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**125th General Assembly
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Sub. H. B. No. 324

**Representatives Oelslager, Latta, Willamowski, Collier, Gilb, Seitz, Callender,
Allen, Barrett, Buehrer, Calvert, Chandler, Cirelli, Daniels, DeBose, C. Evans,
Fessler, Flowers, Gibbs, Hagan, McGregor, Niehaus, Otterman, S. Patton,
Schlichter, Schmidt, Setzer**

A B I L L

To amend sections 1547.11, 2903.06, 2903.08, 1
2921.331, 2929.13, 2929.14, 2929.15, 2929.16, 2
2929.17, 2929.19, 4507.02, 4507.05, 4510.021, 3
4510.11, 4510.12, 4510.13, 4510.15, 4510.16, 4
4510.17, 4510.54, 4511.01, 4511.19, 4511.191, 5
4511.192, 4511.196, 4511.197, 4511.203, and 6
4511.251 of the Revised Code and to amend Section 7
5 of Am. Sub. S.B. 123 of the 124th General 8
Assembly to modify and correct errors in the Ohio 9
Criminal Sentencing Commission's traffic law 10
revisions, and to declare an emergency. 11

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

Section 1. That sections 1547.11, 2903.06, 2903.08, 2921.331, 12
2929.13, 2929.14, 2929.15, 2929.16, 2929.17, 2929.19, 4507.02, 13
4507.05, 4510.021, 4510.11, 4510.12, 4510.13, 4510.15, 4510.16, 14
4510.17, 4510.54, 4511.01, 4511.19, 4511.191, 4511.192, 4511.196, 15
4511.197, 4511.203, and 4511.251 of the Revised Code be amended to 16
read as follows: 17

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

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

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

(3) The person has a concentration of ~~ninety-six-hundredths~~ ninety-six-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(4) The person has a concentration of eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

(5) The person has a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

(B) No person under twenty-one years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this state if, at the time of the operation, control, or manipulation, any of the following applies:

(1) The person has a concentration of at least two-hundredths of one per cent, but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ~~ninety-six-hundredths~~ ninety-six-thousandths of one per cent by

weight per unit volume of alcohol in the person's blood serum or plasma. 48
49

(3) The person has a concentration of at least twenty-eight 50
one-thousandths of one gram, but less than eleven-hundredths of 51
one gram by weight of alcohol per one hundred milliliters of the 52
person's urine. 53

(4) The person has a concentration of at least two-hundredths 54
of one gram, but less than eight-hundredths of one gram by weight 55
of alcohol per two hundred ten liters of the person's breath. 56

(C) In any proceeding arising out of one incident, a person 57
may be charged with a violation of division (A)(1) and a violation 58
of division (B)(1), (2), (3), or (4) of this section, but the 59
person shall not be convicted of more than one violation of those 60
divisions. 61

(D)(1) In any criminal prosecution or juvenile court 62
proceeding for a violation of division (A) or (B) of this section 63
or for an equivalent violation, the court may admit evidence on 64
the concentration of alcohol, drugs of abuse, or a combination of 65
them in the defendant's or child's whole blood, blood serum or 66
plasma, urine, or breath at the time of the alleged violation as 67
shown by chemical analysis of the substance withdrawn, or specimen 68
taken within two hours of the time of the alleged violation. 69

When a person submits to a blood test, only a physician, a 70
registered nurse, or a qualified technician, chemist, or 71
phlebotomist shall withdraw blood for the purpose of determining 72
the alcohol, drug, or alcohol and drug content of the whole blood, 73
blood serum, or blood plasma. This limitation does not apply to 74
the taking of breath or urine specimens. A person authorized to 75
withdraw blood under this division may refuse to withdraw blood 76
under this division if, in that person's opinion, the physical 77
welfare of the defendant or child would be endangered by 78

withdrawing blood. 79

The whole blood, blood serum or plasma, urine, or breath 80
shall be analyzed in accordance with methods approved by the 81
director of health by an individual possessing a valid permit 82
issued by the director pursuant to section 3701.143 of the Revised 83
Code. 84

(2) In a criminal prosecution or juvenile court proceeding 85
for a violation of division (A) of this section or for a violation 86
of a prohibition that is substantially equivalent to division (A) 87
of this section, if there was at the time the bodily substance was 88
taken a concentration of less than the applicable concentration of 89
alcohol specified for a violation of division (A)(2), (3), (4), or 90
(5) of this section, that fact may be considered with other 91
competent evidence in determining the guilt or innocence of the 92
defendant or in making an adjudication for the child. This 93
division does not limit or affect a criminal prosecution or 94
juvenile court proceeding for a violation of division (B) of this 95
section or for a violation of a prohibition that is substantially 96
equivalent to that division. 97

(3) Upon the request of the person who was tested, the 98
results of the chemical test shall be made available to the person 99
or the person's attorney immediately upon completion of the test 100
analysis. 101

The person tested may have a physician, a registered nurse, 102
or a qualified technician, chemist, or phlebotomist of the 103
person's own choosing administer a chemical test or tests in 104
addition to any administered at the direction of a law enforcement 105
officer, and shall be so advised. The failure or inability to 106
obtain an additional test by a person shall not preclude the 107
admission of evidence relating to the test or tests taken at the 108
direction of a law enforcement officer. 109

(E)(1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent violation, if a law enforcement officer has administered a field sobriety test to the operator or person found to be in physical control of the vessel underway involved in the violation or the person manipulating the water skis, aquaplane, or similar device involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for reliable, credible, and generally accepted field sobriety tests for vehicles that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that have been set by the national highway traffic safety administration, that by their nature are not clearly inapplicable regarding the operation or physical control of vessels underway or the manipulation of water skis, aquaplanes, or similar devices, all of the following apply:

(a) The officer may testify concerning the results of the field sobriety test so administered.

(b) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(c) If testimony is presented or evidence is introduced under division (E)(1)(a) or (b) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(2) Division (E)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any

other matter in a criminal prosecution or juvenile court 141
proceeding of a type described in that division, from considering 142
evidence or testimony that is not otherwise disallowed by division 143
(E)(1) of this section. 144

(F)(1) Subject to division (F)(3) of this section, in any 145
criminal prosecution or juvenile court proceeding for a violation 146
of this section or for an equivalent violation, the court shall 147
admit as prima-facie evidence a laboratory report from any 148
forensic laboratory certified by the department of health that 149
contains an analysis of the whole blood, blood serum or plasma, 150
breath, urine, or other bodily substance tested and that contains 151
all of the information specified in this division. The laboratory 152
report shall contain all of the following: 153

(a) The signature, under oath, of any person who performed 154
the analysis; 155

(b) Any findings as to the identity and quantity of alcohol, 156
a drug of abuse, or a combination of them that was found; 157

(c) A copy of a notarized statement by the laboratory 158
director or a designee of the director that contains the name of 159
each certified analyst or test performer involved with the report, 160
the analyst's or test performer's employment relationship with the 161
laboratory that issued the report, and a notation that performing 162
an analysis of the type involved is part of the analyst's or test 163
performer's regular duties; 164

(d) An outline of the analyst's or test performer's 165
education, training, and experience in performing the type of 166
analysis involved and a certification that the laboratory 167
satisfies appropriate quality control standards in general and, in 168
this particular analysis, under rules of the department of health. 169

(2) Notwithstanding any other provision of law regarding the 170
admission of evidence, a report of the type described in division 171

(F)(1) of this section is not admissible against the defendant or 172
child to whom it pertains in any proceeding, other than a 173
preliminary hearing or a grand jury proceeding, unless the 174
prosecutor has served a copy of the report on the defendant's or 175
child's attorney or, if the defendant or child has no attorney, on 176
the defendant or child. 177

(3) A report of the type described in division (F)(1) of this 178
section shall not be prima-facie evidence of the contents, 179
identity, or amount of any substance if, within seven days after 180
the defendant or child to whom the report pertains or the 181
defendant's or child's attorney receives a copy of the report, the 182
defendant or child or the defendant's or child's attorney demands 183
the testimony of the person who signed the report. The judge in 184
the case may extend the seven-day time limit in the interest of 185
justice. 186

(G) Except as otherwise provided in this division, any 187
physician, registered nurse, or qualified technician, chemist, or 188
phlebotomist who withdraws blood from a person pursuant to this 189
section, and a hospital, first-aid station, or clinic at which 190
blood is withdrawn from a person pursuant to this section, is 191
immune from criminal and civil liability based upon a claim of 192
assault and battery or any other claim that is not a claim of 193
malpractice, for any act performed in withdrawing blood from the 194
person. The immunity provided in this division is not available to 195
a person who withdraws blood if the person engages in willful or 196
wanton misconduct. 197

(H) As used in this section and section 1547.111 of the 198
Revised Code: 199

(1) "Equivalent violation" means a violation of a municipal 200
ordinance, law of another state, or law of the United States that 201
is substantially equivalent to division (A) or (B) of this 202
section. 203

(2) "National highway traffic safety administration" has the same meaning as in section 4511.19 of the Revised Code.

(3) "Operate" means that a vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States coast guard, this state, or a political subdivision and in which the vessel has the right to anchor.

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

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

(b) As the proximate result of committing a violation of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance;

(c) As the proximate result of committing a violation of division (A)(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance.

(2) Recklessly;

(3) Negligently;

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

in Title XLV of the Revised Code that is a minor misdemeanor. 234

(B)(1) Whoever violates division (A)(1) or (2) of this 235
section is guilty of aggravated vehicular homicide and shall be 236
punished as provided in divisions (B)(2) and (3) of this section. 237

(2)(a) Except as otherwise provided in this division, 238
aggravated vehicular homicide committed in violation of division 239
(A)(1) of this section is a felony of the second degree. 240
Aggravated vehicular homicide committed in violation of division 241
(A)(1) of this section is a felony of the first degree if any of 242
the following apply: 243

(i) At the time of the offense, the offender was driving 244
under a suspension imposed under Chapter 4510. or any other 245
provision of the Revised Code. 246

(ii) The offender previously has been convicted of or pleaded 247
guilty to a violation of this section. 248

(iii) The offender previously has been convicted of or 249
pleaded guilty to any traffic-related homicide, manslaughter, or 250
assault offense. 251

(iv) The offender previously has been convicted of or pleaded 252
guilty to three or more prior violations of section 4511.19 of the 253
Revised Code or of a substantially equivalent municipal ordinance 254
within the previous six years. 255

(v) The offender previously has been convicted of or pleaded 256
guilty to three or more prior violations of division (A) of 257
section 1547.11 of the Revised Code or of a substantially 258
equivalent municipal ordinance within the previous six years. 259

(vi) The offender previously has been convicted of or pleaded 260
guilty to three or more prior violations of division (A)(3) of 261
section 4561.15 of the Revised Code or of a substantially 262
equivalent municipal ordinance within the previous six years. 263

(vii) The offender previously has been convicted of or 264
pleaded guilty to three or more violations of any combination of 265
the offenses listed in division (B)(2)(a)(iv), (v), or (vi) of 266
this section. 267

(viii) The offender previously has been convicted of or 268
pleaded guilty to a second or subsequent felony violation of 269
division (A) of section 4511.19 of the Revised Code. 270

(b) In addition to any other sanctions imposed pursuant to 271
division (B)(2)(a) of this section for aggravated vehicular 272
homicide committed in violation of division (A)(1) of this 273
section, the court shall impose upon the offender a class one 274
suspension of the offender's driver's license, commercial driver's 275
license, temporary instruction permit, probationary license, or 276
nonresident operating privilege as specified in division (A)(1) of 277
section 4510.02 of the Revised Code. 278

(3) Except as otherwise provided in this division, aggravated 279
vehicular homicide committed in violation of division (A)(2) of 280
this section is a felony of the third degree. Aggravated vehicular 281
homicide committed in violation of division (A)(2) of this section 282
is a felony of the second degree if, at the time of the offense, 283
the offender was driving under a suspension imposed under Chapter 284
4510. or any other provision of the Revised Code or if the 285
offender previously has been convicted of or pleaded guilty to a 286
violation of this section or any traffic-related homicide, 287
manslaughter, or assault offense. 288

In addition to any other sanctions imposed pursuant to this 289
division, the court shall impose upon the offender a class two 290
suspension of the offender's driver's license, commercial driver's 291
license, temporary instruction permit, probationary license, or 292
nonresident operating privilege from the range specified in 293
division (A)(2) of section 4510.02 of the Revised Code. 294

(C) Whoever violates division (A)(3) of this section is 295
guilty of vehicular homicide. Except as otherwise provided in this 296
division, vehicular homicide is a misdemeanor of the first degree. 297
Vehicular homicide is a felony of the fourth degree if, at the 298
time of the offense, the offender was driving under a suspension 299
or revocation imposed under Chapter 4507. or any other provision 300
of the Revised Code or if the offender previously has been 301
convicted of or pleaded guilty to a violation of this section or 302
any traffic-related homicide, manslaughter, or assault offense. 303

In addition to any other sanctions imposed pursuant to this 304
division, the court shall impose upon the offender a class four 305
suspension of the offender's driver's license, commercial driver's 306
license, temporary instruction permit, probationary license, or 307
nonresident operating privilege from the range specified in 308
division (A)(4) of section 4510.02 of the Revised Code or, if the 309
offender previously has been convicted of or pleaded guilty to a 310
violation of this section or any traffic-related homicide, 311
manslaughter, or assault offense, a class three suspension of the 312
offender's driver's license, commercial driver's license, 313
temporary instruction permit, probationary license, or nonresident 314
operating privilege from the range specified in division (A)(3) of 315
that section. 316

(D) Whoever violates division (A)(4) of this section is 317
guilty of vehicular manslaughter. Except as otherwise provided in 318
this division, vehicular manslaughter is a misdemeanor of the 319
second degree. Vehicular manslaughter is a misdemeanor of the 320
first degree if, at the time of the offense, the offender was 321
driving under a suspension imposed under Chapter 4510. or any 322
other provision of the Revised Code or if the offender previously 323
has been convicted of or pleaded guilty to a violation of this 324
section or any traffic-related homicide, manslaughter, or assault 325
offense. 326

In addition to any other sanctions imposed pursuant to this 327
division, the court shall impose upon the offender a class six 328
suspension of the offender's driver's license, commercial driver's 329
license, temporary instruction permit, probationary license, or 330
nonresident operating privilege from the range specified in 331
division (A)(6) of section 4510.02 of the Revised Code or, if the 332
offender previously has been convicted of or pleaded guilty to a 333
violation of this section or any traffic-related homicide, 334
manslaughter, or assault offense, a class four suspension of the 335
offender's driver's license, commercial driver's license, 336
temporary instruction permit, probationary license, or nonresident 337
operating privilege from the range specified in division (A)(4) of 338
that section. 339

(E) The court shall impose a mandatory prison term on an 340
offender who is convicted of or pleads guilty to a violation of 341
division (A)(1) of this section. The court shall impose a 342
mandatory prison term on an offender who is convicted of or pleads 343
guilty to a violation of division (A)(2) or (3) of this section if 344
either of the following applies: 345

(1) The offender previously has been convicted of or pleaded 346
guilty to a violation of this section or section 2903.08 of the 347
Revised Code. 348

(2) At the time of the offense, the offender was driving 349
under suspension under Chapter 4510. or any other provision of the 350
Revised Code. 351

(F)(1) As used in this section: 352

(a) "Mandatory prison term" has the same meaning as in 353
section 2929.01 of the Revised Code. 354

(b) "Traffic-related homicide, manslaughter, or assault 355
offense" means a violation of section 2903.04 of the Revised Code 356
in circumstances in which division (D) of that section applies, a 357

violation of section 2903.06 or 2903.08 of the Revised Code, or a 358
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 359
Code as they existed prior to March 23, 2000. 360

(2) For the purposes of this section, when a penalty or 361
suspension is enhanced because of a prior or current violation of 362
a specified law or a prior or current specified offense, the 363
reference to the violation of the specified law or the specified 364
offense includes any violation of any substantially equivalent 365
municipal ordinance, former law of this state, or current or 366
former law of another state or the United States. 367

Sec. 2903.08. (A) No person, while operating or participating 368
in the operation of a ~~motor~~ vehicle, motorcycle, snowmobile, 369
locomotive, watercraft, or aircraft, shall cause serious physical 370
harm to another person or another's unborn in either of the 371
following ways: 372

(1)(a) As the proximate result of committing a violation of 373
division (A) of section 4511.19 of the Revised Code or of a 374
substantially equivalent municipal ordinance; 375

(b) As the proximate result of committing a violation of 376
division (A) of section 1547.11 of the Revised Code or of a 377
substantially equivalent municipal ordinance; 378

(c) As the proximate result of committing a violation of 379
division (A)(3) of section 4561.15 of the Revised Code or of a 380
substantially equivalent municipal ordinance. 381

(2) Recklessly. 382

(B)(1) Whoever violates division (A)(1) of this section is 383
guilty of aggravated vehicular assault. Except as otherwise 384
provided in this division, aggravated vehicular assault is a 385
felony of the third degree. Aggravated vehicular assault is a 386
felony of the second degree if any of the following apply: 387

(a) At the time of the offense, the offender was driving	388
under a suspension imposed under Chapter 4510. or any other	389
provision of the Revised Code.	390
(b) The offender previously has been convicted of or pleaded	391
guilty to a violation of this section.	392
(c) The offender previously has been convicted of or pleaded	393
guilty to any traffic-related homicide, manslaughter, or assault	394
offense.	395
(d) The offender previously has been convicted of or pleaded	396
guilty to three or more prior violations of section 4511.19 of the	397
Revised Code or a substantially equivalent municipal ordinance	398
within the previous six years.	399
(e) The offender previously has been convicted of or pleaded	400
guilty to three or more prior violations of division (A) of	401
section 1547.11 of the Revised Code or of a substantially	402
equivalent municipal ordinance within the previous six years.	403
(f) The offender previously has been convicted of or pleaded	404
guilty to three or more prior violations of division (A)(3) of	405
section 4561.15 of the Revised Code or of a substantially	406
equivalent municipal ordinance within the previous six years.	407
(g) The offender previously has been convicted of or pleaded	408
guilty to three or more prior violations of any combination of the	409
offenses listed in division (B)(1)(d), (e), or (f) of this	410
section.	411
(h) The offender previously has been convicted of or pleaded	412
guilty to a second or subsequent felony violation of division (A)	413
of section 4511.19 of the Revised Code.	414
(2) In addition to any other sanctions imposed pursuant to	415
division (B)(1) of this section, the court shall impose upon the	416
offender a class three suspension of the offender's driver's	417

license, commercial driver's license, temporary instruction 418
permit, probationary license, or nonresident operating privilege 419
from the range specified in division (A)(3) of section 4510.02 of 420
the Revised Code or, if the offender previously has been convicted 421
of or pleaded guilty to a violation of this section or any 422
traffic-related homicide, manslaughter, or assault offense, a 423
class two suspension of the offender's driver's license, 424
commercial driver's license, temporary instruction permit, 425
probationary license, or nonresident operating privilege from the 426
range specified in division (A)(2) of that section. 427

(C) Whoever violates division (A)(2) of this section is 428
guilty of vehicular assault. Except as otherwise provided in this 429
division, vehicular assault is a felony of the fourth degree. 430
Vehicular assault is a felony of the third degree if, at the time 431
of the offense, the offender was driving under a suspension 432
imposed under Chapter 4510. or any other provision of the Revised 433
Code or if the offender previously has been convicted of or 434
pleaded guilty to a violation of this section or any 435
traffic-related homicide, manslaughter, or assault offense. 436

In addition to any other sanctions imposed, the court shall 437
impose upon the offender a class four suspension of the offender's 438
driver's license, commercial driver's license, temporary 439
instruction permit, probationary license, or nonresident operating 440
privilege from the range specified in division (A)(4) of section 441
4510.02 of the Revised Code or, if the offender previously has 442
been convicted of or pleaded guilty to a violation of this section 443
or any traffic-related homicide, manslaughter, or assault offense, 444
a class three suspension of the offender's driver's license, 445
commercial driver's license, temporary instruction permit, 446
probationary license, or nonresident operating privilege from the 447
range specified in division (A)(3) of that section. 448

(D) The court shall impose a mandatory prison term on an 449

offender who is convicted of or pleads guilty to a violation of 450
division (A)(1) of this section. The court shall impose a 451
mandatory prison term on an offender who is convicted of or pleads 452
guilty to a violation of division (A)(2) of this section if either 453
of the following applies: 454

(1) The offender previously has been convicted of or pleaded 455
guilty to a violation of this section or section 2903.06 of the 456
Revised Code. 457

(2) At the time of the offense, the offender was driving 458
under suspension under Chapter 4510. or any other provision of the 459
Revised Code. 460

(E) As used in this section: 461

(1) "Mandatory prison term" has the same meaning as in 462
section 2929.01 of the Revised Code. 463

(2) "Traffic-related homicide, manslaughter, or assault 464
offense" has the same meaning as in section 2903.06 of the Revised 465
Code. 466

(F) For the purposes of this section, when a penalty or 467
suspension is enhanced because of a prior or current violation of 468
a specified law or a prior or current specified offense, the 469
reference to the violation of the specified law or the specified 470
offense includes any violation of any substantially equivalent 471
municipal ordinance, former law of this state, or current or 472
former law of another state or the United States. 473

Sec. 2921.331. (A) No person shall fail to comply with any 474
lawful order or direction of any police officer invested with 475
authority to direct, control, or regulate traffic. 476

(B) No person shall operate a motor vehicle so as willfully 477
to elude or flee a police officer after receiving a visible or 478
audible signal from a police officer to bring the person's motor 479

vehicle to a stop. 480

(C)(1) Whoever violates this section is guilty of failure to 481
comply with an order or signal of a police officer. 482

(2) A violation of division (A) of this section is a 483
misdemeanor of the first degree. 484

(3) Except as provided in divisions (C)(4) and (5) of this 485
section, a violation of division (B) of this section is a 486
misdemeanor of the first degree. 487

(4) Except as provided in division (C)(5) of this section, a 488
violation of division (B) of this section is a felony of the 489
fourth degree if the jury or judge as trier of fact finds by proof 490
beyond a reasonable doubt that, in committing the offense, the 491
offender was fleeing immediately after the commission of a felony. 492

(5)(a) A violation of division (B) of this section is a 493
felony of the third degree if the jury or judge as trier of fact 494
finds any of the following by proof beyond a reasonable doubt: 495

(i) The operation of the motor vehicle by the offender was a 496
proximate cause of serious physical harm to persons or property. 497

(ii) The operation of the motor vehicle by the offender 498
caused a substantial risk of serious physical harm to persons or 499
property. 500

(b) If a police officer pursues an offender who is violating 501
division (B) of this section and division (C)(5)(a) of this 502
section applies, the sentencing court, in determining the 503
seriousness of an offender's conduct for purposes of sentencing 504
the offender for a violation of division (B) of this section, 505
shall consider, along with the factors set forth in sections 506
2929.12 and 2929.13 of the Revised Code that are required to be 507
considered, all of the following: 508

(i) The duration of the pursuit; 509

(ii) The distance of the pursuit;	510
(iii) The rate of speed at which the offender operated the motor vehicle during the pursuit;	511 512
(iv) Whether the offender failed to stop for traffic lights or stop signs during the pursuit;	513 514
(v) The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;	515 516
(vi) Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;	517 518 519
(vii) Whether the offender committed a moving violation during the pursuit;	520 521
(viii) The number of moving violations the offender committed during the pursuit;	522 523
(ix) Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.	524 525 526
(D) If an offender is sentenced pursuant to division (C)(4) or (5) of this section for a violation of division (B) of this section, and if the offender is sentenced to a prison term for that violation, the offender shall serve the prison term consecutively to any other prison term or mandatory prison term imposed upon the offender.	527 528 529 530 531 532
<u>(E)(1) In addition to any other sanction imposed for a violation of division (A) of this section, the court shall impose a class six suspension from the range specified in division (A)(6) of section 4510.02 of the Revised Code.</u>	533 534 535 536
<u>(2) In addition to any other sanction imposed for a violation of division (B) of this section, the court shall impose a class two suspension from the range specified in division (A)(2) of</u>	537 538 539

section 4510.02 of the Revised Code. If the offender previously 540
has been found guilty of an offense under this section, the court 541
shall impose a class one suspension as described in division 542
(A)(1) of that section. The court shall not grant limited driving 543
privileges to the offender. No judge shall suspend the first three 544
years of suspension under a class two suspension of an offender's 545
license, permit, or privilege required by this division on any 546
portion of the suspension under a class one suspension of an 547
offender's license, permit, or privilege required by this 548
division. 549

(F) As used in this section: 550

(1) "Moving violation" has the same meaning as in section 551
2743.70 of the Revised Code. 552

(2) "Police officer" has the same meaning as in section 553
4511.01 of the Revised Code. 554

Sec. 2929.13. (A) Except as provided in division (E), (F), or 555
(G) of this section and unless a specific sanction is required to 556
be imposed or is precluded from being imposed pursuant to law, a 557
court that imposes a sentence upon an offender for a felony may 558
impose any sanction or combination of sanctions on the offender 559
that are provided in sections 2929.14 to 2929.18 of the Revised 560
Code. The sentence shall not impose an unnecessary burden on state 561
or local government resources. 562

If the offender is eligible to be sentenced to community 563
control sanctions, the court shall consider the appropriateness of 564
imposing a financial sanction pursuant to section 2929.18 of the 565
Revised Code or a sanction of community service pursuant to 566
section 2929.17 of the Revised Code as the sole sanction for the 567
offense. Except as otherwise provided in this division, if the 568
court is required to impose a mandatory prison term for the 569
offense for which sentence is being imposed, the court also may 570

impose a financial sanction pursuant to section 2929.18 of the Revised Code but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (D)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section.

(B)(1) Except as provided in division (B)(2), (E), (F), or (G) of this section, in sentencing an offender for a felony of the fourth or fifth degree, the sentencing court shall determine whether any of the following apply:

(a) In committing the offense, the offender caused physical 602
harm to a person. 603

(b) In committing the offense, the offender attempted to 604
cause or made an actual threat of physical harm to a person with a 605
deadly weapon. 606

(c) In committing the offense, the offender attempted to 607
cause or made an actual threat of physical harm to a person, and 608
the offender previously was convicted of an offense that caused 609
physical harm to a person. 610

(d) The offender held a public office or position of trust 611
and the offense related to that office or position; the offender's 612
position obliged the offender to prevent the offense or to bring 613
those committing it to justice; or the offender's professional 614
reputation or position facilitated the offense or was likely to 615
influence the future conduct of others. 616

(e) The offender committed the offense for hire or as part of 617
an organized criminal activity. 618

(f) The offense is a sex offense that is a fourth or fifth 619
degree felony violation of section 2907.03, 2907.04, 2907.05, 620
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 621
Revised Code. 622

(g) The offender at the time of the offense was serving, or 623
the offender previously had served, a prison term. 624

(h) The offender committed the offense while under a 625
community control sanction, while on probation, or while released 626
from custody on a bond or personal recognizance. 627

(i) The offender committed the offense while in possession of 628
a firearm. 629

(2)(a) If the court makes a finding described in division 630
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 631

section and if the court, after considering the factors set forth 632
in section 2929.12 of the Revised Code, finds that a prison term 633
is consistent with the purposes and principles of sentencing set 634
forth in section 2929.11 of the Revised Code and finds that the 635
offender is not amenable to an available community control 636
sanction, the court shall impose a prison term upon the offender. 637

(b) Except as provided in division (E), (F), or (G) of this 638
section, if the court does not make a finding described in 639
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 640
this section and if the court, after considering the factors set 641
forth in section 2929.12 of the Revised Code, finds that a 642
community control sanction or combination of community control 643
sanctions is consistent with the purposes and principles of 644
sentencing set forth in section 2929.11 of the Revised Code, the 645
court shall impose a community control sanction or combination of 646
community control sanctions upon the offender. 647

(C) Except as provided in division (E), (F), or (G) of this 648
section, in determining whether to impose a prison term as a 649
sanction for a felony of the third degree or a felony drug offense 650
that is a violation of a provision of Chapter 2925. of the Revised 651
Code and that is specified as being subject to this division for 652
purposes of sentencing, the sentencing court shall comply with the 653
purposes and principles of sentencing under section 2929.11 of the 654
Revised Code and with section 2929.12 of the Revised Code. 655

(D) Except as provided in division (E) or (F) of this 656
section, for a felony of the first or second degree and for a 657
felony drug offense that is a violation of any provision of 658
Chapter 2925., 3719., or 4729. of the Revised Code for which a 659
presumption in favor of a prison term is specified as being 660
applicable, it is presumed that a prison term is necessary in 661
order to comply with the purposes and principles of sentencing 662
under section 2929.11 of the Revised Code. Notwithstanding the 663

presumption established under this division, the sentencing court 664
may impose a community control sanction or a combination of 665
community control sanctions instead of a prison term on an 666
offender for a felony of the first or second degree or for a 667
felony drug offense that is a violation of any provision of 668
Chapter 2925., 3719., or 4729. of the Revised Code for which a 669
presumption in favor of a prison term is specified as being 670
applicable if it makes both of the following findings: 671

(1) A community control sanction or a combination of 672
community control sanctions would adequately punish the offender 673
and protect the public from future crime, because the applicable 674
factors under section 2929.12 of the Revised Code indicating a 675
lesser likelihood of recidivism outweigh the applicable factors 676
under that section indicating a greater likelihood of recidivism. 677

(2) A community control sanction or a combination of 678
community control sanctions would not demean the seriousness of 679
the offense, because one or more factors under section 2929.12 of 680
the Revised Code that indicate that the offender's conduct was 681
less serious than conduct normally constituting the offense are 682
applicable, and they outweigh the applicable factors under that 683
section that indicate that the offender's conduct was more serious 684
than conduct normally constituting the offense. 685

(E)(1) Except as provided in division (F) of this section, 686
for any drug offense that is a violation of any provision of 687
Chapter 2925. of the Revised Code and that is a felony of the 688
third, fourth, or fifth degree, the applicability of a presumption 689
under division (D) of this section in favor of a prison term or of 690
division (B) or (C) of this section in determining whether to 691
impose a prison term for the offense shall be determined as 692
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 693
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 694
Revised Code, whichever is applicable regarding the violation. 695

(2) If an offender who was convicted of or pleaded guilty to a felony violates the conditions of a community control sanction imposed for the offense solely by reason of producing positive results on a drug test, the court, as punishment for the violation of the sanction, shall not order that the offender be imprisoned unless the court determines on the record either of the following:

(a) The offender had been ordered as a sanction for the felony to participate in a drug treatment program, in a drug education program, or in narcotics anonymous or a similar program, and the offender continued to use illegal drugs after a reasonable period of participation in the program.

