

**As Reported by the Senate Highways and Transportation  
Committee**

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

**Sub. S. B. No. 231**

**SENATORS Goodman, White, Ryan, Mallory, Spada, Carnes**

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**A B I L L**

To amend sections 4501.01, 4509.01, 4511.01, and 1  
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 and to permit 5  
their operation on sidewalks, bikeways, and public 6  
streets and highways, subject to certain 7  
restrictions. 8

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

**Section 1.** That sections 4501.01, 4509.01, 4511.01, and 9  
4511.99 be amended and section 4511.512 of the Revised Code be 10  
enacted to read as follows: 11

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 12  
4505., 4507., 4509., 4511., 4513., 4515., and 4517. of the Revised 13  
Code, and in the penal laws, except as otherwise provided: 14

(A) "Vehicles" means everything on wheels or runners, 15  
including motorized bicycles, but does not mean electric personal 16  
assistive mobility devices, vehicles that are operated exclusively 17  
on rails or tracks or from overhead electric trolley wires, and 18  
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vehicles that belong to any police department, municipal fire 20  
department, or volunteer fire department, or that are used by such 21  
a department in the discharge of its functions. 22

(B) "Motor vehicle" means any vehicle, including mobile homes 23  
and recreational vehicles, that is propelled or drawn by power 24  
other than muscular power or power collected from overhead 25  
electric trolley wires. "Motor vehicle" does not include motorized 26  
bicycles, road rollers, traction engines, power shovels, power 27  
cranes, and other equipment used in construction work and not 28  
designed for or employed in general highway transportation, 29  
well-drilling machinery, ditch-digging machinery, farm machinery, 30  
trailers that are used to transport agricultural produce or 31  
agricultural production materials between a local place of storage 32  
or supply and the farm when drawn or towed on a public road or 33  
highway at a speed of twenty-five miles per hour or less, 34  
threshing machinery, hay-baling machinery, corn sheller, 35  
hammermill and agricultural tractors, machinery used in the 36  
production of horticultural, agricultural, and vegetable products, 37  
and trailers that are designed and used exclusively to transport a 38  
boat between a place of storage and a marina, or in and around a 39  
marina, when drawn or towed on a public road or highway for a 40  
distance of no more than ten miles and at a speed of twenty-five 41  
miles per hour or less. 42

(C) "Agricultural tractor" and "traction engine" mean any 44  
self-propelling vehicle that is designed or used for drawing other 45  
vehicles or wheeled machinery, but has no provisions for carrying 46  
loads independently of such other vehicles, and that is used 47  
principally for agricultural purposes. 48

(D) "Commercial tractor," except as defined in division (C) 49  
of this section, means any motor vehicle that has motive power and 50  
either is designed or used for drawing other motor vehicles, or is 51

designed or used for drawing another motor vehicle while carrying  
a portion of the other motor vehicle or its load, or both.

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(E) "Passenger car" means any motor vehicle that is designed  
and used for carrying not more than nine persons and includes any  
motor vehicle that is designed and used for carrying not more than  
fifteen persons in a ridesharing arrangement.

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(F) "Collector's vehicle" means any motor vehicle or  
agricultural tractor or traction engine that is of special  
interest, that has a fair market value of one hundred dollars or  
more, whether operable or not, and that is owned, operated,  
collected, preserved, restored, maintained, or used essentially as  
a collector's item, leisure pursuit, or investment, but not as the  
owner's principal means of transportation. "Licensed collector's  
vehicle" means a collector's vehicle, other than an agricultural  
tractor or traction engine, that displays current, valid license  
tags issued under section 4503.45 of the Revised Code, or a  
similar type of motor vehicle that displays current, valid license  
tags issued under substantially equivalent provisions in the laws  
of other states.

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(G) "Historical motor vehicle" means any motor vehicle that  
is over twenty-five years old and is owned solely as a collector's  
item and for participation in club activities, exhibitions, tours,  
parades, and similar uses, but that in no event is used for  
general transportation.

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

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(I) "Bus" means any motor vehicle that has motor power and is  
designed and used for carrying more than nine passengers, except

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

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

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

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

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(M) "Trailer" means any vehicle without motive power that is  
designed or used for carrying property or persons wholly on its  
own structure and for being drawn by a motor vehicle, and includes  
any such vehicle that is formed by or operated as a combination of  
a semitrailer and a vehicle of the dolly type such as that  
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

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not include a manufactured home or travel trailer.

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

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

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

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

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

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(2) It is not used for the purpose of engaging in business for profit.	148 149
(3) It is not used for the purpose of engaging in intrastate commerce.	150 151
(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.	152 153
(5) It is not regulated by the public utilities commission pursuant to Chapter 4919., 4921., or 4923. of the Revised Code.	154 155
(6) It is classed as one of the following:	156
(a) "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty square feet of space when erected on site. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.	157 158 159 160 161 162
(b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.	163 164 165 166
(c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.	167 168 169 170 171 172
(d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle	173 174 175 176 177

equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck. 178  
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(e) "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances. 180  
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(R) "Pneumatic tires" means tires of rubber and fabric or tires of similar material, that are inflated with air. 187  
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(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load. 189  
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(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires. 192  
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(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less. 194  
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(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers. 201  
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(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used 205  
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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,



compensation, or profit.	241
(Z) "State" includes the territories and federal districts of the United States, and the provinces of Canada.	242 243
(AA) "Public roads and highways" for vehicles includes all public thoroughfares, bridges, and culverts.	244 245
(BB) "Manufacturer's number" means the manufacturer's original serial number that is affixed to or imprinted upon the chassis or other part of the motor vehicle.	246 247 248
(CC) "Motor number" means the manufacturer's original number that is affixed to or imprinted upon the engine or motor of the vehicle.	249 250 251
(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.	252 253 254 255 256 257 258 259
(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.	260 261 262 263
(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:	264 265 266 267 268 269 270

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;	271 272
(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;	273 274
(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.	275 276
"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, buses used for the transportation of chartered parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.	277 278 279 280 281
(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.	282 283 284 285 286 287 288 289
(HH) "International registration plan" means a reciprocal agreement of member jurisdictions that is endorsed by the American association of motor vehicle administrators, and that promotes and encourages the fullest possible use of the highway system by authorizing apportioned registration of fleets of vehicles and recognizing registration of vehicles apportioned in member jurisdictions.	290 291 292 293 294 295 296
(II) "Restricted plate" means a license plate that has a restriction of time, geographic area, mileage, or commodity, and includes license plates issued to farm trucks under division (K) of section 4503.04 of the Revised Code.	297 298 299 300
(JJ) "Gross vehicle weight," with regard to any commercial	301

car, trailer, semitrailer, or bus that is taxed at the rates 302  
established under section 4503.042 of the Revised Code, means the 303  
unladen weight of the vehicle fully equipped plus the maximum 304  
weight of the load to be carried on the vehicle. 305

(KK) "Combined gross vehicle weight" with regard to any 306  
combination of a commercial car, trailer, and semitrailer, that is 307  
taxed at the rates established under section 4503.042 of the 308  
Revised Code, means the total unladen weight of the combination of 309  
vehicles fully equipped plus the maximum weight of the load to be 310  
carried on that combination of vehicles. 311

(LL) "Chauffeured limousine" means a motor vehicle that is 312  
designed to carry nine or fewer passengers and is operated for 313  
hire on an hourly basis pursuant to a prearranged contract for the 314  
transportation of passengers on public roads and highways along a 315  
route under the control of the person hiring the vehicle and not 316  
over a defined and regular route. "Prearranged contract" means an 317  
agreement, made in advance of boarding, to provide transportation 318  
from a specific location in a chauffeured limousine at a fixed 319  
rate per hour or trip. "Chauffeured limousine" does not include 320  
any vehicle that is used exclusively in the business of funeral 321  
directing. 322

(MM) "Manufactured home" has the same meaning as in division 323  
(C)(4) of section 3781.06 of the Revised Code. 324

