

## **As Passed by the Senate**

**127th General Assembly**

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**Am. Sub. H. B. No. 215**

**Representative Collier**

**Cosponsors: Representatives Evans, Latta, Brown, Chandler, Stebelton,  
Combs, Setzer, Aslanides, Bacon, Batchelder, Blessing, Book, Boyd, Core,**

**Daniels, DeBose, DeGeeter, Dodd, Domenick, Dyer, Flowers, Gibbs,  
Hagan, J., Hagan, R., Mallory, Patton, Schindel, Schlichter, Sears, Wagner,**

**Williams, B., Williams, S., Yuko**

**Senators Grendell, Seitz, Turner, Cafaro, Fedor, Harris, Kearney, Morano,**

**Padgett, Schaffer, Schuring**

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### **A B I L L**

To amend sections 341.12, 341.13, 341.14, 341.15,	1
1547.11, 1547.111, 2725.27, 2903.06, 2949.094,	2
3719.41, 4503.235, 4506.03, 4510.13, 4511.19,	3
4511.191, 4511.192, and 4511.197, to enact	4
sections 341.141, 4729.041, and 5111.0119, and to	5
repeal section 2725.25 of the Revised Code to list	6
Salvia divinorum as a controlled substance; to	7
provide for prohibited concentrations of Salvia	8
Divinorum and Salvinorin A that are determined by	9
the State Board of Pharmacy for purposes of OVI	10
and OWI; to make clarifying, conforming, and	11
technical changes in the court cost add-on for	12
indigent drivers alcohol treatment and in certain	13
provisions of, or that relate to, Am. Sub. S.B. 17	14
of the 127th General Assembly; to provide for	15
suspension of the eligibility for Medicaid of	16
certain persons confined in a state or local	17

correctional facility; to permit the transfer of 18  
county jail inmates to contiguous counties in 19  
adjoining states; to waive the operation of police 20  
vehicles used to transport prisoners from 21  
commercial driver's license requirements; and to 22  
provide that the penalty enhancement for 23  
aggravated vehicular homicide, vehicular homicide, 24  
and vehicular manslaughter for driving under a 25  
license suspension and the requirement for a 26  
mandatory prison term in certain cases of 27  
aggravated vehicular homicide and vehicular 28  
homicide for driving under suspension also apply 29  
to driving under cancellation and driving without 30  
a license. 31  
32

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

**Section 1.** That sections 341.12, 341.13, 341.14, 341.15, 33  
1547.11, 1547.111, 2725.27, 2903.06, 2949.094, 3719.41, 4503.235, 34  
4506.03, 4510.13, 4511.19, 4511.191, 4511.192, and 4511.197 be 35  
amended and sections 341.141, 4729.041, and 5111.0119 of the 36  
Revised Code be enacted to read as follows: 37

**Sec. 341.12.** In a county not having a sufficient jail or 38  
staff, the sheriff shall convey any person charged with the 39  
commission of an offense, sentenced to imprisonment in the county 40  
jail, or in custody upon civil process, to a jail in any county 41  
~~which~~ the sheriff considers most convenient and secure. In the 42  
case of a person who has been charged with an offense and is being 43  
held pending trial, any county includes a contiguous county in an 44  
adjoining state. 45

The sheriff may call such aid as is necessary in guarding, 46

~~transporting~~ transporting, or returning such person. Whoever  
neglects or refuses to render such aid, when so called upon, shall  
forfeit and pay the sum of ten dollars, to be recovered by an  
action in the name and for the use of the county.

Such sheriff and his assistants shall receive such  
compensation for their services as the county auditor of the  
county from which such person was removed considers reasonable.  
The compensation shall be paid from the county treasury on the  
warrant of the auditor.

The receiving sheriff shall not, pursuant to this section,  
convey the person received to any county other than the one from  
which the person was removed.

**Sec. 341.13.** The sheriff of ~~the~~ a county in this state to  
which a prisoner has been removed as provided by section 341.12 of  
the Revised Code, shall, on being furnished a copy of the process  
or commitment, receive ~~such the~~ prisoner into ~~his~~ custody, ~~and~~.  
The sheriff of a contiguous county of an adjoining state to which  
a prisoner has been removed as provided in section 341.12 of the  
Revised Code may, on being furnished a copy of the commitment,  
receive the prisoner into the sheriff's custody. Each receiving  
sheriff shall be liable for escapes or other neglect of duty in  
relation to such the prisoner, as in other cases, and neither the  
conveying sheriff nor any county commissioner of the county that  
employs the conveying sheriff is liable in damages in a civil  
action for any injury, death, or loss to person or property  
suffered or caused by the prisoner while the prisoner is in the  
custody of the receiving sheriff. Such Each receiving sheriff  
shall receive from the treasury of the county from which the  
prisoner was removed, such fees as are allowed in other cases.

**Sec. 341.14.** (A) The sheriff of an adjoining county in this

state shall not receive prisoners as provided by section 341.12 of 77  
the Revised Code unless there is deposited weekly with the sheriff 78  
an amount equal to the actual cost of keeping and feeding each 79  
prisoner so committed for the use of the jail of that county, and 80  
the same amount for a period of time less than one week. If a 81  
prisoner is discharged before the expiration of the term for which 82  
the prisoner was committed, the excess of the amount advanced 83  
shall be refunded. 84

(B) Pursuant to section 2929.37 of the Revised Code, the 85  
board of county commissioners of the county of this state that 86  
receives pursuant to section 341.12 of the Revised Code for 87  
confinement in its jail, a prisoner who was convicted of an 88  
offense, may require the prisoner to reimburse the county for its 89  
expenses incurred by reason of the prisoner's confinement. 90

(C) Notwithstanding any contrary provision in this section or 91  
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 92  
board of county commissioners in this state may establish a policy 93  
that complies with section 2929.38 of the Revised Code and that 94  
requires any prisoner who is not indigent and who is confined in 95  
the county's jail under this section to pay a reception fee, a fee 96  
for medical treatment or service requested by and provided to that 97  
prisoner, or the fee for a random drug test assessed under 98  
division (E) of section 341.26 of the Revised Code. 99

(D) If a county in this state receives pursuant to section 100  
341.12 of the Revised Code for confinement in its jail a person 101  
who has been convicted of or pleaded guilty to an offense and has 102  
been sentenced to a term in a jail or a person who has been 103  
arrested for an offense, who has been denied bail or has had bail 104  
set and has not been released on bail, and who is confined in jail 105  
pending trial, at the time of reception and at other times the 106  
sheriff or other person in charge of the operation of the jail 107  
determines to be appropriate, the sheriff or other person in 108

charge of the operation of the jail may cause the convicted or 109  
accused offender to be examined and tested for tuberculosis, HIV 110  
infection, hepatitis, including but not limited to hepatitis A, B, 111  
and C, and other contagious diseases. The sheriff or other person 112  
in charge of the operation of the jail may cause a convicted or 113  
accused offender in the jail who refuses to be tested or treated 114  
for tuberculosis, HIV infection, hepatitis, including but not 115  
limited to hepatitis A, B, and C, or another contagious disease to 116  
be tested and treated involuntarily. 117

Sec. 341.141. (A) The sheriff of a county in this state shall 118  
not transfer a prisoner to a contiguous county in an adjoining 119  
state as provided in section 341.12 of the Revised Code unless 120  
there is deposited weekly with the sheriff of the contiguous 121  
county an amount equal to the actual cost of keeping and feeding 122  
each prisoner committed to the custody of that sheriff for the use 123  
of the jail of that county, and the same amount for a period of 124  
time less than one week. If a prisoner is discharged before the 125  
expiration of a week for which the cost of keeping and feeding the 126  
prisoner has been deposited, the excess of the amount shall be 127  
refunded. 128

(B) The minimum standards for jails that are applicable for 129  
jails in the adjoining state shall apply to a jail in that 130  
adjoining state that receives prisoners as provided in section 131  
341.13 of the Revised Code. 132

(C) All other terms of the transfer of a prisoner from a 133  
county in this state to a contiguous county in an adjoining state 134  
shall be as agreed upon by the board of county commissioners, any 135  
applicable governmental entity in the receiving county, and the 136  
sheriffs involved in the transfer. 137

(D) If a prisoner is transferred to a contiguous county of an 138  
adjoining state as provided in section 341.12 of the Revised Code, 139

jurisdiction over the transferred prisoner shall remain with the 140  
Ohio governmental agencies and entities that would have 141  
jurisdiction over the prisoner if the prisoner had not been so 142  
transferred, including the Ohio court to which the prisoner's case 143  
is assigned. 144

**Sec. 341.15.** At the end of each quarter<sup>7</sup> of each calendar 145  
year, ~~the~~ a sheriff in this state shall account for and pay to the 146  
county treasurer all money received by ~~him~~ the sheriff as provided 147  
by sections 341.13 and 341.14 of the Revised Code. 148

**Sec. 1547.11.** (A) No person shall operate or be in physical 149  
control of any vessel underway or shall manipulate any water skis, 150  
aquaplane, or similar device on the waters in this state if, at 151  
the time of the operation, control, or manipulation, any of the 152  
following applies: 153

(1) The person is under the influence of alcohol, a drug of 154  
abuse, or a combination of them. 155

(2) The person has a concentration of eight-hundredths of one 156  
per cent or more by weight of alcohol per unit volume in the 157  
person's whole blood. 158

(3) The person has a concentration of ninety-six-thousandths 159  
of one per cent or more by weight per unit volume of alcohol in 160  
the person's blood serum or plasma. 161

(4) The person has a concentration of eleven-hundredths of 162  
one gram or more by weight of alcohol per one hundred milliliters 163  
of the person's urine. 164

(5) The person has a concentration of eight-hundredths of one 165  
gram or more by weight of alcohol per two hundred ten liters of 166  
the person's breath. 167

(6) Except as provided in division (H) of this section, the 168

person has a concentration of any of the following controlled 169  
substances or metabolites of a controlled substance in the 170  
person's whole blood, blood serum or plasma, or urine that equals 171  
or exceeds any of the following: 172

(a) The person has a concentration of amphetamine in the 173  
person's urine of at least five hundred nanograms of amphetamine 174  
per milliliter of the person's urine or has a concentration of 175  
amphetamine in the person's whole blood or blood serum or plasma 176  
of at least one hundred nanograms of amphetamine per milliliter of 177  
the person's whole blood or blood serum or plasma. 178

(b) The person has a concentration of cocaine in the person's 179  
urine of at least one hundred fifty nanograms of cocaine per 180  
milliliter of the person's urine or has a concentration of cocaine 181  
in the person's whole blood or blood serum or plasma of at least 182  
fifty nanograms of cocaine per milliliter of the person's whole 183  
blood or blood serum or plasma. 184

(c) The person has a concentration of cocaine metabolite in 185  
the person's urine of at least one hundred fifty nanograms of 186  
cocaine metabolite per milliliter of the person's urine or has a 187  
concentration of cocaine metabolite in the person's whole blood or 188  
blood serum or plasma of at least fifty nanograms of cocaine 189  
metabolite per milliliter of the person's whole blood or blood 190  
serum or plasma. 191

(d) The person has a concentration of heroin in the person's 192  
urine of at least two thousand nanograms of heroin per milliliter 193  
of the person's urine or has a concentration of heroin in the 194  
person's whole blood or blood serum or plasma of at least fifty 195  
nanograms of heroin per milliliter of the person's whole blood or 196  
blood serum or plasma. 197

(e) The person has a concentration of heroin metabolite 198  
(6-monoacetyl morphine) in the person's urine of at least ten 199

nanograms of heroin metabolite (6-monoacetyl morphine) per 200  
milliliter of the person's urine or has a concentration of heroin 201  
metabolite (6-monoacetyl morphine) in the person's whole blood or 202  
blood serum or plasma of at least ten nanograms of heroin 203  
metabolite (6-monoacetyl morphine) per milliliter of the person's 204  
whole blood or blood serum or plasma. 205

(f) The person has a concentration of L.S.D. in the person's 206  
urine of at least twenty-five nanograms of L.S.D. per milliliter 207  
of the person's urine or has a concentration of L.S.D. in the 208  
person's whole blood or blood serum or plasma of at least ten 209  
nanograms of L.S.D. per milliliter of the person's whole blood or 210  
blood serum or plasma. 211

(g) The person has a concentration of marihuana in the 212  
person's urine of at least ten nanograms of marihuana per 213  
milliliter of the person's urine or has a concentration of 214  
marihuana in the person's whole blood or blood serum or plasma of 215  
at least two nanograms of marihuana per milliliter of the person's 216  
whole blood or blood serum or plasma. 217

(h) The state board of pharmacy has adopted a rule pursuant 218  
to section 4729.041 of the Revised Code that specifies the amount 219  
of salvia divinorum and the amount of salvinorin A that constitute 220  
concentrations of salvia divinorum and salvinorin A in a person's 221  
urine, in a person's whole blood, or in a person's blood serum or 222  
plasma at or above which the person is impaired for purposes of 223  
operating or being in physical control of any vessel underway or 224  
manipulating any water skis, aquaplane, or similar device on the 225  
waters of this state, the rule is in effect, and the person has a 226  
concentration of salvia divinorum or salvinorin A of at least that 227  
amount so specified by rule in the person's urine, in the person's 228  
whole blood, or in the person's blood serum or plasma. 229

~~(h)~~(i) Either of the following applies: 230

(i) The person is under the influence of alcohol, a drug of 231  
abuse, or a combination of them, and, as measured by gas 232  
chromatography mass spectrometry, the person has a concentration 233  
of marihuana metabolite in the person's urine of at least fifteen 234  
nanograms of marihuana metabolite per milliliter of the person's 235  
urine or has a concentration of marihuana metabolite in the 236  
person's whole blood or blood serum or plasma of at least five 237  
nanograms of marihuana metabolite per milliliter of the person's 238  
whole blood or blood serum or plasma. 239

(ii) As measured by gas chromatography mass spectrometry, the 240  
person has a concentration of marihuana metabolite in the person's 241  
urine of at least thirty-five nanograms of marihuana metabolite 242  
per milliliter of the person's urine or has a concentration of 243  
marihuana metabolite in the person's whole blood or blood serum or 244  
plasma of at least fifty nanograms of marihuana metabolite per 245  
milliliter of the person's whole blood or blood serum or plasma. 246

~~(i)~~(j) The person has a concentration of methamphetamine in 247  
the person's urine of at least five hundred nanograms of 248  
methamphetamine per milliliter of the person's urine or has a 249  
concentration of methamphetamine in the person's whole blood or 250  
blood serum or plasma of at least one hundred nanograms of 251  
methamphetamine per milliliter of the person's whole blood or 252  
blood serum or plasma. 253

~~(j)~~(k) The person has a concentration of phencyclidine in the 254  
person's urine of at least twenty-five nanograms of phencyclidine 255  
per milliliter of the person's urine or has a concentration of 256  
phencyclidine in the person's whole blood or blood serum or plasma 257  
of at least ten nanograms of phencyclidine per milliliter of the 258  
person's whole blood or blood serum or plasma. 259

(B) No person under twenty-one years of age shall operate or 260  
be in physical control of any vessel underway or shall manipulate 261  
any water skis, aquaplane, or similar device on the waters in this 262

state if, at the time of the operation, control, or manipulation, 263  
any of the following applies: 264

(1) The person has a concentration of at least two-hundredths 265  
of one per cent, but less than eight-hundredths of one per cent by 266  
weight per unit volume of alcohol in the person's whole blood. 267

(2) The person has a concentration of at least 268  
three-hundredths of one per cent but less than 269  
ninety-six-thousandths of one per cent by weight per unit volume 270  
of alcohol in the person's blood serum or plasma. 271

(3) The person has a concentration of at least twenty-eight 272  
one-thousandths of one gram, but less than eleven-hundredths of 273  
one gram by weight of alcohol per one hundred milliliters of the 274  
person's urine. 275

(4) The person has a concentration of at least two-hundredths 276  
of one gram, but less than eight-hundredths of one gram by weight 277  
of alcohol per two hundred ten liters of the person's breath. 278

(C) In any proceeding arising out of one incident, a person 279  
may be charged with a violation of division (A)(1) and a violation 280  
of division (B)(1), (2), (3), or (4) of this section, but the 281  
person shall not be convicted of more than one violation of those 282  
divisions. 283

(D)(1)(a) In any criminal prosecution or juvenile court 284  
proceeding for a violation of division (A) or (B) of this section 285  
or for an equivalent offense that is watercraft-related, the 286  
result of any test of any blood or urine withdrawn and analyzed at 287  
any health care provider, as defined in section 2317.02 of the 288  
Revised Code, may be admitted with expert testimony to be 289  
considered with any other relevant and competent evidence in 290  
determining the guilt or innocence of the defendant. 291

(b) In any criminal prosecution or juvenile court proceeding 292  
for a violation of division (A) or (B) of this section or for an 293

equivalent offense that is watercraft-related, the court may admit 294  
evidence on the concentration of alcohol, drugs of abuse, 295  
controlled substances, metabolites of a controlled substance, or a 296  
combination of them in the defendant's or child's whole blood, 297  
blood serum or plasma, urine, or breath at the time of the alleged 298  
violation as shown by chemical analysis of the substance 299  
withdrawn, or specimen taken within three hours of the time of the 300  
alleged violation. The three-hour time limit specified in this 301  
division regarding the admission of evidence does not extend or 302  
affect the two-hour time limit specified in division (C) of 303  
section 1547.111 of the Revised Code as the maximum period of time 304  
during which a person may consent to a chemical test or tests as 305  
described in that section. The court may admit evidence on the 306  
concentration of alcohol, drugs of abuse, or a combination of them 307  
as described in this division when a person submits to a blood, 308  
breath, urine, or other bodily substance test at the request of a 309  
law enforcement officer under section 1547.111 of the Revised Code 310  
or a blood or urine sample is obtained pursuant to a search 311  
warrant. Only a physician, a registered nurse, or a qualified 312  
technician, chemist, or phlebotomist shall withdraw blood for the 313  
purpose of determining the alcohol, drug, controlled substance, 314  
metabolite of a controlled substance, or combination content of 315  
the whole blood, blood serum, or blood plasma. This limitation 316  
does not apply to the taking of breath or urine specimens. A 317  
person authorized to withdraw blood under this division may refuse 318  
to withdraw blood under this division if, in that person's 319  
opinion, the physical welfare of the defendant or child would be 320  
endangered by withdrawing blood. 321

The whole blood, blood serum or plasma, urine, or breath 322  
withdrawn under division (D)(1)(b) of this section shall be 323  
analyzed in accordance with methods approved by the director of 324  
health by an individual possessing a valid permit issued by the 325  
director pursuant to section 3701.143 of the Revised Code. 326

(2) In a criminal prosecution or juvenile court proceeding 327  
for a violation of division (A) of this section or for an 328  
equivalent offense that is watercraft-related, if there was at the 329  
time the bodily substance was taken a concentration of less than 330  
the applicable concentration of alcohol specified for a violation 331  
of division (A)(2), (3), (4), or (5) of this section or less than 332  
the applicable concentration of a listed controlled substance or a 333  
listed metabolite of a controlled substance specified for a 334  
violation of division (A)(6) of this section, that fact may be 335  
considered with other competent evidence in determining the guilt 336  
or innocence of the defendant or in making an adjudication for the 337  
child. This division does not limit or affect a criminal 338  
prosecution or juvenile court proceeding for a violation of 339  
division (B) of this section or for a violation of a prohibition 340  
that is substantially equivalent to that division. 341

(3) Upon the request of the person who was tested, the 342  
results of the chemical test shall be made available to the person 343  
or the person's attorney immediately upon completion of the test 344  
analysis. 345

If the chemical test was administered pursuant to division 346  
(D)(1)(b) of this section, the person tested may have a physician, 347  
a registered nurse, or a qualified technician, chemist, or 348  
phlebotomist of the person's own choosing administer a chemical 349  
test or tests in addition to any administered at the direction of 350  
a law enforcement officer, and shall be so advised. The failure or 351  
inability to obtain an additional test by a person shall not 352  
preclude the admission of evidence relating to the test or tests 353  
taken at the direction of a law enforcement officer. 354

(E)(1) In any criminal prosecution or juvenile court 355  
proceeding for a violation of division (A) or (B) of this section, 356  
of a municipal ordinance relating to operating or being in 357  
physical control of any vessel underway or to manipulating any 358

water skis, aquaplane, or similar device on the waters of this 359  
state while under the influence of alcohol, a drug of abuse, or a 360  
combination of them, or of a municipal ordinance relating to 361  
operating or being in physical control of any vessel underway or 362  
to manipulating any water skis, aquaplane, or similar device on 363  
the waters of this state with a prohibited concentration of 364  
alcohol, a controlled substance, or a metabolite of a controlled 365  
substance in the whole blood, blood serum or plasma, breath, or 366  
urine, if a law enforcement officer has administered a field 367  
sobriety test to the operator or person found to be in physical 368  
control of the vessel underway involved in the violation or the 369  
person manipulating the water skis, aquaplane, or similar device 370  
involved in the violation and if it is shown by clear and 371  
convincing evidence that the officer administered the test in 372  
substantial compliance with the testing standards for reliable, 373  
credible, and generally accepted field sobriety tests for vehicles 374  
that were in effect at the time the tests were administered, 375  
including, but not limited to, any testing standards then in 376  
effect that have been set by the national highway traffic safety 377  
administration, that by their nature are not clearly inapplicable 378  
regarding the operation or physical control of vessels underway or 379  
the manipulation of water skis, aquaplanes, or similar devices, 380  
all of the following apply: 381

(a) The officer may testify concerning the results of the 382  
field sobriety test so administered. 383

(b) The prosecution may introduce the results of the field 384  
sobriety test so administered as evidence in any proceedings in 385  
the criminal prosecution or juvenile court proceeding. 386

(c) If testimony is presented or evidence is introduced under 387  
division (E)(1)(a) or (b) of this section and if the testimony or 388  
evidence is admissible under the Rules of Evidence, the court 389  
shall admit the testimony or evidence, and the trier of fact shall 390

give it whatever weight the trier of fact considers to be 391  
appropriate. 392

(2) Division (E)(1) of this section does not limit or 393  
preclude a court, in its determination of whether the arrest of a 394  
person was supported by probable cause or its determination of any 395  
other matter in a criminal prosecution or juvenile court 396  
proceeding of a type described in that division, from considering 397  
evidence or testimony that is not otherwise disallowed by division 398  
(E)(1) of this section. 399

(F)(1) Subject to division (F)(3) of this section, in any 400  
criminal prosecution or juvenile court proceeding for a violation 401  
of division (A) or (B) of this section or for an equivalent 402  
offense that is substantially equivalent to either of those 403  
divisions, the court shall admit as prima-facie evidence a 404  
laboratory report from any laboratory personnel issued a permit by 405  
the department of health authorizing an analysis as described in 406  
this division that contains an analysis of the whole blood, blood 407  
serum or plasma, breath, urine, or other bodily substance tested 408  
and that contains all of the information specified in this 409  
division. The laboratory report shall contain all of the 410  
following: 411

(a) The signature, under oath, of any person who performed 412  
the analysis; 413

(b) Any findings as to the identity and quantity of alcohol, 414  
a drug of abuse, a controlled substance, a metabolite of a 415  
controlled substance, or a combination of them that was found; 416

(c) A copy of a notarized statement by the laboratory 417  
director or a designee of the director that contains the name of 418  
each certified analyst or test performer involved with the report, 419  
the analyst's or test performer's employment relationship with the 420  
laboratory that issued the report, and a notation that performing 421

an analysis of the type involved is part of the analyst's or test 422  
performer's regular duties; 423

(d) An outline of the analyst's or test performer's 424  
education, training, and experience in performing the type of 425  
analysis involved and a certification that the laboratory 426  
satisfies appropriate quality control standards in general and, in 427  
this particular analysis, under rules of the department of health. 428

(2) Notwithstanding any other provision of law regarding the 429  
admission of evidence, a report of the type described in division 430  
(F)(1) of this section is not admissible against the defendant or 431  
child to whom it pertains in any proceeding, other than a 432  
preliminary hearing or a grand jury proceeding, unless the 433  
prosecutor has served a copy of the report on the defendant's or 434  
child's attorney or, if the defendant or child has no attorney, on 435  
the defendant or child. 436

(3) A report of the type described in division (F)(1) of this 437  
section shall not be prima-facie evidence of the contents, 438  
identity, or amount of any substance if, within seven days after 439  
the defendant or child to whom the report pertains or the 440  
defendant's or child's attorney receives a copy of the report, the 441  
defendant or child or the defendant's or child's attorney demands 442  
the testimony of the person who signed the report. The judge in 443  
the case may extend the seven-day time limit in the interest of 444  
justice. 445

(G) Except as otherwise provided in this division, any 446  
physician, registered nurse, or qualified technician, chemist, or 447  
phlebotomist who withdraws blood from a person pursuant to this 448  
section or section 1547.111 of the Revised Code, and a hospital, 449  
first-aid station, or clinic at which blood is withdrawn from a 450  
person pursuant to this section or section 1547.111 of the Revised 451  
Code, is immune from criminal and civil liability based upon a 452  
claim of assault and battery or any other claim that is not a 453

claim of malpractice, for any act performed in withdrawing blood 454  
from the person. The immunity provided in this division is not 455  
available to a person who withdraws blood if the person engages in 456  
willful or wanton misconduct. 457

(H) Division (A)(6) of this section does not apply to a 458  
person who operates or is in physical control of a vessel underway 459  
or manipulates any water skis, aquaplane, or similar device while 460  
the person has a concentration of a listed controlled substance or 461  
a listed metabolite of a controlled substance in the person's 462  
whole blood, blood serum or plasma, or urine that equals or 463  
exceeds the amount specified in that division, if both of the 464  
following apply: 465

(1) The person obtained the controlled substance pursuant to 466  
a prescription issued by a licensed health professional authorized 467  
to prescribe drugs. 468

(2) The person injected, ingested, or inhaled the controlled 469  
substance in accordance with the health professional's directions. 470

(I) As used in this section and section 1547.111 of the 471  
Revised Code: 472

(1) "Equivalent offense" has the same meaning as in section 473  
4511.181 of the Revised Code. 474

(2) "National highway traffic safety administration" has the 475  
same meaning as in section 4511.19 of the Revised Code. 476

(3) "Operate" means that a vessel is being used on the waters 477  
in this state when the vessel is not securely affixed to a dock or 478  
to shore or to any permanent structure to which the vessel has the 479  
right to affix or that a vessel is not anchored in a designated 480  
anchorage area or boat camping area that is established by the 481  
United States coast guard, this state, or a political subdivision 482  
and in which the vessel has the right to anchor. 483

(4) "Controlled substance" and "marihuana" have the same 484  
meanings as in section 3719.01 of the Revised Code. 485

(5) "Cocaine" and "L.S.D." have the same meanings as in 486  
section 2925.01 of the Revised Code. 487

(6) "Equivalent offense that is watercraft-related" means an 488  
equivalent offense that is one of the following: 489

(a) A violation of division (A) or (B) of this section; 490

(b) A violation of a municipal ordinance prohibiting a person 491  
from operating or being in physical control of any vessel underway 492  
or from manipulating any water skis, aquaplane, or similar device 493  
on the waters of this state while under the influence of alcohol, 494  
a drug of abuse, or a combination of them or prohibiting a person 495  
from operating or being in physical control of any vessel underway 496  
or from manipulating any water skis, aquaplane, or similar device 497  
on the waters of this state with a prohibited concentration of 498  
alcohol, a controlled substance, or a metabolite of a controlled 499  
substance in the whole blood, blood serum or plasma, breath, or 500  
urine; 501

(c) A violation of an existing or former municipal ordinance, 502  
law of another state, or law of the United States that is 503  
substantially equivalent to division (A) or (B) of this section; 504

(d) A violation of a former law of this state that was 505  
substantially equivalent to division (A) or (B) of this section. 506

**Sec. 1547.111.** (A)(1)(a) Any person who operates or is in 507  
physical control of a vessel or manipulates any water skis, 508  
aquaplane, or similar device upon any waters in this state shall 509  
be deemed to have given consent to a chemical test or tests to 510  
determine the alcohol, drug of abuse, controlled substance, 511  
metabolite of a controlled substance, or combination content of 512  
the person's whole blood, blood serum or plasma, breath, or urine 513

if arrested for operating or being in physical control of a vessel 514  
or manipulating any water skis, aquaplane, or similar device in 515  
violation of section 1547.11 of the Revised Code or a 516  
substantially equivalent municipal ordinance. 517