(b) The imprisonment of the offender for the violation is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20 or 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the terms pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the rape;

(3) Gross sexual imposition or sexual battery, if the victim is under thirteen years of age, if the offender previously was

convicted of or pleaded guilty to rape, the former offense of 727
felonious sexual penetration, gross sexual imposition, or sexual 728
battery, and if the victim of the previous offense was under 729
thirteen years of age; 730

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 731
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 732
requires the imposition of a prison term; 733

(5) A first, second, or third degree felony drug offense for 734
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 735
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 736
4729.99 of the Revised Code, whichever is applicable regarding the 737
violation, requires the imposition of a mandatory prison term; 738

(6) Any offense that is a first or second degree felony and 739
that is not set forth in division (F)(1), (2), (3), or (4) of this 740
section, if the offender previously was convicted of or pleaded 741
guilty to aggravated murder, murder, any first or second degree 742
felony, or an offense under an existing or former law of this 743
state, another state, or the United States that is or was 744
substantially equivalent to one of those offenses; 745

(7) Any offense that is a third degree felony and that is 746
listed in division (DD)(1) of section 2929.01 of the Revised Code 747
if the offender previously was convicted of or pleaded guilty to 748
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 749
section 2929.01 of the Revised Code; 750

(8) Any offense, other than a violation of section 2923.12 of 751
the Revised Code, that is a felony, if the offender had a firearm 752
on or about the offender's person or under the offender's control 753
while committing the felony, with respect to a portion of the 754
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 755
of the Revised Code for having the firearm; 756

(9) Any offense of violence that is a felony, if the offender 757

wore or carried body armor while committing the felony offense of 758
violence, with respect to the portion of the sentence imposed 759
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 760
Code for wearing or carrying the body armor; 761

(10) Corrupt activity in violation of section 2923.32 of the 762
Revised Code when the most serious offense in the pattern of 763
corrupt activity that is the basis of the offense is a felony of 764
the first degree; 765

(11) Any sexually violent offense for which the offender also 766
is convicted of or pleads guilty to a sexually violent predator 767
specification that was included in the indictment, count in the 768
indictment, or information charging the sexually violent offense; 769

(12) A violation of division (A)(1) or (2) of section 2921.36 770
of the Revised Code, or a violation of division (C) of that 771
section involving an item listed in division (A)(1) or (2) of that 772
section, if the offender is an officer or employee of the 773
department of rehabilitation and correction. 774

(G) Notwithstanding divisions (A) to (E) of this section, if 775
an offender is being sentenced for a fourth degree felony OVI 776
offense or for a third degree felony OVI offense, the court shall 777
impose upon the offender a mandatory term of local incarceration 778
or a mandatory prison term in accordance with the following: 779

(1) If the offender is being sentenced for a fourth degree 780
felony OVI offense, the court may impose upon the offender a 781
mandatory term of local incarceration of sixty days or one hundred 782
twenty days as specified in division (G)(1)(d) of section 4511.19 783
of the Revised Code. The court shall not reduce the term pursuant 784
to section 2929.20, 2967.193, or any other provision of the 785
Revised Code. The court that imposes a mandatory term of local 786
incarceration under this division shall specify whether the term 787
is to be served in a jail, a community-based correctional 788

facility, a halfway house, or an alternative residential facility, 789
and the offender shall serve the term in the type of facility 790
specified by the court. A mandatory term of local incarceration 791
imposed under division (G)(1) of this section is not subject to 792
extension under section 2967.11 of the Revised Code, to a period 793
of post-release control under section 2967.28 of the Revised Code, 794
or to any other Revised Code provision that pertains to a prison 795
term except as provided in division (A)(1) of this section. 796

(2) If the offender is being sentenced for a third degree 797
felony OVI offense, or if the offender is being sentenced for a 798
fourth degree felony OVI offense and the court does not impose a 799
mandatory term of local incarceration under division (G)(1) of 800
this section, the court shall impose upon the offender a mandatory 801
prison term of sixty days or one hundred twenty days as specified 802
in division (G)(1)(d) or (e) of section 4511.19 of the Revised 803
Code. The court shall not reduce the term pursuant to section 804
2929.20, 2967.193, or any other provision of the Revised Code. In 805
no case shall an offender who once has been sentenced to a 806
mandatory term of local incarceration pursuant to division (G)(1) 807
of this section for a fourth degree felony OVI offense be 808
sentenced to another mandatory term of local incarceration under 809
that division for any violation of division (A) of section 4511.19 810
of the Revised Code. The In addition to the mandatory prison term 811
described in division (G)(2) of this section, the court shall not 812
may sentence the offender to a community control sanction under 813
section 2929.16 or 2929.17 of the Revised Code, but the offender 814
shall serve the prison term prior to serving the community control 815
sanction. The department of rehabilitation and correction may 816
place an offender sentenced to a mandatory prison term under this 817
division in an intensive program prison established pursuant to 818
section 5120.033 of the Revised Code if the department gave the 819
sentencing judge prior notice of its intent to place the offender 820
in an intensive program prison established under that section and 821

if the judge did not notify the department that the judge 822
disapproved the placement. Upon the establishment of the initial 823
intensive program prison pursuant to section 5120.033 of the 824
Revised Code that is privately operated and managed by a 825
contractor pursuant to a contract entered into under section 9.06 826
of the Revised Code, both of the following apply: 827

(a) The department of rehabilitation and correction shall 828
make a reasonable effort to ensure that a sufficient number of 829
offenders sentenced to a mandatory prison term under this division 830
are placed in the privately operated and managed prison so that 831
the privately operated and managed prison has full occupancy. 832

(b) Unless the privately operated and managed prison has full 833
occupancy, the department of rehabilitation and correction shall 834
not place any offender sentenced to a mandatory prison term under 835
this division in any intensive program prison established pursuant 836
to section 5120.033 of the Revised Code other than the privately 837
operated and managed prison. 838

(H) If an offender is being sentenced for a sexually oriented 839
offense committed on or after January 1, 1997, the judge shall 840
require the offender to submit to a DNA specimen collection 841
procedure pursuant to section 2901.07 of the Revised Code if 842
either of the following applies: 843

(1) The offense was a sexually violent offense, and the 844
offender also was convicted of or pleaded guilty to a sexually 845
violent predator specification that was included in the 846
indictment, count in the indictment, or information charging the 847
sexually violent offense. 848

(2) The judge imposing sentence for the sexually oriented 849
offense determines pursuant to division (B) of section 2950.09 of 850
the Revised Code that the offender is a sexual predator. 851

(I) If an offender is being sentenced for a sexually oriented 852

offense that is not a registration-exempt sexually oriented 853
offense or for a child-victim oriented offense committed on or 854
after January 1, 1997, the judge shall include in the sentence a 855
summary of the offender's duties imposed under sections 2950.04, 856
2950.041, 2950.05, and 2950.06 of the Revised Code and the 857
duration of the duties. The judge shall inform the offender, at 858
the time of sentencing, of those duties and of their duration and, 859
if required under division (A)(2) of section 2950.03 of the 860
Revised Code, shall perform the duties specified in that section. 861

(J)(1) Except as provided in division (J)(2) of this section, 862
when considering sentencing factors under this section in relation 863
to an offender who is convicted of or pleads guilty to an attempt 864
to commit an offense in violation of section 2923.02 of the 865
Revised Code, the sentencing court shall consider the factors 866
applicable to the felony category of the violation of section 867
2923.02 of the Revised Code instead of the factors applicable to 868
the felony category of the offense attempted. 869

(2) When considering sentencing factors under this section in 870
relation to an offender who is convicted of or pleads guilty to an 871
attempt to commit a drug abuse offense for which the penalty is 872
determined by the amount or number of unit doses of the controlled 873
substance involved in the drug abuse offense, the sentencing court 874
shall consider the factors applicable to the felony category that 875
the drug abuse offense attempted would be if that drug abuse 876
offense had been committed and had involved an amount or number of 877
unit doses of the controlled substance that is within the next 878
lower range of controlled substance amounts than was involved in 879
the attempt. 880

(K) As used in this section, "drug abuse offense" has the 881
same meaning as in section 2925.01 of the Revised Code. 882

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 883

(D)(2), (D)(3), (D)(4), or (G) of this section and except in 884
relation to an offense for which a sentence of death or life 885
imprisonment is to be imposed, if the court imposing a sentence 886
upon an offender for a felony elects or is required to impose a 887
prison term on the offender pursuant to this chapter ~~and is not~~ 888
~~prohibited by division (G)(1) of section 2929.13 of the Revised~~ 889
~~Code from imposing a prison term on the offender~~, the court shall 890
impose a definite prison term that shall be one of the following: 891

(1) For a felony of the first degree, the prison term shall 892
be three, four, five, six, seven, eight, nine, or ten years. 893

(2) For a felony of the second degree, the prison term shall 894
be two, three, four, five, six, seven, or eight years. 895

(3) For a felony of the third degree, the prison term shall 896
be one, two, three, four, or five years. 897

(4) For a felony of the fourth degree, the prison term shall 898
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 899
fourteen, fifteen, sixteen, seventeen, or eighteen months. 900

(5) For a felony of the fifth degree, the prison term shall 901
be six, seven, eight, nine, ten, eleven, or twelve months. 902

(B) Except as provided in division (C), (D)(1), (D)(2), 903
(D)(3), or (G) of this section, in section 2907.02 of the Revised 904
Code, or in Chapter 2925. of the Revised Code, if the court 905
imposing a sentence upon an offender for a felony elects or is 906
required to impose a prison term on the offender, the court shall 907
impose the shortest prison term authorized for the offense 908
pursuant to division (A) of this section, unless one or more of 909
the following applies: 910

(1) The offender was serving a prison term at the time of the 911
offense, or the offender previously had served a prison term. 912

(2) The court finds on the record that the shortest prison 913

term will demean the seriousness of the offender's conduct or will 914
not adequately protect the public from future crime by the 915
offender or others. 916

(C) Except as provided in division (G) of this section or in 917
Chapter 2925. of the Revised Code, the court imposing a sentence 918
upon an offender for a felony may impose the longest prison term 919
authorized for the offense pursuant to division (A) of this 920
section only upon offenders who committed the worst forms of the 921
offense, upon offenders who pose the greatest likelihood of 922
committing future crimes, upon certain major drug offenders under 923
division (D)(3) of this section, and upon certain repeat violent 924
offenders in accordance with division (D)(2) of this section. 925

(D)(1)(a) Except as provided in division (D)(1)(e) of this 926
section, if an offender who is convicted of or pleads guilty to a 927
felony also is convicted of or pleads guilty to a specification of 928
the type described in section 2941.141, 2941.144, or 2941.145 of 929
the Revised Code, the court shall impose on the offender one of 930
the following prison terms: 931

(i) A prison term of six years if the specification is of the 932
type described in section 2941.144 of the Revised Code that 933
charges the offender with having a firearm that is an automatic 934
firearm or that was equipped with a firearm muffler or silencer on 935
or about the offender's person or under the offender's control 936
while committing the felony; 937

(ii) A prison term of three years if the specification is of 938
the type described in section 2941.145 of the Revised Code that 939
charges the offender with having a firearm on or about the 940
offender's person or under the offender's control while committing 941
the offense and displaying the firearm, brandishing the firearm, 942
indicating that the offender possessed the firearm, or using it to 943
facilitate the offense; 944

(iii) A prison term of one year if the specification is of 945
the type described in section 2941.141 of the Revised Code that 946
charges the offender with having a firearm on or about the 947
offender's person or under the offender's control while committing 948
the felony. 949

(b) If a court imposes a prison term on an offender under 950
division (D)(1)(a) of this section, the prison term shall not be 951
reduced pursuant to section 2929.20, section 2967.193, or any 952
other provision of Chapter 2967. or Chapter 5120. of the Revised 953
Code. A court shall not impose more than one prison term on an 954
offender under division (D)(1)(a) of this section for felonies 955
committed as part of the same act or transaction. 956

(c) Except as provided in division (D)(1)(e) of this section, 957
if an offender who is convicted of or pleads guilty to a violation 958
of section 2923.161 of the Revised Code or to a felony that 959
includes, as an essential element, purposely or knowingly causing 960
or attempting to cause the death of or physical harm to another, 961
also is convicted of or pleads guilty to a specification of the 962
type described in section 2941.146 of the Revised Code that 963
charges the offender with committing the offense by discharging a 964
firearm from a motor vehicle other than a manufactured home, the 965
court, after imposing a prison term on the offender for the 966
violation of section 2923.161 of the Revised Code or for the other 967
felony offense under division (A), (D)(2), or (D)(3) of this 968
section, shall impose an additional prison term of five years upon 969
the offender that shall not be reduced pursuant to section 970
2929.20, section 2967.193, or any other provision of Chapter 2967. 971
or Chapter 5120. of the Revised Code. A court shall not impose 972
more than one additional prison term on an offender under division 973
(D)(1)(c) of this section for felonies committed as part of the 974
same act or transaction. If a court imposes an additional prison 975
term on an offender under division (D)(1)(c) of this section 976

relative to an offense, the court also shall impose a prison term 977
under division (D)(1)(a) of this section relative to the same 978
offense, provided the criteria specified in that division for 979
imposing an additional prison term are satisfied relative to the 980
offender and the offense. 981

(d) If an offender who is convicted of or pleads guilty to an 982
offense of violence that is a felony also is convicted of or 983
pleads guilty to a specification of the type described in section 984
2941.1411 of the Revised Code that charges the offender with 985
wearing or carrying body armor while committing the felony offense 986
of violence, the court shall impose on the offender a prison term 987
of two years. The prison term so imposed shall not be reduced 988
pursuant to section 2929.20, section 2967.193, or any other 989
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 990
court shall not impose more than one prison term on an offender 991
under division (D)(1)(d) of this section for felonies committed as 992
part of the same act or transaction. If a court imposes an 993
additional prison term under division (D)(1)(a) or (c) of this 994
section, the court is not precluded from imposing an additional 995
prison term under division (D)(1)(d) of this section. 996

(e) The court shall not impose any of the prison terms 997
described in division (D)(1)(a) of this section or any of the 998
additional prison terms described in division (D)(1)(c) of this 999
section upon an offender for a violation of section 2923.12 or 1000
2923.123 of the Revised Code. The court shall not impose any of 1001
the prison terms described in division (D)(1)(a) of this section 1002
or any of the additional prison terms described in division 1003
(D)(1)(c) of this section upon an offender for a violation of 1004
section 2923.13 of the Revised Code unless all of the following 1005
apply: 1006

(i) The offender previously has been convicted of aggravated 1007
murder, murder, or any felony of the first or second degree. 1008

(ii) Less than five years have passed since the offender was 1009
released from prison or post-release control, whichever is later, 1010
for the prior offense. 1011

(f) If an offender is convicted of or pleads guilty to a 1012
felony that includes, as an essential element, causing or 1013
attempting to cause the death of or physical harm to another and 1014
also is convicted of or pleads guilty to a specification of the 1015
type described in section 2941.1412 of the Revised Code that 1016
charges the offender with committing the offense by discharging a 1017
firearm at a peace officer as defined in section 2935.01 of the 1018
Revised Code or a corrections officer as defined in section 1019
2941.1412 of the Revised Code, the court, after imposing a prison 1020
term on the offender for the felony offense under division (A), 1021
(D)(2), or (D)(3) of this section, shall impose an additional 1022
prison term of seven years upon the offender that shall not be 1023
reduced pursuant to section 2929.20, section 2967.193, or any 1024
other provision of Chapter 2967. or Chapter 5120. of the Revised 1025
Code. A court shall not impose more than one additional prison 1026
term on an offender under division (D)(1)(f) of this section for 1027
felonies committed as part of the same act or transaction. If a 1028
court imposes an additional prison term on an offender under 1029
division (D)(1)(f) of this section relative to an offense, the 1030
court shall not impose a prison term under division (D)(1)(a) or 1031
(c) of this section relative to the same offense. 1032

(2)(a) If an offender who is convicted of or pleads guilty to 1033
a felony also is convicted of or pleads guilty to a specification 1034
of the type described in section 2941.149 of the Revised Code that 1035
the offender is a repeat violent offender, the court shall impose 1036
a prison term from the range of terms authorized for the offense 1037
under division (A) of this section that may be the longest term in 1038
the range and that shall not be reduced pursuant to section 1039
2929.20, section 2967.193, or any other provision of Chapter 2967. 1040

or Chapter 5120. of the Revised Code. If the court finds that the
repeat violent offender, in committing the offense, caused any
physical harm that carried a substantial risk of death to a person
or that involved substantial permanent incapacity or substantial
permanent disfigurement of a person, the court shall impose the
longest prison term from the range of terms authorized for the
offense under division (A) of this section.

(b) If the court imposing a prison term on a repeat violent
offender imposes the longest prison term from the range of terms
authorized for the offense under division (A) of this section, the
court may impose on the offender an additional definite prison
term of one, two, three, four, five, six, seven, eight, nine, or
ten years if the court finds that both of the following apply with
respect to the prison terms imposed on the offender pursuant to
division (D)(2)(a) of this section and, if applicable, divisions
(D)(1) and (3) of this section:

(i) The terms so imposed are inadequate to punish the
offender and protect the public from future crime, because the
applicable factors under section 2929.12 of the Revised Code
indicating a greater likelihood of recidivism outweigh the
applicable factors under that section indicating a lesser
likelihood of recidivism.

(ii) The terms so imposed are demeaning to the seriousness of
the offense, because one or more of the factors under section
2929.12 of the Revised Code indicating that the offender's conduct
is more serious than conduct normally constituting the offense are
present, and they outweigh the applicable factors under that
section indicating that the offender's conduct is less serious
than conduct normally constituting the offense.

(3)(a) Except when an offender commits a violation of section
2903.01 or 2907.02 of the Revised Code and the penalty imposed for
the violation is life imprisonment or commits a violation of

section 2903.02 of the Revised Code, if the offender commits a 1073
violation of section 2925.03 or 2925.11 of the Revised Code and 1074
that section classifies the offender as a major drug offender and 1075
requires the imposition of a ten-year prison term on the offender, 1076
if the offender commits a felony violation of section 2925.02, 1077
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1078
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1079
division (C) of section 4729.51, or division (J) of section 1080
4729.54 of the Revised Code that includes the sale, offer to sell, 1081
or possession of a schedule I or II controlled substance, with the 1082
exception of marihuana, and the court imposing sentence upon the 1083
offender finds that the offender is guilty of a specification of 1084
the type described in section 2941.1410 of the Revised Code 1085
charging that the offender is a major drug offender, if the court 1086
imposing sentence upon an offender for a felony finds that the 1087
offender is guilty of corrupt activity with the most serious 1088
offense in the pattern of corrupt activity being a felony of the 1089
first degree, or if the offender is guilty of an attempted 1090
violation of section 2907.02 of the Revised Code and, had the 1091
offender completed the violation of section 2907.02 of the Revised 1092
Code that was attempted, the offender would have been subject to a 1093
sentence of life imprisonment or life imprisonment without parole 1094
for the violation of section 2907.02 of the Revised Code, the 1095
court shall impose upon the offender for the felony violation a 1096
ten-year prison term that cannot be reduced pursuant to section 1097
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1098

(b) The court imposing a prison term on an offender under 1099
division (D)(3)(a) of this section may impose an additional prison 1100
term of one, two, three, four, five, six, seven, eight, nine, or 1101
ten years, if the court, with respect to the term imposed under 1102
division (D)(3)(a) of this section and, if applicable, divisions 1103
(D)(1) and (2) of this section, makes both of the findings set 1104
forth in divisions (D)(2)(b)(i) and (ii) of this section. 1105

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (D)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. The In addition to the mandatory prison term or mandatory and additional prison term imposed as described in division (D)(4) of this section, the court shall not also may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

If the offender is being sentenced for a fourth degree felony

OVI offense under division (G)(1) of section 2929.13 of the 1138
Revised Code and the court imposes a mandatory term of local 1139
incarceration, the court may impose a prison term as described in 1140
division (A)(1) of that section. 1141

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 1142
mandatory prison term is imposed upon an offender pursuant to 1143
division (D)(1)(a) of this section for having a firearm on or 1144
about the offender's person or under the offender's control while 1145
committing a felony, if a mandatory prison term is imposed upon an 1146
offender pursuant to division (D)(1)(c) of this section for 1147
committing a felony specified in that division by discharging a 1148
firearm from a motor vehicle, or if both types of mandatory prison 1149
terms are imposed, the offender shall serve any mandatory prison 1150
term imposed under either division consecutively to any other 1151
mandatory prison term imposed under either division or under 1152
division (D)(1)(d) of this section, consecutively to and prior to 1153
any prison term imposed for the underlying felony pursuant to 1154
division (A), (D)(2), or (D)(3) of this section or any other 1155
section of the Revised Code, and consecutively to any other prison 1156
term or mandatory prison term previously or subsequently imposed 1157
upon the offender. 1158

(b) If a mandatory prison term is imposed upon an offender 1159
pursuant to division (D)(1)(d) of this section for wearing or 1160
carrying body armor while committing an offense of violence that 1161
is a felony, the offender shall serve the mandatory term so 1162
imposed consecutively to any other mandatory prison term imposed 1163
under that division or under division (D)(1)(a) or (c) of this 1164
section, consecutively to and prior to any prison term imposed for 1165
the underlying felony under division (A), (D)(2), or (D)(3) of 1166
this section or any other section of the Revised Code, and 1167
consecutively to any other prison term or mandatory prison term 1168
previously or subsequently imposed upon the offender. 1169

(c) If a mandatory prison term is imposed upon an offender 1170
pursuant to division (D)(1)(f) of this section, the offender shall 1171
serve the mandatory prison term so imposed consecutively to and 1172
prior to any prison term imposed for the underlying felony under 1173
division (A), (D)(2), or (D)(3) of this section or any other 1174
section of the Revised Code, and consecutively to any other prison 1175
term or mandatory prison term previously or subsequently imposed 1176
upon the offender. 1177

(2) If an offender who is an inmate in a jail, prison, or 1178
other residential detention facility violates section 2917.02, 1179
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1180
who is under detention at a detention facility commits a felony 1181
violation of section 2923.131 of the Revised Code, or if an 1182
offender who is an inmate in a jail, prison, or other residential 1183
detention facility or is under detention at a detention facility 1184
commits another felony while the offender is an escapee in 1185
violation of section 2921.34 of the Revised Code, any prison term 1186
imposed upon the offender for one of those violations shall be 1187
served by the offender consecutively to the prison term or term of 1188
imprisonment the offender was serving when the offender committed 1189
that offense and to any other prison term previously or 1190
subsequently imposed upon the offender. 1191

(3) If a prison term is imposed for a violation of division 1192
(B) of section 2911.01 of the Revised Code or if a prison term is 1193
imposed for a felony violation of division (B) of section 2921.331 1194
of the Revised Code, the offender shall serve that prison term 1195
consecutively to any other prison term or mandatory prison term 1196
previously or subsequently imposed upon the offender. 1197

(4) If multiple prison terms are imposed on an offender for 1198
convictions of multiple offenses, the court may require the 1199
offender to serve the prison terms consecutively if the court 1200
finds that the consecutive service is necessary to protect the 1201

public from future crime or to punish the offender and that 1202
consecutive sentences are not disproportionate to the seriousness 1203
of the offender's conduct and to the danger the offender poses to 1204
the public, and if the court also finds any of the following: 1205

(a) The offender committed one or more of the multiple 1206
offenses while the offender was awaiting trial or sentencing, was 1207
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1208
2929.18 of the Revised Code, or was under post-release control for 1209
a prior offense. 1210

(b) At least two of the multiple offenses were committed as 1211
part of one or more courses of conduct, and the harm caused by two 1212
or more of the multiple offenses so committed was so great or 1213
unusual that no single prison term for any of the offenses 1214
committed as part of any of the courses of conduct adequately 1215
reflects the seriousness of the offender's conduct. 1216

(c) The offender's history of criminal conduct demonstrates 1217
that consecutive sentences are necessary to protect the public 1218
from future crime by the offender. 1219

(5) When consecutive prison terms are imposed pursuant to 1220
division (E)(1), (2), (3), or (4) of this section, the term to be 1221
served is the aggregate of all of the terms so imposed. 1222

(F) If a court imposes a prison term of a type described in 1223
division (B) of section 2967.28 of the Revised Code, it shall 1224
include in the sentence a requirement that the offender be subject 1225
to a period of post-release control after the offender's release 1226
from imprisonment, in accordance with that division. If a court 1227
imposes a prison term of a type described in division (C) of that 1228
section, it shall include in the sentence a requirement that the 1229
offender be subject to a period of post-release control after the 1230
offender's release from imprisonment, in accordance with that 1231
division, if the parole board determines that a period of 1232

post-release control is necessary. 1233

(G) If a person is convicted of or pleads guilty to a 1234
sexually violent offense and also is convicted of or pleads guilty 1235
to a sexually violent predator specification that was included in 1236
the indictment, count in the indictment, or information charging 1237
that offense, the court shall impose sentence upon the offender in 1238
accordance with section 2971.03 of the Revised Code, and Chapter 1239
2971. of the Revised Code applies regarding the prison term or 1240
term of life imprisonment without parole imposed upon the offender 1241
and the service of that term of imprisonment. 1242

(H) If a person who has been convicted of or pleaded guilty 1243
to a felony is sentenced to a prison term or term of imprisonment 1244
under this section, sections 2929.02 to 2929.06 of the Revised 1245
Code, section 2971.03 of the Revised Code, or any other provision 1246
of law, section 5120.163 of the Revised Code applies regarding the 1247
person while the person is confined in a state correctional 1248
institution. 1249

(I) If an offender who is convicted of or pleads guilty to a 1250
felony that is an offense of violence also is convicted of or 1251
pleads guilty to a specification of the type described in section 1252
2941.142 of the Revised Code that charges the offender with having 1253
committed the felony while participating in a criminal gang, the 1254
court shall impose upon the offender an additional prison term of 1255
one, two, or three years. 1256

(J) If an offender who is convicted of or pleads guilty to 1257
aggravated murder, murder, or a felony of the first, second, or 1258
third degree that is an offense of violence also is convicted of 1259
or pleads guilty to a specification of the type described in 1260
section 2941.143 of the Revised Code that charges the offender 1261
with having committed the offense in a school safety zone or 1262
towards a person in a school safety zone, the court shall impose 1263
upon the offender an additional prison term of two years. The 1264

offender shall serve the additional two years consecutively to and 1265
prior to the prison term imposed for the underlying offense. 1266

(K) At the time of sentencing, the court may recommend the 1267
offender for placement in a program of shock incarceration under 1268
section 5120.031 of the Revised Code or for placement in an 1269
intensive program prison under section 5120.032 of the Revised 1270
Code, disapprove placement of the offender in a program of shock 1271
incarceration or an intensive program prison of that nature, or 1272
make no recommendation on placement of the offender. In no case 1273
shall the department of rehabilitation and correction place the 1274
offender in a program or prison of that nature unless the 1275
department determines as specified in section 5120.031 or 5120.032 1276
of the Revised Code, whichever is applicable, that the offender is 1277
eligible for the placement. 1278

If the court disapproves placement of the offender in a 1279
program or prison of that nature, the department of rehabilitation 1280
and correction shall not place the offender in any program of 1281
shock incarceration or intensive program prison. 1282

If the court recommends placement of the offender in a 1283
program of shock incarceration or in an intensive program prison, 1284
and if the offender is subsequently placed in the recommended 1285
program or prison, the department shall notify the court of the 1286
placement and shall include with the notice a brief description of 1287
the placement. 1288

If the court recommends placement of the offender in a 1289
program of shock incarceration or in an intensive program prison 1290
and the department does not subsequently place the offender in the 1291
recommended program or prison, the department shall send a notice 1292
to the court indicating why the offender was not placed in the 1293
recommended program or prison. 1294

If the court does not make a recommendation under this 1295

division with respect to an offender and if the department 1296
determines as specified in section 5120.031 or 5120.032 of the 1297
Revised Code, whichever is applicable, that the offender is 1298
eligible for placement in a program or prison of that nature, the 1299
department shall screen the offender and determine if there is an 1300
available program of shock incarceration or an intensive program 1301
prison for which the offender is suited. If there is an available 1302
program of shock incarceration or an intensive program prison for 1303
which the offender is suited, the department shall notify the 1304
court of the proposed placement of the offender as specified in 1305
section 5120.031 or 5120.032 of the Revised Code and shall include 1306
with the notice a brief description of the placement. The court 1307
shall have ten days from receipt of the notice to disapprove the 1308
placement. 1309

Sec. 2929.15. (A)(1) If in sentencing an offender for a 1310
felony the court is not required to impose a prison term, a 1311
mandatory prison term, or a term of life imprisonment upon the 1312
offender, the court may directly impose a sentence that consists 1313
of one or more community control sanctions authorized pursuant to 1314
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 1315
court is sentencing an offender for a fourth degree felony OVI 1316
offense under division (G)(1) of section 2929.13 of the Revised 1317
Code, in addition to the mandatory term of local incarceration 1318
imposed under that division and the mandatory fine required by 1319
division (B)(3) of section 2929.18 of the Revised Code, the court 1320
may impose upon the offender a community control sanction or 1321
combination of community control sanctions in accordance with 1322
sections 2929.16 and 2929.17 of the Revised Code. The If the court 1323
is sentencing an offender for a third or fourth degree felony OVI 1324
offense under division (G)(2) of section 2929.13 of the Revised 1325
Code, in addition to the mandatory prison term or mandatory prison 1326
term and additional prison term imposed under that division, the 1327

court also may impose upon the offender a community control 1328
sanction or combination of community control sanctions under 1329
section 2929.16 or 2929.17 of the Revised Code, but the offender 1330
shall serve all of the prison terms so imposed prior to serving 1331
the community control sanction. 1332

The duration of all community control sanctions imposed upon 1333
an offender under this division shall not exceed five years. If 1334
the offender absconds or otherwise leaves the jurisdiction of the 1335
court in which the offender resides without obtaining permission 1336
from the court or the offender's probation officer to leave the 1337
jurisdiction of the court, or if the offender is confined in any 1338
institution for the commission of any offense while under a 1339
community control sanction, the period of the community control 1340
sanction ceases to run until the offender is brought before the 1341
court for its further action. If the court sentences the offender 1342
to one or more nonresidential sanctions under section 2929.17 of 1343
the Revised Code, the court shall impose as a condition of the 1344
nonresidential sanctions that, during the period of the sanctions, 1345
the offender must abide by the law and must not leave the state 1346
without the permission of the court or the offender's probation 1347
officer. The court may impose any other conditions of release 1348
under a community control sanction that the court considers 1349
appropriate, including, but not limited to, requiring that the 1350
offender not ingest or be injected with a drug of abuse and submit 1351
to random drug testing as provided in division (D) of this section 1352
to determine whether the offender ingested or was injected with a 1353
drug of abuse and requiring that the results of the drug test 1354
indicate that the offender did not ingest or was not injected with 1355
a drug of abuse. ~~If the court is sentencing an offender for a~~ 1356
~~third or fourth degree felony OVI offense under division (G)(2) of~~ 1357
~~section 2929.13 of the Revised Code, the court shall not impose~~ 1358
~~upon the offender any community control sanction or combination of~~ 1359

~~community control sanctions under section 2929.16 or 2929.17 of~~ 1360
~~the Revised Code.~~ 1361

(2)(a) If a court sentences an offender to any community 1362
control sanction or combination of community control sanctions 1363
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 1364
Revised Code, the court shall place the offender under the general 1365
control and supervision of a department of probation in the county 1366
that serves the court for purposes of reporting to the court a 1367
violation of any condition of the sanctions, any condition of 1368
release under a community control sanction imposed by the court, a 1369
violation of law, or the departure of the offender from this state 1370
without the permission of the court or the offender's probation 1371
officer. Alternatively, if the offender resides in another county 1372
and a county department of probation has been established in that 1373
county or that county is served by a multicounty probation 1374
department established under section 2301.27 of the Revised Code, 1375
the court may request the court of common pleas of that county to 1376
receive the offender into the general control and supervision of 1377
that county or multicounty department of probation for purposes of 1378
reporting to the court a violation of any condition of the 1379
sanctions, any condition of release under a community control 1380
sanction imposed by the court, a violation of law, or the 1381
departure of the offender from this state without the permission 1382
of the court or the offender's probation officer, subject to the 1383
jurisdiction of the trial judge over and with respect to the 1384
person of the offender, and to the rules governing that department 1385
of probation. 1386

