

As Passed by the House

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Sub. S. B. No. 8

**Senators Austria, Jacobson, Gardner, Coughlin, Zurz, Mumper, Padgett,
Clancy, Grendell, Hottinger, Harris, Miller, R., Niehaus, Dann
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Harwood, Law, McGregor, J., Oelslager, Patton, T., Reidelbach, Sayre,
Smith, G., Willamowski, Woodard**

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A B I L L

To amend sections 1547.01, 1547.11, 1547.111, 1
1547.99, 1905.01, 1905.03, 1905.05, 1905.201, 2
2317.02, 2317.022, 2317.422, 2743.51, 2919.22, 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 and to enact section 4510.011 of the 7
Revised Code to prohibit the operation of a 8
vehicle or vessel if a statutorily specified 9
concentration of amphetamine, cocaine, cocaine 10
metabolite, heroin, heroin metabolite 11
(6-monoacetyl morphine), L.S.D., marihuana, 12
marihuana metabolite, methamphetamine, or 13
phencyclidine is present in the operator's blood 14
or urine, subject to certain exceptions; to extend 15
the time within which a chemical test of an 16
arrested person's whole blood, blood serum or 17
plasma, breath, or urine must be taken in order 18
for the results of the test to be admissible as 19

evidence; to define drug of abuse for certain 20
watercraft and motor vehicle-related provisions; 21
and to make other related changes. 22

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

Section 1. That sections 1547.01, 1547.11, 1547.111, 1547.99, 23
1905.01, 1905.03, 1905.05, 1905.201, 2317.02, 2317.022, 2317.422, 24
2743.51, 2919.22, 2937.46, 2951.02, 3701.143, 3937.41, 4506.17, 25
4510.01, 4510.032, 4510.036, 4510.17, 4510.54, 4511.181, 4511.19, 26
4511.191, 4511.192, 4511.194, and 4766.15 be amended and section 27
4510.011 of the Revised Code be enacted to read as follows: 28

Sec. 1547.01. (A) As used in sections 1541.03, 1547.26, 29
1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 1547.543, 30
1547.56, 1547.57, 1547.66, 3733.21, and 5311.01 of the Revised 31
Code, "watercraft" means any of the following when used or capable 32
of being used for transportation on the water: 33

(1) A vessel operated by machinery either permanently or 34
temporarily affixed; 35

(2) A sailboat other than a sailboard; 36

(3) An inflatable, manually propelled boat that is required 37
by federal law to have a hull identification number meeting the 38
requirements of the United States coast guard; 39

(4) A canoe or rowboat. 40

"Watercraft" does not include ferries as referred to in 41
Chapter 4583. of the Revised Code. 42

Watercraft subject to section 1547.54 of the Revised Code 43
shall be divided into five classes as follows: 44

Class A: Less than sixteen feet in length; 45

Class 1: At least sixteen feet, but less than twenty-six feet in length;	46 47
Class 2: At least twenty-six feet, but less than forty feet in length;	48 49
Class 3: At least forty feet, but less than sixty-five feet in length;	50 51
Class 4: At least sixty-five feet in length.	52
(B) As used in this chapter:	53
(1) "Vessel" includes every description of craft, including nondisplacement craft and seaplanes, designed to be used as a means of transportation on water.	54 55 56
(2) "Rowboat" means any vessel, except a canoe, that is designed to be rowed and that is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the operation of the vessel.	57 58 59 60 61
(3) "Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.	62 63 64
(a) Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.	65 66
(b) Any sailboat equipped with a detachable motor is deemed a sailboat with auxiliary power.	67 68
(c) Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.	69 70 71
(4) "Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.	72 73
(5) "Person" includes any legal entity defined as a person in	74

section 1.59 of the Revised Code and any body politic, except the	75
United States and this state, and includes any agent, trustee,	76
executor, receiver, assignee, or other representative thereof.	77
(6) "Owner" includes any person who claims lawful possession	78
of a vessel by virtue of legal title or equitable interest therein	79
that entitled the person to that possession.	80
(7) "Operator" includes any person who navigates or has under	81
the person's control a vessel, or vessel and detachable motor, on	82
the waters in this state.	83
(8) "Visible" means visible on a dark night with clear	84
atmosphere.	85
(9) "Waters in this state" means all streams, rivers, lakes,	86
ponds, marshes, watercourses, waterways, and other bodies of	87
water, natural or humanmade, that are situated wholly or partially	88
within this state or within its jurisdiction and are used for	89
recreational boating.	90
(10) "Navigable waters" means waters that come under the	91
jurisdiction of the department of the army of the United States	92
and any waterways within or adjacent to this state, except inland	93
lakes having neither a navigable inlet nor outlet.	94
(11) "In operation" in reference to a vessel means that the	95
vessel is being navigated or otherwise used on the waters in this	96
state.	97
(12) "Sewage" means human body wastes and the wastes from	98
toilets and other receptacles intended to receive or retain body	99
waste.	100
(13) "Canoe" means a narrow vessel of shallow draft, pointed	101
at both ends and propelled by human muscular effort, and includes	102
kayaks, racing shells, and rowing sculls.	103
(14) "Coast guard approved" means bearing an approval number	104

assigned by the United States coast guard. 105

(15) "Type one personal flotation device" means a device that 106
is designed to turn an unconscious person floating in water from a 107
face downward position to a vertical or slightly face upward 108
position and that has at least nine kilograms, approximately 109
twenty pounds, of buoyancy. 110

(16) "Type two personal flotation device" means a device that 111
is designed to turn an unconscious person in the water from a face 112
downward position to a vertical or slightly face upward position 113
and that has at least seven kilograms, approximately fifteen and 114
four-tenths pounds, of buoyancy. 115

(17) "Type three personal flotation device" means a device 116
that is designed to keep a conscious person in a vertical or 117
slightly face upward position and that has at least seven 118
kilograms, approximately fifteen and four-tenths pounds, of 119
buoyancy. 120

(18) "Type four personal flotation device" means a device 121
that is designed to be thrown to a person in the water and not 122
worn and that has at least seven and five-tenths kilograms, 123
approximately sixteen and five-tenths pounds, of buoyancy. 124

(19) "Type five personal flotation device" means a device 125
that, unlike other personal flotation devices, has limitations on 126
its approval by the United States coast guard, including, without 127
limitation, all of the following: 128

(a) The approval label on the type five personal flotation 129
device indicates that the device is approved for the activity in 130
which the vessel is being used or as a substitute for a personal 131
flotation device of the type required on the vessel in use. 132

(b) The personal flotation device is used in accordance with 133
any requirements on the approval label. 134

(c) The personal flotation device is used in accordance with 135
requirements in its owner's manual if the approval label refers to 136
such a manual. 137

(20) "Inflatable watercraft" means any vessel constructed of 138
rubber, canvas, or other material that is designed to be inflated 139
with any gaseous substance, constructed with two or more air 140
cells, and operated as a vessel. Inflatable watercraft propelled 141
by a motor shall be classified as powercraft and shall be 142
registered by length. Inflatable watercraft propelled by a sail 143
shall be classified as a sailboat and shall be registered by 144
length. 145

(21) "Idle speed" means the slowest possible speed needed to 146
maintain steerage or maneuverability. 147

(22) "Diver's flag" means a red flag not less than one foot 148
square having a diagonal white stripe extending from the masthead 149
to the opposite lower corner that when displayed indicates that 150
divers are in the water. 151

(23) "Muffler" means an acoustical suppression device or 152
system that is designed and installed to abate the sound of 153
exhaust gases emitted from an internal combustion engine and that 154
prevents excessive or unusual noise. 155

(24) "Law enforcement vessel" means any vessel used in law 156
enforcement and under the command of a law enforcement officer. 157

(25) "Personal watercraft" means a vessel, less than sixteen 158
feet in length, that is propelled by machinery and designed to be 159
operated by an individual sitting, standing, or kneeling on the 160
vessel rather than by an individual sitting or standing inside the 161
vessel. 162

(26) "No wake" has the same meaning as "idle speed." 163

(27) "Watercraft dealer" means any person who is regularly 164

engaged in the business of manufacturing, selling, displaying, 165
offering for sale, or dealing in vessels at an established place 166
of business. "Watercraft dealer" does not include a person who is 167
a marine salvage dealer or any other person who dismantles, 168
salvages, or rebuilds vessels using used parts. 169

(28) "Electronic" includes electrical, digital, magnetic, 170
optical, electromagnetic, or any other form of technology that 171
entails capabilities similar to these technologies. 172

(29) "Electronic record" means a record generated, 173
communicated, received, or stored by electronic means for use in 174
an information system or for transmission from one information 175
system to another. 176

(30) "Electronic signature" means a signature in electronic 177
form attached to or logically associated with an electronic 178
record. 179

(31) "Drug of abuse" has the same meaning as in section 180
4506.01 of the Revised Code. 181

(C) Unless otherwise provided, this chapter applies to all 182
vessels operating on the waters in this state. Nothing in this 183
chapter shall be construed in contravention of any valid federal 184
act or regulation, but is in addition to the act or regulation 185
where not inconsistent. 186

The state reserves to itself the exclusive right to regulate 187
the minimum equipment requirements of watercraft and vessels 188
operated on the waters in this state. 189

Sec. 1547.11. (A) No person shall operate or be in physical 190
control of any vessel underway or shall manipulate any water skis, 191
aquaplane, or similar device on the waters in this state if, at 192
the time of the operation, control, or manipulation, any of the 193
following applies: 194

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

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

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

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

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

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

(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

<u>blood or blood serum or plasma.</u>	225
<u>(c) The person has a concentration of cocaine metabolite in</u>	226
<u>the person's urine of at least one hundred fifty nanograms of</u>	227
<u>cocaine metabolite per milliliter of the person's urine or has a</u>	228
<u>concentration of cocaine metabolite in the person's whole blood or</u>	229
<u>blood serum or plasma of at least fifty nanograms of cocaine</u>	230
<u>metabolite per milliliter of the person's whole blood or blood</u>	231
<u>serum or plasma.</u>	232
<u>(d) The person has a concentration of heroin in the person's</u>	233
<u>urine of at least two thousand nanograms of heroin per milliliter</u>	234
<u>of the person's urine or has a concentration of heroin in the</u>	235
<u>person's whole blood or blood serum or plasma of at least fifty</u>	236
<u>nanograms of heroin per milliliter of the person's whole blood or</u>	237
<u>blood serum or plasma.</u>	238
<u>(e) The person has a concentration of heroin metabolite</u>	239
<u>(6-monoacetyl morphine) in the person's urine of at least ten</u>	240
<u>nanograms of heroin metabolite (6-monoacetyl morphine) per</u>	241
<u>milliliter of the person's urine or has a concentration of heroin</u>	242
<u>metabolite (6-monoacetyl morphine) in the person's whole blood or</u>	243
<u>blood serum or plasma of at least ten nanograms of heroin</u>	244
<u>metabolite (6-monoacetyl morphine) per milliliter of the person's</u>	245
<u>whole blood or blood serum or plasma.</u>	246
<u>(f) The person has a concentration of L.S.D. in the person's</u>	247
<u>urine of at least twenty-five nanograms of L.S.D. per milliliter</u>	248
<u>of the person's urine or has a concentration of L.S.D. in the</u>	249
<u>person's whole blood or blood serum or plasma of at least ten</u>	250
<u>nanograms of L.S.D. per milliliter of the person's whole blood or</u>	251
<u>blood serum or plasma.</u>	252
<u>(g) The person has a concentration of marihuana in the</u>	253
<u>person's urine of at least ten nanograms of marihuana per</u>	254
<u>milliliter of the person's urine or has a concentration of</u>	255

marihuana in the person's whole blood or blood serum or plasma of 256
at least two nanograms of marihuana per milliliter of the person's 257
whole blood or blood serum or plasma. 258

(h) Either of the following applies: 259

(i) The person is under the influence of alcohol, a drug of 260
abuse, or a combination of them, and, as measured by gas 261
chromatography mass spectrometry, the person has a concentration 262
of marihuana metabolite in the person's urine of at least fifteen 263
nanograms of marihuana metabolite per milliliter of the person's 264
urine or has a concentration of marihuana metabolite in the 265
person's whole blood or blood serum or plasma of at least five 266
nanograms of marihuana metabolite per milliliter of the person's 267
whole blood or blood serum or plasma. 268

(ii) As measured by gas chromatography mass spectrometry, the 269
person has a concentration of marihuana metabolite in the person's 270
urine of at least thirty-five nanograms of marihuana metabolite 271
per milliliter of the person's urine or has a concentration of 272
marihuana metabolite in the person's whole blood or blood serum or 273
plasma of at least fifty nanograms of marihuana metabolite per 274
milliliter of the person's whole blood or blood serum or plasma. 275

(i) The person has a concentration of methamphetamine in the 276
person's urine of at least five hundred nanograms of 277
methamphetamine per milliliter of the person's urine or has a 278
concentration of methamphetamine in the person's whole blood or 279
blood serum or plasma of at least one hundred nanograms of 280
methamphetamine per milliliter of the person's whole blood or 281
blood serum or plasma. 282

(j) The person has a concentration of phencyclidine in the 283
person's urine of at least twenty-five nanograms of phencyclidine 284
per milliliter of the person's urine or has a concentration of 285
phencyclidine in the person's whole blood or blood serum or plasma 286

of at least ten nanograms of phencyclidine per milliliter of the 287
person's whole blood or blood serum or plasma. 288

(B) No person under twenty-one years of age shall operate or 289
be in physical control of any vessel underway or shall manipulate 290
any water skis, aquaplane, or similar device on the waters in this 291
state if, at the time of the operation, control, or manipulation, 292
any of the following applies: 293

(1) The person has a concentration of at least two-hundredths 294
of one per cent, but less than eight-hundredths of one per cent by 295
weight per unit volume of alcohol in the person's whole blood. 296

(2) The person has a concentration of at least 297
three-hundredths of one per cent but less than 298
ninety-six-thousandths of one per cent by weight per unit volume 299
of alcohol in the person's blood serum or plasma. 300

(3) The person has a concentration of at least twenty-eight 301
one-thousandths of one gram, but less than eleven-hundredths of 302
one gram by weight of alcohol per one hundred milliliters of the 303
person's urine. 304

(4) The person has a concentration of at least two-hundredths 305
of one gram, but less than eight-hundredths of one gram by weight 306
of alcohol per two hundred ten liters of the person's breath. 307

(C) In any proceeding arising out of one incident, a person 308
may be charged with a violation of division (A)(1) and a violation 309
of division (B)(1), (2), (3), or (4) of this section, but the 310
person shall not be convicted of more than one violation of those 311
divisions. 312

(D)(1) In any criminal prosecution or juvenile court 313
proceeding for a violation of division (A) or (B) of this section 314
or for an equivalent violation, the court may admit evidence on 315
the concentration of alcohol, drugs of abuse, controlled 316

substances, metabolites of a controlled substance, or a 317
combination of them in the defendant's or child's whole blood, 318
blood serum or plasma, urine, or breath at the time of the alleged 319
violation as shown by chemical analysis of the substance 320
withdrawn, or specimen taken within ~~two~~ three hours of the time of 321
the alleged violation. The three-hour time limit specified in this 322
division regarding the admission of evidence does not extend or 323
affect the two-hour time limit specified in division (C) of 324
section 1547.111 of the Revised Code as the maximum period of time 325
during which a person may consent to a chemical test or tests as 326
described in that section. 327

When a person submits to a blood test, only a physician, a 328
registered nurse, or a qualified technician, chemist, or 329
phlebotomist shall withdraw blood for the purpose of determining 330
the alcohol, drug, controlled substance, metabolite of a 331
controlled substance, or alcohol and drug combination content of 332
the whole blood, blood serum, or blood plasma. This limitation 333
does not apply to the taking of breath or urine specimens. A 334
person authorized to withdraw blood under this division may refuse 335
to withdraw blood under this division if, in that person's 336
opinion, the physical welfare of the defendant or child would be 337
endangered by withdrawing blood. 338

The whole blood, blood serum or plasma, urine, or breath 339
shall be analyzed in accordance with methods approved by the 340
director of health by an individual possessing a valid permit 341
issued by the director pursuant to section 3701.143 of the Revised 342
Code. 343

(2) In a criminal prosecution or juvenile court proceeding 344
for a violation of division (A) of this section or for a violation 345
of a prohibition that is substantially equivalent to division (A) 346
of this section, if there was at the time the bodily substance was 347
taken a concentration of less than the applicable concentration of 348

alcohol specified for a violation of division (A)(2), (3), (4), or 349
(5) of this section or less than the applicable concentration of a 350
listed controlled substance or a listed metabolite of a controlled 351
substance specified for a violation of division (A)(6) of this 352
section, that fact may be considered with other competent evidence 353
in determining the guilt or innocence of the defendant or in 354
making an adjudication for the child. This division does not limit 355
or affect a criminal prosecution or juvenile court proceeding for 356
a violation of division (B) of this section or for a violation of 357
a prohibition that is substantially equivalent to that division. 358

(3) Upon the request of the person who was tested, the 359
results of the chemical test shall be made available to the person 360
or the person's attorney immediately upon completion of the test 361
analysis. 362

The person tested may have a physician, a registered nurse, 363
or a qualified technician, chemist, or phlebotomist of the 364
person's own choosing administer a chemical test or tests in 365
addition to any administered at the direction of a law enforcement 366
officer, and shall be so advised. The failure or inability to 367
obtain an additional test by a person shall not preclude the 368
admission of evidence relating to the test or tests taken at the 369
direction of a law enforcement officer. 370

(E)(1) In any criminal prosecution or juvenile court 371
proceeding for a violation of division (A) or (B) of this section 372
or for an equivalent violation, if a law enforcement officer has 373
administered a field sobriety test to the operator or person found 374
to be in physical control of the vessel underway involved in the 375
violation or the person manipulating the water skis, aquaplane, or 376
similar device involved in the violation and if it is shown by 377
clear and convincing evidence that the officer administered the 378
test in substantial compliance with the testing standards for 379
reliable, credible, and generally accepted field sobriety tests 380

for vehicles that were in effect at the time the tests were 381
administered, including, but not limited to, any testing standards 382
then in effect that have been set by the national highway traffic 383
safety administration, that by their nature are not clearly 384
inapplicable regarding the operation or physical control of 385
vessels underway or the manipulation of water skis, aquaplanes, or 386
similar devices, all of the following apply: 387

(a) The officer may testify concerning the results of the 388
field sobriety test so administered. 389

(b) The prosecution may introduce the results of the field 390
sobriety test so administered as evidence in any proceedings in 391
the criminal prosecution or juvenile court proceeding. 392

(c) If testimony is presented or evidence is introduced under 393
division (E)(1)(a) or (b) of this section and if the testimony or 394
evidence is admissible under the Rules of Evidence, the court 395
shall admit the testimony or evidence, and the trier of fact shall 396
give it whatever weight the trier of fact considers to be 397
appropriate. 398

(2) Division (E)(1) of this section does not limit or 399
preclude a court, in its determination of whether the arrest of a 400
person was supported by probable cause or its determination of any 401
other matter in a criminal prosecution or juvenile court 402
proceeding of a type described in that division, from considering 403
evidence or testimony that is not otherwise disallowed by division 404
(E)(1) of this section. 405

(F)(1) Subject to division (F)(3) of this section, in any 406
criminal prosecution or juvenile court proceeding for a violation 407
of this section or for an equivalent violation, the court shall 408
admit as prima-facie evidence a laboratory report from any 409
~~forensic~~ laboratory ~~certified~~ personnel issued a permit by the 410
department of health authorizing an analysis as described in this 411

division that contains an analysis of the whole blood, blood serum 412
or plasma, breath, urine, or other bodily substance tested and 413
that contains all of the information specified in this division. 414
The laboratory report shall contain all of the following: 415

(a) The signature, under oath, of any person who performed 416
the analysis; 417

(b) Any findings as to the identity and quantity of alcohol, 418
a drug of abuse, a controlled substance, a metabolite of a 419
controlled substance, or a combination of them that was found; 420

(c) A copy of a notarized statement by the laboratory 421
director or a designee of the director that contains the name of 422
each certified analyst or test performer involved with the report, 423
the analyst's or test performer's employment relationship with the 424
laboratory that issued the report, and a notation that performing 425
an analysis of the type involved is part of the analyst's or test 426
performer's regular duties; 427

(d) An outline of the analyst's or test performer's 428
education, training, and experience in performing the type of 429
analysis involved and a certification that the laboratory 430
satisfies appropriate quality control standards in general and, in 431
this particular analysis, under rules of the department of health. 432

(2) Notwithstanding any other provision of law regarding the 433
admission of evidence, a report of the type described in division 434
(F)(1) of this section is not admissible against the defendant or 435
child to whom it pertains in any proceeding, other than a 436
preliminary hearing or a grand jury proceeding, unless the 437
prosecutor has served a copy of the report on the defendant's or 438
child's attorney or, if the defendant or child has no attorney, on 439
the defendant or child. 440

(3) A report of the type described in division (F)(1) of this 441
section shall not be prima-facie evidence of the contents, 442

identity, or amount of any substance if, within seven days after 443
the defendant or child to whom the report pertains or the 444
defendant's or child's attorney receives a copy of the report, the 445
defendant or child or the defendant's or child's attorney demands 446
the testimony of the person who signed the report. The judge in 447
the case may extend the seven-day time limit in the interest of 448
justice. 449

(G) Except as otherwise provided in this division, any 450
physician, registered nurse, or qualified technician, chemist, or 451
phlebotomist who withdraws blood from a person pursuant to this 452
section, and a hospital, first-aid station, or clinic at which 453
blood is withdrawn from a person pursuant to this section, is 454
immune from criminal and civil liability based upon a claim of 455
assault and battery or any other claim that is not a claim of 456
malpractice, for any act performed in withdrawing blood from the 457
person. The immunity provided in this division is not available to 458
a person who withdraws blood if the person engages in willful or 459
wanton misconduct. 460

(H) Division (A)(6) of this section does not apply to a 461
person who operates or is in physical control of a vessel underway 462
or manipulates any water skis, aquaplane, or similar device while 463
the person has a concentration of a listed controlled substance or 464
a listed metabolite of a controlled substance in the person's 465
whole blood, blood serum or plasma, or urine that equals or 466
exceeds the amount specified in that division, if both of the 467
following apply: 468

(1) The person obtained the controlled substance pursuant to 469
a prescription issued by a licensed health professional authorized 470
to prescribe drugs. 471

(2) The person injected, ingested, or inhaled the controlled 472
substance in accordance with the health professional's directions. 473

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

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

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

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

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

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

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

ordinance. 504

(2) The test or tests under division (A) of this section 505
shall be administered at the direction of a law enforcement 506
officer having reasonable grounds to believe the person was 507
operating or in physical control of a vessel or manipulating any 508
water skis, aquaplane, or similar device in violation of section 509
1547.11 of the Revised Code or a substantially equivalent 510
municipal ordinance. The law enforcement agency by which the 511
officer is employed shall designate which test or tests shall be 512
administered. 513

(B) Any person who is dead or unconscious or who otherwise is 514
in a condition rendering the person incapable of refusal shall be 515
deemed to have consented as provided in division (A)(1) of this 516
section, and the test or tests may be administered, subject to 517
sections 313.12 to 313.16 of the Revised Code. 518

(C) Any person under arrest for violating section 1547.11 of 519
the Revised Code or a substantially equivalent municipal ordinance 520
shall be advised of the consequences of refusing to submit to a 521
chemical test or tests designated as provided in division (A) of 522
this section. The advice shall be in a written form prescribed by 523
the chief of the division of watercraft and shall be read to the 524
person. The form shall contain a statement that the form was shown 525
to the person under arrest and read to the person by the arresting 526
officer. The reading of the form shall be witnessed by one or more 527
persons, and the witnesses shall certify to this fact by signing 528
the form. The person must submit to the chemical test or tests, 529
subsequent to the request of the arresting officer, within two 530
hours of the time of the alleged violation, and if the person does 531
not submit to the test or tests within that two-hour time limit, 532
the failure to submit automatically constitutes a refusal to 533
submit to the test or tests. 534

(D) If a law enforcement officer asks a person under arrest 535
for violating section 1547.11 of the Revised Code or a 536
substantially equivalent municipal ordinance to submit to a 537
chemical test or tests as provided in division (A) of this 538
section, if the arresting officer advises the person of the 539
consequences of the person's refusal as provided in division (C) 540
of this section, and if the person refuses to submit, no chemical 541
test shall be given. Upon receipt of a sworn statement of the 542
officer that the arresting law enforcement officer had reasonable 543
grounds to believe the arrested person violated section 1547.11 of 544
the Revised Code or a substantially equivalent municipal ordinance 545
and that the person refused to submit to the chemical test upon 546
the request of the officer, and upon receipt of the form as 547
provided in division (C) of this section certifying that the 548
arrested person was advised of the consequences of the refusal, 549
the chief of the division of watercraft shall inform the person by 550
written notice that the person is prohibited from operating or 551
being in physical control of a vessel, from manipulating any water 552
skis, aquaplane, or similar device, and from registering any 553
watercraft in accordance with section 1547.54 of the Revised Code, 554
for one year following the date of the alleged violation. The 555
suspension of these operation, physical control, manipulation, and 556
registration privileges shall continue for the entire one-year 557
period, subject to review as provided in this section. 558

If the person under arrest is the owner of the vessel 559
involved in the alleged violation, the law enforcement officer who 560
arrested the person shall seize the watercraft registration 561
certificate and tags from the vessel involved in the violation and 562
forward them to the chief. The chief shall retain the impounded 563
registration certificate and tags and shall impound all other 564
registration certificates and tags issued to the person in 565
accordance with sections 1547.54 and 1547.57 of the Revised Code, 566

for a period of one year following the date of the alleged
violation, subject to review as provided in this section.

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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.

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(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.

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(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
section 1547.54 of the Revised Code, or who has had the
registration certificate and tags of the person's watercraft
impounded pursuant to division (D) of this section, within twenty
days of the notification or impoundment, may file a petition in
the municipal court or the county court, or if the person is a
minor in juvenile court, with jurisdiction over the place at which

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the arrest occurred, agreeing to pay the cost of the proceedings 599
and alleging error in the action taken by the chief under division 600
(D) of this section or alleging one or more of the matters within 601
the scope of the hearing as provided in this section, or both. The 602
petitioner shall notify the chief of the filing of the petition 603
and send the chief a copy of the petition. 604

The scope of the hearing is limited to the issues of whether 605
the law enforcement officer had reasonable grounds to believe the 606
petitioner was operating or in physical control of a vessel or 607
manipulating any water skis, aquaplane, or similar device in 608
violation of section 1547.11 of the Revised Code or a 609
substantially equivalent municipal ordinance, whether the 610
petitioner was placed under arrest, whether the petitioner refused 611
to submit to the chemical test upon request of the officer, and 612
whether the petitioner was advised of the consequences of the 613
petitioner's refusal. 614

(G)(1) The chief shall furnish the court a copy of the 615
affidavit as provided in division (C) of this section and any 616
other relevant information requested by the court. 617

(2) In hearing the matter and in determining whether the 618
person has shown error in the decision taken by the chief as 619
provided in division (D) of this section, the court shall decide 620
the issue upon the relevant, competent, and material evidence 621
submitted by the chief or the person whose operation, physical 622
control, manipulation, and registration privileges have been 623
suspended. 624

In the proceedings, the chief shall be represented by the 625
prosecuting attorney of the county in which the petition is filed 626
if the petition is filed in a county court or juvenile court, 627
except that if the arrest occurred within a city or village within 628
the jurisdiction of the county court in which the petition is 629

filed, the city director of law or village solicitor of that city 630
or village shall represent the chief. If the petition is filed in 631
the municipal court, the chief shall be represented as provided in 632
section 1901.34 of the Revised Code. 633

(3) If the court finds from the evidence submitted that the 634
person has failed to show error in the action taken by the chief 635
under division (D) of this section or in one or more of the 636
matters within the scope of the hearing as provided in division 637
(F) of this section, or both, the court shall assess the cost of 638
the proceeding against the person and shall uphold the suspension 639
of the operation, physical control, use, and registration 640
privileges provided in division (D) of this section. If the court 641
finds that the person has shown error in the action taken by the 642
chief under division (D) of this section or in one or more of the 643
matters within the scope of the hearing as provided in division 644
(F) of this section, or both, the cost of the proceedings shall be 645
paid out of the county treasury of the county in which the 646
proceedings were held, the chief shall reinstate the operation, 647
physical control, manipulation, and registration privileges of the 648
person without charge, and the chief shall return the registration 649
certificate and tags, if impounded, without charge. 650

(4) The court shall give information in writing of any action 651
taken under this section to the chief. 652

(H) At the end of any period of suspension or impoundment 653
imposed under this section, and upon request of the person whose 654
operation, physical control, use, and registration privileges were 655
suspended or whose registration certificate and tags were 656
impounded, the chief shall reinstate the person's operation, 657
physical control, manipulation, and registration privileges by 658
written notice and return the certificate and tags. 659

(I) No person who has received written notice from the chief 660

that the person is prohibited from operating or being in physical control of a vessel, from manipulating any water skis, aquaplane, or similar device, and from registering a watercraft, or who has had the registration certificate and tags of the person's watercraft impounded, in accordance with division (D) of this section, shall operate or be in physical control of a vessel or manipulate any water skis, aquaplane, or similar device for a period of one year following the date of the person's alleged violation of section 1547.11 of the Revised Code or the substantially equivalent municipal ordinance.

