

As Introduced

**126th General Assembly
Regular Session
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S. B. No. 8

**Senators Austria, Jacobson, Gardner, Coughlin, Zurz, Mumper, Padgett,
Clancy**

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A B I L L

To amend sections 1547.11, 1547.111, 1547.99, 1
1905.01, 1905.03, 1905.05, 1905.201, 2317.02, 2
2317.022, 2317.422, 2743.51, 2919.22, 2923.16, 3
2937.46, 2951.02, 3701.143, 3937.41, 4506.17, 4
4510.01, 4510.032, 4510.036, 4510.17, 4510.54, 5
4511.181, 4511.19, 4511.191, 4511.192, 4511.194, 6
and 4766.15 of the Revised Code to prohibit the 7
operation of a vehicle or vessel if a statutorily 8
specified concentration of amphetamine, cocaine, 9
cocaine metabolite, heroin, heroin metabolite 10
(morphine), heroin metabolite (6-monoacetyl 11
morphine), L.S.D., marihuana, marihuana 12
metabolite, methamphetamine, or phencyclidine is 13
present in the operator's blood or urine, subject 14
to certain exceptions and to extend the time 15
within which a chemical test of an arrested 16
person's whole blood, blood serum or plasma, 17
breath, or urine must be taken in order for the 18
results of the test to be admissible as evidence. 19

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

Section 1. That sections 1547.11, 1547.111, 1547.99, 1905.01, 20

1905.03, 1905.05, 1905.201, 2317.02, 2317.022, 2317.422, 2743.51, 21
2919.22, 2923.16, 2937.46, 2951.02, 3701.143, 3937.41, 4506.17, 22
4510.01, 4510.032, 4510.036, 4510.17, 4510.54, 4511.181, 4511.19, 23
4511.191, 4511.192, 4511.194, and 4766.15 of the Revised Code be 24
amended to read as follows: 25

Sec. 1547.11. (A) No person shall operate or be in physical 26
control of any vessel underway or shall manipulate any water skis, 27
aquaplane, or similar device on the waters in this state if, at 28
the time of the operation, control, or manipulation, any of the 29
following applies: 30

(1) The person is under the influence of alcohol, a drug of 31
abuse, or a combination of them. 32

(2) The person has a concentration of eight-hundredths of one 33
per cent or more by weight of alcohol per unit volume in the 34
person's whole blood. 35

(3) The person has a concentration of ninety-six-thousandths 36
of one per cent or more by weight per unit volume of alcohol in 37
the person's blood serum or plasma. 38

(4) The person has a concentration of eleven-hundredths of 39
one gram or more by weight of alcohol per one hundred milliliters 40
of the person's urine. 41

(5) The person has a concentration of eight-hundredths of one 42
gram or more by weight of alcohol per two hundred ten liters of 43
the person's breath. 44

(6) Except as provided in division (H) of this section, the 45
person has a concentration of any of the following controlled 46
substances or metabolites of a controlled substance in the 47
person's whole blood, blood serum or plasma, or urine that equals 48
or exceeds any of the following: 49

(a) The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

(b) The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

(c) The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

(d) The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

(e) The person has a concentration of heroin metabolite (morphine) in the person's urine of at least two thousand nanograms of heroin metabolite (morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (morphine) in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin metabolite (morphine) per

milliliter of the person's whole blood or blood serum or plasma. 81

(f) The person has a concentration of heroin metabolite 82
(6-monoacetyl morphine) in the person's urine of at least ten 83
nanograms of heroin metabolite (6-monoacetyl morphine) per 84
milliliter of the person's urine or has a concentration of heroin 85
metabolite (6-monoacetyl morphine) in the person's whole blood or 86
blood serum or plasma of at least ten nanograms of heroin 87
metabolite (6-monoacetyl morphine) per milliliter of the person's 88
whole blood or blood serum or plasma. 89

(g) The person has a concentration of L.S.D. in the person's 90
urine of at least twenty-five nanograms of L.S.D. per milliliter 91
of the person's urine or has a concentration of L.S.D. in the 92
person's whole blood or blood serum or plasma of at least ten 93
nanograms of L.S.D. per milliliter of the person's whole blood or 94
blood serum or plasma. 95

(h) The person has a concentration of marihuana in the 96
person's urine of at least ten nanograms of marihuana per 97
milliliter of the person's urine or has a concentration of 98
marihuana in the person's whole blood or blood serum or plasma of 99
at least two nanograms of marihuana per milliliter of the person's 100
whole blood or blood serum or plasma. 101

(i) The person has a concentration of marihuana metabolite in 102
the person's urine of at least fifteen nanograms of marihuana 103
metabolite per milliliter of the person's urine or has a 104
concentration of marihuana metabolite in the person's whole blood 105
or blood serum or plasma of at least five nanograms of marihuana 106
metabolite per milliliter of the person's whole blood or blood 107
serum or plasma. 108

(j) The person has a concentration of methamphetamine in the 109
person's urine of at least five hundred nanograms of 110
methamphetamine per milliliter of the person's urine or has a 111

concentration of methamphetamine in the person's whole blood or 112
blood serum or plasma of at least one hundred nanograms of 113
methamphetamine per milliliter of the person's whole blood or 114
blood serum or plasma. 115

(k) The person has a concentration of phencyclidine in the 116
person's urine of at least twenty-five nanograms of phencyclidine 117
per milliliter of the person's urine or has a concentration of 118
phencyclidine in the person's whole blood or blood serum or plasma 119
of at least ten nanograms of phencyclidine per milliliter of the 120
person's whole blood or blood serum or plasma. 121

(B) No person under twenty-one years of age shall operate or 122
be in physical control of any vessel underway or shall manipulate 123
any water skis, aquaplane, or similar device on the waters in this 124
state if, at the time of the operation, control, or manipulation, 125
any of the following applies: 126

(1) The person has a concentration of at least two-hundredths 127
of one per cent, but less than eight-hundredths of one per cent by 128
weight per unit volume of alcohol in the person's whole blood. 129

(2) The person has a concentration of at least 130
three-hundredths of one per cent but less than 131
ninety-six-thousandths of one per cent by weight per unit volume 132
of alcohol in the person's blood serum or plasma. 133

(3) The person has a concentration of at least twenty-eight 134
one-thousandths of one gram, but less than eleven-hundredths of 135
one gram by weight of alcohol per one hundred milliliters of the 136
person's urine. 137

(4) The person has a concentration of at least two-hundredths 138
of one gram, but less than eight-hundredths of one gram by weight 139
of alcohol per two hundred ten liters of the person's breath. 140

(C) In any proceeding arising out of one incident, a person 141

may be charged with a violation of division (A)(1) and a violation
of division (B)(1), (2), (3), or (4) of this section, but the
person shall not be convicted of more than one violation of those
divisions.

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(D)(1) In any criminal prosecution or juvenile court
proceeding for a violation of division (A) or (B) of this section
or for an equivalent violation, the court may admit evidence on
the concentration of alcohol, drugs of abuse, controlled
substances, metabolites of a controlled substance, or a
combination of them in the defendant's or child's whole blood,
blood serum or plasma, urine, or breath at the time of the alleged
violation as shown by chemical analysis of the substance
withdrawn, or specimen taken within ~~two~~ three hours of the time of
the alleged violation. The three-hour time limit specified in this
division regarding the admission of evidence does not extend or
affect the two-hour time limit specified in division (C) of
section 1547.111 of the Revised Code as the maximum period of time
during which a person may consent to a chemical test or tests as
described in that section.

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

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The whole blood, blood serum or plasma, urine, or breath
shall be analyzed in accordance with methods approved by the

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director of health by an individual possessing a valid permit 174
issued by the director pursuant to section 3701.143 of the Revised 175
Code. 176

(2) In a criminal prosecution or juvenile court proceeding 177
for a violation of division (A) of this section or for a violation 178
of a prohibition that is substantially equivalent to division (A) 179
of this section, if there was at the time the bodily substance was 180
taken a concentration of less than the applicable concentration of 181
alcohol specified for a violation of division (A)(2), (3), (4), or 182
(5) of this section or less than the applicable concentration of a 183
listed controlled substance or a listed metabolite of a controlled 184
substance specified for a violation of division (A)(6) of this 185
section, that fact may be considered with other competent evidence 186
in determining the guilt or innocence of the defendant or in 187
making an adjudication for the child. This division does not limit 188
or affect a criminal prosecution or juvenile court proceeding for 189
a violation of division (B) of this section or for a violation of 190
a prohibition that is substantially equivalent to that division. 191

(3) Upon the request of the person who was tested, the 192
results of the chemical test shall be made available to the person 193
or the person's attorney immediately upon completion of the test 194
analysis. 195

The person tested may have a physician, a registered nurse, 196
or a qualified technician, chemist, or phlebotomist of the 197
person's own choosing administer a chemical test or tests in 198
addition to any administered at the direction of a law enforcement 199
officer, and shall be so advised. The failure or inability to 200
obtain an additional test by a person shall not preclude the 201
admission of evidence relating to the test or tests taken at the 202
direction of a law enforcement officer. 203

(E)(1) In any criminal prosecution or juvenile court 204

proceeding for a violation of division (A) or (B) of this section 205
or for an equivalent violation, if a law enforcement officer has 206
administered a field sobriety test to the operator or person found 207
to be in physical control of the vessel underway involved in the 208
violation or the person manipulating the water skis, aquaplane, or 209
similar device involved in the violation and if it is shown by 210
clear and convincing evidence that the officer administered the 211
test in substantial compliance with the testing standards for 212
reliable, credible, and generally accepted field sobriety tests 213
for vehicles that were in effect at the time the tests were 214
administered, including, but not limited to, any testing standards 215
then in effect that have been set by the national highway traffic 216
safety administration, that by their nature are not clearly 217
inapplicable regarding the operation or physical control of 218
vessels underway or the manipulation of water skis, aquaplanes, or 219
similar devices, all of the following apply: 220

(a) The officer may testify concerning the results of the 221
field sobriety test so administered. 222

(b) The prosecution may introduce the results of the field 223
sobriety test so administered as evidence in any proceedings in 224
the criminal prosecution or juvenile court proceeding. 225

(c) If testimony is presented or evidence is introduced under 226
division (E)(1)(a) or (b) of this section and if the testimony or 227
evidence is admissible under the Rules of Evidence, the court 228
shall admit the testimony or evidence, and the trier of fact shall 229
give it whatever weight the trier of fact considers to be 230
appropriate. 231

(2) Division (E)(1) of this section does not limit or 232
preclude a court, in its determination of whether the arrest of a 233
person was supported by probable cause or its determination of any 234
other matter in a criminal prosecution or juvenile court 235

proceeding of a type described in that division, from considering 236
evidence or testimony that is not otherwise disallowed by division 237
(E)(1) of this section. 238

(F)(1) Subject to division (F)(3) of this section, in any 239
criminal prosecution or juvenile court proceeding for a violation 240
of this section or for an equivalent violation, the court shall 241
admit as prima-facie evidence a laboratory report from any 242
forensic laboratory certified by the department of health that 243
contains an analysis of the whole blood, blood serum or plasma, 244
breath, urine, or other bodily substance tested and that contains 245
all of the information specified in this division. The laboratory 246
report shall contain all of the following: 247

(a) The signature, under oath, of any person who performed 248
the analysis; 249

(b) Any findings as to the identity and quantity of alcohol, 250
a drug of abuse, a controlled substance, a metabolite of a 251
controlled substance, or a combination of them that was found; 252

(c) A copy of a notarized statement by the laboratory 253
director or a designee of the director that contains the name of 254
each certified analyst or test performer involved with the report, 255
the analyst's or test performer's employment relationship with the 256
laboratory that issued the report, and a notation that performing 257
an analysis of the type involved is part of the analyst's or test 258
performer's regular duties; 259

(d) An outline of the analyst's or test performer's 260
education, training, and experience in performing the type of 261
analysis involved and a certification that the laboratory 262
satisfies appropriate quality control standards in general and, in 263
this particular analysis, under rules of the department of health. 264

(2) Notwithstanding any other provision of law regarding the 265
admission of evidence, a report of the type described in division 266

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

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

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

(H) Division (A)(6) of this section does not apply to a
person who operates or is in physical control of a vessel underway
or manipulates any water skis, aquaplane, or similar device while
the person has a concentration of a listed controlled substance or
a listed metabolite of a controlled substance in the person's
whole blood, blood serum or plasma, or urine that equals or

exceeds the amount specified in that division, if both of the 299
following apply: 300

(1) The person obtained the controlled substance pursuant to 301
a prescription issued by a licensed health professional authorized 302
to prescribe drugs. 303

(2) The person injected, ingested, or inhaled the controlled 304
substance in accordance with the health professional's directions. 305

(I) As used in this section and section 1547.111 of the 306
Revised Code: 307

(1) "Equivalent violation" means a violation of a municipal 308
ordinance, law of another state, or law of the United States that 309
is substantially equivalent to division (A) or (B) of this 310
section. 311

(2) "National highway traffic safety administration" has the 312
same meaning as in section 4511.19 of the Revised Code. 313

(3) "Operate" means that a vessel is being used on the waters 314
in this state when the vessel is not securely affixed to a dock or 315
to shore or to any permanent structure to which the vessel has the 316
right to affix or that a vessel is not anchored in a designated 317
anchorage area or boat camping area that is established by the 318
United States coast guard, this state, or a political subdivision 319
and in which the vessel has the right to anchor. 320

(4) "Controlled substance" and "marihuana" have the same 321
meanings as in section 3719.01 of the Revised Code. 322

(5) "Cocaine" and "L.S.D." have the same meanings as in 323
section 2925.01 of the Revised Code. 324

Sec. 1547.111. (A)(1) Any person who operates or is in 325
physical control of a vessel or manipulates any water skis, 326
aquaplane, or similar device upon any waters in this state shall 327
be deemed to have given consent to a chemical test or tests to 328

determine the alcohol, drug of abuse, controlled substance, 329
metabolite of a controlled substance, or ~~alcohol and drug of abuse~~ 330
combination content of the person's whole blood, blood serum or 331
plasma, breath, or urine if arrested for operating or being in 332
physical control of a vessel or manipulating any water skis, 333
aquaplane, or similar device in violation of section 1547.11 of 334
the Revised Code or a substantially equivalent municipal 335
ordinance. 336

(2) The test or tests under division (A) of this section 337
shall be administered at the direction of a law enforcement 338
officer having reasonable grounds to believe the person was 339
operating or in physical control of a vessel or manipulating any 340
water skis, aquaplane, or similar device in violation of section 341
1547.11 of the Revised Code or a substantially equivalent 342
municipal ordinance. The law enforcement agency by which the 343
officer is employed shall designate which test or tests shall be 344
administered. 345

(B) Any person who is dead or unconscious or who otherwise is 346
in a condition rendering the person incapable of refusal shall be 347
deemed to have consented as provided in division (A)(1) of this 348
section, and the test or tests may be administered, subject to 349
sections 313.12 to 313.16 of the Revised Code. 350

(C) Any person under arrest for violating section 1547.11 of 351
the Revised Code or a substantially equivalent municipal ordinance 352
shall be advised of the consequences of refusing to submit to a 353
chemical test or tests designated as provided in division (A) of 354
this section. The advice shall be in a written form prescribed by 355
the chief of the division of watercraft and shall be read to the 356
person. The form shall contain a statement that the form was shown 357
to the person under arrest and read to the person by the arresting 358
officer. The reading of the form shall be witnessed by one or more 359

persons, and the witnesses shall certify to this fact by signing 360
the form. The person must submit to the chemical test or tests, 361
subsequent to the request of the arresting officer, within two 362
hours of the time of the alleged violation, and if the person does 363
not submit to the test or tests within that two-hour time limit, 364
the failure to submit automatically constitutes a refusal to 365
submit to the test or tests. 366

(D) If a law enforcement officer asks a person under arrest 367
for violating section 1547.11 of the Revised Code or a 368
substantially equivalent municipal ordinance to submit to a 369
chemical test or tests as provided in division (A) of this 370
section, if the arresting officer advises the person of the 371
consequences of the person's refusal as provided in division (C) 372
of this section, and if the person refuses to submit, no chemical 373
test shall be given. Upon receipt of a sworn statement of the 374
officer that the arresting law enforcement officer had reasonable 375
grounds to believe the arrested person violated section 1547.11 of 376
the Revised Code or a substantially equivalent municipal ordinance 377
and that the person refused to submit to the chemical test upon 378
the request of the officer, and upon receipt of the form as 379
provided in division (C) of this section certifying that the 380
arrested person was advised of the consequences of the refusal, 381
the chief of the division of watercraft shall inform the person by 382
written notice that the person is prohibited from operating or 383
being in physical control of a vessel, from manipulating any water 384
skis, aquaplane, or similar device, and from registering any 385
watercraft in accordance with section 1547.54 of the Revised Code, 386
for one year following the date of the alleged violation. The 387
suspension of these operation, physical control, manipulation, and 388
registration privileges shall continue for the entire one-year 389
period, subject to review as provided in this section. 390

If the person under arrest is the owner of the vessel 391

involved in the alleged violation, the law enforcement officer who
arrested the person shall seize the watercraft registration
certificate and tags from the vessel involved in the violation and
forward them to the chief. The chief shall retain the impounded
registration certificate and tags and shall impound all other
registration certificates and tags issued to the person in
accordance with sections 1547.54 and 1547.57 of the Revised Code,
for a period of one year following the date of the alleged
violation, subject to review as provided in this section.

If the arrested person fails to surrender the registration
certificate because it is not on the person of the arrested person
or in the watercraft, the law enforcement officer who made the
arrest shall order the person to surrender it within twenty-four
hours to the law enforcement officer or the law enforcement agency
that employs the law enforcement officer. If the person fails to
do so, the law enforcement officer shall notify the chief of that
fact in the statement the officer submits to the chief under this
division.

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

(F) Any person who has been notified by the chief that the
person is prohibited from operating or being in physical control
of a vessel or manipulating any water skis, aquaplane, or similar

device and from registering any watercraft in accordance with 424
section 1547.54 of the Revised Code, or who has had the 425
registration certificate and tags of the person's watercraft 426
impounded pursuant to division (D) of this section, within twenty 427
days of the notification or impoundment, may file a petition in 428
the municipal court or the county court, or if the person is a 429
minor in juvenile court, with jurisdiction over the place at which 430
the arrest occurred, agreeing to pay the cost of the proceedings 431
and alleging error in the action taken by the chief under division 432
(D) of this section or alleging one or more of the matters within 433
the scope of the hearing as provided in this section, or both. The 434
petitioner shall notify the chief of the filing of the petition 435
and send the chief a copy of the petition. 436

The scope of the hearing is limited to the issues of whether 437
the law enforcement officer had reasonable grounds to believe the 438
petitioner was operating or in physical control of a vessel or 439
manipulating any water skis, aquaplane, or similar device in 440
violation of section 1547.11 of the Revised Code or a 441
substantially equivalent municipal ordinance, whether the 442
petitioner was placed under arrest, whether the petitioner refused 443
to submit to the chemical test upon request of the officer, and 444
whether the petitioner was advised of the consequences of the 445
petitioner's refusal. 446

(G)(1) The chief shall furnish the court a copy of the 447
affidavit as provided in division (C) of this section and any 448
other relevant information requested by the court. 449

(2) In hearing the matter and in determining whether the 450
person has shown error in the decision taken by the chief as 451
provided in division (D) of this section, the court shall decide 452
the issue upon the relevant, competent, and material evidence 453
submitted by the chief or the person whose operation, physical 454
control, manipulation, and registration privileges have been 455

suspended.

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

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(3) If the court finds from the evidence submitted that the
person has failed to show error in the action taken by the chief
under division (D) of this section or in one or more of the
matters within the scope of the hearing as provided in division
(F) of this section, or both, the court shall assess the cost of
the proceeding against the person and shall uphold the suspension
of the operation, physical control, use, and registration
privileges provided in division (D) of this section. If the court
finds that the person has shown error in the action taken by the
chief under division (D) of this section or in one or more of the
matters within the scope of the hearing as provided in division
(F) of this section, or both, the cost of the proceedings shall be
paid out of the county treasury of the county in which the
proceedings were held, the chief shall reinstate the operation,
physical control, manipulation, and registration privileges of the
person without charge, and the chief shall return the registration
certificate and tags, if impounded, without charge.

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

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(H) At the end of any period of suspension or impoundment
imposed under this section, and upon request of the person whose

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operation, physical control, use, and registration privileges were 487
suspended or whose registration certificate and tags were 488
impounded, the chief shall reinstate the person's operation, 489
physical control, manipulation, and registration privileges by 490
written notice and return the certificate and tags. 491

(I) No person who has received written notice from the chief 492
that the person is prohibited from operating or being in physical 493
control of a vessel, from manipulating any water skis, aquaplane, 494
or similar device, and from registering a watercraft, or who has 495
had the registration certificate and tags of the person's 496
watercraft impounded, in accordance with division (D) of this 497
section, shall operate or be in physical control of a vessel or 498
manipulate any water skis, aquaplane, or similar device for a 499
period of one year following the date of the person's alleged 500
violation of section 1547.11 of the Revised Code or the 501
substantially equivalent municipal ordinance. 502

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 503
Revised Code is guilty of a felony of the fourth degree. 504

(B) Whoever violates section 1547.10, division (I) of section 505
1547.111, section 1547.13, or section 1547.66 of the Revised Code 506
is guilty of a misdemeanor of the first degree. 507

(C) Whoever violates a provision of this chapter or a rule 508
adopted thereunder, for which no penalty is otherwise provided, is 509
guilty of a minor misdemeanor. 510

(D) Whoever violates section 1547.07 or 1547.12 of the 511
Revised Code without causing injury to persons or damage to 512
property is guilty of a misdemeanor of the fourth degree. 513

(E) Whoever violates section 1547.07 or 1547.12 of the 514
Revised Code causing injury to persons or damage to property is 515
guilty of a misdemeanor of the third degree. 516

(F) Whoever violates division (M) of section 1547.54, 517
division (G) of section 1547.30, or section 1547.131, 1547.25, 518
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 519
of the Revised Code or a rule adopted under division (A)(2) of 520
section 1547.52 of the Revised Code is guilty of a misdemeanor of 521
the fourth degree. 522

(G) Whoever violates section 1547.11 of the Revised Code is 523
guilty of a misdemeanor of the first degree and shall be punished 524
as provided in division (G)(1), (2), or (3) of this section. 525

(1) Except as otherwise provided in division (G)(2) or (3) of 526
this section, the court shall sentence the offender to a jail term 527
of three consecutive days and may sentence the offender pursuant 528
to section 2929.24 of the Revised Code to a longer jail term. In 529
addition, the court shall impose upon the offender a fine of not 530
less than one hundred fifty nor more than one thousand dollars. 531

The court may suspend the execution of the mandatory jail 532
term of three consecutive days that it is required to impose by 533
division (G)(1) of this section if the court, in lieu of the 534
suspended jail term, places the offender under a community control 535
sanction pursuant to section 2929.25 of the Revised Code and 536
requires the offender to attend, for three consecutive days, a 537
drivers' intervention program that is certified pursuant to 538
section 3793.10 of the Revised Code. The court also may suspend 539
the execution of any part of the mandatory jail term of three 540
consecutive days that it is required to impose by division (G)(1) 541
of this section if the court places the offender under a community 542
control sanction pursuant to section 2929.25 of the Revised Code 543
for part of the three consecutive days; requires the offender to 544
attend, for that part of the three consecutive days, a drivers' 545
intervention program that is certified pursuant to section 3793.10 546
of the Revised Code; and sentences the offender to a jail term 547
equal to the remainder of the three consecutive days that the 548

offender does not spend attending the drivers' intervention 549
program. The court may require the offender, as a condition of 550
community control, to attend and satisfactorily complete any 551
treatment or education programs, in addition to the required 552
attendance at a drivers' intervention program, that the operators 553
of the drivers' intervention program determine that the offender 554
should attend and to report periodically to the court on the 555
offender's progress in the programs. The court also may impose any 556
other conditions of community control on the offender that it 557
considers necessary. 558

(2) If, within six years of the offense, the offender has 559
been convicted of or pleaded guilty to one violation of section 560
1547.11 of the Revised Code, of a municipal ordinance relating to 561
operating a watercraft or manipulating any water skis, aquaplane, 562
or similar device while under the influence of alcohol, a drug of 563
abuse, or a combination of them, of a municipal ordinance relating 564
to operating a watercraft or manipulating any water skis, 565
aquaplane, or similar device with a prohibited concentration of 566
alcohol, a controlled substance, or a metabolite of a controlled 567
substance in the whole blood, blood serum or plasma, breath, or 568
urine, of division (A)(1) of section 2903.06 of the Revised Code, 569
or of division (A)(2), (3), or (4) of section 2903.06 of the 570
Revised Code or section 2903.06 or 2903.07 of the Revised Code as 571
they existed prior to March 23, 2000, in a case in which the jury 572
or judge found that the offender was under the influence of 573
alcohol, a drug of abuse, or a combination of them, the court 574
shall sentence the offender to a jail term of ten consecutive days 575
and may sentence the offender pursuant to section 2929.24 of the 576
Revised Code to a longer jail term. In addition, the court shall 577
impose upon the offender a fine of not less than one hundred fifty 578
nor more than one thousand dollars. 579

In addition to any other sentence that it imposes upon the 580

offender, the court may require the offender to attend a drivers' 581
intervention program that is certified pursuant to section 3793.10 582
of the Revised Code. 583

(3) If, within six years of the offense, the offender has 584
been convicted of or pleaded guilty to more than one violation 585
identified in division (G)(2) of this section, the court shall 586
sentence the offender to a jail term of thirty consecutive days 587
and may sentence the offender to a longer jail term of not more 588
than one year. In addition, the court shall impose upon the 589
offender a fine of not less than one hundred fifty nor more than 590
one thousand dollars. 591

In addition to any other sentence that it imposes upon the 592
offender, the court may require the offender to attend a drivers' 593
intervention program that is certified pursuant to section 3793.10 594
of the Revised Code. 595

(4) Upon a showing that serving a jail term would seriously 596
affect the ability of an offender sentenced pursuant to division 597
(G)(1), (2), or (3) of this section to continue the offender's 598
employment, the court may authorize that the offender be granted 599
work release after the offender has served the mandatory jail term 600
of three, ten, or thirty consecutive days that the court is 601
required by division (G)(1), (2), or (3) of this section to 602
impose. No court shall authorize work release during the mandatory 603
jail term of three, ten, or thirty consecutive days that the court 604
is required by division (G)(1), (2), or (3) of this section to 605
impose. The duration of the work release shall not exceed the time 606
necessary each day for the offender to commute to and from the 607
place of employment and the place in which the jail term is served 608
and the time actually spent under employment. 609

(5) Notwithstanding any section of the Revised Code that 610
authorizes the suspension of the imposition or execution of a 611

sentence or the placement of an offender in any treatment program 612
in lieu of being imprisoned or serving a jail term, no court shall 613
suspend the mandatory jail term of ten or thirty consecutive days 614
required to be imposed by division (G)(2) or (3) of this section 615
or place an offender who is sentenced pursuant to division (G)(2) 616
or (3) of this section in any treatment program in lieu of being 617
imprisoned or serving a jail term until after the offender has 618
served the mandatory jail term of ten or thirty consecutive days 619
required to be imposed pursuant to division (G)(2) or (3) of this 620
section. Notwithstanding any section of the Revised Code that 621
authorizes the suspension of the imposition or execution of a 622
sentence or the placement of an offender in any treatment program 623
in lieu of being imprisoned or serving a jail term, no court, 624
except as specifically authorized by division (G)(1) of this 625
section, shall suspend the mandatory jail term of three 626
consecutive days required to be imposed by division (G)(1) of this 627
section or place an offender who is sentenced pursuant to division 628
(G)(1) of this section in any treatment program in lieu of 629
imprisonment until after the offender has served the mandatory 630
jail term of three consecutive days required to be imposed 631
pursuant to division (G)(1) of this section. 632

(6) As used in division (G) of this section, "jail term" and 633
"mandatory jail term" have the same meanings as in section 2929.01 634
of the Revised Code. 635

(H) Whoever violates section 1547.304 of the Revised Code is 636
guilty of a misdemeanor of the fourth degree and also shall be 637
assessed any costs incurred by the state or a county, township, 638
municipal corporation, or other political subdivision in disposing 639
of an abandoned junk vessel or outboard motor, less any money 640
accruing to the state, county, township, municipal corporation, or 641
other political subdivision from that disposal. 642