If there is no department of probation in the county that 1387
serves the court, the court shall place the offender, regardless 1388
of the offender's county of residence, under the general control 1389
and supervision of the adult parole authority for purposes of 1390
reporting to the court a violation of any of the sanctions, any 1391

condition of release under a community control sanction imposed by 1392
the court, a violation of law, or the departure of the offender 1393
from this state without the permission of the court or the 1394
offender's probation officer. 1395

(b) If the court imposing sentence upon an offender sentences 1396
the offender to any community control sanction or combination of 1397
community control sanctions authorized pursuant to section 1398
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 1399
offender violates any condition of the sanctions, any condition of 1400
release under a community control sanction imposed by the court, 1401
violates any law, or departs the state without the permission of 1402
the court or the offender's probation officer, the public or 1403
private person or entity that operates or administers the sanction 1404
or the program or activity that comprises the sanction shall 1405
report the violation or departure directly to the sentencing 1406
court, or shall report the violation or departure to the county or 1407
multicounty department of probation with general control and 1408
supervision over the offender under division (A)(2)(a) of this 1409
section or the officer of that department who supervises the 1410
offender, or, if there is no such department with general control 1411
and supervision over the offender under that division, to the 1412
adult parole authority. If the public or private person or entity 1413
that operates or administers the sanction or the program or 1414
activity that comprises the sanction reports the violation or 1415
departure to the county or multicounty department of probation or 1416
the adult parole authority, the department's or authority's 1417
officers may treat the offender as if the offender were on 1418
probation and in violation of the probation, and shall report the 1419
violation of the condition of the sanction, any condition of 1420
release under a community control sanction imposed by the court, 1421
the violation of law, or the departure from the state without the 1422
required permission to the sentencing court. 1423

(B) If the conditions of a community control sanction are 1424
violated or if the offender violates a law or leaves the state 1425
without the permission of the court or the offender's probation 1426
officer, the sentencing court may impose a longer time under the 1427
same sanction if the total time under the sanctions does not 1428
exceed the five-year limit specified in division (A) of this 1429
section, may impose a more restrictive sanction under section 1430
2929.16, 2929.17, or 2929.18 of the Revised Code, or may impose a 1431
prison term on the offender pursuant to section 2929.14 of the 1432
Revised Code. The prison term, if any, imposed upon a violator 1433
pursuant to this division shall be within the range of prison 1434
terms available for the offense for which the sanction that was 1435
violated was imposed and shall not exceed the prison term 1436
specified in the notice provided to the offender at the sentencing 1437
hearing pursuant to division (B)(3) of section 2929.19 of the 1438
Revised Code. The court may reduce the longer period of time that 1439
the offender is required to spend under the longer sanction, the 1440
more restrictive sanction, or a prison term imposed pursuant to 1441
this division by the time the offender successfully spent under 1442
the sanction that was initially imposed. 1443

(C) If an offender, for a significant period of time, 1444
fulfills the conditions of a sanction imposed pursuant to section 1445
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 1446
manner, the court may reduce the period of time under the sanction 1447
or impose a less restrictive sanction, but the court shall not 1448
permit the offender to violate any law or permit the offender to 1449
leave the state without the permission of the court or the 1450
offender's probation officer. 1451

(D)(1) If a court under division (A)(1) of this section 1452
imposes a condition of release under a community control sanction 1453
that requires the offender to submit to random drug testing, the 1454
department of probation or the adult parole authority that has 1455

general control and supervision of the offender under division 1456
(A)(2)(a) of this section may cause the offender to submit to 1457
random drug testing performed by a laboratory or entity that has 1458
entered into a contract with any of the governmental entities or 1459
officers authorized to enter into a contract with that laboratory 1460
or entity under section 341.26, 753.33, or 5120.63 of the Revised 1461
Code. 1462

(2) If no laboratory or entity described in division (D)(1) 1463
of this section has entered into a contract as specified in that 1464
division, the department of probation or the adult parole 1465
authority that has general control and supervision of the offender 1466
under division (A)(2)(a) of this section shall cause the offender 1467
to submit to random drug testing performed by a reputable public 1468
laboratory to determine whether the individual who is the subject 1469
of the drug test ingested or was injected with a drug of abuse. 1470

(3) A laboratory or entity that has entered into a contract 1471
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 1472
shall perform the random drug tests under division (D)(1) of this 1473
section in accordance with the applicable standards that are 1474
included in the terms of that contract. A public laboratory shall 1475
perform the random drug tests under division (D)(2) of this 1476
section in accordance with the standards set forth in the policies 1477
and procedures established by the department of rehabilitation and 1478
correction pursuant to section 5120.63 of the Revised Code. An 1479
offender who is required under division (A)(1) of this section to 1480
submit to random drug testing as a condition of release under a 1481
community control sanction and whose test results indicate that 1482
the offender ingested or was injected with a drug of abuse shall 1483
pay the fee for the drug test if the department of probation or 1484
the adult parole authority that has general control and 1485
supervision of the offender requires payment of a fee. A 1486
laboratory or entity that performs the random drug testing on an 1487

offender under division (D)(1) or (2) of this section shall 1488
transmit the results of the drug test to the appropriate 1489
department of probation or the adult parole authority that has 1490
general control and supervision of the offender under division 1491
(A)(2)(a) of this section. 1492

Sec. 2929.16. (A) The Except as provided in this division, 1493
the court imposing a sentence for a felony upon an offender who is 1494
not required to serve a mandatory prison term may impose any 1495
community residential sanction or combination of community 1496
residential sanctions under this section. The court imposing a 1497
sentence for a fourth degree felony OVI offense under division 1498
(G)(1) or (2) of section 2929.13 of the Revised Code or for a 1499
third degree felony OVI offense under division (G)(2) of that 1500
section may impose upon the offender, in addition to the mandatory 1501
term of local incarceration or mandatory prison term imposed under 1502
~~that~~ the applicable division, a community residential sanction or 1503
combination of community residential sanctions under this section, 1504
and the offender shall serve or satisfy the sanction or 1505
combination of sanctions after the offender has served the 1506
mandatory term of local incarceration or mandatory prison term 1507
required for the offense. Community residential sanctions include, 1508
but are not limited to, the following: 1509

(1) A term of up to six months at a community-based 1510
correctional facility that serves the county; 1511

(2) Except as otherwise provided in division (A)(3) of this 1512
section and subject to division (D) of this section, a term of up 1513
to six months in a jail; 1514

(3) If the offender is convicted of a fourth degree felony 1515
OVI offense and is sentenced under division (G)(1) of section 1516
2929.13 of the Revised Code, subject to division (D) of this 1517
section, a term of up to one year in a jail less the mandatory 1518

term of local incarceration of sixty or one hundred twenty 1519
consecutive days of imprisonment imposed pursuant to that 1520
division; 1521

(4) A term in a halfway house; 1522

(5) A term in an alternative residential facility. 1523

(B) The court that assigns any offender convicted of a felony 1524
to a residential sanction under this section may authorize the 1525
offender to be released so that the offender may seek or maintain 1526
employment, receive education or training, or receive treatment. A 1527
release pursuant to this division shall be only for the duration 1528
of time that is needed to fulfill the purpose of the release and 1529
for travel that reasonably is necessary to fulfill the purposes of 1530
the release. 1531

(C) If the court assigns an offender to a county jail that is 1532
not a minimum security misdemeanor jail in a county that has 1533
established a county jail industry program pursuant to section 1534
5147.30 of the Revised Code, the court shall specify, as part of 1535
the sentence, whether the sheriff of that county may consider the 1536
offender for participation in the county jail industry program. 1537
During the offender's term in the county jail, the court shall 1538
retain jurisdiction to modify its specification upon a 1539
reassessment of the offender's qualifications for participation in 1540
the program. 1541

(D) If a court sentences an offender to a term in jail under 1542
division (A)(2) or (3) of this section and if the sentence is 1543
imposed for a felony of the fourth or fifth degree that is not an 1544
offense of violence, the court may specify that it prefers that 1545
the offender serve the term in a minimum security jail established 1546
under section 341.34 or 753.21 of the Revised Code. If the court 1547
includes a specification of that type in the sentence and if the 1548
administrator of the appropriate minimum security jail or the 1549

designee of that administrator classifies the offender in 1550
accordance with section 341.34 or 753.21 of the Revised Code as a 1551
minimal security risk, the offender shall serve the term in the 1552
minimum security jail established under section 341.34 or 753.21 1553
of the Revised Code. Absent a specification of that type and a 1554
finding of that type, the offender shall serve the term in a jail 1555
other than a minimum security jail established under section 1556
341.34 or 753.21 of the Revised Code. 1557

(E) If a person who has been convicted of or pleaded guilty 1558
to a felony is sentenced to a community residential sanction as 1559
described in division (A) of this section, at the time of 1560
reception and at other times the person in charge of the operation 1561
of the community-based correctional facility, jail, halfway house, 1562
alternative residential facility, or other place at which the 1563
offender will serve the residential sanction determines to be 1564
appropriate, the person in charge of the operation of the 1565
community-based correctional facility, jail, halfway house, 1566
alternative residential facility, or other place may cause the 1567
convicted offender to be examined and tested for tuberculosis, HIV 1568
infection, hepatitis, including but not limited to hepatitis A, B, 1569
and C, and other contagious diseases. The person in charge of the 1570
operation of the community-based correctional facility, jail, 1571
halfway house, alternative residential facility, or other place at 1572
which the offender will serve the residential sanction may cause a 1573
convicted offender in the community-based correctional facility, 1574
jail, halfway house, alternative residential facility, or other 1575
place who refuses to be tested or treated for tuberculosis, HIV 1576
infection, hepatitis, including but not limited to hepatitis A, B, 1577
and C, or another contagious disease to be tested and treated 1578
involuntarily. 1579

Sec. 2929.17. The Except as provided in this section, the 1580
court imposing a sentence for a felony upon an offender who is not 1581

required to serve a mandatory prison term may impose any 1582
nonresidential sanction or combination of nonresidential sanctions 1583
authorized under this section. If the court imposes one or more 1584
nonresidential sanctions authorized under this section, the court 1585
shall impose as a condition of the sanction that, during the 1586
period of the nonresidential sanction, the offender shall abide by 1587
the law and shall not leave the state without the permission of 1588
the court or the offender's probation officer. 1589

The court imposing a sentence for a fourth degree felony OVI 1590
offense under division (G)(1) or (2) of section 2929.13 of the 1591
Revised Code or for a third degree felony OVI offense under 1592
division (G)(2) of that section may impose upon the offender, in 1593
addition to the mandatory term of local incarceration or mandatory 1594
prison term imposed under ~~that~~ the applicable division, a 1595
nonresidential sanction or combination of nonresidential sanctions 1596
under this section, and the offender shall serve or satisfy the 1597
sanction or combination of sanctions after the offender has served 1598
the mandatory term of local incarceration or mandatory prison term 1599
required for the offense. Nonresidential sanctions include, but 1600
are not limited to, the following: 1601

(A) A term of day reporting; 1602

(B) A term of house arrest with electronic monitoring, a term 1603
of electronic monitoring without house arrest, or a term of house 1604
arrest without electronic monitoring; 1605

(C) A term of community service of up to five hundred hours 1606
pursuant to division (B) of section 2951.02 of the Revised Code 1607
or, if the court determines that the offender is financially 1608
incapable of fulfilling a financial sanction described in section 1609
2929.18 of the Revised Code, a term of community service as an 1610
alternative to a financial sanction; 1611

(D) A term in a drug treatment program with a level of 1612

security for the offender as determined necessary by the court;	1613
(E) A term of intensive probation supervision;	1614
(F) A term of basic probation supervision;	1615
(G) A term of monitored time;	1616
(H) A term of drug and alcohol use monitoring, including random drug testing;	1617 1618
(I) A curfew term;	1619
(J) A requirement that the offender obtain employment;	1620
(K) A requirement that the offender obtain education or training;	1621 1622
(L) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;	1623 1624 1625
(M) A license violation report;	1626
(N) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in requiring the offender to obtain counseling for any offense or in any circumstance not specified in this division.	1627 1628 1629 1630 1631 1632 1633 1634 1635 1636 1637
Sec. 2929.19. (A)(1) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded	1638 1639 1640 1641

guilty to a felony and whose case was remanded pursuant to section 1642
2953.07 or 2953.08 of the Revised Code. At the hearing, the 1643
offender, the prosecuting attorney, the victim or the victim's 1644
representative in accordance with section 2930.14 of the Revised 1645
Code, and, with the approval of the court, any other person may 1646
present information relevant to the imposition of sentence in the 1647
case. The court shall inform the offender of the verdict of the 1648
jury or finding of the court and ask the offender whether the 1649
offender has anything to say as to why sentence should not be 1650
imposed upon the offender. 1651

(2) Except as otherwise provided in this division, before 1652
imposing sentence on an offender who is being sentenced for a 1653
sexually oriented offense that was committed on or after January 1654
1, 1997, that is not a registration-exempt sexually oriented 1655
offense, and that is not a sexually violent offense, and before 1656
imposing sentence on an offender who is being sentenced for a 1657
sexually violent offense committed on or after January 1, 1997, 1658
and who was not charged with a sexually violent predator 1659
specification in the indictment, count in the indictment, or 1660
information charging the sexually violent offense, and before 1661
imposing sentence on or after May 7, 2002, on an offender who is 1662
being sentenced for a sexually oriented offense that is not a 1663
registration-exempt sexually oriented offense and who was 1664
acquitted of a sexually violent predator specification included in 1665
the indictment, count in the indictment, or information charging 1666
the sexually oriented offense, the court shall conduct a hearing 1667
in accordance with division (B) of section 2950.09 of the Revised 1668
Code to determine whether the offender is a sexual predator. The 1669
court shall not conduct a hearing under that division if the 1670
offender is being sentenced for a sexually violent offense, if a 1671
sexually violent predator specification was included in the 1672
indictment, count in the indictment, or information charging the 1673

sexually violent offense, and if the offender was convicted of or 1674
pleaded guilty to that sexually violent predator specification. 1675
Before imposing sentence on an offender who is being sentenced for 1676
a sexually oriented offense that is not a registration-exempt 1677
sexually oriented offense, the court also shall comply with 1678
division (E) of section 2950.09 of the Revised Code. 1679

Before imposing sentence on or after ~~the effective date of~~ 1680
~~this amendment~~ July 31, 2003, on an offender who is being 1681
sentenced for a child-victim oriented offense, regardless of when 1682
the offense was committed, the court shall conduct a hearing in 1683
accordance with division (B) of section 2950.091 of the Revised 1684
Code to determine whether the offender is a child-victim predator. 1685
Before imposing sentence on an offender who is being sentenced for 1686
a child-victim oriented offense, the court also shall comply with 1687
division (E) of section 2950.091 of the Revised Code. 1688

(B)(1) At the sentencing hearing, the court, before imposing 1689
sentence, shall consider the record, any information presented at 1690
the hearing by any person pursuant to division (A) of this 1691
section, and, if one was prepared, the presentence investigation 1692
report made pursuant to section 2951.03 of the Revised Code or 1693
Criminal Rule 32.2, and any victim impact statement made pursuant 1694
to section 2947.051 of the Revised Code. 1695

(2) The court shall impose a sentence and shall make a 1696
finding that gives its reasons for selecting the sentence imposed 1697
in any of the following circumstances: 1698

(a) Unless the offense is a sexually violent offense for 1699
which the court is required to impose sentence pursuant to 1700
division (G) of section 2929.14 of the Revised Code, if it imposes 1701
a prison term for a felony of the fourth or fifth degree or for a 1702
felony drug offense that is a violation of a provision of Chapter 1703
2925. of the Revised Code and that is specified as being subject 1704
to division (B) of section 2929.13 of the Revised Code for 1705

purposes of sentencing, its reasons for imposing the prison term, 1706
based upon the overriding purposes and principles of felony 1707
sentencing set forth in section 2929.11 of the Revised Code, and 1708
any factors listed in divisions (B)(1)(a) to (i) of section 1709
2929.13 of the Revised Code that it found to apply relative to the 1710
offender. 1711

(b) If it does not impose a prison term for a felony of the 1712
first or second degree or for a felony drug offense that is a 1713
violation of a provision of Chapter 2925. of the Revised Code and 1714
for which a presumption in favor of a prison term is specified as 1715
being applicable, its reasons for not imposing the prison term and 1716
for overriding the presumption, based upon the overriding purposes 1717
and principles of felony sentencing set forth in section 2929.11 1718
of the Revised Code, and the basis of the findings it made under 1719
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 1720

(c) If it imposes consecutive sentences under section 2929.14 1721
of the Revised Code, its reasons for imposing the consecutive 1722
sentences; 1723

(d) If the sentence is for one offense and it imposes a 1724
prison term for the offense that is the maximum prison term 1725
allowed for that offense by division (A) of section 2929.14 of the 1726
Revised Code, its reasons for imposing the maximum prison term; 1727

(e) If the sentence is for two or more offenses arising out 1728
of a single incident and it imposes a prison term for those 1729
offenses that is the maximum prison term allowed for the offense 1730
of the highest degree by division (A) of section 2929.14 of the 1731
Revised Code, its reasons for imposing the maximum prison term. 1732

(3) Subject to division (B)(4) of this section, if the 1733
sentencing court determines at the sentencing hearing that a 1734
prison term is necessary or required, the court shall do all of 1735
the following: 1736

- (a) Impose a stated prison term; 1737
- (b) Notify the offender that, as part of the sentence, the 1738
parole board may extend the stated prison term for certain 1739
violations of prison rules for up to one-half of the stated prison 1740
term; 1741
- (c) Notify the offender that the offender will be supervised 1742
under section 2967.28 of the Revised Code after the offender 1743
leaves prison if the offender is being sentenced for a felony of 1744
the first degree or second degree, for a felony sex offense, or 1745
for a felony of the third degree in the commission of which the 1746
offender caused or threatened to cause physical harm to a person; 1747
- (d) Notify the offender that the offender may be supervised 1748
under section 2967.28 of the Revised Code after the offender 1749
leaves prison if the offender is being sentenced for a felony of 1750
the third, fourth, or fifth degree that is not subject to division 1751
(B)(3)(c) of this section; 1752
- (e) Notify the offender that, if a period of supervision is 1753
imposed following the offender's release from prison, as described 1754
in division (B)(3)(c) or (d) of this section, and if the offender 1755
violates that supervision or a condition of post-release control 1756
imposed under division (B) of section 2967.131 of the Revised 1757
Code, the parole board may impose a prison term, as part of the 1758
sentence, of up to one-half of the stated prison term originally 1759
imposed upon the offender; 1760
- (f) Require that the offender not ingest or be injected with 1761
a drug of abuse and submit to random drug testing as provided in 1762
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 1763
is applicable to the offender who is serving a prison term, and 1764
require that the results of the drug test administered under any 1765
of those sections indicate that the offender did not ingest or was 1766
not injected with a drug of abuse. 1767

(4) If the offender is being sentenced for a sexually violent offense that the offender committed on or after January 1, 1997, and the offender also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging the sexually violent offense, if the offender is being sentenced for a sexually oriented offense that is not a registration-exempt sexually oriented offense and that the offender committed on or after January 1, 1997, and the court imposing the sentence has determined pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator, if the offender is being sentenced on or after ~~the effective date of this amendment~~ July 31, 2003, for a child-victim oriented offense and the court imposing the sentence has determined pursuant to division (B) of section 2950.091 of the Revised Code that the offender is a child-victim predator, or if the offender is being sentenced for an aggravated sexually oriented offense as defined in section 2950.01 of the Revised Code, the court shall include in the offender's sentence a statement that the offender has been adjudicated a sexual predator, has been adjudicated a child victim predator, or has been convicted of or pleaded guilty to an aggravated sexually oriented offense, whichever is applicable, and shall comply with the requirements of section 2950.03 of the Revised Code. Additionally, in the circumstances described in division (G) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division.

(5) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the

sanction are violated, if the offender commits a violation of any 1800
law, or if the offender leaves this state without the permission 1801
of the court or the offender's probation officer, the court may 1802
impose a longer time under the same sanction, may impose a more 1803
restrictive sanction, or may impose a prison term on the offender 1804
and shall indicate the specific prison term that may be imposed as 1805
a sanction for the violation, as selected by the court from the 1806
range of prison terms for the offense pursuant to section 2929.14 1807
of the Revised Code. 1808

(6) Before imposing a financial sanction under section 1809
2929.18 of the Revised Code or a fine under section 2929.32 of the 1810
Revised Code, the court shall consider the offender's present and 1811
future ability to pay the amount of the sanction or fine. 1812

(7) If the sentencing court sentences the offender to a 1813
sanction of confinement pursuant to section 2929.14 or 2929.16 of 1814
the Revised Code that is to be served in a local detention 1815
facility, as defined in section 2929.36 of the Revised Code, and 1816
if the local detention facility is covered by a policy adopted 1817
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1818
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1819
and section 2929.37 of the Revised Code, both of the following 1820
apply: 1821

(a) The court shall specify both of the following as part of 1822
the sentence: 1823

(i) If the offender is presented with an itemized bill 1824
pursuant to section 2929.37 of the Revised Code for payment of the 1825
costs of confinement, the offender is required to pay the bill in 1826
accordance with that section. 1827

(ii) If the offender does not dispute the bill described in 1828
division (B)(7)(a)(i) of this section and does not pay the bill by 1829
the times specified in section 2929.37 of the Revised Code, the 1830

clerk of the court may issue a certificate of judgment against the 1831
offender as described in that section. 1832

(b) The sentence automatically includes any certificate of 1833
judgment issued as described in division (B)(7)(a)(ii) of this 1834
section. 1835

(C)(1) If the offender is being sentenced for a fourth degree 1836
felony OVI offense under division (G)(1) of section 2929.13 of the 1837
Revised Code, the court shall impose the mandatory term of local 1838
incarceration in accordance with that division, shall impose a 1839
mandatory fine in accordance with division (B)(3) of section 1840
2929.18 of the Revised Code, and, in addition, may impose 1841
additional sanctions as specified in sections 2929.15, 2929.16, 1842
2929.17, and 2929.18 of the Revised Code. The court shall not 1843
impose a prison term on the offender except that the court may 1844
impose a prison term upon the offender as provided in division 1845
(A)(1) of section 2929.13 of the Revised Code. 1846

(2) If the offender is being sentenced for a third or fourth 1847
degree felony OVI offense under division (G)(2) of section 2929.13 1848
of the Revised Code, the court shall impose the mandatory prison 1849
term in accordance with that division, shall impose a mandatory 1850
fine in accordance with division (B)(3) of section 2929.18 of the 1851
Revised Code, and, in addition, may impose an additional prison 1852
term as specified in section 2929.14 of the Revised Code. The In 1853
addition to the mandatory prison term or mandatory prison term and 1854
additional prison term the court imposes, the court shall not also 1855
may impose any a community control sanction on the offender, but 1856
the offender shall serve all of the prison terms so imposed prior 1857
to serving the community control sanction. 1858

(D) The sentencing court, pursuant to division (K) of section 1859
2929.14 of the Revised Code, may recommend placement of the 1860
offender in a program of shock incarceration under section 1861
5120.031 of the Revised Code or an intensive program prison under 1862

section 5120.032 of the Revised Code, disapprove placement of the 1863
offender in a program or prison of that nature, or make no 1864
recommendation. If the court recommends or disapproves placement, 1865
it shall make a finding that gives its reasons for its 1866
recommendation or disapproval. 1867

Sec. 4507.02. (A)(1) No person shall permit the operation of 1868
a motor vehicle upon any public or private property used by the 1869
public for purposes of vehicular travel or parking knowing the 1870
operator does not have a valid driver's license issued to the 1871
operator by the registrar of motor vehicles under this chapter or 1872
a valid commercial driver's license issued under Chapter 4506. of 1873
the Revised Code. Whoever violates this division is guilty of a 1874
misdemeanor of the first degree. 1875

(2) No person shall receive a driver's license, or a 1876
motorcycle operator's endorsement of a driver's or commercial 1877
driver's license, unless and until the person surrenders to the 1878
registrar all valid licenses issued to the person by another 1879
jurisdiction recognized by this state. All surrendered licenses 1880
shall be returned by the registrar to the issuing authority, 1881
together with information that a license is now issued in this 1882
state. No person shall be permitted to have more than one valid 1883
license at any time. 1884

(B)(1) If a person is convicted of a violation of section 1885
4510.11, 4510.14, 4510.16, or 4510.21 of the Revised Code or if 1886
division (F) of section 4507.164 of the Revised Code applies, the 1887
trial judge of any court, in addition to or independent of, any 1888
other penalties provided by law or ordinance, ~~shall~~ may impound 1889
the identification license plates of any motor vehicle registered 1890
in the name of the person. The court shall send the impounded 1891
license plates to the registrar, who may retain the license plates 1892
until the driver's or commercial driver's license of the owner has 1893

been reinstated or destroy them pursuant to section 4503.232 of 1894
the Revised Code. 1895

If the license plates of a person convicted of a violation of 1896
any provision of those sections have been impounded in accordance 1897
with the provisions of this division, the court shall notify the 1898
registrar of that action. The notice shall contain the name and 1899
address of the driver, the serial number of the driver's driver's 1900
or commercial driver's license, the serial numbers of the license 1901
plates of the motor vehicle, and the length of time for which the 1902
license plates have been impounded. The registrar shall record the 1903
data in the notice as part of the driver's permanent record. 1904

(2) Any motor vehicle owner who has had the license plates of 1905
a motor vehicle impounded pursuant to division (B)(1) of this 1906
section may apply to the registrar, or to a deputy registrar, for 1907
~~special~~ restricted license plates that shall conform to the 1908
requirements of section 4503.231 of the Revised Code. The 1909
registrar or deputy registrar forthwith shall notify the court of 1910
the application and, upon approval of the court, shall issue 1911
~~special~~ restricted license plates to the applicant. Until the 1912
driver's or commercial driver's license of the owner is 1913
reinstated, any new license plates issued to the owner also shall 1914
conform to the requirements of section 4503.231 of the Revised 1915
Code. 1916

The registrar or deputy registrar shall charge the owner of a 1917
vehicle the fees provided in section 4503.19 of the Revised Code 1918
for ~~special~~ restricted license plates that are issued in 1919
accordance with this division, except upon renewal as specified in 1920
section 4503.10 of the Revised Code, when the regular fee as 1921
provided in section 4503.04 of the Revised Code shall be charged. 1922
The registrar or deputy registrar shall charge the owner of a 1923
vehicle the fees provided in section 4503.19 of the Revised Code 1924
whenever ~~special~~ restricted license plates are exchanged, by 1925

reason of the reinstatement of the driver's or commercial driver's license of the owner, for those ordinarily issued.

(3) If an owner wishes to sell a motor vehicle during the time the ~~special~~ restricted license plates provided under division (B)(2) of this section are in use, the owner may apply to the court that impounded the license plates of the motor vehicle for permission to transfer title to the motor vehicle. If the court is satisfied that the sale will be made in good faith and not for the purpose of circumventing the provisions of this section, it may certify its consent to the owner and to the registrar of motor vehicles who shall enter notice of the transfer of the title of the motor vehicle in the vehicle registration record.

If, during the time the ~~special~~ restricted license plates provided under division (B)(2) of this section are in use, the title to a motor vehicle is transferred by the foreclosure of a chattel mortgage, a sale upon execution, the cancellation of a conditional sales contract, or by order of a court, the court shall notify the registrar of the action and the registrar shall enter notice of the transfer of the title to the motor vehicle in the vehicle registration record.

(C) This section is not intended to change or modify any provision of Chapter 4503. of the Revised Code with respect to the taxation of motor vehicles or the time within which the taxes on motor vehicles shall be paid.

