

As Passed by the Senate

**126th General Assembly
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Sub. S. B. No. 8

**Senators Austria, Jacobson, Gardner, Coughlin, Zurz, Mumper, Padgett,
Clancy, Grendell, Hottinger, Harris, Miller, Niehaus, Dann**

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A B I L L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

metabolite (6-monoacetyl morphine) per milliliter of the person's 81
whole blood or blood serum or plasma. 82

(f) The person has a concentration of L.S.D. in the person's 83
urine of at least twenty-five nanograms of L.S.D. per milliliter 84
of the person's urine or has a concentration of L.S.D. in the 85
person's whole blood or blood serum or plasma of at least ten 86
nanograms of L.S.D. per milliliter of the person's whole blood or 87
blood serum or plasma. 88

(g) The person has a concentration of marihuana in the 89
person's urine of at least ten nanograms of marihuana per 90
milliliter of the person's urine or has a concentration of 91
marihuana in the person's whole blood or blood serum or plasma of 92
at least two nanograms of marihuana per milliliter of the person's 93
whole blood or blood serum or plasma. 94

(h) The person has a concentration of marihuana metabolite in 95
the person's urine of at least fifteen nanograms of marihuana 96
metabolite per milliliter of the person's urine or has a 97
concentration of marihuana metabolite in the person's whole blood 98
or blood serum or plasma of at least five nanograms of marihuana 99
metabolite per milliliter of the person's whole blood or blood 100
serum or plasma. 101

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

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

phencyclidine in the person's whole blood or blood serum or plasma 112
of at least ten nanograms of phencyclidine per milliliter of the 113
person's whole blood or blood serum or plasma. 114

(B) No person under twenty-one years of age shall operate or 115
be in physical control of any vessel underway or shall manipulate 116
any water skis, aquaplane, or similar device on the waters in this 117
state if, at the time of the operation, control, or manipulation, 118
any of the following applies: 119

(1) The person has a concentration of at least two-hundredths 120
of one per cent, but less than eight-hundredths of one per cent by 121
weight per unit volume of alcohol in the person's whole blood. 122

(2) The person has a concentration of at least 123
three-hundredths of one per cent but less than 124
ninety-six-thousandths of one per cent by weight per unit volume 125
of alcohol in the person's blood serum or plasma. 126

(3) The person has a concentration of at least twenty-eight 127
one-thousandths of one gram, but less than eleven-hundredths of 128
one gram by weight of alcohol per one hundred milliliters of the 129
person's urine. 130

(4) The person has a concentration of at least two-hundredths 131
of one gram, but less than eight-hundredths of one gram by weight 132
of alcohol per two hundred ten liters of the person's breath. 133

(C) In any proceeding arising out of one incident, a person 134
may be charged with a violation of division (A)(1) and a violation 135
of division (B)(1), (2), (3), or (4) of this section, but the 136
person shall not be convicted of more than one violation of those 137
divisions. 138

(D)(1) In any criminal prosecution or juvenile court 139
proceeding for a violation of division (A) or (B) of this section 140
or for an equivalent violation, the court may admit evidence on 141

the concentration of alcohol, drugs of abuse, controlled 142
substances, metabolites of a controlled substance, or a 143
combination of them in the defendant's or child's whole blood, 144
blood serum or plasma, urine, or breath at the time of the alleged 145
violation as shown by chemical analysis of the substance 146
withdrawn, or specimen taken within ~~two~~ three hours of the time of 147
the alleged violation. The three-hour time limit specified in this 148
division regarding the admission of evidence does not extend or 149
affect the two-hour time limit specified in division (C) of 150
section 1547.111 of the Revised Code as the maximum period of time 151
during which a person may consent to a chemical test or tests as 152
described in that section. 153

When a person submits to a blood test, only a physician, a 154
registered nurse, or a qualified technician, chemist, or 155
phlebotomist shall withdraw blood for the purpose of determining 156
the alcohol, drug, controlled substance, metabolite of a 157
controlled substance, or alcohol and drug combination content of 158
the whole blood, blood serum, or blood plasma. This limitation 159
does not apply to the taking of breath or urine specimens. A 160
person authorized to withdraw blood under this division may refuse 161
to withdraw blood under this division if, in that person's 162
opinion, the physical welfare of the defendant or child would be 163
endangered by withdrawing blood. 164

The whole blood, blood serum or plasma, urine, or breath 165
shall be analyzed in accordance with methods approved by the 166
director of health by an individual possessing a valid permit 167
issued by the director pursuant to section 3701.143 of the Revised 168
Code. 169

(2) In a criminal prosecution or juvenile court proceeding 170
for a violation of division (A) of this section or for a violation 171
of a prohibition that is substantially equivalent to division (A) 172
of this section, if there was at the time the bodily substance was 173

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

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

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

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

reliable, credible, and generally accepted field sobriety tests 206
for vehicles that were in effect at the time the tests were 207
administered, including, but not limited to, any testing standards 208
then in effect that have been set by the national highway traffic 209
safety administration, that by their nature are not clearly 210
inapplicable regarding the operation or physical control of 211
vessels underway or the manipulation of water skis, aquaplanes, or 212
similar devices, all of the following apply: 213

(a) The officer may testify concerning the results of the 214
field sobriety test so administered. 215

(b) The prosecution may introduce the results of the field 216
sobriety test so administered as evidence in any proceedings in 217
the criminal prosecution or juvenile court proceeding. 218

(c) If testimony is presented or evidence is introduced under 219
division (E)(1)(a) or (b) of this section and if the testimony or 220
evidence is admissible under the Rules of Evidence, the court 221
shall admit the testimony or evidence, and the trier of fact shall 222
give it whatever weight the trier of fact considers to be 223
appropriate. 224

(2) Division (E)(1) of this section does not limit or 225
preclude a court, in its determination of whether the arrest of a 226
person was supported by probable cause or its determination of any 227
other matter in a criminal prosecution or juvenile court 228
proceeding of a type described in that division, from considering 229
evidence or testimony that is not otherwise disallowed by division 230
(E)(1) of this section. 231

(F)(1) Subject to division (F)(3) of this section, in any 232
criminal prosecution or juvenile court proceeding for a violation 233
of this section or for an equivalent violation, the court shall 234
admit as prima-facie evidence a laboratory report from any 235
~~forensic~~ laboratory ~~certified~~ personnel issued a permit by the 236

department of health authorizing an analysis as described in this 237
division that contains an analysis of the whole blood, blood serum 238
or plasma, breath, urine, or other bodily substance tested and 239
that contains all of the information specified in this division. 240
The laboratory report shall contain all of the following: 241

(a) The signature, under oath, of any person who performed 242
the analysis; 243

(b) Any findings as to the identity and quantity of alcohol, 244
a drug of abuse, a controlled substance, a metabolite of a 245
controlled substance, or a combination of them that was found; 246

(c) A copy of a notarized statement by the laboratory 247
director or a designee of the director that contains the name of 248
each certified analyst or test performer involved with the report, 249
the analyst's or test performer's employment relationship with the 250
laboratory that issued the report, and a notation that performing 251
an analysis of the type involved is part of the analyst's or test 252
performer's regular duties; 253

(d) An outline of the analyst's or test performer's 254
education, training, and experience in performing the type of 255
analysis involved and a certification that the laboratory 256
satisfies appropriate quality control standards in general and, in 257
this particular analysis, under rules of the department of health. 258

(2) Notwithstanding any other provision of law regarding the 259
admission of evidence, a report of the type described in division 260
(F)(1) of this section is not admissible against the defendant or 261
child to whom it pertains in any proceeding, other than a 262
preliminary hearing or a grand jury proceeding, unless the 263
prosecutor has served a copy of the report on the defendant's or 264
child's attorney or, if the defendant or child has no attorney, on 265
the defendant or child. 266

(3) A report of the type described in division (F)(1) of this 267

section shall not be prima-facie evidence of the contents, 268
identity, or amount of any substance if, within seven days after 269
the defendant or child to whom the report pertains or the 270
defendant's or child's attorney receives a copy of the report, the 271
defendant or child or the defendant's or child's attorney demands 272
the testimony of the person who signed the report. The judge in 273
the case may extend the seven-day time limit in the interest of 274
justice. 275

(G) Except as otherwise provided in this division, any 276
physician, registered nurse, or qualified technician, chemist, or 277
phlebotomist who withdraws blood from a person pursuant to this 278
section, and a hospital, first-aid station, or clinic at which 279
blood is withdrawn from a person pursuant to this section, is 280
immune from criminal and civil liability based upon a claim of 281
assault and battery or any other claim that is not a claim of 282
malpractice, for any act performed in withdrawing blood from the 283
person. The immunity provided in this division is not available to 284
a person who withdraws blood if the person engages in willful or 285
wanton misconduct. 286

(H) Division (A)(6) of this section does not apply to a 287
person who operates or is in physical control of a vessel underway 288
or manipulates any water skis, aquaplane, or similar device while 289
the person has a concentration of a listed controlled substance or 290
a listed metabolite of a controlled substance in the person's 291
whole blood, blood serum or plasma, or urine that equals or 292
exceeds the amount specified in that division, if both of the 293
following apply: 294

(1) The person obtained the controlled substance pursuant to 295
a prescription issued by a licensed health professional authorized 296
to prescribe drugs. 297

(2) The person injected, ingested, or inhaled the controlled 298

<u>substance in accordance with the health professional's directions.</u>	299
(I) As used in this section and section 1547.111 of the Revised Code:	300 301
(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.	302 303 304 305
(2) "National highway traffic safety administration" has the same meaning as in section 4511.19 of the Revised Code.	306 307
(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.	308 309 310 311 312 313 314
<u>(4) "Controlled substance" and "marihuana" have the same meanings as in section 3719.01 of the Revised Code.</u>	315 316
<u>(5) "Cocaine" and "L.S.D." have the same meanings as in section 2925.01 of the Revised Code.</u>	317 318
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, <u>controlled substance, metabolite of a controlled substance,</u> 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	319 320 321 322 323 324 325 326 327 328

the Revised Code or a substantially equivalent municipal ordinance. 329
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(2) The test or tests under division (A) of this section shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance. The law enforcement agency by which the officer is employed shall designate which test or tests shall be administered. 331
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(B) Any person who is dead or unconscious or who otherwise is in a condition rendering the person incapable of refusal shall be deemed to have consented as provided in division (A)(1) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code. 340
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(C) Any person under arrest for violating section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance shall be advised of the consequences of refusing to submit to a chemical test or tests designated as provided in division (A) of this section. The advice shall be in a written form prescribed by the chief of the division of watercraft and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. The reading of the form shall be witnessed by one or more persons, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two hours of the time of the alleged violation, and if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to 345
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submit to the test or tests. 360

(D) If a law enforcement officer asks a person under arrest 361
for violating section 1547.11 of the Revised Code or a 362
substantially equivalent municipal ordinance to submit to a 363
chemical test or tests as provided in division (A) of this 364
section, if the arresting officer advises the person of the 365
consequences of the person's refusal as provided in division (C) 366
of this section, and if the person refuses to submit, no chemical 367
test shall be given. Upon receipt of a sworn statement of the 368
officer that the arresting law enforcement officer had reasonable 369
grounds to believe the arrested person violated section 1547.11 of 370
the Revised Code or a substantially equivalent municipal ordinance 371
and that the person refused to submit to the chemical test upon 372
the request of the officer, and upon receipt of the form as 373
provided in division (C) of this section certifying that the 374
arrested person was advised of the consequences of the refusal, 375
the chief of the division of watercraft shall inform the person by 376
written notice that the person is prohibited from operating or 377
being in physical control of a vessel, from manipulating any water 378
skis, aquaplane, or similar device, and from registering any 379
watercraft in accordance with section 1547.54 of the Revised Code, 380
for one year following the date of the alleged violation. The 381
suspension of these operation, physical control, manipulation, and 382
registration privileges shall continue for the entire one-year 383
period, subject to review as provided in this section. 384

If the person under arrest is the owner of the vessel 385
involved in the alleged violation, the law enforcement officer who 386
arrested the person shall seize the watercraft registration 387
certificate and tags from the vessel involved in the violation and 388
forward them to the chief. The chief shall retain the impounded 389
registration certificate and tags and shall impound all other 390
registration certificates and tags issued to the person in 391

accordance with sections 1547.54 and 1547.57 of the Revised Code, 392
for a period of one year following the date of the alleged 393
violation, subject to review as provided in this section. 394

If the arrested person fails to surrender the registration 395
certificate because it is not on the person of the arrested person 396
or in the watercraft, the law enforcement officer who made the 397
arrest shall order the person to surrender it within twenty-four 398
hours to the law enforcement officer or the law enforcement agency 399
that employs the law enforcement officer. If the person fails to 400
do so, the law enforcement officer shall notify the chief of that 401
fact in the statement the officer submits to the chief under this 402
division. 403

(E) Upon suspending a person's operation, physical control, 404
manipulation, and registration privileges in accordance with 405
division (D) of this section, the chief shall notify the person in 406
writing, at the person's last known address, and inform the person 407
that the person may petition for a hearing in accordance with 408
division (F) of this section. If a person whose operation, 409
physical control, manipulation, and registration privileges have 410
been suspended petitions for a hearing or appeals any adverse 411
decision, the suspension shall begin at the termination of any 412
hearing or appeal unless the hearing or appeal results in a 413
decision favorable to the person. 414

(F) Any person who has been notified by the chief that the 415
person is prohibited from operating or being in physical control 416
of a vessel or manipulating any water skis, aquaplane, or similar 417
device and from registering any watercraft in accordance with 418
section 1547.54 of the Revised Code, or who has had the 419
registration certificate and tags of the person's watercraft 420
impounded pursuant to division (D) of this section, within twenty 421
days of the notification or impoundment, may file a petition in 422
the municipal court or the county court, or if the person is a 423

minor in juvenile court, with jurisdiction over the place at which 424
the arrest occurred, agreeing to pay the cost of the proceedings 425
and alleging error in the action taken by the chief under division 426
(D) of this section or alleging one or more of the matters within 427
the scope of the hearing as provided in this section, or both. The 428
petitioner shall notify the chief of the filing of the petition 429
and send the chief a copy of the petition. 430

The scope of the hearing is limited to the issues of whether 431
the law enforcement officer had reasonable grounds to believe the 432
petitioner was operating or in physical control of a vessel or 433
manipulating any water skis, aquaplane, or similar device in 434
violation of section 1547.11 of the Revised Code or a 435
substantially equivalent municipal ordinance, whether the 436
petitioner was placed under arrest, whether the petitioner refused 437
to submit to the chemical test upon request of the officer, and 438
whether the petitioner was advised of the consequences of the 439
petitioner's refusal. 440

(G)(1) The chief shall furnish the court a copy of the 441
affidavit as provided in division (C) of this section and any 442
other relevant information requested by the court. 443

(2) In hearing the matter and in determining whether the 444
person has shown error in the decision taken by the chief as 445
provided in division (D) of this section, the court shall decide 446
the issue upon the relevant, competent, and material evidence 447
submitted by the chief or the person whose operation, physical 448
control, manipulation, and registration privileges have been 449
suspended. 450

In the proceedings, the chief shall be represented by the 451
prosecuting attorney of the county in which the petition is filed 452
if the petition is filed in a county court or juvenile court, 453
except that if the arrest occurred within a city or village within 454

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

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

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

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

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(I) No person who has received written notice from the chief 486
that the person is prohibited from operating or being in physical 487
control of a vessel, from manipulating any water skis, aquaplane, 488
or similar device, and from registering a watercraft, or who has 489
had the registration certificate and tags of the person's 490
watercraft impounded, in accordance with division (D) of this 491
section, shall operate or be in physical control of a vessel or 492
manipulate any water skis, aquaplane, or similar device for a 493
period of one year following the date of the person's alleged 494
violation of section 1547.11 of the Revised Code or the 495
substantially equivalent municipal ordinance. 496

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 497
Revised Code is guilty of a felony of the fourth degree. 498

(B) Whoever violates section 1547.10, division (I) of section 499
1547.111, section 1547.13, or section 1547.66 of the Revised Code 500
is guilty of a misdemeanor of the first degree. 501

(C) Whoever violates a provision of this chapter or a rule 502
adopted thereunder, for which no penalty is otherwise provided, is 503
guilty of a minor misdemeanor. 504

(D) Whoever violates section 1547.07 or 1547.12 of the 505
Revised Code without causing injury to persons or damage to 506
property is guilty of a misdemeanor of the fourth degree. 507

(E) Whoever violates section 1547.07 or 1547.12 of the 508
Revised Code causing injury to persons or damage to property is 509
guilty of a misdemeanor of the third degree. 510

(F) Whoever violates division (M) of section 1547.54, 511
division (G) of section 1547.30, or section 1547.131, 1547.25, 512
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 513
of the Revised Code or a rule adopted under division (A)(2) of 514
section 1547.52 of the Revised Code is guilty of a misdemeanor of 515

the fourth degree.

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

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

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The court may suspend the execution of the mandatory jail
term of three consecutive days that it is required to impose by
division (G)(1) of this section if the court, in lieu of the
suspended jail term, places the offender under a community control
sanction pursuant to section 2929.25 of the Revised Code and
requires the offender to attend, for three consecutive days, a
drivers' intervention program that is certified pursuant to
section 3793.10 of the Revised Code. The court also may suspend
the execution of any part of the mandatory jail term of three
consecutive days that it is required to impose by division (G)(1)
of this section if the court places the offender under a community
control sanction pursuant to section 2929.25 of the Revised Code
for part of the three consecutive days; requires the offender to
attend, for that part of the three consecutive days, a drivers'
intervention program that is certified pursuant to section 3793.10
of the Revised Code; and sentences the offender to a jail term
equal to the remainder of the three consecutive days that the
offender does not spend attending the drivers' intervention
program. The court may require the offender, as a condition of
community control, to attend and satisfactorily complete any
treatment or education programs, in addition to the required
attendance at a drivers' intervention program, that the operators

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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
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 580
sentence the offender to a jail term of thirty consecutive days 581
and may sentence the offender to a longer jail term of not more 582
than one year. In addition, the court shall impose upon the 583
offender a fine of not less than one hundred fifty nor more than 584
one thousand dollars. 585

In addition to any other sentence that it imposes upon the 586
offender, the court may require the offender to attend a drivers' 587
intervention program that is certified pursuant to section 3793.10 588
of the Revised Code. 589

(4) Upon a showing that serving a jail term would seriously 590
affect the ability of an offender sentenced pursuant to division 591
(G)(1), (2), or (3) of this section to continue the offender's 592
employment, the court may authorize that the offender be granted 593
work release after the offender has served the mandatory jail term 594
of three, ten, or thirty consecutive days that the court is 595
required by division (G)(1), (2), or (3) of this section to 596
impose. No court shall authorize work release during the mandatory 597
jail term of three, ten, or thirty consecutive days that the court 598
is required by division (G)(1), (2), or (3) of this section to 599
impose. The duration of the work release shall not exceed the time 600
necessary each day for the offender to commute to and from the 601
place of employment and the place in which the jail term is served 602
and the time actually spent under employment. 603

(5) Notwithstanding any section of the Revised Code that 604
authorizes the suspension of the imposition or execution of a 605
sentence or the placement of an offender in any treatment program 606
in lieu of being imprisoned or serving a jail term, no court shall 607
suspend the mandatory jail term of ten or thirty consecutive days 608
required to be imposed by division (G)(2) or (3) of this section 609
or place an offender who is sentenced pursuant to division (G)(2) 610
or (3) of this section in any treatment program in lieu of being 611

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

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

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

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

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

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

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

Sec. 1905.01. (A) 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 nor a place where a judge of the Auglaize county, Crawford county, Jackson county, Miami county, Portage county, or Wayne county municipal court 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 has jurisdiction, except as provided in divisions (B), (C), and (E) of this section and subject to the limitation contained in section 1905.03 and the limitation contained in section 1905.031 of the Revised Code, to hear and determine any prosecution for the violation of an ordinance of the municipal

corporation, to hear and determine any case involving a violation 674
of a vehicle parking or standing ordinance of the municipal 675
corporation unless the violation is required to be handled by a 676
parking violations bureau or joint parking violations bureau 677
pursuant to Chapter 4521. of the Revised Code, and to hear and 678
determine all criminal causes involving any moving traffic 679
violation occurring on a state highway located within the 680
boundaries of the municipal corporation, subject to the 681
limitations of sections 2937.08 and 2938.04 of the Revised Code. 682

(B)(1) In Georgetown in Brown county, in Mount Gilead in 683
Morrow county, and in all other municipal corporations having a 684
population of more than one hundred, other than Batavia in 685
Clermont county, not being the site of a municipal court nor a 686
place where a judge of a court listed in division (A) of this 687
section sits as required pursuant to section 1901.021 of the 688
Revised Code or by designation of the judges pursuant to section 689
1901.021 of the Revised Code, the mayor of the municipal 690
corporation has jurisdiction, subject to the limitation contained 691
in section 1905.03 of the Revised Code, to hear and determine 692
prosecutions involving a violation of an ordinance of the 693
municipal corporation relating to operating a vehicle while under 694
the influence of alcohol, a drug of abuse, or a combination of 695
them or relating to operating a vehicle with a prohibited 696
concentration of alcohol, a controlled substance, or a metabolite 697
of a controlled substance in the whole blood, blood serum or 698
plasma, breath, or urine, and to hear and determine criminal 699
causes involving a violation of section 4511.19 of the Revised 700
Code that occur on a state highway located within the boundaries 701
of the municipal corporation, subject to the limitations of 702
sections 2937.08 and 2938.04 of the Revised Code, only if the 703
person charged with the violation, within six years of the date of 704
the violation charged, has not been convicted of or pleaded guilty 705

to any of the following:	706
(a) A violation of an ordinance of any municipal corporation 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, <u>a controlled substance, or a metabolite of a controlled substance</u> in the whole blood, blood serum or plasma, breath, or urine;	707 708 709 710 711 712
(b) A violation of section 4511.19 of the Revised Code;	713
(c) A violation of any ordinance of any municipal corporation or of any section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets, to which all of the following apply:	714 715 716 717
(i) The person, in the case in which the conviction was obtained or the plea of guilty was entered, had been charged with a violation of an ordinance of a type described in division (B)(1)(a) of this section, or with a violation of section 4511.19 of the Revised Code;	718 719 720 721 722
(ii) The charge of the violation described in division (B)(1)(c)(i) of this section was dismissed or reduced;	723 724
(iii) The violation of which the person was convicted or to which the person pleaded guilty arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.	725 726 727 728
(d) A violation of a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code.	729 730 731 732
(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (B)(1)(a) or (b)	733 734 735

of this section, regardless of where the violation occurred, if
the person charged with the violation, within six years of the
violation charged, has been convicted of or pleaded guilty to any
violation listed in division (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 768
criminal causes that involve a moving traffic violation, that 769
involve a violation of division (A) of section 4510.14 or section 770
4510.16 of the Revised Code, and that occur on a state highway 771
located within the boundaries of the municipal corporation only if 772
all of the following apply regarding the violation and the person 773
charged: 774

(a) Regarding a violation of section 4510.16 of the Revised 775
Code or a violation of a municipal ordinance that is substantially 776
equivalent to that division, the person charged with the 777
violation, within six years of the date of the violation charged, 778
has not been convicted of or pleaded guilty to any of the 779
following: 780

(i) A violation of section 4510.16 of the Revised Code; 781

(ii) A violation of a municipal ordinance that is 782
substantially equivalent to section 4510.16 of the Revised Code; 783

(iii) A violation of any municipal ordinance or section of 784
the Revised Code that regulates the operation of vehicles, 785
streetcars, and trackless trolleys upon the highways or streets, 786
in a case in which, after a charge against the person of a 787
violation of a type described in division (C)(1)(a)(i) or (ii) of 788
this section was dismissed or reduced, the person is convicted of 789
or pleads guilty to a violation that arose out of the same facts 790
and circumstances and the same act as did the charge that was 791
dismissed or reduced. 792

(b) Regarding a violation of division (A) of section 4510.14 793
of the Revised Code or a violation of a municipal ordinance that 794
is substantially equivalent to that division, the person charged 795
with the violation, within six years of the date of the violation 796
charged, has not been convicted of or pleaded guilty to any of the 797
following: 798

(i) A violation of division (A) of section 4510.14 of the Revised Code; 799
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(ii) A violation of a municipal ordinance that is substantially equivalent to division (A) of section 4510.14 of the Revised Code; 801
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(iii) A violation of any municipal ordinance or section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets in a case in which, after a charge against the person of a violation of a type described in division (C)(1)(b)(i) or (ii) of this section was dismissed or reduced, the person is convicted of or pleads guilty to a violation that arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced. 804
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(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (C)(1)(a)(i) or (ii) of this section if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (C)(1)(a)(i), (ii), or (iii) of this section and does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (C)(1)(b)(i) or (ii) of this section if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (C)(1)(b)(i), (ii), or (iii) of this section. 813
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(3) If the mayor of a municipal corporation, in hearing a prosecution involving a violation of an ordinance of the municipal corporation the mayor serves that is substantially equivalent to division (A) of section 4510.14 or section 4510.16 of the Revised 826
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Code or a violation of division (A) of section 4510.14 or section 830
4510.16 of the Revised Code, determines that, under division 831
(C)(2) of this section, mayors do not have jurisdiction of the 832
prosecution, the mayor immediately shall transfer the case to the 833
county court or municipal court with jurisdiction over the 834
violation in accordance with section 1905.032 of the Revised Code. 835

(D) If the mayor of a municipal corporation has jurisdiction 836
pursuant to division (B)(1) of this section to hear and determine 837
a prosecution or criminal cause involving a violation described in 838
division (B)(1)(a) or (b) of this section, the authority of the 839
mayor to hear or determine the prosecution or cause is subject to 840
the limitation contained in division (C) of section 1905.03 of the 841
Revised Code. If the mayor of a municipal corporation has 842
jurisdiction pursuant to division (A) or (C) of this section to 843
hear and determine a prosecution or criminal cause involving a 844
violation other than a violation described in division (B)(1)(a) 845
or (b) of this section, the authority of the mayor to hear or 846
determine the prosecution or cause is subject to the limitation 847
contained in division (C) of section 1905.031 of the Revised Code. 848

(E)(1) The mayor of a municipal corporation does not have 849
jurisdiction to hear and determine any prosecution or criminal 850
cause involving any of the following: 851

(a) A violation of section 2919.25 or 2919.27 of the Revised 852
Code; 853

(b) A violation of section 2903.11, 2903.12, 2903.13, 854
2903.211, or 2911.211 of the Revised Code that involves a person 855
who was a family or household member of the defendant at the time 856
of the violation; 857

(c) A violation of a municipal ordinance that is 858
substantially equivalent to an offense described in division 859
(E)(1)(a) or (b) of this section and that involves a person who 860

was a family or household member of the defendant at the time of
the violation.