(I) Whoever violates division (B) or (C) of section 1547.49 643

of the Revised Code is guilty of a minor misdemeanor. 644

(J) Whoever violates section 1547.31 of the Revised Code is 645
guilty of a misdemeanor of the fourth degree on a first offense. 646
On each subsequent offense, the person is guilty of a misdemeanor 647
of the third degree. 648

(K) Whoever violates section 1547.05 or 1547.051 of the 649
Revised Code is guilty of a misdemeanor of the fourth degree if 650
the violation is not related to a collision, injury to a person, 651
or damage to property and a misdemeanor of the third degree if the 652
violation is related to a collision, injury to a person, or damage 653
to property. 654

(L) The sentencing court, in addition to the penalty provided 655
under this section for a violation of this chapter or a rule 656
adopted under it that involves a powercraft powered by more than 657
ten horsepower and that, in the opinion of the court, involves a 658
threat to the safety of persons or property, shall order the 659
offender to complete successfully a boating course approved by the 660
national association of state boating law administrators before 661
the offender is allowed to operate a powercraft powered by more 662
than ten horsepower on the waters in this state. Violation of a 663
court order entered under this division is punishable as contempt 664
under Chapter 2705. of the Revised Code. 665

Sec. 1905.01. (A) In Georgetown in Brown county, in Mount 666
Gilead in Morrow county, and in all other municipal corporations 667
having a population of more than one hundred, other than Batavia 668
in Clermont county, not being the site of a municipal court nor a 669
place where a judge of the Auglaize county, Crawford county, 670
Jackson county, Miami county, Portage county, or Wayne county 671
municipal court sits as required pursuant to section 1901.021 of 672
the Revised Code or by designation of the judges pursuant to 673
section 1901.021 of the Revised Code, the mayor of the municipal 674

corporation has jurisdiction, except as provided in divisions (B), 675
(C), and (E) of this section and subject to the limitation 676
contained in section 1905.03 and the limitation contained in 677
section 1905.031 of the Revised Code, to hear and determine any 678
prosecution for the violation of an ordinance of the municipal 679
corporation, to hear and determine any case involving a violation 680
of a vehicle parking or standing ordinance of the municipal 681
corporation unless the violation is required to be handled by a 682
parking violations bureau or joint parking violations bureau 683
pursuant to Chapter 4521. of the Revised Code, and to hear and 684
determine all criminal causes involving any moving traffic 685
violation occurring on a state highway located within the 686
boundaries of the municipal corporation, subject to the 687
limitations of sections 2937.08 and 2938.04 of the Revised Code. 688

(B)(1) In Georgetown in Brown county, in Mount Gilead in 689
Morrow county, and in all other municipal corporations having a 690
population of more than one hundred, other than Batavia in 691
Clermont county, not being the site of a municipal court nor a 692
place where a judge of a court listed in division (A) of this 693
section sits as required pursuant to section 1901.021 of the 694
Revised Code or by designation of the judges pursuant to section 695
1901.021 of the Revised Code, the mayor of the municipal 696
corporation has jurisdiction, subject to the limitation contained 697
in section 1905.03 of the Revised Code, to hear and determine 698
prosecutions involving a violation of an ordinance of the 699
municipal corporation relating to operating a vehicle while under 700
the influence of alcohol, a drug of abuse, or a combination of 701
them or relating to operating a vehicle with a prohibited 702
concentration of alcohol, a controlled substance, or a metabolite 703
of a controlled substance in the whole blood, blood serum or 704
plasma, breath, or urine, and to hear and determine criminal 705
causes involving a violation of section 4511.19 of the Revised 706

Code that occur on a state highway located within the boundaries 707
of the municipal corporation, subject to the limitations of 708
sections 2937.08 and 2938.04 of the Revised Code, only if the 709
person charged with the violation, within six years of the date of 710
the violation charged, has not been convicted of or pleaded guilty 711
to any of the following: 712

(a) A violation of an ordinance of any municipal corporation 713
relating to operating a vehicle while under the influence of 714
alcohol, a drug of abuse, or a combination of them or relating to 715
operating a vehicle with a prohibited concentration of alcohol, a 716
controlled substance, or a metabolite of a controlled substance in 717
the whole blood, blood serum or plasma, breath, or urine; 718

(b) A violation of section 4511.19 of the Revised Code; 719

(c) A violation of any ordinance of any municipal corporation 720
or of any section of the Revised Code that regulates the operation 721
of vehicles, streetcars, and trackless trolleys upon the highways 722
or streets, to which all of the following apply: 723

(i) The person, in the case in which the conviction was 724
obtained or the plea of guilty was entered, had been charged with 725
a violation of an ordinance of a type described in division 726
(B)(1)(a) of this section, or with a violation of section 4511.19 727
of the Revised Code; 728

(ii) The charge of the violation described in division 729
(B)(1)(c)(i) of this section was dismissed or reduced; 730

(iii) The violation of which the person was convicted or to 731
which the person pleaded guilty arose out of the same facts and 732
circumstances and the same act as did the charge that was 733
dismissed or reduced. 734

(d) A violation of a statute of the United States or of any 735
other state or a municipal ordinance of a municipal corporation 736
located in any other state that is substantially similar to 737

section 4511.19 of the Revised Code. 738

(2) The mayor of a municipal corporation does not have 739
jurisdiction to hear and determine any prosecution or criminal 740
cause involving a violation described in division (B)(1)(a) or (b) 741
of this section, regardless of where the violation occurred, if 742
the person charged with the violation, within six years of the 743
violation charged, has been convicted of or pleaded guilty to any 744
violation listed in division (B)(1)(a), (b), (c), or (d) of this 745
section. 746

If the mayor of a municipal corporation, in hearing a 747
prosecution involving a violation of an ordinance of the municipal 748
corporation the mayor serves relating to operating a vehicle while 749
under the influence of alcohol, a drug of abuse, or a combination 750
of them or relating to operating a vehicle with a prohibited 751
concentration of alcohol, a controlled substance, or a metabolite 752
of a controlled substance in the whole blood, blood serum or 753
plasma, breath, or urine, or in hearing a criminal cause involving 754
a violation of section 4511.19 of the Revised Code, determines 755
that the person charged, within six years of the violation 756
charged, has been convicted of or pleaded guilty to any violation 757
listed in division (B)(1)(a), (b), (c), or (d) of this section, 758
the mayor immediately shall transfer the case to the county court 759
or municipal court with jurisdiction over the violation charged, 760
in accordance with section 1905.032 of the Revised Code. 761

(C)(1) In Georgetown in Brown county, in Mount Gilead in 762
Morrow county, and in all other municipal corporations having a 763
population of more than one hundred, other than Batavia in 764
Clermont county, not being the site of a municipal court and not 765
being a place where a judge of a court listed in division (A) of 766
this section sits as required pursuant to section 1901.021 of the 767
Revised Code or by designation of the judges pursuant to section 768
1901.021 of the Revised Code, the mayor of the municipal 769

corporation, subject to sections 1901.031, 2937.08, and 2938.04 of 770
the Revised Code, has jurisdiction to hear and determine 771
prosecutions involving a violation of a municipal ordinance that 772
is substantially equivalent to division (A) of section 4510.14 or 773
section 4510.16 of the Revised Code and to hear and determine 774
criminal causes that involve a moving traffic violation, that 775
involve a violation of division (A) of section 4510.14 or section 776
4510.16 of the Revised Code, and that occur on a state highway 777
located within the boundaries of the municipal corporation only if 778
all of the following apply regarding the violation and the person 779
charged: 780

(a) Regarding a violation of section 4510.16 of the Revised 781
Code or a violation of a municipal ordinance that is substantially 782
equivalent to that division, the person charged with the 783
violation, within six years of the date of the violation charged, 784
has not been convicted of or pleaded guilty to any of the 785
following: 786

(i) A violation of section 4510.16 of the Revised Code; 787

(ii) A violation of a municipal ordinance that is 788
substantially equivalent to section 4510.16 of the Revised Code; 789

(iii) A violation of any municipal ordinance or section of 790
the Revised Code that regulates the operation of vehicles, 791
streetcars, and trackless trolleys upon the highways or streets, 792
in a case in which, after a charge against the person of a 793
violation of a type described in division (C)(1)(a)(i) or (ii) of 794
this section was dismissed or reduced, the person is convicted of 795
or pleads guilty to a violation that arose out of the same facts 796
and circumstances and the same act as did the charge that was 797
dismissed or reduced. 798

(b) Regarding a violation of division (A) of section 4510.14 799
of the Revised Code or a violation of a municipal ordinance that 800

is substantially equivalent to that division, the person charged
with the violation, within six years of the date of the violation
charged, has not been convicted of or pleaded guilty to any of the
following:

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

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

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

(2) The mayor of a municipal corporation does not have
jurisdiction to hear and determine any prosecution or criminal
cause involving a violation described in division (C)(1)(a)(i) or
(ii) of this section if the person charged with the violation,
within six years of the violation charged, has been convicted of
or pleaded guilty to any violation listed in division
(C)(1)(a)(i), (ii), or (iii) of this section and does not have
jurisdiction to hear and determine any prosecution or criminal
cause involving a violation described in division (C)(1)(b)(i) or
(ii) of this section if the person charged with the violation,
within six years of the violation charged, has been convicted of
or pleaded guilty to any violation listed in division
(C)(1)(b)(i), (ii), or (iii) of this section.

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

(D) If the mayor of a municipal corporation has jurisdiction pursuant to division (B)(1) of this section to hear and determine a prosecution or criminal cause involving 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 1905.03 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; 863

(c) A violation of a municipal ordinance that is 864
substantially equivalent to an offense described in division 865
(E)(1)(a) or (b) of this section and that involves a person who 866
was a family or household member of the defendant at the time of 867
the violation. 868

(2) The mayor of a municipal corporation does not have 869
jurisdiction to hear and determine a motion filed pursuant to 870
section 2919.26 of the Revised Code or filed pursuant to a 871
municipal ordinance that is substantially equivalent to that 872
section or to issue a protection order pursuant to that section or 873
a substantially equivalent municipal ordinance. 874

(3) As used in this section, "family or household member" has 875
the same meaning as in section 2919.25 of the Revised Code. 876

(F) In keeping a docket and files, the mayor, and a mayor's 877
court magistrate appointed under section 1905.05 of the Revised 878
Code, shall be governed by the laws pertaining to county courts. 879

Sec. 1905.03. (A) The supreme court may adopt rules 880
prescribing educational standards for mayors of municipal 881
corporations who conduct a mayor's court and who wish to exercise 882
the jurisdiction granted by section 1905.01 of the Revised Code 883
over a prosecution or criminal cause involving a violation of 884
section 4511.19 of the Revised Code, ~~a violation of any ordinance~~ 885
~~of the municipal corporation relating to operating a vehicle while~~ 886
~~under the influence of alcohol, a drug of abuse, or alcohol and a~~ 887
~~drug of abuse, or a violation of any municipal OVI ordinance of~~ 888
~~the municipal corporation relating to operating a vehicle with a~~ 889
~~prohibited concentration of alcohol as defined in section 4511.181~~ 890
of the blood, breath, or urine Revised Code. Any educational 891
standards prescribed by rule under authority of this division 892

shall be for the purpose of assisting mayors of municipal 893
corporations who conduct a mayor's court and who wish to exercise 894
the jurisdiction granted by section 1905.01 of the Revised Code 895
over such a prosecution or cause in the handling of such a 896
prosecution or cause, and shall include, but shall not be limited 897
to, all of the following: 898

(1) Provisions for basic training in the general principles 899
of law that apply to the hearing and determination of such 900
prosecutions and causes and provisions for periodic continuing 901
education in those general principles; 902

(2) Provisions for basic training in the laws of this state 903
that apply relative to persons who are convicted of or plead 904
guilty to any such violation, particularly as those laws apply 905
relative to a person who is convicted of or pleads guilty to any 906
such violation in a prosecution or cause that is within the 907
jurisdiction of a mayor's court as specified in section 1905.01 of 908
the Revised Code, and provisions for periodic continuing education 909
in those laws; 910

(3) Provisions specifying whether periodic continuing 911
education for a mayor who conducts a mayor's court, who wishes to 912
exercise the jurisdiction granted by section 1905.01 of the 913
Revised Code over such a prosecution or cause, and who has 914
received basic training in the principles and laws described in 915
divisions (A)(1) and (2) of this section will be required on an 916
annual or biennial basis; 917

(4) Provisions specifying the number of hours of basic 918
training that a mayor who conducts a mayor's court and who wishes 919
to exercise the jurisdiction granted by section 1905.01 of the 920
Revised Code over such a prosecution or cause will have to obtain 921
to comply with the educational standards and provisions specifying 922
the number of hours of periodic continuing education that such a 923
mayor will have to obtain within each time period specified under 924

authority of division (A)(3) of this section to comply with the 925
educational standards; 926

(5) Provisions establishing an exemption, for a reasonable 927
period of time, from the basic training requirements for mayors 928
who initially take office on or after July 1, 1991, and who wish 929
to conduct a mayor's court and exercise the jurisdiction granted 930
by section 1905.01 of the Revised Code over such a prosecution or 931
cause. 932

(B) If the supreme court adopts rules under authority of 933
division (A) of this section prescribing educational standards for 934
mayors of municipal corporations who conduct a mayor's court and 935
who wish to exercise the jurisdiction granted by section 1905.01 936
of the Revised Code over a prosecution or criminal cause involving 937
a violation described in division (A) of this section, the court 938
may formulate a basic training course and a periodic continuing 939
education course that such a mayor may complete to satisfy those 940
educational standards, and may offer or provide for the offering 941
of the basic training course and the periodic continuing education 942
course to mayors of municipal corporations. 943

If the supreme court offers or provides for the offering of a 944
basic training course and a periodic continuing education course 945
formulated under this division, the court may prescribe a 946
reasonable fee to cover the cost associated with formulating, 947
offering, and teaching the particular course, which fee would have 948
to be paid by each mayor who attends the particular course or the 949
municipal corporation served by the mayor. 950

If the supreme court offers or provides for the offering of a 951
basic training course and a periodic continuing education course 952
formulated under this division, the court or other entity that 953
offers either course shall issue to each mayor who successfully 954
completes the particular course a certificate attesting to the 955

mayor's satisfactory completion of the particular course. 956

(C) Notwithstanding section 1905.01 of the Revised Code, if 957
the supreme court adopts rules under authority of division (A) of 958
this section, if the supreme court formulates a basic training 959
course and a periodic continuing education course under division 960
(B) of this section, and if the supreme court offers or provides 961
for the offering of the basic training course and the periodic 962
continuing education course to mayors, a mayor shall not hear or 963
determine, on or after July 1, 1991, any prosecution or criminal 964
cause involving a violation described in division (A) of this 965
section unless the exemption under the provisions described in 966
division (A)(5) of this section applies to the mayor, or unless, 967
prior to hearing the prosecution or criminal cause, the mayor 968
successfully has completed the basic training course offered or 969
provided for by the supreme court and has been issued a 970
certificate attesting to satisfactory completion of the basic 971
training course and also successfully has completed any periodic 972
continuing education course offered or provided for by the supreme 973
court that is applicable to the mayor under the rules and has been 974
issued a certificate attesting to satisfactory completion of the 975
periodic continuing education course. 976

This division does not affect and shall not be construed as 977
affecting the authority of a mayor to appoint a mayor's court 978
magistrate under section 1905.05 of the Revised Code. If a mayor 979
is prohibited from hearing or determining a prosecution or 980
criminal cause involving a violation described in division (A) of 981
this section due to the operation of this division, the 982
prohibition against the mayor hearing or determining the 983
prosecution or cause does not affect and shall not be construed as 984
affecting the jurisdiction or authority of a mayor's court 985
magistrate appointed under that section to hear and determine the 986
prosecution or cause in accordance with that section. 987

Sec. 1905.05. (A) A mayor of a municipal corporation that has 988
a mayor's court may appoint a person as mayor's court magistrate 989
to hear and determine prosecutions and criminal causes in the 990
mayor's court that are within the jurisdiction of the mayor's 991
court, as set forth in section 1905.01 of the Revised Code. No 992
person shall be appointed as a mayor's court magistrate unless the 993
person has been admitted to the practice of law in this state and, 994
for a total of at least three years preceding the person's 995
appointment or the commencement of the person's service as 996
magistrate, has been engaged in the practice of law in this state 997
or served as a judge of a court of record in any jurisdiction in 998
the United States, or both. 999

A person appointed as a mayor's court magistrate under this 1000
division is entitled to hear and determine prosecutions and 1001
criminal causes in the mayor's court that are within the 1002
jurisdiction of the mayor's court, as set forth in section 1905.01 1003
of the Revised Code. If a mayor is prohibited from hearing or 1004
determining a prosecution or cause that charges a person with a 1005
violation of section 4511.19 of the Revised Code or with a 1006
violation of a municipal OVI ordinance ~~relating to operating a~~ 1007
~~vehicle while under the influence of alcohol, a drug of abuse, or~~ 1008
~~alcohol and a drug of abuse or relating to operating a vehicle~~ 1009
~~with a prohibited concentration of alcohol as defined in section~~ 1010
~~4511.181 of the blood, breath, or urine Revised Code~~ due to the 1011
operation of division (C) of section 1905.03 of the Revised Code, 1012
or is prohibited from hearing or determining any other prosecution 1013
or cause due to the operation of division (C) of section 1905.031 1014
of the Revised Code, the prohibition against the mayor hearing or 1015
determining the prosecution or cause does not affect and shall not 1016
be construed as affecting the jurisdiction or authority of a 1017
person appointed as a mayor's court magistrate under this division 1018
to hear and determine the prosecution or cause in accordance with 1019

this section. In hearing and determining such prosecutions and 1020
causes, the magistrate has the same powers, duties, and authority 1021
as does a mayor who conducts a mayor's court to hear and determine 1022
prosecutions and causes in general, including, but not limited to, 1023
the power and authority to decide the prosecution or cause, enter 1024
judgment, and impose sentence; the powers, duties, and authority 1025
granted to mayors of mayor's courts by this chapter, in relation 1026
to the hearing and determination of prosecutions and causes in 1027
mayor's courts; and the powers, duties, and authority granted to 1028
mayors of mayor's courts by any other provision of the Revised 1029
Code, in relation to the hearing and determination of prosecutions 1030
and causes in mayor's courts. A judgment entered and a sentence 1031
imposed by a mayor's court magistrate do not have to be reviewed 1032
or approved by the mayor who appointed the magistrate, and have 1033
the same force and effect as if they had been entered or imposed 1034
by the mayor. 1035

A person appointed as a mayor's court magistrate under this 1036
division is not entitled to hear or determine any prosecution or 1037
criminal cause other than prosecutions and causes that are within 1038
the jurisdiction of the mayor's court, as set forth in section 1039
1905.01 of the Revised Code. 1040

A municipal corporation that a mayor's court magistrate 1041
serves shall pay the compensation for the services of the 1042
magistrate, which shall be either a fixed annual salary set by the 1043
legislative authority of the municipal corporation or a fixed 1044
annual amount or fees for services rendered set under a contract 1045
the magistrate and the municipal corporation enter into. 1046

(B) The appointment of a person as a mayor's court magistrate 1047
under division (A) of this section does not preclude the mayor 1048
that appointed the magistrate, subject to the limitation contained 1049
in section 1905.03 and the limitation contained in section 1050
1905.031 of the Revised Code, from also hearing and determining 1051

prosecutions and criminal causes in the mayor's court that are 1052
within the jurisdiction of the mayor's court, as set forth in 1053
section 1905.01 of the Revised Code. 1054

Sec. 1905.201. The mayor of a municipal corporation that has 1055
a mayor's court, and a mayor's court magistrate, are entitled to 1056
suspend, and shall suspend, in accordance with sections 4510.02, 1057
4510.07, and 4511.19 of the Revised Code, the driver's or 1058
commercial driver's license or permit or nonresident operating 1059
privilege of any person who is convicted of or pleads guilty to a 1060
violation of division (A) of section 4511.19 of the Revised Code, 1061
of a municipal ordinance relating to operating a vehicle while 1062
under the influence of alcohol, a drug of abuse, or a combination 1063
of them, or of a municipal ordinance relating to operating a 1064
vehicle with a prohibited concentration of alcohol, a controlled 1065
substance, or a metabolite of a controlled substance in the whole 1066
blood, blood serum or plasma, breath, or urine that is 1067
substantially equivalent to division (A) of section 4511.19 of the 1068
Revised Code. The mayor of a municipal corporation that has a 1069
mayor's court, and a mayor's court magistrate, are entitled to 1070
suspend, and shall suspend, in accordance with sections 4510.02, 1071
4510.07, and 4511.19 of the Revised Code, the driver's, or 1072
commercial driver's license or permit or nonresident operating 1073
privilege of any person who is convicted of or pleads guilty to a 1074
violation of division (B) of section 4511.19 of the Revised Code 1075
or of a municipal ordinance relating to operating a vehicle with a 1076
prohibited concentration of alcohol in the whole blood, blood 1077
serum or plasma, breath, or urine that is substantially equivalent 1078
to division (B) of section 4511.19 of the Revised Code. 1079

Suspension of a commercial driver's license under this 1080
section shall be concurrent with any period of disqualification or 1081
suspension under section 3123.58 or 4506.16 of the Revised Code. 1082

No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

Sec. 2317.02. The following persons shall not testify in certain respects:

(A) An attorney, concerning a communication made to the attorney by a client in that relation or the attorney's advice to a client, except that the attorney may testify by express consent of the client or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of the deceased client and except that, if the client voluntarily testifies or is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the attorney may be compelled to testify on the same subject;

(B)(1) A physician or a dentist concerning a communication made to the physician or dentist by a patient in that relation or the physician's or dentist's advice to a patient, except as otherwise provided in this division, division (B)(2), and division (B)(3) of this section, and except that, if the patient is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the physician may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply, and a physician or dentist may testify or may be compelled to testify, in any of the following circumstances:

(a) In any civil action, in accordance with the discovery 1114
provisions of the Rules of Civil Procedure in connection with a 1115
civil action, or in connection with a claim under Chapter 4123. of 1116
the Revised Code, under any of the following circumstances: 1117

(i) If the patient or the guardian or other legal 1118
representative of the patient gives express consent; 1119

(ii) If the patient is deceased, the spouse of the patient or 1120
the executor or administrator of the patient's estate gives 1121
express consent; 1122

(iii) If a medical claim, dental claim, chiropractic claim, 1123
or optometric claim, as defined in section 2305.113 of the Revised 1124
Code, an action for wrongful death, any other type of civil 1125
action, or a claim under Chapter 4123. of the Revised Code is 1126
filed by the patient, the personal representative of the estate of 1127
the patient if deceased, or the patient's guardian or other legal 1128
representative. 1129

(b) In any civil action concerning court-ordered treatment or 1130
services received by a patient, if the court-ordered treatment or 1131
services were ordered as part of a case plan journalized under 1132
section 2151.412 of the Revised Code or the court-ordered 1133
treatment or services are necessary or relevant to dependency, 1134
neglect, or abuse or temporary or permanent custody proceedings 1135
under Chapter 2151. of the Revised Code. 1136

(c) In any criminal action concerning any test or the results 1137
of any test that determines the presence or concentration of 1138
alcohol, a drug of abuse, ~~or alcohol and a drug combination~~ of 1139
abuse them, a controlled substance, or a metabolite of a 1140
controlled substance in the patient's whole blood, blood serum or 1141
plasma, breath, urine, or other bodily substance at any time 1142
relevant to the criminal offense in question. 1143

(d) In any criminal action against a physician or dentist. In 1144

such an action, the testimonial privilege established under this
division does not prohibit the admission into evidence, in
accordance with the Rules of Evidence, of a patient's medical or
dental records or other communications between a patient and the
physician or dentist that are related to the action and obtained
by subpoena, search warrant, or other lawful means. A court that
permits or compels a physician or dentist to testify in such an
action or permits the introduction into evidence of patient
records or other communications in such an action shall require
that appropriate measures be taken to ensure that the
confidentiality of any patient named or otherwise identified in
the records is maintained. Measures to ensure confidentiality that
may be taken by the court include sealing its records or deleting
specific information from its records.

(e) In any will contest action under sections 2107.71 to
2107.77 of the Revised Code if all of the following apply:

(i) The patient is deceased.

(ii) A party to the will contest action requests the
testimony, demonstrates to the court that that party would be an
heir of the patient if the patient died without a will, is a
beneficiary under the will that is the subject of the will contest
action, or is a beneficiary under another testamentary document
allegedly executed by the patient, and demonstrates to the court
that the testimony is necessary to establish the party's rights as
described in this division.

(2)(a) If any law enforcement officer submits a written
statement to a health care provider that states that an official
criminal investigation has begun regarding a specified person or
that a criminal action or proceeding has been commenced against a
specified person, that requests the provider to supply to the
officer copies of any records the provider possesses that pertain

to any test or the results of any test administered to the 1176
specified person to determine the presence or concentration of 1177
alcohol, a drug of abuse, ~~or alcohol and a drug combination~~ of 1178
~~abuse them, a controlled substance, or a metabolite of a~~ 1179
controlled substance in the person's whole blood, blood serum or 1180
plasma, breath, or urine at any time relevant to the criminal 1181
offense in question, and that conforms to section 2317.022 of the 1182
Revised Code, the provider, except to the extent specifically 1183
prohibited by any law of this state or of the United States, shall 1184
supply to the officer a copy of any of the requested records the 1185
provider possesses. If the health care provider does not possess 1186
any of the requested records, the provider shall give the officer 1187
a written statement that indicates that the provider does not 1188
possess any of the requested records. 1189

(b) If a health care provider possesses any records of the 1190
type described in division (B)(2)(a) of this section regarding the 1191
person in question at any time relevant to the criminal offense in 1192
question, in lieu of personally testifying as to the results of 1193
the test in question, the custodian of the records may submit a 1194
certified copy of the records, and, upon its submission, the 1195
certified copy is qualified as authentic evidence and may be 1196
admitted as evidence in accordance with the Rules of Evidence. 1197
Division (A) of section 2317.422 of the Revised Code does not 1198
apply to any certified copy of records submitted in accordance 1199
with this division. Nothing in this division shall be construed to 1200
limit the right of any party to call as a witness the person who 1201
administered the test to which the records pertain, the person 1202
under whose supervision the test was administered, the custodian 1203
of the records, the person who made the records, or the person 1204
under whose supervision the records were made. 1205

(3)(a) If the testimonial privilege described in division 1206
(B)(1) of this section does not apply as provided in division 1207

(B)(1)(a)(iii) of this section, a physician or dentist may be
compelled to testify or to submit to discovery under the Rules of
Civil Procedure only as to a communication made to the physician
or dentist by the patient in question in that relation, or the
physician's or dentist's advice to the patient in question, that
related causally or historically to physical or mental injuries
that are relevant to issues in the medical claim, dental claim,
chiropractic claim, or optometric claim, action for wrongful
death, other civil action, or claim under Chapter 4123. of the
Revised Code.

(b) If the testimonial privilege described in division (B)(1)
of this section does not apply to a physician or dentist as
provided in division (B)(1)(c) of this section, the physician or
dentist, in lieu of personally testifying as to the results of the
test in question, may submit a certified copy of those results,
and, upon its submission, the certified copy is qualified as
authentic evidence and may be admitted as evidence in accordance
with the Rules of Evidence. Division (A) of section 2317.422 of
the Revised Code does not apply to any certified copy of results
submitted in accordance with this division. Nothing in this
division shall be construed to limit the right of any party to
call as a witness the person who administered the test in
question, the person under whose supervision the test was
administered, the custodian of the results of the test, the person
who compiled the results, or the person under whose supervision
the results were compiled.