Sec. 4507.05. (A) The registrar of motor vehicles, or a deputy registrar, upon receiving an application for a temporary instruction permit and a temporary instruction permit identification card for a driver's license from any person who is at least fifteen years and six months of age, may issue such a permit and identification card entitling the applicant to drive a motor vehicle, other than a commercial motor vehicle, upon the

highways under the following conditions:	1957
(1) If the permit is issued to a person who is at least	1958
fifteen years and six months of age, but less than sixteen years	1959
of age:	1960
(a) The permit and identification card are in the holder's	1961
immediate possession;	1962
(b) The holder is accompanied by an eligible adult who	1963
actually occupies the seat beside the permit holder <u>and does not</u>	1964
<u>have a prohibited concentration of alcohol in the whole blood,</u>	1965
<u>blood serum or plasma, breath, or urine as provided in division</u>	1966
<u>(A) of section 4511.19 of the Revised Code;</u>	1967
(c) The total number of occupants of the vehicle does not	1968
exceed the total number of occupant restraining devices originally	1969
installed in the motor vehicle by its manufacturer, and each	1970
occupant of the vehicle is wearing all of the available elements	1971
of a properly adjusted occupant restraining device.	1972
(2) If the permit is issued to a person who is at least	1973
sixteen years of age:	1974
(a) The permit and identification card are in the holder's	1975
immediate possession;	1976
(b) The holder is accompanied by a licensed operator who is	1977
at least twenty-one years of age <u>and,</u> is actually occupying a seat	1978
beside the driver, <u>and does not have a prohibited concentration of</u>	1979
<u>alcohol in the whole blood, blood serum or plasma, breath, or</u>	1980
<u>urine as provided in division (A) of section 4511.19 of the</u>	1981
<u>Revised Code;</u>	1982
(c) The total number of occupants of the vehicle does not	1983
exceed the total number of occupant restraining devices originally	1984
installed in the motor vehicle by its manufacturer, and each	1985
occupant of the vehicle is wearing all of the available elements	1986

of a properly adjusted occupant restraining device. 1987

(B) The registrar or a deputy registrar, upon receiving from 1988
any person an application for a temporary instruction permit and 1989
temporary instruction permit identification card to operate a 1990
motorcycle or motorized bicycle, may issue such a permit and 1991
identification card entitling the applicant, while having the 1992
permit and identification card in the applicant's immediate 1993
possession, to drive a motorcycle or motorized bicycle under 1994
restrictions determined by the registrar. A temporary instruction 1995
permit and temporary instruction permit identification card to 1996
operate a motorized bicycle may be issued to a person fourteen or 1997
fifteen years old. 1998

(C) Any permit and identification card issued under this 1999
section shall be issued in the same manner as a driver's license, 2000
upon a form to be furnished by the registrar. A temporary 2001
instruction permit to drive a motor vehicle other than a 2002
commercial motor vehicle shall be valid for a period of one year. 2003

(D) Any person having in the person's possession a valid and 2004
current driver's license or motorcycle operator's license or 2005
endorsement issued to the person by another jurisdiction 2006
recognized by this state is exempt from obtaining a temporary 2007
instruction permit for a driver's license, but shall submit to the 2008
regular examination in obtaining a driver's license or motorcycle 2009
operator's endorsement in this state. 2010

(E) The registrar may adopt rules governing the use of 2011
temporary instruction permits and temporary instruction permit 2012
identification cards. 2013

(F)(1) No holder of a permit issued under division (A) of 2014
this section shall operate a motor vehicle upon a highway or any 2015
public or private property used by the public for purposes of 2016
vehicular travel or parking in violation of the conditions 2017

established under division (A) of this section. 2018

(2) Except as provided in division (F)(2) of this section, no 2019
holder of a permit that is issued under division (A) of this 2020
section and that is issued on or after ~~the effective date of this~~ 2021
~~amendment~~ July 1, 1998, and who has not attained the age of 2022
seventeen years, shall operate a motor vehicle upon a highway or 2023
any public or private property used by the public for purposes of 2024
vehicular travel or parking between the hours of one a.m. and five 2025
a.m. 2026

The holder of a permit issued under division (A) of this 2027
section on or after ~~the effective date of this amendment~~ July 1, 2028
1998, who has not attained the age of seventeen years, may operate 2029
a motor vehicle upon a highway or any public or private property 2030
used by the public for purposes of vehicular travel or parking 2031
between the hours of one a.m. and five a.m. if, at the time of 2032
such operation, the holder is accompanied by the holder's parent, 2033
guardian, or custodian, and the parent, guardian, or custodian 2034
holds a current valid driver's or commercial driver's license 2035
issued by this state ~~and~~, is actually occupying a seat beside the 2036
permit holder, and does not have a prohibited concentration of 2037
alcohol in the whole blood, blood serum or plasma, breath, or 2038
urine as provided in division (A) of section 4511.19 of the 2039
Revised Code. 2040

(G)(1) Notwithstanding any other provision of law to the 2041
contrary, no law enforcement officer shall cause the operator of a 2042
motor vehicle being operated on any street or highway to stop the 2043
motor vehicle for the sole purpose of determining whether each 2044
occupant of the motor vehicle is wearing all of the available 2045
elements of a properly adjusted occupant restraining device as 2046
required by division (A) of this section, or for the sole purpose 2047
of issuing a ticket, citation, or summons if the requirement in 2048
that division has been or is being violated, or for causing the 2049

arrest of or commencing a prosecution of a person for a violation 2050
of that requirement. 2051

(2) Notwithstanding any other provision of law to the 2052
contrary, no law enforcement officer shall cause the operator of a 2053
motor vehicle being operated on any street or highway to stop the 2054
motor vehicle for the sole purpose of determining whether a 2055
violation of division (F)(2) of this section has been or is being 2056
committed or for the sole purpose of issuing a ticket, citation, 2057
or summons for such a violation or for causing the arrest of or 2058
commencing a prosecution of a person for such violation. 2059

(H) As used in this section: 2060

(1) "Eligible adult" means any of the following: 2061

(a) An instructor of a driver training course approved by the 2062
department of public safety; 2063

(b) Any of the following persons who holds a current valid 2064
driver's or commercial driver's license issued by this state: 2065

(i) A parent, guardian, or custodian of the permit holder; 2066

(ii) A person twenty-one years of age or older who acts in 2067
loco parentis of the permit holder. 2068

(2) "Occupant restraining device" has the same meaning as in 2069
section 4513.263 of the Revised Code. 2070

(I) Whoever violates division (F)(1) or (2) of this section 2071
is guilty of a minor misdemeanor. 2072

Sec. 4510.021. (A) Unless expressly prohibited by section 2073
2919.22, section 4510.13, or any other section of the Revised 2074
Code, a court may grant limited driving privileges for any purpose 2075
described in division (A)(1), (2), or (3) of this section during 2076
any suspension imposed by the court. In granting the privileges, 2077
the court shall specify the purposes, times, and places of the 2078

privileges and may impose any other reasonable conditions on the person's driving of a motor vehicle. The privileges shall be for any of the following limited purposes:

(1) Occupational, educational, vocational, or medical purposes;

(2) Taking the driver's or commercial driver's license examination;

(3) Attending court-ordered treatment.

(B) Unless expressly authorized by a section of the Revised Code, a court may not grant limited driving privileges during any suspension imposed by the bureau of motor vehicles. To obtain limited driving privileges during a suspension imposed by the bureau, the person under suspension may file a petition ~~may be filed~~ in a court of record in the county in which the person ~~under suspension~~ resides. A person who is not a resident of this state shall file any petition for privileges either in the Franklin county municipal court, ~~or, if~~ in the municipal or county court located in the county where the offense occurred. If the person who is not a resident of this state is a minor, the person may file the petition either in the Franklin county juvenile court or in the juvenile court with jurisdiction over the offense. If a court grants limited driving privileges as described in this division, the privileges shall be for any of the limited purposes identified in division (A) of this section.

(C) When the use of an immobilizing or disabling device is not otherwise required by law, the court, as a condition of granting limited driving privileges, may require that the person's vehicle be equipped with an immobilizing or disabling device, except as provided in division (C) of section 4510.43 of the Revised Code. When the use of restricted license plates issued under section 4503.231 of the Revised Code is not otherwise

required by law, the court, as a condition of granting limited 2110
driving privileges, may require that the person's vehicle be 2111
equipped with restricted license plates of that nature, except as 2112
provided in division (B) of that section. 2113

(D) When the court grants limited driving privileges under 2114
section 4510.31 of the Revised Code or any other provision of law 2115
during the suspension of the temporary instruction permit or 2116
probationary driver's license of a person who is under eighteen 2117
years of age, the court may include as a purpose of the privilege 2118
the person's practicing of driving with the person's parent, 2119
guardian, or other custodian during the period of the suspension. 2120
If the court grants limited driving privileges for this purpose, 2121
the court, in addition to all other conditions it imposes, shall 2122
impose as a condition that the person exercise the privilege only 2123
when a parent, guardian, or custodian of the person who holds a 2124
current valid driver's or commercial driver's license issued by 2125
this state actually occupies the seat beside the person in the 2126
vehicle the person is operating. 2127

(E) Before granting limited driving privileges under this 2128
section, the court shall require the offender to provide proof of 2129
financial responsibility pursuant to section 4509.45 of the 2130
Revised Code. 2131

Sec. 4510.11. (A) No person whose driver's or commercial 2132
driver's license or permit or nonresident operating privilege has 2133
been suspended under any provision of the Revised Code, other than 2134
Chapter 4509. of the Revised Code, or under any applicable law in 2135
any other jurisdiction in which the person's license or permit was 2136
issued shall operate any motor vehicle upon the public roads and 2137
highways or upon any public or private property used by the public 2138
for purposes of vehicular travel or parking within this state 2139
during the period of suspension unless the person is granted 2140

limited driving privileges and is operating the vehicle in 2141
accordance with the terms of the limited driving privileges. 2142

(B) No person shall operate any motor vehicle upon a highway 2143
or any public or private property used by the public for purposes 2144
of vehicular travel or parking in this state in violation of any 2145
restriction of the person's driver's or commercial driver's 2146
license or permit imposed under division (D) of section 4506.10 or 2147
under section 4507.14 of the Revised Code. 2148

(C)(1) Whoever violates this section is guilty of driving 2149
under suspension or in violation of a license restriction, a 2150
misdemeanor of the first degree. The court ~~shall~~ may impose upon 2151
the offender a class seven suspension of the offender's driver's 2152
license, commercial driver's license, temporary instruction 2153
permit, probationary license, or nonresident operating privilege 2154
from the range specified in division (A)(7) of section 4510.02 of 2155
the Revised Code. 2156

(2) Except as provided in division (C)(3) or (4) of this 2157
section, the court, in addition to any other penalty that it 2158
imposes on the offender and if the vehicle is registered in the 2159
offender's name, shall order the immobilization of the vehicle 2160
involved in the offense for thirty days in accordance with section 2161
4503.233 of the Revised Code and the impoundment of that vehicle's 2162
license plates for thirty days. 2163

(3) If the offender previously has been convicted of or 2164
pleaded guilty to one violation of this section or of a 2165
substantially similar municipal ordinance, the court, in addition 2166
to any other sentence that it imposes on the offender and if the 2167
vehicle is registered in the offender's name, shall order the 2168
immobilization of the vehicle involved in the offense for sixty 2169
days in accordance with section 4503.233 of the Revised Code and 2170
the impoundment of that vehicle's license plates for sixty days. 2171

(4) If the offender previously has been convicted of or 2172
pleaded guilty to two or more violations of this section or of a 2173
substantially similar municipal ordinance, the court, in addition 2174
to any other sentence that it imposes on the offender and if the 2175
vehicle is registered in the offender's name, shall order the 2176
criminal forfeiture of the vehicle involved in the offense to the 2177
state. 2178

(D) Any order for immobilization and impoundment under this 2179
section shall be issued and enforced under section 4503.233 of the 2180
Revised Code. The court shall not release a vehicle from 2181
immobilization ordered under this section unless the court is 2182
presented with current proof of financial responsibility with 2183
respect to that vehicle. 2184

(E) Any order of criminal forfeiture under this section shall 2185
be issued and enforced under section 4503.234 of the Revised Code. 2186
Upon receipt of the copy of the order from the court, neither the 2187
registrar of motor vehicles nor a deputy registrar shall accept 2188
any application for the registration or transfer of registration 2189
of any motor vehicle owned or leased by the person named in the 2190
declaration of forfeiture. The period of registration denial shall 2191
be five years after the date of the order, unless, during that 2192
period, the court having jurisdiction of the offense that led to 2193
the order terminates the forfeiture and notifies the registrar of 2194
the termination. The registrar then shall take necessary measures 2195
to permit the person to register a vehicle owned or leased by the 2196
person or to transfer registration of the vehicle. 2197

Sec. 4510.12. (A)(1) No person, except those expressly 2198
exempted under sections 4507.03, 4507.04, and 4507.05 of the 2199
Revised Code, shall operate any motor vehicle upon a public road 2200
or highway or any public or private property used by the public 2201
for purposes of vehicular travel or parking in this state unless 2202

the person has a valid driver's license issued under Chapter 4507. 2203
of the Revised Code or a commercial driver's license issued under 2204
Chapter 4506. of the Revised Code. 2205

(2) No person, except a person expressly exempted under 2206
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 2207
operate any motorcycle upon a public road or highway or any public 2208
or private property used by the public for purposes of vehicular 2209
travel or parking in this state unless the person has a valid 2210
license as a motorcycle operator that was issued upon application 2211
by the registrar of motor vehicles under Chapter 4507. of the 2212
Revised Code. The license shall be in the form of an endorsement, 2213
as determined by the registrar, upon a driver's or commercial 2214
driver's license, if the person has a valid license to operate a 2215
motor vehicle or commercial motor vehicle, or in the form of a 2216
restricted license as provided in section 4507.14 of the Revised 2217
Code, if the person does not have a valid license to operate a 2218
motor vehicle or commercial motor vehicle. 2219

(B) Whoever violates this section is guilty of operating a 2220
motor vehicle without a valid license and shall be punished as 2221
follows: 2222

(1) If the trier of fact finds that the offender never has 2223
held a valid driver's or commercial driver's license issued by 2224
this state or any other jurisdiction, the offense is a misdemeanor 2225
of the first degree. 2226

(2)(a) Subject to division (B)(2)(b) of this section, if the 2227
offender's driver's or commercial driver's license or permit was 2228
expired at the time of the offense for no more than six months, 2229
~~subject to divisions (B)(3) to (5) of this section,~~ the offense is 2230
a minor misdemeanor. 2231

~~(2) If~~ and if the offender's driver's or commercial driver's 2232
license or permit was expired at the time of the offense for more 2233

than six months, ~~subject to divisions (B)(3) to (5) of this~~ 2234
~~section~~, the offense is a misdemeanor of the fourth degree. 2235

~~(3)(b)(i)~~ If the offender previously was convicted of or 2236
pleaded guilty to one violation of this section or a substantially 2237
equivalent municipal ordinance within the past three years, the 2238
offense is a misdemeanor of the third degree. 2239

~~(4)(ii)~~ If the offender previously was convicted of or 2240
pleaded guilty to two violations of this section or a 2241
substantially equivalent municipal ordinance within the past three 2242
years, the offense is a misdemeanor of the second degree. 2243

~~(5)(iii)~~ If the offender previously was convicted of or 2244
pleaded guilty to three or more violations of this section or a 2245
substantially equivalent municipal ordinance within the past three 2246
years, the offense is a misdemeanor of the first degree. 2247

(C) The court shall not impose a license suspension for a 2248
first violation of this section or if more than three years have 2249
passed since the offender's last violation of this section or a 2250
substantially equivalent municipal ordinance. 2251

(D) If the offender was convicted of or pleaded guilty to one 2252
or more violations of this section or a substantially equivalent 2253
municipal ordinance within the past three years, and if the 2254
offender's license was expired for more than six months at the 2255
time of the offense, the court ~~shall~~ may impose a class seven 2256
suspension of the offender's driver license, commercial driver's 2257
license, temporary instruction permit, probationary license, or 2258
nonresident operating privilege from the range specified in 2259
division (A)(7) of section 4510.02 of the Revised Code. 2260

Sec. 4510.13. (A)(1) Divisions (A)(2) to (7) of this section 2261
apply to a judge or mayor regarding the suspension of, or the 2262
grant of limited driving privileges during, a suspension of, an 2263

offender's driver's or commercial driver's license or permit or 2264
nonresident operating privilege imposed under division (G) or (H) 2265
of section 4511.19 of the Revised Code, under division (B) or (C) 2266
of section 4511.191 of the Revised Code, or under section 4510.07 2267
of the Revised Code for a conviction of a violation of a municipal 2268
OVI ordinance. 2269

(2) No judge or mayor shall suspend the following portions of 2270
the suspension of an offender's driver's or commercial driver's 2271
license or permit or nonresident operating privilege imposed under 2272
division (G) or (H) of section 4511.19 of the Revised Code or 2273
under section 4510.07 of the Revised Code for a conviction of a 2274
violation of a municipal OVI ordinance, provided that division 2275
(A)(2) of this section does not limit a court or mayor in 2276
crediting any period of suspension imposed pursuant to division 2277
(B) or (C) of section 4511.191 of the Revised Code against any 2278
time of judicial suspension imposed pursuant to section 4511.19 or 2279
4510.07 of the Revised Code, as described in divisions (B)(2) and 2280
(C)(2) of section 4511.191 of the Revised Code: 2281

(a) The first six months of a suspension imposed under 2282
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 2283
comparable length suspension imposed under section 4510.07 of the 2284
Revised Code; 2285

(b) The first year of a suspension imposed under division 2286
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 2287
comparable length suspension imposed under section 4510.07 of the 2288
Revised Code; 2289

(c) The first three years of a suspension imposed under 2290
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2291
or of a comparable length suspension imposed under section 4510.07 2292
of the Revised Code; 2293

(d) The first sixty days of a suspension imposed under 2294

division (H) of section 4511.19 of the Revised Code or of a 2295
comparable length suspension imposed under section 4510.07 of the 2296
Revised Code. 2297

(3) No judge or mayor shall grant limited driving privileges 2298
to an offender whose driver's or commercial driver's license or 2299
permit or nonresident operating privilege has been suspended under 2300
division (G) or (H) of section 4511.19 of the Revised Code, under 2301
division (C) of section 4511.191 of the Revised Code, or under 2302
section 4510.07 of the Revised Code for a municipal OVI conviction 2303
if the offender, within the preceding six years, has been 2304
convicted of or pleaded guilty to three or more violations of one 2305
or more of the Revised Code sections, municipal ordinances, 2306
statutes of the United States or another state, or municipal 2307
ordinances of a municipal corporation of another state that are 2308
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 2309
Revised Code. 2310

Additionally, no judge or mayor shall grant limited driving 2311
privileges to an offender whose driver's or commercial driver's 2312
license or permit or nonresident operating privilege has been 2313
suspended under division (B) of section 4511.191 of the Revised 2314
Code if the offender, within the preceding six years, has refused 2315
three previous requests to consent to a chemical test of the 2316
person's whole blood, blood serum or plasma, breath, or urine to 2317
determine its alcohol content. 2318

(4) No judge or mayor shall grant limited driving privileges 2319
for employment as a driver of commercial motor vehicles to an 2320
offender whose driver's or commercial driver's license or permit 2321
or nonresident operating privilege has been suspended under 2322
division (G) or (H) of section 4511.19 of the Revised Code, under 2323
division (B) or (C) of section 4511.191 of the Revised Code, or 2324
under section 4510.07 of the Revised Code for a municipal OVI 2325
conviction if the offender is disqualified from operating a 2326

commercial motor vehicle, or whose license or permit has been 2327
suspended, under section 3123.58 or 4506.16 of the Revised Code. 2328

(5) No judge or mayor shall grant limited driving privileges 2329
to an offender whose driver's or commercial driver's license or 2330
permit or nonresident operating privilege has been suspended under 2331
division (G) or (H) of section 4511.19 of the Revised Code, under 2332
division (C) of section 4511.191 of the Revised Code, or under 2333
section 4510.07 of the Revised Code for a conviction of a 2334
violation of a municipal OVI ordinance during any of the following 2335
periods of time: 2336

(a) The first fifteen days of a suspension imposed under 2337
division (G)(1)(a) of section 4511.19 of the Revised Code or a 2338
comparable length suspension imposed under section 4510.07 of the 2339
Revised Code, or of a suspension imposed under division (C)(1)(a) 2340
of section 4511.191 of the Revised Code. On or after the sixteenth 2341
day of the suspension, the court may grant limited driving 2342
privileges, but the court may require that the offender shall not 2343
exercise the privileges unless the vehicles the offender operates 2344
are equipped with immobilizing or disabling devices that monitor 2345
the offender's alcohol consumption or any other type of 2346
immobilizing or disabling devices, except as provided in division 2347
(C) of section 4510.43 of the Revised Code. 2348

(b) The first thirty days of a suspension imposed under 2349
division (G)(1)(b) of section 4511.19 of the Revised Code or a 2350
comparable length suspension imposed under section 4510.07 of the 2351
Revised Code, or of a suspension imposed under division (C)(1)(b) 2352
of section 4511.191 of the Revised Code. On or after the 2353
thirty-first day of suspension, the court may grant limited 2354
driving privileges, but the court may require that the offender 2355
shall not exercise the privileges unless the vehicles the offender 2356
operates are equipped with immobilizing or disabling devices that 2357
monitor the offender's alcohol consumption or any other type of 2358

immobilizing or disabling devices, except as provided in division 2359
(C) of section 4510.43 of the Revised Code. 2360

(c) The first sixty days of a suspension imposed under 2361
division (H) of section 4511.19 of the Revised Code or a 2362
comparable length suspension imposed under section 4510.07 of the 2363
Revised Code. 2364

(d) The first one hundred eighty days of a suspension imposed 2365
under division (G)(1)(c) of section 4511.19 of the Revised Code or 2366
a comparable length suspension imposed under section 4510.07 of 2367
the Revised Code, or of a suspension imposed under division 2368
(C)(1)(c) of section 4511.191 of the Revised Code. The judge may 2369
grant limited driving privileges on or after the one hundred 2370
eighty-first day of the suspension only if the judge, at the time 2371
of granting the privileges, also issues an order prohibiting the 2372
offender, while exercising the privileges during the period 2373
commencing with the one hundred eighty-first day of suspension and 2374
ending with the first year of suspension, from operating any motor 2375
vehicle unless it is equipped with an immobilizing or disabling 2376
device that monitors the offender's alcohol consumption. After the 2377
first year of the suspension, the court may authorize the offender 2378
to continue exercising the privileges in vehicles that are not 2379
equipped with immobilizing or disabling devices that monitor the 2380
offender's alcohol consumption, except as provided in division (C) 2381
of section 4510.43 of the Revised Code. If the offender does not 2382
petition for limited driving privileges until after the first year 2383
of suspension, the judge may grant limited driving privileges 2384
without requiring the use of an immobilizing or disabling device 2385
that monitors the offender's alcohol consumption. 2386

(e) The first three years of a suspension imposed under 2387
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2388
or a comparable length suspension imposed under section 4510.07 of 2389
the Revised Code, or of a suspension imposed under division 2390

(C)(1)(d) of section 4511.191 of the Revised Code. The judge may 2391
grant limited driving privileges after the first three years of 2392
suspension only if the judge, at the time of granting the 2393
privileges, also issues an order prohibiting the offender from 2394
operating any motor vehicle, for the period of suspension 2395
following the first three years of suspension, unless the motor 2396
vehicle is equipped with an immobilizing or disabling device that 2397
monitors the offender's alcohol consumption, except as provided in 2398
division (C) of section 4510.43 of the Revised Code. 2399

(6) No judge or mayor shall grant limited driving privileges 2400
to an offender whose driver's or commercial driver's license or 2401
permit or nonresident operating privilege has been suspended under 2402
division (B) of section 4511.191 of the Revised Code during any of 2403
the following periods of time: 2404

(a) The first thirty days of suspension imposed under 2405
division (B)(1)(a) of section 4511.191 of the Revised Code; 2406

(b) The first ninety days of suspension imposed under 2407
division (B)(1)(b) of section 4511.191 of the Revised Code; 2408

(c) The first year of suspension imposed under division 2409
(B)(1)(c) of section 4511.191 of the Revised Code; 2410

(d) The first three years of suspension imposed under 2411
division (B)(1)(d) of section 4511.191 of the Revised Code. 2412

(7) In any case in which a judge or mayor grants limited 2413
driving privileges to an offender whose driver's or commercial 2414
driver's license or permit or nonresident operating privilege has 2415
been suspended under division (G)(1)(b), (c), (d), or (e) of 2416
section 4511.19 of the Revised Code or under section 4510.07 of 2417
the Revised Code for a municipal OVI conviction for which sentence 2418
would have been imposed under division (G)(1)(b), (c), (d), or (e) 2419
of section 4511.19 of the Revised Code had the offender been 2420
charged with a violation of section 4511.19 of the Revised Code 2421

instead of a violation of the municipal OVI ordinance, the judge 2422
or mayor shall impose as a condition of the privileges that the 2423
offender must display on the vehicle that is driven subject to the 2424
privileges restricted license plates that are issued under section 2425
4503.231 of the Revised Code, except as provided in division (B) 2426
of that section. 2427

(B) Any person whose driver's or commercial driver's license 2428
or permit or nonresident operating privilege has been suspended 2429
pursuant to section 4511.19 or 4511.191 of the Revised Code or 2430
under section 4510.07 of the Revised Code for a violation of a 2431
municipal OVI ordinance may file a petition for limited driving 2432
privileges during the suspension. The person shall file the 2433
petition in the court that has jurisdiction over the place of 2434
arrest. Subject to division (A) of this section, the court may 2435
grant the person limited driving privileges during the period 2436
during which the suspension otherwise would be imposed. However, 2437
the court shall not grant the privileges for employment as a 2438
driver of a commercial motor vehicle to any person who is 2439
disqualified from operating a commercial motor vehicle under 2440
section 4506.16 of the Revised Code or during any of the periods 2441
prescribed by division (A) of this section. 2442

(C)(1) After a driver's or commercial driver's license or 2443
permit or nonresident operating privilege has been suspended 2444
pursuant to section 2903.06, 2903.08, 2907.24, 2921.331, 4511.19, 2445
4511.251, 4549.02, 4549.021, or 5743.99 of the Revised Code, any 2446
provision of Chapter 2925. of the Revised Code, or section 4510.07 2447
of the Revised Code for a violation of a municipal OVI ordinance, 2448
the judge of the court or mayor of the mayor's court that 2449
suspended the license, permit, or privilege shall cause the 2450
offender to deliver to the court the license or permit. The judge, 2451
mayor, or clerk of the court or mayor's court shall forward to the 2452
registrar the license or permit together with notice of the action 2453

of the court. 2454

(2) A suspension of a commercial driver's license under any 2455
section or chapter identified in division (C)(1) of this section 2456
shall be concurrent with any period of suspension or 2457
disqualification under section 3123.58 or 4506.16 of the Revised 2458
Code. No person who is disqualified for life from holding a 2459
commercial driver's license under section 4506.16 of the Revised 2460
Code shall be issued a driver's license under this chapter during 2461
the period for which the commercial driver's license was suspended 2462
under this section, and no person whose commercial driver's 2463
license is suspended under any section or chapter identified in 2464
division (C)(1) of this section shall be issued a driver's license 2465
under Chapter 4507. of the Revised Code during the period of the 2466
suspension. 2467

(3) No judge or mayor shall suspend any class one suspension, 2468
or any portion of any class one suspension, required by section 2469
2903.04 or 2903.06 of the Revised Code. No judge or mayor shall 2470
suspend the first thirty days of any class two, class three, class 2471
four, class five, or class six suspension imposed under section 2472
2903.06 or 2903.08 of the Revised Code. 2473

(D) The judge of the court or mayor of the mayor's court 2474
shall credit any time during which an offender was subject to an 2475
administrative suspension of the offender's driver's or commercial 2476
driver's license or permit or nonresident operating privilege 2477
imposed pursuant to section 4511.191 or 4511.192 of the Revised 2478
Code or a suspension imposed by a judge, referee, or mayor 2479
pursuant to division (B)(1) or (2) of section 4511.196 of the 2480
Revised Code against the time to be served under a related 2481
suspension imposed pursuant to any section or chapter identified 2482
in division (C)(1) of this chapter. 2483

(E) The judge or mayor shall notify the bureau of motor 2484
vehicles of any determinations made pursuant to this section and 2485

of any suspension imposed pursuant to any section or chapter 2486
identified in division (C)(1) of this section. 2487

(F)(1) If a court issues an immobilizing or disabling device 2488
order under section 4510.43 of the Revised Code, the order shall 2489
authorize the offender during the specified period to operate a 2490
motor vehicle only if it is equipped with an immobilizing or 2491
disabling device, except as provided in division (C) of that 2492
section. The court shall provide the offender with a copy of an 2493
immobilizing or disabling device order issued under section 2494
4510.43 of the Revised Code, and the offender shall use the copy 2495
of the order in lieu of an Ohio driver's or commercial driver's 2496
license or permit until the registrar or a deputy registrar issues 2497
the offender a restricted license. 2498

An order issued under section 4510.43 of the Revised Code 2499
does not authorize or permit the offender to whom it has been 2500
issued to operate a vehicle during any time that the offender's 2501
driver's or commercial driver's license or permit is suspended 2502
under any other provision of law. 2503

(2) An offender may present an immobilizing or disabling 2504
device order to the registrar or to a deputy registrar. Upon 2505
presentation of the order to the registrar or a deputy registrar, 2506
the registrar or deputy registrar shall issue the offender a 2507
restricted license. A restricted license issued under this 2508
division shall be identical to an Ohio driver's license, except 2509
that it shall have printed on its face a statement that the 2510
offender is prohibited during the period specified in the court 2511
order from operating any motor vehicle that is not equipped with 2512
an immobilizing or disabling device. The date of commencement and 2513
the date of termination of the period of suspension shall be 2514
indicated conspicuously upon the face of the license. 2515

Sec. 4510.15. Whenever a person is found guilty of ~~reckless~~ 2516

~~operation of a motor vehicle~~ under the laws of this state, or 2517
under any ordinance of any political subdivision of this state, of 2518
operating a motor vehicle in violation of any such law or 2519
ordinance relating to reckless operation, the trial court of any 2520
court of record, in addition to or independent of all other 2521
penalties provided by law, may impose a class five suspension of 2522
the offender's driver's or commercial driver's license or permit 2523
or nonresident operating privilege from the range specified in 2524
division (A)(5) of section 4510.02 of the Revised Code. 2525

Suspension of a commercial driver's license under this 2526
section shall be concurrent with any period of suspension 2527
disqualification under section 3123.58 or 4506.16 of the Revised 2528
Code. No person who is disqualified for life from holding a 2529
commercial driver's license under section 4506.16 of the Revised 2530
Code shall be issued a driver's license under Chapter 4507. of the 2531
Revised Code during the period for which the commercial driver's 2532
license was suspended under this section, and no person whose 2533
commercial driver's license is suspended under this section shall 2534
be issued a driver's license under Chapter 4507. of the Revised 2535
Code during the period of the suspension. 2536

Sec. 4510.16. (A) No person, whose driver's or commercial 2537
driver's license or temporary instruction permit or nonresident's 2538
operating privilege has been suspended or canceled pursuant to 2539
Chapter 4509. of the Revised Code, shall operate any motor vehicle 2540
within this state, or knowingly permit any motor vehicle owned by 2541
the person to be operated by another person in the state, during 2542
the period of the suspension or cancellation, except as 2543
specifically authorized by Chapter 4509. of the Revised Code. No 2544
person shall operate a motor vehicle within this state, or 2545
knowingly permit any motor vehicle owned by the person to be 2546
operated by another person in the state, during the period in 2547

which the person is required by section 4509.45 of the Revised 2548
Code to file and maintain proof of financial responsibility for a 2549
violation of section 4509.101 of the Revised Code, unless proof of 2550
financial responsibility is maintained with respect to that 2551
vehicle. 2552

(B)(1) Whoever violates this section is guilty of driving 2553
under financial responsibility law suspension or cancellation, a 2554
misdemeanor of the first degree. The court ~~shall~~ may impose a 2555
class seven suspension of the offender's driver's or commercial 2556
driver's license or permit or nonresident operating privilege for 2557
the period of time specified in division (A)(7) of section 4510.02 2558
of the Revised Code. 2559

(2) If the vehicle is registered in the offender's name, the 2560
court, in addition to or independent of any other sentence that it 2561
imposes upon the offender, shall do one of the following: 2562

(a) Except as otherwise provided in division (B)(2)(b) or (c) 2563
of this section, order the immobilization for thirty days of the 2564
vehicle involved in the offense and the impoundment for thirty 2565
days of the license plates of that vehicle; 2566

(b) If, within five years of the offense, the offender 2567
~~previously~~ has been convicted of or pleaded guilty to one 2568
violation of this section or a substantially similar municipal 2569
ordinance, order the immobilization for sixty days of the vehicle 2570
involved in the offense and impoundment for sixty days of the 2571
license plates of that vehicle; 2572

(c) If, within five years of the offense, the offender 2573
~~previously~~ has been convicted of or pleaded guilty to two or more 2574
violations of this section or a substantially similar municipal 2575
ordinance, order the criminal forfeiture to the state of the 2576
vehicle involved in the offense. If title to a motor vehicle that 2577
is subject to an order for criminal forfeiture under this division 2578

is assigned or transferred and division (B)(2) or (3) of section 2579
4503.234 of the Revised Code applies, in addition to or 2580
independent of any other penalty established by law, the court may 2581
fine the offender the value of the vehicle as determined by 2582
publications of the national auto dealers association. The 2583
proceeds from any fine so imposed shall be distributed in 2584
accordance with division (C)(2) of that section. 2585

(C) Any order for immobilization and impoundment under this 2586
section shall be issued and enforced in accordance with sections 2587
4503.233 and 4507.02 of the Revised Code, as applicable. Any order 2588
of criminal forfeiture shall be issued and enforced in accordance 2589
with section 4503.234 of the Revised Code. The court shall not 2590
release a vehicle from immobilization orders under this section 2591
unless the court is presented with current proof of financial 2592
responsibility with respect to that vehicle. 2593