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

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

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

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Sec. 1905.03. (A) The supreme court may adopt rules
prescribing educational standards for mayors of municipal
corporations who conduct a mayor's court and who wish to exercise
the jurisdiction granted by section 1905.01 of the Revised Code
over a prosecution or criminal cause involving a violation of
section 4511.19 of the Revised Code, ~~a violation of any ordinance
of the municipal corporation relating to operating a vehicle while
under the influence of alcohol, a drug of abuse, or alcohol and a
drug of abuse, or a violation of any municipal OVI ordinance of
the municipal corporation relating to operating a vehicle with a
prohibited concentration of alcohol as defined in section 4511.181
of the blood, breath, or urine Revised Code.~~ Any educational
standards prescribed by rule under authority of this division
shall be for the purpose of assisting mayors of municipal
corporations who conduct a mayor's court and who wish to exercise
the jurisdiction granted by section 1905.01 of the Revised Code
over such a prosecution or cause in the handling of such a
prosecution or cause, and shall include, but shall not be limited

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to, all of the following:	892
(1) Provisions for basic training in the general principles	893
of law that apply to the hearing and determination of such	894
prosecutions and causes and provisions for periodic continuing	895
education in those general principles;	896
(2) Provisions for basic training in the laws of this state	897
that apply relative to persons who are convicted of or plead	898
guilty to any such violation, particularly as those laws apply	899
relative to a person who is convicted of or pleads guilty to any	900
such violation in a prosecution or cause that is within the	901
jurisdiction of a mayor's court as specified in section 1905.01 of	902
the Revised Code, and provisions for periodic continuing education	903
in those laws;	904
(3) Provisions specifying whether periodic continuing	905
education for a mayor who conducts a mayor's court, who wishes to	906
exercise the jurisdiction granted by section 1905.01 of the	907
Revised Code over such a prosecution or cause, and who has	908
received basic training in the principles and laws described in	909
divisions (A)(1) and (2) of this section will be required on an	910
annual or biennial basis;	911
(4) Provisions specifying the number of hours of basic	912
training that a mayor who conducts a mayor's court and who wishes	913
to exercise the jurisdiction granted by section 1905.01 of the	914
Revised Code over such a prosecution or cause will have to obtain	915
to comply with the educational standards and provisions specifying	916
the number of hours of periodic continuing education that such a	917
mayor will have to obtain within each time period specified under	918
authority of division (A)(3) of this section to comply with the	919
educational standards;	920
(5) Provisions establishing an exemption, for a reasonable	921
period of time, from the basic training requirements for mayors	922

who initially take office on or after July 1, 1991, and who wish
to conduct a mayor's court and exercise the jurisdiction granted
by section 1905.01 of the Revised Code over such a prosecution or
cause.

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

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

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

(C) Notwithstanding section 1905.01 of the Revised Code, if
the supreme court adopts rules under authority of division (A) of
this section, if the supreme court formulates a basic training

course and a periodic continuing education course under division 954
(B) of this section, and if the supreme court offers or provides 955
for the offering of the basic training course and the periodic 956
continuing education course to mayors, a mayor shall not hear or 957
determine, on or after July 1, 1991, any prosecution or criminal 958
cause involving a violation described in division (A) of this 959
section unless the exemption under the provisions described in 960
division (A)(5) of this section applies to the mayor, or unless, 961
prior to hearing the prosecution or criminal cause, the mayor 962
successfully has completed the basic training course offered or 963
provided for by the supreme court and has been issued a 964
certificate attesting to satisfactory completion of the basic 965
training course and also successfully has completed any periodic 966
continuing education course offered or provided for by the supreme 967
court that is applicable to the mayor under the rules and has been 968
issued a certificate attesting to satisfactory completion of the 969
periodic continuing education course. 970

This division does not affect and shall not be construed as 971
affecting the authority of a mayor to appoint a mayor's court 972
magistrate under section 1905.05 of the Revised Code. If a mayor 973
is prohibited from hearing or determining a prosecution or 974
criminal cause involving a violation described in division (A) of 975
this section due to the operation of this division, the 976
prohibition against the mayor hearing or determining the 977
prosecution or cause does not affect and shall not be construed as 978
affecting the jurisdiction or authority of a mayor's court 979
magistrate appointed under that section to hear and determine the 980
prosecution or cause in accordance with that section. 981

Sec. 1905.05. (A) A mayor of a municipal corporation that has 982
a mayor's court may appoint a person as mayor's court magistrate 983
to hear and determine prosecutions and criminal causes in the 984

mayor's court that are within the jurisdiction of the mayor's 985
court, as set forth in section 1905.01 of the Revised Code. No 986
person shall be appointed as a mayor's court magistrate unless the 987
person has been admitted to the practice of law in this state and, 988
for a total of at least three years preceding the person's 989
appointment or the commencement of the person's service as 990
magistrate, has been engaged in the practice of law in this state 991
or served as a judge of a court of record in any jurisdiction in 992
the United States, or both. 993

A person appointed as a mayor's court magistrate under this 994
division is entitled to hear and determine prosecutions and 995
criminal causes in the mayor's court that are within the 996
jurisdiction of the mayor's court, as set forth in section 1905.01 997
of the Revised Code. If a mayor is prohibited from hearing or 998
determining a prosecution or cause that charges a person with a 999
violation of section 4511.19 of the Revised Code or with a 1000
violation of a municipal OVI ordinance ~~relating to operating a~~ 1001
~~vehicle while under the influence of alcohol, a drug of abuse, or~~ 1002
~~alcohol and a drug of abuse or relating to operating a vehicle~~ 1003
~~with a prohibited concentration of alcohol~~ as defined in section 1004
4511.181 of the blood, breath, or urine Revised Code due to the 1005
operation of division (C) of section 1905.03 of the Revised Code, 1006
or is prohibited from hearing or determining any other prosecution 1007
or cause due to the operation of division (C) of section 1905.031 1008
of the Revised Code, the prohibition against the mayor hearing or 1009
determining the prosecution or cause does not affect and shall not 1010
be construed as affecting the jurisdiction or authority of a 1011
person appointed as a mayor's court magistrate under this division 1012
to hear and determine the prosecution or cause in accordance with 1013
this section. In hearing and determining such prosecutions and 1014
causes, the magistrate has the same powers, duties, and authority 1015
as does a mayor who conducts a mayor's court to hear and determine 1016
prosecutions and causes in general, including, but not limited to, 1017

the power and authority to decide the prosecution or cause, enter 1018
judgment, and impose sentence; the powers, duties, and authority 1019
granted to mayors of mayor's courts by this chapter, in relation 1020
to the hearing and determination of prosecutions and causes in 1021
mayor's courts; and the powers, duties, and authority granted to 1022
mayors of mayor's courts by any other provision of the Revised 1023
Code, in relation to the hearing and determination of prosecutions 1024
and causes in mayor's courts. A judgment entered and a sentence 1025
imposed by a mayor's court magistrate do not have to be reviewed 1026
or approved by the mayor who appointed the magistrate, and have 1027
the same force and effect as if they had been entered or imposed 1028
by the mayor. 1029

A person appointed as a mayor's court magistrate under this 1030
division is not entitled to hear or determine any prosecution or 1031
criminal cause other than prosecutions and causes that are within 1032
the jurisdiction of the mayor's court, as set forth in section 1033
1905.01 of the Revised Code. 1034

A municipal corporation that a mayor's court magistrate 1035
serves shall pay the compensation for the services of the 1036
magistrate, which shall be either a fixed annual salary set by the 1037
legislative authority of the municipal corporation or a fixed 1038
annual amount or fees for services rendered set under a contract 1039
the magistrate and the municipal corporation enter into. 1040

(B) The appointment of a person as a mayor's court magistrate 1041
under division (A) of this section does not preclude the mayor 1042
that appointed the magistrate, subject to the limitation contained 1043
in section 1905.03 and the limitation contained in section 1044
1905.031 of the Revised Code, from also hearing and determining 1045
prosecutions and criminal causes in the mayor's court that are 1046
within the jurisdiction of the mayor's court, as set forth in 1047
section 1905.01 of the Revised Code. 1048

Sec. 1905.201. The mayor of a municipal corporation that has 1049
a mayor's court, and a mayor's court magistrate, are entitled to 1050
suspend, and shall suspend, in accordance with sections 4510.02, 1051
4510.07, and 4511.19 of the Revised Code, the driver's or 1052
commercial driver's license or permit or nonresident operating 1053
privilege of any person who is convicted of or pleads guilty to a 1054
violation of division (A) of section 4511.19 of the Revised Code, 1055
of a municipal ordinance relating to operating a vehicle while 1056
under the influence of alcohol, a drug of abuse, or a combination 1057
of them, or of a municipal ordinance relating to operating a 1058
vehicle with a prohibited concentration of alcohol, a controlled 1059
substance, or a metabolite of a controlled substance in the whole 1060
blood, blood serum or plasma, breath, or urine that is 1061
substantially equivalent to division (A) of section 4511.19 of the 1062
Revised Code. The mayor of a municipal corporation that has a 1063
mayor's court, and a mayor's court magistrate, are entitled to 1064
suspend, and shall suspend, in accordance with sections 4510.02, 1065
4510.07, and 4511.19 of the Revised Code, the driver's, or 1066
commercial driver's license or permit or nonresident operating 1067
privilege of any person who is convicted of or pleads guilty to a 1068
violation of division (B) of section 4511.19 of the Revised Code 1069
or of a municipal ordinance relating to operating a vehicle with a 1070
prohibited concentration of alcohol in the whole blood, blood 1071
serum or plasma, breath, or urine that is substantially equivalent 1072
to division (B) of section 4511.19 of the Revised Code. 1073

Suspension of a commercial driver's license under this 1074
section shall be concurrent with any period of disqualification or 1075
suspension under section 3123.58 or 4506.16 of the Revised Code. 1076
No person who is disqualified for life from holding a commercial 1077
driver's license under section 4506.16 of the Revised Code shall 1078
be issued a driver's license under Chapter 4507. of the Revised 1079
Code during the period for which the commercial driver's license 1080

was suspended under this section, and no person whose commercial
driver's license is suspended under this section shall be issued a
driver's license under Chapter 4507. of the Revised Code during
the period of the suspension.

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

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

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

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

(a) In any civil action, in accordance with the discovery
provisions of the Rules of Civil Procedure in connection with a
civil action, or in connection with a claim under Chapter 4123. of

the Revised Code, under any of the following circumstances: 1111

(i) If the patient or the guardian or other legal 1112
representative of the patient gives express consent; 1113

(ii) If the patient is deceased, the spouse of the patient or 1114
the executor or administrator of the patient's estate gives 1115
express consent; 1116

(iii) If a medical claim, dental claim, chiropractic claim, 1117
or optometric claim, as defined in section 2305.113 of the Revised 1118
Code, an action for wrongful death, any other type of civil 1119
action, or a claim under Chapter 4123. of the Revised Code is 1120
filed by the patient, the personal representative of the estate of 1121
the patient if deceased, or the patient's guardian or other legal 1122
representative. 1123

(b) In any civil action concerning court-ordered treatment or 1124
services received by a patient, if the court-ordered treatment or 1125
services were ordered as part of a case plan journalized under 1126
section 2151.412 of the Revised Code or the court-ordered 1127
treatment or services are necessary or relevant to dependency, 1128
neglect, or abuse or temporary or permanent custody proceedings 1129
under Chapter 2151. of the Revised Code. 1130

(c) In any criminal action concerning any test or the results 1131
of any test that determines the presence or concentration of 1132
alcohol, a drug of abuse, ~~or alcohol and a drug combination~~ of 1133
abuse them, a controlled substance, or a metabolite of a 1134
controlled substance in the patient's whole blood, blood serum or 1135
plasma, breath, urine, or other bodily substance at any time 1136
relevant to the criminal offense in question. 1137

(d) In any criminal action against a physician or dentist. In 1138
such an action, the testimonial privilege established under this 1139
division does not prohibit the admission into evidence, in 1140
accordance with the Rules of Evidence, of a patient's medical or 1141

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

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

(i) The patient is deceased.

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

(2)(a) If any law enforcement officer submits a written statement to a health care provider that states that an official criminal investigation has begun regarding a specified person or that a criminal action or proceeding has been commenced against a specified person, that requests the provider to supply to the officer copies of any records the provider possesses that pertain to any test or the results of any test administered to the specified person 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 1173
controlled substance in the person's whole blood, blood serum or 1174
plasma, breath, or urine at any time relevant to the criminal 1175
offense in question, and that conforms to section 2317.022 of the 1176
Revised Code, the provider, except to the extent specifically 1177
prohibited by any law of this state or of the United States, shall 1178
supply to the officer a copy of any of the requested records the 1179
provider possesses. If the health care provider does not possess 1180
any of the requested records, the provider shall give the officer 1181
a written statement that indicates that the provider does not 1182
possess any of the requested records. 1183

(b) If a health care provider possesses any records of the 1184
type described in division (B)(2)(a) of this section regarding the 1185
person in question at any time relevant to the criminal offense in 1186
question, in lieu of personally testifying as to the results of 1187
the test in question, the custodian of the records may submit a 1188
certified copy of the records, and, upon its submission, the 1189
certified copy is qualified as authentic evidence and may be 1190
admitted as evidence in accordance with the Rules of Evidence. 1191
Division (A) of section 2317.422 of the Revised Code does not 1192
apply to any certified copy of records submitted in accordance 1193
with this division. Nothing in this division shall be construed to 1194
limit the right of any party to call as a witness the person who 1195
administered the test to which the records pertain, the person 1196
under whose supervision the test was administered, the custodian 1197
of the records, the person who made the records, or the person 1198
under whose supervision the records were made. 1199

(3)(a) If the testimonial privilege described in division 1200
(B)(1) of this section does not apply as provided in division 1201
(B)(1)(a)(iii) of this section, a physician or dentist may be 1202
compelled to testify or to submit to discovery under the Rules of 1203
Civil Procedure only as to a communication made to the physician 1204

or dentist by the patient in question in that relation, or the
physician's or dentist's advice to the patient in question, that
related causally or historically to physical or mental injuries
that are relevant to issues in the medical claim, dental claim,
chiropractic claim, or optometric claim, action for wrongful
death, other civil action, or claim under Chapter 4123. of the
Revised Code.

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

(c) If the testimonial privilege described in division (B)(1)
of this section does not apply as provided in division (B)(1)(e)
of this section, a physician or dentist may be compelled to
testify or to submit to discovery in the will contest action under
sections 2107.71 to 2107.77 of the Revised Code only as to the
patient in question on issues relevant to the competency of the
patient at the time of the execution of the will. Testimony or
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 1237
this section is not waived when a communication is made by a 1238
physician to a pharmacist or when there is communication between a 1239
patient and a pharmacist in furtherance of the physician-patient 1240
relation. 1241

(5)(a) As used in divisions (B)(1) to (4) of this section, 1242
"communication" means acquiring, recording, or transmitting any 1243
information, in any manner, concerning any facts, opinions, or 1244
statements necessary to enable a physician or dentist to diagnose, 1245
treat, prescribe, or act for a patient. A "communication" may 1246
include, but is not limited to, any medical or dental, office, or 1247
hospital communication such as a record, chart, letter, 1248
memorandum, laboratory test and results, x-ray, photograph, 1249
financial statement, diagnosis, or prognosis. 1250

(b) As used in division (B)(2) of this section, "health care 1251
provider" means a hospital, ambulatory care facility, long-term 1252
care facility, pharmacy, emergency facility, or health care 1253
practitioner. 1254

(c) As used in division (B)(5)(b) of this section: 1255

(i) "Ambulatory care facility" means a facility that provides 1256
medical, diagnostic, or surgical treatment to patients who do not 1257
require hospitalization, including a dialysis center, ambulatory 1258
surgical facility, cardiac catheterization facility, diagnostic 1259
imaging center, extracorporeal shock wave lithotripsy center, home 1260
health agency, inpatient hospice, birthing center, radiation 1261
therapy center, emergency facility, and an urgent care center. 1262
"Ambulatory health care facility" does not include the private 1263
office of a physician or dentist, whether the office is for an 1264
individual or group practice. 1265

(ii) "Emergency facility" means a hospital emergency 1266
department or any other facility that provides emergency medical 1267

services. 1268

(iii) "Health care practitioner" has the same meaning as in 1269
section 4769.01 of the Revised Code. 1270

(iv) "Hospital" has the same meaning as in section 3727.01 of 1271
the Revised Code. 1272

(v) "Long-term care facility" means a nursing home, 1273
residential care facility, or home for the aging, as those terms 1274
are defined in section 3721.01 of the Revised Code; an adult care 1275
facility, as defined in section 3722.01 of the Revised Code; a 1276
nursing facility or intermediate care facility for the mentally 1277
retarded, as those terms are defined in section 5111.20 of the 1278
Revised Code; a facility or portion of a facility certified as a 1279
skilled nursing facility under Title XVIII of the "Social Security 1280
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 1281

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 1282
the Revised Code. 1283

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 1284
apply to doctors of medicine, doctors of osteopathic medicine, 1285
doctors of podiatry, and dentists. 1286

(7) Nothing in divisions (B)(1) to (6) of this section 1287
affects, or shall be construed as affecting, the immunity from 1288
civil liability conferred by section 307.628 or 2305.33 of the 1289
Revised Code upon physicians who report an employee's use of a 1290
drug of abuse, or a condition of an employee other than one 1291
involving the use of a drug of abuse, to the employer of the 1292
employee in accordance with division (B) of that section. As used 1293
in division (B)(7) of this section, "employee," "employer," and 1294
"physician" have the same meanings as in section 2305.33 of the 1295
Revised Code. 1296

(C) A member of the clergy, rabbi, priest, or regularly 1297

ordained, accredited, or licensed minister of an established and 1298
legally cognizable church, denomination, or sect, when the member 1299
of the clergy, rabbi, priest, or minister remains accountable to 1300
the authority of that church, denomination, or sect, concerning a 1301
confession made, or any information confidentially communicated, 1302
to the member of the clergy, rabbi, priest, or minister for a 1303
religious counseling purpose in the member of the clergy's, 1304
rabbi's, priest's, or minister's professional character; however, 1305
the member of the clergy, rabbi, priest, or minister may testify 1306
by express consent of the person making the communication, except 1307
when the disclosure of the information is in violation of a sacred 1308
trust; 1309

(D) Husband or wife, concerning any communication made by one 1310
to the other, or an act done by either in the presence of the 1311
other, during coverture, unless the communication was made, or act 1312
done, in the known presence or hearing of a third person competent 1313
to be a witness; and such rule is the same if the marital relation 1314
has ceased to exist; 1315

(E) A person who assigns a claim or interest, concerning any 1316
matter in respect to which the person would not, if a party, be 1317
permitted to testify; 1318

(F) A person who, if a party, would be restricted under 1319
section 2317.03 of the Revised Code, when the property or thing is 1320
sold or transferred by an executor, administrator, guardian, 1321
trustee, heir, devisee, or legatee, shall be restricted in the 1322
same manner in any action or proceeding concerning the property or 1323
thing. 1324

(G)(1) A school guidance counselor who holds a valid educator 1325
license from the state board of education as provided for in 1326
section 3319.22 of the Revised Code, a person licensed under 1327
Chapter 4757. of the Revised Code as a professional clinical 1328

counselor, professional counselor, social worker, independent 1329
social worker, marriage and family therapist or independent 1330
marriage and family therapist, or registered under Chapter 4757. 1331
of the Revised Code as a social work assistant concerning a 1332
confidential communication received from a client in that relation 1333
or the person's advice to a client unless any of the following 1334
applies: 1335

(a) The communication or advice indicates clear and present 1336
danger to the client or other persons. For the purposes of this 1337
division, cases in which there are indications of present or past 1338
child abuse or neglect of the client constitute a clear and 1339
present danger. 1340

(b) The client gives express consent to the testimony. 1341

(c) If the client is deceased, the surviving spouse or the 1342
executor or administrator of the estate of the deceased client 1343
gives express consent. 1344

(d) The client voluntarily testifies, in which case the 1345
school guidance counselor or person licensed or registered under 1346
Chapter 4757. of the Revised Code may be compelled to testify on 1347
the same subject. 1348

(e) The court in camera determines that the information 1349
communicated by the client is not germane to the counselor-client, 1350
marriage and family therapist-client, or social worker-client 1351
relationship. 1352

(f) A court, in an action brought against a school, its 1353
administration, or any of its personnel by the client, rules after 1354
an in-camera inspection that the testimony of the school guidance 1355
counselor is relevant to that action. 1356

(g) The testimony is sought in a civil action and concerns 1357
court-ordered treatment or services received by a patient as part 1358

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.

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

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

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

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

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

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

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

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

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

physical or mental injuries that are relevant to issues in the 1422
medical claim, dental claim, chiropractic claim, or optometric 1423
claim, action for wrongful death, other civil action, or claim 1424
under Chapter 4123. of the Revised Code. 1425

(3) The testimonial privilege established under this division 1426
does not apply, and a chiropractor may testify or be compelled to 1427
testify, in any criminal action or administrative proceeding. 1428

(4) As used in this division, "communication" means 1429
acquiring, recording, or transmitting any information, in any 1430
manner, concerning any facts, opinions, or statements necessary to 1431
enable a chiropractor to diagnose, treat, or act for a patient. A 1432
communication may include, but is not limited to, any 1433
chiropractic, office, or hospital communication such as a record, 1434
chart, letter, memorandum, laboratory test and results, x-ray, 1435
photograph, financial statement, diagnosis, or prognosis. 1436

Sec. 2317.022. (A) As used in this section, "health care 1437
provider" has the same meaning as in section 2317.02 of the 1438
Revised Code. 1439

(B) If an official criminal investigation has begun regarding 1440
a person or if a criminal action or proceeding is commenced 1441
against a person, any law enforcement officer who wishes to obtain 1442
from any health care provider a copy of any records the provider 1443
possesses that pertain to any test or the result of any test 1444
administered to the person to determine the presence or 1445
concentration of alcohol, a drug of abuse, or alcohol and a drug 1446
of abuse in the person's blood, breath, or urine at any time 1447
relevant to the criminal offense in question shall submit to the 1448
health care facility a written statement in the following form: 1449

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 1450

To: (insert name of the health care 1451

provider in question).

1452

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.

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(Name of officer)

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.....

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(Officer's title)

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.....

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(Officer's employing agency)

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.....

1479

(Officer's telephone number)

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.....

