, when drawn or towed on a  
public road or highway for a distance of more than ten miles or at

a speed of more than twenty-five miles per hour. "Trailer" does  
not include a manufactured home or travel trailer.

(N) "Noncommercial trailer" means any trailer, except a  
travel trailer or trailer that is used to transport a boat as  
described in division (B) of this section, but, where applicable,  
includes a vehicle that is used to transport a boat as described  
in division (M) of this section, that has a gross weight of no  
more than three thousand pounds, and that is used exclusively for  
purposes other than engaging in business for a profit.

(O) "Mobile home" means a building unit or assembly of closed  
construction that is fabricated in an off-site facility, is more  
than thirty-five body feet in length or, when erected on site, is  
three hundred twenty or more square feet, is built on a permanent  
chassis, is transportable in one or more sections, and does not  
qualify as a manufactured home as defined in division (C)(4) of  
section 3781.06 of the Revised Code or as an industrialized unit  
as defined in division (C)(3) of section 3781.06 of the Revised  
Code.

(P) "Semitrailer" means any vehicle of the trailer type that  
does not have motive power and is so designed or used with another  
and separate motor vehicle that in operation a part of its own  
weight or that of its load, or both, rests upon and is carried by  
the other vehicle furnishing the motive power for propelling  
itself and the vehicle referred to in this division, and includes,  
for the purpose only of registration and taxation under those  
chapters, any vehicle of the dolly type, such as a trailer dolly,  
that is designed or used for the conversion of a semitrailer into  
a trailer.

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

(1) It is designed for the sole purpose of recreational



travel.	234
(2) It is not used for the purpose of engaging in business	235
for profit.	236
(3) It is not used for the purpose of engaging in intrastate	237
commerce.	238
(4) It is not used for the purpose of commerce as defined in	239
49 C.F.R. 383.5, as amended.	240
(5) It is not regulated by the public utilities commission	241
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code.	242
(6) It is classed as one of the following:	243
(a) "Travel trailer" means a nonself-propelled recreational	244
vehicle that does not exceed an overall length of thirty-five	245
feet, exclusive of bumper and tongue or coupling, and contains	246
less than three hundred twenty square feet of space when erected	247
on site. "Travel trailer" includes a tent-type fold-out camping	248
trailer as defined in section 4517.01 of the Revised Code.	249
(b) "Motor home" means a self-propelled recreational vehicle	250
that has no fifth wheel and is constructed with permanently	251
installed facilities for cold storage, cooking and consuming of	252
food, and for sleeping.	253
(c) "Truck camper" means a nonself-propelled recreational	254
vehicle that does not have wheels for road use and is designed to	255
be placed upon and attached to a motor vehicle. "Truck camper"	256
does not include truck covers that consist of walls and a roof,	257
but do not have floors and facilities enabling them to be used as	258
a dwelling.	259
(d) "Fifth wheel trailer" means a vehicle that is of such	260
size and weight as to be movable without a special highway permit,	261
that has a gross trailer area of four hundred square feet or less,	262
that is constructed with a raised forward section that allows a	263

bi-level floor plan, and that is designed to be towed by a vehicle 264  
equipped with a fifth-wheel hitch ordinarily installed in the bed 265  
of a truck. 266

(e) "Park trailer" means a vehicle that is commonly known as 267  
a park model recreational vehicle, meets the American national 268  
standard institute standard A119.5 (1988) for park trailers, is 269  
built on a single chassis, has a gross trailer area of four 270  
hundred square feet or less when set up, is designed for seasonal 271  
or temporary living quarters, and may be connected to utilities 272  
necessary for the operation of installed features and appliances. 273

(R) "Pneumatic tires" means tires of rubber and fabric or 274  
tires of similar material, that are inflated with air. 275

(S) "Solid tires" means tires of rubber or similar elastic 276  
material that are not dependent upon confined air for support of 277  
the load. 278

(T) "Solid tire vehicle" means any vehicle that is equipped 279  
with two or more solid tires. 280

(U) "Farm machinery" means all machines and tools that are 281  
used in the production, harvesting, and care of farm products, and 282  
includes trailers that are used to transport agricultural produce 283  
or agricultural production materials between a local place of 284  
storage or supply and the farm when drawn or towed on a public 285  
road or highway at a speed of twenty-five miles per hour or less. 286  
287

(V) "Owner" includes any person or firm, other than a 288  
manufacturer or dealer, that has title to a motor vehicle, except 289  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 290  
includes in addition manufacturers and dealers. 291

(W) "Manufacturer" and "dealer" include all persons and firms 292  
that are regularly engaged in the business of manufacturing, 293  
selling, displaying, offering for sale, or dealing in motor 294

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vehicles, at an established place of business that is used  
exclusively for the purpose of manufacturing, selling, displaying,  
offering for sale, or dealing in motor vehicles. A place of  
business that is used for manufacturing, selling, displaying,  
offering for sale, or dealing in motor vehicles shall be deemed to  
be used exclusively for those purposes even though snowmobiles or  
all-purpose vehicles are sold or displayed for sale thereat, even  
though farm machinery is sold or displayed for sale thereat, or  
even though repair, accessory, gasoline and oil, storage, parts,  
service, or paint departments are maintained thereat, or, in any  
county having a population of less than seventy-five thousand at  
the last federal census, even though a department in a place of  
business is used to dismantle, salvage, or rebuild motor vehicles  
by means of used parts, if such departments are operated for the  
purpose of furthering and assisting in the business of  
manufacturing, selling, displaying, offering for sale, or dealing  
in motor vehicles. Places of business or departments in a place of  
business used to dismantle, salvage, or rebuild motor vehicles by  
means of using used parts are not considered as being maintained  
for the purpose of assisting or furthering the manufacturing,  
selling, displaying, and offering for sale or dealing in motor  
vehicles.

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

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

employee for hire or operating such vehicle for gain, 327  
compensation, or profit. 328

(Z) "State" includes the territories and federal districts of 329  
the United States, and the provinces of Canada. 330

(AA) "Public roads and highways" for vehicles includes all 331  
public thoroughfares, bridges, and culverts. 332

(BB) "Manufacturer's number" means the manufacturer's 333  
original serial number that is affixed to or imprinted upon the 334  
chassis or other part of the motor vehicle. 335

(CC) "Motor number" means the manufacturer's original number 336  
that is affixed to or imprinted upon the engine or motor of the 337  
vehicle. 338

(DD) "Distributor" means any person who is authorized by a 339  
motor vehicle manufacturer to distribute new motor vehicles to 340  
licensed motor vehicle dealers at an established place of business 341  
that is used exclusively for the purpose of distributing new motor 342  
vehicles to licensed motor vehicle dealers, except when the 343  
distributor also is a new motor vehicle dealer, in which case the 344  
distributor may distribute at the location of the distributor's 345  
licensed dealership. 346

(EE) "Ridesharing arrangement" means the transportation of 347  
persons in a motor vehicle where the transportation is incidental 348  
to another purpose of a volunteer driver and includes ridesharing 349  
arrangements known as carpools, vanpools, and buspools. 350