(NN) "Acquired situs," with respect to a manufactured home or 325  
a mobile home, means to become located in this state by the 326  
placement of the home on real property, but does not include the 327  
placement of a manufactured home or a mobile home in the inventory 328  
of a new motor vehicle dealer or the inventory of a manufacturer, 329  
remanufacturer, or distributor of manufactured or mobile homes. 330

(OO) "Electronic" includes electrical, digital, magnetic, 331  
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optical, electromagnetic, or any other form of technology that 333  
entails capabilities similar to these technologies. 334

(PP) "Electronic record" means a record generated, 335  
communicated, received, or stored by electronic means for use in 336  
an information system or for transmission from one information 337  
system to another. 338

(QQ) "Electronic signature" means a signature in electronic 339  
form attached to or logically associated with an electronic 340  
record. 341

(RR) "Financial transaction device" has the same meaning as 342  
in division (A) of section 113.40 of the Revised Code. 343

(SS) "Electronic motor vehicle dealer" means a motor vehicle 344  
dealer licensed under Chapter 4517. of the Revised Code whom the 345  
registrar of motor vehicles determines meets the criteria 346  
designated in section 4503.035 of the Revised Code for electronic 347  
motor vehicle dealers and designates as an electronic motor 348  
vehicle dealer under that section. 349

(TT) "Electric personal assistive mobility device" means a 350  
self-balancing two non-tandem wheeled device that is designed to 351  
transport only one person, has an electric propulsion system of an 352  
average of seven hundred fifty watts, and when ridden on a paved 353  
level surface by an operator who weighs one hundred seventy pounds 354  
has a maximum speed of less than twenty miles per hour. 355

**Sec. 4509.01.** As used in sections 4509.01 to 4509.78 of the 356  
Revised Code: 357

(A) "Person" includes every natural person, firm, 358  
partnership, association, or corporation. 359

(B) "Driver" means every person who drives or is in actual 360  
physical control of a motor vehicle. 361

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

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

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

(3) Any nonresident's operating privilege.

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

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

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

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

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

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personal assistive mobility devices, devices moved by power 392  
collected from overhead electric trolley wires, or used 393  
exclusively upon stationary rails or tracks, and except devices 394  
other than bicycles moved by human power. 395

(I) "Motor vehicle" means every vehicle propelled by power 396  
other than muscular power or power collected from overhead 397  
electric trolley wires, except motorized bicycles, road rollers, 398  
traction engines, power shovels, power cranes and other equipment 399  
used in construction work and not designed for or employed in 400  
general highway transportation, hole-digging machinery, 401  
well-drilling machinery, ditch-digging machinery, farm machinery, 402  
threshing machinery, hay baling machinery, and agricultural 403  
tractors and machinery used in the production of horticultural, 404  
floricultural, agricultural, and vegetable products. 405

(J) "Accident" or "motor vehicle accident" means any accident 406  
involving a motor vehicle which results in bodily injury to or 407  
death of any person, or damage to the property of any person in 408  
excess of four hundred dollars. 409

(K) "Proof of financial responsibility" means proof of 410  
ability to respond in damages for liability, on account of 411  
accidents occurring subsequent to the effective date of such 412  
proof, arising out of the ownership, maintenance, or use of a 413  
motor vehicle in the amount of twelve thousand five hundred 414  
dollars because of bodily injury to or death of one person in any 415  
one accident, in the amount of twenty-five thousand dollars 416  
because of bodily injury to or death of two or more persons in any 417  
one accident, and in the amount of seven thousand five hundred 418  
dollars because of injury to property of others in any one 419  
accident. 420

(L) "Motor-vehicle liability policy" means an "owner's 421  
policy" or an "operator's policy" of liability insurance, 422  
certified as provided in section 4509.46 or 4509.47 of the Revised 423

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.

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

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(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.

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(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.

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

(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



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emergency calls in the fire department service when identified as 486  
required by the director of public safety. 487

Any vehicle used to transport or provide emergency medical 488  
service to an ill or injured person, when certified as a public 489  
safety vehicle, shall be considered a public safety vehicle when 490  
transporting an ill or injured person to a hospital regardless of 491  
whether such vehicle has already passed a hospital. 492

(5) Vehicles used by the commercial motor vehicle safety 493  
enforcement unit for the enforcement of orders and rules of the 494  
public utilities commission as specified in section 5503.34 of the 495  
Revised Code. 496

(F) "School bus" means every bus designed for carrying more 497  
than nine passengers that is owned by a public, private, or 498  
governmental agency or institution of learning and operated for 499  
the transportation of children to or from a school session or a 500  
school function, or owned by a private person and operated for 501  
compensation for the transportation of children to or from a 502  
school session or a school function, provided "school bus" does 503  
not include a bus operated by a municipally owned transportation 504  
system, a mass transit company operating exclusively within the 505  
territorial limits of a municipal corporation, or within such 506  
limits and the territorial limits of municipal corporations 507  
immediately contiguous to such municipal corporation, nor a common 508  
passenger carrier certified by the public utilities commission 509  
unless such bus is devoted exclusively to the transportation of 510  
children to and from a school session or a school function, and 511  
"school bus" does not include a van or bus used by a licensed 512  
child day-care center or type A family day-care home to transport 513  
children from the child day-care center or type A family day-care 514  
home to a school if the van or bus does not have more than fifteen 515  
children in the van or bus at any time. 516

(G) "Bicycle" means every device, other than a tricycle 517

designed solely for use as a play vehicle by a child, propelled 518  
solely by human power upon which any person may ride having either 519  
two tandem wheels, or one wheel in the front and two wheels in the 520  
rear, any of which is more than fourteen inches in diameter. 521

(H) "Motorized bicycle" means any vehicle having either two 522  
tandem wheels or one wheel in the front and two wheels in the 523  
rear, that is capable of being pedaled and is equipped with a 524  
helper motor of not more than fifty cubic centimeters piston 525  
displacement that produces no more than one brake horsepower and 526  
is capable of propelling the vehicle at a speed of no greater than 527  
twenty miles per hour on a level surface. 528

(I) "Commercial tractor" means every motor vehicle having 529  
motive power designed or used for drawing other vehicles and not 530  
so constructed as to carry any load thereon, or designed or used 531  
for drawing other vehicles while carrying a portion of such other 532  
vehicles, or load thereon, or both. 533

(J) "Agricultural tractor" means every self-propelling 534  
vehicle designed or used for drawing other vehicles or wheeled 535  
machinery but having no provision for carrying loads independently 536  
of such other vehicles, and used principally for agricultural 537  
purposes. 538

(K) "Truck" means every motor vehicle, except trailers and 539  
semitrailers, designed and used to carry property. 540

(L) "Bus" means every motor vehicle designed for carrying 541  
more than nine passengers and used for the transportation of 542  
persons other than in a ridesharing arrangement, and every motor 543  
vehicle, automobile for hire, or funeral car, other than a taxicab 544  
or motor vehicle used in a ridesharing arrangement, designed and 545  
used for the transportation of persons for compensation. 546

(M) "Trailer" means every vehicle designed or used for 547  
carrying persons or property wholly on its own structure and for 548

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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. 580

(T) "Explosives" means any chemical compound or mechanical 581  
mixture that is intended for the purpose of producing an explosion 582  
that contains any oxidizing and combustible units or other 583  
ingredients in such proportions, quantities, or packing that an 584  
ignition by fire, by friction, by concussion, by percussion, or by 585  
a detonator of any part of the compound or mixture may cause such 586  
a sudden generation of highly heated gases that the resultant 587  
gaseous pressures are capable of producing destructive effects on 588  
contiguous objects, or of destroying life or limb. Manufactured 589  
articles shall not be held to be explosives when the individual 590  
units contain explosives in such limited quantities, of such 591  
nature, or in such packing, that it is impossible to procure a 592  
simultaneous or a destructive explosion of such units, to the 593  
injury of life, limb, or property by fire, by friction, by 594  
concussion, by percussion, or by a detonator, such as fixed 595  
ammunition for small arms, firecrackers, or safety fuse matches. 596

(U) "Flammable liquid" means any liquid that has a flash 597  
point of seventy degrees Fahrenheit, or less, as determined by a 598  
tagliabue or equivalent closed cup test device. 599