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.....	1482
.....	1483
(Agency's address)	1484
.....	1485
(Date written statement submitted)"	1486
(C) A health care provider that receives a written statement	1487
of the type described in division (B) of this section shall comply	1488
with division (B)(2) of section 2317.02 of the Revised Code	1489
relative to the written statement.	1490
Sec. 2317.422. (A) Notwithstanding sections 2317.40 and	1491
2317.41 of the Revised Code but subject to division (B) of this	1492
section, the records, or copies or photographs of the records, of	1493
a hospital, homes required to be licensed pursuant to section	1494
3721.01 <u>of the Revised Code</u> and of adult care facilities required	1495
to be licensed pursuant to Chapter 3722. of the Revised Code, and	1496
community alternative homes licensed pursuant to section 3724.03	1497
of the Revised Code, in lieu of the testimony in open court of	1498
their custodian, person who made them, or person under whose	1499
supervision they were made, may be qualified as authentic evidence	1500
if any such person endorses thereon his <u>the person's</u> verified	1501
certification identifying such records, giving the mode and time	1502
of their preparation, and stating that they were prepared in the	1503
usual course of the business of the institution. Such records,	1504
copies, or photographs may not be qualified by certification as	1505
provided in this section unless the party intending to offer them	1506
delivers a copy of them, or of their relevant portions, to the	1507
attorney of record for each adverse party not less than five days	1508
before trial. Nothing in this section shall be construed to limit	1509
the right of any party to call the custodian, person who made such	1510
records, or person under whose supervision they were made, as a	1511

witness. 1512

(B) Division (A) of this section does not apply to any 1513
certified copy of the results of any test given to determine the 1514
presence or concentration of alcohol, a drug of abuse, ~~or alcohol~~ 1515
and a drug combination of abuse them, a controlled substance, or a 1516
metabolite of a controlled substance in a patient's whole blood, 1517
blood serum or plasma, breath, or urine at any time relevant to a 1518
criminal offense that is submitted in a criminal action or 1519
proceeding in accordance with division (B)(2)(b) or (B)(3)(b) of 1520
section 2317.02 of the Revised Code. 1521

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the 1522
Revised Code: 1523

(A) "Claimant" means both of the following categories of 1524
persons: 1525

(1) Any of the following persons who claim an award of 1526
reparations under sections 2743.51 to 2743.72 of the Revised Code: 1527

(a) A victim who was one of the following at the time of the 1528
criminally injurious conduct: 1529

(i) A resident of the United States; 1530

(ii) A resident of a foreign country the laws of which permit 1531
residents of this state to recover compensation as victims of 1532
offenses committed in that country. 1533

(b) A dependent of a deceased victim who is described in 1534
division (A)(1)(a) of this section; 1535

(c) A third person, other than a collateral source, who 1536
legally assumes or voluntarily pays the obligations of a victim, 1537
or of a dependent of a victim, who is described in division 1538
(A)(1)(a) of this section, which obligations are incurred as a 1539
result of the criminally injurious conduct that is the subject of 1540
the claim and may include, but are not limited to, medical or 1541

burial expenses;	1542
(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section;	1543 1544 1545
(e) The estate of a deceased victim who is described in division (A)(1)(a) of this section.	1546 1547
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	1548 1549
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	1550 1551 1552 1553
(i) Had a permanent place of employment in this state;	1554
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	1555 1556 1557 1558
(iii) Was retired and receiving social security or any other retirement income;	1559 1560
(iv) Was sixty years of age or older;	1561
(v) Was temporarily in another state for the purpose of receiving medical treatment;	1562 1563
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	1564 1565 1566 1567
(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	1568 1569 1570

as an express condition of employment or employee benefits;	1571
(viii) Was a full-time student at an academic institution, college, or university located in another state;	1572 1573
(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.	1574 1575 1576 1577
(b) A dependent of a deceased victim who is described in division (A)(2)(a) of this section;	1578 1579
(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;	1580 1581 1582 1583 1584 1585 1586
(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;	1587 1588 1589
(e) The estate of a deceased victim who is described in division (A)(2)(a) of this section.	1590 1591
(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:	1592 1593 1594 1595
(1) The offender;	1596
(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	1597 1598 1599 1600

benefits under sections 2743.51 to 2743.72 of the Revised Code;	1601
(3) Social security, medicare, and medicaid;	1602
(4) State-required, temporary, nonoccupational disability insurance;	1603 1604
(5) Workers' compensation;	1605
(6) Wage continuation programs of any employer;	1606
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	1607 1608 1609
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	1610 1611
(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;	1612 1613 1614
(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.	1615 1616 1617 1618
"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.	1619 1620 1621 1622 1623
(C) "Criminally injurious conduct" means one of the following:	1624 1625
(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would	1626 1627 1628 1629

be so punishable but for the fact that the person engaging in the
conduct lacked capacity to commit the crime under the laws of this
state. Criminally injurious conduct does not include conduct
arising out of the ownership, maintenance, or use of a motor
vehicle, except when any of the following applies:

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

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

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

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

(2) For the purposes of any person described in division
(A)(2) of this section, any conduct that occurs or is attempted in
another state, district, territory, or foreign country; poses a
substantial threat of personal injury or death; and is punishable
by fine, imprisonment, or death, or would be so punishable but for
the fact that the person engaging in the conduct lacked capacity
to commit the crime under the laws of the state, district,
territory, or foreign country in which the conduct occurred or was
attempted. Criminally injurious conduct does not include conduct
arising out of the ownership, maintenance, or use of a motor
vehicle, except when any of the following applies:

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

(b) The person engaging in the conduct was using the vehicle 1661
to flee immediately after committing a felony or an act that would 1662
constitute a felony but for the fact that the person engaging in 1663
the conduct lacked the capacity to commit the felony under the 1664
laws of the state, district, territory, or foreign country in 1665
which the conduct occurred or was attempted; 1666

(c) The person engaging in the conduct was using the vehicle 1667
in a manner that constitutes an OVI violation; 1668

(d) The conduct occurred on or after July 25, 1990, the 1669
person engaging in the conduct was using the vehicle in a manner 1670
that constitutes a violation of any law of the state, district, 1671
territory, or foreign country in which the conduct occurred, and 1672
that law is substantially similar to a violation of section 1673
2903.08 of the Revised Code. 1674

(3) For the purposes of any person described in division 1675
(A)(1) or (2) of this section, terrorism that occurs within or 1676
outside the territorial jurisdiction of the United States. 1677

(D) "Dependent" means an individual wholly or partially 1678
dependent upon the victim for care and support, and includes a 1679
child of the victim born after the victim's death. 1680

(E) "Economic loss" means economic detriment consisting only 1681
of allowable expense, work loss, funeral expense, unemployment 1682
benefits loss, replacement services loss, cost of crime scene 1683
cleanup, and cost of evidence replacement. If criminally injurious 1684
conduct causes death, economic loss includes a dependent's 1685
economic loss and a dependent's replacement services loss. 1686
Noneconomic detriment is not economic loss; however, economic loss 1687
may be caused by pain and suffering or physical impairment. 1688

(F)(1) "Allowable expense" means reasonable charges incurred 1689
for reasonably needed products, services, and accommodations, 1690
including those for medical care, rehabilitation, rehabilitative 1691

occupational training, and other remedial treatment and care and 1692
including replacement costs for eyeglasses and other corrective 1693
lenses. It does not include that portion of a charge for a room in 1694
a hospital, clinic, convalescent home, nursing home, or any other 1695
institution engaged in providing nursing care and related services 1696
in excess of a reasonable and customary charge for semiprivate 1697
accommodations, unless accommodations other than semiprivate 1698
accommodations are medically required. 1699

(2) An immediate family member of a victim of criminally 1700
injurious conduct that consists of a homicide, a sexual assault, 1701
domestic violence, or a severe and permanent incapacitating injury 1702
resulting in paraplegia or a similar life-altering condition, who 1703
requires psychiatric care or counseling as a result of the 1704
criminally injurious conduct, may be reimbursed for that care or 1705
counseling as an allowable expense through the victim's 1706
application. The cumulative allowable expense for care or 1707
counseling of that nature shall not exceed two thousand five 1708
hundred dollars for each immediate family member of a victim of 1709
that type and seven thousand five hundred dollars in the aggregate 1710
for all immediate family members of a victim of that type. 1711

(3) A family member of a victim who died as a proximate 1712
result of criminally injurious conduct may be reimbursed as an 1713
allowable expense through the victim's application for wages lost 1714
and travel expenses incurred in order to attend criminal justice 1715
proceedings arising from the criminally injurious conduct. The 1716
cumulative allowable expense for wages lost and travel expenses 1717
incurred by a family member to attend criminal justice proceedings 1718
shall not exceed five hundred dollars for each family member of 1719
the victim and two thousand dollars in the aggregate for all 1720
family members of the victim. 1721

(4) "Allowable expense" includes attorney's fees not 1722
exceeding two thousand five hundred dollars, at a rate not 1723

exceeding one hundred fifty dollars per hour, incurred to 1724
successfully obtain a restraining order, custody order, or other 1725
order to physically separate a victim from an offender, if the 1726
attorney has not received payment under section 2743.65 of the 1727
Revised Code for assisting a claimant with an application for an 1728
award of reparations under sections 2743.51 to 2743.72 of the 1729
Revised Code. 1730

(G) "Work loss" means loss of income from work that the 1731
injured person would have performed if the person had not been 1732
injured and expenses reasonably incurred by the person to obtain 1733
services in lieu of those the person would have performed for 1734
income, reduced by any income from substitute work actually 1735
performed by the person, or by income the person would have earned 1736
in available appropriate substitute work that the person was 1737
capable of performing but unreasonably failed to undertake. 1738

(H) "Replacement services loss" means expenses reasonably 1739
incurred in obtaining ordinary and necessary services in lieu of 1740
those the injured person would have performed, not for income, but 1741
for the benefit of the person's self or family, if the person had 1742
not been injured. 1743

(I) "Dependent's economic loss" means loss after a victim's 1744
death of contributions of things of economic value to the victim's 1745
dependents, not including services they would have received from 1746
the victim if the victim had not suffered the fatal injury, less 1747
expenses of the dependents avoided by reason of the victim's 1748
death. If a minor child of a victim is adopted after the victim's 1749
death, the minor child continues after the adoption to incur a 1750
dependent's economic loss as a result of the victim's death. If 1751
the surviving spouse of a victim remarries, the surviving spouse 1752
continues after the remarriage to incur a dependent's economic 1753
loss as a result of the victim's death. 1754

(J) "Dependent's replacement services loss" means loss 1755
reasonably incurred by dependents after a victim's death in 1756
obtaining ordinary and necessary services in lieu of those the 1757
victim would have performed for their benefit if the victim had 1758
not suffered the fatal injury, less expenses of the dependents 1759
avoided by reason of the victim's death and not subtracted in 1760
calculating the dependent's economic loss. If a minor child of a 1761
victim is adopted after the victim's death, the minor child 1762
continues after the adoption to incur a dependent's replacement 1763
services loss as a result of the victim's death. If the surviving 1764
spouse of a victim remarries, the surviving spouse continues after 1765
the remarriage to incur a dependent's replacement services loss as 1766
a result of the victim's death. 1767

(K) "Noneconomic detriment" means pain, suffering, 1768
inconvenience, physical impairment, or other nonpecuniary damage. 1769

(L) "Victim" means a person who suffers personal injury or 1770
death as a result of any of the following: 1771

(1) Criminally injurious conduct; 1772

(2) The good faith effort of any person to prevent criminally 1773
injurious conduct; 1774

(3) The good faith effort of any person to apprehend a person 1775
suspected of engaging in criminally injurious conduct. 1776

(M) "Contributory misconduct" means any conduct of the 1777
claimant or of the victim through whom the claimant claims an 1778
award of reparations that is unlawful or intentionally tortious 1779
and that, without regard to the conduct's proximity in time or 1780
space to the criminally injurious conduct, has a causal 1781
relationship to the criminally injurious conduct that is the basis 1782
of the claim. 1783

(N)(1) "Funeral expense" means any reasonable charges that 1784

are not in excess of seven thousand five hundred dollars per 1785
funeral and that are incurred for expenses directly related to a 1786
victim's funeral, cremation, or burial and any wages lost or 1787
travel expenses incurred by a family member of a victim in order 1788
to attend the victim's funeral, cremation, or burial. 1789

(2) An award for funeral expenses shall be applied first to 1790
expenses directly related to the victim's funeral, cremation, or 1791
burial. An award for wages lost or travel expenses incurred by a 1792
family member of the victim shall not exceed five hundred dollars 1793
for each family member and shall not exceed in the aggregate the 1794
difference between seven thousand five hundred dollars and 1795
expenses that are reimbursed by the program and that are directly 1796
related to the victim's funeral, cremation, or burial. 1797

(O) "Unemployment benefits loss" means a loss of unemployment 1798
benefits pursuant to Chapter 4141. of the Revised Code when the 1799
loss arises solely from the inability of a victim to meet the able 1800
to work, available for suitable work, or the actively seeking 1801
suitable work requirements of division (A)(4)(a) of section 1802
4141.29 of the Revised Code. 1803

(P) "OVI violation" means any of the following: 1804

(1) A violation of section 4511.19 of the Revised Code, of 1805
any municipal ordinance prohibiting the operation of a vehicle 1806
while under the influence of alcohol, a drug of abuse, or a 1807
combination of them, or of any municipal ordinance prohibiting the 1808
operation of a vehicle with a prohibited concentration of alcohol, 1809
a controlled substance, or a metabolite of a controlled substance 1810
in the whole blood, blood serum or plasma, breath, or urine; 1811

(2) A violation of division (A)(1) of section 2903.06 of the 1812
Revised Code; 1813

(3) A violation of division (A)(2), (3), or (4) of section 1814
2903.06 of the Revised Code or of a municipal ordinance 1815

substantially similar to any of those divisions, if the offender 1816
was under the influence of alcohol, a drug of abuse, or a 1817
combination of them, at the time of the commission of the offense; 1818

(4) For purposes of any person described in division (A)(2) 1819
of this section, a violation of any law of the state, district, 1820
territory, or foreign country in which the criminally injurious 1821
conduct occurred, if that law is substantially similar to a 1822
violation described in division (P)(1) or (2) of this section or 1823
if that law is substantially similar to a violation described in 1824
division (P)(3) of this section and the offender was under the 1825
influence of alcohol, a drug of abuse, or a combination of them, 1826
at the time of the commission of the offense. 1827

(Q) "Pendency of the claim" for an original reparations 1828
application or supplemental reparations application means the 1829
period of time from the date the criminally injurious conduct upon 1830
which the application is based occurred until the date a final 1831
decision, order, or judgment concerning that original reparations 1832
application or supplemental reparations application is issued. 1833

(R) "Terrorism" means any activity to which all of the 1834
following apply: 1835

(1) The activity involves a violent act or an act that is 1836
dangerous to human life. 1837

(2) The act described in division (R)(1) of this section is 1838
committed within the territorial jurisdiction of the United States 1839
and is a violation of the criminal laws of the United States, this 1840
state, or any other state or the act described in division (R)(1) 1841
of this section is committed outside the territorial jurisdiction 1842
of the United States and would be a violation of the criminal laws 1843
of the United States, this state, or any other state if committed 1844
within the territorial jurisdiction of the United States. 1845

(3) The activity appears to be intended to do any of the 1846

following:	1847
(a) Intimidate or coerce a civilian population;	1848
(b) Influence the policy of any government by intimidation or coercion;	1849 1850
(c) Affect the conduct of any government by assassination or kidnapping.	1851 1852
(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum.	1853 1854 1855 1856 1857 1858 1859
(S) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States.	1860 1861 1862 1863
(T) "Cost of crime scene cleanup" means reasonable and necessary costs of cleaning the scene and repairing, for the purpose of personal security, property damaged at the scene where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim.	1864 1865 1866 1867 1868
(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim.	1869 1870 1871 1872
(V) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an allowable expense or a funeral expense.	1873 1874 1875
(W) "Immediate family member" means an individual who resided	1876

in the same permanent household as a victim at the time of the 1877
criminally injurious conduct and who is related to the victim by 1878
affinity or consanguinity. 1879

(X) "Family member" means an individual who is related to a 1880
victim by affinity or consanguinity. 1881

Sec. 2919.22. (A) No person, who is the parent, guardian, 1882
custodian, person having custody or control, or person in loco 1883
parentis of a child under eighteen years of age or a mentally or 1884
physically handicapped child under twenty-one years of age, shall 1885
create a substantial risk to the health or safety of the child, by 1886
violating a duty of care, protection, or support. It is not a 1887
violation of a duty of care, protection, or support under this 1888
division when the parent, guardian, custodian, or person having 1889
custody or control of a child treats the physical or mental 1890
illness or defect of the child by spiritual means through prayer 1891
alone, in accordance with the tenets of a recognized religious 1892
body. 1893

(B) No person shall do any of the following to a child under 1894
eighteen years of age or a mentally or physically handicapped 1895
child under twenty-one years of age: 1896

(1) Abuse the child; 1897

(2) Torture or cruelly abuse the child; 1898

(3) Administer corporal punishment or other physical 1899
disciplinary measure, or physically restrain the child in a cruel 1900
manner or for a prolonged period, which punishment, discipline, or 1901
restraint is excessive under the circumstances and creates a 1902
substantial risk of serious physical harm to the child; 1903

(4) Repeatedly administer unwarranted disciplinary measures 1904
to the child, when there is a substantial risk that such conduct, 1905
if continued, will seriously impair or retard the child's mental 1906

health or development; 1907

(5) Entice, coerce, permit, encourage, compel, hire, employ, 1908
use, or allow the child to act, model, or in any other way 1909
participate in, or be photographed for, the production, 1910
presentation, dissemination, or advertisement of any material or 1911
performance that the offender knows or reasonably should know is 1912
obscene, is sexually oriented matter, or is nudity-oriented 1913
matter; 1914

(6) Allow the child to be on the same parcel of real property 1915
and within one hundred feet of, or, in the case of more than one 1916
housing unit on the same parcel of real property, in the same 1917
housing unit and within one hundred feet of, any act in violation 1918
of section 2925.04 or 2925.041 of the Revised Code when the person 1919
knows that the act is occurring, whether or not any person is 1920
prosecuted for or convicted of the violation of section 2925.04 or 1921
2925.041 of the Revised Code that is the basis of the violation of 1922
this division. 1923

(C)(1) No person shall operate a vehicle, streetcar, or 1924
trackless trolley within this state in violation of division (A) 1925
of section 4511.19 of the Revised Code when one or more children 1926
under eighteen years of age are in the vehicle, streetcar, or 1927
trackless trolley. Notwithstanding any other provision of law, a 1928
person may be convicted at the same trial or proceeding of a 1929
violation of this division and a violation of division (A) of 1930
section 4511.19 of the Revised Code that constitutes the basis of 1931
the charge of the violation of this division. For purposes of 1932
sections 4511.191 to 4511.197 of the Revised Code and all related 1933
provisions of law, a person arrested for a violation of this 1934
division shall be considered to be under arrest for operating a 1935
vehicle while under the influence of alcohol, a drug of abuse, or 1936
a combination of them or for operating a vehicle with a prohibited 1937
concentration of alcohol, a controlled substance, or a metabolite 1938

<u>of a controlled substance</u> in the whole blood, blood serum or	1939
plasma, breath, or urine.	1940
(2) As used in division (C)(1) of this section, "vehicle:	1941
<u>(a) "Controlled substance" has the same meaning as in section</u>	1942
<u>3719.01 of the Revised Code.</u>	1943
<u>(b) "Vehicle," "streetcar," and "trackless trolley" have the</u>	1944
same meanings as in section 4511.01 of the Revised Code.	1945
(D)(1) Division (B)(5) of this section does not apply to any	1946
material or performance that is produced, presented, or	1947
disseminated for a bona fide medical, scientific, educational,	1948
religious, governmental, judicial, or other proper purpose, by or	1949
to a physician, psychologist, sociologist, scientist, teacher,	1950
person pursuing bona fide studies or research, librarian, member	1951
of the clergy, prosecutor, judge, or other person having a proper	1952
interest in the material or performance.	1953
(2) Mistake of age is not a defense to a charge under	1954
division (B)(5) of this section.	1955
(3) In a prosecution under division (B)(5) of this section,	1956
the trier of fact may infer that an actor, model, or participant	1957
in the material or performance involved is a juvenile if the	1958
material or performance, through its title, text, visual	1959
representation, or otherwise, represents or depicts the actor,	1960
model, or participant as a juvenile.	1961
(4) As used in this division and division (B)(5) of this	1962
section:	1963
(a) "Material," "performance," "obscene," and "sexual	1964
activity" have the same meanings as in section 2907.01 of the	1965
Revised Code.	1966
(b) "Nudity-oriented matter" means any material or	1967
performance that shows a minor in a state of nudity and that,	1968

taken as a whole by the average person applying contemporary
community standards, appeals to prurient interest. 1969
1970

(c) "Sexually oriented matter" means any material or 1971
performance that shows a minor participating or engaging in sexual 1972
activity, masturbation, or bestiality. 1973

(E)(1) Whoever violates this section is guilty of endangering 1974
children. 1975

(2) If the offender violates division (A) or (B)(1) of this 1976
section, endangering children is one of the following: 1977

(a) Except as otherwise provided in division (E)(2)(b), (c), 1978
or (d) of this section, a misdemeanor of the first degree; 1979

(b) If the offender previously has been convicted of an 1980
offense under this section or of any offense involving neglect, 1981
abandonment, contributing to the delinquency of, or physical abuse 1982
of a child, except as otherwise provided in division (E)(2)(c) or 1983
(d) of this section, a felony of the fourth degree; 1984

(c) If the violation is a violation of division (A) of this 1985
section and results in serious physical harm to the child 1986
involved, a felony of the third degree; 1987

(d) If the violation is a violation of division (B)(1) of 1988
this section and results in serious physical harm to the child 1989
involved, a felony of the second degree. 1990

(3) If the offender violates division (B)(2), (3), (4), or 1991
(6) of this section, except as otherwise provided in this 1992
division, endangering children is a felony of the third degree. If 1993
the violation results in serious physical harm to the child 1994
involved, or if the offender previously has been convicted of an 1995
offense under this section or of any offense involving neglect, 1996
abandonment, contributing to the delinquency of, or physical abuse 1997
of a child, endangering children is a felony of the second degree. 1998

(4) If the offender violates division (B)(5) of this section, 1999
endangering children is a felony of the second degree. 2000

(5) If the offender violates division (C) of this section, 2001
the offender shall be punished as follows: 2002

(a) Except as otherwise provided in division (E)(5)(b) or (c) 2003
of this section, endangering children in violation of division (C) 2004
of this section is a misdemeanor of the first degree. 2005

(b) If the violation results in serious physical harm to the 2006
child involved or the offender previously has been convicted of an 2007
offense under this section or any offense involving neglect, 2008
abandonment, contributing to the delinquency of, or physical abuse 2009
of a child, except as otherwise provided in division (E)(5)(c) of 2010
this section, endangering children in violation of division (C) of 2011
this section is a felony of the fifth degree. 2012

(c) If the violation results in serious physical harm to the 2013
child involved and if the offender previously has been convicted 2014
of a violation of division (C) of this section, section 2903.06 or 2015
2903.08 of the Revised Code, section 2903.07 of the Revised Code 2016
as it existed prior to March 23, 2000, or section 2903.04 of the 2017
Revised Code in a case in which the offender was subject to the 2018
sanctions described in division (D) of that section, endangering 2019
children in violation of division (C) of this section is a felony 2020
of the fourth degree. 2021

(d) In addition to any term of imprisonment, fine, or other 2022
sentence, penalty, or sanction it imposes upon the offender 2023
pursuant to division (E)(5)(a), (b), or (c) of this section or 2024
pursuant to any other provision of law and in addition to any 2025
suspension of the offender's driver's or commercial driver's 2026
license or permit or nonresident operating privilege under Chapter 2027
4506., 4509., 4510., or 4511. of the Revised Code or under any 2028
other provision of law, the court also may impose upon the 2029

offender a class seven suspension of the offender's driver's or 2030
commercial driver's license or permit or nonresident operating 2031
privilege from the range specified in division (A)(7) of section 2032
4510.02 of the Revised Code. 2033

(e) In addition to any term of imprisonment, fine, or other 2034
sentence, penalty, or sanction imposed upon the offender pursuant 2035
to division (E)(5)(a), (b), (c), or (d) of this section or 2036
pursuant to any other provision of law for the violation of 2037
division (C) of this section, if as part of the same trial or 2038
proceeding the offender also is convicted of or pleads guilty to a 2039
separate charge charging the violation of division (A) of section 2040
4511.19 of the Revised Code that was the basis of the charge of 2041
the violation of division (C) of this section, the offender also 2042
shall be sentenced in accordance with section 4511.19 of the 2043
Revised Code for that violation of division (A) of section 4511.19 2044
of the Revised Code. 2045

(F)(1)(a) A court may require an offender to perform not more 2046
than two hundred hours of supervised community service work under 2047
the authority of an agency, subdivision, or charitable 2048
organization. The requirement shall be part of the community 2049
control sanction or sentence of the offender, and the court shall 2050
impose the community service in accordance with and subject to 2051
divisions (F)(1)(a) and (b) of this section. The court may require 2052
an offender whom it requires to perform supervised community 2053
service work as part of the offender's community control sanction 2054
or sentence to pay the court a reasonable fee to cover the costs 2055
of the offender's participation in the work, including, but not 2056
limited to, the costs of procuring a policy or policies of 2057
liability insurance to cover the period during which the offender 2058
will perform the work. If the court requires the offender to 2059
perform supervised community service work as part of the 2060
offender's community control sanction or sentence, the court shall 2061

do so in accordance with the following limitations and criteria: 2062

(i) The court shall require that the community service work 2063
be performed after completion of the term of imprisonment or jail 2064
term imposed upon the offender for the violation of division (C) 2065
of this section, if applicable. 2066

(ii) The supervised community service work shall be subject 2067
to the limitations set forth in divisions (B)(1), (2), and (3) of 2068
section 2951.02 of the Revised Code. 2069

(iii) The community service work shall be supervised in the 2070
manner described in division (B)(4) of section 2951.02 of the 2071
Revised Code by an official or person with the qualifications 2072
described in that division. The official or person periodically 2073
shall report in writing to the court concerning the conduct of the 2074
offender in performing the work. 2075

(iv) The court shall inform the offender in writing that if 2076
the offender does not adequately perform, as determined by the 2077
court, all of the required community service work, the court may 2078
order that the offender be committed to a jail or workhouse for a 2079
period of time that does not exceed the term of imprisonment that 2080
the court could have imposed upon the offender for the violation 2081
of division (C) of this section, reduced by the total amount of 2082
time that the offender actually was imprisoned under the sentence 2083
or term that was imposed upon the offender for that violation and 2084
by the total amount of time that the offender was confined for any 2085
reason arising out of the offense for which the offender was 2086
convicted and sentenced as described in sections 2949.08 and 2087
2967.191 of the Revised Code, and that, if the court orders that 2088
the offender be so committed, the court is authorized, but not 2089
required, to grant the offender credit upon the period of the 2090
commitment for the community service work that the offender 2091
adequately performed. 2092

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

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

2951.02 of the Revised Code, or to place a felony offender under a
community control sanction.

