

**As Reported by the House Criminal Justice Committee**

**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, R., Niehaus, Dann**

**Representatives Latta, Hughes**

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**A B I L L**

To amend sections 1547.01, 1547.11, 1547.111, 1  
1547.99, 1905.01, 1905.03, 1905.05, 1905.201, 2  
2317.02, 2317.022, 2317.422, 2743.51, 2919.22, 3  
2937.46, 2951.02, 3701.143, 3937.41, 4506.17, 4  
4510.01, 4510.032, 4510.036, 4510.17, 4510.54, 5  
4511.181, 4511.19, 4511.191, 4511.192, 4511.194, 6  
and 4766.15 and to enact section 4510.011 of the 7  
Revised Code to prohibit the operation of a 8  
vehicle or vessel if a statutorily specified 9  
concentration of amphetamine, cocaine, cocaine 10  
metabolite, heroin, heroin metabolite 11  
(6-monoacetyl morphine), L.S.D., marihuana, 12  
marihuana metabolite, methamphetamine, or 13  
phencyclidine is present in the operator's blood 14  
or urine, subject to certain exceptions; to extend 15  
the time within which a chemical test of an 16  
arrested person's whole blood, blood serum or 17  
plasma, breath, or urine must be taken in order 18  
for the results of the test to be admissible as 19  
evidence; to define drug of abuse for certain 20  
watercraft and motor vehicle-related provisions; 21  
and to make other related changes. 22

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

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

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

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

(2) A sailboat other than a sailboard; 36

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

(4) A canoe or rowboat. 40

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

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

Class A: Less than sixteen feet in length; 45

Class 1: At least sixteen feet, but less than twenty-six feet 46  
in length; 47

Class 2: At least twenty-six feet, but less than forty feet 48

in length;	49
Class 3: At least forty feet, but less than sixty-five feet	50
in length;	51
Class 4: At least sixty-five feet in length.	52
(B) As used in this chapter:	53
(1) "Vessel" includes every description of craft, including	54
nondisplacement craft and seaplanes, designed to be used as a	55
means of transportation on water.	56
(2) "Rowboat" means any vessel, except a canoe, that is	57
designed to be rowed and that is propelled by human muscular	58
effort by oars or paddles and upon which no mechanical propulsion	59
device, electric motor, internal combustion engine, or sail has	60
been affixed or is used for the operation of the vessel.	61
(3) "Sailboat" means any vessel, equipped with mast and	62
sails, dependent upon the wind to propel it in the normal course	63
of operation.	64
(a) Any sailboat equipped with an inboard engine is deemed a	65
powercraft with auxiliary sail.	66
(b) Any sailboat equipped with a detachable motor is deemed a	67
sailboat with auxiliary power.	68
(c) Any sailboat being propelled by mechanical power, whether	69
under sail or not, is deemed a powercraft and subject to all laws	70
and rules governing powercraft operation.	71
(4) "Powercraft" means any vessel propelled by machinery,	72
fuel, rockets, or similar device.	73
(5) "Person" includes any legal entity defined as a person in	74
section 1.59 of the Revised Code and any body politic, except the	75
United States and this state, and includes any agent, trustee,	76
executor, receiver, assignee, or other representative thereof.	77

(6) "Owner" includes any person who claims lawful possession	78
of a vessel by virtue of legal title or equitable interest therein	79
that entitled the person to that possession.	80
(7) "Operator" includes any person who navigates or has under	81
the person's control a vessel, or vessel and detachable motor, on	82
the waters in this state.	83
(8) "Visible" means visible on a dark night with clear	84
atmosphere.	85
(9) "Waters in this state" means all streams, rivers, lakes,	86
ponds, marshes, watercourses, waterways, and other bodies of	87
water, natural or humanmade, that are situated wholly or partially	88
within this state or within its jurisdiction and are used for	89
recreational boating.	90
(10) "Navigable waters" means waters that come under the	91
jurisdiction of the department of the army of the United States	92
and any waterways within or adjacent to this state, except inland	93
lakes having neither a navigable inlet nor outlet.	94
(11) "In operation" in reference to a vessel means that the	95
vessel is being navigated or otherwise used on the waters in this	96
state.	97
(12) "Sewage" means human body wastes and the wastes from	98
toilets and other receptacles intended to receive or retain body	99
waste.	100
(13) "Canoe" means a narrow vessel of shallow draft, pointed	101
at both ends and propelled by human muscular effort, and includes	102
kayaks, racing shells, and rowing sculls.	103
(14) "Coast guard approved" means bearing an approval number	104
assigned by the United States coast guard.	105
(15) "Type one personal flotation device" means a device that	106
is designed to turn an unconscious person floating in water from a	107

face downward position to a vertical or slightly face upward 108  
position and that has at least nine kilograms, approximately 109  
twenty pounds, of buoyancy. 110

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(27) "Watercraft dealer" means any person who is regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in vessels at an established place of business. "Watercraft dealer" does not include a person who is

a marine salvage dealer or any other person who dismantles, 168  
salvages, or rebuilds vessels using used parts. 169

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

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

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

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

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

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

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

(1) The person is under the influence of alcohol, a drug of 195  
abuse, or a combination of them. 196

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

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

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

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

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

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

(b) The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole 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 227  
cocaine metabolite per milliliter of the person's urine or has a 228  
concentration of cocaine metabolite in the person's whole blood or 229  
blood serum or plasma of at least fifty nanograms of cocaine 230  
metabolite per milliliter of the person's whole blood or blood 231  
serum or plasma. 232

(d) The person has a concentration of heroin in the person's 233  
urine of at least two thousand nanograms of heroin per milliliter 234  
of the person's urine or has a concentration of heroin in the 235  
person's whole blood or blood serum or plasma of at least fifty 236  
nanograms of heroin per milliliter of the person's whole blood or 237  
blood serum or plasma. 238

(e) The person has a concentration of heroin metabolite 239  
(6-monoacetyl morphine) in the person's urine of at least ten 240  
nanograms of heroin metabolite (6-monoacetyl morphine) per 241  
milliliter of the person's urine or has a concentration of heroin 242  
metabolite (6-monoacetyl morphine) in the person's whole blood or 243  
blood serum or plasma of at least ten nanograms of heroin 244  
metabolite (6-monoacetyl morphine) per milliliter of the person's 245  
whole blood or blood serum or plasma. 246

(f) The person has a concentration of L.S.D. in the person's 247  
urine of at least twenty-five nanograms of L.S.D. per milliliter 248  
of the person's urine or has a concentration of L.S.D. in the 249  
person's whole blood or blood serum or plasma of at least ten 250  
nanograms of L.S.D. per milliliter of the person's whole blood or 251  
blood serum or plasma. 252

(g) The person has a concentration of marihuana in the 253  
person's urine of at least ten nanograms of marihuana per 254  
milliliter of the person's urine or has a concentration of 255  
marihuana in the person's whole blood or blood serum or plasma of 256  
at least two nanograms of marihuana per milliliter of the person's 257

whole blood or blood serum or plasma. 258

(h) Either of the following applies: 259

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

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

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

(j) The person has a concentration of phencyclidine in the 283  
person's urine of at least twenty-five nanograms of phencyclidine 284  
per milliliter of the person's urine or has a concentration of 285  
phencyclidine in the person's whole blood or blood serum or plasma 286  
of at least ten nanograms of phencyclidine per milliliter of the 287  
person's whole blood or blood serum or plasma. 288

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

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

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

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

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

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

(D)(1) In any criminal prosecution or juvenile court  
proceeding for a violation of division (A) or (B) of this section  
or for an equivalent violation, the court may admit evidence on  
the concentration of alcohol, drugs of abuse, controlled  
substances, metabolites of a controlled substance, or a  
combination of them in the defendant's or child's whole blood,  
blood serum or plasma, urine, or breath at the time of the alleged

violation as shown by chemical analysis of the substance 320  
withdrawn, or specimen taken within ~~two~~ three hours of the time of 321  
the alleged violation. The three-hour time limit specified in this 322  
division regarding the admission of evidence does not extend or 323  
affect the two-hour time limit specified in division (C) of 324  
section 1547.111 of the Revised Code as the maximum period of time 325  
during which a person may consent to a chemical test or tests as 326  
described in that section. 327

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

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

(2) In a criminal prosecution or juvenile court proceeding 344  
for a violation of division (A) of this section or for a violation 345  
of a prohibition that is substantially equivalent to division (A) 346  
of this section, if there was at the time the bodily substance was 347  
taken a concentration of less than the applicable concentration of 348  
alcohol specified for a violation of division (A)(2), (3), (4), or 349  
(5) of this section or less than the applicable concentration of a 350  
listed controlled substance or a listed metabolite of a controlled 351

substance specified for a violation of division (A)(6) of this 352  
section, that fact may be considered with other competent evidence 353  
in determining the guilt or innocence of the defendant or in 354  
making an adjudication for the child. This division does not limit 355  
or affect a criminal prosecution or juvenile court proceeding for 356  
a violation of division (B) of this section or for a violation of 357  
a prohibition that is substantially equivalent to that division. 358

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

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

(E)(1) In any criminal prosecution or juvenile court 371  
proceeding for a violation of division (A) or (B) of this section 372  
or for an equivalent violation, if a law enforcement officer has 373  
administered a field sobriety test to the operator or person found 374  
to be in physical control of the vessel underway involved in the 375  
violation or the person manipulating the water skis, aquaplane, or 376  
similar device involved in the violation and if it is shown by 377  
clear and convincing evidence that the officer administered the 378  
test in substantial compliance with the testing standards for 379  
reliable, credible, and generally accepted field sobriety tests 380  
for vehicles that were in effect at the time the tests were 381  
administered, including, but not limited to, any testing standards 382  
then in effect that have been set by the national highway traffic 383

safety administration, that by their nature are not clearly 384  
inapplicable regarding the operation or physical control of 385  
vessels underway or the manipulation of water skis, aquaplanes, or 386  
similar devices, all of the following apply: 387

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

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

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

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

(F)(1) Subject to division (F)(3) of this section, in any 406  
criminal prosecution or juvenile court proceeding for a violation 407  
of this section or for an equivalent violation, the court shall 408  
admit as prima-facie evidence a laboratory report from any 409  
~~forensic~~ laboratory ~~certified~~ personnel issued a permit by the 410  
department of health authorizing an analysis as described in this 411  
division that contains an analysis of the whole blood, blood serum 412  
or plasma, breath, urine, or other bodily substance tested and 413  
that contains all of the information specified in this division. 414

The laboratory report shall contain all of the following: 415

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

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

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

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

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

(3) A report of the type described in division (F)(1) of this 441  
section shall not be prima-facie evidence of the contents, 442  
identity, or amount of any substance if, within seven days after 443  
the defendant or child to whom the report pertains or the 444  
defendant's or child's attorney receives a copy of the report, the 445

defendant or child or the defendant's or child's attorney demands 446  
the testimony of the person who signed the report. The judge in 447  
the case may extend the seven-day time limit in the interest of 448  
justice. 449

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

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

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

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

(I) As used in this section and section 1547.111 of the 474  
Revised Code: 475

(1) "Equivalent violation" means a violation of a municipal 476



ordinance, law of another state, or law of the United States that 477  
is substantially equivalent to division (A) or (B) of this 478  
section. 479

(2) "National highway traffic safety administration" has the 480  
same meaning as in section 4511.19 of the Revised Code. 481

(3) "Operate" means that a vessel is being used on the waters 482  
in this state when the vessel is not securely affixed to a dock or 483  
to shore or to any permanent structure to which the vessel has the 484  
right to affix or that a vessel is not anchored in a designated 485  
anchorage area or boat camping area that is established by the 486  
United States coast guard, this state, or a political subdivision 487  
and in which the vessel has the right to anchor. 488

(4) "Controlled substance" and "marihuana" have the same 489  
meanings as in section 3719.01 of the Revised Code. 490

(5) "Cocaine" and "L.S.D." have the same meanings as in 491  
section 2925.01 of the Revised Code. 492

**Sec. 1547.111.** (A)(1) Any person who operates or is in 493  
physical control of a vessel or manipulates any water skis, 494  
aquaplane, or similar device upon any waters in this state shall 495  
be deemed to have given consent to a chemical test or tests to 496  
determine the alcohol, drug of abuse, controlled substance, 497  
metabolite of a controlled substance, or ~~alcohol and drug of abuse~~ 498  
combination content of the person's whole blood, blood serum or 499  
plasma, breath, or urine if arrested for operating or being in 500  
physical control of a vessel or manipulating any water skis, 501  
aquaplane, or similar device in violation of section 1547.11 of 502  
the Revised Code or a substantially equivalent municipal 503  
ordinance. 504

(2) The test or tests under division (A) of this section 505  
shall be administered at the direction of a law enforcement 506

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

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

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

(D) If a law enforcement officer asks a person under arrest 535  
for violating section 1547.11 of the Revised Code or a 536  
substantially equivalent municipal ordinance to submit to a 537  
chemical test or tests as provided in division (A) of this 538

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

If the person under arrest is the owner of the vessel 559  
involved in the alleged violation, the law enforcement officer who 560  
arrested the person shall seize the watercraft registration 561  
certificate and tags from the vessel involved in the violation and 562  
forward them to the chief. The chief shall retain the impounded 563  
registration certificate and tags and shall impound all other 564  
registration certificates and tags issued to the person in 565  
accordance with sections 1547.54 and 1547.57 of the Revised Code, 566  
for a period of one year following the date of the alleged 567  
violation, subject to review as provided in this section. 568

If the arrested person fails to surrender the registration 569  
certificate because it is not on the person of the arrested person 570

or in the watercraft, the law enforcement officer who made the 571  
arrest shall order the person to surrender it within twenty-four 572  
hours to the law enforcement officer or the law enforcement agency 573  
that employs the law enforcement officer. If the person fails to 574  
do so, the law enforcement officer shall notify the chief of that 575  
fact in the statement the officer submits to the chief under this 576  
division. 577

(E) Upon suspending a person's operation, physical control, 578  
manipulation, and registration privileges in accordance with 579  
division (D) of this section, the chief shall notify the person in 580  
writing, at the person's last known address, and inform the person 581  
that the person may petition for a hearing in accordance with 582  
division (F) of this section. If a person whose operation, 583  
physical control, manipulation, and registration privileges have 584  
been suspended petitions for a hearing or appeals any adverse 585  
decision, the suspension shall begin at the termination of any 586  
hearing or appeal unless the hearing or appeal results in a 587  
decision favorable to the person. 588

(F) Any person who has been notified by the chief that the 589  
person is prohibited from operating or being in physical control 590  
of a vessel or manipulating any water skis, aquaplane, or similar 591  
device and from registering any watercraft in accordance with 592  
section 1547.54 of the Revised Code, or who has had the 593  
registration certificate and tags of the person's watercraft 594  
impounded pursuant to division (D) of this section, within twenty 595  
days of the notification or impoundment, may file a petition in 596  
the municipal court or the county court, or if the person is a 597  
minor in juvenile court, with jurisdiction over the place at which 598  
the arrest occurred, agreeing to pay the cost of the proceedings 599  
and alleging error in the action taken by the chief under division 600  
(D) of this section or alleging one or more of the matters within 601  
the scope of the hearing as provided in this section, or both. The 602

petitioner shall notify the chief of the filing of the petition  
and send the chief a copy of the petition.

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The scope of the hearing is limited to the issues of whether  
the law enforcement officer had reasonable grounds to believe the  
petitioner 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, whether the  
petitioner was placed under arrest, whether the petitioner refused  
to submit to the chemical test upon request of the officer, and  
whether the petitioner was advised of the consequences of the  
petitioner's refusal.

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

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

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

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

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

(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.

(I) No person who has received written notice from the chief that the person is prohibited from operating or being in physical control of a vessel, from manipulating any water skis, aquaplane, or similar device, and from registering a watercraft, or who has had the registration certificate and tags of the person's watercraft impounded, in accordance with division (D) of this

section, shall operate or be in physical control of a vessel or 666  
manipulate any water skis, aquaplane, or similar device for a 667  
period of one year following the date of the person's alleged 668  
violation of section 1547.11 of the Revised Code or the 669  
substantially equivalent municipal ordinance. 670

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the 671  
Revised Code is guilty of a felony of the fourth degree. 672

(B) Whoever violates section 1547.10, division (I) of section 673  
1547.111, section 1547.13, or section 1547.66 of the Revised Code 674  
is guilty of a misdemeanor of the first degree. 675

(C) Whoever violates a provision of this chapter or a rule 676  
adopted thereunder, for which no penalty is otherwise provided, is 677  
guilty of a minor misdemeanor. 678

(D) Whoever violates section 1547.07 or 1547.12 of the 679  
Revised Code without causing injury to persons or damage to 680  
property is guilty of a misdemeanor of the fourth degree. 681

(E) Whoever violates section 1547.07 or 1547.12 of the 682  
Revised Code causing injury to persons or damage to property is 683  
guilty of a misdemeanor of the third degree. 684

(F) Whoever violates division (M) of section 1547.54, 685  
division (G) of section 1547.30, or section 1547.131, 1547.25, 686  
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 687  
of the Revised Code or a rule adopted under division (A)(2) of 688  
section 1547.52 of the Revised Code is guilty of a misdemeanor of 689  
the fourth degree. 690

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

(1) Except as otherwise provided in division (G)(2) or (3) of 694  
this section, the court shall sentence the offender to a jail term 695

of three consecutive days and may sentence the offender pursuant 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.