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

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

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

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

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

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

(G) Whoever violates section 1547.11 of the Revised Code is 691
guilty of a misdemeanor of the first degree and shall be punished 692
as provided in division (G)(1), (2), or (3) of this section. 693

(1) Except as otherwise provided in division (G)(2) or (3) of 694
this section, the court shall sentence the offender to a jail term 695
of three consecutive days and may sentence the offender pursuant 696
to section 2929.24 of the Revised Code to a longer jail term. In 697
addition, the court shall impose upon the offender a fine of not 698
less than one hundred fifty nor more than one thousand dollars. 699

The court may suspend the execution of the mandatory jail 700
term of three consecutive days that it is required to impose by 701
division (G)(1) of this section if the court, in lieu of the 702
suspended jail term, places the offender under a community control 703
sanction pursuant to section 2929.25 of the Revised Code and 704
requires the offender to attend, for three consecutive days, a 705
drivers' intervention program that is certified pursuant to 706
section 3793.10 of the Revised Code. The court also may suspend 707
the execution of any part of the mandatory jail term of three 708
consecutive days that it is required to impose by division (G)(1) 709
of this section if the court places the offender under a community 710
control sanction pursuant to section 2929.25 of the Revised Code 711
for part of the three consecutive days; requires the offender to 712
attend, for that part of the three consecutive days, a drivers' 713
intervention program that is certified pursuant to section 3793.10 714
of the Revised Code; and sentences the offender to a jail term 715
equal to the remainder of the three consecutive days that the 716
offender does not spend attending the drivers' intervention 717
program. The court may require the offender, as a condition of 718
community control, to attend and satisfactorily complete any 719
treatment or education programs, in addition to the required 720
attendance at a drivers' intervention program, that the operators 721
of the drivers' intervention program determine that the offender 722

should attend and to report periodically to the court on the
offender's progress in the programs. The court also may impose any
other conditions of community control on the offender that it
considers necessary.

(2) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to one violation of section
1547.11 of the Revised Code, of a municipal ordinance relating to
operating a watercraft or manipulating any water skis, aquaplane,
or similar device while under the influence of alcohol, a drug of
abuse, or a combination of them, of a municipal ordinance relating
to operating a watercraft or manipulating any water skis,
aquaplane, or similar device 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, of division (A)(1) of section 2903.06 of the Revised Code,
or of division (A)(2), (3), or (4) of section 2903.06 of the
Revised Code or section 2903.06 or 2903.07 of the Revised Code as
they existed prior to March 23, 2000, in a case in which the jury
or judge found that the offender was under the influence of
alcohol, a drug of abuse, or a combination of them, the court
shall sentence the offender to a jail term of ten consecutive days
and may sentence the offender pursuant to section 2929.24 of the
Revised Code to a longer jail term. In addition, the court shall
impose upon the offender a fine of not less than one hundred fifty
nor more than one thousand dollars.

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

(3) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to more than one violation
identified in division (G)(2) of this section, the court shall

sentence the offender to a jail term of thirty consecutive days 755
and may sentence the offender to a longer jail term of not more 756
than one year. In addition, the court shall impose upon the 757
offender a fine of not less than one hundred fifty nor more than 758
one thousand dollars. 759

In addition to any other sentence that it imposes upon the 760
offender, the court may require the offender to attend a drivers' 761
intervention program that is certified pursuant to section 3793.10 762
of the Revised Code. 763

(4) Upon a showing that serving a jail term would seriously 764
affect the ability of an offender sentenced pursuant to division 765
(G)(1), (2), or (3) of this section to continue the offender's 766
employment, the court may authorize that the offender be granted 767
work release after the offender has served the mandatory jail term 768
of three, ten, or thirty consecutive days that the court is 769
required by division (G)(1), (2), or (3) of this section to 770
impose. No court shall authorize work release during the mandatory 771
jail term of three, ten, or thirty consecutive days that the court 772
is required by division (G)(1), (2), or (3) of this section to 773
impose. The duration of the work release shall not exceed the time 774
necessary each day for the offender to commute to and from the 775
place of employment and the place in which the jail term is served 776
and the time actually spent under employment. 777

(5) Notwithstanding any section of the Revised Code that 778
authorizes the suspension of the imposition or execution of a 779
sentence or the placement of an offender in any treatment program 780
in lieu of being imprisoned or serving a jail term, no court shall 781
suspend the mandatory jail term of ten or thirty consecutive days 782
required to be imposed by division (G)(2) or (3) of this section 783
or place an offender who is sentenced pursuant to division (G)(2) 784
or (3) of this section in any treatment program in lieu of being 785
imprisoned or serving a jail term until after the offender has 786

served the mandatory jail term of ten or thirty consecutive days 787
required to be imposed pursuant to division (G)(2) or (3) of this 788
section. Notwithstanding any section of the Revised Code that 789
authorizes the suspension of the imposition or execution of a 790
sentence or the placement of an offender in any treatment program 791
in lieu of being imprisoned or serving a jail term, no court, 792
except as specifically authorized by division (G)(1) of this 793
section, shall suspend the mandatory jail term of three 794
consecutive days required to be imposed by division (G)(1) of this 795
section or place an offender who is sentenced pursuant to division 796
(G)(1) of this section in any treatment program in lieu of 797
imprisonment until after the offender has served the mandatory 798
jail term of three consecutive days required to be imposed 799
pursuant to division (G)(1) of this section. 800

(6) As used in division (G) of this section, "jail term" and 801
"mandatory jail term" have the same meanings as in section 2929.01 802
of the Revised Code. 803

(H) Whoever violates section 1547.304 of the Revised Code is 804
guilty of a misdemeanor of the fourth degree and also shall be 805
assessed any costs incurred by the state or a county, township, 806
municipal corporation, or other political subdivision in disposing 807
of an abandoned junk vessel or outboard motor, less any money 808
accruing to the state, county, township, municipal corporation, or 809
other political subdivision from that disposal. 810

(I) Whoever violates division (B) or (C) of section 1547.49 811
of the Revised Code is guilty of a minor misdemeanor. 812

(J) Whoever violates section 1547.31 of the Revised Code is 813
guilty of a misdemeanor of the fourth degree on a first offense. 814
On each subsequent offense, the person is guilty of a misdemeanor 815
of the third degree. 816

(K) Whoever violates section 1547.05 or 1547.051 of the 817

Revised Code is guilty of a misdemeanor of the fourth degree if 818
the violation is not related to a collision, injury to a person, 819
or damage to property and a misdemeanor of the third degree if the 820
violation is related to a collision, injury to a person, or damage 821
to property. 822

(L) The sentencing court, in addition to the penalty provided 823
under this section for a violation of this chapter or a rule 824
adopted under it that involves a powercraft powered by more than 825
ten horsepower and that, in the opinion of the court, involves a 826
threat to the safety of persons or property, shall order the 827
offender to complete successfully a boating course approved by the 828
national association of state boating law administrators before 829
the offender is allowed to operate a powercraft powered by more 830
than ten horsepower on the waters in this state. Violation of a 831
court order entered under this division is punishable as contempt 832
under Chapter 2705. of the Revised Code. 833

Sec. 1905.01. (A) In Georgetown in Brown county, in Mount 834
Gilead in Morrow county, and in all other municipal corporations 835
having a population of more than one hundred, other than Batavia 836
in Clermont county, not being the site of a municipal court nor a 837
place where a judge of the Auglaize county, Crawford county, 838
Jackson county, Miami county, Portage county, or Wayne county 839
municipal court sits as required pursuant to section 1901.021 of 840
the Revised Code or by designation of the judges pursuant to 841
section 1901.021 of the Revised Code, the mayor of the municipal 842
corporation has jurisdiction, except as provided in divisions (B), 843
(C), and (E) of this section and subject to the limitation 844
contained in section 1905.03 and the limitation contained in 845
section 1905.031 of the Revised Code, to hear and determine any 846
prosecution for the violation of an ordinance of the municipal 847
corporation, to hear and determine any case involving a violation 848

of a vehicle parking or standing ordinance of the municipal 849
corporation unless the violation is required to be handled by a 850
parking violations bureau or joint parking violations bureau 851
pursuant to Chapter 4521. of the Revised Code, and to hear and 852
determine all criminal causes involving any moving traffic 853
violation occurring on a state highway located within the 854
boundaries of the municipal corporation, subject to the 855
limitations of sections 2937.08 and 2938.04 of the Revised Code. 856

(B)(1) In Georgetown in Brown county, in Mount Gilead in 857
Morrow county, and in all other municipal corporations having a 858
population of more than one hundred, other than Batavia in 859
Clermont county, not being the site of a municipal court nor a 860
place where a judge of a court listed in division (A) of this 861
section sits as required pursuant to section 1901.021 of the 862
Revised Code or by designation of the judges pursuant to section 863
1901.021 of the Revised Code, the mayor of the municipal 864
corporation has jurisdiction, subject to the limitation contained 865
in section 1905.03 of the Revised Code, to hear and determine 866
prosecutions involving a violation of an ordinance of the 867
municipal corporation relating to operating a vehicle while under 868
the influence of alcohol, a drug of abuse, or a combination of 869
them or relating to operating a vehicle with a prohibited 870
concentration of alcohol, a controlled substance, or a metabolite 871
of a controlled substance in the whole blood, blood serum or 872
plasma, breath, or urine, and to hear and determine criminal 873
causes involving a violation of section 4511.19 of the Revised 874
Code that occur on a state highway located within the boundaries 875
of the municipal corporation, subject to the limitations of 876
sections 2937.08 and 2938.04 of the Revised Code, only if the 877
person charged with the violation, within six years of the date of 878
the violation charged, has not been convicted of or pleaded guilty 879
to any of the following: 880

(a) A violation of an ordinance of any municipal corporation 881
relating to operating a vehicle while under the influence of 882
alcohol, a drug of abuse, or a combination of them or relating to 883
operating a vehicle with a prohibited concentration of alcohol, a 884
controlled substance, or a metabolite of a controlled substance in 885
the whole blood, blood serum or plasma, breath, or urine; 886

(b) A violation of section 4511.19 of the Revised Code; 887

(c) A violation of any ordinance of any municipal corporation 888
or of any section of the Revised Code that regulates the operation 889
of vehicles, streetcars, and trackless trolleys upon the highways 890
or streets, to which all of the following apply: 891

(i) The person, in the case in which the conviction was 892
obtained or the plea of guilty was entered, had been charged with 893
a violation of an ordinance of a type described in division 894
(B)(1)(a) of this section, or with a violation of section 4511.19 895
of the Revised Code; 896

(ii) The charge of the violation described in division 897
(B)(1)(c)(i) of this section was dismissed or reduced; 898

(iii) The violation of which the person was convicted or to 899
which the person pleaded guilty arose out of the same facts and 900
circumstances and the same act as did the charge that was 901
dismissed or reduced. 902

(d) A violation of a statute of the United States or of any 903
other state or a municipal ordinance of a municipal corporation 904
located in any other state that is substantially similar to 905
section 4511.19 of the Revised Code. 906

(2) The mayor of a municipal corporation does not have 907
jurisdiction to hear and determine any prosecution or criminal 908
cause involving a violation described in division (B)(1)(a) or (b) 909
of this section, regardless of where the violation occurred, if 910

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 (B)(1)(a), (b), (c), or (d) of this
section.

If the mayor of a municipal corporation, in hearing a
prosecution involving a violation of an ordinance of the municipal
corporation the mayor serves relating to operating a vehicle while
under the influence of alcohol, a drug of abuse, or a combination
of them or relating 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, or in hearing a criminal cause involving
a violation of section 4511.19 of the Revised Code, determines
that the person charged, within six years of the violation
charged, has been convicted of or pleaded guilty to any violation
listed in division (B)(1)(a), (b), (c), or (d) of this section,
the mayor immediately shall transfer the case to the county court
or municipal court with jurisdiction over the violation charged,
in accordance with section 1905.032 of the Revised Code.

(C)(1) In Georgetown in Brown county, in Mount Gilead in
Morrow county, and in all other municipal corporations having a
population of more than one hundred, other than Batavia in
Clermont county, not being the site of a municipal court and not
being a place where a judge of a court listed in division (A) of
this section sits as required pursuant to section 1901.021 of the
Revised Code or by designation of the judges pursuant to section
1901.021 of the Revised Code, the mayor of the municipal
corporation, subject to sections 1901.031, 2937.08, and 2938.04 of
the Revised Code, has jurisdiction to hear and determine
prosecutions involving a violation of a municipal ordinance that
is substantially equivalent to division (A) of section 4510.14 or
section 4510.16 of the Revised Code and to hear and determine

criminal causes that involve a moving traffic violation, that 943
involve a violation of division (A) of section 4510.14 or section 944
4510.16 of the Revised Code, and that occur on a state highway 945
located within the boundaries of the municipal corporation only if 946
all of the following apply regarding the violation and the person 947
charged: 948

(a) Regarding a violation of section 4510.16 of the Revised 949
Code or a violation of a municipal ordinance that is substantially 950
equivalent to that division, the person charged with the 951
violation, within six years of the date of the violation charged, 952
has not been convicted of or pleaded guilty to any of the 953
following: 954

(i) A violation of section 4510.16 of the Revised Code; 955

(ii) A violation of a municipal ordinance that is 956
substantially equivalent to section 4510.16 of the Revised Code; 957

(iii) A violation of any municipal ordinance or section of 958
the Revised Code that regulates the operation of vehicles, 959
streetcars, and trackless trolleys upon the highways or streets, 960
in a case in which, after a charge against the person of a 961
violation of a type described in division (C)(1)(a)(i) or (ii) of 962
this section was dismissed or reduced, the person is convicted of 963
or pleads guilty to a violation that arose out of the same facts 964
and circumstances and the same act as did the charge that was 965
dismissed or reduced. 966

(b) Regarding a violation of division (A) of section 4510.14 967
of the Revised Code or a violation of a municipal ordinance that 968
is substantially equivalent to that division, the person charged 969
with the violation, within six years of the date of the violation 970
charged, has not been convicted of or pleaded guilty to any of the 971
following: 972

(i) A violation of division (A) of section 4510.14 of the 973

Revised Code;	974
(ii) A violation of a municipal ordinance that is	975
substantially equivalent to division (A) of section 4510.14 of the	976
Revised Code;	977
(iii) A violation of any municipal ordinance or section of	978
the Revised Code that regulates the operation of vehicles,	979
streetcars, and trackless trolleys upon the highways or streets in	980
a case in which, after a charge against the person of a violation	981
of a type described in division (C)(1)(b)(i) or (ii) of this	982
section was dismissed or reduced, the person is convicted of or	983
pleads guilty to a violation that arose out of the same facts and	984
circumstances and the same act as did the charge that was	985
dismissed or reduced.	986
(2) The mayor of a municipal corporation does not have	987
jurisdiction to hear and determine any prosecution or criminal	988
cause involving a violation described in division (C)(1)(a)(i) or	989
(ii) of this section if the person charged with the violation,	990
within six years of the violation charged, has been convicted of	991
or pleaded guilty to any violation listed in division	992
(C)(1)(a)(i), (ii), or (iii) of this section and does not have	993
jurisdiction to hear and determine any prosecution or criminal	994
cause involving a violation described in division (C)(1)(b)(i) or	995
(ii) of this section if the person charged with the violation,	996
within six years of the violation charged, has been convicted of	997
or pleaded guilty to any violation listed in division	998
(C)(1)(b)(i), (ii), or (iii) of this section.	999
(3) If the mayor of a municipal corporation, in hearing a	1000
prosecution involving a violation of an ordinance of the municipal	1001
corporation the mayor serves that is substantially equivalent to	1002
division (A) of section 4510.14 or section 4510.16 of the Revised	1003
Code or a violation of division (A) of section 4510.14 or section	1004

4510.16 of the Revised Code, determines that, under division 1005
(C)(2) of this section, mayors do not have jurisdiction of the 1006
prosecution, the mayor immediately shall transfer the case to the 1007
county court or municipal court with jurisdiction over the 1008
violation in accordance with section 1905.032 of the Revised Code. 1009

(D) If the mayor of a municipal corporation has jurisdiction 1010
pursuant to division (B)(1) of this section to hear and determine 1011
a prosecution or criminal cause involving a violation described in 1012
division (B)(1)(a) or (b) of this section, the authority of the 1013
mayor to hear or determine the prosecution or cause is subject to 1014
the limitation contained in division (C) of section 1905.03 of the 1015
Revised Code. If the mayor of a municipal corporation has 1016
jurisdiction pursuant to division (A) or (C) of this section to 1017
hear and determine a prosecution or criminal cause involving a 1018
violation other than a violation described in division (B)(1)(a) 1019
or (b) of this section, the authority of the mayor to hear or 1020
determine the prosecution or cause is subject to the limitation 1021
contained in division (C) of section 1905.031 of the Revised Code. 1022

(E)(1) The mayor of a municipal corporation does not have 1023
jurisdiction to hear and determine any prosecution or criminal 1024
cause involving any of the following: 1025

(a) A violation of section 2919.25 or 2919.27 of the Revised 1026
Code; 1027

(b) A violation of section 2903.11, 2903.12, 2903.13, 1028
2903.211, or 2911.211 of the Revised Code that involves a person 1029
who was a family or household member of the defendant at the time 1030
of the violation; 1031

(c) A violation of a municipal ordinance that is 1032
substantially equivalent to an offense described in division 1033
(E)(1)(a) or (b) of this section and that involves a person who 1034
was a family or household member of the defendant at the time of 1035

the violation. 1036

(2) The mayor of a municipal corporation does not have 1037
jurisdiction to hear and determine a motion filed pursuant to 1038
section 2919.26 of the Revised Code or filed pursuant to a 1039
municipal ordinance that is substantially equivalent to that 1040
section or to issue a protection order pursuant to that section or 1041
a substantially equivalent municipal ordinance. 1042

(3) As used in this section, "family or household member" has 1043
the same meaning as in section 2919.25 of the Revised Code. 1044

(F) In keeping a docket and files, the mayor, and a mayor's 1045
court magistrate appointed under section 1905.05 of the Revised 1046
Code, shall be governed by the laws pertaining to county courts. 1047

Sec. 1905.03. (A) The supreme court may adopt rules 1048
prescribing educational standards for mayors of municipal 1049
corporations who conduct a mayor's court and who wish to exercise 1050
the jurisdiction granted by section 1905.01 of the Revised Code 1051
over a prosecution or criminal cause involving a violation of 1052
section 4511.19 of the Revised Code, ~~a violation of any ordinance~~ 1053
~~of the municipal corporation relating to operating a vehicle while~~ 1054
~~under the influence of alcohol, a drug of abuse, or alcohol and a~~ 1055
~~drug of abuse, or a violation of any municipal OVI ordinance of~~ 1056
~~the municipal corporation relating to operating a vehicle with a~~ 1057
~~prohibited concentration of alcohol as defined in section 4511.181~~ 1058
~~of the blood, breath, or urine Revised Code.~~ Any educational 1059
standards prescribed by rule under authority of this division 1060
shall be for the purpose of assisting mayors of municipal 1061
corporations who conduct a mayor's court and who wish to exercise 1062
the jurisdiction granted by section 1905.01 of the Revised Code 1063
over such a prosecution or cause in the handling of such a 1064
prosecution or cause, and shall include, but shall not be limited 1065
to, all of the following: 1066

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

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

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

(4) Provisions specifying the number of hours of basic training that a mayor who conducts a mayor's court and who wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over such a prosecution or cause will have to obtain to comply with the educational standards and provisions specifying the number of hours of periodic continuing education that such a mayor will have to obtain within each time period specified under authority of division (A)(3) of this section to comply with the educational standards;

(5) Provisions establishing an exemption, for a reasonable period of time, from the basic training requirements for mayors who initially take office on or after July 1, 1991, and who wish

to conduct a mayor's court and exercise the jurisdiction granted 1098
by section 1905.01 of the Revised Code over such a prosecution or 1099
cause. 1100

(B) If the supreme court adopts rules under authority of 1101
division (A) of this section prescribing educational standards for 1102
mayors of municipal corporations who conduct a mayor's court and 1103
who wish to exercise the jurisdiction granted by section 1905.01 1104
of the Revised Code over a prosecution or criminal cause involving 1105
a violation described in division (A) of this section, the court 1106
may formulate a basic training course and a periodic continuing 1107
education course that such a mayor may complete to satisfy those 1108
educational standards, and may offer or provide for the offering 1109
of the basic training course and the periodic continuing education 1110
course to mayors of municipal corporations. 1111

If the supreme court offers or provides for the offering of a 1112
basic training course and a periodic continuing education course 1113
formulated under this division, the court may prescribe a 1114
reasonable fee to cover the cost associated with formulating, 1115
offering, and teaching the particular course, which fee would have 1116
to be paid by each mayor who attends the particular course or the 1117
municipal corporation served by the mayor. 1118

If the supreme court offers or provides for the offering of a 1119
basic training course and a periodic continuing education course 1120
formulated under this division, the court or other entity that 1121
offers either course shall issue to each mayor who successfully 1122
completes the particular course a certificate attesting to the 1123
mayor's satisfactory completion of the particular course. 1124

(C) Notwithstanding section 1905.01 of the Revised Code, if 1125
the supreme court adopts rules under authority of division (A) of 1126
this section, if the supreme court formulates a basic training 1127
course and a periodic continuing education course under division 1128

(B) of this section, and if the supreme court offers or provides 1129
for the offering of the basic training course and the periodic 1130
continuing education course to mayors, a mayor shall not hear or 1131
determine, on or after July 1, 1991, any prosecution or criminal 1132
cause involving a violation described in division (A) of this 1133
section unless the exemption under the provisions described in 1134
division (A)(5) of this section applies to the mayor, or unless, 1135
prior to hearing the prosecution or criminal cause, the mayor 1136
successfully has completed the basic training course offered or 1137
provided for by the supreme court and has been issued a 1138
certificate attesting to satisfactory completion of the basic 1139
training course and also successfully has completed any periodic 1140
continuing education course offered or provided for by the supreme 1141
court that is applicable to the mayor under the rules and has been 1142
issued a certificate attesting to satisfactory completion of the 1143
periodic continuing education course. 1144

This division does not affect and shall not be construed as 1145
affecting the authority of a mayor to appoint a mayor's court 1146
magistrate under section 1905.05 of the Revised Code. If a mayor 1147
is prohibited from hearing or determining a prosecution or 1148
criminal cause involving a violation described in division (A) of 1149
this section due to the operation of this division, the 1150
prohibition against the mayor hearing or determining the 1151
prosecution or cause does not affect and shall not be construed as 1152
affecting the jurisdiction or authority of a mayor's court 1153
magistrate appointed under that section to hear and determine the 1154
prosecution or cause in accordance with that section. 1155

Sec. 1905.05. (A) A mayor of a municipal corporation that has 1156
a mayor's court may appoint a person as mayor's court magistrate 1157
to hear and determine prosecutions and criminal causes in the 1158
mayor's court that are within the jurisdiction of the mayor's 1159

court, as set forth in section 1905.01 of the Revised Code. No 1160
person shall be appointed as a mayor's court magistrate unless the 1161
person has been admitted to the practice of law in this state and, 1162
for a total of at least three years preceding the person's 1163
appointment or the commencement of the person's service as 1164
magistrate, has been engaged in the practice of law in this state 1165
or served as a judge of a court of record in any jurisdiction in 1166
the United States, or both. 1167

A person appointed as a mayor's court magistrate under this 1168
division is entitled to hear and determine prosecutions and 1169
criminal causes in the mayor's court that are within the 1170
jurisdiction of the mayor's court, as set forth in section 1905.01 1171
of the Revised Code. If a mayor is prohibited from hearing or 1172
determining a prosecution or cause that charges a person with a 1173
violation of section 4511.19 of the Revised Code or with a 1174
violation of a municipal OVI ordinance ~~relating to operating a~~ 1175
~~vehicle while under the influence of alcohol, a drug of abuse, or~~ 1176
~~alcohol and a drug of abuse or relating to operating a vehicle~~ 1177
~~with a prohibited concentration of alcohol~~ as defined in section 1178
4511.181 of the blood, breath, or urine Revised Code due to the 1179
operation of division (C) of section 1905.03 of the Revised Code, 1180
or is prohibited from hearing or determining any other prosecution 1181
or cause due to the operation of division (C) of section 1905.031 1182
of the Revised Code, the prohibition against the mayor hearing or 1183
determining the prosecution or cause does not affect and shall not 1184
be construed as affecting the jurisdiction or authority of a 1185
person appointed as a mayor's court magistrate under this division 1186
to hear and determine the prosecution or cause in accordance with 1187
this section. In hearing and determining such prosecutions and 1188
causes, the magistrate has the same powers, duties, and authority 1189
as does a mayor who conducts a mayor's court to hear and determine 1190
prosecutions and causes in general, including, but not limited to, 1191
the power and authority to decide the prosecution or cause, enter 1192

judgment, and impose sentence; the powers, duties, and authority 1193
granted to mayors of mayor's courts by this chapter, in relation 1194
to the hearing and determination of prosecutions and causes in 1195
mayor's courts; and the powers, duties, and authority granted to 1196
mayors of mayor's courts by any other provision of the Revised 1197
Code, in relation to the hearing and determination of prosecutions 1198
and causes in mayor's courts. A judgment entered and a sentence 1199
imposed by a mayor's court magistrate do not have to be reviewed 1200
or approved by the mayor who appointed the magistrate, and have 1201
the same force and effect as if they had been entered or imposed 1202
by the mayor. 1203

A person appointed as a mayor's court magistrate under this 1204
division is not entitled to hear or determine any prosecution or 1205
criminal cause other than prosecutions and causes that are within 1206
the jurisdiction of the mayor's court, as set forth in section 1207
1905.01 of the Revised Code. 1208

A municipal corporation that a mayor's court magistrate 1209
serves shall pay the compensation for the services of the 1210
magistrate, which shall be either a fixed annual salary set by the 1211
legislative authority of the municipal corporation or a fixed 1212
annual amount or fees for services rendered set under a contract 1213
the magistrate and the municipal corporation enter into. 1214

(B) The appointment of a person as a mayor's court magistrate 1215
under division (A) of this section does not preclude the mayor 1216
that appointed the magistrate, subject to the limitation contained 1217
in section 1905.03 and the limitation contained in section 1218
1905.031 of the Revised Code, from also hearing and determining 1219
prosecutions and criminal causes in the mayor's court that are 1220
within the jurisdiction of the mayor's court, as set forth in 1221
section 1905.01 of the Revised Code. 1222

