

As Introduced

125th General Assembly
Regular Session
2003-2004

S. B. No. 215

Senators Austria, Jacobson

A BILL

To amend sections 1547.11, 1547.111, 1547.99, 1
1905.01, 1905.201, 2743.51, 2919.22, 2937.46, 2
2951.02, 4506.17, 4510.01, 4510.032, 4510.036, 3
4510.17, 4510.54, 4511.181, 4511.19, 4511.191, and 4
4511.194 of the Revised Code to prohibit the 5
operation of a vehicle or vessel if any amount of 6
a controlled substance or a metabolite of a 7
controlled substance is present in the operator's 8
blood or urine, subject to certain exceptions. 9

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

Section 1. That sections 1547.11, 1547.111, 1547.99, 1905.01, 10
1905.201, 2743.51, 2919.22, 2937.46, 2951.02, 4506.17, 4510.01, 11
4510.032, 4510.036, 4510.17, 4510.54, 4511.181, 4511.19, 4511.191, 12
and 4511.194 of the Revised Code be amended to read as follows: 13

Sec. 1547.11. (A) No person shall operate or be in physical 14
control of any vessel underway or shall manipulate any water skis, 15
aquaplane, or similar device on the waters in this state if, at 16
the time of the operation, control, or manipulation, any of the 17
following applies: 18

(1) The person is under the influence of alcohol, a drug of 19
abuse, or a combination of them. 20

(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 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.

(6) The person has any amount of a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine.

(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 of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least twenty-eight one-thousandths of one gram, but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the

person's urine. 51

(4) The person has a concentration of at least two-hundredths 52
of one gram, but less than eight-hundredths of one gram by weight 53
of alcohol per two hundred ten liters of the person's breath. 54

(C) In any proceeding arising out of one incident, a person 55
may be charged with a violation of division (A)(1) and a violation 56
of division (B)(1), (2), (3), or (4) of this section, but the 57
person shall not be convicted of more than one violation of those 58
divisions. 59

(D)(1) In any criminal prosecution or juvenile court 60
proceeding for a violation of division (A) or (B) of this section 61
or for an equivalent violation, the court may admit evidence on 62
the concentration of alcohol, drugs of abuse, controlled 63
substance, metabolite of a controlled substance, or a combination 64
of them in the defendant's or child's whole blood, blood serum or 65
plasma, urine, or breath at the time of the alleged violation as 66
shown by chemical analysis of the substance withdrawn, or specimen 67
taken within two hours of the time of the alleged violation. 68

When a person submits to a blood test, only a physician, a 69
registered nurse, or a qualified technician, chemist, or 70
phlebotomist shall withdraw blood for the purpose of determining 71
the alcohol, drug, controlled substance, metabolite of a 72
controlled substance, or alcohol and drug combination content of 73
the whole blood, blood serum, or blood plasma. This limitation 74
does not apply to the taking of breath or urine specimens. A 75
person authorized to withdraw blood under this division may refuse 76
to withdraw blood under this division if, in that person's 77
opinion, the physical welfare of the defendant or child would be 78
endangered by 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 110
proceeding for a violation of division (A) or (B) of this section 111
or for an equivalent violation, if a law enforcement officer has 112
administered a field sobriety test to the operator or person found 113

to be in physical control of the vessel underway involved in the 114
violation or the person manipulating the water skis, aquaplane, or 115
similar device involved in the violation and if it is shown by 116
clear and convincing evidence that the officer administered the 117
test in substantial compliance with the testing standards for 118
reliable, credible, and generally accepted field sobriety tests 119
for vehicles that were in effect at the time the tests were 120
administered, including, but not limited to, any testing standards 121
then in effect that have been set by the national highway traffic 122
safety administration, that by their nature are not clearly 123
inapplicable regarding the operation or physical control of 124
vessels underway or the manipulation of water skis, aquaplanes, or 125
similar devices, all of the following apply: 126

(a) The officer may testify concerning the results of the 127
field sobriety test so administered. 128

(b) The prosecution may introduce the results of the field 129
sobriety test so administered as evidence in any proceedings in 130
the criminal prosecution or juvenile court proceeding. 131

(c) If testimony is presented or evidence is introduced under 132
division (E)(1)(a) or (b) of this section and if the testimony or 133
evidence is admissible under the Rules of Evidence, the court 134
shall admit the testimony or evidence, and the trier of fact shall 135
give it whatever weight the trier of fact considers to be 136
appropriate. 137

(2) Division (E)(1) of this section does not limit or 138
preclude a court, in its determination of whether the arrest of a 139
person was supported by probable cause or its determination of any 140
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, controlled substance, metabolite of a controlled 157
substance, or a combination of them that was found; 158

(c) A copy of a notarized statement by the laboratory 159
director or a designee of the director that contains the name of 160
each certified analyst or test performer involved with the report, 161
the analyst's or test performer's employment relationship with the 162
laboratory that issued the report, and a notation that performing 163
an analysis of the type involved is part of the analyst's or test 164
performer's regular duties; 165

(d) An outline of the analyst's or test performer's 166
education, training, and experience in performing the type of 167
analysis involved and a certification that the laboratory 168
satisfies appropriate quality control standards in general and, in 169
this particular analysis, under rules of the department of health. 170

(2) Notwithstanding any other provision of law regarding the 171
admission of evidence, a report of the type described in division 172
(F)(1) of this section is not admissible against the defendant or 173
child to whom it pertains in any proceeding, other than a 174
preliminary hearing or a grand jury proceeding, unless the 175

prosecutor has served a copy of the report on the defendant's or 176
child's attorney or, if the defendant or child has no attorney, on 177
the defendant or child. 178

(3) A report of the type described in division (F)(1) of this 179
section shall not be prima-facie evidence of the contents, 180
identity, or amount of any substance if, within seven days after 181
the defendant or child to whom the report pertains or the 182
defendant's or child's attorney receives a copy of the report, the 183
defendant or child or the defendant's or child's attorney demands 184
the testimony of the person who signed the report. The judge in 185
the case may extend the seven-day time limit in the interest of 186
justice. 187

(G) Except as otherwise provided in this division, any 188
physician, registered nurse, or qualified technician, chemist, or 189
phlebotomist who withdraws blood from a person pursuant to this 190
section, and a hospital, first-aid station, or clinic at which 191
blood is withdrawn from a person pursuant to this section, is 192
immune from criminal and civil liability based upon a claim of 193
assault and battery or any other claim that is not a claim of 194
malpractice, for any act performed in withdrawing blood from the 195
person. The immunity provided in this division is not available to 196
a person who withdraws blood if the person engages in willful or 197
wanton misconduct. 198

(H) Division (A)(6) of this section does not apply to either 199
of the following: 200

(1) Any person who injected, ingested, or inhaled the 201
controlled substance involuntarily, including any person who was 202
injected or made to ingest or inhale the controlled substance by 203
another party against the person's will; 204

(2) Any person who obtained the controlled substance pursuant 205
to a prescription issued by a licensed health professional 206

authorized to prescribe drugs and who injected, ingested, or 207
inhaled the controlled substance in accordance with the health 208
professional's directions. 209

(I) As used in this section and section 1547.111 of the 210
Revised Code: 211

(1) "Equivalent violation" means a violation of a municipal 212
ordinance, law of another state, or law of the United States that 213
is substantially equivalent to division (A) or (B) of this 214
section. 215

(2) "National highway traffic safety administration" has the 216
same meaning as in section 4511.19 of the Revised Code. 217

(3) "Operate" means that a vessel is being used on the waters 218
in this state when the vessel is not securely affixed to a dock or 219
to shore or to any permanent structure to which the vessel has the 220
right to affix or that a vessel is not anchored in a designated 221
anchorage area or boat camping area that is established by the 222
United States coast guard, this state, or a political subdivision 223
and in which the vessel has the right to anchor. 224

Sec. 1547.111. (A)(1) Any person who operates or is in 225
physical control of a vessel or manipulates any water skis, 226
aquaplane, or similar device upon any waters in this state shall 227
be deemed to have given consent to a chemical test or tests to 228
determine the alcohol, drug of abuse, controlled substance, 229
metabolite of a controlled substance, or ~~alcohol and drug of abuse~~ 230
combination content of the person's whole blood, blood serum or 231
plasma, breath, or urine if arrested for operating or being in 232
physical control of a vessel or manipulating any water skis, 233
aquaplane, or similar device in violation of section 1547.11 of 234
the Revised Code or a substantially equivalent municipal 235
ordinance. 236

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

(B) Any person who is dead or unconscious or who otherwise is in a condition rendering the person incapable of refusal shall be deemed to have consented as provided in division (A)(1) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(C) Any person under arrest for violating section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance shall be advised of the consequences of refusing to submit to a chemical test or tests designated as provided in division (A) of this section. The advice shall be in a written form prescribed by the chief of the division of watercraft and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. The reading of the form shall be witnessed by one or more persons, and the witnesses shall certify to this fact by signing the form.

(D) If a law enforcement officer asks a person under arrest for violating section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance to submit to a chemical test or tests as provided in division (A) of this section, if the arresting officer advises the person of the consequences of the person's refusal as provided in division (C) of this section, and if the person refuses to submit, no chemical

test shall be given. Upon receipt of a sworn statement of the 269
officer that the arresting law enforcement officer had reasonable 270
grounds to believe the arrested person violated section 1547.11 of 271
the Revised Code or a substantially equivalent municipal ordinance 272
and that the person refused to submit to the chemical test upon 273
the request of the officer, and upon receipt of the form as 274
provided in division (C) of this section certifying that the 275
arrested person was advised of the consequences of the refusal, 276
the chief of the division of watercraft shall inform the person by 277
written notice that the person is prohibited from operating or 278
being in physical control of a vessel, from manipulating any water 279
skis, aquaplane, or similar device, and from registering any 280
watercraft in accordance with section 1547.54 of the Revised Code, 281
for one year following the date of the alleged violation. The 282
suspension of these operation, physical control, manipulation, and 283
registration privileges shall continue for the entire one-year 284
period, subject to review as provided in this section. 285

If the person under arrest is the owner of the vessel 286
involved in the alleged violation, the law enforcement officer who 287
arrested the person shall seize the watercraft registration 288
certificate and tags from the vessel involved in the violation and 289
forward them to the chief. The chief shall retain the impounded 290
registration certificate and tags and shall impound all other 291
registration certificates and tags issued to the person in 292
accordance with sections 1547.54 and 1547.57 of the Revised Code, 293
for a period of one year following the date of the alleged 294
violation, subject to review as provided in this section. 295

If the arrested person fails to surrender the registration 296
certificate because it is not on the person of the arrested person 297
or in the watercraft, the law enforcement officer who made the 298
arrest shall order the person to surrender it within twenty-four 299
hours to the law enforcement officer or the law enforcement agency 300

that employs the law enforcement officer. If the person fails to 301
do so, the law enforcement officer shall notify the chief of that 302
fact in the statement the officer submits to the chief under this 303
division. 304

(E) Upon suspending a person's operation, physical control, 305
manipulation, and registration privileges in accordance with 306
division (D) of this section, the chief shall notify the person in 307
writing, at the person's last known address, and inform the person 308
that the person may petition for a hearing in accordance with 309
division (F) of this section. If a person whose operation, 310
physical control, manipulation, and registration privileges have 311
been suspended petitions for a hearing or appeals any adverse 312
decision, the suspension shall begin at the termination of any 313
hearing or appeal unless the hearing or appeal results in a 314
decision favorable to the person. 315

(F) Any person who has been notified by the chief that the 316
person is prohibited from operating or being in physical control 317
of a vessel or manipulating any water skis, aquaplane, or similar 318
device and from registering any watercraft in accordance with 319
section 1547.54 of the Revised Code, or who has had the 320
registration certificate and tags of the person's watercraft 321
impounded pursuant to division (D) of this section, within twenty 322
days of the notification or impoundment, may file a petition in 323
the municipal court or the county court, or if the person is a 324
minor in juvenile court, with jurisdiction over the place at which 325
the arrest occurred, agreeing to pay the cost of the proceedings 326
and alleging error in the action taken by the chief under division 327
(D) of this section or alleging one or more of the matters within 328
the scope of the hearing as provided in this section, or both. The 329
petitioner shall notify the chief of the filing of the petition 330
and send the chief a copy of the petition. 331

The scope of the hearing is limited to the issues of whether 332

the law enforcement officer had reasonable grounds to believe the 333
petitioner was operating or in physical control of a vessel or 334
manipulating any water skis, aquaplane, or similar device in 335
violation of section 1547.11 of the Revised Code or a 336
substantially equivalent municipal ordinance, whether the 337
petitioner was placed under arrest, whether the petitioner refused 338
to submit to the chemical test upon request of the officer, and 339
whether the petitioner was advised of the consequences of the 340
petitioner's refusal. 341

(G)(1) The chief shall furnish the court a copy of the 342
affidavit as provided in division (C) of this section and any 343
other relevant information requested by the court. 344

(2) In hearing the matter and in determining whether the 345
person has shown error in the decision taken by the chief as 346
provided in division (D) of this section, the court shall decide 347
the issue upon the relevant, competent, and material evidence 348
submitted by the chief or the person whose operation, physical 349
control, manipulation, and registration privileges have been 350
suspended. 351

In the proceedings, the chief shall be represented by the 352
prosecuting attorney of the county in which the petition is filed 353
if the petition is filed in a county court or juvenile court, 354
except that if the arrest occurred within a city or village within 355
the jurisdiction of the county court in which the petition is 356
filed, the city director of law or village solicitor of that city 357
or village shall represent the chief. If the petition is filed in 358
the municipal court, the chief shall be represented as provided in 359
section 1901.34 of the Revised Code. 360

(3) If the court finds from the evidence submitted that the 361
person has failed to show error in the action taken by the chief 362
under division (D) of this section or in one or more of the 363
matters within the scope of the hearing as provided in division 364

(F) of this section, or both, the court shall assess the cost of 365
the proceeding against the person and shall uphold the suspension 366
of the operation, physical control, use, and registration 367
privileges provided in division (D) of this section. If the court 368
finds that the person has shown error in the action taken by the 369
chief under division (D) of this section or in one or more of the 370
matters within the scope of the hearing as provided in division 371
(F) of this section, or both, the cost of the proceedings shall be 372
paid out of the county treasury of the county in which the 373
proceedings were held, the chief shall reinstate the operation, 374
physical control, manipulation, and registration privileges of the 375
person without charge, and the chief shall return the registration 376
certificate and tags, if impounded, without charge. 377

(4) The court shall give information in writing of any action 378
taken under this section to the chief. 379

(H) At the end of any period of suspension or impoundment 380
imposed under this section, and upon request of the person whose 381
operation, physical control, use, and registration privileges were 382
suspended or whose registration certificate and tags were 383
impounded, the chief shall reinstate the person's operation, 384
physical control, manipulation, and registration privileges by 385
written notice and return the certificate and tags. 386

(I) No person who has received written notice from the chief 387
that the person is prohibited from operating or being in physical 388
control of a vessel, from manipulating any water skis, aquaplane, 389
or similar device, and from registering a watercraft, or who has 390
had the registration certificate and tags of the person's 391
watercraft impounded, in accordance with division (D) of this 392
section, shall operate or be in physical control of a vessel or 393
manipulate any water skis, aquaplane, or similar device for a 394
period of one year following the date of the person's alleged 395
violation of section 1547.11 of the Revised Code or the 396

substantially equivalent municipal ordinance. 397

(J)(1) In addition to divisions (A)(1) and (2) of this 398
section, any person who operates a vessel or uses any water skis, 399
aquaplane, or similar device upon any waters in this state shall 400
be deemed to have given consent to a chemical test or tests of the 401
person's whole blood, blood serum or plasma, or urine to determine 402
the presence of a controlled substance or a metabolite of a 403
controlled substance in, the person's whole blood, blood serum or 404
plasma, or urine if the person is involved in an accident or 405
collision while operating a vessel or using any water skis, 406
aquaplane, or similar device upon any waters in this state and the 407
accident or collision results in death or physical harm to a 408
person or physical harm to property. 409

The chemical test or tests under this division shall be 410
administered at the request of a law enforcement officer who has 411
probable cause to believe that the person was operating a vessel 412
or using any water skis, aquaplane, or similar device in violation 413
of section 1547.11 of the Revised Code or a substantially 414
equivalent municipal ordinance at the time of the accident or 415
collision. The law enforcement officer may make this request only 416
if the officer does not place the person under arrest. The law 417
enforcement agency that employs the officer shall designate 418
whether the person's whole blood, blood serum or plasma, or urine 419
shall be tested or whether all of them shall be tested. If the 420
person refuses to submit upon request to the chemical test, the 421
police officer shall employ whatever reasonable means are 422
necessary to ensure that the person submits to the chemical test. 423
If the chemical test to be performed is a blood test, division 424
(D)(1) of section 1547.11 of the Revised Code applies to the 425
procedure for performing the test. 426

(2) As used in division (J)(1) of this section, "physical 427
harm to a person" and "physical harm to property" have the same 428

meanings as in section 2901.01 of the Revised Code.

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

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

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

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

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

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(F) Whoever violates division (M) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 of the Revised Code or a rule adopted under division (A)(2) of section 1547.52 of the Revised Code is guilty of a misdemeanor of the fourth degree.

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

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(1) Except as otherwise provided in division (G)(2) or (3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to section 2929.24 of the Revised Code to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

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The court may suspend the execution of the mandatory jail 459
term of three consecutive days that it is required to impose by 460
division (G)(1) of this section if the court, in lieu of the 461
suspended jail term, places the offender under a community control 462
sanction pursuant to section 2929.25 of the Revised Code and 463
requires the offender to attend, for three consecutive days, a 464
drivers' intervention program that is certified pursuant to 465
section 3793.10 of the Revised Code. The court also may suspend 466
the execution of any part of the mandatory jail term of three 467
consecutive days that it is required to impose by division (G)(1) 468
of this section if the court places the offender under a community 469
control sanction pursuant to section 2929.25 of the Revised Code 470
for part of the three consecutive days; requires the offender to 471
attend, for that part of the three consecutive days, a drivers' 472
intervention program that is certified pursuant to section 3793.10 473
of the Revised Code; and sentences the offender to a jail term 474
equal to the remainder of the three consecutive days that the 475
offender does not spend attending the drivers' intervention 476
program. The court may require the offender, as a condition of 477
community control, to attend and satisfactorily complete any 478
treatment or education programs, in addition to the required 479
attendance at a drivers' intervention program, that the operators 480
of the drivers' intervention program determine that the offender 481
should attend and to report periodically to the court on the 482
offender's progress in the programs. The court also may impose any 483
other conditions of community control on the offender that it 484
considers necessary. 485

(2) If, within six years of the offense, the offender has 486
been convicted of or pleaded guilty to one violation of section 487
1547.11 of the Revised Code, of a municipal ordinance relating to 488
operating a watercraft or manipulating any water skis, aquaplane, 489
or similar device while under the influence of alcohol, a drug of 490

abuse, or a combination of them, of a municipal ordinance relating 491
to operating a watercraft or manipulating any water skis, 492
aquaplane, or similar device with a prohibited concentration of 493
alcohol or with any amount of a controlled substance or a 494
metabolite of a controlled substance in the whole blood, blood 495
serum or plasma, breath, or urine, of division (A)(1) of section 496
2903.06 of the Revised Code, or of division (A)(2), (3), or (4) of 497
section 2903.06 of the Revised Code or section 2903.06 or 2903.07 498
of the Revised Code as they existed prior to March 23, 2000, in a 499
case in which the jury or judge found that the offender was under 500
the influence of alcohol, a drug of abuse, or a combination of 501
them, the court shall sentence the offender to a jail term of ten 502
consecutive days and may sentence the offender pursuant to section 503
2929.24 of the Revised Code to a longer jail term. In addition, 504
the court shall impose upon the offender a fine of not less than 505
one hundred fifty nor more than one thousand dollars. 506

In addition to any other sentence that it imposes upon the 507
offender, the court may require the offender to attend a drivers' 508
intervention program that is certified pursuant to section 3793.10 509
of the Revised Code. 510

(3) If, within six years of the offense, the offender has 511
been convicted of or pleaded guilty to more than one violation 512
identified in division (G)(2) of this section, the court shall 513
sentence the offender to a jail term of thirty consecutive days 514
and may sentence the offender to a longer jail term of not more 515
than one year. In addition, the court shall impose upon the 516
offender a fine of not less than one hundred fifty nor more than 517
one thousand dollars. 518

In addition to any other sentence that it imposes upon the 519
offender, the court may require the offender to attend a drivers' 520
intervention program that is certified pursuant to section 3793.10 521
of the Revised Code. 522

(4) Upon a showing that serving a jail term would seriously affect the ability of an offender sentenced pursuant to division (G)(1), (2), or (3) of this section to continue the offender's employment, the court may authorize that the offender be granted work release after the offender has served the mandatory jail term of three, ten, or thirty consecutive days that the court is required by division (G)(1), (2), or (3) of this section to impose. No court shall authorize work release during the mandatory jail term of three, ten, or thirty consecutive days that the court is required by division (G)(1), (2), or (3) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place in which the jail term is served and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court shall suspend the mandatory jail term of ten or thirty consecutive days required to be imposed by division (G)(2) or (3) of this section or place an offender who is sentenced pursuant to division (G)(2) or (3) of this section in any treatment program in lieu of being imprisoned or serving a jail term until after the offender has served the mandatory jail term of ten or thirty consecutive days required to be imposed pursuant to division (G)(2) or (3) of this section. Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court, except as specifically authorized by division (G)(1) of this section, shall suspend the mandatory jail term of three consecutive days required to be imposed by division (G)(1) of this

section or place an offender who is sentenced pursuant to division 555
(G)(1) of this section in any treatment program in lieu of 556
imprisonment until after the offender has served the mandatory 557
jail term of three consecutive days required to be imposed 558
pursuant to division (G)(1) of this section. 559