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 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 728  
1547.11 of the Revised Code, of a municipal ordinance relating to 729  
operating a watercraft or manipulating any water skis, aquaplane, 730  
or similar device while under the influence of alcohol, a drug of 731  
abuse, or a combination of them, of a municipal ordinance relating 732  
to operating a watercraft or manipulating any water skis, 733  
aquaplane, or similar device with a prohibited concentration of 734  
alcohol, a controlled substance, or a metabolite of a controlled 735  
substance in the whole blood, blood serum or plasma, breath, or 736  
urine, of division (A)(1) of section 2903.06 of the Revised Code, 737  
or of division (A)(2), (3), or (4) of section 2903.06 of the 738  
Revised Code or section 2903.06 or 2903.07 of the Revised Code as 739  
they existed prior to March 23, 2000, in a case in which the jury 740  
or judge found that the offender was under the influence of 741  
alcohol, a drug of abuse, or a combination of them, the court 742  
shall sentence the offender to a jail term of ten consecutive days 743  
and may sentence the offender pursuant to section 2929.24 of the 744  
Revised Code to a longer jail term. In addition, the court shall 745  
impose upon the offender a fine of not less than one hundred fifty 746  
nor more than one thousand dollars. 747

In addition to any other sentence that it imposes upon the 748  
offender, the court may require the offender to attend a drivers' 749  
intervention program that is certified pursuant to section 3793.10 750  
of the Revised Code. 751

(3) If, within six years of the offense, the offender has 752  
been convicted of or pleaded guilty to more than one violation 753  
identified in division (G)(2) of this section, the court shall 754  
sentence the offender to a jail term of thirty consecutive days 755  
and may sentence the offender to a longer jail term of not more 756  
than one year. In addition, the court shall impose upon the 757  
offender a fine of not less than one hundred fifty nor more than 758  
one thousand dollars. 759

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

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

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

in lieu of being imprisoned or serving a jail term, no court, 792  
except as specifically authorized by division (G)(1) of this 793  
section, shall suspend the mandatory jail term of three 794  
consecutive days required to be imposed by division (G)(1) of this 795  
section or place an offender who is sentenced pursuant to division 796  
(G)(1) of this section in any treatment program in lieu of 797  
imprisonment until after the offender has served the mandatory 798  
jail term of three consecutive days required to be imposed 799  
pursuant to division (G)(1) of this section. 800

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

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

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

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

(K) Whoever violates section 1547.05 or 1547.051 of the 817  
Revised Code is guilty of a misdemeanor of the fourth degree if 818  
the violation is not related to a collision, injury to a person, 819  
or damage to property and a misdemeanor of the third degree if the 820  
violation is related to a collision, injury to a person, or damage 821  
to property. 822

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

**Sec. 1905.01.** (A) In Georgetown in Brown county, in Mount 834  
Gilead in Morrow county, and in all other municipal corporations 835  
having a population of more than one hundred, other than Batavia 836  
in Clermont county, not being the site of a municipal court nor a 837  
place where a judge of the Auglaize county, Crawford county, 838  
Jackson county, Miami county, Portage county, or Wayne county 839  
municipal court sits as required pursuant to section 1901.021 of 840  
the Revised Code or by designation of the judges pursuant to 841  
section 1901.021 of the Revised Code, the mayor of the municipal 842  
corporation has jurisdiction, except as provided in divisions (B), 843  
(C), and (E) of this section and subject to the limitation 844  
contained in section 1905.03 and the limitation contained in 845  
section 1905.031 of the Revised Code, to hear and determine any 846  
prosecution for the violation of an ordinance of the municipal 847  
corporation, to hear and determine any case involving a violation 848  
of a vehicle parking or standing ordinance of the municipal 849  
corporation unless the violation is required to be handled by a 850  
parking violations bureau or joint parking violations bureau 851  
pursuant to Chapter 4521. of the Revised Code, and to hear and 852  
determine all criminal causes involving any moving traffic 853  
violation occurring on a state highway located within the 854

boundaries of the municipal corporation, subject to the 855  
limitations of sections 2937.08 and 2938.04 of the Revised Code. 856

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

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

(b) A violation of section 4511.19 of the Revised Code;	887
(c) A violation of any ordinance of any municipal corporation	888
or of any section of the Revised Code that regulates the operation	889
of vehicles, streetcars, and trackless trolleys upon the highways	890
or streets, to which all of the following apply:	891
(i) The person, in the case in which the conviction was	892
obtained or the plea of guilty was entered, had been charged with	893
a violation of an ordinance of a type described in division	894
(B)(1)(a) of this section, or with a violation of section 4511.19	895
of the Revised Code;	896
(ii) The charge of the violation described in division	897
(B)(1)(c)(i) of this section was dismissed or reduced;	898
(iii) The violation of which the person was convicted or to	899
which the person pleaded guilty arose out of the same facts and	900
circumstances and the same act as did the charge that was	901
dismissed or reduced.	902
(d) A violation of a statute of the United States or of any	903
other state or a municipal ordinance of a municipal corporation	904
located in any other state that is substantially similar to	905
section 4511.19 of the Revised Code.	906
(2) The mayor of a municipal corporation does not have	907
jurisdiction to hear and determine any prosecution or criminal	908
cause involving a violation described in division (B)(1)(a) or (b)	909
of this section, regardless of where the violation occurred, if	910
the person charged with the violation, within six years of the	911
violation charged, has been convicted of or pleaded guilty to any	912
violation listed in division (B)(1)(a), (b), (c), or (d) of this	913
section.	914
If the mayor of a municipal corporation, in hearing a	915
prosecution involving a violation of an ordinance of the municipal	916

corporation the mayor serves relating to operating a vehicle while 917  
under the influence of alcohol, a drug of abuse, or a combination 918  
of them or relating to operating a vehicle with a prohibited 919  
concentration of alcohol, a controlled substance, or a metabolite 920  
of a controlled substance in the whole blood, blood serum or 921  
plasma, breath, or urine, or in hearing a criminal cause involving 922  
a violation of section 4511.19 of the Revised Code, determines 923  
that the person charged, within six years of the violation 924  
charged, has been convicted of or pleaded guilty to any violation 925  
listed in division (B)(1)(a), (b), (c), or (d) of this section, 926  
the mayor immediately shall transfer the case to the county court 927  
or municipal court with jurisdiction over the violation charged, 928  
in accordance with section 1905.032 of the Revised Code. 929

(C)(1) In Georgetown in Brown county, in Mount Gilead in 930  
Morrow county, and in all other municipal corporations having a 931  
population of more than one hundred, other than Batavia in 932  
Clermont county, not being the site of a municipal court and not 933  
being a place where a judge of a court listed in division (A) of 934  
this section sits as required pursuant to section 1901.021 of the 935  
Revised Code or by designation of the judges pursuant to section 936  
1901.021 of the Revised Code, the mayor of the municipal 937  
corporation, subject to sections 1901.031, 2937.08, and 2938.04 of 938  
the Revised Code, has jurisdiction to hear and determine 939  
prosecutions involving a violation of a municipal ordinance that 940  
is substantially equivalent to division (A) of section 4510.14 or 941  
section 4510.16 of the Revised Code and to hear and determine 942  
criminal causes that involve a moving traffic violation, that 943  
involve a violation of division (A) of section 4510.14 or section 944  
4510.16 of the Revised Code, and that occur on a state highway 945  
located within the boundaries of the municipal corporation only if 946  
all of the following apply regarding the violation and the person 947  
charged: 948

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

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

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

(iii) A violation of any municipal ordinance or section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets, in a case in which, after a charge against the person of a violation of a type described in division (C)(1)(a)(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.

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

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

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

(iii) A violation of any municipal ordinance or section of



the Revised Code that regulates the operation of vehicles, 979  
streetcars, and trackless trolleys upon the highways or streets in 980  
a case in which, after a charge against the person of a violation 981  
of a type described in division (C)(1)(b)(i) or (ii) of this 982  
section was dismissed or reduced, the person is convicted of or 983  
pleads guilty to a violation that arose out of the same facts and 984  
circumstances and the same act as did the charge that was 985  
dismissed or reduced. 986

(2) The mayor of a municipal corporation does not have 987  
jurisdiction to hear and determine any prosecution or criminal 988  
cause involving a violation described in division (C)(1)(a)(i) or 989  
(ii) of this section if the person charged with the violation, 990  
within six years of the violation charged, has been convicted of 991  
or pleaded guilty to any violation listed in division 992  
(C)(1)(a)(i), (ii), or (iii) of this section and does not have 993  
jurisdiction to hear and determine any prosecution or criminal 994  
cause involving a violation described in division (C)(1)(b)(i) or 995  
(ii) of this section if the person charged with the violation, 996  
within six years of the violation charged, has been convicted of 997  
or pleaded guilty to any violation listed in division 998  
(C)(1)(b)(i), (ii), or (iii) of this section. 999

(3) If the mayor of a municipal corporation, in hearing a 1000  
prosecution involving a violation of an ordinance of the municipal 1001  
corporation the mayor serves that is substantially equivalent to 1002  
division (A) of section 4510.14 or section 4510.16 of the Revised 1003  
Code or a violation of division (A) of section 4510.14 or section 1004  
4510.16 of the Revised Code, determines that, under division 1005  
(C)(2) of this section, mayors do not have jurisdiction of the 1006  
prosecution, the mayor immediately shall transfer the case to the 1007  
county court or municipal court with jurisdiction over the 1008  
violation in accordance with section 1905.032 of the Revised Code. 1009

(D) If the mayor of a municipal corporation has jurisdiction 1010

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

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

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

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

(c) A violation of a municipal ordinance that is 1032  
substantially equivalent to an offense described in division 1033  
(E)(1)(a) or (b) of this section and that involves a person who 1034  
was a family or household member of the defendant at the time of 1035  
the violation. 1036

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

a substantially equivalent municipal ordinance. 1042

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

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

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

(1) Provisions for basic training in the general principles 1067  
of law that apply to the hearing and determination of such 1068  
prosecutions and causes and provisions for periodic continuing 1069  
education in those general principles; 1070

(2) Provisions for basic training in the laws of this state 1071

that apply relative to persons who are convicted of or plead 1072  
guilty to any such violation, particularly as those laws apply 1073  
relative to a person who is convicted of or pleads guilty to any 1074  
such violation in a prosecution or cause that is within the 1075  
jurisdiction of a mayor's court as specified in section 1905.01 of 1076  
the Revised Code, and provisions for periodic continuing education 1077  
in those laws; 1078

(3) Provisions specifying whether periodic continuing 1079  
education for a mayor who conducts a mayor's court, who wishes to 1080  
exercise the jurisdiction granted by section 1905.01 of the 1081  
Revised Code over such a prosecution or cause, and who has 1082  
received basic training in the principles and laws described in 1083  
divisions (A)(1) and (2) of this section will be required on an 1084  
annual or biennial basis; 1085

(4) Provisions specifying the number of hours of basic 1086  
training that a mayor who conducts a mayor's court and who wishes 1087  
to exercise the jurisdiction granted by section 1905.01 of the 1088  
Revised Code over such a prosecution or cause will have to obtain 1089  
to comply with the educational standards and provisions specifying 1090  
the number of hours of periodic continuing education that such a 1091  
mayor will have to obtain within each time period specified under 1092  
authority of division (A)(3) of this section to comply with the 1093  
educational standards; 1094

(5) Provisions establishing an exemption, for a reasonable 1095  
period of time, from the basic training requirements for mayors 1096  
who initially take office on or after July 1, 1991, and who wish 1097  
to conduct a mayor's court and exercise the jurisdiction granted 1098  
by section 1905.01 of the Revised Code over such a prosecution or 1099  
cause. 1100

(B) If the supreme court adopts rules under authority of 1101  
division (A) of this section prescribing educational standards for 1102

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

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

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

(C) Notwithstanding section 1905.01 of the Revised Code, if 1125  
the supreme court adopts rules under authority of division (A) of 1126  
this section, if the supreme court formulates a basic training 1127  
course and a periodic continuing education course under division 1128  
(B) of this section, and if the supreme court offers or provides 1129  
for the offering of the basic training course and the periodic 1130  
continuing education course to mayors, a mayor shall not hear or 1131  
determine, on or after July 1, 1991, any prosecution or criminal 1132  
cause involving a violation described in division (A) of this 1133  
section unless the exemption under the provisions described in 1134

division (A)(5) of this section applies to the mayor, or unless, 1135  
prior to hearing the prosecution or criminal cause, the mayor 1136  
successfully has completed the basic training course offered or 1137  
provided for by the supreme court and has been issued a 1138  
certificate attesting to satisfactory completion of the basic 1139  
training course and also successfully has completed any periodic 1140  
continuing education course offered or provided for by the supreme 1141  
court that is applicable to the mayor under the rules and has been 1142  
issued a certificate attesting to satisfactory completion of the 1143  
periodic continuing education course. 1144

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

**Sec. 1905.05.** (A) A mayor of a municipal corporation that has 1156  
a mayor's court may appoint a person as mayor's court magistrate 1157  
to hear and determine prosecutions and criminal causes in the 1158  
mayor's court that are within the jurisdiction of the mayor's 1159  
court, as set forth in section 1905.01 of the Revised Code. No 1160  
person shall be appointed as a mayor's court magistrate unless the 1161  
person has been admitted to the practice of law in this state and, 1162  
for a total of at least three years preceding the person's 1163  
appointment or the commencement of the person's service as 1164  
magistrate, has been engaged in the practice of law in this state 1165

or served as a judge of a court of record in any jurisdiction in 1166  
the United States, or both. 1167

A person appointed as a mayor's court magistrate under this 1168  
division is entitled to hear and determine prosecutions and 1169  
criminal causes in the mayor's court that are within the 1170  
jurisdiction of the mayor's court, as set forth in section 1905.01 1171  
of the Revised Code. If a mayor is prohibited from hearing or 1172  
determining a prosecution or cause that charges a person with a 1173  
violation of section 4511.19 of the Revised Code or with a 1174  
violation of a municipal OVI ordinance ~~relating to operating a~~ 1175  
~~vehicle while under the influence of alcohol, a drug of abuse, or~~ 1176  
~~alcohol and a drug of abuse or relating to operating a vehicle~~ 1177  
~~with a prohibited concentration of alcohol as defined in section~~ 1178  
~~4511.181 of the blood, breath, or urine Revised Code~~ due to the 1179  
operation of division (C) of section 1905.03 of the Revised Code, 1180  
or is prohibited from hearing or determining any other prosecution 1181  
or cause due to the operation of division (C) of section 1905.031 1182  
of the Revised Code, the prohibition against the mayor hearing or 1183  
determining the prosecution or cause does not affect and shall not 1184  
be construed as affecting the jurisdiction or authority of a 1185  
person appointed as a mayor's court magistrate under this division 1186  
to hear and determine the prosecution or cause in accordance with 1187  
this section. In hearing and determining such prosecutions and 1188  
causes, the magistrate has the same powers, duties, and authority 1189  
as does a mayor who conducts a mayor's court to hear and determine 1190  
prosecutions and causes in general, including, but not limited to, 1191  
the power and authority to decide the prosecution or cause, enter 1192  
judgment, and impose sentence; the powers, duties, and authority 1193  
granted to mayors of mayor's courts by this chapter, in relation 1194  
to the hearing and determination of prosecutions and causes in 1195  
mayor's courts; and the powers, duties, and authority granted to 1196  
mayors of mayor's courts by any other provision of the Revised 1197  
Code, in relation to the hearing and determination of prosecutions 1198

and causes in mayor's courts. A judgment entered and a sentence 1199  
imposed by a mayor's court magistrate do not have to be reviewed 1200  
or approved by the mayor who appointed the magistrate, and have 1201  
the same force and effect as if they had been entered or imposed 1202  
by the mayor. 1203

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

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

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

**Sec. 1905.201.** The mayor of a municipal corporation that has 1223  
a mayor's court, and a mayor's court magistrate, are entitled to 1224  
suspend, and shall suspend, in accordance with sections 4510.02, 1225  
4510.07, and 4511.19 of the Revised Code, the driver's or 1226  
commercial driver's license or permit or nonresident operating 1227  
privilege of any person who is convicted of or pleads guilty to a 1228  
violation of division (A) of section 4511.19 of the Revised Code, 1229



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

Suspension of a commercial driver's license under this 1248  
section shall be concurrent with any period of disqualification or 1249  
suspension under section 3123.58 or 4506.16 of the Revised Code. 1250  
No person who is disqualified for life from holding a commercial 1251  
driver's license under section 4506.16 of the Revised Code shall 1252  
be issued a driver's license under Chapter 4507. of the Revised 1253  
Code during the period for which the commercial driver's license 1254  
was suspended under this section, and no person whose commercial 1255  
driver's license is suspended under this section shall be issued a 1256  
driver's license under Chapter 4507. of the Revised Code during 1257  
the period of the suspension. 1258

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

(A) An attorney, concerning a communication made to the 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:

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

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

(iii) If a medical claim, dental claim, chiropractic claim,

or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative. 1292  
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(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code. 1298  
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(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, ~~or alcohol and a drug combination of abuse them, a controlled substance, or a metabolite of a~~ controlled substance in the patient's whole blood, blood serum or plasma, breath, urine, or other bodily substance at any time relevant to the criminal offense in question. 1305  
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(d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or dental records or other communications between a patient and the 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 1312  
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the records is maintained. Measures to ensure confidentiality that 1324  
may be taken by the court include sealing its records or deleting 1325  
specific information from its records. 1326