(b) The test or tests under division (A)(1) of this section 518  
shall be administered at the request of a law enforcement officer 519  
having reasonable grounds to believe the person was operating or 520  
in physical control of a vessel or manipulating any water skis, 521  
aquaplane, or similar device in violation of section 1547.11 of 522  
the Revised Code or a substantially equivalent municipal 523  
ordinance. The law enforcement agency by which the officer is 524  
employed shall designate which test or tests shall be 525  
administered. 526

(2) Any person who is dead or unconscious or who otherwise is 527  
in a condition rendering the person incapable of refusal shall be 528  
deemed to have consented as provided in division (A)(1) of this 529  
section, and the test or tests may be administered, subject to 530  
sections 313.12 to 313.16 of the Revised Code. 531

(B)(1) If a law enforcement officer arrests a person for 532  
operating or being in physical control of a vessel or manipulating 533  
any water skis, aquaplane, or similar device in violation of 534  
section 1547.11 of the Revised Code or a substantially equivalent 535  
municipal ordinance and if the person previously has been 536  
convicted of or pleaded guilty to two or more violations of 537  
section 1547.11 of the Revised Code or other equivalent offenses, 538  
the law enforcement officer shall request the person to submit, 539  
and the person shall submit, to a chemical test or tests of the 540  
person's whole blood, blood serum or plasma, breath, or urine for 541  
the purpose of determining the alcohol, drug of abuse, controlled 542  
substance, metabolite of a controlled substance, or combination 543  
content of the person's whole blood, blood serum or plasma, 544  
breath, or urine. A law enforcement officer who makes a request 545

pursuant to this division that a person submit to a chemical test 546  
or tests is not required to advise the person of the consequences 547  
of refusing to submit to the test or tests and is not required to 548  
give the person the form described in division (C) of this 549  
section, but the officer shall advise the person at the time of 550  
the arrest that if the person refuses to take a chemical test the 551  
officer may employ whatever reasonable means are necessary to 552  
ensure that the person submits to a chemical test of the person's 553  
whole blood or blood serum or plasma. The officer shall also 554  
advise the person at the time of the arrest that the person may 555  
have an independent chemical test taken at the person's own 556  
expense. The advice shall be in written form prescribed by the 557  
chief of the division of watercraft and shall be read to the 558  
person. The form shall contain a statement that the form was shown 559  
to the person under arrest and read to the person by the arresting 560  
officer. The reading of the form shall be witnessed by one or more 561  
persons, and the witnesses shall certify to this fact by signing 562  
the form. Divisions (A)(1)(b) and (A)(2) of this section apply to 563  
the administration of a chemical test or tests pursuant to this 564  
division. 565

(2) If a person refuses to submit to a chemical test upon a 566  
request made pursuant to division (B)(1) of this section, the law 567  
enforcement officer who made the request may employ whatever 568  
reasonable means are necessary to ensure that the person submits 569  
to a chemical test of the person's whole blood or blood serum or 570  
plasma. A law enforcement officer who acts pursuant to this 571  
division to ensure that a person submits to a chemical test of the 572  
person's whole blood or blood serum or plasma is immune from 573  
criminal and civil liability based upon a claim for assault and 574  
battery or any other claim for the acts, unless the officer so 575  
acted with malicious purpose, in bad faith, or in a wanton or 576  
reckless manner. 577

(C) ~~Any~~ Except as provided in division (B) of this section, 578  
any person under arrest for violating section 1547.11 of the 579  
Revised Code or a substantially equivalent municipal ordinance 580  
shall be advised of the consequences of refusing to submit to a 581  
chemical test or tests designated as provided in division (A) of 582  
this section. The advice shall be in a written form prescribed by 583  
the chief of the division of watercraft and shall be read to the 584  
person. The form shall contain a statement that the form was shown 585  
to the person under arrest and read to the person by the arresting 586  
officer. The reading of the form shall be witnessed by one or more 587  
persons, and the witnesses shall certify to this fact by signing 588  
the form. The person must submit to the chemical test or tests, 589  
subsequent to the request of the arresting officer, within two 590  
hours of the time of the alleged violation, and if the person does 591  
not submit to the test or tests within that two-hour time limit, 592  
the failure to submit automatically constitutes a refusal to 593  
submit to the test or tests. 594

(D) ~~If~~ Except as provided in division (B) of this section, if 595  
a law enforcement officer asks a person under arrest for violating 596  
section 1547.11 of the Revised Code or a substantially equivalent 597  
municipal ordinance to submit to a chemical test or tests as 598  
provided in division (A) of this section, if the arresting officer 599  
advises the person of the consequences of the person's refusal as 600  
provided in division (C) of this section, and if the person 601  
refuses to submit, no chemical test shall be given. Upon receipt 602  
of a sworn statement of the officer that the arresting law 603  
enforcement officer had reasonable grounds to believe the arrested 604  
person violated section 1547.11 of the Revised Code or a 605  
substantially equivalent municipal ordinance and that the person 606  
refused to submit to the chemical test upon the request of the 607  
officer, and upon receipt of the form as provided in division (C) 608  
of this section certifying that the arrested person was advised of 609  
the consequences of the refusal, the chief of the division of 610

watercraft shall inform the person by written notice that the 611  
person is prohibited from operating or being in physical control 612  
of a vessel, from manipulating any water skis, aquaplane, or 613  
similar device, and from registering any watercraft in accordance 614  
with section 1547.54 of the Revised Code, for one year following 615  
the date of the alleged violation. The suspension of these 616  
operation, physical control, manipulation, and registration 617  
privileges shall continue for the entire one-year period, subject 618  
to review as provided in this section. 619

If the person under arrest is the owner of the vessel 620  
involved in the alleged violation, the law enforcement officer who 621  
arrested the person shall seize the watercraft registration 622  
certificate and tags from the vessel involved in the violation and 623  
forward them to the chief. The chief shall retain the impounded 624  
registration certificate and tags and shall impound all other 625  
registration certificates and tags issued to the person in 626  
accordance with sections 1547.54 and 1547.57 of the Revised Code, 627  
for a period of one year following the date of the alleged 628  
violation, subject to review as provided in this section. 629

If the arrested person fails to surrender the registration 630  
certificate because it is not on the person of the arrested person 631  
or in the watercraft, the law enforcement officer who made the 632  
arrest shall order the person to surrender it within twenty-four 633  
hours to the law enforcement officer or the law enforcement agency 634  
that employs the law enforcement officer. If the person fails to 635  
do so, the law enforcement officer shall notify the chief of that 636  
fact in the statement the officer submits to the chief under this 637  
division. 638

(E) Upon suspending a person's operation, physical control, 639  
manipulation, and registration privileges in accordance with 640  
division (D) of this section, the chief shall notify the person in 641  
writing, at the person's last known address, and inform the person 642

that the person may petition for a hearing in accordance with 643  
division (F) of this section. If a person whose operation, 644  
physical control, manipulation, and registration privileges have 645  
been suspended petitions for a hearing or appeals any adverse 646  
decision, the suspension shall begin at the termination of any 647  
hearing or appeal unless the hearing or appeal results in a 648  
decision favorable to the person. 649

(F) Any person who has been notified by the chief that the 650  
person is prohibited from operating or being in physical control 651  
of a vessel or manipulating any water skis, aquaplane, or similar 652  
device and from registering any watercraft in accordance with 653  
section 1547.54 of the Revised Code, or who has had the 654  
registration certificate and tags of the person's watercraft 655  
impounded pursuant to division (D) of this section, within twenty 656  
days of the notification or impoundment, may file a petition in 657  
the municipal court or the county court, or if the person is a 658  
minor in juvenile court, with jurisdiction over the place at which 659  
the arrest occurred, agreeing to pay the cost of the proceedings 660  
and alleging error in the action taken by the chief under division 661  
(D) of this section or alleging one or more of the matters within 662  
the scope of the hearing as provided in this section, or both. The 663  
petitioner shall notify the chief of the filing of the petition 664  
and send the chief a copy of the petition. 665

The scope of the hearing is limited to the issues of whether 666  
the law enforcement officer had reasonable grounds to believe the 667  
petitioner was operating or in physical control of a vessel or 668  
manipulating any water skis, aquaplane, or similar device in 669  
violation of section 1547.11 of the Revised Code or a 670  
substantially equivalent municipal ordinance, whether the 671  
petitioner was placed under arrest, whether the petitioner refused 672  
to submit to the chemical test upon request of the officer, and 673  
whether the petitioner was advised of the consequences of the 674

petitioner's refusal. 675

(G)(1) The chief shall furnish the court a copy of the 676  
affidavit as provided in division (C) of this section and any 677  
other relevant information requested by the court. 678

(2) In hearing the matter and in determining whether the 679  
person has shown error in the decision taken by the chief as 680  
provided in division (D) of this section, the court shall decide 681  
the issue upon the relevant, competent, and material evidence 682  
submitted by the chief or the person whose operation, physical 683  
control, manipulation, and registration privileges have been 684  
suspended. 685

In the proceedings, the chief shall be represented by the 686  
prosecuting attorney of the county in which the petition is filed 687  
if the petition is filed in a county court or juvenile court, 688  
except that if the arrest occurred within a city or village within 689  
the jurisdiction of the county court in which the petition is 690  
filed, the city director of law or village solicitor of that city 691  
or village shall represent the chief. If the petition is filed in 692  
the municipal court, the chief shall be represented as provided in 693  
section 1901.34 of the Revised Code. 694

(3) If the court finds from the evidence submitted that the 695  
person has failed to show error in the action taken by the chief 696  
under division (D) of this section or in one or more of the 697  
matters within the scope of the hearing as provided in division 698  
(F) of this section, or both, the court shall assess the cost of 699  
the proceeding against the person and shall uphold the suspension 700  
of the operation, physical control, use, and registration 701  
privileges provided in division (D) of this section. If the court 702  
finds that the person has shown error in the action taken by the 703  
chief under division (D) of this section or in one or more of the 704  
matters within the scope of the hearing as provided in division 705  
(F) of this section, or both, the cost of the proceedings shall be 706

paid out of the county treasury of the county in which the 707  
proceedings were held, the chief shall reinstate the operation, 708  
physical control, manipulation, and registration privileges of the 709  
person without charge, and the chief shall return the registration 710  
certificate and tags, if impounded, without charge. 711

(4) The court shall give information in writing of any action 712  
taken under this section to the chief. 713

(H) At the end of any period of suspension or impoundment 714  
imposed under this section, and upon request of the person whose 715  
operation, physical control, use, and registration privileges were 716  
suspended or whose registration certificate and tags were 717  
impounded, the chief shall reinstate the person's operation, 718  
physical control, manipulation, and registration privileges by 719  
written notice and return the certificate and tags. 720

(I) No person who has received written notice from the chief 721  
that the person is prohibited from operating or being in physical 722  
control of a vessel, from manipulating any water skis, aquaplane, 723  
or similar device, and from registering a watercraft, or who has 724  
had the registration certificate and tags of the person's 725  
watercraft impounded, in accordance with division (D) of this 726  
section, shall operate or be in physical control of a vessel or 727  
manipulate any water skis, aquaplane, or similar device for a 728  
period of one year following the date of the person's alleged 729  
violation of section 1547.11 of the Revised Code or the 730  
substantially equivalent municipal ordinance. 731

**Sec. 2725.27.** The forfeitures mentioned in sections 2725.21 732  
to 2725.24, ~~inclusive~~, of the Revised Code, may be recovered by 733  
the party aggrieved or ~~his~~ the executors or administrators of the 734  
party aggrieved against the offender or ~~his~~ the offender's 735  
executors or administrators by civil action in a court having 736  
cognizance thereof. 737

Actions for violations of sections 2725.21 to ~~2725.25,~~ 738  
~~inclusive,~~ 2725.24 of the Revised Code, shall be brought within 739  
two years after the offense is committed, except in cases of 740  
imprisonment of the party aggrieved, when action may be brought 741  
within two years after ~~his~~ the delivery of the party aggrieved out 742  
of prison, or after ~~his decease~~ death if ~~he~~ the party aggrieved 743  
dies in prison. 744

**Sec. 2903.06.** (A) No person, while operating or participating 745  
in the operation of a motor vehicle, motorcycle, snowmobile, 746  
locomotive, watercraft, or aircraft, shall cause the death of 747  
another or the unlawful termination of another's pregnancy in any 748  
of the following ways: 749

(1)(a) As the proximate result of committing a violation of 750  
division (A) of section 4511.19 of the Revised Code or of a 751  
substantially equivalent municipal ordinance; 752

(b) As the proximate result of committing a violation of 753  
division (A) of section 1547.11 of the Revised Code or of a 754  
substantially equivalent municipal ordinance; 755

(c) As the proximate result of committing a violation of 756  
division (A)(3) of section 4561.15 of the Revised Code or of a 757  
substantially equivalent municipal ordinance. 758

(2) In one of the following ways: 759

(a) Recklessly; 760

(b) As the proximate result of committing, while operating or 761  
participating in the operation of a motor vehicle or motorcycle in 762  
a construction zone, a reckless operation offense, provided that 763  
this division applies only if the person whose death is caused or 764  
whose pregnancy is unlawfully terminated is in the construction 765  
zone at the time of the offender's commission of the reckless 766  
operation offense in the construction zone and does not apply as 767

described in division (F) of this section. 768

(3) In one of the following ways: 769

(a) Negligently; 770

(b) As the proximate result of committing, while operating or 771  
participating in the operation of a motor vehicle or motorcycle in 772  
a construction zone, a speeding offense, provided that this 773  
division applies only if the person whose death is caused or whose 774  
pregnancy is unlawfully terminated is in the construction zone at 775  
the time of the offender's commission of the speeding offense in 776  
the construction zone and does not apply as described in division 777  
(F) of this section. 778

(4) As the proximate result of committing a violation of any 779  
provision of any section contained in Title XLV of the Revised 780  
Code that is a minor misdemeanor or of a municipal ordinance that, 781  
regardless of the penalty set by ordinance for the violation, is 782  
substantially equivalent to any provision of any section contained 783  
in Title XLV of the Revised Code that is a minor misdemeanor. 784

(B)(1) Whoever violates division (A)(1) or (2) of this 785  
section is guilty of aggravated vehicular homicide and shall be 786  
punished as provided in divisions (B)(2) and (3) of this section. 787

(2)(a) Except as otherwise provided in division (B)(2)(b) or 788  
(c) of this section, aggravated vehicular homicide committed in 789  
violation of division (A)(1) of this section is a felony of the 790  
second degree and the court shall impose a mandatory prison term 791  
on the offender as described in division (E) of this section. 792

(b) Except as otherwise provided in division (B)(2)(c) of 793  
this section, aggravated vehicular homicide committed in violation 794  
of division (A)(1) of this section is a felony of the first 795  
degree, and the court shall impose a mandatory prison term on the 796  
offender as described in division (E) of this section, if any of 797  
the following apply: 798

(i) At the time of the offense, the offender was driving 799  
under a suspension or cancellation imposed under Chapter 4510. or 800  
any other provision of the Revised Code or was operating a motor 801  
vehicle or motorcycle, did not have a valid driver's license, 802  
commercial driver's license, temporary instruction permit, 803  
probationary license, or nonresident operating privilege, and was 804  
not eligible for renewal of the offender's driver's license or 805  
commercial driver's license without examination under section 806  
4507.10 of the Revised Code. 807

(ii) The offender previously has been convicted of or pleaded 808  
guilty to a violation of this section. 809

(iii) The offender previously has been convicted of or 810  
pleaded guilty to any traffic-related homicide, manslaughter, or 811  
assault offense. 812

(c) Aggravated vehicular homicide committed in violation of 813  
division (A)(1) of this section is a felony of the first degree, 814  
and the court shall sentence the offender to a mandatory prison 815  
term as provided in section 2929.142 of the Revised Code and 816  
described in division (E) of this section if any of the following 817  
apply: 818

(i) The offender previously has been convicted of or pleaded 819  
guilty to three or more prior violations of section 4511.19 of the 820  
Revised Code or of a substantially equivalent municipal ordinance 821  
within the previous six years. 822

(ii) The offender previously has been convicted of or pleaded 823  
guilty to three or more prior violations of division (A) of 824  
section 1547.11 of the Revised Code or of a substantially 825  
equivalent municipal ordinance within the previous six years. 826

(iii) The offender previously has been convicted of or 827  
pleaded guilty to three or more prior violations of division 828  
(A)(3) of section 4561.15 of the Revised Code or of a 829

substantially equivalent municipal ordinance within the previous 830  
six years. 831

(iv) The offender previously has been convicted of or pleaded 832  
guilty to three or more prior violations of division (A)(1) of 833  
this section within the previous six years. 834

(v) The offender previously has been convicted of or pleaded 835  
guilty to three or more prior violations of division (A)(1) of 836  
section 2903.08 of the Revised Code within the previous six years. 837

(vi) The offender previously has been convicted of or pleaded 838  
guilty to three or more prior violations of section 2903.04 of the 839  
Revised Code within the previous six years in circumstances in 840  
which division (D) of that section applied regarding the 841  
violations. 842

(vii) The offender previously has been convicted of or 843  
pleaded guilty to three or more violations of any combination of 844  
the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), 845  
(v), or (vi) of this section within the previous six years. 846

(viii) The offender previously has been convicted of or 847  
pleaded guilty to a second or subsequent felony violation of 848  
division (A) of section 4511.19 of the Revised Code. 849

(d) In addition to any other sanctions imposed pursuant to 850  
division (B)(2)(a), (b), or (c) of this section for aggravated 851  
vehicular homicide committed in violation of division (A)(1) of 852  
this section, the court shall impose upon the offender a class one 853  
suspension of the offender's driver's license, commercial driver's 854  
license, temporary instruction permit, probationary license, or 855  
nonresident operating privilege as specified in division (A)(1) of 856  
section 4510.02 of the Revised Code. 857

(3) Except as otherwise provided in this division, aggravated 858  
vehicular homicide committed in violation of division (A)(2) of 859  
this section is a felony of the third degree. Aggravated vehicular 860

homicide committed in violation of division (A)(2) of this section 861  
is a felony of the second degree if, at the time of the offense, 862  
the offender was driving under a suspension or cancellation 863  
imposed under Chapter 4510. or any other provision of the Revised 864  
Code or was operating a motor vehicle or motorcycle, did not have 865  
a valid driver's license, commercial driver's license, temporary 866  
instruction permit, probationary license, or nonresident operating 867  
privilege, and was not eligible for renewal of the offender's 868  
driver's license or commercial driver's license without 869  
examination under section 4507.10 of the Revised Code or if the 870  
offender previously has been convicted of or pleaded guilty to a 871  
violation of this section or any traffic-related homicide, 872  
manslaughter, or assault offense. The court shall impose a 873  
mandatory prison term on the offender when required by division 874  
(E) of this section. 875

In addition to any other sanctions imposed pursuant to this 876  
division for a violation of division (A)(2) of this section, the 877  
court shall impose upon the offender a class two suspension of the 878  
offender's driver's license, commercial driver's license, 879  
temporary instruction permit, probationary license, or nonresident 880  
operating privilege from the range specified in division (A)(2) of 881  
section 4510.02 of the Revised Code or, if the offender previously 882  
has been convicted of or pleaded guilty to a traffic-related 883  
murder, felonious assault, or attempted murder offense, a class 884  
one suspension of the offender's driver's license, commercial 885  
driver's license, temporary instruction permit, probationary 886  
license, or nonresident operating privilege as specified in 887  
division (A)(1) of that section. 888

(C) Whoever violates division (A)(3) of this section is 889  
guilty of vehicular homicide. Except as otherwise provided in this 890  
division, vehicular homicide is a misdemeanor of the first degree. 891  
Vehicular homicide committed in violation of division (A)(3) of 892

this section is a felony of the fourth degree if, at the time of 893  
the offense, the offender was driving under a suspension or 894  
~~revocation~~ cancellation imposed under Chapter ~~4507.~~ 4510. or any 895  
other provision of the Revised Code or was operating a motor 896  
vehicle or motorcycle, did not have a valid driver's license, 897  
commercial driver's license, temporary instruction permit, 898  
probationary license, or nonresident operating privilege, and was 899  
not eligible for renewal of the offender's driver's license or 900  
commercial driver's license without examination under section 901  
4507.10 of the Revised Code or if the offender previously has been 902  
convicted of or pleaded guilty to a violation of this section or 903  
any traffic-related homicide, manslaughter, or assault offense. 904  
The court shall impose a mandatory jail term or a mandatory prison 905  
term on the offender when required by division (E) of this 906  
section. 907

In addition to any other sanctions imposed pursuant to this 908  
division, the court shall impose upon the offender a class four 909  
suspension of the offender's driver's license, commercial driver's 910  
license, temporary instruction permit, probationary license, or 911  
nonresident operating privilege from the range specified in 912  
division (A)(4) of section 4510.02 of the Revised Code, or, if the 913  
offender previously has been convicted of or pleaded guilty to a 914  
violation of this section or any traffic-related homicide, 915  
manslaughter, or assault offense, a class three suspension of the 916  
offender's driver's license, commercial driver's license, 917  
temporary instruction permit, probationary license, or nonresident 918  
operating privilege from the range specified in division (A)(3) of 919  
that section, or, if the offender previously has been convicted of 920  
or pleaded guilty to a traffic-related murder, felonious assault, 921  
or attempted murder offense, a class two suspension of the 922  
offender's driver's license, commercial driver's license, 923  
temporary instruction permit, probationary license, or nonresident 924  
operating privilege as specified in division (A)(2) of that 925

section. 926

(D) Whoever violates division (A)(4) of this section is 927  
guilty of vehicular manslaughter. Except as otherwise provided in 928  
this division, vehicular manslaughter is a misdemeanor of the 929  
second degree. Vehicular manslaughter is a misdemeanor of the 930  
first degree if, at the time of the offense, the offender was 931  
driving under a suspension or cancellation imposed under Chapter 932  
4510. or any other provision of the Revised Code or was operating 933  
a motor vehicle or motorcycle, did not have a valid driver's 934  
license, commercial driver's license, temporary instruction 935  
permit, probationary license, or nonresident operating privilege, 936  
and was not eligible for renewal of the offender's driver's 937  
license or commercial driver's license without examination under 938  
section 4507.10 of the Revised Code or if the offender previously 939  
has been convicted of or pleaded guilty to a violation of this 940  
section or any traffic-related homicide, manslaughter, or assault 941  
offense. 942

In addition to any other sanctions imposed pursuant to this 943  
division, the court shall impose upon the offender a class six 944  
suspension of the offender's driver's license, commercial driver's 945  
license, temporary instruction permit, probationary license, or 946  
nonresident operating privilege from the range specified in 947  
division (A)(6) of section 4510.02 of the Revised Code or, if the 948  
offender previously has been convicted of or pleaded guilty to a 949  
violation of this section, any traffic-related homicide, 950  
manslaughter, or assault offense, or a traffic-related murder, 951  
felonious assault, or attempted murder offense, a class four 952  
suspension of the offender's driver's license, commercial driver's 953  
license, temporary instruction permit, probationary license, or 954  
nonresident operating privilege from the range specified in 955  
division (A)(4) of that section. 956

(E) The court shall impose a mandatory prison term on an 957

offender who is convicted of or pleads guilty to a violation of 958  
division (A)(1) of this section. If division (B)(2)(c)(i), (ii), 959  
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 960  
to an offender who is convicted of or pleads guilty to the 961  
violation of division (A)(1) of this section, the court shall 962  
impose the mandatory prison term pursuant to section 2929.142 of 963  
the Revised Code. The court shall impose a mandatory jail term of 964  
at least fifteen days on an offender who is convicted of or pleads 965  
guilty to a misdemeanor violation of division (A)(3)(b) of this 966  
section and may impose upon the offender a longer jail term as 967  
authorized pursuant to section 2929.24 of the Revised Code. The 968  
court shall impose a mandatory prison term on an offender who is 969  
convicted of or pleads guilty to a violation of division (A)(2) or 970  
(3)(a) of this section or a felony violation of division (A)(3)(b) 971  
of this section if either of the following applies: 972

(1) The offender previously has been convicted of or pleaded 973  
guilty to a violation of this section or section 2903.08 of the 974  
Revised Code. 975

(2) At the time of the offense, the offender was driving 976  
under suspension or cancellation under Chapter 4510. or any other 977  
provision of the Revised Code or was operating a motor vehicle or 978  
motorcycle, did not have a valid driver's license, commercial 979  
driver's license, temporary instruction permit, probationary 980  
license, or nonresident operating privilege, and was not eligible 981  
for renewal of the offender's driver's license or commercial 982  
driver's license without examination under section 4507.10 of the 983  
Revised Code. 984

(F) Divisions (A)(2)(b) and (3)(b) of this section do not 985  
apply in a particular construction zone unless signs of the type 986  
described in section 2903.081 of the Revised Code are erected in 987  
that construction zone in accordance with the guidelines and 988  
design specifications established by the director of 989

transportation under section 5501.27 of the Revised Code. The 990  
failure to erect signs of the type described in section 2903.081 991  
of the Revised Code in a particular construction zone in 992  
accordance with those guidelines and design specifications does 993  
not limit or affect the application of division (A)(1), (A)(2)(a), 994  
(A)(3)(a), or (A)(4) of this section in that construction zone or 995  
the prosecution of any person who violates any of those divisions 996  
in that construction zone. 997

(G)(1) As used in this section: 998

(a) "Mandatory prison term" and "mandatory jail term" have 999  
the same meanings as in section 2929.01 of the Revised Code. 1000

(b) "Traffic-related homicide, manslaughter, or assault 1001  
offense" means a violation of section 2903.04 of the Revised Code 1002  
in circumstances in which division (D) of that section applies, a 1003  
violation of section 2903.06 or 2903.08 of the Revised Code, or a 1004  
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 1005  
Code as they existed prior to March 23, 2000. 1006

(c) "Construction zone" has the same meaning as in section 1007  
5501.27 of the Revised Code. 1008

(d) "Reckless operation offense" means a violation of section 1009  
4511.20 of the Revised Code or a municipal ordinance substantially 1010  
equivalent to section 4511.20 of the Revised Code. 1011

(e) "Speeding offense" means a violation of section 4511.21 1012  
of the Revised Code or a municipal ordinance pertaining to speed. 1013

(f) "Traffic-related murder, felonious assault, or attempted 1014  
murder offense" means a violation of section 2903.01 or 2903.02 of 1015  
the Revised Code in circumstances in which the offender used a 1016  
motor vehicle as the means to commit the violation, a violation of 1017  
division (A)(2) of section 2903.11 of the Revised Code in 1018  
circumstances in which the deadly weapon used in the commission of 1019  
the violation is a motor vehicle, or an attempt to commit 1020

aggravated murder or murder in violation of section 2923.02 of the  
Revised Code in circumstances in which the offender used a motor  
vehicle as the means to attempt to commit the aggravated murder or  
murder.

(g) "Motor vehicle" has the same meaning as in section  
4501.01 of the Revised Code.

(2) For the purposes of this section, when a penalty or  
suspension is enhanced because of a prior or current violation of  
a specified law or a prior or current specified offense, the  
reference to the violation of the specified law or the specified  
offense includes any violation of any substantially equivalent  
municipal ordinance, former law of this state, or current or  
former law of another state or the United States.

**Sec. 2949.094.** (A) The court in which any person is convicted  
of or pleads guilty to any moving violation shall impose an  
additional court cost of ten dollars upon the offender. The court  
shall not waive the payment of the ten dollars unless the court  
determines that the offender is indigent and waives the payment of  
all court costs imposed upon the indigent offender.