Sec. 4510.17. (A) The registrar of motor vehicles shall 2594
impose a class D suspension of the person's driver's license, 2595
commercial driver's license, temporary instruction permit, 2596
probationary license, or nonresident operating privilege for the 2597
period of time specified in division (B)(4) of section 4510.02 of 2598
the Revised Code on any person who is a resident of this state and 2599
is convicted of or pleads guilty to a violation of a statute of 2600
any other state or any federal statute that is substantially 2601
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2602
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2603
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 2604
receipt of a report from a court, court clerk, or other official 2605
of any other state or from any federal authority that a resident 2606
of this state was convicted of or pleaded guilty to an offense 2607
described in this division, the registrar shall send a notice by 2608
regular first class mail to the person, at the person's last known 2609
address as shown in the records of the bureau of motor vehicles, 2610

informing the person of the suspension, that the suspension will 2611
take effect twenty-one days from the date of the notice, and that, 2612
if the person wishes to appeal the suspension or denial, the 2613
person must file a notice of appeal within twenty-one days of the 2614
date of the notice requesting a hearing on the matter. If the 2615
person requests a hearing, the registrar shall hold the hearing 2616
not more than forty days after receipt by the registrar of the 2617
notice of appeal. The filing of a notice of appeal does not stay 2618
the operation of the suspension that must be imposed pursuant to 2619
this division. The scope of the hearing shall be limited to 2620
whether the person actually was convicted of or pleaded guilty to 2621
the offense for which the suspension is to be imposed. 2622

The suspension the registrar is required to impose under this 2623
division shall end either on the last day of the class D 2624
suspension period or of the suspension of the person's nonresident 2625
operating privilege imposed by the state or federal court, 2626
whichever is earlier. 2627

The registrar shall subscribe to or otherwise participate in 2628
any information system or register, or enter into reciprocal and 2629
mutual agreements with other states and federal authorities, in 2630
order to facilitate the exchange of information with other states 2631
and the United States government regarding persons who plead 2632
guilty to or are convicted of offenses described in this division 2633
and therefore are subject to the suspension or denial described in 2634
this division. 2635

(B) The registrar shall impose a class D suspension of the 2636
person's driver's license, commercial driver's license, temporary 2637
instruction permit, probationary license, or nonresident operating 2638
privilege for the period of time specified in division (B)(4) of 2639
section 4510.02 of the Revised Code on any person who is a 2640
resident of this state and is convicted of or pleads guilty to a 2641

violation of a statute of any other state or a municipal ordinance 2642
of a municipal corporation located in any other state that is 2643
substantially similar to section 4511.19 of the Revised Code. Upon 2644
receipt of a report from another state made pursuant to section 2645
4510.61 of the Revised Code indicating that a resident of this 2646
state was convicted of or pleaded guilty to an offense described 2647
in this division, the registrar shall send a notice by regular 2648
first class mail to the person, at the person's last known address 2649
as shown in the records of the bureau of motor vehicles, informing 2650
the person of the suspension, that the suspension or denial will 2651
take effect twenty-one days from the date of the notice, and that, 2652
if the person wishes to appeal the suspension, the person must 2653
file a notice of appeal within twenty-one days of the date of the 2654
notice requesting a hearing on the matter. If the person requests 2655
a hearing, the registrar shall hold the hearing not more than 2656
forty days after receipt by the registrar of the notice of appeal. 2657
The filing of a notice of appeal does not stay the operation of 2658
the suspension that must be imposed pursuant to this division. The 2659
scope of the hearing shall be limited to whether the person 2660
actually was convicted of or pleaded guilty to the offense for 2661
which the suspension is to be imposed. 2662

The suspension the registrar is required to impose under this 2663
division shall end either on the last day of the class D 2664
suspension period or of the suspension of the person's nonresident 2665
operating privilege imposed by the state or federal court, 2666
whichever is earlier. 2667

(C) The registrar shall impose a class D suspension of the 2668
child's driver's license, commercial driver's license, temporary 2669
instruction permit, or nonresident operating privilege for the 2670
period of time specified in division (B)(4) of section 4510.02 of 2671
the Revised Code on any child who is a resident of this state and 2672
is convicted of or pleads guilty to a violation of a statute of 2673

any other state or any federal statute that is substantially 2674
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2675
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2676
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 2677
receipt of a report from a court, court clerk, or other official 2678
of any other state or from any federal authority that a child who 2679
is a resident of this state was convicted of or pleaded guilty to 2680
an offense described in this division, the registrar shall send a 2681
notice by regular first class mail to the child, at the child's 2682
last known address as shown in the records of the bureau of motor 2683
vehicles, informing the child of the suspension, that the 2684
suspension or denial will take effect twenty-one days from the 2685
date of the notice, and that, if the child wishes to appeal the 2686
suspension, the child must file a notice of appeal within 2687
twenty-one days of the date of the notice requesting a hearing on 2688
the matter. If the child requests a hearing, the registrar shall 2689
hold the hearing not more than forty days after receipt by the 2690
registrar of the notice of appeal. The filing of a notice of 2691
appeal does not stay the operation of the suspension that must be 2692
imposed pursuant to this division. The scope of the hearing shall 2693
be limited to whether the child actually was convicted of or 2694
pleaded guilty to the offense for which the suspension is to be 2695
imposed. 2696

The suspension the registrar is required to impose under this 2697
division shall end either on the last day of the class D 2698
suspension period or of the suspension of the child's nonresident 2699
operating privilege imposed by the state or federal court, 2700
whichever is earlier. If the child is a resident of this state who 2701
is sixteen years of age or older and does not have a current, 2702
valid Ohio driver's or commercial driver's license or permit, the 2703
notice shall inform the child that the child will be denied 2704
issuance of a driver's or commercial driver's license or permit 2705
for six months beginning on the date of the notice. If the child 2706

has not attained the age of sixteen years on the date of the 2707
notice, the notice shall inform the child that the period of 2708
denial of six months shall commence on the date the child attains 2709
the age of sixteen years. 2710

The registrar shall subscribe to or otherwise participate in 2711
any information system or register, or enter into reciprocal and 2712
mutual agreements with other states and federal authorities, in 2713
order to facilitate the exchange of information with other states 2714
and the United States government regarding children who are 2715
residents of this state and plead guilty to or are convicted of 2716
offenses described in this division and therefore are subject to 2717
the suspension or denial described in this division. 2718

(D) The registrar shall impose a class D suspension of the 2719
child's driver's license, commercial driver's license, temporary 2720
instruction permit, probationary license, or nonresident operating 2721
privilege for the period of time specified in division (B)(4) of 2722
section 4510.02 of the Revised Code on any child who is a resident 2723
of this state and is convicted of or pleads guilty to a violation 2724
of a statute of any other state or a municipal ordinance of a 2725
municipal corporation located in any other state that is 2726
substantially similar to section 4511.19 of the Revised Code. Upon 2727
receipt of a report from another state made pursuant to section 2728
4510.61 of the Revised Code indicating that a child who is a 2729
resident of this state was convicted of or pleaded guilty to an 2730
offense described in this division, the registrar shall send a 2731
notice by regular first class mail to the child, at the child's 2732
last known address as shown in the records of the bureau of motor 2733
vehicles, informing the child of the suspension, that the 2734
suspension will take effect twenty-one days from the date of the 2735
notice, and that, if the child wishes to appeal the suspension, 2736
the child must file a notice of appeal within twenty-one days of 2737
the date of the notice requesting a hearing on the matter. If the 2738

child requests a hearing, the registrar shall hold the hearing not 2739
more than forty days after receipt by the registrar of the notice 2740
of appeal. The filing of a notice of appeal does not stay the 2741
operation of the suspension that must be imposed pursuant to this 2742
division. The scope of the hearing shall be limited to whether the 2743
child actually was convicted of or pleaded guilty to the offense 2744
for which the suspension is to be imposed. 2745

The suspension the registrar is required to impose under this 2746
division shall end either on the last day of the class D 2747
suspension period or of the suspension of the child's nonresident 2748
operating privilege imposed by the state or federal court, 2749
whichever is earlier. If the child is a resident of this state who 2750
is sixteen years of age or older and does not have a current, 2751
valid Ohio driver's or commercial driver's license or permit, the 2752
notice shall inform the child that the child will be denied 2753
issuance of a driver's or commercial driver's license or permit 2754
for six months beginning on the date of the notice. If the child 2755
has not attained the age of sixteen years on the date of the 2756
notice, the notice shall inform the child that the period of 2757
denial of six months shall commence on the date the child attains 2758
the age of sixteen years. 2759

(E) Any person whose license or permit has been suspended 2760
pursuant to ~~division (B) or (D)~~ of this section may file a 2761
petition in the municipal or county court, or in case the person 2762
is under eighteen years of age, the juvenile court, in whose 2763
jurisdiction the person resides, agreeing to pay the cost of the 2764
proceedings and alleging that the suspension would seriously 2765
affect the person's ability to continue the person's employment. 2766
Upon satisfactory proof that there is reasonable cause to believe 2767
that the suspension would seriously affect the person's ability to 2768
continue the person's employment, the judge may grant the person 2769
limited driving privileges during the period during which the 2770

suspension otherwise would be imposed, except that the judge shall
not grant limited driving privileges for employment as a driver of
a commercial motor vehicle to any person who would be disqualified
from operating a commercial motor vehicle under section 4506.16 of
the Revised Code if the violation had occurred in this state, or
during any of the following periods of time:

(1) The first fifteen days of ~~the~~ a suspension under division
(B) or (D) of this section, if the person has not been convicted
within six years of the date of the offense giving rise to the
suspension under this section of a violation of any of the
following:

(a) Section 4511.19 of the Revised Code, of a municipal
ordinance relating to operating a vehicle while under the
influence of alcohol, a drug of abuse, or alcohol and a drug of
abuse;

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

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

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

(e) Division (A)(2), (3), or (4) of section 2903.06, division
(A)(2) of section 2903.08, or as it existed prior to March 23,
2000, section 2903.07 of the Revised Code, or a municipal
ordinance that is substantially similar to any of those divisions
or that former section, in a case in which the jury or judge found
that the person was under the influence of alcohol, a drug of
abuse, or alcohol and a drug of abuse.

(2) The first thirty days of ~~the~~ a suspension under division (B) or (D) of this section, if the person has been convicted one time within six years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E)(1) of this section.

(3) The first one hundred eighty days of ~~the~~ a suspension under division (B) or (D) of this section, if the person has been convicted two times within six years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E)(1) of this section.

(4) No limited driving privileges may be granted if the person has been convicted three or more times within five years of the date of the offense giving rise to ~~the~~ a suspension under division (B) or (D) of this section of any violation identified in division (E)(1) of this section.

If a person petitions for limited driving privileges under division (E) of this section, the registrar shall be represented by the county prosecutor of the county in which the person resides if the petition is filed in a juvenile court or county court, except that if the person resides within a city or village that is located within the jurisdiction of the county in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the registrar. If the petition is filed in a municipal court, the registrar shall be represented as provided in section 1901.34 of the Revised Code.

In granting limited driving privileges under division (E) of this section, the court may impose any condition it considers reasonable and necessary to limit the use of a vehicle by the person. The court shall deliver to the person a permit card, in a form to be prescribed by the court, setting forth the time, place, and other conditions limiting the person's use of a motor vehicle.

The grant of limited driving privileges shall be conditioned upon 2833
the person's having the permit in the person's possession at all 2834
times during which the person is operating a vehicle. 2835

A person granted limited driving privileges who operates a 2836
vehicle for other than limited purposes, in violation of any 2837
condition imposed by the court or without having the permit in the 2838
person's possession, is guilty of a violation of section 4510.11 2839
of the Revised Code. 2840

(F) As used in divisions (C) and (D) of this section: 2841

(1) "Child" means a person who is under the age of eighteen 2842
years, except that any person who violates a statute or ordinance 2843
described in division (C) or (D) of this section prior to 2844
attaining eighteen years of age shall be deemed a "child" 2845
irrespective of the person's age at the time the complaint or 2846
other equivalent document is filed in the other state or a 2847
hearing, trial, or other proceeding is held in the other state on 2848
the complaint or other equivalent document, and irrespective of 2849
the person's age when the period of license suspension or denial 2850
prescribed in division (C) or (D) of this section is imposed. 2851

(2) "Is convicted of or pleads guilty to" means, as it 2852
relates to a child who is a resident of this state, that in a 2853
proceeding conducted in a state or federal court located in 2854
another state for a violation of a statute or ordinance described 2855
in division (C) or (D) of this section, the result of the 2856
proceeding is any of the following: 2857

(a) Under the laws that govern the proceedings of the court, 2858
the child is adjudicated to be or admits to being a delinquent 2859
child or a juvenile traffic offender for a violation described in 2860
division (C) or (D) of this section that would be a crime if 2861
committed by an adult; 2862

(b) Under the laws that govern the proceedings of the court, 2863

the child is convicted of or pleads guilty to a violation 2864
described in division (C) or (D) of this section; 2865

(c) Under the laws that govern the proceedings of the court, 2866
irrespective of the terminology utilized in those laws, the result 2867
of the court's proceedings is the functional equivalent of 2868
division (F)(2)(a) or (b) of this section. 2869

Sec. 4510.54. (A) A person whose driver's or commercial 2870
driver's license has been suspended for life under a class one 2871
suspension or as otherwise provided by law or has been suspended 2872
for a period in excess of fifteen years under a class two 2873
suspension may file a motion with the sentencing court for 2874
modification or termination of the suspension. ~~A motion under this~~ 2875
~~division may be heard only once.~~ The person filing the motion 2876
shall demonstrate all of the following: 2877

(1) ~~At least fifteen years have elapsed since the suspension~~ 2878
~~began.~~ 2879

~~(2)~~ For the past fifteen years, the person has not been found 2880
guilty of any felony, any offense involving a moving violation 2881
under federal law, the law of this state, or the law of any of its 2882
political subdivisions, or any violation of a suspension under 2883
this chapter or a substantially equivalent municipal ordinance. 2884

~~(3)~~(2) The person has proof of financial responsibility, a 2885
policy of liability insurance in effect that meets the minimum 2886
standard set forth in section 4509.51 of the Revised Code, or 2887
proof, to the satisfaction of the registrar of motor vehicles, 2888
that the person is able to respond in damages in an amount at 2889
least equal to the minimum amounts specified in that section. 2890

~~(4)~~(3) If the suspension was imposed because the person was 2891
under the influence of alcohol, a drug of abuse, or combination of 2892
them at the time of the offense or because at the time of the 2893

offense the person's whole blood, blood serum or plasma, breath, 2894
or urine contained at least the concentration of alcohol specified 2895
in division (A)(2), (3), (4), or (5) of section 4511.19 of the 2896
Revised Code, the person also shall demonstrate all of the 2897
following: 2898

(a) The person successfully completed an alcohol, drug, or 2899
alcohol and drug treatment program. 2900

(b) The person has not abused alcohol or other drugs for a 2901
period satisfactory to the court. 2902

(c) For the past fifteen years, the person has not been found 2903
guilty of any alcohol-related or drug-related offense. 2904

(B) Upon receipt of a motion for modification or termination 2905
of the suspension under this section, the court may schedule a 2906
hearing on the motion. The court may deny the motion without a 2907
hearing but shall not grant the motion without a hearing. If the 2908
court denies a motion without a hearing, the court may consider a 2909
subsequent motion filed under this section by that person. If a 2910
court denies the motion after a hearing, the court shall not 2911
consider a subsequent motion for that person. The court shall hear 2912
only one motion filed by a person under this section. If 2913
scheduled, the hearing shall be conducted in open court within 2914
ninety days after the date on which the motion is filed. 2915

(C) The court shall notify the person whose license was 2916
suspended and the prosecuting attorney of the date, time, and 2917
location of the hearing. Upon receipt of the notice from the 2918
court, the prosecuting attorney shall notify the victim or the 2919
victim's representative of the date, time, and location of the 2920
hearing. 2921

(D) At any hearing under this section, the person who seeks 2922
modification or termination of the suspension has the burden to 2923
demonstrate, under oath, that the person meets the requirements of 2924

division (A) of this section. At the hearing, the court shall 2925
afford the offender or the offender's counsel an opportunity to 2926
present oral or written information relevant to the motion. The 2927
court shall afford a similar opportunity to provide relevant 2928
information to the prosecuting attorney and the victim or victim's 2929
representative. 2930

Before ruling on the motion, the court shall take into 2931
account the person's driving record, the nature of the offense 2932
that led to the suspension, and the impact of the offense on any 2933
victim. In addition, if the offender is eligible for modification 2934
or termination of the suspension under division (A)(2) of this 2935
section, the court shall consider whether the person committed any 2936
other offense while under suspension and determine whether the 2937
offense is relevant to a determination under this section. The 2938
court may modify or terminate the suspension subject to any 2939
considerations it considers proper if it finds that allowing the 2940
person to drive is not likely to present a danger to the public. 2941
After the court makes a ruling on a motion filed under this 2942
section, the prosecuting attorney shall notify the victim or the 2943
victim's representative of the court's ruling. 2944

(E) If a court modifies a person's license suspension under 2945
this section and the person subsequently is found guilty of any 2946
moving violation or of any substantially equivalent municipal 2947
ordinance that carries as a possible penalty the suspension of a 2948
person's driver's or commercial driver's license, the court may 2949
reimpose the class one or other lifetime suspension, or the class 2950
two suspension, whichever is applicable. 2951

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 2952
the Revised Code: 2953

(A) "Vehicle" means every device, including a motorized 2954
bicycle, in, upon, or by which any person or property may be 2955

transported or drawn upon a highway, except that "vehicle" does 2956
not include any motorized wheelchair, any electric personal 2957
assistive mobility ~~devices~~ device, any device that is moved by 2958
power collected from overhead electric trolley wires or that is 2959
used exclusively upon stationary rails or tracks, or any device, 2960
other than a bicycle, that is moved by human power. 2961

(B) "Motor vehicle" means every vehicle propelled or drawn by 2962
power other than muscular power or power collected from overhead 2963
electric trolley wires, except motorized bicycles, road rollers, 2964
traction engines, power shovels, power cranes, and other equipment 2965
used in construction work and not designed for or employed in 2966
general highway transportation, hole-digging machinery, 2967
well-drilling machinery, ditch-digging machinery, farm machinery, 2968
trailers used to transport agricultural produce or agricultural 2969
production materials between a local place of storage or supply 2970
and the farm when drawn or towed on a street or highway at a speed 2971
of twenty-five miles per hour or less, threshing machinery, 2972
hay-baling machinery, agricultural tractors and machinery used in 2973
the production of horticultural, floricultural, agricultural, and 2974
vegetable products, and trailers designed and used exclusively to 2975
transport a boat between a place of storage and a marina, or in 2976
and around a marina, when drawn or towed on a street or highway 2977
for a distance of no more than ten miles and at a speed of 2978
twenty-five miles per hour or less. 2979

(C) "Motorcycle" means every motor vehicle, other than a 2980
tractor, having a saddle for the use of the operator and designed 2981
to travel on not more than three wheels in contact with the 2982
ground, including, but not limited to, motor vehicles known as 2983
"motor-driven cycle," "motor scooter," or "motorcycle" without 2984
regard to weight or brake horsepower. 2985

(D) "Emergency vehicle" means emergency vehicles of 2986
municipal, township, or county departments or public utility 2987

corporations when identified as such as required by law, the 2988
director of public safety, or local authorities, and motor 2989
vehicles when commandeered by a police officer. 2990

(E) "Public safety vehicle" means any of the following: 2991

(1) Ambulances, including private ambulance companies under 2992
contract to a municipal corporation, township, or county, and 2993
private ambulances and nontransport vehicles bearing license 2994
plates issued under section 4503.49 of the Revised Code; 2995

(2) Motor vehicles used by public law enforcement officers or 2996
other persons sworn to enforce the criminal and traffic laws of 2997
the state; 2998

(3) Any motor vehicle when properly identified as required by 2999
the director of public safety, when used in response to fire 3000
emergency calls or to provide emergency medical service to ill or 3001
injured persons, and when operated by a duly qualified person who 3002
is a member of a volunteer rescue service or a volunteer fire 3003
department, and who is on duty pursuant to the rules or directives 3004
of that service. The state fire marshal shall be designated by the 3005
director of public safety as the certifying agency for all public 3006
safety vehicles described in division (E)(3) of this section. 3007

(4) Vehicles used by fire departments, including motor 3008
vehicles when used by volunteer fire fighters responding to 3009
emergency calls in the fire department service when identified as 3010
required by the director of public safety. 3011

Any vehicle used to transport or provide emergency medical 3012
service to an ill or injured person, when certified as a public 3013
safety vehicle, shall be considered a public safety vehicle when 3014
transporting an ill or injured person to a hospital regardless of 3015
whether such vehicle has already passed a hospital. 3016

(5) Vehicles used by the commercial motor vehicle safety 3017
enforcement unit for the enforcement of orders and rules of the 3018

public utilities commission as specified in section 5503.34 of the Revised Code.

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

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

(H) "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and

is capable of propelling the vehicle at a speed of no greater than 3051
twenty miles per hour on a level surface. 3052

(I) "Commercial tractor" means every motor vehicle having 3053
motive power designed or used for drawing other vehicles and not 3054
so constructed as to carry any load thereon, or designed or used 3055
for drawing other vehicles while carrying a portion of such other 3056
vehicles, or load thereon, or both. 3057

(J) "Agricultural tractor" means every self-propelling 3058
vehicle designed or used for drawing other vehicles or wheeled 3059
machinery but having no provision for carrying loads independently 3060
of such other vehicles, and used principally for agricultural 3061
purposes. 3062

(K) "Truck" means every motor vehicle, except trailers and 3063
semitrailers, designed and used to carry property. 3064

(L) "Bus" means every motor vehicle designed for carrying 3065
more than nine passengers and used for the transportation of 3066
persons other than in a ridesharing arrangement, and every motor 3067
vehicle, automobile for hire, or funeral car, other than a taxicab 3068
or motor vehicle used in a ridesharing arrangement, designed and 3069
used for the transportation of persons for compensation. 3070

(M) "Trailer" means every vehicle designed or used for 3071
carrying persons or property wholly on its own structure and for 3072
being drawn by a motor vehicle, including any such vehicle when 3073
formed by or operated as a combination of a "semitrailer" and a 3074
vehicle of the dolly type, such as that commonly known as a 3075
"trailer dolly," a vehicle used to transport agricultural produce 3076
or agricultural production materials between a local place of 3077
storage or supply and the farm when drawn or towed on a street or 3078
highway at a speed greater than twenty-five miles per hour, and a 3079
vehicle designed and used exclusively to transport a boat between 3080
a place of storage and a marina, or in and around a marina, when 3081

drawn or towed on a street or highway for a distance of more than 3082
ten miles or at a speed of more than twenty-five miles per hour. 3083

(N) "Semitrailer" means every vehicle designed or used for 3084
carrying persons or property with another and separate motor 3085
vehicle so that in operation a part of its own weight or that of 3086
its load, or both, rests upon and is carried by another vehicle. 3087

(O) "Pole trailer" means every trailer or semitrailer 3088
attached to the towing vehicle by means of a reach, pole, or by 3089
being boomed or otherwise secured to the towing vehicle, and 3090
ordinarily used for transporting long or irregular shaped loads 3091
such as poles, pipes, or structural members capable, generally, of 3092
sustaining themselves as beams between the supporting connections. 3093

(P) "Railroad" means a carrier of persons or property 3094
operating upon rails placed principally on a private right-of-way. 3095

(Q) "Railroad train" means a steam engine or an electric or 3096
other motor, with or without cars coupled thereto, operated by a 3097
railroad. 3098

(R) "Streetcar" means a car, other than a railroad train, for 3099
transporting persons or property, operated upon rails principally 3100
within a street or highway. 3101

(S) "Trackless trolley" means every car that collects its 3102
power from overhead electric trolley wires and that is not 3103
operated upon rails or tracks. 3104

(T) "Explosives" means any chemical compound or mechanical 3105
mixture that is intended for the purpose of producing an explosion 3106
that contains any oxidizing and combustible units or other 3107
ingredients in such proportions, quantities, or packing that an 3108
ignition by fire, by friction, by concussion, by percussion, or by 3109
a detonator of any part of the compound or mixture may cause such 3110
a sudden generation of highly heated gases that the resultant 3111
gaseous pressures are capable of producing destructive effects on 3112

contiguous objects, or of destroying life or limb. Manufactured 3113
articles shall not be held to be explosives when the individual 3114
units contain explosives in such limited quantities, of such 3115
nature, or in such packing, that it is impossible to procure a 3116
simultaneous or a destructive explosion of such units, to the 3117
injury of life, limb, or property by fire, by friction, by 3118
concussion, by percussion, or by a detonator, such as fixed 3119
ammunition for small arms, firecrackers, or safety fuse matches. 3120

(U) "Flammable liquid" means any liquid that has a flash 3121
point of seventy degrees Fahrenheit, or less, as determined by a 3122
tagliabue or equivalent closed cup test device. 3123

(V) "Gross weight" means the weight of a vehicle plus the 3124
weight of any load thereon. 3125

(W) "Person" means every natural person, firm, 3126
co-partnership, association, or corporation. 3127

(X) "Pedestrian" means any natural person afoot. 3128

(Y) "Driver or operator" means every person who drives or is 3129
in actual physical control of a vehicle, trackless trolley, or 3130
streetcar. 3131

(Z) "Police officer" means every officer authorized to direct 3132
or regulate traffic, or to make arrests for violations of traffic 3133
regulations. 3134

(AA) "Local authorities" means every county, municipal, and 3135
other local board or body having authority to adopt police 3136
regulations under the constitution and laws of this state. 3137

(BB) "Street" or "highway" means the entire width between the 3138
boundary lines of every way open to the use of the public as a 3139
thoroughfare for purposes of vehicular travel. 3140

(CC) "Controlled-access highway" means every street or 3141
highway in respect to which owners or occupants of abutting lands 3142

and other persons have no legal right of access to or from the 3143
same except at such points only and in such manner as may be 3144
determined by the public authority having jurisdiction over such 3145
street or highway. 3146

(DD) "Private road or driveway" means every way or place in 3147
private ownership used for vehicular travel by the owner and those 3148
having express or implied permission from the owner but not by 3149
other persons. 3150

(EE) "Roadway" means that portion of a highway improved, 3151
designed, or ordinarily used for vehicular travel, except the berm 3152
or shoulder. If a highway includes two or more separate roadways 3153
the term "roadway" means any such roadway separately but not all 3154
such roadways collectively. 3155

(FF) "Sidewalk" means that portion of a street between the 3156
curb lines, or the lateral lines of a roadway, and the adjacent 3157
property lines, intended for the use of pedestrians. 3158

(GG) "Laned highway" means a highway the roadway of which is 3159
divided into two or more clearly marked lanes for vehicular 3160
traffic. 3161

(HH) "Through highway" means every street or highway as 3162
provided in section 4511.65 of the Revised Code. 3163

(II) "State highway" means a highway under the jurisdiction 3164
of the department of transportation, outside the limits of 3165
municipal corporations, provided that the authority conferred upon 3166
the director of transportation in section 5511.01 of the Revised 3167
Code to erect state highway route markers and signs directing 3168
traffic shall not be modified by sections 4511.01 to 4511.79 and 3169
4511.99 of the Revised Code. 3170

(JJ) "State route" means every highway that is designated 3171
with an official state route number and so marked. 3172

(KK) "Intersection" means:	3173
(1) The area embraced within the prolongation or connection	3174
of the lateral curb lines, or, if none, then the lateral boundary	3175
lines of the roadways of two highways which join one another at,	3176
or approximately at, right angles, or the area within which	3177
vehicles traveling upon different highways joining at any other	3178
angle may come in conflict.	3179
(2) Where a highway includes two roadways thirty feet or more	3180
apart, then every crossing of each roadway of such divided highway	3181
by an intersecting highway shall be regarded as a separate	3182
intersection. If an intersecting highway also includes two	3183
roadways thirty feet or more apart, then every crossing of two	3184
roadways of such highways shall be regarded as a separate	3185
intersection.	3186
(3) The junction of an alley with a street or highway, or	3187
with another alley, shall not constitute an intersection.	3188
(LL) "Crosswalk" means:	3189
(1) That part of a roadway at intersections ordinarily	3190
included within the real or projected prolongation of property	3191
lines and curb lines or, in the absence of curbs, the edges of the	3192
traversable roadway;	3193
(2) Any portion of a roadway at an intersection or elsewhere,	3194
distinctly indicated for pedestrian crossing by lines or other	3195
markings on the surface;	3196
(3) Notwithstanding divisions (LL)(1) and (2) of this	3197
section, there shall not be a crosswalk where local authorities	3198
have placed signs indicating no crossing.	3199
(MM) "Safety zone" means the area or space officially set	3200
apart within a roadway for the exclusive use of pedestrians and	3201
protected or marked or indicated by adequate signs as to be	3202

plainly visible at all times. 3203

(NN) "Business district" means the territory fronting upon a 3204
street or highway, including the street or highway, between 3205
successive intersections within municipal corporations where fifty 3206
per cent or more of the frontage between such successive 3207
intersections is occupied by buildings in use for business, or 3208
within or outside municipal corporations where fifty per cent or 3209
more of the frontage for a distance of three hundred feet or more 3210
is occupied by buildings in use for business, and the character of 3211
such territory is indicated by official traffic control devices. 3212

(OO) "Residence district" means the territory, not comprising 3213
a business district, fronting on a street or highway, including 3214
the street or highway, where, for a distance of three hundred feet 3215
or more, the frontage is improved with residences or residences 3216
and buildings in use for business. 3217

(PP) "Urban district" means the territory contiguous to and 3218
including any street or highway which is built up with structures 3219
devoted to business, industry, or dwelling houses situated at 3220
intervals of less than one hundred feet for a distance of a 3221
quarter of a mile or more, and the character of such territory is 3222
indicated by official traffic control devices. 3223

(QQ) "Traffic control devices" means all flaggers, signs, 3224
signals, markings, and devices placed or erected by authority of a 3225
public body or official having jurisdiction, for the purpose of 3226
regulating, warning, or guiding traffic, including signs denoting 3227
names of streets and highways. 3228

(RR) "Traffic control signal" means any device, whether 3229
manually, electrically, or mechanically operated, by which traffic 3230
is alternately directed to stop, to proceed, to change direction, 3231
or not to change direction. 3232

(SS) "Railroad sign or signal" means any sign, signal, or 3233

device erected by authority of a public body or official or by a 3234
railroad and intended to give notice of the presence of railroad 3235
tracks or the approach of a railroad train. 3236

(TT) "Traffic" means pedestrians, ridden or herded animals, 3237
vehicles, streetcars, trackless trolleys, and other devices, 3238
either singly or together, while using any highway for purposes of 3239
travel. 3240

(UU) "Right-of-way" means either of the following, as the 3241
context requires: 3242

(1) The right of a vehicle, streetcar, trackless trolley, or 3243
pedestrian to proceed uninterruptedly in a lawful manner in the 3244
direction in which it or the individual is moving in preference to 3245
another vehicle, streetcar, trackless trolley, or pedestrian 3246
approaching from a different direction into its or the 3247
individual's path; 3248

(2) A general term denoting land, property, or the interest 3249
therein, usually in the configuration of a strip, acquired for or 3250
devoted to transportation purposes. When used in this context, 3251
right-of-way includes the roadway, shoulders or berm, ditch, and 3252
slopes extending to the right-of-way limits under the control of 3253
the state or local authority. 3254