Sec. 1905.201. The mayor of a municipal corporation that has 1223

a mayor's court, and a mayor's court magistrate, are entitled to 1224
suspend, and shall suspend, in accordance with sections 4510.02, 1225
4510.07, and 4511.19 of the Revised Code, the driver's or 1226
commercial driver's license or permit or nonresident operating 1227
privilege of any person who is convicted of or pleads guilty to a 1228
violation of division (A) of section 4511.19 of the Revised Code, 1229
of a municipal ordinance relating to operating a vehicle while 1230
under the influence of alcohol, a drug of abuse, or a combination 1231
of them, or of a municipal ordinance relating to operating a 1232
vehicle with a prohibited concentration of alcohol, a controlled 1233
substance, or a metabolite of a controlled substance in the whole 1234
blood, blood serum or plasma, breath, or urine that is 1235
substantially equivalent to division (A) of section 4511.19 of the 1236
Revised Code. The mayor of a municipal corporation that has a 1237
mayor's court, and a mayor's court magistrate, are entitled to 1238
suspend, and shall suspend, in accordance with sections 4510.02, 1239
4510.07, and 4511.19 of the Revised Code, the driver's, or 1240
commercial driver's license or permit or nonresident operating 1241
privilege of any person who is convicted of or pleads guilty to a 1242
violation of division (B) of section 4511.19 of the Revised Code 1243
or of a municipal ordinance relating to operating a vehicle with a 1244
prohibited concentration of alcohol in the whole blood, blood 1245
serum or plasma, breath, or urine that is substantially equivalent 1246
to division (B) of section 4511.19 of the Revised Code. 1247

Suspension of a commercial driver's license under this 1248
section shall be concurrent with any period of disqualification or 1249
suspension under section 3123.58 or 4506.16 of the Revised Code. 1250
No person who is disqualified for life from holding a commercial 1251
driver's license under section 4506.16 of the Revised Code shall 1252
be issued a driver's license under Chapter 4507. of the Revised 1253
Code during the period for which the commercial driver's license 1254
was suspended under this section, and no person whose commercial 1255

driver's license is suspended under this section shall be issued a 1256
driver's license under Chapter 4507. of the Revised Code during 1257
the period of the suspension. 1258

Sec. 2317.02. The following persons shall not testify in 1259
certain respects: 1260

(A) An attorney, concerning a communication made to the 1261
attorney by a client in that relation or the attorney's advice to 1262
a client, except that the attorney may testify by express consent 1263
of the client or, if the client is deceased, by the express 1264
consent of the surviving spouse or the executor or administrator 1265
of the estate of the deceased client and except that, if the 1266
client voluntarily testifies or is deemed by section 2151.421 of 1267
the Revised Code to have waived any testimonial privilege under 1268
this division, the attorney may be compelled to testify on the 1269
same subject; 1270

(B)(1) A physician or a dentist concerning a communication 1271
made to the physician or dentist by a patient in that relation or 1272
the physician's or dentist's advice to a patient, except as 1273
otherwise provided in this division, division (B)(2), and division 1274
(B)(3) of this section, and except that, if the patient is deemed 1275
by section 2151.421 of the Revised Code to have waived any 1276
testimonial privilege under this division, the physician may be 1277
compelled to testify on the same subject. 1278

The testimonial privilege established under this division 1279
does not apply, and a physician or dentist may testify or may be 1280
compelled to testify, in any of the following circumstances: 1281

(a) In any civil action, in accordance with the discovery 1282
provisions of the Rules of Civil Procedure in connection with a 1283
civil action, or in connection with a claim under Chapter 4123. of 1284
the Revised Code, under any of the following circumstances: 1285

(i) If the patient or the guardian or other legal representative of the patient gives express consent;	1286 1287
(ii) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent;	1288 1289 1290
(iii) 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.	1291 1292 1293 1294 1295 1296 1297
(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.	1298 1299 1300 1301 1302 1303 1304
(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug combination <u>of abuse them, a controlled substance, or a metabolite of a controlled substance</u> in the patient's <u>whole blood, blood serum or plasma</u> , breath, urine, or other bodily substance at any time relevant to the criminal offense in question.	1305 1306 1307 1308 1309 1310 1311
(d) In any criminal action against a physician or dentist. In 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	1312 1313 1314 1315 1316

physician or dentist that are related to the action and obtained 1317
by subpoena, search warrant, or other lawful means. A court that 1318
permits or compels a physician or dentist to testify in such an 1319
action or permits the introduction into evidence of patient 1320
records or other communications in such an action shall require 1321
that appropriate measures be taken to ensure that the 1322
confidentiality of any patient named or otherwise identified in 1323
the records is maintained. Measures to ensure confidentiality that 1324
may be taken by the court include sealing its records or deleting 1325
specific information from its records. 1326

(e) In any will contest action under sections 2107.71 to 1327
2107.77 of the Revised Code if all of the following apply: 1328

(i) The patient is deceased. 1329

(ii) A party to the will contest action requests the 1330
testimony, demonstrates to the court that that party would be an 1331
heir of the patient if the patient died without a will, is a 1332
beneficiary under the will that is the subject of the will contest 1333
action, or is a beneficiary under another testamentary document 1334
allegedly executed by the patient, and demonstrates to the court 1335
that the testimony is necessary to establish the party's rights as 1336
described in this division. 1337

(2)(a) If any law enforcement officer submits a written 1338
statement to a health care provider that states that an official 1339
criminal investigation has begun regarding a specified person or 1340
that a criminal action or proceeding has been commenced against a 1341
specified person, that requests the provider to supply to the 1342
officer copies of any records the provider possesses that pertain 1343
to any test or the results of any test administered to the 1344
specified person to determine the presence or concentration of 1345
alcohol, a drug of abuse, ~~or alcohol and a drug combination~~ of 1346
~~abuse them, a controlled substance, or a metabolite of a~~ 1347

controlled substance in the person's whole blood, blood serum or 1348
plasma, breath, or urine at any time relevant to the criminal 1349
offense in question, and that conforms to section 2317.022 of the 1350
Revised Code, the provider, except to the extent specifically 1351
prohibited by any law of this state or of the United States, shall 1352
supply to the officer a copy of any of the requested records the 1353
provider possesses. If the health care provider does not possess 1354
any of the requested records, the provider shall give the officer 1355
a written statement that indicates that the provider does not 1356
possess any of the requested records. 1357

(b) If a health care provider possesses any records of the 1358
type described in division (B)(2)(a) of this section regarding the 1359
person in question at any time relevant to the criminal offense in 1360
question, in lieu of personally testifying as to the results of 1361
the test in question, the custodian of the records may submit a 1362
certified copy of the records, and, upon its submission, the 1363
certified copy is qualified as authentic evidence and may be 1364
admitted as evidence in accordance with the Rules of Evidence. 1365
Division (A) of section 2317.422 of the Revised Code does not 1366
apply to any certified copy of records submitted in accordance 1367
with this division. Nothing in this division shall be construed to 1368
limit the right of any party to call as a witness the person who 1369
administered the test to which the records pertain, the person 1370
under whose supervision the test was administered, the custodian 1371
of the records, the person who made the records, or the person 1372
under whose supervision the records were made. 1373

(3)(a) If the testimonial privilege described in division 1374
(B)(1) of this section does not apply as provided in division 1375
(B)(1)(a)(iii) of this section, a physician or dentist may be 1376
compelled to testify or to submit to discovery under the Rules of 1377
Civil Procedure only as to a communication made to the physician 1378
or dentist by the patient in question in that relation, or the 1379

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
discovery conducted pursuant to this division shall be conducted
in accordance with the Rules of Civil Procedure.

(4) The testimonial privilege described in division (B)(1) of

this section is not waived when a communication is made by a 1412
physician to a pharmacist or when there is communication between a 1413
patient and a pharmacist in furtherance of the physician-patient 1414
relation. 1415

(5)(a) As used in divisions (B)(1) to (4) of this section, 1416
"communication" means acquiring, recording, or transmitting any 1417
information, in any manner, concerning any facts, opinions, or 1418
statements necessary to enable a physician or dentist to diagnose, 1419
treat, prescribe, or act for a patient. A "communication" may 1420
include, but is not limited to, any medical or dental, office, or 1421
hospital communication such as a record, chart, letter, 1422
memorandum, laboratory test and results, x-ray, photograph, 1423
financial statement, diagnosis, or prognosis. 1424

(b) As used in division (B)(2) of this section, "health care 1425
provider" means a hospital, ambulatory care facility, long-term 1426
care facility, pharmacy, emergency facility, or health care 1427
practitioner. 1428

(c) As used in division (B)(5)(b) of this section: 1429

(i) "Ambulatory care facility" means a facility that provides 1430
medical, diagnostic, or surgical treatment to patients who do not 1431
require hospitalization, including a dialysis center, ambulatory 1432
surgical facility, cardiac catheterization facility, diagnostic 1433
imaging center, extracorporeal shock wave lithotripsy center, home 1434
health agency, inpatient hospice, birthing center, radiation 1435
therapy center, emergency facility, and an urgent care center. 1436
"Ambulatory health care facility" does not include the private 1437
office of a physician or dentist, whether the office is for an 1438
individual or group practice. 1439

(ii) "Emergency facility" means a hospital emergency 1440
department or any other facility that provides emergency medical 1441
services. 1442

(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code. 1443
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(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 1445
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(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 3722.01 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 1447
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(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 1456
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(d) As used in divisions (B)(1) and (B)(2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code. 1458
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(6) Divisions (B)(1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, and dentists. 1461
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(7) Nothing in divisions (B)(1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 or 2305.33 of the Revised Code upon physicians who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B)(7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code. 1464
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(C) A member of the clergy, rabbi, priest, or regularly 1474
ordained, accredited, or licensed minister of an established and 1475
legally cognizable church, denomination, or sect, when the member 1476
of the clergy, rabbi, priest, or minister remains accountable to 1477
the authority of that church, denomination, or sect, concerning a 1478
confession made, or any information confidentially communicated, 1479
to the member of the clergy, rabbi, priest, or minister for a 1480
religious counseling purpose in the member of the clergy's, 1481
rabbi's, priest's, or minister's professional character; however, 1482
the member of the clergy, rabbi, priest, or minister may testify 1483
by express consent of the person making the communication, except 1484
when the disclosure of the information is in violation of a sacred 1485
trust; 1486

(D) Husband or wife, concerning any communication made by one 1487
to the other, or an act done by either in the presence of the 1488
other, during coverture, unless the communication was made, or act 1489
done, in the known presence or hearing of a third person competent 1490
to be a witness; and such rule is the same if the marital relation 1491
has ceased to exist; 1492

(E) A person who assigns a claim or interest, concerning any 1493
matter in respect to which the person would not, if a party, be 1494
permitted to testify; 1495

(F) A person who, if a party, would be restricted under 1496
section 2317.03 of the Revised Code, when the property or thing is 1497
sold or transferred by an executor, administrator, guardian, 1498
trustee, heir, devisee, or legatee, shall be restricted in the 1499
same manner in any action or proceeding concerning the property or 1500
thing. 1501

(G)(1) A school guidance counselor who holds a valid educator 1502
license from the state board of education as provided for in 1503
section 3319.22 of the Revised Code, a person licensed under 1504

Chapter 4757. of the Revised Code as a professional clinical	1505
counselor, professional counselor, social worker, independent	1506
social worker, marriage and family therapist or independent	1507
marriage and family therapist, or registered under Chapter 4757.	1508
of the Revised Code as a social work assistant concerning a	1509
confidential communication received from a client in that relation	1510
or the person's advice to a client unless any of the following	1511
applies:	1512
(a) The communication or advice indicates clear and present	1513
danger to the client or other persons. For the purposes of this	1514
division, cases in which there are indications of present or past	1515
child abuse or neglect of the client constitute a clear and	1516
present danger.	1517
(b) The client gives express consent to the testimony.	1518
(c) If the client is deceased, the surviving spouse or the	1519
executor or administrator of the estate of the deceased client	1520
gives express consent.	1521
(d) The client voluntarily testifies, in which case the	1522
school guidance counselor or person licensed or registered under	1523
Chapter 4757. of the Revised Code may be compelled to testify on	1524
the same subject.	1525
(e) The court in camera determines that the information	1526
communicated by the client is not germane to the counselor-client,	1527
marriage and family therapist-client, or social worker-client	1528
relationship.	1529
(f) A court, in an action brought against a school, its	1530
administration, or any of its personnel by the client, rules after	1531
an in-camera inspection that the testimony of the school guidance	1532
counselor is relevant to that action.	1533
(g) The testimony is sought in a civil action and concerns	1534

court-ordered treatment or services received by a patient as part 1535
of a case plan journalized under section 2151.412 of the Revised 1536
Code or the court-ordered treatment or services are necessary or 1537
relevant to dependency, neglect, or abuse or temporary or 1538
permanent custody proceedings under Chapter 2151. of the Revised 1539
Code. 1540

(2) Nothing in division (G)(1) of this section shall relieve 1541
a school guidance counselor or a person licensed or registered 1542
under Chapter 4757. of the Revised Code from the requirement to 1543
report information concerning child abuse or neglect under section 1544
2151.421 of the Revised Code. 1545

(H) A mediator acting under a mediation order issued under 1546
division (A) of section 3109.052 of the Revised Code or otherwise 1547
issued in any proceeding for divorce, dissolution, legal 1548
separation, annulment, or the allocation of parental rights and 1549
responsibilities for the care of children, in any action or 1550
proceeding, other than a criminal, delinquency, child abuse, child 1551
neglect, or dependent child action or proceeding, that is brought 1552
by or against either parent who takes part in mediation in 1553
accordance with the order and that pertains to the mediation 1554
process, to any information discussed or presented in the 1555
mediation process, to the allocation of parental rights and 1556
responsibilities for the care of the parents' children, or to the 1557
awarding of parenting time rights in relation to their children; 1558

(I) A communications assistant, acting within the scope of 1559
the communication assistant's authority, when providing 1560
telecommunications relay service pursuant to section 4931.35 of 1561
the Revised Code or Title II of the "Communications Act of 1934," 1562
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 1563
made through a telecommunications relay service. Nothing in this 1564
section shall limit the obligation of a communications assistant 1565
to divulge information or testify when mandated by federal law or 1566

regulation or pursuant to subpoena in a criminal proceeding. 1567

Nothing in this section shall limit any immunity or privilege 1568
granted under federal law or regulation. 1569

(J)(1) A chiropractor in a civil proceeding concerning a 1570
communication made to the chiropractor by a patient in that 1571
relation or the chiropractor's advice to a patient, except as 1572
otherwise provided in this division. The testimonial privilege 1573
established under this division does not apply, and a chiropractor 1574
may testify or may be compelled to testify, in any civil action, 1575
in accordance with the discovery provisions of the Rules of Civil 1576
Procedure in connection with a civil action, or in connection with 1577
a claim under Chapter 4123. of the Revised Code, under any of the 1578
following circumstances: 1579

(a) If the patient or the guardian or other legal 1580
representative of the patient gives express consent. 1581

(b) If the patient is deceased, the spouse of the patient or 1582
the executor or administrator of the patient's estate gives 1583
express consent. 1584

(c) If a medical claim, dental claim, chiropractic claim, or 1585
optometric claim, as defined in section 2305.113 of the Revised 1586
Code, an action for wrongful death, any other type of civil 1587
action, or a claim under Chapter 4123. of the Revised Code is 1588
filed by the patient, the personal representative of the estate of 1589
the patient if deceased, or the patient's guardian or other legal 1590
representative. 1591

(2) If the testimonial privilege described in division (J)(1) 1592
of this section does not apply as provided in division (J)(1)(c) 1593
of this section, a chiropractor may be compelled to testify or to 1594
submit to discovery under the Rules of Civil Procedure only as to 1595
a communication made to the chiropractor by the patient in 1596
question in that relation, or the chiropractor's advice to the 1597

patient in question, that related causally or historically to 1598
physical or mental injuries that are relevant to issues in the 1599
medical claim, dental claim, chiropractic claim, or optometric 1600
claim, action for wrongful death, other civil action, or claim 1601
under Chapter 4123. of the Revised Code. 1602

(3) The testimonial privilege established under this division 1603
does not apply, and a chiropractor may testify or be compelled to 1604
testify, in any criminal action or administrative proceeding. 1605

(4) As used in this division, "communication" means 1606
acquiring, recording, or transmitting any information, in any 1607
manner, concerning any facts, opinions, or statements necessary to 1608
enable a chiropractor to diagnose, treat, or act for a patient. A 1609
communication may include, but is not limited to, any 1610
chiropractic, office, or hospital communication such as a record, 1611
chart, letter, memorandum, laboratory test and results, x-ray, 1612
photograph, financial statement, diagnosis, or prognosis. 1613

(K)(1) Except as provided under division (K)(2) of this 1614
section, a critical incident stress management team member 1615
concerning a communication received from an individual who 1616
receives crisis response services from the team member, or the 1617
team member's advice to the individual, during a debriefing 1618
session. 1619

(2) The testimonial privilege established under division 1620
(K)(1) of this section does not apply if any of the following are 1621
true: 1622

(a) The communication or advice indicates clear and present 1623
danger to the individual who receives crisis response services or 1624
to other persons. For purposes of this division, cases in which 1625
there are indications of present or past child abuse or neglect of 1626
the individual constitute a clear and present danger. 1627

(b) The individual who received crisis response services 1628

gives express consent to the testimony. 1629

(c) If the individual who received crisis response services 1630
is deceased, the surviving spouse or the executor or administrator 1631
of the estate of the deceased individual gives express consent. 1632

(d) The individual who received crisis response services 1633
voluntarily testifies, in which case the team member may be 1634
compelled to testify on the same subject. 1635

(e) The court in camera determines that the information 1636
communicated by the individual who received crisis response 1637
services is not germane to the relationship between the individual 1638
and the team member. 1639

(f) The communication or advice pertains or is related to any 1640
criminal act. 1641

(3) As used in division (K) of this section: 1642

(a) "Crisis response services" means consultation, risk 1643
assessment, referral, and on-site crisis intervention services 1644
provided by a critical incident stress management team to 1645
individuals affected by crisis or disaster. 1646

(b) "Critical incident stress management team member" or 1647
"team member" means an individual specially trained to provide 1648
crisis response services as a member of an organized community or 1649
local crisis response team that holds membership in the Ohio 1650
critical incident stress management network. 1651

(c) "Debriefing session" means a session at which crisis 1652
response services are rendered by a critical incident stress 1653
management team member during or after a crisis or disaster. 1654

(L)(1) Subject to division (L)(2) of this section and except 1655
as provided in division (L)(3) of this section, an employee 1656
assistance professional, concerning a communication made to the 1657
employee assistance professional by a client in the employee 1658

assistance professional's official capacity as an employee	1659
assistance professional.	1660
(2) Division (L)(1) of this section applies to an employee	1661
assistance professional who meets either or both of the following	1662
requirements:	1663
(a) Is certified by the employee assistance certification	1664
commission to engage in the employee assistance profession;	1665
(b) Has education, training, and experience in all of the	1666
following:	1667
(i) Providing workplace-based services designed to address	1668
employer and employee productivity issues;	1669
(ii) Providing assistance to employees and employees'	1670
dependents in identifying and finding the means to resolve	1671
personal problems that affect the employees or the employees'	1672
performance;	1673
(iii) Identifying and resolving productivity problems	1674
associated with an employee's concerns about any of the following	1675
matters: health, marriage, family, finances, substance abuse or	1676
other addiction, workplace, law, and emotional issues;	1677
(iv) Selecting and evaluating available community resources;	1678
(v) Making appropriate referrals;	1679
(vi) Local and national employee assistance agreements;	1680
(vii) Client confidentiality.	1681
(3) Division (L)(1) of this section does not apply to any of	1682
the following:	1683
(a) A criminal action or proceeding involving an offense	1684
under sections 2903.01 to 2903.06 of the Revised Code if the	1685
employee assistance professional's disclosure or testimony relates	1686
directly to the facts or immediate circumstances of the offense;	1687

(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	1688 1689 1690
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	1691 1692 1693
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	1694 1695 1696
(e) A civil or criminal malpractice action brought against the employee assistance professional;	1697 1698
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	1699 1700 1701
(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.	1702 1703
Sec. 2317.022. (A) As used in this section, "health:	1704
<u>(1) "Health care provider" has the same meaning as in section 2317.02 of the Revised Code.</u>	1705 1706
<u>(2) "Drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.</u>	1707 1708
(B) If an official criminal investigation has begun regarding a person or if a criminal action or proceeding is commenced against a person, any law enforcement officer who wishes to obtain from any health care provider a copy of any records the provider possesses that pertain to any test or the result of any test administered to the person to determine the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in the person's blood, breath, or urine at any time	1709 1710 1711 1712 1713 1714 1715 1716

relevant to the criminal offense in question shall submit to the health care facility a written statement in the following form:

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS

To: (insert name of the health care provider in question).

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.

.....

(Name of officer)

.....

(Officer's title)

.....

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(Officer's employing agency)	1747
.....	1748
(Officer's telephone number)	1749
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.....	1751
.....	1752
(Agency's address)	1753
.....	1754
(Date written statement submitted)"	1755
(C) A health care provider that receives a written statement	1756
of the type described in division (B) of this section shall comply	1757
with division (B)(2) of section 2317.02 of the Revised Code	1758
relative to the written statement.	1759
Sec. 2317.422. (A) Notwithstanding sections 2317.40 and	1760
2317.41 of the Revised Code but subject to division (B) of this	1761
section, the records, or copies or photographs of the records, of	1762
a hospital, homes required to be licensed pursuant to section	1763
3721.01 <u>of the Revised Code</u> and of adult care facilities required	1764
to be licensed pursuant to Chapter 3722. of the Revised Code, and	1765
community alternative homes licensed pursuant to section 3724.03	1766
of the Revised Code, in lieu of the testimony in open court of	1767
their custodian, person who made them, or person under whose	1768
supervision they were made, may be qualified as authentic evidence	1769
if any such person endorses thereon his <u>the person's</u> verified	1770
certification identifying such records, giving the mode and time	1771
of their preparation, and stating that they were prepared in the	1772
usual course of the business of the institution. Such records,	1773
copies, or photographs may not be qualified by certification as	1774
provided in this section unless the party intending to offer them	1775

delivers a copy of them, or of their relevant portions, to the 1776
attorney of record for each adverse party not less than five days 1777
before trial. Nothing in this section shall be construed to limit 1778
the right of any party to call the custodian, person who made such 1779
records, or person under whose supervision they were made, as a 1780
witness. 1781

(B) Division (A) of this section does not apply to any 1782
certified copy of the results of any test given to determine the 1783
presence or concentration of alcohol, a drug of abuse, ~~or alcohol~~ 1784
and a drug combination of abuse them, a controlled substance, or a 1785
metabolite of a controlled substance in a patient's whole blood, 1786
blood serum or plasma, breath, or urine at any time relevant to a 1787
criminal offense that is submitted in a criminal action or 1788
proceeding in accordance with division (B)(2)(b) or (B)(3)(b) of 1789
section 2317.02 of the Revised Code. 1790

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the 1791
Revised Code: 1792

(A) "Claimant" means both of the following categories of 1793
persons: 1794

(1) Any of the following persons who claim an award of 1795
reparations under sections 2743.51 to 2743.72 of the Revised Code: 1796

(a) A victim who was one of the following at the time of the 1797
criminally injurious conduct: 1798

(i) A resident of the United States; 1799

(ii) A resident of a foreign country the laws of which permit 1800
residents of this state to recover compensation as victims of 1801
offenses committed in that country. 1802

(b) A dependent of a deceased victim who is described in 1803
division (A)(1)(a) of this section; 1804

(c) A third person, other than a collateral source, who 1805

legally assumes or voluntarily pays the obligations of a victim, 1806
or of a dependent of a victim, who is described in division 1807
(A)(1)(a) of this section, which obligations are incurred as a 1808
result of the criminally injurious conduct that is the subject of 1809
the claim and may include, but are not limited to, medical or 1810
burial expenses; 1811

(d) A person who is authorized to act on behalf of any person 1812
who is described in division (A)(1)(a), (b), or (c) of this 1813
section; 1814

(e) The estate of a deceased victim who is described in 1815
division (A)(1)(a) of this section. 1816

(2) Any of the following persons who claim an award of 1817
reparations under sections 2743.51 to 2743.72 of the Revised Code: 1818

(a) A victim who had a permanent place of residence within 1819
this state at the time of the criminally injurious conduct and 1820
who, at the time of the criminally injurious conduct, complied 1821
with any one of the following: 1822

(i) Had a permanent place of employment in this state; 1823

(ii) Was a member of the regular armed forces of the United 1824
States or of the United States coast guard or was a full-time 1825
member of the Ohio organized militia or of the United States army 1826
reserve, naval reserve, or air force reserve; 1827

(iii) Was retired and receiving social security or any other 1828
retirement income; 1829

(iv) Was sixty years of age or older; 1830

(v) Was temporarily in another state for the purpose of 1831
receiving medical treatment; 1832

(vi) Was temporarily in another state for the purpose of 1833
performing employment-related duties required by an employer 1834
located within this state as an express condition of employment or 1835

employee benefits;	1836
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	1837 1838 1839 1840
(viii) Was a full-time student at an academic institution, college, or university located in another state;	1841 1842
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	1843 1844 1845 1846
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	1847 1848
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(2)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	1849 1850 1851 1852 1853 1854 1855
(d) A person who is authorized to act on behalf of any person who is described in division (A)(2)(a), (b), or (c) of this section;	1856 1857 1858
(e) The estate of a deceased victim who is described in division (A)(2)(a) of this section.	1859 1860
(B) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable that the victim or claimant has received, or that is readily available to the victim or claimant, from any of the following sources:	1861 1862 1863 1864
(1) The offender;	1865

(2) The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 2743.51 to 2743.72 of the Revised Code;	1866 1867 1868 1869 1870
(3) Social security, medicare, and medicaid;	1871
(4) State-required, temporary, nonoccupational disability insurance;	1872 1873
(5) Workers' compensation;	1874
(6) Wage continuation programs of any employer;	1875
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	1876 1877 1878
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	1879 1880
(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;	1881 1882 1883
(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.	1884 1885 1886 1887
"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.	1888 1889 1890 1891 1892
(C) "Criminally injurious conduct" means one of the following:	1893 1894

(1) For the purposes of any person described in division 1895
(A)(1) of this section, any conduct that occurs or is attempted in 1896
this state; poses a substantial threat of personal injury or 1897
death; and is punishable by fine, imprisonment, or death, or would 1898
be so punishable but for the fact that the person engaging in the 1899
conduct lacked capacity to commit the crime under the laws of this 1900
state. Criminally injurious conduct does not include conduct 1901
arising out of the ownership, maintenance, or use of a motor 1902
vehicle, except when any of the following applies: 1903

(a) The person engaging in the conduct intended to cause 1904
personal injury or death; 1905

(b) The person engaging in the conduct was using the vehicle 1906
to flee immediately after committing a felony or an act that would 1907
constitute a felony but for the fact that the person engaging in 1908
the conduct lacked the capacity to commit the felony under the 1909
laws of this state; 1910

(c) The person engaging in the conduct was using the vehicle 1911
in a manner that constitutes an OVI violation; 1912

(d) The conduct occurred on or after July 25, 1990, and the 1913
person engaging in the conduct was using the vehicle in a manner 1914
that constitutes a violation of section 2903.08 of the Revised 1915
Code. 1916

(2) For the purposes of any person described in division 1917
(A)(2) of this section, any conduct that occurs or is attempted in 1918
another state, district, territory, or foreign country; poses a 1919
substantial threat of personal injury or death; and is punishable 1920
by fine, imprisonment, or death, or would be so punishable but for 1921
the fact that the person engaging in the conduct lacked capacity 1922
to commit the crime under the laws of the state, district, 1923
territory, or foreign country in which the conduct occurred or was 1924
attempted. Criminally injurious conduct does not include conduct 1925

arising out of the ownership, maintenance, or use of a motor	1926
vehicle, except when any of the following applies:	1927
(a) The person engaging in the conduct intended to cause	1928
personal injury or death;	1929
(b) The person engaging in the conduct was using the vehicle	1930
to flee immediately after committing a felony or an act that would	1931
constitute a felony but for the fact that the person engaging in	1932
the conduct lacked the capacity to commit the felony under the	1933
laws of the state, district, territory, or foreign country in	1934
which the conduct occurred or was attempted;	1935
(c) The person engaging in the conduct was using the vehicle	1936
in a manner that constitutes an OVI violation;	1937
(d) The conduct occurred on or after July 25, 1990, the	1938
person engaging in the conduct was using the vehicle in a manner	1939
that constitutes a violation of any law of the state, district,	1940
territory, or foreign country in which the conduct occurred, and	1941
that law is substantially similar to a violation of section	1942
2903.08 of the Revised Code.	1943
(3) For the purposes of any person described in division	1944
(A)(1) or (2) of this section, terrorism that occurs within or	1945
outside the territorial jurisdiction of the United States.	1946
(D) "Dependent" means an individual wholly or partially	1947
dependent upon the victim for care and support, and includes a	1948
child of the victim born after the victim's death.	1949
(E) "Economic loss" means economic detriment consisting only	1950
of allowable expense, work loss, funeral expense, unemployment	1951
benefits loss, replacement services loss, cost of crime scene	1952
cleanup, and cost of evidence replacement. If criminally injurious	1953
conduct causes death, economic loss includes a dependent's	1954
economic loss and a dependent's replacement services loss.	1955

Noneconomic detriment is not economic loss; however, economic loss 1956
may be caused by pain and suffering or physical impairment. 1957

(F)(1) "Allowable expense" means reasonable charges incurred 1958
for reasonably needed products, services, and accommodations, 1959
including those for medical care, rehabilitation, rehabilitative 1960
occupational training, and other remedial treatment and care and 1961
including replacement costs for eyeglasses and other corrective 1962
lenses. It does not include that portion of a charge for a room in 1963
a hospital, clinic, convalescent home, nursing home, or any other 1964
institution engaged in providing nursing care and related services 1965
in excess of a reasonable and customary charge for semiprivate 1966
accommodations, unless accommodations other than semiprivate 1967
accommodations are medically required. 1968

(2) An immediate family member of a victim of criminally 1969
injurious conduct that consists of a homicide, a sexual assault, 1970
domestic violence, or a severe and permanent incapacitating injury 1971
resulting in paraplegia or a similar life-altering condition, who 1972
requires psychiatric care or counseling as a result of the 1973
criminally injurious conduct, may be reimbursed for that care or 1974
counseling as an allowable expense through the victim's 1975
application. The cumulative allowable expense for care or 1976
counseling of that nature shall not exceed two thousand five 1977
hundred dollars for each immediate family member of a victim of 1978
that type and seven thousand five hundred dollars in the aggregate 1979
for all immediate family members of a victim of that type. 1980

(3) A family member of a victim who died as a proximate 1981
result of criminally injurious conduct may be reimbursed as an 1982
allowable expense through the victim's application for wages lost 1983
and travel expenses incurred in order to attend criminal justice 1984
proceedings arising from the criminally injurious conduct. The 1985
cumulative allowable expense for wages lost and travel expenses 1986
incurred by a family member to attend criminal justice proceedings 1987

shall not exceed five hundred dollars for each family member of
the victim and two thousand dollars in the aggregate for all
family members of the victim.