The clerk of the court shall transmit thirty-five per cent of  
all additional court costs collected pursuant to this division  
during a month on or before the twenty-third day of the following  
month to the division of criminal justice services, and the  
division of criminal justice services shall deposit the money so  
transmitted into the drug law enforcement fund created under  
section 5502.68 of the Revised Code. The clerk shall transmit  
fifteen per cent of all additional court costs so collected during  
a month on or before the twenty-third day of the following month  
to the ~~state treasury to be credited to the~~ county or municipal  
indigent drivers alcohol treatment fund under the control of that  
court, as created by the county or municipal corporation under

~~division (H) of section 4511.191 of the Revised Code and to be~~ 1052  
~~distributed by the department of alcohol and drug addiction~~ 1053  
~~services as provided in division (H) of that section.~~ The clerk 1054  
shall transmit fifty per cent of all additional court costs so 1055  
collected during a month on or before the twenty-third day of the 1056  
following month to the state treasury to be credited to the 1057  
indigent defense support fund created pursuant to section 120.08 1058  
of the Revised Code. 1059

(B) The juvenile court in which a child is found to be a 1060  
juvenile traffic offender for an act that is a moving violation 1061  
shall impose an additional court cost of ten dollars upon the 1062  
juvenile traffic offender. The juvenile court shall not waive the 1063  
payment of the ten dollars unless the court determines that the 1064  
juvenile is indigent and waives the payment of all court costs 1065  
imposed upon the indigent offender. 1066

The clerk of the court shall transmit thirty-five per cent of 1067  
all additional court costs collected pursuant to this division 1068  
during a month on or before the twenty-third day of the following 1069  
month to the division of criminal justice services, and the 1070  
division of criminal justice services shall deposit the money so 1071  
transmitted into the drug law enforcement fund created under 1072  
section 5502.68 of the Revised Code. The clerk shall transmit 1073  
fifteen per cent of all additional court costs so collected during 1074  
a month on or before the twenty-third day of the following month 1075  
to the ~~state treasury to be credited to the~~ county juvenile 1076  
indigent drivers alcohol treatment fund under the control of that 1077  
court, as created by the county under that division (H) of section 1078  
4511.191 of the Revised Code ~~and to be distributed by the~~ 1079  
~~department of alcohol and drug addiction services as provided in~~ 1080  
~~division (H) of that section.~~ The clerk shall transmit fifty per 1081  
cent of all additional court costs so collected during a month on 1082  
or before the twenty-third day of the following month to the state 1083

treasury to be credited to the indigent defense support fund 1084  
created pursuant to section 120.08 of the Revised Code. 1085

1086

(C) Whenever a person is charged with any offense that is a 1087  
moving violation and posts bail, the court shall add to the amount 1088  
of the bail the ten dollars required to be paid by division (A) of 1089  
this section. The clerk of the court shall retain the ten dollars 1090  
until the person is convicted, pleads guilty, forfeits bail, is 1091  
found not guilty, or has the charges dismissed. If the person is 1092  
convicted, pleads guilty, or forfeits bail, the clerk shall 1093  
transmit three dollars and fifty cents out of the ten dollars to 1094  
the division of criminal justice services, and the division of 1095  
criminal justice services shall deposit the money so transmitted 1096  
into the drug law enforcement fund created under section 5502.68 1097  
of the Revised Code, the clerk shall transmit one dollar and fifty 1098  
cents out of the ten dollars to the ~~state treasury to be credited~~ 1099  
~~to the~~ county, municipal, or county juvenile indigent drivers 1100  
alcohol treatment fund under the control of that court, as created 1101  
by the county or municipal corporation under division (H) of 1102  
section 4511.191 of the Revised Code ~~and to be distributed by the~~ 1103  
~~department of alcohol and drug addiction services as provided in~~ 1104  
~~division (H) of that section,~~ and the clerk shall transmit five 1105  
dollars out of the ten dollars to the state treasury to be 1106  
credited to the indigent defense support fund created under 1107  
section 120.08 of the Revised Code. If the person is found not 1108  
guilty or the charges are dismissed, the clerk shall return the 1109  
ten dollars to the person. 1110

1111

(D) No person shall be placed or held in a detention facility 1112  
for failing to pay the court cost or bail that is required to be 1113  
paid by this section. 1114

(E) As used in this section: 1115

(1) "Bail" and "moving violation" have the same meanings as 1116  
in section 2949.093 of the Revised Code. 1117

(2) "Detention facility" has the same meaning as in section 1118  
2921.01 of the Revised Code. 1119

(3) "Division of criminal justice services" means the 1120  
division of criminal justice services of the department of public 1121  
safety, created by section 5502.62 of the Revised Code. 1122

**Sec. 3719.41.** Controlled substance schedules I, II, III, IV, 1123  
and V are hereby established, which schedules include the 1124  
following, subject to amendment pursuant to section 3719.43 or 1125  
3719.44 of the Revised Code. 1126

SCHEDULE I 1127

(A) Narcotics-opiates 1128

Any of the following opiates, including their isomers, 1129  
esters, ethers, salts, and salts of isomers, esters, and ethers, 1130  
unless specifically excepted under federal drug abuse control 1131  
laws, whenever the existence of these isomers, esters, ethers, and 1132  
salts is possible within the specific chemical designation: 1133

(1) Acetyl-alpha-methylfentanyl 1134  
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); 1135

(2) Acetylmethadol; 1136

(3) Allylprodine; 1137

(4) Alphacetylmethadol (except levo-alphacetylmethadol, also 1138  
known as levo-alpha-acetylmethadol, levomethadyl acetate, or 1139  
LAAM); 1140

(5) Alphameprodine; 1141

(6) Alphamethadol; 1142

(7) Alpha-methylfentanyl 1143  
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1144

1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	1145
(8) Alpha-methylthiofentanyl	1146
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-	1147
phenylpropanamide);	1148
(9) Benzethidine;	1149
(10) Betacetylmethadol;	1150
(11) Beta-hydroxyfentanyl	1151
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);	1152
(12) Beta-hydroxy-3-methylfentanyl (other name:	1153
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	1154
phenylpropanamide);	1155
(13) Betameprodine;	1156
(14) Betamethadol;	1157
(15) Betaprodine;	1158
(16) Clonitazene;	1159
(17) Dextromoramide;	1160
(18) Diampromide;	1161
(19) Diethylthiambutene;	1162
(20) Difenoquin;	1163
(21) Dimenoxadol;	1164
(22) Dimepheptanol;	1165
(23) Dimethylthiambutene;	1166
(24) Dioxaphetyl butyrate;	1167
(25) Dipipanone;	1168
(26) Ethylmethylthiambutene;	1169
(27) Etonitazene;	1170
(28) Etoperidine;	1171

(29) Furethidine;	1172
(30) Hydroxypethidine;	1173
(31) Ketobemidone;	1174
(32) Levomoramide;	1175
(33) Levophenacylmorphane;	1176
(34) 3-methylfentanyl	1177
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	1178
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	1179
(35) 3-methylthiofentanyl	1180
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide);	1181
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide);	1182
(36) Morpheridine;	1183
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	1184
(38) Noracymethadol;	1185
(39) Norlevorphanol;	1186
(40) Normethadone;	1187
(41) Norpipanone;	1188
(42) Para-fluorofentanyl	1189
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidyl]propanamide;	1190
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);	1191
(44) Phenadoxone;	1192
(45) Phenampromide;	1193
(46) Phenomorphan;	1194
(47) Phenoperidine;	1195
(48) Piritramide;	1196
(49) Proheptazine;	1197
(50) Properidine;	1198

(51) Propiram;	1199
(52) Racemoramide;	1200
(53) Thiofentanyl	1201
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	1202
(54) Tilidine;	1203
(55) Trimeperidine.	1204
(B) Narcotics-opium derivatives	1205
Any of the following opium derivatives, including their	1206
salts, isomers, and salts of isomers, unless specifically excepted	1207
under federal drug abuse control laws, whenever the existence of	1208
these salts, isomers, and salts of isomers is possible within the	1209
specific chemical designation:	1210
(1) Acetorphine;	1211
(2) Acetyldihydrocodeine;	1212
(3) Benzylmorphine;	1213
(4) Codeine methylbromide;	1214
(5) Codeine-n-oxide;	1215
(6) Cyprenorphine;	1216
(7) Desomorphine;	1217
(8) Dihydromorphine;	1218
(9) Drotebanol;	1219
(10) Etorphine (except hydrochloride salt);	1220
(11) Heroin;	1221
(12) Hydromorphenol;	1222
(13) Methyldesorphine;	1223
(14) Methyldihydromorphine;	1224
(15) Morphine methylbromide;	1225

(16) Morphine methylsulfonate;	1226
(17) Morphine-n-oxide;	1227
(18) Myrophine;	1228
(19) Nicocodeine;	1229
(20) Nicomorphine;	1230
(21) Normorphine;	1231
(22) Pholcodine;	1232
(23) Thebacon.	1233
(C) Hallucinogens	1234

Any material, compound, mixture, or preparation that contains 1235  
any quantity of the following hallucinogenic substances, including 1236  
their salts, isomers, and salts of isomers, unless specifically 1237  
excepted under federal drug abuse control laws, whenever the 1238  
existence of these salts, isomers, and salts of isomers is 1239  
possible within the specific chemical designation. For the 1240  
purposes of this division only, "isomer" includes the optical 1241  
isomers, position isomers, and geometric isomers. 1242

(1) Alpha-ethyltryptamine (some trade or other names: 1243  
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 1244  
3-(2-aminobutyl) indole; alpha-ET; and AET); 1245

(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other 1246  
names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 1247  
4-bromo-2,5-DMA); 1248

(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other 1249  
names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; 1250  
alpha-desmethyl DOB; 2C-B, Nexus); 1251

(4) 2,5-dimethoxyamphetamine (some trade or other names: 1252  
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA); 1253

(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other 1254

names: DOET);	1255
(6) 4-methoxyamphetamine (some trade or other names:	1256
4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;	1257
PMA);	1258
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	1259
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other	1260
names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"	1261
and "STP");	1262
(9) 3,4-methylenedioxy amphetamine;	1263
(10) 3,4-methylenedioxymethamphetamine (MDMA);	1264
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as	1265
N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl	1266
MDA, MDE, MDEA);	1267
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as	1268
N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and	1269
N-hydroxy MDA);	1270
(13) 3,4,5-trimethoxy amphetamine;	1271
(14) Bufotenine (some trade or other names:	1272
3-(beta-dimethylaminoethyl)-5-hydroxyindole+ <i>i</i>	1273
3-(2-dimethylaminoethyl)-5-indolol+ <i>i</i> N, N-dimethylserotonin;	1274
5-hydroxy-N, N-dimethyltryptamine; mappine);	1275
(15) Diethyltryptamine (some trade or other names: N,	1276
N-diethyltryptamine; DET);	1277
(16) Dimethyltryptamine (some trade or other names: DMT);	1278
(17) Ibogaine (some trade or other names:	1279
7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-	1280
5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	1281
(18) Lysergic acid diethylamide;	1282
(19) Marihuana;	1283

(20) Mescaline;	1284
(21) Parahexyl (some trade or other names: 3-hexyl-1-	1285
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;	1286
synhexyl);	1287
(22) Peyote (meaning all parts of the plant presently	1288
classified botanically as "Lophophora williamsii Lemaire," whether	1289
growing or not, the seeds of that plant, any extract from any part	1290
of that plant, and every compound, manufacture, salts, derivative,	1291
mixture, or preparation of that plant, its seeds, or its	1292
extracts);	1293
(23) N-ethyl-3-piperidyl benzilate;	1294
(24) N-methyl-3-piperidyl benzilate;	1295
(25) Psilocybin;	1296
(26) Psilocyn;	1297
(27) Tetrahydrocannabinols (synthetic equivalents of the	1298
substances contained in the plant, or in the resinous extractives	1299
of Cannabis, sp. and/or synthetic substances, derivatives, and	1300
their isomers with similar chemical structure and pharmacological	1301
activity such as the following: delta-1-cis or trans	1302
tetrahydrocannabinol, and their optical isomers; delta-6-cis or	1303
trans tetrahydrocannabinol, and their optical isomers;	1304
delta-3,4-cis or trans tetrahydrocannabinol, and its optical	1305
isomers. (Since nomenclature of these substances is not	1306
internationally standardized, compounds of these structures,	1307
regardless of numerical designation of atomic positions, are	1308
covered.));	1309
(28) Ethylamine analog of phencyclidine (some trade or other	1310
names: N-ethyl-1-phenylcyclohexylamine; (1- <del>phenyl-cyclohexyl</del>	1311
<u>phenylcyclohexyl</u> )ethylamine; N-(1-phenylcyclohexyl)ethylamine;	1312
cyclohexamine; PCE);	1313

(29) Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	1314 1315
(30) Thiophene analog of phencyclidine (some trade or other names: 1- <del>1</del> [1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);	1316 1317 1318
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	1319
(32) Hashish;	1320
<u>(33) Salvia divinorum;</u>	1321
<u>(34) Salvinorin A.</u>	1322
(D) Depressants	1323
Any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	1324 1325 1326 1327 1328 1329 1330
(1) Mecloqualone;	1331
(2) Methaqualone.	1332
(E) Stimulants	1333
Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:	1334 1335 1336 1337 1338
(1) Aminorex (some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazamine);	1339 1340 1341
(2) Cathinone (some trade or other names:	1342

2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,	1343
2-aminopropiophenone, and norephedrone);	1344
(3) Fenethylline;	1345
(4) Methcathinone (some other names:	1346
2-(methylamino)-propiofenone; alpha-(methylamino)propiofenone;	1347
2-methylamino)-1-phenylpropan-1-one;	1348
alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone;	1349
N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and	1350
UR1432), its salts, optical isomers, and salts of optical isomers;	1351
(5) (+/-)cis-4-methylaminorex	1352
((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);	1353
(6) N-ethylamphetamine;	1354
(7) N,N-dimethylamphetamine (also known as	1355
N,N-alpha-trimethyl-benzeneethanamine;	1356
N,N-alpha-trimethylphenethylamine).	1357
SCHEDULE II	1358
(A) Narcotics-opium and opium derivatives	1359
Unless specifically excepted under federal drug abuse control	1360
laws or unless listed in another schedule, any of the following	1361
substances whether produced directly or indirectly by extraction	1362
from substances of vegetable origin, independently by means of	1363
chemical synthesis, or by a combination of extraction and chemical	1364
synthesis:	1365
(1) Opium and opiate, and any salt, compound, derivative, or	1366
preparation of opium or opiate, excluding apomorphine,	1367
thebaine-derived butorphanol, dextrophan, nalbuphine, nalmeferine,	1368
naloxone, and naltrexone, and their respective salts, but	1369
including the following:	1370
(a) Raw opium;	1371
(b) Opium extracts;	1372

(c) Opium fluid extracts;	1373
(d) Powdered opium;	1374
(e) Granulated opium;	1375
(f) Tincture of opium;	1376
(g) Codeine;	1377
(h) Ethylmorphine;	1378
(i) Etorphine hydrochloride;	1379
(j) Hydrocodone;	1380
(k) Hydromorphone;	1381
(l) Metopon;	1382
(m) Morphine;	1383
(n) Oxycodone;	1384
(o) Oxymorphone;	1385
(p) Thebaine.	1386
(2) Any salt, compound, derivative, or preparation thereof	1387
that is chemically equivalent to or identical with any of the	1388
substances referred to in division (A)(1) of this schedule, except	1389
that these substances shall not include the isoquinoline alkaloids	1390
of opium;	1391
(3) Opium poppy and poppy straw;	1392
(4) Coca leaves and any salt, compound, derivative, or	1393
preparation of coca leaves (including cocaine and ecgonine, their	1394
salts, isomers, and derivatives, and salts of those isomers and	1395
derivatives), and any salt, compound, derivative, or preparation	1396
thereof that is chemically equivalent to or identical with any of	1397
these substances, except that the substances shall not include	1398
decocainized coca leaves or extraction of coca leaves, which	1399
extractions do not contain cocaine or ecgonine;	1400

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy).	1401 1402 1403
(B) Narcotics-opiates	1404
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, but excluding dextrorphan and levopropoxyphene:	1405 1406 1407 1408 1409 1410 1411
(1) Alfentanil;	1412
(2) Alphaprodine;	1413
(3) Anileridine;	1414
(4) Bezitramide;	1415
(5) Bulk dextropropoxyphene (non-dosage forms);	1416
(6) Carfentanil;	1417
(7) Dihydrocodeine;	1418
(8) Diphenoxylate;	1419
(9) Fentanyl;	1420
(10) Isomethadone;	1421
(11) Levo-alpha-acetylmethadol (some other names: levo-alpha-acetylmethadol; levomethadyl acetate; LAAM);	1422 1423
(12) Levomethorphan;	1424
(13) Levorphanol;	1425
(14) Metazocine;	1426
(15) Methadone;	1427

(16) Methadone-intermediate,	1428
4-cyano-2-dimethylamino-4,4-diphenyl butane;	1429
(17) Moramide-intermediate,	1430
2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	1431
(18) Pethidine (meperidine);	1432
(19) Pethidine-intermediate-A,	1433
4-cyano-1-methyl-4-phenylpiperidine;	1434
(20) Pethidine-intermediate-B,	1435
ethyl-4-phenylpiperidine-4-carboxylate;	1436
(21) Pethidine-intermediate-C,	1437
1-methyl-4-phenylpiperidine-4-carboxylic acid;	1438
(22) Phenazocine;	1439
(23) Piminodine;	1440
(24) Racemethorphan;	1441
(25) Racemorphan;	1442
(26) Remifentanil;	1443
(27) Sufentanil.	1444
(C) Stimulants	1445
Unless specifically excepted under federal drug abuse control	1446
laws or unless listed in another schedule, any material, compound,	1447
mixture, or preparation that contains any quantity of the	1448
following substances having a stimulant effect on the central	1449
nervous system:	1450
(1) Amphetamine, its salts, its optical isomers, and salts of	1451
its optical isomers;	1452
(2) Methamphetamine, its salts, its isomers, and salts of its	1453
isomers;	1454
(3) Methylphenidate;	1455

(4) Phenmetrazine and its salts.	1456
(D) Depressants	1457
Unless specifically excepted under federal drug abuse control	1458
laws or unless listed in another schedule, any material, compound,	1459
mixture, or preparation that contains any quantity of the	1460
following substances having a depressant effect on the central	1461
nervous system, including their salts, isomers, and salts of	1462
isomers, whenever the existence of these salts, isomers, and salts	1463
of isomers is possible within the specific chemical designation:	1464
(1) Amobarbital;	1465
(2) Gamma-hydroxy-butyrate;	1466
(3) Glutethimide;	1467
(4) Pentobarbital;	1468
(5) Phencyclidine (some trade or other names:	1469
1-(1-phenylcyclohexyl)piperidine; PCP);	1470
(6) Secobarbital;	1471
(7) 1-aminophenylcyclohexane and all N-mono-substituted	1472
and/or all N-N-disubstituted analogs including, but not limited	1473
to, the following:	1474
(a) 1-phenylcyclohexylamine;	1475
(b) (1-phenylcyclohexyl) methylamine;	1476
(c) (1-phenylcyclohexyl) dimethylamine;	1477
(d) (1-phenylcyclohexyl) methylethylamine;	1478
(e) (1-phenylcyclohexyl) isopropylamine;	1479
(f) 1-(1-phenylcyclohexyl) morpholine.	1480
(E) Hallucinogenic substances	1481
(1) Nabilone (another name for nabilone:	1482
(+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-	1483

hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	1484
(F) Immediate precursors	1485
Unless specifically excepted under federal drug abuse control	1486
laws or unless listed in another schedule, any material, compound,	1487
mixture, or preparation that contains any quantity of the	1488
following substances:	1489
(1) Immediate precursor to amphetamine and methamphetamine:	1490
(a) Phenylacetone (some trade or other names:	1491
phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl	1492
ketone);	1493
(2) Immediate precursors to phencyclidine (PCP):	1494
(a) 1-phenylcyclohexylamine;	1495
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	1496
SCHEDULE III	1497
(A) Stimulants	1498
Unless specifically excepted under federal drug abuse control	1499
laws or unless listed in another schedule, any material, compound,	1500
mixture, or preparation that contains any quantity of the	1501
following substances having a stimulant effect on the central	1502
nervous system, including their salts, their optical isomers,	1503
position isomers, or geometric isomers, and salts of these	1504
isomers, whenever the existence of these salts, isomers, and salts	1505
of isomers is possible within the specific chemical designation:	1506
(1) All stimulant compounds, mixtures, and preparations	1507
included in schedule III pursuant to the federal drug abuse	1508
control laws and regulations adopted under those laws;	1509
(2) Benzphetamine;	1510
(3) Chlorphentermine;	1511
(4) Clortermine;	1512

(5) Phendimetrazine.	1513
(B) Depressants	1514
Unless specifically excepted under federal drug abuse control	1515
laws or unless listed in another schedule, any material, compound,	1516
mixture, or preparation that contains any quantity of the	1517
following substances having a depressant effect on the central	1518
nervous system:	1519
(1) Any compound, mixture, or preparation containing	1520
amobarbital, secobarbital, pentobarbital, or any salt of any of	1521
these drugs, and one or more other active medicinal ingredients	1522
that are not listed in any schedule;	1523
(2) Any suppository dosage form containing amobarbital,	1524
secobarbital, pentobarbital, or any salt of any of these drugs and	1525
approved by the food and drug administration for marketing only as	1526
a suppository;	1527
(3) Any substance that contains any quantity of a derivative	1528
of barbituric acid or any salt of a derivative of barbituric acid;	1529
(4) Chlorhexadol;	1530
(5) Ketamine, its salts, isomers, and salts of isomers (some	1531
other names for ketamine:	1532
(+/-)-2-(2-chlorophenyl)-2-(methyldamino)-cyclohexanone);	1533
(6) Lysergic acid;	1534
(7) Lysergic acid amide;	1535
(8) Methyprylon;	1536
(9) Sulfondiethylmethane;	1537
(10) Sulfonethylmethane;	1538
(11) Sulfonmethane;	1539
(12) Tiletamine, zolazepam, or any salt of tiletamine or	1540
zolazepam (some trade or other names for a tiletamine-zolazepam	1541

combination product: Telazol); (some trade or other names for 1542  
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some 1543  
trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- 1544  
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one; 1545  
flupyrzapon). 1546

(C) Narcotic antidotes 1547

(1) Nalorphine. 1548

(D) Narcotics-narcotic preparations 1549

Unless specifically excepted under federal drug abuse control 1550  
laws or unless listed in another schedule, any material, compound, 1551  
mixture, or preparation that contains any of the following 1552  
narcotic drugs, or their salts calculated as the free anhydrous 1553  
base or alkaloid, in limited quantities as set forth below: 1554

(1) Not more than 1.8 grams of codeine per 100 milliliters or 1555  
not more than 90 milligrams per dosage unit, with an equal or 1556  
greater quantity of an isoquinoline alkaloid of opium; 1557

(2) Not more than 1.8 grams of codeine per 100 milliliters or 1558  
not more than 90 milligrams per dosage unit, with one or more 1559  
active, nonnarcotic ingredients in recognized therapeutic amounts; 1560

(3) Not more than 300 milligrams of dihydrocodeinone per 100 1561  
milliliters or not more than 15 milligrams per dosage unit, with a 1562  
fourfold or greater quantity of an isoquinoline alkaloid of opium; 1563

(4) Not more than 300 milligrams of dihydrocodeinone per 100 1564  
milliliters or not more than 15 milligrams per dosage unit, with 1565  
one or more active, nonnarcotic ingredients in recognized 1566  
therapeutic amounts; 1567

(5) Not more than 1.8 grams of dihydrocodeine per 100 1568  
milliliters or not more than 90 milligrams per dosage unit, with 1569  
one or more active, nonnarcotic ingredients in recognized 1570  
therapeutic amounts; 1571

(6) Not more than 300 milligrams of ethylmorphine per 100 1572  
milliliters or not more than 15 milligrams per dosage unit, with 1573  
one or more active, nonnarcotic ingredients in recognized 1574  
therapeutic amounts; 1575

(7) Not more than 500 milligrams of opium per 100 milliliters 1576  
or per 100 grams or not more than 25 milligrams per dosage unit, 1577  
with one or more active, nonnarcotic ingredients in recognized 1578  
therapeutic amounts; 1579

(8) Not more than 50 milligrams of morphine per 100 1580  
milliliters or per 100 grams, with one or more active, nonnarcotic 1581  
ingredients in recognized therapeutic amounts. 1582

(E) Anabolic steroids 1583

Unless specifically excepted under federal drug abuse control 1584  
laws or unless listed in another schedule, any material, compound, 1585  
mixture, or preparation that contains any quantity of the 1586  
following substances, including their salts, esters, isomers, and 1587  
salts of esters and isomers, whenever the existence of these 1588  
salts, esters, and isomers is possible within the specific 1589  
chemical designation: 1590

(1) Anabolic steroids. Except as otherwise provided in 1591  
division (E)(1) of schedule III, "anabolic steroids" means any 1592  
drug or hormonal substance that is chemically and 1593  
pharmacologically related to testosterone (other than estrogens, 1594  
progestins, and corticosteroids) and that promotes muscle growth. 1595  
"Anabolic steroids" does not include an anabolic steroid that is 1596  
expressly intended for administration through implants to cattle 1597  
or other nonhuman species and that has been approved by the United 1598  
States secretary of health and human services for that 1599  
administration, unless a person prescribes, dispenses, or 1600  
distributes this type of anabolic steroid for human use. "Anabolic 1601  
steroid" includes, but is not limited to, the following: 1602

(a) Boldenone;	1603
(b) Chlorotestosterone (4-chlortestosterone);	1604
(c) Clostebol;	1605
(d) Dehydrochlormethyltestosterone;	1606
(e) Dihydrotestosterone (4-dihydrotestosterone);	1607
(f) Drostanolone;	1608
(g) Ethylestrenol;	1609
(h) Fluoxymesterone;	1610
(i) Formebolone (formebolone);	1611
(j) Mesterolone;	1612
(k) Methandienone;	1613
(l) Methandranone;	1614
(m) Methandriol;	1615
(n) Methandrostenolone;	1616
(o) Methenolone;	1617
(p) Methyltestosterone;	1618
(q) Mibolerone;	1619
(r) Nandrolone;	1620
(s) Norethandrolone;	1621
(t) Oxandrolone;	1622
(u) Oxymesterone;	1623
(v) Oxymetholone;	1624
(w) Stanolone;	1625
(x) Stanozolol;	1626
(y) Testolactone;	1627

(z) Testosterone;	1628
(aa) Trenbolone;	1629
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E)(1) of schedule III if the salt, ester, or isomer promotes muscle growth.	1630 1631 1632 1633
(F) Hallucinogenic substances	1634
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol).	1635 1636 1637 1638 1639 1640
SCHEDULE IV	1641
(A) Narcotic drugs	1642
Unless specifically excepted by federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	1643 1644 1645 1646 1647
(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;	1648 1649
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2- propionoxybutane) <del>in</del> [final dosage forms].	1650 1651 1652
(B) Depressants	1653
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, isomers, and salts of	1654 1655 1656 1657

isomers, whenever the existence of these salts, isomers, and salts	1658
of isomers is possible within the specific chemical designation:	1659
(1) Alprazolam;	1660
(2) Barbitol;	1661
(3) Bromazepam;	1662
(4) Camazepam;	1663
(5) Chloral betaine;	1664
(6) Chloral hydrate;	1665
(7) Chlordiazepoxide;	1666
(8) Clobazam;	1667
(9) Clonazepam;	1668
(10) Clorazepate;	1669
(11) Clotiazepam;	1670
(12) Cloxazolam;	1671
(13) Delorazepam;	1672
(14) Diazepam;	1673
(15) Estazolam;	1674
(16) Ethchlorvynol;	1675
(17) Ethinamate;	1676
(18) Ethyl loflazepate;	1677
(19) Fludiazepam;	1678
(20) Flunitrazepam;	1679
(21) Flurazepam;	1680
(22) Halazepam;	1681
(23) Haloxazolam;	1682
(24) Ketazolam;	1683

(25) Loprazolam;	1684
(26) Lorazepam;	1685
(27) Lormetazepam;	1686
(28) Mebutamate;	1687
(29) Medazepam;	1688
(30) Meprobamate;	1689
(31) Methohexital;	1690
(32) Methylphenobarbital (mephobarbital);	1691
(33) Midazolam;	1692
(34) Nimetazepam;	1693
(35) Nitrazepam;	1694
(36) Nordiazepam;	1695
(37) Oxazepam;	1696
(38) Oxazolam;	1697
(39) Paraldehyde;	1698
(40) Petrichloral;	1699
(41) Phenobarbital;	1700
(42) Pinazepam;	1701
(43) Prazepam;	1702
(44) Quazepam;	1703
(45) Temazepam;	1704
(46) Tetrazepam;	1705
(47) Triazolam;	1706
(48) Zaleplon;	1707
(49) Zolpidem.	1708