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

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

(a) Division (C) of this section;

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

(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.

(2)(a) If a person is convicted of or pleads guilty to a

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

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

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

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

(I) As used in this section:	2187
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code;	2188 2189
(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code.	2190 2191
Sec. 2923.16. (A) No person shall knowingly discharge a firearm while in or on a motor vehicle.	2192 2193
(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.	2194 2195 2196 2197
(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded and is carried in one of the following ways:	2198 2199 2200
(1) In a closed package, box, or case;	2201
(2) In a compartment that can be reached only by leaving the vehicle;	2202 2203
(3) In plain sight and secured in a rack or holder made for the purpose;	2204 2205
(4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.	2206 2207 2208
(D) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:	2209 2210 2211
(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.	2212 2213
(2) The person's whole blood, blood serum or plasma, breath,	2214

or urine contains a concentration of alcohol, a controlled 2215
substance, or a metabolite of a controlled substance prohibited 2216
for persons operating a vehicle, as specified in division (A) of 2217
section 4511.19 of the Revised Code, regardless of whether the 2218
person at the time of the transportation or possession as 2219
described in this division is the operator of or a passenger in 2220
the motor vehicle. 2221

(E) No person who has been issued a license or temporary 2222
emergency license to carry a concealed handgun under section 2223
2923.125 or 2923.1213 of the Revised Code shall do any of the 2224
following: 2225

(1) Knowingly transport or have a loaded handgun in a motor 2226
vehicle unless the loaded handgun either is in a holster and in 2227
plain sight on the person's person or it is securely encased by 2228
being stored in a closed, locked glove compartment or in a case 2229
that is in plain sight and that is locked; 2230

(2) If the person is transporting or has a loaded handgun in 2231
a motor vehicle in a manner authorized under division (E)(1) of 2232
this section, knowingly remove or attempt to remove the loaded 2233
handgun from the holster, glove compartment, or case, knowingly 2234
grasp or hold the loaded handgun, or knowingly have contact with 2235
the loaded handgun by touching it with the person's hands or 2236
fingers while the motor vehicle is being operated on a street, 2237
highway, or public property unless the person removes, attempts to 2238
remove, grasps, holds, or has the contact with the loaded handgun 2239
pursuant to and in accordance with directions given by a law 2240
enforcement officer; 2241

(3) If the person is the driver or an occupant of a motor 2242
vehicle that is stopped as a result of a traffic stop or a stop 2243
for another law enforcement purpose and if the person is 2244
transporting or has a loaded handgun in the motor vehicle in any 2245

manner, fail to promptly inform any law enforcement officer who 2246
approaches the vehicle while stopped that the person has been 2247
issued a license or temporary emergency license to carry a 2248
concealed handgun and that the person then possesses or has a 2249
loaded handgun in the motor vehicle. 2250

(4) If the person is the driver or an occupant of a motor 2251
vehicle that is stopped as a result of a traffic stop or a stop 2252
for another law enforcement purpose and if the person is 2253
transporting or has a loaded handgun in the motor vehicle in any 2254
manner, knowingly disregard or fail to comply with any lawful 2255
order of any law enforcement officer given while the motor vehicle 2256
is stopped, knowingly fail to remain in the motor vehicle while 2257
stopped, or knowingly fail to keep the person's hands in plain 2258
sight at any time after any law enforcement officer begins 2259
approaching the person while stopped and before the law 2260
enforcement officer leaves, unless, regarding a failure to remain 2261
in the motor vehicle or to keep the person's hands in plain sight, 2262
the failure is pursuant to and in accordance with directions given 2263
by a law enforcement officer; 2264

(5) If the person is the driver or an occupant of a motor 2265
vehicle that is stopped as a result of a traffic stop or a stop 2266
for another law enforcement purpose, if the person is transporting 2267
or has a loaded handgun in the motor vehicle in a manner 2268
authorized under division (E)(1) of this section, and if the 2269
person is approached by any law enforcement officer while stopped, 2270
knowingly remove or attempt to remove the loaded handgun from the 2271
holster, glove compartment, or case, knowingly grasp or hold the 2272
loaded handgun, or knowingly have contact with the loaded handgun 2273
by touching it with the person's hands or fingers in the motor 2274
vehicle at any time after the law enforcement officer begins 2275
approaching and before the law enforcement officer leaves, unless 2276
the person removes, attempts to remove, grasps, holds, or has 2277

contact with the loaded handgun pursuant to and in accordance with 2278
directions given by the law enforcement officer. 2279

(F)(1) This section does not apply to officers, agents, or 2280
employees of this or any other state or the United States, or to 2281
law enforcement officers, when authorized to carry or have loaded 2282
or accessible firearms in motor vehicles and acting within the 2283
scope of their duties. 2284

(2) Division (A) of this section does not apply to a person 2285
if all of the following circumstances apply: 2286

(a) The person discharges a firearm from a motor vehicle at a 2287
coyote or groundhog, the discharge is not during the deer gun 2288
hunting season as set by the chief of the division of wildlife of 2289
the department of natural resources, and the discharge at the 2290
coyote or groundhog, but for the operation of this section, is 2291
lawful. 2292

(b) The motor vehicle from which the person discharges the 2293
firearm is on real property that is located in an unincorporated 2294
area of a township and that either is zoned for agriculture or is 2295
used for agriculture. 2296

(c) The person owns the real property described in division 2297
(F)(2)(b) of this section, is the spouse or a child of another 2298
person who owns that real property, is a tenant of another person 2299
who owns that real property, or is the spouse or a child of a 2300
tenant of another person who owns that real property. 2301

(d) The person does not discharge the firearm in any of the 2302
following manners: 2303

(i) While under the influence of alcohol, a drug of abuse, or 2304
~~alcohol~~ and a ~~drug~~ combination of ~~abuse~~ them; 2305

(ii) In the direction of a street, highway, or other public 2306
or private property used by the public for vehicular traffic or 2307

parking; 2308

(iii) At or into an occupied structure that is a permanent or 2309
temporary habitation; 2310

(iv) In the commission of any violation of law, including, 2311
but not limited to, a felony that includes, as an essential 2312
element, purposely or knowingly causing or attempting to cause the 2313
death of or physical harm to another and that was committed by 2314
discharging a firearm from a motor vehicle. 2315

(3) Divisions (B) and (C) of this section do not apply to a 2316
person if all of the following circumstances apply: 2317

(a) At the time of the alleged violation of either of those 2318
divisions, the person is the operator of or a passenger in a motor 2319
vehicle. 2320

(b) The motor vehicle is on real property that is located in 2321
an unincorporated area of a township and that either is zoned for 2322
agriculture or is used for agriculture. 2323

(c) The person owns the real property described in division 2324
(D)(3)(b) of this section, is the spouse or a child of another 2325
person who owns that real property, is a tenant of another person 2326
who owns that real property, or is the spouse or a child of a 2327
tenant of another person who owns that real property. 2328

(d) The person, prior to arriving at the real property 2329
described in division (D)(3)(b) of this section, did not transport 2330
or possess a firearm in the motor vehicle in a manner prohibited 2331
by division (B) or (C) of this section while the motor vehicle was 2332
being operated on a street, highway, or other public or private 2333
property used by the public for vehicular traffic or parking. 2334

(4) Divisions (B) and (C) of this section do not apply to a 2335
person who transports or possesses a handgun in a motor vehicle 2336
if, at the time of that transportation or possession, all of the 2337

following apply: 2338

(a) The person transporting or possessing the handgun is 2339
carrying a valid license or temporary emergency license to carry a 2340
concealed handgun issued to the person under section 2923.125 or 2341
2923.1213 of the Revised Code or a license to carry a concealed 2342
handgun that was issued by another state with which the attorney 2343
general has entered into a reciprocity agreement under section 2344
109.69 of the Revised Code. 2345

(b) The person transporting or possessing the handgun is not 2346
knowingly in a place described in division (B) of section 2923.126 2347
of the Revised Code. 2348

(c) Either the handgun is in a holster and in plain sight on 2349
the person's person or the handgun is securely encased by being 2350
stored in a closed, locked glove compartment or in a case that is 2351
in plain sight and that is locked. 2352

(G)(1) The affirmative defenses authorized in divisions 2353
(D)(1) and (2) of section 2923.12 of the Revised Code are 2354
affirmative defenses to a charge under division (B) or (C) of this 2355
section that involves a firearm other than a handgun. 2356

(2) It is an affirmative defense to a charge under division 2357
(B) or (C) of this section of improperly handling firearms in a 2358
motor vehicle that the actor transported or had the firearm in the 2359
motor vehicle for any lawful purpose and while the motor vehicle 2360
was on the actor's own property, provided that this affirmative 2361
defense is not available unless the person, prior to arriving at 2362
the actor's own property, did not transport or possess the firearm 2363
in a motor vehicle in a manner prohibited by division (B) or (C) 2364
of this section while the motor vehicle was being operated on a 2365
street, highway, or other public or private property used by the 2366
public for vehicular traffic. 2367

(H) No person who is charged with a violation of division 2368

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

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

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

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

felony of the fourth degree. 2401

(J) If a law enforcement officer stops a motor vehicle for a 2402
traffic stop or any other purpose, if any person in the motor 2403
vehicle surrenders a firearm to the officer, either voluntarily or 2404
pursuant to a request or demand of the officer, and if the officer 2405
does not charge the person with a violation of this section or 2406
arrest the person for any offense, the person is not otherwise 2407
prohibited by law from possessing the firearm, and the firearm is 2408
not contraband, the officer shall return the firearm to the person 2409
at the termination of the stop. 2410

(K) As used in this section: 2411

(1) "Motor vehicle," "street," and "highway" have the same 2412
meanings as in section 4511.01 of the Revised Code. 2413

(2) "Occupied structure" has the same meaning as in section 2414
2909.01 of the Revised Code. 2415

(3) "Agriculture" has the same meaning as in section 519.01 2416
of the Revised Code. 2417

(4) "Tenant" has the same meaning as in section 1531.01 of 2418
the Revised Code. 2419

(5) "Unloaded" means, with respect to a firearm employing a 2420
percussion cap, flintlock, or other obsolete ignition system, when 2421
the weapon is uncapped or when the priming charge is removed from 2422
the pan. 2423

Sec. 2937.46. (A) The supreme court of Ohio, in the interest 2424
of uniformity of procedure in the various courts and for the 2425
purpose of promoting prompt and efficient disposition of cases 2426
arising under the traffic laws of this state and related 2427
ordinances, may make uniform rules for practice and procedure in 2428
courts inferior to the court of common pleas not inconsistent with 2429
the provisions of Chapter 2937. of the Revised Code, including, 2430

but not limited to:	2431
(1) Separation of arraignment and trial of traffic and other types of cases;	2432 2433
(2) Consolidation of cases for trial;	2434
(3) Transfer of cases within the same county for the purpose of trial;	2435 2436
(4) Designation of special referees for hearings or for receiving pleas or bail at times when courts are not in session;	2437 2438
(5) Fixing of reasonable bonds, and disposition of cases in which bonds have been forfeited.	2439 2440
(B) Except as otherwise specified in division (L) (M) of section 4511.19 of the Revised Code, all of the rules described in division (A) of this section, when promulgated by the supreme court, shall be fully binding on all courts inferior to the court of common pleas and on the court of common pleas in relation to felony violations of division (A) of section 4511.19 of the Revised Code and shall effect a cancellation of any local court rules inconsistent with the supreme court's rules.	2441 2442 2443 2444 2445 2446 2447 2448
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	2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460

not abiding by the law or otherwise is not complying with the 2461
conditions of the misdemeanor offender's community control 2462
sanction or the conditions of the felony offender's nonresidential 2463
sanction. If a felony offender who is sentenced to a 2464
nonresidential sanction is under the general control and 2465
supervision of the adult parole authority, as described in 2466
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 2467
parole authority field officers with supervisory responsibilities 2468
over the felony offender shall have the same search authority 2469
relative to the felony offender during the period of the sanction 2470
that is described under this division for probation officers. The 2471
court that places the misdemeanor offender under a community 2472
control sanction pursuant to section 2929.25 of the Revised Code 2473
or that sentences the felony offender to a nonresidential sanction 2474
pursuant to section 2929.17 of the Revised Code shall provide the 2475
offender with a written notice that informs the offender that 2476
authorized probation officers or adult parole authority field 2477
officers with supervisory responsibilities over the offender who 2478
are engaged within the scope of their supervisory duties or 2479
responsibilities may conduct those types of searches during the 2480
period of community control sanction or the nonresidential 2481
sanction if they have reasonable grounds to believe that the 2482
offender is not abiding by the law or otherwise is not complying 2483
with the conditions of the offender's community control sanction 2484
or nonresidential sanction. 2485

(B) If an offender is convicted of or pleads guilty to a 2486
misdemeanor, the court may require the offender, as a condition of 2487
the offender's sentence of a community control sanction, to 2488
perform supervised community service work in accordance with this 2489
division. If an offender is convicted of or pleads guilty to a 2490
felony, the court, pursuant to sections 2929.15 and 2929.17 of the 2491
Revised Code, may impose a sanction that requires the offender to 2492
perform supervised community service work in accordance with this 2493

division. The supervised community service work shall be under the
authority of health districts, park districts, counties, municipal
corporations, townships, other political subdivisions of the
state, or agencies of the state or any of its political
subdivisions, or under the authority of charitable organizations
that render services to the community or its citizens, in
accordance with this division. The court may require an offender
who is ordered to perform the work to pay to it a reasonable fee
to cover the costs of the offender's participation in the work,
including, but not limited to, the costs of procuring a policy or
policies of liability insurance to cover the period during which
the offender will perform the work.

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

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

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

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

entity. A court shall not require an offender to perform 2525
supervised community service work for an agency, political 2526
subdivision, or charitable organization at a location that is an 2527
unreasonable distance from the offender's residence or domicile, 2528
unless the offender is provided with transportation to the 2529
location where the work is to be performed. 2530

(3) A court may enter into an agreement with a county 2531
department of job and family services for the management, 2532
placement, and supervision of offenders eligible for community 2533
service work in work activities, developmental activities, and 2534
alternative work activities under sections 5107.40 to 5107.69 of 2535
the Revised Code. If a court and a county department of job and 2536
family services have entered into an agreement of that nature, the 2537
clerk of that court is authorized to pay directly to the county 2538
department all or a portion of the fees collected by the court 2539
pursuant to this division in accordance with the terms of its 2540
agreement. 2541

(4) Community service work that a court requires under this 2542
division shall be supervised by an official of the agency, 2543
political subdivision, or charitable organization for which the 2544
work is performed or by a person designated by the agency, 2545
political subdivision, or charitable organization. The official or 2546
designated person shall be qualified for the supervision by 2547
education, training, or experience, and periodically shall report, 2548
in writing, to the court and to the offender's probation officer 2549
concerning the conduct of the offender in performing the work. 2550

(5) The total of any period of supervised community service 2551
work imposed on an offender under division (B) of this section 2552
plus the period of all other sanctions imposed pursuant to 2553
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 2554
Code for a felony, or pursuant to sections 2929.25, 2929.26, 2555
2929.27, and 2929.28 of the Revised Code for a misdemeanor, shall 2556

not exceed five years.

2557

(C)(1) If an offender is convicted of a violation of section 2558
4511.19 of the Revised Code, a municipal ordinance relating to 2559
operating a vehicle while under the influence of alcohol, a drug 2560
of abuse, or ~~alcohol~~ and a ~~drug~~ combination of ~~abuse~~ them, or a 2561
municipal ordinance relating to operating a vehicle with a 2562
prohibited concentration of alcohol, a controlled substance, or a 2563
metabolite of a controlled substance in the whole blood, blood 2564
serum or plasma, breath, or urine, the court may require, as a 2565
condition of a community control sanction, any suspension of a 2566
driver's or commercial driver's license or permit or nonresident 2567
operating privilege, and all other penalties provided by law or by 2568
ordinance, that the offender operate only a motor vehicle equipped 2569
with an ignition interlock device that is certified pursuant to 2570
section 4510.43 of the Revised Code. 2571

(2) If a court requires an offender, as a condition of a 2572
community control sanction pursuant to division (C)(1) of this 2573
section, to operate only a motor vehicle equipped with an ignition 2574
interlock device that is certified pursuant to section 4510.43 of 2575
the Revised Code, the offender immediately shall surrender the 2576
offender's driver's or commercial driver's license or permit to 2577
the court. Upon the receipt of the offender's license or permit, 2578
the court shall issue an order authorizing the offender to operate 2579
a motor vehicle equipped with a certified ignition interlock 2580
device, deliver the offender's license or permit to the bureau of 2581
motor vehicles, and include in the abstract of the case forwarded 2582
to the bureau pursuant to section 4510.036 of the Revised Code the 2583
conditions of the community control sanction imposed pursuant to 2584
division (C)(1) of this section. The court shall give the offender 2585
a copy of its order, and that copy shall be used by the offender 2586
in lieu of a driver's or commercial driver's license or permit 2587
until the bureau issues a restricted license to the offender. 2588

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

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

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

~~substances, metabolites of controlled substances, or alcohol and a~~ 2620
~~drug of abuse~~ combination of them in the person's whole blood, 2621
blood serum or plasma, urine, breath, or other bodily substance. 2622
The director shall approve satisfactory techniques or methods, 2623
ascertain the qualifications of individuals to conduct such 2624
analyses, and issue permits to qualified persons authorizing them 2625
to perform such analyses. Such permits shall be subject to 2626
termination or revocation at the discretion of the director. 2627

Sec. 3937.41. (A) As used in this section: 2628

(1) "Ambulance" has the same meaning as in section 4765.01 of 2629
the Revised Code and also includes private ambulance companies 2630
under contract to a municipal corporation, township, or county. 2631

(2) "Emergency vehicle" means any of the following: 2632

(a) Any vehicle, as defined in section 4511.01 of the Revised 2633
Code, that is an emergency vehicle of a municipal, township, or 2634
county department or public utility corporation and that is 2635
identified as such as required by law, the director of public 2636
safety, or local authorities; 2637

(b) Any motor vehicle, as defined in section 4511.01 of the 2638
Revised Code, when commandeered by a police officer; 2639

(c) Any vehicle, as defined in section 4511.01 of the Revised 2640
Code, that is an emergency vehicle of a qualified nonprofit 2641
corporation police department established pursuant to section 2642
1702.80 of the Revised Code and that is identified as an emergency 2643
vehicle; 2644

(d) Any vehicle, as defined in section 4511.01 of the Revised 2645
Code, that is an emergency vehicle of a proprietary police 2646
department or security department of a hospital operated by a 2647
public hospital agency or a nonprofit hospital agency that employs 2648
police officers under section 4973.17 of the Revised Code, and 2649

that is identified as an emergency vehicle. 2650

(3) "Firefighter" means any regular, paid, member of a 2651
lawfully constituted fire department of a municipal corporation or 2652
township. 2653

(4) "Law enforcement officer" means a sheriff, deputy 2654
sheriff, constable, marshal, deputy marshal, municipal or township 2655
police officer, state highway patrol trooper, police officer 2656
employed by a qualified nonprofit police department pursuant to 2657
section 1702.80 of the Revised Code, or police officer employed by 2658
a proprietary police department or security department of a 2659
hospital operated by a public hospital agency or nonprofit 2660
hospital agency pursuant to section 4973.17 of the Revised Code. 2661

(5) "Motor vehicle accident" means any accident involving a 2662
motor vehicle which results in bodily injury to any person, or 2663
damage to the property of any person. 2664

(B) No insurer shall consider the circumstance that an 2665
applicant or policyholder has been involved in a motor vehicle 2666
accident while in the pursuit of the applicant's or policyholder's 2667
official duties as a law enforcement officer, firefighter, or 2668
operator of an emergency vehicle or ambulance, while operating a 2669
vehicle engaged in mowing or snow and ice removal as a county, 2670
township, or department of transportation employee, or while 2671
operating a vehicle while engaged in the pursuit of the 2672
applicant's or policyholder's official duties as a member of the 2673
motor carrier enforcement unit of the state highway patrol under 2674
section 5503.34 of the Revised Code, as a basis for doing either 2675
of the following: 2676

(1) Refusing to issue or deliver a policy of insurance upon a 2677
private automobile, or increasing the rate to be charged for such 2678
a policy; 2679

(2) Increasing the premium rate, canceling, or failing to 2680

renew an existing policy of insurance upon a private automobile. 2681

(C) Any applicant or policyholder affected by an action of an 2682
insurer in violation of this section may appeal to the 2683
superintendent of insurance. After a hearing held upon not less 2684
than ten days' notice to the applicant or policyholder and to the 2685
insurer and if the superintendent determines that the insurer has 2686
violated this section, the superintendent may direct the issuance 2687
of a policy, decrease the premium rate on a policy, or reinstate 2688
insurance coverage. 2689

(D) The employer of the law enforcement officer, firefighter, 2690
or operator of an emergency vehicle or ambulance, operator of a 2691
vehicle engaged in mowing or snow and ice removal, or operator of 2692
a vehicle who is a member of the motor carrier enforcement unit, 2693
except as otherwise provided in division (F) of this section, 2694
shall certify to the state highway patrol or law enforcement 2695
agency that investigates the accident whether the officer, 2696
firefighter, or operator of an emergency vehicle or ambulance, 2697
operator of a vehicle engaged in mowing or snow and ice removal, 2698
or operator of a vehicle who is a member of the motor carrier 2699
enforcement unit, was engaged in the performance of the person's 2700
official duties as such employee at the time of the accident. The 2701
employer shall designate an official authorized to make the 2702
certifications. The state highway patrol or law enforcement agency 2703
shall include the certification in any report of the accident 2704
forwarded to the department of public safety pursuant to sections 2705
5502.11 and 5502.12 of the Revised Code and shall forward the 2706
certification to the department if received after the report of 2707
the accident has been forwarded to the department. The registrar 2708
of motor vehicles shall not include an accident in a certified 2709
abstract of information under division (A) of section 4509.05 of 2710
the Revised Code, if the person involved has been so certified as 2711
having been engaged in the performance of the person's official 2712

duties at the time of the accident. 2713

(E) Division (B) of this section does not apply to an insurer 2714
whose policy covers the motor vehicle at the time the motor 2715
vehicle is involved in an accident described in division (B) of 2716
this section. 2717

(F) Division (B) of this section does not apply if an 2718
applicant or policyholder, on the basis of the applicant's or 2719
policyholder's involvement in an accident described in that 2720
division, is convicted of or pleads guilty or no contest to a 2721
violation of section 4511.19 of the Revised Code; ~~of a municipal~~ 2722
~~ordinance relating to operating a vehicle while under the~~ 2723
~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 2724
~~abuse; or of a municipal OVI ordinance relating to operating a~~ 2725
~~vehicle with a prohibited concentration of alcohol as defined in~~ 2726
~~section 4511.181 of the blood, breath, or urine, or other bodily~~ 2727
~~substance Revised Code.~~ 2728

Sec. 4506.17. (A) Any person who drives a commercial motor 2729
vehicle within this state shall be deemed to have given consent to 2730
a test or tests of the person's whole blood, blood serum or 2731
plasma, breath, or urine for the purpose of determining the 2732
person's alcohol concentration or the presence of any controlled 2733
substance or a metabolite of any controlled substance. 2734

(B) A test or tests as provided in division (A) of this 2735
section may be administered at the direction of a peace officer 2736
having reasonable ground to stop or detain the person and, after 2737
investigating the circumstances surrounding the operation of the 2738
commercial motor vehicle, also having reasonable ground to believe 2739
the person was driving the commercial vehicle while having a 2740
measurable or detectable amount of alcohol or of a controlled 2741
substance or a metabolite of a controlled substance in the 2742
person's whole blood, blood serum or plasma, breath, or urine. Any 2743

such test shall be given within two hours of the time of the 2744
alleged violation. 2745

(C) A person requested to submit to a test under division (A) 2746
of this section shall be advised by the peace officer requesting 2747
the test that a refusal to submit to the test will result in the 2748
person immediately being placed out-of-service for a period of 2749
twenty-four hours and being disqualified from operating a 2750
commercial motor vehicle for a period of not less than one year, 2751
and that the person is required to surrender the person's 2752
commercial driver's license to the peace officer. 2753