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

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

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

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

death, the minor child continues after the adoption to incur a
dependent's economic loss as a result of the victim's death. If
the surviving spouse of a victim remarries, the surviving spouse
continues after the remarriage to incur a dependent's economic
loss as a result of the victim's death.

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

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

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

(1) Criminally injurious conduct;

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

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

(M) "Contributory misconduct" means any conduct of the
claimant or of the victim through whom the claimant claims an
award of reparations that is unlawful or intentionally tortious

and that, without regard to the conduct's proximity in time or 2049
space to the criminally injurious conduct, has a causal 2050
relationship to the criminally injurious conduct that is the basis 2051
of the claim. 2052

(N)(1) "Funeral expense" means any reasonable charges that 2053
are not in excess of seven thousand five hundred dollars per 2054
funeral and that are incurred for expenses directly related to a 2055
victim's funeral, cremation, or burial and any wages lost or 2056
travel expenses incurred by a family member of a victim in order 2057
to attend the victim's funeral, cremation, or burial. 2058

(2) An award for funeral expenses shall be applied first to 2059
expenses directly related to the victim's funeral, cremation, or 2060
burial. An award for wages lost or travel expenses incurred by a 2061
family member of the victim shall not exceed five hundred dollars 2062
for each family member and shall not exceed in the aggregate the 2063
difference between seven thousand five hundred dollars and 2064
expenses that are reimbursed by the program and that are directly 2065
related to the victim's funeral, cremation, or burial. 2066

(O) "Unemployment benefits loss" means a loss of unemployment 2067
benefits pursuant to Chapter 4141. of the Revised Code when the 2068
loss arises solely from the inability of a victim to meet the able 2069
to work, available for suitable work, or the actively seeking 2070
suitable work requirements of division (A)(4)(a) of section 2071
4141.29 of the Revised Code. 2072

(P) "OVI violation" means any of the following: 2073

(1) A violation of section 4511.19 of the Revised Code, of 2074
any municipal ordinance prohibiting the operation of a vehicle 2075
while under the influence of alcohol, a drug of abuse, or a 2076
combination of them, or of any municipal ordinance prohibiting the 2077
operation of a vehicle with a prohibited concentration of alcohol, 2078
a controlled substance, or a metabolite of a controlled substance 2079

in the whole blood, blood serum or plasma, breath, or urine; 2080

(2) A violation of division (A)(1) of section 2903.06 of the 2081
Revised Code; 2082

(3) A violation of division (A)(2), (3), or (4) of section 2083
2903.06 of the Revised Code or of a municipal ordinance 2084
substantially similar to any of those divisions, if the offender 2085
was under the influence of alcohol, a drug of abuse, or a 2086
combination of them, at the time of the commission of the offense; 2087

(4) For purposes of any person described in division (A)(2) 2088
of this section, a violation of any law of the state, district, 2089
territory, or foreign country in which the criminally injurious 2090
conduct occurred, if that law is substantially similar to a 2091
violation described in division (P)(1) or (2) of this section or 2092
if that law is substantially similar to a violation described in 2093
division (P)(3) of this section and the offender was under the 2094
influence of alcohol, a drug of abuse, or a combination of them, 2095
at the time of the commission of the offense. 2096

(Q) "Pendency of the claim" for an original reparations 2097
application or supplemental reparations application means the 2098
period of time from the date the criminally injurious conduct upon 2099
which the application is based occurred until the date a final 2100
decision, order, or judgment concerning that original reparations 2101
application or supplemental reparations application is issued. 2102

(R) "Terrorism" means any activity to which all of the 2103
following apply: 2104

(1) The activity involves a violent act or an act that is 2105
dangerous to human life. 2106

(2) The act described in division (R)(1) of this section is 2107
committed within the territorial jurisdiction of the United States 2108
and is a violation of the criminal laws of the United States, this 2109
state, or any other state or the act described in division (R)(1) 2110

of this section is committed outside the territorial jurisdiction 2111
of the United States and would be a violation of the criminal laws 2112
of the United States, this state, or any other state if committed 2113
within the territorial jurisdiction of the United States. 2114

(3) The activity appears to be intended to do any of the 2115
following: 2116

(a) Intimidate or coerce a civilian population; 2117

(b) Influence the policy of any government by intimidation or 2118
coercion; 2119

(c) Affect the conduct of any government by assassination or 2120
kidnapping. 2121

(4) The activity occurs primarily outside the territorial 2122
jurisdiction of the United States or transcends the national 2123
boundaries of the United States in terms of the means by which the 2124
activity is accomplished, the person or persons that the activity 2125
appears intended to intimidate or coerce, or the area or locale in 2126
which the perpetrator or perpetrators of the activity operate or 2127
seek asylum. 2128

(S) "Transcends the national boundaries of the United States" 2129
means occurring outside the territorial jurisdiction of the United 2130
States in addition to occurring within the territorial 2131
jurisdiction of the United States. 2132

(T) "Cost of crime scene cleanup" means reasonable and 2133
necessary costs of cleaning the scene and repairing, for the 2134
purpose of personal security, property damaged at the scene where 2135
the criminally injurious conduct occurred, not to exceed seven 2136
hundred fifty dollars in the aggregate per claim. 2137

(U) "Cost of evidence replacement" means costs for 2138
replacement of property confiscated for evidentiary purposes 2139
related to the criminally injurious conduct, not to exceed seven 2140

hundred fifty dollars in the aggregate per claim. 2141

(V) "Provider" means any person who provides a victim or 2142
claimant with a product, service, or accommodations that are an 2143
allowable expense or a funeral expense. 2144

(W) "Immediate family member" means an individual who resided 2145
in the same permanent household as a victim at the time of the 2146
criminally injurious conduct and who is related to the victim by 2147
affinity or consanguinity. 2148

(X) "Family member" means an individual who is related to a 2149
victim by affinity or consanguinity. 2150

Sec. 2919.22. (A) No person, who is the parent, guardian, 2151
custodian, person having custody or control, or person in loco 2152
parentis of a child under eighteen years of age or a mentally or 2153
physically handicapped child under twenty-one years of age, shall 2154
create a substantial risk to the health or safety of the child, by 2155
violating a duty of care, protection, or support. It is not a 2156
violation of a duty of care, protection, or support under this 2157
division when the parent, guardian, custodian, or person having 2158
custody or control of a child treats the physical or mental 2159
illness or defect of the child by spiritual means through prayer 2160
alone, in accordance with the tenets of a recognized religious 2161
body. 2162

(B) No person shall do any of the following to a child under 2163
eighteen years of age or a mentally or physically handicapped 2164
child under twenty-one years of age: 2165

(1) Abuse the child; 2166

(2) Torture or cruelly abuse the child; 2167

(3) Administer corporal punishment or other physical 2168
disciplinary measure, or physically restrain the child in a cruel 2169
manner or for a prolonged period, which punishment, discipline, or 2170

restraint is excessive under the circumstances and creates a 2171
substantial risk of serious physical harm to the child; 2172

(4) Repeatedly administer unwarranted disciplinary measures 2173
to the child, when there is a substantial risk that such conduct, 2174
if continued, will seriously impair or retard the child's mental 2175
health or development; 2176

(5) Entice, coerce, permit, encourage, compel, hire, employ, 2177
use, or allow the child to act, model, or in any other way 2178
participate in, or be photographed for, the production, 2179
presentation, dissemination, or advertisement of any material or 2180
performance that the offender knows or reasonably should know is 2181
obscene, is sexually oriented matter, or is nudity-oriented 2182
matter; 2183

(6) Allow the child to be on the same parcel of real property 2184
and within one hundred feet of, or, in the case of more than one 2185
housing unit on the same parcel of real property, in the same 2186
housing unit and within one hundred feet of, any act in violation 2187
of section 2925.04 or 2925.041 of the Revised Code when the person 2188
knows that the act is occurring, whether or not any person is 2189
prosecuted for or convicted of the violation of section 2925.04 or 2190
2925.041 of the Revised Code that is the basis of the violation of 2191
this division. 2192

(C)(1) No person shall operate a vehicle, streetcar, or 2193
trackless trolley within this state in violation of division (A) 2194
of section 4511.19 of the Revised Code when one or more children 2195
under eighteen years of age are in the vehicle, streetcar, or 2196
trackless trolley. Notwithstanding any other provision of law, a 2197
person may be convicted at the same trial or proceeding of a 2198
violation of this division and a violation of division (A) of 2199
section 4511.19 of the Revised Code that constitutes the basis of 2200
the charge of the violation of this division. For purposes of 2201

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 concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(2) As used in division (C)(1) of this section, ~~"vehicle,"~~

(a) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(b) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code.

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

(2) Mistake of age is not a defense to a charge under division (B)(5) of this section.

(3) In a prosecution under division (B)(5) of this section, the trier of fact may infer that an actor, model, or participant in the material or performance involved is a juvenile if the material or performance, through its title, text, visual representation, or otherwise, represents or depicts the actor, model, or participant as a juvenile.

(4) As used in this division and division (B)(5) of this

section:	2232
(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code.	2233 2234 2235
(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest.	2236 2237 2238 2239
(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.	2240 2241 2242
(E)(1) Whoever violates this section is guilty of endangering children.	2243 2244
(2) If the offender violates division (A) or (B)(1) of this section, endangering children is one of the following:	2245 2246
(a) Except as otherwise provided in division (E)(2)(b), (c), or (d) of this section, a misdemeanor of the first degree;	2247 2248
(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E)(2)(c) or (d) of this section, a felony of the fourth degree;	2249 2250 2251 2252 2253
(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;	2254 2255 2256
(d) If the violation is a violation of division (B)(1) of this section and results in serious physical harm to the child involved, a felony of the second degree.	2257 2258 2259
(3) If the offender violates division (B)(2), (3), (4), or (6) of this section, except as otherwise provided in this	2260 2261

division, endangering children is a felony of the third degree. If 2262
the violation results in serious physical harm to the child 2263
involved, or if the offender previously has been convicted of an 2264
offense under this section or of any offense involving neglect, 2265
abandonment, contributing to the delinquency of, or physical abuse 2266
of a child, endangering children is a felony of the second degree. 2267
If the offender violates division (B)(6) of this section and the 2268
drug involved is methamphetamine, the court shall impose a 2269
mandatory prison term on the offender as follows: 2270

(a) If the violation is a violation of division (B)(6) of 2271
this section that is a felony of the third degree under division 2272
(E)(3) of this section and the drug involved is methamphetamine, 2273
except as otherwise provided in this division, the court shall 2274
impose as a mandatory prison term one of the prison terms 2275
prescribed for a felony of the third degree that is not less than 2276
two years. If the violation is a violation of division (B)(6) of 2277
this section that is a felony of the third degree under division 2278
(E)(3) of this section, if the drug involved is methamphetamine, 2279
and if the offender previously has been convicted of or pleaded 2280
guilty to a violation of division (B)(6) of this section, a 2281
violation of division (A) of section 2925.04 of the Revised Code, 2282
or a violation of division (A) of section 2925.041 of the Revised 2283
Code, the court shall impose as a mandatory prison term one of the 2284
prison terms prescribed for a felony of the third degree that is 2285
not less than five years. 2286

(b) If the violation is a violation of division (B)(6) of 2287
this section that is a felony of the second degree under division 2288
(E)(3) of this section and the drug involved is methamphetamine, 2289
except as otherwise provided in this division, the court shall 2290
impose as a mandatory prison term one of the prison terms 2291
prescribed for a felony of the second degree that is not less than 2292
three years. If the violation is a violation of division (B)(6) of 2293

this section that is a felony of the second degree under division 2294
(E)(3) of this section, if the drug involved is methamphetamine, 2295
and if the offender previously has been convicted of or pleaded 2296
guilty to a violation of division (B)(6) of this section, a 2297
violation of division (A) of section 2925.04 of the Revised Code, 2298
or a violation of division (A) of section 2925.041 of the Revised 2299
Code, the court shall impose as a mandatory prison term one of the 2300
prison terms prescribed for a felony of the second degree that is 2301
not less than five years. 2302

(4) If the offender violates division (B)(5) of this section, 2303
endangering children is a felony of the second degree. 2304

(5) If the offender violates division (C) of this section, 2305
the offender shall be punished as follows: 2306

(a) Except as otherwise provided in division (E)(5)(b) or (c) 2307
of this section, endangering children in violation of division (C) 2308
of this section is a misdemeanor of the first degree. 2309

(b) If the violation results in serious physical harm to the 2310
child involved or the offender previously has been convicted of an 2311
offense under this section or any offense involving neglect, 2312
abandonment, contributing to the delinquency of, or physical abuse 2313
of a child, except as otherwise provided in division (E)(5)(c) of 2314
this section, endangering children in violation of division (C) of 2315
this section is a felony of the fifth degree. 2316

(c) If the violation results in serious physical harm to the 2317
child involved and if the offender previously has been convicted 2318
of a violation of division (C) of this section, section 2903.06 or 2319
2903.08 of the Revised Code, section 2903.07 of the Revised Code 2320
as it existed prior to March 23, 2000, or section 2903.04 of the 2321
Revised Code in a case in which the offender was subject to the 2322
sanctions described in division (D) of that section, endangering 2323
children in violation of division (C) of this section is a felony 2324

of the fourth degree. 2325

(d) In addition to any term of imprisonment, fine, or other 2326
sentence, penalty, or sanction it imposes upon the offender 2327
pursuant to division (E)(5)(a), (b), or (c) of this section or 2328
pursuant to any other provision of law and in addition to any 2329
suspension of the offender's driver's or commercial driver's 2330
license or permit or nonresident operating privilege under Chapter 2331
4506., 4509., 4510., or 4511. of the Revised Code or under any 2332
other provision of law, the court also may impose upon the 2333
offender a class seven suspension of the offender's driver's or 2334
commercial driver's license or permit or nonresident operating 2335
privilege from the range specified in division (A)(7) of section 2336
4510.02 of the Revised Code. 2337

(e) In addition to any term of imprisonment, fine, or other 2338
sentence, penalty, or sanction imposed upon the offender pursuant 2339
to division (E)(5)(a), (b), (c), or (d) of this section or 2340
pursuant to any other provision of law for the violation of 2341
division (C) of this section, if as part of the same trial or 2342
proceeding the offender also is convicted of or pleads guilty to a 2343
separate charge charging the violation of division (A) of section 2344
4511.19 of the Revised Code that was the basis of the charge of 2345
the violation of division (C) of this section, the offender also 2346
shall be sentenced in accordance with section 4511.19 of the 2347
Revised Code for that violation of division (A) of section 4511.19 2348
of the Revised Code. 2349

(F)(1)(a) A court may require an offender to perform not more 2350
than two hundred hours of supervised community service work under 2351
the authority of an agency, subdivision, or charitable 2352
organization. The requirement shall be part of the community 2353
control sanction or sentence of the offender, and the court shall 2354
impose the community service in accordance with and subject to 2355
divisions (F)(1)(a) and (b) of this section. The court may require 2356

an offender whom it requires to perform supervised community 2357
service work as part of the offender's community control sanction 2358
or sentence to pay the court a reasonable fee to cover the costs 2359
of the offender's participation in the work, including, but not 2360
limited to, the costs of procuring a policy or policies of 2361
liability insurance to cover the period during which the offender 2362
will perform the work. If the court requires the offender to 2363
perform supervised community service work as part of the 2364
offender's community control sanction or sentence, the court shall 2365
do so in accordance with the following limitations and criteria: 2366

(i) The court shall require that the community service work 2367
be performed after completion of the term of imprisonment or jail 2368
term imposed upon the offender for the violation of division (C) 2369
of this section, if applicable. 2370

(ii) The supervised community service work shall be subject 2371
to the limitations set forth in divisions (B)(1), (2), and (3) of 2372
section 2951.02 of the Revised Code. 2373

(iii) The community service work shall be supervised in the 2374
manner described in division (B)(4) of section 2951.02 of the 2375
Revised Code by an official or person with the qualifications 2376
described in that division. The official or person periodically 2377
shall report in writing to the court concerning the conduct of the 2378
offender in performing the work. 2379

(iv) The court shall inform the offender in writing that if 2380
the offender does not adequately perform, as determined by the 2381
court, all of the required community service work, the court may 2382
order that the offender be committed to a jail or workhouse for a 2383
period of time that does not exceed the term of imprisonment that 2384
the court could have imposed upon the offender for the violation 2385
of division (C) of this section, reduced by the total amount of 2386
time that the offender actually was imprisoned under the sentence 2387

or term that was imposed upon the offender for that violation and 2388
by the total amount of time that the offender was confined for any 2389
reason arising out of the offense for which the offender was 2390
convicted and sentenced as described in sections 2949.08 and 2391
2967.191 of the Revised Code, and that, if the court orders that 2392
the offender be so committed, the court is authorized, but not 2393
required, to grant the offender credit upon the period of the 2394
commitment for the community service work that the offender 2395
adequately performed. 2396

(b) If a court, pursuant to division (F)(1)(a) of this 2397
section, orders an offender to perform community service work as 2398
part of the offender's community control sanction or sentence and 2399
if the offender does not adequately perform all of the required 2400
community service work, as determined by the court, the court may 2401
order that the offender be committed to a jail or workhouse for a 2402
period of time that does not exceed the term of imprisonment that 2403
the court could have imposed upon the offender for the violation 2404
of division (C) of this section, reduced by the total amount of 2405
time that the offender actually was imprisoned under the sentence 2406
or term that was imposed upon the offender for that violation and 2407
by the total amount of time that the offender was confined for any 2408
reason arising out of the offense for which the offender was 2409
convicted and sentenced as described in sections 2949.08 and 2410
2967.191 of the Revised Code. The court may order that a person 2411
committed pursuant to this division shall receive hour-for-hour 2412
credit upon the period of the commitment for the community service 2413
work that the offender adequately performed. No commitment 2414
pursuant to this division shall exceed the period of the term of 2415
imprisonment that the sentencing court could have imposed upon the 2416
offender for the violation of division (C) of this section, 2417
reduced by the total amount of time that the offender actually was 2418
imprisoned under that sentence or term and by the total amount of 2419

time that the offender was confined for any reason arising out of 2420
the offense for which the offender was convicted and sentenced as 2421
described in sections 2949.08 and 2967.191 of the Revised Code. 2422

(2) Division (F)(1) of this section does not limit or affect 2423
the authority of the court to suspend the sentence imposed upon a 2424
misdemeanor offender and place the offender under a community 2425
control sanction pursuant to section 2929.25 of the Revised Code, 2426
to require a misdemeanor or felony offender to perform supervised 2427
community service work in accordance with division (B) of section 2428
2951.02 of the Revised Code, or to place a felony offender under a 2429
community control sanction. 2430

(G)(1) If a court suspends an offender's driver's or 2431
commercial driver's license or permit or nonresident operating 2432
privilege under division (E)(5)(d) of this section, the period of 2433
the suspension shall be consecutive to, and commence after, the 2434
period of suspension of the offender's driver's or commercial 2435
driver's license or permit or nonresident operating privilege that 2436
is imposed under Chapter 4506., 4509., 4510., or 4511. of the 2437
Revised Code or under any other provision of law in relation to 2438
the violation of division (C) of this section that is the basis of 2439
the suspension under division (E)(5)(d) of this section or in 2440
relation to the violation of division (A) of section 4511.19 of 2441
the Revised Code that is the basis for that violation of division 2442
(C) of this section. 2443

(2) An offender is not entitled to request, and the court 2444
shall not grant to the offender, limited driving privileges if the 2445
offender's license, permit, or privilege has been suspended under 2446
division (E)(5)(d) of this section and the offender, within the 2447
preceding six years, has been convicted of or pleaded guilty to 2448
three or more violations of one or more of the following: 2449

(a) Division (C) of this section; 2450

(b) Any equivalent offense, as defined in section 4511.181 of the Revised Code. 2451
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(H)(1) If a person violates division (C) of this section and if, at the time of the violation, there were two or more children under eighteen years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of division (C) of this section for each of the children, but the court may sentence the offender for only one of the violations. 2453
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(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: 2459
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(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; 2466
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(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. 2472
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(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 2479
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violation of division (A) of section 4511.19 of the Revised Code 2482
that was the basis of the charge of the violation of division (C) 2483
of this section, the conviction of or plea of guilty to the 2484
violation of division (C) of this section shall not constitute, 2485
for purposes of any provision of law that refers to a conviction 2486
of or plea of guilty to a violation of division (A) of section 2487
4511.19 of the Revised Code, a conviction of or plea of guilty to 2488
a violation of division (A) of section 4511.19 of the Revised 2489
Code. 2490

(I) As used in this section: 2491

(1) "Community control sanction" has the same meaning as in 2492
section 2929.01 of the Revised Code; 2493

(2) "Limited driving privileges" has the same meaning as in 2494
section 4501.01 of the Revised Code; 2495

(3) "Methamphetamine" has the same meaning as in section 2496
2925.01 of the Revised Code. 2497

Sec. 2937.46. (A) The supreme court of Ohio, in the interest 2498
of uniformity of procedure in the various courts and for the 2499
purpose of promoting prompt and efficient disposition of cases 2500
arising under the traffic laws of this state and related 2501
ordinances, may make uniform rules for practice and procedure in 2502
courts inferior to the court of common pleas not inconsistent with 2503
the provisions of Chapter 2937. of the Revised Code, including, 2504
but not limited to: 2505

(1) Separation of arraignment and trial of traffic and other 2506
types of cases; 2507

(2) Consolidation of cases for trial; 2508

(3) Transfer of cases within the same county for the purpose 2509
of trial; 2510

(4) Designation of special referees for hearings or for receiving pleas or bail at times when courts are not in session;	2511 2512
(5) Fixing of reasonable bonds, and disposition of cases in which bonds have been forfeited.	2513 2514
(B) Except as otherwise specified in division (L) (N) 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.	2515 2516 2517 2518 2519 2520 2521 2522
Sec. 2951.02. (A) During the period of a misdemeanor offender's community control sanction or during the period of a felony offender's nonresidential sanction, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the offender, the place of residence of the offender, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the offender has a right, title, or interest or for which the offender has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the probation officers have reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the conditions of the misdemeanor offender's community control sanction or the conditions of the felony offender's nonresidential sanction. If a felony offender who is sentenced to a nonresidential sanction is under the general control and supervision of the adult parole authority, as described in division (A)(2)(a) of section 2929.15 of the Revised Code, adult	2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541

parole authority field officers with supervisory responsibilities 2542
over the felony offender shall have the same search authority 2543
relative to the felony offender during the period of the sanction 2544
that is described under this division for probation officers. The 2545
court that places the misdemeanor offender under a community 2546
control sanction pursuant to section 2929.25 of the Revised Code 2547
or that sentences the felony offender to a nonresidential sanction 2548
pursuant to section 2929.17 of the Revised Code shall provide the 2549
offender with a written notice that informs the offender that 2550
authorized probation officers or adult parole authority field 2551
officers with supervisory responsibilities over the offender who 2552
are engaged within the scope of their supervisory duties or 2553
responsibilities may conduct those types of searches during the 2554
period of community control sanction or the nonresidential 2555
sanction if they have reasonable grounds to believe that the 2556
offender is not abiding by the law or otherwise is not complying 2557
with the conditions of the offender's community control sanction 2558
or nonresidential sanction. 2559

(B) If an offender is convicted of or pleads guilty to a 2560
misdemeanor, the court may require the offender, as a condition of 2561
the offender's sentence of a community control sanction, to 2562
perform supervised community service work in accordance with this 2563
division. If an offender is convicted of or pleads guilty to a 2564
felony, the court, pursuant to sections 2929.15 and 2929.17 of the 2565
Revised Code, may impose a sanction that requires the offender to 2566
perform supervised community service work in accordance with this 2567
division. The supervised community service work shall be under the 2568
authority of health districts, park districts, counties, municipal 2569
corporations, townships, other political subdivisions of the 2570
state, or agencies of the state or any of its political 2571
subdivisions, or under the authority of charitable organizations 2572
that render services to the community or its citizens, in 2573
accordance with this division. The court may require an offender 2574

who is ordered to perform the work to pay to it a reasonable fee 2575
to cover the costs of the offender's participation in the work, 2576
including, but not limited to, the costs of procuring a policy or 2577
policies of liability insurance to cover the period during which 2578
the offender will perform the work. 2579

A court may permit any offender convicted of a felony or a 2580
misdemeanor to satisfy the payment of a fine imposed for the 2581
offense pursuant to section 2929.18 or 2929.28 of the Revised Code 2582
by performing supervised community service work as described in 2583
this division if the offender requests an opportunity to satisfy 2584
the payment by this means and if the court determines that the 2585
offender is financially unable to pay the fine. 2586

The supervised community service work that may be imposed 2587
under this division shall be subject to the following limitations: 2588