(C) Fenfluramine 1709

Any material, compound, mixture, or preparation that contains 1710  
any quantity of the following substances, including their salts, 1711  
their optical isomers, position isomers, or geometric isomers, and 1712  
salts of these isomers, whenever the existence of these salts, 1713  
isomers, and salts of isomers is possible within the specific 1714  
chemical designation: 1715

(1) Fenfluramine. 1716

(D) Stimulants 1717

Unless specifically excepted under federal drug abuse control 1718  
laws or unless listed in another schedule, any material, compound, 1719  
mixture, or preparation that contains any quantity of the 1720  
following substances having a stimulant effect on the central 1721  
nervous system, including their salts, their optical isomers, 1722  
position isomers, or geometric isomers, and salts of these 1723  
isomers, whenever the existence of these salts, isomers, and salts 1724  
of isomers is possible within the specific chemical designation: 1725

(1) Cathine ((+)-norpseudoephedrine); 1726

(2) Diethylpropion; 1727

(3) Fencamfamin; 1728

(4) Fenproporex; 1729

(5) Mazindol; 1730

(6) Mefenorex; 1731

(7) Modafinil; 1732

(8) Pemoline (including organometallic complexes and chelates 1733  
thereof); 1734

(9) Phentermine; 1735

(10) Pipradrol; 1736

(11) Sibutramine; 1737

(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane]. 1738

(E) Other substances 1739

Unless specifically excepted under federal drug abuse control 1740  
laws or unless listed in another schedule, any material, compound, 1741  
mixture, or preparation that contains any quantity of the 1742  
following substances, including their salts: 1743

(1) Pentazocine; 1744

(2) Butorphanol (including its optical isomers). 1745

SCHEDULE V 1746

(A) Narcotic drugs 1747

Unless specifically excepted under federal drug abuse control 1748  
laws or unless listed in another schedule, any material, compound, 1749  
mixture, or preparation that contains any of the following 1750  
narcotic drugs, and their salts, as set forth below: 1751

(1) Buprenorphine. 1752

(B) Narcotics-narcotic preparations 1753

Narcotic drugs containing non-narcotic active medicinal 1754  
ingredients. Any compound, mixture, or preparation that contains 1755  
any of the following narcotic drugs, or their salts calculated as 1756  
the free anhydrous base or alkaloid, in limited quantities as set 1757  
forth below, and that includes one or more nonnarcotic active 1758  
medicinal ingredients in sufficient proportion to confer upon the 1759  
compound, mixture, or preparation valuable medicinal qualities 1760  
other than those possessed by narcotic drugs alone: 1761

(1) Not more than 200 milligrams of codeine per 100 1762  
milliliters or per 100 grams; 1763

(2) Not more than 100 milligrams of dihydrocodeine per 100 1764  
milliliters or per 100 grams; 1765

(3) Not more than 100 milligrams of ethylmorphine per 100 1766  
milliliters or per 100 grams; 1767

(4) Not more than 2.5 milligrams of diphenoxylate and not 1768  
less than 25 micrograms of atropine sulfate per dosage unit; 1769

(5) Not more than 100 milligrams of opium per 100 milliliters 1770  
or per 100 grams; 1771

(6) Not more than 0.5 milligram of difenoxin and not less 1772  
than 25 micrograms of atropine sulfate per dosage unit. 1773

(C) Stimulants 1774

Unless specifically exempted or excluded under federal drug 1775  
abuse control laws or unless listed in another schedule, any 1776  
material, compound, mixture, or preparation that contains any 1777  
quantity of the following substances having a stimulant effect on 1778  
the central nervous system, including their salts, isomers, and 1779  
salts of isomers: 1780

(1) Ephedrine, except as provided in division (K) of section 1781  
3719.44 of the Revised Code; 1782

(2) Pyrovalerone. 1783

**Sec. 4503.235.** (A) If division (G) of section 4511.19 or 1784  
division (B) of section 4511.193 of the Revised Code requires a 1785  
court, as part of the sentence of an offender who is convicted of 1786  
or pleads guilty to a violation of division (A) of section 4511.19 1787  
of the Revised Code or as a sanction for an offender who is 1788  
convicted of or pleaded guilty to a violation of a municipal OVI 1789  
ordinance, to order the immobilization of a vehicle for a 1790  
specified period of time, notwithstanding the requirement, the 1791  
court in its discretion may determine not to order the 1792  
immobilization of the vehicle if both of the following apply: 1793

(1) Prior to the issuance of the order of immobilization, a 1794  
family or household member of the offender files a motion with the 1795

court identifying the vehicle and requesting that the 1796  
immobilization order not be issued on the ground that the family 1797  
or household member is completely dependent on the vehicle for the 1798  
necessities of life and that the immobilization of the vehicle 1799  
would be an undue hardship to the family or household member. 1800  
1801

(2) The court determines that the family or household member 1802  
who files the motion is completely dependent on the vehicle for 1803  
the necessities of life and that the immobilization of the vehicle 1804  
would be an undue hardship to the family or household member. 1805  
1806

(B) If a court pursuant to division (A) of this section 1807  
determines not to order the immobilization of a vehicle that 1808  
otherwise would be required pursuant to division (G) of section 1809  
4511.19 or division (B) of section 4511.193 of the Revised Code, 1810  
the court shall issue an order that waives the immobilization that 1811  
otherwise would be required pursuant to either of those divisions. 1812  
The immobilization waiver order shall be in effect for the period 1813  
of time for which the immobilization of the vehicle otherwise 1814  
would have been required under division (G) of section 4511.19 or 1815  
division (B) of section 4511.193 of the Revised Code if the 1816  
immobilization waiver order had not been issued, subject to 1817  
division (D) of this section. The immobilization waiver order 1818  
shall specify the period of time for which it is in effect. The 1819  
court shall provide a copy of an immobilization waiver order to 1820  
the offender and to the family or household member of the offender 1821  
who filed the motion requesting that the immobilization order not 1822  
be issued and shall place a copy of the immobilization waiver 1823  
order in the record in the case. The court shall impose an 1824  
immobilization waiver fee in the amount of fifty dollars. The 1825  
court shall determine whether the fee is to be paid by the 1826  
offender or by the family or household member. The clerk of the 1827

court shall ~~deposit~~ transmit all of the fee in fees collected 1828  
during a month on or before the twenty-third day of the following 1829  
month to the state treasury to ~~the credit of~~ be credited to the 1830  
indigent drivers alcohol treatment fund, created under division 1831  
(F) of section 4511.191 of the Revised Code. 1832

(C) If a court pursuant to division (B) of this section 1833  
issues an immobilization waiver order, the order shall identify 1834  
the family or household member who requested the order and the 1835  
vehicle to which the order applies, shall identify the family or 1836  
household members who are permitted to operate the vehicle, and 1837  
shall identify the offender and specify that the offender is not 1838  
permitted to operate the vehicle. The immobilization waiver order 1839  
shall require that the family or household member display on the 1840  
vehicle to which the order applies restricted license plates that 1841  
are issued under section 4503.231 of the Revised Code for the 1842  
entire period for which the immobilization of the vehicle 1843  
otherwise would have been required under division (G) of section 1844  
4511.19 or division (B) of section 4511.193 of the Revised Code if 1845  
the immobilization waiver order had not been issued. 1846

(D) A family or household member who is permitted to operate 1847  
a vehicle under an immobilization waiver order issued under this 1848  
section shall not permit the offender to operate the vehicle. If a 1849  
family or household member who is permitted to operate a vehicle 1850  
under an immobilization waiver order issued under this section 1851  
permits the offender to operate the vehicle, both of the following 1852  
apply: 1853

(1) The court that issued the immobilization waiver order 1854  
shall terminate that order and shall issue an immobilization order 1855  
in accordance with section 4503.233 of the Revised Code that 1856  
applies to the vehicle, and the immobilization order shall be in 1857  
effect for the remaining period of time for which the 1858  
immobilization of the vehicle otherwise would have been required 1859

under division (G) of section 4511.19 or division (B) of section 1860  
4511.193 of the Revised Code if the immobilization waiver order 1861  
had not been issued. 1862

(2) The conduct of the family or household member in 1863  
permitting the offender to operate the vehicle is a violation of 1864  
section 4511.203 of the Revised Code. 1865

(E) No offender shall operate a motor vehicle subject to an 1866  
immobilization waiver order. Whoever violates this division is 1867  
guilty of operating a motor vehicle in violation of an 1868  
immobilization waiver, a misdemeanor of the first degree. 1869

(F) "Family or household member" has the same meaning as in 1870  
section 2919.25 of the Revised Code, except that the person must 1871  
be currently residing with the offender. 1872

**Sec. 4506.03.** (A) Except as provided in divisions (B) and (C) 1873  
of this section, the following shall apply: 1874

(1) No person shall drive a commercial motor vehicle on a 1875  
highway in this state unless the person holds, and has in the 1876  
person's possession, a valid commercial driver's license with 1877  
proper endorsements for the motor vehicle being driven, issued by 1878  
the registrar of motor vehicles, a valid examiner's commercial 1879  
driving permit issued under section 4506.13 of the Revised Code, a 1880  
valid restricted commercial driver's license and waiver for 1881  
farm-related service industries issued under section 4506.24 of 1882  
the Revised Code, or a valid commercial driver's license temporary 1883  
instruction permit issued by the registrar and is accompanied by 1884  
an authorized state driver's license examiner or tester or a 1885  
person who has been issued and has in the person's immediate 1886  
possession a current, valid commercial driver's license with 1887  
proper endorsements for the motor vehicle being driven. 1888

(2) No person shall be issued a commercial driver's license 1889

until the person surrenders to the registrar of motor vehicles all  
valid licenses issued to the person by another jurisdiction  
recognized by this state. The registrar shall report the surrender  
of a license to the issuing authority, together with information  
that a license is now issued in this state. The registrar shall  
destroy any such license that is not returned to the issuing  
authority.

(3) No person who has been a resident of this state for  
thirty days or longer shall drive a commercial motor vehicle under  
the authority of a commercial driver's license issued by another  
jurisdiction.

(B) Nothing in division (A) of this section applies to any  
qualified person when engaged in the operation of any of the  
following:

(1) A farm truck;

(2) Fire equipment for a fire department, volunteer or  
nonvolunteer fire company, fire district, or joint fire district;

(3) A public safety vehicle used to provide transportation or  
emergency medical service for ill or injured persons;

(4) A recreational vehicle;

(5) A commercial motor vehicle within the boundaries of an  
eligible unit of local government, if the person is employed by  
the eligible unit of local government and is operating the  
commercial motor vehicle for the purpose of removing snow or ice  
from a roadway by plowing, sanding, or salting, but only if either  
the employee who holds a commercial driver's license issued under  
this chapter and ordinarily operates a commercial motor vehicle  
for these purposes is unable to operate the vehicle, or the  
employing eligible unit of local government determines that a snow  
or ice emergency exists that requires additional assistance;

(6) A vehicle operated for military purposes by any member or 1920  
uniformed employee of the armed forces of the United States or 1921  
their reserve components, including the Ohio national guard. This 1922  
exception does not apply to United States reserve technicians. 1923

(7) A commercial motor vehicle that is operated for 1924  
nonbusiness purposes. "Operated for nonbusiness purposes" means 1925  
that the commercial motor vehicle is not used in commerce as 1926  
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 1927  
regulated by the public utilities commission pursuant to Chapter 1928  
4919., 4921., or 4923. of the Revised Code. 1929

(8) A motor vehicle that is designed primarily for the 1930  
transportation of goods and not persons, while that motor vehicle 1931  
is being used for the occasional transportation of personal 1932  
property by individuals not for compensation and not in the 1933  
furtherance of a commercial enterprise; 1934

(9) A police SWAT team vehicle; 1935

(10) A police vehicle used to transport prisoners. 1936

(C) Nothing contained in division (B)(5) of this section 1937  
shall be construed as preempting or superseding any law, rule, or 1938  
regulation of this state concerning the safe operation of 1939  
commercial motor vehicles. 1940

(D) Whoever violates this section is guilty of a misdemeanor 1941  
of the first degree. 1942

**Sec. 4510.13.** (A)(1) Divisions (A)(2) to (9) of this section 1943  
apply to a judge or mayor regarding the suspension of, or the 1944  
grant of limited driving privileges during a suspension of, an 1945  
offender's driver's or commercial driver's license or permit or 1946  
nonresident operating privilege imposed under division (G) or (H) 1947  
of section 4511.19 of the Revised Code, under division (B) or (C) 1948  
of section 4511.191 of the Revised Code, or under section 4510.07 1949

of the Revised Code for a conviction of a violation of a municipal 1950  
OVI ordinance. 1951

(2) No judge or mayor shall suspend the following portions of 1952  
the suspension of an offender's driver's or commercial driver's 1953  
license or permit or nonresident operating privilege imposed under 1954  
division (G) or (H) of section 4511.19 of the Revised Code or 1955  
under section 4510.07 of the Revised Code for a conviction of a 1956  
violation of a municipal OVI ordinance, provided that division 1957  
(A)(2) of this section does not limit a court or mayor in 1958  
crediting any period of suspension imposed pursuant to division 1959  
(B) or (C) of section 4511.191 of the Revised Code against any 1960  
time of judicial suspension imposed pursuant to section 4511.19 or 1961  
4510.07 of the Revised Code, as described in divisions (B)(2) and 1962  
(C)(2) of section 4511.191 of the Revised Code: 1963

(a) The first six months of a suspension imposed under 1964  
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 1965  
comparable length suspension imposed under section 4510.07 of the 1966  
Revised Code; 1967

(b) The first year of a suspension imposed under division 1968  
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 1969  
comparable length suspension imposed under section 4510.07 of the 1970  
Revised Code; 1971

(c) The first three years of a suspension imposed under 1972  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1973  
or of a comparable length suspension imposed under section 4510.07 1974  
of the Revised Code; 1975

(d) The first sixty days of a suspension imposed under 1976  
division (H) of section 4511.19 of the Revised Code or of a 1977  
comparable length suspension imposed under section 4510.07 of the 1978  
Revised Code. 1979

(3) No judge or mayor shall grant limited driving privileges 1980

to an offender whose driver's or commercial driver's license or 1981  
permit or nonresident operating privilege has been suspended under 1982  
division (G) or (H) of section 4511.19 of the Revised Code, under 1983  
division (C) of section 4511.191 of the Revised Code, or under 1984  
section 4510.07 of the Revised Code for a municipal OVI conviction 1985  
if the offender, within the preceding six years, has been 1986  
convicted of or pleaded guilty to three or more violations of one 1987  
or more of the Revised Code sections, municipal ordinances, 1988  
statutes of the United States or another state, or municipal 1989  
ordinances of a municipal corporation of another state that are 1990  
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 1991  
Revised Code. 1992

Additionally, no judge or mayor shall grant limited driving 1993  
privileges to an offender whose driver's or commercial driver's 1994  
license or permit or nonresident operating privilege has been 1995  
suspended under division (B) of section 4511.191 of the Revised 1996  
Code if the offender, within the preceding six years, has refused 1997  
three previous requests to consent to a chemical test of the 1998  
person's whole blood, blood serum or plasma, breath, or urine to 1999  
determine its alcohol content. 2000

(4) No judge or mayor shall grant limited driving privileges 2001  
for employment as a driver of commercial motor vehicles to an 2002  
offender whose driver's or commercial driver's license or permit 2003  
or nonresident operating privilege has been suspended under 2004  
division (G) or (H) of section 4511.19 of the Revised Code, under 2005  
division (B) or (C) of section 4511.191 of the Revised Code, or 2006  
under section 4510.07 of the Revised Code for a municipal OVI 2007  
conviction if the offender is disqualified from operating a 2008  
commercial motor vehicle, or whose license or permit has been 2009  
suspended, under section 3123.58 or 4506.16 of the Revised Code. 2010

(5) No judge or mayor shall grant limited driving privileges 2011  
to an offender whose driver's or commercial driver's license or 2012

permit or nonresident operating privilege has been suspended under 2013  
division (G) or (H) of section 4511.19 of the Revised Code, under 2014  
division (C) of section 4511.191 of the Revised Code, or under 2015  
section 4510.07 of the Revised Code for a conviction of a 2016  
violation of a municipal OVI ordinance during any of the following 2017  
periods of time: 2018

(a) The first fifteen days of a suspension imposed under 2019  
division (G)(1)(a) of section 4511.19 of the Revised Code or a 2020  
comparable length suspension imposed under section 4510.07 of the 2021  
Revised Code, or of a suspension imposed under division (C)(1)(a) 2022  
of section 4511.191 of the Revised Code. On or after the sixteenth 2023  
day of the suspension, the court may grant limited driving 2024  
privileges, but the court may require that the offender shall not 2025  
exercise the privileges unless the vehicles the offender operates 2026  
are equipped with immobilizing or disabling devices that monitor 2027  
the offender's alcohol consumption or any other type of 2028  
immobilizing or disabling devices, except as provided in division 2029  
(C) of section 4510.43 of the Revised Code. 2030

(b) The first forty-five days of a suspension imposed under 2031  
division (C)(1)(b) of section 4511.191 of the Revised Code. On or 2032  
after the ~~thirty-first~~ forty-sixth day of suspension, the court 2033  
may grant limited driving privileges, but the court may require 2034  
that the offender shall not exercise the privileges unless the 2035  
vehicles the offender operates are equipped with immobilizing or 2036  
disabling devices that monitor the offender's alcohol consumption 2037  
or any other type of immobilizing or disabling devices, except as 2038  
provided in division (C) of section 4510.43 of the Revised Code. 2039

(c) The first sixty days of a suspension imposed under 2040  
division (H) of section 4511.19 of the Revised Code or a 2041  
comparable length suspension imposed under section 4510.07 of the 2042  
Revised Code. 2043

(d) The first one hundred eighty days of a suspension imposed 2044

under division (C)(1)(c) of section 4511.191 of the Revised Code. 2045  
On or after the ~~first~~ one hundred ~~eighty days~~ eighty-first day of 2046  
suspension, the court may grant limited driving privileges, and 2047  
either of the following applies: 2048

(i) If the underlying arrest is alcohol-related, the court 2049  
shall issue an order that, except as provided in division (C) of 2050  
section 4510.43 of the Revised Code, for the remainder of the 2051  
period of suspension the offender shall not exercise the 2052  
privileges unless the vehicles the offender operates are equipped 2053  
with a certified ignition interlock device. 2054

(ii) If the underlying arrest is drug-related, the court in 2055  
its discretion may issue an order that, except as provided in 2056  
division (C) of section 4510.43 of the Revised Code, for the 2057  
remainder of the period of suspension the offender shall not 2058  
exercise the privileges unless the vehicles the offender operates 2059  
are equipped with a certified ignition interlock device. 2060

(e) The first forty-five days of a suspension imposed under 2061  
division (G)(1)(b) of section 4511.19 of the Revised Code or a 2062  
comparable length suspension imposed under section 4510.07 of the 2063  
Revised Code. On or after the forty-sixth day of the suspension, 2064  
the court may grant limited driving privileges, and either of the 2065  
following applies: 2066

(i) If the underlying conviction is alcohol-related, the 2067  
court shall issue an order that, except as provided in division 2068  
(C) of section 4510.43 of the Revised Code, for the remainder of 2069  
the period of suspension the offender shall not exercise the 2070  
privileges unless the vehicles the offender operates are equipped 2071  
with a certified ignition interlock device. 2072

(ii) If the underlying conviction is drug-related, the court 2073  
in its discretion may issue an order that, except as provided in 2074  
division (C) of section 4510.43 of the Revised Code, for the 2075

remainder of the period of suspension the offender shall not 2076  
exercise the privileges unless the vehicles the offender operates 2077  
are equipped with a certified ignition interlock device. 2078

(f) The first one hundred eighty days of a suspension imposed 2079  
under division (G)(1)(c) of section 4511.19 of the Revised Code or 2080  
a comparable length suspension imposed under section 4510.07 of 2081  
the Revised Code. On or after the one hundred eighty-first day of 2082  
the suspension, the court may grant limited driving privileges, 2083  
and either of the following applies: 2084

(i) If the underlying conviction is alcohol-related, the 2085  
court shall issue an order that, except as provided in division 2086  
(C) of section 4510.43 of the Revised Code, for the remainder of 2087  
the period of suspension the offender shall not exercise the 2088  
privileges unless the vehicles the offender operates are equipped 2089  
with a certified ignition interlock device. 2090

(ii) If the underlying conviction is drug-related, the court 2091  
in its discretion may issue an order that, except as provided in 2092  
division (C) of section 4510.43 of the Revised Code, for the 2093  
remainder of the period of suspension the offender shall not 2094  
exercise the privileges unless the vehicles the offender operates 2095  
are equipped with a certified ignition interlock device. 2096

(g) The first three years of a suspension imposed under 2097  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2098  
or a comparable length suspension imposed under section 4510.07 of 2099  
the Revised Code, or of a suspension imposed under division 2100  
(C)(1)(d) of section 4511.191 of the Revised Code. On or after the 2101  
first three years of suspension, the court may grant limited 2102  
driving privileges, and either of the following applies: 2103

(i) If the underlying conviction is alcohol-related, the 2104  
court shall issue an order that, except as provided in division 2105  
(C) of section 4510.43 of the Revised Code, for the remainder of 2106

the period of suspension the offender shall not exercise the 2107  
privileges unless the vehicles the offender operates are equipped 2108  
with a certified ignition interlock device. 2109

(ii) If the underlying conviction is drug-related, the court 2110  
in its discretion may issue an order that, except as provided in 2111  
division (C) of section 4510.43 of the Revised Code, for the 2112  
remainder of the period of suspension the offender shall not 2113  
exercise the privileges unless the vehicles the offender operates 2114  
are equipped with a certified ignition interlock device. 2115

(6) No judge or mayor shall grant limited driving privileges 2116  
to an offender whose driver's or commercial driver's license or 2117  
permit or nonresident operating privilege has been suspended under 2118  
division (B) of section 4511.191 of the Revised Code during any of 2119  
the following periods of time: 2120

(a) The first thirty days of suspension imposed under 2121  
division (B)(1)(a) of section 4511.191 of the Revised Code; 2122

(b) The first ninety days of suspension imposed under 2123  
division (B)(1)(b) of section 4511.191 of the Revised Code; 2124

(c) The first year of suspension imposed under division 2125  
(B)(1)(c) of section 4511.191 of the Revised Code; 2126

(d) The first three years of suspension imposed under 2127  
division (B)(1)(d) of section 4511.191 of the Revised Code. 2128

(7) In any case in which a judge or mayor grants limited 2129  
driving privileges to an offender whose driver's or commercial 2130  
driver's license or permit or nonresident operating privilege has 2131  
been suspended under division (G)(1)(b), (c), (d), or (e) of 2132  
section 4511.19 of the Revised Code, under division (G)(1)(a) of 2133  
section 4511.19 of the Revised Code for a violation of division 2134  
(A)(1)(f), (g), (h), or (i) of that section, or under section 2135  
4510.07 of the Revised Code for a municipal OVI conviction for 2136  
which sentence would have been imposed under division 2137

(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 2138  
the Revised Code had the offender been charged with and convicted 2139  
of a violation of section 4511.19 of the Revised Code instead of a 2140  
violation of the municipal OVI ordinance, the judge or mayor shall 2141  
impose as a condition of the privileges that the offender must 2142  
display on the vehicle that is driven subject to the privileges 2143  
restricted license plates that are issued under section 4503.231 2144  
of the Revised Code, except as provided in division (B) of that 2145  
section. 2146

(8) In any case in which the offender operates a motor 2147  
vehicle that is not equipped with an ignition interlock device, 2148  
circumvents the device, or tampers with the device or in any case 2149  
in which the court receives notice pursuant to section 4510.46 of 2150  
the Revised Code that a certified ignition interlock device 2151  
required by an order issued under division (A)(5)(e), (f), or (g) 2152  
of this section prevented an offender from starting a motor 2153  
vehicle, the following applies: 2154

(a) If the offender was sentenced under division (G)(1)(b) of 2155  
section 4511.19 of the Revised Code, on a first instance the court 2156  
may require the offender to wear a monitor that provides 2157  
continuous alcohol monitoring that is remote. On a second 2158  
instance, the court shall require the offender to wear a monitor 2159  
that provides continuous alcohol monitoring that is remote for a 2160  
minimum of forty days. On a third instance or more, the court 2161  
shall require the offender to wear a monitor that provides 2162  
continuous alcohol monitoring that is remote for a minimum of 2163  
sixty days. 2164

(b) If the offender was sentenced under division (G)(1)(c), 2165  
(d), or (e) of section 4511.19 of the Revised Code, on a first 2166  
instance the court shall require the offender to wear a monitor 2167  
that provides continuous alcohol monitoring that is remote for a 2168  
minimum of forty days. On a second instance or more, the court 2169

shall require the offender to wear a monitor that provides 2170  
continuous alcohol monitoring that is remote for a minimum of 2171  
sixty days. 2172

(9) In any case in which the court issues an order under this 2173  
section prohibiting an offender from exercising limited driving 2174  
privileges unless the vehicles the offender operates are equipped 2175  
with an immobilizing or disabling device, including a certified 2176  
ignition interlock device, or requires an offender to wear a 2177  
monitor that provides continuous alcohol monitoring that is 2178  
remote, the court shall impose an additional court cost of two 2179  
dollars and fifty cents upon the offender. The court shall not 2180  
waive the payment of the two dollars and fifty cents unless the 2181  
court determines that the offender is indigent and waives the 2182  
payment of all court costs imposed upon the indigent offender. ~~The~~ 2183  
~~clerk of court shall retain one hundred per cent of this court~~ 2184  
~~cost.~~ The clerk of court shall transmit one hundred per cent of 2185  
this mandatory court cost collected during a month on ~~the first~~ 2186  
business or before the twenty-third day of the following month to 2187  
the state treasury to be credited to the state highway safety fund 2188  
created under section 4501.06 of the Revised Code, to be used by 2189  
the department of public safety to cover costs associated with 2190  
maintaining the habitual OVI/OMWI offender registry created under 2191  
section 5502.10 of the Revised Code. In its discretion the court 2192  
may impose an additional court cost of two dollars and fifty cents 2193  
upon the offender. The clerk of court shall retain this 2194  
discretionary two dollar and fifty cent court cost, if imposed, 2195  
and shall deposit it in the court's special projects fund that is 2196  
established under division (E)(1) of section 2303.201 ~~or~~ division 2197  
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 2198  
of the Revised Code. 2199

(10) In any case in which the court issues an order under 2200  
this section prohibiting an offender from exercising limited 2201

driving privileges unless the vehicles the offender operates are 2202  
equipped with an immobilizing or disabling device, including a 2203  
certified ignition interlock device, the court shall notify the 2204  
offender at the time the offender is granted limited driving 2205  
privileges that, in accordance with section 4510.46 of the Revised 2206  
Code, if the court receives notice that the device prevented the 2207  
offender from starting the motor vehicle because the device was 2208  
tampered with or circumvented or because the analysis of the 2209  
deep-lung breath sample or other method employed by the device to 2210  
measure the concentration by weight of alcohol in the offender's 2211  
breath indicated the presence of alcohol in the offender's breath 2212  
in a concentration sufficient to prevent the device from 2213  
permitting the motor vehicle to be started, the court may increase 2214  
the period of suspension of the offender's driver's or commercial 2215  
driver's license or permit or nonresident operating privilege from 2216  
that originally imposed by the court by a factor of two and may 2217  
increase the period of time during which the offender will be 2218  
prohibited from exercising any limited driving privileges granted 2219  
to the offender unless the vehicles the offender operates are 2220  
equipped with a certified ignition interlock device by a factor of 2221  
two. 2222