(D) If a person refuses to submit to a test after being 2754
warned as provided in division (C) of this section or submits to a 2755
test that discloses the presence of a controlled substance or a 2756
metabolite of a controlled substance or an alcohol concentration 2757
of four-hundredths of one per cent or more, the person immediately 2758
shall surrender the person's commercial driver's license to the 2759
peace officer. The peace officer shall forward the license, 2760
together with a sworn report, to the registrar of motor vehicles 2761
certifying that the test was requested pursuant to division (A) of 2762
this section and that the person either refused to submit to 2763
testing or submitted to a test that disclosed the presence of a 2764
controlled substance or a metabolite of a controlled substance or 2765
an alcohol concentration of four-hundredths of one per cent or 2766
more. The form and contents of the report required by this section 2767
shall be established by the registrar by rule, but shall contain 2768
the advice to be read to the driver and a statement to be signed 2769
by the driver acknowledging that the driver has been read the 2770
advice and that the form was shown to the driver. 2771

(E) Upon receipt of a sworn report from a peace officer as 2772
provided in division (D) of this section, the registrar shall 2773
disqualify the person named in the report from driving a 2774
commercial motor vehicle for the period described below: 2775

(1) Upon a first incident, one year; 2776

(2) Upon an incident of refusal or of a prohibited 2777
concentration of alcohol, a controlled substance, or a metabolite 2778
of a controlled substance after one or more previous incidents of 2779
either refusal or of a prohibited concentration of alcohol, a 2780
controlled substance, or a metabolite of a controlled substance, 2781
the person shall be disqualified for life or such lesser period as 2782
prescribed by rule by the registrar. 2783

(F) A test of a person's whole blood or a person's blood 2784
serum or plasma given under this section shall comply with the 2785
applicable provisions of division (D) of section 4511.19 of the 2786
Revised Code and any physician, registered nurse, or qualified 2787
technician, chemist, or phlebotomist who withdraws whole blood or 2788
blood serum or plasma from a person under this section, and any 2789
hospital, first-aid station, clinic, or other facility at which 2790
whole blood or blood serum or plasma is withdrawn from a person 2791
pursuant to this section, is immune from criminal liability, and 2792
from civil liability that is based upon a claim of assault and 2793
battery or based upon any other claim of malpractice, for any act 2794
performed in withdrawing whole blood or blood serum or plasma from 2795
the person. 2796

(G) When a person submits to a test under this section, the 2797
results of the test, at the person's request, shall be made 2798
available to the person, the person's attorney, or the person's 2799
agent, immediately upon completion of the chemical test analysis. 2800
The person also may have an additional test administered by a 2801
physician, a registered nurse, or a qualified technician, chemist, 2802
or phlebotomist of the person's own choosing as provided in 2803
division (D) of section 4511.19 of the Revised Code for tests 2804
administered under that section, and the failure to obtain such a 2805
test has the same effect as in that division. 2806

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

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

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

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

(K) When disqualifying a driver, the registrar shall cause 2839
the records of the bureau of motor vehicles to be updated to 2840
reflect the disqualification within ten days after it occurs. 2841

(L) The registrar immediately shall notify a driver who is 2842
subject to disqualification of the disqualification, of the length 2843
of the disqualification, and that the driver may request a hearing 2844
within thirty days of the mailing of the notice to show cause why 2845
the driver should not be disqualified from operating a commercial 2846
motor vehicle. If a request for such a hearing is not made within 2847
thirty days of the mailing of the notice, the order of 2848
disqualification is final. The registrar may designate hearing 2849
examiners who, after affording all parties reasonable notice, 2850
shall conduct a hearing to determine whether the disqualification 2851
order is supported by reliable evidence. The registrar shall adopt 2852
rules to implement this division. 2853

(M) Any person who is disqualified from operating a 2854
commercial motor vehicle under this section may apply to the 2855
registrar for a driver's license to operate a motor vehicle other 2856
than a commercial motor vehicle, provided the person's commercial 2857
driver's license is not otherwise suspended. A person whose 2858
commercial driver's license is suspended shall not apply to the 2859
registrar for or receive a driver's license under Chapter 4507. of 2860
the Revised Code during the period of suspension. 2861

(N) Whoever violates division (H) of this section is guilty 2862
of a misdemeanor of the first degree. 2863

Sec. 4510.01. As used in this title and in Title XXIX of the 2864
Revised Code: 2865

(A) "Cancel" or "cancellation" means the annulment or 2866
termination by the bureau of motor vehicles of a driver's license, 2867
commercial driver's license, temporary instruction permit, 2868

probationary license, or nonresident operating privilege because 2869
it was obtained unlawfully, issued in error, altered, or willfully 2870
destroyed, or because the holder no longer is entitled to the 2871
license, permit, or privilege. 2872

(B) "Drug abuse offense," ~~has~~ "cocaine," and "L.S.D." have 2873
the same ~~meaning~~ meanings as in section 2925.01 of the Revised 2874
Code. 2875

(C) "Ignition interlock device" means a device approved by 2876
the director of public safety that connects a breath analyzer to a 2877
motor vehicle's ignition system, that is constantly available to 2878
monitor the concentration by weight of alcohol in the breath of 2879
any person attempting to start that motor vehicle by using its 2880
ignition system, and that deters starting the motor vehicle by use 2881
of its ignition system unless the person attempting to start the 2882
vehicle provides an appropriate breath sample for the device and 2883
the device determines that the concentration by weight of alcohol 2884
in the person's breath is below a preset level. 2885

(D) "Immobilizing or disabling device" means a device 2886
approved by the director of public safety that may be ordered by a 2887
court to be used by an offender as a condition of limited driving 2888
privileges. "Immobilizing or disabling device" includes an 2889
ignition interlock device, and any prototype device that is used 2890
according to protocols designed to ensure efficient and effective 2891
monitoring of limited driving privileges granted by a court to an 2892
offender. 2893

(E) "Moving violation" means any violation of any statute or 2894
ordinance that regulates the operation of vehicles, streetcars, or 2895
trackless trolleys on the highways or streets. "Moving violation" 2896
does not include a violation of section 4513.263 of the Revised 2897
Code or a substantially equivalent municipal ordinance, a 2898
violation of any statute or ordinance regulating pedestrians or 2899

the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration. 2900
2901

(F) "Municipal OVI ordinance" and "municipal OVI offense" have the same meanings as in section 4511.181 of the Revised Code. 2902
2903

(G) "Prototype device" means any testing device to monitor limited driving privileges that has not yet been approved or disapproved by the director of public safety. 2904
2905
2906

(H) "Suspend" or "suspension" means the permanent or temporary withdrawal, by action of a court or the bureau of motor vehicles, of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of the suspension or the permanent or temporary withdrawal of the privilege to obtain a license, permit, or privilege of that type for the period of the suspension. 2907
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(I) "Controlled substance" and "marihuana" have the same meanings as in section 3719.01 of the Revised Code. 2915
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Sec. 4510.032. (A) If a person is charged with a violation of section 4511.19 of the Revised Code or a violation of any municipal OVI ordinance; if that charge is dismissed or reduced; if the person is convicted of or forfeits bail in relation to a violation of any other section of the Revised Code or of any ordinance that regulates the operation of vehicles, streetcars, and trackless trolleys on highways and streets but that does not relate to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine; and if the violation of which the person was convicted or in relation to 2917
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which the person forfeited bail arose out of the same facts and 2930
circumstances and the same act as did the charge that was 2931
dismissed or reduced, the abstract prepared under section 4510.03 2932
of the Revised Code also shall set forth the charge that was 2933
dismissed or reduced, indicate that it was dismissed or reduced, 2934
and indicate that the violation resulting in the conviction or 2935
bail forfeiture arose out of the same facts and circumstances and 2936
the same act as did the charge that was dismissed or reduced. 2937

(B) If a charge against a person of a violation of division 2938
(A) of section 4510.11, division (A) of section 4510.14, or 2939
division (A) of section 4510.16 of the Revised Code or any 2940
municipal ordinance that is substantially equivalent to any of 2941
those divisions is dismissed or reduced and if the person is 2942
convicted of or forfeits bail in relation to a violation of any 2943
other section of the Revised Code or any other ordinance that 2944
regulates the operation of vehicles, streetcars, and trackless 2945
trolleys on highways and streets that arose out of the same facts 2946
and circumstances as did the charge that was dismissed or reduced, 2947
the abstract also shall set forth the charge that was dismissed or 2948
reduced, indicate that it was dismissed or reduced, and indicate 2949
that the violation resulting in the conviction or bail forfeiture 2950
arose out of the same facts and circumstances and the same act as 2951
did the charge that was dismissed or reduced. 2952

(C)(1) If a child has been adjudicated an unruly or 2953
delinquent child or a juvenile traffic offender for having 2954
committed any act that if committed by an adult would be a drug 2955
abuse offense or any violation of division (B) of section 2917.11 2956
or of section 4511.19 of the Revised Code, the court shall notify 2957
the bureau, by means of an abstract of the court record as 2958
described in divisions (B) and (C) of section 4510.03 of the 2959
Revised Code, within ten days after the adjudication. 2960

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

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

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

the bureau, the bureau shall record the points in the same manner	2992
as those assessed and transcribed by a court of record or mayor's	2993
court.	2994
(C) A court shall assess the following points for an offense	2995
based on the following formula:	2996
(1) Aggravated vehicular homicide, vehicular homicide,	2997
vehicular manslaughter, aggravated vehicular assault, or vehicular	2998
assault when the offense involves the operation of a vehicle,	2999
streetcar, or trackless trolley on a highway or street	3000
6 points	3001
(2) A violation of section 2921.331 of the Revised Code or	3002
any ordinance prohibiting the willful fleeing or eluding of a law	3003
enforcement officer 6 points	3004
(3) A violation of section 4549.02 or 4549.021 of the Revised	3005
Code or any ordinance requiring the driver of a vehicle to stop	3006
and disclose identity at the scene of an accident 6	3007
points	3008
(4) A violation of section 4511.251 of the Revised Code or	3009
any ordinance prohibiting street racing 6 points	3010
(5) A violation of section 4510.11, 4510.14, 4510.16, or	3011
4510.21 of the Revised Code or any ordinance prohibiting the	3012
operation of a motor vehicle while the driver's or commercial	3013
driver's license is under suspension 6 points	3014
(6) A violation of division (A) of section 4511.19 of the	3015
Revised Code, any ordinance prohibiting the operation of a vehicle	3016
while under the influence of alcohol, a drug of abuse, or a	3017
combination of them, or any ordinance substantially equivalent to	3018
division (A) of section 4511.19 of the Revised Code prohibiting	3019
the operation of a vehicle with a prohibited concentration of	3020
<u>alcohol, a controlled substance, or a metabolite of a controlled</u>	3021

<u>substance</u> in the whole blood, blood serum or plasma, breath, or	3022
urine 6 points	3023
(7) A violation of section 2913.03 of the Revised Code that	3024
does not involve an aircraft or motorboat or any ordinance	3025
prohibiting the operation of a vehicle without the consent of the	3026
owner 6 points	3027
(8) Any offense under the motor vehicle laws of this state	3028
that is a felony, or any other felony in the commission of which a	3029
motor vehicle was used 6 points	3030
(9) A violation of division (B) of section 4511.19 of the	3031
Revised Code or any ordinance substantially equivalent to that	3032
division prohibiting the operation of a vehicle with a prohibited	3033
concentration of alcohol in the whole blood, blood serum or	3034
plasma, breath, or urine 4 points	3035
(10) A violation of section 4511.20 of the Revised Code or	3036
any ordinance prohibiting the operation of a motor vehicle in	3037
willful or wanton disregard of the safety of persons or property	3038
..... 4 points	3039
(11) A violation of any law or ordinance pertaining to speed:	3040
(a) Notwithstanding divisions (C)(11)(b) and (c) of this	3041
section, when the speed exceeds the lawful speed limit by thirty	3042
miles per hour or more 4 points	3043
(b) When the speed exceeds the lawful speed limit of	3044
fifty-five miles per hour or more by more than ten miles per hour	3045
..... 2 points	3046
(c) When the speed exceeds the lawful speed limit of less	3047
than fifty-five miles per hour by more than five miles per hour	3048
..... 2 points	3049
(d) When the speed does not exceed the amounts set forth in	3050
divisions (C)(11)(a), (b), or (c) of this section 0	3051

points	3052
(12) Operating a motor vehicle in violation of a restriction imposed by the registrar 2 points	3053 3054
(13) All other moving violations reported under this section 2 points	3055 3056
(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.	3057 3058 3059 3060 3061
(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.	3062 3063 3064 3065 3066 3067 3068
Sec. 4510.17. (A) The registrar of motor vehicles shall impose a class D suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code on any person who is a resident of this state and is convicted of or pleads guilty to a violation of a statute of any other state or any federal statute that is substantially similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon receipt of a report from a court, court clerk, or other official of any other state or from any federal authority that a resident	3069 3070 3071 3072 3073 3074 3075 3076 3077 3078 3079 3080 3081

of this state was convicted of or pleaded guilty to an offense 3082
described in this division, the registrar shall send a notice by 3083
regular first class mail to the person, at the person's last known 3084
address as shown in the records of the bureau of motor vehicles, 3085
informing the person of the suspension, that the suspension will 3086
take effect twenty-one days from the date of the notice, and that, 3087
if the person wishes to appeal the suspension or denial, the 3088
person must file a notice of appeal within twenty-one days of the 3089
date of the notice requesting a hearing on the matter. If the 3090
person requests a hearing, the registrar shall hold the hearing 3091
not more than forty days after receipt by the registrar of the 3092
notice of appeal. The filing of a notice of appeal does not stay 3093
the operation of the suspension that must be imposed pursuant to 3094
this division. The scope of the hearing shall be limited to 3095
whether the person actually was convicted of or pleaded guilty to 3096
the offense for which the suspension is to be imposed. 3097

The suspension the registrar is required to impose under this 3098
division shall end either on the last day of the class D 3099
suspension period or of the suspension of the person's nonresident 3100
operating privilege imposed by the state or federal court, 3101
whichever is earlier. 3102

The registrar shall subscribe to or otherwise participate in 3103
any information system or register, or enter into reciprocal and 3104
mutual agreements with other states and federal authorities, in 3105
order to facilitate the exchange of information with other states 3106
and the United States government regarding persons who plead 3107
guilty to or are convicted of offenses described in this division 3108
and therefore are subject to the suspension or denial described in 3109
this division. 3110

(B) The registrar shall impose a class D suspension of the 3111
person's driver's license, commercial driver's license, temporary 3112
instruction permit, probationary license, or nonresident operating 3113

privilege for the period of time specified in division (B)(4) of 3114
section 4510.02 of the Revised Code on any person who is a 3115
resident of this state and is convicted of or pleads guilty to a 3116
violation of a statute of any other state or a municipal ordinance 3117
of a municipal corporation located in any other state that is 3118
substantially similar to section 4511.19 of the Revised Code. Upon 3119
receipt of a report from another state made pursuant to section 3120
4510.61 of the Revised Code indicating that a resident of this 3121
state was convicted of or pleaded guilty to an offense described 3122
in this division, the registrar shall send a notice by regular 3123
first class mail to the person, at the person's last known address 3124
as shown in the records of the bureau of motor vehicles, informing 3125
the person of the suspension, that the suspension or denial will 3126
take effect twenty-one days from the date of the notice, and that, 3127
if the person wishes to appeal the suspension, the person must 3128
file a notice of appeal within twenty-one days of the date of the 3129
notice requesting a hearing on the matter. If the person requests 3130
a hearing, the registrar shall hold the hearing not more than 3131
forty days after receipt by the registrar of the notice of appeal. 3132
The filing of a notice of appeal does not stay the operation of 3133
the suspension that must be imposed pursuant to this division. The 3134
scope of the hearing shall be limited to whether the person 3135
actually was convicted of or pleaded guilty to the offense for 3136
which the suspension is to be imposed. 3137

The suspension the registrar is required to impose under this 3138
division shall end either on the last day of the class D 3139
suspension period or of the suspension of the person's nonresident 3140
operating privilege imposed by the state or federal court, 3141
whichever is earlier. 3142

(C) The registrar shall impose a class D suspension of the 3143
child's driver's license, commercial driver's license, temporary 3144
instruction permit, or nonresident operating privilege for the 3145

period of time specified in division (B)(4) of section 4510.02 of 3146
the Revised Code on any child who is a resident of this state and 3147
is convicted of or pleads guilty to a violation of a statute of 3148
any other state or any federal statute that is substantially 3149
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 3150
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 3151
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 3152
receipt of a report from a court, court clerk, or other official 3153
of any other state or from any federal authority that a child who 3154
is a resident of this state was convicted of or pleaded guilty to 3155
an offense described in this division, the registrar shall send a 3156
notice by regular first class mail to the child, at the child's 3157
last known address as shown in the records of the bureau of motor 3158
vehicles, informing the child of the suspension, that the 3159
suspension or denial will take effect twenty-one days from the 3160
date of the notice, and that, if the child wishes to appeal the 3161
suspension, the child must file a notice of appeal within 3162
twenty-one days of the date of the notice requesting a hearing on 3163
the matter. If the child requests a hearing, the registrar shall 3164
hold the hearing not more than forty days after receipt by the 3165
registrar of the notice of appeal. The filing of a notice of 3166
appeal does not stay the operation of the suspension that must be 3167
imposed pursuant to this division. The scope of the hearing shall 3168
be limited to whether the child actually was convicted of or 3169
pleaded guilty to the offense for which the suspension is to be 3170
imposed. 3171

The suspension the registrar is required to impose under this 3172
division shall end either on the last day of the class D 3173
suspension period or of the suspension of the child's nonresident 3174
operating privilege imposed by the state or federal court, 3175
whichever is earlier. If the child is a resident of this state who 3176
is sixteen years of age or older and does not have a current, 3177

valid Ohio driver's or commercial driver's license or permit, the 3178
notice shall inform the child that the child will be denied 3179
issuance of a driver's or commercial driver's license or permit 3180
for six months beginning on the date of the notice. If the child 3181
has not attained the age of sixteen years on the date of the 3182
notice, the notice shall inform the child that the period of 3183
denial of six months shall commence on the date the child attains 3184
the age of sixteen years. 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 children who are 3190
residents of this state and plead guilty to or are convicted of 3191
offenses described in this division and therefore are subject to 3192
the suspension or denial described in this division. 3193

(D) The registrar shall impose a class D suspension of the 3194
child's driver's license, commercial driver's license, temporary 3195
instruction permit, probationary license, or nonresident operating 3196
privilege for the period of time specified in division (B)(4) of 3197
section 4510.02 of the Revised Code on any child who is a resident 3198
of this state and is convicted of or pleads guilty to a violation 3199
of a statute of any other state or a municipal ordinance of a 3200
municipal corporation located in any other state that is 3201
substantially similar to section 4511.19 of the Revised Code. Upon 3202
receipt of a report from another state made pursuant to section 3203
4510.61 of the Revised Code indicating that a child who is a 3204
resident of this state was convicted of or pleaded guilty to an 3205
offense described in this division, the registrar shall send a 3206
notice by regular first class mail to the child, at the child's 3207
last known address as shown in the records of the bureau of motor 3208
vehicles, informing the child of the suspension, that the 3209

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

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

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

reasonable cause to believe that the suspension would seriously 3242
affect the person's ability to continue the person's employment, 3243
the judge may grant the person limited driving privileges during 3244
the period during which the suspension otherwise would be imposed, 3245
except that the judge shall not grant limited driving privileges 3246
for employment as a driver of a commercial motor vehicle to any 3247
person who would be disqualified from operating a commercial motor 3248
vehicle under section 4506.16 of the Revised Code if the violation 3249
had occurred in this state, or during any of the following periods 3250
of time: 3251

(1) The first fifteen days of a suspension under division (B) 3252
or (D) of this section, if the person has not been convicted 3253
within six years of the date of the offense giving rise to the 3254
suspension under this section of a violation of any of the 3255
following: 3256

(a) Section 4511.19 of the Revised Code, or a municipal 3257
ordinance relating to operating a vehicle while under the 3258
influence of alcohol, a drug of abuse, or alcohol and a drug of 3259
abuse; 3260

(b) A municipal ordinance relating to operating a motor 3261
vehicle with a prohibited concentration of alcohol, a controlled 3262
substance, or a metabolite of a controlled substance in the whole 3263
blood, blood serum or plasma, breath, or urine; 3264

(c) Section 2903.04 of the Revised Code in a case in which 3265
the person was subject to the sanctions described in division (D) 3266
of that section; 3267

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 3268
section 2903.08 of the Revised Code or a municipal ordinance that 3269
is substantially similar to either of those divisions; 3270

(e) Division (A)(2), (3), or (4) of section 2903.06, division 3271
(A)(2) of section 2903.08, or as it existed prior to March 23, 3272

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

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

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

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

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

In granting limited driving privileges under division (E) of

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

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

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

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

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

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

the child is adjudicated to be or admits to being a delinquent 3335
child or a juvenile traffic offender for a violation described in 3336
division (C) or (D) of this section that would be a crime if 3337
committed by an adult; 3338

(b) Under the laws that govern the proceedings of the court, 3339
the child is convicted of or pleads guilty to a violation 3340
described in division (C) or (D) of this section; 3341

(c) Under the laws that govern the proceedings of the court, 3342
irrespective of the terminology utilized in those laws, the result 3343
of the court's proceedings is the functional equivalent of 3344
division (F)(2)(a) or (b) of this section. 3345

Sec. 4510.54. (A) A person whose driver's or commercial 3346
driver's license has been suspended for life under a class one 3347
suspension or as otherwise provided by law or has been suspended 3348
for a period in excess of fifteen years under a class two 3349
suspension may file a motion with the sentencing court for 3350
modification or termination of the suspension. The person filing 3351
the motion shall demonstrate all of the following: 3352

(1) At least fifteen years have elapsed since the suspension 3353
began. 3354

(2) For the past fifteen years, the person has not been found 3355
guilty of any felony, any offense involving a moving violation 3356
under federal law, the law of this state, or the law of any of its 3357
political subdivisions, or any violation of a suspension under 3358
this chapter or a substantially equivalent municipal ordinance. 3359

(3) The person has proof of financial responsibility, a 3360
policy of liability insurance in effect that meets the minimum 3361
standard set forth in section 4509.51 of the Revised Code, or 3362
proof, to the satisfaction of the registrar of motor vehicles, 3363
that the person is able to respond in damages in an amount at 3364

least equal to the minimum amounts specified in that section. 3365

(4) If the suspension was imposed because the person was 3366
under the influence of alcohol, a drug of abuse, or combination of 3367
them at the time of the offense or because at the time of the 3368
offense the person's whole blood, blood serum or plasma, breath, 3369
or urine contained at least the concentration of alcohol specified 3370
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 3371
Revised Code or at least the concentration of a listed controlled 3372
substance or a listed metabolite of a controlled substance 3373
specified in division (A)(1)(j) of section 4511.19 of the Revised 3374
Code, the person also shall demonstrate all of the following: 3375

(a) The person successfully completed an alcohol, drug, or 3376
alcohol and drug treatment program. 3377

(b) The person has not abused alcohol or other drugs for a 3378
period satisfactory to the court. 3379

(c) For the past fifteen years, the person has not been found 3380
guilty of any alcohol-related or drug-related offense. 3381

(B) Upon receipt of a motion for modification or termination 3382
of the suspension under this section, the court may schedule a 3383
hearing on the motion. The court may deny the motion without a 3384
hearing but shall not grant the motion without a hearing. If the 3385
court denies a motion without a hearing, the court may consider a 3386
subsequent motion filed under this section by that person. If a 3387
court denies the motion after a hearing, the court shall not 3388
consider a subsequent motion for that person. The court shall hear 3389
only one motion filed by a person under this section. If 3390
scheduled, the hearing shall be conducted in open court within 3391
ninety days after the date on which the motion is filed. 3392

(C) The court shall notify the person whose license was 3393
suspended and the prosecuting attorney of the date, time, and 3394
location of the hearing. Upon receipt of the notice from the 3395

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

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

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

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

two suspension, whichever is applicable. 3428

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 3429
the Revised Code: 3430

(A) "Equivalent offense" means any of the following: 3431

(1) A violation of division (A) or (B) of section 4511.19 of 3432
the Revised Code; 3433

(2) A violation of a municipal OVI ordinance; 3434

(3) A violation of section 2903.04 of the Revised Code in a 3435
case in which the offender was subject to the sanctions described 3436
in division (D) of that section; 3437

(4) A violation of division (A)(1) of section 2903.06 or 3438
2903.08 of the Revised Code or a municipal ordinance that is 3439
substantially equivalent to either of those divisions; 3440

(5) A violation of division (A)(2), (3), or (4) of section 3441
2903.06, division (A)(2) of section 2903.08, or former section 3442
2903.07 of the Revised Code, or a municipal ordinance that is 3443
substantially equivalent to any of those divisions or that former 3444
section, in a case in which a judge or jury as the trier of fact 3445
found that the offender was under the influence of alcohol, a drug 3446
of abuse, or a combination of them; 3447

(6) A violation of an existing or former municipal ordinance, 3448
law of another state, or law of the United States that is 3449
substantially equivalent to division (A) or (B) of section 4511.19 3450
of the Revised Code; 3451

