

As Reported by the Senate Judiciary--Criminal Justice Committee

127th General Assembly

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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**

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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 of the 5
Revised Code to list Salvia divinorum as a 6
controlled substance; to provide for prohibited 7
concentrations of Salvia Divinorum and Salvinorin 8
A that are determined by the State Board of 9
Pharmacy for purposes of OVI and OWI; to make 10
clarifying, conforming, and technical changes in 11
the court cost add-on for indigent drivers alcohol 12
treatment and in certain provisions of, or that 13
relate to, Am. Sub. S.B. 17 of the 127th General 14
Assembly; to provide for suspension of the 15
eligibility for Medicaid of certain persons 16
confined in a state or local correctional 17
facility; to permit the transfer of county jail 18

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

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

Section 1. That sections 341.12, 341.13, 341.14, 341.15, 32
1547.11, 1547.111, 2725.27, 2903.06, 2949.094, 3719.41, 4503.235, 33
4506.03, 4510.13, 4511.19, 4511.191, 4511.192, and 4511.197 be 34
amended and sections 341.141, 4729.041, and 5111.0119 of the 35
Revised Code be enacted to read as follows: 36

Sec. 341.12. In a county not having a sufficient jail or 37
staff, the sheriff shall convey any person charged with the 38
commission of an offense, sentenced to imprisonment in the county 39
jail, or in custody upon civil process, to a jail in any county 40
~~which~~ the sheriff considers most convenient and secure. In the 41
case of a person who has been charged with an offense and is being 42
held pending trial, any county includes a contiguous county in an 43
adjoining state. 44

The sheriff may call such aid as is necessary in guarding, 45
~~transporting~~ transporting, or returning such person. Whoever 46
neglects or refuses to render such aid, when so called upon, shall 47

forfeit and pay the sum of ten dollars, to be recovered by an 48
action in the name and for the use of the county. 49

Such sheriff and his assistants shall receive such 50
compensation for their services as the county auditor of the 51
county from which such person was removed considers reasonable. 52
The compensation shall be paid from the county treasury on the 53
warrant of the auditor. 54

The receiving sheriff shall not, pursuant to this section, 55
convey the person received to any county other than the one from 56
which the person was removed. 57

Sec. 341.13. The sheriff of ~~the~~ a county in this state to 58
which a prisoner has been removed as provided by section 341.12 of 59
the Revised Code, shall, on being furnished a copy of the process 60
or commitment, receive ~~such~~ the prisoner into ~~his~~ custody, ~~and~~. 61
The sheriff of a contiguous county of an adjoining state to which 62
a prisoner has been removed as provided in section 341.12 of the 63
Revised Code may, on being furnished a copy of the commitment, 64
receive the prisoner into the sheriff's custody. Each receiving 65
sheriff shall be liable for escapes or other neglect of duty in 66
relation to ~~such~~ the prisoner, as in other cases, and neither the 67
conveying sheriff nor any county commissioner of the county that 68
employs the conveying sheriff is liable in damages in a civil 69
action for any injury, death, or loss to person or property 70
suffered or caused by the prisoner while the prisoner is in the 71
custody of the receiving sheriff. ~~Such~~ Each receiving sheriff 72
shall receive from the treasury of the county from which the 73
prisoner was removed, such fees as are allowed in other cases. 74

Sec. 341.14. (A) The sheriff of an adjoining county in this 75
state shall not receive prisoners as provided by section 341.12 of 76
the Revised Code unless there is deposited weekly with the sheriff 77

an amount equal to the actual cost of keeping and feeding each 78
prisoner so committed for the use of the jail of that county, and 79
the same amount for a period of time less than one week. If a 80
prisoner is discharged before the expiration of the term for which 81
the prisoner was committed, the excess of the amount advanced 82
shall be refunded. 83

(B) Pursuant to section 2929.37 of the Revised Code, the 84
board of county commissioners of the county of this state that 85
receives pursuant to section 341.12 of the Revised Code for 86
confinement in its jail, a prisoner who was convicted of an 87
offense, may require the prisoner to reimburse the county for its 88
expenses incurred by reason of the prisoner's confinement. 89

(C) Notwithstanding any contrary provision in this section or 90
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 91
board of county commissioners in this state may establish a policy 92
that complies with section 2929.38 of the Revised Code and that 93
requires any prisoner who is not indigent and who is confined in 94
the county's jail under this section to pay a reception fee, a fee 95
for medical treatment or service requested by and provided to that 96
prisoner, or the fee for a random drug test assessed under 97
division (E) of section 341.26 of the Revised Code. 98