(VV) "Rural mail delivery vehicle" means every vehicle used 3255
to deliver United States mail on a rural mail delivery route. 3256

(WW) "Funeral escort vehicle" means any motor vehicle, 3257
including a funeral hearse, while used to facilitate the movement 3258
of a funeral procession. 3259

(XX) "Alley" means a street or highway intended to provide 3260
access to the rear or side of lots or buildings in urban districts 3261
and not intended for the purpose of through vehicular traffic, and 3262
includes any street or highway that has been declared an "alley" 3263
by the legislative authority of the municipal corporation in which 3264

such street or highway is located.	3265
(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.	3266 3267 3268
(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.	3269 3270 3271
(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.	3272 3273 3274
(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.	3275 3276
(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.	3277 3278 3279 3280 3281
(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.	3282 3283 3284 3285
(EEE) "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour.	3286 3287 3288
(FFF) "Child day-care center" and "type A family day-care home" have the same meanings as in section 5104.01 of the Revised Code.	3289 3290 3291
(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used	3292 3293 3294

for drawing other vehicles or wheeled machinery, has no provision 3295
for carrying loads independently of the drawn vehicles or 3296
machinery, and is used principally for agricultural purposes. 3297

(HHH) "Operate" means to cause or have caused movement of a 3298
vehicle, streetcar, or trackless trolley ~~on any public or private~~ 3299
~~property used by the public for purposes of vehicular travel or~~ 3300
~~parking.~~ 3301

(III) "Predicate motor vehicle or traffic offense" means any 3302
of the following: 3303

(1) A violation of section 4511.03, 4511.051, 4511.12, 3304
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 3305
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 3306
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 3307
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 3308
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 3309
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 3310
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 3311
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 3312
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 3313
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 3314

(2) A violation of division (A)(2) of section 4511.17, 3315
divisions (A) to (D) of section 4511.51, or division (A) of 3316
section 4511.74 of the Revised Code; 3317

(3) A violation of any provision of sections 4511.01 to 3318
4511.76 of the Revised Code for which no penalty otherwise is 3319
provided in the section that contains the provision violated; 3320

(4) A violation of a municipal ordinance that is 3321
substantially similar to any section or provision set forth or 3322
described in division (III)(1), (2), or (3) of this section. 3323

Sec. 4511.19. (A) No person shall operate any vehicle, 3324

streetcar, or trackless trolley within this state, if, at the time 3325
of the operation, any of the following apply: 3326

(1) The person is under the influence of alcohol, a drug of 3327
abuse, or a combination of them. 3328

(2) The person has a concentration of eight-hundredths of one 3329
per cent or more but less than seventeen-hundredths of one per 3330
cent by weight per unit volume of alcohol in the person's whole 3331
blood. 3332

(3) The person has a concentration of ninety-six-thousandths 3333
of one per cent or more but less than two hundred four-thousandths 3334
of one per cent by weight per unit volume of alcohol in the 3335
person's blood serum or plasma. 3336

(4) The person has a concentration of eight-hundredths of one 3337
gram or more but less than seventeen-hundredths of one gram by 3338
weight of alcohol per two hundred ten liters of the person's 3339
breath. 3340

(5) The person has a concentration of eleven-hundredths of 3341
one gram or more but less than two hundred 3342
thirty-eight-thousandths of one gram by weight of alcohol per one 3343
hundred milliliters of the person's urine. 3344

(6) The person has a concentration of seventeen-hundredths of 3345
one per cent or more by weight per unit volume of alcohol in the 3346
person's whole blood. 3347

(7) The person has a concentration of two hundred 3348
four-thousandths of one per cent or more by weight per unit volume 3349
of alcohol in the person's blood serum or plasma. 3350

(8) The person has a concentration of seventeen-hundredths of 3351
one gram or more by weight of alcohol per two hundred ten liters 3352
of the person's breath. 3353

(9) The person has a concentration of two hundred 3354

thirty-eight-thousandths of one gram or more by weight of alcohol 3355
per one hundred milliliters of the person's urine. 3356

(B) No person under twenty-one years of age shall operate any 3357
vehicle, streetcar, or trackless trolley within this state, if, at 3358
the time of the operation, any of the following apply: 3359

(1) The person has a concentration of at least two-hundredths 3360
of one per cent but less than eight-hundredths of one per cent by 3361
weight per unit volume of alcohol in the person's whole blood. 3362

(2) The person has a concentration of at least 3363
three-hundredths of one per cent but less than 3364
ninety-six-thousandths of one per cent by weight per unit volume 3365
of alcohol in the person's blood serum or plasma. 3366

(3) The person has a concentration of at least two-hundredths 3367
of one gram but less than eight-hundredths of one gram by weight 3368
of alcohol per two hundred ten liters of the person's breath. 3369

(4) The person has a concentration of at least twenty-eight 3370
one-thousandths of one gram but less than eleven-hundredths of one 3371
gram by weight of alcohol per one hundred milliliters of the 3372
person's urine. 3373

(C) In any proceeding arising out of one incident, a person 3374
may be charged with a violation of division (A)(1) and a violation 3375
of division (B)(1), (2), or (3) of this section, but the person 3376
may not be convicted of more than one violation of these 3377
divisions. 3378

(D)(1) In any criminal prosecution or juvenile court 3379
proceeding for a violation of division (A) or (B) of this section 3380
or for an equivalent offense, the court may admit evidence on the 3381
concentration of alcohol, drugs of abuse, or a combination of them 3382
in the defendant's whole blood, blood serum or plasma, breath, 3383
urine, or other bodily substance at the time of the alleged 3384
violation as shown by chemical analysis of the substance withdrawn 3385

within two hours of the time of the alleged violation. 3386

When a person submits to a blood test at the request of a law 3387
enforcement officer under section 4511.191 of the Revised Code, 3388
only a physician, a registered nurse, or a qualified technician, 3389
chemist, or phlebotomist shall withdraw blood for the purpose of 3390
determining the alcohol, drug, or alcohol and drug content of the 3391
whole blood, blood serum, or blood plasma. This limitation does 3392
not apply to the taking of breath or urine specimens. A person 3393
authorized to withdraw blood under this division may refuse to 3394
withdraw blood under this division, if in that person's opinion, 3395
the physical welfare of the person would be endangered by the 3396
withdrawing of blood. 3397

The bodily substance withdrawn shall be analyzed in 3398
accordance with methods approved by the director of health by an 3399
individual possessing a valid permit issued by the director 3400
pursuant to section 3701.143 of the Revised Code. 3401

(2) In a criminal prosecution or juvenile court proceeding 3402
for a violation of division (A) of this section or for an 3403
equivalent offense, if there was at the time the bodily substance 3404
was withdrawn a concentration of less than the applicable 3405
concentration of alcohol specified in divisions (A)(2), (3), (4), 3406
and (5) of this section, that fact may be considered with other 3407
competent evidence in determining the guilt or innocence of the 3408
defendant. This division does not limit or affect a criminal 3409
prosecution or juvenile court proceeding for a violation of 3410
division (B) of this section or for an equivalent offense that is 3411
substantially equivalent to that division. 3412

(3) Upon the request of the person who was tested, the 3413
results of the chemical test shall be made available to the person 3414
or the person's attorney, immediately upon the completion of the 3415
chemical test analysis. 3416

The person tested may have a physician, a registered nurse, 3417
or a qualified technician, chemist, or phlebotomist of the 3418
person's own choosing administer a chemical test or tests, at the 3419
person's expense, in addition to any administered at the request 3420
of a law enforcement officer. The form to be read to the person to 3421
be tested, as required under section 4511.192 of the Revised Code, 3422
shall state that the person may have an independent test performed 3423
at the person's expense. The failure or inability to obtain an 3424
additional chemical test by a person shall not preclude the 3425
admission of evidence relating to the chemical test or tests taken 3426
at the request of a law enforcement officer. 3427

(4)(a) As used in divisions (D)(4)(b) and (c) of this 3428
section, "national highway traffic safety administration" means 3429
the national highway traffic safety administration established as 3430
an administration of the United States department of 3431
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 3432

(b) In any criminal prosecution or juvenile court proceeding 3433
for a violation of division (A) or (B) of this section, of a 3434
municipal ordinance relating to operating a vehicle while under 3435
the influence of alcohol, a drug of abuse, or alcohol and a drug 3436
of abuse, or of a municipal ordinance relating to operating a 3437
vehicle with a prohibited concentration of alcohol in the blood, 3438
breath, or urine, if a law enforcement officer has administered a 3439
field sobriety test to the operator of the vehicle involved in the 3440
violation and if it is shown by clear and convincing evidence that 3441
the officer administered the test in substantial compliance with 3442
the testing standards for any reliable, credible, and generally 3443
accepted field sobriety tests that were in effect at the time the 3444
tests were administered, including, but not limited to, any 3445
testing standards then in effect that were set by the national 3446
highway traffic safety administration, all of the following apply: 3447

(i) The officer may testify concerning the results of the 3448

field sobriety test so administered. 3449

(ii) The prosecution may introduce the results of the field 3450
sobriety test so administered as evidence in any proceedings in 3451
the criminal prosecution or juvenile court proceeding. 3452

(iii) If testimony is presented or evidence is introduced 3453
under division (D)(4)(b)(i) or (ii) of this section and if the 3454
testimony or evidence is admissible under the Rules of Evidence, 3455
the court shall admit the testimony or evidence and the trier of 3456
fact shall give it whatever weight the trier of fact considers to 3457
be appropriate. 3458

(c) Division (D)(4)(b) of this section does not limit or 3459
preclude a court, in its determination of whether the arrest of a 3460
person was supported by probable cause or its determination of any 3461
other matter in a criminal prosecution or juvenile court 3462
proceeding of a type described in that division, from considering 3463
evidence or testimony that is not otherwise disallowed by division 3464
(D)(4)(b) of this section. 3465

(E)(1) Subject to division (E)(3) of this section, in any 3466
criminal prosecution or juvenile court proceeding for a violation 3467
of division (A)(2), (3), (4), (5), (6), (7), (8), or (9) or 3468
(B)(1), (2), (3), or (4) of this section or for an equivalent 3469
offense that is substantially equivalent to any of those 3470
divisions, a laboratory report from any forensic laboratory 3471
certified by the department of health that contains an analysis of 3472
the whole blood, blood serum or plasma, breath, urine, or other 3473
bodily substance tested and that contains all of the information 3474
specified in this division shall be admitted as prima-facie 3475
evidence of the information and statements that the report 3476
contains. The laboratory report shall contain all of the 3477
following: 3478

(a) The signature, under oath, of any person who performed 3479

the analysis; 3480

(b) Any findings as to the identity and quantity of alcohol, 3481
a drug of abuse, or a combination of them that was found; 3482

(c) A copy of a notarized statement by the laboratory 3483
director or a designee of the director that contains the name of 3484
each certified analyst or test performer involved with the report, 3485
the analyst's or test performer's employment relationship with the 3486
laboratory that issued the report, and a notation that performing 3487
an analysis of the type involved is part of the analyst's or test 3488
performer's regular duties; 3489

(d) An outline of the analyst's or test performer's 3490
education, training, and experience in performing the type of 3491
analysis involved and a certification that the laboratory 3492
satisfies appropriate quality control standards in general and, in 3493
this particular analysis, under rules of the department of health. 3494

(2) Notwithstanding any other provision of law regarding the 3495
admission of evidence, a report of the type described in division 3496
(E)(1) of this section is not admissible against the defendant to 3497
whom it pertains in any proceeding, other than a preliminary 3498
hearing or a grand jury proceeding, unless the prosecutor has 3499
served a copy of the report on the defendant's attorney or, if the 3500
defendant has no attorney, on the defendant. 3501

(3) A report of the type described in division (E)(1) of this 3502
section shall not be prima-facie evidence of the contents, 3503
identity, or amount of any substance if, within seven days after 3504
the defendant to whom the report pertains or the defendant's 3505
attorney receives a copy of the report, the defendant or the 3506
defendant's attorney demands the testimony of the person who 3507
signed the report. The judge in the case may extend the seven-day 3508
time limit in the interest of justice. 3509

(F) Except as otherwise provided in this division, any 3510

physician, registered nurse, or qualified technician, chemist, or 3511
phlebotomist who withdraws blood from a person pursuant to this 3512
section, and any hospital, first-aid station, or clinic at which 3513
blood is withdrawn from a person pursuant to this section, is 3514
immune from criminal liability and civil liability based upon a 3515
claim of assault and battery or any other claim that is not a 3516
claim of malpractice, for any act performed in withdrawing blood 3517
from the person. The immunity provided in this division is not 3518
available to a person who withdraws blood if the person engages in 3519
willful or wanton misconduct. 3520

(G)(1) Whoever violates any provision of divisions (A)(1) to 3521
(9) of this section is guilty of operating a vehicle under the 3522
influence of alcohol, a drug of abuse, or a combination of them. 3523
The court shall sentence the offender under Chapter 2929. of the 3524
Revised Code, except as otherwise authorized or required by 3525
divisions (G)(1)(a) to (e) of this section: 3526

(a) Except as otherwise provided in division (G)(1)(b), (c), 3527
(d), or (e) of this section, the offender is guilty of a 3528
misdemeanor of the first degree, and the court shall sentence the 3529
offender to all of the following: 3530

(i) If the sentence is being imposed for a violation of 3531
division (A)(1), (2), (3), (4), or (5) of this section, a 3532
mandatory jail term of three consecutive days. As used in this 3533
division, three consecutive days means seventy-two consecutive 3534
hours. The court may sentence an offender to both an intervention 3535
program and a jail term. The court may impose a jail term in 3536
addition to the three-day mandatory jail term or intervention 3537
program. However, in no case shall the cumulative jail term 3538
imposed for the offense exceed six months. 3539

The court may suspend the execution of the three-day jail 3540
term under this division if the court, in lieu of that suspended 3541
term, places the offender under a community control sanction 3542

pursuant to section 2929.25 of the Revised Code and requires the 3543
offender to attend, for three consecutive days, a drivers' 3544
intervention program certified under section 3793.10 of the 3545
Revised Code. The court also may suspend the execution of any part 3546
of the three-day jail term under this division if it places the 3547
offender under a community control sanction pursuant to section 3548
2929.25 of the Revised Code for part of the three days, requires 3549
the offender to attend for the suspended part of the term a 3550
drivers' intervention program so certified, and sentences the 3551
offender to a jail term equal to the remainder of the three 3552
consecutive days that the offender does not spend attending the 3553
program. The court may require the offender, as a condition of 3554
community control and in addition to the required attendance at a 3555
drivers' intervention program, to attend and satisfactorily 3556
complete any treatment or education programs that comply with the 3557
minimum standards adopted pursuant to Chapter 3793. of the Revised 3558
Code by the director of alcohol and drug addiction services that 3559
the operators of the drivers' intervention program determine that 3560
the offender should attend and to report periodically to the court 3561
on the offender's progress in the programs. The court also may 3562
impose on the offender any other conditions of community control 3563
that it considers necessary. 3564

(ii) If the sentence is being imposed for a violation of 3565
division (A)(6), (7), (8), or (9) of this section, except as 3566
otherwise provided in this division, a mandatory jail term of at 3567
least three consecutive days and a requirement that the offender 3568
attend, for three consecutive days, a drivers' intervention 3569
program that is certified pursuant to section 3793.10 of the 3570
Revised Code. As used in this division, three consecutive days 3571
means seventy-two consecutive hours. If the court determines that 3572
the offender is not conducive to treatment in a drivers' 3573
intervention program, if the offender refuses to attend a drivers' 3574
intervention program, or if the jail at which the offender is to 3575

serve the jail term imposed can provide a driver's intervention 3576
program, the court shall sentence the offender to a mandatory jail 3577
term of at least six consecutive days. 3578

The court may require the offender, under a community control 3579
sanction imposed under section 2929.25 of the Revised Code, to 3580
attend and satisfactorily complete any treatment or education 3581
programs that comply with the minimum standards adopted pursuant 3582
to Chapter 3793. of the Revised Code by the director of alcohol 3583
and drug addiction services, in addition to the required 3584
attendance at drivers' intervention program, that the operators of 3585
the drivers' intervention program determine that the offender 3586
should attend and to report periodically to the court on the 3587
offender's progress in the programs. The court also may impose any 3588
other conditions of community control on the offender that it 3589
considers necessary. 3590

(iii) In all cases, a fine of not less than two hundred fifty 3591
and not more than one thousand dollars; 3592

(iv) In all cases, a class five license suspension of the 3593
offender's driver's or commercial driver's license or permit or 3594
nonresident operating privilege from the range specified in 3595
division (A)(5) of section 4510.02 of the Revised Code. The court 3596
may grant limited driving privileges relative to the suspension 3597
under sections 4510.021 and 4510.13 of the Revised Code. 3598

(b) Except as otherwise provided in division (G)(1)(e) of 3599
this section, an offender who, within six years of the offense, 3600
previously has been convicted of or pleaded guilty to one 3601
violation of division (A) or (B) of this section or one other 3602
equivalent offense is guilty of a misdemeanor of the first degree. 3603
The court shall sentence the offender to all of the following: 3604

(i) If the sentence is being imposed for a violation of 3605
division (A)(1), (2), (3), (4), or (5) of this section, a 3606

mandatory jail term of ten consecutive days. The court shall 3607
impose the ten-day mandatory jail term under this division unless, 3608
subject to division (G)(3) of this section, it instead imposes a 3609
sentence under that division consisting of both a jail term and a 3610
term of house arrest with electronic monitoring. The court may 3611
impose a jail term in addition to the ten-day mandatory jail term. 3612
The cumulative jail term imposed for the offense shall not exceed 3613
six months. 3614

In addition to the jail term or the term of house arrest with 3615
electronic monitoring and jail term, the court may require the 3616
offender to attend a drivers' intervention program that is 3617
certified pursuant to section 3793.10 of the Revised Code. If the 3618
operator of the program determines that the offender is alcohol 3619
dependent, the program shall notify the court, and, subject to 3620
division (I) of this section, the court shall order the offender 3621
to obtain treatment through an alcohol and drug addiction program 3622
authorized by section 3793.02 of the Revised Code. 3623

(ii) If the sentence is being imposed for a violation of 3624
division (A)(6), (7), (8), or (9) of this section, except as 3625
otherwise provided in this division, a mandatory jail term of 3626
twenty consecutive days. The court shall impose the twenty-day 3627
mandatory jail term under this division unless, subject to 3628
division (G)(3) of this section, it instead imposes a sentence 3629
under that division consisting of both a jail term and a term of 3630
house arrest with electronic monitoring. The court may impose a 3631
jail term in addition to the twenty-day mandatory jail term. The 3632
cumulative jail term imposed for the offense shall not exceed six 3633
months. 3634

In addition to the jail term or the term of house arrest with 3635
electronic monitoring and jail term, the court may require the 3636
offender to attend a driver's intervention program that is 3637
certified pursuant to section 3793.10 of the Revised Code. If the 3638

operator of the program determines that the offender is alcohol 3639
dependent, the program shall notify the court, and, subject to 3640
division (I) of this section, the court shall order the offender 3641
to obtain treatment through an alcohol and drug addiction program 3642
authorized by section 3793.02 of the Revised Code. 3643

(iii) In all cases, notwithstanding the fines set forth in 3644
Chapter 2929. of the Revised Code, a fine of not less than three 3645
hundred fifty and not more than one thousand five hundred dollars; 3646

(iv) In all cases, a class four license suspension of the 3647
offender's driver's license, commercial driver's license, 3648
temporary instruction permit, probationary license, or nonresident 3649
operating privilege from the range specified in division (A)(4) of 3650
section 4510.02 of the Revised Code. The court may grant limited 3651
driving privileges relative to the suspension under sections 3652
4510.021 and 4510.13 of the Revised Code. 3653

(v) In all cases, if the vehicle is registered in the 3654
offender's name, immobilization of the vehicle involved in the 3655
offense for ninety days in accordance with section 4503.233 of the 3656
Revised Code and impoundment of the license plates of that vehicle 3657
for ninety days. 3658

(c) Except as otherwise provided in division (G)(1)(e) of 3659
this section, an offender who, within six years of the offense, 3660
previously has been convicted of or pleaded guilty to two 3661
violations of division (A) or (B) of this section or other 3662
equivalent offenses is guilty of a misdemeanor. The court shall 3663
sentence the offender to all of the following: 3664

(i) If the sentence is being imposed for a violation of 3665
division (A)(1), (2), (3), (4), or (5) of this section, a 3666
mandatory jail term of thirty consecutive days. The court shall 3667
impose the thirty-day mandatory jail term under this division 3668
unless, subject to division (G)(3) of this section, it instead 3669

imposes a sentence under that division consisting of both a jail 3670
term and a term of house arrest with electronic monitoring. The 3671
court may impose a jail term in addition to the thirty-day 3672
mandatory jail term. Notwithstanding the jail terms set forth in 3673
sections 2929.21 to 2929.28 of the Revised Code, the additional 3674
jail term shall not exceed one year, and the cumulative jail term 3675
imposed for the offense shall not exceed one year. 3676

(ii) If the sentence is being imposed for a violation of 3677
division (A)(6), (7), (8), or (9) of this section, a mandatory 3678
jail term of sixty consecutive days. The court shall impose the 3679
sixty-day mandatory jail term under this division unless, subject 3680
to division (G)(3) of this section, it instead imposes a sentence 3681
under that division consisting of both a jail term and a term of 3682
house arrest with electronic monitoring. The court may impose a 3683
jail term in addition to the sixty-day mandatory jail term. 3684
Notwithstanding the jail terms set forth in sections 2929.21 to 3685
2929.28 of the Revised Code, the additional jail term shall not 3686
exceed one year, and the cumulative jail term imposed for the 3687
offense shall not exceed one year. 3688

(iii) In all cases, notwithstanding the fines set forth in 3689
Chapter 2929. of the Revised Code, a fine of not less than five 3690
hundred fifty and not more than two thousand five hundred dollars; 3691

(iv) In all cases, a class three license suspension of the 3692
offender's driver's license, commercial driver's license, 3693
temporary instruction permit, probationary license, or nonresident 3694
operating privilege from the range specified in division (A)(3) of 3695
section 4510.02 of the Revised Code. The court may grant limited 3696
driving privileges relative to the suspension under sections 3697
4510.021 and 4510.13 of the Revised Code. 3698

(v) In all cases, if the vehicle is registered in the 3699
offender's name, criminal forfeiture of the vehicle involved in 3700
the offense in accordance with section 4503.234 of the Revised 3701

Code. Division (G)(6) of this section applies regarding any 3702
vehicle that is subject to an order of criminal forfeiture under 3703
this division. 3704

(vi) In all cases, participation in an alcohol and drug 3705
addiction program authorized by section 3793.02 of the Revised 3706
Code, subject to division (I) of this section. 3707

(d) Except as otherwise provided in division (G)(1)(e) of 3708
this section, an offender who, within six years of the offense, 3709
previously has been convicted of or pleaded guilty to three or 3710
more violations of division (A) or (B) of this section or other 3711
equivalent offenses is guilty of a felony of the fourth degree. 3712
The court shall sentence the offender to all of the following: 3713

(i) If the sentence is being imposed for a violation of 3714
division (A)(1), (2), (3), (4), or (5) of this section, in the 3715
discretion of the court, either a mandatory term of local 3716
incarceration of sixty consecutive days in accordance with 3717
division (G)(1) of section 2929.13 of the Revised Code or a 3718
mandatory prison term of sixty consecutive days in accordance with 3719
division (G)(2) of that section. If the court imposes a mandatory 3720
term of local incarceration, it may impose a jail term in addition 3721
to the sixty-day mandatory term, the cumulative total of the 3722
mandatory term and the jail term for the offense shall not exceed 3723
one year, and, except as provided in division (A)(1) of section 3724
2929.13 of the Revised Code, no prison term is authorized for the 3725
offense. If the court imposes a mandatory prison term, 3726
notwithstanding division (A)(4) of section 2929.14 of the Revised 3727
Code, it also may sentence the offender to a definite prison term 3728
that shall be not less than six months and not more than thirty 3729
months, and the prison terms shall be imposed as described in 3730
division (G)(2) of section 2929.13 of the Revised Code, ~~and no~~ 3731
~~term of local incarceration,~~ If the court imposes a mandatory 3732
prison term or mandatory prison term and additional prison term, 3733

in addition to the term or terms so imposed, the court also may 3734
sentence the offender to a community residential sanction, or 3735
nonresidential control sanction is authorized for the offense, but 3736
the offender shall serve all of the prison terms so imposed prior 3737
to serving the community control sanction. 3738

(ii) If the sentence is being imposed for a violation of 3739
division (A)(6), (7), (8), or (9) of this section, in the 3740
discretion of the court, either a mandatory term of local 3741
incarceration of one hundred twenty consecutive days in accordance 3742
with division (G)(1) of section 2929.13 of the Revised Code or a 3743
mandatory prison term of one hundred twenty consecutive days in 3744
accordance with division (G)(2) of that section. If the court 3745
imposes a mandatory term of local incarceration, it may impose a 3746
jail term in addition to the one hundred twenty-day mandatory 3747
term, the cumulative total of the mandatory term and the jail term 3748
for the offense shall not exceed one year, and, except as provided 3749
in division (A)(1) of section 2929.13 of the Revised Code, no 3750
prison term is authorized for the offense. If the court imposes a 3751
mandatory prison term, notwithstanding division (A)(4) of section 3752
2929.14 of the Revised Code, it also may sentence the offender to 3753
a definite prison term that shall be not less than six months and 3754
not more than thirty months, and the prison terms shall be imposed 3755
as described in division (G)(2) of section 2929.13 of the Revised 3756
Code, and no term of local incarceration, . If the court imposes a 3757
mandatory prison term or mandatory prison term and additional 3758
prison term, in addition to the term or terms so imposed, the 3759
court also may sentence the offender to a community residential 3760
sanction, or nonresidential control sanction is authorized for the 3761
offense, but the offender shall serve all of the prison terms so 3762
imposed prior to serving the community control sanction. 3763

(iii) In all cases, notwithstanding section 2929.18 of the 3764
Revised Code, a fine of not less than eight hundred nor more than 3765

ten thousand dollars; 3766

(iv) In all cases, a class two license suspension of the 3767
offender's driver's license, commercial driver's license, 3768
temporary instruction permit, probationary license, or nonresident 3769
operating privilege from the range specified in division (A)(2) of 3770
section 4510.02 of the Revised Code. The court may grant limited 3771
driving privileges relative to the suspension under sections 3772
4510.021 and 4510.13 of the Revised Code. 3773

(v) In all cases, if the vehicle is registered in the 3774
offender's name, criminal forfeiture of the vehicle involved in 3775
the offense in accordance with section 4503.234 of the Revised 3776
Code. Division (G)(6) of this section applies regarding any 3777
vehicle that is subject to an order of criminal forfeiture under 3778
this division. 3779

(vi) In all cases, participation in an alcohol and drug 3780
addiction program authorized by section 3793.02 of the Revised 3781
Code, subject to division (I) of this section. 3782

(vii) In all cases, if the court sentences the offender to a 3783
mandatory term of local incarceration, in addition to the 3784
mandatory term, the court, pursuant to section 2929.17 of the 3785
Revised Code, may impose a term of house arrest with electronic 3786
monitoring. The term shall not commence until after the offender 3787
has served the mandatory term of local incarceration. 3788

(e) An offender who previously has been convicted of or 3789
pleaded guilty to a violation of division (A) of this section that 3790
was a felony, regardless of when the violation and the conviction 3791
or guilty plea occurred, is guilty of a felony of the third 3792
degree. The court shall sentence the offender to all of the 3793
following: 3794

(i) If the offender is being sentenced for a violation of 3795
division (A)(1), (2), (3), (4), or (5) of this section, a 3796

mandatory prison term of sixty consecutive days in accordance with 3797
division (G)(2) of section 2929.13 of the Revised Code. The court 3798
may impose a prison term in addition to the sixty-day mandatory 3799
prison term. The cumulative total of the mandatory prison term and 3800
the additional prison term for the offense shall not exceed five 3801
years. ~~No term of local incarceration,~~ In addition to the 3802
mandatory prison term or mandatory prison term and additional 3803
prison term the court imposes, the court also may sentence the 3804
offender to a community residential sanction, or nonresidential 3805
control sanction is authorized for the offense, but the offender 3806
shall serve all of the prison terms so imposed prior to serving 3807
the community control sanction. 3808

(ii) If the sentence is being imposed for a violation of 3809
division (A)(6), (7), (8), or (9) of this section, a mandatory 3810
prison term of one hundred twenty consecutive days in accordance 3811
with division (G)(2) of section 2929.13 of the Revised Code. The 3812
court may impose a prison term in addition to the one hundred 3813
twenty-day mandatory prison term. The cumulative total of the 3814
mandatory prison term and the additional prison term for the 3815
offense shall not exceed five years. ~~No term of local~~ 3816
~~incarceration,~~ In addition to the mandatory prison term or 3817
mandatory prison term and additional prison term the court 3818
imposes, the court also may sentence the offender to a community 3819
residential sanction, or nonresidential control sanction is 3820
authorized for the offense, but the offender shall serve all of 3821
the prison terms so imposed prior to serving the community control 3822
sanction. 3823

(iii) In all cases, notwithstanding section 2929.18 of the 3824
Revised Code, a fine of not less than eight hundred nor more than 3825
ten thousand dollars; 3826

(iv) In all cases, a class two license suspension of the 3827
offender's driver's license, commercial driver's license, 3828

temporary instruction permit, probationary license, or nonresident 3829
operating privilege from the range specified in division (A)(2) of 3830
section 4510.02 of the Revised Code. The court may grant limited 3831
driving privileges relative to the suspension under sections 3832
4510.021 and 4510.13 of the Revised Code. 3833

(v) In all cases, if the vehicle is registered in the 3834
offender's name, criminal forfeiture of the vehicle involved in 3835
the offense in accordance with section 4503.234 of the Revised 3836
Code. Division (G)(6) of this section applies regarding any 3837
vehicle that is subject to an order of criminal forfeiture under 3838
this division. 3839

(vi) In all cases, participation in an alcohol and drug 3840
addiction program authorized by section 3793.02 of the Revised 3841
Code, subject to division (I) of this section. 3842

(2) An offender who is convicted of or pleads guilty to a 3843
violation of division (A) of this section and who subsequently 3844
seeks reinstatement of the driver's or occupational driver's 3845
license or permit or nonresident operating privilege suspended 3846
under this section as a result of the conviction or guilty plea 3847
shall pay a reinstatement fee as provided in division (F)(2) of 3848
section 4511.191 of the Revised Code. 3849

(3) If an offender is sentenced to a jail term under division 3850
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 3851
if, within sixty days of sentencing of the offender, the court 3852
issues a written finding on the record that, due to the 3853
unavailability of space at the jail where the offender is required 3854
to serve the term, the offender will not be able to begin serving 3855
that term within the sixty-day period following the date of 3856
sentencing, the court may impose an alternative sentence under 3857
this division that includes a term of house arrest with electronic 3858
monitoring. 3859

As an alternative to a mandatory jail term of ten consecutive 3860
days required by division (G)(1)(b)(i) of this section, the court, 3861
under this division, may sentence the offender to five consecutive 3862
days in jail and not less than eighteen consecutive days of house 3863
arrest with electronic monitoring. The cumulative total of the 3864
five consecutive days in jail and the period of house arrest with 3865
electronic monitoring shall not exceed six months. The five 3866
consecutive days in jail do not have to be served prior to or 3867
consecutively to the period of house arrest. 3868