(V) "Gross weight" means the weight of a vehicle plus the 600  
weight of any load thereon. 601

(W) "Person" means every natural person, firm, 602  
co-partnership, association, or corporation. 603

(X) "Pedestrian" means any natural person afoot. 604

(Y) "Driver or operator" means every person who drives or is 605  
in actual physical control of a vehicle, trackless trolley, or 606  
streetcar. 607

(Z) "Police officer" means every officer authorized to direct 608  
or regulate traffic, or to make arrests for violations of traffic 609  
regulations. 610

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

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

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

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

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

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

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

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

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

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of the department of transportation, outside the limits of 641  
municipal corporations, provided that the authority conferred upon 642  
the director of transportation in section 5511.01 of the Revised 643  
Code to erect state highway route markers and signs directing 644  
traffic shall not be modified by sections 4511.01 to 4511.79 and 645  
4511.99 of the Revised Code. 646

(JJ) "State route" means every highway that is designated 647  
with an official state route number and so marked. 648

(KK) "Intersection" means: 649

(1) The area embraced within the prolongation or connection 650  
of the lateral curb lines, or, if none, then the lateral boundary 651  
lines of the roadways of two highways which join one another at, 652  
or approximately at, right angles, or the area within which 653  
vehicles traveling upon different highways joining at any other 654  
angle may come in conflict. 655

(2) Where a highway includes two roadways thirty feet or more 656  
apart, then every crossing of each roadway of such divided highway 657  
by an intersecting highway shall be regarded as a separate 658  
intersection. If an intersecting highway also includes two 659  
roadways thirty feet or more apart, then every crossing of two 660  
roadways of such highways shall be regarded as a separate 661  
intersection. 662

(3) The junction of an alley with a street or highway, or 663  
with another alley, shall not constitute an intersection. 664

(LL) "Crosswalk" means: 665

(1) That part of a roadway at intersections ordinarily 666  
included within the real or projected prolongation of property 667  
lines and curb lines or, in the absence of curbs, the edges of the 668  
traversable roadway; 669

(2) Any portion of a roadway at an intersection or elsewhere, 670

distinctly indicated for pedestrian crossing by lines or other  
markings on the surface; 671  
672

(3) Notwithstanding divisions (LL)(1) and (2) of this 673  
section, there shall not be a crosswalk where local authorities 674  
have placed signs indicating no crossing. 675

(MM) "Safety zone" means the area or space officially set 676  
apart within a roadway for the exclusive use of pedestrians and 677  
protected or marked or indicated by adequate signs as to be 678  
plainly visible at all times. 679

(NN) "Business district" means the territory fronting upon a 680  
street or highway, including the street or highway, between 681  
successive intersections within municipal corporations where fifty 682  
per cent or more of the frontage between such successive 683  
intersections is occupied by buildings in use for business, or 684  
within or outside municipal corporations where fifty per cent or 685  
more of the frontage for a distance of three hundred feet or more 686  
is occupied by buildings in use for business, and the character of 687  
such territory is indicated by official traffic control devices. 688

(OO) "Residence district" means the territory, not comprising 689  
a business district, fronting on a street or highway, including 690  
the street or highway, where, for a distance of three hundred feet 691  
or more, the frontage is improved with residences or residences 692  
and buildings in use for business. 693

(PP) "Urban district" means the territory contiguous to and 694  
including any street or highway which is built up with structures 695  
devoted to business, industry, or dwelling houses situated at 696  
intervals of less than one hundred feet for a distance of a 697  
quarter of a mile or more, and the character of such territory is 698  
indicated by official traffic control devices. 699

(QQ) "Traffic control devices" means all flaggers, signs, 700  
signals, markings, and devices placed or erected by authority of a 701

public body or official having jurisdiction, for the purpose of 702  
regulating, warning, or guiding traffic, including signs denoting 703  
names of streets and highways. 704

(RR) "Traffic control signal" means any device, whether 705  
manually, electrically, or mechanically operated, by which traffic 706  
is alternately directed to stop, to proceed, to change direction, 707  
or not to change direction. 708

(SS) "Railroad sign or signal" means any sign, signal, or 709  
device erected by authority of a public body or official or by a 710  
railroad and intended to give notice of the presence of railroad 711  
tracks or the approach of a railroad train. 712

(TT) "Traffic" means pedestrians, ridden or herded animals, 713  
vehicles, streetcars, trackless trolleys, and other devices, 714  
either singly or together, while using any highway for purposes of 715  
travel. 716

(UU) "Right-of-way" means either of the following, as the 717  
context requires: 718

(1) The right of a vehicle, streetcar, trackless trolley, or 719  
pedestrian to proceed uninterruptedly in a lawful manner in the 720  
direction in which it or the individual is moving in preference to 721  
another vehicle, streetcar, trackless trolley, or pedestrian 722  
approaching from a different direction into its or the 723  
individual's path; 724

(2) A general term denoting land, property, or the interest 725  
therein, usually in the configuration of a strip, acquired for or 726  
devoted to transportation purposes. When used in this context, 727  
right-of-way includes the roadway, shoulders or berm, ditch, and 728  
slopes extending to the right-of-way limits under the control of 729  
the state or local authority. 730

(VV) "Rural mail delivery vehicle" means every vehicle used 731  
to deliver United States mail on a rural mail delivery route. 732



(WW) "Funeral escort vehicle" means any motor vehicle, 733  
including a funeral hearse, while used to facilitate the movement 734  
of a funeral procession. 735

(XX) "Alley" means a street or highway intended to provide 736  
access to the rear or side of lots or buildings in urban districts 737  
and not intended for the purpose of through vehicular traffic, and 738  
includes any street or highway that has been declared an "alley" 739  
by the legislative authority of the municipal corporation in which 740  
such street or highway is located. 741

(YY) "Freeway" means a divided multi-lane highway for through 742  
traffic with all crossroads separated in grade and with full 743  
control of access. 744

(ZZ) "Expressway" means a divided arterial highway for 745  
through traffic with full or partial control of access with an 746  
excess of fifty per cent of all crossroads separated in grade. 747

(AAA) "Thruway" means a through highway whose entire roadway 748  
is reserved for through traffic and on which roadway parking is 749  
prohibited. 750

(BBB) "Stop intersection" means any intersection at one or 751  
more entrances of which stop signs are erected. 752

(CCC) "Arterial street" means any United States or state 753  
numbered route, controlled access highway, or other major radial 754  
or circumferential street or highway designated by local 755  
authorities within their respective jurisdictions as part of a 756  
major arterial system of streets or highways. 757

(DDD) "Ridesharing arrangement" means the transportation of 758  
persons in a motor vehicle where such transportation is incidental 759  
to another purpose of a volunteer driver and includes ridesharing 760  
arrangements known as carpools, vanpools, and buspools. 761

(EEE) "Motorized wheelchair" means any self-propelled vehicle 762

designed for, and used by, a handicapped person and that is 763  
incapable of a speed in excess of eight miles per hour. 764

(FFF) "Child day-care center" and "type A family day-care 765  
home" have the same meanings as in section 5104.01 of the Revised 766  
Code. 767

(GGG) "Multi-wheel agricultural tractor" means a type of 768  
agricultural tractor that has two or more wheels or tires on each 769  
side of one axle at the rear of the tractor, is designed or used 770  
for drawing other vehicles or wheeled machinery, has no provision 771  
for carrying loads independently of the drawn vehicles or 772  
machinery, and is used principally for agricultural purposes. 773

Sec. 4511.512. (A)(1) Electric personal assistive mobility 774  
devices may be operated on the public streets, highways, 775  
sidewalks, and paths and portions of roadways set aside for the 776  
exclusive use of bicycles in accordance with this section. 777

(2) Except as otherwise provided in this section, those 778  
sections of this chapter that by their nature are applicable to an 779  
electric personal assistive mobility device apply to the device 780  
and the person operating it whenever it is operated upon any 781  
public street, highway, sidewalk, or upon any path or portion of a 782  
roadway set aside for the exclusive use of bicycles. 783

(3) A local authority may regulate or prohibit the operation 784  
of electric personal assistive mobility devices on public streets, 785  
highways, sidewalks, and paths under its jurisdiction. 786