(6) As used in division (G) of this section, "jail term" and 560
"mandatory jail term" have the same meanings as in section 2929.01 561
of the Revised Code. 562

(H) Whoever violates section 1547.304 of the Revised Code is 563
guilty of a misdemeanor of the fourth degree and also shall be 564
assessed any costs incurred by the state or a county, township, 565
municipal corporation, or other political subdivision in disposing 566
of an abandoned junk vessel or outboard motor, less any money 567
accruing to the state, county, township, municipal corporation, or 568
other political subdivision from that disposal. 569

(I) Whoever violates division (B) or (C) of section 1547.49 570
of the Revised Code is guilty of a minor misdemeanor. 571

(J) Whoever violates section 1547.31 of the Revised Code is 572
guilty of a misdemeanor of the fourth degree on a first offense. 573
On each subsequent offense, the person is guilty of a misdemeanor 574
of the third degree. 575

(K) Whoever violates section 1547.05 or 1547.051 of the 576
Revised Code is guilty of a misdemeanor of the fourth degree if 577
the violation is not related to a collision, injury to a person, 578
or damage to property and a misdemeanor of the third degree if the 579
violation is related to a collision, injury to a person, or damage 580
to property. 581

(L) The sentencing court, in addition to the penalty provided 582
under this section for a violation of this chapter or a rule 583
adopted under it that involves a powercraft powered by more than 584
ten horsepower and that, in the opinion of the court, involves a 585

threat to the safety of persons or property, shall order the 586
offender to complete successfully a boating course approved by the 587
national association of state boating law administrators before 588
the offender is allowed to operate a powercraft powered by more 589
than ten horsepower on the waters in this state. Violation of a 590
court order entered under this division is punishable as contempt 591
under Chapter 2705. of the Revised Code. 592

Sec. 1905.01. (A) In Georgetown in Brown county, in Mount 593
Gilead in Morrow county, and in all other municipal corporations 594
having a population of more than one hundred, other than Batavia 595
in Clermont county, not being the site of a municipal court nor a 596
place where a judge of the Auglaize county, Crawford county, 597
Jackson county, Miami county, Portage county, or Wayne county 598
municipal court sits as required pursuant to section 1901.021 of 599
the Revised Code or by designation of the judges pursuant to 600
section 1901.021 of the Revised Code, the mayor of the municipal 601
corporation has jurisdiction, except as provided in divisions (B), 602
(C), and (E) of this section and subject to the limitation 603
contained in section 1905.03 and the limitation contained in 604
section 1905.031 of the Revised Code, to hear and determine any 605
prosecution for the violation of an ordinance of the municipal 606
corporation, to hear and determine any case involving a violation 607
of a vehicle parking or standing ordinance of the municipal 608
corporation unless the violation is required to be handled by a 609
parking violations bureau or joint parking violations bureau 610
pursuant to Chapter 4521. of the Revised Code, and to hear and 611
determine all criminal causes involving any moving traffic 612
violation occurring on a state highway located within the 613
boundaries of the municipal corporation, subject to the 614
limitations of sections 2937.08 and 2938.04 of the Revised Code. 615

(B)(1) In Georgetown in Brown county, in Mount Gilead in 616
Morrow county, and in all other municipal corporations having a 617

population of more than one hundred, other than Batavia in 618
Clermont county, not being the site of a municipal court nor a 619
place where a judge of a court listed in division (A) of this 620
section sits as required pursuant to section 1901.021 of the 621
Revised Code or by designation of the judges pursuant to section 622
1901.021 of the Revised Code, the mayor of the municipal 623
corporation has jurisdiction, subject to the limitation contained 624
in section 1905.03 of the Revised Code, to hear and determine 625
prosecutions involving a violation of an ordinance of the 626
municipal corporation relating to operating a vehicle while under 627
the influence of alcohol, a drug of abuse, or a combination of 628
them or relating to operating a vehicle with a prohibited 629
concentration of alcohol or with any amount of a controlled 630
substance or a metabolite of a controlled substance in the whole 631
blood, blood serum or plasma, breath, or urine, and to hear and 632
determine criminal causes involving a violation of section 4511.19 633
of the Revised Code that occur on a state highway located within 634
the boundaries of the municipal corporation, subject to the 635
limitations of sections 2937.08 and 2938.04 of the Revised Code, 636
only if the person charged with the violation, within six years of 637
the date of the violation charged, has not been convicted of or 638
pleaded guilty to any of the following: 639

(a) A violation of an ordinance of any municipal corporation 640
relating to operating a vehicle while under the influence of 641
alcohol, a drug of abuse, or a combination of them or relating to 642
operating a vehicle with a prohibited concentration of alcohol or 643
with any amount of a controlled substance or a metabolite of a 644
controlled substance in the whole blood, blood serum or plasma, 645
breath, or urine; 646

(b) A violation of section 4511.19 of the Revised Code; 647

(c) A violation of any ordinance of any municipal corporation 648
or of any section of the Revised Code that regulates the operation 649

of vehicles, streetcars, and trackless trolleys upon the highways 650
or streets, to which all of the following apply: 651

(i) The person, in the case in which the conviction was 652
obtained or the plea of guilty was entered, had been charged with 653
a violation of an ordinance of a type described in division 654
(B)(1)(a) of this section, or with a violation of section 4511.19 655
of the Revised Code; 656

(ii) The charge of the violation described in division 657
(B)(1)(c)(i) of this section was dismissed or reduced; 658

(iii) The violation of which the person was convicted or to 659
which the person pleaded guilty arose out of the same facts and 660
circumstances and the same act as did the charge that was 661
dismissed or reduced. 662

(d) A violation of a statute of the United States or of any 663
other state or a municipal ordinance of a municipal corporation 664
located in any other state that is substantially similar to 665
section 4511.19 of the Revised Code. 666

(2) The mayor of a municipal corporation does not have 667
jurisdiction to hear and determine any prosecution or criminal 668
cause involving a violation described in division (B)(1)(a) or (b) 669
of this section, regardless of where the violation occurred, if 670
the person charged with the violation, within six years of the 671
violation charged, has been convicted of or pleaded guilty to any 672
violation listed in division (B)(1)(a), (b), (c), or (d) of this 673
section. 674

If the mayor of a municipal corporation, in hearing a 675
prosecution involving a violation of an ordinance of the municipal 676
corporation the mayor serves relating to operating a vehicle while 677
under the influence of alcohol, a drug of abuse, or a combination 678
of them or relating to operating a vehicle with a prohibited 679
concentration of alcohol or with any amount of a controlled 680

substance or a metabolite of a controlled substance in the whole 681
blood, blood serum or plasma, breath, or urine, or in hearing a 682
criminal cause involving a violation of section 4511.19 of the 683
Revised Code, determines that the person charged, within six years 684
of the violation charged, has been convicted of or pleaded guilty 685
to any violation listed in division (B)(1)(a), (b), (c), or (d) of 686
this section, the mayor immediately shall transfer the case to the 687
county court or municipal court with jurisdiction over the 688
violation charged, in accordance with section 1905.032 of the 689
Revised Code. 690

(C)(1) In Georgetown in Brown county, in Mount Gilead in 691
Morrow county, and in all other municipal corporations having a 692
population of more than one hundred, other than Batavia in 693
Clermont county, not being the site of a municipal court and not 694
being a place where a judge of a court listed in division (A) of 695
this section sits as required pursuant to section 1901.021 of the 696
Revised Code or by designation of the judges pursuant to section 697
1901.021 of the Revised Code, the mayor of the municipal 698
corporation, subject to sections 1901.031, 2937.08, and 2938.04 of 699
the Revised Code, has jurisdiction to hear and determine 700
prosecutions involving a violation of a municipal ordinance that 701
is substantially equivalent to division (A) of section 4510.14 or 702
section 4510.16 of the Revised Code and to hear and determine 703
criminal causes that involve a moving traffic violation, that 704
involve a violation of division (A) of section 4510.14 or section 705
4510.16 of the Revised Code, and that occur on a state highway 706
located within the boundaries of the municipal corporation only if 707
all of the following apply regarding the violation and the person 708
charged: 709

(a) Regarding a violation of section 4510.16 of the Revised 710
Code or a violation of a municipal ordinance that is substantially 711
equivalent to that division, the person charged with the 712

violation, within six years of the date of the violation charged, 713
has not been convicted of or pleaded guilty to any of the 714
following: 715

(i) A violation of section 4510.16 of the Revised Code; 716

(ii) A violation of a municipal ordinance that is 717
substantially equivalent to section 4510.16 of the Revised Code; 718

(iii) A violation of any municipal ordinance or section of 719
the Revised Code that regulates the operation of vehicles, 720
streetcars, and trackless trolleys upon the highways or streets, 721
in a case in which, after a charge against the person of a 722
violation of a type described in division (C)(1)(a)(i) or (ii) of 723
this section was dismissed or reduced, the person is convicted of 724
or pleads guilty to a violation that arose out of the same facts 725
and circumstances and the same act as did the charge that was 726
dismissed or reduced. 727

(b) Regarding a violation of division (A) of section 4510.14 728
of the Revised Code or a violation of a municipal ordinance that 729
is substantially equivalent to that division, the person charged 730
with the violation, within six years of the date of the violation 731
charged, has not been convicted of or pleaded guilty to any of the 732
following: 733

(i) A violation of division (A) of section 4510.14 of the 734
Revised Code; 735

(ii) A violation of a municipal ordinance that is 736
substantially equivalent to division (A) of section 4510.14 of the 737
Revised Code; 738

(iii) A violation of any municipal ordinance or section of 739
the Revised Code that regulates the operation of vehicles, 740
streetcars, and trackless trolleys upon the highways or streets in 741
a case in which, after a charge against the person of a violation 742
of a type described in division (C)(1)(b)(i) or (ii) of this 743

section was dismissed or reduced, the person is convicted of or 744
pleads guilty to a violation that arose out of the same facts and 745
circumstances and the same act as did the charge that was 746
dismissed or reduced. 747

(2) The mayor of a municipal corporation does not have 748
jurisdiction to hear and determine any prosecution or criminal 749
cause involving a violation described in division (C)(1)(a)(i) or 750
(ii) of this section if the person charged with the violation, 751
within six years of the violation charged, has been convicted of 752
or pleaded guilty to any violation listed in division 753
(C)(1)(a)(i), (ii), or (iii) of this section and does not have 754
jurisdiction to hear and determine any prosecution or criminal 755
cause involving a violation described in division (C)(1)(b)(i) or 756
(ii) of this section if the person charged with the violation, 757
within six years of the violation charged, has been convicted of 758
or pleaded guilty to any violation listed in division 759
(C)(1)(b)(i), (ii), or (iii) of this section. 760

(3) If the mayor of a municipal corporation, in hearing a 761
prosecution involving a violation of an ordinance of the municipal 762
corporation the mayor serves that is substantially equivalent to 763
division (A) of section 4510.14 or section 4510.16 of the Revised 764
Code or a violation of division (A) of section 4510.14 or section 765
4510.16 of the Revised Code, determines that, under division 766
(C)(2) of this section, mayors do not have jurisdiction of the 767
prosecution, the mayor immediately shall transfer the case to the 768
county court or municipal court with jurisdiction over the 769
violation in accordance with section 1905.032 of the Revised Code. 770

(D) If the mayor of a municipal corporation has jurisdiction 771
pursuant to division (B)(1) of this section to hear and determine 772
a prosecution or criminal cause involving a violation described in 773
division (B)(1)(a) or (b) of this section, the authority of the 774
mayor to hear or determine the prosecution or cause is subject to 775

the limitation contained in division (C) of section 1905.03 of the Revised Code. If the mayor of a municipal corporation has jurisdiction pursuant to division (A) or (C) of this section to hear and determine a prosecution or criminal cause involving a violation other than a violation described in division (B)(1)(a) or (b) of this section, the authority of the mayor to hear or determine the prosecution or cause is subject to the limitation contained in division (C) of section 1905.031 of the Revised Code.

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

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

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

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

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

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

(F) In keeping a docket and files, the mayor, and a mayor's

court magistrate appointed under section 1905.05 of the Revised Code, shall be governed by the laws pertaining to county courts.

Sec. 1905.201. The mayor of a municipal corporation that has a mayor's court, and a mayor's court magistrate, are entitled to suspend, and shall suspend, in accordance with sections 4510.02, 4510.07, and 4511.19 of the Revised Code, the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of division (A) of 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 a combination of them, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol or with any amount of a controlled substance or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine that is substantially equivalent to division (A) of section 4511.19 of the Revised Code. The mayor of a municipal corporation that has a mayor's court, and a mayor's court magistrate, are entitled to suspend, and shall suspend, in accordance with sections 4510.02, 4510.07, and 4511.19 of the Revised Code, the driver's, or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of division (B) of section 4511.19 of the Revised Code or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine that is substantially equivalent to division (B) of section 4511.19 of the Revised Code.

Suspension of a commercial driver's license under this section shall be concurrent with any period of disqualification or suspension under section 3123.58 or 4506.16 of the Revised Code. No person who is disqualified for life from holding a commercial

driver's license under section 4506.16 of the Revised Code shall 839
be issued a driver's license under Chapter 4507. of the Revised 840
Code during the period for which the commercial driver's license 841
was suspended under this section, and no person whose commercial 842
driver's license is suspended under this section shall be issued a 843
driver's license under Chapter 4507. of the Revised Code during 844
the period of the suspension. 845

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the 846
Revised Code: 847

(A) "Claimant" means both of the following categories of 848
persons: 849

(1) Any of the following persons who claim an award of 850
reparations under sections 2743.51 to 2743.72 of the Revised Code: 851

(a) A victim who was one of the following at the time of the 852
criminally injurious conduct: 853

(i) A resident of the United States; 854

(ii) A resident of a foreign country the laws of which permit 855
residents of this state to recover compensation as victims of 856
offenses committed in that country. 857

(b) A dependent of a deceased victim who is described in 858
division (A)(1)(a) of this section; 859

(c) A third person, other than a collateral source, who 860
legally assumes or voluntarily pays the obligations of a victim, 861
or of a dependent of a victim, who is described in division 862
(A)(1)(a) of this section, which obligations are incurred as a 863
result of the criminally injurious conduct that is the subject of 864
the claim and may include, but are not limited to, medical or 865
burial expenses; 866

(d) A person who is authorized to act on behalf of any person 867
who is described in division (A)(1)(a), (b), or (c) of this 868

section;	869
(e) The estate of a deceased victim who is described in division (A)(1)(a) of this section.	870 871
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	872 873
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	874 875 876 877
(i) Had a permanent place of employment in this state;	878
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	879 880 881 882
(iii) Was retired and receiving social security or any other retirement income;	883 884
(iv) Was sixty years of age or older;	885
(v) Was temporarily in another state for the purpose of receiving medical treatment;	886 887
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	888 889 890 891
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	892 893 894 895
(viii) Was a full-time student at an academic institution, college, or university located in another state;	896 897

(ix) Had not departed the geographical boundaries of this 898
state for a period exceeding thirty days or with the intention of 899
becoming a citizen of another state or establishing a permanent 900
place of residence in another state. 901

(b) A dependent of a deceased victim who is described in 902
division (A)(2)(a) of this section; 903

(c) A third person, other than a collateral source, who 904
legally assumes or voluntarily pays the obligations of a victim, 905
or of a dependent of a victim, who is described in division 906
(A)(2)(a) of this section, which obligations are incurred as a 907
result of the criminally injurious conduct that is the subject of 908
the claim and may include, but are not limited to, medical or 909
burial expenses; 910

(d) A person who is authorized to act on behalf of any person 911
who is described in division (A)(2)(a), (b), or (c) of this 912
section; 913

(e) The estate of a deceased victim who is described in 914
division (A)(2)(a) of this section. 915

(B) "Collateral source" means a source of benefits or 916
advantages for economic loss otherwise reparable that the victim 917
or claimant has received, or that is readily available to the 918
victim or claimant, from any of the following sources: 919

(1) The offender; 920

(2) The government of the United States or any of its 921
agencies, a state or any of its political subdivisions, or an 922
instrumentality of two or more states, unless the law providing 923
for the benefits or advantages makes them excess or secondary to 924
benefits under sections 2743.51 to 2743.72 of the Revised Code; 925

(3) Social security, medicare, and medicaid; 926

(4) State-required, temporary, nonoccupational disability 927

insurance;	928
(5) Workers' compensation;	929
(6) Wage continuation programs of any employer;	930
(7) Proceeds of a contract of insurance payable to the victim	931
for loss that the victim sustained because of the criminally	932
injurious conduct;	933
(8) A contract providing prepaid hospital and other health	934
care services, or benefits for disability;	935
(9) That portion of the proceeds of all contracts of	936
insurance payable to the claimant on account of the death of the	937
victim that exceeds fifty thousand dollars;	938
(10) Any compensation recovered or recoverable under the laws	939
of another state, district, territory, or foreign country because	940
the victim was the victim of an offense committed in that state,	941
district, territory, or country.	942
"Collateral source" does not include any money, or the	943
monetary value of any property, that is subject to sections	944
2969.01 to 2969.06 of the Revised Code or that is received as a	945
benefit from the Ohio public safety officers death benefit fund	946
created by section 742.62 of the Revised Code.	947
(C) "Criminally injurious conduct" means one of the	948
following:	949
(1) For the purposes of any person described in division	950
(A)(1) of this section, any conduct that occurs or is attempted in	951
this state; poses a substantial threat of personal injury or	952
death; and is punishable by fine, imprisonment, or death, or would	953
be so punishable but for the fact that the person engaging in the	954
conduct lacked capacity to commit the crime under the laws of this	955
state. Criminally injurious conduct does not include conduct	956
arising out of the ownership, maintenance, or use of a motor	957

vehicle, except when any of the following applies:	958
(a) The person engaging in the conduct intended to cause personal injury or death;	959 960
(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of this state;	961 962 963 964 965
(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;	966 967
(d) The conduct occurred on or after July 25, 1990, and the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of section 2903.08 of the Revised Code.	968 969 970 971
(2) For the purposes of any person described in division (A)(2) of this section, any conduct that occurs or is attempted in another state, district, territory, or foreign country; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, except when any of the following applies:	972 973 974 975 976 977 978 979 980 981 982
(a) The person engaging in the conduct intended to cause personal injury or death;	983 984
(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the	985 986 987 988

laws of the state, district, territory, or foreign country in	989
which the conduct occurred or was attempted;	990
(c) The person engaging in the conduct was using the vehicle	991
in a manner that constitutes an OVI violation;	992
(d) The conduct occurred on or after July 25, 1990, the	993
person engaging in the conduct was using the vehicle in a manner	994
that constitutes a violation of any law of the state, district,	995
territory, or foreign country in which the conduct occurred, and	996
that law is substantially similar to a violation of section	997
2903.08 of the Revised Code.	998
(3) For the purposes of any person described in division	999
(A)(1) or (2) of this section, terrorism that occurs within or	1000
outside the territorial jurisdiction of the United States.	1001
(D) "Dependent" means an individual wholly or partially	1002
dependent upon the victim for care and support, and includes a	1003
child of the victim born after the victim's death.	1004
(E) "Economic loss" means economic detriment consisting only	1005
of allowable expense, work loss, funeral expense, unemployment	1006
benefits loss, replacement services loss, cost of crime scene	1007
cleanup, and cost of evidence replacement. If criminally injurious	1008
conduct causes death, economic loss includes a dependent's	1009
economic loss and a dependent's replacement services loss.	1010
Noneconomic detriment is not economic loss; however, economic loss	1011
may be caused by pain and suffering or physical impairment.	1012
(F)(1) "Allowable expense" means reasonable charges incurred	1013
for reasonably needed products, services, and accommodations,	1014
including those for medical care, rehabilitation, rehabilitative	1015
occupational training, and other remedial treatment and care and	1016
including replacement costs for eyeglasses and other corrective	1017
lenses. It does not include that portion of a charge for a room in	1018
a hospital, clinic, convalescent home, nursing home, or any other	1019

institution engaged in providing nursing care and related services 1020
in excess of a reasonable and customary charge for semiprivate 1021
accommodations, unless accommodations other than semiprivate 1022
accommodations are medically required. 1023

(2) An immediate family member of a victim of criminally 1024
injurious conduct that consists of a homicide, a sexual assault, 1025
domestic violence, or a severe and permanent incapacitating injury 1026
resulting in paraplegia or a similar life-altering condition, who 1027
requires psychiatric care or counseling as a result of the 1028
criminally injurious conduct, may be reimbursed for that care or 1029
counseling as an allowable expense through the victim's 1030
application. The cumulative allowable expense for care or 1031
counseling of that nature shall not exceed two thousand five 1032
hundred dollars for each immediate family member of a victim of 1033
that type and seven thousand five hundred dollars in the aggregate 1034
for all immediate family members of a victim of that type. 1035

(3) A family member of a victim who died as a proximate 1036
result of criminally injurious conduct may be reimbursed as an 1037
allowable expense through the victim's application for wages lost 1038
and travel expenses incurred in order to attend criminal justice 1039
proceedings arising from the criminally injurious conduct. The 1040
cumulative allowable expense for wages lost and travel expenses 1041
incurred by a family member to attend criminal justice proceedings 1042
shall not exceed five hundred dollars for each family member of 1043
the victim and two thousand dollars in the aggregate for all 1044
family members of the victim. 1045

(4) "Allowable expense" includes attorney's fees not 1046
exceeding two thousand five hundred dollars, at a rate not 1047
exceeding one hundred fifty dollars per hour, incurred to 1048
successfully obtain a restraining order, custody order, or other 1049
order to physically separate a victim from an offender, if the 1050
attorney has not received payment under section 2743.65 of the 1051

Revised Code for assisting a claimant with an application for an award of reparations under sections 2743.51 to 2743.72 of the Revised Code.