(D) If a county in this state receives pursuant to section 99
341.12 of the Revised Code for confinement in its jail a person 100
who has been convicted of or pleaded guilty to an offense and has 101
been sentenced to a term in a jail or a person who has been 102
arrested for an offense, who has been denied bail or has had bail 103
set and has not been released on bail, and who is confined in jail 104
pending trial, at the time of reception and at other times the 105
sheriff or other person in charge of the operation of the jail 106
determines to be appropriate, the sheriff or other person in 107
charge of the operation of the jail may cause the convicted or 108
accused offender to be examined and tested for tuberculosis, HIV 109

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

Sec. 341.141. (A) The sheriff of a county in this state shall 117
not transfer a prisoner to a contiguous county in an adjoining 118
state as provided in section 341.12 of the Revised Code unless 119
there is deposited weekly with the sheriff of the contiguous 120
county an amount equal to the actual cost of keeping and feeding 121
each prisoner committed to the custody of that sheriff for the use 122
of the jail of that county, and the same amount for a period of 123
time less than one week. If a prisoner is discharged before the 124
expiration of a week for which the cost of keeping and feeding the 125
prisoner has been deposited, the excess of the amount shall be 126
refunded. 127

(B) The minimum standards for jails that are applicable for 128
jails in the adjoining state shall apply to a jail in that 129
adjoining state that receives prisoners as provided in section 130
341.13 of the Revised Code. 131

(C) All other terms of the transfer of a prisoner from a 132
county in this state to a contiguous county in an adjoining state 133
shall be as agreed upon by the board of county commissioners, any 134
applicable governmental entity in the receiving county, and the 135
sheriffs involved in the transfer. 136

(D) If a prisoner is transferred to a contiguous county of an 137
adjoining state as provided in section 341.12 of the Revised Code, 138
jurisdiction over the transferred prisoner shall remain with the 139
Ohio governmental agencies and entities that would have 140

jurisdiction over the prisoner if the prisoner had not been so 141
transferred, including the Ohio court to which the prisoner's case 142
is assigned. 143

Sec. 341.15. At the end of each quarter, of each calendar 144
year, ~~the~~ a sheriff in this state shall account for and pay to the 145
county treasurer all money received by ~~him~~ the sheriff as provided 146
by sections 341.13 and 341.14 of the Revised Code. 147

"Sec. 1547.11. (A) No person shall operate or be in physical 148
control of any vessel underway or shall manipulate any water skis, 149
aquaplane, or similar device on the waters in this state if, at 150
the time of the operation, control, or manipulation, any of the 151
following applies: 152

(1) The person is under the influence of alcohol, a drug of 153
abuse, or a combination of them. 154

(2) The person has a concentration of eight-hundredths of one 155
per cent or more by weight of alcohol per unit volume in the 156
person's whole blood. 157

(3) The person has a concentration of ninety-six-thousandths 158
of one per cent or more by weight per unit volume of alcohol in 159
the person's blood serum or plasma. 160

(4) The person has a concentration of eleven-hundredths of 161
one gram or more by weight of alcohol per one hundred milliliters 162
of the person's urine. 163

(5) The person has a concentration of eight-hundredths of one 164
gram or more by weight of alcohol per two hundred ten liters of 165
the person's breath. 166

(6) Except as provided in division (H) of this section, the 167
person has a concentration of any of the following controlled 168
substances or metabolites of a controlled substance in the 169

person's whole blood, blood serum or plasma, or urine that equals 170
or exceeds any of the following: 171

(a) The person has a concentration of amphetamine in the 172
person's urine of at least five hundred nanograms of amphetamine 173
per milliliter of the person's urine or has a concentration of 174
amphetamine in the person's whole blood or blood serum or plasma 175
of at least one hundred nanograms of amphetamine per milliliter of 176
the person's whole blood or blood serum or plasma. 177

(b) The person has a concentration of cocaine in the person's 178
urine of at least one hundred fifty nanograms of cocaine per 179
milliliter of the person's urine or has a concentration of cocaine 180
in the person's whole blood or blood serum or plasma of at least 181
fifty nanograms of cocaine per milliliter of the person's whole 182
blood or blood serum or plasma. 183

(c) The person has a concentration of cocaine metabolite in 184
the person's urine of at least one hundred fifty nanograms of 185
cocaine metabolite per milliliter of the person's urine or has a 186
concentration of cocaine metabolite in the person's whole blood or 187
blood serum or plasma of at least fifty nanograms of cocaine 188
metabolite per milliliter of the person's whole blood or blood 189
serum or plasma. 190