(FF) "Apportionable vehicle" means any vehicle that is used 351  
or intended for use in two or more international registration plan 352  
member jurisdictions that allocate or proportionally register 353  
vehicles, that is used for the transportation of persons for hire 354  
or designed, used, or maintained primarily for the transportation 355  
of property, and that meets any of the following qualifications: 356

357

(1) Is a power unit having a gross vehicle weight in excess 358  
of twenty-six thousand pounds; 359

(2) Is a power unit having three or more axles, regardless of 360  
the gross vehicle weight; 361

(3) Is a combination vehicle with a gross vehicle weight in 362  
excess of twenty-six thousand pounds. 363

"Apportionable vehicle" does not include recreational 364  
vehicles, vehicles displaying restricted plates, city pick-up and 365  
delivery vehicles, buses used for the transportation of chartered 366  
parties, or vehicles owned and operated by the United States, this 367  
state, or any political subdivisions thereof. 368

(GG) "Chartered party" means a group of persons who contract 369  
as a group to acquire the exclusive use of a passenger-carrying 370  
motor vehicle at a fixed charge for the vehicle in accordance with 371  
the carrier's tariff, lawfully on file with the United States 372  
department of transportation, for the purpose of group travel to a 373  
specified destination or for a particular itinerary, either agreed 374  
upon in advance or modified by the chartered group after having 375  
left the place of origin. 376

(HH) "International registration plan" means a reciprocal 377  
agreement of member jurisdictions that is endorsed by the American 378  
association of motor vehicle administrators, and that promotes and 379  
encourages the fullest possible use of the highway system by 380  
authorizing apportioned registration of fleets of vehicles and 381  
recognizing registration of vehicles apportioned in member 382  
jurisdictions. 383

(II) "Restricted plate" means a license plate that has a 384  
restriction of time, geographic area, mileage, or commodity, and 385  
includes license plates issued to farm trucks under division (K) 386  
of section 4503.04 of the Revised Code. 387

(JJ) "Gross vehicle weight," with regard to any commercial 388

car, trailer, semitrailer, or bus that is taxed at the rates  
established under section 4503.042 of the Revised Code, means the  
unladen weight of the vehicle fully equipped plus the maximum  
weight of the load to be carried on the vehicle.

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

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

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

(NN) "Acquired situs," with respect to a manufactured home or  
a mobile home, means to become located in this state by the  
placement of the home on real property, but does not include the  
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.

(OO) "Electronic" includes electrical, digital, magnetic,

optical, electromagnetic, or any other form of technology that  
entails capabilities similar to these technologies.

(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.

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

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

(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.

(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.

**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 449  
operate a motor vehicle issued under the laws of this state 450  
including: 451

(1) Any temporary instruction permit or examiner's driving 452  
permit; 453

(2) The privilege of any person to drive a motor vehicle 454  
whether or not such person holds a valid license; 455

(3) Any nonresident's operating privilege. 456

(D) "Owner" means a person who holds the legal title of a 457  
motor vehicle. If a motor vehicle is the subject of a lease with 458  
an immediate right of possession vested in the lessee, the lessee 459  
is the owner. A person listed as the owner on a certificate of 460  
title on which there is a notation of a security interest is the 461  
owner. A buyer or other transferee of a motor vehicle who receives 462  
the certificate of title from the seller or transferor listing the 463  
seller or transferor thereon as the owner with an assignment of 464  
title to the buyer or transferee nonetheless is the owner even 465  
though a subsequent certificate of title has not been issued 466  
listing the buyer or transferee as the owner. 467

(E) "Registration" means registration certificates and 468  
registration plates issued under the laws of this state pertaining 469  
to the registration of motor vehicles. 470

(F) "Nonresident" means every person who is not a resident of 471  
this state. 472

(G) "Nonresident's operating privilege" means the privilege 473  
conferred upon a nonresident by the laws of this state pertaining 474  
to the operation by such person of a motor vehicle, or the use of 475  
a motor vehicle owned by such person, in this state. 476

(H) "Vehicle" means every device by which any person or 477  
property may be transported upon a highway, except electric 478



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personal assistive mobility devices, devices moved by power 479  
collected from overhead electric trolley wires, or used 480  
exclusively upon stationary rails or tracks, and except devices 481  
other than bicycles moved by human power. 482

(I) "Motor vehicle" means every vehicle propelled by power 483  
other than muscular power or power collected from overhead 484  
electric trolley wires, except motorized bicycles, road rollers, 485  
traction engines, power shovels, power cranes and other equipment 486  
used in construction work and not designed for or employed in 487  
general highway transportation, hole-digging machinery, 488  
well-drilling machinery, ditch-digging machinery, farm machinery, 489  
threshing machinery, hay baling machinery, and agricultural 490  
tractors and machinery used in the production of horticultural, 491  
floricultural, agricultural, and vegetable products. 492

(J) "Accident" or "motor vehicle accident" means any accident 493  
involving a motor vehicle which results in bodily injury to or 494  
death of any person, or damage to the property of any person in 495  
excess of four hundred dollars. 496

(K) "Proof of financial responsibility" means proof of 497  
ability to respond in damages for liability, on account of 498  
accidents occurring subsequent to the effective date of such 499  
proof, arising out of the ownership, maintenance, or use of a 500  
motor vehicle in the amount of twelve thousand five hundred 501  
dollars because of bodily injury to or death of one person in any 502  
one accident, in the amount of twenty-five thousand dollars 503  
because of bodily injury to or death of two or more persons in any 504  
one accident, and in the amount of seven thousand five hundred 505  
dollars because of injury to property of others in any one 506  
accident. 507

(L) "Motor-vehicle liability policy" means an "owner's 508  
policy" or an "operator's policy" of liability insurance, 509  
certified as provided in section 4509.46 or 4509.47 of the Revised 510

Code as proof of financial responsibility, and issued, except as  
provided in section 4509.47 of the Revised Code, by an insurance  
carrier authorized to do business in this state, to or for the  
benefit of the person named therein as insured.

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

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

(B) "Motor vehicle" means every vehicle propelled or drawn by  
power other than muscular power or power collected from overhead  
electric trolley wires, except motorized bicycles, road rollers,  
traction engines, power shovels, power cranes, and other equipment  
used in construction work and not designed for or employed in  
general highway transportation, hole-digging machinery,  
well-drilling machinery, ditch-digging machinery, farm machinery,  
trailers used to transport agricultural produce or agricultural  
production materials between a local place of storage or supply  
and the farm when drawn or towed on a street or highway at a speed  
of twenty-five miles per hour or less, threshing machinery,  
hay-baling machinery, agricultural tractors and machinery used in  
the production of horticultural, floricultural, agricultural, and  
vegetable products, and trailers designed and used exclusively to  
transport a boat between a place of storage and a marina, or in  
and around a marina, when drawn or towed on a street or highway  
for a distance of no more than ten miles and at a speed of  
twenty-five miles per hour or less.

(C) "Motorcycle" means every motor vehicle, other than a tractor, having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," or "motorcycle" without regard to weight or brake horsepower.