(7) A violation of a former law of this state that was 3452
substantially equivalent to division (A) or (B) of section 4511.19 3453
of the Revised Code. 3454

(B) "Mandatory jail term" means the mandatory term in jail of 3455
three, six, ten, twenty, thirty, or sixty days that must be 3456

imposed under division (G)(1)(a), (b), or (c) of section 4511.19 3457
of the Revised Code upon an offender convicted of a violation of 3458
division (A) of that section and in relation to which all of the 3459
following apply: 3460

(1) Except as specifically authorized under section 4511.19 3461
of the Revised Code, the term must be served in a jail. 3462

(2) Except as specifically authorized under section 4511.19 3463
of the Revised Code, the term cannot be suspended, reduced, or 3464
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 3465
other provision of the Revised Code. 3466

(C) "Municipal OVI ordinance" and "municipal OVI offense" 3467
mean any municipal ordinance prohibiting a person from operating a 3468
vehicle while under the influence of alcohol, a drug of abuse, or 3469
a combination of them or prohibiting a person from operating a 3470
vehicle with a prohibited concentration of alcohol, a controlled 3471
substance, or a metabolite of a controlled substance in the whole 3472
blood, blood serum or plasma, breath, or urine. 3473

(D) "Community residential sanction," "jail," "mandatory 3474
prison term," "mandatory term of local incarceration," "sanction," 3475
and "prison term" have the same meanings as in section 2929.01 of 3476
the Revised Code. 3477

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 3478
streetcar, or trackless trolley within this state, if, at the time 3479
of the operation, any of the following apply: 3480

(a) The person is under the influence of alcohol, a drug of 3481
abuse, or a combination of them. 3482

(b) The person has a concentration of eight-hundredths of one 3483
per cent or more but less than seventeen-hundredths of one per 3484
cent by weight per unit volume of alcohol in the person's whole 3485
blood. 3486

(c) The person has a concentration of ninety-six-thousandths 3487
of one per cent or more but less than two hundred four-thousandths 3488
of one per cent by weight per unit volume of alcohol in the 3489
person's blood serum or plasma. 3490

(d) The person has a concentration of eight-hundredths of one 3491
gram or more but less than seventeen-hundredths of one gram by 3492
weight of alcohol per two hundred ten liters of the person's 3493
breath. 3494

(e) The person has a concentration of eleven-hundredths of 3495
one gram or more but less than two hundred 3496
thirty-eight-thousandths of one gram by weight of alcohol per one 3497
hundred milliliters of the person's urine. 3498

(f) The person has a concentration of seventeen-hundredths of 3499
one per cent or more by weight per unit volume of alcohol in the 3500
person's whole blood. 3501

(g) The person has a concentration of two hundred 3502
four-thousandths of one per cent or more by weight per unit volume 3503
of alcohol in the person's blood serum or plasma. 3504

(h) The person has a concentration of seventeen-hundredths of 3505
one gram or more by weight of alcohol per two hundred ten liters 3506
of the person's breath. 3507

(i) The person has a concentration of two hundred 3508
thirty-eight-thousandths of one gram or more by weight of alcohol 3509
per one hundred milliliters of the person's urine. 3510

(j) Except as provided in division (K) of this section, the 3511
person has a concentration of any of the following controlled 3512
substances or metabolites of a controlled substance in the 3513
person's whole blood, blood serum or plasma, or urine that equals 3514
or exceeds any of the following: 3515

(i) The person has a concentration of amphetamine in the 3516

person's urine of at least five hundred nanograms of amphetamine 3517
per milliliter of the person's urine or has a concentration of 3518
amphetamine in the person's whole blood or blood serum or plasma 3519
of at least one hundred nanograms of amphetamine per milliliter of 3520
the person's whole blood or blood serum or plasma. 3521

(ii) The person has a concentration of cocaine in the 3522
person's urine of at least one hundred fifty nanograms of cocaine 3523
per milliliter of the person's urine or has a concentration of 3524
cocaine in the person's whole blood or blood serum or plasma of at 3525
least fifty nanograms of cocaine per milliliter of the person's 3526
whole blood or blood serum or plasma. 3527

(iii) The person has a concentration of cocaine metabolite in 3528
the person's urine of at least one hundred fifty nanograms of 3529
cocaine metabolite per milliliter of the person's urine or has a 3530
concentration of cocaine metabolite in the person's whole blood or 3531
blood serum or plasma of at least fifty nanograms of cocaine 3532
metabolite per milliliter of the person's whole blood or blood 3533
serum or plasma. 3534

(iv) The person has a concentration of heroin in the person's 3535
urine of at least two thousand nanograms of heroin per milliliter 3536
of the person's urine or has a concentration of heroin in the 3537
person's whole blood or blood serum or plasma of at least fifty 3538
nanograms of heroin per milliliter of the person's whole blood or 3539
blood serum or plasma. 3540

(v) The person has a concentration of heroin metabolite 3541
(6-monoacetyl morphine) in the person's urine of at least ten 3542
nanograms of heroin metabolite (6-monoacetyl morphine) per 3543
milliliter of the person's urine or has a concentration of heroin 3544
metabolite (6-monoacetyl morphine) in the person's whole blood or 3545
blood serum or plasma of at least ten nanograms of heroin 3546
metabolite (6-monoacetyl morphine) per milliliter of the person's 3547

whole blood or blood serum or plasma. 3548

(vi) The person has a concentration of L.S.D. in the person's 3549
urine of at least twenty-five nanograms of L.S.D. per milliliter 3550
of the person's urine or a concentration of L.S.D. in the person's 3551
whole blood or blood serum or plasma of at least ten nanograms of 3552
L.S.D. per milliliter of the person's whole blood or blood serum 3553
or plasma. 3554

(vii) The person has a concentration of marihuana in the 3555
person's urine of at least ten nanograms of marihuana per 3556
milliliter of the person's urine or has a concentration of 3557
marihuana in the person's whole blood or blood serum or plasma of 3558
at least two nanograms of marihuana per milliliter of the person's 3559
whole blood or blood serum or plasma. 3560

(viii) The person has a concentration of marihuana metabolite 3561
in the person's urine of at least fifteen nanograms of marihuana 3562
metabolite per milliliter of the person's urine or has a 3563
concentration of marihuana metabolite in the person's whole blood 3564
or blood serum or plasma of at least five nanograms of marihuana 3565
metabolite per milliliter of the person's whole blood or blood 3566
serum or plasma. 3567

(ix) The person has a concentration of methamphetamine in the 3568
person's urine of at least five hundred nanograms of 3569
methamphetamine per milliliter of the person's urine or has a 3570
concentration of methamphetamine in the person's whole blood or 3571
blood serum or plasma of at least one hundred nanograms of 3572
methamphetamine per milliliter of the person's whole blood or 3573
blood serum or plasma. 3574

(x) The person has a concentration of phencyclidine in the 3575
person's urine of at least twenty-five nanograms of phencyclidine 3576
per milliliter of the person's urine or has a concentration of 3577
phencyclidine in the person's whole blood or blood serum or plasma 3578

of at least ten nanograms of phencyclidine per milliliter of the 3579
person's whole blood or blood serum or plasma. 3580

(2) No person who, within twenty years of the conduct 3581
described in division (A)(2)(a) of this section, previously has 3582
been convicted of or pleaded guilty to a violation of this 3583
division, division (A)(1) or (B) of this section, or a municipal 3584
OVI offense shall do both of the following: 3585

(a) Operate any vehicle, streetcar, or trackless trolley 3586
within this state while under the influence of alcohol, a drug of 3587
abuse, or a combination of them; 3588

(b) Subsequent to being arrested for operating the vehicle, 3589
streetcar, or trackless trolley as described in division (A)(2)(a) 3590
of this section, being asked by a law enforcement officer to 3591
submit to a chemical test or tests under section 4511.191 of the 3592
Revised Code, and being advised by the officer in accordance with 3593
section 4511.192 of the Revised Code of the consequences of the 3594
person's refusal or submission to the test or tests, refuse to 3595
submit to the test or tests. 3596

(B) No person under twenty-one years of age shall operate any 3597
vehicle, streetcar, or trackless trolley within this state, if, at 3598
the time of the operation, any of the following apply: 3599

(1) The person has a concentration of at least two-hundredths 3600
of one per cent but less than eight-hundredths of one per cent by 3601
weight per unit volume of alcohol in the person's whole blood. 3602

(2) The person has a concentration of at least 3603
three-hundredths of one per cent but less than 3604
ninety-six-thousandths of one per cent by weight per unit volume 3605
of alcohol in the person's blood serum or plasma. 3606

(3) The person has a concentration of at least two-hundredths 3607
of one gram but less than eight-hundredths of one gram by weight 3608

of alcohol per two hundred ten liters of the person's breath. 3609

(4) The person has a concentration of at least twenty-eight 3610
one-thousandths of one gram but less than eleven-hundredths of one 3611
gram by weight of alcohol per one hundred milliliters of the 3612
person's urine. 3613

(C) In any proceeding arising out of one incident, a person 3614
may be charged with a violation of division (A)(1)(a) or (A)(2) 3615
and a violation of division (B)(1), (2), or (3) of this section, 3616
but the person may not be convicted of more than one violation of 3617
these divisions. 3618

(D)(1) In any criminal prosecution or juvenile court 3619
proceeding for a violation of division (A) or (B) of this section 3620
or for an equivalent offense, the court may admit evidence on the 3621
concentration of alcohol, drugs of abuse, controlled substances, 3622
metabolites of a controlled substance, or a combination of them in 3623
the defendant's whole blood, blood serum or plasma, breath, urine, 3624
or other bodily substance at the time of the alleged violation as 3625
shown by chemical analysis of the substance withdrawn within ~~two~~ 3626
three hours of the time of the alleged violation. The three-hour 3627
time limit specified in this division regarding the admission of 3628
evidence does not extend or affect the two-hour time limit 3629
specified in division (A) of section 4511.192 of the Revised Code 3630
as the maximum period of time during which a person may consent to 3631
a chemical test or tests as described in that section. 3632

When a person submits to a blood test at the request of a law 3633
enforcement officer under section 4511.191 of the Revised Code, 3634
only a physician, a registered nurse, or a qualified technician, 3635
chemist, or phlebotomist shall withdraw blood for the purpose of 3636
determining the alcohol, drug, controlled substance, metabolite of 3637
a controlled substance, or ~~alcohol and drug combination~~ content of 3638
the whole blood, blood serum, or blood plasma. This limitation 3639

does not apply to the taking of breath or urine specimens. A 3640
person authorized to withdraw blood under this division may refuse 3641
to withdraw blood under this division, if in that person's 3642
opinion, the physical welfare of the person would be endangered by 3643
the withdrawing of blood. 3644

The bodily substance withdrawn shall be analyzed in 3645
accordance with methods approved by the director of health by an 3646
individual possessing a valid permit issued by the director 3647
pursuant to section 3701.143 of the Revised Code. 3648

(2) In a criminal prosecution or juvenile court proceeding 3649
for a violation of division (A) of this section or for an 3650
equivalent offense, if there was at the time the bodily substance 3651
was withdrawn a concentration of less than the applicable 3652
concentration of alcohol specified in divisions (A)(1)(b), (c), 3653
(d), and (e) of this section or less than the applicable 3654
concentration of a listed controlled substance or a listed 3655
metabolite of a controlled substance specified for a violation of 3656
division (A)(1)(j) of this section, that fact may be considered 3657
with other competent evidence in determining the guilt or 3658
innocence of the defendant. This division does not limit or affect 3659
a criminal prosecution or juvenile court proceeding for a 3660
violation of division (B) of this section or for an equivalent 3661
offense that is substantially equivalent to that division. 3662

(3) Upon the request of the person who was tested, the 3663
results of the chemical test shall be made available to the person 3664
or the person's attorney, immediately upon the completion of the 3665
chemical test analysis. 3666

The person tested may have a physician, a registered nurse, 3667
or a qualified technician, chemist, or phlebotomist of the 3668
person's own choosing administer a chemical test or tests, at the 3669
person's expense, in addition to any administered at the request 3670
of a law enforcement officer. The form to be read to the person to 3671

be tested, as required under section 4511.192 of the Revised Code, 3672
shall state that the person may have an independent test performed 3673
at the person's expense. The failure or inability to obtain an 3674
additional chemical test by a person shall not preclude the 3675
admission of evidence relating to the chemical test or tests taken 3676
at the request of a law enforcement officer. 3677

(4)(a) As used in divisions (D)(4)(b) and (c) of this 3678
section, "national highway traffic safety administration" means 3679
the national highway traffic safety administration established as 3680
an administration of the United States department of 3681
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 3682

(b) In any criminal prosecution or juvenile court proceeding 3683
for a violation of division (A) or (B) of this section, of a 3684
municipal ordinance relating to operating a vehicle while under 3685
the influence of alcohol, a drug of abuse, or alcohol and a drug 3686
of abuse, or of a municipal ordinance relating to operating a 3687
vehicle with a prohibited concentration of alcohol, a controlled 3688
substance, or a metabolite of a controlled substance in the blood, 3689
breath, or urine, if a law enforcement officer has administered a 3690
field sobriety test to the operator of the vehicle involved in the 3691
violation and if it is shown by clear and convincing evidence that 3692
the officer administered the test in substantial compliance with 3693
the testing standards for any reliable, credible, and generally 3694
accepted field sobriety tests that were in effect at the time the 3695
tests were administered, including, but not limited to, any 3696
testing standards then in effect that were set by the national 3697
highway traffic safety administration, all of the following apply: 3698

(i) The officer may testify concerning the results of the 3699
field sobriety test so administered. 3700

(ii) The prosecution may introduce the results of the field 3701
sobriety test so administered as evidence in any proceedings in 3702

the criminal prosecution or juvenile court proceeding. 3703

(iii) If testimony is presented or evidence is introduced 3704
under division (D)(4)(b)(i) or (ii) of this section and if the 3705
testimony or evidence is admissible under the Rules of Evidence, 3706
the court shall admit the testimony or evidence and the trier of 3707
fact shall give it whatever weight the trier of fact considers to 3708
be appropriate. 3709

(c) Division (D)(4)(b) of this section does not limit or 3710
preclude a court, in its determination of whether the arrest of a 3711
person was supported by probable cause or its determination of any 3712
other matter in a criminal prosecution or juvenile court 3713
proceeding of a type described in that division, from considering 3714
evidence or testimony that is not otherwise disallowed by division 3715
(D)(4)(b) of this section. 3716

(E)(1) Subject to division (E)(3) of this section, in any 3717
criminal prosecution or juvenile court proceeding for a violation 3718
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), ~~or~~ (i), or 3719
(j) or (B)(1), (2), (3), or (4) of this section or for an 3720
equivalent offense that is substantially equivalent to any of 3721
those divisions, a laboratory report from any ~~forensic~~ laboratory 3722
~~certified personnel issued a permit~~ by the department of health 3723
authorizing an analysis as described in this division that 3724
contains an analysis of the whole blood, blood serum or plasma, 3725
breath, urine, or other bodily substance tested and that contains 3726
all of the information specified in this division shall be 3727
admitted as prima-facie evidence of the information and statements 3728
that the report contains. The laboratory report shall contain all 3729
of the following: 3730

(a) The signature, under oath, of any person who performed 3731
the analysis; 3732

(b) Any findings as to the identity and quantity of alcohol, 3733

a drug of abuse, a controlled substance, a metabolite of a 3734
controlled substance, or a combination of them that was found; 3735

(c) A copy of a notarized statement by the laboratory 3736
director or a designee of the director that contains the name of 3737
each certified analyst or test performer involved with the report, 3738
the analyst's or test performer's employment relationship with the 3739
laboratory that issued the report, and a notation that performing 3740
an analysis of the type involved is part of the analyst's or test 3741
performer's regular duties; 3742

(d) An outline of the analyst's or test performer's 3743
education, training, and experience in performing the type of 3744
analysis involved and a certification that the laboratory 3745
satisfies appropriate quality control standards in general and, in 3746
this particular analysis, under rules of the department of health. 3747

(2) Notwithstanding any other provision of law regarding the 3748
admission of evidence, a report of the type described in division 3749
(E)(1) of this section is not admissible against the defendant to 3750
whom it pertains in any proceeding, other than a preliminary 3751
hearing or a grand jury proceeding, unless the prosecutor has 3752
served a copy of the report on the defendant's attorney or, if the 3753
defendant has no attorney, on the defendant. 3754

(3) A report of the type described in division (E)(1) of this 3755
section shall not be prima-facie evidence of the contents, 3756
identity, or amount of any substance if, within seven days after 3757
the defendant to whom the report pertains or the defendant's 3758
attorney receives a copy of the report, the defendant or the 3759
defendant's attorney demands the testimony of the person who 3760
signed the report. The judge in the case may extend the seven-day 3761
time limit in the interest of justice. 3762

(F) Except as otherwise provided in this division, any 3763
physician, registered nurse, or qualified technician, chemist, or 3764

phlebotomist who withdraws blood from a person pursuant to this 3765
section, and any hospital, first-aid station, or clinic at which 3766
blood is withdrawn from a person pursuant to this section, is 3767
immune from criminal liability and civil liability based upon a 3768
claim of assault and battery or any other claim that is not a 3769
claim of malpractice, for any act performed in withdrawing blood 3770
from the person. The immunity provided in this division is not 3771
available to a person who withdraws blood if the person engages in 3772
willful or wanton misconduct. 3773

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 3774
to (i) or (A)(2) of this section is guilty of operating a vehicle 3775
under the influence of alcohol, a drug of abuse, or a combination 3776
of them. Whoever violates division (A)(1)(j) of this section is 3777
guilty of operating a vehicle while under the influence of a 3778
listed controlled substance or a listed metabolite of a controlled 3779
substance. The court shall sentence the offender for either 3780
offense under Chapter 2929. of the Revised Code, except as 3781
otherwise authorized or required by divisions (G)(1)(a) to (e) of 3782
this section: 3783

(a) Except as otherwise provided in division (G)(1)(b), (c), 3784
(d), or (e) of this section, the offender is guilty of a 3785
misdemeanor of the first degree, and the court shall sentence the 3786
offender to all of the following: 3787

(i) If the sentence is being imposed for a violation of 3788
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 3789
a mandatory jail term of three consecutive days. As used in this 3790
division, three consecutive days means seventy-two consecutive 3791
hours. The court may sentence an offender to both an intervention 3792
program and a jail term. The court may impose a jail term in 3793
addition to the three-day mandatory jail term or intervention 3794
program. However, in no case shall the cumulative jail term 3795
imposed for the offense exceed six months. 3796

The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, 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 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
considers necessary.

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

(iv) In all cases, a class five license 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)(5) 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.

(b) 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 one

violation of division (A) or (B) of this section or one other 3860
equivalent offense is guilty of a misdemeanor of the first degree. 3861
The court shall sentence the offender to all of the following: 3862

(i) If the sentence is being imposed for a violation of 3863
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 3864
a mandatory jail term of ten consecutive days. The court shall 3865
impose the ten-day mandatory jail term under this division unless, 3866
subject to division (G)(3) of this section, it instead imposes a 3867
sentence under that division consisting of both a jail term and a 3868
term of house arrest with electronic monitoring, with continuous 3869
alcohol monitoring, or with both electronic monitoring and 3870
continuous alcohol monitoring. The court may impose a jail term in 3871
addition to the ten-day mandatory jail term. The cumulative jail 3872
term imposed for the offense shall not exceed six months. 3873

In addition to the jail term or the term of house arrest with 3874
electronic monitoring or continuous alcohol monitoring or both 3875
types of monitoring and jail term, the court may require the 3876
offender to attend a drivers' intervention program that is 3877
certified pursuant to section 3793.10 of the Revised Code. If the 3878
operator of the program determines that the offender is alcohol 3879
dependent, the program shall notify the court, and, subject to 3880
division (I) of this section, the court shall order the offender 3881
to obtain treatment through an alcohol and drug addiction program 3882
authorized by section 3793.02 of the Revised Code. 3883

(ii) If the sentence is being imposed for a violation of 3884
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3885
section, except as otherwise provided in this division, a 3886
mandatory jail term of twenty consecutive days. The court shall 3887
impose the twenty-day mandatory jail term under this division 3888
unless, subject to division (G)(3) of this section, it instead 3889
imposes a sentence under that division consisting of both a jail 3890
term and a term of house arrest with electronic monitoring, with 3891

continuous alcohol monitoring, or with both electronic monitoring 3892
and continuous alcohol monitoring. The court may impose a jail 3893
term in addition to the twenty-day mandatory jail term. The 3894
cumulative jail term imposed for the offense shall not exceed six 3895
months. 3896

In addition to the jail term or the term of house arrest with 3897
electronic monitoring or continuous alcohol monitoring or both 3898
types of monitoring and jail term, the court may require the 3899
offender to attend a driver's intervention program that is 3900
certified pursuant to section 3793.10 of the Revised Code. If the 3901
operator of the program determines that the offender is alcohol 3902
dependent, the program shall notify the court, and, subject to 3903
division (I) of this section, the court shall order the offender 3904
to obtain treatment through an alcohol and drug addiction program 3905
authorized by section 3793.02 of the Revised Code. 3906

(iii) In all cases, notwithstanding the fines set forth in 3907
Chapter 2929. of the Revised Code, a fine of not less than three 3908
hundred fifty and not more than one thousand five hundred dollars; 3909

(iv) In all cases, a class four license suspension of the 3910
offender's driver's license, commercial driver's license, 3911
temporary instruction permit, probationary license, or nonresident 3912
operating privilege from the range specified in division (A)(4) of 3913
section 4510.02 of the Revised Code. The court may grant limited 3914
driving privileges relative to the suspension under sections 3915
4510.021 and 4510.13 of the Revised Code. 3916

(v) In all cases, if the vehicle is registered in the 3917
offender's name, immobilization of the vehicle involved in the 3918
offense for ninety days in accordance with section 4503.233 of the 3919
Revised Code and impoundment of the license plates of that vehicle 3920
for ninety days. 3921

(c) Except as otherwise provided in division (G)(1)(e) of 3922

this section, an offender who, within six years of the offense, 3923
previously has been convicted of or pleaded guilty to two 3924
violations of division (A) or (B) of this section or other 3925
equivalent offenses is guilty of a misdemeanor. The court shall 3926
sentence the offender to all of the following: 3927

(i) If the sentence is being imposed for a violation of 3928
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 3929
a mandatory jail term of thirty consecutive days. The court shall 3930
impose the thirty-day mandatory jail term under this division 3931
unless, subject to division (G)(3) of this section, it instead 3932
imposes a sentence under that division consisting of both a jail 3933
term and a term of house arrest with electronic monitoring, with 3934
continuous alcohol monitoring, or with both electronic monitoring 3935
and continuous alcohol monitoring. The court may impose a jail 3936
term in addition to the thirty-day mandatory jail term. 3937
Notwithstanding the jail terms set forth in sections 2929.21 to 3938
2929.28 of the Revised Code, the additional jail term shall not 3939
exceed one year, and the cumulative jail term imposed for the 3940
offense shall not exceed one year. 3941

(ii) If the sentence is being imposed for a violation of 3942
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3943
section, a mandatory jail term of sixty consecutive days. The 3944
court shall impose the sixty-day mandatory jail term under this 3945
division unless, subject to division (G)(3) of this section, it 3946
instead imposes a sentence under that division consisting of both 3947
a jail term and a term of house arrest with electronic monitoring, 3948
with continuous alcohol monitoring, or with both electronic 3949
monitoring and continuous alcohol monitoring. The court may impose 3950
a jail term in addition to the sixty-day mandatory jail term. 3951
Notwithstanding the jail terms set forth in sections 2929.21 to 3952
2929.28 of the Revised Code, the additional jail term shall not 3953
exceed one year, and the cumulative jail term imposed for the 3954

offense shall not exceed one year. 3955

(iii) In all cases, notwithstanding the fines set forth in 3956
Chapter 2929. of the Revised Code, a fine of not less than five 3957
hundred fifty and not more than two thousand five hundred dollars; 3958

(iv) In all cases, a class three license suspension of the 3959
offender's driver's license, commercial driver's license, 3960
temporary instruction permit, probationary license, or nonresident 3961
operating privilege from the range specified in division (A)(3) of 3962
section 4510.02 of the Revised Code. The court may grant limited 3963
driving privileges relative to the suspension under sections 3964
4510.021 and 4510.13 of the Revised Code. 3965

(v) In all cases, if the vehicle is registered in the 3966
offender's name, criminal forfeiture of the vehicle involved in 3967
the offense in accordance with section 4503.234 of the Revised 3968
Code. Division (G)(6) of this section applies regarding any 3969
vehicle that is subject to an order of criminal forfeiture under 3970
this division. 3971

(vi) In all cases, participation in an alcohol and drug 3972
addiction program authorized by section 3793.02 of the Revised 3973
Code, subject to division (I) of this section. 3974

(d) Except as otherwise provided in division (G)(1)(e) of 3975
this section, an offender who, within six years of the offense, 3976
previously has been convicted of or pleaded guilty to three or 3977
four violations of division (A) or (B) of this section or other 3978
equivalent offenses or an offender who, within twenty years of the 3979
offense, previously has been convicted of or pleaded guilty to 3980
five or more violations of that nature is guilty of a felony of 3981
the fourth degree. The court shall sentence the offender to all of 3982
the following: 3983