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

(i) The patient is deceased. 1329

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

(2)(a) If any law enforcement officer submits a written 1338  
statement to a health care provider that states that an official 1339  
criminal investigation has begun regarding a specified person or 1340  
that a criminal action or proceeding has been commenced against a 1341  
specified person, that requests the provider to supply to the 1342  
officer copies of any records the provider possesses that pertain 1343  
to any test or the results of any test administered to the 1344  
specified person to determine the presence or concentration of 1345  
alcohol, a drug of abuse, ~~or alcohol and a drug combination~~ of 1346  
abuse them, a controlled substance, or a metabolite of a 1347  
controlled substance in the person's whole blood, blood serum or 1348  
plasma, breath, or urine at any time relevant to the criminal 1349  
offense in question, and that conforms to section 2317.022 of the 1350  
Revised Code, the provider, except to the extent specifically 1351  
prohibited by any law of this state or of the United States, shall 1352  
supply to the officer a copy of any of the requested records the 1353  
provider possesses. If the health care provider does not possess 1354

any of the requested records, the provider shall give the officer 1355  
a written statement that indicates that the provider does not 1356  
possess any of the requested records. 1357

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

(3)(a) If the testimonial privilege described in division 1374  
(B)(1) of this section does not apply as provided in division 1375  
(B)(1)(a)(iii) of this section, a physician or dentist may be 1376  
compelled to testify or to submit to discovery under the Rules of 1377  
Civil Procedure only as to a communication made to the physician 1378  
or dentist by the patient in question in that relation, or the 1379  
physician's or dentist's advice to the patient in question, that 1380  
related causally or historically to physical or mental injuries 1381  
that are relevant to issues in the medical claim, dental claim, 1382  
chiropractic claim, or optometric claim, action for wrongful 1383  
death, other civil action, or claim under Chapter 4123. of the 1384  
Revised Code. 1385

(b) If the testimonial privilege described in division (B)(1) 1386

of this section does not apply to a physician or dentist as 1387  
provided in division (B)(1)(c) of this section, the physician or 1388  
dentist, in lieu of personally testifying as to the results of the 1389  
test in question, may submit a certified copy of those results, 1390  
and, upon its submission, the certified copy is qualified as 1391  
authentic evidence and may be admitted as evidence in accordance 1392  
with the Rules of Evidence. Division (A) of section 2317.422 of 1393  
the Revised Code does not apply to any certified copy of results 1394  
submitted in accordance with this division. Nothing in this 1395  
division shall be construed to limit the right of any party to 1396  
call as a witness the person who administered the test in 1397  
question, the person under whose supervision the test was 1398  
administered, the custodian of the results of the test, the person 1399  
who compiled the results, or the person under whose supervision 1400  
the results were compiled. 1401

(c) If the testimonial privilege described in division (B)(1) 1402  
of this section does not apply as provided in division (B)(1)(e) 1403  
of this section, a physician or dentist may be compelled to 1404  
testify or to submit to discovery in the will contest action under 1405  
sections 2107.71 to 2107.77 of the Revised Code only as to the 1406  
patient in question on issues relevant to the competency of the 1407  
patient at the time of the execution of the will. Testimony or 1408  
discovery conducted pursuant to this division shall be conducted 1409  
in accordance with the Rules of Civil Procedure. 1410

(4) The testimonial privilege described in division (B)(1) of 1411  
this section is not waived when a communication is made by a 1412  
physician to a pharmacist or when there is communication between a 1413  
patient and a pharmacist in furtherance of the physician-patient 1414  
relation. 1415

(5)(a) As used in divisions (B)(1) to (4) of this section, 1416  
"communication" means acquiring, recording, or transmitting any 1417  
information, in any manner, concerning any facts, opinions, or 1418

statements necessary to enable a physician or dentist to diagnose, 1419  
treat, prescribe, or act for a patient. A "communication" may 1420  
include, but is not limited to, any medical or dental, office, or 1421  
hospital communication such as a record, chart, letter, 1422  
memorandum, laboratory test and results, x-ray, photograph, 1423  
financial statement, diagnosis, or prognosis. 1424

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

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

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

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

(iii) "Health care practitioner" has the same meaning as in 1443  
section 4769.01 of the Revised Code. 1444

(iv) "Hospital" has the same meaning as in section 3727.01 of 1445  
the Revised Code. 1446

(v) "Long-term care facility" means a nursing home, 1447  
residential care facility, or home for the aging, as those terms 1448

are defined in section 3721.01 of the Revised Code; an adult care 1449  
facility, as defined in section 3722.01 of the Revised Code; a 1450  
nursing facility or intermediate care facility for the mentally 1451  
retarded, as those terms are defined in section 5111.20 of the 1452  
Revised Code; a facility or portion of a facility certified as a 1453  
skilled nursing facility under Title XVIII of the "Social Security 1454  
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 1455

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 1456  
the Revised Code. 1457

(d) As used in divisions (B)(1) and (B)(2) of this section, 1458  
"drug of abuse" has the same meaning as in section 4506.01 of the 1459  
Revised Code. 1460

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 1461  
apply to doctors of medicine, doctors of osteopathic medicine, 1462  
doctors of podiatry, and dentists. 1463

(7) Nothing in divisions (B)(1) to (6) of this section 1464  
affects, or shall be construed as affecting, the immunity from 1465  
civil liability conferred by section 307.628 or 2305.33 of the 1466  
Revised Code upon physicians who report an employee's use of a 1467  
drug of abuse, or a condition of an employee other than one 1468  
involving the use of a drug of abuse, to the employer of the 1469  
employee in accordance with division (B) of that section. As used 1470  
in division (B)(7) of this section, "employee," "employer," and 1471  
"physician" have the same meanings as in section 2305.33 of the 1472  
Revised Code. 1473

(C) A member of the clergy, rabbi, priest, or regularly 1474  
ordained, accredited, or licensed minister of an established and 1475  
legally cognizable church, denomination, or sect, when the member 1476  
of the clergy, rabbi, priest, or minister remains accountable to 1477  
the authority of that church, denomination, or sect, concerning a 1478  
confession made, or any information confidentially communicated, 1479



to the member of the clergy, rabbi, priest, or minister for a 1480  
religious counseling purpose in the member of the clergy's, 1481  
rabbi's, priest's, or minister's professional character; however, 1482  
the member of the clergy, rabbi, priest, or minister may testify 1483  
by express consent of the person making the communication, except 1484  
when the disclosure of the information is in violation of a sacred 1485  
trust; 1486

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

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

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

(G)(1) A school guidance counselor who holds a valid educator 1502  
license from the state board of education as provided for in 1503  
section 3319.22 of the Revised Code, a person licensed under 1504  
Chapter 4757. of the Revised Code as a professional clinical 1505  
counselor, professional counselor, social worker, independent 1506  
social worker, marriage and family therapist or independent 1507  
marriage and family therapist, or registered under Chapter 4757. 1508  
of the Revised Code as a social work assistant concerning a 1509  
confidential communication received from a client in that relation 1510

or the person's advice to a client unless any of the following  
applies:

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

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

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

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

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

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

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

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

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

(I) A communications assistant, acting within the scope of 1559  
the communication assistant's authority, when providing 1560  
telecommunications relay service pursuant to section 4931.35 of 1561  
the Revised Code or Title II of the "Communications Act of 1934," 1562  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 1563  
made through a telecommunications relay service. Nothing in this 1564  
section shall limit the obligation of a communications assistant 1565  
to divulge information or testify when mandated by federal law or 1566  
regulation or pursuant to subpoena in a criminal proceeding. 1567

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

(J)(1) A chiropractor in a civil proceeding concerning a 1570  
communication made to the chiropractor by a patient in that 1571

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

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

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

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

(2) If the testimonial privilege described in division (J)(1) 1592  
of this section does not apply as provided in division (J)(1)(c) 1593  
of this section, a chiropractor may be compelled to testify or to 1594  
submit to discovery under the Rules of Civil Procedure only as to 1595  
a communication made to the chiropractor by the patient in 1596  
question in that relation, or the chiropractor's advice to the 1597  
patient in question, that related causally or historically to 1598  
physical or mental injuries that are relevant to issues in the 1599  
medical claim, dental claim, chiropractic claim, or optometric 1600  
claim, action for wrongful death, other civil action, or claim 1601  
under Chapter 4123. of the Revised Code. 1602

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

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

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

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

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

(b) The individual who received crisis response services 1628  
gives express consent to the testimony. 1629

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

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

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

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

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

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

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

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

(L)(1) Subject to division (L)(2) of this section and except 1655  
as provided in division (L)(3) of this section, an employee 1656  
assistance professional, concerning a communication made to the 1657  
employee assistance professional by a client in the employee 1658  
assistance professional's official capacity as an employee 1659  
assistance professional. 1660

(2) Division (L)(1) of this section applies to an employee 1661  
assistance professional who meets either or both of the following 1662

requirements:	1663
(a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;	1664 1665
(b) Has education, training, and experience in all of the following:	1666 1667
(i) Providing workplace-based services designed to address employer and employee productivity issues;	1668 1669
(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	1670 1671 1672 1673
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	1674 1675 1676 1677
(iv) Selecting and evaluating available community resources;	1678
(v) Making appropriate referrals;	1679
(vi) Local and national employee assistance agreements;	1680
(vii) Client confidentiality.	1681
(3) Division (L)(1) of this section does not apply to any of the following:	1682 1683
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	1684 1685 1686 1687
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	1688 1689 1690
(c) A communication that is made by a client who is an	1691

unemancipated minor or an adult adjudicated to be incompetent and	1692
indicates that the client was the victim of a crime or abuse;	1693
(d) A civil proceeding to determine an individual's mental	1694
competency or a criminal action in which a plea of not guilty by	1695
reason of insanity is entered;	1696
(e) A civil or criminal malpractice action brought against	1697
the employee assistance professional;	1698
(f) When the employee assistance professional has the express	1699
consent of the client or, if the client is deceased or disabled,	1700
the client's legal representative;	1701
(g) When the testimonial privilege otherwise provided by	1702
division (L)(1) of this section is abrogated under law.	1703
<b>Sec. 2317.022.</b> (A) As used in this section, <del>"health:</del>	1704
<u>(1) "Health care provider"</u> has the same meaning as in section	1705
2317.02 of the Revised Code.	1706
<u>(2) "Drug of abuse" has the same meaning as in section</u>	1707
<u>4506.01 of the Revised Code.</u>	1708
(B) If an official criminal investigation has begun regarding	1709
a person or if a criminal action or proceeding is commenced	1710
against a person, any law enforcement officer who wishes to obtain	1711
from any health care provider a copy of any records the provider	1712
possesses that pertain to any test or the result of any test	1713
administered to the person to determine the presence or	1714
concentration of alcohol, a drug of abuse, or alcohol and a drug	1715
of abuse in the person's blood, breath, or urine at any time	1716
relevant to the criminal offense in question shall submit to the	1717
health care facility a written statement in the following form:	1718
"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS	1719
To: ..... (insert name of the health care	1720



provider in question). 1721

I hereby state that an official criminal investigation has 1722  
begun regarding, or a criminal action or proceeding has been 1723  
commenced against, ..... (insert the name of the 1724  
person in question), and that I believe that one or more tests has 1725  
been administered to that person by this health care provider to 1726  
determine the presence or concentration of alcohol, a drug of 1727  
abuse, ~~or alcohol and a drug combination of abuse them, a~~ 1728  
controlled substance, or a metabolite of a controlled substance in 1729  
that person's whole blood, blood serum or plasma, breath, or urine 1730  
at a time relevant to the criminal offense in question. Therefore, 1731  
I hereby request that, pursuant to division (B)(2) of section 1732  
2317.02 of the Revised Code, this health care provider supply me 1733  
with copies of any records the provider possesses that pertain to 1734  
any test or the results of any test administered to the person 1735  
specified above to determine the presence or concentration of 1736  
alcohol, a drug of abuse, ~~or alcohol and a drug combination of~~ 1737  
~~abuse them, a controlled substance, or a metabolite of a~~ 1738  
controlled substance in that person's whole blood, blood serum or 1739  
plasma, breath, or urine at any time relevant to the criminal 1740  
offense in question. 1741

..... 1742

(Name of officer) 1743

..... 1744

(Officer's title) 1745

..... 1746

(Officer's employing agency) 1747

..... 1748

(Officer's telephone number) 1749

..... 1750

.....	1751
.....	1752
(Agency's address)	1753
.....	1754
(Date written statement submitted)"	1755
(C) A health care provider that receives a written statement	1756
of the type described in division (B) of this section shall comply	1757
with division (B)(2) of section 2317.02 of the Revised Code	1758
relative to the written statement.	1759
<b>Sec. 2317.422.</b> (A) Notwithstanding sections 2317.40 and	1760
2317.41 of the Revised Code but subject to division (B) of this	1761
section, the records, or copies or photographs of the records, of	1762
a hospital, homes required to be licensed pursuant to section	1763
3721.01 <u>of the Revised Code</u> and of adult care facilities required	1764
to be licensed pursuant to Chapter 3722. of the Revised Code, and	1765
community alternative homes licensed pursuant to section 3724.03	1766
of the Revised Code, in lieu of the testimony in open court of	1767
their custodian, person who made them, or person under whose	1768
supervision they were made, may be qualified as authentic evidence	1769
if any such person endorses thereon <del>his</del> <u>the person's</u> verified	1770
certification identifying such records, giving the mode and time	1771
of their preparation, and stating that they were prepared in the	1772
usual course of the business of the institution. Such records,	1773
copies, or photographs may not be qualified by certification as	1774
provided in this section unless the party intending to offer them	1775
delivers a copy of them, or of their relevant portions, to the	1776
attorney of record for each adverse party not less than five days	1777
before trial. Nothing in this section shall be construed to limit	1778
the right of any party to call the custodian, person who made such	1779
records, or person under whose supervision they were made, as a	1780

witness. 1781

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

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

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

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

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

(i) A resident of the United States; 1799

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

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

(c) A third person, other than a collateral source, who 1805  
legally assumes or voluntarily pays the obligations of a victim, 1806  
or of a dependent of a victim, who is described in division 1807  
(A)(1)(a) of this section, which obligations are incurred as a 1808  
result of the criminally injurious conduct that is the subject of 1809  
the claim and may include, but are not limited to, medical or 1810

burial expenses;	1811
(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section;	1812 1813 1814
(e) The estate of a deceased victim who is described in division (A)(1)(a) of this section.	1815 1816
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	1817 1818
(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:	1819 1820 1821 1822
(i) Had a permanent place of employment in this state;	1823
(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;	1824 1825 1826 1827
(iii) Was retired and receiving social security or any other retirement income;	1828 1829
(iv) Was sixty years of age or older;	1830
(v) Was temporarily in another state for the purpose of receiving medical treatment;	1831 1832
(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;	1833 1834 1835 1836
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state	1837 1838 1839

as an express condition of employment or employee benefits;	1840
(viii) Was a full-time student at an academic institution,	1841
college, or university located in another state;	1842
(ix) Had not departed the geographical boundaries of this	1843
state for a period exceeding thirty days or with the intention of	1844
becoming a citizen of another state or establishing a permanent	1845
place of residence in another state.	1846
(b) A dependent of a deceased victim who is described in	1847
division (A)(2)(a) of this section;	1848
(c) A third person, other than a collateral source, who	1849
legally assumes or voluntarily pays the obligations of a victim,	1850
or of a dependent of a victim, who is described in division	1851
(A)(2)(a) of this section, which obligations are incurred as a	1852
result of the criminally injurious conduct that is the subject of	1853
the claim and may include, but are not limited to, medical or	1854
burial expenses;	1855
(d) A person who is authorized to act on behalf of any person	1856
who is described in division (A)(2)(a), (b), or (c) of this	1857
section;	1858
(e) The estate of a deceased victim who is described in	1859
division (A)(2)(a) of this section.	1860
(B) "Collateral source" means a source of benefits or	1861
advantages for economic loss otherwise reparable that the victim	1862
or claimant has received, or that is readily available to the	1863
victim or claimant, from any of the following sources:	1864
(1) The offender;	1865
(2) The government of the United States or any of its	1866
agencies, a state or any of its political subdivisions, or an	1867
instrumentality of two or more states, unless the law providing	1868
for the benefits or advantages makes them excess or secondary to	1869

benefits under sections 2743.51 to 2743.72 of the Revised Code;	1870
(3) Social security, medicare, and medicaid;	1871
(4) State-required, temporary, nonoccupational disability insurance;	1872 1873
(5) Workers' compensation;	1874
(6) Wage continuation programs of any employer;	1875
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	1876 1877 1878
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	1879 1880
(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;	1881 1882 1883
(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.	1884 1885 1886 1887
"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code.	1888 1889 1890 1891 1892
(C) "Criminally injurious conduct" means one of the following:	1893 1894
(1) For the purposes of any person described in division (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	1895 1896 1897 1898

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 1930  
to flee immediately after committing a felony or an act that would 1931  
constitute a felony but for the fact that the person engaging in 1932  
the conduct lacked the capacity to commit the felony under the 1933  
laws of the state, district, territory, or foreign country in 1934  
which the conduct occurred or was attempted; 1935

(c) The person engaging in the conduct was using the vehicle 1936  
in a manner that constitutes an OVI violation; 1937