(D) "Emergency vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

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

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under section 4503.49 of the Revised Code;

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

(3) Any motor vehicle when properly identified as required by the director of public safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)(3) of this section.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to

emergency calls in the fire department service when identified as  
required by the director of public safety.

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

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

(F) "School bus" means every bus designed for carrying more  
than nine passengers that is owned by a public, private, or  
governmental agency or institution of learning and operated for  
the transportation of children to or from a school session or a  
school function, or owned by a private person and operated for  
compensation for the transportation of children to or from a  
school session or a school function, provided "school bus" does  
not include a bus operated by a municipally owned transportation  
system, a mass transit company operating exclusively within the  
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  
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.

(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.

(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.

(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.

(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.

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

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

(M) "Trailer" means every vehicle designed or used for  
carrying persons or property wholly on its own structure and for

being drawn by a motor vehicle, including any such vehicle when  
formed by or operated as a combination of a "semitrailer" and a  
vehicle of the dolly type, such as that commonly known as a  
"trailer dolly," a vehicle used to transport agricultural produce  
or agricultural production materials between a local place of  
storage or supply and the farm when drawn or towed on a street or  
highway at a speed greater than twenty-five miles per hour, and a  
vehicle designed and used exclusively to transport a boat between  
a place of storage and a marina, or in and around a marina, when  
drawn or towed on a street or highway for a distance of more than  
ten miles or at a speed of more than twenty-five miles per hour.

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

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

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

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

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

(S) "Trackless trolley" means every car that collects its  
power from overhead electric trolley wires and that is not

operated upon rails or tracks.

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

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

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

(W) "Person" means every natural person, firm, co-partnership, association, or corporation.

(X) "Pedestrian" means any natural person afoot.

(Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.

(Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

(AA) "Local authorities" means every county, municipal, and 698  
other local board or body having authority to adopt police 699  
regulations under the constitution and laws of this state. 700

(BB) "Street" or "highway" means the entire width between the 701  
boundary lines of every way open to the use of the public as a 702  
thoroughfare for purposes of vehicular travel. 703

(CC) "Controlled-access highway" means every street or 704  
highway in respect to which owners or occupants of abutting lands 705  
and other persons have no legal right of access to or from the 706  
same except at such points only and in such manner as may be 707  
determined by the public authority having jurisdiction over such 708  
street or highway. 709

(DD) "Private road or driveway" means every way or place in 710  
private ownership used for vehicular travel by the owner and those 711  
having express or implied permission from the owner but not by 712  
other persons. 713

(EE) "Roadway" means that portion of a highway improved, 714  
designed, or ordinarily used for vehicular travel, except the berm 715  
or shoulder. If a highway includes two or more separate roadways 716  
the term "roadway" means any such roadway separately but not all 717  
such roadways collectively. 718

(FF) "Sidewalk" means that portion of a street between the 719  
curb lines, or the lateral lines of a roadway, and the adjacent 720  
property lines, intended for the use of pedestrians. 721

(GG) "Laned highway" means a highway the roadway of which is 722  
divided into two or more clearly marked lanes for vehicular 723  
traffic. 724

(HH) "Through highway" means every street or highway as 725  
provided in section 4511.65 of the Revised Code. 726

(II) "State highway" means a highway under the jurisdiction 727



of the department of transportation, outside the limits of  
municipal corporations, provided that the authority conferred upon  
the director of transportation in section 5511.01 of the Revised  
Code to erect state highway route markers and signs directing  
traffic shall not be modified by sections 4511.01 to 4511.79 and  
4511.99 of the Revised Code.

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

(KK) "Intersection" means:

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

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

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

(LL) "Crosswalk" means:

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

(2) Any portion of a roadway at an intersection or elsewhere,

distinctly indicated for pedestrian crossing by lines or other  
markings on the surface;

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

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

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

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

(PP) "Urban district" means the territory contiguous to and  
including any street or highway which is built up with structures  
devoted to business, industry, or dwelling houses situated at  
intervals of less than one hundred feet for a distance of a  
quarter of a mile or more, and the character of such territory is  
indicated by official traffic control devices.

(QQ) "Traffic control devices" means all flaggers, signs,  
signals, markings, and devices placed or erected by authority of a

public body or official having jurisdiction, for the purpose of  
regulating, warning, or guiding traffic, including signs denoting  
names of streets and highways.

(RR) "Traffic control signal" means any device, whether  
manually, electrically, or mechanically operated, by which traffic  
is alternately directed to stop, to proceed, to change direction,  
or not to change direction.

(SS) "Railroad sign or signal" means any sign, signal, or  
device erected by authority of a public body or official or by a  
railroad and intended to give notice of the presence of railroad  
tracks or the approach of a railroad train.

(TT) "Traffic" means pedestrians, ridden or herded animals,  
vehicles, streetcars, trackless trolleys, and other devices,  
either singly or together, while using any highway for purposes of  
travel.

(UU) "Right-of-way" means either of the following, as the  
context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or  
pedestrian to proceed uninterruptedly in a lawful manner in the  
direction in which it or the individual is moving in preference to  
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, 820  
including a funeral hearse, while used to facilitate the movement 821  
of a funeral procession. 822

(XX) "Alley" means a street or highway intended to provide 823  
access to the rear or side of lots or buildings in urban districts 824  
and not intended for the purpose of through vehicular traffic, and 825  
includes any street or highway that has been declared an "alley" 826  
by the legislative authority of the municipal corporation in which 827  
such street or highway is located. 828

(YY) "Freeway" means a divided multi-lane highway for through 829  
traffic with all crossroads separated in grade and with full 830  
control of access. 831

(ZZ) "Expressway" means a divided arterial highway for 832  
through traffic with full or partial control of access with an 833  
excess of fifty per cent of all crossroads separated in grade. 834

(AAA) "Thruway" means a through highway whose entire roadway 835  
is reserved for through traffic and on which roadway parking is 836  
prohibited. 837

(BBB) "Stop intersection" means any intersection at one or 838  
more entrances of which stop signs are erected. 839

(CCC) "Arterial street" means any United States or state 840  
numbered route, controlled access highway, or other major radial 841  
or circumferential street or highway designated by local 842  
authorities within their respective jurisdictions as part of a 843  
major arterial system of streets or highways. 844

(DDD) "Ridesharing arrangement" means the transportation of 845  
persons in a motor vehicle where such transportation is incidental 846  
to another purpose of a volunteer driver and includes ridesharing 847  
arrangements known as carpools, vanpools, and buspools. 848

(EEE) "Motorized wheelchair" means any self-propelled vehicle 849

designed for, and used by, a handicapped person and that is  
incapable of a speed in excess of eight miles per hour.

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

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

Sec. 4511.512. (A)(1) Electric personal assistive mobility  
devices may be operated on the public streets, highways,  
sidewalks, and paths and portions of roadways set aside for the  
exclusive use of bicycles in accordance with this section.

(2) Except as otherwise provided in this section, those  
sections of this chapter that by their nature are applicable to an  
electric personal assistive mobility device apply to the device  
and the person operating it whenever it is operated upon any  
public street, highway, sidewalk, or path or upon any portion of a  
roadway set aside for the exclusive use of bicycles.