(1) The court shall fix the period of the work and, if 2589
necessary, shall distribute it over weekends or over other 2590
appropriate times that will allow the offender to continue at the 2591
offender's occupation or to care for the offender's family. The 2592
period of the work as fixed by the court shall not exceed in the 2593
aggregate the number of hours of community service imposed by the 2594
court pursuant to section 2929.17 or 2929.27 of the Revised Code. 2595

(2) An agency, political subdivision, or charitable 2596
organization must agree to accept the offender for the work before 2597
the court requires the offender to perform the work for the 2598
entity. A court shall not require an offender to perform 2599
supervised community service work for an agency, political 2600
subdivision, or charitable organization at a location that is an 2601
unreasonable distance from the offender's residence or domicile, 2602
unless the offender is provided with transportation to the 2603
location where the work is to be performed. 2604

(3) A court may enter into an agreement with a county 2605

department of job and family services for the management, 2606
placement, and supervision of offenders eligible for community 2607
service work in work activities, developmental activities, and 2608
alternative work activities under sections 5107.40 to 5107.69 of 2609
the Revised Code. If a court and a county department of job and 2610
family services have entered into an agreement of that nature, the 2611
clerk of that court is authorized to pay directly to the county 2612
department all or a portion of the fees collected by the court 2613
pursuant to this division in accordance with the terms of its 2614
agreement. 2615

(4) Community service work that a court requires under this 2616
division shall be supervised by an official of the agency, 2617
political subdivision, or charitable organization for which the 2618
work is performed or by a person designated by the agency, 2619
political subdivision, or charitable organization. The official or 2620
designated person shall be qualified for the supervision by 2621
education, training, or experience, and periodically shall report, 2622
in writing, to the court and to the offender's probation officer 2623
concerning the conduct of the offender in performing the work. 2624

(5) The total of any period of supervised community service 2625
work imposed on an offender under division (B) of this section 2626
plus the period of all other sanctions imposed pursuant to 2627
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 2628
Code for a felony, or pursuant to sections 2929.25, 2929.26, 2629
2929.27, and 2929.28 of the Revised Code for a misdemeanor, shall 2630
not exceed five years. 2631

(C)(1) If an offender is convicted of a violation of section 2632
4511.19 of the Revised Code, a municipal ordinance relating to 2633
operating a vehicle while under the influence of alcohol, a drug 2634
of abuse, or ~~alcohol~~ and a ~~drug~~ combination of ~~abuse~~ them, or a 2635
municipal ordinance relating to operating a vehicle with a 2636
prohibited concentration of alcohol, a controlled substance, or a 2637

metabolite of a controlled substance in the whole blood, blood 2638
serum or plasma, breath, or urine, the court may require, as a 2639
condition of a community control sanction, any suspension of a 2640
driver's or commercial driver's license or permit or nonresident 2641
operating privilege, and all other penalties provided by law or by 2642
ordinance, that the offender operate only a motor vehicle equipped 2643
with an ignition interlock device that is certified pursuant to 2644
section 4510.43 of the Revised Code. 2645

(2) If a court requires an offender, as a condition of a 2646
community control sanction pursuant to division (C)(1) of this 2647
section, to operate only a motor vehicle equipped with an ignition 2648
interlock device that is certified pursuant to section 4510.43 of 2649
the Revised Code, the offender immediately shall surrender the 2650
offender's driver's or commercial driver's license or permit to 2651
the court. Upon the receipt of the offender's license or permit, 2652
the court shall issue an order authorizing the offender to operate 2653
a motor vehicle equipped with a certified ignition interlock 2654
device, deliver the offender's license or permit to the bureau of 2655
motor vehicles, and include in the abstract of the case forwarded 2656
to the bureau pursuant to section 4510.036 of the Revised Code the 2657
conditions of the community control sanction imposed pursuant to 2658
division (C)(1) of this section. The court shall give the offender 2659
a copy of its order, and that copy shall be used by the offender 2660
in lieu of a driver's or commercial driver's license or permit 2661
until the bureau issues a restricted license to the offender. 2662

(3) Upon receipt of an offender's driver's or commercial 2663
driver's license or permit pursuant to division (C)(2) of this 2664
section, the bureau of motor vehicles shall issue a restricted 2665
license to the offender. The restricted license shall be identical 2666
to the surrendered license, except that it shall have printed on 2667
its face a statement that the offender is prohibited from 2668
operating a motor vehicle that is not equipped with an ignition 2669

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 of abuse, controlled
substance, metabolite of a controlled substance, or ~~alcohol and a~~
~~drug of abuse~~ combination of them in the person's whole blood,
blood serum or plasma, urine, breath, or other bodily substance.
The director shall approve satisfactory techniques or methods,
ascertain the qualifications of individuals to conduct such
analyses, and issue permits to qualified persons authorizing them
to perform such analyses. Such permits shall be subject to

termination or revocation at the discretion of the director. 2701

As used in this section, "drug of abuse" has the same meaning 2702

as in section 4506.01 of the Revised Code. 2703

Sec. 3937.41. (A) As used in this section: 2704

(1) "Ambulance" has the same meaning as in section 4765.01 of 2705

the Revised Code and also includes private ambulance companies 2706

under contract to a municipal corporation, township, or county. 2707

(2) "Emergency vehicle" means any of the following: 2708

(a) Any vehicle, as defined in section 4511.01 of the Revised 2709

Code, that is an emergency vehicle of a municipal, township, or 2710

county department or public utility corporation and that is 2711

identified as such as required by law, the director of public 2712

safety, or local authorities; 2713

(b) Any motor vehicle, as defined in section 4511.01 of the 2714

Revised Code, when commandeered by a police officer; 2715

(c) Any vehicle, as defined in section 4511.01 of the Revised 2716

Code, that is an emergency vehicle of a qualified nonprofit 2717

corporation police department established pursuant to section 2718

1702.80 of the Revised Code and that is identified as an emergency 2719

vehicle; 2720

(d) Any vehicle, as defined in section 4511.01 of the Revised 2721

Code, that is an emergency vehicle of a proprietary police 2722

department or security department of a hospital operated by a 2723

public hospital agency or a nonprofit hospital agency that employs 2724

police officers under section 4973.17 of the Revised Code, and 2725

that is identified as an emergency vehicle. 2726

(3) "Firefighter" means any regular, paid, member of a 2727

lawfully constituted fire department of a municipal corporation or 2728

township. 2729

(4) "Law enforcement officer" means a sheriff, deputy 2730
sheriff, constable, marshal, deputy marshal, municipal or township 2731
police officer, state highway patrol trooper, police officer 2732
employed by a qualified nonprofit police department pursuant to 2733
section 1702.80 of the Revised Code, or police officer employed by 2734
a proprietary police department or security department of a 2735
hospital operated by a public hospital agency or nonprofit 2736
hospital agency pursuant to section 4973.17 of the Revised Code. 2737

(5) "Motor vehicle accident" means any accident involving a 2738
motor vehicle which results in bodily injury to any person, or 2739
damage to the property of any person. 2740

(B) No insurer shall consider the circumstance that an 2741
applicant or policyholder has been involved in a motor vehicle 2742
accident while in the pursuit of the applicant's or policyholder's 2743
official duties as a law enforcement officer, firefighter, or 2744
operator of an emergency vehicle or ambulance, while operating a 2745
vehicle engaged in mowing or snow and ice removal as a county, 2746
township, or department of transportation employee, or while 2747
operating a vehicle while engaged in the pursuit of the 2748
applicant's or policyholder's official duties as a member of the 2749
motor carrier enforcement unit of the state highway patrol under 2750
section 5503.34 of the Revised Code, as a basis for doing either 2751
of the following: 2752

(1) Refusing to issue or deliver a policy of insurance upon a 2753
private automobile, or increasing the rate to be charged for such 2754
a policy; 2755

(2) Increasing the premium rate, canceling, or failing to 2756
renew an existing policy of insurance upon a private automobile. 2757

(C) Any applicant or policyholder affected by an action of an 2758
insurer in violation of this section may appeal to the 2759
superintendent of insurance. After a hearing held upon not less 2760

than ten days' notice to the applicant or policyholder and to the
insurer and if the superintendent determines that the insurer has
violated this section, the superintendent may direct the issuance
of a policy, decrease the premium rate on a policy, or reinstate
insurance coverage.

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

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

this section.

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

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Sec. 4506.17. (A) Any person who holds a commercial driver's license or operates a commercial motor vehicle requiring a commercial driver's license within this state shall be deemed to have given consent to a test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the person's alcohol concentration or the presence of any controlled substance or a metabolite of a controlled substance.

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(B) A test or tests as provided in division (A) of this section may be administered at the direction of a peace officer having reasonable ground to stop or detain the person and, after investigating the circumstances surrounding the operation of the commercial motor vehicle, also having reasonable ground to believe the person was driving the commercial vehicle while having a measurable or detectable amount of alcohol or of a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine. Any such test shall be given within two hours of the time of the alleged violation.

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(C) A person requested to submit to a test under division (A) 2824
of this section shall be advised by the peace officer requesting 2825
the test that a refusal to submit to the test will result in the 2826
person immediately being placed out-of-service for a period of 2827
twenty-four hours and being disqualified from operating a 2828
commercial motor vehicle for a period of not less than one year, 2829
and that the person is required to surrender the person's 2830
commercial driver's license to the peace officer. 2831

(D) If a person refuses to submit to a test after being 2832
warned as provided in division (C) of this section or submits to a 2833
test that discloses the presence of a controlled substance or a 2834
metabolite of a controlled substance, an alcohol concentration of 2835
four-hundredths of one per cent or more by whole blood or breath, 2836
an alcohol concentration of forty-eight-thousandths of one per 2837
cent or more by blood serum or blood plasma, or an alcohol 2838
concentration of fifty-six-thousandths of one per cent or more by 2839
urine, the person immediately shall surrender the person's 2840
commercial driver's license to the peace officer. The peace 2841
officer shall forward the license, together with a sworn report, 2842
to the registrar of motor vehicles certifying that the test was 2843
requested pursuant to division (A) of this section and that the 2844
person either refused to submit to testing or submitted to a test 2845
that disclosed the presence of a controlled substance or a 2846
metabolite of a controlled substance or a prohibited alcohol 2847
concentration. The form and contents of the report required by 2848
this section shall be established by the registrar by rule, but 2849
shall contain the advice to be read to the driver and a statement 2850
to be signed by the driver acknowledging that the driver has been 2851
read the advice and that the form was shown to the driver. 2852

(E) Upon receipt of a sworn report from a peace officer as 2853
provided in division (D) of this section, the registrar shall 2854
disqualify the person named in the report from driving a 2855

commercial motor vehicle for the period described below: 2856

(1) Upon a first incident, one year; 2857

(2) Upon an incident of refusal or of a prohibited 2858
concentration of alcohol, a controlled substance, or a metabolite 2859
of a controlled substance after one or more previous incidents of 2860
either refusal or of a prohibited concentration of alcohol, a 2861
controlled substance, or a metabolite of a controlled substance, 2862
the person shall be disqualified for life or such lesser period as 2863
prescribed by rule by the registrar. 2864

(F) A test of a person's whole blood or a person's blood 2865
serum or plasma given under this section shall comply with the 2866
applicable provisions of division (D) of section 4511.19 of the 2867
Revised Code and any physician, registered nurse, or qualified 2868
technician, chemist, or phlebotomist who withdraws whole blood or 2869
blood serum or plasma from a person under this section, and any 2870
hospital, first-aid station, clinic, or other facility at which 2871
whole blood or blood serum or plasma is withdrawn from a person 2872
pursuant to this section, is immune from criminal liability, and 2873
from civil liability that is based upon a claim of assault and 2874
battery or based upon any other claim of malpractice, for any act 2875
performed in withdrawing whole blood or blood serum or plasma from 2876
the person. 2877

(G) When a person submits to a test under this section, the 2878
results of the test, at the person's request, shall be made 2879
available to the person, the person's attorney, or the person's 2880
agent, immediately upon completion of the chemical test analysis. 2881
The person also may have an additional test administered by a 2882
physician, a registered nurse, or a qualified technician, chemist, 2883
or phlebotomist of the person's own choosing as provided in 2884
division (D) of section 4511.19 of the Revised Code for tests 2885
administered under that section, and the failure to obtain such a 2886

test has the same effect as in that division. 2887

(H) No person shall refuse to immediately surrender the 2888
person's commercial driver's license to a peace officer when 2889
required to do so by this section. 2890

(I) A peace officer issuing an out-of-service order or 2891
receiving a commercial driver's license surrendered under this 2892
section may remove or arrange for the removal of any commercial 2893
motor vehicle affected by the issuance of that order or the 2894
surrender of that license. 2895

(J)(1) Except for civil actions arising out of the operation 2896
of a motor vehicle and civil actions in which the state is a 2897
plaintiff, no peace officer of any law enforcement agency within 2898
this state is liable in compensatory damages in any civil action 2899
that arises under the Revised Code or common law of this state for 2900
an injury, death, or loss to person or property caused in the 2901
performance of official duties under this section and rules 2902
adopted under this section, unless the officer's actions were 2903
manifestly outside the scope of the officer's employment or 2904
official responsibilities, or unless the officer acted with 2905
malicious purpose, in bad faith, or in a wanton or reckless 2906
manner. 2907

(2) Except for civil actions that arise out of the operation 2908
of a motor vehicle and civil actions in which the state is a 2909
plaintiff, no peace officer of any law enforcement agency within 2910
this state is liable in punitive or exemplary damages in any civil 2911
action that arises under the Revised Code or common law of this 2912
state for any injury, death, or loss to person or property caused 2913
in the performance of official duties under this section of the 2914
Revised Code and rules adopted under this section, unless the 2915
officer's actions were manifestly outside the scope of the 2916
officer's employment or official responsibilities, or unless the 2917

officer acted with malicious purpose, in bad faith, or in a wanton
or reckless manner. 2918
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(K) When disqualifying a driver, the registrar shall cause 2920
the records of the bureau of motor vehicles to be updated to 2921
reflect the disqualification within ten days after it occurs. 2922

(L) The registrar immediately shall notify a driver who is 2923
subject to disqualification of the disqualification, of the length 2924
of the disqualification, and that the driver may request a hearing 2925
within thirty days of the mailing of the notice to show cause why 2926
the driver should not be disqualified from operating a commercial 2927
motor vehicle. If a request for such a hearing is not made within 2928
thirty days of the mailing of the notice, the order of 2929
disqualification is final. The registrar may designate hearing 2930
examiners who, after affording all parties reasonable notice, 2931
shall conduct a hearing to determine whether the disqualification 2932
order is supported by reliable evidence. The registrar shall adopt 2933
rules to implement this division. 2934

(M) Any person who is disqualified from operating a 2935
commercial motor vehicle under this section may apply to the 2936
registrar for a driver's license to operate a motor vehicle other 2937
than a commercial motor vehicle, provided the person's commercial 2938
driver's license is not otherwise suspended. A person whose 2939
commercial driver's license is suspended shall not apply to the 2940
registrar for or receive a driver's license under Chapter 4507. of 2941
the Revised Code during the period of suspension. 2942

(N) Whoever violates division (H) of this section is guilty 2943
of a misdemeanor of the first degree. 2944

Sec. 4510.01. As used in this title and in Title XXIX of the 2945
Revised Code: 2946

(A) "Cancel" or "cancellation" means the annulment or 2947

termination by the bureau of motor vehicles of a driver's license, 2948
commercial driver's license, temporary instruction permit, 2949
probationary license, or nonresident operating privilege because 2950
it was obtained unlawfully, issued in error, altered, or willfully 2951
destroyed, or because the holder no longer is entitled to the 2952
license, permit, or privilege. 2953

(B) "Drug abuse offense," ~~has~~ "cocaine," and "L.S.D." have 2954
the same ~~meaning~~ meanings as in section 2925.01 of the Revised 2955
Code. 2956

(C) "Ignition interlock device" means a device approved by 2957
the director of public safety that connects a breath analyzer to a 2958
motor vehicle's ignition system, that is constantly available to 2959
monitor the concentration by weight of alcohol in the breath of 2960
any person attempting to start that motor vehicle by using its 2961
ignition system, and that deters starting the motor vehicle by use 2962
of its ignition system unless the person attempting to start the 2963
vehicle provides an appropriate breath sample for the device and 2964
the device determines that the concentration by weight of alcohol 2965
in the person's breath is below a preset level. 2966

(D) "Immobilizing or disabling device" means a device 2967
approved by the director of public safety that may be ordered by a 2968
court to be used by an offender as a condition of limited driving 2969
privileges. "Immobilizing or disabling device" includes an 2970
ignition interlock device, and any prototype device that is used 2971
according to protocols designed to ensure efficient and effective 2972
monitoring of limited driving privileges granted by a court to an 2973
offender. 2974

(E) "Moving violation" means any violation of any statute or 2975
ordinance that regulates the operation of vehicles, streetcars, or 2976
trackless trolleys on the highways or streets. "Moving violation" 2977
does not include a violation of section 4513.263 of the Revised 2978

Code or a substantially equivalent municipal ordinance, a 2979
violation of any statute or ordinance regulating pedestrians or 2980
the parking of vehicles, vehicle size or load limitations, vehicle 2981
fitness requirements, or vehicle registration. 2982

(F) "Municipal OVI ordinance" and "municipal OVI offense" 2983
have the same meanings as in section 4511.181 of the Revised Code. 2984

(G) "Prototype device" means any testing device to monitor 2985
limited driving privileges that has not yet been approved or 2986
disapproved by the director of public safety. 2987

(H) "Suspend" or "suspension" means the permanent or 2988
temporary withdrawal, by action of a court or the bureau of motor 2989
vehicles, of a driver's license, commercial driver's license, 2990
temporary instruction permit, probationary license, or nonresident 2991
operating privilege for the period of the suspension or the 2992
permanent or temporary withdrawal of the privilege to obtain a 2993
license, permit, or privilege of that type for the period of the 2994
suspension. 2995

(I) "Controlled substance" and "marihuana" have the same 2996
meanings as in section 3719.01 of the Revised Code. 2997

Sec. 4510.011. As used in this chapter, "drug of abuse" has 2998
the same meaning as in section 4506.01 of the Revised Code. 2999

Sec. 4510.032. (A) If a person is charged with a violation of 3000
section 4511.19 of the Revised Code or a violation of any 3001
municipal OVI ordinance; if that charge is dismissed or reduced; 3002
if the person is convicted of or forfeits bail in relation to a 3003
violation of any other section of the Revised Code or of any 3004
ordinance that regulates the operation of vehicles, streetcars, 3005
and trackless trolleys on highways and streets but that does not 3006
relate to operating a vehicle while under the influence of 3007
alcohol, a drug of abuse, or a combination of them or to operating 3008

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 which the person forfeited bail arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced, the abstract prepared under section 4510.03 of the Revised Code also shall set forth the charge that was dismissed or reduced, indicate that it was dismissed or reduced, and indicate that the violation resulting in the conviction or bail forfeiture arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

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

(C)(1) If a child has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed by an adult would be a drug abuse offense or any violation of division (B) of section 2917.11 or of section 4511.19 of the Revised Code, the court shall notify

the bureau, by means of an abstract of the court record as 3041
described in divisions (B) and (C) of section 4510.03 of the 3042
Revised Code, within ten days after the adjudication. 3043

(2) If a court requires a child to attend a drug abuse or 3044
alcohol abuse education, intervention, or treatment program, the 3045
abstract required by division (C)(1) of this section and forwarded 3046
to the bureau also shall include the name and address of the 3047
operator of the program and the date that the child entered the 3048
program. If the child satisfactorily completes the program, the 3049
court, immediately upon receipt of the information, shall send to 3050
the bureau an updated abstract that also shall contain the date on 3051
which the child satisfactorily completed the program. 3052

Sec. 4510.036. (A) The bureau of motor vehicles shall record 3053
within ten days, after receipt, and shall keep at its main office, 3054
all abstracts received under this section or section 4510.03, 3055
4510.031, 4510.032, or 4510.034 of the Revised Code and shall 3056
maintain records of convictions and bond forfeitures for any 3057
violation of a state law or a municipal ordinance regulating the 3058
operation of vehicles, streetcars, and trackless trolleys on 3059
highways and streets, except a violation related to parking a 3060
motor vehicle. 3061

(B) Every court of record or mayor's court before which a 3062
person is charged with a violation for which points are chargeable 3063
by this section shall assess and transcribe to the abstract of 3064
conviction that is furnished by the bureau to the court the number 3065
of points chargeable by this section in the correct space assigned 3066
on the reporting form. A United States district court that has 3067
jurisdiction within this state and before which a person is 3068
charged with a violation for which points are chargeable by this 3069
section may assess and transcribe to the abstract of conviction 3070
report that is furnished by the bureau the number of points 3071

chargeable by this section in the correct space assigned on the 3072
reporting form. If the federal court so assesses and transcribes 3073
the points chargeable for the offense and furnishes the report to 3074
the bureau, the bureau shall record the points in the same manner 3075
as those assessed and transcribed by a court of record or mayor's 3076
court. 3077

(C) A court shall assess the following points for an offense 3078
based on the following formula: 3079

(1) Aggravated vehicular homicide, vehicular homicide, 3080
vehicular manslaughter, aggravated vehicular assault, or vehicular 3081
assault when the offense involves the operation of a vehicle, 3082
streetcar, or trackless trolley on a highway or street 3083
6 points 3084

(2) A violation of section 2921.331 of the Revised Code or 3085
any ordinance prohibiting the willful fleeing or eluding of a law 3086
enforcement officer 6 points 3087

(3) A violation of section 4549.02 or 4549.021 of the Revised 3088
Code or any ordinance requiring the driver of a vehicle to stop 3089
and disclose identity at the scene of an accident 6 3090
points 3091

(4) A violation of section 4511.251 of the Revised Code or 3092
any ordinance prohibiting street racing 6 points 3093

(5) A violation of section 4510.11, 4510.14, 4510.16, or 3094
4510.21 of the Revised Code or any ordinance prohibiting the 3095
operation of a motor vehicle while the driver's or commercial 3096
driver's license is under suspension 6 points 3097

(6) A violation of division (A) of section 4511.19 of the 3098
Revised Code, any ordinance prohibiting the operation of a vehicle 3099
while under the influence of alcohol, a drug of abuse, or a 3100
combination of them, or any ordinance substantially equivalent to 3101

division (A) of section 4511.19 of the Revised Code prohibiting	3102
the operation of a vehicle with a prohibited concentration of	3103
alcohol, <u>a controlled substance, or a metabolite of a controlled</u>	3104
<u>substance</u> in the whole blood, blood serum or plasma, breath, or	3105
urine 6 points	3106
(7) A violation of section 2913.03 of the Revised Code that	3107
does not involve an aircraft or motorboat or any ordinance	3108
prohibiting the operation of a vehicle without the consent of the	3109
owner 6 points	3110
(8) Any offense under the motor vehicle laws of this state	3111
that is a felony, or any other felony in the commission of which a	3112
motor vehicle was used 6 points	3113
(9) A violation of division (B) of section 4511.19 of the	3114
Revised Code or any ordinance substantially equivalent to that	3115
division prohibiting the operation of a vehicle with a prohibited	3116
concentration of alcohol in the whole blood, blood serum or	3117
plasma, breath, or urine 4 points	3118
(10) A violation of section 4511.20 of the Revised Code or	3119
any ordinance prohibiting the operation of a motor vehicle in	3120
willful or wanton disregard of the safety of persons or property	3121
..... 4 points	3122
(11) A violation of any law or ordinance pertaining to speed:	3123
(a) Notwithstanding divisions (C)(11)(b) and (c) of this	3124
section, when the speed exceeds the lawful speed limit by thirty	3125
miles per hour or more 4 points	3126
(b) When the speed exceeds the lawful speed limit of	3127
fifty-five miles per hour or more by more than ten miles per hour	3128
..... 2 points	3129
(c) When the speed exceeds the lawful speed limit of less	3130
than fifty-five miles per hour by more than five miles per hour	3131

..... 2 points	3132
(d) When the speed does not exceed the amounts set forth in divisions (C)(11)(a), (b), or (c) of this section	3133
0 points	3134
	3135
(12) Operating a motor vehicle in violation of a restriction imposed by the registrar	3136
2 points	3137
(13) All other moving violations reported under this section	3138
2 points	3139
(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.	3140
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(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.	3145
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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,	3152
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2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 3162
receipt of a report from a court, court clerk, or other official 3163
of any other state or from any federal authority that a resident 3164
of this state was convicted of or pleaded guilty to an offense 3165
described in this division, the registrar shall send a notice by 3166
regular first class mail to the person, at the person's last known 3167
address as shown in the records of the bureau of motor vehicles, 3168
informing the person of the suspension, that the suspension will 3169
take effect twenty-one days from the date of the notice, and that, 3170
if the person wishes to appeal the suspension or denial, the 3171
person must file a notice of appeal within twenty-one days of the 3172
date of the notice requesting a hearing on the matter. If the 3173
person requests a hearing, the registrar shall hold the hearing 3174
not more than forty days after receipt by the registrar of the 3175
notice of appeal. The filing of a notice of appeal does not stay 3176
the operation of the suspension that must be imposed pursuant to 3177
this division. The scope of the hearing shall be limited to 3178
whether the person actually was convicted of or pleaded guilty to 3179
the offense for which the suspension is to be imposed. 3180

The suspension the registrar is required to impose under this 3181
division shall end either on the last day of the class D 3182
suspension period or of the suspension of the person's nonresident 3183
operating privilege imposed by the state or federal court, 3184
whichever is earlier. 3185

The registrar shall subscribe to or otherwise participate in 3186
any information system or register, or enter into reciprocal and 3187
mutual agreements with other states and federal authorities, in 3188
order to facilitate the exchange of information with other states 3189
and the United States government regarding persons who plead 3190
guilty to or are convicted of offenses described in this division 3191
and therefore are subject to the suspension or denial described in 3192
this division. 3193

(B) The registrar 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 a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code. Upon receipt of a report from another state made pursuant to section 4510.61 of the Revised Code indicating that a resident of this state was convicted of or pleaded guilty to an offense described in this division, the registrar shall send a notice by regular first class mail to the person, at the person's last known address as shown in the records of the bureau of motor vehicles, informing the person of the suspension, that the suspension or denial will take effect twenty-one days from the date of the notice, and that, if the person wishes to appeal the suspension, the person must file a notice of appeal within twenty-one days of the date of the notice requesting a hearing on the matter. If the person 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 person 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 person's nonresident operating privilege imposed by the state or federal court, whichever is earlier.