(d) The conduct occurred on or after July 25, 1990, the 1938  
person engaging in the conduct was using the vehicle in a manner 1939  
that constitutes a violation of any law of the state, district, 1940  
territory, or foreign country in which the conduct occurred, and 1941  
that law is substantially similar to a violation of section 1942  
2903.08 of the Revised Code. 1943

(3) For the purposes of any person described in division 1944  
(A)(1) or (2) of this section, terrorism that occurs within or 1945  
outside the territorial jurisdiction of the United States. 1946

(D) "Dependent" means an individual wholly or partially 1947  
dependent upon the victim for care and support, and includes a 1948  
child of the victim born after the victim's death. 1949

(E) "Economic loss" means economic detriment consisting only 1950  
of allowable expense, work loss, funeral expense, unemployment 1951  
benefits loss, replacement services loss, cost of crime scene 1952  
cleanup, and cost of evidence replacement. If criminally injurious 1953  
conduct causes death, economic loss includes a dependent's 1954  
economic loss and a dependent's replacement services loss. 1955  
Noneconomic detriment is not economic loss; however, economic loss 1956  
may be caused by pain and suffering or physical impairment. 1957

(F)(1) "Allowable expense" means reasonable charges incurred 1958  
for reasonably needed products, services, and accommodations, 1959  
including those for medical care, rehabilitation, rehabilitative 1960



occupational training, and other remedial treatment and care and 1961  
including replacement costs for eyeglasses and other corrective 1962  
lenses. It does not include that portion of a charge for a room in 1963  
a hospital, clinic, convalescent home, nursing home, or any other 1964  
institution engaged in providing nursing care and related services 1965  
in excess of a reasonable and customary charge for semiprivate 1966  
accommodations, unless accommodations other than semiprivate 1967  
accommodations are medically required. 1968

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

(3) A family member of a victim who died as a proximate 1981  
result of criminally injurious conduct may be reimbursed as an 1982  
allowable expense through the victim's application for wages lost 1983  
and travel expenses incurred in order to attend criminal justice 1984  
proceedings arising from the criminally injurious conduct. The 1985  
cumulative allowable expense for wages lost and travel expenses 1986  
incurred by a family member to attend criminal justice proceedings 1987  
shall not exceed five hundred dollars for each family member of 1988  
the victim and two thousand dollars in the aggregate for all 1989  
family members of the victim. 1990

(4) "Allowable expense" includes attorney's fees not 1991  
exceeding two thousand five hundred dollars, at a rate not 1992

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

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

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

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

(J) "Dependent's replacement services loss" means loss 2024  
reasonably incurred by dependents after a victim's death in 2025  
obtaining ordinary and necessary services in lieu of those the 2026  
victim would have performed for their benefit if the victim had 2027  
not suffered the fatal injury, less expenses of the dependents 2028  
avoided by reason of the victim's death and not subtracted in 2029  
calculating the dependent's economic loss. If a minor child of a 2030  
victim is adopted after the victim's death, the minor child 2031  
continues after the adoption to incur a dependent's replacement 2032  
services loss as a result of the victim's death. If the surviving 2033  
spouse of a victim remarries, the surviving spouse continues after 2034  
the remarriage to incur a dependent's replacement services loss as 2035  
a result of the victim's death. 2036

(K) "Noneconomic detriment" means pain, suffering, 2037  
inconvenience, physical impairment, or other nonpecuniary damage. 2038

(L) "Victim" means a person who suffers personal injury or 2039  
death as a result of any of the following: 2040

(1) Criminally injurious conduct; 2041

(2) The good faith effort of any person to prevent criminally 2042  
injurious conduct; 2043

(3) The good faith effort of any person to apprehend a person 2044  
suspected of engaging in criminally injurious conduct. 2045

(M) "Contributory misconduct" means any conduct of the 2046  
claimant or of the victim through whom the claimant claims an 2047  
award of reparations that is unlawful or intentionally tortious 2048  
and that, without regard to the conduct's proximity in time or 2049  
space to the criminally injurious conduct, has a causal 2050  
relationship to the criminally injurious conduct that is the basis 2051  
of the claim. 2052

(N)(1) "Funeral expense" means any reasonable charges that 2053

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

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

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

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

(1) A violation of section 4511.19 of the Revised Code, of 2074  
any municipal ordinance prohibiting the operation of a vehicle 2075  
while under the influence of alcohol, a drug of abuse, or a 2076  
combination of them, or of any municipal ordinance prohibiting the 2077  
operation of a vehicle with a prohibited concentration of alcohol, 2078  
a controlled substance, or a metabolite of a controlled substance 2079  
in the whole blood, blood serum or plasma, breath, or urine; 2080

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

(3) A violation of division (A)(2), (3), or (4) of section 2083  
2903.06 of the Revised Code or of a municipal ordinance 2084

substantially similar to any of those divisions, if the offender 2085  
was under the influence of alcohol, a drug of abuse, or a 2086  
combination of them, at the time of the commission of the offense; 2087

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

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

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

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

(2) The act described in division (R)(1) of this section is 2107  
committed within the territorial jurisdiction of the United States 2108  
and is a violation of the criminal laws of the United States, this 2109  
state, or any other state or the act described in division (R)(1) 2110  
of this section is committed outside the territorial jurisdiction 2111  
of the United States and would be a violation of the criminal laws 2112  
of the United States, this state, or any other state if committed 2113  
within the territorial jurisdiction of the United States. 2114

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

following:	2116
(a) Intimidate or coerce a civilian population;	2117
(b) Influence the policy of any government by intimidation or coercion;	2118 2119
(c) Affect the conduct of any government by assassination or kidnapping.	2120 2121
(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.	2122 2123 2124 2125 2126 2127 2128
(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.	2129 2130 2131 2132
(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.	2133 2134 2135 2136 2137
(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.	2138 2139 2140 2141
(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.	2142 2143 2144
(W) "Immediate family member" means an individual who resided	2145

in the same permanent household as a victim at the time of the 2146  
criminally injurious conduct and who is related to the victim by 2147  
affinity or consanguinity. 2148

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

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

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

(1) Abuse the child; 2166

(2) Torture or cruelly abuse the child; 2167

(3) Administer corporal punishment or other physical 2168  
disciplinary measure, or physically restrain the child in a cruel 2169  
manner or for a prolonged period, which punishment, discipline, or 2170  
restraint is excessive under the circumstances and creates a 2171  
substantial risk of serious physical harm to the child; 2172

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

health or development; 2176

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

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

(C)(1) No person shall operate a vehicle, streetcar, or 2193  
trackless trolley within this state in violation of division (A) 2194  
of section 4511.19 of the Revised Code when one or more children 2195  
under eighteen years of age are in the vehicle, streetcar, or 2196  
trackless trolley. Notwithstanding any other provision of law, a 2197  
person may be convicted at the same trial or proceeding of a 2198  
violation of this division and a violation of division (A) of 2199  
section 4511.19 of the Revised Code that constitutes the basis of 2200  
the charge of the violation of this division. For purposes of 2201  
sections 4511.191 to 4511.197 of the Revised Code and all related 2202  
provisions of law, a person arrested for a violation of this 2203  
division shall be considered to be under arrest for operating a 2204  
vehicle while under the influence of alcohol, a drug of abuse, or 2205  
a combination of them or for operating a vehicle with a prohibited 2206  
concentration of alcohol, a controlled substance, or a metabolite 2207



of a controlled substance in the whole blood, blood serum or 2208  
plasma, breath, or urine. 2209

(2) As used in division (C)(1) of this section, ~~"vehicle,"~~ 2210

(a) "Controlled substance" has the same meaning as in section 2211  
3719.01 of the Revised Code. 2212

(b) "Vehicle," "streetcar," and "trackless trolley" have the 2213  
same meanings as in section 4511.01 of the Revised Code. 2214

(D)(1) Division (B)(5) of this section does not apply to any 2215  
material or performance that is produced, presented, or 2216  
disseminated for a bona fide medical, scientific, educational, 2217  
religious, governmental, judicial, or other proper purpose, by or 2218  
to a physician, psychologist, sociologist, scientist, teacher, 2219  
person pursuing bona fide studies or research, librarian, member 2220  
of the clergy, prosecutor, judge, or other person having a proper 2221  
interest in the material or performance. 2222

(2) Mistake of age is not a defense to a charge under 2223  
division (B)(5) of this section. 2224

(3) In a prosecution under division (B)(5) of this section, 2225  
the trier of fact may infer that an actor, model, or participant 2226  
in the material or performance involved is a juvenile if the 2227  
material or performance, through its title, text, visual 2228  
representation, or otherwise, represents or depicts the actor, 2229  
model, or participant as a juvenile. 2230

(4) As used in this division and division (B)(5) of this 2231  
section: 2232

(a) "Material," "performance," "obscene," and "sexual 2233  
activity" have the same meanings as in section 2907.01 of the 2234  
Revised Code. 2235

(b) "Nudity-oriented matter" means any material or 2236  
performance that shows a minor in a state of nudity and that, 2237

taken as a whole by the average person applying contemporary  
community standards, appeals to prurient interest. 2238  
2239

(c) "Sexually oriented matter" means any material or 2240  
performance that shows a minor participating or engaging in sexual 2241  
activity, masturbation, or bestiality. 2242

(E)(1) Whoever violates this section is guilty of endangering 2243  
children. 2244

(2) If the offender violates division (A) or (B)(1) of this 2245  
section, endangering children is one of the following: 2246

(a) Except as otherwise provided in division (E)(2)(b), (c), 2247  
or (d) of this section, a misdemeanor of the first degree; 2248

(b) If the offender previously has been convicted of an 2249  
offense under this section or of any offense involving neglect, 2250  
abandonment, contributing to the delinquency of, or physical abuse 2251  
of a child, except as otherwise provided in division (E)(2)(c) or 2252  
(d) of this section, a felony of the fourth degree; 2253

(c) If the violation is a violation of division (A) of this 2254  
section and results in serious physical harm to the child 2255  
involved, a felony of the third degree; 2256

(d) If the violation is a violation of division (B)(1) of 2257  
this section and results in serious physical harm to the child 2258  
involved, a felony of the second degree. 2259

(3) If the offender violates division (B)(2), (3), (4), or 2260  
(6) of this section, except as otherwise provided in this 2261  
division, endangering children is a felony of the third degree. If 2262  
the violation results in serious physical harm to the child 2263  
involved, or if the offender previously has been convicted of an 2264  
offense under this section or of any offense involving neglect, 2265  
abandonment, contributing to the delinquency of, or physical abuse 2266  
of a child, endangering children is a felony of the second degree. 2267

If the offender violates division (B)(6) of this section and the  
drug involved is methamphetamine, the court shall impose a  
mandatory prison term on the offender as follows:

(a) If the violation is a violation of division (B)(6) of  
this section that is a felony of the third degree under division  
(E)(3) of this section and the drug involved is methamphetamine,  
except as otherwise provided in this division, the court shall  
impose as a mandatory prison term one of the prison terms  
prescribed for a felony of the third degree that is not less than  
two years. If the violation is a violation of division (B)(6) of  
this section that is a felony of the third degree under division  
(E)(3) of this section, if the drug involved is methamphetamine,  
and if the offender previously has been convicted of or pleaded  
guilty to a violation of division (B)(6) of this section, a  
violation of division (A) of section 2925.04 of the Revised Code,  
or a violation of division (A) of section 2925.041 of the Revised  
Code, the court shall impose as a mandatory prison term one of the  
prison terms prescribed for a felony of the third degree that is  
not less than five years.

(b) If the violation is a violation of division (B)(6) of  
this section that is a felony of the second degree under division  
(E)(3) of this section and the drug involved is methamphetamine,  
except as otherwise provided in this division, the court shall  
impose as a mandatory prison term one of the prison terms  
prescribed for a felony of the second degree that is not less than  
three years. If the violation is a violation of division (B)(6) of  
this section that is a felony of the second degree under division  
(E)(3) of this section, if the drug involved is methamphetamine,  
and if the offender previously has been convicted of or pleaded  
guilty to a violation of division (B)(6) of this section, a  
violation of division (A) of section 2925.04 of the Revised Code,  
or a violation of division (A) of section 2925.041 of the Revised

Code, the court shall impose as a mandatory prison term one of the  
prison terms prescribed for a felony of the second degree that is  
not less than five years.

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

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

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

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

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

(d) In addition to any term of imprisonment, fine, or other  
sentence, penalty, or sanction it imposes upon the offender  
pursuant to division (E)(5)(a), (b), or (c) of this section or  
pursuant to any other provision of law and in addition to any  
suspension of the offender's driver's or commercial driver's

license or permit or nonresident operating privilege under Chapter 2331  
4506., 4509., 4510., or 4511. of the Revised Code or under any 2332  
other provision of law, the court also may impose upon the 2333  
offender a class seven suspension of the offender's driver's or 2334  
commercial driver's license or permit or nonresident operating 2335  
privilege from the range specified in division (A)(7) of section 2336  
4510.02 of the Revised Code. 2337

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

(F)(1)(a) A court may require an offender to perform not more 2350  
than two hundred hours of supervised community service work under 2351  
the authority of an agency, subdivision, or charitable 2352  
organization. The requirement shall be part of the community 2353  
control sanction or sentence of the offender, and the court shall 2354  
impose the community service in accordance with and subject to 2355  
divisions (F)(1)(a) and (b) of this section. The court may require 2356  
an offender whom it requires to perform supervised community 2357  
service work as part of the offender's community control sanction 2358  
or sentence to pay the court a reasonable fee to cover the costs 2359  
of the offender's participation in the work, including, but not 2360  
limited to, the costs of procuring a policy or policies of 2361  
liability insurance to cover the period during which the offender 2362

will perform the work. If the court requires the offender to 2363  
perform supervised community service work as part of the 2364  
offender's community control sanction or sentence, the court shall 2365  
do so in accordance with the following limitations and criteria: 2366

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

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

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

(iv) The court shall inform the offender in writing that if 2380  
the offender does not adequately perform, as determined by the 2381  
court, all of the required community service work, the court may 2382  
order that the offender be committed to a jail or workhouse for a 2383  
period of time that does not exceed the term of imprisonment that 2384  
the court could have imposed upon the offender for the violation 2385  
of division (C) of this section, reduced by the total amount of 2386  
time that the offender actually was imprisoned under the sentence 2387  
or term that was imposed upon the offender for that violation and 2388  
by the total amount of time that the offender was confined for any 2389  
reason arising out of the offense for which the offender was 2390  
convicted and sentenced as described in sections 2949.08 and 2391  
2967.191 of the Revised Code, and that, if the court orders that 2392  
the offender be so committed, the court is authorized, but not 2393

required, to grant the offender credit upon the period of the  
commitment for the community service work that the offender  
adequately performed.

(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, 2426  
to require a misdemeanor or felony offender to perform supervised 2427  
community service work in accordance with division (B) of section 2428  
2951.02 of the Revised Code, or to place a felony offender under a 2429  
community control sanction. 2430

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

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

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

(b) Any equivalent offense, as defined in section 4511.181 of 2451  
the Revised Code. 2452

(H)(1) If a person violates division (C) of this section and 2453  
if, at the time of the violation, there were two or more children 2454  
under eighteen years of age in the motor vehicle involved in the 2455  
violation, the offender may be convicted of a violation of 2456



division (C) of this section for each of the children, but the 2457  
court may sentence the offender for only one of the violations. 2458

(2)(a) If a person is convicted of or pleads guilty to a 2459  
violation of division (C) of this section but the person is not 2460  
also convicted of and does not also plead guilty to a separate 2461  
charge charging the violation of division (A) of section 4511.19 2462  
of the Revised Code that was the basis of the charge of the 2463  
violation of division (C) of this section, both of the following 2464  
apply: 2465

(i) For purposes of the provisions of section 4511.19 of the 2466  
Revised Code that set forth the penalties and sanctions for a 2467  
violation of division (A) of section 4511.19 of the Revised Code, 2468  
the conviction of or plea of guilty to the violation of division 2469  
(C) of this section shall not constitute a violation of division 2470  
(A) of section 4511.19 of the Revised Code; 2471

(ii) For purposes of any provision of law that refers to a 2472  
conviction of or plea of guilty to a violation of division (A) of 2473  
section 4511.19 of the Revised Code and that is not described in 2474  
division (H)(2)(a)(i) of this section, the conviction of or plea 2475  
of guilty to the violation of division (C) of this section shall 2476  
constitute a conviction of or plea of guilty to a violation of 2477  
division (A) of section 4511.19 of the Revised Code. 2478

(b) If a person is convicted of or pleads guilty to a 2479  
violation of division (C) of this section and the person also is 2480  
convicted of or pleads guilty to a separate charge charging the 2481  
violation of division (A) of section 4511.19 of the Revised Code 2482  
that was the basis of the charge of the violation of division (C) 2483  
of this section, the conviction of or plea of guilty to the 2484  
violation of division (C) of this section shall not constitute, 2485  
for purposes of any provision of law that refers to a conviction 2486  
of or plea of guilty to a violation of division (A) of section 2487