(G) "Work loss" means loss of income from work that the injured person would have performed if the person had not been injured and expenses reasonably incurred by the person to obtain services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by the person, or by income the person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

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

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

(J) "Dependent's replacement services loss" means loss reasonably incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed for their benefit if the victim had

not suffered the fatal injury, less expenses of the dependents 1083
avoided by reason of the victim's death and not subtracted in 1084
calculating the dependent's economic loss. If a minor child of a 1085
victim is adopted after the victim's death, the minor child 1086
continues after the adoption to incur a dependent's replacement 1087
services loss as a result of the victim's death. If the surviving 1088
spouse of a victim remarries, the surviving spouse continues after 1089
the remarriage to incur a dependent's replacement services loss as 1090
a result of the victim's death. 1091

(K) "Noneconomic detriment" means pain, suffering, 1092
inconvenience, physical impairment, or other nonpecuniary damage. 1093

(L) "Victim" means a person who suffers personal injury or 1094
death as a result of any of the following: 1095

(1) Criminally injurious conduct; 1096

(2) The good faith effort of any person to prevent criminally 1097
injurious conduct; 1098

(3) The good faith effort of any person to apprehend a person 1099
suspected of engaging in criminally injurious conduct. 1100

(M) "Contributory misconduct" means any conduct of the 1101
claimant or of the victim through whom the claimant claims an 1102
award of reparations that is unlawful or intentionally tortious 1103
and that, without regard to the conduct's proximity in time or 1104
space to the criminally injurious conduct, has a causal 1105
relationship to the criminally injurious conduct that is the basis 1106
of the claim. 1107

(N)(1) "Funeral expense" means any reasonable charges that 1108
are not in excess of seven thousand five hundred dollars per 1109
funeral and that are incurred for expenses directly related to a 1110
victim's funeral, cremation, or burial and any wages lost or 1111
travel expenses incurred by a family member of a victim in order 1112
to attend the victim's funeral, cremation, or burial. 1113

(2) An award for funeral expenses shall be applied first to 1114
expenses directly related to the victim's funeral, cremation, or 1115
burial. An award for wages lost or travel expenses incurred by a 1116
family member of the victim shall not exceed five hundred dollars 1117
for each family member and shall not exceed in the aggregate the 1118
difference between seven thousand five hundred dollars and 1119
expenses that are reimbursed by the program and that are directly 1120
related to the victim's funeral, cremation, or burial. 1121

(O) "Unemployment benefits loss" means a loss of unemployment 1122
benefits pursuant to Chapter 4141. of the Revised Code when the 1123
loss arises solely from the inability of a victim to meet the able 1124
to work, available for suitable work, or the actively seeking 1125
suitable work requirements of division (A)(4)(a) of section 1126
4141.29 of the Revised Code. 1127

(P) "OVI violation" means any of the following: 1128

(1) A violation of section 4511.19 of the Revised Code, of 1129
any municipal ordinance prohibiting the operation of a vehicle 1130
while under the influence of alcohol, a drug of abuse, or a 1131
combination of them, or of any municipal ordinance prohibiting the 1132
operation of a vehicle with a prohibited concentration of alcohol 1133
or with any amount of a controlled substance or a metabolite of a 1134
controlled substance in the whole blood, blood serum or plasma, 1135
breath, or urine; 1136

(2) A violation of division (A)(1) of section 2903.06 of the 1137
Revised Code; 1138

(3) A violation of division (A)(2), (3), or (4) of section 1139
2903.06 of the Revised Code or of a municipal ordinance 1140
substantially similar to any of those divisions, if the offender 1141
was under the influence of alcohol, a drug of abuse, or a 1142
combination of them, at the time of the commission of the offense; 1143

(4) For purposes of any person described in division (A)(2) 1144

of this section, a violation of any law of the state, district, 1145
territory, or foreign country in which the criminally injurious 1146
conduct occurred, if that law is substantially similar to a 1147
violation described in division (P)(1) or (2) of this section or 1148
if that law is substantially similar to a violation described in 1149
division (P)(3) of this section and the offender was under the 1150
influence of alcohol, a drug of abuse, or a combination of them, 1151
at the time of the commission of the offense. 1152

(Q) "Pendency of the claim" for an original reparations 1153
application or supplemental reparations application means the 1154
period of time from the date the criminally injurious conduct upon 1155
which the application is based occurred until the date a final 1156
decision, order, or judgment concerning that original reparations 1157
application or supplemental reparations application is issued. 1158

(R) "Terrorism" means any activity to which all of the 1159
following apply: 1160

(1) The activity involves a violent act or an act that is 1161
dangerous to human life. 1162

(2) The act described in division (R)(1) of this section is 1163
committed within the territorial jurisdiction of the United States 1164
and is a violation of the criminal laws of the United States, this 1165
state, or any other state or the act described in division (R)(1) 1166
of this section is committed outside the territorial jurisdiction 1167
of the United States and would be a violation of the criminal laws 1168
of the United States, this state, or any other state if committed 1169
within the territorial jurisdiction of the United States. 1170

(3) The activity appears to be intended to do any of the 1171
following: 1172

(a) Intimidate or coerce a civilian population; 1173

(b) Influence the policy of any government by intimidation or 1174
coercion; 1175

(c) Affect the conduct of any government by assassination or 1176
kidnapping. 1177

(4) The activity occurs primarily outside the territorial 1178
jurisdiction of the United States or transcends the national 1179
boundaries of the United States in terms of the means by which the 1180
activity is accomplished, the person or persons that the activity 1181
appears intended to intimidate or coerce, or the area or locale in 1182
which the perpetrator or perpetrators of the activity operate or 1183
seek asylum. 1184

(S) "Transcends the national boundaries of the United States" 1185
means occurring outside the territorial jurisdiction of the United 1186
States in addition to occurring within the territorial 1187
jurisdiction of the United States. 1188

(T) "Cost of crime scene cleanup" means reasonable and 1189
necessary costs of cleaning the scene and repairing, for the 1190
purpose of personal security, property damaged at the scene where 1191
the criminally injurious conduct occurred, not to exceed seven 1192
hundred fifty dollars in the aggregate per claim. 1193

(U) "Cost of evidence replacement" means costs for 1194
replacement of property confiscated for evidentiary purposes 1195
related to the criminally injurious conduct, not to exceed seven 1196
hundred fifty dollars in the aggregate per claim. 1197

(V) "Provider" means any person who provides a victim or 1198
claimant with a product, service, or accommodations that are an 1199
allowable expense or a funeral expense. 1200

(W) "Immediate family member" means an individual who resided 1201
in the same permanent household as a victim at the time of the 1202
criminally injurious conduct and who is related to the victim by 1203
affinity or consanguinity. 1204

(X) "Family member" means an individual who is related to a 1205

victim by affinity or consanguinity. 1206

Sec. 2919.22. (A) No person, who is the parent, guardian, 1207
custodian, person having custody or control, or person in loco 1208
parentis of a child under eighteen years of age or a mentally or 1209
physically handicapped child under twenty-one years of age, shall 1210
create a substantial risk to the health or safety of the child, by 1211
violating a duty of care, protection, or support. It is not a 1212
violation of a duty of care, protection, or support under this 1213
division when the parent, guardian, custodian, or person having 1214
custody or control of a child treats the physical or mental 1215
illness or defect of the child by spiritual means through prayer 1216
alone, in accordance with the tenets of a recognized religious 1217
body. 1218

(B) No person shall do any of the following to a child under 1219
eighteen years of age or a mentally or physically handicapped 1220
child under twenty-one years of age: 1221

(1) Abuse the child; 1222

(2) Torture or cruelly abuse the child; 1223

(3) Administer corporal punishment or other physical 1224
disciplinary measure, or physically restrain the child in a cruel 1225
manner or for a prolonged period, which punishment, discipline, or 1226
restraint is excessive under the circumstances and creates a 1227
substantial risk of serious physical harm to the child; 1228

(4) Repeatedly administer unwarranted disciplinary measures 1229
to the child, when there is a substantial risk that such conduct, 1230
if continued, will seriously impair or retard the child's mental 1231
health or development; 1232

(5) Entice, coerce, permit, encourage, compel, hire, employ, 1233
use, or allow the child to act, model, or in any other way 1234
participate in, or be photographed for, the production, 1235

presentation, dissemination, or advertisement of any material or 1236
performance that the offender knows or reasonably should know is 1237
obscene, is sexually oriented matter, or is nudity-oriented 1238
matter. 1239

(C)(1) No person shall operate a vehicle, streetcar, or 1240
trackless trolley within this state in violation of division (A) 1241
of section 4511.19 of the Revised Code when one or more children 1242
under eighteen years of age are in the vehicle, streetcar, or 1243
trackless trolley. Notwithstanding any other provision of law, a 1244
person may be convicted at the same trial or proceeding of a 1245
violation of this division and a violation of division (A) of 1246
section 4511.19 of the Revised Code that constitutes the basis of 1247
the charge of the violation of this division. For purposes of 1248
sections 4511.191 to 4511.197 of the Revised Code and all related 1249
provisions of law, a person arrested for a violation of this 1250
division shall be considered to be under arrest for operating a 1251
vehicle while under the influence of alcohol, a drug of abuse, or 1252
a combination of them or for operating a vehicle with a prohibited 1253
concentration of alcohol or with any amount of a controlled 1254
substance or a metabolite of a controlled substance in the whole 1255
blood, blood serum or plasma, breath, or urine. 1256

(2) As used in division (C)(1) of this section, "vehicle," 1257
"streetcar," and "trackless trolley" have the same meanings as in 1258
section 4511.01 of the Revised Code. 1259

(D)(1) Division (B)(5) of this section does not apply to any 1260
material or performance that is produced, presented, or 1261
disseminated for a bona fide medical, scientific, educational, 1262
religious, governmental, judicial, or other proper purpose, by or 1263
to a physician, psychologist, sociologist, scientist, teacher, 1264
person pursuing bona fide studies or research, librarian, member 1265
of the clergy, prosecutor, judge, or other person having a proper 1266
interest in the material or performance. 1267

(2) Mistake of age is not a defense to a charge under	1268
division (B)(5) of this section.	1269
(3) In a prosecution under division (B)(5) of this section,	1270
the trier of fact may infer that an actor, model, or participant	1271
in the material or performance involved is a juvenile if the	1272
material or performance, through its title, text, visual	1273
representation, or otherwise, represents or depicts the actor,	1274
model, or participant as a juvenile.	1275
(4) As used in this division and division (B)(5) of this	1276
section:	1277
(a) "Material," "performance," "obscene," and "sexual	1278
activity" have the same meanings as in section 2907.01 of the	1279
Revised Code.	1280
(b) "Nudity-oriented matter" means any material or	1281
performance that shows a minor in a state of nudity and that,	1282
taken as a whole by the average person applying contemporary	1283
community standards, appeals to prurient interest.	1284
(c) "Sexually oriented matter" means any material or	1285
performance that shows a minor participating or engaging in sexual	1286
activity, masturbation, or bestiality.	1287
(E)(1) Whoever violates this section is guilty of endangering	1288
children.	1289
(2) If the offender violates division (A) or (B)(1) of this	1290
section, endangering children is one of the following:	1291
(a) Except as otherwise provided in division (E)(2)(b), (c),	1292
or (d) of this section, a misdemeanor of the first degree;	1293
(b) If the offender previously has been convicted of an	1294
offense under this section or of any offense involving neglect,	1295
abandonment, contributing to the delinquency of, or physical abuse	1296
of a child, except as otherwise provided in division (E)(2)(c) or	1297

(d) of this section, a felony of the fourth degree;	1298
(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;	1299 1300 1301
(d) If the violation is a violation of division (B)(1) of this section and results in serious physical harm to the child involved, a felony of the second degree.	1302 1303 1304
(3) If the offender violates division (B)(2), (3), or (4) of this section, except as otherwise provided in this division, endangering children is a felony of the third degree. If the violation results in serious physical harm to the child involved, or if the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, endangering children is a felony of the second degree.	1305 1306 1307 1308 1309 1310 1311 1312
(4) If the offender violates division (B)(5) of this section, endangering children is a felony of the second degree.	1313 1314
(5) If the offender violates division (C) of this section, the offender shall be punished as follows:	1315 1316
(a) Except as otherwise provided in division (E)(5)(b) or (c) of this section, endangering children in violation of division (C) of this section is a misdemeanor of the first degree.	1317 1318 1319
(b) If the violation results in serious physical harm to the child involved or the offender previously has been convicted of an offense under this section or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E)(5)(c) of this section, endangering children in violation of division (C) of this section is a felony of the fifth degree.	1320 1321 1322 1323 1324 1325 1326
(c) If the violation results in serious physical harm to the	1327

child involved and if the offender previously has been convicted 1328
of a violation of division (C) of this section, section 2903.06 or 1329
2903.08 of the Revised Code, section 2903.07 of the Revised Code 1330
as it existed prior to March 23, 2000, or section 2903.04 of the 1331
Revised Code in a case in which the offender was subject to the 1332
sanctions described in division (D) of that section, endangering 1333
children in violation of division (C) of this section is a felony 1334
of the fourth degree. 1335

(d) In addition to any term of imprisonment, fine, or other 1336
sentence, penalty, or sanction it imposes upon the offender 1337
pursuant to division (E)(5)(a), (b), or (c) of this section or 1338
pursuant to any other provision of law and in addition to any 1339
suspension of the offender's driver's or commercial driver's 1340
license or permit or nonresident operating privilege under Chapter 1341
4506., 4509., 4510., or 4511. of the Revised Code or under any 1342
other provision of law, the court also may impose upon the 1343
offender a class seven suspension of the offender's driver's or 1344
commercial driver's license or permit or nonresident operating 1345
privilege from the range specified in division (A)(7) of section 1346
4510.02 of the Revised Code. 1347

(e) In addition to any term of imprisonment, fine, or other 1348
sentence, penalty, or sanction imposed upon the offender pursuant 1349
to division (E)(5)(a), (b), (c), or (d) of this section or 1350
pursuant to any other provision of law for the violation of 1351
division (C) of this section, if as part of the same trial or 1352
proceeding the offender also is convicted of or pleads guilty to a 1353
separate charge charging the violation of division (A) of section 1354
4511.19 of the Revised Code that was the basis of the charge of 1355
the violation of division (C) of this section, the offender also 1356
shall be sentenced in accordance with section 4511.19 of the 1357
Revised Code for that violation of division (A) of section 4511.19 1358
of the Revised Code. 1359

(F)(1)(a) A court may require an offender to perform not more than two hundred hours of supervised community service work under the authority of an agency, subdivision, or charitable organization. The requirement shall be part of the community control sanction or sentence of the offender, and the court shall impose the community service in accordance with and subject to divisions (F)(1)(a) and (b) of this section. The court may require an offender whom it requires to perform supervised community service work as part of the offender's community control sanction or sentence to pay the court a reasonable fee to cover the costs of the offender's participation in the work, including, but not limited to, the costs of procuring a policy or policies of liability insurance to cover the period during which the offender will perform the work. If the court requires the offender to perform supervised community service work as part of the offender's community control sanction or sentence, the court shall do so in accordance with the following limitations and criteria:

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

(ii) The supervised community service work shall be subject to the limitations set forth in divisions (B)(1), (2), and (3) of section 2951.02 of the Revised Code.

(iii) The community service work shall be supervised in the manner described in division (B)(4) of section 2951.02 of the Revised Code by an official or person with the qualifications described in that division. The official or person periodically shall report in writing to the court concerning the conduct of the offender in performing the work.

(iv) The court shall inform the offender in writing that if

the offender does not adequately perform, as determined by the 1391
court, all of the required community service work, the court may 1392
order that the offender be committed to a jail or workhouse for a 1393
period of time that does not exceed the term of imprisonment that 1394
the court could have imposed upon the offender for the violation 1395
of division (C) of this section, reduced by the total amount of 1396
time that the offender actually was imprisoned under the sentence 1397
or term that was imposed upon the offender for that violation and 1398
by the total amount of time that the offender was confined for any 1399
reason arising out of the offense for which the offender was 1400
convicted and sentenced as described in sections 2949.08 and 1401
2967.191 of the Revised Code, and that, if the court orders that 1402
the offender be so committed, the court is authorized, but not 1403
required, to grant the offender credit upon the period of the 1404
commitment for the community service work that the offender 1405
adequately performed. 1406

(b) If a court, pursuant to division (F)(1)(a) of this 1407
section, orders an offender to perform community service work as 1408
part of the offender's community control sanction or sentence and 1409
if the offender does not adequately perform all of the required 1410
community service work, as determined by the court, the court may 1411
order that the offender be committed to a jail or workhouse for a 1412
period of time that does not exceed the term of imprisonment that 1413
the court could have imposed upon the offender for the violation 1414
of division (C) of this section, reduced by the total amount of 1415
time that the offender actually was imprisoned under the sentence 1416
or term that was imposed upon the offender for that violation and 1417
by the total amount of time that the offender was confined for any 1418
reason arising out of the offense for which the offender was 1419
convicted and sentenced as described in sections 2949.08 and 1420
2967.191 of the Revised Code. The court may order that a person 1421
committed pursuant to this division shall receive hour-for-hour 1422
credit upon the period of the commitment for the community service 1423

work that the offender adequately performed. No commitment 1424
pursuant to this division shall exceed the period of the term of 1425
imprisonment that the sentencing court could have imposed upon the 1426
offender for the violation of division (C) of this section, 1427
reduced by the total amount of time that the offender actually was 1428
imprisoned under that sentence or term and by the total amount of 1429
time that the offender was confined for any reason arising out of 1430
the offense for which the offender was convicted and sentenced as 1431
described in sections 2949.08 and 2967.191 of the Revised Code. 1432

(2) Division (F)(1) of this section does not limit or affect 1433
the authority of the court to suspend the sentence imposed upon a 1434
misdemeanor offender and place the offender under a community 1435
control sanction pursuant to section 2929.25 of the Revised Code, 1436
to require a misdemeanor or felony offender to perform supervised 1437
community service work in accordance with division (B) of section 1438
2951.02 of the Revised Code, or to place a felony offender under a 1439
community control sanction. 1440

(G)(1) If a court suspends an offender's driver's or 1441
commercial driver's license or permit or nonresident operating 1442
privilege under division (E)(5)(d) of this section, the period of 1443
the suspension shall be consecutive to, and commence after, the 1444
period of suspension of the offender's driver's or commercial 1445
driver's license or permit or nonresident operating privilege that 1446
is imposed under Chapter 4506., 4509., 4510., or 4511. of the 1447
Revised Code or under any other provision of law in relation to 1448
the violation of division (C) of this section that is the basis of 1449
the suspension under division (E)(5)(d) of this section or in 1450
relation to the violation of division (A) of section 4511.19 of 1451
the Revised Code that is the basis for that violation of division 1452
(C) of this section. 1453

(2) An offender is not entitled to request, and the court 1454
shall not grant to the offender, limited driving privileges if the 1455

offender's license, permit, or privilege has been suspended under 1456
division (E)(5)(d) of this section and the offender, within the 1457
preceding six years, has been convicted of or pleaded guilty to 1458
three or more violations of one or more of the following: 1459

(a) Division (C) of this section; 1460

(b) Any equivalent offense, as defined in section 4511.181 of 1461
the Revised Code. 1462

(H)(1) If a person violates division (C) of this section and 1463
if, at the time of the violation, there were two or more children 1464
under eighteen years of age in the motor vehicle involved in the 1465
violation, the offender may be convicted of a violation of 1466
division (C) of this section for each of the children, but the 1467
court may sentence the offender for only one of the violations. 1468

(2)(a) If a person is convicted of or pleads guilty to a 1469
violation of division (C) of this section but the person is not 1470
also convicted of and does not also plead guilty to a separate 1471
charge charging the violation of division (A) of section 4511.19 1472
of the Revised Code that was the basis of the charge of the 1473
violation of division (C) of this section, both of the following 1474
apply: 1475

(i) For purposes of the provisions of section 4511.19 of the 1476
Revised Code that set forth the penalties and sanctions for a 1477
violation of division (A) of section 4511.19 of the Revised Code, 1478
the conviction of or plea of guilty to the violation of division 1479
(C) of this section shall not constitute a violation of division 1480
(A) of section 4511.19 of the Revised Code; 1481

(ii) For purposes of any provision of law that refers to a 1482
conviction of or plea of guilty to a violation of division (A) of 1483
section 4511.19 of the Revised Code and that is not described in 1484
division (H)(2)(a)(i) of this section, the conviction of or plea 1485
of guilty to the violation of division (C) of this section shall 1486

constitute a conviction of or plea of guilty to a violation of 1487
division (A) of section 4511.19 of the Revised Code. 1488

(b) If a person is convicted of or pleads guilty to a 1489
violation of division (C) of this section and the person also is 1490
convicted of or pleads guilty to a separate charge charging the 1491
violation of division (A) of section 4511.19 of the Revised Code 1492
that was the basis of the charge of the violation of division (C) 1493
of this section, the conviction of or plea of guilty to the 1494
violation of division (C) of this section shall not constitute, 1495
for purposes of any provision of law that refers to a conviction 1496
of or plea of guilty to a violation of division (A) of section 1497
4511.19 of the Revised Code, a conviction of or plea of guilty to 1498
a violation of division (A) of section 4511.19 of the Revised 1499
Code. 1500