As an alternative to the mandatory jail term of twenty 3869
consecutive days required by division (G)(1)(b)(ii) of this 3870
section, the court, under this division, may sentence the offender 3871
to ten consecutive days in jail and not less than thirty-six 3872
consecutive days of house arrest with electronic monitoring. The 3873
cumulative total of the ten consecutive days in jail and the 3874
period of house arrest with electronic monitoring shall not exceed 3875
six months. The ten consecutive days in jail do not have to be 3876
served prior to or consecutively to the period of house arrest. 3877

As an alternative to a mandatory jail term of thirty 3878
consecutive days required by division (G)(1)(c)(i) of this 3879
section, the court, under this division, may sentence the offender 3880
to fifteen consecutive days in jail and not less than fifty-five 3881
consecutive days of house arrest with electronic monitoring. The 3882
cumulative total of the fifteen consecutive days in jail and the 3883
period of house arrest with electronic monitoring shall not exceed 3884
one year. The fifteen consecutive days in jail do not have to be 3885
served prior to or consecutively to the period of house arrest. 3886

As an alternative to the mandatory jail term of sixty 3887
consecutive days required by division (G)(1)(c)(ii) of this 3888
section, the court, under this division, may sentence the offender 3889
to thirty consecutive days in jail and not less than one hundred 3890
ten consecutive days of house arrest with electronic monitoring. 3891

The cumulative total of the thirty consecutive days in jail and 3892
the period of house arrest with electronic monitoring shall not 3893
exceed one year. The thirty consecutive days in jail do not have 3894
to be served prior to or consecutively to the period of house 3895
arrest. 3896

(4) If an offender's driver's or occupational driver's 3897
license or permit or nonresident operating privilege is suspended 3898
under division (G) of this section and if section 4510.13 of the 3899
Revised Code permits the court to grant limited driving 3900
privileges, the court may grant the limited driving privileges 3901
only if the court imposes as one of the conditions of the 3902
privileges that the offender must display on the vehicle that is 3903
driven subject to the privileges restricted license plates that 3904
are issued under section 4503.231 of the Revised Code, except as 3905
provided in division (B) of that section. 3906

(5) Fines imposed under this section for a violation of 3907
division (A) of this section shall be distributed as follows: 3908

(a) Twenty-five dollars of the fine imposed under division 3909
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 3910
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 3911
fine imposed under division (G)(1)(c)(iii), and two hundred ten 3912
dollars of the fine imposed under division (G)(1)(d)(iii) or 3913
(e)(iii) of this section shall be paid to an enforcement and 3914
education fund established by the legislative authority of the law 3915
enforcement agency in this state that primarily was responsible 3916
for the arrest of the offender, as determined by the court that 3917
imposes the fine. The agency shall use this share to pay only 3918
those costs it incurs in enforcing this section or a municipal OVI 3919
ordinance and in informing the public of the laws governing the 3920
operation of a vehicle while under the influence of alcohol, the 3921
dangers of the operation of a vehicle under the influence of 3922
alcohol, and other information relating to the operation of a 3923

vehicle under the influence of alcohol and the consumption of 3924
alcoholic beverages. 3925

(b) Fifty dollars of the fine imposed under division 3926
(G)(1)(a)(iii) of this section shall be paid to the political 3927
subdivision that pays the cost of housing the offender during the 3928
offender's term of incarceration. If the offender is being 3929
sentenced for a violation of division (A)(1), (2), (3), (4), or 3930
(5) of this section and was confined as a result of the offense 3931
prior to being sentenced for the offense but is not sentenced to a 3932
term of incarceration, the fifty dollars shall be paid to the 3933
political subdivision that paid the cost of housing the offender 3934
during that period of confinement. The political subdivision shall 3935
use the share under this division to pay or reimburse 3936
incarceration or treatment costs it incurs in housing or providing 3937
drug and alcohol treatment to persons who violate this section or 3938
a municipal OVI ordinance, costs of any immobilizing or disabling 3939
device used on the offender's vehicle, and costs of electronic 3940
house arrest equipment needed for persons who violate this 3941
section. 3942

(c) Twenty-five dollars of the fine imposed under division 3943
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 3944
division (G)(1)(b)(iii) of this section shall be deposited into 3945
the county or municipal indigent drivers' alcohol treatment fund 3946
under the control of that court, as created by the county or 3947
municipal corporation under division (N) of section 4511.191 of 3948
the Revised Code. 3949

(d) One hundred fifteen dollars of the fine imposed under 3950
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 3951
fine imposed under division (G)(1)(c)(iii), and four hundred forty 3952
dollars of the fine imposed under division (G)(1)(d)(iii) or 3953
(e)(iii) of this section shall be paid to the political 3954
subdivision that pays the cost of housing the offender during the 3955

offender's term of incarceration. The political subdivision shall 3956
use this share to pay or reimburse incarceration or treatment 3957
costs it incurs in housing or providing drug and alcohol treatment 3958
to persons who violate this section or a municipal OVI ordinance, 3959
costs for any immobilizing or disabling device used on the 3960
offender's vehicle, and costs of electronic house arrest equipment 3961
needed for persons who violate this section. 3962

(e) The balance of the fine imposed under division 3963
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 3964
section shall be disbursed as otherwise provided by law. 3965

(6) If title to a motor vehicle that is subject to an order 3966
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 3967
this section is assigned or transferred and division (B)(2) or (3) 3968
of section 4503.234 of the Revised Code applies, in addition to or 3969
independent of any other penalty established by law, the court may 3970
fine the offender the value of the vehicle as determined by 3971
publications of the national auto dealers association. The 3972
proceeds of any fine so imposed shall be distributed in accordance 3973
with division (C)(2) of that section. 3974

(7) As used in division (G) of this section, "electronic 3975
monitoring," "mandatory prison term," and "mandatory term of local 3976
incarceration" have the same meanings as in section 2929.01 of the 3977
Revised Code. 3978

(H) Whoever violates division (B) of this section is guilty 3979
of operating a vehicle after underage alcohol consumption and 3980
shall be punished as follows: 3981

(1) Except as otherwise provided in division (H)(2) of this 3982
section, the offender is guilty of a misdemeanor of the fourth 3983
degree. In addition to any other sanction imposed for the offense, 3984
the court shall impose a class six suspension of the offender's 3985
driver's license, commercial driver's license, temporary 3986

instruction permit, probationary license, or nonresident operating 3987
privilege from the range specified in division (A)(6) of section 3988
4510.02 of the Revised Code. 3989

(2) If, within one year of the offense, the offender 3990
previously has been convicted of or pleaded guilty to one or more 3991
violations of division (A) or (B) of this section or other 3992
equivalent offense ~~offenses~~, the offender is guilty of a 3993
misdemeanor of the third degree. In addition to any other sanction 3994
imposed for the offense, the court shall impose a class four 3995
suspension of the offender's driver's license, commercial driver's 3996
license, temporary instruction permit, probationary license, or 3997
nonresident operating privilege from the range specified in 3998
division (A)(4) of section 4510.02 of the Revised Code. 3999

(I)(1) No court shall sentence an offender to an alcohol 4000
treatment program under this section unless the treatment program 4001
complies with the minimum standards for alcohol treatment programs 4002
adopted under Chapter 3793. of the Revised Code by the director of 4003
alcohol and drug addiction services. 4004

(2) An offender who stays in a drivers' intervention program 4005
or in an alcohol treatment program under an order issued under 4006
this section shall pay the cost of the stay in the program. 4007
However, if the court determines that an offender who stays in an 4008
alcohol treatment program under an order issued under this section 4009
is unable to pay the cost of the stay in the program, the court 4010
may order that the cost be paid from the court's indigent drivers' 4011
alcohol treatment fund. 4012

(J) If a person whose driver's or commercial driver's license 4013
or permit or nonresident operating privilege is suspended under 4014
this section files an appeal regarding any aspect of the person's 4015
trial or sentence, the appeal itself does not stay the operation 4016
of the suspension. 4017

(K) All terms defined in ~~sections~~ section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section.

(L)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (L)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section.

(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section.

Sec. 4511.191. (A)(1) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug, or alcohol and drug content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this

section shall be administered at the request of a law enforcement 4048
officer having reasonable grounds to believe the person was 4049
operating or in physical control of a vehicle, streetcar, or 4050
trackless trolley in violation of a division, section, or 4051
ordinance identified in division (A)(2) of this section. The law 4052
enforcement agency by which the officer is employed shall 4053
designate which of the tests shall be administered. 4054

(4) Any person who is dead or unconscious, or who otherwise 4055
is in a condition rendering the person incapable of refusal, shall 4056
be deemed to have consented as provided in division (A)(2) of this 4057
section, and the test or tests may be administered, subject to 4058
sections 313.12 to 313.16 of the Revised Code. 4059

(B)(1) Upon receipt of the sworn report of a law enforcement 4060
officer who arrested a person for a violation of division (A) or 4061
(B) of section 4511.19 of the Revised Code, section 4511.194 of 4062
the Revised Code or a substantially equivalent municipal 4063
ordinance, or a municipal OVI ordinance that was completed and 4064
sent to the registrar and a court pursuant to section 4511.192 of 4065
the Revised Code in regard to a person who refused to take the 4066
designated chemical test, the registrar shall enter into the 4067
registrar's records the fact that the person's driver's or 4068
commercial driver's license or permit or nonresident operating 4069
privilege was suspended by the arresting officer under this 4070
division and that section and the period of the suspension, as 4071
determined under this section. The suspension shall be subject to 4072
appeal as provided in section 4511.197 of the Revised Code. The 4073
suspension shall be for whichever of the following periods 4074
applies: 4075

(a) Except when division (B)(1)(b), (c), or (d) of this 4076
section applies and specifies a different class or length of 4077
suspension, the suspension shall be a class C suspension for the 4078
period of time specified in division (B)(3) of section 4510.02 of 4079

the Revised Code. 4080

(b) If the arrested person, within six years of the date on 4081
which the person refused the request to consent to the chemical 4082
test, had refused one previous request to consent to a chemical 4083
test, the suspension shall be a class B suspension imposed for the 4084
period of time specified in division (B)(2) of section 4510.02 of 4085
the Revised Code. 4086

(c) If the arrested person, within six years of the date on 4087
which the person refused the request to consent to the chemical 4088
test, had refused two previous requests to consent to a chemical 4089
test, the suspension shall be a class A suspension imposed for the 4090
period of time specified in division (B)(1) of section 4510.02 of 4091
the Revised Code. 4092

(d) If the arrested person, within six years of the date on 4093
which the person refused the request to consent to the chemical 4094
test, had refused three or more previous requests to consent to a 4095
chemical test, the suspension shall be for five years. 4096

(2) The registrar shall terminate a suspension of the 4097
driver's or commercial driver's license or permit of a resident or 4098
of the operating privilege of a nonresident, or a denial of a 4099
driver's or commercial driver's license or permit, imposed 4100
pursuant to division (B)(1) of this section upon receipt of notice 4101
that the person has entered a plea of guilty to, or that the 4102
person has been convicted ~~of~~ after entering a plea of no contest 4103
under Criminal Rule 11 to, operating a vehicle in violation of 4104
section 4511.19 of the Revised Code or in violation of a municipal 4105
OVI ordinance, if the offense for which the conviction is had or 4106
the plea is entered arose from the same incident that led to the 4107
suspension or denial. 4108

The registrar shall credit against any judicial suspension of 4109
a person's driver's or commercial driver's license or permit or 4110

nonresident operating privilege imposed pursuant to section 4111
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4112
Revised Code for a violation of a municipal OVI ordinance, any 4113
time during which the person serves a related suspension imposed 4114
pursuant to division (B)(1) of this section. 4115

(C)(1) Upon receipt of the sworn report of the law 4116
enforcement officer who arrested a person for a violation of 4117
division (A) or (B) of section 4511.19 of the Revised Code or a 4118
municipal OVI ordinance that was completed and sent to the 4119
registrar and a court pursuant to section 4511.192 of the Revised 4120
Code in regard to a person whose test results indicate that the 4121
person's whole blood, blood serum or plasma, breath, or urine 4122
contained at least the concentration of alcohol specified in 4123
division (A)(2), (3), (4), or (5) of section 4511.19 of the 4124
Revised Code, the registrar shall enter into the registrar's 4125
records the fact that the person's driver's or commercial driver's 4126
license or permit or nonresident operating privilege was suspended 4127
by the arresting officer under this division and section 4511.192 4128
of the Revised Code and the period of the suspension, as 4129
determined under divisions (F)(1) to (4) of this section. The 4130
suspension shall be subject to appeal as provided in section 4131
4511.197 of the Revised Code. The suspension described in this 4132
division does not apply to, and shall not be imposed upon, a 4133
person arrested for a violation of section 4511.194 of the Revised 4134
Code or a substantially equivalent municipal ordinance who submits 4135
to a designated chemical test. The suspension shall be for 4136
whichever of the following periods applies: 4137

(a) Except when division (C)(1)(b), (c), or (d) of this 4138
section applies and specifies a different period, the suspension 4139
shall be a class E suspension imposed for the period of time 4140
specified in division (B)(5) of section 4510.02 of the Revised 4141
Code. 4142

(b) The suspension shall be a class C suspension for the 4143
period of time specified in division (B)(3) of section 4510.02 of 4144
the Revised Code if the person has been convicted of or pleaded 4145
guilty to, within six years of the date the test was conducted, 4146
one violation of division (A) or (B) of section 4511.19 of the 4147
Revised Code or one other equivalent offense. 4148

(c) If, within six years of the date the test was conducted, 4149
the person has been convicted of or pleaded guilty to two 4150
violations of a statute or ordinance described in division 4151
(C)(1)(b) of this section, the suspension shall be a class B 4152
suspension imposed for the period of time specified in division 4153
(B)(2) of section 4510.02 of the Revised Code. 4154

(d) If, within six years of the date the test was conducted, 4155
the person has been convicted of or pleaded guilty to more than 4156
two violations of a statute or ordinance described in division 4157
(C)(1)(b) of this section, the suspension shall be a class A 4158
suspension imposed for the period of time specified in division 4159
(B)(1) of section 4510.02 of the Revised Code. 4160

(2) The registrar shall terminate a suspension of the 4161
driver's or commercial driver's license or permit of a resident or 4162
of the operating privilege of a nonresident, or a denial of a 4163
driver's or commercial driver's license or permit, imposed 4164
pursuant to division (C)(1) of this section upon receipt of notice 4165
that the person has entered a plea of guilty to, or that the 4166
person has been convicted ~~of~~ after entering a plea of no contest 4167
under Criminal Rule 11 to, operating a vehicle in violation of 4168
section 4511.19 of the Revised Code or in violation of a municipal 4169
OVI ordinance, if the offense for which the conviction is had or 4170
the plea is entered arose from the same incident that led to the 4171
suspension or denial. 4172

The registrar shall credit against any judicial suspension of 4173

a person's driver's or commercial driver's license or permit or 4174
nonresident operating privilege imposed pursuant to section 4175
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4176
Revised Code for a violation of a municipal OVI ordinance, any 4177
time during which the person serves a related suspension imposed 4178
pursuant to division (C)(1) of this section. 4179

(D)(1) A suspension of a person's driver's or commercial 4180
driver's license or permit or nonresident operating privilege 4181
under this section for the time described in division (B) or (C) 4182
of this section is effective immediately from the time at which 4183
the arresting officer serves the notice of suspension upon the 4184
arrested person. Any subsequent finding that the person is not 4185
guilty of the charge that resulted in the person being requested 4186
to take the chemical test or tests under division (A) of this 4187
section does not affect the suspension. 4188

(2) If a person is arrested for operating a vehicle, 4189
streetcar, or trackless trolley in violation of division (A) or 4190
(B) of section 4511.19 of the Revised Code or a municipal OVI 4191
ordinance, or for being in physical control of a vehicle, 4192
streetcar, or trackless trolley in violation of section 4511.194 4193
of the Revised Code or a substantially equivalent municipal 4194
ordinance, regardless of whether the person's driver's or 4195
commercial driver's license or permit or nonresident operating 4196
privilege is or is not suspended under division (B) or (C) of this 4197
section or Chapter 4510. of the Revised Code, the person's initial 4198
appearance on the charge resulting from the arrest shall be held 4199
within five days of the person's arrest or the issuance of the 4200
citation to the person, subject to any continuance granted by the 4201
court pursuant to section 4511.197 of the Revised Code regarding 4202
the issues specified in that division. 4203

(E) When it finally has been determined under the procedures 4204
of this section and sections 4511.192 through 4511.197 of the 4205

Revised Code that a nonresident's privilege to operate a vehicle 4206
within this state has been suspended, the registrar shall give 4207
information in writing of the action taken to the motor vehicle 4208
administrator of the state of the person's residence and of any 4209
state in which the person has a license. 4210

(F) At the end of a suspension period under this section, 4211
under section 4511.194, section 4511.196, or division (G) of 4212
section 4511.19 of the Revised Code, or under section 4510.07 of 4213
the Revised Code for a violation of a municipal OVI ordinance and 4214
upon the request of the person whose driver's or commercial 4215
driver's license or permit was suspended and who is not otherwise 4216
subject to suspension, cancellation, or disqualification, the 4217
registrar shall return the driver's or commercial driver's license 4218
or permit to the person upon the occurrence of all of the 4219
conditions specified in divisions (F)(1) and (2) of this section: 4220

(1) A showing that the person has proof of financial 4221
responsibility, a policy of liability insurance in effect that 4222
meets the minimum standards set forth in section 4509.51 of the 4223
Revised Code, or proof, to the satisfaction of the registrar, that 4224
the person is able to respond in damages in an amount at least 4225
equal to the minimum amounts specified in section 4509.51 of the 4226
Revised Code. 4227

(2) Subject to the limitation contained in division (F)(3) of 4228
this section, payment by the person to the bureau of motor 4229
vehicles of a license reinstatement fee of four hundred 4230
twenty-five dollars, which fee shall be deposited in the state 4231
treasury and credited as follows: 4232

(a) One hundred twelve dollars and fifty cents shall be 4233
credited to the statewide treatment and prevention fund created by 4234
section 4301.30 of the Revised Code. The fund shall be used to pay 4235
the costs of driver treatment and intervention programs operated 4236
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 4237

director of alcohol and drug addiction services shall determine 4238
the share of the fund that is to be allocated to alcohol and drug 4239
addiction programs authorized by section 3793.02 of the Revised 4240
Code, and the share of the fund that is to be allocated to 4241
drivers' intervention programs authorized by section 3793.10 of 4242
the Revised Code. 4243

(b) Seventy-five dollars shall be credited to the reparations 4244
fund created by section 2743.191 of the Revised Code. 4245

(c) Thirty-seven dollars and fifty cents shall be credited to 4246
the indigent drivers alcohol treatment fund, which is hereby 4247
established. Except as otherwise provided in division (F)(2)(c) of 4248
this section, moneys in the fund shall be distributed by the 4249
department of alcohol and drug addiction services to the county 4250
indigent drivers alcohol treatment funds, the county juvenile 4251
indigent drivers alcohol treatment funds, and the municipal 4252
indigent drivers alcohol treatment funds that are required to be 4253
established by counties and municipal corporations pursuant to 4254
this section, and shall be used only to pay the cost of an alcohol 4255
and drug addiction treatment program attended by an offender or 4256
juvenile traffic offender who is ordered to attend an alcohol and 4257
drug addiction treatment program by a county, juvenile, or 4258
municipal court judge and who is determined by the county, 4259
juvenile, or municipal court judge not to have the means to pay 4260
for the person's attendance at the program or to pay the costs 4261
specified in division (H)(4) of this section in accordance with 4262
that division. Moneys in the fund that are not distributed to a 4263
county indigent drivers alcohol treatment fund, a county juvenile 4264
indigent drivers alcohol treatment fund, or a municipal indigent 4265
drivers alcohol treatment fund under division (H) of this section 4266
because the director of alcohol and drug addiction services does 4267
not have the information necessary to identify the county or 4268
municipal corporation where the offender or juvenile offender was 4269

arrested may be transferred by the director of budget and 4270
management to the statewide treatment and prevention fund created 4271
by section 4301.30 of the Revised Code, upon certification of the 4272
amount by the director of alcohol and drug addiction services. 4273

(d) Seventy-five dollars shall be credited to the Ohio 4274
rehabilitation services commission established by section 3304.12 4275
of the Revised Code, to the services for rehabilitation fund, 4276
which is hereby established. The fund shall be used to match 4277
available federal matching funds where appropriate, and for any 4278
other purpose or program of the commission to rehabilitate people 4279
with disabilities to help them become employed and independent. 4280

(e) Seventy-five dollars shall be deposited into the state 4281
treasury and credited to the drug abuse resistance education 4282
programs fund, which is hereby established, to be used by the 4283
attorney general for the purposes specified in division (L)(4) of 4284
this section. 4285

(f) Thirty dollars shall be credited to the state bureau of 4286
motor vehicles fund created by section 4501.25 of the Revised 4287
Code. 4288

(g) Twenty dollars shall be credited to the trauma and 4289
emergency medical services grants fund created by section 4513.263 4290
of the Revised Code. 4291

(3) If a person's driver's or commercial driver's license or 4292
permit is suspended under this section, under section 4511.196 or 4293
division (G) of section 4511.19 of the Revised Code, under section 4294
4510.07 of the Revised Code for a violation of a municipal OVI 4295
ordinance or under any combination of the suspensions described in 4296
division (F)(3) of this section, and if the suspensions arise from 4297
a single incident or a single set of facts and circumstances, the 4298
person is liable for payment of, and shall be required to pay to 4299
the bureau, only one reinstatement fee of four hundred twenty-five 4300

dollars. The reinstatement fee shall be distributed by the bureau 4301
in accordance with division (F)(2) of this section. 4302

(4) The attorney general shall use amounts in the drug abuse 4303
resistance education programs fund to award grants to law 4304
enforcement agencies to establish and implement drug abuse 4305
resistance education programs in public schools. Grants awarded to 4306
a law enforcement agency under this section shall be used by the 4307
agency to pay for not more than fifty per cent of the amount of 4308
the salaries of law enforcement officers who conduct drug abuse 4309
resistance education programs in public schools. The attorney 4310
general shall not use more than six per cent of the amounts the 4311
attorney general's office receives under division (F)(2)(e) of 4312
this section to pay the costs it incurs in administering the grant 4313
program established by division (F)(2)(e) of this section and in 4314
providing training and materials relating to drug abuse resistance 4315
education programs. 4316

The attorney general shall report to the governor and the 4317
general assembly each fiscal year on the progress made in 4318
establishing and implementing drug abuse resistance education 4319
programs. These reports shall include an evaluation of the 4320
effectiveness of these programs. 4321

(G) Suspension of a commercial driver's license under 4322
division (B) or (C) of this section shall be concurrent with any 4323
period of disqualification under section 3123.611 or 4506.16 of 4324
the Revised Code or any period of suspension under section 3123.58 4325
of the Revised Code. No person who is disqualified for life from 4326
holding a commercial driver's license under section 4506.16 of the 4327
Revised Code shall be issued a driver's license under Chapter 4328
4507. of the Revised Code during the period for which the 4329
commercial driver's license was suspended under division (B) or 4330
(C) of this section. No person whose commercial driver's license 4331
is suspended under division (B) or (C) of this section shall be 4332

issued a driver's license under Chapter 4507. of the Revised Code 4333
during the period of the suspension. 4334

(H)(1) Each county shall establish an indigent drivers 4335
alcohol treatment fund, each county shall establish a juvenile 4336
indigent drivers alcohol treatment fund, and each municipal 4337
corporation in which there is a municipal court shall establish an 4338
indigent drivers alcohol treatment fund. All revenue that the 4339
general assembly appropriates to the indigent drivers alcohol 4340
treatment fund for transfer to a county indigent drivers alcohol 4341
treatment fund, a county juvenile indigent drivers alcohol 4342
treatment fund, or a municipal indigent drivers alcohol treatment 4343
fund, all portions of fees that are paid under division (L) of 4344
this section and that are credited under that division to the 4345
indigent drivers alcohol treatment fund in the state treasury for 4346
a county indigent drivers alcohol treatment fund, a county 4347
juvenile indigent drivers alcohol treatment fund, or a municipal 4348
indigent drivers alcohol treatment fund, and all portions of fines 4349
that are specified for deposit into a county or municipal indigent 4350
drivers alcohol treatment fund by section 4511.193 of the Revised 4351
Code shall be deposited into that county indigent drivers alcohol 4352
treatment fund, county juvenile indigent drivers alcohol treatment 4353
fund, or municipal indigent drivers alcohol treatment fund in 4354
accordance with division (H)(2) of this section. Additionally, all 4355
portions of fines that are paid for a violation of section 4511.19 4356
of the Revised Code or of any prohibition contained in Chapter 4357
4510. of the Revised Code, and that are required under section 4358
4511.19 or any provision of Chapter 4510. of the Revised Code to 4359
be deposited into a county indigent drivers alcohol treatment fund 4360
or municipal indigent drivers alcohol treatment fund shall be 4361
deposited into the appropriate fund in accordance with the 4362
applicable division. 4363

(2) That portion of the license reinstatement fee that is 4364

paid under division (F) of this section and that is credited under 4365
that division to the indigent drivers alcohol treatment fund shall 4366
be deposited into a county indigent drivers alcohol treatment 4367
fund, a county juvenile indigent drivers alcohol treatment fund, 4368
or a municipal indigent drivers alcohol treatment fund as follows: 4369

(a) If the suspension in question was imposed under this 4370
section, that portion of the fee shall be deposited as follows: 4371

(i) If the fee is paid by a person who was charged in a 4372
county court with the violation that resulted in the suspension, 4373
the portion shall be deposited into the county indigent drivers 4374
alcohol treatment fund under the control of that court; 4375

(ii) If the fee is paid by a person who was charged in a 4376
juvenile court with the violation that resulted in the suspension, 4377
the portion shall be deposited into the county juvenile indigent 4378
drivers alcohol treatment fund established in the county served by 4379
the court; 4380

(iii) If the fee is paid by a person who was charged in a 4381
municipal court with the violation that resulted in the 4382
suspension, the portion shall be deposited into the municipal 4383
indigent drivers alcohol treatment fund under the control of that 4384
court. 4385

(b) If the suspension in question was imposed under section 4386
4511.19 of the Revised Code or under section 4510.07 of the 4387
Revised Code for a violation of a municipal OVI ordinance, that 4388
portion of the fee shall be deposited as follows: 4389

(i) If the fee is paid by a person whose license or permit 4390
was suspended by a county court, the portion shall be deposited 4391
into the county indigent drivers alcohol treatment fund under the 4392
control of that court; 4393

(ii) If the fee is paid by a person whose license or permit 4394
was suspended by a municipal court, the portion shall be deposited 4395

into the municipal indigent drivers alcohol treatment fund under 4396
the control of that court. 4397

(3) Expenditures from a county indigent drivers alcohol 4398
treatment fund, a county juvenile indigent drivers alcohol 4399
treatment fund, or a municipal indigent drivers alcohol treatment 4400
fund shall be made only upon the order of a county, juvenile, or 4401
municipal court judge and only for payment of the cost of the 4402
attendance at an alcohol and drug addiction treatment program of a 4403
person who is convicted of, or found to be a juvenile traffic 4404
offender by reason of, a violation of division (A) of section 4405
4511.19 of the Revised Code or a substantially similar municipal 4406
ordinance, who is ordered by the court to attend the alcohol and 4407
drug addiction treatment program, and who is determined by the 4408
court to be unable to pay the cost of attendance at the treatment 4409
program or for payment of the costs specified in division (H)(4) 4410
of this section in accordance with that division. The alcohol and 4411
drug addiction services board or the board of alcohol, drug 4412
addiction, and mental health services established pursuant to 4413
section 340.02 or 340.021 of the Revised Code and serving the 4414
alcohol, drug addiction, and mental health service district in 4415
which the court is located shall administer the indigent drivers 4416
alcohol treatment program of the court. When a court orders an 4417
offender or juvenile traffic offender to attend an alcohol and 4418
drug addiction treatment program, the board shall determine which 4419
program is suitable to meet the needs of the offender or juvenile 4420
traffic offender, and when a suitable program is located and space 4421
is available at the program, the offender or juvenile traffic 4422
offender shall attend the program designated by the board. A 4423
reasonable amount not to exceed five per cent of the amounts 4424
credited to and deposited into the county indigent drivers alcohol 4425
treatment fund, the county juvenile indigent drivers alcohol 4426
treatment fund, or the municipal indigent drivers alcohol 4427
treatment fund serving every court whose program is administered 4428

by that board shall be paid to the board to cover the costs it 4429
incurs in administering those indigent drivers alcohol treatment 4430
programs. 4431

(4) If a county, juvenile, or municipal court determines, in 4432
consultation with the alcohol and drug addiction services board or 4433
the board of alcohol, drug addiction, and mental health services 4434
established pursuant to section 340.02 or 340.021 of the Revised 4435
Code and serving the alcohol, drug addiction, and mental health 4436
district in which the court is located, that the funds in the 4437
county indigent drivers alcohol treatment fund, the county 4438
juvenile indigent drivers alcohol treatment fund, or the municipal 4439
indigent drivers alcohol treatment fund under the control of the 4440
court are more than sufficient to satisfy the purpose for which 4441
the fund was established, as specified in divisions (H)(1) to (3) 4442
of this section, the court may declare a surplus in the fund. If 4443
the court declares a surplus in the fund, the court may expend the 4444
amount of the surplus in the fund for alcohol and drug abuse 4445
assessment and treatment of persons who are charged in the court 4446
with committing a criminal offense or with being a delinquent 4447
child or juvenile traffic offender and in relation to whom both of 4448
the following apply: 4449

(a) The court determines that substance abuse was a 4450
contributing factor leading to the criminal or delinquent activity 4451
or the juvenile traffic offense with which the person is charged. 4452

(b) The court determines that the person is unable to pay the 4453
cost of the alcohol and drug abuse assessment and treatment for 4454
which the surplus money will be used. 4455

Sec. 4511.192. (A) The arresting law enforcement officer 4456
shall give advice in accordance with this section to any person 4457
under arrest for a violation of division (A) or (B) of section 4458
4511.19 of the Revised Code, section 4511.194 of the Revised Code 4459

or a substantially equivalent municipal ordinance, or a municipal
OVI ordinance. The officer shall give that advice in a written
form that contains the information described in division (B) of
this section and shall read the advice to the person. The form
shall contain a statement that the form was shown to the person
under arrest and read to the person by the arresting officer. One
or more persons shall witness the arresting officer's reading of
the form, and the witnesses shall certify to this fact by signing
the form.

(B) If a person is under arrest as described in division (A)
of this section, before the person may be requested to submit to a
chemical test or tests to determine the alcohol and drug content
of the person's blood, breath, or urine, the arresting officer
shall read the following form to the person:

"You now are under arrest for (specifically state the offense
under state law or a substantially equivalent municipal ordinance
for which the person was arrested - operating a vehicle under the
influence of alcohol, a drug, or a combination of them; operating
a vehicle after underage alcohol consumption; or having physical
control of a vehicle while under the influence).

If you refuse to take any chemical test required by law, your
Ohio driving privileges will be suspended immediately, and you
will have to pay a fee to have the privileges reinstated.