4511.19 of the Revised Code, a conviction of or plea of guilty to	2488
a violation of division (A) of section 4511.19 of the Revised	2489
Code.	2490
(I) As used in this section:	2491
(1) "Community control sanction" has the same meaning as in	2492
section 2929.01 of the Revised Code;	2493
(2) "Limited driving privileges" has the same meaning as in	2494
section 4501.01 of the Revised Code;	2495
(3) "Methamphetamine" has the same meaning as in section	2496
2925.01 of the Revised Code.	2497
<b>Sec. 2937.46.</b> (A) The supreme court of Ohio, in the interest	2498
of uniformity of procedure in the various courts and for the	2499
purpose of promoting prompt and efficient disposition of cases	2500
arising under the traffic laws of this state and related	2501
ordinances, may make uniform rules for practice and procedure in	2502
courts inferior to the court of common pleas not inconsistent with	2503
the provisions of Chapter 2937. of the Revised Code, including,	2504
but not limited to:	2505
(1) Separation of arraignment and trial of traffic and other	2506
types of cases;	2507
(2) Consolidation of cases for trial;	2508
(3) Transfer of cases within the same county for the purpose	2509
of trial;	2510
(4) Designation of special referees for hearings or for	2511
receiving pleas or bail at times when courts are not in session;	2512
(5) Fixing of reasonable bonds, and disposition of cases in	2513
which bonds have been forfeited.	2514
(B) Except as otherwise specified in division <del>(L)</del> (N) of	2515
section 4511.19 of the Revised Code, all of the rules described in	2516

division (A) of this section, when promulgated by the supreme 2517  
court, shall be fully binding on all courts inferior to the court 2518  
of common pleas and on the court of common pleas in relation to 2519  
felony violations of division (A) of section 4511.19 of the 2520  
Revised Code and shall effect a cancellation of any local court 2521  
rules inconsistent with the supreme court's rules. 2522

**Sec. 2951.02.** (A) During the period of a misdemeanor 2523  
offender's community control sanction or during the period of a 2524  
felony offender's nonresidential sanction, authorized probation 2525  
officers who are engaged within the scope of their supervisory 2526  
duties or responsibilities may search, with or without a warrant, 2527  
the person of the offender, the place of residence of the 2528  
offender, and a motor vehicle, another item of tangible or 2529  
intangible personal property, or other real property in which the 2530  
offender has a right, title, or interest or for which the offender 2531  
has the express or implied permission of a person with a right, 2532  
title, or interest to use, occupy, or possess if the probation 2533  
officers have reasonable grounds to believe that the offender is 2534  
not abiding by the law or otherwise is not complying with the 2535  
conditions of the misdemeanor offender's community control 2536  
sanction or the conditions of the felony offender's nonresidential 2537  
sanction. If a felony offender who is sentenced to a 2538  
nonresidential sanction is under the general control and 2539  
supervision of the adult parole authority, as described in 2540  
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 2541  
parole authority field officers with supervisory responsibilities 2542  
over the felony offender shall have the same search authority 2543  
relative to the felony offender during the period of the sanction 2544  
that is described under this division for probation officers. The 2545  
court that places the misdemeanor offender under a community 2546  
control sanction pursuant to section 2929.25 of the Revised Code 2547  
or that sentences the felony offender to a nonresidential sanction 2548

pursuant to section 2929.17 of the Revised Code shall provide the 2549  
offender with a written notice that informs the offender that 2550  
authorized probation officers or adult parole authority field 2551  
officers with supervisory responsibilities over the offender who 2552  
are engaged within the scope of their supervisory duties or 2553  
responsibilities may conduct those types of searches during the 2554  
period of community control sanction or the nonresidential 2555  
sanction if they have reasonable grounds to believe that the 2556  
offender is not abiding by the law or otherwise is not complying 2557  
with the conditions of the offender's community control sanction 2558  
or nonresidential sanction. 2559

(B) If an offender is convicted of or pleads guilty to a 2560  
misdemeanor, the court may require the offender, as a condition of 2561  
the offender's sentence of a community control sanction, to 2562  
perform supervised community service work in accordance with this 2563  
division. If an offender is convicted of or pleads guilty to a 2564  
felony, the court, pursuant to sections 2929.15 and 2929.17 of the 2565  
Revised Code, may impose a sanction that requires the offender to 2566  
perform supervised community service work in accordance with this 2567  
division. The supervised community service work shall be under the 2568  
authority of health districts, park districts, counties, municipal 2569  
corporations, townships, other political subdivisions of the 2570  
state, or agencies of the state or any of its political 2571  
subdivisions, or under the authority of charitable organizations 2572  
that render services to the community or its citizens, in 2573  
accordance with this division. The court may require an offender 2574  
who is ordered to perform the work to pay to it a reasonable fee 2575  
to cover the costs of the offender's participation in the work, 2576  
including, but not limited to, the costs of procuring a policy or 2577  
policies of liability insurance to cover the period during which 2578  
the offender will perform the work. 2579

A court may permit any offender convicted of a felony or a 2580

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

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

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

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

(3) A court may enter into an agreement with a county 2605  
department of job and family services for the management, 2606  
placement, and supervision of offenders eligible for community 2607  
service work in work activities, developmental activities, and 2608  
alternative work activities under sections 5107.40 to 5107.69 of 2609  
the Revised Code. If a court and a county department of job and 2610  
family services have entered into an agreement of that nature, the 2611

clerk of that court is authorized to pay directly to the county  
department all or a portion of the fees collected by the court  
pursuant to this division in accordance with the terms of its  
agreement.

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

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

(C)(1) If an offender is convicted of a violation of section  
4511.19 of the Revised Code, a municipal ordinance relating to  
operating a vehicle while under the influence of alcohol, a drug  
of abuse, or ~~alcohol~~ and a drug combination of ~~abuse~~ them, or a  
municipal ordinance relating to operating a vehicle with a  
prohibited concentration of alcohol, a controlled substance, or a  
metabolite of a controlled substance in the whole blood, blood  
serum or plasma, breath, or urine, the court may require, as a  
condition of a community control sanction, any suspension of a  
driver's or commercial driver's license or permit or nonresident  
operating privilege, and all other penalties provided by law or by  
ordinance, that the offender operate only a motor vehicle equipped

with an ignition interlock device that is certified pursuant to 2644  
section 4510.43 of the Revised Code. 2645

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

(3) Upon receipt of an offender's driver's or commercial 2663  
driver's license or permit pursuant to division (C)(2) of this 2664  
section, the bureau of motor vehicles shall issue a restricted 2665  
license to the offender. The restricted license shall be identical 2666  
to the surrendered license, except that it shall have printed on 2667  
its face a statement that the offender is prohibited from 2668  
operating a motor vehicle that is not equipped with an ignition 2669  
interlock device that is certified pursuant to section 4510.43 of 2670  
the Revised Code. The bureau shall deliver the offender's 2671  
surrendered license or permit to the court upon receipt of a court 2672  
order requiring it to do so, or reissue the offender's license or 2673  
permit under section 4510.52 of the Revised Code if the registrar 2674  
destroyed the offender's license or permit under that section. The 2675

offender shall surrender the restricted license to the court upon receipt of the offender's surrendered license or permit.

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

**Sec. 3701.143.** For purposes of ~~section~~ sections 1547.11, 4511.19, and 4511.194 of the Revised Code, the director of health shall determine, or cause to be determined, techniques or methods for chemically analyzing a person's whole blood, blood serum or plasma, urine, breath, or other bodily substance in order to ascertain the amount of alcohol, a drug of abuse, controlled substance, metabolite of a controlled substance, or ~~alcohol and a drug of abuse combination of them~~ in the person's whole blood, blood serum or plasma, urine, breath, or other bodily substance. The director shall approve satisfactory techniques or methods, ascertain the qualifications of individuals to conduct such analyses, and issue permits to qualified persons authorizing them to perform such analyses. Such permits shall be subject to termination or revocation at the discretion of the director.

As used in this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

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

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



the Revised Code and also includes private ambulance companies 2706  
under contract to a municipal corporation, township, or county. 2707

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

(a) Any vehicle, as defined in section 4511.01 of the Revised 2709  
Code, that is an emergency vehicle of a municipal, township, or 2710  
county department or public utility corporation and that is 2711  
identified as such as required by law, the director of public 2712  
safety, or local authorities; 2713

(b) Any motor vehicle, as defined in section 4511.01 of the 2714  
Revised Code, when commandeered by a police officer; 2715

(c) Any vehicle, as defined in section 4511.01 of the Revised 2716  
Code, that is an emergency vehicle of a qualified nonprofit 2717  
corporation police department established pursuant to section 2718  
1702.80 of the Revised Code and that is identified as an emergency 2719  
vehicle; 2720

(d) Any vehicle, as defined in section 4511.01 of the Revised 2721  
Code, that is an emergency vehicle of a proprietary police 2722  
department or security department of a hospital operated by a 2723  
public hospital agency or a nonprofit hospital agency that employs 2724  
police officers under section 4973.17 of the Revised Code, and 2725  
that is identified as an emergency vehicle. 2726

(3) "Firefighter" means any regular, paid, member of a 2727  
lawfully constituted fire department of a municipal corporation or 2728  
township. 2729

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

hospital operated by a public hospital agency or nonprofit	2736
hospital agency pursuant to section 4973.17 of the Revised Code.	2737
(5) "Motor vehicle accident" means any accident involving a	2738
motor vehicle which results in bodily injury to any person, or	2739
damage to the property of any person.	2740
(B) No insurer shall consider the circumstance that an	2741
applicant or policyholder has been involved in a motor vehicle	2742
accident while in the pursuit of the applicant's or policyholder's	2743
official duties as a law enforcement officer, firefighter, or	2744
operator of an emergency vehicle or ambulance, while operating a	2745
vehicle engaged in mowing or snow and ice removal as a county,	2746
township, or department of transportation employee, or while	2747
operating a vehicle while engaged in the pursuit of the	2748
applicant's or policyholder's official duties as a member of the	2749
motor carrier enforcement unit of the state highway patrol under	2750
section 5503.34 of the Revised Code, as a basis for doing either	2751
of the following:	2752
(1) Refusing to issue or deliver a policy of insurance upon a	2753
private automobile, or increasing the rate to be charged for such	2754
a policy;	2755
(2) Increasing the premium rate, canceling, or failing to	2756
renew an existing policy of insurance upon a private automobile.	2757
(C) Any applicant or policyholder affected by an action of an	2758
insurer in violation of this section may appeal to the	2759
superintendent of insurance. After a hearing held upon not less	2760
than ten days' notice to the applicant or policyholder and to the	2761
insurer and if the superintendent determines that the insurer has	2762
violated this section, the superintendent may direct the issuance	2763
of a policy, decrease the premium rate on a policy, or reinstate	2764
insurance coverage.	2765
(D) The employer of the law enforcement officer, firefighter,	2766

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

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

(F) Division (B) of this section does not apply if an  
applicant or policyholder, on the basis of the applicant's or  
policyholder's involvement in an accident described in that  
division, is convicted of or pleads guilty or no contest to a  
violation of section 4511.19 of the Revised Code; ~~of a municipal~~

~~ordinance relating to operating a vehicle while under the~~ 2799  
~~influence of alcohol, a drug of abuse, or alcohol and a drug of~~ 2800  
~~abuse; or of a municipal OVI ordinance relating to operating a~~ 2801  
~~vehicle with a prohibited concentration of alcohol as defined in~~ 2802  
~~section 4511.181 of the blood, breath, or urine, or other bodily~~ 2803  
~~substance Revised Code.~~ 2804

**Sec. 4506.17.** (A) Any person who holds a commercial driver's 2805  
license or operates a commercial motor vehicle requiring a 2806  
commercial driver's license within this state shall be deemed to 2807  
have given consent to a test or tests of the person's whole blood, 2808  
blood serum or plasma, breath, or urine for the purpose of 2809  
determining the person's alcohol concentration or the presence of 2810  
any controlled substance or a metabolite of a controlled 2811  
substance. 2812

(B) A test or tests as provided in division (A) of this 2813  
section may be administered at the direction of a peace officer 2814  
having reasonable ground to stop or detain the person and, after 2815  
investigating the circumstances surrounding the operation of the 2816  
commercial motor vehicle, also having reasonable ground to believe 2817  
the person was driving the commercial vehicle while having a 2818  
measurable or detectable amount of alcohol or of a controlled 2819  
substance or a metabolite of a controlled substance in the 2820  
person's whole blood, blood serum or plasma, breath, or urine. Any 2821  
such test shall be given within two hours of the time of the 2822  
alleged violation. 2823

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

and that the person is required to surrender the person's 2830  
commercial driver's license to the peace officer. 2831

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

(E) Upon receipt of a sworn report from a peace officer as 2853  
provided in division (D) of this section, the registrar shall 2854  
disqualify the person named in the report from driving a 2855  
commercial motor vehicle for the period described below: 2856

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

(2) Upon an incident of refusal or of a prohibited 2858  
concentration of alcohol, a controlled substance, or a metabolite 2859  
of a controlled substance after one or more previous incidents of 2860

either refusal or of a prohibited concentration of alcohol, a 2861  
controlled substance, or a metabolite of a controlled substance, 2862  
the person shall be disqualified for life or such lesser period as 2863  
prescribed by rule by the registrar. 2864

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

(G) When a person submits to a test under this section, the 2878  
results of the test, at the person's request, shall be made 2879  
available to the person, the person's attorney, or the person's 2880  
agent, immediately upon completion of the chemical test analysis. 2881  
The person also may have an additional test administered by a 2882  
physician, a registered nurse, or a qualified technician, chemist, 2883  
or phlebotomist of the person's own choosing as provided in 2884  
division (D) of section 4511.19 of the Revised Code for tests 2885  
administered under that section, and the failure to obtain such a 2886  
test has the same effect as in that division. 2887

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

(I) A peace officer issuing an out-of-service order or 2891  
receiving a commercial driver's license surrendered under this 2892

section may remove or arrange for the removal of any commercial 2893  
motor vehicle affected by the issuance of that order or the 2894  
surrender of that license. 2895

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

(2) Except for civil actions that arise out of the operation 2908  
of a motor vehicle and civil actions in which the state is a 2909  
plaintiff, no peace officer of any law enforcement agency within 2910  
this state is liable in punitive or exemplary damages in any civil 2911  
action that arises under the Revised Code or common law of this 2912  
state for any injury, death, or loss to person or property caused 2913  
in the performance of official duties under this section of the 2914  
Revised Code and rules adopted under this section, unless the 2915  
officer's actions were manifestly outside the scope of the 2916  
officer's employment or official responsibilities, or unless the 2917  
officer acted with malicious purpose, in bad faith, or in a wanton 2918  
or reckless manner. 2919

(K) When disqualifying a driver, the registrar shall cause 2920  
the records of the bureau of motor vehicles to be updated to 2921  
reflect the disqualification within ten days after it occurs. 2922

(L) The registrar immediately shall notify a driver who is 2923

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

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

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

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

(A) "Cancel" or "cancellation" means the annulment or 2947  
termination by the bureau of motor vehicles of a driver's license, 2948  
commercial driver's license, temporary instruction permit, 2949  
probationary license, or nonresident operating privilege because 2950  
it was obtained unlawfully, issued in error, altered, or willfully 2951  
destroyed, or because the holder no longer is entitled to the 2952  
license, permit, or privilege. 2953



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

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

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

(E) "Moving violation" means any violation of any statute or 2975  
ordinance that regulates the operation of vehicles, streetcars, or 2976  
trackless trolleys on the highways or streets. "Moving violation" 2977  
does not include a violation of section 4513.263 of the Revised 2978  
Code or a substantially equivalent municipal ordinance, a 2979  
violation of any statute or ordinance regulating pedestrians or 2980  
the parking of vehicles, vehicle size or load limitations, vehicle 2981  
fitness requirements, or vehicle registration. 2982

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

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

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

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

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

**Sec. 4510.032.** (A) If a person is charged with a violation of 3000  
section 4511.19 of the Revised Code or a violation of any 3001  
municipal OVI ordinance; if that charge is dismissed or reduced; 3002  
if the person is convicted of or forfeits bail in relation to a 3003  
violation of any other section of the Revised Code or of any 3004  
ordinance that regulates the operation of vehicles, streetcars, 3005  
and trackless trolleys on highways and streets but that does not 3006  
relate to operating a vehicle while under the influence of 3007  
alcohol, a drug of abuse, or a combination of them or to operating 3008  
a vehicle with a prohibited concentration of alcohol, a controlled 3009  
substance, or a metabolite of a controlled substance in the whole 3010  
blood, blood serum or plasma, breath, or urine; and if the 3011  
violation of which the person was convicted or in relation to 3012  
which the person forfeited bail arose out of the same facts and 3013  
circumstances and the same act as did the charge that was 3014

dismissed or reduced, the abstract prepared under section 4510.03 3015  
of the Revised Code also shall set forth the charge that was 3016  
dismissed or reduced, indicate that it was dismissed or reduced, 3017  
and indicate that the violation resulting in the conviction or 3018  
bail forfeiture arose out of the same facts and circumstances and 3019  
the same act as did the charge that was dismissed or reduced. 3020

(B) If a charge against a person of a violation of division 3021  
(A) of section 4510.11, division (A) of section 4510.14, or 3022  
division (A) of section 4510.16 of the Revised Code or any 3023  
municipal ordinance that is substantially equivalent to any of 3024  
those divisions is dismissed or reduced and if the person is 3025  
convicted of or forfeits bail in relation to a violation of any 3026  
other section of the Revised Code or any other ordinance that 3027  
regulates the operation of vehicles, streetcars, and trackless 3028  
trolleys on highways and streets that arose out of the same facts 3029  
and circumstances as did the charge that was dismissed or reduced, 3030  
the abstract also shall set forth the charge that was dismissed or 3031  
reduced, indicate that it was dismissed or reduced, and indicate 3032  
that the violation resulting in the conviction or bail forfeiture 3033  
arose out of the same facts and circumstances and the same act as 3034  
did the charge that was dismissed or reduced. 3035