(I) As used in this section: 1501

(1) "Community control sanction" has the same meaning as in 1502
section 2929.01 of the Revised Code; 1503

(2) "Limited driving privileges" has the same meaning as in 1504
section 4501.01 of the Revised Code. 1505

Sec. 2937.46. (A) The supreme court of Ohio, in the interest 1506
of uniformity of procedure in the various courts and for the 1507
purpose of promoting prompt and efficient disposition of cases 1508
arising under the traffic laws of this state and related 1509
ordinances, may make uniform rules for practice and procedure in 1510
courts inferior to the court of common pleas not inconsistent with 1511
the provisions of Chapter 2937. of the Revised Code, including, 1512
but not limited to: 1513

(1) Separation of arraignment and trial of traffic and other 1514
types of cases; 1515

(2) Consolidation of cases for trial; 1516

(3) Transfer of cases within the same county for the purpose of trial;	1517 1518
(4) Designation of special referees for hearings or for receiving pleas or bail at times when courts are not in session;	1519 1520
(5) Fixing of reasonable bonds, and disposition of cases in which bonds have been forfeited.	1521 1522
(B) Except as otherwise specified in division (L) (M) of section 4511.19 of the Revised Code, all of the rules described in division (A) of this section, when promulgated by the supreme court, shall be fully binding on all courts inferior to the court of common pleas and on the court of common pleas in relation to felony violations of division (A) of section 4511.19 of the Revised Code and shall effect a cancellation of any local court rules inconsistent with the supreme court's rules.	1523 1524 1525 1526 1527 1528 1529 1530
Sec. 2951.02. (A) During the period of a misdemeanor offender's community control sanction or during the period of a felony offender's nonresidential sanction, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the offender, the place of residence of the offender, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the offender has a right, title, or interest or for which the offender has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the probation officers have reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the conditions of the misdemeanor offender's community control sanction or the conditions of the felony offender's nonresidential sanction. If a felony offender who is sentenced to a nonresidential sanction is under the general control and	1531 1532 1533 1534 1535 1536 1537 1538 1539 1540 1541 1542 1543 1544 1545 1546 1547

supervision of the adult parole authority, as described in 1548
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 1549
parole authority field officers with supervisory responsibilities 1550
over the felony offender shall have the same search authority 1551
relative to the felony offender during the period of the sanction 1552
that is described under this division for probation officers. The 1553
court that places the misdemeanor offender under a community 1554
control sanction pursuant to section 2929.25 of the Revised Code 1555
or that sentences the felony offender to a nonresidential sanction 1556
pursuant to section 2929.17 of the Revised Code shall provide the 1557
offender with a written notice that informs the offender that 1558
authorized probation officers or adult parole authority field 1559
officers with supervisory responsibilities over the offender who 1560
are engaged within the scope of their supervisory duties or 1561
responsibilities may conduct those types of searches during the 1562
period of community control sanction or the nonresidential 1563
sanction if they have reasonable grounds to believe that the 1564
offender is not abiding by the law or otherwise is not complying 1565
with the conditions of the offender's community control sanction 1566
or nonresidential sanction. 1567

(B) If an offender is convicted of or pleads guilty to a 1568
misdemeanor, the court may require the offender, as a condition of 1569
the offender's sentence of a community control sanction, to 1570
perform supervised community service work in accordance with this 1571
division. If an offender is convicted of or pleads guilty to a 1572
felony, the court, pursuant to sections 2929.15 and 2929.17 of the 1573
Revised Code, may impose a sanction that requires the offender to 1574
perform supervised community service work in accordance with this 1575
division. The supervised community service work shall be under the 1576
authority of health districts, park districts, counties, municipal 1577
corporations, townships, other political subdivisions of the 1578
state, or agencies of the state or any of its political 1579

subdivisions, or under the authority of charitable organizations 1580
that render services to the community or its citizens, in 1581
accordance with this division. The court may require an offender 1582
who is ordered to perform the work to pay to it a reasonable fee 1583
to cover the costs of the offender's participation in the work, 1584
including, but not limited to, the costs of procuring a policy or 1585
policies of liability insurance to cover the period during which 1586
the offender will perform the work. 1587

A court may permit any offender convicted of a felony or a 1588
misdemeanor to satisfy the payment of a fine imposed for the 1589
offense pursuant to section 2929.18 or 2929.28 of the Revised Code 1590
by performing supervised community service work as described in 1591
this division if the offender requests an opportunity to satisfy 1592
the payment by this means and if the court determines that the 1593
offender is financially unable to pay the fine. 1594

The supervised community service work that may be imposed 1595
under this division shall be subject to the following limitations: 1596

(1) The court shall fix the period of the work and, if 1597
necessary, shall distribute it over weekends or over other 1598
appropriate times that will allow the offender to continue at the 1599
offender's occupation or to care for the offender's family. The 1600
period of the work as fixed by the court shall not exceed in the 1601
aggregate the number of hours of community service imposed by the 1602
court pursuant to section 2929.17 or 2929.27 of the Revised Code. 1603

(2) An agency, political subdivision, or charitable 1604
organization must agree to accept the offender for the work before 1605
the court requires the offender to perform the work for the 1606
entity. A court shall not require an offender to perform 1607
supervised community service work for an agency, political 1608
subdivision, or charitable organization at a location that is an 1609
unreasonable distance from the offender's residence or domicile, 1610
unless the offender is provided with transportation to the 1611

location where the work is to be performed. 1612

(3) A court may enter into an agreement with a county 1613
department of job and family services for the management, 1614
placement, and supervision of offenders eligible for community 1615
service work in work activities, developmental activities, and 1616
alternative work activities under sections 5107.40 to 5107.69 of 1617
the Revised Code. If a court and a county department of job and 1618
family services have entered into an agreement of that nature, the 1619
clerk of that court is authorized to pay directly to the county 1620
department all or a portion of the fees collected by the court 1621
pursuant to this division in accordance with the terms of its 1622
agreement. 1623

(4) Community service work that a court requires under this 1624
division shall be supervised by an official of the agency, 1625
political subdivision, or charitable organization for which the 1626
work is performed or by a person designated by the agency, 1627
political subdivision, or charitable organization. The official or 1628
designated person shall be qualified for the supervision by 1629
education, training, or experience, and periodically shall report, 1630
in writing, to the court and to the offender's probation officer 1631
concerning the conduct of the offender in performing the work. 1632

(5) The total of any period of supervised community service 1633
work imposed on an offender under division (B) of this section 1634
plus the period of all other sanctions imposed pursuant to 1635
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 1636
Code for a felony, or pursuant to sections 2929.25, 2929.26, 1637
2929.27, and 2929.28 of the Revised Code for a misdemeanor, shall 1638
not exceed five years. 1639

(C)(1) If an offender is convicted of a violation of section 1640
4511.19 of the Revised Code, a municipal ordinance relating to 1641
operating a vehicle while under the influence of alcohol, a drug 1642
of abuse, or ~~alcohol and a drug combination~~ alcohol and a drug combination of abuse ~~them~~, or a 1643

municipal ordinance relating to operating a vehicle with a 1644
prohibited concentration of alcohol or with any amount of a 1645
controlled substance or a metabolite of a controlled substance in 1646
the whole blood, blood serum or plasma, breath, or urine, the 1647
court may require, as a condition of a community control sanction, 1648
any suspension of a driver's or commercial driver's license or 1649
permit or nonresident operating privilege, and all other penalties 1650
provided by law or by ordinance, that the offender operate only a 1651
motor vehicle equipped with an ignition interlock device that is 1652
certified pursuant to section 4510.43 of the Revised Code. 1653

(2) If a court requires an offender, as a condition of a 1654
community control sanction pursuant to division (C)(1) of this 1655
section, to operate only a motor vehicle equipped with an ignition 1656
interlock device that is certified pursuant to section 4510.43 of 1657
the Revised Code, the offender immediately shall surrender the 1658
offender's driver's or commercial driver's license or permit to 1659
the court. Upon the receipt of the offender's license or permit, 1660
the court shall issue an order authorizing the offender to operate 1661
a motor vehicle equipped with a certified ignition interlock 1662
device, deliver the offender's license or permit to the bureau of 1663
motor vehicles, and include in the abstract of the case forwarded 1664
to the bureau pursuant to section 4510.036 of the Revised Code the 1665
conditions of the community control sanction imposed pursuant to 1666
division (C)(1) of this section. The court shall give the offender 1667
a copy of its order, and that copy shall be used by the offender 1668
in lieu of a driver's or commercial driver's license or permit 1669
until the bureau issues a restricted license to the offender. 1670

(3) Upon receipt of an offender's driver's or commercial 1671
driver's license or permit pursuant to division (C)(2) of this 1672
section, the bureau of motor vehicles shall issue a restricted 1673
license to the offender. The restricted license shall be identical 1674
to the surrendered license, except that it shall have printed on 1675

its face a statement that the offender is prohibited from 1676
operating a motor vehicle that is not equipped with an ignition 1677
interlock device that is certified pursuant to section 4510.43 of 1678
the Revised Code. The bureau shall deliver the offender's 1679
surrendered license or permit to the court upon receipt of a court 1680
order requiring it to do so, or reissue the offender's license or 1681
permit under section 4510.52 of the Revised Code if the registrar 1682
destroyed the offender's license or permit under that section. The 1683
offender shall surrender the restricted license to the court upon 1684
receipt of the offender's surrendered license or permit. 1685

(4) If an offender violates a requirement of the court 1686
imposed under division (C)(1) of this section, the court may 1687
impose a class seven suspension of the offender's driver's or 1688
commercial driver's license or permit or nonresident operating 1689
privilege from the range specified in division (A)(7) of section 1690
4510.02 of the Revised Code. On a second or subsequent violation, 1691
the court may impose a class four suspension of the offender's 1692
driver's or commercial driver's license or permit or nonresident 1693
operating privilege from the range specified in division (A)(4) of 1694
section 4510.02 of the Revised Code. 1695

Sec. 4506.17. (A) Any person who drives a commercial motor 1696
vehicle within this state shall be deemed to have given consent to 1697
a test or tests of the person's whole blood, blood serum or 1698
plasma, breath, or urine for the purpose of determining the 1699
person's alcohol concentration or the presence of any controlled 1700
substance or a metabolite of any controlled substance. 1701

(B) A test or tests as provided in division (A) of this 1702
section may be administered at the direction of a peace officer 1703
having reasonable ground to stop or detain the person and, after 1704
investigating the circumstances surrounding the operation of the 1705
commercial motor vehicle, also having reasonable ground to believe 1706

the person was driving the commercial vehicle while having a 1707
measurable or detectable amount of alcohol or of a controlled 1708
substance or a metabolite of a controlled substance in the 1709
person's whole blood, blood serum or plasma, breath, or urine. Any 1710
such test shall be given within two hours of the time of the 1711
alleged violation. 1712

(C) A person requested to submit to a test under division (A) 1713
of this section shall be advised by the peace officer requesting 1714
the test that a refusal to submit to the test will result in the 1715
person immediately being placed out-of-service for a period of 1716
twenty-four hours and being disqualified from operating a 1717
commercial motor vehicle for a period of not less than one year, 1718
and that the person is required to surrender the person's 1719
commercial driver's license to the peace officer. 1720

(D) If a person refuses to submit to a test after being 1721
warned as provided in division (C) of this section or submits to a 1722
test that discloses the presence of a controlled substance or a 1723
metabolite of a controlled substance or an alcohol concentration 1724
of four-hundredths of one per cent or more, the person immediately 1725
shall surrender the person's commercial driver's license to the 1726
peace officer. The peace officer shall forward the license, 1727
together with a sworn report, to the registrar of motor vehicles 1728
certifying that the test was requested pursuant to division (A) of 1729
this section and that the person either refused to submit to 1730
testing or submitted to a test that disclosed the presence of a 1731
controlled substance or a metabolite of a controlled substance or 1732
an alcohol concentration of four-hundredths of one per cent or 1733
more. The form and contents of the report required by this section 1734
shall be established by the registrar by rule, but shall contain 1735
the advice to be read to the driver and a statement to be signed 1736
by the driver acknowledging that the driver has been read the 1737
advice and that the form was shown to the driver. 1738

(E) Upon receipt of a sworn report from a peace officer as 1739
provided in division (D) of this section, the registrar shall 1740
disqualify the person named in the report from driving a 1741
commercial motor vehicle for the period described below: 1742

(1) Upon a first incident, one year; 1743

(2) Upon an incident of refusal or of a prohibited 1744
concentration of alcohol, controlled substance, or metabolite of a 1745
controlled substance after one or more previous incidents of 1746
either refusal or of a prohibited concentration of alcohol, 1747
controlled substance, or metabolite of a controlled substance, the 1748
person shall be disqualified for life or such lesser period as 1749
prescribed by rule by the registrar. 1750

(F) A test of a person's whole blood or a person's blood 1751
serum or plasma given under this section shall comply with the 1752
applicable provisions of division (D) of section 4511.19 of the 1753
Revised Code and any physician, registered nurse, or qualified 1754
technician, chemist, or phlebotomist who withdraws whole blood or 1755
blood serum or plasma from a person under this section, and any 1756
hospital, first-aid station, clinic, or other facility at which 1757
whole blood or blood serum or plasma is withdrawn from a person 1758
pursuant to this section, is immune from criminal liability, and 1759
from civil liability that is based upon a claim of assault and 1760
battery or based upon any other claim of malpractice, for any act 1761
performed in withdrawing whole blood or blood serum or plasma from 1762
the person. 1763

(G) When a person submits to a test under this section, the 1764
results of the test, at the person's request, shall be made 1765
available to the person, the person's attorney, or the person's 1766
agent, immediately upon completion of the chemical test analysis. 1767
The person also may have an additional test administered by a 1768
physician, a registered nurse, or a qualified technician, chemist, 1769

or phlebotomist of the person's own choosing as provided in 1770
division (D) of section 4511.19 of the Revised Code for tests 1771
administered under that section, and the failure to obtain such a 1772
test has the same effect as in that division. 1773

(H) No person shall refuse to immediately surrender the 1774
person's commercial driver's license to a peace officer when 1775
required to do so by this section. 1776

(I) A peace officer issuing an out-of-service order or 1777
receiving a commercial driver's license surrendered under this 1778
section may remove or arrange for the removal of any commercial 1779
motor vehicle affected by the issuance of that order or the 1780
surrender of that license. 1781

(J)(1) Except for civil actions arising out of the operation 1782
of a motor vehicle and civil actions in which the state is a 1783
plaintiff, no peace officer of any law enforcement agency within 1784
this state is liable in compensatory damages in any civil action 1785
that arises under the Revised Code or common law of this state for 1786
an injury, death, or loss to person or property caused in the 1787
performance of official duties under this section and rules 1788
adopted under this section, unless the officer's actions were 1789
manifestly outside the scope of the officer's employment or 1790
official responsibilities, or unless the officer acted with 1791
malicious purpose, in bad faith, or in a wanton or reckless 1792
manner. 1793

(2) Except for civil actions that arise out of the operation 1794
of a motor vehicle and civil actions in which the state is a 1795
plaintiff, no peace officer of any law enforcement agency within 1796
this state is liable in punitive or exemplary damages in any civil 1797
action that arises under the Revised Code or common law of this 1798
state for any injury, death, or loss to person or property caused 1799
in the performance of official duties under this section of the 1800
Revised Code and rules adopted under this section, unless the 1801

officer's actions were manifestly outside the scope of the 1802
officer's employment or official responsibilities, or unless the 1803
officer acted with malicious purpose, in bad faith, or in a wanton 1804
or reckless manner. 1805

(K) When disqualifying a driver, the registrar shall cause 1806
the records of the bureau of motor vehicles to be updated to 1807
reflect the disqualification within ten days after it occurs. 1808

(L) The registrar immediately shall notify a driver who is 1809
subject to disqualification of the disqualification, of the length 1810
of the disqualification, and that the driver may request a hearing 1811
within thirty days of the mailing of the notice to show cause why 1812
the driver should not be disqualified from operating a commercial 1813
motor vehicle. If a request for such a hearing is not made within 1814
thirty days of the mailing of the notice, the order of 1815
disqualification is final. The registrar may designate hearing 1816
examiners who, after affording all parties reasonable notice, 1817
shall conduct a hearing to determine whether the disqualification 1818
order is supported by reliable evidence. The registrar shall adopt 1819
rules to implement this division. 1820

(M) Any person who is disqualified from operating a 1821
commercial motor vehicle under this section may apply to the 1822
registrar for a driver's license to operate a motor vehicle other 1823
than a commercial motor vehicle, provided the person's commercial 1824
driver's license is not otherwise suspended. A person whose 1825
commercial driver's license is suspended shall not apply to the 1826
registrar for or receive a driver's license under Chapter 4507. of 1827
the Revised Code during the period of suspension. 1828

(N) Whoever violates division (H) of this section is guilty 1829
of a misdemeanor of the first degree. 1830

Sec. 4510.01. As used in this title and in Title XXIX of the 1831
Revised Code: 1832

(A) "Cancel" or "cancellation" means the annulment or 1833
termination by the bureau of motor vehicles of a driver's license, 1834
commercial driver's license, temporary instruction permit, 1835
probationary license, or nonresident operating privilege because 1836
it was obtained unlawfully, issued in error, altered, or willfully 1837
destroyed, or because the holder no longer is entitled to the 1838
license, permit, or privilege. 1839

(B) "~~Drug~~ Controlled substance" and "drug abuse offense" ~~has~~ 1840
have the same ~~meaning~~ meanings as in section 2925.01 of the 1841
Revised Code. 1842

(C) "Ignition interlock device" means a device approved by 1843
the director of public safety that connects a breath analyzer to a 1844
motor vehicle's ignition system, that is constantly available to 1845
monitor the concentration by weight of alcohol in the breath of 1846
any person attempting to start that motor vehicle by using its 1847
ignition system, and that deters starting the motor vehicle by use 1848
of its ignition system unless the person attempting to start the 1849
vehicle provides an appropriate breath sample for the device and 1850
the device determines that the concentration by weight of alcohol 1851
in the person's breath is below a preset level. 1852

(D) "Immobilizing or disabling device" means a device 1853
approved by the director of public safety that may be ordered by a 1854
court to be used by an offender as a condition of limited driving 1855
privileges. "Immobilizing or disabling device" includes an 1856
ignition interlock device, and any prototype device that is used 1857
according to protocols designed to ensure efficient and effective 1858
monitoring of limited driving privileges granted by a court to an 1859
offender. 1860

(E) "Moving violation" means any violation of any statute or 1861
ordinance that regulates the operation of vehicles, streetcars, or 1862
trackless trolleys on the highways or streets. "Moving violation" 1863

does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(F) "Municipal OVI ordinance" and "municipal OVI offense" have the same meanings as in section 4511.181 of the Revised Code.

(G) "Prototype device" means any testing device to monitor limited driving privileges that has not yet been approved or disapproved by the director of public safety.

(H) "Suspend" or "suspension" means the permanent or temporary withdrawal, by action of a court or the bureau of motor vehicles, of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of the suspension or the permanent or temporary withdrawal of the privilege to obtain a license, permit, or privilege of that type for the period of the suspension.

Sec. 4510.032. (A) If a person is charged with a violation of section 4511.19 of the Revised Code or a violation of any municipal OVI ordinance; if that charge is dismissed or reduced; if the person is convicted of or forfeits bail in relation to a violation of any other section of the Revised Code or of any ordinance that regulates the operation of vehicles, streetcars, and trackless trolleys on highways and streets but that does not relate to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or to operating a vehicle with a prohibited concentration of alcohol or with any amount of a controlled substance or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine; and if the violation of which the person was convicted or

in relation to which the person forfeited bail arose out of the 1895
same facts and circumstances and the same act as did the charge 1896
that was dismissed or reduced, the abstract prepared under section 1897
4510.03 of the Revised Code also shall set forth the charge that 1898
was dismissed or reduced, indicate that it was dismissed or 1899
reduced, and indicate that the violation resulting in the 1900
conviction or bail forfeiture arose out of the same facts and 1901
circumstances and the same act as did the charge that was 1902
dismissed or reduced. 1903

(B) If a charge against a person of a violation of division 1904
(A) of section 4510.11, division (A) of section 4510.14, or 1905
division (A) of section 4510.16 of the Revised Code or any 1906
municipal ordinance that is substantially equivalent to any of 1907
those divisions is dismissed or reduced and if the person is 1908
convicted of or forfeits bail in relation to a violation of any 1909
other section of the Revised Code or any other ordinance that 1910
regulates the operation of vehicles, streetcars, and trackless 1911
trolleys on highways and streets that arose out of the same facts 1912
and circumstances as did the charge that was dismissed or reduced, 1913
the abstract also shall set forth the charge that was dismissed or 1914
reduced, indicate that it was dismissed or reduced, and indicate 1915
that the violation resulting in the conviction or bail forfeiture 1916
arose out of the same facts and circumstances and the same act as 1917
did the charge that was dismissed or reduced. 1918

(C)(1) If a child has been adjudicated an unruly or 1919
delinquent child or a juvenile traffic offender for having 1920
committed any act that if committed by an adult would be a drug 1921
abuse offense or any violation of division (B) of section 2917.11 1922
or of section 4511.19 of the Revised Code, the court shall notify 1923
the bureau, by means of an abstract of the court record as 1924
described in divisions (B) and (C) of section 4510.03 of the 1925
Revised Code, within ten days after the adjudication. 1926

(2) If a court requires a child to attend a drug abuse or alcohol abuse education, intervention, or treatment program, the abstract required by division (C)(1) of this section and forwarded to the bureau also shall include the name and address of the operator of the program and the date that the child entered the program. If the child satisfactorily completes the program, the court, immediately upon receipt of the information, shall send to the bureau an updated abstract that also shall contain the date on which the child satisfactorily completed the program.