(C) The registrar shall impose a class D suspension of the 3226
child's driver's license, commercial driver's license, temporary 3227
instruction permit, or nonresident operating privilege for the 3228
period of time specified in division (B)(4) of section 4510.02 of 3229
the Revised Code on any child who is a resident of this state and 3230
is convicted of or pleads guilty to a violation of a statute of 3231
any other state or any federal statute that is substantially 3232
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 3233
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 3234
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 3235
receipt of a report from a court, court clerk, or other official 3236
of any other state or from any federal authority that a child who 3237
is a resident of this state was convicted of or pleaded guilty to 3238
an offense described in this division, the registrar shall send a 3239
notice by regular first class mail to the child, at the child's 3240
last known address as shown in the records of the bureau of motor 3241
vehicles, informing the child of the suspension, that the 3242
suspension or denial will take effect twenty-one days from the 3243
date of the notice, and that, if the child wishes to appeal the 3244
suspension, the child must file a notice of appeal within 3245
twenty-one days of the date of the notice requesting a hearing on 3246
the matter. If the child requests a hearing, the registrar shall 3247
hold the hearing not more than forty days after receipt by the 3248
registrar of the notice of appeal. The filing of a notice of 3249
appeal does not stay the operation of the suspension that must be 3250
imposed pursuant to this division. The scope of the hearing shall 3251
be limited to whether the child actually was convicted of or 3252
pleaded guilty to the offense for which the suspension is to be 3253
imposed. 3254

The suspension the registrar is required to impose under this 3255
division shall end either on the last day of the class D 3256
suspension period or of the suspension of the child's nonresident 3257

operating privilege imposed by the state or federal court, 3258
whichever is earlier. If the child is a resident of this state who 3259
is sixteen years of age or older and does not have a current, 3260
valid Ohio driver's or commercial driver's license or permit, the 3261
notice shall inform the child that the child will be denied 3262
issuance of a driver's or commercial driver's license or permit 3263
for six months beginning on the date of the notice. If the child 3264
has not attained the age of sixteen years on the date of the 3265
notice, the notice shall inform the child that the period of 3266
denial of six months shall commence on the date the child attains 3267
the age of sixteen years. 3268

The registrar shall subscribe to or otherwise participate in 3269
any information system or register, or enter into reciprocal and 3270
mutual agreements with other states and federal authorities, in 3271
order to facilitate the exchange of information with other states 3272
and the United States government regarding children who are 3273
residents of this state and plead guilty to or are convicted of 3274
offenses described in this division and therefore are subject to 3275
the suspension or denial described in this division. 3276

(D) The registrar shall impose a class D suspension of the 3277
child's driver's license, commercial driver's license, temporary 3278
instruction permit, probationary license, or nonresident operating 3279
privilege for the period of time specified in division (B)(4) of 3280
section 4510.02 of the Revised Code on any child who is a resident 3281
of this state and is convicted of or pleads guilty to a violation 3282
of a statute of any other state or a municipal ordinance of a 3283
municipal corporation located in any other state that is 3284
substantially similar to section 4511.19 of the Revised Code. Upon 3285
receipt of a report from another state made pursuant to section 3286
4510.61 of the Revised Code indicating that a child who is a 3287
resident of this state was convicted of or pleaded guilty to an 3288
offense described in this division, the registrar shall send a 3289

notice by regular first class mail to the child, at the child's 3290
last known address as shown in the records of the bureau of motor 3291
vehicles, informing the child of the suspension, that the 3292
suspension will take effect twenty-one days from the date of the 3293
notice, and that, if the child wishes to appeal the suspension, 3294
the child must file a notice of appeal within twenty-one days of 3295
the date of the notice requesting a hearing on the matter. If the 3296
child requests a hearing, the registrar shall hold the hearing not 3297
more than forty days after receipt by the registrar of the notice 3298
of appeal. The filing of a notice of appeal does not stay the 3299
operation of the suspension that must be imposed pursuant to this 3300
division. The scope of the hearing shall be limited to whether the 3301
child actually was convicted of or pleaded guilty to the offense 3302
for which the suspension is to be imposed. 3303

The suspension the registrar is required to impose under this 3304
division shall end either on the last day of the class D 3305
suspension period or of the suspension of the child's nonresident 3306
operating privilege imposed by the state or federal court, 3307
whichever is earlier. If the child is a resident of this state who 3308
is sixteen years of age or older and does not have a current, 3309
valid Ohio driver's or commercial driver's license or permit, the 3310
notice shall inform the child that the child will be denied 3311
issuance of a driver's or commercial driver's license or permit 3312
for six months beginning on the date of the notice. If the child 3313
has not attained the age of sixteen years on the date of the 3314
notice, the notice shall inform the child that the period of 3315
denial of six months shall commence on the date the child attains 3316
the age of sixteen years. 3317

(E) Any person whose license or permit has been suspended 3318
pursuant to this section may file a petition in the municipal or 3319
county court, or in case the person is under eighteen years of 3320
age, the juvenile court, in whose jurisdiction the person resides, 3321

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

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

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

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

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

(d) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that

is substantially similar to either of those divisions; 3353

(e) Division (A)(2), (3), or (4) of section 2903.06, division 3354
(A)(2) of section 2903.08, or as it existed prior to March 23, 3355
2000, section 2903.07 of the Revised Code, or a municipal 3356
ordinance that is substantially similar to any of those divisions 3357
or that former section, in a case in which the jury or judge found 3358
that the person was under the influence of alcohol, a drug of 3359
abuse, or alcohol and a drug of abuse. 3360

(2) The first thirty days of a suspension under division (B) 3361
or (D) of this section, if the person has been convicted one time 3362
within six years of the date of the offense giving rise to the 3363
suspension under this section of any violation identified in 3364
division (E)(1) of this section. 3365

(3) The first one hundred eighty days of a suspension under 3366
division (B) or (D) of this section, if the person has been 3367
convicted two times within six years of the date of the offense 3368
giving rise to the suspension under this section of any violation 3369
identified in division (E)(1) of this section. 3370

(4) No limited driving privileges may be granted if the 3371
person has been convicted three or more times within five years of 3372
the date of the offense giving rise to a suspension under division 3373
(B) or (D) of this section of any violation identified in division 3374
(E)(1) of this section. 3375

If a person petitions for limited driving privileges under 3376
division (E) of this section, the registrar shall be represented 3377
by the county prosecutor of the county in which the person resides 3378
if the petition is filed in a juvenile court or county court, 3379
except that if the person resides within a city or village that is 3380
located within the jurisdiction of the county in which the 3381
petition is filed, the city director of law or village solicitor 3382
of that city or village shall represent the registrar. If the 3383

petition is filed in a municipal court, the registrar shall be 3384
represented as provided in section 1901.34 of the Revised Code. 3385

In granting limited driving privileges under division (E) of 3386
this section, the court may impose any condition it considers 3387
reasonable and necessary to limit the use of a vehicle by the 3388
person. The court shall deliver to the person a permit card, in a 3389
form to be prescribed by the court, setting forth the time, place, 3390
and other conditions limiting the person's use of a motor vehicle. 3391
The grant of limited driving privileges shall be conditioned upon 3392
the person's having the permit in the person's possession at all 3393
times during which the person is operating a vehicle. 3394

A person granted limited driving privileges who operates a 3395
vehicle for other than limited purposes, in violation of any 3396
condition imposed by the court or without having the permit in the 3397
person's possession, is guilty of a violation of section 4510.11 3398
of the Revised Code. 3399

(F) As used in divisions (C) and (D) of this section: 3400

(1) "Child" means a person who is under the age of eighteen 3401
years, except that any person who violates a statute or ordinance 3402
described in division (C) or (D) of this section prior to 3403
attaining eighteen years of age shall be deemed a "child" 3404
irrespective of the person's age at the time the complaint or 3405
other equivalent document is filed in the other state or a 3406
hearing, trial, or other proceeding is held in the other state on 3407
the complaint or other equivalent document, and irrespective of 3408
the person's age when the period of license suspension or denial 3409
prescribed in division (C) or (D) of this section is imposed. 3410

(2) "Is convicted of or pleads guilty to" means, as it 3411
relates to a child who is a resident of this state, that in a 3412
proceeding conducted in a state or federal court located in 3413
another state for a violation of a statute or ordinance described 3414

in division (C) or (D) of this section, the result of the 3415
proceeding is any of the following: 3416

(a) Under the laws that govern the proceedings of the court, 3417
the child is adjudicated to be or admits to being a delinquent 3418
child or a juvenile traffic offender for a violation described in 3419
division (C) or (D) of this section that would be a crime if 3420
committed by an adult; 3421

(b) Under the laws that govern the proceedings of the court, 3422
the child is convicted of or pleads guilty to a violation 3423
described in division (C) or (D) of this section; 3424

(c) Under the laws that govern the proceedings of the court, 3425
irrespective of the terminology utilized in those laws, the result 3426
of the court's proceedings is the functional equivalent of 3427
division (F)(2)(a) or (b) of this section. 3428

Sec. 4510.54. (A) A person whose driver's or commercial 3429
driver's license has been suspended for life under a class one 3430
suspension or as otherwise provided by law or has been suspended 3431
for a period in excess of fifteen years under a class two 3432
suspension may file a motion with the sentencing court for 3433
modification or termination of the suspension. The person filing 3434
the motion shall demonstrate all of the following: 3435

(1) At least fifteen years have elapsed since the suspension 3436
began. 3437

(2) For the past fifteen years, the person has not been found 3438
guilty of any felony, any offense involving a moving violation 3439
under federal law, the law of this state, or the law of any of its 3440
political subdivisions, or any violation of a suspension under 3441
this chapter or a substantially equivalent municipal ordinance. 3442

(3) The person has proof of financial responsibility, a 3443
policy of liability insurance in effect that meets the minimum 3444

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

(4) If the suspension was imposed because the person was
under the influence of alcohol, a drug of abuse, or combination of
them at the time of the offense or because at the time of the
offense 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 person also shall demonstrate all of the following:

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

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

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

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

(C) The court shall notify the person whose license was 3476
suspended and the prosecuting attorney of the date, time, and 3477
location of the hearing. Upon receipt of the notice from the 3478
court, the prosecuting attorney shall notify the victim or the 3479
victim's representative of the date, time, and location of the 3480
hearing. 3481

(D) At any hearing under this section, the person who seeks 3482
modification or termination of the suspension has the burden to 3483
demonstrate, under oath, that the person meets the requirements of 3484
division (A) of this section. At the hearing, the court shall 3485
afford the offender or the offender's counsel an opportunity to 3486
present oral or written information relevant to the motion. The 3487
court shall afford a similar opportunity to provide relevant 3488
information to the prosecuting attorney and the victim or victim's 3489
representative. 3490

Before ruling on the motion, the court shall take into 3491
account the person's driving record, the nature of the offense 3492
that led to the suspension, and the impact of the offense on any 3493
victim. In addition, if the offender is eligible for modification 3494
or termination of the suspension under division (A)(2) of this 3495
section, the court shall consider whether the person committed any 3496
other offense while under suspension and determine whether the 3497
offense is relevant to a determination under this section. The 3498
court may modify or terminate the suspension subject to any 3499
considerations it considers proper if it finds that allowing the 3500
person to drive is not likely to present a danger to the public. 3501
After the court makes a ruling on a motion filed under this 3502
section, the prosecuting attorney shall notify the victim or the 3503
victim's representative of the court's ruling. 3504

(E) If a court modifies a person's license suspension under 3505
this section and the person subsequently is found guilty of any 3506
moving violation or of any substantially equivalent municipal 3507

ordinance that carries as a possible penalty the suspension of a 3508
person's driver's or commercial driver's license, the court may 3509
reimpose the class one or other lifetime suspension, or the class 3510
two suspension, whichever is applicable. 3511

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 3512
the Revised Code: 3513

(A) "Equivalent offense" means any of the following: 3514

(1) A violation of division (A) or (B) of section 4511.19 of 3515
the Revised Code; 3516

(2) A violation of a municipal OVI ordinance; 3517

(3) A violation of section 2903.04 of the Revised Code in a 3518
case in which the offender was subject to the sanctions described 3519
in division (D) of that section; 3520

(4) A violation of division (A)(1) of section 2903.06 or 3521
2903.08 of the Revised Code or a municipal ordinance that is 3522
substantially equivalent to either of those divisions; 3523

(5) A violation of division (A)(2), (3), or (4) of section 3524
2903.06, division (A)(2) of section 2903.08, or former section 3525
2903.07 of the Revised Code, or a municipal ordinance that is 3526
substantially equivalent to any of those divisions or that former 3527
section, in a case in which a judge or jury as the trier of fact 3528
found that the offender was under the influence of alcohol, a drug 3529
of abuse, or a combination of them; 3530

(6) A violation of an existing or former municipal ordinance, 3531
law of another state, or law of the United States that is 3532
substantially equivalent to division (A) or (B) of section 4511.19 3533
of the Revised Code; 3534

(7) A violation of a former law of this state that was 3535
substantially equivalent to division (A) or (B) of section 4511.19 3536

of the Revised Code. 3537

(B) "Mandatory jail term" means the mandatory term in jail of 3538
three, six, ten, twenty, thirty, or sixty days that must be 3539
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 3540
of the Revised Code upon an offender convicted of a violation of 3541
division (A) of that section and in relation to which all of the 3542
following apply: 3543

(1) Except as specifically authorized under section 4511.19 3544
of the Revised Code, the term must be served in a jail. 3545

(2) Except as specifically authorized under section 4511.19 3546
of the Revised Code, the term cannot be suspended, reduced, or 3547
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 3548
other provision of the Revised Code. 3549

(C) "Municipal OVI ordinance" and "municipal OVI offense" 3550
mean any municipal ordinance prohibiting a person from operating a 3551
vehicle while under the influence of alcohol, a drug of abuse, or 3552
a combination of them or prohibiting a person from operating a 3553
vehicle with a prohibited concentration of alcohol, a controlled 3554
substance, or a metabolite of a controlled substance in the whole 3555
blood, blood serum or plasma, breath, or urine. 3556

(D) "Community residential sanction," "jail," "mandatory 3557
prison term," "mandatory term of local incarceration," "sanction," 3558
and "prison term" have the same meanings as in section 2929.01 of 3559
the Revised Code. 3560

(E) "Drug of abuse" has the same meaning as in section 3561
4506.01 of the Revised Code. 3562

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 3563
streetcar, or trackless trolley within this state, if, at the time 3564
of the operation, any of the following apply: 3565

(a) The person is under the influence of alcohol, a drug of 3566

abuse, or a combination of them. 3567

(b) The person has a concentration of eight-hundredths of one 3568
per cent or more but less than seventeen-hundredths of one per 3569
cent by weight per unit volume of alcohol in the person's whole 3570
blood. 3571

(c) The person has a concentration of ninety-six-thousandths 3572
of one per cent or more but less than two hundred four-thousandths 3573
of one per cent by weight per unit volume of alcohol in the 3574
person's blood serum or plasma. 3575

(d) The person has a concentration of eight-hundredths of one 3576
gram or more but less than seventeen-hundredths of one gram by 3577
weight of alcohol per two hundred ten liters of the person's 3578
breath. 3579

(e) The person has a concentration of eleven-hundredths of 3580
one gram or more but less than two hundred 3581
thirty-eight-thousandths of one gram by weight of alcohol per one 3582
hundred milliliters of the person's urine. 3583

(f) The person has a concentration of seventeen-hundredths of 3584
one per cent or more by weight per unit volume of alcohol in the 3585
person's whole blood. 3586

(g) The person has a concentration of two hundred 3587
four-thousandths of one per cent or more by weight per unit volume 3588
of alcohol in the person's blood serum or plasma. 3589

(h) The person has a concentration of seventeen-hundredths of 3590
one gram or more by weight of alcohol per two hundred ten liters 3591
of the person's breath. 3592

(i) The person has a concentration of two hundred 3593
thirty-eight-thousandths of one gram or more by weight of alcohol 3594
per one hundred milliliters of the person's urine. 3595

(j) Except as provided in division (K) of this section, the 3596

person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following: 3597
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(i) 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. 3601
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(ii) 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. 3607
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(iii) 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. 3613
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(iv) 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. 3620
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(v) The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten 3626
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nanograms of heroin metabolite (6-monoacetyl morphine) per 3628
milliliter of the person's urine or has a concentration of heroin 3629
metabolite (6-monoacetyl morphine) in the person's whole blood or 3630
blood serum or plasma of at least ten nanograms of heroin 3631
metabolite (6-monoacetyl morphine) per milliliter of the person's 3632
whole blood or blood serum or plasma. 3633

(vi) The person has a concentration of L.S.D. in the person's 3634
urine of at least twenty-five nanograms of L.S.D. per milliliter 3635
of the person's urine or a concentration of L.S.D. in the person's 3636
whole blood or blood serum or plasma of at least ten nanograms of 3637
L.S.D. per milliliter of the person's whole blood or blood serum 3638
or plasma. 3639

(vii) The person has a concentration of marihuana in the 3640
person's urine of at least ten nanograms of marihuana per 3641
milliliter of the person's urine or has a concentration of 3642
marihuana in the person's whole blood or blood serum or plasma of 3643
at least two nanograms of marihuana per milliliter of the person's 3644
whole blood or blood serum or plasma. 3645

(viii) Either of the following applies: 3646

(I) The person is under the influence of alcohol, a drug of 3647
abuse, or a combination of them, and, as measured by gas 3648
chromatography mass spectrometry, the person has a concentration 3649
of marihuana metabolite in the person's urine of at least fifteen 3650
nanograms of marihuana metabolite per milliliter of the person's 3651
urine or has a concentration of marihuana metabolite in the 3652
person's whole blood or blood serum or plasma of at least five 3653
nanograms of marihuana metabolite per milliliter of the person's 3654
whole blood or blood serum or plasma. 3655

(II) As measured by gas chromatography mass spectrometry, the 3656
person has a concentration of marihuana metabolite in the person's 3657
urine of at least thirty-five nanograms of marihuana metabolite 3658

per milliliter of the person's urine or has a concentration of 3659
marihuana metabolite in the person's whole blood or blood serum or 3660
plasma of at least fifty nanograms of marihuana metabolite per 3661
milliliter of the person's whole blood or blood serum or plasma. 3662

(ix) The person has a concentration of methamphetamine in the 3663
person's urine of at least five hundred nanograms of 3664
methamphetamine per milliliter of the person's urine or has a 3665
concentration of methamphetamine in the person's whole blood or 3666
blood serum or plasma of at least one hundred nanograms of 3667
methamphetamine per milliliter of the person's whole blood or 3668
blood serum or plasma. 3669

(x) The person has a concentration of phencyclidine in the 3670
person's urine of at least twenty-five nanograms of phencyclidine 3671
per milliliter of the person's urine or has a concentration of 3672
phencyclidine in the person's whole blood or blood serum or plasma 3673
of at least ten nanograms of phencyclidine per milliliter of the 3674
person's whole blood or blood serum or plasma. 3675

(2) No person who, within twenty years of the conduct 3676
described in division (A)(2)(a) of this section, previously has 3677
been convicted of or pleaded guilty to a violation of this 3678
division, division (A)(1) or (B) of this section, or a municipal 3679
OVI offense shall do both of the following: 3680

(a) Operate any vehicle, streetcar, or trackless trolley 3681
within this state while under the influence of alcohol, a drug of 3682
abuse, or a combination of them; 3683

(b) Subsequent to being arrested for operating the vehicle, 3684
streetcar, or trackless trolley as described in division (A)(2)(a) 3685
of this section, being asked by a law enforcement officer to 3686
submit to a chemical test or tests under section 4511.191 of the 3687
Revised Code, and being advised by the officer in accordance with 3688
section 4511.192 of the Revised Code of the consequences of the 3689

person's refusal or submission to the test or tests, refuse to
submit to the test or tests.

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

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

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

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

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

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

(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 offense, 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 whole blood, blood serum or plasma, breath, urine,

or other bodily substance at the time of the alleged violation as 3720
shown by chemical analysis of the substance withdrawn within ~~two~~ 3721
three hours of the time of the alleged violation. The three-hour 3722
time limit specified in this division regarding the admission of 3723
evidence does not extend or affect the two-hour time limit 3724
specified in division (A) of section 4511.192 of the Revised Code 3725
as the maximum period of time during which a person may consent to 3726
a chemical test or tests as described in that section. 3727

When a person submits to a blood test at the request of a law 3728
enforcement officer under section 4511.191 of the Revised Code, 3729
only a physician, a registered nurse, or a qualified technician, 3730
chemist, or phlebotomist shall withdraw blood for the purpose of 3731
determining the alcohol, drug, controlled substance, metabolite of 3732
a controlled substance, or ~~alcohol and drug combination~~ content of 3733
the whole blood, blood serum, or blood plasma. This limitation 3734
does not apply to the taking of breath or urine specimens. A 3735
person authorized to withdraw blood under this division may refuse 3736
to withdraw blood under this division, if in that person's 3737
opinion, the physical welfare of the person would be endangered by 3738
the withdrawing of blood. 3739

The bodily substance withdrawn shall be analyzed in 3740
accordance with methods approved by the director of health by an 3741
individual possessing a valid permit issued by the director 3742
pursuant to section 3701.143 of the Revised Code. 3743

(2) In a criminal prosecution or juvenile court proceeding 3744
for a violation of division (A) of this section or for an 3745
equivalent offense, if there was at the time the bodily substance 3746
was withdrawn a concentration of less than the applicable 3747
concentration of alcohol specified in divisions (A)(1)(b), (c), 3748
(d), and (e) of this section or less than the applicable 3749
concentration of a listed controlled substance or a listed 3750
metabolite of a controlled substance specified for a violation of 3751

division (A)(1)(j) of this section, that fact may be considered 3752
with other competent evidence in determining the guilt or 3753
innocence of the defendant. This division does not limit or affect 3754
a criminal prosecution or juvenile court proceeding for a 3755
violation of division (B) of this section or for an equivalent 3756
offense that is substantially equivalent to that division. 3757

(3) Upon the request of the person who was tested, the 3758
results of the chemical test shall be made available to the person 3759
or the person's attorney, immediately upon the completion of the 3760
chemical test analysis. 3761

The person tested may have a physician, a registered nurse, 3762
or a qualified technician, chemist, or phlebotomist of the 3763
person's own choosing administer a chemical test or tests, at the 3764
person's expense, in addition to any administered at the request 3765
of a law enforcement officer. The form to be read to the person to 3766
be tested, as required under section 4511.192 of the Revised Code, 3767
shall state that the person may have an independent test performed 3768
at the person's expense. The failure or inability to obtain an 3769
additional chemical test by a person shall not preclude the 3770
admission of evidence relating to the chemical test or tests taken 3771
at the request of a law enforcement officer. 3772

(4)(a) As used in divisions (D)(4)(b) and (c) of this 3773
section, "national highway traffic safety administration" means 3774
the national highway traffic safety administration established as 3775
an administration of the United States department of 3776
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 3777

(b) In any criminal prosecution or juvenile court proceeding 3778
for a violation of division (A) or (B) of this section, of a 3779
municipal ordinance relating to operating a vehicle while under 3780
the influence of alcohol, a drug of abuse, or alcohol and a drug 3781
of abuse, or of a municipal ordinance relating to operating a 3782
vehicle with a prohibited concentration of alcohol, a controlled 3783

substance, or a metabolite of a controlled substance in the blood, 3784
breath, or urine, if a law enforcement officer has administered a 3785
field sobriety test to the operator of the vehicle involved in the 3786
violation and if it is shown by clear and convincing evidence that 3787
the officer administered the test in substantial compliance with 3788
the testing standards for any reliable, credible, and generally 3789
accepted field sobriety tests that were in effect at the time the 3790
tests were administered, including, but not limited to, any 3791
testing standards then in effect that were set by the national 3792
highway traffic safety administration, all of the following apply: 3793

(i) The officer may testify concerning the results of the 3794
field sobriety test so administered. 3795

(ii) The prosecution may introduce the results of the field 3796
sobriety test so administered as evidence in any proceedings in 3797
the criminal prosecution or juvenile court proceeding. 3798

(iii) If testimony is presented or evidence is introduced 3799
under division (D)(4)(b)(i) or (ii) of this section and if the 3800
testimony or evidence is admissible under the Rules of Evidence, 3801
the court shall admit the testimony or evidence and the trier of 3802
fact shall give it whatever weight the trier of fact considers to 3803
be appropriate. 3804

(c) Division (D)(4)(b) of this section does not limit or 3805
preclude a court, in its determination of whether the arrest of a 3806
person was supported by probable cause or its determination of any 3807
other matter in a criminal prosecution or juvenile court 3808
proceeding of a type described in that division, from considering 3809
evidence or testimony that is not otherwise disallowed by division 3810
(D)(4)(b) of this section. 3811

(E)(1) Subject to division (E)(3) of this section, in any 3812
criminal prosecution or juvenile court proceeding for a violation 3813
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), ~~or~~ (i), or 3814

(j) or (B)(1), (2), (3), or (4) of this section or for an 3815
equivalent offense that is substantially equivalent to any of 3816
those divisions, a laboratory report from any ~~forensic~~ laboratory 3817
~~certified~~ personnel issued a permit by the department of health 3818
authorizing an analysis as described in this division that 3819
contains an analysis of the whole blood, blood serum or plasma, 3820
breath, urine, or other bodily substance tested and that contains 3821
all of the information specified in this division shall be 3822
admitted as prima-facie evidence of the information and statements 3823
that the report contains. The laboratory report shall contain all 3824
of the following: 3825

(a) The signature, under oath, of any person who performed 3826
the analysis; 3827

(b) Any findings as to the identity and quantity of alcohol, 3828
a drug of abuse, a controlled substance, a metabolite of a 3829
controlled substance, or a combination of them that was found; 3830

(c) A copy of a notarized statement by the laboratory 3831
director or a designee of the director that contains the name of 3832
each certified analyst or test performer involved with the report, 3833
the analyst's or test performer's employment relationship with the 3834
laboratory that issued the report, and a notation that performing 3835
an analysis of the type involved is part of the analyst's or test 3836
performer's regular duties; 3837

(d) An outline of the analyst's or test performer's 3838
education, training, and experience in performing the type of 3839
analysis involved and a certification that the laboratory 3840
satisfies appropriate quality control standards in general and, in 3841
this particular analysis, under rules of the department of health. 3842

(2) Notwithstanding any other provision of law regarding the 3843
admission of evidence, a report of the type described in division 3844
(E)(1) of this section is not admissible against the defendant to 3845

whom it pertains in any proceeding, other than a preliminary 3846
hearing or a grand jury proceeding, unless the prosecutor has 3847
served a copy of the report on the defendant's attorney or, if the 3848
defendant has no attorney, on the defendant. 3849

(3) A report of the type described in division (E)(1) of this 3850
section shall not be prima-facie evidence of the contents, 3851
identity, or amount of any substance if, within seven days after 3852
the defendant to whom the report pertains or the defendant's 3853
attorney receives a copy of the report, the defendant or the 3854
defendant's attorney demands the testimony of the person who 3855
signed the report. The judge in the case may extend the seven-day 3856
time limit in the interest of justice. 3857

(F) Except as otherwise provided in this division, any 3858
physician, registered nurse, or qualified technician, chemist, or 3859
phlebotomist who withdraws blood from a person pursuant to this 3860
section, and any hospital, first-aid station, or clinic at which 3861
blood is withdrawn from a person pursuant to this section, is 3862
immune from criminal liability and civil liability based upon a 3863
claim of assault and battery or any other claim that is not a 3864
claim of malpractice, for any act performed in withdrawing blood 3865
from the person. The immunity provided in this division is not 3866
available to a person who withdraws blood if the person engages in 3867
willful or wanton misconduct. 3868

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 3869
to (i) or (A)(2) of this section is guilty of operating a vehicle 3870
under the influence of alcohol, a drug of abuse, or a combination 3871
of them. Whoever violates division (A)(1)(j) of this section is 3872
guilty of operating a vehicle while under the influence of a 3873
listed controlled substance or a listed metabolite of a controlled 3874
substance. The court shall sentence the offender for either 3875
offense under Chapter 2929. of the Revised Code, except as 3876
otherwise authorized or required by divisions (G)(1)(a) to (e) of 3877

this section: 3878

(a) Except as otherwise provided in division (G)(1)(b), (c), 3879
(d), or (e) of this section, the offender is guilty of a 3880
misdemeanor of the first degree, and the court shall sentence the 3881
offender to all of the following: 3882

(i) If the sentence is being imposed for a violation of 3883
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 3884
a mandatory jail term of three consecutive days. As used in this 3885
division, three consecutive days means seventy-two consecutive 3886
hours. The court may sentence an offender to both an intervention 3887
program and a jail term. The court may impose a jail term in 3888
addition to the three-day mandatory jail term or intervention 3889
program. However, in no case shall the cumulative jail term 3890
imposed for the offense exceed six months. 3891

The court may suspend the execution of the three-day jail 3892
term under this division if the court, in lieu of that suspended 3893
term, places the offender under a community control sanction 3894
pursuant to section 2929.25 of the Revised Code and requires the 3895
offender to attend, for three consecutive days, a drivers' 3896
intervention program certified under section 3793.10 of the 3897
Revised Code. The court also may suspend the execution of any part 3898
of the three-day jail term under this division if it places the 3899
offender under a community control sanction pursuant to section 3900
2929.25 of the Revised Code for part of the three days, requires 3901
the offender to attend for the suspended part of the term a 3902
drivers' intervention program so certified, and sentences the 3903
offender to a jail term equal to the remainder of the three 3904
consecutive days that the offender does not spend attending the 3905
program. The court may require the offender, as a condition of 3906
community control and in addition to the required attendance at a 3907
drivers' intervention program, to attend and satisfactorily 3908
complete any treatment or education programs that comply with the 3909

minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

The court may require the offender, under a community control sanction imposed under section 2929.25 of the Revised Code, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any

other conditions of community control on the offender that it 3942
considers necessary. 3943