(B) Any person whose driver's or commercial driver's license 2223  
or permit or nonresident operating privilege has been suspended 2224  
pursuant to section 4511.19 or 4511.191 of the Revised Code or 2225  
under section 4510.07 of the Revised Code for a violation of a 2226  
municipal OVI ordinance may file a petition for limited driving 2227  
privileges during the suspension. The person shall file the 2228  
petition in the court that has jurisdiction over the place of 2229  
arrest. Subject to division (A) of this section, the court may 2230  
grant the person limited driving privileges during the period 2231  
during which the suspension otherwise would be imposed. However, 2232  
the court shall not grant the privileges for employment as a 2233  
driver of a commercial motor vehicle to any person who is 2234

disqualified from operating a commercial motor vehicle under 2235  
section 4506.16 of the Revised Code or during any of the periods 2236  
prescribed by division (A) of this section. 2237

(C)(1) After a driver's or commercial driver's license or 2238  
permit or nonresident operating privilege has been suspended 2239  
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 2240  
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 2241  
of the Revised Code, any provision of Chapter 2925. of the Revised 2242  
Code, or section 4510.07 of the Revised Code for a violation of a 2243  
municipal OVI ordinance, the judge of the court or mayor of the 2244  
mayor's court that suspended the license, permit, or privilege 2245  
shall cause the offender to deliver to the court the license or 2246  
permit. The judge, mayor, or clerk of the court or mayor's court 2247  
shall forward to the registrar the license or permit together with 2248  
notice of the action of the court. 2249

(2) A suspension of a commercial driver's license under any 2250  
section or chapter identified in division (C)(1) of this section 2251  
shall be concurrent with any period of suspension or 2252  
disqualification under section 3123.58 or 4506.16 of the Revised 2253  
Code. No person who is disqualified for life from holding a 2254  
commercial driver's license under section 4506.16 of the Revised 2255  
Code shall be issued a driver's license under this chapter during 2256  
the period for which the commercial driver's license was suspended 2257  
under this section, and no person whose commercial driver's 2258  
license is suspended under any section or chapter identified in 2259  
division (C)(1) of this section shall be issued a driver's license 2260  
under Chapter 4507. of the Revised Code during the period of the 2261  
suspension. 2262

(3) No judge or mayor shall suspend any class one suspension, 2263  
or any portion of any class one suspension, imposed under section 2264  
2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No 2265  
judge or mayor shall suspend the first thirty days of any class 2266

two, class three, class four, class five, or class six suspension 2267  
imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 2268  
2929.02 of the Revised Code. 2269

(D) The judge of the court or mayor of the mayor's court 2270  
shall credit any time during which an offender was subject to an 2271  
administrative suspension of the offender's driver's or commercial 2272  
driver's license or permit or nonresident operating privilege 2273  
imposed pursuant to section 4511.191 or 4511.192 of the Revised 2274  
Code or a suspension imposed by a judge, referee, or mayor 2275  
pursuant to division (B)(1) or (2) of section 4511.196 of the 2276  
Revised Code against the time to be served under a related 2277  
suspension imposed pursuant to any section or chapter identified 2278  
in division (C)(1) of this section. 2279

(E) The judge or mayor shall notify the bureau of motor 2280  
vehicles of any determinations made pursuant to this section and 2281  
of any suspension imposed pursuant to any section or chapter 2282  
identified in division (C)(1) of this section. 2283

(F)(1) If a court issues an immobilizing or disabling device 2284  
order under section 4510.43 of the Revised Code, the order shall 2285  
authorize the offender during the specified period to operate a 2286  
motor vehicle only if it is equipped with an immobilizing or 2287  
disabling device, except as provided in division (C) of that 2288  
section. The court shall provide the offender with a copy of an 2289  
immobilizing or disabling device order issued under section 2290  
4510.43 of the Revised Code, and the offender shall use the copy 2291  
of the order in lieu of an Ohio driver's or commercial driver's 2292  
license or permit until the registrar or a deputy registrar issues 2293  
the offender a restricted license. 2294

An order issued under section 4510.43 of the Revised Code 2295  
does not authorize or permit the offender to whom it has been 2296  
issued to operate a vehicle during any time that the offender's 2297  
driver's or commercial driver's license or permit is suspended 2298

under any other provision of law. 2299

(2) An offender may present an immobilizing or disabling 2300  
device order to the registrar or to a deputy registrar. Upon 2301  
presentation of the order to the registrar or a deputy registrar, 2302  
the registrar or deputy registrar shall issue the offender a 2303  
restricted license. A restricted license issued under this 2304  
division shall be identical to an Ohio driver's license, except 2305  
that it shall have printed on its face a statement that the 2306  
offender is prohibited during the period specified in the court 2307  
order from operating any motor vehicle that is not equipped with 2308  
an immobilizing or disabling device. The date of commencement and 2309  
the date of termination of the period of suspension shall be 2310  
indicated conspicuously upon the face of the license. 2311

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 2312  
streetcar, or trackless trolley within this state, if, at the time 2313  
of the operation, any of the following apply: 2314

(a) The person is under the influence of alcohol, a drug of 2315  
abuse, or a combination of them. 2316

(b) The person has a concentration of eight-hundredths of one 2317  
per cent or more but less than seventeen-hundredths of one per 2318  
cent by weight per unit volume of alcohol in the person's whole 2319  
blood. 2320

(c) The person has a concentration of ninety-six-thousandths 2321  
of one per cent or more but less than two hundred four-thousandths 2322  
of one per cent by weight per unit volume of alcohol in the 2323  
person's blood serum or plasma. 2324

(d) The person has a concentration of eight-hundredths of one 2325  
gram or more but less than seventeen-hundredths of one gram by 2326  
weight of alcohol per two hundred ten liters of the person's 2327  
breath. 2328

(e) The person has a concentration of eleven-hundredths of 2329  
one gram or more but less than two hundred 2330  
thirty-eight-thousandths of one gram by weight of alcohol per one 2331  
hundred milliliters of the person's urine. 2332

(f) The person has a concentration of seventeen-hundredths of 2333  
one per cent or more by weight per unit volume of alcohol in the 2334  
person's whole blood. 2335

(g) The person has a concentration of two hundred 2336  
four-thousandths of one per cent or more by weight per unit volume 2337  
of alcohol in the person's blood serum or plasma. 2338

(h) The person has a concentration of seventeen-hundredths of 2339  
one gram or more by weight of alcohol per two hundred ten liters 2340  
of the person's breath. 2341

(i) The person has a concentration of two hundred 2342  
thirty-eight-thousandths of one gram or more by weight of alcohol 2343  
per one hundred milliliters of the person's urine. 2344

(j) Except as provided in division (K) of this section, the 2345  
person has a concentration of any of the following controlled 2346  
substances or metabolites of a controlled substance in the 2347  
person's whole blood, blood serum or plasma, or urine that equals 2348  
or exceeds any of the following: 2349

(i) The person has a concentration of amphetamine in the 2350  
person's urine of at least five hundred nanograms of amphetamine 2351  
per milliliter of the person's urine or has a concentration of 2352  
amphetamine in the person's whole blood or blood serum or plasma 2353  
of at least one hundred nanograms of amphetamine per milliliter of 2354  
the person's whole blood or blood serum or plasma. 2355

(ii) The person has a concentration of cocaine in the 2356  
person's urine of at least one hundred fifty nanograms of cocaine 2357  
per milliliter of the person's urine or has a concentration of 2358  
cocaine in the person's whole blood or blood serum or plasma of at 2359

least fifty nanograms of cocaine per milliliter of the person's 2360  
whole blood or blood serum or plasma. 2361

(iii) The person has a concentration of cocaine metabolite in 2362  
the person's urine of at least one hundred fifty nanograms of 2363  
cocaine metabolite per milliliter of the person's urine or has a 2364  
concentration of cocaine metabolite in the person's whole blood or 2365  
blood serum or plasma of at least fifty nanograms of cocaine 2366  
metabolite per milliliter of the person's whole blood or blood 2367  
serum or plasma. 2368

(iv) The person has a concentration of heroin in the person's 2369  
urine of at least two thousand nanograms of heroin per milliliter 2370  
of the person's urine or has a concentration of heroin in the 2371  
person's whole blood or blood serum or plasma of at least fifty 2372  
nanograms of heroin per milliliter of the person's whole blood or 2373  
blood serum or plasma. 2374

(v) The person has a concentration of heroin metabolite 2375  
(6-monoacetyl morphine) in the person's urine of at least ten 2376  
nanograms of heroin metabolite (6-monoacetyl morphine) per 2377  
milliliter of the person's urine or has a concentration of heroin 2378  
metabolite (6-monoacetyl morphine) in the person's whole blood or 2379  
blood serum or plasma of at least ten nanograms of heroin 2380  
metabolite (6-monoacetyl morphine) per milliliter of the person's 2381  
whole blood or blood serum or plasma. 2382

(vi) The person has a concentration of L.S.D. in the person's 2383  
urine of at least twenty-five nanograms of L.S.D. per milliliter 2384  
of the person's urine or a concentration of L.S.D. in the person's 2385  
whole blood or blood serum or plasma of at least ten nanograms of 2386  
L.S.D. per milliliter of the person's whole blood or blood serum 2387  
or plasma. 2388

(vii) The person has a concentration of marihuana in the 2389  
person's urine of at least ten nanograms of marihuana per 2390

milliliter of the person's urine or has a concentration of 2391  
marihuana in the person's whole blood or blood serum or plasma of 2392  
at least two nanograms of marihuana per milliliter of the person's 2393  
whole blood or blood serum or plasma. 2394

(viii) Either of the following applies: 2395

(I) The person is under the influence of alcohol, a drug of 2396  
abuse, or a combination of them, and, as measured by gas 2397  
chromatography mass spectrometry, the person has a concentration 2398  
of marihuana metabolite in the person's urine of at least fifteen 2399  
nanograms of marihuana metabolite per milliliter of the person's 2400  
urine or has a concentration of marihuana metabolite in the 2401  
person's whole blood or blood serum or plasma of at least five 2402  
nanograms of marihuana metabolite per milliliter of the person's 2403  
whole blood or blood serum or plasma. 2404

(II) As measured by gas chromatography mass spectrometry, the 2405  
person has a concentration of marihuana metabolite in the person's 2406  
urine of at least thirty-five nanograms of marihuana metabolite 2407  
per milliliter of the person's urine or has a concentration of 2408  
marihuana metabolite in the person's whole blood or blood serum or 2409  
plasma of at least fifty nanograms of marihuana metabolite per 2410  
milliliter of the person's whole blood or blood serum or plasma. 2411

(ix) The person has a concentration of methamphetamine in the 2412  
person's urine of at least five hundred nanograms of 2413  
methamphetamine per milliliter of the person's urine or has a 2414  
concentration of methamphetamine in the person's whole blood or 2415  
blood serum or plasma of at least one hundred nanograms of 2416  
methamphetamine per milliliter of the person's whole blood or 2417  
blood serum or plasma. 2418

(x) The person has a concentration of phencyclidine in the 2419  
person's urine of at least twenty-five nanograms of phencyclidine 2420  
per milliliter of the person's urine or has a concentration of 2421

phencyclidine in the person's whole blood or blood serum or plasma 2422  
of at least ten nanograms of phencyclidine per milliliter of the 2423  
person's whole blood or blood serum or plasma. 2424

(xi) The state board of pharmacy has adopted a rule pursuant 2425  
to section 4729.041 of the Revised Code that specifies the amount 2426  
of salvia divinorum and the amount of salvinorin A that constitute 2427  
concentrations of salvia divinorum and salvinorin A in a person's 2428  
urine, in a person's whole blood, or in a person's blood serum or 2429  
plasma at or above which the person is impaired for purposes of 2430  
operating any vehicle, streetcar, or trackless trolley within this 2431  
state, the rule is in effect, and the person has a concentration 2432  
of salvia divinorum or salvinorin A of at least that amount so 2433  
specified by rule in the person's urine, in the person's whole 2434  
blood, or in the person's blood serum or plasma. 2435

(2) No person who, within twenty years of the conduct 2436  
described in division (A)(2)(a) of this section, previously has 2437  
been convicted of or pleaded guilty to a violation of this 2438  
division, a violation of division (A)(1) or (B) of this section, 2439  
or any other equivalent offense shall do both of the following: 2440

(a) Operate any vehicle, streetcar, or trackless trolley 2441  
within this state while under the influence of alcohol, a drug of 2442  
abuse, or a combination of them; 2443

(b) Subsequent to being arrested for operating the vehicle, 2444  
streetcar, or trackless trolley as described in division (A)(2)(a) 2445  
of this section, being asked by a law enforcement officer to 2446  
submit to a chemical test or tests under section 4511.191 of the 2447  
Revised Code, and being advised by the officer in accordance with 2448  
section 4511.192 of the Revised Code of the consequences of the 2449  
person's refusal or submission to the test or tests, refuse to 2450  
submit to the test or tests. 2451

(B) No person under twenty-one years of age shall operate any 2452

vehicle, streetcar, or trackless trolley within this state, if, at 2453  
the time of the operation, any of the following apply: 2454

(1) The person has a concentration of at least two-hundredths 2455  
of one per cent but less than eight-hundredths of one per cent by 2456  
weight per unit volume of alcohol in the person's whole blood. 2457

(2) The person has a concentration of at least 2458  
three-hundredths of one per cent but less than 2459  
ninety-six-thousandths of one per cent by weight per unit volume 2460  
of alcohol in the person's blood serum or plasma. 2461

(3) The person has a concentration of at least two-hundredths 2462  
of one gram but less than eight-hundredths of one gram by weight 2463  
of alcohol per two hundred ten liters of the person's breath. 2464

(4) The person has a concentration of at least twenty-eight 2465  
one-thousandths of one gram but less than eleven-hundredths of one 2466  
gram by weight of alcohol per one hundred milliliters of the 2467  
person's urine. 2468

(C) In any proceeding arising out of one incident, a person 2469  
may be charged with a violation of division (A)(1)(a) or (A)(2) 2470  
and a violation of division (B)(1), (2), or (3) of this section, 2471  
but the person may not be convicted of more than one violation of 2472  
these divisions. 2473

(D)(1)(a) In any criminal prosecution or juvenile court 2474  
proceeding for a violation of division (A)(1)(a) of this section 2475  
or for an equivalent offense that is vehicle-related, the result 2476  
of any test of any blood or urine withdrawn and analyzed at any 2477  
health care provider, as defined in section 2317.02 of the Revised 2478  
Code, may be admitted with expert testimony to be considered with 2479  
any other relevant and competent evidence in determining the guilt 2480  
or innocence of the defendant. 2481

(b) In any criminal prosecution or juvenile court proceeding 2482  
for a violation of division (A) or (B) of this section or for an 2483

equivalent offense that is vehicle-related, the court may admit 2484  
evidence on the concentration of alcohol, drugs of abuse, 2485  
controlled substances, metabolites of a controlled substance, or a 2486  
combination of them in the defendant's whole blood, blood serum or 2487  
plasma, breath, urine, or other bodily substance at the time of 2488  
the alleged violation as shown by chemical analysis of the 2489  
substance withdrawn within three hours of the time of the alleged 2490  
violation. The three-hour time limit specified in this division 2491  
regarding the admission of evidence does not extend or affect the 2492  
two-hour time limit specified in division (A) of section 4511.192 2493  
of the Revised Code as the maximum period of time during which a 2494  
person may consent to a chemical test or tests as described in 2495  
that section. The court may admit evidence on the concentration of 2496  
alcohol, drugs of abuse, or a combination of them as described in 2497  
this division when a person submits to a blood, breath, urine, or 2498  
other bodily substance test at the request of a law enforcement 2499  
officer under section 4511.191 of the Revised Code or a blood or 2500  
urine sample is obtained pursuant to a search warrant. Only a 2501  
physician, a registered nurse, or a qualified technician, chemist, 2502  
or phlebotomist shall withdraw a blood sample for the purpose of 2503  
determining the alcohol, drug, controlled substance, metabolite of 2504  
a controlled substance, or combination content of the whole blood, 2505  
blood serum, or blood plasma. This limitation does not apply to 2506  
the taking of breath or urine specimens. A person authorized to 2507  
withdraw blood under this division may refuse to withdraw blood 2508  
under this division, if in that person's opinion, the physical 2509  
welfare of the person would be endangered by the withdrawing of 2510  
blood. 2511

The bodily substance withdrawn under division (D)(1)(b) of 2512  
this section shall be analyzed in accordance with methods approved 2513  
by the director of health by an individual possessing a valid 2514  
permit issued by the director pursuant to section 3701.143 of the 2515  
Revised Code. 2516

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

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

If the chemical test was obtained pursuant to division  
(D)(1)(b) of this section, the person tested may have a physician,  
a registered nurse, or a qualified technician, chemist, or  
phlebotomist of the person's own choosing administer a chemical  
test or tests, at the person's expense, in addition to any  
administered at the request of a law enforcement officer. ~~The If~~  
the person was under arrest as described in division (A)(5) of  
section 4511.191 of the Revised Code, the arresting officer shall  
advise the person at the time of the arrest that the person may  
have an independent chemical test taken at the person's own  
expense. If the person was under arrest other than described in  
division (A)(5) of section 4511.191 of the Revised Code, the form  
to be read to the person to be tested, as required under section

4511.192 of the Revised Code, shall state that the person may have  
an independent test performed at the person's expense. The failure  
or inability to obtain an additional chemical test by a person  
shall not preclude the admission of evidence relating to the  
chemical test or tests taken at the request of a law enforcement  
officer.

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

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

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

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

the criminal prosecution or juvenile court proceeding. 2581

(iii) If testimony is presented or evidence is introduced 2582  
under division (D)(4)(b)(i) or (ii) of this section and if the 2583  
testimony or evidence is admissible under the Rules of Evidence, 2584  
the court shall admit the testimony or evidence and the trier of 2585  
fact shall give it whatever weight the trier of fact considers to 2586  
be appropriate. 2587

(c) Division (D)(4)(b) of this section does not limit or 2588  
preclude a court, in its determination of whether the arrest of a 2589  
person was supported by probable cause or its determination of any 2590  
other matter in a criminal prosecution or juvenile court 2591  
proceeding of a type described in that division, from considering 2592  
evidence or testimony that is not otherwise disallowed by division 2593  
(D)(4)(b) of this section. 2594

(E)(1) Subject to division (E)(3) of this section, in any 2595  
criminal prosecution or juvenile court proceeding for a violation 2596  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 2597  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 2598  
offense that is substantially equivalent to any of those 2599  
divisions, a laboratory report from any laboratory personnel 2600  
issued a permit by the department of health authorizing an 2601  
analysis as described in this division that contains an analysis 2602  
of the whole blood, blood serum or plasma, breath, urine, or other 2603  
bodily substance tested and that contains all of the information 2604  
specified in this division shall be admitted as prima-facie 2605  
evidence of the information and statements that the report 2606  
contains. The laboratory report shall contain all of the 2607  
following: 2608

(a) The signature, under oath, of any person who performed 2609  
the analysis; 2610

(b) Any findings as to the identity and quantity of alcohol, 2611

a drug of abuse, a controlled substance, a metabolite of a 2612  
controlled substance, or a combination of them that was found; 2613

(c) A copy of a notarized statement by the laboratory 2614  
director or a designee of the director that contains the name of 2615  
each certified analyst or test performer involved with the report, 2616  
the analyst's or test performer's employment relationship with the 2617  
laboratory that issued the report, and a notation that performing 2618  
an analysis of the type involved is part of the analyst's or test 2619  
performer's regular duties; 2620

(d) An outline of the analyst's or test performer's 2621  
education, training, and experience in performing the type of 2622  
analysis involved and a certification that the laboratory 2623  
satisfies appropriate quality control standards in general and, in 2624  
this particular analysis, under rules of the department of health. 2625

(2) Notwithstanding any other provision of law regarding the 2626  
admission of evidence, a report of the type described in division 2627  
(E)(1) of this section is not admissible against the defendant to 2628  
whom it pertains in any proceeding, other than a preliminary 2629  
hearing or a grand jury proceeding, unless the prosecutor has 2630  
served a copy of the report on the defendant's attorney or, if the 2631  
defendant has no attorney, on the defendant. 2632

(3) A report of the type described in division (E)(1) of this 2633  
section shall not be prima-facie evidence of the contents, 2634  
identity, or amount of any substance if, within seven days after 2635  
the defendant to whom the report pertains or the defendant's 2636  
attorney receives a copy of the report, the defendant or the 2637  
defendant's attorney demands the testimony of the person who 2638  
signed the report. The judge in the case may extend the seven-day 2639  
time limit in the interest of justice. 2640

(F) Except as otherwise provided in this division, any 2641  
physician, registered nurse, or qualified technician, chemist, or 2642

phlebotomist who withdraws blood from a person pursuant to this 2643  
section or section 4511.191 or 4511.192 of the Revised Code, and 2644  
any hospital, first-aid station, or clinic at which blood is 2645  
withdrawn from a person pursuant to this section or section 2646  
4511.191 or 4511.192 of the Revised Code, is immune from criminal 2647  
liability and civil liability based upon a claim of assault and 2648  
battery or any other claim that is not a claim of malpractice, for 2649  
any act performed in withdrawing blood from the person. The 2650  
immunity provided in this division is not available to a person 2651  
who withdraws blood if the person engages in willful or wanton 2652  
misconduct. 2653

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 2654  
to (i) or (A)(2) of this section is guilty of operating a vehicle 2655  
under the influence of alcohol, a drug of abuse, or a combination 2656  
of them. Whoever violates division (A)(1)(j) of this section is 2657  
guilty of operating a vehicle while under the influence of a 2658  
listed controlled substance or a listed metabolite of a controlled 2659  
substance. The court shall sentence the offender for either 2660  
offense under Chapter 2929. of the Revised Code, except as 2661  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 2662  
this section: 2663

(a) Except as otherwise provided in division (G)(1)(b), (c), 2664  
(d), or (e) of this section, the offender is guilty of a 2665  
misdemeanor of the first degree, and the court shall sentence the 2666  
offender to all of the following: 2667

(i) If the sentence is being imposed for a violation of 2668  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2669  
mandatory jail term of three consecutive days. As used in this 2670  
division, three consecutive days means seventy-two consecutive 2671  
hours. The court may sentence an offender to both an intervention 2672  
program and a jail term. The court may impose a jail term in 2673  
addition to the three-day mandatory jail term or intervention 2674

program. However, in no case shall the cumulative jail term 2675  
imposed for the offense exceed six months. 2676

The court may suspend the execution of the three-day jail 2677  
term under this division if the court, in lieu of that suspended 2678  
term, places the offender under a community control sanction 2679  
pursuant to section 2929.25 of the Revised Code and requires the 2680  
offender to attend, for three consecutive days, a drivers' 2681  
intervention program certified under section 3793.10 of the 2682  
Revised Code. The court also may suspend the execution of any part 2683  
of the three-day jail term under this division if it places the 2684  
offender under a community control sanction pursuant to section 2685  
2929.25 of the Revised Code for part of the three days, requires 2686  
the offender to attend for the suspended part of the term a 2687  
drivers' intervention program so certified, and sentences the 2688  
offender to a jail term equal to the remainder of the three 2689  
consecutive days that the offender does not spend attending the 2690  
program. The court may require the offender, as a condition of 2691  
community control and in addition to the required attendance at a 2692  
drivers' intervention program, to attend and satisfactorily 2693  
complete any treatment or education programs that comply with the 2694  
minimum standards adopted pursuant to Chapter 3793. of the Revised 2695  
Code by the director of alcohol and drug addiction services that 2696  
the operators of the drivers' intervention program determine that 2697  
the offender should attend and to report periodically to the court 2698  
on the offender's progress in the programs. The court also may 2699  
impose on the offender any other conditions of community control 2700  
that it considers necessary. 2701

(ii) If the sentence is being imposed for a violation of 2702  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2703  
section, except as otherwise provided in this division, a 2704  
mandatory jail term of at least three consecutive days and a 2705  
requirement that the offender attend, for three consecutive days, 2706

a drivers' intervention program that is certified pursuant to 2707  
section 3793.10 of the Revised Code. As used in this division, 2708  
three consecutive days means seventy-two consecutive hours. If the 2709  
court determines that the offender is not conducive to treatment 2710  
in a drivers' intervention program, if the offender refuses to 2711  
attend a drivers' intervention program, or if the jail at which 2712  
the offender is to serve the jail term imposed can provide a 2713  
driver's intervention program, the court shall sentence the 2714  
offender to a mandatory jail term of at least six consecutive 2715  
days. 2716

The court may require the offender, under a community control 2717  
sanction imposed under section 2929.25 of the Revised Code, to 2718  
attend and satisfactorily complete any treatment or education 2719  
programs that comply with the minimum standards adopted pursuant 2720  
to Chapter 3793. of the Revised Code by the director of alcohol 2721  
and drug addiction services, in addition to the required 2722  
attendance at drivers' intervention program, that the operators of 2723  
the drivers' intervention program determine that the offender 2724  
should attend and to report periodically to the court on the 2725  
offender's progress in the programs. The court also may impose any 2726  
other conditions of community control on the offender that it 2727  
considers necessary. 2728

(iii) In all cases, a fine of not less than three hundred 2729  
seventy-five and not more than one thousand seventy-five dollars; 2730  
2731

(iv) In all cases, a class five license suspension of the 2732  
offender's driver's or commercial driver's license or permit or 2733  
nonresident operating privilege from the range specified in 2734  
division (A)(5) of section 4510.02 of the Revised Code. The court 2735  
may grant limited driving privileges relative to the suspension 2736  
under sections 4510.021 and 4510.13 of the Revised Code. 2737

(b) Except as otherwise provided in division (G)(1)(e) of 2738

this section, an offender who, within six years of the offense, 2739  
previously has been convicted of or pleaded guilty to one 2740  
violation of division (A) or (B) of this section or one other 2741  
equivalent offense is guilty of a misdemeanor of the first degree. 2742  
The court shall sentence the offender to all of the following: 2743

(i) If the sentence is being imposed for a violation of 2744  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2745  
mandatory jail term of ten consecutive days. The court shall 2746  
impose the ten-day mandatory jail term under this division unless, 2747  
subject to division (G)(3) of this section, it instead imposes a 2748  
sentence under that division consisting of both a jail term and a 2749  
term of house arrest with electronic monitoring, with continuous 2750  
alcohol monitoring, or with both electronic monitoring and 2751  
continuous alcohol monitoring. The court may impose a jail term in 2752  
addition to the ten-day mandatory jail term. The cumulative jail 2753  
term imposed for the offense shall not exceed six months. 2754

In addition to the jail term or the term of house arrest with 2755  
electronic monitoring or continuous alcohol monitoring or both 2756  
types of monitoring and jail term, the court shall require the 2757  
offender to be assessed by an alcohol and drug treatment program 2758  
that is authorized by section 3793.02 of the Revised Code, subject 2759  
to division (I) of this section, and shall order the offender to 2760  
follow the treatment recommendations of the program. The purpose 2761  
of the assessment is to determine the degree of the offender's 2762  
alcohol usage and to determine whether or not treatment is 2763  
warranted. Upon the request of the court, the program shall submit 2764  
the results of the assessment to the court, including all 2765  
treatment recommendations and clinical diagnoses related to 2766  
alcohol use. 2767

(ii) If the sentence is being imposed for a violation of 2768  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2769  
section, except as otherwise provided in this division, a 2770

mandatory jail term of twenty consecutive days. The court shall 2771  
impose the twenty-day mandatory jail term under this division 2772  
unless, subject to division (G)(3) of this section, it instead 2773  
imposes a sentence under that division consisting of both a jail 2774  
term and a term of house arrest with electronic monitoring, with 2775  
continuous alcohol monitoring, or with both electronic monitoring 2776  
and continuous alcohol monitoring. The court may impose a jail 2777  
term in addition to the twenty-day mandatory jail term. The 2778  
cumulative jail term imposed for the offense shall not exceed six 2779  
months. 2780

In addition to the jail term or the term of house arrest with 2781  
electronic monitoring or continuous alcohol monitoring or both 2782  
types of monitoring and jail term, the court shall require the 2783  
offender to be assessed by an alcohol and drug treatment program 2784  
that is authorized by section 3793.02 of the Revised Code, subject 2785  
to division (I) of this section, and shall order the offender to 2786  
follow the treatment recommendations of the program. The purpose 2787  
of the assessment is to determine the degree of the offender's 2788  
alcohol usage and to determine whether or not treatment is 2789  
warranted. Upon the request of the court, the program shall submit 2790  
the results of the assessment to the court, including all 2791  
treatment recommendations and clinical diagnoses related to 2792  
alcohol use. 2793

(iii) In all cases, notwithstanding the fines set forth in 2794  
Chapter 2929. of the Revised Code, a fine of not less than five 2795  
hundred twenty-five and not more than one thousand six hundred 2796  
twenty-five dollars; 2797

(iv) In all cases, a class four license suspension of the 2798  
offender's driver's license, commercial driver's license, 2799  
temporary instruction permit, probationary license, or nonresident 2800  
operating privilege from the range specified in division (A)(4) of 2801  
section 4510.02 of the Revised Code. The court may grant limited 2802

driving privileges relative to the suspension under sections 2803  
4510.021 and 4510.13 of the Revised Code. 2804

(v) In all cases, if the vehicle is registered in the 2805  
offender's name, immobilization of the vehicle involved in the 2806  
offense for ninety days in accordance with section 4503.233 of the 2807  
Revised Code and impoundment of the license plates of that vehicle 2808  
for ninety days. 2809

(c) Except as otherwise provided in division (G)(1)(e) of 2810  
this section, an offender who, within six years of the offense, 2811  
previously has been convicted of or pleaded guilty to two 2812  
violations of division (A) or (B) of this section or other 2813  
equivalent offenses is guilty of a misdemeanor. The court shall 2814  
sentence the offender to all of the following: 2815

(i) If the sentence is being imposed for a violation of 2816  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2817  
mandatory jail term of thirty consecutive days. The court shall 2818  
impose the thirty-day mandatory jail term under this division 2819  
unless, subject to division (G)(3) of this section, it instead 2820  
imposes a sentence under that division consisting of both a jail 2821  
term and a term of house arrest with electronic monitoring, with 2822  
continuous alcohol monitoring, or with both electronic monitoring 2823  
and continuous alcohol monitoring. The court may impose a jail 2824  
term in addition to the thirty-day mandatory jail term. 2825  
Notwithstanding the jail terms set forth in sections 2929.21 to 2826  
2929.28 of the Revised Code, the additional jail term shall not 2827  
exceed one year, and the cumulative jail term imposed for the 2828  
offense shall not exceed one year. 2829

(ii) If the sentence is being imposed for a violation of 2830  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2831  
section, a mandatory jail term of sixty consecutive days. The 2832  
court shall impose the sixty-day mandatory jail term under this 2833  
division unless, subject to division (G)(3) of this section, it 2834

instead imposes a sentence under that division consisting of both 2835  
a jail term and a term of house arrest with electronic monitoring, 2836  
with continuous alcohol monitoring, or with both electronic 2837  
monitoring and continuous alcohol monitoring. The court may impose 2838  
a jail term in addition to the sixty-day mandatory jail term. 2839  
Notwithstanding the jail terms set forth in sections 2929.21 to 2840  
2929.28 of the Revised Code, the additional jail term shall not 2841  
exceed one year, and the cumulative jail term imposed for the 2842  
offense shall not exceed one year. 2843

(iii) In all cases, notwithstanding the fines set forth in 2844  
Chapter 2929. of the Revised Code, a fine of not less than eight 2845  
hundred fifty and not more than two thousand seven hundred fifty 2846  
dollars; 2847

(iv) In all cases, a class three license suspension of the 2848  
offender's driver's license, commercial driver's license, 2849  
temporary instruction permit, probationary license, or nonresident 2850  
operating privilege from the range specified in division (A)(3) of 2851  
section 4510.02 of the Revised Code. The court may grant limited 2852  
driving privileges relative to the suspension under sections 2853  
4510.021 and 4510.13 of the Revised Code. 2854

(v) In all cases, if the vehicle is registered in the 2855  
offender's name, criminal forfeiture of the vehicle involved in 2856  
the offense in accordance with section 4503.234 of the Revised 2857  
Code. Division (G)(6) of this section applies regarding any 2858  
vehicle that is subject to an order of criminal forfeiture under 2859  
this division. 2860

(vi) In all cases, the court shall order the offender to 2861  
participate in an alcohol and drug addiction program authorized by 2862  
section 3793.02 of the Revised Code, subject to division (I) of 2863  
this section, and shall order the offender to follow the treatment 2864  
recommendations of the program. The operator of the program shall 2865  
determine and assess the degree of the offender's alcohol 2866

dependency and shall make recommendations for treatment. Upon the  
request of the court, the program shall submit the results of the  
assessment to the court, including all treatment recommendations  
and clinical diagnoses related to alcohol use.