(c) If the testimonial privilege described in division (B)(1)
of this section does not apply as provided in division (B)(1)(e)
of this section, a physician or dentist may be compelled to
testify or to submit to discovery in the will contest action under
sections 2107.71 to 2107.77 of the Revised Code only as to the
patient in question on issues relevant to the competency of the

patient at the time of the execution of the will. Testimony or 1240
discovery conducted pursuant to this division shall be conducted 1241
in accordance with the Rules of Civil Procedure. 1242

(4) The testimonial privilege described in division (B)(1) of 1243
this section is not waived when a communication is made by a 1244
physician to a pharmacist or when there is communication between a 1245
patient and a pharmacist in furtherance of the physician-patient 1246
relation. 1247

(5)(a) As used in divisions (B)(1) to (4) of this section, 1248
"communication" means acquiring, recording, or transmitting any 1249
information, in any manner, concerning any facts, opinions, or 1250
statements necessary to enable a physician or dentist to diagnose, 1251
treat, prescribe, or act for a patient. A "communication" may 1252
include, but is not limited to, any medical or dental, office, or 1253
hospital communication such as a record, chart, letter, 1254
memorandum, laboratory test and results, x-ray, photograph, 1255
financial statement, diagnosis, or prognosis. 1256

(b) As used in division (B)(2) of this section, "health care 1257
provider" means a hospital, ambulatory care facility, long-term 1258
care facility, pharmacy, emergency facility, or health care 1259
practitioner. 1260

(c) As used in division (B)(5)(b) of this section: 1261

(i) "Ambulatory care facility" means a facility that provides 1262
medical, diagnostic, or surgical treatment to patients who do not 1263
require hospitalization, including a dialysis center, ambulatory 1264
surgical facility, cardiac catheterization facility, diagnostic 1265
imaging center, extracorporeal shock wave lithotripsy center, home 1266
health agency, inpatient hospice, birthing center, radiation 1267
therapy center, emergency facility, and an urgent care center. 1268
"Ambulatory health care facility" does not include the private 1269
office of a physician or dentist, whether the office is for an 1270

individual or group practice. 1271

(ii) "Emergency facility" means a hospital emergency 1272
department or any other facility that provides emergency medical 1273
services. 1274

(iii) "Health care practitioner" has the same meaning as in 1275
section 4769.01 of the Revised Code. 1276

(iv) "Hospital" has the same meaning as in section 3727.01 of 1277
the Revised Code. 1278

(v) "Long-term care facility" means a nursing home, 1279
residential care facility, or home for the aging, as those terms 1280
are defined in section 3721.01 of the Revised Code; an adult care 1281
facility, as defined in section 3722.01 of the Revised Code; a 1282
nursing facility or intermediate care facility for the mentally 1283
retarded, as those terms are defined in section 5111.20 of the 1284
Revised Code; a facility or portion of a facility certified as a 1285
skilled nursing facility under Title XVIII of the "Social Security 1286
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 1287

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 1288
the Revised Code. 1289

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 1290
apply to doctors of medicine, doctors of osteopathic medicine, 1291
doctors of podiatry, and dentists. 1292

(7) Nothing in divisions (B)(1) to (6) of this section 1293
affects, or shall be construed as affecting, the immunity from 1294
civil liability conferred by section 307.628 or 2305.33 of the 1295
Revised Code upon physicians who report an employee's use of a 1296
drug of abuse, or a condition of an employee other than one 1297
involving the use of a drug of abuse, to the employer of the 1298
employee in accordance with division (B) of that section. As used 1299
in division (B)(7) of this section, "employee," "employer," and 1300

"physician" have the same meanings as in section 2305.33 of the Revised Code. 1301
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(C) A member of the clergy, rabbi, priest, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect, when the member of the clergy, rabbi, priest, or minister remains accountable to the authority of that church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the member of the clergy, rabbi, priest, or minister for a religious counseling purpose in the member of the clergy's, rabbi's, priest's, or minister's professional character; however, the member of the clergy, rabbi, priest, or minister may testify by express consent of the person making the communication, except when the disclosure of the information is in violation of a sacred trust; 1303
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(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist; 1316
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(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify; 1322
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(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing. 1325
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(G)(1) A school guidance counselor who holds a valid educator 1331

license from the state board of education as provided for in 1332
section 3319.22 of the Revised Code, a person licensed under 1333
Chapter 4757. of the Revised Code as a professional clinical 1334
counselor, professional counselor, social worker, independent 1335
social worker, marriage and family therapist or independent 1336
marriage and family therapist, or registered under Chapter 4757. 1337
of the Revised Code as a social work assistant concerning a 1338
confidential communication received from a client in that relation 1339
or the person's advice to a client unless any of the following 1340
applies: 1341

(a) The communication or advice indicates clear and present 1342
danger to the client or other persons. For the purposes of this 1343
division, cases in which there are indications of present or past 1344
child abuse or neglect of the client constitute a clear and 1345
present danger. 1346

(b) The client gives express consent to the testimony. 1347

(c) If the client is deceased, the surviving spouse or the 1348
executor or administrator of the estate of the deceased client 1349
gives express consent. 1350

(d) The client voluntarily testifies, in which case the 1351
school guidance counselor or person licensed or registered under 1352
Chapter 4757. of the Revised Code may be compelled to testify on 1353
the same subject. 1354

(e) The court in camera determines that the information 1355
communicated by the client is not germane to the counselor-client, 1356
marriage and family therapist-client, or social worker-client 1357
relationship. 1358

(f) A court, in an action brought against a school, its 1359
administration, or any of its personnel by the client, rules after 1360
an in-camera inspection that the testimony of the school guidance 1361
counselor is relevant to that action. 1362

(g) The testimony is sought in a civil action and concerns 1363
court-ordered treatment or services received by a patient as part 1364
of a case plan journalized under section 2151.412 of the Revised 1365
Code or the court-ordered treatment or services are necessary or 1366
relevant to dependency, neglect, or abuse or temporary or 1367
permanent custody proceedings under Chapter 2151. of the Revised 1368
Code. 1369

(2) Nothing in division (G)(1) of this section shall relieve 1370
a school guidance counselor or a person licensed or registered 1371
under Chapter 4757. of the Revised Code from the requirement to 1372
report information concerning child abuse or neglect under section 1373
2151.421 of the Revised Code. 1374

(H) A mediator acting under a mediation order issued under 1375
division (A) of section 3109.052 of the Revised Code or otherwise 1376
issued in any proceeding for divorce, dissolution, legal 1377
separation, annulment, or the allocation of parental rights and 1378
responsibilities for the care of children, in any action or 1379
proceeding, other than a criminal, delinquency, child abuse, child 1380
neglect, or dependent child action or proceeding, that is brought 1381
by or against either parent who takes part in mediation in 1382
accordance with the order and that pertains to the mediation 1383
process, to any information discussed or presented in the 1384
mediation process, to the allocation of parental rights and 1385
responsibilities for the care of the parents' children, or to the 1386
awarding of parenting time rights in relation to their children; 1387

(I) A communications assistant, acting within the scope of 1388
the communication assistant's authority, when providing 1389
telecommunications relay service pursuant to section 4931.35 of 1390
the Revised Code or Title II of the "Communications Act of 1934," 1391
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 1392
made through a telecommunications relay service. Nothing in this 1393
section shall limit the obligation of a communications assistant 1394

to divulge information or testify when mandated by federal law or regulation or pursuant to subpoena in a criminal proceeding. 1395
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Nothing in this section shall limit any immunity or privilege granted under federal law or regulation. 1397
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(J)(1) A chiropractor in a civil proceeding concerning a communication made to the chiropractor by a patient in that relation or the chiropractor's advice to a patient, except as otherwise provided in this division. The testimonial privilege established under this division does not apply, and a chiropractor may testify or may be compelled to testify, in any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances: 1399
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(a) If the patient or the guardian or other legal representative of the patient gives express consent. 1409
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(b) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent. 1411
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(c) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative. 1414
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(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in 1421
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question in that relation, or the chiropractor's advice to the 1426
patient in question, that related causally or historically to 1427
physical or mental injuries that are relevant to issues in the 1428
medical claim, dental claim, chiropractic claim, or optometric 1429
claim, action for wrongful death, other civil action, or claim 1430
under Chapter 4123. of the Revised Code. 1431

(3) The testimonial privilege established under this division 1432
does not apply, and a chiropractor may testify or be compelled to 1433
testify, in any criminal action or administrative proceeding. 1434

(4) As used in this division, "communication" means 1435
acquiring, recording, or transmitting any information, in any 1436
manner, concerning any facts, opinions, or statements necessary to 1437
enable a chiropractor to diagnose, treat, or act for a patient. A 1438
communication may include, but is not limited to, any 1439
chiropractic, office, or hospital communication such as a record, 1440
chart, letter, memorandum, laboratory test and results, x-ray, 1441
photograph, financial statement, diagnosis, or prognosis. 1442

Sec. 2317.022. (A) As used in this section, "health care 1443
provider" has the same meaning as in section 2317.02 of the 1444
Revised Code. 1445

(B) If an official criminal investigation has begun regarding 1446
a person or if a criminal action or proceeding is commenced 1447
against a person, any law enforcement officer who wishes to obtain 1448
from any health care provider a copy of any records the provider 1449
possesses that pertain to any test or the result of any test 1450
administered to the person to determine the presence or 1451
concentration of alcohol, a drug of abuse, or alcohol and a drug 1452
of abuse in the person's blood, breath, or urine at any time 1453
relevant to the criminal offense in question shall submit to the 1454
health care facility a written statement in the following form: 1455

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 1456

To: (insert name of the health care provider in question). 1457
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I hereby state that an official criminal investigation has begun regarding, or a criminal action or proceeding has been commenced against, (insert the name of the person in question), and that I believe that one or more tests has been administered to that person by this health care provider to determine the presence or concentration of alcohol, a drug of abuse, ~~or alcohol and a drug combination~~ of abuse them, a controlled substance, or a metabolite of a controlled substance in that person's whole blood, blood serum or plasma, breath, or urine at a time relevant to the criminal offense in question. Therefore, I hereby request that, pursuant to division (B)(2) of section 2317.02 of the Revised Code, this health care provider supply me with copies of any records the provider possesses that pertain to any test or the results of any test administered to the person specified above to determine the presence or concentration of alcohol, a drug of abuse, ~~or alcohol and a drug combination~~ of abuse them, a controlled substance, or a metabolite of a controlled substance in that person's whole blood, blood serum or plasma, breath, or urine at any time relevant to the criminal offense in question. 1459
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..... 1479

(Name of officer) 1480

..... 1481

(Officer's title) 1482

..... 1483

(Officer's employing agency) 1484

..... 1485

(Officer's telephone number) 1486

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(Agency's address)	1490
.....	1491
(Date written statement submitted)"	1492
(C) A health care provider that receives a written statement	1493
of the type described in division (B) of this section shall comply	1494
with division (B)(2) of section 2317.02 of the Revised Code	1495
relative to the written statement.	1496
Sec. 2317.422. (A) Notwithstanding sections 2317.40 and	1497
2317.41 of the Revised Code but subject to division (B) of this	1498
section, the records, or copies or photographs of the records, of	1499
a hospital, homes required to be licensed pursuant to section	1500
3721.01 <u>of the Revised Code</u> and of adult care facilities required	1501
to be licensed pursuant to Chapter 3722. of the Revised Code, and	1502
community alternative homes licensed pursuant to section 3724.03	1503
of the Revised Code, in lieu of the testimony in open court of	1504
their custodian, person who made them, or person under whose	1505
supervision they were made, may be qualified as authentic evidence	1506
if any such person endorses thereon his <u>the person's</u> verified	1507
certification identifying such records, giving the mode and time	1508
of their preparation, and stating that they were prepared in the	1509
usual course of the business of the institution. Such records,	1510
copies, or photographs may not be qualified by certification as	1511
provided in this section unless the party intending to offer them	1512
delivers a copy of them, or of their relevant portions, to the	1513
attorney of record for each adverse party not less than five days	1514
before trial. Nothing in this section shall be construed to limit	1515
the right of any party to call the custodian, person who made such	1516

records, or person under whose supervision they were made, as a 1517
witness. 1518

(B) Division (A) of this section does not apply to any 1519
certified copy of the results of any test given to determine the 1520
presence or concentration of alcohol, a drug of abuse, ~~or alcohol~~ 1521
~~and a drug~~ combination of abuse them, a controlled substance, or a 1522
metabolite of a controlled substance in a patient's whole blood, 1523
blood serum or plasma, breath, or urine at any time relevant to a 1524
criminal offense that is submitted in a criminal action or 1525
proceeding in accordance with division (B)(2)(b) or (B)(3)(b) of 1526
section 2317.02 of the Revised Code. 1527

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the 1528
Revised Code: 1529

(A) "Claimant" means both of the following categories of 1530
persons: 1531

(1) Any of the following persons who claim an award of 1532
reparations under sections 2743.51 to 2743.72 of the Revised Code: 1533

(a) A victim who was one of the following at the time of the 1534
criminally injurious conduct: 1535

(i) A resident of the United States; 1536

(ii) A resident of a foreign country the laws of which permit 1537
residents of this state to recover compensation as victims of 1538
offenses committed in that country. 1539

(b) A dependent of a deceased victim who is described in 1540
division (A)(1)(a) of this section; 1541

(c) A third person, other than a collateral source, who 1542
legally assumes or voluntarily pays the obligations of a victim, 1543
or of a dependent of a victim, who is described in division 1544
(A)(1)(a) of this section, which obligations are incurred as a 1545
result of the criminally injurious conduct that is the subject of 1546

the claim and may include, but are not limited to, medical or	1547
burial expenses;	1548
(d) A person who is authorized to act on behalf of any person	1549
who is described in division (A)(1)(a), (b), or (c) of this	1550
section;	1551
(e) The estate of a deceased victim who is described in	1552
division (A)(1)(a) of this section.	1553
(2) Any of the following persons who claim an award of	1554
reparations under sections 2743.51 to 2743.72 of the Revised Code:	1555
(a) A victim who had a permanent place of residence within	1556
this state at the time of the criminally injurious conduct and	1557
who, at the time of the criminally injurious conduct, complied	1558
with any one of the following:	1559
(i) Had a permanent place of employment in this state;	1560
(ii) Was a member of the regular armed forces of the United	1561
States or of the United States coast guard or was a full-time	1562
member of the Ohio organized militia or of the United States army	1563
reserve, naval reserve, or air force reserve;	1564
(iii) Was retired and receiving social security or any other	1565
retirement income;	1566
(iv) Was sixty years of age or older;	1567
(v) Was temporarily in another state for the purpose of	1568
receiving medical treatment;	1569
(vi) Was temporarily in another state for the purpose of	1570
performing employment-related duties required by an employer	1571
located within this state as an express condition of employment or	1572
employee benefits;	1573
(vii) Was temporarily in another state for the purpose of	1574
receiving occupational, vocational, or other job-related training	1575

or instruction required by an employer located within this state 1576
as an express condition of employment or employee benefits; 1577

(viii) Was a full-time student at an academic institution, 1578
college, or university located in another state; 1579

(ix) Had not departed the geographical boundaries of this 1580
state for a period exceeding thirty days or with the intention of 1581
becoming a citizen of another state or establishing a permanent 1582
place of residence in another state. 1583

(b) A dependent of a deceased victim who is described in 1584
division (A)(2)(a) of this section; 1585

(c) A third person, other than a collateral source, who 1586
legally assumes or voluntarily pays the obligations of a victim, 1587
or of a dependent of a victim, who is described in division 1588
(A)(2)(a) of this section, which obligations are incurred as a 1589
result of the criminally injurious conduct that is the subject of 1590
the claim and may include, but are not limited to, medical or 1591
burial expenses; 1592

(d) A person who is authorized to act on behalf of any person 1593
who is described in division (A)(2)(a), (b), or (c) of this 1594
section; 1595

(e) The estate of a deceased victim who is described in 1596
division (A)(2)(a) of this section. 1597

(B) "Collateral source" means a source of benefits or 1598
advantages for economic loss otherwise reparable that the victim 1599
or claimant has received, or that is readily available to the 1600
victim or claimant, from any of the following sources: 1601

(1) The offender; 1602

(2) The government of the United States or any of its 1603
agencies, a state or any of its political subdivisions, or an 1604
instrumentality of two or more states, unless the law providing 1605

for the benefits or advantages makes them excess or secondary to	1606
benefits under sections 2743.51 to 2743.72 of the Revised Code;	1607
(3) Social security, medicare, and medicaid;	1608
(4) State-required, temporary, nonoccupational disability insurance;	1609 1610
(5) Workers' compensation;	1611
(6) Wage continuation programs of any employer;	1612
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	1613 1614 1615
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	1616 1617
(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;	1618 1619 1620
(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.	1621 1622 1623 1624
"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code.	1625 1626 1627 1628 1629
(C) "Criminally injurious conduct" means one of the following:	1630 1631
(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or	1632 1633 1634

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 this
state. 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:

(a) The person engaging in the conduct intended to cause
personal injury or death;

(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;

(c) The person engaging in the conduct was using the vehicle
in a manner that constitutes an OVI violation;

(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.

(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:

(a) The person engaging in the conduct intended to cause

personal injury or death; 1666

(b) The person engaging in the conduct was using the vehicle 1667
to flee immediately after committing a felony or an act that would 1668
constitute a felony but for the fact that the person engaging in 1669
the conduct lacked the capacity to commit the felony under the 1670
laws of the state, district, territory, or foreign country in 1671
which the conduct occurred or was attempted; 1672

(c) The person engaging in the conduct was using the vehicle 1673
in a manner that constitutes an OVI violation; 1674

(d) The conduct occurred on or after July 25, 1990, the 1675
person engaging in the conduct was using the vehicle in a manner 1676
that constitutes a violation of any law of the state, district, 1677
territory, or foreign country in which the conduct occurred, and 1678
that law is substantially similar to a violation of section 1679
2903.08 of the Revised Code. 1680

(3) For the purposes of any person described in division 1681
(A)(1) or (2) of this section, terrorism that occurs within or 1682
outside the territorial jurisdiction of the United States. 1683

(D) "Dependent" means an individual wholly or partially 1684
dependent upon the victim for care and support, and includes a 1685
child of the victim born after the victim's death. 1686

(E) "Economic loss" means economic detriment consisting only 1687
of allowable expense, work loss, funeral expense, unemployment 1688
benefits loss, replacement services loss, cost of crime scene 1689
cleanup, and cost of evidence replacement. If criminally injurious 1690
conduct causes death, economic loss includes a dependent's 1691
economic loss and a dependent's replacement services loss. 1692
Noneconomic detriment is not economic loss; however, economic loss 1693
may be caused by pain and suffering or physical impairment. 1694

(F)(1) "Allowable expense" means reasonable charges incurred 1695

for reasonably needed products, services, and accommodations, 1696
including those for medical care, rehabilitation, rehabilitative 1697
occupational training, and other remedial treatment and care and 1698
including replacement costs for eyeglasses and other corrective 1699
lenses. It does not include that portion of a charge for a room in 1700
a hospital, clinic, convalescent home, nursing home, or any other 1701
institution engaged in providing nursing care and related services 1702
in excess of a reasonable and customary charge for semiprivate 1703
accommodations, unless accommodations other than semiprivate 1704
accommodations are medically required. 1705

(2) An immediate family member of a victim of criminally 1706
injurious conduct that consists of a homicide, a sexual assault, 1707
domestic violence, or a severe and permanent incapacitating injury 1708
resulting in paraplegia or a similar life-altering condition, who 1709
requires psychiatric care or counseling as a result of the 1710
criminally injurious conduct, may be reimbursed for that care or 1711
counseling as an allowable expense through the victim's 1712
application. The cumulative allowable expense for care or 1713
counseling of that nature shall not exceed two thousand five 1714
hundred dollars for each immediate family member of a victim of 1715
that type and seven thousand five hundred dollars in the aggregate 1716
for all immediate family members of a victim of that type. 1717

(3) A family member of a victim who died as a proximate 1718
result of criminally injurious conduct may be reimbursed as an 1719
allowable expense through the victim's application for wages lost 1720
and travel expenses incurred in order to attend criminal justice 1721
proceedings arising from the criminally injurious conduct. The 1722
cumulative allowable expense for wages lost and travel expenses 1723
incurred by a family member to attend criminal justice proceedings 1724
shall not exceed five hundred dollars for each family member of 1725
the victim and two thousand dollars in the aggregate for all 1726
family members of the victim. 1727

(4) "Allowable expense" includes attorney's fees not 1728
exceeding two thousand five hundred dollars, at a rate not 1729
exceeding one hundred fifty dollars per hour, incurred to 1730
successfully obtain a restraining order, custody order, or other 1731
order to physically separate a victim from an offender, if the 1732
attorney has not received payment under section 2743.65 of the 1733
Revised Code for assisting a claimant with an application for an 1734
award of reparations under sections 2743.51 to 2743.72 of the 1735
Revised Code. 1736

(G) "Work loss" means loss of income from work that the 1737
injured person would have performed if the person had not been 1738
injured and expenses reasonably incurred by the person to obtain 1739
services in lieu of those the person would have performed for 1740
income, reduced by any income from substitute work actually 1741
performed by the person, or by income the person would have earned 1742
in available appropriate substitute work that the person was 1743
capable of performing but unreasonably failed to undertake. 1744

(H) "Replacement services loss" means expenses reasonably 1745
incurred in obtaining ordinary and necessary services in lieu of 1746
those the injured person would have performed, not for income, but 1747
for the benefit of the person's self or family, if the person had 1748
not been injured. 1749

(I) "Dependent's economic loss" means loss after a victim's 1750
death of contributions of things of economic value to the victim's 1751
dependents, not including services they would have received from 1752
the victim if the victim had not suffered the fatal injury, less 1753
expenses of the dependents avoided by reason of the victim's 1754
death. If a minor child of a victim is adopted after the victim's 1755
death, the minor child continues after the adoption to incur a 1756
dependent's economic loss as a result of the victim's death. If 1757
the surviving spouse of a victim remarries, the surviving spouse 1758
continues after the remarriage to incur a dependent's economic 1759

loss as a result of the victim's death. 1760

(J) "Dependent's replacement services loss" means loss 1761
reasonably incurred by dependents after a victim's death in 1762
obtaining ordinary and necessary services in lieu of those the 1763
victim would have performed for their benefit if the victim had 1764
not suffered the fatal injury, less expenses of the dependents 1765
avoided by reason of the victim's death and not subtracted in 1766
calculating the dependent's economic loss. If a minor child of a 1767
victim is adopted after the victim's death, the minor child 1768
continues after the adoption to incur a dependent's replacement 1769
services loss as a result of the victim's death. If the surviving 1770
spouse of a victim remarries, the surviving spouse continues after 1771
the remarriage to incur a dependent's replacement services loss as 1772
a result of the victim's death. 1773

(K) "Noneconomic detriment" means pain, suffering, 1774
inconvenience, physical impairment, or other nonpecuniary damage. 1775

(L) "Victim" means a person who suffers personal injury or 1776
death as a result of any of the following: 1777

(1) Criminally injurious conduct; 1778

(2) The good faith effort of any person to prevent criminally 1779
injurious conduct; 1780

(3) The good faith effort of any person to apprehend a person 1781
suspected of engaging in criminally injurious conduct. 1782

(M) "Contributory misconduct" means any conduct of the 1783
claimant or of the victim through whom the claimant claims an 1784
award of reparations that is unlawful or intentionally tortious 1785
and that, without regard to the conduct's proximity in time or 1786
space to the criminally injurious conduct, has a causal 1787
relationship to the criminally injurious conduct that is the basis 1788
of the claim. 1789

(N)(1) "Funeral expense" means any reasonable charges that 1790
are not in excess of seven thousand five hundred dollars per 1791
funeral and that are incurred for expenses directly related to a 1792
victim's funeral, cremation, or burial and any wages lost or 1793
travel expenses incurred by a family member of a victim in order 1794
to attend the victim's funeral, cremation, or burial. 1795

(2) An award for funeral expenses shall be applied first to 1796
expenses directly related to the victim's funeral, cremation, or 1797
burial. An award for wages lost or travel expenses incurred by a 1798
family member of the victim shall not exceed five hundred dollars 1799
for each family member and shall not exceed in the aggregate the 1800
difference between seven thousand five hundred dollars and 1801
expenses that are reimbursed by the program and that are directly 1802
related to the victim's funeral, cremation, or burial. 1803

(O) "Unemployment benefits loss" means a loss of unemployment 1804
benefits pursuant to Chapter 4141. of the Revised Code when the 1805
loss arises solely from the inability of a victim to meet the able 1806
to work, available for suitable work, or the actively seeking 1807
suitable work requirements of division (A)(4)(a) of section 1808
4141.29 of the Revised Code. 1809

(P) "OVI violation" means any of the following: 1810

(1) A violation of section 4511.19 of the Revised Code, of 1811
any municipal ordinance prohibiting the operation of a vehicle 1812
while under the influence of alcohol, a drug of abuse, or a 1813
combination of them, or of any municipal ordinance prohibiting the 1814
operation of a vehicle with a prohibited concentration of alcohol, 1815
a controlled substance, or a metabolite of a controlled substance 1816
in the whole blood, blood serum or plasma, breath, or urine; 1817

(2) A violation of division (A)(1) of section 2903.06 of the 1818
Revised Code; 1819

(3) A violation of division (A)(2), (3), or (4) of section 1820

2903.06 of the Revised Code or of a municipal ordinance 1821
substantially similar to any of those divisions, if the offender 1822
was under the influence of alcohol, a drug of abuse, or a 1823
combination of them, at the time of the commission of the offense; 1824

(4) For purposes of any person described in division (A)(2) 1825
of this section, a violation of any law of the state, district, 1826
territory, or foreign country in which the criminally injurious 1827
conduct occurred, if that law is substantially similar to a 1828
violation described in division (P)(1) or (2) of this section or 1829
if that law is substantially similar to a violation described in 1830
division (P)(3) of this section and the offender was under the 1831
influence of alcohol, a drug of abuse, or a combination of them, 1832
at the time of the commission of the offense. 1833

(Q) "Pendency of the claim" for an original reparations 1834
application or supplemental reparations application means the 1835
period of time from the date the criminally injurious conduct upon 1836
which the application is based occurred until the date a final 1837
decision, order, or judgment concerning that original reparations 1838
application or supplemental reparations application is issued. 1839

(R) "Terrorism" means any activity to which all of the 1840
following apply: 1841

(1) The activity involves a violent act or an act that is 1842
dangerous to human life. 1843

(2) The act described in division (R)(1) of this section is 1844
committed within the territorial jurisdiction of the United States 1845
and is a violation of the criminal laws of the United States, this 1846
state, or any other state or the act described in division (R)(1) 1847
of this section is committed outside the territorial jurisdiction 1848
of the United States and would be a violation of the criminal laws 1849
of the United States, this state, or any other state if committed 1850
within the territorial jurisdiction of the United States. 1851

(3) The activity appears to be intended to do any of the	1852
following:	1853
(a) Intimidate or coerce a civilian population;	1854
(b) Influence the policy of any government by intimidation or coercion;	1855
	1856
(c) Affect the conduct of any government by assassination or kidnapping.	1857
	1858
(4) The activity occurs primarily outside the territorial	1859
jurisdiction of the United States or transcends the national	1860
boundaries of the United States in terms of the means by which the	1861
activity is accomplished, the person or persons that the activity	1862
appears intended to intimidate or coerce, or the area or locale in	1863
which the perpetrator or perpetrators of the activity operate or	1864
seek asylum.	1865
(S) "Transcends the national boundaries of the United States"	1866
means occurring outside the territorial jurisdiction of the United	1867
States in addition to occurring within the territorial	1868
jurisdiction of the United States.	1869
(T) "Cost of crime scene cleanup" means reasonable and	1870
necessary costs of cleaning the scene and repairing, for the	1871
purpose of personal security, property damaged at the scene where	1872
the criminally injurious conduct occurred, not to exceed seven	1873
hundred fifty dollars in the aggregate per claim.	1874
(U) "Cost of evidence replacement" means costs for	1875
replacement of property confiscated for evidentiary purposes	1876
related to the criminally injurious conduct, not to exceed seven	1877
hundred fifty dollars in the aggregate per claim.	1878
(V) "Provider" means any person who provides a victim or	1879
claimant with a product, service, or accommodations that are an	1880
allowable expense or a funeral expense.	1881

(W) "Immediate family member" means an individual who resided 1882
in the same permanent household as a victim at the time of the 1883
criminally injurious conduct and who is related to the victim by 1884
affinity or consanguinity. 1885

(X) "Family member" means an individual who is related to a 1886
victim by affinity or consanguinity. 1887