(3) A local authority may regulate or prohibit the operation  
of electric personal assistive mobility devices on public streets,  
highways, sidewalks, and paths, and portions of roadways set aside  
for the exclusive use of bicycles, under its jurisdiction.

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

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

(2) Fail to give an audible signal before overtaking and 880  
passing a pedestrian; 881

(3) Operate the device at night unless the device or its 882  
operator is equipped with or wearing both of the following: 883

(a) A lamp pointing to the front that emits a white light 884  
visible from a distance of not less than five hundred feet; 885

(b) A red reflector facing the rear that is visible from all 886  
distances from one hundred feet to six hundred feet when directly 887  
in front of lawful lower beams of head lamps on a motor vehicle. 888  
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(4) Operate the device on any portion of a street or highway 890  
that has an established speed limit of fifty-five miles per hour 891  
or more; 892

(5) Operate the device upon any path set aside for the 893  
exclusive use of pedestrians or other specialized use when an 894  
appropriate sign giving notice of the specialized use is posted on 895  
the path; 896

(6) If under eighteen years of age, operate the device unless 897  
wearing a protective helmet on the person's head with the chin 898  
strap properly fastened; 899

(7) If under sixteen years of age, operate the device unless, 900  
during the operation, the person is under the direct visual and 901  
audible supervision of another person who is eighteen years of age 902  
or older and is responsible for the immediate care of the person 903  
under sixteen years of age. 904

(C) No person who is under fourteen years of age shall 905  
operate an electric personal assistive mobility device. 906

(D) No person shall distribute or sell an electric personal 907  
assistive mobility device unless the device is accompanied by a 908  
written statement that is substantially equivalent to the 909

following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE  
ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST  
GUARDS, ELBOW PADS, AND KNEE PADS."

(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.

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

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

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offender to attend, for three consecutive days, a drivers' 941  
intervention program that is certified pursuant to section 3793.10 942  
of the Revised Code. The court also may suspend the execution of 943  
any part of the mandatory three consecutive days of imprisonment 944  
that it is required to impose by this division, if the court 945  
places the offender on probation for part of the three consecutive 946  
days; requires the offender to attend, for that part of the three 947  
consecutive days, a drivers' intervention program that is 948  
certified pursuant to section 3793.10 of the Revised Code; and 949  
sentences the offender to a term of imprisonment equal to the 950  
remainder of the three consecutive days that the offender does not 951  
spend attending the drivers' intervention program. The court may 952  
require the offender, as a condition of probation, to attend and 953  
satisfactorily complete any treatment or education programs that 954  
comply with the minimum standards adopted pursuant to Chapter 955  
3793. of the Revised Code by the director of alcohol and drug 956  
addiction services, in addition to the required attendance at a 957  
drivers' intervention program, that the operators of the drivers' 958  
intervention program determine that the offender should attend and 959  
to report periodically to the court on the offender's progress in 960  
the programs. The court also may impose any other conditions of 961  
probation on the offender that it considers necessary. 962

Of the fine imposed pursuant to this division, twenty-five 963  
dollars shall be paid to an enforcement and education fund 964  
established by the legislative authority of the law enforcement 965  
agency in this state that primarily was responsible for the arrest 966  
of the offender, as determined by the court that imposes the fine. 967  
This share shall be used by the agency to pay only those costs it 968  
incurs in enforcing section 4511.19 of the Revised Code or a 969  
substantially similar municipal ordinance and in informing the 970  
public of the laws governing the operation of a motor vehicle 971  
while under the influence of alcohol, the dangers of operating a 972



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motor vehicle while under the influence of alcohol, and other  
information relating to the operation of a motor vehicle and the  
consumption of alcoholic beverages. Fifty dollars of the fine  
imposed pursuant to this division shall be paid to the political  
subdivision that pays the cost of housing the offender during the  
offender's term of incarceration to the credit of the fund that  
pays the cost of the incarceration. If the offender was confined  
as a result of the offense prior to being sentenced for the  
offense but is not sentenced to a term of incarceration, the fifty  
dollars shall be paid to the political subdivision that paid the  
cost of housing the offender during that period of confinement.  
The political subdivision shall use this share to pay or reimburse  
incarceration or treatment costs it incurs in housing or providing  
drug and alcohol treatment to persons who violate section 4511.19  
of the Revised Code or a substantially similar municipal ordinance  
and to pay for ignition interlock devices and electronic house  
arrest equipment for persons who violate that section. Twenty-five  
dollars of the fine imposed pursuant to this division shall be  
deposited into the county indigent drivers alcohol treatment fund  
or municipal indigent drivers alcohol treatment fund under the  
control of that court, as created by the county or municipal  
corporation pursuant to division (N) of section 4511.191 of the  
Revised Code. The balance of the fine shall be disbursed as  
otherwise provided by law.

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

(i) Division (A) or (B) of section 4511.19 of the Revised Code; 1005  
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(ii) A municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse; 1007  
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(iii) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine; 1010  
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(iv) Section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section; 1013  
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1015

(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; 1016  
1017  
1018

(vi) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse; 1019  
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(vii) A statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code. 1026  
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As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (A)(12) of this section, the court may impose upon the offender a sentence consisting of both a term of imprisonment of five consecutive days and not less than eighteen consecutive days of electronically monitored house arrest as defined in division (A) of section 1030  
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2929.23 of the Revised Code. The five consecutive days of  
imprisonment and the period of electronically monitored house  
arrest shall not exceed six months. The five consecutive days of  
imprisonment do not have to be served prior to or consecutively  
with the period of electronically monitored house arrest.

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

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

Of the fine imposed pursuant to this division, thirty-five  
dollars shall be paid to an enforcement and education fund  
established by the legislative authority of the law enforcement  
agency in this state that primarily was responsible for the arrest  
of the offender, as determined by the court that imposes the fine.  
This share shall be used by the agency to pay only those costs it  
incurs in enforcing section 4511.19 of the Revised Code or a  
substantially similar municipal ordinance and in informing the  
public of the laws governing the operation of a motor vehicle  
while under the influence of alcohol, the dangers of operating a  
motor vehicle while under the influence of alcohol, and other  
information relating to the operation of a motor vehicle and the  
consumption of alcoholic beverages. One hundred fifteen dollars of  
the fine imposed pursuant to this division shall be paid to the  
political subdivision that pays the cost of housing the offender

during the offender's term of incarceration. This share shall be  
used by the political subdivision to pay or reimburse  
incarceration or treatment costs it incurs in housing or providing  
drug and alcohol treatment to persons who violate section 4511.19  
of the Revised Code or a substantially similar municipal ordinance  
and to pay for ignition interlock devices and electronic house  
arrest equipment for persons who violate that section, and shall  
be paid to the credit of the fund that pays the cost of the  
incarceration. Fifty dollars of the fine imposed pursuant to this  
division shall be deposited into the county indigent drivers  
alcohol treatment fund or municipal indigent drivers alcohol  
treatment fund under the control of that court, as created by the  
county or municipal corporation pursuant to division (N) of  
section 4511.191 of the Revised Code. The balance of the fine  
shall be disbursed as otherwise provided by law.