Sec. 4510.036. (A) The bureau of motor vehicles shall record within ten days, after receipt, and shall keep at its main office, all abstracts received under this section or section 4510.03, 4510.031, 4510.032, or 4510.034 of the Revised Code and shall maintain records of convictions and bond forfeitures for any violation of a state law or a municipal ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways and streets, except a violation related to parking a motor vehicle.

(B) Every court of record or mayor's court before which a person is charged with a violation for which points are chargeable by this section shall assess and transcribe to the abstract of conviction that is furnished by the bureau to the court the number of points chargeable by this section in the correct space assigned on the reporting form. A United States district court that has jurisdiction within this state and before which a person is charged with a violation for which points are chargeable by this section may assess and transcribe to the abstract of conviction report that is furnished by the bureau the number of points chargeable by this section in the correct space assigned on the reporting form. If the federal court so assesses and transcribes the points chargeable for the offense and furnishes the report to

the bureau, the bureau shall record the points in the same manner 1958
as those assessed and transcribed by a court of record or mayor's 1959
court. 1960

(C) A court shall assess the following points for an offense 1961
based on the following formula: 1962

(1) Aggravated vehicular homicide, vehicular homicide, 1963
vehicular manslaughter, aggravated vehicular assault, or vehicular 1964
assault when the offense involves the operation of a vehicle, 1965
streetcar, or trackless trolley on a highway or street 1966
6 points 1967

(2) A violation of section 2921.331 of the Revised Code or 1968
any ordinance prohibiting the willful fleeing or eluding of a law 1969
enforcement officer 6 points 1970

(3) A violation of section 4549.02 or 4549.021 of the Revised 1971
Code or any ordinance requiring the driver of a vehicle to stop 1972
and disclose identity at the scene of an accident 6 1973
points 1974

(4) A violation of section 4511.251 of the Revised Code or 1975
any ordinance prohibiting street racing 6 points 1976

(5) A violation of section 4510.11, 4510.14, 4510.16, or 1977
4510.21 of the Revised Code or any ordinance prohibiting the 1978
operation of a motor vehicle while the driver's or commercial 1979
driver's license is under suspension 6 points 1980

(6) A violation of division (A) of section 4511.19 of the 1981
Revised Code, any ordinance prohibiting the operation of a vehicle 1982
while under the influence of alcohol, a drug of abuse, or a 1983
combination of them, or any ordinance substantially equivalent to 1984
division (A) of section 4511.19 of the Revised Code prohibiting 1985
the operation of a vehicle with a prohibited concentration of 1986
alcohol or with any amount of a controlled substance or a 1987
metabolite of a controlled substance in the whole blood, blood 1988

serum or plasma, breath, or urine	6 points	1989
(7) A violation of section 2913.03 of the Revised Code that does not involve an aircraft or motorboat or any ordinance prohibiting the operation of a vehicle without the consent of the owner	6 points	1990 1991 1992 1993
(8) Any offense under the motor vehicle laws of this state that is a felony, or any other felony in the commission of which a motor vehicle was used	6 points	1994 1995 1996
(9) A violation of division (B) of section 4511.19 of the Revised Code or any ordinance substantially equivalent to that division prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine	4 points	1997 1998 1999 2000 2001
(10) A violation of section 4511.20 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property	4 points	2002 2003 2004 2005
(11) A violation of any law or ordinance pertaining to speed:		2006
(a) Notwithstanding divisions (C)(11)(b) and (c) of this section, when the speed exceeds the lawful speed limit by thirty miles per hour or more	4 points	2007 2008 2009
(b) When the speed exceeds the lawful speed limit of fifty-five miles per hour or more by more than ten miles per hour	2 points	2010 2011 2012
(c) When the speed exceeds the lawful speed limit of less than fifty-five miles per hour by more than five miles per hour	2 points	2013 2014 2015
(d) When the speed does not exceed the amounts set forth in divisions (C)(11)(a), (b), or (c) of this section	0 points	2016 2017 2018

(12) Operating a motor vehicle in violation of a restriction imposed by the registrar 2 points	2019 2020
(13) All other moving violations reported under this section 2 points	2021 2022
(D) Upon receiving notification from the proper court, including a United States district court that has jurisdiction within this state, the bureau shall delete any points entered for a bond forfeiture if the driver is acquitted of the offense for which bond was posted.	2023 2024 2025 2026 2027
(E) If a person is convicted of or forfeits bail for two or more offenses arising out of the same facts and points are chargeable for each of the offenses, points shall be charged for only the conviction or bond forfeiture for which the greater number of points is chargeable, and, if the number of points chargeable for each offense is equal, only one offense shall be recorded, and points shall be charged only for that offense.	2028 2029 2030 2031 2032 2033 2034
Sec. 4510.17. (A) The registrar of motor vehicles shall impose a class D suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code on any person who is a resident of this state and is convicted of or pleads guilty to a violation of a statute of any other state or any federal statute that is substantially similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon receipt of a report from a court, court clerk, or other official of any other state or from any federal authority that a resident of this state was convicted of or pleaded guilty to an offense described in this division, the registrar shall send a notice by	2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049

regular first class mail to the person, at the person's last known 2050
address as shown in the records of the bureau of motor vehicles, 2051
informing the person of the suspension, that the suspension will 2052
take effect twenty-one days from the date of the notice, and that, 2053
if the person wishes to appeal the suspension or denial, the 2054
person must file a notice of appeal within twenty-one days of the 2055
date of the notice requesting a hearing on the matter. If the 2056
person requests a hearing, the registrar shall hold the hearing 2057
not more than forty days after receipt by the registrar of the 2058
notice of appeal. The filing of a notice of appeal does not stay 2059
the operation of the suspension that must be imposed pursuant to 2060
this division. The scope of the hearing shall be limited to 2061
whether the person actually was convicted of or pleaded guilty to 2062
the offense for which the suspension is to be imposed. 2063

The suspension the registrar is required to impose under this 2064
division shall end either on the last day of the class D 2065
suspension period or of the suspension of the person's nonresident 2066
operating privilege imposed by the state or federal court, 2067
whichever is earlier. 2068

The registrar shall subscribe to or otherwise participate in 2069
any information system or register, or enter into reciprocal and 2070
mutual agreements with other states and federal authorities, in 2071
order to facilitate the exchange of information with other states 2072
and the United States government regarding persons who plead 2073
guilty to or are convicted of offenses described in this division 2074
and therefore are subject to the suspension or denial described in 2075
this division. 2076

(B) The registrar shall impose a class D suspension of the 2077
person's driver's license, commercial driver's license, temporary 2078
instruction permit, probationary license, or nonresident operating 2079
privilege for the period of time specified in division (B)(4) of 2080

section 4510.02 of the Revised Code on any person who is a 2081
resident of this state and is convicted of or pleads guilty to a 2082
violation of a statute of any other state or a municipal ordinance 2083
of a municipal corporation located in any other state that is 2084
substantially similar to section 4511.19 of the Revised Code. Upon 2085
receipt of a report from another state made pursuant to section 2086
4510.61 of the Revised Code indicating that a resident of this 2087
state was convicted of or pleaded guilty to an offense described 2088
in this division, the registrar shall send a notice by regular 2089
first class mail to the person, at the person's last known address 2090
as shown in the records of the bureau of motor vehicles, informing 2091
the person of the suspension, that the suspension or denial will 2092
take effect twenty-one days from the date of the notice, and that, 2093
if the person wishes to appeal the suspension, the person must 2094
file a notice of appeal within twenty-one days of the date of the 2095
notice requesting a hearing on the matter. If the person requests 2096
a hearing, the registrar shall hold the hearing not more than 2097
forty days after receipt by the registrar of the notice of appeal. 2098
The filing of a notice of appeal does not stay the operation of 2099
the suspension that must be imposed pursuant to this division. The 2100
scope of the hearing shall be limited to whether the person 2101
actually was convicted of or pleaded guilty to the offense for 2102
which the suspension is to be imposed. 2103

The suspension the registrar is required to impose under this 2104
division shall end either on the last day of the class D 2105
suspension period or of the suspension of the person's nonresident 2106
operating privilege imposed by the state or federal court, 2107
whichever is earlier. 2108

(C) The registrar shall impose a class D suspension of the 2109
child's driver's license, commercial driver's license, temporary 2110
instruction permit, or nonresident operating privilege for the 2111
period of time specified in division (B)(4) of section 4510.02 of 2112

the Revised Code on any child who is a resident of this state and 2113
is convicted of or pleads guilty to a violation of a statute of 2114
any other state or any federal statute that is substantially 2115
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2116
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2117
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 2118
receipt of a report from a court, court clerk, or other official 2119
of any other state or from any federal authority that a child who 2120
is a resident of this state was convicted of or pleaded guilty to 2121
an offense described in this division, the registrar shall send a 2122
notice by regular first class mail to the child, at the child's 2123
last known address as shown in the records of the bureau of motor 2124
vehicles, informing the child of the suspension, that the 2125
suspension or denial will take effect twenty-one days from the 2126
date of the notice, and that, if the child wishes to appeal the 2127
suspension, the child must file a notice of appeal within 2128
twenty-one days of the date of the notice requesting a hearing on 2129
the matter. If the child requests a hearing, the registrar shall 2130
hold the hearing not more than forty days after receipt by the 2131
registrar of the notice of appeal. The filing of a notice of 2132
appeal does not stay the operation of the suspension that must be 2133
imposed pursuant to this division. The scope of the hearing shall 2134
be limited to whether the child actually was convicted of or 2135
pleaded guilty to the offense for which the suspension is to be 2136
imposed. 2137

The suspension the registrar is required to impose under this 2138
division shall end either on the last day of the class D 2139
suspension period or of the suspension of the child's nonresident 2140
operating privilege imposed by the state or federal court, 2141
whichever is earlier. If the child is a resident of this state who 2142
is sixteen years of age or older and does not have a current, 2143
valid Ohio driver's or commercial driver's license or permit, the 2144
notice shall inform the child that the child will be denied 2145

issuance of a driver's or commercial driver's license or permit 2146
for six months beginning on the date of the notice. If the child 2147
has not attained the age of sixteen years on the date of the 2148
notice, the notice shall inform the child that the period of 2149
denial of six months shall commence on the date the child attains 2150
the age of sixteen years. 2151

The registrar shall subscribe to or otherwise participate in 2152
any information system or register, or enter into reciprocal and 2153
mutual agreements with other states and federal authorities, in 2154
order to facilitate the exchange of information with other states 2155
and the United States government regarding children who are 2156
residents of this state and plead guilty to or are convicted of 2157
offenses described in this division and therefore are subject to 2158
the suspension or denial described in this division. 2159

(D) The registrar shall impose a class D suspension of the 2160
child's driver's license, commercial driver's license, temporary 2161
instruction permit, probationary license, or nonresident operating 2162
privilege for the period of time specified in division (B)(4) of 2163
section 4510.02 of the Revised Code on any child who is a resident 2164
of this state and is convicted of or pleads guilty to a violation 2165
of a statute of any other state or a municipal ordinance of a 2166
municipal corporation located in any other state that is 2167
substantially similar to section 4511.19 of the Revised Code. Upon 2168
receipt of a report from another state made pursuant to section 2169
4510.61 of the Revised Code indicating that a child who is a 2170
resident of this state was convicted of or pleaded guilty to an 2171
offense described in this division, the registrar shall send a 2172
notice by regular first class mail to the child, at the child's 2173
last known address as shown in the records of the bureau of motor 2174
vehicles, informing the child of the suspension, that the 2175
suspension will take effect twenty-one days from the date of the 2176
notice, and that, if the child wishes to appeal the suspension, 2177

the child must file a notice of appeal within twenty-one days of 2178
the date of the notice requesting a hearing on the matter. If the 2179
child requests a hearing, the registrar shall hold the hearing not 2180
more than forty days after receipt by the registrar of the notice 2181
of appeal. The filing of a notice of appeal does not stay the 2182
operation of the suspension that must be imposed pursuant to this 2183
division. The scope of the hearing shall be limited to whether the 2184
child actually was convicted of or pleaded guilty to the offense 2185
for which the suspension is to be imposed. 2186

The suspension the registrar is required to impose under this 2187
division shall end either on the last day of the class D 2188
suspension period or of the suspension of the child's nonresident 2189
operating privilege imposed by the state or federal court, 2190
whichever is earlier. If the child is a resident of this state who 2191
is sixteen years of age or older and does not have a current, 2192
valid Ohio driver's or commercial driver's license or permit, the 2193
notice shall inform the child that the child will be denied 2194
issuance of a driver's or commercial driver's license or permit 2195
for six months beginning on the date of the notice. If the child 2196
has not attained the age of sixteen years on the date of the 2197
notice, the notice shall inform the child that the period of 2198
denial of six months shall commence on the date the child attains 2199
the age of sixteen years. 2200

(E) Any person whose license or permit has been suspended 2201
pursuant to division (B) or (D) of this section may file a 2202
petition in the municipal or county court, or in case the person 2203
is under eighteen years of age, the juvenile court, in whose 2204
jurisdiction the person resides, agreeing to pay the cost of the 2205
proceedings and alleging that the suspension would seriously 2206
affect the person's ability to continue the person's employment. 2207
Upon satisfactory proof that there is reasonable cause to believe 2208
that the suspension would seriously affect the person's ability to 2209

continue the person's employment, the judge may grant the person 2210
limited driving privileges during the period during which the 2211
suspension otherwise would be imposed, except that the judge shall 2212
not grant limited driving privileges for employment as a driver of 2213
a commercial motor vehicle to any person who would be disqualified 2214
from operating a commercial motor vehicle under section 4506.16 of 2215
the Revised Code if the violation had occurred in this state, or 2216
during any of the following periods of time: 2217

(1) The first fifteen days of the suspension, if the person 2218
has not been convicted within six years of the date of the offense 2219
giving rise to the suspension under this section of a violation of 2220
any of the following: 2221

(a) Section 4511.19 of the Revised Code, of a municipal 2222
ordinance relating to operating a vehicle while under the 2223
influence of alcohol, a drug of abuse, or alcohol and a drug of 2224
abuse; 2225

(b) A municipal ordinance relating to operating a motor 2226
vehicle with a prohibited concentration of alcohol or with any 2227
amount of a controlled substance or a metabolite of a controlled 2228
substance in the whole blood, blood serum or plasma, breath, or 2229
urine; 2230

(c) Section 2903.04 of the Revised Code in a case in which 2231
the person was subject to the sanctions described in division (D) 2232
of that section; 2233

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 2234
section 2903.08 of the Revised Code or a municipal ordinance that 2235
is substantially similar to either of those divisions; 2236

(e) Division (A)(2), (3), or (4) of section 2903.06, division 2237
(A)(2) of section 2903.08, or as it existed prior to March 23, 2238
2000, section 2903.07 of the Revised Code, or a municipal 2239
ordinance that is substantially similar to any of those divisions 2240

or that former section, in a case in which the jury or judge found 2241
that the person was under the influence of alcohol, a drug of 2242
abuse, or alcohol and a drug of abuse. 2243

(2) The first thirty days of the suspension, if the person 2244
has been convicted one time within six years of the date of the 2245
offense giving rise to the suspension under this section of any 2246
violation identified in division (E)(1) of this section. 2247

(3) The first one hundred eighty days of the suspension, if 2248
the person has been convicted two times within six years of the 2249
date of the offense giving rise to the suspension under this 2250
section of any violation identified in division (E)(1) of this 2251
section. 2252

(4) No limited driving privileges may be granted if the 2253
person has been convicted three or more times within five years of 2254
the date of the offense giving rise to the suspension under this 2255
section of any violation identified in division (E)(1) of this 2256
section. 2257

If a person petitions for limited driving privileges under 2258
division (E) of this section, the registrar shall be represented 2259
by the county prosecutor of the county in which the person resides 2260
if the petition is filed in a juvenile court or county court, 2261
except that if the person resides within a city or village that is 2262
located within the jurisdiction of the county in which the 2263
petition is filed, the city director of law or village solicitor 2264
of that city or village shall represent the registrar. If the 2265
petition is filed in a municipal court, the registrar shall be 2266
represented as provided in section 1901.34 of the Revised Code. 2267

In granting limited driving privileges under division (E) of 2268
this section, the court may impose any condition it considers 2269
reasonable and necessary to limit the use of a vehicle by the 2270
person. The court shall deliver to the person a permit card, in a 2271

form to be prescribed by the court, setting forth the time, place, 2272
and other conditions limiting the person's use of a motor vehicle. 2273
The grant of limited driving privileges shall be conditioned upon 2274
the person's having the permit in the person's possession at all 2275
times during which the person is operating a vehicle. 2276

A person granted limited driving privileges who operates a 2277
vehicle for other than limited purposes, in violation of any 2278
condition imposed by the court or without having the permit in the 2279
person's possession, is guilty of a violation of section 4510.11 2280
of the Revised Code. 2281

(F) As used in divisions (C) and (D) of this section: 2282

(1) "Child" means a person who is under the age of eighteen 2283
years, except that any person who violates a statute or ordinance 2284
described in division (C) or (D) of this section prior to 2285
attaining eighteen years of age shall be deemed a "child" 2286
irrespective of the person's age at the time the complaint or 2287
other equivalent document is filed in the other state or a 2288
hearing, trial, or other proceeding is held in the other state on 2289
the complaint or other equivalent document, and irrespective of 2290
the person's age when the period of license suspension or denial 2291
prescribed in division (C) or (D) of this section is imposed. 2292

(2) "Is convicted of or pleads guilty to" means, as it 2293
relates to a child who is a resident of this state, that in a 2294
proceeding conducted in a state or federal court located in 2295
another state for a violation of a statute or ordinance described 2296
in division (C) or (D) of this section, the result of the 2297
proceeding is any of the following: 2298

(a) Under the laws that govern the proceedings of the court, 2299
the child is adjudicated to be or admits to being a delinquent 2300
child or a juvenile traffic offender for a violation described in 2301
division (C) or (D) of this section that would be a crime if 2302

committed by an adult;	2303
(b) Under the laws that govern the proceedings of the court,	2304
the child is convicted of or pleads guilty to a violation	2305
described in division (C) or (D) of this section;	2306
(c) Under the laws that govern the proceedings of the court,	2307
irrespective of the terminology utilized in those laws, the result	2308
of the court's proceedings is the functional equivalent of	2309
division (F)(2)(a) or (b) of this section.	2310
Sec. 4510.54. (A) A person whose driver's or commercial	2311
driver's license has been suspended for life under a class one	2312
suspension or as otherwise provided by law or has been suspended	2313
for a period in excess of fifteen years under a class two	2314
suspension may file a motion with the sentencing court for	2315
modification or termination of the suspension. A motion under this	2316
division may be heard only once. The person filing the motion	2317
shall demonstrate all of the following:	2318
(1) At least fifteen years have elapsed since the suspension	2319
began.	2320
(2) For the past fifteen years, the person has not been found	2321
guilty of any felony, any offense involving a moving violation	2322
under federal law, the law of this state, or the law of any of its	2323
political subdivisions, or any violation of a suspension under	2324
this chapter or a substantially equivalent municipal ordinance.	2325
(3) The person has proof of financial responsibility, a	2326
policy of liability insurance in effect that meets the minimum	2327
standard set forth in section 4509.51 of the Revised Code, or	2328
proof, to the satisfaction of the registrar of motor vehicles,	2329
that the person is able to respond in damages in an amount at	2330
least equal to the minimum amounts specified in that section.	2331
(4) If the suspension was imposed because the person was	2332

under the influence of alcohol, a drug of abuse, or combination of 2333
them at the time of the offense or because at the time of the 2334
offense the person's whole blood, blood serum or plasma, breath, 2335
or urine contained at least the concentration of alcohol specified 2336
in division (A)(2), (3), (4), or (5) of section 4511.19 of the 2337
Revised Code or the person's whole blood, blood serum or plasma, 2338
or urine contained any amount of a controlled substance or a 2339
metabolite of a controlled substance, the person also shall 2340
demonstrate all of the following: 2341

(a) The person successfully completed an alcohol, drug, or 2342
alcohol and drug treatment program. 2343

(b) The person has not abused alcohol or other drugs for a 2344
period satisfactory to the court. 2345

(c) For the past fifteen years, the person has not been found 2346
guilty of any alcohol-related or drug-related offense. 2347

(B) Upon receipt of a motion for modification or termination 2348
of the suspension under this section, the court may schedule a 2349
hearing on the motion. If scheduled, the hearing shall be 2350
conducted in open court within ninety days after the date on which 2351
the motion is filed. 2352

(C) The court shall notify the person whose license was 2353
suspended and the prosecuting attorney of the date, time, and 2354
location of the hearing. Upon receipt of the notice from the 2355
court, the prosecuting attorney shall notify the victim or the 2356
victim's representative of the date, time, and location of the 2357
hearing. 2358

(D) At any hearing under this section, the person who seeks 2359
modification or termination of the suspension has the burden to 2360
demonstrate, under oath, that the person meets the requirements of 2361
division (A) of this section. At the hearing, the court shall 2362
afford the offender or the offender's counsel an opportunity to 2363

present oral or written information relevant to the motion. The 2364
court shall afford a similar opportunity to provide relevant 2365
information to the prosecuting attorney and the victim or victim's 2366
representative. 2367