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

(i) If the sentence is being imposed for a violation of  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a  
mandatory prison term of one, two, three, four, or five years as  
required by and in accordance with division (G)(2) of section  
2929.13 of the Revised Code if the offender also is convicted of  
or also pleads guilty to a specification of the type described in  
section 2941.1413 of the Revised Code or, in the discretion of the  
court, either a mandatory term of local incarceration of sixty  
consecutive days in accordance with division (G)(1) of section  
2929.13 of the Revised Code or a mandatory prison term of sixty  
consecutive days in accordance with division (G)(2) of that  
section if the offender is not convicted of and does not plead  
guilty to a specification of that type. If the court imposes a  
mandatory term of local incarceration, it may impose a jail term  
in addition to the sixty-day mandatory term, the cumulative total  
of the mandatory term and the jail term for the offense shall not  
exceed one year, and, except as provided in division (A)(1) of  
section 2929.13 of the Revised Code, no prison term is authorized  
for the offense. If the court imposes a mandatory prison term,

notwithstanding division (A)(4) of section 2929.14 of the Revised 2899  
Code, it also may sentence the offender to a definite prison term 2900  
that shall be not less than six months and not more than thirty 2901  
months and the prison terms shall be imposed as described in 2902  
division (G)(2) of section 2929.13 of the Revised Code. If the 2903  
court imposes a mandatory prison term or mandatory prison term and 2904  
additional prison term, in addition to the term or terms so 2905  
imposed, the court also may sentence the offender to a community 2906  
control sanction for the offense, but the offender shall serve all 2907  
of the prison terms so imposed prior to serving the community 2908  
control sanction. 2909

(ii) If the sentence is being imposed for a violation of 2910  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2911  
section, a mandatory prison term of one, two, three, four, or five 2912  
years as required by and in accordance with division (G)(2) of 2913  
section 2929.13 of the Revised Code if the offender also is 2914  
convicted of or also pleads guilty to a specification of the type 2915  
described in section 2941.1413 of the Revised Code or, in the 2916  
discretion of the court, either a mandatory term of local 2917  
incarceration of one hundred twenty consecutive days in accordance 2918  
with division (G)(1) of section 2929.13 of the Revised Code or a 2919  
mandatory prison term of one hundred twenty consecutive days in 2920  
accordance with division (G)(2) of that section if the offender is 2921  
not convicted of and does not plead guilty to a specification of 2922  
that type. If the court imposes a mandatory term of local 2923  
incarceration, it may impose a jail term in addition to the one 2924  
hundred twenty-day mandatory term, the cumulative total of the 2925  
mandatory term and the jail term for the offense shall not exceed 2926  
one year, and, except as provided in division (A)(1) of section 2927  
2929.13 of the Revised Code, no prison term is authorized for the 2928  
offense. If the court imposes a mandatory prison term, 2929  
notwithstanding division (A)(4) of section 2929.14 of the Revised 2930  
Code, it also may sentence the offender to a definite prison term 2931

that shall be not less than six months and not more than thirty 2932  
months and the prison terms shall be imposed as described in 2933  
division (G)(2) of section 2929.13 of the Revised Code. If the 2934  
court imposes a mandatory prison term or mandatory prison term and 2935  
additional prison term, in addition to the term or terms so 2936  
imposed, the court also may sentence the offender to a community 2937  
control sanction for the offense, but the offender shall serve all 2938  
of the prison terms so imposed prior to serving the community 2939  
control sanction. 2940

(iii) In all cases, notwithstanding section 2929.18 of the 2941  
Revised Code, a fine of not less than one thousand three hundred 2942  
fifty nor more than ten thousand five hundred dollars; 2943

(iv) In all cases, a class two license suspension of the 2944  
offender's driver's license, commercial driver's license, 2945  
temporary instruction permit, probationary license, or nonresident 2946  
operating privilege from the range specified in division (A)(2) of 2947  
section 4510.02 of the Revised Code. The court may grant limited 2948  
driving privileges relative to the suspension under sections 2949  
4510.021 and 4510.13 of the Revised Code. 2950

(v) In all cases, if the vehicle is registered in the 2951  
offender's name, criminal forfeiture of the vehicle involved in 2952  
the offense in accordance with section 4503.234 of the Revised 2953  
Code. Division (G)(6) of this section applies regarding any 2954  
vehicle that is subject to an order of criminal forfeiture under 2955  
this division. 2956

(vi) In all cases, the court shall order the offender to 2957  
participate in an alcohol and drug addiction program authorized by 2958  
section 3793.02 of the Revised Code, subject to division (I) of 2959  
this section, and shall order the offender to follow the treatment 2960  
recommendations of the program. The operator of the program shall 2961  
determine and assess the degree of the offender's alcohol 2962  
dependency and shall make recommendations for treatment. Upon the 2963

request of the court, the program shall submit the results of the 2964  
assessment to the court, including all treatment recommendations 2965  
and clinical diagnoses related to alcohol use. 2966

(vii) In all cases, if the court sentences the offender to a 2967  
mandatory term of local incarceration, in addition to the 2968  
mandatory term, the court, pursuant to section 2929.17 of the 2969  
Revised Code, may impose a term of house arrest with electronic 2970  
monitoring. The term shall not commence until after the offender 2971  
has served the mandatory term of local incarceration. 2972

(e) An offender who previously has been convicted of or 2973  
pleaded guilty to a violation of division (A) of this section that 2974  
was a felony, regardless of when the violation and the conviction 2975  
or guilty plea occurred, is guilty of a felony of the third 2976  
degree. The court shall sentence the offender to all of the 2977  
following: 2978

(i) If the offender is being sentenced for a violation of 2979  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2980  
mandatory prison term of one, two, three, four, or five years as 2981  
required by and in accordance with division (G)(2) of section 2982  
2929.13 of the Revised Code if the offender also is convicted of 2983  
or also pleads guilty to a specification of the type described in 2984  
section 2941.1413 of the Revised Code or a mandatory prison term 2985  
of sixty consecutive days in accordance with division (G)(2) of 2986  
section 2929.13 of the Revised Code if the offender is not 2987  
convicted of and does not plead guilty to a specification of that 2988  
type. The court may impose a prison term in addition to the 2989  
mandatory prison term. The cumulative total of a sixty-day 2990  
mandatory prison term and the additional prison term for the 2991  
offense shall not exceed five years. In addition to the mandatory 2992  
prison term or mandatory prison term and additional prison term 2993  
the court imposes, the court also may sentence the offender to a 2994  
community control sanction for the offense, but the offender shall 2995

serve all of the prison terms so imposed prior to serving the 2996  
community control sanction. 2997

(ii) If the sentence is being imposed for a violation of 2998  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2999  
section, a mandatory prison term of one, two, three, four, or five 3000  
years as required by and in accordance with division (G)(2) of 3001  
section 2929.13 of the Revised Code if the offender also is 3002  
convicted of or also pleads guilty to a specification of the type 3003  
described in section 2941.1413 of the Revised Code or a mandatory 3004  
prison term of one hundred twenty consecutive days in accordance 3005  
with division (G)(2) of section 2929.13 of the Revised Code if the 3006  
offender is not convicted of and does not plead guilty to a 3007  
specification of that type. The court may impose a prison term in 3008  
addition to the mandatory prison term. The cumulative total of a 3009  
one hundred twenty-day mandatory prison term and the additional 3010  
prison term for the offense shall not exceed five years. In 3011  
addition to the mandatory prison term or mandatory prison term and 3012  
additional prison term the court imposes, the court also may 3013  
sentence the offender to a community control sanction for the 3014  
offense, but the offender shall serve all of the prison terms so 3015  
imposed prior to serving the community control sanction. 3016

(iii) In all cases, notwithstanding section 2929.18 of the 3017  
Revised Code, a fine of not less than one thousand three hundred 3018  
fifty nor more than ten thousand five hundred dollars; 3019

(iv) In all cases, a class two license suspension of the 3020  
offender's driver's license, commercial driver's license, 3021  
temporary instruction permit, probationary license, or nonresident 3022  
operating privilege from the range specified in division (A)(2) of 3023  
section 4510.02 of the Revised Code. The court may grant limited 3024  
driving privileges relative to the suspension under sections 3025  
4510.021 and 4510.13 of the Revised Code. 3026

(v) In all cases, if the vehicle is registered in the 3027

offender's name, criminal forfeiture of the vehicle involved in 3028  
the offense in accordance with section 4503.234 of the Revised 3029  
Code. Division (G)(6) of this section applies regarding any 3030  
vehicle that is subject to an order of criminal forfeiture under 3031  
this division. 3032

(vi) In all cases, the court shall order the offender to 3033  
participate in an alcohol and drug addiction program authorized by 3034  
section 3793.02 of the Revised Code, subject to division (I) of 3035  
this section, and shall order the offender to follow the treatment 3036  
recommendations of the program. The operator of the program shall 3037  
determine and assess the degree of the offender's alcohol 3038  
dependency and shall make recommendations for treatment. Upon the 3039  
request of the court, the program shall submit the results of the 3040  
assessment to the court, including all treatment recommendations 3041  
and clinical diagnoses related to alcohol use. 3042

(2) An offender who is convicted of or pleads guilty to a 3043  
violation of division (A) of this section and who subsequently 3044  
seeks reinstatement of the driver's or occupational driver's 3045  
license or permit or nonresident operating privilege suspended 3046  
under this section as a result of the conviction or guilty plea 3047  
shall pay a reinstatement fee as provided in division (F)(2) of 3048  
section 4511.191 of the Revised Code. 3049

(3) If an offender is sentenced to a jail term under division 3050  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 3051  
if, within sixty days of sentencing of the offender, the court 3052  
issues a written finding on the record that, due to the 3053  
unavailability of space at the jail where the offender is required 3054  
to serve the term, the offender will not be able to begin serving 3055  
that term within the sixty-day period following the date of 3056  
sentencing, the court may impose an alternative sentence under 3057  
this division that includes a term of house arrest with electronic 3058  
monitoring, with continuous alcohol monitoring, or with both 3059

electronic monitoring and continuous alcohol monitoring. 3060

As an alternative to a mandatory jail term of ten consecutive 3061  
days required by division (G)(1)(b)(i) of this section, the court, 3062  
under this division, may sentence the offender to five consecutive 3063  
days in jail and not less than eighteen consecutive days of house 3064  
arrest with electronic monitoring, with continuous alcohol 3065  
monitoring, or with both electronic monitoring and continuous 3066  
alcohol monitoring. The cumulative total of the five consecutive 3067  
days in jail and the period of house arrest with electronic 3068  
monitoring, continuous alcohol monitoring, or both types of 3069  
monitoring shall not exceed six months. The five consecutive days 3070  
in jail do not have to be served prior to or consecutively to the 3071  
period of house arrest. 3072

As an alternative to the mandatory jail term of twenty 3073  
consecutive days required by division (G)(1)(b)(ii) of this 3074  
section, the court, under this division, may sentence the offender 3075  
to ten consecutive days in jail and not less than thirty-six 3076  
consecutive days of house arrest with electronic monitoring, with 3077  
continuous alcohol monitoring, or with both electronic monitoring 3078  
and continuous alcohol monitoring. The cumulative total of the ten 3079  
consecutive days in jail and the period of house arrest with 3080  
electronic monitoring, continuous alcohol monitoring, or both 3081  
types of monitoring shall not exceed six months. The ten 3082  
consecutive days in jail do not have to be served prior to or 3083  
consecutively to the period of house arrest. 3084

As an alternative to a mandatory jail term of thirty 3085  
consecutive days required by division (G)(1)(c)(i) of this 3086  
section, the court, under this division, may sentence the offender 3087  
to fifteen consecutive days in jail and not less than fifty-five 3088  
consecutive days of house arrest with electronic monitoring, with 3089  
continuous alcohol monitoring, or with both electronic monitoring 3090  
and continuous alcohol monitoring. The cumulative total of the 3091

fifteen consecutive days in jail and the period of house arrest 3092  
with electronic monitoring, continuous alcohol monitoring, or both 3093  
types of monitoring shall not exceed one year. The fifteen 3094  
consecutive days in jail do not have to be served prior to or 3095  
consecutively to the period of house arrest. 3096

As an alternative to the mandatory jail term of sixty 3097  
consecutive days required by division (G)(1)(c)(ii) of this 3098  
section, the court, under this division, may sentence the offender 3099  
to thirty consecutive days in jail and not less than one hundred 3100  
ten consecutive days of house arrest with electronic monitoring, 3101  
with continuous alcohol monitoring, or with both electronic 3102  
monitoring and continuous alcohol monitoring. The cumulative total 3103  
of the thirty consecutive days in jail and the period of house 3104  
arrest with electronic monitoring, continuous alcohol monitoring, 3105  
or both types of monitoring shall not exceed one year. The thirty 3106  
consecutive days in jail do not have to be served prior to or 3107  
consecutively to the period of house arrest. 3108

(4) If an offender's driver's or occupational driver's 3109  
license or permit or nonresident operating privilege is suspended 3110  
under division (G) of this section and if section 4510.13 of the 3111  
Revised Code permits the court to grant limited driving 3112  
privileges, the court may grant the limited driving privileges in 3113  
accordance with that section. If division (A)(7) of that section 3114  
requires that the court impose as a condition of the privileges 3115  
that the offender must display on the vehicle that is driven 3116  
subject to the privileges restricted license plates that are 3117  
issued under section 4503.231 of the Revised Code, except as 3118  
provided in division (B) of that section, the court shall impose 3119  
that condition as one of the conditions of the limited driving 3120  
privileges granted to the offender, except as provided in division 3121  
(B) of section 4503.231 of the Revised Code. 3122

(5) Fines imposed under this section for a violation of 3123

division (A) of this section shall be distributed as follows: 3124

(a) Twenty-five dollars of the fine imposed under division 3125  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 3126  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 3127  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 3128  
dollars of the fine imposed under division (G)(1)(d)(iii) or 3129  
(e)(iii) of this section shall be paid to an enforcement and 3130  
education fund established by the legislative authority of the law 3131  
enforcement agency in this state that primarily was responsible 3132  
for the arrest of the offender, as determined by the court that 3133  
imposes the fine. The agency shall use this share to pay only 3134  
those costs it incurs in enforcing this section or a municipal OVI 3135  
ordinance and in informing the public of the laws governing the 3136  
operation of a vehicle while under the influence of alcohol, the 3137  
dangers of the operation of a vehicle under the influence of 3138  
alcohol, and other information relating to the operation of a 3139  
vehicle under the influence of alcohol and the consumption of 3140  
alcoholic beverages. 3141

(b) Fifty dollars of the fine imposed under division 3142  
(G)(1)(a)(iii) of this section shall be paid to the political 3143  
subdivision that pays the cost of housing the offender during the 3144  
offender's term of incarceration. If the offender is being 3145  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 3146  
(e), or (j) of this section and was confined as a result of the 3147  
offense prior to being sentenced for the offense but is not 3148  
sentenced to a term of incarceration, the fifty dollars shall be 3149  
paid to the political subdivision that paid the cost of housing 3150  
the offender during that period of confinement. The political 3151  
subdivision shall use the share under this division to pay or 3152  
reimburse incarceration or treatment costs it incurs in housing or 3153  
providing drug and alcohol treatment to persons who violate this 3154  
section or a municipal OVI ordinance, costs of any immobilizing or 3155

disabling device used on the offender's vehicle, and costs of 3156  
electronic house arrest equipment needed for persons who violate 3157  
this section. 3158

(c) Twenty-five dollars of the fine imposed under division 3159  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 3160  
division (G)(1)(b)(iii) of this section shall be deposited into 3161  
the county or municipal indigent drivers' alcohol treatment fund 3162  
under the control of that court, as created by the county or 3163  
municipal corporation under division (F) of section 4511.191 of 3164  
the Revised Code. 3165

(d) One hundred fifteen dollars of the fine imposed under 3166  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 3167  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 3168  
dollars of the fine imposed under division (G)(1)(d)(iii) or 3169  
(e)(iii) of this section shall be paid to the political 3170  
subdivision that pays the cost of housing the offender during the 3171  
offender's term of incarceration. The political subdivision shall 3172  
use this share to pay or reimburse incarceration or treatment 3173  
costs it incurs in housing or providing drug and alcohol treatment 3174  
to persons who violate this section or a municipal OVI ordinance, 3175  
costs for any immobilizing or disabling device used on the 3176  
offender's vehicle, and costs of electronic house arrest equipment 3177  
needed for persons who violate this section. 3178

(e) Fifty dollars of the fine imposed under divisions 3179  
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 3180  
and (G)(1)(e)(iii) of this section shall be deposited into the 3181  
special projects fund of the court in which the offender was 3182  
convicted and that is established under division (E)(1) of section 3183  
2303.201 ~~or~~, division (B)(1) of section 1901.26, or division 3184  
(B)(1) of section 1907.24 of the Revised Code, to be used 3185  
exclusively to cover the cost of immobilizing or disabling 3186  
devices, including certified ignition interlock devices, and 3187

remote alcohol monitoring devices for indigent offenders who are 3188  
required by a judge to use either of these devices. If the ~~county~~ 3189  
~~or municipal corporation court~~ in which the offender was convicted 3190  
does not have a special projects fund that is established under 3191  
division (E)(1) of section 2303.201 ~~or~~ division (B)(1) of section 3192  
1901.26, or division (B)(1) of section 1907.24 of the Revised 3193  
Code, the fifty dollars shall be deposited into the indigent 3194  
drivers interlock and alcohol monitoring fund under division (I) 3195  
of section 4511.191 of the Revised Code. 3196

(f) Seventy-five dollars of the fine imposed under division 3197  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 3198  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 3199  
of the fine imposed under division (G)(1)(c)(iii), and five 3200  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 3201  
or (e)(iii) of this section shall be transmitted to the treasurer 3202  
of state for deposit into the indigent defense support fund 3203  
established under section 120.08 of the Revised Code. 3204

(g) The balance of the fine imposed under division 3205  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 3206  
section shall be disbursed as otherwise provided by law. 3207

(6) If title to a motor vehicle that is subject to an order 3208  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 3209  
this section is assigned or transferred and division (B)(2) or (3) 3210  
of section 4503.234 of the Revised Code applies, in addition to or 3211  
independent of any other penalty established by law, the court may 3212  
fine the offender the value of the vehicle as determined by 3213  
publications of the national auto dealers association. The 3214  
proceeds of any fine so imposed shall be distributed in accordance 3215  
with division (C)(2) of that section. 3216

(7) As used in division (G) of this section, "electronic 3217  
monitoring," "mandatory prison term," and "mandatory term of local 3218  
incarceration" have the same meanings as in section 2929.01 of the 3219

Revised Code. 3220

(H) Whoever violates division (B) of this section is guilty 3221  
of operating a vehicle after underage alcohol consumption and 3222  
shall be punished as follows: 3223

(1) Except as otherwise provided in division (H)(2) of this 3224  
section, the offender is guilty of a misdemeanor of the fourth 3225  
degree. In addition to any other sanction imposed for the offense, 3226  
the court shall impose a class six suspension of the offender's 3227  
driver's license, commercial driver's license, temporary 3228  
instruction permit, probationary license, or nonresident operating 3229  
privilege from the range specified in division (A)(6) of section 3230  
4510.02 of the Revised Code. 3231

(2) If, within one year of the offense, the offender 3232  
previously has been convicted of or pleaded guilty to one or more 3233  
violations of division (A) or (B) of this section or other 3234  
equivalent offenses, the offender is guilty of a misdemeanor of 3235  
the third degree. In addition to any other sanction imposed for 3236  
the offense, the court shall impose a class four suspension of the 3237  
offender's driver's license, commercial driver's license, 3238  
temporary instruction permit, probationary license, or nonresident 3239  
operating privilege from the range specified in division (A)(4) of 3240  
section 4510.02 of the Revised Code. 3241

(3) If the offender also is convicted of or also pleads 3242  
guilty to a specification of the type described in section 3243  
2941.1416 of the Revised Code and if the court imposes a jail term 3244  
for the violation of division (B) of this section, the court shall 3245  
impose upon the offender an additional definite jail term pursuant 3246  
to division (E) of section 2929.24 of the Revised Code. 3247

(I)(1) No court shall sentence an offender to an alcohol 3248  
treatment program under this section unless the treatment program 3249  
complies with the minimum standards for alcohol treatment programs 3250

adopted under Chapter 3793. of the Revised Code by the director of 3251  
alcohol and drug addiction services. 3252

(2) An offender who stays in a drivers' intervention program 3253  
or in an alcohol treatment program under an order issued under 3254  
this section shall pay the cost of the stay in the program. 3255  
However, if the court determines that an offender who stays in an 3256  
alcohol treatment program under an order issued under this section 3257  
is unable to pay the cost of the stay in the program, the court 3258  
may order that the cost be paid from the court's indigent drivers' 3259  
alcohol treatment fund. 3260

(J) If a person whose driver's or commercial driver's license 3261  
or permit or nonresident operating privilege is suspended under 3262  
this section files an appeal regarding any aspect of the person's 3263  
trial or sentence, the appeal itself does not stay the operation 3264  
of the suspension. 3265

(K) Division (A)(1)(j) of this section does not apply to a 3266  
person who operates a vehicle, streetcar, or trackless trolley 3267  
while the person has a concentration of a listed controlled 3268  
substance or a listed metabolite of a controlled substance in the 3269  
person's whole blood, blood serum or plasma, or urine that equals 3270  
or exceeds the amount specified in that division, if both of the 3271  
following apply: 3272

(1) The person obtained the controlled substance pursuant to 3273  
a prescription issued by a licensed health professional authorized 3274  
to prescribe drugs. 3275

(2) The person injected, ingested, or inhaled the controlled 3276  
substance in accordance with the health professional's directions. 3277

(L) The prohibited concentrations of a controlled substance 3278  
or a metabolite of a controlled substance listed in division 3279  
(A)(1)(j) of this section also apply in a prosecution of a 3280  
violation of division (D) of section 2923.16 of the Revised Code 3281

in the same manner as if the offender is being prosecuted for a 3282  
prohibited concentration of alcohol. 3283

(M) All terms defined in section 4510.01 of the Revised Code 3284  
apply to this section. If the meaning of a term defined in section 3285  
4510.01 of the Revised Code conflicts with the meaning of the same 3286  
term as defined in section 4501.01 or 4511.01 of the Revised Code, 3287  
the term as defined in section 4510.01 of the Revised Code applies 3288  
to this section. 3289

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 3290  
as adopted by the supreme court under authority of section 2937.46 3291  
of the Revised Code, do not apply to felony violations of this 3292  
section. Subject to division (N)(2) of this section, the Rules of 3293  
Criminal Procedure apply to felony violations of this section. 3294

(2) If, on or after January 1, 2004, the supreme court 3295  
modifies the Ohio Traffic Rules to provide procedures to govern 3296  
felony violations of this section, the modified rules shall apply 3297  
to felony violations of this section. 3298

**Sec. 4511.191.** (A)(1) As used in this section: 3299

(a) "Physical control" has the same meaning as in section 3300  
4511.194 of the Revised Code. 3301

(b) "Alcohol monitoring device" means any device that 3302  
provides for continuous alcohol monitoring, any ignition interlock 3303  
device, any immobilizing or disabling device other than an 3304  
ignition interlock device that is constantly available to monitor 3305  
the concentration of alcohol in a person's system, or any other 3306  
device that provides for the automatic testing and periodic 3307  
reporting of alcohol consumption by a person and that a court 3308  
orders a person to use as a sanction imposed as a result of the 3309  
person's conviction of or plea of guilty to an offense. 3310

(2) Any person who operates a vehicle, streetcar, or 3311

trackless trolley upon a highway or any public or private property 3312  
used by the public for vehicular travel or parking within this 3313  
state or who is in physical control of a vehicle, streetcar, or 3314  
trackless trolley shall be deemed to have given consent to a 3315  
chemical test or tests of the person's whole blood, blood serum or 3316  
plasma, breath, or urine to determine the alcohol, drug of abuse, 3317  
controlled substance, metabolite of a controlled substance, or 3318  
combination content of the person's whole blood, blood serum or 3319  
plasma, breath, or urine if arrested for a violation of division 3320  
(A) or (B) of section 4511.19 of the Revised Code, section 3321  
4511.194 of the Revised Code or a substantially equivalent 3322  
municipal ordinance, or a municipal OVI ordinance. 3323