(i) If the sentence is being imposed for a violation of 3984
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 3985

a mandatory prison term of one, two, three, four, or five years as 3986
required by and in accordance with division (G)(2) of section 3987
2929.13 of the Revised Code if the offender also is convicted of 3988
or also pleads guilty to a specification of the type described in 3989
section 2941.1413 of the Revised Code or, in the discretion of the 3990
court, either a mandatory term of local incarceration of sixty 3991
consecutive days in accordance with division (G)(1) of section 3992
2929.13 of the Revised Code or a mandatory prison term of sixty 3993
consecutive days in accordance with division (G)(2) of that 3994
section if the offender is not convicted of and does not plead 3995
guilty to a specification of that type. If the court imposes a 3996
mandatory term of local incarceration, it may impose a jail term 3997
in addition to the sixty-day mandatory term, the cumulative total 3998
of the mandatory term and the jail term for the offense shall not 3999
exceed one year, and, except as provided in division (A)(1) of 4000
section 2929.13 of the Revised Code, no prison term is authorized 4001
for the offense. If the court imposes a mandatory prison term, 4002
notwithstanding division (A)(4) of section 2929.14 of the Revised 4003
Code, it also may sentence the offender to a definite prison term 4004
that shall be not less than six months and not more than thirty 4005
months and the prison terms shall be imposed as described in 4006
division (G)(2) of section 2929.13 of the Revised Code. If the 4007
court imposes a mandatory prison term or mandatory prison term and 4008
additional prison term, in addition to the term or terms so 4009
imposed, the court also may sentence the offender to a community 4010
control sanction for the offense, but the offender shall serve all 4011
of the prison terms so imposed prior to serving the community 4012
control sanction. 4013

(ii) If the sentence is being imposed for a violation of 4014
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4015
section, a mandatory prison term of one, two, three, four, or five 4016
years as required by and in accordance with division (G)(2) of 4017
section 2929.13 of the Revised Code if the offender also is 4018

convicted of or also pleads guilty to a specification of the type 4019
described in section 2941.1413 of the Revised Code or, in the 4020
discretion of the court, either a mandatory term of local 4021
incarceration of one hundred twenty consecutive days in accordance 4022
with division (G)(1) of section 2929.13 of the Revised Code or a 4023
mandatory prison term of one hundred twenty consecutive days in 4024
accordance with division (G)(2) of that section if the offender is 4025
not convicted of and does not plead guilty to a specification of 4026
that type. If the court imposes a mandatory term of local 4027
incarceration, it may impose a jail term in addition to the one 4028
hundred twenty-day mandatory term, the cumulative total of the 4029
mandatory term and the jail term for the offense shall not exceed 4030
one year, and, except as provided in division (A)(1) of section 4031
2929.13 of the Revised Code, no prison term is authorized for the 4032
offense. If the court imposes a mandatory prison term, 4033
notwithstanding division (A)(4) of section 2929.14 of the Revised 4034
Code, it also may sentence the offender to a definite prison term 4035
that shall be not less than six months and not more than thirty 4036
months and the prison terms shall be imposed as described in 4037
division (G)(2) of section 2929.13 of the Revised Code. If the 4038
court imposes a mandatory prison term or mandatory prison term and 4039
additional prison term, in addition to the term or terms so 4040
imposed, the court also may sentence the offender to a community 4041
control sanction for the offense, but the offender shall serve all 4042
of the prison terms so imposed prior to serving the community 4043
control sanction. 4044

(iii) In all cases, notwithstanding section 2929.18 of the 4045
Revised Code, a fine of not less than eight hundred nor more than 4046
ten thousand dollars; 4047

(iv) In all cases, a class two license suspension of the 4048
offender's driver's license, commercial driver's license, 4049
temporary instruction permit, probationary license, or nonresident 4050

operating privilege from the range specified in division (A)(2) of 4051
section 4510.02 of the Revised Code. The court may grant limited 4052
driving privileges relative to the suspension under sections 4053
4510.021 and 4510.13 of the Revised Code. 4054

(v) In all cases, if the vehicle is registered in the 4055
offender's name, criminal forfeiture of the vehicle involved in 4056
the offense in accordance with section 4503.234 of the Revised 4057
Code. Division (G)(6) of this section applies regarding any 4058
vehicle that is subject to an order of criminal forfeiture under 4059
this division. 4060

(vi) In all cases, participation in an alcohol and drug 4061
addiction program authorized by section 3793.02 of the Revised 4062
Code, subject to division (I) of this section. 4063

(vii) In all cases, if the court sentences the offender to a 4064
mandatory term of local incarceration, in addition to the 4065
mandatory term, the court, pursuant to section 2929.17 of the 4066
Revised Code, may impose a term of house arrest with electronic 4067
monitoring. The term shall not commence until after the offender 4068
has served the mandatory term of local incarceration. 4069

(e) An offender who previously has been convicted of or 4070
pleaded guilty to a violation of division (A) of this section that 4071
was a felony, regardless of when the violation and the conviction 4072
or guilty plea occurred, is guilty of a felony of the third 4073
degree. The court shall sentence the offender to all of the 4074
following: 4075

(i) If the offender is being sentenced for a violation of 4076
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 4077
a mandatory prison term of one, two, three, four, or five years as 4078
required by and in accordance with division (G)(2) of section 4079
2929.13 of the Revised Code if the offender also is convicted of 4080
or also pleads guilty to a specification of the type described in 4081

section 2941.1413 of the Revised Code or a mandatory prison term 4082
of sixty consecutive days in accordance with division (G)(2) of 4083
section 2929.13 of the Revised Code if the offender is not 4084
convicted of and does not plead guilty to a specification of that 4085
type. The court may impose a prison term in addition to the 4086
mandatory prison term. The cumulative total of a sixty-day 4087
mandatory prison term and the additional prison term for the 4088
offense shall not exceed five years. In addition to the mandatory 4089
prison term or mandatory prison term and additional prison term 4090
the court imposes, the court also may sentence the offender to a 4091
community control sanction for the offense, but the offender shall 4092
serve all of the prison terms so imposed prior to serving the 4093
community control sanction. 4094

(ii) If the sentence is being imposed for a violation of 4095
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4096
section, a mandatory prison term of one, two, three, four, or five 4097
years as required by and in accordance with division (G)(2) of 4098
section 2929.13 of the Revised Code if the offender also is 4099
convicted of or also pleads guilty to a specification of the type 4100
described in section 2941.1413 of the Revised Code or a mandatory 4101
prison term of one hundred twenty consecutive days in accordance 4102
with division (G)(2) of section 2929.13 of the Revised Code if the 4103
offender is not convicted of and does not plead guilty to a 4104
specification of that type. The court may impose a prison term in 4105
addition to the mandatory prison term. The cumulative total of a 4106
one hundred twenty-day mandatory prison term and the additional 4107
prison term for the offense shall not exceed five years. In 4108
addition to the mandatory prison term or mandatory prison term and 4109
additional prison term the court imposes, the court also may 4110
sentence the offender to a community control sanction for the 4111
offense, but the offender shall serve all of the prison terms so 4112
imposed prior to serving the community control sanction. 4113

(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.

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

(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required

to serve the term, the offender will not be able to begin serving 4145
that term within the sixty-day period following the date of 4146
sentencing, the court may impose an alternative sentence under 4147
this division that includes a term of house arrest with electronic 4148
monitoring, with continuous alcohol monitoring, or with both 4149
electronic monitoring and continuous alcohol monitoring. 4150

As an alternative to a mandatory jail term of ten consecutive 4151
days required by division (G)(1)(b)(i) of this section, the court, 4152
under this division, may sentence the offender to five consecutive 4153
days in jail and not less than eighteen consecutive days of house 4154
arrest with electronic monitoring, with continuous alcohol 4155
monitoring, or with both electronic monitoring and continuous 4156
alcohol monitoring. The cumulative total of the five consecutive 4157
days in jail and the period of house arrest with electronic 4158
monitoring, continuous alcohol monitoring, or both types of 4159
monitoring shall not exceed six months. The five consecutive days 4160
in jail do not have to be served prior to or consecutively to the 4161
period of house arrest. 4162

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

As an alternative to a mandatory jail term of thirty 4175
consecutive days required by division (G)(1)(c)(i) of this 4176

section, the court, under this division, may sentence the offender 4177
to fifteen consecutive days in jail and not less than fifty-five 4178
consecutive days of house arrest with electronic monitoring, with 4179
continuous alcohol monitoring, or with both electronic monitoring 4180
and continuous alcohol monitoring. The cumulative total of the 4181
fifteen consecutive days in jail and the period of house arrest 4182
with electronic monitoring, continuous alcohol monitoring, or both 4183
types of monitoring shall not exceed one year. The fifteen 4184
consecutive days in jail do not have to be served prior to or 4185
consecutively to the period of house arrest. 4186

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

(4) If an offender's driver's or occupational driver's 4199
license or permit or nonresident operating privilege is suspended 4200
under division (G) of this section and if section 4510.13 of the 4201
Revised Code permits the court to grant limited driving 4202
privileges, the court may grant the limited driving privileges in 4203
accordance with that section. If division (A)(7) of that section 4204
requires that the court impose as a condition of the privileges 4205
that the offender must display on the vehicle that is driven 4206
subject to the privileges restricted license plates that are 4207
issued under section 4503.231 of the Revised Code, except as 4208

provided in division (B) of that section, the court shall impose 4209
that condition as one of the conditions of the limited driving 4210
privileges granted to the offender, except as provided in division 4211
(B) of section 4503.231 of the Revised Code. 4212

(5) Fines imposed under this section for a violation of 4213
division (A) of this section shall be distributed as follows: 4214

(a) Twenty-five dollars of the fine imposed under division 4215
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 4216
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 4217
fine imposed under division (G)(1)(c)(iii), and two hundred ten 4218
dollars of the fine imposed under division (G)(1)(d)(iii) or 4219
(e)(iii) of this section shall be paid to an enforcement and 4220
education fund established by the legislative authority of the law 4221
enforcement agency in this state that primarily was responsible 4222
for the arrest of the offender, as determined by the court that 4223
imposes the fine. The agency shall use this share to pay only 4224
those costs it incurs in enforcing this section or a municipal OVI 4225
ordinance and in informing the public of the laws governing the 4226
operation of a vehicle while under the influence of alcohol, the 4227
dangers of the operation of a vehicle under the influence of 4228
alcohol, and other information relating to the operation of a 4229
vehicle under the influence of alcohol and the consumption of 4230
alcoholic beverages. 4231

(b) Fifty dollars of the fine imposed under division 4232
(G)(1)(a)(iii) of this section shall be paid to the political 4233
subdivision that pays the cost of housing the offender during the 4234
offender's term of incarceration. If the offender is being 4235
sentenced for a violation of division (A)(1)(a), (b), (c), (d), ~~or~~ 4236
(e), or (j) of this section and was confined as a result of the 4237
offense prior to being sentenced for the offense but is not 4238
sentenced to a term of incarceration, the fifty dollars shall be 4239
paid to the political subdivision that paid the cost of housing 4240

the offender during that period of confinement. The political 4241
subdivision shall use the share under this division to pay or 4242
reimburse incarceration or treatment costs it incurs in housing or 4243
providing drug and alcohol treatment to persons who violate this 4244
section or a municipal OVI ordinance, costs of any immobilizing or 4245
disabling device used on the offender's vehicle, and costs of 4246
electronic house arrest equipment needed for persons who violate 4247
this section. 4248

(c) Twenty-five dollars of the fine imposed under division 4249
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 4250
division (G)(1)(b)(iii) of this section shall be deposited into 4251
the county or municipal indigent drivers' alcohol treatment fund 4252
under the control of that court, as created by the county or 4253
municipal corporation under division (N) of section 4511.191 of 4254
the Revised Code. 4255

(d) One hundred fifteen dollars of the fine imposed under 4256
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 4257
fine imposed under division (G)(1)(c)(iii), and four hundred forty 4258
dollars of the fine imposed under division (G)(1)(d)(iii) or 4259
(e)(iii) of this section shall be paid to the political 4260
subdivision that pays the cost of housing the offender during the 4261
offender's term of incarceration. The political subdivision shall 4262
use this share to pay or reimburse incarceration or treatment 4263
costs it incurs in housing or providing drug and alcohol treatment 4264
to persons who violate this section or a municipal OVI ordinance, 4265
costs for any immobilizing or disabling device used on the 4266
offender's vehicle, and costs of electronic house arrest equipment 4267
needed for persons who violate this section. 4268

(e) The balance of the fine imposed under division 4269
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 4270
section shall be disbursed as otherwise provided by law. 4271

(6) If title to a motor vehicle that is subject to an order 4272

of criminal forfeiture under division (G)(1)(c), (d), or (e) of 4273
this section is assigned or transferred and division (B)(2) or (3) 4274
of section 4503.234 of the Revised Code applies, in addition to or 4275
independent of any other penalty established by law, the court may 4276
fine the offender the value of the vehicle as determined by 4277
publications of the national auto dealers association. The 4278
proceeds of any fine so imposed shall be distributed in accordance 4279
with division (C)(2) of that section. 4280

(7) As used in division (G) of this section, "electronic 4281
monitoring," "mandatory prison term," and "mandatory term of local 4282
incarceration" have the same meanings as in section 2929.01 of the 4283
Revised Code. 4284

(H) Whoever violates division (B) of this section is guilty 4285
of operating a vehicle after underage alcohol consumption and 4286
shall be punished as follows: 4287

(1) Except as otherwise provided in division (H)(2) of this 4288
section, the offender is guilty of a misdemeanor of the fourth 4289
degree. In addition to any other sanction imposed for the offense, 4290
the court shall impose a class six suspension of the offender's 4291
driver's license, commercial driver's license, temporary 4292
instruction permit, probationary license, or nonresident operating 4293
privilege from the range specified in division (A)(6) of section 4294
4510.02 of the Revised Code. 4295

(2) If, within one year of the offense, the offender 4296
previously has been convicted of or pleaded guilty to one or more 4297
violations of division (A) or (B) of this section or other 4298
equivalent ~~offense~~ offenses, the offender is guilty of a 4299
misdemeanor of the third degree. In addition to any other sanction 4300
imposed for the offense, the court shall impose a class four 4301
suspension of the offender's driver's license, commercial driver's 4302
license, temporary instruction permit, probationary license, or 4303

nonresident operating privilege from the range specified in 4304
division (A)(4) of section 4510.02 of the Revised Code. 4305

(3) If the offender also is convicted of or also pleads 4306
guilty to a specification of the type described in section 4307
2941.1416 of the Revised Code and if the court imposes a jail term 4308
for the violation of division (B) of this section, the court shall 4309
impose upon the offender an additional definite jail term pursuant 4310
to division (E) of section 2929.24 of the Revised Code. 4311

(I)(1) No court shall sentence an offender to an alcohol 4312
treatment program under this section unless the treatment program 4313
complies with the minimum standards for alcohol treatment programs 4314
adopted under Chapter 3793. of the Revised Code by the director of 4315
alcohol and drug addiction services. 4316

(2) An offender who stays in a drivers' intervention program 4317
or in an alcohol treatment program under an order issued under 4318
this section shall pay the cost of the stay in the program. 4319
However, if the court determines that an offender who stays in an 4320
alcohol treatment program under an order issued under this section 4321
is unable to pay the cost of the stay in the program, the court 4322
may order that the cost be paid from the court's indigent drivers' 4323
alcohol treatment fund. 4324

(J) If a person whose driver's or commercial driver's license 4325
or permit or nonresident operating privilege is suspended under 4326
this section files an appeal regarding any aspect of the person's 4327
trial or sentence, the appeal itself does not stay the operation 4328
of the suspension. 4329

(K) Division (A)(1)(j) of this section does not apply to a 4330
person who operates a vehicle, streetcar, or trackless trolley 4331
while the person has a concentration of a listed controlled 4332
substance or a listed metabolite of a controlled substance in the 4333
person's whole blood, blood serum or plasma, or urine that equals 4334

or exceeds the amount specified in that division, if both of the 4335
following apply: 4336

(1) The person obtained the controlled substance pursuant to 4337
a prescription issued by a licensed health professional authorized 4338
to prescribe drugs. 4339

(2) The person injected, ingested, or inhaled the controlled 4340
substance in accordance with the health professional's directions. 4341

(L) All terms defined in section 4510.01 of the Revised Code 4342
apply to this section. If the meaning of a term defined in section 4343
4510.01 of the Revised Code conflicts with the meaning of the same 4344
term as defined in section 4501.01 or 4511.01 of the Revised Code, 4345
the term as defined in section 4510.01 of the Revised Code applies 4346
to this section. 4347

~~(L)~~(M)(1) The Ohio Traffic Rules in effect on January 1, 4348
2004, as adopted by the supreme court under authority of section 4349
2937.46 of the Revised Code, do not apply to felony violations of 4350
this section. Subject to division ~~(L)~~(M)(2) of this section, the 4351
Rules of Criminal Procedure apply to felony violations of this 4352
section. 4353

(2) If, on or after January 1, 2004, the supreme court 4354
modifies the Ohio Traffic Rules to provide procedures to govern 4355
felony violations of this section, the modified rules shall apply 4356
to felony violations of this section. 4357

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 4358
as in section 4511.194 of the Revised Code. 4359

(2) Any person who operates a vehicle, streetcar, or 4360
trackless trolley upon a highway or any public or private property 4361
used by the public for vehicular travel or parking within this 4362
state or who is in physical control of a vehicle, streetcar, or 4363
trackless trolley shall be deemed to have given consent to a 4364

chemical test or tests of the person's whole blood, blood serum or 4365
plasma, breath, or urine to determine the alcohol, drug of abuse, 4366
controlled substance, metabolite of a controlled substance, or 4367
~~alcohol and drug~~ combination content of the person's whole blood, 4368
blood serum or plasma, breath, or urine if arrested for a 4369
violation of division (A) or (B) of section 4511.19 of the Revised 4370
Code, section 4511.194 of the Revised Code or a substantially 4371
equivalent municipal ordinance, or a municipal OVI ordinance. 4372

(3) The chemical test or tests under division (A)(2) of this 4373
section shall be administered at the request of a law enforcement 4374
officer having reasonable grounds to believe the person was 4375
operating or in physical control of a vehicle, streetcar, or 4376
trackless trolley in violation of a division, section, or 4377
ordinance identified in division (A)(2) of this section. The law 4378
enforcement agency by which the officer is employed shall 4379
designate which of the tests shall be administered. 4380

(4) Any person who is dead or unconscious, or who otherwise 4381
is in a condition rendering the person incapable of refusal, shall 4382
be deemed to have consented as provided in division (A)(2) of this 4383
section, and the test or tests may be administered, subject to 4384
sections 313.12 to 313.16 of the Revised Code. 4385

(B)(1) Upon receipt of the sworn report of a law enforcement 4386
officer who arrested a person for a violation of division (A) or 4387
(B) of section 4511.19 of the Revised Code, section 4511.194 of 4388
the Revised Code or a substantially equivalent municipal 4389
ordinance, or a municipal OVI ordinance that was completed and 4390
sent to the registrar and a court pursuant to section 4511.192 of 4391
the Revised Code in regard to a person who refused to take the 4392
designated chemical test, the registrar shall enter into the 4393
registrar's records the fact that the person's driver's or 4394
commercial driver's license or permit or nonresident operating 4395
privilege was suspended by the arresting officer under this 4396

division and that section and the period of the suspension, as
determined under this section. The suspension shall be subject to
appeal as provided in section 4511.197 of the Revised Code. The
suspension shall be for whichever of the following periods
applies:

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

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

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

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

(2) The registrar shall terminate a suspension of the
driver's or commercial driver's license or permit of a resident or
of the operating privilege of a nonresident, or a denial of a
driver's or commercial driver's license or permit, imposed
pursuant to division (B)(1) of this section upon receipt of notice

that the person has entered a plea of guilty to, or that the
person has been convicted after entering a plea of no contest to,
operating a vehicle in violation of section 4511.19 of the Revised
Code or in violation of a municipal OVI ordinance, if the offense
for which the conviction is had or the plea is entered arose from
the same incident that led to the suspension or denial.

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

(C)(1) Upon receipt of the sworn report of the law
enforcement officer who arrested a person for a violation of
division (A) or (B) of section 4511.19 of the Revised Code or a
municipal OVI ordinance that was completed and sent to the
registrar and a court pursuant to section 4511.192 of the Revised
Code in regard to a person whose test results indicate that the
person's whole blood, blood serum or plasma, breath, or urine
contained at least the concentration of alcohol specified in
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the
Revised Code or at least the concentration of a listed controlled
substance or a listed metabolite of a controlled substance
specified in division (A)(1)(j) of section 4511.19 of the Revised
Code, the registrar shall enter into the registrar's records the
fact that the person's driver's or commercial driver's license or
permit or nonresident operating privilege was suspended by the
arresting officer under this division and section 4511.192 of the
Revised Code and the period of the suspension, as determined under
divisions (F)(1) to (4) of this section. The suspension shall be
subject to appeal as provided in section 4511.197 of the Revised

Code. The suspension described in this division does not apply to, 4460
and shall not be imposed upon, a person arrested for a violation 4461
of section 4511.194 of the Revised Code or a substantially 4462
equivalent municipal ordinance who submits to a designated 4463
chemical test. The suspension shall be for whichever of the 4464
following periods applies: 4465

(a) Except when division (C)(1)(b), (c), or (d) of this 4466
section applies and specifies a different period, the suspension 4467
shall be a class E suspension imposed for the period of time 4468
specified in division (B)(5) of section 4510.02 of the Revised 4469
Code. 4470

(b) The suspension shall be a class C suspension for the 4471
period of time specified in division (B)(3) of section 4510.02 of 4472
the Revised Code if the person has been convicted of or pleaded 4473
guilty to, within six years of the date the test was conducted, 4474
one violation of division (A) or (B) of section 4511.19 of the 4475
Revised Code or one other equivalent offense. 4476

(c) If, within six years of the date the test was conducted, 4477
the person has been convicted of or pleaded guilty to two 4478
violations of a statute or ordinance described in division 4479
(C)(1)(b) of this section, the suspension shall be a class B 4480
suspension imposed for the period of time specified in division 4481
(B)(2) of section 4510.02 of the Revised Code. 4482

(d) If, within six years of the date the test was conducted, 4483
the person has been convicted of or pleaded guilty to more than 4484
two violations of a statute or ordinance described in division 4485
(C)(1)(b) of this section, the suspension shall be a class A 4486
suspension imposed for the period of time specified in division 4487
(B)(1) of section 4510.02 of the Revised Code. 4488

(2) The registrar shall terminate a suspension of the 4489
driver's or commercial driver's license or permit of a resident or 4490

of the operating privilege of a nonresident, or a denial of a 4491
driver's or commercial driver's license or permit, imposed 4492
pursuant to division (C)(1) of this section upon receipt of notice 4493
that the person has entered a plea of guilty to, or that the 4494
person has been convicted after entering a plea of no contest to, 4495
operating a vehicle in violation of section 4511.19 of the Revised 4496
Code or in violation of a municipal OVI ordinance, if the offense 4497
for which the conviction is had or the plea is entered arose from 4498
the same incident that led to the suspension or denial. 4499

The registrar shall credit against any judicial suspension of 4500
a person's driver's or commercial driver's license or permit or 4501
nonresident operating privilege imposed pursuant to section 4502
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4503
Revised Code for a violation of a municipal OVI ordinance, any 4504
time during which the person serves a related suspension imposed 4505
pursuant to division (C)(1) of this section. 4506

(D)(1) A suspension of a person's driver's or commercial 4507
driver's license or permit or nonresident operating privilege 4508
under this section for the time described in division (B) or (C) 4509
of this section is effective immediately from the time at which 4510
the arresting officer serves the notice of suspension upon the 4511
arrested person. Any subsequent finding that the person is not 4512
guilty of the charge that resulted in the person being requested 4513
to take the chemical test or tests under division (A) of this 4514
section does not affect the suspension. 4515

(2) If a person is arrested for operating a vehicle, 4516
streetcar, or trackless trolley in violation of division (A) or 4517
(B) of section 4511.19 of the Revised Code or a municipal OVI 4518
ordinance, or for being in physical control of a vehicle, 4519
streetcar, or trackless trolley in violation of section 4511.194 4520
of the Revised Code or a substantially equivalent municipal 4521
ordinance, regardless of whether the person's driver's or 4522

commercial driver's license or permit or nonresident operating 4523
privilege is or is not suspended under division (B) or (C) of this 4524
section or Chapter 4510. of the Revised Code, the person's initial 4525
appearance on the charge resulting from the arrest shall be held 4526
within five days of the person's arrest or the issuance of the 4527
citation to the person, subject to any continuance granted by the 4528
court pursuant to section 4511.197 of the Revised Code regarding 4529
the issues specified in that division. 4530

(E) When it finally has been determined under the procedures 4531
of this section and sections 4511.192 through 4511.197 of the 4532
Revised Code that a nonresident's privilege to operate a vehicle 4533
within this state has been suspended, the registrar shall give 4534
information in writing of the action taken to the motor vehicle 4535
administrator of the state of the person's residence and of any 4536
state in which the person has a license. 4537