Sec. 2919.22. (A) No person, who is the parent, guardian, 1888
custodian, person having custody or control, or person in loco 1889
parentis of a child under eighteen years of age or a mentally or 1890
physically handicapped child under twenty-one years of age, shall 1891
create a substantial risk to the health or safety of the child, by 1892
violating a duty of care, protection, or support. It is not a 1893
violation of a duty of care, protection, or support under this 1894
division when the parent, guardian, custodian, or person having 1895
custody or control of a child treats the physical or mental 1896
illness or defect of the child by spiritual means through prayer 1897
alone, in accordance with the tenets of a recognized religious 1898
body. 1899

(B) No person shall do any of the following to a child under 1900
eighteen years of age or a mentally or physically handicapped 1901
child under twenty-one years of age: 1902

(1) Abuse the child; 1903

(2) Torture or cruelly abuse the child; 1904

(3) Administer corporal punishment or other physical 1905
disciplinary measure, or physically restrain the child in a cruel 1906
manner or for a prolonged period, which punishment, discipline, or 1907
restraint is excessive under the circumstances and creates a 1908
substantial risk of serious physical harm to the child; 1909

(4) Repeatedly administer unwarranted disciplinary measures 1910
to the child, when there is a substantial risk that such conduct, 1911

if continued, will seriously impair or retard the child's mental health or development; 1912
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(5) Entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter; 1914
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(6) Allow the child to be on the same parcel of real property and within one hundred feet of, or, in the case of more than one housing unit on the same parcel of real property, in the same housing unit and within one hundred feet of, any act in violation of section 2925.04 or 2925.041 of the Revised Code when the person knows that the act is occurring, whether or not any person is prosecuted for or convicted of the violation of section 2925.04 or 2925.041 of the Revised Code that is the basis of the violation of this division. 1921
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(C)(1) No person shall operate a vehicle, streetcar, or trackless trolley within this state in violation of division (A) of section 4511.19 of the Revised Code when one or more children under eighteen years of age are in the vehicle, streetcar, or trackless trolley. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of division (A) of section 4511.19 of the Revised Code that constitutes the basis of the charge of the violation of this division. For purposes of sections 4511.191 to 4511.197 of the Revised Code and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited 1930
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concentration of alcohol, <u>a controlled substance, or a metabolite</u>	1944
<u>of a controlled substance</u> in the whole blood, blood serum or	1945
plasma, breath, or urine.	1946
(2) As used in division (C)(1) of this section, "vehicle:	1947
(a) <u>"Controlled substance" has the same meaning as in section</u>	1948
<u>3719.01 of the Revised Code.</u>	1949
(b) <u>"Vehicle," "streetcar," and "trackless trolley"</u> have the	1950
same meanings as in section 4511.01 of the Revised Code.	1951
(D)(1) Division (B)(5) of this section does not apply to any	1952
material or performance that is produced, presented, or	1953
disseminated for a bona fide medical, scientific, educational,	1954
religious, governmental, judicial, or other proper purpose, by or	1955
to a physician, psychologist, sociologist, scientist, teacher,	1956
person pursuing bona fide studies or research, librarian, member	1957
of the clergy, prosecutor, judge, or other person having a proper	1958
interest in the material or performance.	1959
(2) Mistake of age is not a defense to a charge under	1960
division (B)(5) of this section.	1961
(3) In a prosecution under division (B)(5) of this section,	1962
the trier of fact may infer that an actor, model, or participant	1963
in the material or performance involved is a juvenile if the	1964
material or performance, through its title, text, visual	1965
representation, or otherwise, represents or depicts the actor,	1966
model, or participant as a juvenile.	1967
(4) As used in this division and division (B)(5) of this	1968
section:	1969
(a) "Material," "performance," "obscene," and "sexual	1970
activity" have the same meanings as in section 2907.01 of the	1971
Revised Code.	1972
(b) "Nudity-oriented matter" means any material or	1973

performance that shows a minor in a state of nudity and that, 1974
taken as a whole by the average person applying contemporary 1975
community standards, appeals to prurient interest. 1976

(c) "Sexually oriented matter" means any material or 1977
performance that shows a minor participating or engaging in sexual 1978
activity, masturbation, or bestiality. 1979

(E)(1) Whoever violates this section is guilty of endangering 1980
children. 1981

(2) If the offender violates division (A) or (B)(1) of this 1982
section, endangering children is one of the following: 1983

(a) Except as otherwise provided in division (E)(2)(b), (c), 1984
or (d) of this section, a misdemeanor of the first degree; 1985

(b) If the offender previously has been convicted of an 1986
offense under this section or of any offense involving neglect, 1987
abandonment, contributing to the delinquency of, or physical abuse 1988
of a child, except as otherwise provided in division (E)(2)(c) or 1989
(d) of this section, a felony of the fourth degree; 1990

(c) If the violation is a violation of division (A) of this 1991
section and results in serious physical harm to the child 1992
involved, a felony of the third degree; 1993

(d) If the violation is a violation of division (B)(1) of 1994
this section and results in serious physical harm to the child 1995
involved, a felony of the second degree. 1996

(3) If the offender violates division (B)(2), (3), (4), or 1997
(6) of this section, except as otherwise provided in this 1998
division, endangering children is a felony of the third degree. If 1999
the violation results in serious physical harm to the child 2000
involved, or if the offender previously has been convicted of an 2001
offense under this section or of any offense involving neglect, 2002
abandonment, contributing to the delinquency of, or physical abuse 2003

of a child, endangering children is a felony of the second degree. 2004

(4) If the offender violates division (B)(5) of this section, 2005
endangering children is a felony of the second degree. 2006

(5) If the offender violates division (C) of this section, 2007
the offender shall be punished as follows: 2008

(a) Except as otherwise provided in division (E)(5)(b) or (c) 2009
of this section, endangering children in violation of division (C) 2010
of this section is a misdemeanor of the first degree. 2011

(b) If the violation results in serious physical harm to the 2012
child involved or the offender previously has been convicted of an 2013
offense under this section or any offense involving neglect, 2014
abandonment, contributing to the delinquency of, or physical abuse 2015
of a child, except as otherwise provided in division (E)(5)(c) of 2016
this section, endangering children in violation of division (C) of 2017
this section is a felony of the fifth degree. 2018

(c) If the violation results in serious physical harm to the 2019
child involved and if the offender previously has been convicted 2020
of a violation of division (C) of this section, section 2903.06 or 2021
2903.08 of the Revised Code, section 2903.07 of the Revised Code 2022
as it existed prior to March 23, 2000, or section 2903.04 of the 2023
Revised Code in a case in which the offender was subject to the 2024
sanctions described in division (D) of that section, endangering 2025
children in violation of division (C) of this section is a felony 2026
of the fourth degree. 2027

(d) In addition to any term of imprisonment, fine, or other 2028
sentence, penalty, or sanction it imposes upon the offender 2029
pursuant to division (E)(5)(a), (b), or (c) of this section or 2030
pursuant to any other provision of law and in addition to any 2031
suspension of the offender's driver's or commercial driver's 2032
license or permit or nonresident operating privilege under Chapter 2033
4506., 4509., 4510., or 4511. of the Revised Code or under any 2034

other provision of law, the court also may impose upon the 2035
offender a class seven suspension of the offender's driver's or 2036
commercial driver's license or permit or nonresident operating 2037
privilege from the range specified in division (A)(7) of section 2038
4510.02 of the Revised Code. 2039

(e) In addition to any term of imprisonment, fine, or other 2040
sentence, penalty, or sanction imposed upon the offender pursuant 2041
to division (E)(5)(a), (b), (c), or (d) of this section or 2042
pursuant to any other provision of law for the violation of 2043
division (C) of this section, if as part of the same trial or 2044
proceeding the offender also is convicted of or pleads guilty to a 2045
separate charge charging the violation of division (A) of section 2046
4511.19 of the Revised Code that was the basis of the charge of 2047
the violation of division (C) of this section, the offender also 2048
shall be sentenced in accordance with section 4511.19 of the 2049
Revised Code for that violation of division (A) of section 4511.19 2050
of the Revised Code. 2051

(F)(1)(a) A court may require an offender to perform not more 2052
than two hundred hours of supervised community service work under 2053
the authority of an agency, subdivision, or charitable 2054
organization. The requirement shall be part of the community 2055
control sanction or sentence of the offender, and the court shall 2056
impose the community service in accordance with and subject to 2057
divisions (F)(1)(a) and (b) of this section. The court may require 2058
an offender whom it requires to perform supervised community 2059
service work as part of the offender's community control sanction 2060
or sentence to pay the court a reasonable fee to cover the costs 2061
of the offender's participation in the work, including, but not 2062
limited to, the costs of procuring a policy or policies of 2063
liability insurance to cover the period during which the offender 2064
will perform the work. If the court requires the offender to 2065
perform supervised community service work as part of the 2066

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
court, all of the required community service work, the court may
order that the offender be committed to a jail or workhouse for a
period of time that does not exceed the term of imprisonment that
the court could have imposed upon the offender for the violation
of division (C) of this section, reduced by the total amount of
time that the offender actually was imprisoned under the sentence
or term that was imposed upon the offender for that violation and
by the total amount of time that the offender was confined for any
reason arising out of the offense for which the offender was
convicted and sentenced as described in sections 2949.08 and
2967.191 of the Revised Code, and that, if the court orders that
the offender be so committed, the court is authorized, but not
required, to grant the offender credit upon the period of the
commitment for the community service work that the offender

adequately performed.

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(b) If a court, pursuant to division (F)(1)(a) of this section, orders an offender to perform community service work as part of the offender's community control sanction or sentence and if the offender does not adequately perform all of the required community service work, as determined by the court, the court may order that the offender be committed to a jail or workhouse for a period of time that does not exceed the term of imprisonment that the court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under the sentence or term that was imposed upon the offender for that violation and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code. The court may order that a person committed pursuant to this division shall receive hour-for-hour credit upon the period of the commitment for the community service work that the offender adequately performed. No commitment pursuant to this division shall exceed the period of the term of imprisonment that the sentencing court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under that sentence or term and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code.

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(2) Division (F)(1) of this section does not limit or affect the authority of the court to suspend the sentence imposed upon a misdemeanor offender and place the offender under a community control sanction pursuant to section 2929.25 of the Revised Code, to require a misdemeanor or felony offender to perform supervised

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community service work in accordance with division (B) of section 2130
2951.02 of the Revised Code, or to place a felony offender under a 2131
community control sanction. 2132

(G)(1) If a court suspends an offender's driver's or 2133
commercial driver's license or permit or nonresident operating 2134
privilege under division (E)(5)(d) of this section, the period of 2135
the suspension shall be consecutive to, and commence after, the 2136
period of suspension of the offender's driver's or commercial 2137
driver's license or permit or nonresident operating privilege that 2138
is imposed under Chapter 4506., 4509., 4510., or 4511. of the 2139
Revised Code or under any other provision of law in relation to 2140
the violation of division (C) of this section that is the basis of 2141
the suspension under division (E)(5)(d) of this section or in 2142
relation to the violation of division (A) of section 4511.19 of 2143
the Revised Code that is the basis for that violation of division 2144
(C) of this section. 2145

(2) An offender is not entitled to request, and the court 2146
shall not grant to the offender, limited driving privileges if the 2147
offender's license, permit, or privilege has been suspended under 2148
division (E)(5)(d) of this section and the offender, within the 2149
preceding six years, has been convicted of or pleaded guilty to 2150
three or more violations of one or more of the following: 2151

(a) Division (C) of this section; 2152

(b) Any equivalent offense, as defined in section 4511.181 of 2153
the Revised Code. 2154

(H)(1) If a person violates division (C) of this section and 2155
if, at the time of the violation, there were two or more children 2156
under eighteen years of age in the motor vehicle involved in the 2157
violation, the offender may be convicted of a violation of 2158
division (C) of this section for each of the children, but the 2159
court may sentence the offender for only one of the violations. 2160

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

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

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

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(I) As used in this section:	2193
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code;	2194 2195
(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code.	2196 2197
Sec. 2923.16. (A) No person shall knowingly discharge a firearm while in or on a motor vehicle.	2198 2199
(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.	2200 2201 2202 2203
(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded and is carried in one of the following ways:	2204 2205 2206
(1) In a closed package, box, or case;	2207
(2) In a compartment that can be reached only by leaving the vehicle;	2208 2209
(3) In plain sight and secured in a rack or holder made for the purpose;	2210 2211
(4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.	2212 2213 2214
(D) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:	2215 2216 2217
(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.	2218 2219
(2) The person's whole blood, blood serum or plasma, breath,	2220

or urine contains a concentration of alcohol, a controlled 2221
substance, or a metabolite of a controlled substance prohibited 2222
for persons operating a vehicle, as specified in division (A) of 2223
section 4511.19 of the Revised Code, regardless of whether the 2224
person at the time of the transportation or possession as 2225
described in this division is the operator of or a passenger in 2226
the motor vehicle. 2227

(E) No person who has been issued a license or temporary 2228
emergency license to carry a concealed handgun under section 2229
2923.125 or 2923.1213 of the Revised Code shall do any of the 2230
following: 2231

(1) Knowingly transport or have a loaded handgun in a motor 2232
vehicle unless the loaded handgun either is in a holster and in 2233
plain sight on the person's person or it is securely encased by 2234
being stored in a closed, locked glove compartment or in a case 2235
that is in plain sight and that is locked; 2236

(2) If the person is transporting or has a loaded handgun in 2237
a motor vehicle in a manner authorized under division (E)(1) of 2238
this section, knowingly remove or attempt to remove the loaded 2239
handgun from the holster, glove compartment, or case, knowingly 2240
grasp or hold the loaded handgun, or knowingly have contact with 2241
the loaded handgun by touching it with the person's hands or 2242
fingers while the motor vehicle is being operated on a street, 2243
highway, or public property unless the person removes, attempts to 2244
remove, grasps, holds, or has the contact with the loaded handgun 2245
pursuant to and in accordance with directions given by a law 2246
enforcement officer; 2247

(3) If the person is the driver or an occupant of a motor 2248
vehicle that is stopped as a result of a traffic stop or a stop 2249
for another law enforcement purpose and if the person is 2250
transporting or has a loaded handgun in the motor vehicle in any 2251

manner, fail to promptly inform any law enforcement officer who 2252
approaches the vehicle while stopped that the person has been 2253
issued a license or temporary emergency license to carry a 2254
concealed handgun and that the person then possesses or has a 2255
loaded handgun in the motor vehicle. 2256

(4) If the person is the driver or an occupant of a motor 2257
vehicle that is stopped as a result of a traffic stop or a stop 2258
for another law enforcement purpose and if the person is 2259
transporting or has a loaded handgun in the motor vehicle in any 2260
manner, knowingly disregard or fail to comply with any lawful 2261
order of any law enforcement officer given while the motor vehicle 2262
is stopped, knowingly fail to remain in the motor vehicle while 2263
stopped, or knowingly fail to keep the person's hands in plain 2264
sight at any time after any law enforcement officer begins 2265
approaching the person while stopped and before the law 2266
enforcement officer leaves, unless, regarding a failure to remain 2267
in the motor vehicle or to keep the person's hands in plain sight, 2268
the failure is pursuant to and in accordance with directions given 2269
by a law enforcement officer; 2270

(5) If the person is the driver or an occupant of a motor 2271
vehicle that is stopped as a result of a traffic stop or a stop 2272
for another law enforcement purpose, if the person is transporting 2273
or has a loaded handgun in the motor vehicle in a manner 2274
authorized under division (E)(1) of this section, and if the 2275
person is approached by any law enforcement officer while stopped, 2276
knowingly remove or attempt to remove the loaded handgun from the 2277
holster, glove compartment, or case, knowingly grasp or hold the 2278
loaded handgun, or knowingly have contact with the loaded handgun 2279
by touching it with the person's hands or fingers in the motor 2280
vehicle at any time after the law enforcement officer begins 2281
approaching and before the law enforcement officer leaves, unless 2282
the person removes, attempts to remove, grasps, holds, or has 2283

contact with the loaded handgun pursuant to and in accordance with 2284
directions given by the law enforcement officer. 2285

(F)(1) This section does not apply to officers, agents, or 2286
employees of this or any other state or the United States, or to 2287
law enforcement officers, when authorized to carry or have loaded 2288
or accessible firearms in motor vehicles and acting within the 2289
scope of their duties. 2290

(2) Division (A) of this section does not apply to a person 2291
if all of the following circumstances apply: 2292

(a) The person discharges a firearm from a motor vehicle at a 2293
coyote or groundhog, the discharge is not during the deer gun 2294
hunting season as set by the chief of the division of wildlife of 2295
the department of natural resources, and the discharge at the 2296
coyote or groundhog, but for the operation of this section, is 2297
lawful. 2298

(b) The motor vehicle from which the person discharges the 2299
firearm is on real property that is located in an unincorporated 2300
area of a township and that either is zoned for agriculture or is 2301
used for agriculture. 2302

(c) The person owns the real property described in division 2303
(F)(2)(b) of this section, is the spouse or a child of another 2304
person who owns that real property, is a tenant of another person 2305
who owns that real property, or is the spouse or a child of a 2306
tenant of another person who owns that real property. 2307

(d) The person does not discharge the firearm in any of the 2308
following manners: 2309

(i) While under the influence of alcohol, a drug of abuse, or 2310
~~alcohol~~ and a ~~drug~~ combination of ~~abuse~~ them; 2311

(ii) In the direction of a street, highway, or other public 2312
or private property used by the public for vehicular traffic or 2313

parking; 2314

(iii) At or into an occupied structure that is a permanent or 2315
temporary habitation; 2316

(iv) In the commission of any violation of law, including, 2317
but not limited to, a felony that includes, as an essential 2318
element, purposely or knowingly causing or attempting to cause the 2319
death of or physical harm to another and that was committed by 2320
discharging a firearm from a motor vehicle. 2321

(3) Divisions (B) and (C) of this section do not apply to a 2322
person if all of the following circumstances apply: 2323

(a) At the time of the alleged violation of either of those 2324
divisions, the person is the operator of or a passenger in a motor 2325
vehicle. 2326

(b) The motor vehicle is on real property that is located in 2327
an unincorporated area of a township and that either is zoned for 2328
agriculture or is used for agriculture. 2329

(c) The person owns the real property described in division 2330
(D)(3)(b) of this section, is the spouse or a child of another 2331
person who owns that real property, is a tenant of another person 2332
who owns that real property, or is the spouse or a child of a 2333
tenant of another person who owns that real property. 2334

(d) The person, prior to arriving at the real property 2335
described in division (D)(3)(b) of this section, did not transport 2336
or possess a firearm in the motor vehicle in a manner prohibited 2337
by division (B) or (C) of this section while the motor vehicle was 2338
being operated on a street, highway, or other public or private 2339
property used by the public for vehicular traffic or parking. 2340

(4) Divisions (B) and (C) of this section do not apply to a 2341
person who transports or possesses a handgun in a motor vehicle 2342
if, at the time of that transportation or possession, all of the 2343

following apply: 2344

(a) The person transporting or possessing the handgun is 2345
carrying a valid license or temporary emergency license to carry a 2346
concealed handgun issued to the person under section 2923.125 or 2347
2923.1213 of the Revised Code or a license to carry a concealed 2348
handgun that was issued by another state with which the attorney 2349
general has entered into a reciprocity agreement under section 2350
109.69 of the Revised Code. 2351

(b) The person transporting or possessing the handgun is not 2352
knowingly in a place described in division (B) of section 2923.126 2353
of the Revised Code. 2354

(c) Either the handgun is in a holster and in plain sight on 2355
the person's person or the handgun is securely encased by being 2356
stored in a closed, locked glove compartment or in a case that is 2357
in plain sight and that is locked. 2358

(G)(1) The affirmative defenses authorized in divisions 2359
(D)(1) and (2) of section 2923.12 of the Revised Code are 2360
affirmative defenses to a charge under division (B) or (C) of this 2361
section that involves a firearm other than a handgun. 2362

(2) It is an affirmative defense to a charge under division 2363
(B) or (C) of this section of improperly handling firearms in a 2364
motor vehicle that the actor transported or had the firearm in the 2365
motor vehicle for any lawful purpose and while the motor vehicle 2366
was on the actor's own property, provided that this affirmative 2367
defense is not available unless the person, prior to arriving at 2368
the actor's own property, did not transport or possess the firearm 2369
in a motor vehicle in a manner prohibited by division (B) or (C) 2370
of this section while the motor vehicle was being operated on a 2371
street, highway, or other public or private property used by the 2372
public for vehicular traffic. 2373

(H) No person who is charged with a violation of division 2374

(B), (C), or (D) of this section shall be required to obtain a
license or temporary emergency license to carry a concealed
handgun under section 2923.125 or 2923.1213 of the Revised Code as
a condition for the dismissal of the charge.

(I) Whoever violates this section is guilty of improperly
handling firearms in a motor vehicle. Violation of division (A) of
this section is a felony of the fourth degree. Violation of
division (C) of this section is a misdemeanor of the fourth
degree. A violation of division (D) of this section is a felony of
the fifth degree. A violation of division (E)(3) of this section
is a misdemeanor of the fourth degree. A violation of division
(E)(1), (2), or (5) of this section is a felony of the fifth
degree. A violation of division (E)(4) of this section is a
misdemeanor of the first degree or, if the offender previously has
been convicted of or pleaded guilty to a violation of division
(E)(4) of this section, a felony of the fifth degree. A violation
of division (B) of this section is whichever of the following is
applicable:

(1) If, at the time of the transportation or possession in
violation of division (B) of this section, the offender was
carrying a valid license or temporary emergency license to carry a
concealed handgun issued to the offender under section 2923.125 or
2923.1213 of the Revised Code or a license to carry a concealed
handgun that was issued by another state with which the attorney
general has entered into a reciprocity agreement under section
109.69 of the Revised Code and the offender was not knowingly in a
place described in division (B) of section 2923.126 of the Revised
Code, the violation is a misdemeanor of the first degree or, if
the offender previously has been convicted of or pleaded guilty to
a violation of division (B) of this section, a felony of the
fourth degree.

(2) If division (I)(1) of this section does not apply, a

felony of the fourth degree. 2407

(J) If a law enforcement officer stops a motor vehicle for a 2408
traffic stop or any other purpose, if any person in the motor 2409
vehicle surrenders a firearm to the officer, either voluntarily or 2410
pursuant to a request or demand of the officer, and if the officer 2411
does not charge the person with a violation of this section or 2412
arrest the person for any offense, the person is not otherwise 2413
prohibited by law from possessing the firearm, and the firearm is 2414
not contraband, the officer shall return the firearm to the person 2415
at the termination of the stop. 2416

(K) As used in this section: 2417

(1) "Motor vehicle," "street," and "highway" have the same 2418
meanings as in section 4511.01 of the Revised Code. 2419

(2) "Occupied structure" has the same meaning as in section 2420
2909.01 of the Revised Code. 2421

(3) "Agriculture" has the same meaning as in section 519.01 2422
of the Revised Code. 2423

(4) "Tenant" has the same meaning as in section 1531.01 of 2424
the Revised Code. 2425

(5) "Unloaded" means, with respect to a firearm employing a 2426
percussion cap, flintlock, or other obsolete ignition system, when 2427
the weapon is uncapped or when the priming charge is removed from 2428
the pan. 2429

Sec. 2937.46. (A) The supreme court of Ohio, in the interest 2430
of uniformity of procedure in the various courts and for the 2431
purpose of promoting prompt and efficient disposition of cases 2432
arising under the traffic laws of this state and related 2433
ordinances, may make uniform rules for practice and procedure in 2434
courts inferior to the court of common pleas not inconsistent with 2435
the provisions of Chapter 2937. of the Revised Code, including, 2436

but not limited to:	2437
(1) Separation of arraignment and trial of traffic and other types of cases;	2438 2439
(2) Consolidation of cases for trial;	2440
(3) Transfer of cases within the same county for the purpose of trial;	2441 2442
(4) Designation of special referees for hearings or for receiving pleas or bail at times when courts are not in session;	2443 2444
(5) Fixing of reasonable bonds, and disposition of cases in which bonds have been forfeited.	2445 2446
(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.	2447 2448 2449 2450 2451 2452 2453 2454
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	2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466

not abiding by the law or otherwise is not complying with the 2467
conditions of the misdemeanor offender's community control 2468
sanction or the conditions of the felony offender's nonresidential 2469
sanction. If a felony offender who is sentenced to a 2470
nonresidential sanction is under the general control and 2471
supervision of the adult parole authority, as described in 2472
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 2473
parole authority field officers with supervisory responsibilities 2474
over the felony offender shall have the same search authority 2475
relative to the felony offender during the period of the sanction 2476
that is described under this division for probation officers. The 2477
court that places the misdemeanor offender under a community 2478
control sanction pursuant to section 2929.25 of the Revised Code 2479
or that sentences the felony offender to a nonresidential sanction 2480
pursuant to section 2929.17 of the Revised Code shall provide the 2481
offender with a written notice that informs the offender that 2482
authorized probation officers or adult parole authority field 2483
officers with supervisory responsibilities over the offender who 2484
are engaged within the scope of their supervisory duties or 2485
responsibilities may conduct those types of searches during the 2486
period of community control sanction or the nonresidential 2487
sanction if they have reasonable grounds to believe that the 2488
offender is not abiding by the law or otherwise is not complying 2489
with the conditions of the offender's community control sanction 2490
or nonresidential sanction. 2491

(B) If an offender is convicted of or pleads guilty to a 2492
misdemeanor, the court may require the offender, as a condition of 2493
the offender's sentence of a community control sanction, to 2494
perform supervised community service work in accordance with this 2495
division. If an offender is convicted of or pleads guilty to a 2496
felony, the court, pursuant to sections 2929.15 and 2929.17 of the 2497
Revised Code, may impose a sanction that requires the offender to 2498
perform supervised community service work in accordance with this 2499

division. The supervised community service work shall be under the
authority of health districts, park districts, counties, municipal
corporations, townships, other political subdivisions of the
state, or agencies of the state or any of its political
subdivisions, or under the authority of charitable organizations
that render services to the community or its citizens, in
accordance with this division. The court may require an offender
who is ordered to perform the work to pay to it 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.

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

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

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

(2) An agency, political subdivision, or charitable
organization must agree to accept the offender for the work before
the court requires the offender to perform the work for the

entity. A court shall not require an offender to perform 2531
supervised community service work for an agency, political 2532
subdivision, or charitable organization at a location that is an 2533
unreasonable distance from the offender's residence or domicile, 2534
unless the offender is provided with transportation to the 2535
location where the work is to be performed. 2536

(3) A court may enter into an agreement with a county 2537
department of job and family services for the management, 2538
placement, and supervision of offenders eligible for community 2539
service work in work activities, developmental activities, and 2540
alternative work activities under sections 5107.40 to 5107.69 of 2541
the Revised Code. If a court and a county department of job and 2542
family services have entered into an agreement of that nature, the 2543
clerk of that court is authorized to pay directly to the county 2544
department all or a portion of the fees collected by the court 2545
pursuant to this division in accordance with the terms of its 2546
agreement. 2547

(4) Community service work that a court requires under this 2548
division shall be supervised by an official of the agency, 2549
political subdivision, or charitable organization for which the 2550
work is performed or by a person designated by the agency, 2551
political subdivision, or charitable organization. The official or 2552
designated person shall be qualified for the supervision by 2553
education, training, or experience, and periodically shall report, 2554
in writing, to the court and to the offender's probation officer 2555
concerning the conduct of the offender in performing the work. 2556

(5) The total of any period of supervised community service 2557
work imposed on an offender under division (B) of this section 2558
plus the period of all other sanctions imposed pursuant to 2559
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 2560
Code for a felony, or pursuant to sections 2929.25, 2929.26, 2561
2929.27, and 2929.28 of the Revised Code for a misdemeanor, shall 2562

not exceed five years.