(d) The person has a concentration of heroin in the person's 191
urine of at least two thousand nanograms of heroin per milliliter 192
of the person's urine or has a concentration of heroin in the 193
person's whole blood or blood serum or plasma of at least fifty 194
nanograms of heroin per milliliter of the person's whole blood or 195
blood serum or plasma. 196

(e) The person has a concentration of heroin metabolite 197
(6-monoacetyl morphine) in the person's urine of at least ten 198
nanograms of heroin metabolite (6-monoacetyl morphine) per 199
milliliter of the person's urine or has a concentration of heroin 200

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

(f) The person has a concentration of L.S.D. in the person's 205
urine of at least twenty-five nanograms of L.S.D. per milliliter 206
of the person's urine or has a concentration of L.S.D. in the 207
person's whole blood or blood serum or plasma of at least ten 208
nanograms of L.S.D. per milliliter of the person's whole blood or 209
blood serum or plasma. 210

(g) The person has a concentration of marihuana in the 211
person's urine of at least ten nanograms of marihuana per 212
milliliter of the person's urine or has a concentration of 213
marihuana in the person's whole blood or blood serum or plasma of 214
at least two nanograms of marihuana per milliliter of the person's 215
whole blood or blood serum or plasma. 216

(h) The state board of pharmacy has adopted a rule pursuant 217
to section 4729.041 of the Revised Code that specifies the amount 218
of salvia divinorum and the amount of salvinorin A that constitute 219
concentrations of salvia divinorum and salvinorin A in a person's 220
urine, in a person's whole blood, or in a person's blood serum or 221
plasma at or above which the person is impaired for purposes of 222
operating or being in physical control of any vessel underway or 223
manipulating any water skis, aquaplane, or similar device on the 224
waters of this state, the rule is in effect, and the person has a 225
concentration of salvia divinorum or salvinorin A of at least that 226
amount so specified by rule in the person's urine, in the person's 227
whole blood, or in the person's blood serum or plasma. 228

~~(h)~~(i) Either of the following applies: 229

(i) The person is under the influence of alcohol, a drug of 230
abuse, or a combination of them, and, as measured by gas 231

chromatography mass spectrometry, the person has a concentration 232
of marihuana metabolite in the person's urine of at least fifteen 233
nanograms of marihuana metabolite per milliliter of the person's 234
urine or has a concentration of marihuana metabolite in the 235
person's whole blood or blood serum or plasma of at least five 236
nanograms of marihuana metabolite per milliliter of the person's 237
whole blood or blood serum or plasma. 238

(ii) As measured by gas chromatography mass spectrometry, the 239
person has a concentration of marihuana metabolite in the person's 240
urine of at least thirty-five nanograms of marihuana metabolite 241
per milliliter of the person's urine or has a concentration of 242
marihuana metabolite in the person's whole blood or blood serum or 243
plasma of at least fifty nanograms of marihuana metabolite per 244
milliliter of the person's whole blood or blood serum or plasma. 245

~~(i)~~(j) The person has a concentration of methamphetamine in 246
the person's urine of at least five hundred nanograms of 247
methamphetamine per milliliter of the person's urine or has a 248
concentration of methamphetamine in the person's whole blood or 249
blood serum or plasma of at least one hundred nanograms of 250
methamphetamine per milliliter of the person's whole blood or 251
blood serum or plasma. 252

~~(j)~~(k) The person has a concentration of phencyclidine in the 253
person's urine of at least twenty-five nanograms of phencyclidine 254
per milliliter of the person's urine or has a concentration of 255
phencyclidine in the person's whole blood or blood serum or plasma 256
of at least ten nanograms of phencyclidine per milliliter of the 257
person's whole blood or blood serum or plasma. 258

(B) No person under twenty-one years of age shall operate or 259
be in physical control of any vessel underway or shall manipulate 260
any water skis, aquaplane, or similar device on the waters in this 261
state if, at the time of the operation, control, or manipulation, 262
any of the following applies: 263

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

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

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

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

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

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

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is watercraft-related, the court may admit evidence on the concentration of alcohol, drugs of abuse,

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

The whole blood, blood serum or plasma, urine, or breath 321
withdrawn under division (D)(1)(b) of this section shall be 322
analyzed in accordance with methods approved by the director of 323
health by an individual possessing a valid permit issued by the 324
director pursuant to section 3701.143 of the Revised Code. 325

(2) In a criminal prosecution or juvenile court proceeding 326

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

(3) Upon the request of the person who was tested, the 341
results of the chemical test shall be made available to the person 342
or the person's attorney immediately upon completion of the test 343
analysis. 344