(B) No operator of an electric personal assistive mobility 788  
device shall do any of the following: 789

(1) Fail to yield the right-of-way to all pedestrians and 790  
human-powered vehicles at all times; 791

(2) Fail to give an audible signal before overtaking and 792

<u>passing a pedestrian;</u>	793
<u>(3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:</u>	794 795
<u>(a) A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet;</u>	796 797
<u>(b) A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.</u>	798 799 800 801
<u>(4) Operate the device on any portion of a street or highway that has an established speed limit of fifty-five miles per hour or more;</u>	802 803 804
<u>(5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of such use is posted on the path;</u>	805 806 807
<u>(6) If under eighteen years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;</u>	808 809 810
<u>(7) If under sixteen years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is eighteen years of age or older and is responsible for the immediate care of the child.</u>	811 812 813 814 815
<u>(C) No person who is under fourteen years of age shall operate an electric personal assistive mobility device.</u>	816 817
<u>(D) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST</u>	818 819 820 821 822

GUARDS, ELBOW PADS, AND KNEE PADS." 823

(E) Nothing in this section shall be construed to affect any 824  
rule of the director of natural resources or a board of park 825  
district commissioners governing the operation of vehicles on 826  
lands under the control of the director or board, as applicable. 827

**Sec. 4511.99.** (A) Whoever violates division (A)(1), (2), (3), 828  
or (4) of section 4511.19 of the Revised Code, in addition to the 829  
license suspension or revocation provided in section 4507.16 of 830  
the Revised Code and any disqualification imposed under section 831  
4506.16 of the Revised Code, shall be punished as provided in 832  
division (A)(1), (2), (3), or (4) of this section. Whoever 833  
violates division (A)(5), (6), or (7) of section 4511.19 of the 834  
Revised Code, in addition to the license suspension or revocation 835  
provided in section 4507.16 of the Revised Code and any 836  
disqualification imposed under section 4506.16 of the Revised 837  
Code, shall be punished as provided in division (A)(5), (6), (7), 838  
or (8) of this section. 839

(1) Except as otherwise provided in division (A)(2), (3), or 840  
(4) of this section, the offender is guilty of a misdemeanor of 841  
the first degree and the court shall sentence the offender to a 842  
term of imprisonment of three consecutive days and may sentence 843  
the offender pursuant to section 2929.21 of the Revised Code to a 844  
longer term of imprisonment. In addition, the court shall impose 845  
upon the offender a fine of not less than two hundred fifty and 846  
not more than one thousand dollars. 847

The court may suspend the execution of the mandatory three 848  
consecutive days of imprisonment that it is required to impose by 849  
this division, if the court, in lieu of the suspended term of 850  
imprisonment, places the offender on probation and requires the 851  
offender to attend, for three consecutive days, a drivers' 852  
intervention program that is certified pursuant to section 3793.10 853

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of the Revised Code. The court also may suspend the execution of 854  
any part of the mandatory three consecutive days of imprisonment 855  
that it is required to impose by this division, if the court 856  
places the offender on probation for part of the three consecutive 857  
days; requires the offender to attend, for that part of the three 858  
consecutive days, a drivers' intervention program that is 859  
certified pursuant to section 3793.10 of the Revised Code; and 860  
sentences the offender to a term of imprisonment equal to the 861  
remainder of the three consecutive days that the offender does not 862  
spend attending the drivers' intervention program. The court may 863  
require the offender, as a condition of probation, to attend and 864  
satisfactorily complete any treatment or education programs that 865  
comply with the minimum standards adopted pursuant to Chapter 866  
3793. of the Revised Code by the director of alcohol and drug 867  
addiction services, in addition to the required attendance at a 868  
drivers' intervention program, that the operators of the drivers' 869  
intervention program determine that the offender should attend and 870  
to report periodically to the court on the offender's progress in 871  
the programs. The court also may impose any other conditions of 872  
probation on the offender that it considers necessary. 873

Of the fine imposed pursuant to this division, twenty-five 874  
dollars shall be paid to an enforcement and education fund 875  
established by the legislative authority of the law enforcement 876  
agency in this state that primarily was responsible for the arrest 877  
of the offender, as determined by the court that imposes the fine. 878  
This share shall be used by the agency to pay only those costs it 879  
incurs in enforcing section 4511.19 of the Revised Code or a 880  
substantially similar municipal ordinance and in informing the 881  
public of the laws governing the operation of a motor vehicle 882  
while under the influence of alcohol, the dangers of operating a 883  
motor vehicle while under the influence of alcohol, and other 884  
information relating to the operation of a motor vehicle and the 885

consumption of alcoholic beverages. Fifty dollars of the fine 886  
imposed pursuant to this division shall be paid to the political 887  
subdivision that pays the cost of housing the offender during the 888  
offender's term of incarceration to the credit of the fund that 889  
pays the cost of the incarceration. If the offender was confined 890  
as a result of the offense prior to being sentenced for the 891  
offense but is not sentenced to a term of incarceration, the fifty 892  
dollars shall be paid to the political subdivision that paid the 893  
cost of housing the offender during that period of confinement. 894  
The political subdivision shall use this share to pay or reimburse 895  
incarceration or treatment costs it incurs in housing or providing 896  
drug and alcohol treatment to persons who violate section 4511.19 897  
of the Revised Code or a substantially similar municipal ordinance 898  
and to pay for ignition interlock devices and electronic house 899  
arrest equipment for persons who violate that section. Twenty-five 900  
dollars of the fine imposed pursuant to this division shall be 901  
deposited into the county indigent drivers alcohol treatment fund 902  
or municipal indigent drivers alcohol treatment fund under the 903  
control of that court, as created by the county or municipal 904  
corporation pursuant to division (N) of section 4511.191 of the 905  
Revised Code. The balance of the fine shall be disbursed as 906  
otherwise provided by law. 907

(2)(a) Except as otherwise provided in division (A)(4) of 908  
this section, the offender is guilty of a misdemeanor of the first 909  
degree, and, except as provided in this division, the court shall 910  
sentence the offender to a term of imprisonment of ten consecutive 911  
days and may sentence the offender pursuant to section 2929.21 of 912  
the Revised Code to a longer term of imprisonment if, within six 913  
years of the offense, the offender has been convicted of or 914  
pleaded guilty to one violation of the following: 915

(i) Division (A) or (B) of section 4511.19 of the Revised 916  
Code; 917

(ii) A municipal ordinance relating to operating a vehicle 918  
while under the influence of alcohol, a drug of abuse, or alcohol 919  
and a drug of abuse; 920

(iii) A municipal ordinance relating to operating a vehicle 921  
with a prohibited concentration of alcohol in the blood, breath, 922  
or urine; 923

(iv) Section 2903.04 of the Revised Code in a case in which 924  
the offender was subject to the sanctions described in division 925  
(D) of that section; 926

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 927  
section 2903.08 of the Revised Code or a municipal ordinance that 928  
is substantially similar to either of those divisions; 929

(vi) Division (A)(2), (3), or (4) of section 2903.06, 930  
division (A)(2) of section 2903.08, or former section 2903.07 of 931  
the Revised Code, or a municipal ordinance that is substantially 932  
similar to any of those divisions or that former section, in a 933  
case in which the jury or judge found that the offender was under 934  
the influence of alcohol, a drug of abuse, or alcohol and a drug 935  
of abuse; 936

(vii) A statute of the United States or of any other state or 937  
a municipal ordinance of a municipal corporation located in any 938  
other state that is substantially similar to division (A) or (B) 939  
of section 4511.19 of the Revised Code. 940

As an alternative to the term of imprisonment required to be 941  
imposed by this division, but subject to division (A)(12) of this 942  
section, the court may impose upon the offender a sentence 943  
consisting of both a term of imprisonment of five consecutive days 944  
and not less than eighteen consecutive days of electronically 945  
monitored house arrest as defined in division (A) of section 946  
2929.23 of the Revised Code. The five consecutive days of 947  
imprisonment and the period of electronically monitored house 948