(3) The chemical test or tests under division (A)(2) of this 3324  
section shall be administered at the request of a law enforcement 3325  
officer having reasonable grounds to believe the person was 3326  
operating or in physical control of a vehicle, streetcar, or 3327  
trackless trolley in violation of a division, section, or 3328  
ordinance identified in division (A)(2) of this section. The law 3329  
enforcement agency by which the officer is employed shall 3330  
designate which of the tests shall be administered. 3331

(4) Any person who is dead or unconscious, or who otherwise 3332  
is in a condition rendering the person incapable of refusal, shall 3333  
be deemed to have consented as provided in division (A)(2) of this 3334  
section, and the test or tests may be administered, subject to 3335  
sections 313.12 to 313.16 of the Revised Code. 3336

(5)(a) If a law enforcement officer arrests a person for a 3337  
violation of division (A) or (B) of section 4511.19 of the Revised 3338  
Code, section 4511.194 of the Revised Code or a substantially 3339  
equivalent municipal ordinance, or a municipal OVI ordinance and 3340  
if the person if convicted would be required to be sentenced under 3341  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 3342  
Code, the law enforcement officer shall request the person to 3343

submit, and the person shall submit, to a chemical test or tests 3344  
of the person's whole blood, blood serum or plasma, breath, or 3345  
urine for the purpose of determining the alcohol, drug of abuse, 3346  
controlled substance, metabolite of a controlled substance, or 3347  
combination content of the person's whole blood, blood serum or 3348  
plasma, breath, or urine. A law enforcement officer who makes a 3349  
request pursuant to this division that a person submit to a 3350  
chemical test or tests is not required to advise the person of the 3351  
consequences of submitting to, or refusing to submit to, the test 3352  
or tests and is not required to give the person the form described 3353  
in division (B) of section 4511.192 of the Revised Code, but the 3354  
officer shall advise the person at the time of the arrest that if 3355  
the person refuses to take a chemical test the officer may employ 3356  
whatever reasonable means are necessary to ensure that the person 3357  
submits to a chemical test of the person's whole blood or blood 3358  
serum or plasma. The officer shall also advise the person at the 3359  
time of the arrest that the person may have an independent 3360  
chemical test taken at the person's own expense. Divisions (A)(3) 3361  
and (4) of this section apply to the administration of a chemical 3362  
test or tests pursuant to this division. 3363

3364

(b) If a person refuses to submit to a chemical test upon a 3365  
request made pursuant to division (A)(5)(a) of this section, the 3366  
law enforcement officer who made the request may employ whatever 3367  
reasonable means are necessary to ensure that the person submits 3368  
to a chemical test of the person's whole blood or blood serum or 3369  
plasma. A law enforcement officer who acts pursuant to this 3370  
division to ensure that a person submits to a chemical test of the 3371  
person's whole blood or blood serum or plasma is immune from 3372  
criminal and civil liability based upon a claim for assault and 3373  
battery or any other claim for the acts, unless the officer so 3374  
acted with malicious purpose, in bad faith, or in a wanton or 3375  
reckless manner. 3376

(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 or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense, 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, had been convicted of or pleaded guilty to two violations of 3409  
division (A) or (B) of section 4511.19 of the Revised Code or 3410  
other equivalent offenses, or had refused one previous request to 3411  
consent to a chemical test and also had been convicted of or 3412  
pleaded guilty to one violation of division (A) or (B) of section 3413  
4511.19 of the Revised Code or other equivalent offenses, which 3414  
violation or offense arose from an incident other than the 3415  
incident that led to the refusal, the suspension shall be a class 3416  
A suspension imposed for the period of time specified in division 3417  
(B)(1) of section 4510.02 of the Revised Code. 3418

(d) If the arrested person, within six years of the date on 3419  
which the person refused the request to consent to the chemical 3420  
test, had refused three or more previous requests to consent to a 3421  
chemical test, had been convicted of or pleaded guilty to three or 3422  
more violations of division (A) or (B) of section 4511.19 of the 3423  
Revised Code or other equivalent offenses, or had refused a number 3424  
of previous requests to consent to a chemical test and also had 3425  
been convicted of or pleaded guilty to a number of violations of 3426  
division (A) or (B) of section 4511.19 of the Revised Code or 3427  
other equivalent offenses that cumulatively total three or more 3428  
such refusals, convictions, and guilty pleas, the suspension shall 3429  
be for five years. 3430

(2) The registrar shall terminate a suspension of the 3431  
driver's or commercial driver's license or permit of a resident or 3432  
of the operating privilege of a nonresident, or a denial of a 3433  
driver's or commercial driver's license or permit, imposed 3434  
pursuant to division (B)(1) of this section upon receipt of notice 3435  
that the person has entered a plea of guilty to, or that the 3436  
person has been convicted after entering a plea of no contest to, 3437  
operating a vehicle in violation of section 4511.19 of the Revised 3438  
Code or in violation of a municipal OVI ordinance, if the offense 3439  
for which the conviction is had or the plea is entered arose from 3440

the same incident that led to the suspension or denial. 3441

The registrar shall credit against any judicial suspension of 3442  
a person's driver's or commercial driver's license or permit or 3443  
nonresident operating privilege imposed pursuant to section 3444  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3445  
Revised Code for a violation of a municipal OVI ordinance, any 3446  
time during which the person serves a related suspension imposed 3447  
pursuant to division (B)(1) of this section. 3448

(C)(1) Upon receipt of the sworn report of the law 3449  
enforcement officer who arrested a person for a violation of 3450  
division (A) or (B) of section 4511.19 of the Revised Code or a 3451  
municipal OVI ordinance that was completed and sent to the 3452  
registrar and a court pursuant to section 4511.192 of the Revised 3453  
Code in regard to a person whose test results indicate that the 3454  
person's whole blood, blood serum or plasma, breath, or urine 3455  
contained at least the concentration of alcohol specified in 3456  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 3457  
Revised Code or at least the concentration of a listed controlled 3458  
substance or a listed metabolite of a controlled substance 3459  
specified in division (A)(1)(j) of section 4511.19 of the Revised 3460  
Code, the registrar shall enter into the registrar's records the 3461  
fact that the person's driver's or commercial driver's license or 3462  
permit or nonresident operating privilege was suspended by the 3463  
arresting officer under this division and section 4511.192 of the 3464  
Revised Code and the period of the suspension, as determined under 3465  
divisions (C)(1)(a) to (d) of this section. The suspension shall 3466  
be subject to appeal as provided in section 4511.197 of the 3467  
Revised Code. The suspension described in this division does not 3468  
apply to, and shall not be imposed upon, a person arrested for a 3469  
violation of section 4511.194 of the Revised Code or a 3470  
substantially equivalent municipal ordinance who submits to a 3471  
designated chemical test. The suspension shall be for whichever of 3472

the following periods applies: 3473

(a) Except when division (C)(1)(b), (c), or (d) of this 3474  
section applies and specifies a different period, the suspension 3475  
shall be a class E suspension imposed for the period of time 3476  
specified in division (B)(5) of section 4510.02 of the Revised 3477  
Code. 3478

(b) The suspension shall be a class C suspension for the 3479  
period of time specified in division (B)(3) of section 4510.02 of 3480  
the Revised Code if the person has been convicted of or pleaded 3481  
guilty to, within six years of the date the test was conducted, 3482  
one violation of division (A) or (B) of section 4511.19 of the 3483  
Revised Code or one other equivalent offense. 3484

(c) If, within six years of the date the test was conducted, 3485  
the person has been convicted of or pleaded guilty to two 3486  
violations of a statute or ordinance described in division 3487  
(C)(1)(b) of this section, the suspension shall be a class B 3488  
suspension imposed for the period of time specified in division 3489  
(B)(2) of section 4510.02 of the Revised Code. 3490

(d) If, within six years of the date the test was conducted, 3491  
the person has been convicted of or pleaded guilty to more than 3492  
two violations of a statute or ordinance described in division 3493  
(C)(1)(b) of this section, the suspension shall be a class A 3494  
suspension imposed for the period of time specified in division 3495  
(B)(1) of section 4510.02 of the Revised Code. 3496

(2) The registrar shall terminate a suspension of the 3497  
driver's or commercial driver's license or permit of a resident or 3498  
of the operating privilege of a nonresident, or a denial of a 3499  
driver's or commercial driver's license or permit, imposed 3500  
pursuant to division (C)(1) of this section upon receipt of notice 3501  
that the person has entered a plea of guilty to, or that the 3502  
person has been convicted after entering a plea of no contest to, 3503

operating a vehicle in violation of section 4511.19 of the Revised 3504  
Code or in violation of a municipal OVI ordinance, if the offense 3505  
for which the conviction is had or the plea is entered arose from 3506  
the same incident that led to the suspension or denial. 3507

The registrar shall credit against any judicial suspension of 3508  
a person's driver's or commercial driver's license or permit or 3509  
nonresident operating privilege imposed pursuant to section 3510  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3511  
Revised Code for a violation of a municipal OVI ordinance, any 3512  
time during which the person serves a related suspension imposed 3513  
pursuant to division (C)(1) of this section. 3514

(D)(1) A suspension of a person's driver's or commercial 3515  
driver's license or permit or nonresident operating privilege 3516  
under this section for the time described in division (B) or (C) 3517  
of this section is effective immediately from the time at which 3518  
the arresting officer serves the notice of suspension upon the 3519  
arrested person. Any subsequent finding that the person is not 3520  
guilty of the charge that resulted in the person being requested 3521  
to take the chemical test or tests under division (A) of this 3522  
section does not affect the suspension. 3523

(2) If a person is arrested for operating a vehicle, 3524  
streetcar, or trackless trolley in violation of division (A) or 3525  
(B) of section 4511.19 of the Revised Code or a municipal OVI 3526  
ordinance, or for being in physical control of a vehicle, 3527  
streetcar, or trackless trolley in violation of section 4511.194 3528  
of the Revised Code or a substantially equivalent municipal 3529  
ordinance, regardless of whether the person's driver's or 3530  
commercial driver's license or permit or nonresident operating 3531  
privilege is or is not suspended under division (B) or (C) of this 3532  
section or Chapter 4510. of the Revised Code, the person's initial 3533  
appearance on the charge resulting from the arrest shall be held 3534  
within five days of the person's arrest or the issuance of the 3535

citation to the person, subject to any continuance granted by the 3536  
court pursuant to section 4511.197 of the Revised Code regarding 3537  
the issues specified in that division. 3538

(E) When it finally has been determined under the procedures 3539  
of this section and sections 4511.192 to 4511.197 of the Revised 3540  
Code that a nonresident's privilege to operate a vehicle within 3541  
this state has been suspended, the registrar shall give 3542  
information in writing of the action taken to the motor vehicle 3543  
administrator of the state of the person's residence and of any 3544  
state in which the person has a license. 3545

(F) At the end of a suspension period under this section, 3546  
under section 4511.194, section 4511.196, or division (G) of 3547  
section 4511.19 of the Revised Code, or under section 4510.07 of 3548  
the Revised Code for a violation of a municipal OVI ordinance and 3549  
upon the request of the person whose driver's or commercial 3550  
driver's license or permit was suspended and who is not otherwise 3551  
subject to suspension, cancellation, or disqualification, the 3552  
registrar shall return the driver's or commercial driver's license 3553  
or permit to the person upon the occurrence of all of the 3554  
conditions specified in divisions (F)(1) and (2) of this section: 3555

(1) A showing that the person has proof of financial 3556  
responsibility, a policy of liability insurance in effect that 3557  
meets the minimum standards set forth in section 4509.51 of the 3558  
Revised Code, or proof, to the satisfaction of the registrar, that 3559  
the person is able to respond in damages in an amount at least 3560  
equal to the minimum amounts specified in section 4509.51 of the 3561  
Revised Code. 3562

(2) Subject to the limitation contained in division (F)(3) of 3563  
this section, payment by the person to the bureau of motor 3564  
vehicles of a license reinstatement fee of four hundred 3565  
seventy-five dollars, which fee shall be deposited in the state 3566  
treasury and credited as follows: 3567

(a) One hundred twelve dollars and fifty cents shall be 3568  
credited to the statewide treatment and prevention fund created by 3569  
section 4301.30 of the Revised Code. The fund shall be used to pay 3570  
the costs of driver treatment and intervention programs operated 3571  
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 3572  
director of alcohol and drug addiction services shall determine 3573  
the share of the fund that is to be allocated to alcohol and drug 3574  
addiction programs authorized by section 3793.02 of the Revised 3575  
Code, and the share of the fund that is to be allocated to 3576  
drivers' intervention programs authorized by section 3793.10 of 3577  
the Revised Code. 3578

(b) Seventy-five dollars shall be credited to the reparations 3579  
fund created by section 2743.191 of the Revised Code. 3580

(c) Thirty-seven dollars and fifty cents shall be credited to 3581  
the indigent drivers alcohol treatment fund, which is hereby 3582  
established. Except as otherwise provided in division (F)(2)(c) of 3583  
this section, moneys in the fund shall be distributed by the 3584  
department of alcohol and drug addiction services to the county 3585  
indigent drivers alcohol treatment funds, the county juvenile 3586  
indigent drivers alcohol treatment funds, and the municipal 3587  
indigent drivers alcohol treatment funds that are required to be 3588  
established by counties and municipal corporations pursuant to 3589  
this section, and shall be used only to pay the cost of an alcohol 3590  
and drug addiction treatment program attended by an offender or 3591  
juvenile traffic offender who is ordered to attend an alcohol and 3592  
drug addiction treatment program by a county, juvenile, or 3593  
municipal court judge and who is determined by the county, 3594  
juvenile, or municipal court judge not to have the means to pay 3595  
for the person's attendance at the program or to pay the costs 3596  
specified in division (H)(4) of this section in accordance with 3597  
that division. In addition, a county, juvenile, or municipal court 3598  
judge may use moneys in the county indigent drivers alcohol 3599

treatment fund, county juvenile indigent drivers alcohol treatment 3600  
fund, or municipal indigent drivers alcohol treatment fund to pay 3601  
for the cost of the continued use of an alcohol monitoring device 3602  
as described in divisions (H)(3) and (4) of this section. Moneys 3603  
in the fund that are not distributed to a county indigent drivers 3604  
alcohol treatment fund, a county juvenile indigent drivers alcohol 3605  
treatment fund, or a municipal indigent drivers alcohol treatment 3606  
fund under division (H) of this section because the director of 3607  
alcohol and drug addiction services does not have the information 3608  
necessary to identify the county or municipal corporation where 3609  
the offender or juvenile offender was arrested may be transferred 3610  
by the director of budget and management to the statewide 3611  
treatment and prevention fund created by section 4301.30 of the 3612  
Revised Code, upon certification of the amount by the director of 3613  
alcohol and drug addiction services. 3614

(d) Seventy-five dollars shall be credited to the Ohio 3615  
rehabilitation services commission established by section 3304.12 3616  
of the Revised Code, to the services for rehabilitation fund, 3617  
which is hereby established. The fund shall be used to match 3618  
available federal matching funds where appropriate, and for any 3619  
other purpose or program of the commission to rehabilitate people 3620  
with disabilities to help them become employed and independent. 3621

(e) Seventy-five dollars shall be deposited into the state 3622  
treasury and credited to the drug abuse resistance education 3623  
programs fund, which is hereby established, to be used by the 3624  
attorney general for the purposes specified in division (F)(4) of 3625  
this section. 3626

(f) Thirty dollars shall be credited to the state bureau of 3627  
motor vehicles fund created by section 4501.25 of the Revised 3628  
Code. 3629

(g) Twenty dollars shall be credited to the trauma and 3630  
emergency medical services grants fund created by section 4513.263 3631

of the Revised Code. 3632

(h) Fifty dollars shall be credited to the indigent drivers 3633  
interlock and alcohol monitoring fund, which is hereby established 3634  
in the state treasury. Monies in the fund shall be distributed by 3635  
the department of public safety to the county indigent drivers 3636  
interlock and alcohol monitoring funds, the county juvenile 3637  
indigent drivers interlock and alcohol monitoring funds, and the 3638  
municipal indigent drivers interlock and alcohol monitoring funds 3639  
that are required to be established by counties and municipal 3640  
corporations pursuant to this section, and shall be used only to 3641  
pay the cost of an immobilizing or disabling device, including a 3642  
certified ignition interlock device, or an alcohol monitoring 3643  
device used by an offender or juvenile offender who is ordered to 3644  
use the device by a county, juvenile, or municipal court judge and 3645  
who is determined by the county, juvenile, or municipal court 3646  
judge not to have the means to pay for the person's use of the 3647  
device. 3648

(3) If a person's driver's or commercial driver's license or 3649  
permit is suspended under this section, under section 4511.196 or 3650  
division (G) of section 4511.19 of the Revised Code, under section 3651  
4510.07 of the Revised Code for a violation of a municipal OVI 3652  
ordinance or under any combination of the suspensions described in 3653  
division (F)(3) of this section, and if the suspensions arise from 3654  
a single incident or a single set of facts and circumstances, the 3655  
person is liable for payment of, and shall be required to pay to 3656  
the bureau, only one reinstatement fee of four hundred twenty-five 3657  
dollars. The reinstatement fee shall be distributed by the bureau 3658  
in accordance with division (F)(2) of this section. 3659

(4) The attorney general shall use amounts in the drug abuse 3660  
resistance education programs fund to award grants to law 3661  
enforcement agencies to establish and implement drug abuse 3662  
resistance education programs in public schools. Grants awarded to 3663

a law enforcement agency under this section shall be used by the 3664  
agency to pay for not more than fifty per cent of the amount of 3665  
the salaries of law enforcement officers who conduct drug abuse 3666  
resistance education programs in public schools. The attorney 3667  
general shall not use more than six per cent of the amounts the 3668  
attorney general's office receives under division (F)(2)(e) of 3669  
this section to pay the costs it incurs in administering the grant 3670  
program established by division (F)(2)(e) of this section and in 3671  
providing training and materials relating to drug abuse resistance 3672  
education programs. 3673

The attorney general shall report to the governor and the 3674  
general assembly each fiscal year on the progress made in 3675  
establishing and implementing drug abuse resistance education 3676  
programs. These reports shall include an evaluation of the 3677  
effectiveness of these programs. 3678

(G) Suspension of a commercial driver's license under 3679  
division (B) or (C) of this section shall be concurrent with any 3680  
period of disqualification under section 3123.611 or 4506.16 of 3681  
the Revised Code or any period of suspension under section 3123.58 3682  
of the Revised Code. No person who is disqualified for life from 3683  
holding a commercial driver's license under section 4506.16 of the 3684  
Revised Code shall be issued a driver's license under Chapter 3685  
4507. of the Revised Code during the period for which the 3686  
commercial driver's license was suspended under division (B) or 3687  
(C) of this section. No person whose commercial driver's license 3688  
is suspended under division (B) or (C) of this section shall be 3689  
issued a driver's license under Chapter 4507. of the Revised Code 3690  
during the period of the suspension. 3691

(H)(1) Each county shall establish an indigent drivers 3692  
alcohol treatment fund, each county shall establish a juvenile 3693  
indigent drivers alcohol treatment fund, and each municipal 3694  
corporation in which there is a municipal court shall establish an 3695

indigent drivers alcohol treatment fund. All revenue that the 3696  
general assembly appropriates to the indigent drivers alcohol 3697  
treatment fund for transfer to a county indigent drivers alcohol 3698  
treatment fund, a county juvenile indigent drivers alcohol 3699  
treatment fund, or a municipal indigent drivers alcohol treatment 3700  
fund, all portions of fees that are paid under division (F) of 3701  
this section and that are credited under that division to the 3702  
indigent drivers alcohol treatment fund in the state treasury for 3703  
a county indigent drivers alcohol treatment fund, a county 3704  
juvenile indigent drivers alcohol treatment fund, or a municipal 3705  
indigent drivers alcohol treatment fund, all portions of 3706  
additional costs imposed under section 2949.094 of the Revised 3707  
Code that are specified for deposit into a county, county 3708  
juvenile, or municipal indigent drivers alcohol treatment fund by 3709  
that section, and all portions of fines that are specified for 3710  
deposit into a county or municipal indigent drivers alcohol 3711  
treatment fund by section 4511.193 of the Revised Code shall be 3712  
deposited into that county indigent drivers alcohol treatment 3713  
fund, county juvenile indigent drivers alcohol treatment fund, or 3714  
municipal indigent drivers alcohol treatment fund. The portions of 3715  
the fees paid under division (F) of this section that are to be so 3716  
deposited shall be determined in accordance with division (H)(2) 3717  
of this section. Additionally, all portions of fines that are paid 3718  
for a violation of section 4511.19 of the Revised Code or of any 3719  
prohibition contained in Chapter 4510. of the Revised Code, and 3720  
that are required under section 4511.19 or any provision of 3721  
Chapter 4510. of the Revised Code to be deposited into a county 3722  
indigent drivers alcohol treatment fund or municipal indigent 3723  
drivers alcohol treatment fund shall be deposited into the 3724  
appropriate fund in accordance with the applicable division of the 3725  
section or provision. 3726

(2) That portion of the license reinstatement fee that is 3727  
paid under division (F) of this section and that is credited under 3728

that division to the indigent drivers alcohol treatment fund ~~and~~ 3729  
~~that portion of the additional court cost that is imposed under~~ 3730  
~~section 2949.094 of the Revised Code and that is specified by that~~ 3731  
~~section for deposit into the indigent drivers alcohol treatment~~ 3732  
~~fund~~ shall be deposited into a county indigent drivers alcohol 3733  
treatment fund, a county juvenile indigent drivers alcohol 3734  
treatment fund, or a municipal indigent drivers alcohol treatment 3735  
fund as follows: 3736

(a) Regarding a suspension imposed under this section ~~or~~ 3737  
~~additional court costs~~, that portion of the fee shall be deposited 3738  
as follows: 3739

(i) If the fee ~~or court cost~~ is paid by a person who was 3740  
charged in a county court with the violation that resulted in the 3741  
suspension or in the imposition of the court costs, the portion 3742  
shall be deposited into the county indigent drivers alcohol 3743  
treatment fund under the control of that court; 3744

(ii) If the fee ~~or court cost~~ is paid by a person who was 3745  
charged in a juvenile court with the violation that resulted in 3746  
the suspension or in the imposition of the court costs, the 3747  
portion shall be deposited into the county juvenile indigent 3748  
drivers alcohol treatment fund established in the county served by 3749  
the court; 3750

(iii) If the fee ~~or court cost~~ is paid by a person who was 3751  
charged in a municipal court with the violation that resulted in 3752  
the suspension or in the imposition of the court costs, the 3753  
portion shall be deposited into the municipal indigent drivers 3754  
alcohol treatment fund under the control of that court. 3755

(b) Regarding a suspension imposed under section 4511.19 of 3756  
the Revised Code or under section 4510.07 of the Revised Code for 3757  
a violation of a municipal OVI ordinance, that portion of the fee 3758  
shall be deposited as follows: 3759

(i) If the fee is paid by a person whose license or permit 3760  
was suspended by a county court, the portion shall be deposited 3761  
into the county indigent drivers alcohol treatment fund under the 3762  
control of that court; 3763

(ii) If the fee is paid by a person whose license or permit 3764  
was suspended by a municipal court, the portion shall be deposited 3765  
into the municipal indigent drivers alcohol treatment fund under 3766  
the control of that court. 3767

(3) Expenditures from a county indigent drivers alcohol 3768  
treatment fund, a county juvenile indigent drivers alcohol 3769  
treatment fund, or a municipal indigent drivers alcohol treatment 3770  
fund shall be made only upon the order of a county, juvenile, or 3771  
municipal court judge and only for payment of the cost of an 3772  
assessment or the cost of the attendance at an alcohol and drug 3773  
addiction treatment program of a person who is convicted of, or 3774  
found to be a juvenile traffic offender by reason of, a violation 3775  
of division (A) of section 4511.19 of the Revised Code or a 3776  
substantially similar municipal ordinance, who is ordered by the 3777  
court to attend the alcohol and drug addiction treatment program, 3778  
and who is determined by the court to be unable to pay the cost of 3779  
the assessment or the cost of attendance at the treatment program 3780  
or for payment of the costs specified in division (H)(4) of this 3781  
section in accordance with that division. The alcohol and drug 3782  
addiction services board or the board of alcohol, drug addiction, 3783  
and mental health services established pursuant to section 340.02 3784  
or 340.021 of the Revised Code and serving the alcohol, drug 3785  
addiction, and mental health service district in which the court 3786  
is located shall administer the indigent drivers alcohol treatment 3787  
program of the court. When a court orders an offender or juvenile 3788  
traffic offender to obtain an assessment or attend an alcohol and 3789  
drug addiction treatment program, the board shall determine which 3790  
program is suitable to meet the needs of the offender or juvenile 3791

traffic offender, and when a suitable program is located and space 3792  
is available at the program, the offender or juvenile traffic 3793  
offender shall attend the program designated by the board. A 3794  
reasonable amount not to exceed five per cent of the amounts 3795  
credited to and deposited into the county indigent drivers alcohol 3796  
treatment fund, the county juvenile indigent drivers alcohol 3797  
treatment fund, or the municipal indigent drivers alcohol 3798  
treatment fund serving every court whose program is administered 3799  
by that board shall be paid to the board to cover the costs it 3800  
incurs in administering those indigent drivers alcohol treatment 3801  
programs. 3802

In addition, upon exhaustion of moneys in the indigent 3803  
drivers interlock and alcohol monitoring fund for the use of an 3804  
alcohol monitoring device, a county, juvenile, or municipal court 3805  
judge may use moneys in the county indigent drivers alcohol 3806  
treatment fund, county juvenile indigent drivers alcohol treatment 3807  
fund, or municipal indigent drivers alcohol treatment fund in the 3808  
following manners: 3809

(a) If the source of the moneys was an appropriation of the 3810  
general assembly, a portion of a fee that was paid under division 3811  
(F) of this section, a portion of a fine that was specified for 3812  
deposit into the fund by section 4511.193 of the Revised Code, or 3813  
a portion of a fine that was paid for a violation of section 3814  
4511.19 of the Revised Code or of a provision contained in Chapter 3815  
4510. of the Revised Code that was required to be deposited into 3816  
the fund, to pay for the continued use of an alcohol monitoring 3817  
device by an offender or juvenile traffic offender, in conjunction 3818  
with a treatment program approved by the department of alcohol and 3819  
drug addiction services, when such use is determined clinically 3820  
necessary by the treatment program and when the court determines 3821  
that the offender or juvenile traffic offender is unable to pay 3822  
all or part of the daily monitoring or cost of the device; 3823

3824

(b) If the source of the moneys was a portion of an 3825  
additional court cost imposed under section 2949.094 of the 3826  
Revised Code, to pay for the continued use of an alcohol 3827  
monitoring device by an offender or juvenile traffic offender when 3828  
the court determines that the offender or juvenile traffic 3829  
offender is unable to pay all or part of the daily monitoring or 3830  
cost of the device. The moneys may be used for a device as 3831  
described in this division if the use of the device is in 3832  
conjunction with a treatment program approved by the department of 3833  
alcohol and drug addiction services, when the use of the device is 3834  
determined clinically necessary by the treatment program, but the 3835  
use of a device is not required to be in conjunction with a 3836  
treatment program approved by the department in order for the 3837  
moneys to be used for the device as described in this division. 3838

(4) If a county, juvenile, or municipal court determines, in 3839  
consultation with the alcohol and drug addiction services board or 3840  
the board of alcohol, drug addiction, and mental health services 3841  
established pursuant to section 340.02 or 340.021 of the Revised 3842  
Code and serving the alcohol, drug addiction, and mental health 3843  
district in which the court is located, that the funds in the 3844  
county indigent drivers alcohol treatment fund, the county 3845  
juvenile indigent drivers alcohol treatment fund, or the municipal 3846  
indigent drivers alcohol treatment fund under the control of the 3847  
court are more than sufficient to satisfy the purpose for which 3848  
the fund was established, as specified in divisions (H)(1) to (3) 3849  
of this section, the court may declare a surplus in the fund. If 3850  
the court declares a surplus in the fund, the court may expend the 3851  
amount of the surplus in the fund for: 3852