Before ruling on the motion, the court shall take into 2368
account the person's driving record, the nature of the offense 2369
that led to the suspension, and the impact of the offense on any 2370
victim. In addition, if the offender is eligible for modification 2371
or termination of the suspension under division (A)(2) of this 2372
section, the court shall consider whether the person committed any 2373
other offense while under suspension and determine whether the 2374
offense is relevant to a determination under this section. The 2375
court may modify or terminate the suspension subject to any 2376
considerations it considers proper if it finds that allowing the 2377
person to drive is not likely to present a danger to the public. 2378
After the court makes a ruling on a motion filed under this 2379
section, the prosecuting attorney shall notify the victim or the 2380
victim's representative of the court's ruling. 2381

(E) If a court modifies a person's license suspension under 2382
this section and the person subsequently is found guilty of any 2383
moving violation or of any substantially equivalent municipal 2384
ordinance that carries as a possible penalty the suspension of a 2385
person's driver's or commercial driver's license, the court may 2386
reimpose the class one or other lifetime suspension, or the class 2387
two suspension, whichever is applicable. 2388

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 2389
the Revised Code: 2390

(A) "Equivalent offense" means any of the following: 2391

(1) A violation of division (A) or (B) of section 4511.19 of 2392
the Revised Code; 2393

(2) A violation of a municipal OVI ordinance;	2394
(3) A violation of section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section;	2395 2396 2397
(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;	2398 2399 2400
(5) A violation of division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;	2401 2402 2403 2404 2405 2406 2407
(6) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code;	2408 2409 2410 2411
(7) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code.	2412 2413 2414
(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under division (G)(1)(a), (b), or (c) of section 4511.19 of the Revised Code upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:	2415 2416 2417 2418 2419 2420
(1) Except as specifically authorized under section 4511.19 of the Revised Code, the term must be served in a jail.	2421 2422
(2) Except as specifically authorized under section 4511.19	2423

of the Revised Code, the term cannot be suspended, reduced, or 2424
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 2425
other provision of the Revised Code. 2426

(C) "Municipal OVI ordinance" and "municipal OVI offense" 2427
mean any municipal ordinance prohibiting a person from operating a 2428
vehicle while under the influence of alcohol, a drug of abuse, or 2429
a combination of them or prohibiting a person from operating a 2430
vehicle with a prohibited concentration of alcohol or with any 2431
amount of a controlled substance or a metabolite of a controlled 2432
substance in the whole blood, blood serum or plasma, breath, or 2433
urine. 2434

(D) "Community residential sanction," "jail," "mandatory 2435
prison term," "mandatory term of local incarceration," "sanction," 2436
and "prison term" have the same meanings as in section 2929.01 of 2437
the Revised Code. 2438

Sec. 4511.19. (A) No person shall operate any vehicle, 2439
streetcar, or trackless trolley within this state, if, at the time 2440
of the operation, any of the following apply: 2441

(1) The person is under the influence of alcohol, a drug of 2442
abuse, or a combination of them. 2443

(2) The person has a concentration of eight-hundredths of one 2444
per cent or more but less than seventeen-hundredths of one per 2445
cent by weight per unit volume of alcohol in the person's whole 2446
blood. 2447

(3) The person has a concentration of ninety-six-thousandths 2448
of one per cent or more but less than two hundred four-thousandths 2449
of one per cent by weight per unit volume of alcohol in the 2450
person's blood serum or plasma. 2451

(4) The person has a concentration of eight-hundredths of one 2452
gram or more but less than seventeen-hundredths of one gram by 2453

weight of alcohol per two hundred ten liters of the person's 2454
breath. 2455

(5) The person has a concentration of eleven-hundredths of 2456
one gram or more but less than two hundred 2457
thirty-eight-thousandths of one gram by weight of alcohol per one 2458
hundred milliliters of the person's urine. 2459

(6) The person has a concentration of seventeen-hundredths of 2460
one per cent or more by weight per unit volume of alcohol in the 2461
person's whole blood. 2462

(7) The person has a concentration of two hundred 2463
four-thousandths of one per cent or more by weight per unit volume 2464
of alcohol in the person's blood serum or plasma. 2465

(8) The person has a concentration of seventeen-hundredths of 2466
one gram or more by weight of alcohol per two hundred ten liters 2467
of the person's breath. 2468

(9) The person has a concentration of two hundred 2469
thirty-eight-thousandths of one gram or more by weight of alcohol 2470
per one hundred milliliters of the person's urine. 2471

(10) Except as provided in division (K) of this section, the 2472
person has any amount of a controlled substance or a metabolite of 2473
a controlled substance in the person's whole blood, blood serum or 2474
plasma, or urine. 2475

(B) No person under twenty-one years of age shall operate any 2476
vehicle, streetcar, or trackless trolley within this state, if, at 2477
the time of the operation, any of the following apply: 2478

(1) The person has a concentration of at least two-hundredths 2479
of one per cent but less than eight-hundredths of one per cent by 2480
weight per unit volume of alcohol in the person's whole blood. 2481

(2) The person has a concentration of at least 2482
three-hundredths of one per cent but less than 2483

ninety-six-thousandths of one per cent by weight per unit volume 2484
of alcohol in the person's blood serum or plasma. 2485

(3) The person has a concentration of at least two-hundredths 2486
of one gram but less than eight-hundredths of one gram by weight 2487
of alcohol per two hundred ten liters of the person's breath. 2488

(4) The person has a concentration of at least twenty-eight 2489
one-thousandths of one gram but less than eleven-hundredths of one 2490
gram by weight of alcohol per one hundred milliliters of the 2491
person's urine. 2492

(C) In any proceeding arising out of one incident, a person 2493
may be charged with a violation of division (A)(1) and a violation 2494
of division (B)(1), (2), or (3) of this section, but the person 2495
may not be convicted of more than one violation of these 2496
divisions. 2497

(D)(1) In any criminal prosecution or juvenile court 2498
proceeding for a violation of division (A) or (B) of this section 2499
or for an equivalent offense, the court may admit evidence on the 2500
concentration of alcohol, drugs of abuse, controlled substance, 2501
metabolite of a controlled substance, or a combination of them in 2502
the defendant's whole blood, blood serum or plasma, breath, urine, 2503
or other bodily substance at the time of the alleged violation as 2504
shown by chemical analysis of the substance withdrawn within two 2505
hours of the time of the alleged violation. 2506

When a person submits to a blood test at the request of a law 2507
enforcement officer under section 4511.191 of the Revised Code, 2508
only a physician, a registered nurse, or a qualified technician, 2509
chemist, or phlebotomist shall withdraw blood for the purpose of 2510
determining the alcohol, drug, controlled substance, metabolite of 2511
a controlled substance, or ~~alcohol and drug~~ combination content of 2512
the whole blood, blood serum, or blood plasma. This limitation 2513
does not apply to the taking of breath or urine specimens. A 2514

person authorized to withdraw blood under this division may refuse 2515
to withdraw blood under this division, if in that person's 2516
opinion, the physical welfare of the person would be endangered by 2517
the withdrawing of blood. 2518

The bodily substance withdrawn shall be analyzed in 2519
accordance with methods approved by the director of health by an 2520
individual possessing a valid permit issued by the director 2521
pursuant to section 3701.143 of the Revised Code. 2522

(2) In a criminal prosecution or juvenile court proceeding 2523
for a violation of division (A) of this section or for an 2524
equivalent offense, if there was at the time the bodily substance 2525
was withdrawn a concentration of less than the applicable 2526
concentration of alcohol specified in divisions (A)(2), (3), (4), 2527
and (5) of this section, that fact may be considered with other 2528
competent evidence in determining the guilt or innocence of the 2529
defendant. This division does not limit or affect a criminal 2530
prosecution or juvenile court proceeding for a violation of 2531
division (B) of this section or for an equivalent offense that is 2532
substantially equivalent to that division. 2533

(3) Upon the request of the person who was tested, the 2534
results of the chemical test shall be made available to the person 2535
or the person's attorney, immediately upon the completion of the 2536
chemical test analysis. 2537

The person tested may have a physician, a registered nurse, 2538
or a qualified technician, chemist, or phlebotomist of the 2539
person's own choosing administer a chemical test or tests, at the 2540
person's expense, in addition to any administered at the request 2541
of a law enforcement officer. The form to be read to the person to 2542
be tested, as required under section 4511.192 of the Revised Code, 2543
shall state that the person may have an independent test performed 2544
at the person's expense. The failure or inability to obtain an 2545
additional chemical test by a person shall not preclude the 2546

admission of evidence relating to the chemical test or tests taken 2547
at the request of a law enforcement officer. 2548

(4)(a) As used in divisions (D)(4)(b) and (c) of this 2549
section, "national highway traffic safety administration" means 2550
the national highway traffic safety administration established as 2551
an administration of the United States department of 2552
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 2553

(b) In any criminal prosecution or juvenile court proceeding 2554
for a violation of division (A) or (B) of this section, of a 2555
municipal ordinance relating to operating a vehicle while under 2556
the influence of alcohol, a drug of abuse, controlled substance, 2557
metabolite of a controlled substance, or ~~alcohol and a drug a~~ 2558
combination of abuse them, or of a municipal ordinance relating to 2559
operating a vehicle with a prohibited concentration of alcohol in 2560
the blood, breath, or urine, if a law enforcement officer has 2561
administered a field sobriety test to the operator of the vehicle 2562
involved in the violation and if it is shown by clear and 2563
convincing evidence that the officer administered the test in 2564
substantial compliance with the testing standards for any 2565
reliable, credible, and generally accepted field sobriety tests 2566
that were in effect at the time the tests were administered, 2567
including, but not limited to, any testing standards then in 2568
effect that were set by the national highway traffic safety 2569
administration, all of the following apply: 2570

(i) The officer may testify concerning the results of the 2571
field sobriety test so administered. 2572

(ii) The prosecution may introduce the results of the field 2573
sobriety test so administered as evidence in any proceedings in 2574
the criminal prosecution or juvenile court proceeding. 2575

(iii) If testimony is presented or evidence is introduced 2576
under division (D)(4)(b)(i) or (ii) of this section and if the 2577

testimony or evidence is admissible under the Rules of Evidence, 2578
the court shall admit the testimony or evidence and the trier of 2579
fact shall give it whatever weight the trier of fact considers to 2580
be appropriate. 2581

(c) Division (D)(4)(b) of this section does not limit or 2582
preclude a court, in its determination of whether the arrest of a 2583
person was supported by probable cause or its determination of any 2584
other matter in a criminal prosecution or juvenile court 2585
proceeding of a type described in that division, from considering 2586
evidence or testimony that is not otherwise disallowed by division 2587
(D)(4)(b) of this section. 2588

(E)(1) Subject to division (E)(3) of this section, in any 2589
criminal prosecution or juvenile court proceeding for a violation 2590
of division (A)(2), (3), (4), (5), (6), (7), (8), ~~or (9)~~, or (10) 2591
or (B)(1), (2), (3), or (4) of this section or for an equivalent 2592
offense that is substantially equivalent to any of those 2593
divisions, a laboratory report from any forensic laboratory 2594
certified by the department of health that contains an analysis of 2595
the whole blood, blood serum or plasma, breath, urine, or other 2596
bodily substance tested and that contains all of the information 2597
specified in this division shall be admitted as prima-facie 2598
evidence of the information and statements that the report 2599
contains. The laboratory report shall contain all of the 2600
following: 2601

(a) The signature, under oath, of any person who performed 2602
the analysis; 2603

(b) Any findings as to the identity and quantity of alcohol, 2604
a drug of abuse, controlled substance, metabolite of a controlled 2605
substance, or a combination of them that was found; 2606

(c) A copy of a notarized statement by the laboratory 2607
director or a designee of the director that contains the name of 2608

each certified analyst or test performer involved with the report, 2609
the analyst's or test performer's employment relationship with the 2610
laboratory that issued the report, and a notation that performing 2611
an analysis of the type involved is part of the analyst's or test 2612
performer's regular duties; 2613

(d) An outline of the analyst's or test performer's 2614
education, training, and experience in performing the type of 2615
analysis involved and a certification that the laboratory 2616
satisfies appropriate quality control standards in general and, in 2617
this particular analysis, under rules of the department of health. 2618

(2) Notwithstanding any other provision of law regarding the 2619
admission of evidence, a report of the type described in division 2620
(E)(1) of this section is not admissible against the defendant to 2621
whom it pertains in any proceeding, other than a preliminary 2622
hearing or a grand jury proceeding, unless the prosecutor has 2623
served a copy of the report on the defendant's attorney or, if the 2624
defendant has no attorney, on the defendant. 2625

(3) A report of the type described in division (E)(1) of this 2626
section shall not be prima-facie evidence of the contents, 2627
identity, or amount of any substance if, within seven days after 2628
the defendant to whom the report pertains or the defendant's 2629
attorney receives a copy of the report, the defendant or the 2630
defendant's attorney demands the testimony of the person who 2631
signed the report. The judge in the case may extend the seven-day 2632
time limit in the interest of justice. 2633

(F) Except as otherwise provided in this division, any 2634
physician, registered nurse, or qualified technician, chemist, or 2635
phlebotomist who withdraws blood from a person pursuant to this 2636
section, and any hospital, first-aid station, or clinic at which 2637
blood is withdrawn from a person pursuant to this section, is 2638
immune from criminal liability and civil liability based upon a 2639
claim of assault and battery or any other claim that is not a 2640

claim of malpractice, for any act performed in withdrawing blood 2641
from the person. The immunity provided in this division is not 2642
available to a person who withdraws blood if the person engages in 2643
willful or wanton misconduct. 2644

(G)(1) Whoever violates any provision of divisions (A)(1) to 2645
(9) of this section is guilty of operating a vehicle under the 2646
influence of alcohol, a drug of abuse, or a combination of them. 2647
The 2648

Whoever violates division (A)(10) of this section is guilty 2649
of operating a vehicle while having a controlled substance or 2650
metabolite of a controlled substance in the body. 2651

The court shall sentence the offender under Chapter 2929. of 2652
the Revised Code, except as otherwise authorized or required by 2653
divisions (G)(1)(a) to (e) of this section: 2654

(a) Except as otherwise provided in division (G)(1)(b), (c), 2655
(d), or (e) of this section, the offender is guilty of a 2656
misdemeanor of the first degree, and the court shall sentence the 2657
offender to all of the following: 2658

(i) If the sentence is being imposed for a violation of 2659
division (A)(1), (2), (3), (4), ~~or~~ (5), or (10) of this section, a 2660
mandatory jail term of three consecutive days. As used in this 2661
division, three consecutive days means seventy-two consecutive 2662
hours. The court may sentence an offender to both an intervention 2663
program and a jail term. The court may impose a jail term in 2664
addition to the three-day mandatory jail term or intervention 2665
program. However, in no case shall the cumulative jail term 2666
imposed for the offense exceed six months. 2667

The court may suspend the execution of the three-day jail 2668
term under this division if the court, in lieu of that suspended 2669
term, places the offender under a community control sanction 2670
pursuant to section 2929.25 of the Revised Code and requires the 2671

offender to attend, for three consecutive days, a drivers' 2672
intervention program certified under section 3793.10 of the 2673
Revised Code. The court also may suspend the execution of any part 2674
of the three-day jail term under this division if it places the 2675
offender under a community control sanction pursuant to section 2676
2929.25 of the Revised Code for part of the three days, requires 2677
the offender to attend for the suspended part of the term a 2678
drivers' intervention program so certified, and sentences the 2679
offender to a jail term equal to the remainder of the three 2680
consecutive days that the offender does not spend attending the 2681
program. The court may require the offender, as a condition of 2682
community control and in addition to the required attendance at a 2683
drivers' intervention program, to attend and satisfactorily 2684
complete any treatment or education programs that comply with the 2685
minimum standards adopted pursuant to Chapter 3793. of the Revised 2686
Code by the director of alcohol and drug addiction services that 2687
the operators of the drivers' intervention program determine that 2688
the offender should attend and to report periodically to the court 2689
on the offender's progress in the programs. The court also may 2690
impose on the offender any other conditions of community control 2691
that it considers necessary. 2692

(ii) If the sentence is being imposed for a violation of 2693
division (A)(6), (7), (8), or (9) of this section, except as 2694
otherwise provided in this division, a mandatory jail term of at 2695
least three consecutive days and a requirement that the offender 2696
attend, for three consecutive days, a drivers' intervention 2697
program that is certified pursuant to section 3793.10 of the 2698
Revised Code. As used in this division, three consecutive days 2699
means seventy-two consecutive hours. If the court determines that 2700
the offender is not conducive to treatment in a drivers' 2701
intervention program, if the offender refuses to attend a drivers' 2702
intervention program, or if the jail at which the offender is to 2703
serve the jail term imposed can provide a driver's intervention 2704

program, the court shall sentence the offender to a mandatory jail 2705
term of at least six consecutive days. 2706

The court may require the offender, under a community control 2707
sanction imposed under section 2929.25 of the Revised Code, to 2708
attend and satisfactorily complete any treatment or education 2709
programs that comply with the minimum standards adopted pursuant 2710
to Chapter 3793. of the Revised Code by the director of alcohol 2711
and drug addiction services, in addition to the required 2712
attendance at drivers' intervention program, that the operators of 2713
the drivers' intervention program determine that the offender 2714
should attend and to report periodically to the court on the 2715
offender's progress in the programs. The court also may impose any 2716
other conditions of community control on the offender that it 2717
considers necessary. 2718

(iii) In all cases, a fine of not less than two hundred fifty 2719
and not more than one thousand dollars; 2720

(iv) In all cases, a class five license suspension of the 2721
offender's driver's or commercial driver's license or permit or 2722
nonresident operating privilege from the range specified in 2723
division (A)(5) of section 4510.02 of the Revised Code. The court 2724
may grant limited driving privileges relative to the suspension 2725
under sections 4510.021 and 4510.13 of the Revised Code. 2726

(b) Except as otherwise provided in division (G)(1)(e) of 2727
this section, an offender who, within six years of the offense, 2728
previously has been convicted of or pleaded guilty to one 2729
violation of division (A) or (B) of this section or one other 2730
equivalent offense is guilty of a misdemeanor of the first degree. 2731
The court shall sentence the offender to all of the following: 2732

(i) If the sentence is being imposed for a violation of 2733
division (A)(1), (2), (3), (4), ~~or (5)~~, or (10) of this section, a 2734
mandatory jail term of ten consecutive days. The court shall 2735

impose the ten-day mandatory jail term under this division unless, 2736
subject to division (G)(3) of this section, it instead imposes a 2737
sentence under that division consisting of both a jail term and a 2738
term of house arrest with electronic monitoring. The court may 2739
impose a jail term in addition to the ten-day mandatory jail term. 2740
The cumulative jail term imposed for the offense shall not exceed 2741
six months. 2742

In addition to the jail term or the term of house arrest with 2743
electronic monitoring and jail term, the court may require the 2744
offender to attend a drivers' intervention program that is 2745
certified pursuant to section 3793.10 of the Revised Code. If the 2746
operator of the program determines that the offender is alcohol 2747
dependent, the program shall notify the court, and, subject to 2748
division (I) of this section, the court shall order the offender 2749
to obtain treatment through an alcohol and drug addiction program 2750
authorized by section 3793.02 of the Revised Code. 2751

(ii) If the sentence is being imposed for a violation of 2752
division (A)(6), (7), (8), or (9) of this section, except as 2753
otherwise provided in this division, a mandatory jail term of 2754
twenty consecutive days. The court shall impose the twenty-day 2755
mandatory jail term under this division unless, subject to 2756
division (G)(3) of this section, it instead imposes a sentence 2757
under that division consisting of both a jail term and a term of 2758
house arrest with electronic monitoring. The court may impose a 2759
jail term in addition to the twenty-day mandatory jail term. The 2760
cumulative jail term imposed for the offense shall not exceed six 2761
months. 2762

In addition to the jail term or the term of house arrest with 2763
electronic monitoring and jail term, the court may require the 2764
offender to attend a driver's intervention program that is 2765
certified pursuant to section 3793.10 of the Revised Code. If the 2766
operator of the program determines that the offender is alcohol 2767

dependent, the program shall notify the court, and, subject to 2768
division (I) of this section, the court shall order the offender 2769
to obtain treatment through an alcohol and drug addiction program 2770
authorized by section 3793.02 of the Revised Code. 2771

(iii) In all cases, notwithstanding the fines set forth in 2772
Chapter 2929. of the Revised Code, a fine of not less than three 2773
hundred fifty and not more than one thousand five hundred dollars; 2774

(iv) In all cases, a class four license suspension of the 2775
offender's driver's license, commercial driver's license, 2776
temporary instruction permit, probationary license, or nonresident 2777
operating privilege from the range specified in division (A)(4) of 2778
section 4510.02 of the Revised Code. The court may grant limited 2779
driving privileges relative to the suspension under sections 2780
4510.021 and 4510.13 of the Revised Code. 2781

(v) In all cases, if the vehicle is registered in the 2782
offender's name, immobilization of the vehicle involved in the 2783
offense for ninety days in accordance with section 4503.233 of the 2784
Revised Code and impoundment of the license plates of that vehicle 2785
for ninety days. 2786

(c) Except as otherwise provided in division (G)(1)(e) of 2787
this section, an offender who, within six years of the offense, 2788
previously has been convicted of or pleaded guilty to two 2789
violations of division (A) or (B) of this section or other 2790
equivalent offenses is guilty of a misdemeanor. The court shall 2791
sentence the offender to all of the following: 2792

(i) If the sentence is being imposed for a violation of 2793
division (A)(1), (2), (3), (4), ~~or (5)~~, or (10) of this section, a 2794
mandatory jail term of thirty consecutive days. The court shall 2795
impose the thirty-day mandatory jail term under this division 2796
unless, subject to division (G)(3) of this section, it instead 2797
imposes a sentence under that division consisting of both a jail 2798

term and a term of house arrest with electronic monitoring. The 2799
court may impose a jail term in addition to the thirty-day 2800
mandatory jail term. Notwithstanding the jail terms set forth in 2801
sections 2929.21 to 2929.28 of the Revised Code, the additional 2802
jail term shall not exceed one year, and the cumulative jail term 2803
imposed for the offense shall not exceed one year. 2804