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(C)(1) If an offender is convicted of a violation of section 2564
4511.19 of the Revised Code, a municipal ordinance relating to 2565
operating a vehicle while under the influence of alcohol, a drug 2566
of abuse, or ~~alcohol~~ and a ~~drug~~ combination of ~~abuse~~ them, or a 2567
municipal ordinance relating to operating a vehicle with a 2568
prohibited concentration of alcohol, a controlled substance, or a 2569
metabolite of a controlled substance in the whole blood, blood 2570
serum or plasma, breath, or urine, the court may require, as a 2571
condition of a community control sanction, any suspension of a 2572
driver's or commercial driver's license or permit or nonresident 2573
operating privilege, and all other penalties provided by law or by 2574
ordinance, that the offender operate only a motor vehicle equipped 2575
with an ignition interlock device that is certified pursuant to 2576
section 4510.43 of the Revised Code. 2577

(2) If a court requires an offender, as a condition of a 2578
community control sanction pursuant to division (C)(1) of this 2579
section, to operate only a motor vehicle equipped with an ignition 2580
interlock device that is certified pursuant to section 4510.43 of 2581
the Revised Code, the offender immediately shall surrender the 2582
offender's driver's or commercial driver's license or permit to 2583
the court. Upon the receipt of the offender's license or permit, 2584
the court shall issue an order authorizing the offender to operate 2585
a motor vehicle equipped with a certified ignition interlock 2586
device, deliver the offender's license or permit to the bureau of 2587
motor vehicles, and include in the abstract of the case forwarded 2588
to the bureau pursuant to section 4510.036 of the Revised Code the 2589
conditions of the community control sanction imposed pursuant to 2590
division (C)(1) of this section. The court shall give the offender 2591
a copy of its order, and that copy shall be used by the offender 2592
in lieu of a driver's or commercial driver's license or permit 2593
until the bureau issues a restricted license to the offender. 2594

(3) Upon receipt of an offender's driver's or commercial driver's license or permit pursuant to division (C)(2) of this section, the bureau of motor vehicles shall issue a restricted license to the offender. The restricted license shall be identical to the surrendered license, except that it shall have printed on its face a statement that the offender is prohibited from operating a motor vehicle that is not equipped with an ignition interlock device that is certified pursuant to section 4510.43 of the Revised Code. The bureau shall deliver the offender's surrendered license or permit to the court upon receipt of a court order requiring it to do so, or reissue the offender's license or permit under section 4510.52 of the Revised Code if the registrar destroyed the offender's license or permit under that section. The offender shall surrender the restricted license to the court upon receipt of the offender's surrendered license or permit.

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

Sec. 3701.143. For purposes of ~~section~~ sections 1547.11, 4511.19, and 4511.194 of the Revised Code, the director of health shall determine, or cause to be determined, techniques or methods for chemically analyzing a person's whole blood, blood serum or plasma, urine, breath, or other bodily substance in order to ascertain the amount of alcohol, ~~a drug~~ drugs of abuse, controlled

~~substances, metabolites of controlled substances, or alcohol and a~~ 2626
~~drug of abuse~~ combination of them in the person's whole blood, 2627
blood serum or plasma, urine, breath, or other bodily substance. 2628
The director shall approve satisfactory techniques or methods, 2629
ascertain the qualifications of individuals to conduct such 2630
analyses, and issue permits to qualified persons authorizing them 2631
to perform such analyses. Such permits shall be subject to 2632
termination or revocation at the discretion of the director. 2633

Sec. 3937.41. (A) As used in this section: 2634

(1) "Ambulance" has the same meaning as in section 4765.01 of 2635
the Revised Code and also includes private ambulance companies 2636
under contract to a municipal corporation, township, or county. 2637

(2) "Emergency vehicle" means any of the following: 2638

(a) Any vehicle, as defined in section 4511.01 of the Revised 2639
Code, that is an emergency vehicle of a municipal, township, or 2640
county department or public utility corporation and that is 2641
identified as such as required by law, the director of public 2642
safety, or local authorities; 2643

(b) Any motor vehicle, as defined in section 4511.01 of the 2644
Revised Code, when commandeered by a police officer; 2645

(c) Any vehicle, as defined in section 4511.01 of the Revised 2646
Code, that is an emergency vehicle of a qualified nonprofit 2647
corporation police department established pursuant to section 2648
1702.80 of the Revised Code and that is identified as an emergency 2649
vehicle; 2650

(d) Any vehicle, as defined in section 4511.01 of the Revised 2651
Code, that is an emergency vehicle of a proprietary police 2652
department or security department of a hospital operated by a 2653
public hospital agency or a nonprofit hospital agency that employs 2654
police officers under section 4973.17 of the Revised Code, and 2655

that is identified as an emergency vehicle. 2656

(3) "Firefighter" means any regular, paid, member of a 2657
lawfully constituted fire department of a municipal corporation or 2658
township. 2659

(4) "Law enforcement officer" means a sheriff, deputy 2660
sheriff, constable, marshal, deputy marshal, municipal or township 2661
police officer, state highway patrol trooper, police officer 2662
employed by a qualified nonprofit police department pursuant to 2663
section 1702.80 of the Revised Code, or police officer employed by 2664
a proprietary police department or security department of a 2665
hospital operated by a public hospital agency or nonprofit 2666
hospital agency pursuant to section 4973.17 of the Revised Code. 2667

(5) "Motor vehicle accident" means any accident involving a 2668
motor vehicle which results in bodily injury to any person, or 2669
damage to the property of any person. 2670

(B) No insurer shall consider the circumstance that an 2671
applicant or policyholder has been involved in a motor vehicle 2672
accident while in the pursuit of the applicant's or policyholder's 2673
official duties as a law enforcement officer, firefighter, or 2674
operator of an emergency vehicle or ambulance, while operating a 2675
vehicle engaged in mowing or snow and ice removal as a county, 2676
township, or department of transportation employee, or while 2677
operating a vehicle while engaged in the pursuit of the 2678
applicant's or policyholder's official duties as a member of the 2679
motor carrier enforcement unit of the state highway patrol under 2680
section 5503.34 of the Revised Code, as a basis for doing either 2681
of the following: 2682

(1) Refusing to issue or deliver a policy of insurance upon a 2683
private automobile, or increasing the rate to be charged for such 2684
a policy; 2685

(2) Increasing the premium rate, canceling, or failing to 2686

renew an existing policy of insurance upon a private automobile. 2687

(C) Any applicant or policyholder affected by an action of an 2688
insurer in violation of this section may appeal to the 2689
superintendent of insurance. After a hearing held upon not less 2690
than ten days' notice to the applicant or policyholder and to the 2691
insurer and if the superintendent determines that the insurer has 2692
violated this section, the superintendent may direct the issuance 2693
of a policy, decrease the premium rate on a policy, or reinstate 2694
insurance coverage. 2695

(D) The employer of the law enforcement officer, firefighter, 2696
or operator of an emergency vehicle or ambulance, operator of a 2697
vehicle engaged in mowing or snow and ice removal, or operator of 2698
a vehicle who is a member of the motor carrier enforcement unit, 2699
except as otherwise provided in division (F) of this section, 2700
shall certify to the state highway patrol or law enforcement 2701
agency that investigates the accident whether the officer, 2702
firefighter, or operator of an emergency vehicle or ambulance, 2703
operator of a vehicle engaged in mowing or snow and ice removal, 2704
or operator of a vehicle who is a member of the motor carrier 2705
enforcement unit, was engaged in the performance of the person's 2706
official duties as such employee at the time of the accident. The 2707
employer shall designate an official authorized to make the 2708
certifications. The state highway patrol or law enforcement agency 2709
shall include the certification in any report of the accident 2710
forwarded to the department of public safety pursuant to sections 2711
5502.11 and 5502.12 of the Revised Code and shall forward the 2712
certification to the department if received after the report of 2713
the accident has been forwarded to the department. The registrar 2714
of motor vehicles shall not include an accident in a certified 2715
abstract of information under division (A) of section 4509.05 of 2716
the Revised Code, if the person involved has been so certified as 2717
having been engaged in the performance of the person's official 2718

duties at the time of the accident. 2719

(E) Division (B) of this section does not apply to an insurer 2720
whose policy covers the motor vehicle at the time the motor 2721
vehicle is involved in an accident described in division (B) of 2722
this section. 2723

(F) Division (B) of this section does not apply if an 2724
applicant or policyholder, on the basis of the applicant's or 2725
policyholder's involvement in an accident described in that 2726
division, is convicted of or pleads guilty or no contest to a 2727
violation of section 4511.19 of the Revised Code; ~~of a municipal~~ 2728
~~ordinance relating to operating a vehicle while under the~~ 2729
~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 2730
~~abuse; or of a municipal OVI ordinance relating to operating a~~ 2731
~~vehicle with a prohibited concentration of alcohol as defined in~~ 2732
~~section 4511.181 of the blood, breath, or urine, or other bodily~~ 2733
~~substance Revised Code.~~ 2734

Sec. 4506.17. (A) Any person who drives a commercial motor 2735
vehicle within this state shall be deemed to have given consent to 2736
a test or tests of the person's whole blood, blood serum or 2737
plasma, breath, or urine for the purpose of determining the 2738
person's alcohol concentration or the presence of any controlled 2739
substance or a metabolite of any controlled substance. 2740

(B) A test or tests as provided in division (A) of this 2741
section may be administered at the direction of a peace officer 2742
having reasonable ground to stop or detain the person and, after 2743
investigating the circumstances surrounding the operation of the 2744
commercial motor vehicle, also having reasonable ground to believe 2745
the person was driving the commercial vehicle while having a 2746
measurable or detectable amount of alcohol or of a controlled 2747
substance or a metabolite of a controlled substance in the 2748
person's whole blood, blood serum or plasma, breath, or urine. Any 2749

such test shall be given within two hours of the time of the 2750
alleged violation. 2751

(C) A person requested to submit to a test under division (A) 2752
of this section shall be advised by the peace officer requesting 2753
the test that a refusal to submit to the test will result in the 2754
person immediately being placed out-of-service for a period of 2755
twenty-four hours and being disqualified from operating a 2756
commercial motor vehicle for a period of not less than one year, 2757
and that the person is required to surrender the person's 2758
commercial driver's license to the peace officer. 2759

(D) If a person refuses to submit to a test after being 2760
warned as provided in division (C) of this section or submits to a 2761
test that discloses the presence of a controlled substance or a 2762
metabolite of a controlled substance or an alcohol concentration 2763
of four-hundredths of one per cent or more, the person immediately 2764
shall surrender the person's commercial driver's license to the 2765
peace officer. The peace officer shall forward the license, 2766
together with a sworn report, to the registrar of motor vehicles 2767
certifying that the test was requested pursuant to division (A) of 2768
this section and that the person either refused to submit to 2769
testing or submitted to a test that disclosed the presence of a 2770
controlled substance or a metabolite of a controlled substance or 2771
an alcohol concentration of four-hundredths of one per cent or 2772
more. The form and contents of the report required by this section 2773
shall be established by the registrar by rule, but shall contain 2774
the advice to be read to the driver and a statement to be signed 2775
by the driver acknowledging that the driver has been read the 2776
advice and that the form was shown to the driver. 2777

(E) Upon receipt of a sworn report from a peace officer as 2778
provided in division (D) of this section, the registrar shall 2779
disqualify the person named in the report from driving a 2780
commercial motor vehicle for the period described below: 2781

(1) Upon a first incident, one year; 2782

(2) Upon an incident of refusal or of a prohibited 2783
concentration of alcohol, a controlled substance, or a metabolite 2784
of a controlled substance after one or more previous incidents of 2785
either refusal or of a prohibited concentration of alcohol, a 2786
controlled substance, or a metabolite of a controlled substance, 2787
the person shall be disqualified for life or such lesser period as 2788
prescribed by rule by the registrar. 2789

(F) A test of a person's whole blood or a person's blood 2790
serum or plasma given under this section shall comply with the 2791
applicable provisions of division (D) of section 4511.19 of the 2792
Revised Code and any physician, registered nurse, or qualified 2793
technician, chemist, or phlebotomist who withdraws whole blood or 2794
blood serum or plasma from a person under this section, and any 2795
hospital, first-aid station, clinic, or other facility at which 2796
whole blood or blood serum or plasma is withdrawn from a person 2797
pursuant to this section, is immune from criminal liability, and 2798
from civil liability that is based upon a claim of assault and 2799
battery or based upon any other claim of malpractice, for any act 2800
performed in withdrawing whole blood or blood serum or plasma from 2801
the person. 2802

(G) When a person submits to a test under this section, the 2803
results of the test, at the person's request, shall be made 2804
available to the person, the person's attorney, or the person's 2805
agent, immediately upon completion of the chemical test analysis. 2806
The person also may have an additional test administered by a 2807
physician, a registered nurse, or a qualified technician, chemist, 2808
or phlebotomist of the person's own choosing as provided in 2809
division (D) of section 4511.19 of the Revised Code for tests 2810
administered under that section, and the failure to obtain such a 2811
test has the same effect as in that division. 2812

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

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

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

(2) Except for civil actions that arise out of the operation of a motor vehicle and civil actions in which the state is a plaintiff, no peace officer of any law enforcement agency within this state is liable in punitive or exemplary damages in any civil action that arises under the Revised Code or common law of this state for any injury, death, or loss to person or property caused in the performance of official duties under this section of the Revised Code and rules adopted under this section, unless the officer's actions were manifestly outside the scope of the officer's employment or official responsibilities, or unless the officer acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(K) When disqualifying a driver, the registrar shall cause 2845
the records of the bureau of motor vehicles to be updated to 2846
reflect the disqualification within ten days after it occurs. 2847

(L) The registrar immediately shall notify a driver who is 2848
subject to disqualification of the disqualification, of the length 2849
of the disqualification, and that the driver may request a hearing 2850
within thirty days of the mailing of the notice to show cause why 2851
the driver should not be disqualified from operating a commercial 2852
motor vehicle. If a request for such a hearing is not made within 2853
thirty days of the mailing of the notice, the order of 2854
disqualification is final. The registrar may designate hearing 2855
examiners who, after affording all parties reasonable notice, 2856
shall conduct a hearing to determine whether the disqualification 2857
order is supported by reliable evidence. The registrar shall adopt 2858
rules to implement this division. 2859

(M) Any person who is disqualified from operating a 2860
commercial motor vehicle under this section may apply to the 2861
registrar for a driver's license to operate a motor vehicle other 2862
than a commercial motor vehicle, provided the person's commercial 2863
driver's license is not otherwise suspended. A person whose 2864
commercial driver's license is suspended shall not apply to the 2865
registrar for or receive a driver's license under Chapter 4507. of 2866
the Revised Code during the period of suspension. 2867

(N) Whoever violates division (H) of this section is guilty 2868
of a misdemeanor of the first degree. 2869

Sec. 4510.01. As used in this title and in Title XXIX of the 2870
Revised Code: 2871

(A) "Cancel" or "cancellation" means the annulment or 2872
termination by the bureau of motor vehicles of a driver's license, 2873
commercial driver's license, temporary instruction permit, 2874

probationary license, or nonresident operating privilege because 2875
it was obtained unlawfully, issued in error, altered, or willfully 2876
destroyed, or because the holder no longer is entitled to the 2877
license, permit, or privilege. 2878

(B) "Drug abuse offense," ~~has~~ "cocaine," and "L.S.D." have 2879
the same ~~meaning~~ meanings as in section 2925.01 of the Revised 2880
Code. 2881

(C) "Ignition interlock device" means a device approved by 2882
the director of public safety that connects a breath analyzer to a 2883
motor vehicle's ignition system, that is constantly available to 2884
monitor the concentration by weight of alcohol in the breath of 2885
any person attempting to start that motor vehicle by using its 2886
ignition system, and that deters starting the motor vehicle by use 2887
of its ignition system unless the person attempting to start the 2888
vehicle provides an appropriate breath sample for the device and 2889
the device determines that the concentration by weight of alcohol 2890
in the person's breath is below a preset level. 2891

(D) "Immobilizing or disabling device" means a device 2892
approved by the director of public safety that may be ordered by a 2893
court to be used by an offender as a condition of limited driving 2894
privileges. "Immobilizing or disabling device" includes an 2895
ignition interlock device, and any prototype device that is used 2896
according to protocols designed to ensure efficient and effective 2897
monitoring of limited driving privileges granted by a court to an 2898
offender. 2899

(E) "Moving violation" means any violation of any statute or 2900
ordinance that regulates the operation of vehicles, streetcars, or 2901
trackless trolleys on the highways or streets. "Moving violation" 2902
does not include a violation of section 4513.263 of the Revised 2903
Code or a substantially equivalent municipal ordinance, a 2904
violation of any statute or ordinance regulating pedestrians or 2905

the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration. 2906
2907

(F) "Municipal OVI ordinance" and "municipal OVI offense" have the same meanings as in section 4511.181 of the Revised Code. 2908
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(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. 2910
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2912

(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. 2913
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(I) "Controlled substance" and "marihuana" have the same meanings as in section 3719.01 of the Revised Code. 2921
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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, 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 2923
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which the person forfeited bail arose out of the same facts and 2936
circumstances and the same act as did the charge that was 2937
dismissed or reduced, the abstract prepared under section 4510.03 2938
of the Revised Code also shall set forth the charge that was 2939
dismissed or reduced, indicate that it was dismissed or reduced, 2940
and indicate that the violation resulting in the conviction or 2941
bail forfeiture arose out of the same facts and circumstances and 2942
the same act as did the charge that was dismissed or reduced. 2943

(B) If a charge against a person of a violation of division 2944
(A) of section 4510.11, division (A) of section 4510.14, or 2945
division (A) of section 4510.16 of the Revised Code or any 2946
municipal ordinance that is substantially equivalent to any of 2947
those divisions is dismissed or reduced and if the person is 2948
convicted of or forfeits bail in relation to a violation of any 2949
other section of the Revised Code or any other ordinance that 2950
regulates the operation of vehicles, streetcars, and trackless 2951
trolleys on highways and streets that arose out of the same facts 2952
and circumstances as did the charge that was dismissed or reduced, 2953
the abstract also shall set forth the charge that was dismissed or 2954
reduced, indicate that it was dismissed or reduced, and indicate 2955
that the violation resulting in the conviction or bail forfeiture 2956
arose out of the same facts and circumstances and the same act as 2957
did the charge that was dismissed or reduced. 2958

(C)(1) If a child has been adjudicated an unruly or 2959
delinquent child or a juvenile traffic offender for having 2960
committed any act that if committed by an adult would be a drug 2961
abuse offense or any violation of division (B) of section 2917.11 2962
or of section 4511.19 of the Revised Code, the court shall notify 2963
the bureau, by means of an abstract of the court record as 2964
described in divisions (B) and (C) of section 4510.03 of the 2965
Revised Code, within ten days after the adjudication. 2966

(2) If a court requires a child to attend a drug abuse or 2967
alcohol abuse education, intervention, or treatment program, the 2968
abstract required by division (C)(1) of this section and forwarded 2969
to the bureau also shall include the name and address of the 2970
operator of the program and the date that the child entered the 2971
program. If the child satisfactorily completes the program, the 2972
court, immediately upon receipt of the information, shall send to 2973
the bureau an updated abstract that also shall contain the date on 2974
which the child satisfactorily completed the program. 2975

Sec. 4510.036. (A) The bureau of motor vehicles shall record 2976
within ten days, after receipt, and shall keep at its main office, 2977
all abstracts received under this section or section 4510.03, 2978
4510.031, 4510.032, or 4510.034 of the Revised Code and shall 2979
maintain records of convictions and bond forfeitures for any 2980
violation of a state law or a municipal ordinance regulating the 2981
operation of vehicles, streetcars, and trackless trolleys on 2982
highways and streets, except a violation related to parking a 2983
motor vehicle. 2984

(B) Every court of record or mayor's court before which a 2985
person is charged with a violation for which points are chargeable 2986
by this section shall assess and transcribe to the abstract of 2987
conviction that is furnished by the bureau to the court the number 2988
of points chargeable by this section in the correct space assigned 2989
on the reporting form. A United States district court that has 2990
jurisdiction within this state and before which a person is 2991
charged with a violation for which points are chargeable by this 2992
section may assess and transcribe to the abstract of conviction 2993
report that is furnished by the bureau the number of points 2994
chargeable by this section in the correct space assigned on the 2995
reporting form. If the federal court so assesses and transcribes 2996
the points chargeable for the offense and furnishes the report to 2997

the bureau, the bureau shall record the points in the same manner	2998
as those assessed and transcribed by a court of record or mayor's	2999
court.	3000
(C) A court shall assess the following points for an offense	3001
based on the following formula:	3002
(1) Aggravated vehicular homicide, vehicular homicide,	3003
vehicular manslaughter, aggravated vehicular assault, or vehicular	3004
assault when the offense involves the operation of a vehicle,	3005
streetcar, or trackless trolley on a highway or street	3006
6 points	3007
(2) A violation of section 2921.331 of the Revised Code or	3008
any ordinance prohibiting the willful fleeing or eluding of a law	3009
enforcement officer 6 points	3010
(3) A violation of section 4549.02 or 4549.021 of the Revised	3011
Code or any ordinance requiring the driver of a vehicle to stop	3012
and disclose identity at the scene of an accident 6	3013
points	3014
(4) A violation of section 4511.251 of the Revised Code or	3015
any ordinance prohibiting street racing 6 points	3016
(5) A violation of section 4510.11, 4510.14, 4510.16, or	3017
4510.21 of the Revised Code or any ordinance prohibiting the	3018
operation of a motor vehicle while the driver's or commercial	3019
driver's license is under suspension 6 points	3020
(6) A violation of division (A) of section 4511.19 of the	3021
Revised Code, any ordinance prohibiting the operation of a vehicle	3022
while under the influence of alcohol, a drug of abuse, or a	3023
combination of them, or any ordinance substantially equivalent to	3024
division (A) of section 4511.19 of the Revised Code prohibiting	3025
the operation of a vehicle with a prohibited concentration of	3026
<u>alcohol, a controlled substance, or a metabolite of a controlled</u>	3027

<u>substance</u> in the whole blood, blood serum or plasma, breath, or	3028
urine 6 points	3029
(7) A violation of section 2913.03 of the Revised Code that	3030
does not involve an aircraft or motorboat or any ordinance	3031
prohibiting the operation of a vehicle without the consent of the	3032
owner 6 points	3033
(8) Any offense under the motor vehicle laws of this state	3034
that is a felony, or any other felony in the commission of which a	3035
motor vehicle was used 6 points	3036
(9) A violation of division (B) of section 4511.19 of the	3037
Revised Code or any ordinance substantially equivalent to that	3038
division prohibiting the operation of a vehicle with a prohibited	3039
concentration of alcohol in the whole blood, blood serum or	3040
plasma, breath, or urine 4 points	3041
(10) A violation of section 4511.20 of the Revised Code or	3042
any ordinance prohibiting the operation of a motor vehicle in	3043
willful or wanton disregard of the safety of persons or property	3044
..... 4 points	3045
(11) A violation of any law or ordinance pertaining to speed:	3046
(a) Notwithstanding divisions (C)(11)(b) and (c) of this	3047
section, when the speed exceeds the lawful speed limit by thirty	3048
miles per hour or more 4 points	3049
(b) When the speed exceeds the lawful speed limit of	3050
fifty-five miles per hour or more by more than ten miles per hour	3051
..... 2 points	3052
(c) When the speed exceeds the lawful speed limit of less	3053
than fifty-five miles per hour by more than five miles per hour	3054
..... 2 points	3055
(d) When the speed does not exceed the amounts set forth in	3056
divisions (C)(11)(a), (b), or (c) of this section 0	3057

points	3058
(12) Operating a motor vehicle in violation of a restriction imposed by the registrar 2 points	3059 3060
(13) All other moving violations reported under this section 2 points	3061 3062
(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.	3063 3064 3065 3066 3067
(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.	3068 3069 3070 3071 3072 3073 3074
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	3075 3076 3077 3078 3079 3080 3081 3082 3083 3084 3085 3086 3087

of this state was convicted of or pleaded guilty to an offense 3088
described in this division, the registrar shall send a notice by 3089
regular first class mail to the person, at the person's last known 3090
address as shown in the records of the bureau of motor vehicles, 3091
informing the person of the suspension, that the suspension will 3092
take effect twenty-one days from the date of the notice, and that, 3093
if the person wishes to appeal the suspension or denial, the 3094
person must file a notice of appeal within twenty-one days of the 3095
date of the notice requesting a hearing on the matter. If the 3096
person requests a hearing, the registrar shall hold the hearing 3097
not more than forty days after receipt by the registrar of the 3098
notice of appeal. The filing of a notice of appeal does not stay 3099
the operation of the suspension that must be imposed pursuant to 3100
this division. The scope of the hearing shall be limited to 3101
whether the person actually was convicted of or pleaded guilty to 3102
the offense for which the suspension is to be imposed. 3103

The suspension the registrar is required to impose under this 3104
division shall end either on the last day of the class D 3105
suspension period or of the suspension of the person's nonresident 3106
operating privilege imposed by the state or federal court, 3107
whichever is earlier. 3108

The registrar shall subscribe to or otherwise participate in 3109
any information system or register, or enter into reciprocal and 3110
mutual agreements with other states and federal authorities, in 3111
order to facilitate the exchange of information with other states 3112
and the United States government regarding persons who plead 3113
guilty to or are convicted of offenses described in this division 3114
and therefore are subject to the suspension or denial described in 3115
this division. 3116

(B) The registrar shall impose a class D suspension of the 3117
person's driver's license, commercial driver's license, temporary 3118
instruction permit, probationary license, or nonresident operating 3119

privilege for the period of time specified in division (B)(4) of 3120
section 4510.02 of the Revised Code on any person who is a 3121
resident of this state and is convicted of or pleads guilty to a 3122
violation of a statute of any other state or a municipal ordinance 3123
of a municipal corporation located in any other state that is 3124
substantially similar to section 4511.19 of the Revised Code. Upon 3125
receipt of a report from another state made pursuant to section 3126
4510.61 of the Revised Code indicating that a resident of this 3127
state was convicted of or pleaded guilty to an offense described 3128
in this division, the registrar shall send a notice by regular 3129
first class mail to the person, at the person's last known address 3130
as shown in the records of the bureau of motor vehicles, informing 3131
the person of the suspension, that the suspension or denial will 3132
take effect twenty-one days from the date of the notice, and that, 3133
if the person wishes to appeal the suspension, the person must 3134
file a notice of appeal within twenty-one days of the date of the 3135
notice requesting a hearing on the matter. If the person requests 3136
a hearing, the registrar shall hold the hearing not more than 3137
forty days after receipt by the registrar of the notice of appeal. 3138
The filing of a notice of appeal does not stay the operation of 3139
the suspension that must be imposed pursuant to this division. The 3140
scope of the hearing shall be limited to whether the person 3141
actually was convicted of or pleaded guilty to the offense for 3142
which the suspension is to be imposed. 3143

The suspension the registrar is required to impose under this 3144
division shall end either on the last day of the class D 3145
suspension period or of the suspension of the person's nonresident 3146
operating privilege imposed by the state or federal court, 3147
whichever is earlier. 3148

(C) The registrar shall impose a class D suspension of the 3149
child's driver's license, commercial driver's license, temporary 3150
instruction permit, or nonresident operating privilege for the 3151

period of time specified in division (B)(4) of section 4510.02 of 3152
the Revised Code on any child who is a resident of this state and 3153
is convicted of or pleads guilty to a violation of a statute of 3154
any other state or any federal statute that is substantially 3155
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 3156
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 3157
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 3158
receipt of a report from a court, court clerk, or other official 3159
of any other state or from any federal authority that a child who 3160
is a resident of this state was convicted of or pleaded guilty to 3161
an offense described in this division, the registrar shall send a 3162
notice by regular first class mail to the child, at the child's 3163
last known address as shown in the records of the bureau of motor 3164
vehicles, informing the child of the suspension, that the 3165
suspension or denial will take effect twenty-one days from the 3166
date of the notice, and that, if the child wishes to appeal the 3167
suspension, the child must file a notice of appeal within 3168
twenty-one days of the date of the notice requesting a hearing on 3169
the matter. If the child requests a hearing, the registrar shall 3170
hold the hearing not more than forty days after receipt by the 3171
registrar of the notice of appeal. The filing of a notice of 3172
appeal does not stay the operation of the suspension that must be 3173
imposed pursuant to this division. The scope of the hearing shall 3174
be limited to whether the child actually was convicted of or 3175
pleaded guilty to the offense for which the suspension is to be 3176
imposed. 3177

The suspension the registrar is required to impose under this 3178
division shall end either on the last day of the class D 3179
suspension period or of the suspension of the child's nonresident 3180
operating privilege imposed by the state or federal court, 3181
whichever is earlier. If the child is a resident of this state who 3182
is sixteen years of age or older and does not have a current, 3183

valid Ohio driver's or commercial driver's license or permit, the 3184
notice shall inform the child that the child will be denied 3185
issuance of a driver's or commercial driver's license or permit 3186
for six months beginning on the date of the notice. If the child 3187
has not attained the age of sixteen years on the date of the 3188
notice, the notice shall inform the child that the period of 3189
denial of six months shall commence on the date the child attains 3190
the age of sixteen years. 3191

The registrar shall subscribe to or otherwise participate in 3192
any information system or register, or enter into reciprocal and 3193
mutual agreements with other states and federal authorities, in 3194
order to facilitate the exchange of information with other states 3195
and the United States government regarding children who are 3196
residents of this state and plead guilty to or are convicted of 3197
offenses described in this division and therefore are subject to 3198
the suspension or denial described in this division. 3199

(D) The registrar shall impose a class D suspension of the 3200
child's driver's license, commercial driver's license, temporary 3201
instruction permit, probationary license, or nonresident operating 3202
privilege for the period of time specified in division (B)(4) of 3203
section 4510.02 of the Revised Code on any child who is a resident 3204
of this state and is convicted of or pleads guilty to a violation 3205
of a statute of any other state or a municipal ordinance of a 3206
municipal corporation located in any other state that is 3207
substantially similar to section 4511.19 of the Revised Code. Upon 3208
receipt of a report from another state made pursuant to section 3209
4510.61 of the Revised Code indicating that a child who is a 3210
resident of this state was convicted of or pleaded guilty to an 3211
offense described in this division, the registrar shall send a 3212
notice by regular first class mail to the child, at the child's 3213
last known address as shown in the records of the bureau of motor 3214
vehicles, informing the child of the suspension, that the 3215

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

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

(E) Any person whose license or permit has been suspended pursuant to this section may file a petition in the municipal or county court, or in case the person is under eighteen years of age, the juvenile court, in whose jurisdiction the person resides, agreeing to pay the cost of the proceedings and alleging that the suspension would seriously affect the person's ability to continue the person's employment. Upon satisfactory proof that there is

reasonable cause to believe that the suspension would seriously 3248
affect the person's ability to continue the person's employment, 3249
the judge may grant the person limited driving privileges during 3250
the period during which the suspension otherwise would be imposed, 3251
except that the judge shall not grant limited driving privileges 3252
for employment as a driver of a commercial motor vehicle to any 3253
person who would be disqualified from operating a commercial motor 3254
vehicle under section 4506.16 of the Revised Code if the violation 3255
had occurred in this state, or during any of the following periods 3256
of time: 3257

(1) The first fifteen days of a suspension under division (B) 3258
or (D) of this section, if the person has not been convicted 3259
within six years of the date of the offense giving rise to the 3260
suspension under this section of a violation of any of the 3261
following: 3262

(a) Section 4511.19 of the Revised Code, or a municipal 3263
ordinance relating to operating a vehicle while under the 3264
influence of alcohol, a drug of abuse, or alcohol and a drug of 3265
abuse; 3266

(b) A municipal ordinance relating to operating a motor 3267
vehicle with a prohibited concentration of alcohol, a controlled 3268
substance, or a metabolite of a controlled substance in the whole 3269
blood, blood serum or plasma, breath, or urine; 3270

(c) Section 2903.04 of the Revised Code in a case in which 3271
the person was subject to the sanctions described in division (D) 3272
of that section; 3273

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 3274
section 2903.08 of the Revised Code or a municipal ordinance that 3275
is substantially similar to either of those divisions; 3276

(e) Division (A)(2), (3), or (4) of section 2903.06, division 3277
(A)(2) of section 2903.08, or as it existed prior to March 23, 3278

2000, section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse.