(C)(1) If a child has been adjudicated an unruly or 3036  
delinquent child or a juvenile traffic offender for having 3037  
committed any act that if committed by an adult would be a drug 3038  
abuse offense or any violation of division (B) of section 2917.11 3039  
or of section 4511.19 of the Revised Code, the court shall notify 3040  
the bureau, by means of an abstract of the court record as 3041  
described in divisions (B) and (C) of section 4510.03 of the 3042  
Revised Code, within ten days after the adjudication. 3043

(2) If a court requires a child to attend a drug abuse or 3044  
alcohol abuse education, intervention, or treatment program, the 3045

abstract required by division (C)(1) of this section and forwarded 3046  
to the bureau also shall include the name and address of the 3047  
operator of the program and the date that the child entered the 3048  
program. If the child satisfactorily completes the program, the 3049  
court, immediately upon receipt of the information, shall send to 3050  
the bureau an updated abstract that also shall contain the date on 3051  
which the child satisfactorily completed the program. 3052

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

(B) Every court of record or mayor's court before which a 3062  
person is charged with a violation for which points are chargeable 3063  
by this section shall assess and transcribe to the abstract of 3064  
conviction that is furnished by the bureau to the court the number 3065  
of points chargeable by this section in the correct space assigned 3066  
on the reporting form. A United States district court that has 3067  
jurisdiction within this state and before which a person is 3068  
charged with a violation for which points are chargeable by this 3069  
section may assess and transcribe to the abstract of conviction 3070  
report that is furnished by the bureau the number of points 3071  
chargeable by this section in the correct space assigned on the 3072  
reporting form. If the federal court so assesses and transcribes 3073  
the points chargeable for the offense and furnishes the report to 3074  
the bureau, the bureau shall record the points in the same manner 3075  
as those assessed and transcribed by a court of record or mayor's 3076

court.	3077
(C) A court shall assess the following points for an offense based on the following formula:	3078
(1) Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter, aggravated vehicular assault, or vehicular assault when the offense involves the operation of a vehicle, streetcar, or trackless trolley on a highway or street ..... 6 points	3079
(2) A violation of section 2921.331 of the Revised Code or any ordinance prohibiting the willful fleeing or eluding of a law enforcement officer ..... 6 points	3080
(3) A violation of section 4549.02 or 4549.021 of the Revised Code or any ordinance requiring the driver of a vehicle to stop and disclose identity at the scene of an accident ..... 6 points	3081
(4) A violation of section 4511.251 of the Revised Code or any ordinance prohibiting street racing ..... 6 points	3082
(5) A violation of section 4510.11, 4510.14, 4510.16, or 4510.21 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension ..... 6 points	3083
(6) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of 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 ..... 6 points	3084
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(7) A violation of section 2913.03 of the Revised Code that does not involve an aircraft or motorboat or any ordinance prohibiting the operation of a vehicle without the consent of the owner .....	6 points	3107 3108 3109 3110
(8) Any offense under the motor vehicle laws of this state that is a felony, or any other felony in the commission of which a motor vehicle was used .....	6 points	3111 3112 3113
(9) A violation of division (B) of section 4511.19 of the Revised Code or any ordinance substantially equivalent to that division prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine .....	4 points	3114 3115 3116 3117 3118
(10) A violation of section 4511.20 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property .....	4 points	3119 3120 3121 3122
(11) A violation of any law or ordinance pertaining to speed:		3123
(a) Notwithstanding divisions (C)(11)(b) and (c) of this section, when the speed exceeds the lawful speed limit by thirty miles per hour or more .....	4 points	3124 3125 3126
(b) When the speed exceeds the lawful speed limit of fifty-five miles per hour or more by more than ten miles per hour .....	2 points	3127 3128 3129
(c) When the speed exceeds the lawful speed limit of less than fifty-five miles per hour by more than five miles per hour .....	2 points	3130 3131 3132
(d) When the speed does not exceed the amounts set forth in divisions (C)(11)(a), (b), or (c) of this section .....	0 points	3133 3134 3135
(12) Operating a motor vehicle in violation of a restriction		3136

imposed by the registrar .....	2 points	3137
(13) All other moving violations reported under this section		3138
.....	2 points	3139
(D) Upon receiving notification from the proper court,		3140
including a United States district court that has jurisdiction		3141
within this state, the bureau shall delete any points entered for		3142
a bond forfeiture if the driver is acquitted of the offense for		3143
which bond was posted.		3144
(E) If a person is convicted of or forfeits bail for two or		3145
more offenses arising out of the same facts and points are		3146
chargeable for each of the offenses, points shall be charged for		3147
only the conviction or bond forfeiture for which the greater		3148
number of points is chargeable, and, if the number of points		3149
chargeable for each offense is equal, only one offense shall be		3150
recorded, and points shall be charged only for that offense.		3151
<b>Sec. 4510.17.</b> (A) The registrar of motor vehicles shall		3152
impose a class D suspension of the person's driver's license,		3153
commercial driver's license, temporary instruction permit,		3154
probationary license, or nonresident operating privilege for the		3155
period of time specified in division (B)(4) of section 4510.02 of		3156
the Revised Code on any person who is a resident of this state and		3157
is convicted of or pleads guilty to a violation of a statute of		3158
any other state or any federal statute that is substantially		3159
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,		3160
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23,		3161
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon		3162
receipt of a report from a court, court clerk, or other official		3163
of any other state or from any federal authority that a resident		3164
of this state was convicted of or pleaded guilty to an offense		3165
described in this division, the registrar shall send a notice by		3166
regular first class mail to the person, at the person's last known		3167

address as shown in the records of the bureau of motor vehicles, 3168  
informing the person of the suspension, that the suspension will 3169  
take effect twenty-one days from the date of the notice, and that, 3170  
if the person wishes to appeal the suspension or denial, the 3171  
person must file a notice of appeal within twenty-one days of the 3172  
date of the notice requesting a hearing on the matter. If the 3173  
person requests a hearing, the registrar shall hold the hearing 3174  
not more than forty days after receipt by the registrar of the 3175  
notice of appeal. The filing of a notice of appeal does not stay 3176  
the operation of the suspension that must be imposed pursuant to 3177  
this division. The scope of the hearing shall be limited to 3178  
whether the person actually was convicted of or pleaded guilty to 3179  
the offense for which the suspension is to be imposed. 3180

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

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

(B) The registrar shall impose a class D suspension of the 3194  
person'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 person who is a 3198  
resident of this state and is convicted of or pleads guilty to a 3199



violation of a statute of any other state or a municipal ordinance 3200  
of a 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 resident of this 3204  
state was convicted of or pleaded guilty to an offense described 3205  
in this division, the registrar shall send a notice by regular 3206  
first class mail to the person, at the person's last known address 3207  
as shown in the records of the bureau of motor vehicles, informing 3208  
the person of the suspension, that the suspension or denial will 3209  
take effect twenty-one days from the date of the notice, and that, 3210  
if the person wishes to appeal the suspension, the person must 3211  
file a notice of appeal within twenty-one days of the date of the 3212  
notice requesting a hearing on the matter. If the person requests 3213  
a hearing, the registrar shall hold the hearing not more than 3214  
forty days after receipt by the registrar of the notice of appeal. 3215  
The filing of a notice of appeal does not stay the operation of 3216  
the suspension that must be imposed pursuant to this division. The 3217  
scope of the hearing shall be limited to whether the person 3218  
actually was convicted of or pleaded guilty to the offense for 3219  
which the suspension is to be imposed. 3220

The suspension the registrar is required to impose under this 3221  
division shall end either on the last day of the class D 3222  
suspension period or of the suspension of the person's nonresident 3223  
operating privilege imposed by the state or federal court, 3224  
whichever is earlier. 3225

(C) The registrar shall impose a class D suspension of the 3226  
child's driver's license, commercial driver's license, temporary 3227  
instruction permit, or nonresident operating privilege for the 3228  
period of time specified in division (B)(4) of section 4510.02 of 3229  
the Revised Code on any child who is a resident of this state and 3230  
is convicted of or pleads guilty to a violation of a statute of 3231

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

The suspension the registrar is required to impose under this 3255  
division shall end either on the last day of the class D 3256  
suspension period or of the suspension of the child's nonresident 3257  
operating privilege imposed by the state or federal court, 3258  
whichever is earlier. If the child is a resident of this state who 3259  
is sixteen years of age or older and does not have a current, 3260  
valid Ohio driver's or commercial driver's license or permit, the 3261  
notice shall inform the child that the child will be denied 3262  
issuance of a driver's or commercial driver's license or permit 3263

for six months beginning on the date of the notice. If the child  
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.

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

(D) The registrar shall impose a class D suspension of the  
child'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 child who is a resident  
of this state and is convicted of or pleads guilty to a violation  
of a statute of any other state or a municipal ordinance of a  
municipal corporation located in any other state that is  
substantially similar to section 4511.19 of the Revised Code. Upon  
receipt of a report from another state made pursuant to section  
4510.61 of the Revised Code indicating that a child who is a  
resident of this state was convicted of or pleaded guilty to an  
offense described in this division, the registrar shall send a  
notice by regular first class mail to the child, at the child's  
last known address as shown in the records of the bureau of motor  
vehicles, informing the child of the suspension, that the  
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  
affect the person's ability to continue the person's employment,  
the judge may grant the person limited driving privileges during

the period during which the suspension otherwise would be imposed, 3328  
except that the judge shall not grant limited driving privileges 3329  
for employment as a driver of a commercial motor vehicle to any 3330  
person who would be disqualified from operating a commercial motor 3331  
vehicle under section 4506.16 of the Revised Code if the violation 3332  
had occurred in this state, or during any of the following periods 3333  
of time: 3334

(1) The first fifteen days of a suspension under division (B) 3335  
or (D) of this section, if the person has not been convicted 3336  
within six years of the date of the offense giving rise to the 3337  
suspension under this section of a violation of any of the 3338  
following: 3339

(a) Section 4511.19 of the Revised Code, or a municipal 3340  
ordinance relating to operating a vehicle while under the 3341  
influence of alcohol, a drug of abuse, or alcohol and a drug of 3342  
abuse; 3343

(b) A municipal ordinance relating to operating a motor 3344  
vehicle with a prohibited concentration of alcohol, a controlled 3345  
substance, or a metabolite of a controlled substance in the whole 3346  
blood, blood serum or plasma, breath, or urine; 3347

(c) Section 2903.04 of the Revised Code in a case in which 3348  
the person was subject to the sanctions described in division (D) 3349  
of that section; 3350

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 3351  
section 2903.08 of the Revised Code or a municipal ordinance that 3352  
is substantially similar to either of those divisions; 3353

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

that the person was under the influence of alcohol, a drug of  
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, 3390  
and other conditions limiting the person's use of a motor vehicle. 3391  
The grant of limited driving privileges shall be conditioned upon 3392  
the person's having the permit in the person's possession at all 3393  
times during which the person is operating a vehicle. 3394

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

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

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

(2) "Is convicted of or pleads guilty to" means, as it 3411  
relates to a child who is a resident of this state, that in a 3412  
proceeding conducted in a state or federal court located in 3413  
another state for a violation of a statute or ordinance described 3414  
in division (C) or (D) of this section, the result of the 3415  
proceeding is any of the following: 3416

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

committed by an adult; 3421

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

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

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

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

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

(3) The person has proof of financial responsibility, a 3443  
policy of liability insurance in effect that meets the minimum 3444  
standard set forth in section 4509.51 of the Revised Code, or 3445  
proof, to the satisfaction of the registrar of motor vehicles, 3446  
that the person is able to respond in damages in an amount at 3447  
least equal to the minimum amounts specified in that section. 3448

(4) If the suspension was imposed because the person was 3449  
under the influence of alcohol, a drug of abuse, or combination of 3450



them at the time of the offense or because at the time of the  
offense the person's whole blood, blood serum or plasma, breath,  
or urine contained at least the concentration of alcohol specified  
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the  
Revised Code or at least the concentration of a listed controlled  
substance or a listed metabolite of a controlled substance  
specified in division (A)(1)(j) of section 4511.19 of the Revised  
Code, the person also shall demonstrate all of the following:

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

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

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

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

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

**Sec. 4511.181.** As used in sections 4511.181 to 4511.197 of

the Revised Code:	3513
(A) "Equivalent offense" means any of the following:	3514
(1) A violation of division (A) or (B) of section 4511.19 of the Revised Code;	3515 3516
(2) A violation of a municipal OVI ordinance;	3517
(3) A violation of section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section;	3518 3519 3520
(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;	3521 3522 3523
(5) A violation of division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;	3524 3525 3526 3527 3528 3529 3530
(6) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code;	3531 3532 3533 3534
(7) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code.	3535 3536 3537
(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under division (G)(1)(a), (b), or (c) of section 4511.19 of the Revised Code upon an offender convicted of a violation of division (A) of that section and in relation to which all of the	3538 3539 3540 3541 3542

following apply: 3543

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

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

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

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

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

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

(a) The person is under the influence of alcohol, a drug of 3566  
abuse, or a combination of them. 3567

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

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

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

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

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

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

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

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

(j) Except as provided in division (K) of this section, the 3596  
person has a concentration of any of the following controlled 3597  
substances or metabolites of a controlled substance in the 3598  
person's whole blood, blood serum or plasma, or urine that equals 3599  
or exceeds any of the following: 3600

(i) The person has a concentration of amphetamine in the 3601

person's urine of at least five hundred nanograms of amphetamine 3602  
per milliliter of the person's urine or has a concentration of 3603  
amphetamine in the person's whole blood or blood serum or plasma 3604  
of at least one hundred nanograms of amphetamine per milliliter of 3605  
the person's whole blood or blood serum or plasma. 3606

(ii) The person has a concentration of cocaine in the 3607  
person's urine of at least one hundred fifty nanograms of cocaine 3608  
per milliliter of the person's urine or has a concentration of 3609  
cocaine in the person's whole blood or blood serum or plasma of at 3610  
least fifty nanograms of cocaine per milliliter of the person's 3611  
whole blood or blood serum or plasma. 3612

(iii) The person has a concentration of cocaine metabolite in 3613  
the person's urine of at least one hundred fifty nanograms of 3614  
cocaine metabolite per milliliter of the person's urine or has a 3615  
concentration of cocaine metabolite in the person's whole blood or 3616  
blood serum or plasma of at least fifty nanograms of cocaine 3617  
metabolite per milliliter of the person's whole blood or blood 3618  
serum or plasma. 3619

(iv) The person has a concentration of heroin in the person's 3620  
urine of at least two thousand nanograms of heroin per milliliter 3621  
of the person's urine or has a concentration of heroin in the 3622  
person's whole blood or blood serum or plasma of at least fifty 3623  
nanograms of heroin per milliliter of the person's whole blood or 3624  
blood serum or plasma. 3625

(v) The person has a concentration of heroin metabolite 3626  
(6-monoacetyl morphine) in the person's urine of at least ten 3627  
nanograms of heroin metabolite (6-monoacetyl morphine) per 3628  
milliliter of the person's urine or has a concentration of heroin 3629  
metabolite (6-monoacetyl morphine) in the person's whole blood or 3630  
blood serum or plasma of at least ten nanograms of heroin 3631  
metabolite (6-monoacetyl morphine) per milliliter of the person's 3632

whole blood or blood serum or plasma. 3633

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

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

(viii) Either of the following applies: 3646

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

(II) As measured by gas chromatography mass spectrometry, the 3656  
person has a concentration of marihuana metabolite in the person's 3657  
urine of at least thirty-five nanograms of marihuana metabolite 3658  
per milliliter of the person's urine or has a concentration of 3659  
marihuana metabolite in the person's whole blood or blood serum or 3660  
plasma of at least fifty nanograms of marihuana metabolite per 3661  
milliliter of the person's whole blood or blood serum or plasma. 3662

(ix) The person has a concentration of methamphetamine in the 3663

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

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

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

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

(b) Subsequent to being arrested for operating the vehicle, 3684  
streetcar, or trackless trolley as described in division (A)(2)(a) 3685  
of this section, being asked by a law enforcement officer to 3686  
submit to a chemical test or tests under section 4511.191 of the 3687  
Revised Code, and being advised by the officer in accordance with 3688  
section 4511.192 of the Revised Code of the consequences of the 3689  
person's refusal or submission to the test or tests, refuse to 3690  
submit to the test or tests. 3691

(B) No person under twenty-one years of age shall operate any 3692  
vehicle, streetcar, or trackless trolley within this state, if, at 3693  
the time of the operation, any of the following apply: 3694



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

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

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

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

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

(D)(1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within ~~two~~ three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (A) of section 4511.192 of the Revised Code

as the maximum period of time during which a person may consent to 3726  
a chemical test or tests as described in that section. 3727

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

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

(2) In a criminal prosecution or juvenile court proceeding 3744  
for a violation of division (A) of this section or for an 3745  
equivalent offense, if there was at the time the bodily substance 3746  
was withdrawn a concentration of less than the applicable 3747  
concentration of alcohol specified in divisions (A)(1)(b), (c), 3748  
(d), and (e) of this section or less than the applicable 3749  
concentration of a listed controlled substance or a listed 3750  
metabolite of a controlled substance specified for a violation of 3751  
division (A)(1)(j) of this section, that fact may be considered 3752  
with other competent evidence in determining the guilt or 3753  
innocence of the defendant. This division does not limit or affect 3754  
a criminal prosecution or juvenile court proceeding for a 3755  
violation of division (B) of this section or for an equivalent 3756  
offense that is substantially equivalent to that division. 3757