(iii) In all cases, a fine of not less than two hundred fifty 3944
and not more than one thousand dollars; 3945

(iv) In all cases, a class five license suspension of the 3946
offender's driver's or commercial driver's license or permit or 3947
nonresident operating privilege from the range specified in 3948
division (A)(5) of section 4510.02 of the Revised Code. The court 3949
may grant limited driving privileges relative to the suspension 3950
under sections 4510.021 and 4510.13 of the Revised Code. 3951

(b) Except as otherwise provided in division (G)(1)(e) of 3952
this section, an offender who, within six years of the offense, 3953
previously has been convicted of or pleaded guilty to one 3954
violation of division (A) or (B) of this section or one other 3955
equivalent offense is guilty of a misdemeanor of the first degree. 3956
The court shall sentence the offender to all of the following: 3957

(i) If the sentence is being imposed for a violation of 3958
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 3959
a mandatory jail term of ten consecutive days. The court shall 3960
impose the ten-day mandatory jail term under this division unless, 3961
subject to division (G)(3) of this section, it instead imposes a 3962
sentence under that division consisting of both a jail term and a 3963
term of house arrest with electronic monitoring, with continuous 3964
alcohol monitoring, or with both electronic monitoring and 3965
continuous alcohol monitoring. The court may impose a jail term in 3966
addition to the ten-day mandatory jail term. The cumulative jail 3967
term imposed for the offense shall not exceed six months. 3968

In addition to the jail term or the term of house arrest with 3969
electronic monitoring or continuous alcohol monitoring or both 3970
types of monitoring and jail term, the court may require the 3971
offender to attend a drivers' intervention program that is 3972

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.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a 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 4005
offender's driver's license, commercial driver's license, 4006
temporary instruction permit, probationary license, or nonresident 4007
operating privilege from the range specified in division (A)(4) of 4008
section 4510.02 of the Revised Code. The court may grant limited 4009
driving privileges relative to the suspension under sections 4010
4510.021 and 4510.13 of the Revised Code. 4011

(v) In all cases, if the vehicle is registered in the 4012
offender's name, immobilization of the vehicle involved in the 4013
offense for ninety days in accordance with section 4503.233 of the 4014
Revised Code and impoundment of the license plates of that vehicle 4015
for ninety days. 4016

(c) Except as otherwise provided in division (G)(1)(e) of 4017
this section, an offender who, within six years of the offense, 4018
previously has been convicted of or pleaded guilty to two 4019
violations of division (A) or (B) of this section or other 4020
equivalent offenses is guilty of a misdemeanor. The court shall 4021
sentence the offender to all of the following: 4022

(i) If the sentence is being imposed for a violation of 4023
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 4024
a mandatory jail term of thirty consecutive days. The court shall 4025
impose the thirty-day mandatory jail term under this division 4026
unless, subject to division (G)(3) of this section, it instead 4027
imposes a sentence under that division consisting of both a jail 4028
term and a term of house arrest with electronic monitoring, with 4029
continuous alcohol monitoring, or with both electronic monitoring 4030
and continuous alcohol monitoring. The court may impose a jail 4031
term in addition to the thirty-day mandatory jail term. 4032
Notwithstanding the jail terms set forth in sections 2929.21 to 4033
2929.28 of the Revised Code, the additional jail term shall not 4034
exceed one year, and the cumulative jail term imposed for the 4035
offense shall not exceed one year. 4036

(ii) If the sentence is being imposed for a violation of 4037
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4038
section, a mandatory jail term of sixty consecutive days. The 4039
court shall impose the sixty-day mandatory jail term under this 4040
division unless, subject to division (G)(3) of this section, it 4041
instead imposes a sentence under that division consisting of both 4042
a jail term and a term of house arrest with electronic monitoring, 4043
with continuous alcohol monitoring, or with both electronic 4044
monitoring and continuous alcohol monitoring. The court may impose 4045
a jail term in addition to the sixty-day mandatory jail term. 4046
Notwithstanding the jail terms set forth in sections 2929.21 to 4047
2929.28 of the Revised Code, the additional jail term shall not 4048
exceed one year, and the cumulative jail term imposed for the 4049
offense shall not exceed one year. 4050

(iii) In all cases, notwithstanding the fines set forth in 4051
Chapter 2929. of the Revised Code, a fine of not less than five 4052
hundred fifty and not more than two thousand five hundred dollars; 4053

(iv) In all cases, a class three license suspension of the 4054
offender's driver's license, commercial driver's license, 4055
temporary instruction permit, probationary license, or nonresident 4056
operating privilege from the range specified in division (A)(3) of 4057
section 4510.02 of the Revised Code. The court may grant limited 4058
driving privileges relative to the suspension under sections 4059
4510.021 and 4510.13 of the Revised Code. 4060

(v) In all cases, if the vehicle is registered in the 4061
offender's name, criminal forfeiture of the vehicle involved in 4062
the offense in accordance with section 4503.234 of the Revised 4063
Code. Division (G)(6) of this section applies regarding any 4064
vehicle that is subject to an order of criminal forfeiture under 4065
this division. 4066

(vi) In all cases, participation in an alcohol and drug 4067

addiction program authorized by section 3793.02 of the Revised
Code, subject to division (I) of this section.

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

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(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

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that shall be not less than six months and not more than thirty 4100
months and the prison terms shall be imposed as described in 4101
division (G)(2) of section 2929.13 of the Revised Code. If the 4102
court imposes a mandatory prison term or mandatory prison term and 4103
additional prison term, in addition to the term or terms so 4104
imposed, the court also may sentence the offender to a community 4105
control sanction for the offense, but the offender shall serve all 4106
of the prison terms so imposed prior to serving the community 4107
control sanction. 4108

(ii) If the sentence is being imposed for a violation of 4109
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4110
section, a mandatory prison term of one, two, three, four, or five 4111
years as required by and in accordance with division (G)(2) of 4112
section 2929.13 of the Revised Code if the offender also is 4113
convicted of or also pleads guilty to a specification of the type 4114
described in section 2941.1413 of the Revised Code or, in the 4115
discretion of the court, either a mandatory term of local 4116
incarceration of one hundred twenty consecutive days in accordance 4117
with division (G)(1) of section 2929.13 of the Revised Code or a 4118
mandatory prison term of one hundred twenty consecutive days in 4119
accordance with division (G)(2) of that section if the offender is 4120
not convicted of and does not plead guilty to a specification of 4121
that type. If the court imposes a mandatory term of local 4122
incarceration, it may impose a jail term in addition to the one 4123
hundred twenty-day mandatory term, the cumulative total of the 4124
mandatory term and the jail term for the offense shall not exceed 4125
one year, and, except as provided in division (A)(1) of section 4126
2929.13 of the Revised Code, no prison term is authorized for the 4127
offense. If the court imposes a mandatory prison term, 4128
notwithstanding division (A)(4) of section 2929.14 of the Revised 4129
Code, it also may sentence the offender to a definite prison term 4130
that shall be not less than six months and not more than thirty 4131
months and the prison terms shall be imposed as described in 4132

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
control sanction.

(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.

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(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:

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(i) If the offender is being sentenced 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 a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, 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 control sanction.

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

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described in section 2941.1413 of the Revised Code or a mandatory
prison term of one hundred twenty consecutive days in accordance
with division (G)(2) of section 2929.13 of the Revised Code if the
offender is not convicted of and does not plead guilty to a
specification of that type. The court may impose a prison term in
addition to the mandatory prison term. The cumulative total of a
one hundred twenty-day mandatory prison term and the additional
prison term for the offense shall not exceed five years. In
addition to the mandatory prison term or mandatory prison term and
additional prison term the court imposes, 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 control sanction.

(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. 4227

(2) An offender who is convicted of or pleads guilty to a 4228
violation of division (A) of this section and who subsequently 4229
seeks reinstatement of the driver's or occupational driver's 4230
license or permit or nonresident operating privilege suspended 4231
under this section as a result of the conviction or guilty plea 4232
shall pay a reinstatement fee as provided in division (F)(2) of 4233
section 4511.191 of the Revised Code. 4234

(3) If an offender is sentenced to a jail term under division 4235
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 4236
if, within sixty days of sentencing of the offender, the court 4237
issues a written finding on the record that, due to the 4238
unavailability of space at the jail where the offender is required 4239
to serve the term, the offender will not be able to begin serving 4240
that term within the sixty-day period following the date of 4241
sentencing, the court may impose an alternative sentence under 4242
this division that includes a term of house arrest with electronic 4243
monitoring, with continuous alcohol monitoring, or with both 4244
electronic monitoring and continuous alcohol monitoring. 4245

As an alternative to a mandatory jail term of ten consecutive 4246
days required by division (G)(1)(b)(i) of this section, the court, 4247
under this division, may sentence the offender to five consecutive 4248
days in jail and not less than eighteen consecutive days of house 4249
arrest with electronic monitoring, with continuous alcohol 4250
monitoring, or with both electronic monitoring and continuous 4251
alcohol monitoring. The cumulative total of the five consecutive 4252
days in jail and the period of house arrest with electronic 4253
monitoring, continuous alcohol monitoring, or both types of 4254
monitoring shall not exceed six months. The five consecutive days 4255
in jail do not have to be served prior to or consecutively to the 4256
period of house arrest. 4257

As an alternative to the mandatory jail term of twenty 4258
consecutive days required by division (G)(1)(b)(ii) of this 4259
section, the court, under this division, may sentence the offender 4260
to ten consecutive days in jail and not less than thirty-six 4261
consecutive days of house arrest with electronic monitoring, with 4262
continuous alcohol monitoring, or with both electronic monitoring 4263
and continuous alcohol monitoring. The cumulative total of the ten 4264
consecutive days in jail and the period of house arrest with 4265
electronic monitoring, continuous alcohol monitoring, or both 4266
types of monitoring shall not exceed six months. The ten 4267
consecutive days in jail do not have to be served prior to or 4268
consecutively to the period of house arrest. 4269

As an alternative to a mandatory jail term of thirty 4270
consecutive days required by division (G)(1)(c)(i) of this 4271
section, the court, under this division, may sentence the offender 4272
to fifteen consecutive days in jail and not less than fifty-five 4273
consecutive days of house arrest with electronic monitoring, with 4274
continuous alcohol monitoring, or with both electronic monitoring 4275
and continuous alcohol monitoring. The cumulative total of the 4276
fifteen consecutive days in jail and the period of house arrest 4277
with electronic monitoring, continuous alcohol monitoring, or both 4278
types of monitoring shall not exceed one year. The fifteen 4279
consecutive days in jail do not have to be served prior to or 4280
consecutively to the period of house arrest. 4281

As an alternative to the mandatory jail term of sixty 4282
consecutive days required by division (G)(1)(c)(ii) of this 4283
section, the court, under this division, may sentence the offender 4284
to thirty consecutive days in jail and not less than one hundred 4285
ten consecutive days of house arrest with electronic monitoring, 4286
with continuous ~~electronic~~ alcohol monitoring, or with both 4287
electronic monitoring and continuous alcohol monitoring. The 4288
cumulative total of the thirty consecutive days in jail and the 4289

period of house arrest with electronic monitoring, continuous 4290
alcohol monitoring, or both types of monitoring shall not exceed 4291
one year. The thirty consecutive days in jail do not have to be 4292
served prior to or consecutively to the period of house arrest. 4293

(4) If an offender's driver's or occupational driver's 4294
license or permit or nonresident operating privilege is suspended 4295
under division (G) of this section and if section 4510.13 of the 4296
Revised Code permits the court to grant limited driving 4297
privileges, the court may grant the limited driving privileges in 4298
accordance with that section. If division (A)(7) of that section 4299
requires that the court impose as a condition of the privileges 4300
that the offender must display on the vehicle that is driven 4301
subject to the privileges restricted license plates that are 4302
issued under section 4503.231 of the Revised Code, except as 4303
provided in division (B) of that section, the court shall impose 4304
that condition as one of the conditions of the limited driving 4305
privileges granted to the offender, except as provided in division 4306
(B) of section 4503.231 of the Revised Code. 4307

(5) Fines imposed under this section for a violation of 4308
division (A) of this section shall be distributed as follows: 4309

(a) Twenty-five dollars of the fine imposed under division 4310
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 4311
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 4312
fine imposed under division (G)(1)(c)(iii), and two hundred ten 4313
dollars of the fine imposed under division (G)(1)(d)(iii) or 4314
(e)(iii) of this section shall be paid to an enforcement and 4315
education fund established by the legislative authority of the law 4316
enforcement agency in this state that primarily was responsible 4317
for the arrest of the offender, as determined by the court that 4318
imposes the fine. The agency shall use this share to pay only 4319
those costs it incurs in enforcing this section or a municipal OVI 4320
ordinance and in informing the public of the laws governing the 4321

operation of a vehicle while under the influence of alcohol, the 4322
dangers of the operation of a vehicle under the influence of 4323
alcohol, and other information relating to the operation of a 4324
vehicle under the influence of alcohol and the consumption of 4325
alcoholic beverages. 4326

(b) Fifty dollars of the fine imposed under division 4327
(G)(1)(a)(iii) of this section shall be paid to the political 4328
subdivision that pays the cost of housing the offender during the 4329
offender's term of incarceration. If the offender is being 4330
sentenced for a violation of division (A)(1)(a), (b), (c), (d), ~~or~~ 4331
(e), or (j) of this section and was confined as a result of the 4332
offense prior to being sentenced for the offense but is not 4333
sentenced to a term of incarceration, the fifty dollars shall be 4334
paid to the political subdivision that paid the cost of housing 4335
the offender during that period of confinement. The political 4336
subdivision shall use the share under this division to pay or 4337
reimburse incarceration or treatment costs it incurs in housing or 4338
providing drug and alcohol treatment to persons who violate this 4339
section or a municipal OVI ordinance, costs of any immobilizing or 4340
disabling device used on the offender's vehicle, and costs of 4341
electronic house arrest equipment needed for persons who violate 4342
this section. 4343

(c) Twenty-five dollars of the fine imposed under division 4344
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 4345
division (G)(1)(b)(iii) of this section shall be deposited into 4346
the county or municipal indigent drivers' alcohol treatment fund 4347
under the control of that court, as created by the county or 4348
municipal corporation under division (N) of section 4511.191 of 4349
the Revised Code. 4350

(d) One hundred fifteen dollars of the fine imposed under 4351
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 4352
fine imposed under division (G)(1)(c)(iii), and four hundred forty 4353

dollars of the fine imposed under division (G)(1)(d)(iii) or 4354
(e)(iii) of this section shall be paid to the political 4355
subdivision that pays the cost of housing the offender during the 4356
offender's term of incarceration. The political subdivision shall 4357
use this share to pay or reimburse incarceration or treatment 4358
costs it incurs in housing or providing drug and alcohol treatment 4359
to persons who violate this section or a municipal OVI ordinance, 4360
costs for any immobilizing or disabling device used on the 4361
offender's vehicle, and costs of electronic house arrest equipment 4362
needed for persons who violate this section. 4363

(e) The balance of the fine imposed under division 4364
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 4365
section shall be disbursed as otherwise provided by law. 4366

(6) If title to a motor vehicle that is subject to an order 4367
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 4368
this section is assigned or transferred and division (B)(2) or (3) 4369
of section 4503.234 of the Revised Code applies, in addition to or 4370
independent of any other penalty established by law, the court may 4371
fine the offender the value of the vehicle as determined by 4372
publications of the national auto dealers association. The 4373
proceeds of any fine so imposed shall be distributed in accordance 4374
with division (C)(2) of that section. 4375

(7) As used in division (G) of this section, "electronic 4376
monitoring," "mandatory prison term," and "mandatory term of local 4377
incarceration" have the same meanings as in section 2929.01 of the 4378
Revised Code. 4379

(H) Whoever violates division (B) of this section is guilty 4380
of operating a vehicle after underage alcohol consumption and 4381
shall be punished as follows: 4382

(1) Except as otherwise provided in division (H)(2) of this 4383
section, the offender is guilty of a misdemeanor of the fourth 4384

degree. In addition to any other sanction imposed for the offense, 4385
the court shall impose a class six suspension of the offender's 4386
driver's license, commercial driver's license, temporary 4387
instruction permit, probationary license, or nonresident operating 4388
privilege from the range specified in division (A)(6) of section 4389
4510.02 of the Revised Code. 4390

(2) If, within one year of the offense, the offender 4391
previously has been convicted of or pleaded guilty to one or more 4392
violations of division (A) or (B) of this section or other 4393
equivalent ~~offense~~ offenses, the offender is guilty of a 4394
misdemeanor of the third degree. In addition to any other sanction 4395
imposed for the offense, the court shall impose a class four 4396
suspension of the offender's driver's license, commercial driver's 4397
license, temporary instruction permit, probationary license, or 4398
nonresident operating privilege from the range specified in 4399
division (A)(4) of section 4510.02 of the Revised Code. 4400

(3) If the offender also is convicted of or also pleads 4401
guilty to a specification of the type described in section 4402
2941.1416 of the Revised Code and if the court imposes a jail term 4403
for the violation of division (B) of this section, the court shall 4404
impose upon the offender an additional definite jail term pursuant 4405
to division (E) of section 2929.24 of the Revised Code. 4406

(I)(1) No court shall sentence an offender to an alcohol 4407
treatment program under this section unless the treatment program 4408
complies with the minimum standards for alcohol treatment programs 4409
adopted under Chapter 3793. of the Revised Code by the director of 4410
alcohol and drug addiction services. 4411

(2) An offender who stays in a drivers' intervention program 4412
or in an alcohol treatment program under an order issued under 4413
this section shall pay the cost of the stay in the program. 4414
However, if the court determines that an offender who stays in an 4415

alcohol treatment program under an order issued under this section 4416
is unable to pay the cost of the stay in the program, the court 4417
may order that the cost be paid from the court's indigent drivers' 4418
alcohol treatment fund. 4419

(J) If a person whose driver's or commercial driver's license 4420
or permit or nonresident operating privilege is suspended under 4421
this section files an appeal regarding any aspect of the person's 4422
trial or sentence, the appeal itself does not stay the operation 4423
of the suspension. 4424

(K) Division (A)(1)(j) of this section does not apply to a 4425
person who operates a vehicle, streetcar, or trackless trolley 4426
while the person has a concentration of a listed controlled 4427
substance or a listed metabolite of a controlled substance in the 4428
person's whole blood, blood serum or plasma, or urine that equals 4429
or exceeds the amount specified in that division, if both of the 4430
following apply: 4431

(1) The person obtained the controlled substance pursuant to 4432
a prescription issued by a licensed health professional authorized 4433
to prescribe drugs. 4434

(2) The person injected, ingested, or inhaled the controlled 4435
substance in accordance with the health professional's directions. 4436

(L) The prohibited concentrations of a controlled substance 4437
or a metabolite of a controlled substance listed in division 4438
(A)(1)(j) of this section also apply in a prosecution of a 4439
violation of division (D) of section 2923.16 of the Revised Code 4440
in the same manner as if the offender is being prosecuted for a 4441
prohibited concentration of alcohol. 4442

(M) All terms defined in section 4510.01 of the Revised Code 4443
apply to this section. If the meaning of a term defined in section 4444
4510.01 of the Revised Code conflicts with the meaning of the same 4445
term as defined in section 4501.01 or 4511.01 of the Revised Code, 4446

the term as defined in section 4510.01 of the Revised Code applies 4447
to this section. 4448

~~(L)~~(N)(1) The Ohio Traffic Rules in effect on January 1, 4449
2004, as adopted by the supreme court under authority of section 4450
2937.46 of the Revised Code, do not apply to felony violations of 4451
this section. Subject to division ~~(L)~~(N)(2) of this section, the 4452
Rules of Criminal Procedure apply to felony violations of this 4453
section. 4454

(2) If, on or after January 1, 2004, the supreme court 4455
modifies the Ohio Traffic Rules to provide procedures to govern 4456
felony violations of this section, the modified rules shall apply 4457
to felony violations of this section. 4458

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 4459
as in section 4511.194 of the Revised Code. 4460

(2) Any person who operates a vehicle, streetcar, or 4461
trackless trolley upon a highway or any public or private property 4462
used by the public for vehicular travel or parking within this 4463
state or who is in physical control of a vehicle, streetcar, or 4464
trackless trolley shall be deemed to have given consent to a 4465
chemical test or tests of the person's whole blood, blood serum or 4466
plasma, breath, or urine to determine the alcohol, drug of abuse, 4467
controlled substance, metabolite of a controlled substance, or 4468
alcohol and drug combination content of the person's whole blood, 4469
blood serum or plasma, breath, or urine if arrested for a 4470
violation of division (A) or (B) of section 4511.19 of the Revised 4471
Code, section 4511.194 of the Revised Code or a substantially 4472
equivalent municipal ordinance, or a municipal OVI ordinance. 4473

(3) The chemical test or tests under division (A)(2) of this 4474
section shall be administered at the request of a law enforcement 4475
officer having reasonable grounds to believe the person was 4476
operating or in physical control of a vehicle, streetcar, or 4477

trackless trolley in violation of a division, section, or 4478
ordinance identified in division (A)(2) of this section. The law 4479
enforcement agency by which the officer is employed shall 4480
designate which of the tests shall be administered. 4481

(4) Any person who is dead or unconscious, or who otherwise 4482
is in a condition rendering the person incapable of refusal, shall 4483
be deemed to have consented as provided in division (A)(2) of this 4484
section, and the test or tests may be administered, subject to 4485
sections 313.12 to 313.16 of the Revised Code. 4486

(B)(1) Upon receipt of the sworn report of a law enforcement 4487
officer who arrested a person for a violation of division (A) or 4488
(B) of section 4511.19 of the Revised Code, section 4511.194 of 4489
the Revised Code or a substantially equivalent municipal 4490
ordinance, or a municipal OVI ordinance that was completed and 4491
sent to the registrar and a court pursuant to section 4511.192 of 4492
the Revised Code in regard to a person who refused to take the 4493
designated chemical test, the registrar shall enter into the 4494
registrar's records the fact that the person's driver's or 4495
commercial driver's license or permit or nonresident operating 4496
privilege was suspended by the arresting officer under this 4497
division and that section and the period of the suspension, as 4498
determined under this section. The suspension shall be subject to 4499
appeal as provided in section 4511.197 of the Revised Code. The 4500
suspension shall be for whichever of the following periods 4501
applies: 4502

(a) Except when division (B)(1)(b), (c), or (d) of this 4503
section applies and specifies a different class or length of 4504
suspension, the suspension shall be a class C suspension for the 4505
period of time specified in division (B)(3) of section 4510.02 of 4506
the Revised Code. 4507

(b) If the arrested person, within six years of the date on 4508

which the person refused the request to consent to the chemical 4509
test, had refused one previous request to consent to a chemical 4510
test, the suspension shall be a class B suspension imposed for the 4511
period of time specified in division (B)(2) of section 4510.02 of 4512
the Revised Code. 4513

(c) If the arrested person, within six years of the date on 4514
which the person refused the request to consent to the chemical 4515
test, had refused two previous requests to consent to a chemical 4516
test, the suspension shall be a class A suspension imposed for the 4517
period of time specified in division (B)(1) of section 4510.02 of 4518
the Revised Code. 4519

(d) If the arrested person, within six years of the date on 4520
which the person refused the request to consent to the chemical 4521
test, had refused three or more previous requests to consent to a 4522
chemical test, the suspension shall be for five years. 4523

(2) The registrar shall terminate a suspension of the 4524
driver's or commercial driver's license or permit of a resident or 4525
of the operating privilege of a nonresident, or a denial of a 4526
driver's or commercial driver's license or permit, imposed 4527
pursuant to division (B)(1) of this section upon receipt of notice 4528
that the person has entered a plea of guilty to, or that the 4529
person has been convicted after entering a plea of no contest to, 4530
operating a vehicle in violation of section 4511.19 of the Revised 4531
Code or in violation of a municipal OVI ordinance, if the offense 4532
for which the conviction is had or the plea is entered arose from 4533
the same incident that led to the suspension or denial. 4534

The registrar shall credit against any judicial suspension of 4535
a person's driver's or commercial driver's license or permit or 4536
nonresident operating privilege imposed pursuant to section 4537
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4538
Revised Code for a violation of a municipal OVI ordinance, any 4539

time during which the person serves a related suspension imposed 4540
pursuant to division (B)(1) of this section. 4541

(C)(1) Upon receipt of the sworn report of the law 4542
enforcement officer who arrested a person for a violation of 4543
division (A) or (B) of section 4511.19 of the Revised Code or a 4544
municipal OVI ordinance that was completed and sent to the 4545
registrar and a court pursuant to section 4511.192 of the Revised 4546
Code in regard to a person whose test results indicate that the 4547
person's whole blood, blood serum or plasma, breath, or urine 4548
contained at least the concentration of alcohol specified in 4549
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 4550
Revised Code or at least the concentration of a listed controlled 4551
substance or a listed metabolite of a controlled substance 4552
specified in division (A)(1)(j) of section 4511.19 of the Revised 4553
Code, the registrar shall enter into the registrar's records the 4554
fact that the person's driver's or commercial driver's license or 4555
permit or nonresident operating privilege was suspended by the 4556
arresting officer under this division and section 4511.192 of the 4557
Revised Code and the period of the suspension, as determined under 4558
divisions (F)(1) to (4) of this section. The suspension shall be 4559
subject to appeal as provided in section 4511.197 of the Revised 4560
Code. The suspension described in this division does not apply to, 4561
and shall not be imposed upon, a person arrested for a violation 4562
of section 4511.194 of the Revised Code or a substantially 4563
equivalent municipal ordinance who submits to a designated 4564
chemical test. The suspension shall be for whichever of the 4565
following periods applies: 4566

(a) Except when division (C)(1)(b), (c), or (d) of this 4567
section applies and specifies a different period, the suspension 4568
shall be a class E suspension imposed for the period of time 4569
specified in division (B)(5) of section 4510.02 of the Revised 4570
Code. 4571

(b) The suspension shall be a class C suspension for the 4572
period of time specified in division (B)(3) of section 4510.02 of 4573
the Revised Code if the person has been convicted of or pleaded 4574
guilty to, within six years of the date the test was conducted, 4575
one violation of division (A) or (B) of section 4511.19 of the 4576
Revised Code or one other equivalent offense. 4577

(c) If, within six years of the date the test was conducted, 4578
the person has been convicted of or pleaded guilty to two 4579
violations of a statute or ordinance described in division 4580
(C)(1)(b) of this section, the suspension shall be a class B 4581
suspension imposed for the period of time specified in division 4582
(B)(2) of section 4510.02 of the Revised Code. 4583

(d) If, within six years of the date the test was conducted, 4584
the person has been convicted of or pleaded guilty to more than 4585
two violations of a statute or ordinance described in division 4586
(C)(1)(b) of this section, the suspension shall be a class A 4587
suspension imposed for the period of time specified in division 4588
(B)(1) of section 4510.02 of the Revised Code. 4589

(2) The registrar shall terminate a suspension of the 4590
driver's or commercial driver's license or permit of a resident or 4591
of the operating privilege of a nonresident, or a denial of a 4592
driver's or commercial driver's license or permit, imposed 4593
pursuant to division (C)(1) of this section upon receipt of notice 4594
that the person has entered a plea of guilty to, or that the 4595
person has been convicted after entering a plea of no contest to, 4596
operating a vehicle in violation of section 4511.19 of the Revised 4597
Code or in violation of a municipal OVI ordinance, if the offense 4598
for which the conviction is had or the plea is entered arose from 4599
the same incident that led to the suspension or denial. 4600

The registrar shall credit against any judicial suspension of 4601
a person's driver's or commercial driver's license or permit or 4602

nonresident operating privilege imposed pursuant to section 4603
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4604
Revised Code for a violation of a municipal OVI ordinance, any 4605
time during which the person serves a related suspension imposed 4606
pursuant to division (C)(1) of this section. 4607