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

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

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

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

In granting limited driving privileges under division (E) of

this section, the court may impose any condition it considers 3310
reasonable and necessary to limit the use of a vehicle by the 3311
person. The court shall deliver to the person a permit card, in a 3312
form to be prescribed by the court, setting forth the time, place, 3313
and other conditions limiting the person's use of a motor vehicle. 3314
The grant of limited driving privileges shall be conditioned upon 3315
the person's having the permit in the person's possession at all 3316
times during which the person is operating a vehicle. 3317

A person granted limited driving privileges who operates a 3318
vehicle for other than limited purposes, in violation of any 3319
condition imposed by the court or without having the permit in the 3320
person's possession, is guilty of a violation of section 4510.11 3321
of the Revised Code. 3322

(F) As used in divisions (C) and (D) of this section: 3323

(1) "Child" means a person who is under the age of eighteen 3324
years, except that any person who violates a statute or ordinance 3325
described in division (C) or (D) of this section prior to 3326
attaining eighteen years of age shall be deemed a "child" 3327
irrespective of the person's age at the time the complaint or 3328
other equivalent document is filed in the other state or a 3329
hearing, trial, or other proceeding is held in the other state on 3330
the complaint or other equivalent document, and irrespective of 3331
the person's age when the period of license suspension or denial 3332
prescribed in division (C) or (D) of this section is imposed. 3333

(2) "Is convicted of or pleads guilty to" means, as it 3334
relates to a child who is a resident of this state, that in a 3335
proceeding conducted in a state or federal court located in 3336
another state for a violation of a statute or ordinance described 3337
in division (C) or (D) of this section, the result of the 3338
proceeding is any of the following: 3339

(a) Under the laws that govern the proceedings of the court, 3340

the child is adjudicated to be or admits to being a delinquent 3341
child or a juvenile traffic offender for a violation described in 3342
division (C) or (D) of this section that would be a crime if 3343
committed by an adult; 3344

(b) Under the laws that govern the proceedings of the court, 3345
the child is convicted of or pleads guilty to a violation 3346
described in division (C) or (D) of this section; 3347

(c) Under the laws that govern the proceedings of the court, 3348
irrespective of the terminology utilized in those laws, the result 3349
of the court's proceedings is the functional equivalent of 3350
division (F)(2)(a) or (b) of this section. 3351

Sec. 4510.54. (A) A person whose driver's or commercial 3352
driver's license has been suspended for life under a class one 3353
suspension or as otherwise provided by law or has been suspended 3354
for a period in excess of fifteen years under a class two 3355
suspension may file a motion with the sentencing court for 3356
modification or termination of the suspension. The person filing 3357
the motion shall demonstrate all of the following: 3358

(1) At least fifteen years have elapsed since the suspension 3359
began. 3360

(2) For the past fifteen years, the person has not been found 3361
guilty of any felony, any offense involving a moving violation 3362
under federal law, the law of this state, or the law of any of its 3363
political subdivisions, or any violation of a suspension under 3364
this chapter or a substantially equivalent municipal ordinance. 3365

(3) The person has proof of financial responsibility, a 3366
policy of liability insurance in effect that meets the minimum 3367
standard set forth in section 4509.51 of the Revised Code, or 3368
proof, to the satisfaction of the registrar of motor vehicles, 3369
that the person is able to respond in damages in an amount at 3370

least equal to the minimum amounts specified in that section. 3371

(4) If the suspension was imposed because the person was 3372
under the influence of alcohol, a drug of abuse, or combination of 3373
them at the time of the offense or because at the time of the 3374
offense the person's whole blood, blood serum or plasma, breath, 3375
or urine contained at least the concentration of alcohol specified 3376
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 3377
Revised Code or at least the concentration of a listed controlled 3378
substance or a listed metabolite of a controlled substance 3379
specified in division (A)(1)(j) of section 4511.19 of the Revised 3380
Code, the person also shall demonstrate all of the following: 3381

(a) The person successfully completed an alcohol, drug, or 3382
alcohol and drug treatment program. 3383

(b) The person has not abused alcohol or other drugs for a 3384
period satisfactory to the court. 3385

(c) For the past fifteen years, the person has not been found 3386
guilty of any alcohol-related or drug-related offense. 3387

(B) Upon receipt of a motion for modification or termination 3388
of the suspension under this section, the court may schedule a 3389
hearing on the motion. The court may deny the motion without a 3390
hearing but shall not grant the motion without a hearing. If the 3391
court denies a motion without a hearing, the court may consider a 3392
subsequent motion filed under this section by that person. If a 3393
court denies the motion after a hearing, the court shall not 3394
consider a subsequent motion for that person. The court shall hear 3395
only one motion filed by a person under this section. If 3396
scheduled, the hearing shall be conducted in open court within 3397
ninety days after the date on which the motion is filed. 3398

(C) The court shall notify the person whose license was 3399
suspended and the prosecuting attorney of the date, time, and 3400
location of the hearing. Upon receipt of the notice from the 3401

court, the prosecuting attorney shall notify the victim or the
victim's representative of the date, time, and location of the
hearing.

(D) At any hearing under this section, the person who seeks
modification or termination of the suspension has the burden to
demonstrate, under oath, that the person meets the requirements of
division (A) of this section. At the hearing, the court shall
afford the offender or the offender's counsel an opportunity to
present oral or written information relevant to the motion. The
court shall afford a similar opportunity to provide relevant
information to the prosecuting attorney and the victim or victim's
representative.

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

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

two suspension, whichever is applicable. 3434

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 3435
the Revised Code: 3436

(A) "Equivalent offense" means any of the following: 3437

(1) A violation of division (A) or (B) of section 4511.19 of 3438
the Revised Code; 3439

(2) A violation of a municipal OVI ordinance; 3440

(3) A violation of section 2903.04 of the Revised Code in a 3441
case in which the offender was subject to the sanctions described 3442
in division (D) of that section; 3443

(4) A violation of division (A)(1) of section 2903.06 or 3444
2903.08 of the Revised Code or a municipal ordinance that is 3445
substantially equivalent to either of those divisions; 3446

(5) A violation of division (A)(2), (3), or (4) of section 3447
2903.06, division (A)(2) of section 2903.08, or former section 3448
2903.07 of the Revised Code, or a municipal ordinance that is 3449
substantially equivalent to any of those divisions or that former 3450
section, in a case in which a judge or jury as the trier of fact 3451
found that the offender was under the influence of alcohol, a drug 3452
of abuse, or a combination of them; 3453

(6) A violation of an existing or former municipal ordinance, 3454
law of another state, or law of the United States that is 3455
substantially equivalent to division (A) or (B) of section 4511.19 3456
of the Revised Code; 3457

(7) A violation of a former law of this state that was 3458
substantially equivalent to division (A) or (B) of section 4511.19 3459
of the Revised Code. 3460

(B) "Mandatory jail term" means the mandatory term in jail of 3461
three, six, ten, twenty, thirty, or sixty days that must be 3462

imposed under division (G)(1)(a), (b), or (c) of section 4511.19 3463
of the Revised Code upon an offender convicted of a violation of 3464
division (A) of that section and in relation to which all of the 3465
following apply: 3466

(1) Except as specifically authorized under section 4511.19 3467
of the Revised Code, the term must be served in a jail. 3468

(2) Except as specifically authorized under section 4511.19 3469
of the Revised Code, the term cannot be suspended, reduced, or 3470
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 3471
other provision of the Revised Code. 3472

(C) "Municipal OVI ordinance" and "municipal OVI offense" 3473
mean any municipal ordinance prohibiting a person from operating a 3474
vehicle while under the influence of alcohol, a drug of abuse, or 3475
a combination of them or prohibiting a person from operating a 3476
vehicle with a prohibited concentration of alcohol, a controlled 3477
substance, or a metabolite of a controlled substance in the whole 3478
blood, blood serum or plasma, breath, or urine. 3479

(D) "Community residential sanction," "jail," "mandatory 3480
prison term," "mandatory term of local incarceration," "sanction," 3481
and "prison term" have the same meanings as in section 2929.01 of 3482
the Revised Code. 3483

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 3484
streetcar, or trackless trolley within this state, if, at the time 3485
of the operation, any of the following apply: 3486

(a) The person is under the influence of alcohol, a drug of 3487
abuse, or a combination of them. 3488

(b) The person has a concentration of eight-hundredths of one 3489
per cent or more but less than seventeen-hundredths of one per 3490
cent by weight per unit volume of alcohol in the person's whole 3491
blood. 3492

(c) The person has a concentration of ninety-six-thousandths 3493
of one per cent or more but less than two hundred four-thousandths 3494
of one per cent by weight per unit volume of alcohol in the 3495
person's blood serum or plasma. 3496

(d) The person has a concentration of eight-hundredths of one 3497
gram or more but less than seventeen-hundredths of one gram by 3498
weight of alcohol per two hundred ten liters of the person's 3499
breath. 3500

(e) The person has a concentration of eleven-hundredths of 3501
one gram or more but less than two hundred 3502
thirty-eight-thousandths of one gram by weight of alcohol per one 3503
hundred milliliters of the person's urine. 3504

(f) The person has a concentration of seventeen-hundredths of 3505
one per cent or more by weight per unit volume of alcohol in the 3506
person's whole blood. 3507

(g) The person has a concentration of two hundred 3508
four-thousandths of one per cent or more by weight per unit volume 3509
of alcohol in the person's blood serum or plasma. 3510

(h) The person has a concentration of seventeen-hundredths of 3511
one gram or more by weight of alcohol per two hundred ten liters 3512
of the person's breath. 3513

(i) The person has a concentration of two hundred 3514
thirty-eight-thousandths of one gram or more by weight of alcohol 3515
per one hundred milliliters of the person's urine. 3516

(j) Except as provided in division (K) of this section, the 3517
person has a concentration of any of the following controlled 3518
substances or metabolites of a controlled substance in the 3519
person's whole blood, blood serum or plasma, or urine that equals 3520
or exceeds any of the following: 3521

(i) The person has a concentration of amphetamine in the 3522

person's urine of at least five hundred nanograms of amphetamine 3523
per milliliter of the person's urine or has a concentration of 3524
amphetamine in the person's whole blood or blood serum or plasma 3525
of at least one hundred nanograms of amphetamine per milliliter of 3526
the person's whole blood or blood serum or plasma. 3527

(ii) The person has a concentration of cocaine in the 3528
person's urine of at least one hundred fifty nanograms of cocaine 3529
per milliliter of the person's urine or has a concentration of 3530
cocaine in the person's whole blood or blood serum or plasma of at 3531
least fifty nanograms of cocaine per milliliter of the person's 3532
whole blood or blood serum or plasma. 3533

(iii) The person has a concentration of cocaine metabolite in 3534
the person's urine of at least one hundred fifty nanograms of 3535
cocaine metabolite per milliliter of the person's urine or has a 3536
concentration of cocaine metabolite in the person's whole blood or 3537
blood serum or plasma of at least fifty nanograms of cocaine 3538
metabolite per milliliter of the person's whole blood or blood 3539
serum or plasma. 3540

(iv) The person has a concentration of heroin in the person's 3541
urine of at least two thousand nanograms of heroin per milliliter 3542
of the person's urine or has a concentration of heroin in the 3543
person's whole blood or blood serum or plasma of at least fifty 3544
nanograms of heroin per milliliter of the person's whole blood or 3545
blood serum or plasma. 3546

(v) The person has a concentration of heroin metabolite 3547
(morphine) in the person's urine of at least two thousand 3548
nanograms of heroin metabolite (morphine) per milliliter of the 3549
person's urine or has a concentration of heroin metabolite 3550
(morphine) in the person's whole blood or blood serum or plasma of 3551
at least fifty nanograms of heroin metabolite (morphine) per 3552
milliliter of the person's whole blood or blood serum or plasma. 3553

(vi) The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

(vii) The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

(viii) The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

(ix) The person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(x) The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or

blood serum or plasma of at least one hundred nanograms of 3585
methamphetamine per milliliter of the person's whole blood or 3586
blood serum or plasma. 3587

(xi) The person has a concentration of phencyclidine in the 3588
person's urine of at least twenty-five nanograms of phencyclidine 3589
per milliliter of the person's urine or has a concentration of 3590
phencyclidine in the person's whole blood or blood serum or plasma 3591
of at least ten nanograms of phencyclidine per milliliter of the 3592
person's whole blood or blood serum or plasma. 3593

(2) No person who, within twenty years of the conduct 3594
described in division (A)(2)(a) of this section, previously has 3595
been convicted of or pleaded guilty to a violation of this 3596
division, division (A)(1) or (B) of this section, or a municipal 3597
OVI offense shall do both of the following: 3598

(a) Operate any vehicle, streetcar, or trackless trolley 3599
within this state while under the influence of alcohol, a drug of 3600
abuse, or a combination of them; 3601

(b) Subsequent to being arrested for operating the vehicle, 3602
streetcar, or trackless trolley as described in division (A)(2)(a) 3603
of this section, being asked by a law enforcement officer to 3604
submit to a chemical test or tests under section 4511.191 of the 3605
Revised Code, and being advised by the officer in accordance with 3606
section 4511.192 of the Revised Code of the consequences of the 3607
person's refusal or submission to the test or tests, refuse to 3608
submit to the test or tests. 3609

(B) No person under twenty-one years of age shall operate any 3610
vehicle, streetcar, or trackless trolley within this state, if, at 3611
the time of the operation, any of the following apply: 3612

(1) The person has a concentration of at least two-hundredths 3613
of one per cent but less than eight-hundredths of one per cent by 3614
weight per unit volume of alcohol in the person's whole blood. 3615

(2) The person has a concentration of at least 3616
three-hundredths of one per cent but less than 3617
ninety-six-thousandths of one per cent by weight per unit volume 3618
of alcohol in the person's blood serum or plasma. 3619

(3) The person has a concentration of at least two-hundredths 3620
of one gram but less than eight-hundredths of one gram by weight 3621
of alcohol per two hundred ten liters of the person's breath. 3622

(4) The person has a concentration of at least twenty-eight 3623
one-thousandths of one gram but less than eleven-hundredths of one 3624
gram by weight of alcohol per one hundred milliliters of the 3625
person's urine. 3626

(C) In any proceeding arising out of one incident, a person 3627
may be charged with a violation of division (A)(1)(a) or (A)(2) 3628
and a violation of division (B)(1), (2), or (3) of this section, 3629
but the person may not be convicted of more than one violation of 3630
these divisions. 3631

(D)(1) In any criminal prosecution or juvenile court 3632
proceeding for a violation of division (A) or (B) of this section 3633
or for an equivalent offense, the court may admit evidence on the 3634
concentration of alcohol, drugs of abuse, controlled substances, 3635
metabolites of a controlled substance, or a combination of them in 3636
the defendant's whole blood, blood serum or plasma, breath, urine, 3637
or other bodily substance at the time of the alleged violation as 3638
shown by chemical analysis of the substance withdrawn within ~~two~~ 3639
three hours of the time of the alleged violation. The three-hour 3640
time limit specified in this division regarding the admission of 3641
evidence does not extend or affect the two-hour time limit 3642
specified in division (A) of section 4511.192 of the Revised Code 3643
as the maximum period of time during which a person may consent to 3644
a chemical test or tests as described in that section. 3645

When a person submits to a blood test at the request of a law 3646

enforcement officer under section 4511.191 of the Revised Code, 3647
only a physician, a registered nurse, or a qualified technician, 3648
chemist, or phlebotomist shall withdraw blood for the purpose of 3649
determining the alcohol, drug, controlled substance, metabolite of 3650
a controlled substance, or alcohol and drug combination content of 3651
the whole blood, blood serum, or blood plasma. This limitation 3652
does not apply to the taking of breath or urine specimens. A 3653
person authorized to withdraw blood under this division may refuse 3654
to withdraw blood under this division, if in that person's 3655
opinion, the physical welfare of the person would be endangered by 3656
the withdrawing of blood. 3657

The bodily substance withdrawn shall be analyzed in 3658
accordance with methods approved by the director of health by an 3659
individual possessing a valid permit issued by the director 3660
pursuant to section 3701.143 of the Revised Code. 3661

(2) In a criminal prosecution or juvenile court proceeding 3662
for a violation of division (A) of this section or for an 3663
equivalent offense, if there was at the time the bodily substance 3664
was withdrawn a concentration of less than the applicable 3665
concentration of alcohol specified in divisions (A)(1)(b), (c), 3666
(d), and (e) of this section or less than the applicable 3667
concentration of a listed controlled substance or a listed 3668
metabolite of a controlled substance specified for a violation of 3669
division (A)(1)(j) of this section, that fact may be considered 3670
with other competent evidence in determining the guilt or 3671
innocence of the defendant. This division does not limit or affect 3672
a criminal prosecution or juvenile court proceeding for a 3673
violation of division (B) of this section or for an equivalent 3674
offense that is substantially equivalent to that division. 3675

(3) Upon the request of the person who was tested, the 3676
results of the chemical test shall be made available to the person 3677
or the person's attorney, immediately upon the completion of the 3678

chemical test analysis.

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

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

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(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the blood, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national

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highway traffic safety administration, all of the following apply: 3711

(i) The officer may testify concerning the results of the 3712
field sobriety test so administered. 3713

(ii) The prosecution may introduce the results of the field 3714
sobriety test so administered as evidence in any proceedings in 3715
the criminal prosecution or juvenile court proceeding. 3716

(iii) If testimony is presented or evidence is introduced 3717
under division (D)(4)(b)(i) or (ii) of this section and if the 3718
testimony or evidence is admissible under the Rules of Evidence, 3719
the court shall admit the testimony or evidence and the trier of 3720
fact shall give it whatever weight the trier of fact considers to 3721
be appropriate. 3722

(c) Division (D)(4)(b) of this section does not limit or 3723
preclude a court, in its determination of whether the arrest of a 3724
person was supported by probable cause or its determination of any 3725
other matter in a criminal prosecution or juvenile court 3726
proceeding of a type described in that division, from considering 3727
evidence or testimony that is not otherwise disallowed by division 3728
(D)(4)(b) of this section. 3729

(E)(1) Subject to division (E)(3) of this section, in any 3730
criminal prosecution or juvenile court proceeding for a violation 3731
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), ~~or~~ (i), or 3732
(j) or (B)(1), (2), (3), or (4) of this section or for an 3733
equivalent offense that is substantially equivalent to any of 3734
those divisions, a laboratory report from any forensic laboratory 3735
certified by the department of health that contains an analysis of 3736
the whole blood, blood serum or plasma, breath, urine, or other 3737
bodily substance tested and that contains all of the information 3738
specified in this division shall be admitted as prima-facie 3739
evidence of the information and statements that the report 3740
contains. The laboratory report shall contain all of the 3741

following: 3742

(a) The signature, under oath, of any person who performed 3743
the analysis; 3744

(b) Any findings as to the identity and quantity of alcohol, 3745
a drug of abuse, a controlled substance, a metabolite of a 3746
controlled substance, or a combination of them that was found; 3747

(c) A copy of a notarized statement by the laboratory 3748
director or a designee of the director that contains the name of 3749
each certified analyst or test performer involved with the report, 3750
the analyst's or test performer's employment relationship with the 3751
laboratory that issued the report, and a notation that performing 3752
an analysis of the type involved is part of the analyst's or test 3753
performer's regular duties; 3754

(d) An outline of the analyst's or test performer's 3755
education, training, and experience in performing the type of 3756
analysis involved and a certification that the laboratory 3757
satisfies appropriate quality control standards in general and, in 3758
this particular analysis, under rules of the department of health. 3759

(2) Notwithstanding any other provision of law regarding the 3760
admission of evidence, a report of the type described in division 3761
(E)(1) of this section is not admissible against the defendant to 3762
whom it pertains in any proceeding, other than a preliminary 3763
hearing or a grand jury proceeding, unless the prosecutor has 3764
served a copy of the report on the defendant's attorney or, if the 3765
defendant has no attorney, on the defendant. 3766

(3) A report of the type described in division (E)(1) of this 3767
section shall not be prima-facie evidence of the contents, 3768
identity, or amount of any substance if, within seven days after 3769
the defendant to whom the report pertains or the defendant's 3770
attorney receives a copy of the report, the defendant or the 3771
defendant's attorney demands the testimony of the person who 3772

signed the report. The judge in the case may extend the seven-day
time limit in the interest of justice. 3773
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(F) Except as otherwise provided in this division, any 3775
physician, registered nurse, or qualified technician, chemist, or 3776
phlebotomist who withdraws blood from a person pursuant to this 3777
section, and any hospital, first-aid station, or clinic at which 3778
blood is withdrawn from a person pursuant to this section, is 3779
immune from criminal liability and civil liability based upon a 3780
claim of assault and battery or any other claim that is not a 3781
claim of malpractice, for any act performed in withdrawing blood 3782
from the person. The immunity provided in this division is not 3783
available to a person who withdraws blood if the person engages in 3784
willful or wanton misconduct. 3785

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 3786
to (i) or (A)(2) of this section is guilty of operating a vehicle 3787
under the influence of alcohol, a drug of abuse, or a combination 3788
of them. Whoever violates division (A)(1)(j) of this section is 3789
guilty of operating a vehicle while under the influence of a 3790
listed controlled substance or a listed metabolite of a controlled 3791
substance. The court shall sentence the offender for either 3792
offense under Chapter 2929. of the Revised Code, except as 3793
otherwise authorized or required by divisions (G)(1)(a) to (e) of 3794
this section: 3795

(a) Except as otherwise provided in division (G)(1)(b), (c), 3796
(d), or (e) of this section, the offender is guilty of a 3797
misdemeanor of the first degree, and the court shall sentence the 3798
offender to all of the following: 3799

(i) If the sentence is being imposed for a violation of 3800
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 3801
a mandatory jail term of three consecutive days. As used in this 3802
division, three consecutive days means seventy-two consecutive 3803

hours. The court may sentence an offender to both an intervention 3804
program and a jail term. The court may impose a jail term in 3805
addition to the three-day mandatory jail term or intervention 3806
program. However, in no case shall the cumulative jail term 3807
imposed for the offense exceed six months. 3808

The court may suspend the execution of the three-day jail 3809
term under this division if the court, in lieu of that suspended 3810
term, places the offender under a community control sanction 3811
pursuant to section 2929.25 of the Revised Code and requires the 3812
offender to attend, for three consecutive days, a drivers' 3813
intervention program certified under section 3793.10 of the 3814
Revised Code. The court also may suspend the execution of any part 3815
of the three-day jail term under this division if it places the 3816
offender under a community control sanction pursuant to section 3817
2929.25 of the Revised Code for part of the three days, requires 3818
the offender to attend for the suspended part of the term a 3819
drivers' intervention program so certified, and sentences the 3820
offender to a jail term equal to the remainder of the three 3821
consecutive days that the offender does not spend attending the 3822
program. The court may require the offender, as a condition of 3823
community control and in addition to the required attendance at a 3824
drivers' intervention program, to attend and satisfactorily 3825
complete any treatment or education programs that comply with the 3826
minimum standards adopted pursuant to Chapter 3793. of the Revised 3827
Code by the director of alcohol and drug addiction services that 3828
the operators of the drivers' intervention program determine that 3829
the offender should attend and to report periodically to the court 3830
on the offender's progress in the programs. The court also may 3831
impose on the offender any other conditions of community control 3832
that it considers necessary. 3833

(ii) If the sentence is being imposed for a violation of 3834
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3835

section, except as otherwise provided in this division, a 3836
mandatory jail term of at least three consecutive days and a 3837
requirement that the offender attend, for three consecutive days, 3838
a drivers' intervention program that is certified pursuant to 3839
section 3793.10 of the Revised Code. As used in this division, 3840
three consecutive days means seventy-two consecutive hours. If the 3841
court determines that the offender is not conducive to treatment 3842
in a drivers' intervention program, if the offender refuses to 3843
attend a drivers' intervention program, or if the jail at which 3844
the offender is to serve the jail term imposed can provide a 3845
driver's intervention program, the court shall sentence the 3846
offender to a mandatory jail term of at least six consecutive 3847
days. 3848

The court may require the offender, under a community control 3849
sanction imposed under section 2929.25 of the Revised Code, to 3850
attend and satisfactorily complete any treatment or education 3851
programs that comply with the minimum standards adopted pursuant 3852
to Chapter 3793. of the Revised Code by the director of alcohol 3853
and drug addiction services, in addition to the required 3854
attendance at drivers' intervention program, that the operators of 3855
the drivers' intervention program determine that the offender 3856
should attend and to report periodically to the court on the 3857
offender's progress in the programs. The court also may impose any 3858
other conditions of community control on the offender that it 3859
considers necessary. 3860

(iii) In all cases, a fine of not less than two hundred fifty 3861
and not more than one thousand dollars; 3862

(iv) In all cases, a class five license suspension of the 3863
offender's driver's or commercial driver's license or permit or 3864
nonresident operating privilege from the range specified in 3865
division (A)(5) of section 4510.02 of the Revised Code. The court 3866
may grant limited driving privileges relative to the suspension 3867

under sections 4510.021 and 4510.13 of the Revised Code. 3868

(b) Except as otherwise provided in division (G)(1)(e) of 3869
this section, an offender who, within six years of the offense, 3870
previously has been convicted of or pleaded guilty to one 3871
violation of division (A) or (B) of this section or one other 3872
equivalent offense is guilty of a misdemeanor of the first degree. 3873
The court shall sentence the offender to all of the following: 3874

(i) If the sentence is being imposed for a violation of 3875
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 3876
a mandatory jail term of ten consecutive days. The court shall 3877
impose the ten-day mandatory jail term under this division unless, 3878
subject to division (G)(3) of this section, it instead imposes a 3879
sentence under that division consisting of both a jail term and a 3880
term of house arrest with electronic monitoring, with continuous 3881
alcohol monitoring, or with both electronic monitoring and 3882
continuous alcohol monitoring. The court may impose a jail term in 3883
addition to the ten-day mandatory jail term. The cumulative jail 3884
term imposed for the offense shall not exceed six months. 3885

In addition to the jail term or the term of house arrest with 3886
electronic monitoring or continuous alcohol monitoring or both 3887
types of monitoring and jail term, the court may require the 3888
offender to attend a drivers' intervention program that is 3889
certified pursuant to section 3793.10 of the Revised Code. If the 3890
operator of the program determines that the offender is alcohol 3891
dependent, the program shall notify the court, and, subject to 3892
division (I) of this section, the court shall order the offender 3893
to obtain treatment through an alcohol and drug addiction program 3894
authorized by section 3793.02 of the Revised Code. 3895

(ii) If the sentence is being imposed for a violation of 3896
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3897
section, except as otherwise provided in this division, a 3898

mandatory jail term of twenty consecutive days. The court shall
impose the twenty-day mandatory jail term under this division
unless, subject to division (G)(3) of this section, it instead
imposes a sentence under that division consisting of both a jail
term and a term of house arrest with electronic monitoring, with
continuous alcohol monitoring, or with both electronic monitoring
and continuous alcohol monitoring. The court may impose a jail
term in addition to the twenty-day mandatory jail term. The
cumulative jail term imposed for the offense shall not exceed six
months.