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 981  
drug and alcohol treatment to persons who violate section 4511.19 982  
of the Revised Code or a substantially similar municipal ordinance 983  
and to pay for ignition interlock devices and electronic house 984  
arrest equipment for persons who violate that section, and shall 985  
be paid to the credit of the fund that pays the cost of the 986  
incarceration. Fifty dollars of the fine imposed pursuant to this 987  
division shall be deposited into the county indigent drivers 988  
alcohol treatment fund or municipal indigent drivers alcohol 989  
treatment fund under the control of that court, as created by the 990  
county or municipal corporation pursuant to division (N) of 991  
section 4511.191 of the Revised Code. The balance of the fine 992  
shall be disbursed as otherwise provided by law. 993

(b) Regardless of whether the vehicle the offender was 994  
operating at the time of the offense is registered in the 995  
offender's name or in the name of another person, the court, in 996  
addition to the penalties imposed under division (A)(2)(a) of this 997  
section and all other penalties provided by law and subject to 998  
section 4503.235 of the Revised Code, shall order the 999  
immobilization for ninety days of the vehicle the offender was 1000  
operating at the time of the offense and the impoundment for 1001  
ninety days of the identification license plates of that vehicle. 1002  
The order for the immobilization and impoundment shall be issued 1003  
and enforced in accordance with section 4503.233 of the Revised 1004  
Code. 1005

(3)(a) Except as otherwise provided in division (A)(4) of 1006  
this section and except as provided in this division, if, within 1007  
six years of the offense, the offender has been convicted of or 1008  
pleaded guilty to two violations identified in division (A)(2) of 1009  
this section, the court shall sentence the offender to a term of 1010  
imprisonment of thirty consecutive days and may sentence the 1011  
offender to a longer definite term of imprisonment of not more 1012

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

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

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

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Of the fine imposed pursuant to this division, one hundred  
twenty-three dollars shall be paid to an enforcement and education  
fund established by the legislative authority of the law  
enforcement agency in this state that primarily was responsible  
for the arrest of the offender, as determined by the court that  
imposes the fine. This share shall be used by the agency to pay  
only those costs it incurs in enforcing section 4511.19 of the  
Revised Code or a substantially similar municipal ordinance and in

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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  
sentence is not required to be imposed under division  
(A)(4)(a)(ii) of this section, the offender is guilty of a felony

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of the fourth degree and, notwithstanding division (A)(4) of 1077  
section 2929.14 of the Revised Code, may be sentenced to a 1078  
definite prison term that shall be not less than six months and 1079  
not more than thirty months. The court shall sentence the offender 1080  
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1081  
and shall impose as part of the sentence either a mandatory term 1082  
of local incarceration of sixty consecutive days of imprisonment 1083  
in accordance with division (G)(1) of section 2929.13 of the 1084  
Revised Code or a mandatory prison term of sixty consecutive days 1085  
of imprisonment in accordance with division (G)(2) of that 1086  
section. If the court requires the offender to serve a mandatory 1087  
term of local incarceration of sixty consecutive days of 1088  
imprisonment in accordance with division (G)(1) of section 2929.13 1089  
of the Revised Code, the court, pursuant to section 2929.17 of the 1090  
Revised Code, may impose upon the offender a sentence that 1091  
includes a term of electronically monitored house arrest, provided 1092  
that the term of electronically monitored house arrest shall not 1093  
commence until after the offender has served the mandatory term of 1094  
local incarceration. 1095

(ii) If the offender previously has been convicted of or 1096  
pleaded guilty to a violation of division (A) of section 4511.19 1097  
of the Revised Code under circumstances in which the violation was 1098  
a felony, regardless of when the prior violation and the prior 1099  
conviction or guilty plea occurred, the offender is guilty of a 1100  
felony of the third degree. The court shall sentence the offender 1101  
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1102  
and shall impose as part of the sentence a mandatory prison term 1103  
of sixty consecutive days of imprisonment in accordance with 1104  
division (G)(2) of section 2929.13 of the Revised Code. 1105

(iii) In addition to all other sanctions imposed on an 1106  
offender under division (A)(4)(a)(i) or (ii) of this section, the 1107  
court shall impose upon the offender, pursuant to section 2929.18 1108

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  
of the Revised Code or a substantially similar municipal ordinance

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and to pay for ignition interlock devices and electronic house  
arrest equipment for persons who violate that section, and shall  
be paid to the credit of the fund that pays the cost of  
incarceration. The balance of the fine shall be disbursed as  
otherwise provided by law.

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

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

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

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

(i) A term of imprisonment of at least three consecutive days 1173  
and a requirement that the offender attend, for three consecutive 1174  
days, a drivers' intervention program that is certified pursuant 1175  
to section 3793.10 of the Revised Code; 1176

(ii) If the court determines that the offender is not 1177  
conducive to treatment in the program, if the offender refuses to 1178  
attend the program, or if the place of imprisonment can provide a 1179  
drivers' intervention program, a term of imprisonment of at least 1180  
six consecutive days. 1181

(b) In addition, the court shall impose upon the offender a 1182  
fine of not less than two hundred fifty and not more than one 1183  
thousand dollars. 1184

The court may require the offender, as a condition of 1185  
probation, to attend and satisfactorily complete any treatment or 1186  
education programs that comply with the minimum standards adopted 1187  
pursuant to Chapter 3793. of the Revised Code by the director of 1188  
alcohol and drug addiction services, in addition to the required 1189  
attendance at a drivers' intervention program, that the operators 1190  
of the drivers' intervention program determine that the offender 1191  
should attend and to report periodically to the court on the 1192  
offender's progress in the programs. The court also may impose any 1193  
other conditions of probation on the offender that it considers 1194  
necessary. 1195

Of the fine imposed pursuant to this division, twenty-five 1196  
dollars shall be paid to an enforcement and education fund 1197  
established by the legislative authority of the law enforcement 1198  
agency in this state that primarily was responsible for the arrest 1199  
of the offender, as determined by the court that imposes the fine. 1200  
The agency shall use this share to pay only those costs it incurs 1201  
in enforcing section 4511.19 of the Revised Code or a 1202  
substantially similar municipal ordinance and in informing the 1203  
public of the laws governing the operation of a motor vehicle 1204

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while under the influence of alcohol, the dangers of operating a motor vehicle while under the influence of alcohol, and other information relating to the operation of a motor vehicle and the consumption of alcoholic beverages. Fifty dollars of the fine imposed pursuant to this division shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration to the credit of the fund that pays the cost of the incarceration. 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 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



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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 of the Revised Code. If the officials of the drivers' intervention program determine that the offender is alcohol dependent, they

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shall notify the court, and the court shall order the offender to  
obtain treatment through an alcohol and drug addiction program  
authorized by section 3793.02 of the Revised Code. The offender  
shall pay the cost of the treatment.

Of the fine imposed pursuant to this division, thirty-five  
dollars shall be paid to an enforcement and education fund  
established by the legislative authority of the law enforcement  
agency in this state that primarily was responsible for the arrest  
of the offender, as determined by the court that imposes the fine.  
The agency shall use this share to pay only those costs it incurs  
in enforcing section 4511.19 of the Revised Code or a  
substantially similar municipal ordinance and in informing the  
public of the laws governing the operation of a motor vehicle  
while under the influence of alcohol, the dangers of operating a  
motor vehicle while under the influence of alcohol, and other  
information relating to the operation of a motor vehicle and the  
consumption of alcoholic beverages. One hundred fifteen dollars of  
the fine imposed pursuant to this division shall be paid to the  
political subdivision that pays the cost of housing the offender  
during the offender's term of incarceration. The political  
subdivision shall use this share to pay or reimburse incarceration  
or treatment costs it incurs in housing or providing drug and  
alcohol treatment to persons who violate section 4511.19 of the  
Revised Code or a substantially similar municipal ordinance and to  
pay for ignition interlock devices and electronic house arrest  
equipment for persons who violate that section, and this share  
shall be paid to the credit of the fund that pays the cost of the  
incarceration. Fifty dollars of the fine imposed pursuant to this  
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 1301  
shall be disbursed as otherwise provided by law. 1302