(b) Regardless of whether the vehicle the offender was  
operating at the time of the offense is registered in the  
offender's name or in the name of another person, the court, in  
addition to the penalties imposed under division (A)(2)(a) of this  
section and all other penalties provided by law and subject to  
section 4503.235 of the Revised Code, shall order the  
immobilization for ninety days of the vehicle the offender was  
operating at the time of the offense and the impoundment for  
ninety days of the identification license plates of that vehicle.  
The order for the immobilization and impoundment shall be issued  
and enforced in accordance with section 4503.233 of the Revised  
Code.

(3)(a) Except as otherwise provided in division (A)(4) of  
this section and except as provided in this division, if, within  
six years of the offense, the offender has been convicted of or  
pleaded guilty to two violations identified in division (A)(2) of  
this section, the court shall sentence the offender to a term of

imprisonment of thirty consecutive days and may sentence the  
offender to a longer definite term of imprisonment of not more  
than one year. As an alternative to the term of imprisonment  
required to be imposed by this division, but subject to division  
(A)(12) of this section, the court may impose upon the offender a  
sentence consisting of both a term of imprisonment of fifteen  
consecutive days and not less than fifty-five consecutive days of  
electronically monitored house arrest as defined in division (A)  
of section 2929.23 of the Revised Code. The fifteen consecutive  
days of imprisonment and the period of electronically monitored  
house arrest shall not exceed one year. The fifteen consecutive  
days of imprisonment do not have to be served prior to or  
consecutively with the period of electronically monitored house  
arrest.

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

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

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

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

(b) Regardless of whether the vehicle the offender was  
operating at the time of the offense is registered in the  
offender's name or in the name of another person, the court, in  
addition to the penalties imposed under division (A)(3)(a) of this  
section and all other penalties provided by law and subject to  
section 4503.235 of the Revised Code, shall order the criminal  
forfeiture to the state of the vehicle the offender was operating  
at the time of the offense. The order of criminal forfeiture shall  
be issued and enforced in accordance with section 4503.234 of the  
Revised Code.

(4)(a)(i) If, within six years of the offense, the offender  
has been convicted of or pleaded guilty to three or more  
violations identified in division (A)(2) of this section, and if

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sentence is not required to be imposed under division  
(A)(4)(a)(ii) of this section, the offender is guilty of a felony  
of the fourth degree and, notwithstanding division (A)(4) of  
section 2929.14 of the Revised Code, may be sentenced to a  
definite prison term that shall be not less than six months and  
not more than thirty months. The court shall sentence the offender  
in accordance with sections 2929.11 to 2929.19 of the Revised Code  
and shall impose as part of the sentence either a mandatory term  
of local incarceration of sixty consecutive days of imprisonment  
in accordance with division (G)(1) of section 2929.13 of the  
Revised Code or a mandatory prison term of sixty consecutive days  
of imprisonment in accordance with division (G)(2) of that  
section. If the court requires the offender to serve a mandatory  
term of local incarceration of sixty consecutive days of  
imprisonment in accordance with division (G)(1) of section 2929.13  
of the Revised Code, the court, pursuant to section 2929.17 of the  
Revised Code, may impose upon the offender a sentence that  
includes a term of electronically monitored house arrest, provided  
that the term of electronically monitored house arrest shall not  
commence until after the offender has served the mandatory term of  
local incarceration.

(ii) If the offender previously has been convicted of or  
pleaded guilty to a violation of division (A) of section 4511.19  
of the Revised Code under circumstances in which the violation was  
a felony, regardless of when the prior violation and the prior  
conviction or guilty plea occurred, the offender is guilty of a  
felony of the third degree. The court shall sentence the offender  
in accordance with sections 2929.11 to 2929.19 of the Revised Code  
and shall impose as part of the sentence a mandatory prison term  
of sixty consecutive days of imprisonment in accordance with  
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  
information relating to the operation of a motor vehicle and the  
consumption of alcoholic beverages. Four hundred forty dollars of  
the fine imposed pursuant to this division shall be paid to the  
political subdivision that pays the cost of housing the offender  
during the offender's term of incarceration. This share shall be  
used by the political subdivision to pay or reimburse  
incarceration or treatment costs it incurs in housing or providing



drug and alcohol treatment to persons who violate section 4511.19 1228  
of the Revised Code or a substantially similar municipal ordinance 1229  
and to pay for ignition interlock devices and electronic house 1230  
arrest equipment for persons who violate that section, and shall 1231  
be paid to the credit of the fund that pays the cost of 1232  
incarceration. The balance of the fine shall be disbursed as 1233  
otherwise provided by law. 1234

(b) Regardless of whether the vehicle the offender was 1235  
operating at the time of the offense is registered in the 1236  
offender's name or in the name of another person, the court, in 1237  
addition to the sanctions imposed under division (A)(4)(a) of this 1238  
section and all other sanctions provided by law and subject to 1239  
section 4503.235 of the Revised Code, shall order the criminal 1240  
forfeiture to the state of the vehicle the offender was operating 1241  
at the time of the offense. The order of criminal forfeiture shall 1242  
be issued and enforced in accordance with section 4503.234 of the 1243  
Revised Code. 1244

(c) As used in division (A)(4)(a) of this section, "mandatory 1245  
prison term" and "mandatory term of local incarceration" have the 1246  
same meanings as in section 2929.01 of the Revised Code. 1247

If title to a motor vehicle that is subject to an order for 1248  
criminal forfeiture under this section is assigned or transferred 1249  
and division (C)(2) or (3) of section 4503.234 of the Revised Code 1250  
applies, in addition to or independent of any other penalty 1251  
established by law, the court may fine the offender the value of 1252  
the vehicle as determined by publications of the national auto 1253  
dealer's association. The proceeds from any fine imposed under 1254  
this division shall be distributed in accordance with division 1255  
(D)(4) of section 4503.234 of the Revised Code. 1256  
1257

(5)(a) Except as otherwise provided in division (A)(6), (7), 1258  
or (8) of this section, the offender is guilty of a misdemeanor of 1259

the first degree, and the court shall sentence the offender to one 1260  
of the following: 1261

(i) A term of imprisonment of at least three consecutive days 1262  
and a requirement that the offender attend, for three consecutive 1263  
days, a drivers' intervention program that is certified pursuant 1264  
to section 3793.10 of the Revised Code; 1265

(ii) If the court determines that the offender is not 1266  
conducive to treatment in the program, if the offender refuses to 1267  
attend the program, or if the place of imprisonment can provide a 1268  
drivers' intervention program, a term of imprisonment of at least 1269  
six consecutive days. 1270

(b) In addition, the court shall impose upon the offender a 1271  
fine of not less than two hundred fifty and not more than one 1272  
thousand dollars. 1273

The court may require the offender, as a condition of 1274  
probation, to attend and satisfactorily complete any treatment or 1275  
education programs that comply with the minimum standards adopted 1276  
pursuant to Chapter 3793. of the Revised Code by the director of 1277  
alcohol and drug addiction services, in addition to the required 1278  
attendance at a drivers' intervention program, that the operators 1279  
of the drivers' intervention program determine that the offender 1280  
should attend and to report periodically to the court on the 1281  
offender's progress in the programs. The court also may impose any 1282  
other conditions of probation on the offender that it considers 1283  
necessary. 1284

Of the fine imposed pursuant to this division, twenty-five 1285  
dollars shall be paid to an enforcement and education fund 1286  
established by the legislative authority of the law enforcement 1287  
agency in this state that primarily was responsible for the arrest 1288  
of the offender, as determined by the court that imposes the fine. 1289  
The agency shall use this share to pay only those costs it incurs 1290

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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.