In addition to the jail term or the term of house arrest with
electronic monitoring or continuous alcohol monitoring or both
types of monitoring and jail term, the court may require the
offender to attend a driver's intervention program that is
certified pursuant to section 3793.10 of the Revised Code. If the
operator of the program determines that the offender is alcohol
dependent, the program shall notify the court, and, subject to
division (I) of this section, the court shall order the offender
to obtain treatment through an alcohol and drug addiction program
authorized by section 3793.02 of the Revised Code.

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

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

(v) In all cases, if the vehicle is registered in the

offender's name, immobilization of the vehicle involved in the 3930
offense for ninety days in accordance with section 4503.233 of the 3931
Revised Code and impoundment of the license plates of that vehicle 3932
for ninety days. 3933

(c) Except as otherwise provided in division (G)(1)(e) of 3934
this section, an offender who, within six years of the offense, 3935
previously has been convicted of or pleaded guilty to two 3936
violations of division (A) or (B) of this section or other 3937
equivalent offenses is guilty of a misdemeanor. The court shall 3938
sentence the offender to all of the following: 3939

(i) If the sentence is being imposed for a violation of 3940
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 3941
a mandatory jail term of thirty consecutive days. The court shall 3942
impose the thirty-day mandatory jail term under this division 3943
unless, subject to division (G)(3) of this section, it instead 3944
imposes a sentence under that division consisting of both a jail 3945
term and a term of house arrest with electronic monitoring, with 3946
continuous alcohol monitoring, or with both electronic monitoring 3947
and continuous alcohol monitoring. The court may impose a jail 3948
term in addition to the thirty-day mandatory jail term. 3949
Notwithstanding the jail terms set forth in sections 2929.21 to 3950
2929.28 of the Revised Code, the additional jail term shall not 3951
exceed one year, and the cumulative jail term imposed for the 3952
offense shall not exceed one year. 3953

(ii) If the sentence is being imposed for a violation of 3954
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3955
section, a mandatory jail term of sixty consecutive days. The 3956
court shall impose the sixty-day mandatory jail term under this 3957
division unless, subject to division (G)(3) of this section, it 3958
instead imposes a sentence under that division consisting of both 3959
a jail term and a term of house arrest with electronic monitoring, 3960
with continuous alcohol monitoring, or with both electronic 3961

monitoring and continuous alcohol monitoring. The court may impose 3962
a jail term in addition to the sixty-day mandatory jail term. 3963
Notwithstanding the jail terms set forth in sections 2929.21 to 3964
2929.28 of the Revised Code, the additional jail term shall not 3965
exceed one year, and the cumulative jail term imposed for the 3966
offense shall not exceed one year. 3967

(iii) In all cases, notwithstanding the fines set forth in 3968
Chapter 2929. of the Revised Code, a fine of not less than five 3969
hundred fifty and not more than two thousand five hundred dollars; 3970

(iv) In all cases, a class three license suspension of the 3971
offender's driver's license, commercial driver's license, 3972
temporary instruction permit, probationary license, or nonresident 3973
operating privilege from the range specified in division (A)(3) of 3974
section 4510.02 of the Revised Code. The court may grant limited 3975
driving privileges relative to the suspension under sections 3976
4510.021 and 4510.13 of the Revised Code. 3977

(v) In all cases, if the vehicle is registered in the 3978
offender's name, criminal forfeiture of the vehicle involved in 3979
the offense in accordance with section 4503.234 of the Revised 3980
Code. Division (G)(6) of this section applies regarding any 3981
vehicle that is subject to an order of criminal forfeiture under 3982
this division. 3983

(vi) In all cases, participation in an alcohol and drug 3984
addiction program authorized by section 3793.02 of the Revised 3985
Code, subject to division (I) of this section. 3986

(d) Except as otherwise provided in division (G)(1)(e) of 3987
this section, an offender who, within six years of the offense, 3988
previously has been convicted of or pleaded guilty to three or 3989
four violations of division (A) or (B) of this section or other 3990
equivalent offenses or an offender who, within twenty years of the 3991
offense, previously has been convicted of or pleaded guilty to 3992

five or more violations of that nature is guilty of a felony of
the fourth degree. The court shall sentence the offender to all of
the following:

(i) If the sentence is being imposed for a violation of
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section,
a mandatory prison term of one, two, three, four, or five years as
required by and in accordance with division (G)(2) of section
2929.13 of the Revised Code if the offender also is convicted of
or also pleads guilty to a specification of the type described in
section 2941.1413 of the Revised Code or, in the discretion of the
court, either a mandatory term of local incarceration of sixty
consecutive days in accordance with division (G)(1) of section
2929.13 of the Revised Code or a mandatory prison term of sixty
consecutive days in accordance with division (G)(2) of that
section if the offender is not convicted of and does not plead
guilty to a specification of that type. If the court imposes a
mandatory term of local incarceration, it may impose a jail term
in addition to the sixty-day mandatory term, the cumulative total
of the mandatory term and the jail term for the offense shall not
exceed one year, and, except as provided in division (A)(1) of
section 2929.13 of the Revised Code, no prison term is authorized
for the offense. If the court imposes a mandatory prison term,
notwithstanding division (A)(4) of section 2929.14 of the Revised
Code, it also may sentence the offender to a definite prison term
that shall be not less than six months and not more than thirty
months and the prison terms shall be imposed as described in
division (G)(2) of section 2929.13 of the Revised Code. If the
court imposes a mandatory prison term or mandatory prison term and
additional prison term, in addition to the term or terms so
imposed, the court also may sentence the offender to a community
control sanction for the offense, but the offender shall serve all
of the prison terms so imposed prior to serving the community

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control sanction. 4025

(ii) If the sentence is being imposed for a violation of 4026
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4027
section, a mandatory prison term of one, two, three, four, or five 4028
years as required by and in accordance with division (G)(2) of 4029
section 2929.13 of the Revised Code if the offender also is 4030
convicted of or also pleads guilty to a specification of the type 4031
described in section 2941.1413 of the Revised Code or, in the 4032
discretion of the court, either a mandatory term of local 4033
incarceration of one hundred twenty consecutive days in accordance 4034
with division (G)(1) of section 2929.13 of the Revised Code or a 4035
mandatory prison term of one hundred twenty consecutive days in 4036
accordance with division (G)(2) of that section if the offender is 4037
not convicted of and does not plead guilty to a specification of 4038
that type. If the court imposes a mandatory term of local 4039
incarceration, it may impose a jail term in addition to the one 4040
hundred twenty-day mandatory term, the cumulative total of the 4041
mandatory term and the jail term for the offense shall not exceed 4042
one year, and, except as provided in division (A)(1) of section 4043
2929.13 of the Revised Code, no prison term is authorized for the 4044
offense. If the court imposes a mandatory prison term, 4045
notwithstanding division (A)(4) of section 2929.14 of the Revised 4046
Code, it also may sentence the offender to a definite prison term 4047
that shall be not less than six months and not more than thirty 4048
months and the prison terms shall be imposed as described in 4049
division (G)(2) of section 2929.13 of the Revised Code. If the 4050
court imposes a mandatory prison term or mandatory prison term and 4051
additional prison term, in addition to the term or terms so 4052
imposed, the court also may sentence the offender to a community 4053
control sanction for the offense, but the offender shall serve all 4054
of the prison terms so imposed prior to serving the community 4055
control sanction. 4056

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

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

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

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

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

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

(i) If the offender is being sentenced for a violation of 4088
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 4089
a mandatory prison term of one, two, three, four, or five years as 4090
required by and in accordance with division (G)(2) of section 4091
2929.13 of the Revised Code if the offender also is convicted of 4092
or also pleads guilty to a specification of the type described in 4093
section 2941.1413 of the Revised Code or a mandatory prison term 4094
of sixty consecutive days in accordance with division (G)(2) of 4095
section 2929.13 of the Revised Code if the offender is not 4096
convicted of and does not plead guilty to a specification of that 4097
type. The court may impose a prison term in addition to the 4098
mandatory prison term. The cumulative total of a sixty-day 4099
mandatory prison term and the additional prison term for the 4100
offense shall not exceed five years. In addition to the mandatory 4101
prison term or mandatory prison term and additional prison term 4102
the court imposes, the court also may sentence the offender to a 4103
community control sanction for the offense, but the offender shall 4104
serve all of the prison terms so imposed prior to serving the 4105
community control sanction. 4106

(ii) If the sentence is being imposed for a violation of 4107
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4108
section, a mandatory prison term of one, two, three, four, or five 4109
years as required by and in accordance with division (G)(2) of 4110
section 2929.13 of the Revised Code if the offender also is 4111
convicted of or also pleads guilty to a specification of the type 4112
described in section 2941.1413 of the Revised Code or a mandatory 4113
prison term of one hundred twenty consecutive days in accordance 4114
with division (G)(2) of section 2929.13 of the Revised Code if the 4115
offender is not convicted of and does not plead guilty to a 4116
specification of that type. The court may impose a prison term in 4117
addition to the mandatory prison term. The cumulative total of a 4118
one hundred twenty-day mandatory prison term and the additional 4119

prison term for the offense shall not exceed five years. In 4120
addition to the mandatory prison term or mandatory prison term and 4121
additional prison term the court imposes, the court also may 4122
sentence the offender to a community control sanction for the 4123
offense, but the offender shall serve all of the prison terms so 4124
imposed prior to serving the community control sanction. 4125

(iii) In all cases, notwithstanding section 2929.18 of the 4126
Revised Code, a fine of not less than eight hundred nor more than 4127
ten thousand dollars; 4128

(iv) In all cases, a class two license suspension of the 4129
offender's driver's license, commercial driver's license, 4130
temporary instruction permit, probationary license, or nonresident 4131
operating privilege from the range specified in division (A)(2) of 4132
section 4510.02 of the Revised Code. The court may grant limited 4133
driving privileges relative to the suspension under sections 4134
4510.021 and 4510.13 of the Revised Code. 4135

(v) In all cases, if the vehicle is registered in the 4136
offender's name, criminal forfeiture of the vehicle involved in 4137
the offense in accordance with section 4503.234 of the Revised 4138
Code. Division (G)(6) of this section applies regarding any 4139
vehicle that is subject to an order of criminal forfeiture under 4140
this division. 4141

(vi) In all cases, participation in an alcohol and drug 4142
addiction program authorized by section 3793.02 of the Revised 4143
Code, subject to division (I) of this section. 4144

(2) An offender who is convicted of or pleads guilty to a 4145
violation of division (A) of this section and who subsequently 4146
seeks reinstatement of the driver's or occupational driver's 4147
license or permit or nonresident operating privilege suspended 4148
under this section as a result of the conviction or guilty plea 4149
shall pay a reinstatement fee as provided in division (F)(2) of 4150

section 4511.191 of the Revised Code. 4151

(3) If an offender is sentenced to a jail term under division 4152
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 4153
if, within sixty days of sentencing of the offender, the court 4154
issues a written finding on the record that, due to the 4155
unavailability of space at the jail where the offender is required 4156
to serve the term, the offender will not be able to begin serving 4157
that term within the sixty-day period following the date of 4158
sentencing, the court may impose an alternative sentence under 4159
this division that includes a term of house arrest with electronic 4160
monitoring, with continuous alcohol monitoring, or with both 4161
electronic monitoring and continuous alcohol monitoring. 4162

As an alternative to a mandatory jail term of ten consecutive 4163
days required by division (G)(1)(b)(i) of this section, the court, 4164
under this division, may sentence the offender to five consecutive 4165
days in jail and not less than eighteen consecutive days of house 4166
arrest with electronic monitoring, with continuous alcohol 4167
monitoring, or with both electronic monitoring and continuous 4168
alcohol monitoring. The cumulative total of the five consecutive 4169
days in jail and the period of house arrest with electronic 4170
monitoring, continuous alcohol monitoring, or both types of 4171
monitoring shall not exceed six months. The five consecutive days 4172
in jail do not have to be served prior to or consecutively to the 4173
period of house arrest. 4174

As an alternative to the mandatory jail term of twenty 4175
consecutive days required by division (G)(1)(b)(ii) of this 4176
section, the court, under this division, may sentence the offender 4177
to ten consecutive days in jail and not less than thirty-six 4178
consecutive days of house arrest with electronic monitoring, with 4179
continuous alcohol monitoring, or with both electronic monitoring 4180
and continuous alcohol monitoring. The cumulative total of the ten 4181
consecutive days in jail and the period of house arrest with 4182

electronic monitoring, continuous alcohol monitoring, or both 4183
types of monitoring shall not exceed six months. The ten 4184
consecutive days in jail do not have to be served prior to or 4185
consecutively to the period of house arrest. 4186

As an alternative to a mandatory jail term of thirty 4187
consecutive days required by division (G)(1)(c)(i) of this 4188
section, the court, under this division, may sentence the offender 4189
to fifteen consecutive days in jail and not less than fifty-five 4190
consecutive days of house arrest with electronic monitoring, with 4191
continuous alcohol monitoring, or with both electronic monitoring 4192
and continuous alcohol monitoring. The cumulative total of the 4193
fifteen consecutive days in jail and the period of house arrest 4194
with electronic monitoring, continuous alcohol monitoring, or both 4195
types of monitoring shall not exceed one year. The fifteen 4196
consecutive days in jail do not have to be served prior to or 4197
consecutively to the period of house arrest. 4198

As an alternative to the mandatory jail term of sixty 4199
consecutive days required by division (G)(1)(c)(ii) of this 4200
section, the court, under this division, may sentence the offender 4201
to thirty consecutive days in jail and not less than one hundred 4202
ten consecutive days of house arrest with electronic monitoring, 4203
with continuous ~~electronic~~ alcohol monitoring, or with both 4204
electronic monitoring and continuous alcohol monitoring. The 4205
cumulative total of the thirty consecutive days in jail and the 4206
period of house arrest with electronic monitoring, continuous 4207
alcohol monitoring, or both types of monitoring shall not exceed 4208
one year. The thirty consecutive days in jail do not have to be 4209
served prior to or consecutively to the period of house arrest. 4210

(4) If an offender's driver's or occupational driver's 4211
license or permit or nonresident operating privilege is suspended 4212
under division (G) of this section and if section 4510.13 of the 4213
Revised Code permits the court to grant limited driving 4214

privileges, the court may grant the limited driving privileges in 4215
accordance with that section. If division (A)(7) of that section 4216
requires that the court impose as a condition of the privileges 4217
that the offender must display on the vehicle that is driven 4218
subject to the privileges restricted license plates that are 4219
issued under section 4503.231 of the Revised Code, except as 4220
provided in division (B) of that section, the court shall impose 4221
that condition as one of the conditions of the limited driving 4222
privileges granted to the offender, except as provided in division 4223
(B) of section 4503.231 of the Revised Code. 4224

(5) Fines imposed under this section for a violation of 4225
division (A) of this section shall be distributed as follows: 4226

(a) Twenty-five dollars of the fine imposed under division 4227
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 4228
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 4229
fine imposed under division (G)(1)(c)(iii), and two hundred ten 4230
dollars of the fine imposed under division (G)(1)(d)(iii) or 4231
(e)(iii) of this section shall be paid to an enforcement and 4232
education fund established by the legislative authority of the law 4233
enforcement agency in this state that primarily was responsible 4234
for the arrest of the offender, as determined by the court that 4235
imposes the fine. The agency shall use this share to pay only 4236
those costs it incurs in enforcing this section or a municipal OVI 4237
ordinance and in informing the public of the laws governing the 4238
operation of a vehicle while under the influence of alcohol, the 4239
dangers of the operation of a vehicle under the influence of 4240
alcohol, and other information relating to the operation of a 4241
vehicle under the influence of alcohol and the consumption of 4242
alcoholic beverages. 4243

(b) Fifty dollars of the fine imposed under division 4244
(G)(1)(a)(iii) of this section shall be paid to the political 4245
subdivision that pays the cost of housing the offender during the 4246

offender's term of incarceration. If the offender is being 4247
sentenced for a violation of division (A)(1)(a), (b), (c), (d), ~~or~~ 4248
(e), or (j) of this section and was confined as a result of the 4249
offense prior to being sentenced for the offense but is not 4250
sentenced to a term of incarceration, the fifty dollars shall be 4251
paid to the political subdivision that paid the cost of housing 4252
the offender during that period of confinement. The political 4253
subdivision shall use the share under this division to pay or 4254
reimburse incarceration or treatment costs it incurs in housing or 4255
providing drug and alcohol treatment to persons who violate this 4256
section or a municipal OVI ordinance, costs of any immobilizing or 4257
disabling device used on the offender's vehicle, and costs of 4258
electronic house arrest equipment needed for persons who violate 4259
this section. 4260

(c) Twenty-five dollars of the fine imposed under division 4261
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 4262
division (G)(1)(b)(iii) of this section shall be deposited into 4263
the county or municipal indigent drivers' alcohol treatment fund 4264
under the control of that court, as created by the county or 4265
municipal corporation under division (N) of section 4511.191 of 4266
the Revised Code. 4267

(d) One hundred fifteen dollars of the fine imposed under 4268
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 4269
fine imposed under division (G)(1)(c)(iii), and four hundred forty 4270
dollars of the fine imposed under division (G)(1)(d)(iii) or 4271
(e)(iii) of this section shall be paid to the political 4272
subdivision that pays the cost of housing the offender during the 4273
offender's term of incarceration. The political subdivision shall 4274
use this share to pay or reimburse incarceration or treatment 4275
costs it incurs in housing or providing drug and alcohol treatment 4276
to persons who violate this section or a municipal OVI ordinance, 4277
costs for any immobilizing or disabling device used on the 4278

offender's vehicle, and costs of electronic house arrest equipment 4279
needed for persons who violate this section. 4280

(e) The balance of the fine imposed under division 4281
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 4282
section shall be disbursed as otherwise provided by law. 4283

(6) If title to a motor vehicle that is subject to an order 4284
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 4285
this section is assigned or transferred and division (B)(2) or (3) 4286
of section 4503.234 of the Revised Code applies, in addition to or 4287
independent of any other penalty established by law, the court may 4288
fine the offender the value of the vehicle as determined by 4289
publications of the national auto dealers association. The 4290
proceeds of any fine so imposed shall be distributed in accordance 4291
with division (C)(2) of that section. 4292

(7) As used in division (G) of this section, "electronic 4293
monitoring," "mandatory prison term," and "mandatory term of local 4294
incarceration" have the same meanings as in section 2929.01 of the 4295
Revised Code. 4296

(H) Whoever violates division (B) of this section is guilty 4297
of operating a vehicle after underage alcohol consumption and 4298
shall be punished as follows: 4299

(1) Except as otherwise provided in division (H)(2) of this 4300
section, the offender is guilty of a misdemeanor of the fourth 4301
degree. In addition to any other sanction imposed for the offense, 4302
the court shall impose a class six suspension of the offender's 4303
driver's license, commercial driver's license, temporary 4304
instruction permit, probationary license, or nonresident operating 4305
privilege from the range specified in division (A)(6) of section 4306
4510.02 of the Revised Code. 4307

(2) If, within one year of the offense, the offender 4308
previously has been convicted of or pleaded guilty to one or more 4309

violations of division (A) or (B) of this section or other 4310
equivalent ~~offense~~ offenses, the offender is guilty of a 4311
misdemeanor of the third degree. In addition to any other sanction 4312
imposed for the offense, the court shall impose a class four 4313
suspension of the offender's driver's license, commercial driver's 4314
license, temporary instruction permit, probationary license, or 4315
nonresident operating privilege from the range specified in 4316
division (A)(4) of section 4510.02 of the Revised Code. 4317

(3) If the offender also is convicted of or also pleads 4318
guilty to a specification of the type described in section 4319
2941.1416 of the Revised Code and if the court imposes a jail term 4320
for the violation of division (B) of this section, the court shall 4321
impose upon the offender an additional definite jail term pursuant 4322
to division (E) of section 2929.24 of the Revised Code. 4323

(I)(1) No court shall sentence an offender to an alcohol 4324
treatment program under this section unless the treatment program 4325
complies with the minimum standards for alcohol treatment programs 4326
adopted under Chapter 3793. of the Revised Code by the director of 4327
alcohol and drug addiction services. 4328

(2) An offender who stays in a drivers' intervention program 4329
or in an alcohol treatment program under an order issued under 4330
this section shall pay the cost of the stay in the program. 4331
However, if the court determines that an offender who stays in an 4332
alcohol treatment program under an order issued under this section 4333
is unable to pay the cost of the stay in the program, the court 4334
may order that the cost be paid from the court's indigent drivers' 4335
alcohol treatment fund. 4336

(J) If a person whose driver's or commercial driver's license 4337
or permit or nonresident operating privilege is suspended under 4338
this section files an appeal regarding any aspect of the person's 4339
trial or sentence, the appeal itself does not stay the operation 4340

of the suspension.

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(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

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(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

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(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

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

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

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

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Sec. 4511.191. (A)(1) "Physical control" has the same meaning

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as in section 4511.194 of the Revised Code. 4371

(2) Any person who operates a vehicle, streetcar, or 4372
trackless trolley upon a highway or any public or private property 4373
used by the public for vehicular travel or parking within this 4374
state or who is in physical control of a vehicle, streetcar, or 4375
trackless trolley shall be deemed to have given consent to a 4376
chemical test or tests of the person's whole blood, blood serum or 4377
plasma, breath, or urine to determine the alcohol, drug of abuse, 4378
controlled substance, metabolite of a controlled substance, or 4379
~~alcohol and drug~~ combination content of the person's whole blood, 4380
blood serum or plasma, breath, or urine if arrested for a 4381
violation of division (A) or (B) of section 4511.19 of the Revised 4382
Code, section 4511.194 of the Revised Code or a substantially 4383
equivalent municipal ordinance, or a municipal OVI ordinance. 4384

(3) The chemical test or tests under division (A)(2) of this 4385
section shall be administered at the request of a law enforcement 4386
officer having reasonable grounds to believe the person was 4387
operating or in physical control of a vehicle, streetcar, or 4388
trackless trolley in violation of a division, section, or 4389
ordinance identified in division (A)(2) of this section. The law 4390
enforcement agency by which the officer is employed shall 4391
designate which of the tests shall be administered. 4392

(4) Any person who is dead or unconscious, or who otherwise 4393
is in a condition rendering the person incapable of refusal, shall 4394
be deemed to have consented as provided in division (A)(2) of this 4395
section, and the test or tests may be administered, subject to 4396
sections 313.12 to 313.16 of the Revised Code. 4397

(B)(1) Upon receipt of the sworn report of a law enforcement 4398
officer who arrested a person for a violation of division (A) or 4399
(B) of section 4511.19 of the Revised Code, section 4511.194 of 4400
the Revised Code or a substantially equivalent municipal 4401

ordinance, or a municipal OVI ordinance that was completed and
sent to the registrar and a court pursuant to section 4511.192 of
the Revised Code in regard to a person who refused to take the
designated chemical test, the registrar shall enter into the
registrar's records the fact that the person's driver's or
commercial driver's license or permit or nonresident operating
privilege was suspended by the arresting officer under this
division and that section and the period of the suspension, as
determined under this section. The suspension shall be subject to
appeal as provided in section 4511.197 of the Revised Code. The
suspension shall be for whichever of the following periods
applies:

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

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

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

(d) If the arrested person, within six years of the date on
which the person refused the request to consent to the chemical

test, had refused three or more previous requests to consent to a
chemical test, the suspension shall be for five years.