(b) Regardless of whether the vehicle the offender was 1303  
operating at the time of the offense is registered in the 1304  
offender's name or in the name of another person, the court, in 1305  
addition to the penalties imposed under division (A)(6)(a) of this 1306  
section and all other penalties provided by law and subject to 1307  
section 4503.235 of the Revised Code, shall order the 1308  
immobilization for ninety days of the vehicle the offender was 1309  
operating at the time of the offense and the impoundment for 1310  
ninety days of the identification license plates of that vehicle. 1311  
The order for the immobilization and impoundment shall be issued 1312  
and enforced in accordance with section 4503.233 of the Revised 1313  
Code. 1314

(7)(a) Except as otherwise provided in division (A)(8) of 1315  
this section and except as provided in this division, if, within 1316  
six years of the offense, the offender has been convicted of or 1317  
pleaded guilty to two violations of division (A) or (B) of section 1318  
4511.19 of the Revised Code, a municipal ordinance relating to 1319  
operating a vehicle while under the influence of alcohol, a drug 1320  
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1321  
relating to operating a vehicle with a prohibited concentration of 1322  
alcohol in the blood, breath, or urine, section 2903.04 of the 1323  
Revised Code in a case in which the offender was subject to the 1324  
sanctions described in division (D) of that section, section 1325  
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1326  
ordinance that is substantially similar to section 2903.07 of the 1327  
Revised Code in a case in which the jury or judge found that the 1328  
offender was under the influence of alcohol, a drug of abuse, or 1329  
alcohol and a drug of abuse, or a statute of the United States or 1330  
of any other state or a municipal ordinance of a municipal 1331  
corporation located in any other state that is substantially 1332

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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 twenty-three dollars shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible

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for the arrest of the offender, as determined by the court that  
imposes the fine. 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  
license plates of that vehicle. The order for the immobilization  
and impoundment shall be issued and enforced in accordance with

section 4503.233 of the Revised Code.

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(8)(a)(i) If, within six years of the offense, the offender  
has been convicted of or pleaded guilty to three or more  
violations of division (A) or (B) of section 4511.19 of the  
Revised Code, a municipal ordinance relating to operating a  
vehicle while under the influence of alcohol, a drug of abuse, or  
alcohol and a drug of abuse, a municipal ordinance relating to  
operating a vehicle with a prohibited concentration of alcohol in  
the blood, breath, or urine, section 2903.04 of the Revised Code  
in a case in which the offender was subject to the sanctions  
described in division (D) of that section, section 2903.06,  
2903.07, or 2903.08 of the Revised Code or a municipal ordinance  
that is substantially similar to section 2903.07 of the Revised  
Code in a case in which the jury or judge found that the offender  
was under the influence of alcohol, a drug of abuse, or alcohol  
and a drug of abuse, or a statute of the United States or of any  
other state or a municipal ordinance of a municipal corporation  
located in any other state that is substantially similar to  
division (A) or (B) of section 4511.19 of the Revised Code, and if  
sentence is not required to be imposed under division  
(A)(8)(a)(ii) of this section, the offender is guilty of a felony  
of the fourth degree and, notwithstanding division (A)(4) of  
section 2929.14 of the Revised Code, may be sentenced to a  
definite prison term that shall be not less than six months and  
not more than thirty months. The court shall sentence the offender  
in accordance with sections 2929.11 to 2929.19 of the Revised Code  
and shall impose as part of the sentence either a mandatory term  
of local incarceration of one hundred twenty consecutive days of  
imprisonment in accordance with division (G)(1) of section 2929.13  
of the Revised Code or a mandatory prison term of one hundred  
twenty consecutive days of imprisonment in accordance with  
division (G)(2) of that section. If the court requires the

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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

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payment of the cost of the offender's attendance at the treatment 1461  
program be made from the court's indigent drivers alcohol 1462  
treatment fund. 1463

Of the fine imposed pursuant to this division, two hundred 1464  
ten dollars shall be paid to an enforcement and education fund 1465  
established by the legislative authority of the law enforcement 1466  
agency in this state that primarily was responsible for the arrest 1467  
of the offender, as determined by the court that imposes the fine. 1468  
The agency shall use this share to pay only those costs it incurs 1469  
in enforcing section 4511.19 of the Revised Code or a 1470  
substantially similar municipal ordinance and in informing the 1471  
public of the laws governing operation of a motor vehicle while 1472  
under the influence of alcohol, the dangers of operation of a 1473  
motor vehicle while under the influence of alcohol, and other 1474  
information relating to the operation of a motor vehicle and the 1475  
consumption of alcoholic beverages. Four hundred forty dollars of 1476  
the fine imposed pursuant to this division shall be paid to the 1477  
political subdivision that pays the cost of housing the offender 1478  
during the offender's term of incarceration. The political 1479  
subdivision shall use this share to pay or reimburse incarceration 1480  
or treatment costs it incurs in housing or providing drug and 1481  
alcohol treatment to persons who violate section 4511.19 of the 1482  
Revised Code or a substantially similar municipal ordinance and to 1483  
pay for ignition interlock devices and electronic house arrest 1484  
equipment for persons who violate that section, and this share 1485  
shall be paid to the credit of the fund that pays the cost of 1486  
incarceration. The balance of the fine shall be disbursed as 1487  
otherwise provided by law. 1488

(b) Regardless of whether the vehicle the offender was 1489  
operating at the time of the offense is registered in the 1490  
offender's name or in the name of another person, the court, in 1491  
addition to the sanctions imposed under division (A)(8)(a) of this 1492



section and all other sanctions provided by law and subject to 1493  
section 4503.235 of the Revised Code, shall order the criminal 1494  
forfeiture to the state of the vehicle the offender was operating 1495  
at the time of the offense. The order of criminal forfeiture shall 1496  
be issued and enforced in accordance with section 4503.234 of the 1497  
Revised Code. 1498

(c) As used in division (A)(8)(a) of this section, "mandatory 1499  
prison term" and "mandatory term of local incarceration" have the 1500  
same meanings as in section 2929.01 of the Revised Code. 1501

(d) If title to a motor vehicle that is subject to an order 1503  
for criminal forfeiture under this section is assigned or 1504  
transferred and division (C)(2) or (3) of section 4503.234 of the 1505  
Revised Code applies, in addition to or independent of any other 1506  
penalty established by law, the court may fine the offender the 1507  
value of the vehicle as determined by publications of the national 1508  
auto dealer's association. The proceeds from any fine imposed 1509  
under this division shall be distributed in accordance with 1510  
division (D)(4) of section 4503.234 of the Revised Code. 1511

(9)(a) Except as provided in division (A)(9)(b) of this 1512  
section, upon a showing that imprisonment would seriously affect 1513  
the ability of an offender sentenced pursuant to division (A)(1), 1514  
(2), (3), (4), (5), (6), (7), or (8) of this section to continue 1515  
the offender's employment, the court may authorize that the 1516  
offender be granted work release from imprisonment after the 1517  
offender has served the three, six, ten, twenty, thirty, or sixty 1518  
consecutive days of imprisonment or the mandatory term of local 1519  
incarceration of sixty or one hundred twenty consecutive days that 1520  
the court is required by division (A)(1), (2), (3), (4), (5), (6), 1521  
(7), or (8) of this section to impose. No court shall authorize 1522  
work release from imprisonment during the three, six, ten, twenty, 1523  
thirty, or sixty consecutive days of imprisonment or the mandatory 1524

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term of local incarceration or mandatory prison term of sixty or 1525  
one hundred twenty consecutive days that the court is required by 1526  
division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this 1527  
section to impose. The duration of the work release shall not 1528  
exceed the time necessary each day for the offender to commute to 1529  
and from the place of employment and the place of imprisonment and 1530  
the time actually spent under employment. 1531

(b) An offender who is sentenced pursuant to division (A)(2), 1532  
(3), (6), or (7) of this section to a term of imprisonment 1533  
followed by a period of electronically monitored house arrest is 1534  
not eligible for work release from imprisonment, but that person 1535  
shall be permitted work release during the period of 1536  
electronically monitored house arrest. The duration of the work 1537  
release shall not exceed the time necessary each day for the 1538  
offender to commute to and from the place of employment and the 1539  
offender's home or other place specified by the sentencing court 1540  
and the time actually spent under employment. 1541