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

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

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

(b) In any criminal prosecution or juvenile court proceeding 3778  
for a violation of division (A) or (B) of this section, of a 3779  
municipal ordinance relating to operating a vehicle while under 3780  
the influence of alcohol, a drug of abuse, or alcohol and a drug 3781  
of abuse, or of a municipal ordinance relating to operating a 3782  
vehicle with a prohibited concentration of alcohol, a controlled 3783  
substance, or a metabolite of a controlled substance in the blood, 3784  
breath, or urine, if a law enforcement officer has administered a 3785  
field sobriety test to the operator of the vehicle involved in the 3786  
violation and if it is shown by clear and convincing evidence that 3787  
the officer administered the test in substantial compliance with 3788  
the testing standards for any reliable, credible, and generally 3789

accepted field sobriety tests that were in effect at the time the 3790  
tests were administered, including, but not limited to, any 3791  
testing standards then in effect that were set by the national 3792  
highway traffic safety administration, all of the following apply: 3793

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

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

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

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

(E)(1) Subject to division (E)(3) of this section, in any 3812  
criminal prosecution or juvenile court proceeding for a violation 3813  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), ~~or~~ (i), or 3814  
(j) or (B)(1), (2), (3), or (4) of this section or for an 3815  
equivalent offense that is substantially equivalent to any of 3816  
those divisions, a laboratory report from any ~~forensic~~ laboratory 3817  
~~certified personnel issued a permit~~ by the department of health 3818  
authorizing an analysis as described in this division that 3819  
contains an analysis of the whole blood, blood serum or plasma, 3820

breath, urine, or other bodily substance tested and that contains 3821  
all of the information specified in this division shall be 3822  
admitted as prima-facie evidence of the information and statements 3823  
that the report contains. The laboratory report shall contain all 3824  
of the following: 3825

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

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

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

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

(2) Notwithstanding any other provision of law regarding the 3843  
admission of evidence, a report of the type described in division 3844  
(E)(1) of this section is not admissible against the defendant to 3845  
whom it pertains in any proceeding, other than a preliminary 3846  
hearing or a grand jury proceeding, unless the prosecutor has 3847  
served a copy of the report on the defendant's attorney or, if the 3848  
defendant has no attorney, on the defendant. 3849

(3) A report of the type described in division (E)(1) of this 3850  
section shall not be prima-facie evidence of the contents, 3851

identity, or amount of any substance if, within seven days after 3852  
the defendant to whom the report pertains or the defendant's 3853  
attorney receives a copy of the report, the defendant or the 3854  
defendant's attorney demands the testimony of the person who 3855  
signed the report. The judge in the case may extend the seven-day 3856  
time limit in the interest of justice. 3857

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

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 3869  
to (i) or (A)(2) of this section is guilty of operating a vehicle 3870  
under the influence of alcohol, a drug of abuse, or a combination 3871  
of them. Whoever violates division (A)(1)(j) of this section is 3872  
guilty of operating a vehicle while under the influence of a 3873  
listed controlled substance or a listed metabolite of a controlled 3874  
substance. The court shall sentence the offender for either 3875  
offense under Chapter 2929. of the Revised Code, except as 3876  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 3877  
this section: 3878

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

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

The court may suspend the execution of the three-day jail 3892  
term under this division if the court, in lieu of that suspended 3893  
term, places the offender under a community control sanction 3894  
pursuant to section 2929.25 of the Revised Code and requires the 3895  
offender to attend, for three consecutive days, a drivers' 3896  
intervention program certified under section 3793.10 of the 3897  
Revised Code. The court also may suspend the execution of any part 3898  
of the three-day jail term under this division if it places the 3899  
offender under a community control sanction pursuant to section 3900  
2929.25 of the Revised Code for part of the three days, requires 3901  
the offender to attend for the suspended part of the term a 3902  
drivers' intervention program so certified, and sentences the 3903  
offender to a jail term equal to the remainder of the three 3904  
consecutive days that the offender does not spend attending the 3905  
program. The court may require the offender, as a condition of 3906  
community control and in addition to the required attendance at a 3907  
drivers' intervention program, to attend and satisfactorily 3908  
complete any treatment or education programs that comply with the 3909  
minimum standards adopted pursuant to Chapter 3793. of the Revised 3910  
Code by the director of alcohol and drug addiction services that 3911  
the operators of the drivers' intervention program determine that 3912  
the offender should attend and to report periodically to the court 3913  
on the offender's progress in the programs. The court also may 3914

impose on the offender any other conditions of community control 3915  
that it considers necessary. 3916

(ii) If the sentence is being imposed for a violation of 3917  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3918  
section, except as otherwise provided in this division, a 3919  
mandatory jail term of at least three consecutive days and a 3920  
requirement that the offender attend, for three consecutive days, 3921  
a drivers' intervention program that is certified pursuant to 3922  
section 3793.10 of the Revised Code. As used in this division, 3923  
three consecutive days means seventy-two consecutive hours. If the 3924  
court determines that the offender is not conducive to treatment 3925  
in a drivers' intervention program, if the offender refuses to 3926  
attend a drivers' intervention program, or if the jail at which 3927  
the offender is to serve the jail term imposed can provide a 3928  
driver's intervention program, the court shall sentence the 3929  
offender to a mandatory jail term of at least six consecutive 3930  
days. 3931

The court may require the offender, under a community control 3932  
sanction imposed under section 2929.25 of the Revised Code, to 3933  
attend and satisfactorily complete any treatment or education 3934  
programs that comply with the minimum standards adopted pursuant 3935  
to Chapter 3793. of the Revised Code by the director of alcohol 3936  
and drug addiction services, in addition to the required 3937  
attendance at drivers' intervention program, that the operators of 3938  
the drivers' intervention program determine that the offender 3939  
should attend and to report periodically to the court on the 3940  
offender's progress in the programs. The court also may impose any 3941  
other conditions of community control on the offender that it 3942  
considers necessary. 3943

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



(iv) In all cases, a class five license suspension of the 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 equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

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

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

authorized by section 3793.02 of the Revised Code. 3978

(ii) If the sentence is being imposed for a violation of 3979  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3980  
section, except as otherwise provided in this division, a 3981  
mandatory jail term of twenty consecutive days. The court shall 3982  
impose the twenty-day mandatory jail term under this division 3983  
unless, subject to division (G)(3) of this section, it instead 3984  
imposes a sentence under that division consisting of both a jail 3985  
term and a term of house arrest with electronic monitoring, with 3986  
continuous alcohol monitoring, or with both electronic monitoring 3987  
and continuous alcohol monitoring. The court may impose a jail 3988  
term in addition to the twenty-day mandatory jail term. The 3989  
cumulative jail term imposed for the offense shall not exceed six 3990  
months. 3991

In addition to the jail term or the term of house arrest with 3992  
electronic monitoring or continuous alcohol monitoring or both 3993  
types of monitoring and jail term, the court may require the 3994  
offender to attend a driver's intervention program that is 3995  
certified pursuant to section 3793.10 of the Revised Code. If the 3996  
operator of the program determines that the offender is alcohol 3997  
dependent, the program shall notify the court, and, subject to 3998  
division (I) of this section, the court shall order the offender 3999  
to obtain treatment through an alcohol and drug addiction program 4000  
authorized by section 3793.02 of the Revised Code. 4001

(iii) In all cases, notwithstanding the fines set forth in 4002  
Chapter 2929. of the Revised Code, a fine of not less than three 4003  
hundred fifty and not more than one thousand five hundred dollars; 4004

(iv) In all cases, a class four license suspension of the 4005  
offender's driver's license, commercial driver's license, 4006  
temporary instruction permit, probationary license, or nonresident 4007  
operating privilege from the range specified in division (A)(4) of 4008

section 4510.02 of the Revised Code. The court may grant limited  
driving privileges relative to the suspension under sections  
4510.021 and 4510.13 of the Revised Code.

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

(c) 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 two  
violations of division (A) or (B) of this section or other  
equivalent offenses is guilty of a misdemeanor. The court shall  
sentence the offender to all of the following:

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

(ii) If the sentence is being imposed for a violation of  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this  
section, a mandatory jail term of sixty consecutive days. The

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

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

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

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

(vi) In all cases, participation in an alcohol and drug 4067  
addiction program authorized by section 3793.02 of the Revised 4068  
Code, subject to division (I) of this section. 4069

(d) Except as otherwise provided in division (G)(1)(e) of 4070

this section, an offender who, within six years of the offense, 4071  
previously has been convicted of or pleaded guilty to three or 4072  
four violations of division (A) or (B) of this section or other 4073  
equivalent offenses or an offender who, within twenty years of the 4074  
offense, previously has been convicted of or pleaded guilty to 4075  
five or more violations of that nature is guilty of a felony of 4076  
the fourth degree. The court shall sentence the offender to all of 4077  
the following: 4078

(i) If the sentence is being imposed for a violation of 4079  
division (A)(1)(a), (b), (c), (d), ~~or (e)~~, or (j) of this section, 4080  
a mandatory prison term of one, two, three, four, or five years as 4081  
required by and in accordance with division (G)(2) of section 4082  
2929.13 of the Revised Code if the offender also is convicted of 4083  
or also pleads guilty to a specification of the type described in 4084  
section 2941.1413 of the Revised Code or, in the discretion of the 4085  
court, either a mandatory term of local incarceration of sixty 4086  
consecutive days in accordance with division (G)(1) of section 4087  
2929.13 of the Revised Code or a mandatory prison term of sixty 4088  
consecutive days in accordance with division (G)(2) of that 4089  
section if the offender is not convicted of and does not plead 4090  
guilty to a specification of that type. If the court imposes a 4091  
mandatory term of local incarceration, it may impose a jail term 4092  
in addition to the sixty-day mandatory term, the cumulative total 4093  
of the mandatory term and the jail term for the offense shall not 4094  
exceed one year, and, except as provided in division (A)(1) of 4095  
section 2929.13 of the Revised Code, no prison term is authorized 4096  
for the offense. If the court imposes a mandatory prison term, 4097  
notwithstanding division (A)(4) of section 2929.14 of the Revised 4098  
Code, it also may sentence the offender to a definite prison term 4099  
that shall be not less than six months and not more than thirty 4100  
months and the prison terms shall be imposed as described in 4101  
division (G)(2) of section 2929.13 of the Revised Code. If the 4102

court imposes a mandatory prison term or mandatory prison term and 4103  
additional prison term, in addition to the term or terms so 4104  
imposed, the court also may sentence the offender to a community 4105  
control sanction for the offense, but the offender shall serve all 4106  
of the prison terms so imposed prior to serving the community 4107  
control sanction. 4108

(ii) If the sentence is being imposed for a violation of 4109  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4110  
section, a mandatory prison term of one, two, three, four, or five 4111  
years as required by and in accordance with division (G)(2) of 4112  
section 2929.13 of the Revised Code if the offender also is 4113  
convicted of or also pleads guilty to a specification of the type 4114  
described in section 2941.1413 of the Revised Code or, in the 4115  
discretion of the court, either a mandatory term of local 4116  
incarceration of one hundred twenty consecutive days in accordance 4117  
with division (G)(1) of section 2929.13 of the Revised Code or a 4118  
mandatory prison term of one hundred twenty consecutive days in 4119  
accordance with division (G)(2) of that section if the offender is 4120  
not convicted of and does not plead guilty to a specification of 4121  
that type. If the court imposes a mandatory term of local 4122  
incarceration, it may impose a jail term in addition to the one 4123  
hundred twenty-day mandatory term, the cumulative total of the 4124  
mandatory term and the jail term for the offense shall not exceed 4125  
one year, and, except as provided in division (A)(1) of section 4126  
2929.13 of the Revised Code, no prison term is authorized for the 4127  
offense. If the court imposes a mandatory prison term, 4128  
notwithstanding division (A)(4) of section 2929.14 of the Revised 4129  
Code, it also may sentence the offender to a definite prison term 4130  
that shall be not less than six months and not more than thirty 4131  
months and the prison terms shall be imposed as described in 4132  
division (G)(2) of section 2929.13 of the Revised Code. If the 4133  
court imposes a mandatory prison term or mandatory prison term and 4134  
additional prison term, in addition to the term or terms so 4135

imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

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

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

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

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

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

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that

was a felony, regardless of when the violation and the conviction  
or guilty plea occurred, is guilty of a felony of the third  
degree. The court shall sentence the offender to all of the  
following:

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

(ii) If the sentence is being imposed for a violation of  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this  
section, a mandatory prison term of one, two, three, four, or five  
years as required by and in accordance with division (G)(2) of  
section 2929.13 of the Revised Code if the offender also is  
convicted of or also pleads guilty to a specification of the type  
described in section 2941.1413 of the Revised Code or a mandatory  
prison term of one hundred twenty consecutive days in accordance  
with division (G)(2) of section 2929.13 of the Revised Code if the



offender is not convicted of and does not plead guilty to a 4199  
specification of that type. The court may impose a prison term in 4200  
addition to the mandatory prison term. The cumulative total of a 4201  
one hundred twenty-day mandatory prison term and the additional 4202  
prison term for the offense shall not exceed five years. In 4203  
addition to the mandatory prison term or mandatory prison term and 4204  
additional prison term the court imposes, the court also may 4205  
sentence the offender to a community control sanction for the 4206  
offense, but the offender shall serve all of the prison terms so 4207  
imposed prior to serving the community control sanction. 4208

(iii) In all cases, notwithstanding section 2929.18 of the 4209  
Revised Code, a fine of not less than eight hundred nor more than 4210  
ten thousand dollars; 4211

(iv) In all cases, a class two license suspension of the 4212  
offender's driver's license, commercial driver's license, 4213  
temporary instruction permit, probationary license, or nonresident 4214  
operating privilege from the range specified in division (A)(2) of 4215  
section 4510.02 of the Revised Code. The court may grant limited 4216  
driving privileges relative to the suspension under sections 4217  
4510.021 and 4510.13 of the Revised Code. 4218

(v) In all cases, if the vehicle is registered in the 4219  
offender's name, criminal forfeiture of the vehicle involved in 4220  
the offense in accordance with section 4503.234 of the Revised 4221  
Code. Division (G)(6) of this section applies regarding any 4222  
vehicle that is subject to an order of criminal forfeiture under 4223  
this division. 4224

(vi) In all cases, participation in an alcohol and drug 4225  
addiction program authorized by section 3793.02 of the Revised 4226  
Code, subject to division (I) of this section. 4227

(2) An offender who is convicted of or pleads guilty to a 4228  
violation of division (A) of this section and who subsequently 4229

seeks reinstatement of the driver's or occupational driver's 4230  
license or permit or nonresident operating privilege suspended 4231  
under this section as a result of the conviction or guilty plea 4232  
shall pay a reinstatement fee as provided in division (F)(2) of 4233  
section 4511.191 of the Revised Code. 4234

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

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

As an alternative to the mandatory jail term of twenty 4258  
consecutive days required by division (G)(1)(b)(ii) of this 4259  
section, the court, under this division, may sentence the offender 4260  
to ten consecutive days in jail and not less than thirty-six 4261

consecutive days of house arrest with electronic monitoring, with 4262  
continuous alcohol monitoring, or with both electronic monitoring 4263  
and continuous alcohol monitoring. The cumulative total of the ten 4264  
consecutive days in jail and the period of house arrest with 4265  
electronic monitoring, continuous alcohol monitoring, or both 4266  
types of monitoring shall not exceed six months. The ten 4267  
consecutive days in jail do not have to be served prior to or 4268  
consecutively to the period of house arrest. 4269

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

As an alternative to the mandatory jail term of sixty 4282  
consecutive days required by division (G)(1)(c)(ii) of this 4283  
section, the court, under this division, may sentence the offender 4284  
to thirty consecutive days in jail and not less than one hundred 4285  
ten consecutive days of house arrest with electronic monitoring, 4286  
with continuous ~~electronic~~ alcohol monitoring, or with both 4287  
electronic monitoring and continuous alcohol monitoring. The 4288  
cumulative total of the thirty consecutive days in jail and the 4289  
period of house arrest with electronic monitoring, continuous 4290  
alcohol monitoring, or both types of monitoring shall not exceed 4291  
one year. The thirty consecutive days in jail do not have to be 4292  
served prior to or consecutively to the period of house arrest. 4293

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

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

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

alcoholic beverages.