(6)(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 one violation of division (A) or (B) of section  
4511.19 of the Revised Code, a municipal ordinance relating to  
operating a vehicle while under the influence of alcohol, a drug  
of abuse, or alcohol and a drug of abuse, a municipal ordinance  
relating to operating a vehicle with a prohibited concentration of

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alcohol in the blood, breath, or urine, section 2903.04 of the  
Revised Code in a case in which the offender was subject to the  
sanctions described in division (D) of that section, section  
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal  
ordinance that is substantially similar to section 2903.07 of the  
Revised Code in a case in which the jury or judge found that the  
offender was under the influence of alcohol, a drug of abuse, or  
alcohol and a drug of abuse, or a statute of the United States or  
of any other state or a municipal ordinance of a municipal  
corporation located in any other state that is substantially  
similar to division (A) or (B) of section 4511.19 of the Revised  
Code, the offender is guilty of a misdemeanor of the first degree,  
and the court shall sentence the offender to a term of  
imprisonment of twenty consecutive days and may sentence the  
offender pursuant to section 2929.21 of the Revised Code to a  
longer term of imprisonment. As an alternative to the term of  
imprisonment required to be imposed by this division, but subject  
to division (A)(12) of this section, the court may impose upon the  
offender a sentence consisting of both a term of imprisonment of  
ten consecutive days and not less than thirty-six consecutive days  
of electronically monitored house arrest as defined in division  
(A) of section 2929.23 of the Revised Code. The ten consecutive  
days of imprisonment and the period of electronically monitored  
house arrest shall not exceed six months. The ten consecutive days  
of imprisonment do not have to be served prior to or consecutively  
with the period of electronically monitored house arrest.

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

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 1355  
of the Revised Code. If the officials of the drivers' intervention 1356  
program determine that the offender is alcohol dependent, they 1357  
shall notify the court, and the court shall order the offender to 1358  
obtain treatment through an alcohol and drug addiction program 1359  
authorized by section 3793.02 of the Revised Code. The offender 1360  
shall pay the cost of the treatment. 1361

Of the fine imposed pursuant to this division, thirty-five 1362  
dollars shall be paid to an enforcement and education fund 1363  
established by the legislative authority of the law enforcement 1364  
agency in this state that primarily was responsible for the arrest 1365  
of the offender, as determined by the court that imposes the fine. 1366  
The agency shall use this share to pay only those costs it incurs 1367  
in enforcing section 4511.19 of the Revised Code or a 1368  
substantially similar municipal ordinance and in informing the 1369  
public of the laws governing the operation of a motor vehicle 1370  
while under the influence of alcohol, the dangers of operating a 1371  
motor vehicle while under the influence of alcohol, and other 1372  
information relating to the operation of a motor vehicle and the 1373  
consumption of alcoholic beverages. One hundred fifteen dollars of 1374  
the fine imposed pursuant to this division shall be paid to the 1375  
political subdivision that pays the cost of housing the offender 1376  
during the offender's term of incarceration. The political 1377  
subdivision shall use this share to pay or reimburse incarceration 1378  
or treatment costs it incurs in housing or providing drug and 1379  
alcohol treatment to persons who violate section 4511.19 of the 1380  
Revised Code or a substantially similar municipal ordinance and to 1381  
pay for ignition interlock devices and electronic house arrest 1382  
equipment for persons who violate that section, and this share 1383  
shall be paid to the credit of the fund that pays the cost of the 1384  
incarceration. Fifty dollars of the fine imposed pursuant to this 1385  
division shall be deposited into the county indigent drivers 1386

alcohol treatment fund or municipal indigent drivers alcohol 1387  
treatment fund under the control of that court, as created by the 1388  
county or municipal corporation pursuant to division (N) of 1389  
section 4511.191 of the Revised Code. The balance of the fine 1390  
shall be disbursed as otherwise provided by law. 1391

(b) Regardless of whether the vehicle the offender was 1392  
operating at the time of the offense is registered in the 1393  
offender's name or in the name of another person, the court, in 1394  
addition to the penalties imposed under division (A)(6)(a) of this 1395  
section and all other penalties provided by law and subject to 1396  
section 4503.235 of the Revised Code, shall order the 1397  
immobilization for ninety days of the vehicle the offender was 1398  
operating at the time of the offense and the impoundment for 1399  
ninety days of the identification license plates of that vehicle. 1400  
The order for the immobilization and impoundment shall be issued 1401  
and enforced in accordance with section 4503.233 of the Revised 1402  
Code. 1403

(7)(a) Except as otherwise provided in division (A)(8) of 1404  
this section and except as provided in this division, if, within 1405  
six years of the offense, the offender has been convicted of or 1406  
pleaded guilty to two violations of division (A) or (B) of section 1407  
4511.19 of the Revised Code, a municipal ordinance relating to 1408  
operating a vehicle while under the influence of alcohol, a drug 1409  
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1410  
relating to operating a vehicle with a prohibited concentration of 1411  
alcohol in the blood, breath, or urine, section 2903.04 of the 1412  
Revised Code in a case in which the offender was subject to the 1413  
sanctions described in division (D) of that section, section 1414  
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1415  
ordinance that is substantially similar to section 2903.07 of the 1416  
Revised Code in a case in which the jury or judge found that the 1417  
offender was under the influence of alcohol, a drug of abuse, or 1418

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alcohol and a drug of abuse, or a statute of the United States or  
of any other state or a municipal ordinance of a municipal  
corporation located in any other state that is substantially  
similar to division (A) or (B) of section 4511.19 of the Revised  
Code, the court shall sentence the offender to a term of  
imprisonment of sixty consecutive days and may sentence the  
offender to a longer definite term of imprisonment of not more  
than one year. As an alternative to the term of imprisonment  
required to be imposed by this division, but subject to division  
(A)(12) of this section, the court may impose upon the offender a  
sentence consisting of both a term of imprisonment of thirty  
consecutive days and not less than one hundred ten consecutive  
days of electronically monitored house arrest as defined in  
division (A) of section 2929.23 of the Revised Code. The thirty  
consecutive days of imprisonment and the period of electronically  
monitored house arrest shall not exceed one year. The thirty  
consecutive days of imprisonment do not have to be served prior to  
or consecutively with the period of electronically monitored house  
arrest.