(10) Notwithstanding any section of the Revised Code that 1542  
authorizes the suspension of the imposition or execution of a 1543  
sentence, the placement of an offender in any treatment program in 1544  
lieu of imprisonment, or the use of a community control sanction 1545  
for an offender convicted of a felony, no court shall suspend the 1546  
ten, twenty, thirty, or sixty consecutive days of imprisonment 1547  
required to be imposed on an offender by division (A)(2), (3), 1548  
(6), or (7) of this section, no court shall place an offender who 1549  
is sentenced pursuant to division (A)(2), (3), (4), (6), (7), or 1550  
(8) of this section in any treatment program in lieu of 1551  
imprisonment until after the offender has served the ten, twenty, 1552  
thirty, or sixty consecutive days of imprisonment or the mandatory 1553  
term of local incarceration or mandatory prison term of sixty or 1554  
one hundred twenty consecutive days required to be imposed 1555  
pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this 1556

section, no court that sentences an offender under division (A)(4) 1557  
or (8) of this section shall impose any sanction other than a 1558  
mandatory term of local incarceration or mandatory prison term to 1559  
apply to the offender until after the offender has served the 1560  
mandatory term of local incarceration or mandatory prison term of 1561  
sixty or one hundred twenty consecutive days required to be 1562  
imposed pursuant to division (A)(4) or (8) of this section, and no 1563  
court that imposes a sentence of imprisonment and a period of 1564  
electronically monitored house arrest upon an offender under 1565  
division (A)(2), (3), (6), or (7) of this section shall suspend 1566  
any portion of the sentence or place the offender in any treatment 1567  
program in lieu of imprisonment or electronically monitored house 1568  
arrest. Notwithstanding any section of the Revised Code that 1569  
authorizes the suspension of the imposition or execution of a 1570  
sentence or the placement of an offender in any treatment program 1571  
in lieu of imprisonment, no court, except as specifically 1572  
authorized by division (A)(1) or (5) of this section, shall 1573  
suspend the three or more consecutive days of imprisonment 1574  
required to be imposed by division (A)(1) or (5) of this section 1575  
or place an offender who is sentenced pursuant to division (A)(1) 1576  
or (5) of this section in any treatment program in lieu of 1577  
imprisonment until after the offender has served the three or more 1578  
consecutive days of imprisonment required to be imposed pursuant 1579  
to division (A)(1) or (5) of this section. 1580

(11) No court shall sentence an offender to an alcohol 1581  
treatment program pursuant to division (A)(1), (2), (3), (4), (5), 1582  
(6), (7), or (8) of this section unless the treatment program 1583  
complies with the minimum standards adopted pursuant to Chapter 1584  
3793. of the Revised Code by the director of alcohol and drug 1585  
addiction services. 1586

(12) No court shall impose the alternative sentence of a term 1587  
of imprisonment plus a term of electronically monitored house 1588

arrest permitted to be imposed by division (A)(2), (3), (6), or 1589  
(7) of this section, unless within sixty days of the date of 1590  
sentencing, the court issues a written finding, entered into the 1591  
record, that due to the unavailability of space at the 1592  
incarceration facility where the offender is required to serve the 1593  
term of imprisonment imposed upon the offender, the offender will 1594  
not be able to commence serving the term of imprisonment within 1595  
the sixty-day period following the date of sentencing. If the 1596  
court issues such a written finding, the court may impose the 1597  
alternative sentence comprised of a term of imprisonment and a 1598  
term of electronically monitored house arrest permitted to be 1599  
imposed by division (A)(2), (3), (6), or (7) of this section. 1600

(B) Whoever violates section 4511.192, 4511.251, or 4511.85 1601  
of the Revised Code is guilty of a misdemeanor of the first 1602  
degree. The court, in addition to or independent of all other 1603  
penalties provided by law, may suspend for a period not to exceed 1604  
one year the driver's or commercial driver's license or permit or 1605  
nonresident operating privilege of any person who pleads guilty to 1606  
or is convicted of a violation of section 4511.192 of the Revised 1607  
Code. 1608

(C) Whoever violates section 4511.63, 4511.76, 4511.761, 1609  
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code is 1610  
guilty of one of the following: 1611

(1) Except as otherwise provided in division (C)(2) of this 1612  
section, a minor misdemeanor. 1613

(2) If the offender previously has been convicted of or 1614  
pleaded guilty to one or more violations of section 4511.63, 1615  
4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the 1616  
Revised Code or a municipal ordinance that is substantially 1617  
similar to any of those sections, a misdemeanor of the fourth 1618  
degree. 1619

(D)(1) Whoever violates any provision of sections 4511.01 to 1620  
4511.76 or section 4511.84 of the Revised Code, for which no 1621  
penalty otherwise is provided in this section is guilty of one of 1622  
the following: 1623

(a) Except as otherwise provided in division (D)(1)(b), 1624  
(1)(c), (2), (3), or (4) of this section, a minor misdemeanor; 1625

(b) If, within one year of the offense, the offender 1626  
previously has been convicted of or pleaded guilty to one 1627  
violation of any provision of sections 4511.01 to 4511.76 or 1628  
section 4511.84 of the Revised Code for which no penalty otherwise 1629  
is provided in this section or a municipal ordinance that is 1630  
substantially similar to any provision of sections 4511.01 to 1631  
4511.76 or section 4511.84 of the Revised Code for which no 1632  
penalty otherwise is provided in this section, a misdemeanor of 1633  
the fourth degree; 1634

(c) If, within one year of the offense, the offender 1635  
previously has been convicted of or pleaded guilty to two or more 1636  
violations of any provision described in division (D)(1)(b) of 1637  
this section or any municipal ordinance that is substantially 1638  
similar to any of those provisions, a misdemeanor of the third 1639  
degree. 1640

(2) When any person is found guilty of a first offense for a 1641  
violation of section 4511.21 of the Revised Code upon a finding 1642  
that the person operated a motor vehicle faster than thirty-five 1643  
miles an hour in a business district of a municipal corporation, 1644  
or faster than fifty miles an hour in other portions, or faster 1645  
than thirty-five miles an hour while passing through a school zone 1646  
during recess or while children are going to or leaving school 1647  
during the opening or closing hours, the person is guilty of a 1648  
misdemeanor of the fourth degree. 1649

(3) Notwithstanding section 2929.21 of the Revised Code, upon 1650

a finding that such person operated a motor vehicle in a  
construction zone where a sign was then posted in accordance with  
section 4511.98 of the Revised Code, the court, in addition to all  
other penalties provided by law, shall impose a fine of two times  
the usual amount imposed for the violation. No court shall impose  
a fine of two times the usual amount imposed for the violation  
upon an offender who alleges, in an affidavit filed with the court  
prior to the offender's sentencing, that the offender is indigent  
and is unable to pay the fine imposed pursuant to this division,  
provided the court determines the offender is an indigent person  
and is unable to pay the fine.