4326

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

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

(d) One hundred fifteen dollars of the fine imposed under 4351  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 4352  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 4353  
dollars of the fine imposed under division (G)(1)(d)(iii) or 4354  
(e)(iii) of this section shall be paid to the political 4355  
subdivision that pays the cost of housing the offender during the 4356  
offender's term of incarceration. The political subdivision shall 4357

use this share to pay or reimburse incarceration or treatment 4358  
costs it incurs in housing or providing drug and alcohol treatment 4359  
to persons who violate this section or a municipal OVI ordinance, 4360  
costs for any immobilizing or disabling device used on the 4361  
offender's vehicle, and costs of electronic house arrest equipment 4362  
needed for persons who violate this section. 4363

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

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

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

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

(1) Except as otherwise provided in division (H)(2) of this 4383  
section, the offender is guilty of a misdemeanor of the fourth 4384  
degree. In addition to any other sanction imposed for the offense, 4385  
the court shall impose a class six suspension of the offender's 4386  
driver's license, commercial driver's license, temporary 4387  
instruction permit, probationary license, or nonresident operating 4388

privilege from the range specified in division (A)(6) of section 4389  
4510.02 of the Revised Code. 4390

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

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

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

(2) An offender who stays in a drivers' intervention program 4412  
or in an alcohol treatment program under an order issued under 4413  
this section shall pay the cost of the stay in the program. 4414  
However, if the court determines that an offender who stays in an 4415  
alcohol treatment program under an order issued under this section 4416  
is unable to pay the cost of the stay in the program, the court 4417  
may order that the cost be paid from the court's indigent drivers' 4418  
alcohol treatment fund. 4419

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

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

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

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

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

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

~~(L)~~(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section



2937.46 of the Revised Code, do not apply to felony violations of 4451  
this section. Subject to division ~~(L)~~(N)(2) of this section, the 4452  
Rules of Criminal Procedure apply to felony violations of this 4453  
section. 4454

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

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

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

(3) The chemical test or tests under division (A)(2) of this 4474  
section shall be administered at the request of a law enforcement 4475  
officer having reasonable grounds to believe the person was 4476  
operating or in physical control of a vehicle, streetcar, or 4477  
trackless trolley in violation of a division, section, or 4478  
ordinance identified in division (A)(2) of this section. The law 4479  
enforcement agency by which the officer is employed shall 4480  
designate which of the tests shall be administered. 4481

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

(B)(1) Upon receipt of the sworn report of a law enforcement  
officer who arrested a person 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 that was completed and  
sent to the registrar and a court pursuant to section 4511.192 of  
the Revised Code in regard to a person who refused to take the  
designated chemical test, the registrar shall enter into the  
registrar's records the fact that the person's driver's or  
commercial driver's license or permit or nonresident operating  
privilege was suspended by the arresting officer under this  
division and that section and the period of the suspension, as  
determined under this section. The suspension shall be subject to  
appeal as provided in section 4511.197 of the Revised Code. The  
suspension shall be for whichever of the following periods  
applies:

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

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

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

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

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

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

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a

municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the 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, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

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

(b) 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 if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the

Revised Code or one other equivalent offense. 4577

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

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

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

The registrar shall credit against any judicial suspension of 4601  
a person's driver's or commercial driver's license or permit or 4602  
nonresident operating privilege imposed pursuant to section 4603  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4604  
Revised Code for a violation of a municipal OVI ordinance, any 4605  
time during which the person serves a related suspension imposed 4606  
pursuant to division (C)(1) of this section. 4607

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

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

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

(F) At the end of a suspension period under this section,

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

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

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

(a) One hundred twelve dollars and fifty cents shall be 4661  
credited to the statewide treatment and prevention fund created by 4662  
section 4301.30 of the Revised Code. The fund shall be used to pay 4663  
the costs of driver treatment and intervention programs operated 4664  
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 4665  
director of alcohol and drug addiction services shall determine 4666  
the share of the fund that is to be allocated to alcohol and drug 4667  
addiction programs authorized by section 3793.02 of the Revised 4668  
Code, and the share of the fund that is to be allocated to 4669  
drivers' intervention programs authorized by section 3793.10 of 4670  
the Revised Code. 4671

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

(c) Thirty-seven dollars and fifty cents shall be credited to 4674  
the indigent drivers alcohol treatment fund, which is hereby 4675  
established. Except as otherwise provided in division (F)(2)(c) of 4676  
this section, moneys in the fund shall be distributed by the 4677  
department of alcohol and drug addiction services to the county 4678  
indigent drivers alcohol treatment funds, the county juvenile 4679  
indigent drivers alcohol treatment funds, and the municipal 4680  
indigent drivers alcohol treatment funds that are required to be 4681  
established by counties and municipal corporations pursuant to 4682  
this section, and shall be used only to pay the cost of an alcohol 4683  
and drug addiction treatment program attended by an offender or 4684  
juvenile traffic offender who is ordered to attend an alcohol and 4685  
drug addiction treatment program by a county, juvenile, or 4686  
municipal court judge and who is determined by the county, 4687  
juvenile, or municipal court judge not to have the means to pay 4688  
for the person's attendance at the program or to pay the costs 4689  
specified in division (H)(4) of this section in accordance with 4690  
that division. In addition, a county, juvenile, or municipal court 4691  
judge may use moneys in the county indigent drivers alcohol 4692  
treatment fund, county juvenile indigent drivers alcohol treatment 4693  
fund, or municipal indigent drivers alcohol treatment fund to pay 4694  
for the cost of the continued use of an electronic continuous 4695  
alcohol monitoring device as described in divisions (H)(3) and (4) 4696  
of this section. Moneys in the fund that are not distributed to a 4697  
county indigent drivers alcohol treatment fund, a county juvenile 4698  
indigent drivers alcohol treatment fund, or a municipal indigent 4699  
drivers alcohol treatment fund under division (H) of this section 4700  
because the director of alcohol and drug addiction services does 4701  
not have the information necessary to identify the county or 4702  
municipal corporation where the offender or juvenile offender was 4703



arrested may be transferred by the director of budget and 4704  
management to the statewide treatment and prevention fund created 4705  
by section 4301.30 of the Revised Code, upon certification of the 4706  
amount by the director of alcohol and drug addiction services. 4707

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

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

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

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

(3) If a person's driver's or commercial driver's license or 4726  
permit is suspended under this section, under section 4511.196 or 4727  
division (G) of section 4511.19 of the Revised Code, under section 4728  
4510.07 of the Revised Code for a violation of a municipal OVI 4729  
ordinance or under any combination of the suspensions described in 4730  
division (F)(3) of this section, and if the suspensions arise from 4731  
a single incident or a single set of facts and circumstances, the 4732  
person is liable for payment of, and shall be required to pay to 4733  
the bureau, only one reinstatement fee of four hundred twenty-five 4734

dollars. The reinstatement fee shall be distributed by the bureau 4735  
in accordance with division (F)(2) of this section. 4736

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

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

(G) Suspension of a commercial driver's license under 4756  
division (B) or (C) of this section shall be concurrent with any 4757  
period of disqualification under section 3123.611 or 4506.16 of 4758  
the Revised Code or any period of suspension under section 3123.58 4759  
of the Revised Code. No person who is disqualified for life from 4760  
holding a commercial driver's license under section 4506.16 of the 4761  
Revised Code shall be issued a driver's license under Chapter 4762  
4507. of the Revised Code during the period for which the 4763  
commercial driver's license was suspended under division (B) or 4764  
(C) of this section. No person whose commercial driver's license 4765  
is suspended under division (B) or (C) of this section shall be 4766

issued a driver's license under Chapter 4507. of the Revised Code 4767  
during the period of the suspension. 4768

(H)(1) Each county shall establish an indigent drivers 4769  
alcohol treatment fund, each county shall establish a juvenile 4770  
indigent drivers alcohol treatment fund, and each municipal 4771  
corporation in which there is a municipal court shall establish an 4772  
indigent drivers alcohol treatment fund. All revenue that the 4773  
general assembly appropriates to the indigent drivers alcohol 4774  
treatment fund for transfer to a county indigent drivers alcohol 4775  
treatment fund, a county juvenile indigent drivers alcohol 4776  
treatment fund, or a municipal indigent drivers alcohol treatment 4777  
fund, all portions of fees that are paid under division (F) of 4778  
this section and that are credited under that division to the 4779  
indigent drivers alcohol treatment fund in the state treasury for 4780  
a county indigent drivers alcohol treatment fund, a county 4781  
juvenile indigent drivers alcohol treatment fund, or a municipal 4782  
indigent drivers alcohol treatment fund, and all portions of fines 4783  
that are specified for deposit into a county or municipal indigent 4784  
drivers alcohol treatment fund by section 4511.193 of the Revised 4785  
Code shall be deposited into that county indigent drivers alcohol 4786  
treatment fund, county juvenile indigent drivers alcohol treatment 4787  
fund, or municipal indigent drivers alcohol treatment fund in 4788  
accordance with division (H)(2) of this section. Additionally, all 4789  
portions of fines that are paid for a violation of section 4511.19 4790  
of the Revised Code or of any prohibition contained in Chapter 4791  
4510. of the Revised Code, and that are required under section 4792  
4511.19 or any provision of Chapter 4510. of the Revised Code to 4793  
be deposited into a county indigent drivers alcohol treatment fund 4794  
or municipal indigent drivers alcohol treatment fund shall be 4795  
deposited into the appropriate fund in accordance with the 4796  
applicable division. 4797

(2) That portion of the license reinstatement fee that is 4798

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

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

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

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

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

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

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

(ii) If the fee is paid by a person whose license or permit 4828

was suspended by a municipal court, the portion shall be deposited 4829  
into the municipal indigent drivers alcohol treatment fund under 4830  
the control of that court. 4831

(3) Expenditures from a county indigent drivers alcohol 4832  
treatment fund, a county juvenile indigent drivers alcohol 4833  
treatment fund, or a municipal indigent drivers alcohol treatment 4834  
fund shall be made only upon the order of a county, juvenile, or 4835  
municipal court judge and only for payment of the cost of the 4836  
attendance at an alcohol and drug addiction treatment program of a 4837  
person who is convicted of, or found to be a juvenile traffic 4838  
offender by reason of, a violation of division (A) of section 4839  
4511.19 of the Revised Code or a substantially similar municipal 4840  
ordinance, who is ordered by the court to attend the alcohol and 4841  
drug addiction treatment program, and who is determined by the 4842  
court to be unable to pay the cost of attendance at the treatment 4843  
program or for payment of the costs specified in division (H)(4) 4844  
of this section in accordance with that division. The alcohol and 4845  
drug addiction services board or the board of alcohol, drug 4846  
addiction, and mental health services established pursuant to 4847  
section 340.02 or 340.021 of the Revised Code and serving the 4848  
alcohol, drug addiction, and mental health service district in 4849  
which the court is located shall administer the indigent drivers 4850  
alcohol treatment program of the court. When a court orders an 4851  
offender or juvenile traffic offender to attend an alcohol and 4852  
drug addiction treatment program, the board shall determine which 4853  
program is suitable to meet the needs of the offender or juvenile 4854  
traffic offender, and when a suitable program is located and space 4855  
is available at the program, the offender or juvenile traffic 4856  
offender shall attend the program designated by the board. A 4857  
reasonable amount not to exceed five per cent of the amounts 4858  
credited to and deposited into the county indigent drivers alcohol 4859  
treatment fund, the county juvenile indigent drivers alcohol 4860

treatment fund, or the municipal indigent drivers alcohol 4861  
treatment fund serving every court whose program is administered 4862  
by that board shall be paid to the board to cover the costs it 4863  
incurs in administering those indigent drivers alcohol treatment 4864  
programs. 4865

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

(4) If a county, juvenile, or municipal court determines, in 4877  
consultation with the alcohol and drug addiction services board or 4878  
the board of alcohol, drug addiction, and mental health services 4879  
established pursuant to section 340.02 or 340.021 of the Revised 4880  
Code and serving the alcohol, drug addiction, and mental health 4881  
district in which the court is located, that the funds in the 4882  
county indigent drivers alcohol treatment fund, the county 4883  
juvenile indigent drivers alcohol treatment fund, or the municipal 4884  
indigent drivers alcohol treatment fund under the control of the 4885  
court are more than sufficient to satisfy the purpose for which 4886  
the fund was established, as specified in divisions (H)(1) to (3) 4887  
of this section, the court may declare a surplus in the fund. If 4888  
the court declares a surplus in the fund, the court may expend the 4889  
amount of the surplus in the fund for: 4890

(a) Alcohol and drug abuse assessment and treatment of 4891  
persons who are charged in the court with committing a criminal 4892

offense or with being a delinquent child or juvenile traffic 4893  
offender and in relation to whom both of the following apply: 4894

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

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

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

**Sec. 4511.192.** (A) The arresting law enforcement officer 4904  
shall give advice in accordance with this section to any person 4905  
under arrest for a violation of division (A) or (B) of section 4906  
4511.19 of the Revised Code, section 4511.194 of the Revised Code 4907  
or a substantially equivalent municipal ordinance, or a municipal 4908  
OVI ordinance. The officer shall give that advice in a written 4909  
form that contains the information described in division (B) of 4910  
this section and shall read the advice to the person. The form 4911  
shall contain a statement that the form was shown to the person 4912  
under arrest and read to the person by the arresting officer. One 4913  
or more persons shall witness the arresting officer's reading of 4914  
the form, and the witnesses shall certify to this fact by signing 4915  
the form. The person must submit to the chemical test or tests, 4916  
subsequent to the request of the arresting officer, within two 4917  
hours of the time of the alleged violation and, if the person does 4918  
not submit to the test or tests within that two-hour time limit, 4919  
the failure to submit automatically constitutes a refusal to 4920  
submit to the test or tests. 4921

(B) If a person is under arrest as described in division (A) 4922

of this section, before the person may be requested to submit to a  
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  
following form to the person:

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

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

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



If you take a chemical test, you may have an independent 4955  
chemical test taken at your own expense." 4956

(C) If the arresting law enforcement officer does not ask a 4957  
person under arrest as described in division (A) of this section 4958  
to submit to a chemical test or tests under section 4511.191 of 4959  
the Revised Code, the arresting officer shall seize the Ohio or 4960  
out-of-state driver's or commercial driver's license or permit of 4961  
the person and immediately forward it to the court in which the 4962  
arrested person is to appear on the charge. If the arrested person 4963  
is not in possession of the person's license or permit or it is 4964  
not in the person's vehicle, the officer shall order the person to 4965  
surrender it to the law enforcement agency that employs the 4966  
officer within twenty-four hours after the arrest, and, upon the 4967  
surrender, the agency immediately shall forward the license or 4968  
permit to the court in which the person is to appear on the 4969  
charge. Upon receipt of the license or permit, the court shall 4970  
retain it pending the arrested person's initial appearance and any 4971  
action taken under section 4511.196 of the Revised Code. 4972

(D)(1) If a law enforcement officer asks a person under 4973  
arrest as described in division (A) of this section to submit to a 4974  
chemical test or tests under section 4511.191 of the Revised Code, 4975  
if the officer advises the person in accordance with this section 4976  
of the consequences of the person's refusal or submission, and if 4977  
either the person refuses to submit to the test or tests or, 4978  
unless the arrest was for a violation of section 4511.194 of the 4979  
Revised Code or a substantially equivalent municipal ordinance, 4980  
the person submits to the test or tests and the test results 4981  
indicate a prohibited concentration of alcohol, a controlled 4982  
substance, or a metabolite of a controlled substance in the 4983  
person's whole blood, blood serum or plasma, breath, or urine at 4984  
the time of the alleged offense, the arresting officer shall do 4985  
all of the following: 4986

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

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

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

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

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

4511.194 of the Revised Code or a substantially equivalent  
municipal ordinance; 5018  
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(ii) That the person was arrested and charged with a  
violation of division (A) or (B) of section 4511.19 of the Revised  
Code, section 4511.194 of the Revised Code or a substantially  
equivalent municipal ordinance, or a municipal OVI ordinance; 5020  
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(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; 5024  
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(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. 5029  
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(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. 5037  
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(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 5046  
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shall send the report to the person by regular first class mail as 5049  
soon as possible after receipt of the report, but not later than 5050  
fourteen days after receipt of it. An arresting officer may give 5051  
an unsworn report to the arrested person at the time of the arrest 5052  
provided the report is complete when given to the arrested person 5053  
and subsequently is sworn to by the arresting officer. As soon as 5054  
possible, but not later than forty-eight hours after the arrest of 5055  
the person, the arresting officer shall send a copy of the sworn 5056  
report to the court in which the arrested person is to appear on 5057  
the charge for which the person was arrested. 5058

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

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

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

(2) "Physical control" means being in the driver's position 5070  
of the front seat of a vehicle or in the driver's position of a 5071  
streetcar or trackless trolley and having possession of the 5072  
vehicle's, streetcar's, or trackless trolley's ignition key or 5073  
other ignition device. 5074

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

(1) The person is under the influence of alcohol, a drug of 5078

abuse, or a combination of them ~~or while the~~. 5079

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

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

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

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

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

(c) If testimony is presented or evidence is introduced under 5107  
division (C)(1)(a) or (b) of this section and if the testimony or 5108  
evidence is admissible under the Rules of Evidence, the court 5109

shall admit the testimony or evidence, and the trier of fact shall 5110  
give it whatever weight the trier of fact considers to be 5111  
appropriate. 5112

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

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

(E) Division (B)(3) of this section does not apply to a 5128  
person who is in physical control of a vehicle, streetcar, or 5129  
trackless trolley while the person has a concentration of a listed 5130  
controlled substance or a listed metabolite of a controlled 5131  
substance in the person's whole blood, blood serum or plasma, or 5132  
urine that equals or exceeds the amount specified in division 5133  
(A)(1)(j) of section 4511.19 of the Revised Code, if both of the 5134  
following apply: 5135

(1) The person obtained the controlled substance pursuant to 5136  
a prescription issued by a licensed health professional authorized 5137  
to prescribe drugs. 5138

(2) The person injected, ingested, or inhaled the controlled 5139  
substance in accordance with the health professional's directions. 5140

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

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

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

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

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

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

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

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

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

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

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

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