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

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

Of the fine imposed pursuant to this division, one hundred

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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. 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. Two hundred  
seventy-seven dollars of the fine imposed pursuant to this  
division shall be paid to the political subdivision that pays the  
cost of housing the offender during the offender's term of  
incarceration. The political subdivision shall use this share to  
pay or reimburse incarceration or treatment costs it incurs in  
housing or providing drug and alcohol treatment to persons who  
violate section 4511.19 of the Revised Code or a substantially  
similar municipal ordinance and to pay for ignition interlock  
devices and electronic house arrest equipment for persons who  
violate that section, and this share shall be paid to the credit  
of the fund that pays the cost of incarceration. The balance of  
the fine shall be disbursed as otherwise provided by law.

(b) Regardless of whether the vehicle the offender was  
operating at the time of the offense is registered in the  
offender's name or in the name of another person, the court, in  
addition to the penalties imposed under division (A)(7)(a) of this  
section and all other penalties provided by law and subject to  
section 4503.235 of the Revised Code, shall order the  
immobilization for one hundred eighty days of the vehicle the  
offender was operating at the time of the offense and the



impoundment for one hundred eighty days of the identification 1483  
license plates of that vehicle. The order for the immobilization 1484  
and impoundment shall be issued and enforced in accordance with 1485  
section 4503.233 of the Revised Code. 1486

(8)(a)(i) If, within six years of the offense, the offender 1487  
has been convicted of or pleaded guilty to three or more 1488  
violations of division (A) or (B) of section 4511.19 of the 1489  
Revised Code, a municipal ordinance relating to operating a 1490  
vehicle while under the influence of alcohol, a drug of abuse, or 1491  
alcohol and a drug of abuse, a municipal ordinance relating to 1492  
operating a vehicle with a prohibited concentration of alcohol in 1493  
the blood, breath, or urine, section 2903.04 of the Revised Code 1494  
in a case in which the offender was subject to the sanctions 1495  
described in division (D) of that section, section 2903.06, 1496  
2903.07, or 2903.08 of the Revised Code or a municipal ordinance 1497  
that is substantially similar to section 2903.07 of the Revised 1498  
Code in a case in which the jury or judge found that the offender 1499  
was under the influence of alcohol, a drug of abuse, or alcohol 1500  
and a drug of abuse, or a statute of the United States or of any 1501  
other state or a municipal ordinance of a municipal corporation 1502  
located in any other state that is substantially similar to 1503  
division (A) or (B) of section 4511.19 of the Revised Code, and if 1504  
sentence is not required to be imposed under division 1505  
(A)(8)(a)(ii) of this section, the offender is guilty of a felony 1506  
of the fourth degree and, notwithstanding division (A)(4) of 1507  
section 2929.14 of the Revised Code, may be sentenced to a 1508  
definite prison term that shall be not less than six months and 1509  
not more than thirty months. The court shall sentence the offender 1510  
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1511  
and shall impose as part of the sentence either a mandatory term 1512  
of local incarceration of one hundred twenty consecutive days of 1513  
imprisonment in accordance with division (G)(1) of section 2929.13 1514

of the Revised Code or a mandatory prison term of one hundred  
twenty consecutive days of imprisonment in accordance with  
division (G)(2) of that section. If the court requires the  
offender to serve a mandatory term of local incarceration of one  
hundred twenty consecutive days of imprisonment in accordance with  
division (G)(1) of section 2929.13 of the Revised Code, the court,  
pursuant to section 2929.17 of the Revised Code, may impose upon  
the offender a sentence that includes a term of electronically  
monitored house arrest, provided that the term of electronically  
monitored house arrest shall not commence until after the offender  
has served the mandatory term of local incarceration.

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

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

In addition to any other sanction that it imposes upon the  
offender under division (A)(8)(a)(i) or (ii) of this section, the  
court shall require the offender to attend an alcohol and drug  
addiction program authorized by section 3793.02 of the Revised

Code. The cost of the treatment shall be paid by the offender. If  
the court determines that the offender is unable to pay the cost  
of attendance at the treatment program, the court may order that  
payment of the cost of the offender's attendance at the treatment  
program be made from the court's indigent drivers alcohol  
treatment fund.

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

(b) Regardless of whether the vehicle the offender was

operating at the time of the offense is registered in the 1579  
offender's name or in the name of another person, the court, in 1580  
addition to the sanctions imposed under division (A)(8)(a) of this 1581  
section and all other sanctions provided by law and subject to 1582  
section 4503.235 of the Revised Code, shall order the criminal 1583  
forfeiture to the state of the vehicle the offender was operating 1584  
at the time of the offense. The order of criminal forfeiture shall 1585  
be issued and enforced in accordance with section 4503.234 of the 1586  
Revised Code. 1587

(c) As used in division (A)(8)(a) of this section, "mandatory 1588  
prison term" and "mandatory term of local incarceration" have the 1589  
same meanings as in section 2929.01 of the Revised Code. 1590  
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(d) If title to a motor vehicle that is subject to an order 1592  
for criminal forfeiture under this section is assigned or 1593  
transferred and division (C)(2) or (3) of section 4503.234 of the 1594  
Revised Code applies, in addition to or independent of any other 1595  
penalty established by law, the court may fine the offender the 1596  
value of the vehicle as determined by publications of the national 1597  
auto dealer's association. The proceeds from any fine imposed 1598  
under this division shall be distributed in accordance with 1599  
division (D)(4) of section 4503.234 of the Revised Code. 1600

(9)(a) Except as provided in division (A)(9)(b) of this 1601  
section, upon a showing that imprisonment would seriously affect 1602  
the ability of an offender sentenced pursuant to division (A)(1), 1603  
(2), (3), (4), (5), (6), (7), or (8) of this section to continue 1604  
the offender's employment, the court may authorize that the 1605  
offender be granted work release from imprisonment after the 1606  
offender has served the three, six, ten, twenty, thirty, or sixty 1607  
consecutive days of imprisonment or the mandatory term of local 1608  
incarceration of sixty or one hundred twenty consecutive days that 1609  
the court is required by division (A)(1), (2), (3), (4), (5), (6), 1610

(7), or (8) of this section to impose. No court shall authorize work release from imprisonment during the three, six, ten, twenty, thirty, or sixty consecutive days of imprisonment or the mandatory term of local incarceration or mandatory prison term of sixty or one hundred twenty consecutive days that the court is required by division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

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

(10) Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence, the placement of an offender in any treatment program in lieu of imprisonment, or the use of a community control sanction for an offender convicted of a felony, no court shall suspend the ten, twenty, thirty, or sixty consecutive days of imprisonment required to be imposed on an offender by division (A)(2), (3), (6), or (7) of this section, no court shall place an offender who is sentenced pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this section in any treatment program in lieu of imprisonment until after the offender has served the ten, twenty, thirty, or sixty consecutive days of imprisonment or the mandatory