(ii) If the sentence is being imposed for a violation of 2805
division (A)(6), (7), (8), or (9) of this section, a mandatory 2806
jail term of sixty consecutive days. The court shall impose the 2807
sixty-day mandatory jail term under this division unless, subject 2808
to division (G)(3) of this section, it instead imposes a sentence 2809
under that division consisting of both a jail term and a term of 2810
house arrest with electronic monitoring. The court may impose a 2811
jail term in addition to the sixty-day mandatory jail term. 2812
Notwithstanding the jail terms set forth in sections 2929.21 to 2813
2929.28 of the Revised Code, the additional jail term shall not 2814
exceed one year, and the cumulative jail term imposed for the 2815
offense shall not exceed one year. 2816

(iii) In all cases, notwithstanding the fines set forth in 2817
Chapter 2929. of the Revised Code, a fine of not less than five 2818
hundred fifty and not more than two thousand five hundred dollars; 2819

(iv) In all cases, a class three license suspension of the 2820
offender's driver's license, commercial driver's license, 2821
temporary instruction permit, probationary license, or nonresident 2822
operating privilege from the range specified in division (A)(3) of 2823
section 4510.02 of the Revised Code. The court may grant limited 2824
driving privileges relative to the suspension under sections 2825
4510.021 and 4510.13 of the Revised Code. 2826

(v) In all cases, if the vehicle is registered in the 2827
offender's name, criminal forfeiture of the vehicle involved in 2828
the offense in accordance with section 4503.234 of the Revised 2829
Code. Division (G)(6) of this section applies regarding any 2830

vehicle that is subject to an order of criminal forfeiture under 2831
this division. 2832

(vi) In all cases, participation in an alcohol and drug 2833
addiction program authorized by section 3793.02 of the Revised 2834
Code, subject to division (I) of this section. 2835

(d) Except as otherwise provided in division (G)(1)(e) of 2836
this section, an offender who, within six years of the offense, 2837
previously has been convicted of or pleaded guilty to three or 2838
more violations of division (A) or (B) of this section or other 2839
equivalent offenses is guilty of a felony of the fourth degree. 2840
The court shall sentence the offender to all of the following: 2841

(i) If the sentence is being imposed for a violation of 2842
division (A)(1), (2), (3), (4), ~~or (5)~~, or (10) of this section, 2843
in the discretion of the court, either a mandatory term of local 2844
incarceration of sixty consecutive days in accordance with 2845
division (G)(1) of section 2929.13 of the Revised Code or a 2846
mandatory prison term of sixty consecutive days in accordance with 2847
division (G)(2) of that section. If the court imposes a mandatory 2848
term of local incarceration, it may impose a jail term in addition 2849
to the sixty-day mandatory term, the cumulative total of the 2850
mandatory term and the jail term for the offense shall not exceed 2851
one year, and no prison term is authorized for the offense. If the 2852
court imposes a mandatory prison term, notwithstanding division 2853
(A)(4) of section 2929.14 of the Revised Code, it also may 2854
sentence the offender to a definite prison term that shall be not 2855
less than six months and not more than thirty months, the prison 2856
terms shall be imposed as described in division (G)(2) of section 2857
2929.13 of the Revised Code, and no term of local incarceration, 2858
community residential sanction, or nonresidential sanction is 2859
authorized for the offense. 2860

(ii) If the sentence is being imposed for a violation of 2861
division (A)(6), (7), (8), or (9) of this section, in the 2862

discretion of the court, either a mandatory term of local 2863
incarceration of one hundred twenty consecutive days in accordance 2864
with division (G)(1) of section 2929.13 of the Revised Code or a 2865
mandatory prison term of one hundred twenty consecutive days in 2866
accordance with division (G)(2) of that section. If the court 2867
imposes a mandatory term of local incarceration, it may impose a 2868
jail term in addition to the one hundred twenty-day mandatory 2869
term, the cumulative total of the mandatory term and the jail term 2870
for the offense shall not exceed one year, and no prison term is 2871
authorized for the offense. If the court imposes a mandatory 2872
prison term, notwithstanding division (A)(4) of section 2929.14 of 2873
the Revised Code, it also may sentence the offender to a definite 2874
prison term that shall be not less than six months and not more 2875
than thirty months, the prison terms shall be imposed as described 2876
in division (G)(2) of section 2929.13 of the Revised Code, and no 2877
term of local incarceration, community residential sanction, or 2878
nonresidential sanction is authorized for the offense. 2879

(iii) In all cases, notwithstanding section 2929.18 of the 2880
Revised Code, a fine of not less than eight hundred nor more than 2881
ten thousand dollars; 2882

(iv) In all cases, a class two license suspension of the 2883
offender's driver's license, commercial driver's license, 2884
temporary instruction permit, probationary license, or nonresident 2885
operating privilege from the range specified in division (A)(2) of 2886
section 4510.02 of the Revised Code. The court may grant limited 2887
driving privileges relative to the suspension under sections 2888
4510.021 and 4510.13 of the Revised Code. 2889

(v) In all cases, if the vehicle is registered in the 2890
offender's name, criminal forfeiture of the vehicle involved in 2891
the offense in accordance with section 4503.234 of the Revised 2892
Code. Division (G)(6) of this section applies regarding any 2893
vehicle that is subject to an order of criminal forfeiture under 2894

this division. 2895

(vi) In all cases, participation in an alcohol and drug 2896
addiction program authorized by section 3793.02 of the Revised 2897
Code, subject to division (I) of this section. 2898

(vii) In all cases, if the court sentences the offender to a 2899
mandatory term of local incarceration, in addition to the 2900
mandatory term, the court, pursuant to section 2929.17 of the 2901
Revised Code, may impose a term of house arrest with electronic 2902
monitoring. The term shall not commence until after the offender 2903
has served the mandatory term of local incarceration. 2904

(e) An offender who previously has been convicted of or 2905
pleaded guilty to a violation of division (A) of this section that 2906
was a felony, regardless of when the violation and the conviction 2907
or guilty plea occurred, is guilty of a felony of the third 2908
degree. The court shall sentence the offender to all of the 2909
following: 2910

(i) If the offender is being sentenced for a violation of 2911
division (A)(1), (2), (3), (4), ~~or (5)~~, or (10) of this section, a 2912
mandatory prison term of sixty consecutive days in accordance with 2913
division (G)(2) of section 2929.13 of the Revised Code. The court 2914
may impose a prison term in addition to the sixty-day mandatory 2915
prison term. The cumulative total of the mandatory prison term and 2916
the additional prison term for the offense shall not exceed five 2917
years. No term of local incarceration, community residential 2918
sanction, or nonresidential sanction is authorized for the 2919
offense. 2920

(ii) If the sentence is being imposed for a violation of 2921
division (A)(6), (7), (8), or (9) of this section, a mandatory 2922
prison term of one hundred twenty consecutive days in accordance 2923
with division (G)(2) of section 2929.13 of the Revised Code. The 2924
court may impose a prison term in addition to the one hundred 2925

twenty-day mandatory prison term. The cumulative total of the 2926
mandatory prison term and the additional prison term for the 2927
offense shall not exceed five years. No term of local 2928
incarceration, community residential sanction, or nonresidential 2929
sanction is authorized for the offense. 2930

(iii) In all cases, notwithstanding section 2929.18 of the 2931
Revised Code, a fine of not less than eight hundred nor more than 2932
ten thousand dollars; 2933

(iv) In all cases, a class two license suspension of the 2934
offender's driver's license, commercial driver's license, 2935
temporary instruction permit, probationary license, or nonresident 2936
operating privilege from the range specified in division (A)(2) of 2937
section 4510.02 of the Revised Code. The court may grant limited 2938
driving privileges relative to the suspension under sections 2939
4510.021 and 4510.13 of the Revised Code. 2940

(v) In all cases, if the vehicle is registered in the 2941
offender's name, criminal forfeiture of the vehicle involved in 2942
the offense in accordance with section 4503.234 of the Revised 2943
Code. Division (G)(6) of this section applies regarding any 2944
vehicle that is subject to an order of criminal forfeiture under 2945
this division. 2946

(vi) In all cases, participation in an alcohol and drug 2947
addiction program authorized by section 3793.02 of the Revised 2948
Code, subject to division (I) of this section. 2949

(2) An offender who is convicted of or pleads guilty to a 2950
violation of division (A) of this section and who subsequently 2951
seeks reinstatement of the driver's or occupational driver's 2952
license or permit or nonresident operating privilege suspended 2953
under this section as a result of the conviction or guilty plea 2954
shall pay a reinstatement fee as provided in division (F)(2) of 2955
section 4511.191 of the Revised Code. 2956

(3) If an offender is sentenced to a jail term under division 2957
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 2958
if, within sixty days of sentencing of the offender, the court 2959
issues a written finding on the record that, due to the 2960
unavailability of space at the jail where the offender is required 2961
to serve the term, the offender will not be able to begin serving 2962
that term within the sixty-day period following the date of 2963
sentencing, the court may impose an alternative sentence under 2964
this division that includes a term of house arrest with electronic 2965
monitoring. 2966

As an alternative to a mandatory jail term of ten consecutive 2967
days required by division (G)(1)(b)(i) of this section, the court, 2968
under this division, may sentence the offender to five consecutive 2969
days in jail and not less than eighteen consecutive days of house 2970
arrest with electronic monitoring. The cumulative total of the 2971
five consecutive days in jail and the period of house arrest with 2972
electronic monitoring shall not exceed six months. The five 2973
consecutive days in jail do not have to be served prior to or 2974
consecutively to the period of house arrest. 2975

As an alternative to the mandatory jail term of twenty 2976
consecutive days required by division (G)(1)(b)(ii) of this 2977
section, the court, under this division, may sentence the offender 2978
to ten consecutive days in jail and not less than thirty-six 2979
consecutive days of house arrest with electronic monitoring. The 2980
cumulative total of the ten consecutive days in jail and the 2981
period of house arrest with electronic monitoring shall not exceed 2982
six months. The ten consecutive days in jail do not have to be 2983
served prior to or consecutively to the period of house arrest. 2984

As an alternative to a mandatory jail term of thirty 2985
consecutive days required by division (G)(1)(c)(i) of this 2986
section, the court, under this division, may sentence the offender 2987
to fifteen consecutive days in jail and not less than fifty-five 2988

consecutive days of house arrest with electronic monitoring. The 2989
cumulative total of the fifteen consecutive days in jail and the 2990
period of house arrest with electronic monitoring shall not exceed 2991
one year. The fifteen consecutive days in jail do not have to be 2992
served prior to or consecutively to the period of house arrest. 2993

As an alternative to the mandatory jail term of sixty 2994
consecutive days required by division (G)(1)(c)(ii) of this 2995
section, the court, under this division, may sentence the offender 2996
to thirty consecutive days in jail and not less than one hundred 2997
ten consecutive days of house arrest with electronic monitoring. 2998
The cumulative total of the thirty consecutive days in jail and 2999
the period of house arrest with electronic monitoring shall not 3000
exceed one year. The thirty consecutive days in jail do not have 3001
to be served prior to or consecutively to the period of house 3002
arrest. 3003

(4) If an offender's driver's or occupational driver's 3004
license or permit or nonresident operating privilege is suspended 3005
under division (G) of this section and if section 4510.13 of the 3006
Revised Code permits the court to grant limited driving 3007
privileges, the court may grant the limited driving privileges 3008
only if the court imposes as one of the conditions of the 3009
privileges that the offender must display on the vehicle that is 3010
driven subject to the privileges restricted license plates that 3011
are issued under section 4503.231 of the Revised Code, except as 3012
provided in division (B) of that section. 3013

(5) Fines imposed under this section for a violation of 3014
division (A) of this section shall be distributed as follows: 3015

(a) Twenty-five dollars of the fine imposed under division 3016
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 3017
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 3018
fine imposed under division (G)(1)(c)(iii), and two hundred ten 3019
dollars of the fine imposed under division (G)(1)(d)(iii) or 3020

(e)(iii) of this section shall be paid to an enforcement and 3021
education fund established by the legislative authority of the law 3022
enforcement agency in this state that primarily was responsible 3023
for the arrest of the offender, as determined by the court that 3024
imposes the fine. The agency shall use this share to pay only 3025
those costs it incurs in enforcing this section or a municipal OVI 3026
ordinance and in informing the public of the laws governing the 3027
operation of a vehicle while under the influence of alcohol, the 3028
dangers of the operation of a vehicle under the influence of 3029
alcohol, and other information relating to the operation of a 3030
vehicle under the influence of alcohol and the consumption of 3031
alcoholic beverages. 3032

(b) Fifty dollars of the fine imposed under division 3033
(G)(1)(a)(iii) of this section shall be paid to the political 3034
subdivision that pays the cost of housing the offender during the 3035
offender's term of incarceration. If the offender is being 3036
sentenced for a violation of division (A)(1), (2), (3), (4), ~~or~~ 3037
(5), or (10) of this section and was confined as a result of the 3038
offense prior to being sentenced for the offense but is not 3039
sentenced to a term of incarceration, the fifty dollars shall be 3040
paid to the political subdivision that paid the cost of housing 3041
the offender during that period of confinement. The political 3042
subdivision shall use the share under this division to pay or 3043
reimburse incarceration or treatment costs it incurs in housing or 3044
providing drug and alcohol treatment to persons who violate this 3045
section or a municipal OVI ordinance, costs of any immobilizing or 3046
disabling device used on the offender's vehicle, and costs of 3047
electronic house arrest equipment needed for persons who violate 3048
this section. 3049

(c) Twenty-five dollars of the fine imposed under division 3050
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 3051
division (G)(1)(b)(iii) of this section shall be deposited into 3052

the county or municipal indigent drivers' alcohol treatment fund 3053
under the control of that court, as created by the county or 3054
municipal corporation under division (N) of section 4511.191 of 3055
the Revised Code. 3056

(d) One hundred fifteen dollars of the fine imposed under 3057
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 3058
fine imposed under division (G)(1)(c)(iii), and four hundred forty 3059
dollars of the fine imposed under division (G)(1)(d)(iii) or 3060
(e)(iii) of this section shall be paid to the political 3061
subdivision that pays the cost of housing the offender during the 3062
offender's term of incarceration. The political subdivision shall 3063
use this share to pay or reimburse incarceration or treatment 3064
costs it incurs in housing or providing drug and alcohol treatment 3065
to persons who violate this section or a municipal OVI ordinance, 3066
costs for any immobilizing or disabling device used on the 3067
offender's vehicle, and costs of electronic house arrest equipment 3068
needed for persons who violate this section. 3069

(e) The balance of the fine imposed under division 3070
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 3071
section shall be disbursed as otherwise provided by law. 3072

(6) If title to a motor vehicle that is subject to an order 3073
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 3074
this section is assigned or transferred and division (B)(2) or (3) 3075
of section 4503.234 of the Revised Code applies, in addition to or 3076
independent of any other penalty established by law, the court may 3077
fine the offender the value of the vehicle as determined by 3078
publications of the national auto dealers association. The 3079
proceeds of any fine so imposed shall be distributed in accordance 3080
with division (C)(2) of that section. 3081

(7) As used in division (G) of this section, "electronic 3082
monitoring," "mandatory prison term," and "mandatory term of local 3083
incarceration" have the same meanings as in section 2929.01 of the 3084

Revised Code. 3085

(H) Whoever violates division (B) of this section is guilty 3086
of operating a vehicle after underage alcohol consumption and 3087
shall be punished as follows: 3088

(1) Except as otherwise provided in division (H)(2) of this 3089
section, the offender is guilty of a misdemeanor of the fourth 3090
degree. In addition to any other sanction imposed for the offense, 3091
the court shall impose a class six suspension of the offender's 3092
driver's license, commercial driver's license, temporary 3093
instruction permit, probationary license, or nonresident operating 3094
privilege from the range specified in division (A)(6) of section 3095
4510.02 of the Revised Code. 3096

(2) If, within one year of the offense, the offender 3097
previously has been convicted of or pleaded guilty to one or more 3098
violations of division (A) or (B) of this section or other 3099
equivalent offense offenses, the offender is guilty of a 3100
misdemeanor of the third degree. In addition to any other sanction 3101
imposed for the offense, the court shall impose a class four 3102
suspension of the offender's driver's license, commercial driver's 3103
license, temporary instruction permit, probationary license, or 3104
nonresident operating privilege from the range specified in 3105
division (A)(4) of section 4510.02 of the Revised Code. 3106

(I)(1) No court shall sentence an offender to an alcohol 3107
treatment program under this section unless the treatment program 3108
complies with the minimum standards for alcohol treatment programs 3109
adopted under Chapter 3793. of the Revised Code by the director of 3110
alcohol and drug addiction services. 3111

(2) An offender who stays in a drivers' intervention program 3112
or in an alcohol treatment program under an order issued under 3113
this section shall pay the cost of the stay in the program. 3114
However, if the court determines that an offender who stays in an 3115

alcohol treatment program under an order issued under this section 3116
is unable to pay the cost of the stay in the program, the court 3117
may order that the cost be paid from the court's indigent drivers' 3118
alcohol treatment fund. 3119

(J) If a person whose driver's or commercial driver's license 3120
or permit or nonresident operating privilege is suspended under 3121
this section files an appeal regarding any aspect of the person's 3122
trial or sentence, the appeal itself does not stay the operation 3123
of the suspension. 3124

(K) Division (A)(10) of this section does not apply to either 3125
of the following: 3126

(1) Any person who injected, ingested, or inhaled the 3127
controlled substance involuntarily, including any person who was 3128
injected or made to ingest or inhale the controlled substance by 3129
another party against the person's will; 3130

(2) Any person who obtained the controlled substance pursuant 3131
to a prescription issued by a licensed health professional 3132
authorized to prescribe drugs and who injected, ingested, or 3133
inhaled the controlled substance in accordance with the health 3134
professional's directions. 3135

(L) All terms defined in sections 4510.01 of the Revised Code 3136
apply to this section. If the meaning of a term defined in section 3137
4510.01 of the Revised Code conflicts with the meaning of the same 3138
term as defined in section 4501.01 or 4511.01 of the Revised Code, 3139
the term as defined in section 4510.01 of the Revised Code applies 3140
to this section. 3141

~~(L)~~(M)(1) The Ohio Traffic Rules in effect on January 1, 3142
2004, as adopted by the supreme court under authority of section 3143
2937.46 of the Revised Code, do not apply to felony violations of 3144
this section. Subject to division (L)(2) of this section, the 3145
Rules of Criminal Procedure apply to felony violations of this 3146

section. 3147

(2) If, on or after January 1, 2004, the supreme court 3148
modifies the Ohio Traffic Rules to provide procedures to govern 3149
felony violations of this section, the modified rules shall apply 3150
to felony violations of this section. 3151

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 3152
as in section 4511.194 of the Revised Code. 3153

(2) Any person who operates a vehicle, streetcar, or 3154
trackless trolley upon a highway or any public or private property 3155
used by the public for vehicular travel or parking within this 3156
state or who is in physical control of a vehicle, streetcar, or 3157
trackless trolley shall be deemed to have given consent to a 3158
chemical test or tests of the person's whole blood, blood serum or 3159
plasma, breath, or urine to determine the alcohol, drug of abuse, 3160
controlled substance, metabolite of a controlled substance, or 3161
alcohol and drug combination content of the person's whole blood, 3162
blood serum or plasma, breath, or urine if arrested for a 3163
violation of division (A) or (B) of section 4511.19 of the Revised 3164
Code, section 4511.194 of the Revised Code, or a municipal OVI 3165
ordinance. 3166

(3) The chemical test or tests under division (A)(2) of this 3167
section shall be administered at the request of a law enforcement 3168
officer having reasonable grounds to believe the person was 3169
operating or in physical control of a vehicle, streetcar, or 3170
trackless trolley in violation of a division, section, or 3171
ordinance identified in division (A)(2) of this section. The law 3172
enforcement agency by which the officer is employed shall 3173
designate which of the tests shall be administered. 3174

(4) Any person who is dead or unconscious, or who otherwise 3175
is in a condition rendering the person incapable of refusal, shall 3176
be deemed to have consented as provided in division (A)(2) of this 3177

section, and the test or tests may be administered, subject to 3178
sections 313.12 to 313.16 of the Revised Code. 3179

(B)(1) Upon receipt of the sworn report of a law enforcement 3180
officer who arrested a person for a violation of division (A) or 3181
(B) of section 4511.19 of the Revised Code, section 4511.194 of 3182
the Revised Code, or a municipal OVI ordinance that was completed 3183
and sent to the registrar and a court pursuant to section 4511.192 3184
of the Revised Code in regard to a person who refused to take the 3185
designated chemical test, the registrar shall enter into the 3186
registrar's records the fact that the person's driver's or 3187
commercial driver's license or permit or nonresident operating 3188
privilege was suspended by the arresting officer under this 3189
division and that section and the period of the suspension, as 3190
determined under this section. The suspension shall be subject to 3191
appeal as provided in section 4511.197 of the Revised Code. The 3192
suspension shall be for whichever of the following periods 3193
applies: 3194

(a) Except when division (B)(1)(b), (c), or (d) of this 3195
section applies and specifies a different class or length of 3196
suspension, the suspension shall be a class C suspension for the 3197
period of time specified in division (B)(3) of section 4510.02 of 3198
the Revised Code. 3199