(a) Alcohol and drug abuse assessment and treatment of 3853  
persons who are charged in the court with committing a criminal 3854  
offense or with being a delinquent child or juvenile traffic 3855

offender and in relation to whom both of the following apply: 3856

(i) The court determines that substance abuse was a 3857  
contributing factor leading to the criminal or delinquent activity 3858  
or the juvenile traffic offense with which the person is charged. 3859

(ii) The court determines that the person is unable to pay 3860  
the cost of the alcohol and drug abuse assessment and treatment 3861  
for which the surplus money will be used. 3862

(b) All or part of the cost of purchasing alcohol monitoring 3863  
devices to be used in conjunction with division (H)(3) of this 3864  
section, upon exhaustion of moneys in the indigent drivers 3865  
interlock and alcohol monitoring fund for the use of an alcohol 3866  
monitoring device. 3867

(5) For the purpose of determining as described in division 3868  
(F)(2)(c) of this section whether an offender does not have the 3869  
means to pay for the offender's attendance at an alcohol and drug 3870  
addiction treatment program or whether an alleged offender or 3871  
delinquent child is unable to pay the costs specified in division 3872  
(H)(4) of this section, the court shall use the indigent client 3873  
eligibility guidelines and the standards of indigency established 3874  
by the state public defender to make the determination. 3875

(6) The court shall identify and refer any alcohol and drug 3876  
addiction program that is not certified under section 3793.06 of 3877  
the Revised Code and that is interested in receiving amounts from 3878  
the surplus in the fund declared under division (H)(4) of this 3879  
section to the department of alcohol and drug addiction services 3880  
in order for the program to become a certified alcohol and drug 3881  
~~treatment~~ addiction program. The department shall keep a record of 3882  
applicant referrals received pursuant to this division and shall 3883  
submit a report on the referrals each year to the general 3884  
assembly. If a program interested in becoming certified makes an 3885  
application to become certified pursuant to section 3793.06 of the 3886

Revised Code, the program is eligible to receive surplus funds as 3887  
long as the application is pending with the department. The 3888  
department of alcohol and drug addiction services must offer 3889  
technical assistance to the applicant. If the interested program 3890  
withdraws the certification application, the department must 3891  
notify the court, and the court shall not provide the interested 3892  
program with any further surplus funds. 3893

(I)(1) Each county shall establish an indigent drivers 3894  
interlock and alcohol monitoring fund and a juvenile indigent 3895  
drivers interlock and alcohol treatment fund, and each municipal 3896  
corporation in which there is a municipal court shall establish an 3897  
indigent drivers interlock and alcohol monitoring fund. All 3898  
revenue that the general assembly appropriates to the indigent 3899  
drivers interlock and alcohol monitoring fund for transfer to a 3900  
county indigent drivers interlock and alcohol monitoring fund, a 3901  
county juvenile indigent drivers interlock and alcohol monitoring 3902  
fund, or a municipal indigent drivers interlock and alcohol 3903  
monitoring fund, all portions of license reinstatement fees that 3904  
are paid under division (F)(2) of this section and that are 3905  
credited under that division to the indigent drivers interlock and 3906  
alcohol monitoring fund in the state treasury, and all portions of 3907  
fines that are paid under division (G) of section 4511.19 of the 3908  
Revised Code and that are credited by division (G)(5)(e) of that 3909  
section to the indigent drivers interlock and alcohol monitoring 3910  
fund in the state treasury shall be deposited in the appropriate 3911  
fund in accordance with division (I)(2) of this section. 3912

(2) That portion of the license reinstatement fee that is 3913  
paid under division (F) of this section and that portion of the 3914  
fine paid under division (G) of section 4511.19 of the Revised 3915  
Code and that is credited under either division to the indigent 3916  
drivers interlock and alcohol monitoring fund shall be deposited 3917  
into a county indigent drivers interlock and alcohol monitoring 3918

fund, a county juvenile indigent drivers interlock and alcohol 3919  
monitoring fund, or a municipal indigent drivers interlock and 3920  
alcohol monitoring fund as follows: 3921

(a) If the fee or fine is paid by a person who was charged in 3922  
a county court with the violation that resulted in the suspension 3923  
or fine, the portion shall be deposited into the county indigent 3924  
drivers interlock and alcohol monitoring fund under the control of 3925  
that court. 3926

(b) If the fee or fine is paid by a person who was charged in 3927  
a juvenile court with the violation that resulted in the 3928  
suspension or fine, the portion shall be deposited into the county 3929  
juvenile indigent drivers interlock and alcohol monitoring fund 3930  
established in the county served by the court. 3931

(c) If the fee or fine is paid by a person who was charged in 3932  
a municipal court with the violation that resulted in the 3933  
suspension, the portion shall be deposited into the municipal 3934  
indigent drivers interlock and alcohol monitoring fund under the 3935  
control of that court. 3936

**Sec. 4511.192.** (A) The Except as provided in division (A)(5) 3937  
of section 4511.191 of the Revised Code, the arresting law 3938  
enforcement officer shall give advice in accordance with this 3939  
section to any person under arrest for a violation of division (A) 3940  
or (B) of section 4511.19 of the Revised Code, section 4511.194 of 3941  
the Revised Code or a substantially equivalent municipal 3942  
ordinance, or a municipal OVI ordinance. The officer shall give 3943  
that advice in a written form that contains the information 3944  
described in division (B) of this section and shall read the 3945  
advice to the person. The form shall contain a statement that the 3946  
form was shown to the person under arrest and read to the person 3947  
by the arresting officer. One or more persons shall witness the 3948  
arresting officer's reading of the form, and the witnesses shall 3949

certify to this fact by signing the form. The person must submit 3950  
to the chemical test or tests, subsequent to the request of the 3951  
arresting officer, within two hours of the time of the alleged 3952  
violation and, if the person does not submit to the test or tests 3953  
within that two-hour time limit, the failure to submit 3954  
automatically constitutes a refusal to submit to the test or 3955  
tests. 3956

(B) ~~If~~ Except as provided in division (A)(5) of section 3957  
4511.191 of the Revised Code, if a person is under arrest as 3958  
described in division (A) of this section, before the person may 3959  
be requested to submit to a chemical test or tests to determine 3960  
the alcohol, drug of abuse, controlled substance, metabolite of a 3961  
controlled substance, or combination content of the person's whole 3962  
blood, blood serum or plasma, breath, or urine, the arresting 3963  
officer shall read the following form to the person: 3964

"You now are under arrest for (specifically state the offense 3965  
under state law or a substantially equivalent municipal ordinance 3966  
for which the person was arrested - operating a vehicle under the 3967  
influence of alcohol, a drug, or a combination of them; operating 3968  
a vehicle while under the influence of a listed controlled 3969  
substance or a listed metabolite of a controlled substance; 3970  
operating a vehicle after underage alcohol consumption; or having 3971  
physical control of a vehicle while under the influence). 3972

If you refuse to take any chemical test required by law, your 3973  
Ohio driving privileges will be suspended immediately, and you 3974  
will have to pay a fee to have the privileges reinstated. If you 3975  
have a prior conviction of OVI, OVUAC, or operating a vehicle 3976  
while under the influence of a listed controlled substance or a 3977  
listed metabolite of a controlled substance under state or 3978  
municipal law within the preceding twenty years, you now are under 3979  
arrest for state OVI, and, if you refuse to take a chemical test, 3980  
you will face increased penalties if you subsequently are 3981

convicted of the state OVI. 3982

(Read this part unless the person is under arrest for solely 3983  
having physical control of a vehicle while under the influence.) 3984  
If you take any chemical test required by law and are found to be 3985  
at or over the prohibited amount of alcohol, a controlled 3986  
substance, or a metabolite of a controlled substance in your whole 3987  
blood, blood serum or plasma, breath, or urine as set by law, your 3988  
Ohio driving privileges will be suspended immediately, and you 3989  
will have to pay a fee to have the privileges reinstated. 3990

If you take a chemical test, you may have an independent 3991  
chemical test taken at your own expense." 3992

(C) If the arresting law enforcement officer does not ask a 3993  
person under arrest as described in division (A) of this section 3994  
or division (A)(5) of section 4511.191 of the Revised Code to 3995  
submit to a chemical test or tests under section 4511.191 of the 3996  
Revised Code, the arresting officer shall seize the Ohio or 3997  
out-of-state driver's or commercial driver's license or permit of 3998  
the person and immediately forward it to the court in which the 3999  
arrested person is to appear on the charge. If the arrested person 4000  
is not in possession of the person's license or permit or it is 4001  
not in the person's vehicle, the officer shall order the person to 4002  
surrender it to the law enforcement agency that employs the 4003  
officer within twenty-four hours after the arrest, and, upon the 4004  
surrender, the agency immediately shall forward the license or 4005  
permit to the court in which the person is to appear on the 4006  
charge. Upon receipt of the license or permit, the court shall 4007  
retain it pending the arrested person's initial appearance and any 4008  
action taken under section 4511.196 of the Revised Code. 4009

(D)(1) If a law enforcement officer asks a person under 4010  
arrest as described in division (A)(5) of section 4511.191 of the 4011  
Revised Code to submit to a chemical test or tests under that 4012  
section and the test results indicate a prohibited concentration 4013

of alcohol, a controlled substance, or a metabolite of a 4014  
controlled substance in the person's whole blood, blood serum or 4015  
plasma, breath, or urine at the time of the alleged offense, or if 4016  
a law enforcement officer asks a person under arrest as described 4017  
in division (A) of this section to submit to a chemical test or 4018  
tests under section 4511.191 of the Revised Code, the officer 4019  
advises the person in accordance with this section of the 4020  
consequences of the person's refusal or submission, and either the 4021  
person refuses to submit to the test or tests or, unless the 4022  
arrest was for a violation of section 4511.194 of the Revised Code 4023  
or a substantially equivalent municipal ordinance, the person 4024  
submits to the test or tests and the test results indicate a 4025  
prohibited concentration of alcohol, a controlled substance, or a 4026  
metabolite of a controlled substance in the person's whole blood, 4027  
blood serum or plasma, breath, or urine at the time of the alleged 4028  
offense, the arresting officer shall do all of the following: 4029

(a) On behalf of the registrar of motor vehicles, notify the 4030  
person that, independent of any penalties or sanctions imposed 4031  
upon the person, the person's Ohio driver's or commercial driver's 4032  
license or permit or nonresident operating privilege is suspended 4033  
immediately, that the suspension will last at least until the 4034  
person's initial appearance on the charge, which will be held 4035  
within five days after the date of the person's arrest or the 4036  
issuance of a citation to the person, and that the person may 4037  
appeal the suspension at the initial appearance or during the 4038  
period of time ending thirty days after that initial appearance; 4039

(b) Seize the driver's or commercial driver's license or 4040  
permit of the person and immediately forward it to the registrar. 4041  
If the arrested person is not in possession of the person's 4042  
license or permit or it is not in the person's vehicle, the 4043  
officer shall order the person to surrender it to the law 4044  
enforcement agency that employs the officer within twenty-four 4045

hours after the person is given notice of the suspension, and, 4046  
upon the surrender, the officer's employing agency immediately 4047  
shall forward the license or permit to the registrar. 4048

(c) Verify the person's current residence and, if it differs 4049  
from that on the person's driver's or commercial driver's license 4050  
or permit, notify the registrar of the change; 4051

(d) Send to the registrar, within forty-eight hours after the 4052  
arrest of the person, a sworn report that includes all of the 4053  
following statements: 4054

(i) That the officer had reasonable grounds to believe that, 4055  
at the time of the arrest, the arrested person was operating a 4056  
vehicle, streetcar, or trackless trolley in violation of division 4057  
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4058  
OVI ordinance or for being in physical control of a stationary 4059  
vehicle, streetcar, or trackless trolley in violation of section 4060  
4511.194 of the Revised Code or a substantially equivalent 4061  
municipal ordinance; 4062

(ii) That the person was arrested and charged with a 4063  
violation of division (A) or (B) of section 4511.19 of the Revised 4064  
Code, section 4511.194 of the Revised Code or a substantially 4065  
equivalent municipal ordinance, or a municipal OVI ordinance; 4066

(iii) Unless division (D)(1)(d)(v) of this section applies, 4067  
that the officer asked the person to take the designated chemical 4068  
test or tests, advised the person in accordance with this section 4069  
of the consequences of submitting to, or refusing to take, the 4070  
test or tests, and gave the person the form described in division 4071  
(B) of this section; 4072

(iv) Unless division (D)(1)(d)(v) of this section applies, 4073  
that either the person refused to submit to the chemical test or 4074  
tests or, unless the arrest was for a violation of section 4075  
4511.194 of the Revised Code or a substantially equivalent 4076

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;

(v) If the person was under arrest as described in division  
(A)(5) of section 4511.191 of the Revised Code and the chemical  
test or tests were performed in accordance with that division,  
that the person was under arrest as described in that division,  
that the chemical test or tests were performed in accordance with  
that division, and that test results indicated a prohibited  
concentration of alcohol, a controlled substance, or a metabolite  
of a controlled substance in the person's whole blood, blood serum  
or plasma, breath, or urine at the time of the alleged offense.

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

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

possible, but not later than forty-eight hours after the arrest of 4109  
the person, the arresting officer shall send a copy of the sworn 4110  
report to the court in which the arrested person is to appear on 4111  
the charge for which the person was arrested. 4112

(F) The sworn report of an arresting officer completed under 4113  
this section is prima-facie proof of the information and 4114  
statements that it contains. It shall be admitted and considered 4115  
as prima-facie proof of the information and statements that it 4116  
contains in any appeal under section 4511.197 of the Revised Code 4117  
relative to any suspension of a person's driver's or commercial 4118  
driver's license or permit or nonresident operating privilege that 4119  
results from the arrest covered by the report. 4120

**Sec. 4511.197.** (A) If a person is arrested for operating a 4121  
vehicle, streetcar, or trackless trolley in violation of division 4122  
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4123  
OVI ordinance or for being in physical control of a vehicle, 4124  
streetcar, or trackless trolley in violation of section 4511.194 4125  
of the Revised Code or a substantially equivalent municipal 4126  
ordinance and if the person's driver's or commercial driver's 4127  
license or permit or nonresident operating privilege is suspended 4128  
under ~~section~~ sections 4511.191 and 4511.192 of the Revised Code, 4129  
the person may appeal the suspension at the person's initial 4130  
appearance on the charge resulting from the arrest or within the 4131  
period ending thirty days after the person's initial appearance on 4132  
that charge, in the court in which the person will appear on that 4133  
charge. If the person appeals the suspension, the appeal itself 4134  
does not stay the operation of the suspension. If the person 4135  
appeals the suspension, either the person or the registrar of 4136  
motor vehicles may request a continuance of the appeal, and the 4137  
court may grant the continuance. The court also may continue the 4138  
appeal on its own motion. Neither the request for, nor the 4139  
granting of, a continuance stays the suspension that is the 4140

subject of the appeal, unless the court specifically grants a 4141  
stay. 4142

(B) A person shall file an appeal under division (A) of this 4143  
section in the municipal court, county court, juvenile court, 4144  
mayor's court, or court of common pleas that has jurisdiction over 4145  
the charge in relation to which the person was arrested. 4146

(C) If a person appeals a suspension under division (A) of 4147  
this section, the scope of the appeal is limited to determining 4148  
whether one or more of the following conditions have not been met: 4149

(1) Whether the arresting law enforcement officer had 4150  
reasonable ground to believe the arrested person was operating a 4151  
vehicle, streetcar, or trackless trolley in violation of division 4152  
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4153  
OVI ordinance or was in physical control of a vehicle, streetcar, 4154  
or trackless trolley in violation of section 4511.194 of the 4155  
Revised Code or a substantially equivalent municipal ordinance and 4156  
whether the arrested person was in fact placed under arrest; 4157

(2) Whether the law enforcement officer requested the 4158  
arrested person to submit to the chemical test or tests designated 4159  
pursuant to division (A) of section 4511.191 of the Revised Code; 4160

(3) ~~Whether~~ If the person was under arrest as described in 4161  
division (A)(5) of section 4511.191 of the Revised Code, whether 4162  
the arresting officer advised the person at the time of the arrest 4163  
that if the person refused to take a chemical test, the officer 4164  
could employ whatever reasonable means were necessary to ensure 4165  
that the person submitted to a chemical test of the person's whole 4166  
blood or blood serum or plasma; or if the person was under arrest 4167  
other than as described in division (A)(5) of section 4511.191 of 4168  
the Revised Code, whether the arresting officer informed the 4169  
arrested person of the consequences of refusing to be tested or of 4170  
submitting to the test or tests; 4171

(4) Whichever of the following is applicable: 4172

(a) ~~Whether~~ If the suspension was imposed under division (B) 4173  
of section 4511.191 and section 4511.192 of the Revised Code, 4174  
whether the arrested person refused to submit to the chemical test 4175  
or tests requested by the officer; 4176

(b) ~~Whether~~ If the suspension was imposed under division (C) 4177  
of section 4511.191 and section 4511.192 of the Revised Code, 4178  
whether the arrest was for a violation of division (A) or (B) of 4179  
section 4511.19 of the Revised Code or a municipal OVI ordinance 4180  
and, if it was, whether the chemical test results indicate that at 4181  
the time of the alleged offense the arrested person's whole blood 4182  
~~contained a concentration of eight hundredths of one per cent or~~ 4183  
~~more by weight of alcohol, the person's blood serum or plasma~~ 4184  
~~contained a concentration of ninety six thousandths of one per~~ 4185  
~~cent or more by weight of alcohol, the person's breath contained a~~ 4186  
~~concentration of eight hundredths of one gram or more by weight of~~ 4187  
~~alcohol per two hundred ten liters of the person's breath, or the~~ 4188  
~~person's urine contained a~~ at least the concentration of 4189  
~~eleven hundredths of one gram or more by weight of alcohol per one~~ 4190  
~~hundred milliliters of the person's urine at the time of the~~ 4191  
~~alleged offense~~ specified in division (A)(1)(b), (c), (d), or (e) 4192  
of section 4511.19 of the Revised Code or at least the 4193  
concentration of a listed controlled substance or a listed 4194  
metabolite of a controlled substance specified in division 4195  
(A)(1)(j) of section 4511.19 of the Revised Code. 4196

(D) A person who appeals a suspension under division (A) of 4197  
this section has the burden of proving, by a preponderance of the 4198  
evidence, that one or more of the conditions specified in division 4199  
(C) of this section has not been met. If, during the appeal, the 4200  
judge or magistrate of the court or the mayor of the mayor's court 4201  
determines that all of those conditions have been met, the judge, 4202  
magistrate, or mayor shall uphold the suspension, continue the 4203

suspension, and notify the registrar of motor vehicles of the 4204  
decision on a form approved by the registrar. 4205

Except as otherwise provided in this section, if a suspension 4206  
imposed under section 4511.191 of the Revised Code is upheld on 4207  
appeal or if the subject person does not appeal the suspension 4208  
under division (A) of this section, the suspension shall continue 4209  
until the complaint alleging the violation for which the person 4210  
was arrested and in relation to which the suspension was imposed 4211  
is adjudicated on the merits or terminated pursuant to law. If the 4212  
suspension was imposed under division (B)(1) of section 4511.191 4213  
of the Revised Code and it is continued under this section, any 4214  
subsequent finding that the person is not guilty of the charge 4215  
that resulted in the person being requested to take the chemical 4216  
test or tests under division (A) of section 4511.191 of the 4217  
Revised Code does not terminate or otherwise affect the 4218  
suspension. If the suspension was imposed under division (C) of 4219  
section 4511.191 of the Revised Code in relation to an alleged 4220  
misdemeanor violation of division (A) or (B) of section 4511.19 of 4221  
the Revised Code or of a municipal OVI ordinance and it is 4222  
continued under this section, the suspension shall terminate if, 4223  
for any reason, the person subsequently is found not guilty of the 4224  
charge that resulted in the person taking the chemical test or 4225  
tests. 4226

If, during the appeal, the judge or magistrate of the trial 4227  
court or the mayor of the mayor's court determines that one or 4228  
more of the conditions specified in division (C) of this section 4229  
have not been met, the judge, magistrate, or mayor shall terminate 4230  
the suspension, subject to the imposition of a new suspension 4231  
under division (B) of section 4511.196 of the Revised Code; shall 4232  
notify the registrar of motor vehicles of the decision on a form 4233  
approved by the registrar; and, except as provided in division (B) 4234  
of section 4511.196 of the Revised Code, shall order the registrar 4235

to return the driver's or commercial driver's license or permit to 4236  
the person or to take any other measures that may be necessary, if 4237  
the license or permit was destroyed under section 4510.53 of the 4238  
Revised Code, to permit the person to obtain a replacement 4239  
driver's or commercial driver's license or permit from the 4240  
registrar or a deputy registrar in accordance with that section. 4241  
The court also shall issue to the person a court order, valid for 4242  
not more than ten days from the date of issuance, granting the 4243  
person operating privileges for that period. 4244

(E) Any person whose driver's or commercial driver's license 4245  
or permit or nonresident operating privilege has been suspended 4246  
pursuant to section 4511.191 of the Revised Code may file a 4247  
petition requesting limited driving privileges in the common pleas 4248  
court, municipal court, county court, mayor's court, or juvenile 4249  
court with jurisdiction over the related criminal or delinquency 4250  
case. The petition may be filed at any time subsequent to the date 4251  
on which the arresting law enforcement officer serves the notice 4252  
of suspension upon the arrested person but no later than thirty 4253  
days after the arrested person's initial appearance or 4254  
arraignment. Upon the making of the request, limited driving 4255  
privileges may be granted under sections 4510.021 and 4510.13 of 4256  
the Revised Code, regardless of whether the person appeals the 4257  
suspension under this section or appeals the decision of the court 4258  
on the appeal, and, if the person has so appealed the suspension 4259  
or decision, regardless of whether the matter has been heard or 4260  
decided by the court. The person shall pay the costs of the 4261  
proceeding, notify the registrar of the filing of the petition, 4262  
and send the registrar a copy of the petition. 4263

The court may not grant the person limited driving privileges 4264  
when prohibited by section 4510.13 or 4511.191 of the Revised 4265  
Code. 4266

(F) Any person whose driver's or commercial driver's license 4267

or permit has been suspended under section 4511.19 of the Revised 4268  
Code or under section 4510.07 of the Revised Code for a conviction 4269  
of a municipal OVI offense and who desires to retain the license 4270  
or permit during the pendency of an appeal, at the time sentence 4271  
is pronounced, shall notify the court of record or mayor's court 4272  
that suspended the license or permit of the person's intention to 4273  
appeal. If the person so notifies the court, the court, mayor, or 4274  
clerk of the court shall retain the license or permit until the 4275  
appeal is perfected, and, if execution of sentence is stayed, the 4276  
license or permit shall be returned to the person to be held by 4277  
the person during the pendency of the appeal. If the appeal is not 4278  
perfected or is dismissed or terminated in an affirmance of the 4279  
conviction, then the license or permit shall be taken up by the 4280  
court, mayor, or clerk, at the time of putting the sentence into 4281  
execution, and the court shall proceed in the same manner as if no 4282  
appeal was taken. 4283

(G) Except as otherwise provided in this division, if a 4284  
person whose driver's or commercial driver's license or permit or 4285  
nonresident operating privilege was suspended under section 4286  
4511.191 of the Revised Code appeals the suspension under division 4287  
(A) of this section, the prosecuting attorney of the county in 4288  
which the arrest occurred shall represent the registrar of motor 4289  
vehicles in the appeal. If the arrest occurred within a municipal 4290  
corporation within the jurisdiction of the court in which the 4291  
appeal is conducted, the city director of law, village solicitor, 4292  
or other chief legal officer of that municipal corporation shall 4293  
represent the registrar. If the appeal is conducted in a municipal 4294  
court, the registrar shall be represented as provided in section 4295  
1901.34 of the Revised Code. If the appeal is conducted in a 4296  
mayor's court, the city director of law, village solicitor, or 4297  
other chief legal officer of the municipal corporation that 4298  
operates that mayor's court shall represent the registrar. 4299

(H) The court shall give information in writing of any action 4300  
taken under this section to the registrar of motor vehicles. 4301

(I) When it finally has been determined under the procedures 4302  
of this section that a nonresident's privilege to operate a 4303  
vehicle within this state has been suspended, the registrar of 4304  
motor vehicles shall give information in writing of the action 4305  
taken to the motor vehicle administrator of the state of the 4306  
nonresident's residence and of any state in which the nonresident 4307  
has a license. 4308

Sec. 4729.041. The executive director of the state board of 4309  
pharmacy, as soon as possible after the necessary and appropriate 4310  
scientific evidence is available and with the board's approval, 4311  
shall adopt rules that do the following: 4312

(A) Specify the amount of salvia divinorum and the amount of 4313  
salvinorin A that constitute concentrations of salvia divinorum 4314  
and salvinorin A in a person's urine, in a person's whole blood, 4315  
or in a person's blood serum or plasma at or above which the 4316  
person is impaired for purposes of operating or being in physical 4317  
control of any vessel underway or manipulating any water skis, 4318  
aquaplane, or similar device on the waters of this state; 4319

(B) Specify the amount of salvia divinorum and the amount of 4320  
salvinorin A that constitute concentrations of salvia divinorum 4321  
and salvinorin A in a person's urine, in a person's whole blood, 4322  
or in a person's blood serum or plasma at or above which the 4323  
person is impaired for purposes of operating any vehicle, 4324  
streetcar, or trackless trolley within this state. 4325

Sec. 5111.0119. (A)(1) As used in this section, subject to 4326  
division (A)(2) of this section, "state or local correctional 4327  
facility" means any of the following: 4328

(a) A "state correctional institution," as defined in section 4329

2967.01 of the Revised Code; 4330

(b) A "local correctional facility," as defined in section 4331  
2903.13 of the Revised Code; 4332

(c) A correctional facility that is privately operated and 4333  
managed pursuant to section 9.06 of the Revised Code. 4334

(2) "State or local correctional facility" does not include 4335  
any facility operated directly by or at the direction of the 4336  
department of youth services. 4337

(B) If a person who is confined in a state or local 4338  
correctional facility was a medicaid recipient immediately prior 4339  
to being confined in the facility, all of the following apply: 4340

(1) The person's eligibility for medicaid while so confined 4341  
shall be suspended due to the confinement. 4342

(2) No medicaid payment shall be made for any care, services, 4343  
or supplies provided to the person during the suspension described 4344  
in division (B)(1) of this section. 4345

(3) The suspension described in division (B)(1) of this 4346  
section shall end upon the release of the person from the 4347  
confinement. 4348

(4) Except as provided in division (C) of this section, the 4349  
person shall not be required to reapply or undergo a 4350  
redetermination of eligibility for medicaid when the suspension 4351  
described in division (B)(1) of this section ends. 4352

(C) A person may be disenrolled from medicaid any time after 4353  
the suspension described in division (B)(1) of this section ends 4354  
if the person is no longer eligible for medicaid. A person may be 4355  
required to undergo a redetermination of eligibility for medicaid 4356  
any time after the suspension described in division (B)(1) of this 4357  
section ends if it is time or past time for the person's 4358  
eligibility redetermination or the person's circumstances have 4359

changed in a manner warranting a redetermination. 4360

(D) The department of job and family services shall take the 4361  
steps necessary to begin implementation of this section not later 4362  
than September 1, 2009. 4363

**Section 2.** That existing sections 341.12, 341.13, 341.14, 4364  
341.15, 1547.11, 1547.111, 2725.27, 2903.06, 2949.094, 3719.41, 4365  
4503.235, 4506.03, 4510.13, 4511.19, 4511.191, 4511.192, and 4366  
4511.197 and section 2725.25 of the Revised Code are hereby 4367  
repealed. 4368

**Section 3.** Section 4511.191 of the Revised Code is presented 4369  
in this act as a composite of the section as amended by both Am. 4370  
Sub. H.B. 562 and Am. Sub. S.B. 17 of the 127th General Assembly. 4371  
The General Assembly, applying the principle stated in division 4372  
(B) of section 1.52 of the Revised Code that amendments are to be 4373  
harmonized if reasonably capable of simultaneous operation, finds 4374  
that the composite is the resulting version of the section in 4375  
effect prior to the effective date of the section as presented in 4376  
this act. 4377