(F) At the end of a suspension period under this section, 4538
under section 4511.194, section 4511.196, or division (G) of 4539
section 4511.19 of the Revised Code, or under section 4510.07 of 4540
the Revised Code for a violation of a municipal OVI ordinance and 4541
upon the request of the person whose driver's or commercial 4542
driver's license or permit was suspended and who is not otherwise 4543
subject to suspension, cancellation, or disqualification, the 4544
registrar shall return the driver's or commercial driver's license 4545
or permit to the person upon the occurrence of all of the 4546
conditions specified in divisions (F)(1) and (2) of this section: 4547

(1) A showing that the person has proof of financial 4548
responsibility, a policy of liability insurance in effect that 4549
meets the minimum standards set forth in section 4509.51 of the 4550
Revised Code, or proof, to the satisfaction of the registrar, that 4551
the person is able to respond in damages in an amount at least 4552
equal to the minimum amounts specified in section 4509.51 of the 4553
Revised Code. 4554

(2) Subject to the limitation contained in division (F)(3) of 4555
this section, payment by the person to the bureau of motor 4556
vehicles of a license reinstatement fee of four hundred 4557
twenty-five dollars, which fee shall be deposited in the state 4558
treasury and credited as follows: 4559

(a) One hundred twelve dollars and fifty cents shall be 4560
credited to the statewide treatment and prevention fund created by 4561
section 4301.30 of the Revised Code. The fund shall be used to pay 4562
the costs of driver treatment and intervention programs operated 4563
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 4564
director of alcohol and drug addiction services shall determine 4565
the share of the fund that is to be allocated to alcohol and drug 4566
addiction programs authorized by section 3793.02 of the Revised 4567
Code, and the share of the fund that is to be allocated to 4568
drivers' intervention programs authorized by section 3793.10 of 4569
the Revised Code. 4570

(b) Seventy-five dollars shall be credited to the reparations 4571
fund created by section 2743.191 of the Revised Code. 4572

(c) Thirty-seven dollars and fifty cents shall be credited to 4573
the indigent drivers alcohol treatment fund, which is hereby 4574
established. Except as otherwise provided in division (F)(2)(c) of 4575
this section, moneys in the fund shall be distributed by the 4576
department of alcohol and drug addiction services to the county 4577
indigent drivers alcohol treatment funds, the county juvenile 4578
indigent drivers alcohol treatment funds, and the municipal 4579
indigent drivers alcohol treatment funds that are required to be 4580
established by counties and municipal corporations pursuant to 4581
this section, and shall be used only to pay the cost of an alcohol 4582
and drug addiction treatment program attended by an offender or 4583
juvenile traffic offender who is ordered to attend an alcohol and 4584
drug addiction treatment program by a county, juvenile, or 4585
municipal court judge and who is determined by the county, 4586

juvenile, or municipal court judge not to have the means to pay 4587
for the person's attendance at the program or to pay the costs 4588
specified in division (H)(4) of this section in accordance with 4589
that division. Moneys in the fund that are not distributed to a 4590
county indigent drivers alcohol treatment fund, a county juvenile 4591
indigent drivers alcohol treatment fund, or a municipal indigent 4592
drivers alcohol treatment fund under division (H) of this section 4593
because the director of alcohol and drug addiction services does 4594
not have the information necessary to identify the county or 4595
municipal corporation where the offender or juvenile offender was 4596
arrested may be transferred by the director of budget and 4597
management to the statewide treatment and prevention fund created 4598
by section 4301.30 of the Revised Code, upon certification of the 4599
amount by the director of alcohol and drug addiction services. 4600

(d) Seventy-five dollars shall be credited to the Ohio 4601
rehabilitation services commission established by section 3304.12 4602
of the Revised Code, to the services for rehabilitation fund, 4603
which is hereby established. The fund shall be used to match 4604
available federal matching funds where appropriate, and for any 4605
other purpose or program of the commission to rehabilitate people 4606
with disabilities to help them become employed and independent. 4607

(e) Seventy-five dollars shall be deposited into the state 4608
treasury and credited to the drug abuse resistance education 4609
programs fund, which is hereby established, to be used by the 4610
attorney general for the purposes specified in division ~~(L)~~(F)(4) 4611
of this section. 4612

(f) Thirty dollars shall be credited to the state bureau of 4613
motor vehicles fund created by section 4501.25 of the Revised 4614
Code. 4615

(g) Twenty dollars shall be credited to the trauma and 4616
emergency medical services grants fund created by section 4513.263 4617

of the Revised Code. 4618

(3) If a person's driver's or commercial driver's license or 4619
permit is suspended under this section, under section 4511.196 or 4620
division (G) of section 4511.19 of the Revised Code, under section 4621
4510.07 of the Revised Code for a violation of a municipal OVI 4622
ordinance or under any combination of the suspensions described in 4623
division (F)(3) of this section, and if the suspensions arise from 4624
a single incident or a single set of facts and circumstances, the 4625
person is liable for payment of, and shall be required to pay to 4626
the bureau, only one reinstatement fee of four hundred twenty-five 4627
dollars. The reinstatement fee shall be distributed by the bureau 4628
in accordance with division (F)(2) of this section. 4629

(4) The attorney general shall use amounts in the drug abuse 4630
resistance education programs fund to award grants to law 4631
enforcement agencies to establish and implement drug abuse 4632
resistance education programs in public schools. Grants awarded to 4633
a law enforcement agency under this section shall be used by the 4634
agency to pay for not more than fifty per cent of the amount of 4635
the salaries of law enforcement officers who conduct drug abuse 4636
resistance education programs in public schools. The attorney 4637
general shall not use more than six per cent of the amounts the 4638
attorney general's office receives under division (F)(2)(e) of 4639
this section to pay the costs it incurs in administering the grant 4640
program established by division (F)(2)(e) of this section and in 4641
providing training and materials relating to drug abuse resistance 4642
education programs. 4643

The attorney general shall report to the governor and the 4644
general assembly each fiscal year on the progress made in 4645
establishing and implementing drug abuse resistance education 4646
programs. These reports shall include an evaluation of the 4647
effectiveness of these programs. 4648

(G) Suspension of a commercial driver's license under 4649
division (B) or (C) of this section shall be concurrent with any 4650
period of disqualification under section 3123.611 or 4506.16 of 4651
the Revised Code or any period of suspension under section 3123.58 4652
of the Revised Code. No person who is disqualified for life from 4653
holding a commercial driver's license under section 4506.16 of the 4654
Revised Code shall be issued a driver's license under Chapter 4655
4507. of the Revised Code during the period for which the 4656
commercial driver's license was suspended under division (B) or 4657
(C) of this section. No person whose commercial driver's license 4658
is suspended under division (B) or (C) of this section shall be 4659
issued a driver's license under Chapter 4507. of the Revised Code 4660
during the period of the suspension. 4661

(H)(1) Each county shall establish an indigent drivers 4662
alcohol treatment fund, each county shall establish a juvenile 4663
indigent drivers alcohol treatment fund, and each municipal 4664
corporation in which there is a municipal court shall establish an 4665
indigent drivers alcohol treatment fund. All revenue that the 4666
general assembly appropriates to the indigent drivers alcohol 4667
treatment fund for transfer to a county indigent drivers alcohol 4668
treatment fund, a county juvenile indigent drivers alcohol 4669
treatment fund, or a municipal indigent drivers alcohol treatment 4670
fund, all portions of fees that are paid under division ~~(L)~~(F) of 4671
this section and that are credited under that division to the 4672
indigent drivers alcohol treatment fund in the state treasury for 4673
a county indigent drivers alcohol treatment fund, a county 4674
juvenile indigent drivers alcohol treatment fund, or a municipal 4675
indigent drivers alcohol treatment fund, and all portions of fines 4676
that are specified for deposit into a county or municipal indigent 4677
drivers alcohol treatment fund by section 4511.193 of the Revised 4678
Code shall be deposited into that county indigent drivers alcohol 4679
treatment fund, county juvenile indigent drivers alcohol treatment 4680

fund, or municipal indigent drivers alcohol treatment fund in 4681
accordance with division (H)(2) of this section. Additionally, all 4682
portions of fines that are paid for a violation of section 4511.19 4683
of the Revised Code or of any prohibition contained in Chapter 4684
4510. of the Revised Code, and that are required under section 4685
4511.19 or any provision of Chapter 4510. of the Revised Code to 4686
be deposited into a county indigent drivers alcohol treatment fund 4687
or municipal indigent drivers alcohol treatment fund shall be 4688
deposited into the appropriate fund in accordance with the 4689
applicable division. 4690

(2) That portion of the license reinstatement fee that is 4691
paid under division (F) of this section and that is credited under 4692
that division to the indigent drivers alcohol treatment fund shall 4693
be deposited into a county indigent drivers alcohol treatment 4694
fund, a county juvenile indigent drivers alcohol treatment fund, 4695
or a municipal indigent drivers alcohol treatment fund as follows: 4696

(a) If the suspension in question was imposed under this 4697
section, that portion of the fee shall be deposited as follows: 4698

(i) If the fee is paid by a person who was charged in a 4699
county court with the violation that resulted in the suspension, 4700
the portion shall be deposited into the county indigent drivers 4701
alcohol treatment fund under the control of that court; 4702

(ii) If the fee is paid by a person who was charged in a 4703
juvenile court with the violation that resulted in the suspension, 4704
the portion shall be deposited into the county juvenile indigent 4705
drivers alcohol treatment fund established in the county served by 4706
the court; 4707

(iii) If the fee is paid by a person who was charged in a 4708
municipal court with the violation that resulted in the 4709
suspension, the portion shall be deposited into the municipal 4710
indigent drivers alcohol treatment fund under the control of that 4711

court. 4712

(b) If the suspension in question was imposed under section 4713
4511.19 of the Revised Code or under section 4510.07 of the 4714
Revised Code for a violation of a municipal OVI ordinance, that 4715
portion of the fee shall be deposited as follows: 4716

(i) If the fee is paid by a person whose license or permit 4717
was suspended by a county court, the portion shall be deposited 4718
into the county indigent drivers alcohol treatment fund under the 4719
control of that court; 4720

(ii) If the fee is paid by a person whose license or permit 4721
was suspended by a municipal court, the portion shall be deposited 4722
into the municipal indigent drivers alcohol treatment fund under 4723
the control of that court. 4724

(3) Expenditures from a county indigent drivers alcohol 4725
treatment fund, a county juvenile indigent drivers alcohol 4726
treatment fund, or a municipal indigent drivers alcohol treatment 4727
fund shall be made only upon the order of a county, juvenile, or 4728
municipal court judge and only for payment of the cost of the 4729
attendance at an alcohol and drug addiction treatment program of a 4730
person who is convicted of, or found to be a juvenile traffic 4731
offender by reason of, a violation of division (A) of section 4732
4511.19 of the Revised Code or a substantially similar municipal 4733
ordinance, who is ordered by the court to attend the alcohol and 4734
drug addiction treatment program, and who is determined by the 4735
court to be unable to pay the cost of attendance at the treatment 4736
program or for payment of the costs specified in division (H)(4) 4737
of this section in accordance with that division. The alcohol and 4738
drug addiction services board or the board of alcohol, drug 4739
addiction, and mental health services established pursuant to 4740
section 340.02 or 340.021 of the Revised Code and serving the 4741
alcohol, drug addiction, and mental health service district in 4742

which the court is located shall administer the indigent drivers
alcohol treatment program of the court. When a court orders an
offender or juvenile traffic offender to attend an alcohol and
drug addiction treatment program, the board shall determine which
program is suitable to meet the needs of the offender or juvenile
traffic offender, and when a suitable program is located and space
is available at the program, the offender or juvenile traffic
offender shall attend the program designated by the board. A
reasonable amount not to exceed five per cent of the amounts
credited to and deposited into the county indigent drivers alcohol
treatment fund, the county juvenile indigent drivers alcohol
treatment fund, or the municipal indigent drivers alcohol
treatment fund serving every court whose program is administered
by that board shall be paid to the board to cover the costs it
incurs in administering those indigent drivers alcohol treatment
programs.

(4) If a county, juvenile, or municipal court determines, in
consultation with the alcohol and drug addiction services board or
the board of alcohol, drug addiction, and mental health services
established pursuant to section 340.02 or 340.021 of the Revised
Code and serving the alcohol, drug addiction, and mental health
district in which the court is located, that the funds in the
county indigent drivers alcohol treatment fund, the county
juvenile indigent drivers alcohol treatment fund, or the municipal
indigent drivers alcohol treatment fund under the control of the
court are more than sufficient to satisfy the purpose for which
the fund was established, as specified in divisions (H)(1) to (3)
of this section, the court may declare a surplus in the fund. If
the court declares a surplus in the fund, the court may expend the
amount of the surplus in the fund for alcohol and drug abuse
assessment and treatment of persons who are charged in the court
with committing a criminal offense or with being a delinquent

child or juvenile traffic offender and in relation to whom both of
the following apply:

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

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

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

(B) If a person is under arrest as described in division (A)
of this section, before the person may be requested to submit to a
chemical test or tests to determine the alcohol ~~and~~ drug of
abuse, controlled substance, metabolite of a controlled substance,
or combination content of the person's whole blood, blood serum or

plasma, breath, or urine, the arresting officer shall read the 4806
following form to the person: 4807

"You now are under arrest for (specifically state the offense 4808
under state law or a substantially equivalent municipal ordinance 4809
for which the person was arrested - operating a vehicle under the 4810
influence of alcohol, a drug, or a combination of them; operating 4811
a vehicle while under the influence of a listed controlled 4812
substance or a listed metabolite of a controlled substance; 4813
operating a vehicle after underage alcohol consumption; or having 4814
physical control of a vehicle while under the influence). 4815

If you refuse to take any chemical test required by law, your 4816
Ohio driving privileges will be suspended immediately, and you 4817
will have to pay a fee to have the privileges reinstated. If you 4818
have a prior ~~OVI or OVUAC~~ conviction of OVI, OVUAC, or operating a 4819
vehicle while under the influence of a listed controlled substance 4820
or a listed metabolite of a controlled substance under state or 4821
municipal law within the preceding twenty years, you now are under 4822
arrest for state OVI, and, if you refuse to take a chemical test, 4823
you will face increased penalties if you subsequently are 4824
convicted of the state OVI. 4825

(Read this part unless the person is under arrest for solely 4826
having physical control of a vehicle while under the influence.) 4827
If you take any chemical test required by law and are found to be 4828
at or over the prohibited amount of alcohol, a controlled 4829
substance, or a metabolite of a controlled substance in your whole 4830
blood, blood serum or plasma, breath, or urine as set by law, your 4831
Ohio driving privileges will be suspended immediately, and you 4832
will have to pay a fee to have the privileges reinstated. 4833

If you take a chemical test, you may have an independent 4834
chemical test taken at your own expense." 4835

(C) If the arresting law enforcement officer does not ask a 4836

person under arrest as described in division (A) of this section 4837
to submit to a chemical test or tests under section 4511.191 of 4838
the Revised Code, the arresting officer shall seize the Ohio or 4839
out-of-state driver's or commercial driver's license or permit of 4840
the person and immediately forward it to the court in which the 4841
arrested person is to appear on the charge. If the arrested person 4842
is not in possession of the person's license or permit or it is 4843
not in the person's vehicle, the officer shall order the person to 4844
surrender it to the law enforcement agency that employs the 4845
officer within twenty-four hours after the arrest, and, upon the 4846
surrender, the agency immediately shall forward the license or 4847
permit to the court in which the person is to appear on the 4848
charge. Upon receipt of the license or permit, the court shall 4849
retain it pending the arrested person's initial appearance and any 4850
action taken under section 4511.196 of the Revised Code. 4851

(D)(1) If a law enforcement officer asks a person under 4852
arrest as described in division (A) of this section to submit to a 4853
chemical test or tests under section 4511.191 of the Revised Code, 4854
if the officer advises the person in accordance with this section 4855
of the consequences of the person's refusal or submission, and if 4856
either the person refuses to submit to the test or tests or, 4857
unless the arrest was for a violation of section 4511.194 of the 4858
Revised Code or a substantially equivalent municipal ordinance, 4859
the person submits to the test or tests and the test results 4860
indicate a prohibited concentration of alcohol, a controlled 4861
substance, or a metabolite of a controlled substance in the 4862
person's whole blood, blood serum or plasma, breath, or urine at 4863
the time of the alleged offense, the arresting officer shall do 4864
all of the following: 4865

(a) On behalf of the registrar of motor vehicles, notify the 4866
person that, independent of any penalties or sanctions imposed 4867
upon the person, the person's Ohio driver's or commercial driver's 4868

license or permit or nonresident operating privilege is suspended 4869
immediately, that the suspension will last at least until the 4870
person's initial appearance on the charge, which will be held 4871
within five days after the date of the person's arrest or the 4872
issuance of a citation to the person, and that the person may 4873
appeal the suspension at the initial appearance or during the 4874
period of time ending thirty days after that initial appearance; 4875

(b) Seize the driver's or commercial driver's license or 4876
permit of the person and immediately forward it to the registrar. 4877
If the arrested person is not in possession of the person's 4878
license or permit or it is not in the person's vehicle, the 4879
officer shall order the person to surrender it to the law 4880
enforcement agency that employs the officer within twenty-four 4881
hours after the person is given notice of the suspension, and, 4882
upon the surrender, the officer's employing agency immediately 4883
shall forward the license or permit to the registrar. 4884

(c) Verify the person's current residence and, if it differs 4885
from that on the person's driver's or commercial driver's license 4886
or permit, notify the registrar of the change; 4887

(d) Send to the registrar, within forty-eight hours after the 4888
arrest of the person, a sworn report that includes all of the 4889
following statements: 4890

(i) That the officer had reasonable grounds to believe that, 4891
at the time of the arrest, the arrested person was operating a 4892
vehicle, streetcar, or trackless trolley in violation of division 4893
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4894
OVI ordinance or for being in physical control of a stationary 4895
vehicle, streetcar, or trackless trolley in violation of section 4896
4511.194 of the Revised Code or a substantially equivalent 4897
municipal ordinance; 4898

(ii) That the person was arrested and charged with a 4899

violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance;

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

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

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

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

an unsworn report to the arrested person at the time of the arrest 4931
provided the report is complete when given to the arrested person 4932
and subsequently is sworn to by the arresting officer. As soon as 4933
possible, but not later than forty-eight hours after the arrest of 4934
the person, the arresting officer shall send a copy of the sworn 4935
report to the court in which the arrested person is to appear on 4936
the charge for which the person was arrested. 4937

(F) The sworn report of an arresting officer completed under 4938
this section is prima-facie proof of the information and 4939
statements that it contains. It shall be admitted and considered 4940
as prima-facie proof of the information and statements that it 4941
contains in any appeal under section 4511.197 of the Revised Code 4942
relative to any suspension of a person's driver's or commercial 4943
driver's license or permit or nonresident operating privilege that 4944
results from the arrest covered by the report. 4945

Sec. 4511.194. (A) As used in this section: 4946

(1) "National highway traffic safety administration" has the 4947
same meaning as in section 4511.19 of the Revised Code. 4948

(2) "Physical control" means being in the driver's position 4949
of the front seat of a vehicle or in the driver's position of a 4950
streetcar or trackless trolley and having possession of the 4951
vehicle's, streetcar's, or trackless trolley's ignition key or 4952
other ignition device. 4953

(B) No person shall be in physical control of a vehicle, 4954
streetcar, or trackless trolley ~~while~~ if, at the time of the 4955
physical control, any of the following apply: 4956

(1) The person is under the influence of alcohol, a drug of 4957
abuse, or a combination of them ~~or while the,~~ 4958

(2) The person's whole blood, blood serum or plasma, breath, 4959
or urine contains at least the concentration of alcohol specified 4960

in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code. 4961
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(3) Except as provided in division (E) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in division (A)(1)(j) of section 4511.19 of the Revised Code. 4963
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(C)(1) In any criminal prosecution or juvenile court proceeding for a violation of this section or a substantially equivalent municipal ordinance, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply: 4969
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(a) The officer may testify concerning the results of the field sobriety test so administered. 4981
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(b) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding. 4983
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(c) If testimony is presented or evidence is introduced under division (C)(1)(a) or (b) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate. 4986
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(2) Division (C)(1) of this section does not limit or 4992
preclude a court, in its determination of whether the arrest of a 4993
person was supported by probable cause or its determination of any 4994
other matter in a criminal prosecution or juvenile court 4995
proceeding of a type described in that division, from considering 4996
evidence or testimony that is not otherwise disallowed by division 4997
(C)(1) of this section. 4998

(D) Whoever violates this section is guilty of having 4999
physical control of a vehicle while under the influence, a 5000
misdemeanor of the first degree. In addition to other sanctions 5001
imposed, the court may impose on the offender a class seven 5002
suspension of the offender's driver's license, commercial driver's 5003
license, temporary instruction permit, probationary license, or 5004
nonresident operating privilege from the range specified in 5005
division (A)(7) of section 4510.02 of the Revised Code. 5006

(E) Division (B)(3) of this section does not apply to a 5007
person who is in physical control of a vehicle, streetcar, or 5008
trackless trolley while the person has a concentration of a listed 5009
controlled substance or a listed metabolite of a controlled 5010
substance in the person's whole blood, blood serum or plasma, or 5011
urine that equals or exceeds the amount specified in division 5012
(A)(1)(j) of section 4511.19 of the Revised Code, if both of the 5013
following apply: 5014

(1) The person obtained the controlled substance pursuant to 5015
a prescription issued by a licensed health professional authorized 5016
to prescribe drugs. 5017

(2) The person injected, ingested, or inhaled the controlled 5018
substance in accordance with the health professional's directions. 5019

Sec. 4766.15. (A) An applicant for employment as an ambulette 5020
driver with an organization licensed pursuant to this chapter 5021

shall submit proof to the organization of, or give consent to the 5022
employer to obtain, all of the following: 5023

(1)(a) A valid driver's license issued pursuant to Chapter 5024
4506. or 4507. of the Revised Code, or its equivalent, if the 5025
applicant is a resident of another state; 5026

(b) A recent certified abstract of the applicant's record of 5027
convictions for violations of motor vehicle laws provided by the 5028
registrar of motor vehicles pursuant to section 4509.05 of the 5029
Revised Code, or its equivalent, if the applicant is a resident of 5030
another state. 5031

(2)(a) A certificate of completion of a course in first aid 5032
techniques offered by the American red cross or an equivalent 5033
organization; 5034

(b) A certificate of completion of a course in 5035
cardiopulmonary resuscitation, or its equivalent, offered by an 5036
organization approved by the Ohio medical transportation board. 5037

(3) The result of a chemical test or tests of the applicant's 5038
blood, breath, or urine conducted at a hospital or other 5039
institution approved by the board for the purpose of determining 5040
the alcohol ~~or~~, drug of abuse, controlled substance, or metabolite 5041
of a controlled substance content of the applicant's whole blood, 5042
blood serum or plasma, breath, or urine; 5043

(4) The result of a criminal records check conducted by the 5044
bureau of criminal identification and investigation. 5045

(B) An organization may employ an applicant on a temporary 5046
provisional basis pending the completion of all of the 5047
requirements of this section. The length of the provisional period 5048
shall be determined by the board. 5049

(C) An organization licensed pursuant to this chapter shall 5050
use information received pursuant to this section to determine in 5051

accordance with rules adopted by the Ohio medical transportation 5052
board under section 4766.03 of the Revised Code whether an 5053
applicant is disqualified for employment. 5054

No applicant shall be accepted for permanent employment as an 5055
ambulette driver by an organization licensed pursuant to this 5056
chapter until all of the requirements of division (A) of this 5057
section have been met. 5058

Section 2. That existing sections 1547.11, 1547.111, 1547.99, 5059
1905.01, 1905.03, 1905.05, 1905.201, 2317.02, 2317.022, 2317.422, 5060
2743.51, 2919.22, 2923.16, 2937.46, 2951.02, 3701.143, 3937.41, 5061
4506.17, 4510.01, 4510.032, 4510.036, 4510.17, 4510.54, 4511.181, 5062
4511.19, 4511.191, 4511.192, 4511.194, and 4766.15 of the Revised 5063
Code are hereby repealed. 5064

Section 3. Section 2317.02 of the Revised Code is presented 5065
in this act as a composite of the section as amended by both Am. 5066
Sub. H.B. 374, Am. H.B. 533, and Am. Sub. S.B. 281, all of the 5067
124th General Assembly. The General Assembly, applying the 5068
principle stated in division (B) of section 1.52 of the Revised 5069
Code that amendments are to be harmonized if reasonably capable of 5070
simultaneous operation, finds that the composite is the resulting 5071
version of the section in effect prior to the effective date of 5072
the section as presented in this act. 5073

Section 4. Section 4510.54 of the Revised Code is presented 5074
in this act as a composite of the section as amended by both Sub. 5075
H.B. 52 and Am. Sub. H.B. 163 of the 125th General Assembly. The 5076
General Assembly, applying the principle stated in division (B) of 5077
section 1.52 of the Revised Code that amendments are to be 5078
harmonized if reasonably capable of simultaneous operation, finds 5079
that the composite is the resulting version of the section in 5080
effect prior to the effective date of the section as presented in 5081

this act.

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