(b) If the arrested person, within six years of the date on 3200
which the person refused the request to consent to the chemical 3201
test, had refused one previous request to consent to a chemical 3202
test, the suspension shall be a class B suspension imposed for the 3203
period of time specified in division (B)(2) of section 4510.02 of 3204
the Revised Code. 3205

(c) If the arrested person, within six years of the date on 3206
which the person refused the request to consent to the chemical 3207
test, had refused two previous requests to consent to a chemical 3208
test, the suspension shall be a class A suspension imposed for the 3209

period of time specified in division (B)(1) of section 4510.02 of 3210
the Revised Code. 3211

(d) If the arrested person, within six years of the date on 3212
which the person refused the request to consent to the chemical 3213
test, had refused three or more previous requests to consent to a 3214
chemical test, the suspension shall be for five years. 3215

(2) The registrar shall terminate a suspension of the 3216
driver's or commercial driver's license or permit of a resident or 3217
of the operating privilege of a nonresident, or a denial of a 3218
driver's or commercial driver's license or permit, imposed 3219
pursuant to division (B)(1) of this section upon receipt of notice 3220
that the person has entered a plea of guilty to, or has been 3221
convicted of, operating a vehicle in violation of section 4511.19 3222
of the Revised Code or in violation of a municipal OVI ordinance, 3223
if the offense for which the conviction is had or the plea is 3224
entered arose from the same incident that led to the suspension or 3225
denial. 3226

The registrar shall credit against any judicial suspension of 3227
a person's driver's or commercial driver's license or permit or 3228
nonresident operating privilege imposed pursuant to section 3229
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3230
Revised Code for a violation of a municipal OVI ordinance, any 3231
time during which the person serves a related suspension imposed 3232
pursuant to division (B)(1) of this section. 3233

(C)(1) Upon receipt of the sworn report of the law 3234
enforcement officer who arrested a person for a violation of 3235
division (A) or (B) of section 4511.19 of the Revised Code or a 3236
municipal OVI ordinance that was completed and sent to the 3237
registrar and a court pursuant to section 4511.192 of the Revised 3238
Code in regard to a person whose test results indicate that the 3239
person's whole blood, blood serum or plasma, breath, or urine 3240
contained at least the concentration of alcohol specified in 3241

division (A)(2), (3), (4), or (5) of section 4511.19 of the 3242
Revised Code, the registrar shall enter into the registrar's 3243
records the fact that the person's driver's or commercial driver's 3244
license or permit or nonresident operating privilege was suspended 3245
by the arresting officer under this division and section 4511.192 3246
of the Revised Code and the period of the suspension, as 3247
determined under divisions (F)(1) to (4) of this section. The 3248
suspension shall be subject to appeal as provided in section 3249
4511.197 of the Revised Code. The suspension described in this 3250
division does not apply to, and shall not be imposed upon, a 3251
person arrested for a violation of section 4511.194 of the Revised 3252
Code who submits to a designated chemical test. The suspension 3253
shall be for whichever of the following periods applies: 3254

(a) Except when division (C)(1)(b), (c), or (d) of this 3255
section applies and specifies a different period, the suspension 3256
shall be a class E suspension imposed for the period of time 3257
specified in division (B)(5) of section 4510.02 of the Revised 3258
Code. 3259

(b) The suspension shall be a class C suspension for the 3260
period of time specified in division (B)(3) of section 4510.02 of 3261
the Revised Code if the person has been convicted of or pleaded 3262
guilty to, within six years of the date the test was conducted, 3263
one violation of division (A) or (B) of section 4511.19 of the 3264
Revised Code or one other equivalent offense. 3265

(c) If, within six years of the date the test was conducted, 3266
the person has been convicted of or pleaded guilty to two 3267
violations of a statute or ordinance described in division 3268
(C)(1)(b) of this section, the suspension shall be a class B 3269
suspension imposed for the period of time specified in division 3270
(B)(2) of section 4510.02 of the Revised Code. 3271

(d) If, within six years of the date the test was conducted, 3272
the person has been convicted of or pleaded guilty to more than 3273

two violations of a statute or ordinance described in division 3274
(C)(1)(b) of this section, the suspension shall be a class A 3275
suspension imposed for the period of time specified in division 3276
(B)(1) of section 4510.02 of the Revised Code. 3277

(2) The registrar shall terminate a suspension of the 3278
driver's or commercial driver's license or permit of a resident or 3279
of the operating privilege of a nonresident, or a denial of a 3280
driver's or commercial driver's license or permit, imposed 3281
pursuant to division (C)(1) of this section upon receipt of notice 3282
that the person has entered a plea of guilty to, or has been 3283
convicted of, operating a vehicle in violation of section 4511.19 3284
of the Revised Code or in violation of a municipal OVI ordinance, 3285
if the offense for which the conviction is had or the plea is 3286
entered arose from the same incident that led to the suspension or 3287
denial. 3288

The registrar shall credit against any judicial suspension of 3289
a person's driver's or commercial driver's license or permit or 3290
nonresident operating privilege imposed pursuant to section 3291
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3292
Revised Code for a violation of a municipal OVI ordinance, any 3293
time during which the person serves a related suspension imposed 3294
pursuant to division (C)(1) of this section. 3295

(D)(1) A suspension of a person's driver's or commercial 3296
driver's license or permit or nonresident operating privilege 3297
under this section for the time described in division (B) or (C) 3298
of this section is effective immediately from the time at which 3299
the arresting officer serves the notice of suspension upon the 3300
arrested person. Any subsequent finding that the person is not 3301
guilty of the charge that resulted in the person being requested 3302
to take the chemical test or tests under division (A) of this 3303
section does not affect the suspension. 3304

(2) If a person is arrested for operating a vehicle, 3305

streetcar, or trackless trolley in violation of division (A) or 3306
(B) of section 4511.19 of the Revised Code or a municipal OVI 3307
ordinance, or for being in physical control of a vehicle, 3308
streetcar, or trackless trolley in violation of section 4511.194 3309
of the Revised Code, regardless of whether the person's driver's 3310
or commercial driver's license or permit or nonresident operating 3311
privilege is or is not suspended under division (B) or (C) of this 3312
section or Chapter 4510. of the Revised Code, the person's initial 3313
appearance on the charge resulting from the arrest shall be held 3314
within five days of the person's arrest or the issuance of the 3315
citation to the person, subject to any continuance granted by the 3316
court pursuant to section 4511.197 of the Revised Code regarding 3317
the issues specified in that division. 3318

(E) When it finally has been determined under the procedures 3319
of this section and sections 4511.192 through 4511.197 of the 3320
Revised Code that a nonresident's privilege to operate a vehicle 3321
within this state has been suspended, the registrar shall give 3322
information in writing of the action taken to the motor vehicle 3323
administrator of the state of the person's residence and of any 3324
state in which the person has a license. 3325

(F) At the end of a suspension period under this section, 3326
under section 4511.194, section 4511.196, or division (G) of 3327
section 4511.19 of the Revised Code, or under section 4510.07 of 3328
the Revised Code for a violation of a municipal OVI ordinance and 3329
upon the request of the person whose driver's or commercial 3330
driver's license or permit was suspended and who is not otherwise 3331
subject to suspension, cancellation, or disqualification, the 3332
registrar shall return the driver's or commercial driver's license 3333
or permit to the person upon the occurrence of all of the 3334
conditions specified in divisions (F)(1) and (2) of this section: 3335

(1) A showing that the person has proof of financial 3336
responsibility, a policy of liability insurance in effect that 3337

meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

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

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. The fund shall be used to pay the costs of driver treatment and intervention programs operated pursuant to sections 3793.02 and 3793.10 of the Revised Code. The director of alcohol and drug addiction services shall determine the share of the fund that is to be allocated to alcohol and drug addiction programs authorized by section 3793.02 of the Revised Code, and the share of the fund that is to be allocated to drivers' intervention programs authorized by section 3793.10 of the Revised Code.

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

(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established. Except as otherwise provided in division (F)(2)(c) of this section, moneys in the fund shall be distributed by the department of alcohol and drug addiction services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to

this section, and shall be used only to pay the cost of an alcohol 3370
and drug addiction treatment program attended by an offender or 3371
juvenile traffic offender who is ordered to attend an alcohol and 3372
drug addiction treatment program by a county, juvenile, or 3373
municipal court judge and who is determined by the county, 3374
juvenile, or municipal court judge not to have the means to pay 3375
for the person's attendance at the program or to pay the costs 3376
specified in division (H)(4) of this section in accordance with 3377
that division. Moneys in the fund that are not distributed to a 3378
county indigent drivers alcohol treatment fund, a county juvenile 3379
indigent drivers alcohol treatment fund, or a municipal indigent 3380
drivers alcohol treatment fund under division (H) of this section 3381
because the director of alcohol and drug addiction services does 3382
not have the information necessary to identify the county or 3383
municipal corporation where the offender or juvenile offender was 3384
arrested may be transferred by the director of budget and 3385
management to the statewide treatment and prevention fund created 3386
by section 4301.30 of the Revised Code, upon certification of the 3387
amount by the director of alcohol and drug addiction services. 3388

(d) Seventy-five dollars shall be credited to the Ohio 3389
rehabilitation services commission established by section 3304.12 3390
of the Revised Code, to the services for rehabilitation fund, 3391
which is hereby established. The fund shall be used to match 3392
available federal matching funds where appropriate, and for any 3393
other purpose or program of the commission to rehabilitate people 3394
with disabilities to help them become employed and independent. 3395

(e) Seventy-five dollars shall be deposited into the state 3396
treasury and credited to the drug abuse resistance education 3397
programs fund, which is hereby established, to be used by the 3398
attorney general for the purposes specified in division (L)(4) of 3399
this section. 3400

(f) Thirty dollars shall be credited to the state bureau of 3401

motor vehicles fund created by section 4501.25 of the Revised Code. 3402
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(g) Twenty dollars shall be credited to the trauma and emergency medical services grants fund created by section 4513.263 of the Revised Code. 3404
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(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the bureau, only one reinstatement fee of four hundred twenty-five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (F)(2) of this section. 3407
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(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs. 3418
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The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in 3432
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establishing and implementing drug abuse resistance education 3434
programs. These reports shall include an evaluation of the 3435
effectiveness of these programs. 3436

(G) Suspension of a commercial driver's license under 3437
division (B) or (C) of this section shall be concurrent with any 3438
period of disqualification under section 3123.611 or 4506.16 of 3439
the Revised Code or any period of suspension under section 3123.58 3440
of the Revised Code. No person who is disqualified for life from 3441
holding a commercial driver's license under section 4506.16 of the 3442
Revised Code shall be issued a driver's license under Chapter 3443
4507. of the Revised Code during the period for which the 3444
commercial driver's license was suspended under division (B) or 3445
(C) of this section. No person whose commercial driver's license 3446
is suspended under division (B) or (C) of this section shall be 3447
issued a driver's license under Chapter 4507. of the Revised Code 3448
during the period of the suspension. 3449

(H)(1) Each county shall establish an indigent drivers 3450
alcohol treatment fund, each county shall establish a juvenile 3451
indigent drivers alcohol treatment fund, and each municipal 3452
corporation in which there is a municipal court shall establish an 3453
indigent drivers alcohol treatment fund. All revenue that the 3454
general assembly appropriates to the indigent drivers alcohol 3455
treatment fund for transfer to a county indigent drivers alcohol 3456
treatment fund, a county juvenile indigent drivers alcohol 3457
treatment fund, or a municipal indigent drivers alcohol treatment 3458
fund, all portions of fees that are paid under division (L) of 3459
this section and that are credited under that division to the 3460
indigent drivers alcohol treatment fund in the state treasury for 3461
a county indigent drivers alcohol treatment fund, a county 3462
juvenile indigent drivers alcohol treatment fund, or a municipal 3463
indigent drivers alcohol treatment fund, and all portions of fines 3464
that are specified for deposit into a county or municipal indigent 3465

drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund in accordance with division (H)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or of any prohibition contained in Chapter 4510. of the Revised Code, and that are required under section 4511.19 or any provision of Chapter 4510. of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund shall be deposited into the appropriate fund in accordance with the applicable division.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that is credited under that division to the indigent drivers alcohol treatment fund shall be deposited into a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund as follows:

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

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

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

(iii) If the fee is paid by a person who was charged in a

municipal court with the violation that resulted in the 3497
suspension, the portion shall be deposited into the municipal 3498
indigent drivers alcohol treatment fund under the control of that 3499
court. 3500

(b) If the suspension in question was imposed under section 3501
4511.19 of the Revised Code or under section 4510.07 of the 3502
Revised Code for a violation of a municipal OVI ordinance, that 3503
portion of the fee shall be deposited as follows: 3504

(i) If the fee is paid by a person whose license or permit 3505
was suspended by a county court, the portion shall be deposited 3506
into the county indigent drivers alcohol treatment fund under the 3507
control of that court; 3508

(ii) If the fee is paid by a person whose license or permit 3509
was suspended by a municipal court, the portion shall be deposited 3510
into the municipal indigent drivers alcohol treatment fund under 3511
the control of that court. 3512

(3) Expenditures from a county indigent drivers alcohol 3513
treatment fund, a county juvenile indigent drivers alcohol 3514
treatment fund, or a municipal indigent drivers alcohol treatment 3515
fund shall be made only upon the order of a county, juvenile, or 3516
municipal court judge and only for payment of the cost of the 3517
attendance at an alcohol and drug addiction treatment program of a 3518
person who is convicted of, or found to be a juvenile traffic 3519
offender by reason of, a violation of division (A) of section 3520
4511.19 of the Revised Code or a substantially similar municipal 3521
ordinance, who is ordered by the court to attend the alcohol and 3522
drug addiction treatment program, and who is determined by the 3523
court to be unable to pay the cost of attendance at the treatment 3524
program or for payment of the costs specified in division (H)(4) 3525
of this section in accordance with that division. The alcohol and 3526
drug addiction services board or the board of alcohol, drug 3527
addiction, and mental health services established pursuant to 3528

section 340.02 or 340.021 of the Revised Code and serving the 3529
alcohol, drug addiction, and mental health service district in 3530
which the court is located shall administer the indigent drivers 3531
alcohol treatment program of the court. When a court orders an 3532
offender or juvenile traffic offender to attend an alcohol and 3533
drug addiction treatment program, the board shall determine which 3534
program is suitable to meet the needs of the offender or juvenile 3535
traffic offender, and when a suitable program is located and space 3536
is available at the program, the offender or juvenile traffic 3537
offender shall attend the program designated by the board. A 3538
reasonable amount not to exceed five per cent of the amounts 3539
credited to and deposited into the county indigent drivers alcohol 3540
treatment fund, the county juvenile indigent drivers alcohol 3541
treatment fund, or the municipal indigent drivers alcohol 3542
treatment fund serving every court whose program is administered 3543
by that board shall be paid to the board to cover the costs it 3544
incurs in administering those indigent drivers alcohol treatment 3545
programs. 3546

(4) If a county, juvenile, or municipal court determines, in 3547
consultation with the alcohol and drug addiction services board or 3548
the board of alcohol, drug addiction, and mental health services 3549
established pursuant to section 340.02 or 340.021 of the Revised 3550
Code and serving the alcohol, drug addiction, and mental health 3551
district in which the court is located, that the funds in the 3552
county indigent drivers alcohol treatment fund, the county 3553
juvenile indigent drivers alcohol treatment fund, or the municipal 3554
indigent drivers alcohol treatment fund under the control of the 3555
court are more than sufficient to satisfy the purpose for which 3556
the fund was established, as specified in divisions (H)(1) to (3) 3557
of this section, the court may declare a surplus in the fund. If 3558
the court declares a surplus in the fund, the court may expend the 3559
amount of the surplus in the fund for alcohol and drug abuse 3560
assessment and treatment of persons who are charged in the court 3561

with committing a criminal offense or with being a delinquent 3562
child or juvenile traffic offender and in relation to whom both of 3563
the following apply: 3564

(a) The court determines that substance abuse was a 3565
contributing factor leading to the criminal or delinquent activity 3566
or the juvenile traffic offense with which the person is charged. 3567

(b) The court determines that the person is unable to pay the 3568
cost of the alcohol and drug abuse assessment and treatment for 3569
which the surplus money will be used. 3570

(I)(1) In addition to divisions (A)(2) and (3) of this 3571
section, any person who operates a vehicle, streetcar, or 3572
trackless trolley upon a highway or any public or private property 3573
used by the public for vehicular travel or parking within this 3574
state shall be deemed to have given consent to a chemical test or 3575
tests of the person's whole blood, blood serum or plasma, or urine 3576
to determine the presence of a controlled substance or a 3577
metabolite of a controlled substance in, the person's whole blood, 3578
blood serum or plasma, or urine if the person is involved in an 3579
accident or collision while operating the vehicle, streetcar, or 3580
trackless trolley and the accident or collision results in death 3581
or physical harm to a person or physical harm to property. 3582

The chemical test or tests under this division shall be 3583
administered at the request of a law enforcement officer who has 3584
probable cause to believe that the person was operating a vehicle, 3585
streetcar, or trackless trolley in violation of a division, 3586
section, or ordinance identified in division (A)(2) of this 3587
section at the time of the accident or collision. The law 3588
enforcement officer may make this request only if the officer does 3589
not place the person under arrest. The law enforcement agency that 3590
employs the officer shall designate whether the person's whole 3591
blood, blood serum or plasma, or urine shall be tested or whether 3592
all of them shall be tested. If the person refuses to submit upon 3593

request to the chemical test, the police officer shall employ 3594
whatever reasonable means are necessary to ensure that the person 3595
submits to the chemical test. If the chemical test to be performed 3596
is a blood test, division (D)(1) of section 4511.19 of the Revised 3597
Code applies to the procedure for performing the test. 3598

(2) As used in division (I)(1) of this section, "physical 3599
harm to a person" and "physical harm to property" have the same 3600
meanings as in section 2901.01 of the Revised Code. 3601

Sec. 4511.194. (A) As used in this section: 3602

(1) "National highway traffic safety administration" has the 3603
same meaning as in section 4511.19 of the Revised Code. 3604

(2) "Physical control" means being in the driver's position 3605
of the front seat of a vehicle or in the driver's position of a 3606
streetcar or trackless trolley and having possession of the 3607
vehicle's, streetcar's, or trackless trolley's ignition key or 3608
other ignition device. 3609

(B) No person shall be in physical control of a vehicle, 3610
streetcar, or trackless trolley while under the influence of 3611
alcohol, a drug of abuse, or a combination of them ~~or~~, while the 3612
person's whole blood, blood serum or plasma, breath, or urine 3613
contains at least the concentration of alcohol specified in 3614
division (A)(2), (3), (4), or (5) of section 4511.19 of the 3615
Revised Code, or while the person's whole blood, blood serum or 3616
plasma, or urine contains any amount of a controlled substance or 3617
a metabolite of a controlled substance. 3618

(C)(1) In any criminal prosecution or juvenile court 3619
proceeding for a violation of this section or a substantially 3620
equivalent municipal ordinance, if a law enforcement officer has 3621
administered a field sobriety test to the person in physical 3622
control of the vehicle involved in the violation and if it is 3623

shown by clear and convincing evidence that the officer 3624
administered the test in substantial compliance with the testing 3625
standards for any reliable, credible, and generally accepted field 3626
sobriety tests that were in effect at the time the tests were 3627
administered, including, but not limited to, any testing standards 3628
then in effect that were set by the national highway traffic 3629
safety administration, all of the following apply: 3630

(a) The officer may testify concerning the results of the 3631
field sobriety test so administered. 3632

(b) The prosecution may introduce the results of the field 3633
sobriety test so administered as evidence in any proceedings in 3634
the criminal prosecution or juvenile court proceeding. 3635

(c) If testimony is presented or evidence is introduced under 3636
division (C)(1)(a) or (b) of this section and if the testimony or 3637
evidence is admissible under the Rules of Evidence, the court 3638
shall admit the testimony or evidence, and the trier of fact shall 3639
give it whatever weight the trier of fact considers to be 3640
appropriate. 3641

(2) Division (C)(1) of this section does not limit or 3642
preclude a court, in its determination of whether the arrest of a 3643
person was supported by probable cause or its determination of any 3644
other matter in a criminal prosecution or juvenile court 3645
proceeding of a type described in that division, from considering 3646
evidence or testimony that is not otherwise disallowed by division 3647
(C)(1) of this section. 3648

(D) Whoever violates this section is guilty of having 3649
physical control of a vehicle while under the influence, a 3650
misdemeanor of the first degree. In addition to other sanctions 3651
imposed, the court may impose on the offender a class seven 3652
suspension of the offender's driver's license, commercial driver's 3653
license, temporary instruction permit, probationary license, or 3654

nonresident operating privilege from the range specified in 3655
division (A)(7) of section 4510.02 of the Revised Code. 3656

Section 2. That existing sections 1547.11, 1547.111, 1547.99, 3657
1905.01, 1905.201, 2743.51, 2919.22, 2937.46, 2951.02, 4506.17, 3658
4510.01, 4510.032, 4510.036, 4510.17, 4510.54, 4511.181, 4511.19, 3659
4511.191, and 4511.194 of the Revised Code are hereby repealed. 3660

Section 3. Section 4511.19 of the Revised Code is presented 3661
in this act as a composite of the section as amended by Am. Sub. 3662
H.B. 87 of the 125th General Assembly and Am. Sub. H.B. 490 and 3663
Am. Sub. S.B. 163, both of the 124th General Assembly. The General 3664
Assembly, applying the principle stated in division (B) of section 3665
1.52 of the Revised Code that amendments are to be harmonized if 3666
reasonably capable of simultaneous operation, finds that the 3667
composite is the resulting version of the section in effect prior 3668
to the effective date of the section as presented in this act. 3669