(Read this part unless the person is under arrest for solely
having physical control of a vehicle while under the influence.)
If you take any chemical test required by law and are found to be
at or over the prohibited amount of alcohol in your blood, breath,
or urine as set by law, your Ohio driving privileges will be
suspended immediately, and you will have to pay a fee to have the
privileges reinstated.

If you take a chemical test, you may have an independent

chemical test taken at your own expense." 4491

(C) If the arresting law enforcement officer does not ask a 4492
person under arrest as described in division (A) of this section 4493
to submit to a chemical test or tests under section 4511.191 of 4494
the Revised Code, the arresting officer shall seize the Ohio or 4495
out-of-state driver's or commercial driver's license or permit of 4496
the person and immediately forward it to the court in which the 4497
arrested person is to appear on the charge. If the arrested person 4498
is not in possession of the person's license or permit or it is 4499
not in the person's vehicle, the officer shall order the person to 4500
surrender it to the law enforcement agency that employs the 4501
officer within twenty-four hours after the arrest, and, upon the 4502
surrender, the agency immediately shall forward the license or 4503
permit to the court in which the person is to appear on the 4504
charge. Upon receipt of the license or permit, the court shall 4505
retain it pending the arrested person's initial appearance and any 4506
action taken under section 4511.196 of the Revised Code. 4507

(D)(1) If a law enforcement officer asks a person under 4508
arrest as described in division (A) of this section to submit to a 4509
chemical test or tests under section 4511.191 of the Revised Code, 4510
if the officer advises the person in accordance with this section 4511
of the consequences of the person's refusal or submission, and if 4512
either the person refuses to submit to the test or tests or, 4513
unless the arrest was for a violation of section 4511.194 of the 4514
Revised Code or a substantially equivalent municipal ordinance, 4515
the person submits to the test or tests and the test results 4516
indicate a prohibited concentration of alcohol in the person's 4517
whole blood, blood serum or plasma, breath, or urine at the time 4518
of the alleged offense, the arresting officer shall do all of the 4519
following: 4520

(a) On behalf of the registrar of motor vehicles, notify the 4521
person that, independent of any penalties or sanctions imposed 4522

upon the person, the person's Ohio driver's or commercial driver's 4523
license or permit or nonresident operating privilege is suspended 4524
immediately, that the suspension will last at least until the 4525
person's initial appearance on the charge, which will be held 4526
within five days after the date of the person's arrest or the 4527
issuance of a citation to the person, and that the person may 4528
appeal the suspension at the initial appearance or during the 4529
period of time ending thirty days after that initial appearance; 4530

(b) Seize the driver's or commercial driver's license or 4531
permit of the person and immediately forward it to the registrar. 4532
If the arrested person is not in possession of the person's 4533
license or permit or it is not in the person's vehicle, the 4534
officer shall order the person to surrender it to the law 4535
enforcement agency that employs the officer within twenty-four 4536
hours after the person is given notice of the suspension, and, 4537
upon the surrender, the officer's employing agency immediately 4538
shall forward the license or permit to the registrar. 4539

(c) Verify the person's current residence and, if it differs 4540
from that on the person's driver's or commercial driver's license 4541
or permit, notify the registrar of the change; 4542

(d) Send to the registrar, within forty-eight hours after the 4543
arrest of the person, a sworn report that includes all of the 4544
following statements: 4545

(i) That the officer had reasonable grounds to believe that, 4546
at the time of the arrest, the arrested person was operating a 4547
vehicle, streetcar, or trackless trolley in violation of division 4548
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4549
OVI ordinance or for being in physical control of a stationary 4550
vehicle, streetcar, or trackless trolley in violation of section 4551
4511.194 of the Revised Code or a substantially equivalent 4552
municipal ordinance; 4553

(ii) That the person was arrested and charged with a 4554
violation of division (A) or (B) of section 4511.19 of the Revised 4555
Code, section 4511.194 of the Revised Code or a substantially 4556
equivalent municipal ordinance, or a municipal OVI ordinance; 4557

(iii) That the officer asked the person to take the 4558
designated chemical test or tests, advised the person in 4559
accordance with this section of the consequences of submitting to, 4560
or refusing to take, the test or tests, and gave the person the 4561
form described in division (B) of this section; 4562

(iv) That either the person refused to submit to the chemical 4563
test or tests or, unless the arrest was for a violation of section 4564
4511.194 of the Revised Code or a substantially equivalent 4565
municipal ordinance, the person submitted to the chemical test or 4566
tests and the test results indicate a prohibited concentration of 4567
alcohol in the person's whole blood, blood serum or plasma, 4568
breath, or urine at the time of the alleged offense. 4569

(2) Division (D)(1) of this section does not apply to a 4570
person who is arrested for a violation of section 4511.194 of the 4571
Revised Code or a substantially equivalent municipal ordinance, 4572
who is asked by a law enforcement officer to submit to a chemical 4573
test or tests under section 4511.191 of the Revised Code, and who 4574
submits to the test or tests, regardless of the amount of alcohol 4575
that the test results indicate is present in the person's whole 4576
blood, blood serum or plasma, breath, or urine. 4577

(E) The arresting officer shall give the officer's sworn 4578
report that is completed under this section to the arrested person 4579
at the time of the arrest, or the registrar of motor vehicles 4580
shall send the report to the person by regular first class mail as 4581
soon as possible after receipt of the report, but not later than 4582
fourteen days after receipt of it. An arresting officer may give 4583
an unsworn report to the arrested person at the time of the arrest 4584

provided the report is complete when given to the arrested person 4585
and subsequently is sworn to by the arresting officer. As soon as 4586
possible, but not later than forty-eight hours after the arrest of 4587
the person, the arresting officer shall send a copy of the sworn 4588
report to the court in which the arrested person is to appear on 4589
the charge for which the person was arrested. 4590

(F) The sworn report of an arresting officer completed under 4591
this section is prima-facie proof of the information and 4592
statements that it contains. It shall be admitted and considered 4593
as prima-facie proof of the information and statements that it 4594
contains in any appeal under section 4511.197 of the Revised Code 4595
relative to any suspension of a person's driver's or commercial 4596
driver's license or permit or nonresident operating privilege that 4597
results from the arrest covered by the report. 4598

Sec. 4511.196. (A) If a person is arrested for being in 4599
physical control of a vehicle, streetcar, or trackless trolley in 4600
violation of section 4511.194 of the Revised Code or a 4601
substantially equivalent municipal ordinance, or for operating a 4602
vehicle, streetcar, or trackless trolley in violation of division 4603
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4604
OVI ordinance, regardless of whether the person's driver's or 4605
commercial driver's license or permit or nonresident operating 4606
privilege is or is not suspended under section 4511.191 of the 4607
Revised Code, the person's initial appearance on the charge 4608
resulting from the arrest shall be held within five days of the 4609
person's arrest or the issuance of the citation to the person. 4610

(B)(1) If a person is arrested as described in division (A) 4611
of this section, if the person's driver's or commercial driver's 4612
license or permit or nonresident operating privilege has been 4613
suspended under section 4511.191 of the Revised Code in relation 4614
to that arrest, if the person appeals the suspension in accordance 4615

with section 4511.197 of the Revised Code, and if the judge, 4616
magistrate, or mayor terminates the suspension in accordance with 4617
that section, the judge, magistrate, or mayor, at any time prior 4618
to adjudication on the merits of the charge resulting from the 4619
arrest, may impose a new suspension of the person's license, 4620
permit, or nonresident operating privilege, notwithstanding the 4621
termination, if the judge, magistrate, or mayor determines that 4622
the person's continued driving will be a threat to public safety. 4623

(2) If a person is arrested as described in division (A) of 4624
this section and if the person's driver's or commercial driver's 4625
license or permit or nonresident operating privilege has not been 4626
suspended under section 4511.191 of the Revised Code in relation 4627
to that arrest, the judge, magistrate, or mayor, at any time prior 4628
to the adjudication on the merits of the charge resulting from the 4629
arrest, may impose a suspension of the person's license, permit, 4630
or nonresident operating privilege if the judge, magistrate, or 4631
mayor determines that the person's continued driving will be a 4632
threat to public safety. 4633

(C) A suspension under division (B)(1) or (2) of this section 4634
shall continue until the complaint on the charge resulting from 4635
the arrest is adjudicated on the merits. A court that imposes a 4636
suspension under division (B)(2) of this section shall send the 4637
person's driver's license or permit to the registrar of motor 4638
vehicles. If the court possesses the license or permit of a person 4639
in the category described in division (B)(2) of this section and 4640
the court does not impose a suspension under that division, the 4641
court shall return the license or permit to the person if the 4642
license or permit has not otherwise been suspended or cancelled. 4643

Any time during which the person serves a suspension of the 4644
person's license, permit, or privilege that is imposed pursuant to 4645
division (B)(1) or (2) of this section shall be credited against 4646
any period of judicial suspension of the person's license, permit, 4647

or privilege that is imposed under division (G) of section 4511.19 4648
of the Revised Code or under section 4510.07 of the Revised Code 4649
for a violation of a municipal ordinance substantially equivalent 4650
to division (A) of section 4511.19 of the Revised Code. 4651

(D) If a person is arrested and charged with a violation of 4652
section 2903.08 of the Revised Code or a violation of section 4653
2903.06 of the Revised Code that is a felony offense, the judge at 4654
the person's initial appearance, preliminary hearing, or 4655
arraignment may suspend the person's driver's or commercial 4656
driver's license or permit or nonresident operating privilege if 4657
the judge determines at any of those proceedings that the person's 4658
continued driving will be a threat to public safety. 4659

A suspension imposed under this division shall continue until 4660
the indictment or information alleging the violation specified in 4661
this division is adjudicated on the merits. A court that imposes a 4662
suspension under this division shall send the person's driver's or 4663
commercial driver's license or permit to the registrar. 4664

Sec. 4511.197. (A) If a person is arrested for operating a 4665
vehicle, streetcar, or trackless trolley in violation of division 4666
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4667
OVI ordinance or for being in physical control of a vehicle, 4668
streetcar, or trackless trolley in violation of section 4511.194 4669
of the Revised Code or a substantially equivalent municipal 4670
ordinance and if the person's driver's or commercial driver's 4671
license or permit or nonresident operating privilege is suspended 4672
under section 4511.191 of the Revised Code, the person may appeal 4673
the suspension at the person's initial appearance on the charge 4674
resulting from the arrest or within the period ending thirty days 4675
after the person's initial appearance on that charge, in the court 4676
in which the person will appear on that charge. If the person 4677
appeals the suspension, the appeal itself does not stay the 4678

operation of the suspension. If the person appeals the suspension, 4679
either the person or the registrar of motor vehicles may request a 4680
continuance of the appeal, and the court may grant the 4681
continuance. The court also may continue the appeal on its own 4682
motion. Neither the request for, nor the granting of, a 4683
continuance stays the suspension that is the subject of the 4684
appeal, unless the court specifically grants a stay. 4685

(B) A person shall file an appeal under division (A) of this 4686
section in the municipal court, county court, juvenile court, 4687
mayor's court, or court of common pleas that has jurisdiction over 4688
the charge in relation to which the person was arrested. 4689

(C) If a person appeals a suspension under division (A) of 4690
this section, the scope of the appeal is limited to determining 4691
whether one or more of the following conditions have not been met: 4692

(1) Whether the arresting law enforcement officer had 4693
reasonable ground to believe the arrested person was operating a 4694
vehicle, streetcar, or trackless trolley in violation of division 4695
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4696
OVI ordinance or was in physical control of a vehicle, streetcar, 4697
or trackless trolley in violation of section 4511.194 of the 4698
Revised Code or a substantially equivalent municipal ordinance and 4699
whether the arrested person was in fact placed under arrest; 4700

(2) Whether the law enforcement officer requested the 4701
arrested person to submit to the chemical test or tests designated 4702
pursuant to division (A) of section 4511.191 of the Revised Code; 4703

(3) Whether the arresting officer informed the arrested 4704
person of the consequences of refusing to be tested or of 4705
submitting to the test or tests; 4706

(4) Whichever of the following is applicable: 4707

(a) Whether the arrested person refused to submit to the 4708

chemical test or tests requested by the officer; 4709

(b) Whether the arrest was for a violation of division (A) or 4710
(B) of section 4511.19 of the Revised Code or a municipal OVI 4711
ordinance and, if it was, whether the chemical test results 4712
indicate that the arrested person's whole blood contained a 4713
concentration of eight-hundredths of one per cent or more by 4714
weight of alcohol, the person's blood serum or plasma contained a 4715
concentration of ninety-six-thousandths of one per cent or more by 4716
weight of alcohol, the person's breath contained a concentration 4717
of eight-hundredths of one gram or more by weight of alcohol per 4718
two hundred ten liters of the person's breath, or the person's 4719
urine contained a concentration of eleven-hundredths of one gram 4720
or more by weight of alcohol per one hundred milliliters of the 4721
person's urine at the time of the alleged offense. 4722

(D) A person who appeals a suspension under division (A) of 4723
this section has the burden of proving, by a preponderance of the 4724
evidence, that one or more of the conditions specified in division 4725
(C) of this section has not been met. If, during the appeal, the 4726
judge or magistrate of the court or the mayor of the mayor's court 4727
determines that all of those conditions have been met, the judge, 4728
magistrate, or mayor shall uphold the suspension, continue the 4729
suspension, and notify the registrar of motor vehicles of the 4730
decision on a form approved by the registrar. 4731

Except as otherwise provided in this section, if a suspension 4732
imposed under section 4511.191 of the Revised Code is upheld on 4733
appeal or if the subject person does not appeal the suspension 4734
under division (A) of this section, the suspension shall continue 4735
until the complaint alleging the violation for which the person 4736
was arrested and in relation to which the suspension was imposed 4737
is adjudicated on the merits or terminated pursuant to law. If the 4738
suspension was imposed under division (B)(1) of section 4511.191 4739
of the Revised Code and it is continued under this section, any 4740

subsequent finding that the person is not guilty of the charge 4741
that resulted in the person being requested to take the chemical 4742
test or tests under division (A) of section 4511.191 of the 4743
Revised Code does not terminate or otherwise affect the 4744
suspension. If the suspension was imposed under division (C) of 4745
section 4511.191 of the Revised Code in relation to an alleged 4746
misdemeanor violation of division (A) or (B) of section 4511.19 of 4747
the Revised Code or of a municipal OVI ordinance and it is 4748
continued under this section, the suspension shall terminate if, 4749
for any reason, the person subsequently is found not guilty of the 4750
charge that resulted in the person taking the chemical test or 4751
tests. 4752

If, during the appeal, the judge or magistrate of the trial 4753
court or the mayor of the mayor's court determines that one or 4754
more of the conditions specified in division (C) of this section 4755
have not been met, the judge, magistrate, or mayor shall terminate 4756
the suspension, subject to the imposition of a new suspension 4757
under division (B) of section 4511.196 of the Revised Code; shall 4758
notify the registrar of motor vehicles of the decision on a form 4759
approved by the registrar; and, except as provided in division (B) 4760
of section 4511.196 of the Revised Code, shall order the registrar 4761
to return the driver's or commercial driver's license or permit to 4762
the person or to take any other measures that may be necessary, if 4763
the license or permit was destroyed under section 4510.53 of the 4764
Revised Code, to permit the person to obtain a replacement 4765
driver's or commercial driver's license or permit from the 4766
registrar or a deputy registrar in accordance with that section. 4767
The court also shall issue to the person a court order, valid for 4768
not more than ten days from the date of issuance, granting the 4769
person operating privileges for that period. 4770

(E) Any person whose driver's or commercial driver's license 4771
or permit or nonresident operating privilege has been suspended 4772

pursuant to section 4511.191 of the Revised Code may file a 4773
petition requesting limited driving privileges in the common pleas 4774
court, municipal court, county court, mayor's court, or juvenile 4775
court with jurisdiction over the related criminal or delinquency 4776
case. The petition may be filed at any time subsequent to the date 4777
on which the arresting law enforcement officer serves the notice 4778
of suspension upon the arrested person but no later than thirty 4779
days after the arrested person's initial appearance or 4780
arraignment. Upon the making of the request, limited driving 4781
privileges may be granted under sections 4510.021 and 4510.13 of 4782
the Revised Code, regardless of whether the person appeals the 4783
suspension under this section or appeals the decision of the court 4784
on the appeal, and, if the person has so appealed the suspension 4785
or decision, regardless of whether the matter has been heard or 4786
decided by the court. The person shall pay the costs of the 4787
proceeding, notify the registrar of the filing of the petition, 4788
and send the registrar a copy of the petition. 4789

The court may not grant the person limited driving privileges 4790
when prohibited by section 4510.13 or 4511.191 of the Revised 4791
Code. 4792

(F) Any person whose driver's or commercial driver's license 4793
or permit has been suspended under section 4511.19 of the Revised 4794
Code or under section 4510.07 of the Revised Code for a conviction 4795
of a municipal OVI offense and who desires to retain the license 4796
or permit during the pendency of an appeal, at the time sentence 4797
is pronounced, shall notify the court of record or mayor's court 4798
that suspended the license or permit of the person's intention to 4799
appeal. If the person so notifies the court, the court, mayor, or 4800
clerk of the court shall retain the license or permit until the 4801
appeal is perfected, and, if execution of sentence is stayed, the 4802
license or permit shall be returned to the person to be held by 4803
the person during the pendency of the appeal. If the appeal is not 4804

perfected or is dismissed or terminated in an affirmance of the 4805
conviction, then the license or permit shall be taken up by the 4806
court, mayor, or clerk, at the time of putting the sentence into 4807
execution, and the court shall proceed in the same manner as if no 4808
appeal was taken. 4809

(G) Except as otherwise provided in this division, if a 4810
person whose driver's or commercial driver's license or permit or 4811
nonresident operating privilege was suspended under section 4812
4511.191 of the Revised Code appeals the suspension under division 4813
(A) of this section, the prosecuting attorney of the county in 4814
which the arrest occurred shall represent the registrar of motor 4815
vehicles in the appeal. If the arrest occurred within a municipal 4816
corporation within the jurisdiction of the court in which the 4817
appeal is conducted, the city director of law, village solicitor, 4818
or other chief legal officer of that municipal corporation shall 4819
represent the registrar. If the appeal is conducted in a municipal 4820
court, the registrar shall be represented as provided in section 4821
1901.34 of the Revised Code. If the appeal is conducted in a 4822
mayor's court, the city director of law, village solicitor, or 4823
other chief legal officer of the municipal corporation that 4824
operates that mayor's court shall represent the registrar. 4825

(H) The court shall give information in writing of any action 4826
taken under this section to the registrar of motor vehicles. 4827

(I) When it finally has been determined under the procedures 4828
of this section that a nonresident's privilege to operate a 4829
vehicle within this state has been suspended, the registrar of 4830
motor vehicles shall give information in writing of the action 4831
taken to the motor vehicle administrator of the state of the 4832
nonresident's residence and of any state in which the nonresident 4833
has a license. 4834

Sec. 4511.203. (A) No person shall permit a motor vehicle 4835

owned by the person or under the person's control to be driven by 4836
another if any of the following apply: 4837

(1) The offender knows or has reasonable cause to believe 4838
that the other person does not have a valid driver's or commercial 4839
driver's license or permit or valid nonresident driving 4840
privileges. 4841

(2) The offender knows or has reasonable cause to believe 4842
that the other person's driver's or commercial driver's license or 4843
permit or nonresident operating privileges have been suspended or 4844
canceled under Chapter 4510. or any other provision of the Revised 4845
Code. 4846

(3) The offender knows or has reasonable cause to believe 4847
that the other person's act of driving the motor vehicle would 4848
violate any prohibition contained in Chapter 4509. of the Revised 4849
Code. 4850

(4) The offender knows or has reasonable cause to believe 4851
that the other person's act of driving would violate section 4852
4511.19 of the Revised Code or any substantially equivalent 4853
municipal ordinance. 4854

(B) Without limiting or precluding the consideration of any 4855
other evidence in determining whether a violation of division 4856
(A)(1), (2), (3), or (4) of this section has occurred, it shall be 4857
prima-facie evidence that the offender knows or has reasonable 4858
cause to believe that the operator of the motor vehicle owned by 4859
the offender or under the offender's control is in a category 4860
described in division (A)(1), (2), (3), or (4) of this section if 4861
any of the following applies: 4862

(1) Regarding an operator allegedly in the category described 4863
in division (A)(1) or (3) of this section, the offender and the 4864
operator of the motor vehicle reside in the same household and are 4865

related by consanguinity or affinity. 4866

(2) Regarding an operator allegedly in the category described 4867
in division (A)(2) of this section, the offender and the operator 4868
of the motor vehicle reside in the same household, and the 4869
offender knows or has reasonable cause to believe that the 4870
operator has been charged with or convicted of any violation of 4871
law or ordinance, or has committed any other act or omission, that 4872
would or could result in the suspension or cancellation of the 4873
operator's license, permit, or privilege. 4874

(3) Regarding an operator allegedly in the category described 4875
in division (A)(4) of this section, the offender and the operator 4876
of the motor vehicle occupied the motor vehicle together at the 4877
time of the offense. 4878

(C) Whoever violates this section is guilty of wrongful 4879
entrustment of a motor vehicle, a misdemeanor of the first degree. 4880
In addition to the penalties imposed under Chapter 2929. of the 4881
Revised Code, the court ~~shall~~ may impose a class seven suspension 4882
of the offender's driver's license, commercial driver's license, 4883
temporary instruction permit, probationary license, or nonresident 4884
operating privilege from the range specified in division (A)(7) of 4885
section 4510.02 of the Revised Code, and, if the vehicle involved 4886
in the offense is registered in the name of the offender, the 4887
court shall order one of the following: 4888

(1) Except as otherwise provided in division (C)(2) or (3) of 4889
this section, the court shall order, for thirty days, the 4890
immobilization of the vehicle involved in the offense and the 4891
impoundment of that vehicle's license plates. The order shall be 4892
issued and enforced under section 4503.233 of the Revised Code. 4893

(2) If the offender previously has been convicted of or 4894
pleaded guilty to one violation of this section or a substantially 4895
equivalent municipal ordinance, the court shall order, for sixty 4896

days, the immobilization of the vehicle involved in the offense 4897
and the impoundment of that vehicle's license plates. The order 4898
shall be issued and enforced under section 4503.233 of the Revised 4899
Code. 4900

(3) If the offender previously has been convicted of or 4901
pleaded guilty to two or more violations of this section or a 4902
substantially equivalent municipal ordinance, the court shall 4903
order the criminal forfeiture to the state of the vehicle involved 4904
in the offense. The order shall be issued and enforced under 4905
section 4503.234 of the Revised Code. 4906

If title to a motor vehicle that is subject to an order for 4907
criminal forfeiture under this division is assigned or transferred 4908
and division (B)(2) or (3) of section 4503.234 of the Revised Code 4909
applies, in addition to or independent of any other penalty 4910
established by law, the court may fine the offender the value of 4911
the vehicle as determined by publications of the national auto 4912
dealer's association. The proceeds from any fine imposed under 4913
this division shall be distributed in accordance with division 4914
(C)(2) of section 4503.234 of the Revised Code. 4915

(D) If a court orders the immobilization of a vehicle under 4916
division (C) of this section, the court shall not release the 4917
vehicle from the immobilization before the termination of the 4918
period of immobilization ordered unless the court is presented 4919
with current proof of financial responsibility with respect to 4920
that vehicle. 4921

(E) If a court orders the criminal forfeiture of a vehicle 4922
under division (C) of this section, upon receipt of the order from 4923
the court, neither the registrar of motor vehicles nor any deputy 4924
registrar shall accept any application for the registration or 4925
transfer of registration of any motor vehicle owned or leased by 4926
the person named in the order. The period of denial shall be five 4927
years after the date the order is issued, unless, during that 4928

five-year period, the court with jurisdiction of the offense that 4929
resulted in the order terminates the forfeiture and notifies the 4930
registrar of the termination. If the court terminates the 4931
forfeiture and notifies the registrar, the registrar shall take 4932
all necessary measures to permit the person to register a vehicle 4933
owned or leased by the person or to transfer the registration of 4934
the vehicle. 4935

(F) This section does not apply to motor vehicle rental 4936
dealers or motor vehicle leasing dealers, as defined in section 4937
4549.65 of the Revised Code. 4938

(G) Evidence of a conviction of, plea of guilty to, or 4939
adjudication as a delinquent child for a violation of this section 4940
or a substantially similar municipal ordinance shall not be 4941
admissible as evidence in any civil action that involves the 4942
offender or delinquent child who is the subject of the conviction, 4943
plea, or adjudication and that arises from the wrongful 4944
entrustment of a motor vehicle. 4945

(H) As used in this section, a vehicle is owned by a person 4946
if, at the time of a violation of this section, the vehicle is 4947
registered in the person's name. 4948

Sec. 4511.251. (A) As used in this section and section 4949
4510.036 of the Revised Code, "street racing" means the operation 4950
of two or more vehicles from a point side by side at accelerating 4951
speeds in a competitive attempt to out-distance each other or the 4952
operation of one or more vehicles over a common selected course, 4953
from the same point to the same point, wherein timing is made of 4954
the participating vehicles involving competitive accelerations or 4955
speeds. Persons rendering assistance in any manner to such 4956
competitive use of vehicles shall be equally charged as the 4957
participants. The operation of two or more vehicles side by side 4958
either at speeds in excess of prima-facie lawful speeds 4959

established by divisions (B)(1)(a) to (B)(7) of section 4511.21 of 4960
the Revised Code or rapidly accelerating from a common starting 4961
point to a speed in excess of such prima-facie lawful speeds shall 4962
be prima-facie evidence of street racing. 4963

(B) No person shall participate in street racing upon any 4964
public road, street, or highway in this state. 4965

(C) Whoever violates this section is guilty of street racing, 4966
a misdemeanor of the first degree. In addition to any other 4967
sanctions, the court shall suspend the offender's driver's 4968
license, commercial driver's license, temporary instruction 4969
permit, probationary license, or nonresident operating privilege 4970
for not less than thirty days or more than ~~one year~~ three years. 4971
No judge shall suspend the first thirty days of any suspension of 4972
an offender's license, permit, or privilege imposed under this 4973
division. 4974

Section 2. That existing sections 1547.11, 2903.06, 2903.08, 4975
2921.331, 2929.13, 2929.14, 2929.15, 2929.16, 2929.17, 2929.19, 4976
4507.02, 4507.05, 4510.021, 4510.11, 4510.12, 4510.13, 4510.15, 4977
4510.16, 4510.17, 4510.54, 4511.01, 4511.19, 4511.191, 4511.192, 4978
4511.196, 4511.197, 4511.203, and 4511.251 of the Revised Code are 4979
hereby repealed. 4980

Section 3. That Section 5 of Am. Sub. S.B. 123 of the 124th 4981
General Assembly be amended to read as follows: 4982

Sec. 5. (A) Notwithstanding division (B) of section 1.58 of 4983
the Revised Code, the provisions of the Revised Code amended or 4984
enacted in Sections 1 and 2 of ~~this act~~ Am. Sub. S.B. 123 of the 4985
124th General Assembly shall apply only in relation to conduct and 4986
offenses committed on or after January 1, 2004. Conduct and 4987
offenses committed prior to January 1, 2004, shall be governed by 4988

the law in effect on the date the conduct or offense was 4989
committed. 4990

(B)(1) Notwithstanding division (A) of this section, all of 4991
the following apply to conduct or an offense committed prior to 4992
January 1, 2004: 4993

(a) A person whose driver's or commercial driver's license, 4994
temporary instruction permit, probationary license, or nonresident 4995
operating privilege was suspended by a court may apply to the 4996
sentencing court for limited driving privileges under division (A) 4997
of section 4510.021 of the Revised Code; 4998

(b) A person whose license, permit, or privilege was 4999
suspended by the Registrar of Motor Vehicles may apply for limited 5000
driving privileges under division (B) of section 4510.021 of the 5001
Revised Code if limited driving privileges are expressly 5002
authorized by a section of the Revised Code for the type of 5003
conduct or offense that caused the suspension; 5004

(c) A person whose license, permit, or privilege was 5005
suspended, canceled, or revoked for life may file a motion for 5006
modification or termination of the suspension, cancellation, or 5007
revocation in accordance with section 4510.54 of the Revised Code. 5008

(2) The terms and conditions of any limited driving 5009
privileges granted under this section shall be governed by the law 5010
in effect on and after January 1, 2004. 5011

Section 4. That existing Section 5 of Am. Sub. S.B. 123 of 5012
the 124th General Assembly is hereby repealed. 5013

Section 5. (A) Section 2929.14 of the Revised Code, effective 5014
on January 1, 2004, is presented in this act as a composite of the 5015
section as amended by Sub. H.B. 130, Am. Sub. H.B. 327, Sub. H.B. 5016
485, and Am. Sub. S.B. 123 of the 124th General Assembly. The 5017

General Assembly, applying the principle stated in division (B) of 5018
section 1.52 of the Revised Code that amendments are to be 5019
harmonized if reasonably capable of simultaneous operation, finds 5020
that the composite is the resulting version of the section in 5021
effect prior to the effective date of the section as presented in 5022
this act. 5023

(B) Section 4511.01 of the Revised Code is presented in this 5024
act as a composite of the section as amended by both Am. Sub. S.B. 5025
123 and Am. Sub. S.B. 231 of the 124th General Assembly. The 5026
General Assembly, applying the principle stated in division (B) of 5027
section 1.52 of the Revised Code that amendments are to be 5028
harmonized if reasonably capable of simultaneous operation, finds 5029
that the composite is the resulting version of the section in 5030
effect prior to the effective date of the section as presented in 5031
this act. 5032

(C) Section 4511.19 of the Revised Code is presented in this 5033
act as a composite of the section as amended by Am. Sub. H.B. 87 5034
of the 125th General Assembly and Am. Sub. H.B. 490 and Am. Sub. 5035
S.B. 163, both of the 124th General Assembly. The General 5036
Assembly, applying the principle stated in division (B) of section 5037
1.52 of the Revised Code that amendments are to be harmonized if 5038
reasonably capable of simultaneous operation, finds that the 5039
composite is the resulting version of the section in effect prior 5040
to the effective date of the section as presented in this act. 5041

(D) Section 4507.05 of the Revised Code is presented in this 5042
act as a composite of the section as amended by both Am. Sub. H.B. 5043
407 and Am. Sub. S.B. 123 of the 124th General Assembly. The 5044
General Assembly, applying the principle stated in division (B) of 5045
section 1.52 of the Revised Code that amendments are to be 5046
harmonized if reasonably capable of simultaneous operation, finds 5047
that the composite is the resulting version of the section in 5048

effect prior to the effective date of the section as presented in 5049
this act. 5050

Section 6. Sections 1, 2, 3, 4, and 5 of this act shall take 5051
effect on January 1, 2004. 5052

Section 7. This act is hereby declared to be an emergency 5053
measure necessary for the immediate preservation of the public 5054
peace, health, and safety. The reason for such necessity is that 5055
revisions to parts of Am. Sub. S.B. 123 of the 124th General 5056
Assembly contained in this act need to correspond to the effective 5057
date of Am. Sub. S.B. 123 on January 1, 2004, in order to preserve 5058
the timely, equitable administration of the traffic law reforms. 5059
Therefore, this act shall go into immediate effect. 5060