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

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

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

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(G) Whoever violates division (A) of section 4511.75 of the  
Revised Code may be fined an amount not to exceed five hundred  
dollars. A person who is issued a citation for a violation of

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division (A) of section 4511.75 of the Revised Code is not 1683  
permitted to enter a written plea of guilty and waive the person's 1684  
right to contest the citation in a trial, but instead must appear 1685  
in person in the proper court to answer the charge. 1686

(H)(1) Whoever is a resident of this state and violates 1687  
division (A) or (B) of section 4511.81 of the Revised Code shall 1688  
be punished as follows: 1689

(a) Except as otherwise provided in division (H)(1)(b) of 1690  
this section, the offender is guilty of a minor misdemeanor. 1691

(b) If the offender previously has been convicted of or 1692  
pleaded guilty to a violation of division (A) or (B) of section 1693  
4511.81 of the Revised Code or of a municipal ordinance that is 1694  
substantially similar to either of those divisions, the offender 1695  
is guilty of a misdemeanor of the fourth degree. 1696

(2) Whoever is not a resident of this state, violates 1697  
division (A) or (B) of section 4511.81 of the Revised Code, and 1698  
fails to prove by a preponderance of the evidence that the 1699  
offender's use or nonuse of a child restraint system was in 1700  
accordance with the law of the state of which the offender is a 1701  
resident is guilty of a minor misdemeanor on a first offense; on a 1702  
second or subsequent offense, that person is guilty of a 1703  
misdemeanor of the fourth degree. 1704

(3) All fines imposed pursuant to division (H)(1) or (2) of 1705  
this section shall be forwarded to the treasurer of state for 1706  
deposit in the "child highway safety fund" created by division (G) 1707  
of section 4511.81 of the Revised Code. 1708

(I) Whoever violates section 4511.202 of the Revised Code is 1709  
guilty of operating a motor vehicle without being in control of 1710  
it, a minor misdemeanor. 1711

(J) Whoever violates division (B) of section 4511.74, 1712  
division (B)(1), (2), or (3), (C), or (E)(1), (2), or (3) of 1713

section 4511.83 of the Revised Code is guilty of a misdemeanor of  
the first degree. 1714  
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(K) Except as otherwise provided in this division, whoever 1716  
violates division (E) of section 4511.11, division (A) or (C) of 1717  
section 4511.17, or section 4511.18 of the Revised Code is guilty 1718  
of a misdemeanor of the third degree. If a violation of division 1719  
(A) or (C) of section 4511.17 of the Revised Code creates a risk 1720  
of physical harm to any person, the offender is guilty of a 1721  
misdemeanor of the first degree. A violation of division (A) or 1722  
(C) of section 4511.17 of the Revised Code that causes serious 1723  
physical harm to property that is owned, leased, or controlled by 1724  
a state or local authority is a felony of the fifth degree. 1725

(L) Whoever violates division (H) of section 4511.69 of the 1726  
Revised Code shall be punished as follows: 1727

(1) Except as otherwise provided in division (L)(2) of this 1728  
section, the offender shall be issued a warning. 1729

(2) If the offender previously has been convicted of or 1730  
pleaded guilty to a violation of division (H) of section 4511.69 1731  
of the Revised Code or of a municipal ordinance that is 1732  
substantially similar to that division, the offender shall not be 1733  
issued a warning but shall be fined twenty-five dollars for each 1734  
parking location that is not properly marked or whose markings are 1735  
not properly maintained. 1736

(M) Whoever violates division (A)(1) or (2) of section 1737  
4511.45 of the Revised Code is guilty of a misdemeanor of the 1738  
fourth degree on a first offense; on a second offense within one 1739  
year after the first offense, the person is guilty of a 1740  
misdemeanor of the third degree; and on each subsequent offense 1741  
within one year after the first offense, the person is guilty of a 1742  
misdemeanor of the second degree. 1743

(N)(1) Whoever violates division (B) of section 4511.19 of 1744



the Revised Code is guilty of operating a motor vehicle after 1745  
under-age alcohol consumption and shall be punished as follows: 1746

(a) Except as otherwise provided in division (N)(1)(b) of 1747  
this section, the offender is guilty of a misdemeanor of the 1748  
fourth degree. 1749

(b) The offender is guilty of a misdemeanor of the third 1750  
degree if, within one year of the offense, the offender has been 1751  
convicted of or pleaded guilty to any violation of the following: 1752

(i) Division (A) or (B) of section 4511.19 of the Revised 1753  
Code; 1754

(ii) A municipal ordinance relating to operating a vehicle 1755  
while under the influence of alcohol, a drug of abuse, or alcohol 1756  
and a drug of abuse; 1757

(iii) A municipal ordinance relating to operating a vehicle 1758  
with a prohibited concentration of alcohol in the blood, breath, 1759  
or urine; 1760

(iv) Section 2903.04 of the Revised Code in a case in which 1761  
the offender was subject to the sanctions described in division 1762  
(D) of that section; 1763

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 1764  
section 2903.08 of the Revised Code or a municipal ordinance that 1765  
is substantially similar to either of those divisions; 1766

(vi) Division (A)(2), (3), or (4) of section 2903.06 or 1767  
division (A)(2) of section 2903.08 of the Revised Code or a 1768  
municipal ordinance that is substantially similar to any of those 1769  
divisions, or former section 2903.07 of the Revised Code or a 1770  
substantially similar municipal ordinance, in a case in which the 1771  
jury or judge found that the offender was under the influence of 1772  
alcohol, a drug of abuse, or alcohol and a drug of abuse; 1773

(vii) A statute of the United States or of any other state or 1774

a municipal ordinance of a municipal corporation located in any 1775  
other state that is substantially similar to division (A) or (B) 1776  
of section 4511.19 of the Revised Code. 1777

(2) In addition to or independent of all other penalties 1778  
provided by law, the offender's driver's or commercial driver's 1779  
license or permit or nonresident operating privilege shall be 1780  
suspended in accordance with, and for the period of time specified 1781  
in, division (E) of section 4507.16 of the Revised Code. 1782

(O) Whoever violates section 4511.62 of the Revised Code is 1783  
guilty of a misdemeanor of the fourth degree. 1784

(P) Whoever violates division (F)(1)(a) or (b) of section 1785  
4511.69 of the Revised Code is guilty of a misdemeanor and shall 1786  
be fined not less than two hundred fifty nor more than five 1787  
hundred dollars, but in no case shall an offender be sentenced to 1788  
any term of imprisonment. 1789

Arrest or conviction for a violation of division (F)(1)(a) or 1790  
(b) of section 4511.69 of the Revised Code does not constitute a 1791  
criminal record and need not be reported by the person so arrested 1792  
or convicted in response to any inquiries contained in any 1793  
application for employment, license, or other right or privilege, 1794  
or made in connection with the person's appearance as a witness. 1795

Every fine collected under this division shall be paid by the 1796  
clerk of the court to the political subdivision in which the 1797  
violation occurred. Except as provided in this division, the 1798  
political subdivision shall use the fine moneys it receives under 1799  
this division to pay the expenses it incurs in complying with the 1800  
signage and notice requirements contained in division (E) of 1801  
section 4511.69 of the Revised Code. The political subdivision may 1802  
use up to fifty per cent of each fine it receives under this 1803  
division to pay the costs of educational, advocacy, support, and 1804  
assistive technology programs for persons with disabilities, and 1805

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for public improvements within the political subdivision that 1806  
benefit or assist persons with disabilities, if governmental 1807  
agencies or nonprofit organizations offer the programs. 1808

(O)(1) Whoever violates division (B) or (C) of section 1809  
4511.512 of the Revised Code shall be punished as follows: 1810

(a) Except as otherwise provided in division (O)(1)(b) of 1811  
this section, the offender is guilty of a minor misdemeanor and 1812  
shall be fined ten dollars. 1813

(b) If the offender previously has been convicted of or 1814  
pleaded guilty to a violation of division (B) or (C) of section 1815  
4511.512 of the Revised Code or a substantially similar municipal 1816  
ordinance, the court shall do one of the following: 1817

(i) Order the impoundment for not less than one day but not 1818  
more than thirty days of the electric personal assistive mobility 1819  
device that was involved in the current violation of that 1820  
division. The court shall order the device to be impounded at a 1821  
safe indoor location designated by the court and may assess 1822  
storage fees of not more than five dollars per day, provided the 1823  
total storage, processing, and release fees assessed against the 1824  
offender or the device in connection with the device's impoundment 1825  
or subsequent release shall not exceed fifty dollars. 1826

(ii) If the court does not issue an impoundment order 1827  
pursuant to division (O)(1)(b)(i) of this section, issue an order 1828  
prohibiting the offender from operating any electric personal 1829  
assistive mobility device on the public streets, highways, 1830  
sidewalks, and paths and portions of roadways set aside for the 1831  
exclusive use of bicycles for not less than one day but not more 1832  
than thirty days. 1833

(2) Whoever violates division (D) of section 4511.512 of the 1834  
Revised Code is guilty of a minor misdemeanor. 1835

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**Section 2.** That existing sections 4501.01, 4509.01, 4511.01, 1836  
and 4511.99 of the Revised Code are hereby repealed. 1837