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

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

(C)(1) Upon receipt of the sworn report of the law
enforcement officer who arrested a person for a violation of
division (A) or (B) of section 4511.19 of the Revised Code or a
municipal OVI ordinance that was completed and sent to the
registrar and a court pursuant to section 4511.192 of the Revised
Code in regard to a person whose test results indicate that the
person's whole blood, blood serum or plasma, breath, or urine
contained at least the concentration of alcohol specified in
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the
Revised Code or at least the concentration of a listed controlled
substance or a listed metabolite of a controlled substance
specified in division (A)(1)(j) of section 4511.19 of the Revised

Code, the registrar shall enter into the registrar's records the 4465
fact that the person's driver's or commercial driver's license or 4466
permit or nonresident operating privilege was suspended by the 4467
arresting officer under this division and section 4511.192 of the 4468
Revised Code and the period of the suspension, as determined under 4469
divisions (F)(1) to (4) of this section. The suspension shall be 4470
subject to appeal as provided in section 4511.197 of the Revised 4471
Code. The suspension described in this division does not apply to, 4472
and shall not be imposed upon, a person arrested for a violation 4473
of section 4511.194 of the Revised Code or a substantially 4474
equivalent municipal ordinance who submits to a designated 4475
chemical test. The suspension shall be for whichever of the 4476
following periods applies: 4477

(a) Except when division (C)(1)(b), (c), or (d) of this 4478
section applies and specifies a different period, the suspension 4479
shall be a class E suspension imposed for the period of time 4480
specified in division (B)(5) of section 4510.02 of the Revised 4481
Code. 4482

(b) The suspension shall be a class C suspension for the 4483
period of time specified in division (B)(3) of section 4510.02 of 4484
the Revised Code if the person has been convicted of or pleaded 4485
guilty to, within six years of the date the test was conducted, 4486
one violation of division (A) or (B) of section 4511.19 of the 4487
Revised Code or one other equivalent offense. 4488

(c) If, within six years of the date the test was conducted, 4489
the person has been convicted of or pleaded guilty to two 4490
violations of a statute or ordinance described in division 4491
(C)(1)(b) of this section, the suspension shall be a class B 4492
suspension imposed for the period of time specified in division 4493
(B)(2) of section 4510.02 of the Revised Code. 4494

(d) If, within six years of the date the test was conducted, 4495
the person has been convicted of or pleaded guilty to more than 4496

two violations of a statute or ordinance described in division 4497
(C)(1)(b) of this section, the suspension shall be a class A 4498
suspension imposed for the period of time specified in division 4499
(B)(1) of section 4510.02 of the Revised Code. 4500

(2) The registrar shall terminate a suspension of the 4501
driver's or commercial driver's license or permit of a resident or 4502
of the operating privilege of a nonresident, or a denial of a 4503
driver's or commercial driver's license or permit, imposed 4504
pursuant to division (C)(1) of this section upon receipt of notice 4505
that the person has entered a plea of guilty to, or that the 4506
person has been convicted after entering a plea of no contest to, 4507
operating a vehicle in violation of section 4511.19 of the Revised 4508
Code or in violation of a municipal OVI ordinance, if the offense 4509
for which the conviction is had or the plea is entered arose from 4510
the same incident that led to the suspension or denial. 4511

The registrar shall credit against any judicial suspension of 4512
a person's driver's or commercial driver's license or permit or 4513
nonresident operating privilege imposed pursuant to section 4514
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4515
Revised Code for a violation of a municipal OVI ordinance, any 4516
time during which the person serves a related suspension imposed 4517
pursuant to division (C)(1) of this section. 4518

(D)(1) A suspension of a person's driver's or commercial 4519
driver's license or permit or nonresident operating privilege 4520
under this section for the time described in division (B) or (C) 4521
of this section is effective immediately from the time at which 4522
the arresting officer serves the notice of suspension upon the 4523
arrested person. Any subsequent finding that the person is not 4524
guilty of the charge that resulted in the person being requested 4525
to take the chemical test or tests under division (A) of this 4526
section does not affect the suspension. 4527

(2) If a person is arrested for operating a vehicle, 4528
streetcar, or trackless trolley in violation of division (A) or 4529
(B) of section 4511.19 of the Revised Code or a municipal OVI 4530
ordinance, or for being in physical control of a vehicle, 4531
streetcar, or trackless trolley in violation of section 4511.194 4532
of the Revised Code or a substantially equivalent municipal 4533
ordinance, regardless of whether the person's driver's or 4534
commercial driver's license or permit or nonresident operating 4535
privilege is or is not suspended under division (B) or (C) of this 4536
section or Chapter 4510. of the Revised Code, the person's initial 4537
appearance on the charge resulting from the arrest shall be held 4538
within five days of the person's arrest or the issuance of the 4539
citation to the person, subject to any continuance granted by the 4540
court pursuant to section 4511.197 of the Revised Code regarding 4541
the issues specified in that division. 4542

(E) When it finally has been determined under the procedures 4543
of this section and sections 4511.192 through 4511.197 of the 4544
Revised Code that a nonresident's privilege to operate a vehicle 4545
within this state has been suspended, the registrar shall give 4546
information in writing of the action taken to the motor vehicle 4547
administrator of the state of the person's residence and of any 4548
state in which the person has a license. 4549

(F) At the end of a suspension period under this section, 4550
under section 4511.194, section 4511.196, or division (G) of 4551
section 4511.19 of the Revised Code, or under section 4510.07 of 4552
the Revised Code for a violation of a municipal OVI ordinance and 4553
upon the request of the person whose driver's or commercial 4554
driver's license or permit was suspended and who is not otherwise 4555
subject to suspension, cancellation, or disqualification, the 4556
registrar shall return the driver's or commercial driver's license 4557
or permit to the person upon the occurrence of all of the 4558
conditions specified in divisions (F)(1) and (2) of this section: 4559

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that 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 4591
indigent drivers alcohol treatment funds that are required to be 4592
established by counties and municipal corporations pursuant to 4593
this section, and shall be used only to pay the cost of an alcohol 4594
and drug addiction treatment program attended by an offender or 4595
juvenile traffic offender who is ordered to attend an alcohol and 4596
drug addiction treatment program by a county, juvenile, or 4597
municipal court judge and who is determined by the county, 4598
juvenile, or municipal court judge not to have the means to pay 4599
for the person's attendance at the program or to pay the costs 4600
specified in division (H)(4) of this section in accordance with 4601
that division. Moneys in the fund that are not distributed to a 4602
county indigent drivers alcohol treatment fund, a county juvenile 4603
indigent drivers alcohol treatment fund, or a municipal indigent 4604
drivers alcohol treatment fund under division (H) of this section 4605
because the director of alcohol and drug addiction services does 4606
not have the information necessary to identify the county or 4607
municipal corporation where the offender or juvenile offender was 4608
arrested may be transferred by the director of budget and 4609
management to the statewide treatment and prevention fund created 4610
by section 4301.30 of the Revised Code, upon certification of the 4611
amount by the director of alcohol and drug addiction services. 4612

(d) Seventy-five dollars shall be credited to the Ohio 4613
rehabilitation services commission established by section 3304.12 4614
of the Revised Code, to the services for rehabilitation fund, 4615
which is hereby established. The fund shall be used to match 4616
available federal matching funds where appropriate, and for any 4617
other purpose or program of the commission to rehabilitate people 4618
with disabilities to help them become employed and independent. 4619

(e) Seventy-five dollars shall be deposited into the state 4620
treasury and credited to the drug abuse resistance education 4621
programs fund, which is hereby established, to be used by the 4622

attorney general for the purposes specified in division ~~(L)~~(F)(4) 4623
of this section. 4624

(f) Thirty dollars shall be credited to the state bureau of 4625
motor vehicles fund created by section 4501.25 of the Revised 4626
Code. 4627

(g) Twenty dollars shall be credited to the trauma and 4628
emergency medical services grants fund created by section 4513.263 4629
of the Revised Code. 4630

(3) If a person's driver's or commercial driver's license or 4631
permit is suspended under this section, under section 4511.196 or 4632
division (G) of section 4511.19 of the Revised Code, under section 4633
4510.07 of the Revised Code for a violation of a municipal OVI 4634
ordinance or under any combination of the suspensions described in 4635
division (F)(3) of this section, and if the suspensions arise from 4636
a single incident or a single set of facts and circumstances, the 4637
person is liable for payment of, and shall be required to pay to 4638
the bureau, only one reinstatement fee of four hundred twenty-five 4639
dollars. The reinstatement fee shall be distributed by the bureau 4640
in accordance with division (F)(2) of this section. 4641

(4) The attorney general shall use amounts in the drug abuse 4642
resistance education programs fund to award grants to law 4643
enforcement agencies to establish and implement drug abuse 4644
resistance education programs in public schools. Grants awarded to 4645
a law enforcement agency under this section shall be used by the 4646
agency to pay for not more than fifty per cent of the amount of 4647
the salaries of law enforcement officers who conduct drug abuse 4648
resistance education programs in public schools. The attorney 4649
general shall not use more than six per cent of the amounts the 4650
attorney general's office receives under division (F)(2)(e) of 4651
this section to pay the costs it incurs in administering the grant 4652
program established by division (F)(2)(e) of this section and in 4653

providing training and materials relating to drug abuse resistance 4654
education programs. 4655

The attorney general shall report to the governor and the 4656
general assembly each fiscal year on the progress made in 4657
establishing and implementing drug abuse resistance education 4658
programs. These reports shall include an evaluation of the 4659
effectiveness of these programs. 4660

(G) Suspension of a commercial driver's license under 4661
division (B) or (C) of this section shall be concurrent with any 4662
period of disqualification under section 3123.611 or 4506.16 of 4663
the Revised Code or any period of suspension under section 3123.58 4664
of the Revised Code. No person who is disqualified for life from 4665
holding a commercial driver's license under section 4506.16 of the 4666
Revised Code shall be issued a driver's license under Chapter 4667
4507. of the Revised Code during the period for which the 4668
commercial driver's license was suspended under division (B) or 4669
(C) of this section. No person whose commercial driver's license 4670
is suspended under division (B) or (C) of this section shall be 4671
issued a driver's license under Chapter 4507. of the Revised Code 4672
during the period of the suspension. 4673

(H)(1) Each county shall establish an indigent drivers 4674
alcohol treatment fund, each county shall establish a juvenile 4675
indigent drivers alcohol treatment fund, and each municipal 4676
corporation in which there is a municipal court shall establish an 4677
indigent drivers alcohol treatment fund. All revenue that the 4678
general assembly appropriates to the indigent drivers alcohol 4679
treatment fund for transfer to a county indigent drivers alcohol 4680
treatment fund, a county juvenile indigent drivers alcohol 4681
treatment fund, or a municipal indigent drivers alcohol treatment 4682
fund, all portions of fees that are paid under division ~~(L)~~(F) of 4683
this section and that are credited under that division to the 4684
indigent drivers alcohol treatment fund in the state treasury for 4685

a county indigent drivers alcohol treatment fund, a county 4686
juvenile indigent drivers alcohol treatment fund, or a municipal 4687
indigent drivers alcohol treatment fund, and all portions of fines 4688
that are specified for deposit into a county or municipal indigent 4689
drivers alcohol treatment fund by section 4511.193 of the Revised 4690
Code shall be deposited into that county indigent drivers alcohol 4691
treatment fund, county juvenile indigent drivers alcohol treatment 4692
fund, or municipal indigent drivers alcohol treatment fund in 4693
accordance with division (H)(2) of this section. Additionally, all 4694
portions of fines that are paid for a violation of section 4511.19 4695
of the Revised Code or of any prohibition contained in Chapter 4696
4510. of the Revised Code, and that are required under section 4697
4511.19 or any provision of Chapter 4510. of the Revised Code to 4698
be deposited into a county indigent drivers alcohol treatment fund 4699
or municipal indigent drivers alcohol treatment fund shall be 4700
deposited into the appropriate fund in accordance with the 4701
applicable division. 4702

(2) That portion of the license reinstatement fee that is 4703
paid under division (F) of this section and that is credited under 4704
that division to the indigent drivers alcohol treatment fund shall 4705
be deposited into a county indigent drivers alcohol treatment 4706
fund, a county juvenile indigent drivers alcohol treatment fund, 4707
or a municipal indigent drivers alcohol treatment fund as follows: 4708

(a) If the suspension in question was imposed under this 4709
section, that portion of the fee shall be deposited as follows: 4710

(i) If the fee is paid by a person who was charged in a 4711
county court with the violation that resulted in the suspension, 4712
the portion shall be deposited into the county indigent drivers 4713
alcohol treatment fund under the control of that court; 4714

(ii) If the fee is paid by a person who was charged in a 4715
juvenile court with the violation that resulted in the suspension, 4716
the portion shall be deposited into the county juvenile indigent 4717

drivers alcohol treatment fund established in the county served by 4718
the court; 4719

(iii) If the fee is paid by a person who was charged in a 4720
municipal court with the violation that resulted in the 4721
suspension, the portion shall be deposited into the municipal 4722
indigent drivers alcohol treatment fund under the control of that 4723
court. 4724

(b) If the suspension in question was imposed under section 4725
4511.19 of the Revised Code or under section 4510.07 of the 4726
Revised Code for a violation of a municipal OVI ordinance, that 4727
portion of the fee shall be deposited as follows: 4728

(i) If the fee is paid by a person whose license or permit 4729
was suspended by a county court, the portion shall be deposited 4730
into the county indigent drivers alcohol treatment fund under the 4731
control of that court; 4732

(ii) If the fee is paid by a person whose license or permit 4733
was suspended by a municipal court, the portion shall be deposited 4734
into the municipal indigent drivers alcohol treatment fund under 4735
the control of that court. 4736

(3) Expenditures from a county indigent drivers alcohol 4737
treatment fund, a county juvenile indigent drivers alcohol 4738
treatment fund, or a municipal indigent drivers alcohol treatment 4739
fund shall be made only upon the order of a county, juvenile, or 4740
municipal court judge and only for payment of the cost of the 4741
attendance at an alcohol and drug addiction treatment program of a 4742
person who is convicted of, or found to be a juvenile traffic 4743
offender by reason of, a violation of division (A) of section 4744
4511.19 of the Revised Code or a substantially similar municipal 4745
ordinance, who is ordered by the court to attend the alcohol and 4746
drug addiction treatment program, and who is determined by the 4747
court to be unable to pay the cost of attendance at the treatment 4748

program or for payment of the costs specified in division (H)(4) 4749
of this section in accordance with that division. The alcohol and 4750
drug addiction services board or the board of alcohol, drug 4751
addiction, and mental health services established pursuant to 4752
section 340.02 or 340.021 of the Revised Code and serving the 4753
alcohol, drug addiction, and mental health service district in 4754
which the court is located shall administer the indigent drivers 4755
alcohol treatment program of the court. When a court orders an 4756
offender or juvenile traffic offender to attend an alcohol and 4757
drug addiction treatment program, the board shall determine which 4758
program is suitable to meet the needs of the offender or juvenile 4759
traffic offender, and when a suitable program is located and space 4760
is available at the program, the offender or juvenile traffic 4761
offender shall attend the program designated by the board. A 4762
reasonable amount not to exceed five per cent of the amounts 4763
credited to and deposited into the county indigent drivers alcohol 4764
treatment fund, the county juvenile indigent drivers alcohol 4765
treatment fund, or the municipal indigent drivers alcohol 4766
treatment fund serving every court whose program is administered 4767
by that board shall be paid to the board to cover the costs it 4768
incurs in administering those indigent drivers alcohol treatment 4769
programs. 4770

(4) If a county, juvenile, or municipal court determines, in 4771
consultation with the alcohol and drug addiction services board or 4772
the board of alcohol, drug addiction, and mental health services 4773
established pursuant to section 340.02 or 340.021 of the Revised 4774
Code and serving the alcohol, drug addiction, and mental health 4775
district in which the court is located, that the funds in the 4776
county indigent drivers alcohol treatment fund, the county 4777
juvenile indigent drivers alcohol treatment fund, or the municipal 4778
indigent drivers alcohol treatment fund under the control of the 4779
court are more than sufficient to satisfy the purpose for which 4780

the fund was established, as specified in divisions (H)(1) to (3) 4781
of this section, the court may declare a surplus in the fund. If 4782
the court declares a surplus in the fund, the court may expend the 4783
amount of the surplus in the fund for alcohol and drug abuse 4784
assessment and treatment of persons who are charged in the court 4785
with committing a criminal offense or with being a delinquent 4786
child or juvenile traffic offender and in relation to whom both of 4787
the following apply: 4788

(a) The court determines that substance abuse was a 4789
contributing factor leading to the criminal or delinquent activity 4790
or the juvenile traffic offense with which the person is charged. 4791

(b) The court determines that the person is unable to pay the 4792
cost of the alcohol and drug abuse assessment and treatment for 4793
which the surplus money will be used. 4794

Sec. 4511.192. (A) The arresting law enforcement officer 4795
shall give advice in accordance with this section to any person 4796
under arrest for a violation of division (A) or (B) of section 4797
4511.19 of the Revised Code, section 4511.194 of the Revised Code 4798
or a substantially equivalent municipal ordinance, or a municipal 4799
OVI ordinance. The officer shall give that advice in a written 4800
form that contains the information described in division (B) of 4801
this section and shall read the advice to the person. The form 4802
shall contain a statement that the form was shown to the person 4803
under arrest and read to the person by the arresting officer. One 4804
or more persons shall witness the arresting officer's reading of 4805
the form, and the witnesses shall certify to this fact by signing 4806
the form. The person must submit to the chemical test or tests, 4807
subsequent to the request of the arresting officer, within two 4808
hours of the time of the alleged violation and, if the person does 4809
not submit to the test or tests within that two-hour time limit, 4810
the failure to submit automatically constitutes a refusal to 4811

submit to the test or tests. 4812

(B) If a person is under arrest as described in division (A) 4813
of this section, before the person may be requested to submit to a 4814
chemical test or tests to determine the alcohol ~~and~~, drug of 4815
abuse, controlled substance, metabolite of a controlled substance, 4816
or combination content of the person's whole blood, blood serum or 4817
plasma, breath, or urine, the arresting officer shall read the 4818
following form to the person: 4819

"You now are under arrest for (specifically state the offense 4820
under state law or a substantially equivalent municipal ordinance 4821
for which the person was arrested - operating a vehicle under the 4822
influence of alcohol, a drug, or a combination of them; operating 4823
a vehicle while under the influence of a listed controlled 4824
substance or a listed metabolite of a controlled substance; 4825
operating a vehicle after underage alcohol consumption; or having 4826
physical control of a vehicle while under the influence). 4827

If you refuse to take any chemical test required by law, your 4828
Ohio driving privileges will be suspended immediately, and you 4829
will have to pay a fee to have the privileges reinstated. If you 4830
have a prior ~~OVI or OVUAC~~ conviction of OVI, OVUAC, or operating a 4831
vehicle while under the influence of a listed controlled substance 4832
or a listed metabolite of a controlled substance under state or 4833
municipal law within the preceding twenty years, you now are under 4834
arrest for state OVI, and, if you refuse to take a chemical test, 4835
you will face increased penalties if you subsequently are 4836
convicted of the state OVI. 4837

(Read this part unless the person is under arrest for solely 4838
having physical control of a vehicle while under the influence.) 4839
If you take any chemical test required by law and are found to be 4840
at or over the prohibited amount of alcohol, a controlled 4841
substance, or a metabolite of a controlled substance in your whole 4842

blood, blood serum or plasma, breath, or urine as set by law, your 4843
Ohio driving privileges will be suspended immediately, and you 4844
will have to pay a fee to have the privileges reinstated. 4845

If you take a chemical test, you may have an independent 4846
chemical test taken at your own expense." 4847

(C) If the arresting law enforcement officer does not ask a 4848
person under arrest as described in division (A) of this section 4849
to submit to a chemical test or tests under section 4511.191 of 4850
the Revised Code, the arresting officer shall seize the Ohio or 4851
out-of-state driver's or commercial driver's license or permit of 4852
the person and immediately forward it to the court in which the 4853
arrested person is to appear on the charge. If the arrested person 4854
is not in possession of the person's license or permit or it is 4855
not in the person's vehicle, the officer shall order the person to 4856
surrender it to the law enforcement agency that employs the 4857
officer within twenty-four hours after the arrest, and, upon the 4858
surrender, the agency immediately shall forward the license or 4859
permit to the court in which the person is to appear on the 4860
charge. Upon receipt of the license or permit, the court shall 4861
retain it pending the arrested person's initial appearance and any 4862
action taken under section 4511.196 of the Revised Code. 4863

(D)(1) If a law enforcement officer asks a person under 4864
arrest as described in division (A) of this section to submit to a 4865
chemical test or tests under section 4511.191 of the Revised Code, 4866
if the officer advises the person in accordance with this section 4867
of the consequences of the person's refusal or submission, and if 4868
either the person refuses to submit to the test or tests or, 4869
unless the arrest was for a violation of section 4511.194 of the 4870
Revised Code or a substantially equivalent municipal ordinance, 4871
the person submits to the test or tests and the test results 4872
indicate a prohibited concentration of alcohol, a controlled 4873
substance, or a metabolite of a controlled substance in the 4874

person's whole blood, blood serum or plasma, breath, or urine at 4875
the time of the alleged offense, the arresting officer shall do 4876
all of the following: 4877

(a) On behalf of the registrar of motor vehicles, notify the 4878
person that, independent of any penalties or sanctions imposed 4879
upon the person, the person's Ohio driver's or commercial driver's 4880
license or permit or nonresident operating privilege is suspended 4881
immediately, that the suspension will last at least until the 4882
person's initial appearance on the charge, which will be held 4883
within five days after the date of the person's arrest or the 4884
issuance of a citation to the person, and that the person may 4885
appeal the suspension at the initial appearance or during the 4886
period of time ending thirty days after that initial appearance; 4887

(b) Seize the driver's or commercial driver's license or 4888
permit of the person and immediately forward it to the registrar. 4889
If the arrested person is not in possession of the person's 4890
license or permit or it is not in the person's vehicle, the 4891
officer shall order the person to surrender it to the law 4892
enforcement agency that employs the officer within twenty-four 4893
hours after the person is given notice of the suspension, and, 4894
upon the surrender, the officer's employing agency immediately 4895
shall forward the license or permit to the registrar. 4896

(c) Verify the person's current residence and, if it differs 4897
from that on the person's driver's or commercial driver's license 4898
or permit, notify the registrar of the change; 4899

(d) Send to the registrar, within forty-eight hours after the 4900
arrest of the person, a sworn report that includes all of the 4901
following statements: 4902

(i) That the officer had reasonable grounds to believe that, 4903
at the time of the arrest, the arrested person was operating a 4904
vehicle, streetcar, or trackless trolley in violation of division 4905

(A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance or for being in physical control of a stationary vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance;

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

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

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

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

(E) The arresting officer shall give the officer's sworn 4937
report that is completed under this section to the arrested person 4938
at the time of the arrest, or the registrar of motor vehicles 4939
shall send the report to the person by regular first class mail as 4940
soon as possible after receipt of the report, but not later than 4941
fourteen days after receipt of it. An arresting officer may give 4942
an unsworn report to the arrested person at the time of the arrest 4943
provided the report is complete when given to the arrested person 4944
and subsequently is sworn to by the arresting officer. As soon as 4945
possible, but not later than forty-eight hours after the arrest of 4946
the person, the arresting officer shall send a copy of the sworn 4947
report to the court in which the arrested person is to appear on 4948
the charge for which the person was arrested. 4949

(F) The sworn report of an arresting officer completed under 4950
this section is prima-facie proof of the information and 4951
statements that it contains. It shall be admitted and considered 4952
as prima-facie proof of the information and statements that it 4953
contains in any appeal under section 4511.197 of the Revised Code 4954
relative to any suspension of a person's driver's or commercial 4955
driver's license or permit or nonresident operating privilege that 4956
results from the arrest covered by the report. 4957

Sec. 4511.194. (A) As used in this section: 4958

(1) "National highway traffic safety administration" has the 4959
same meaning as in section 4511.19 of the Revised Code. 4960

(2) "Physical control" means being in the driver's position 4961
of the front seat of a vehicle or in the driver's position of a 4962
streetcar or trackless trolley and having possession of the 4963
vehicle's, streetcar's, or trackless trolley's ignition key or 4964
other ignition device. 4965

(B) No person shall be in physical control of a vehicle, 4966

streetcar, or trackless trolley ~~while~~ if, at the time of the 4967
physical control, any of the following apply: 4968

(1) The person is under the influence of alcohol, a drug of 4969
abuse, or a combination of them ~~or while the.~~ 4970

(2) The person's whole blood, blood serum or plasma, breath, 4971
or urine contains at least the concentration of alcohol specified 4972
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 4973
Revised Code. 4974

(3) Except as provided in division (E) of this section, the 4975
person has a concentration of a listed controlled substance or a 4976
listed metabolite of a controlled substance in the person's whole 4977
blood, blood serum or plasma, or urine that equals or exceeds the 4978
concentration specified in division (A)(1)(j) of section 4511.19 4979
of the Revised Code. 4980

(C)(1) In any criminal prosecution or juvenile court 4981
proceeding for a violation of this section or a substantially 4982
equivalent municipal ordinance, if a law enforcement officer has 4983
administered a field sobriety test to the person in physical 4984
control of the vehicle involved in the violation and if it is 4985
shown by clear and convincing evidence that the officer 4986
administered the test in substantial compliance with the testing 4987
standards for any reliable, credible, and generally accepted field 4988
sobriety tests that were in effect at the time the tests were 4989
administered, including, but not limited to, any testing standards 4990
then in effect that were set by the national highway traffic 4991
safety administration, all of the following apply: 4992

(a) The officer may testify concerning the results of the 4993
field sobriety test so administered. 4994

(b) The prosecution may introduce the results of the field 4995
sobriety test so administered as evidence in any proceedings in 4996
the criminal prosecution or juvenile court proceeding. 4997

(c) If testimony is presented or evidence is introduced under 4998
division (C)(1)(a) or (b) of this section and if the testimony or 4999
evidence is admissible under the Rules of Evidence, the court 5000
shall admit the testimony or evidence, and the trier of fact shall 5001
give it whatever weight the trier of fact considers to be 5002
appropriate. 5003

(2) Division (C)(1) of this section does not limit or 5004
preclude a court, in its determination of whether the arrest of a 5005
person was supported by probable cause or its determination of any 5006
other matter in a criminal prosecution or juvenile court 5007
proceeding of a type described in that division, from considering 5008
evidence or testimony that is not otherwise disallowed by division 5009
(C)(1) of this section. 5010

(D) Whoever violates this section is guilty of having 5011
physical control of a vehicle while under the influence, a 5012
misdemeanor of the first degree. In addition to other sanctions 5013
imposed, the court may impose on the offender a class seven 5014
suspension of the offender's driver's license, commercial driver's 5015
license, temporary instruction permit, probationary license, or 5016
nonresident operating privilege from the range specified in 5017
division (A)(7) of section 4510.02 of the Revised Code. 5018

(E) Division (B)(3) of this section does not apply to a 5019
person who is in physical control of a vehicle, streetcar, or 5020
trackless trolley while the person has a concentration of a listed 5021
controlled substance or a listed metabolite of a controlled 5022
substance in the person's whole blood, blood serum or plasma, or 5023
urine that equals or exceeds the amount specified in division 5024
(A)(1)(j) of section 4511.19 of the Revised Code, if both of the 5025
following apply: 5026

(1) The person obtained the controlled substance pursuant to 5027
a prescription issued by a licensed health professional authorized 5028

to prescribe drugs. 5029

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions. 5030
5031

Sec. 4766.15. (A) An applicant for employment as an ambulette driver with an organization licensed pursuant to this chapter shall submit proof to the organization of, or give consent to the employer to obtain, all of the following:

(1)(a) A valid driver's license issued pursuant to Chapter 4506. or 4507. of the Revised Code, or its equivalent, if the applicant is a resident of another state;

(b) A recent certified abstract of the applicant's record of convictions for violations of motor vehicle laws provided by the registrar of motor vehicles pursuant to section 4509.05 of the Revised Code, or its equivalent, if the applicant is a resident of another state.

(2)(a) A certificate of completion of a course in first aid techniques offered by the American red cross or an equivalent organization;

(b) A certificate of completion of a course in cardiopulmonary resuscitation, or its equivalent, offered by an organization approved by the Ohio medical transportation board.

(3) The result of a chemical test or tests of the applicant's blood, breath, or urine conducted at a hospital or other institution approved by the board for the purpose of determining the alcohol ~~or~~, drug of abuse, controlled substance, or metabolite of a controlled substance content of the applicant's whole blood, blood serum or plasma, breath, or urine;

(4) The result of a criminal records check conducted by the bureau of criminal identification and investigation.

(B) An organization may employ an applicant on a temporary 5058
provisional basis pending the completion of all of the 5059
requirements of this section. The length of the provisional period 5060
shall be determined by the board. 5061

(C) An organization licensed pursuant to this chapter shall 5062
use information received pursuant to this section to determine in 5063
accordance with rules adopted by the Ohio medical transportation 5064
board under section 4766.03 of the Revised Code whether an 5065
applicant is disqualified for employment. 5066

No applicant shall be accepted for permanent employment as an 5067
ambulette driver by an organization licensed pursuant to this 5068
chapter until all of the requirements of division (A) of this 5069
section have been met. 5070

Section 2. That existing sections 1547.11, 1547.111, 1547.99, 5071
1905.01, 1905.03, 1905.05, 1905.201, 2317.02, 2317.022, 2317.422, 5072
2743.51, 2919.22, 2923.16, 2937.46, 2951.02, 3701.143, 3937.41, 5073
4506.17, 4510.01, 4510.032, 4510.036, 4510.17, 4510.54, 4511.181, 5074
4511.19, 4511.191, 4511.192, 4511.194, and 4766.15 of the Revised 5075
Code are hereby repealed. 5076

Section 3. Section 2317.02 of the Revised Code is presented 5077
in this act as a composite of the section as amended by both Am. 5078
Sub. H.B. 374, Am. H.B. 533, and Am. Sub. S.B. 281, all of the 5079
124th General Assembly. The General Assembly, applying the 5080
principle stated in division (B) of section 1.52 of the Revised 5081
Code that amendments are to be harmonized if reasonably capable of 5082
simultaneous operation, finds that the composite is the resulting 5083
version of the section in effect prior to the effective date of 5084
the section as presented in this act. 5085

Section 4. Section 4510.54 of the Revised Code is presented 5086
in this act as a composite of the section as amended by both Sub. 5087

H.B. 52 and Am. Sub. H.B. 163 of the 125th General Assembly. The 5088
General Assembly, applying the principle stated in division (B) of 5089
section 1.52 of the Revised Code that amendments are to be 5090
harmonized if reasonably capable of simultaneous operation, finds 5091
that the composite is the resulting version of the section in 5092
effect prior to the effective date of the section as presented in 5093
this act. 5094