## As Reported by the House State Government Committee

term of local incarceration or mandatory prison term of sixty or  
one hundred twenty consecutive days required to be imposed  
pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this  
section, no court that sentences an offender under division (A)(4)  
or (8) of this section shall impose any sanction other than a  
mandatory term of local incarceration or mandatory prison term to  
apply to the offender until after the offender has served the  
mandatory term of local incarceration or mandatory prison term of  
sixty or one hundred twenty consecutive days required to be  
imposed pursuant to division (A)(4) or (8) of this section, and no  
court that imposes a sentence of imprisonment and a period of  
electronically monitored house arrest upon an offender under  
division (A)(2), (3), (6), or (7) of this section shall suspend  
any portion of the sentence or place the offender in any treatment  
program in lieu of imprisonment or electronically monitored house  
arrest. Notwithstanding any section of the Revised Code that  
authorizes the suspension of the imposition or execution of a  
sentence or the placement of an offender in any treatment program  
in lieu of imprisonment, no court, except as specifically  
authorized by division (A)(1) or (5) of this section, shall  
suspend the three or more consecutive days of imprisonment  
required to be imposed by division (A)(1) or (5) of this section  
or place an offender who is sentenced pursuant to division (A)(1)  
or (5) of this section in any treatment program in lieu of  
imprisonment until after the offender has served the three or more  
consecutive days of imprisonment required to be imposed pursuant  
to division (A)(1) or (5) of this section.

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

addiction services.

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

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

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

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

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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

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Revised Code or a municipal ordinance that is substantially  
similar to any of those sections, a misdemeanor of the fourth  
degree.

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

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

(b) If, within one year of the offense, the offender  
previously has been convicted of or pleaded guilty to 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;

(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.

(2) When any person is found guilty of a first offense for a  
violation of section 4511.21 of the Revised Code upon a finding  
that the person operated a motor vehicle faster than thirty-five  
miles an hour in a business district of a municipal corporation,  
or faster than fifty miles an hour in other portions, or faster  
than thirty-five miles an hour while passing through a school zone  
during recess or while children are going to or leaving school



during the opening or closing hours, the person is guilty of a 1737  
misdemeanor of the fourth degree. 1738

(3) Notwithstanding section 2929.21 of the Revised Code, upon 1739  
a finding that such person operated a motor vehicle in a 1740  
construction zone where a sign was then posted in accordance with 1741  
section 4511.98 of the Revised Code, the court, in addition to all 1742  
other penalties provided by law, shall impose a fine of two times 1743  
the usual amount imposed for the violation. No court shall impose 1744  
a fine of two times the usual amount imposed for the violation 1745  
upon an offender who alleges, in an affidavit filed with the court 1746  
prior to the offender's sentencing, that the offender is indigent 1747  
and is unable to pay the fine imposed pursuant to this division, 1748  
provided the court determines the offender is an indigent person 1749  
and is unable to pay the fine. 1750

(4) Notwithstanding section 2929.21 of the Revised Code, upon 1751  
a finding that a person operated a motor vehicle in violation of 1752  
division (C) of section 4511.213 of the Revised Code, the court, 1753  
in addition to all other penalties provided by law, shall impose a 1754  
fine of two times the usual amount imposed for the violation. 1755  
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(E) Whenever a person is found guilty in a court of record of 1757  
a violation of section 4511.761, 4511.762, or 4511.77 of the 1758  
Revised Code, the trial judge, in addition to or independent of 1759  
all other penalties provided by law, may suspend for any period of 1760  
time not exceeding three years, or revoke the license of any 1761  
person, partnership, association, or corporation, issued under 1762  
section 4511.763 of the Revised Code. 1763

(F) Whoever violates division (E) or (F) of section 4511.51, 1764  
division (A), (D), or (E) of section 4511.521, section 4511.681, 1765  
division (A) or (C) of section 4511.69, section 4511.772, or 1766  
division (A) or (B) of section 4511.82 of the Revised Code is 1767  
guilty of a minor misdemeanor. 1768

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

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

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

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

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

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

(I) Whoever violates section 4511.202 of the Revised Code is guilty of operating a motor vehicle without being in control of

it, a minor misdemeanor.

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

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

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

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

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

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(M) Whoever violates division (A)(1) or (2) of section  
4511.45 of the Revised Code is guilty of a misdemeanor of the  
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

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within one year after the first offense, the person is guilty of a  
misdemeanor of the second degree.

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

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

(b) The offender is guilty of a misdemeanor of the third  
degree if, within one year of the offense, the offender has been  
convicted of or pleaded guilty to any violation of the following:

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

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

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

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

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

(vi) Division (A)(2), (3), or (4) of section 2903.06 or  
division (A)(2) of section 2903.08 of the Revised Code or a  
municipal ordinance that is substantially similar to any of those  
divisions, or former section 2903.07 of the Revised Code or a  
substantially similar municipal ordinance, in a case in which the

jury or judge found that the offender was under the influence of 1861  
alcohol, a drug of abuse, or alcohol and a drug of abuse; 1862

(vii) A statute of the United States or of any other state or 1863  
a municipal ordinance of a municipal corporation located in any 1864  
other state that is substantially similar to division (A) or (B) 1865  
of section 4511.19 of the Revised Code. 1866

(2) In addition to or independent of all other penalties 1867  
provided by law, the offender's driver's or commercial driver's 1868  
license or permit or nonresident operating privilege shall be 1869  
suspended in accordance with, and for the period of time specified 1870  
in, division (E) of section 4507.16 of the Revised Code. 1871

(O) Whoever violates section 4511.62 of the Revised Code is 1872  
guilty of a misdemeanor of the fourth degree. 1873

(P) Whoever violates division (F)(1)(a) or (b) of section 1874  
4511.69 of the Revised Code is guilty of a misdemeanor and shall 1875  
be fined not less than two hundred fifty nor more than five 1876  
hundred dollars, but in no case shall an offender be sentenced to 1877  
any term of imprisonment. 1878

Arrest or conviction for a violation of division (F)(1)(a) or 1879  
(b) of section 4511.69 of the Revised Code does not constitute a 1880  
criminal record and need not be reported by the person so arrested 1881  
or convicted in response to any inquiries contained in any 1882  
application for employment, license, or other right or privilege, 1883  
or made in connection with the person's appearance as a witness. 1884

Every fine collected under this division shall be paid by the 1885  
clerk of the court to the political subdivision in which the 1886  
violation occurred. Except as provided in this division, the 1887  
political subdivision shall use the fine moneys it receives under 1888  
this division to pay the expenses it incurs in complying with the 1889  
signage and notice requirements contained in division (E) of 1890  
section 4511.69 of the Revised Code. The political subdivision may 1891

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 (Q)(1)(b)(i) of this section, issue an order  
prohibiting the offender from operating any electric personal  
assistive mobility device on the public streets, highways,  
sidewalks, and paths and portions of roadways set aside for the  
exclusive use of bicycles for not less than one day but not more

<u>than thirty days.</u>	1923
<u>(2) Whoever violates division (D) of section 4511.512 of the</u>	1924
<u>Revised Code is guilty of a minor misdemeanor.</u>	1925
<b>Section 2.</b> That existing sections 1309.109, 4501.01, 4509.01,	1926
4511.01, and 4511.99 of the Revised Code are hereby repealed.	1927