(D)(1) A suspension of a person's driver's or commercial 4608
driver's license or permit or nonresident operating privilege 4609
under this section for the time described in division (B) or (C) 4610
of this section is effective immediately from the time at which 4611
the arresting officer serves the notice of suspension upon the 4612
arrested person. Any subsequent finding that the person is not 4613
guilty of the charge that resulted in the person being requested 4614
to take the chemical test or tests under division (A) of this 4615
section does not affect the suspension. 4616

(2) If a person is arrested for operating a vehicle, 4617
streetcar, or trackless trolley in violation of division (A) or 4618
(B) of section 4511.19 of the Revised Code or a municipal OVI 4619
ordinance, or for being in physical control of a vehicle, 4620
streetcar, or trackless trolley in violation of section 4511.194 4621
of the Revised Code or a substantially equivalent municipal 4622
ordinance, regardless of whether the person's driver's or 4623
commercial driver's license or permit or nonresident operating 4624
privilege is or is not suspended under division (B) or (C) of this 4625
section or Chapter 4510. of the Revised Code, the person's initial 4626
appearance on the charge resulting from the arrest shall be held 4627
within five days of the person's arrest or the issuance of the 4628
citation to the person, subject to any continuance granted by the 4629
court pursuant to section 4511.197 of the Revised Code regarding 4630
the issues specified in that division. 4631

(E) When it finally has been determined under the procedures 4632
of this section and sections 4511.192 to 4511.197 of the Revised 4633
Code that a nonresident's privilege to operate a vehicle within 4634

this state has been suspended, the registrar shall give 4635
information in writing of the action taken to the motor vehicle 4636
administrator of the state of the person's residence and of any 4637
state in which the person has a license. 4638

(F) At the end of a suspension period under this section, 4639
under section 4511.194, section 4511.196, or division (G) of 4640
section 4511.19 of the Revised Code, or under section 4510.07 of 4641
the Revised Code for a violation of a municipal OVI ordinance and 4642
upon the request of the person whose driver's or commercial 4643
driver's license or permit was suspended and who is not otherwise 4644
subject to suspension, cancellation, or disqualification, the 4645
registrar shall return the driver's or commercial driver's license 4646
or permit to the person upon the occurrence of all of the 4647
conditions specified in divisions (F)(1) and (2) of this section: 4648

(1) A showing that the person has proof of financial 4649
responsibility, a policy of liability insurance in effect that 4650
meets the minimum standards set forth in section 4509.51 of the 4651
Revised Code, or proof, to the satisfaction of the registrar, that 4652
the person is able to respond in damages in an amount at least 4653
equal to the minimum amounts specified in section 4509.51 of the 4654
Revised Code. 4655

(2) Subject to the limitation contained in division (F)(3) of 4656
this section, payment by the person to the bureau of motor 4657
vehicles of a license reinstatement fee of four hundred 4658
twenty-five dollars, which fee shall be deposited in the state 4659
treasury and credited as follows: 4660

(a) One hundred twelve dollars and fifty cents shall be 4661
credited to the statewide treatment and prevention fund created by 4662
section 4301.30 of the Revised Code. The fund shall be used to pay 4663
the costs of driver treatment and intervention programs operated 4664
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 4665

director of alcohol and drug addiction services shall determine 4666
the share of the fund that is to be allocated to alcohol and drug 4667
addiction programs authorized by section 3793.02 of the Revised 4668
Code, and the share of the fund that is to be allocated to 4669
drivers' intervention programs authorized by section 3793.10 of 4670
the Revised Code. 4671

(b) Seventy-five dollars shall be credited to the reparations 4672
fund created by section 2743.191 of the Revised Code. 4673

(c) Thirty-seven dollars and fifty cents shall be credited to 4674
the indigent drivers alcohol treatment fund, which is hereby 4675
established. Except as otherwise provided in division (F)(2)(c) of 4676
this section, moneys in the fund shall be distributed by the 4677
department of alcohol and drug addiction services to the county 4678
indigent drivers alcohol treatment funds, the county juvenile 4679
indigent drivers alcohol treatment funds, and the municipal 4680
indigent drivers alcohol treatment funds that are required to be 4681
established by counties and municipal corporations pursuant to 4682
this section, and shall be used only to pay the cost of an alcohol 4683
and drug addiction treatment program attended by an offender or 4684
juvenile traffic offender who is ordered to attend an alcohol and 4685
drug addiction treatment program by a county, juvenile, or 4686
municipal court judge and who is determined by the county, 4687
juvenile, or municipal court judge not to have the means to pay 4688
for the person's attendance at the program or to pay the costs 4689
specified in division (H)(4) of this section in accordance with 4690
that division. In addition, a county, juvenile, or municipal court 4691
judge may use moneys in the county indigent drivers alcohol 4692
treatment fund, county juvenile indigent drivers alcohol treatment 4693
fund, or municipal indigent drivers alcohol treatment fund to pay 4694
for the cost of the continued use of an electronic continuous 4695
alcohol monitoring device as described in divisions (H)(3) and (4) 4696
of this section. Moneys in the fund that are not distributed to a 4697

county indigent drivers alcohol treatment fund, a county juvenile 4698
indigent drivers alcohol treatment fund, or a municipal indigent 4699
drivers alcohol treatment fund under division (H) of this section 4700
because the director of alcohol and drug addiction services does 4701
not have the information necessary to identify the county or 4702
municipal corporation where the offender or juvenile offender was 4703
arrested may be transferred by the director of budget and 4704
management to the statewide treatment and prevention fund created 4705
by section 4301.30 of the Revised Code, upon certification of the 4706
amount by the director of alcohol and drug addiction services. 4707

(d) Seventy-five dollars shall be credited to the Ohio 4708
rehabilitation services commission established by section 3304.12 4709
of the Revised Code, to the services for rehabilitation fund, 4710
which is hereby established. The fund shall be used to match 4711
available federal matching funds where appropriate, and for any 4712
other purpose or program of the commission to rehabilitate people 4713
with disabilities to help them become employed and independent. 4714

(e) Seventy-five dollars shall be deposited into the state 4715
treasury and credited to the drug abuse resistance education 4716
programs fund, which is hereby established, to be used by the 4717
attorney general for the purposes specified in division (F)(4) of 4718
this section. 4719

(f) Thirty dollars shall be credited to the state bureau of 4720
motor vehicles fund created by section 4501.25 of the Revised 4721
Code. 4722

(g) Twenty dollars shall be credited to the trauma and 4723
emergency medical services grants fund created by section 4513.263 4724
of the Revised Code. 4725

(3) If a person's driver's or commercial driver's license or 4726
permit is suspended under this section, under section 4511.196 or 4727
division (G) of section 4511.19 of the Revised Code, under section 4728

4510.07 of the Revised Code for a violation of a municipal OVI 4729
ordinance or under any combination of the suspensions described in 4730
division (F)(3) of this section, and if the suspensions arise from 4731
a single incident or a single set of facts and circumstances, the 4732
person is liable for payment of, and shall be required to pay to 4733
the bureau, only one reinstatement fee of four hundred twenty-five 4734
dollars. The reinstatement fee shall be distributed by the bureau 4735
in accordance with division (F)(2) of this section. 4736

(4) The attorney general shall use amounts in the drug abuse 4737
resistance education programs fund to award grants to law 4738
enforcement agencies to establish and implement drug abuse 4739
resistance education programs in public schools. Grants awarded to 4740
a law enforcement agency under this section shall be used by the 4741
agency to pay for not more than fifty per cent of the amount of 4742
the salaries of law enforcement officers who conduct drug abuse 4743
resistance education programs in public schools. The attorney 4744
general shall not use more than six per cent of the amounts the 4745
attorney general's office receives under division (F)(2)(e) of 4746
this section to pay the costs it incurs in administering the grant 4747
program established by division (F)(2)(e) of this section and in 4748
providing training and materials relating to drug abuse resistance 4749
education programs. 4750

The attorney general shall report to the governor and the 4751
general assembly each fiscal year on the progress made in 4752
establishing and implementing drug abuse resistance education 4753
programs. These reports shall include an evaluation of the 4754
effectiveness of these programs. 4755

(G) Suspension of a commercial driver's license under 4756
division (B) or (C) of this section shall be concurrent with any 4757
period of disqualification under section 3123.611 or 4506.16 of 4758
the Revised Code or any period of suspension under section 3123.58 4759
of the Revised Code. No person who is disqualified for life from 4760

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 division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund, each county shall establish a juvenile indigent drivers alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (F) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund in accordance with division (H)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or of any prohibition contained in Chapter 4510. of the Revised Code, and that are required under section

4511.19 or any provision of Chapter 4510. of the Revised Code to 4793
be deposited into a county indigent drivers alcohol treatment fund 4794
or municipal indigent drivers alcohol treatment fund shall be 4795
deposited into the appropriate fund in accordance with the 4796
applicable division. 4797

(2) That portion of the license reinstatement fee that is 4798
paid under division (F) of this section and that is credited under 4799
that division to the indigent drivers alcohol treatment fund shall 4800
be deposited into a county indigent drivers alcohol treatment 4801
fund, a county juvenile indigent drivers alcohol treatment fund, 4802
or a municipal indigent drivers alcohol treatment fund as follows: 4803

(a) If the suspension in question was imposed under this 4804
section, that portion of the fee shall be deposited as follows: 4805

(i) If the fee is paid by a person who was charged in a 4806
county court with the violation that resulted in the suspension, 4807
the portion shall be deposited into the county indigent drivers 4808
alcohol treatment fund under the control of that court; 4809

(ii) If the fee is paid by a person who was charged in a 4810
juvenile court with the violation that resulted in the suspension, 4811
the portion shall be deposited into the county juvenile indigent 4812
drivers alcohol treatment fund established in the county served by 4813
the court; 4814

(iii) If the fee is paid by a person who was charged in a 4815
municipal court with the violation that resulted in the 4816
suspension, the portion shall be deposited into the municipal 4817
indigent drivers alcohol treatment fund under the control of that 4818
court. 4819

(b) If the suspension in question was imposed under section 4820
4511.19 of the Revised Code or under section 4510.07 of the 4821
Revised Code for a violation of a municipal OVI ordinance, that 4822
portion of the fee shall be deposited as follows: 4823

(i) If the fee is paid by a person whose license or permit 4824
was suspended by a county court, the portion shall be deposited 4825
into the county indigent drivers alcohol treatment fund under the 4826
control of that court; 4827

(ii) If the fee is paid by a person whose license or permit 4828
was suspended by a municipal court, the portion shall be deposited 4829
into the municipal indigent drivers alcohol treatment fund under 4830
the control of that court. 4831

(3) Expenditures from a county indigent drivers alcohol 4832
treatment fund, a county juvenile indigent drivers alcohol 4833
treatment fund, or a municipal indigent drivers alcohol treatment 4834
fund shall be made only upon the order of a county, juvenile, or 4835
municipal court judge and only for payment of the cost of the 4836
attendance at an alcohol and drug addiction treatment program of a 4837
person who is convicted of, or found to be a juvenile traffic 4838
offender by reason of, a violation of division (A) of section 4839
4511.19 of the Revised Code or a substantially similar municipal 4840
ordinance, who is ordered by the court to attend the alcohol and 4841
drug addiction treatment program, and who is determined by the 4842
court to be unable to pay the cost of attendance at the treatment 4843
program or for payment of the costs specified in division (H)(4) 4844
of this section in accordance with that division. The alcohol and 4845
drug addiction services board or the board of alcohol, drug 4846
addiction, and mental health services established pursuant to 4847
section 340.02 or 340.021 of the Revised Code and serving the 4848
alcohol, drug addiction, and mental health service district in 4849
which the court is located shall administer the indigent drivers 4850
alcohol treatment program of the court. When a court orders an 4851
offender or juvenile traffic offender to attend an alcohol and 4852
drug addiction treatment program, the board shall determine which 4853
program is suitable to meet the needs of the offender or juvenile 4854
traffic offender, and when a suitable program is located and space 4855

is available at the program, the offender or juvenile traffic 4856
offender shall attend the program designated by the board. A 4857
reasonable amount not to exceed five per cent of the amounts 4858
credited to and deposited into the county indigent drivers alcohol 4859
treatment fund, the county juvenile indigent drivers alcohol 4860
treatment fund, or the municipal indigent drivers alcohol 4861
treatment fund serving every court whose program is administered 4862
by that board shall be paid to the board to cover the costs it 4863
incurs in administering those indigent drivers alcohol treatment 4864
programs. 4865

In addition, a county, juvenile, or municipal court judge may 4866
use moneys in the county indigent drivers alcohol treatment fund, 4867
county juvenile indigent drivers alcohol treatment fund, or 4868
municipal indigent drivers alcohol treatment fund to pay for the 4869
continued use of an electronic continuous alcohol monitoring 4870
device by an offender or juvenile traffic offender, in conjunction 4871
with a treatment program approved by the department of alcohol and 4872
drug addiction services, when such use is determined clinically 4873
necessary by the treatment program and when the court determines 4874
that the offender or juvenile traffic offender is unable to pay 4875
all or part of the daily monitoring of the device. 4876

(4) If a county, juvenile, or municipal court determines, in 4877
consultation with the alcohol and drug addiction services board or 4878
the board of alcohol, drug addiction, and mental health services 4879
established pursuant to section 340.02 or 340.021 of the Revised 4880
Code and serving the alcohol, drug addiction, and mental health 4881
district in which the court is located, that the funds in the 4882
county indigent drivers alcohol treatment fund, the county 4883
juvenile indigent drivers alcohol treatment fund, or the municipal 4884
indigent drivers alcohol treatment fund under the control of the 4885
court are more than sufficient to satisfy the purpose for which 4886
the fund was established, as specified in divisions (H)(1) to (3) 4887

of this section, the court may declare a surplus in the fund. If 4888
the court declares a surplus in the fund, the court may expend the 4889
amount of the surplus in the fund for: 4890

(a) Alcohol and drug abuse assessment and treatment of 4891
persons who are charged in the court with committing a criminal 4892
offense or with being a delinquent child or juvenile traffic 4893
offender and in relation to whom both of the following apply: 4894

(i) The court determines that substance abuse was a 4895
contributing factor leading to the criminal or delinquent activity 4896
or the juvenile traffic offense with which the person is charged. 4897

(ii) The court determines that the person is unable to pay 4898
the cost of the alcohol and drug abuse assessment and treatment 4899
for which the surplus money will be used. 4900

(b) All or part of the cost of purchasing electronic 4901
continuous alcohol monitoring devices to be used in conjunction 4902
with division (H)(3) of this section. 4903

Sec. 4511.192. (A) The arresting law enforcement officer 4904
shall give advice in accordance with this section to any person 4905
under arrest for a violation of division (A) or (B) of section 4906
4511.19 of the Revised Code, section 4511.194 of the Revised Code 4907
or a substantially equivalent municipal ordinance, or a municipal 4908
OVI ordinance. The officer shall give that advice in a written 4909
form that contains the information described in division (B) of 4910
this section and shall read the advice to the person. The form 4911
shall contain a statement that the form was shown to the person 4912
under arrest and read to the person by the arresting officer. One 4913
or more persons shall witness the arresting officer's reading of 4914
the form, and the witnesses shall certify to this fact by signing 4915
the form. The person must submit to the chemical test or tests, 4916
subsequent to the request of the arresting officer, within two 4917

hours of the time of the alleged violation and, if the person does 4918
not submit to the test or tests within that two-hour time limit, 4919
the failure to submit automatically constitutes a refusal to 4920
submit to the test or tests. 4921

(B) If a person is under arrest as described in division (A) 4922
of this section, before the person may be requested to submit to a 4923
chemical test or tests to determine the alcohol ~~and~~, drug of 4924
abuse, controlled substance, metabolite of a controlled substance, 4925
or combination content of the person's whole blood, blood serum or 4926
plasma, breath, or urine, the arresting officer shall read the 4927
following form to the person: 4928

"You now are under arrest for (specifically state the offense 4929
under state law or a substantially equivalent municipal ordinance 4930
for which the person was arrested - operating a vehicle under the 4931
influence of alcohol, a drug, or a combination of them; operating 4932
a vehicle while under the influence of a listed controlled 4933
substance or a listed metabolite of a controlled substance; 4934
operating a vehicle after underage alcohol consumption; or having 4935
physical control of a vehicle while under the influence). 4936

If you refuse to take any chemical test required by law, your 4937
Ohio driving privileges will be suspended immediately, and you 4938
will have to pay a fee to have the privileges reinstated. If you 4939
have a prior ~~OVI or OVUAC~~ conviction of OVI, OVUAC, or operating a 4940
vehicle while under the influence of a listed controlled substance 4941
or a listed metabolite of a controlled substance under state or 4942
municipal law within the preceding twenty years, you now are under 4943
arrest for state OVI, and, if you refuse to take a chemical test, 4944
you will face increased penalties if you subsequently are 4945
convicted of the state OVI. 4946

(Read this part unless the person is under arrest for solely 4947
having physical control of a vehicle while under the influence.) 4948

If you take any chemical test required by law and are found to be
at or over the prohibited amount of alcohol, a controlled
substance, or a metabolite of a controlled substance in your whole
blood, blood serum or plasma, breath, or urine as set by law, your
Ohio driving privileges will be suspended immediately, and you
will have to pay a fee to have the privileges reinstated.

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

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

(D)(1) If a law enforcement officer asks a person under
arrest as described in division (A) of this section to submit to a
chemical test or tests under section 4511.191 of the Revised Code,
if the officer advises the person in accordance with this section
of the consequences of the person's refusal or submission, and if
either the person refuses to submit to the 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 submits to the test or tests and the test results 4981
indicate a prohibited concentration of alcohol, a controlled 4982
substance, or a metabolite of a controlled substance in the 4983
person's whole blood, blood serum or plasma, breath, or urine at 4984
the time of the alleged offense, the arresting officer shall do 4985
all of the following: 4986

(a) On behalf of the registrar of motor vehicles, notify the 4987
person that, independent of any penalties or sanctions imposed 4988
upon the person, the person's Ohio driver's or commercial driver's 4989
license or permit or nonresident operating privilege is suspended 4990
immediately, that the suspension will last at least until the 4991
person's initial appearance on the charge, which will be held 4992
within five days after the date of the person's arrest or the 4993
issuance of a citation to the person, and that the person may 4994
appeal the suspension at the initial appearance or during the 4995
period of time ending thirty days after that initial appearance; 4996

(b) Seize the driver's or commercial driver's license or 4997
permit of the person and immediately forward it to the registrar. 4998
If the arrested person is not in possession of the person's 4999
license or permit or it is not in the person's vehicle, the 5000
officer shall order the person to surrender it to the law 5001
enforcement agency that employs the officer within twenty-four 5002
hours after the person is given notice of the suspension, and, 5003
upon the surrender, the officer's employing agency immediately 5004
shall forward the license or permit to the registrar. 5005

(c) Verify the person's current residence and, if it differs 5006
from that on the person's driver's or commercial driver's license 5007
or permit, notify the registrar of the change; 5008

(d) Send to the registrar, within forty-eight hours after the 5009
arrest of the person, a sworn report that includes all of the 5010
following statements: 5011

(i) That the officer had reasonable grounds to believe that, 5012
at the time of the arrest, the arrested person was operating a 5013
vehicle, streetcar, or trackless trolley in violation of division 5014
(A) or (B) of section 4511.19 of the Revised Code or a municipal 5015
OVI ordinance or for being in physical control of a stationary 5016
vehicle, streetcar, or trackless trolley in violation of section 5017
4511.194 of the Revised Code or a substantially equivalent 5018
municipal ordinance; 5019

(ii) That the person was arrested and charged with a 5020
violation of division (A) or (B) of section 4511.19 of the Revised 5021
Code, section 4511.194 of the Revised Code or a substantially 5022
equivalent municipal ordinance, or a municipal OVI ordinance; 5023

(iii) That the officer asked the person to take the 5024
designated chemical test or tests, advised the person in 5025
accordance with this section of the consequences of submitting to, 5026
or refusing to take, the test or tests, and gave the person the 5027
form described in division (B) of this section; 5028

(iv) That either the person refused to submit to the chemical 5029
test or tests or, unless the arrest was for a violation of section 5030
4511.194 of the Revised Code or a substantially equivalent 5031
municipal ordinance, the person submitted to the chemical test or 5032
tests and the test results indicate a prohibited concentration of 5033
alcohol, a controlled substance, or a metabolite of a controlled 5034
substance in the person's whole blood, blood serum or plasma, 5035
breath, or urine at the time of the alleged offense. 5036

(2) Division (D)(1) of this section does not apply to a 5037
person who is arrested for a violation of section 4511.194 of the 5038
Revised Code or a substantially equivalent municipal ordinance, 5039
who is asked by a law enforcement officer to submit to a chemical 5040
test or tests under section 4511.191 of the Revised Code, and who 5041
submits to the test or tests, regardless of the amount of alcohol, 5042

a controlled substance, or a metabolite of a controlled substance 5043
that the test results indicate is present in the person's whole 5044
blood, blood serum or plasma, breath, or urine. 5045

(E) The arresting officer shall give the officer's sworn 5046
report that is completed under this section to the arrested person 5047
at the time of the arrest, or the registrar of motor vehicles 5048
shall send the report to the person by regular first class mail as 5049
soon as possible after receipt of the report, but not later than 5050
fourteen days after receipt of it. An arresting officer may give 5051
an unsworn report to the arrested person at the time of the arrest 5052
provided the report is complete when given to the arrested person 5053
and subsequently is sworn to by the arresting officer. As soon as 5054
possible, but not later than forty-eight hours after the arrest of 5055
the person, the arresting officer shall send a copy of the sworn 5056
report to the court in which the arrested person is to appear on 5057
the charge for which the person was arrested. 5058

(F) The sworn report of an arresting officer completed under 5059
this section is prima-facie proof of the information and 5060
statements that it contains. It shall be admitted and considered 5061
as prima-facie proof of the information and statements that it 5062
contains in any appeal under section 4511.197 of the Revised Code 5063
relative to any suspension of a person's driver's or commercial 5064
driver's license or permit or nonresident operating privilege that 5065
results from the arrest covered by the report. 5066

Sec. 4511.194. (A) As used in this section: 5067

(1) "National highway traffic safety administration" has the 5068
same meaning as in section 4511.19 of the Revised Code. 5069

(2) "Physical control" means being in the driver's position 5070
of the front seat of a vehicle or in the driver's position of a 5071
streetcar or trackless trolley and having possession of the 5072
vehicle's, streetcar's, or trackless trolley's ignition key or 5073

other ignition device. 5074

(B) No person shall be in physical control of a vehicle, 5075
streetcar, or trackless trolley ~~while~~ if, at the time of the 5076
physical control, any of the following apply: 5077

(1) The person is under the influence of alcohol, a drug of 5078
abuse, or a combination of them ~~or while the~~. 5079

(2) The person's whole blood, blood serum or plasma, breath, 5080
or urine contains at least the concentration of alcohol specified 5081
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 5082
Revised Code. 5083

(3) Except as provided in division (E) of this section, the 5084
person has a concentration of a listed controlled substance or a 5085
listed metabolite of a controlled substance in the person's whole 5086
blood, blood serum or plasma, or urine that equals or exceeds the 5087
concentration specified in division (A)(1)(j) of section 4511.19 5088
of the Revised Code. 5089

(C)(1) In any criminal prosecution or juvenile court 5090
proceeding for a violation of this section or a substantially 5091
equivalent municipal ordinance, if a law enforcement officer has 5092
administered a field sobriety test to the person in physical 5093
control of the vehicle involved in the violation and if it is 5094
shown by clear and convincing evidence that the officer 5095
administered the test in substantial compliance with the testing 5096
standards for any reliable, credible, and generally accepted field 5097
sobriety tests that were in effect at the time the tests were 5098
administered, including, but not limited to, any testing standards 5099
then in effect that were set by the national highway traffic 5100
safety administration, all of the following apply: 5101

(a) The officer may testify concerning the results of the 5102
field sobriety test so administered. 5103

(b) The prosecution may introduce the results of the field 5104
sobriety test so administered as evidence in any proceedings in 5105
the criminal prosecution or juvenile court proceeding. 5106

(c) If testimony is presented or evidence is introduced under 5107
division (C)(1)(a) or (b) of this section and if the testimony or 5108
evidence is admissible under the Rules of Evidence, the court 5109
shall admit the testimony or evidence, and the trier of fact shall 5110
give it whatever weight the trier of fact considers to be 5111
appropriate. 5112

(2) Division (C)(1) of this section does not limit or 5113
preclude a court, in its determination of whether the arrest of a 5114
person was supported by probable cause or its determination of any 5115
other matter in a criminal prosecution or juvenile court 5116
proceeding of a type described in that division, from considering 5117
evidence or testimony that is not otherwise disallowed by division 5118
(C)(1) of this section. 5119

(D) Whoever violates this section is guilty of having 5120
physical control of a vehicle while under the influence, a 5121
misdemeanor of the first degree. In addition to other sanctions 5122
imposed, the court may impose on the offender a class seven 5123
suspension of the offender's driver's license, commercial driver's 5124
license, temporary instruction permit, probationary license, or 5125
nonresident operating privilege from the range specified in 5126
division (A)(7) of section 4510.02 of the Revised Code. 5127

(E) Division (B)(3) of this section does not apply to a 5128
person who is in physical control of a vehicle, streetcar, or 5129
trackless trolley while the person has a concentration of a listed 5130
controlled substance or a listed metabolite of a controlled 5131
substance in the person's whole blood, blood serum or plasma, or 5132
urine that equals or exceeds the amount specified in division 5133
(A)(1)(j) of section 4511.19 of the Revised Code, if both of the 5134

<u>following apply:</u>	5135
<u>(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.</u>	5136 5137 5138
<u>(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.</u>	5139 5140
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:	5141 5142 5143 5144
(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;	5145 5146 5147
(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.	5148 5149 5150 5151 5152
(2)(a) A certificate of completion of a course in first aid techniques offered by the American red cross or an equivalent organization;	5153 5154 5155
(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.	5156 5157 5158
(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 ex, <u>drug of abuse, controlled substance, or metabolite of a controlled substance</u> content of the applicant's <u>whole</u> blood, <u>blood serum or plasma,</u> breath, or urine;	5159 5160 5161 5162 5163 5164

(4) The result of a criminal records check conducted by the 5165
bureau of criminal identification and investigation. 5166

(B) An organization may employ an applicant on a temporary 5167
provisional basis pending the completion of all of the 5168
requirements of this section. The length of the provisional period 5169
shall be determined by the board. 5170

(C) An organization licensed pursuant to this chapter shall 5171
use information received pursuant to this section to determine in 5172
accordance with rules adopted by the Ohio medical transportation 5173
board under section 4766.03 of the Revised Code whether an 5174
applicant is disqualified for employment. 5175

No applicant shall be accepted for permanent employment as an 5176
ambulette driver by an organization licensed pursuant to this 5177
chapter until all of the requirements of division (A) of this 5178
section have been met. 5179

Section 2. That existing sections 1547.01, 1547.11, 1547.111, 5180
1547.99, 1905.01, 1905.03, 1905.05, 1905.201, 2317.02, 2317.022, 5181
2317.422, 2743.51, 2919.22, 2937.46, 2951.02, 3701.143, 3937.41, 5182
4506.17, 4510.01, 4510.032, 4510.036, 4510.17, 4510.54, 4511.181, 5183
4511.19, 4511.191, 4511.192, 4511.194, and 4766.15 of the Revised 5184
Code are hereby repealed. 5185

Section 3. Section 4510.54 of the Revised Code is presented 5186
in this act as a composite of the section as amended by both Sub. 5187
H.B. 52 and Am. Sub. H.B. 163 of the 125th General Assembly. The 5188
General Assembly, applying the principle stated in division (B) of 5189
section 1.52 of the Revised Code that amendments are to be 5190
harmonized if reasonably capable of simultaneous operation, finds 5191
that the composite is the resulting version of the section in 5192
effect prior to the effective date of the section as presented in 5193
this act. 5194