If the chemical test was administered pursuant to division 345
(D)(1)(b) of this section, the person tested may have a physician, 346
a registered nurse, or a qualified technician, chemist, or 347
phlebotomist of the person's own choosing administer a chemical 348
test or tests in addition to any administered at the direction of 349
a law enforcement officer, and shall be so advised. The failure or 350
inability to obtain an additional test by a person shall not 351
preclude the admission of evidence relating to the test or tests 352
taken at the direction of a law enforcement officer. 353

(E)(1) In any criminal prosecution or juvenile court 354
proceeding for a violation of division (A) or (B) of this section, 355
of a municipal ordinance relating to operating or being in 356
physical control of any vessel underway or to manipulating any 357
water skis, aquaplane, or similar device on the waters of this 358

state while under the influence of alcohol, a drug of abuse, or a combination of them, or of a municipal ordinance relating to operating or being in physical control of any vessel underway or to manipulating any water skis, aquaplane, or similar device on the waters of this state 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 or person found to be in physical control of the vessel underway involved in the violation or the person manipulating the water skis, aquaplane, or similar device involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for reliable, credible, and generally accepted field sobriety tests for vehicles that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that have been set by the national highway traffic safety administration, that by their nature are not clearly inapplicable regarding the operation or physical control of vessels underway or the manipulation of water skis, aquaplanes, or similar devices, all of the following apply:

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

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

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

appropriate. 391

(2) Division (E)(1) of this section does not limit or 392
preclude a court, in its determination of whether the arrest of a 393
person was supported by probable cause or its determination of any 394
other matter in a criminal prosecution or juvenile court 395
proceeding of a type described in that division, from considering 396
evidence or testimony that is not otherwise disallowed by division 397
(E)(1) of this section. 398

(F)(1) Subject to division (F)(3) of this section, in any 399
criminal prosecution or juvenile court proceeding for a violation 400
of division (A) or (B) of this section or for an equivalent 401
offense that is substantially equivalent to either of those 402
divisions, the court shall admit as prima-facie evidence a 403
laboratory report from any laboratory personnel issued a permit by 404
the department of health authorizing an analysis as described in 405
this division that contains an analysis of the whole blood, blood 406
serum or plasma, breath, urine, or other bodily substance tested 407
and that contains all of the information specified in this 408
division. The laboratory report shall contain all of the 409
following: 410

(a) The signature, under oath, of any person who performed 411
the analysis; 412

(b) Any findings as to the identity and quantity of alcohol, 413
a drug of abuse, a controlled substance, a metabolite of a 414
controlled substance, or a combination of them that was found; 415

(c) A copy of a notarized statement by the laboratory 416
director or a designee of the director that contains the name of 417
each certified analyst or test performer involved with the report, 418
the analyst's or test performer's employment relationship with the 419
laboratory that issued the report, and a notation that performing 420
an analysis of the type involved is part of the analyst's or test 421

performer's regular duties; 422

(d) An outline of the analyst's or test performer's 423
education, training, and experience in performing the type of 424
analysis involved and a certification that the laboratory 425
satisfies appropriate quality control standards in general and, in 426
this particular analysis, under rules of the department of health. 427

(2) Notwithstanding any other provision of law regarding the 428
admission of evidence, a report of the type described in division 429
(F)(1) of this section is not admissible against the defendant or 430
child to whom it pertains in any proceeding, other than a 431
preliminary hearing or a grand jury proceeding, unless the 432
prosecutor has served a copy of the report on the defendant's or 433
child's attorney or, if the defendant or child has no attorney, on 434
the defendant or child. 435

(3) A report of the type described in division (F)(1) of this 436
section shall not be prima-facie evidence of the contents, 437
identity, or amount of any substance if, within seven days after 438
the defendant or child to whom the report pertains or the 439
defendant's or child's attorney receives a copy of the report, the 440
defendant or child or the defendant's or child's attorney demands 441
the testimony of the person who signed the report. The judge in 442
the case may extend the seven-day time limit in the interest of 443
justice. 444

(G) Except as otherwise provided in this division, any 445
physician, registered nurse, or qualified technician, chemist, or 446
phlebotomist who withdraws blood from a person pursuant to this 447
section or section 1547.111 of the Revised Code, and a hospital, 448
first-aid station, or clinic at which blood is withdrawn from a 449
person pursuant to this section or section 1547.111 of the Revised 450
Code, is immune from criminal and civil liability based upon a 451
claim of assault and battery or any other claim that is not a 452
claim of malpractice, for any act performed in withdrawing blood 453

from the person. The immunity provided in this division is not 454
available to a person who withdraws blood if the person engages in 455
willful or wanton misconduct. 456

(H) Division (A)(6) of this section does not apply to a 457
person who operates or is in physical control of a vessel underway 458
or manipulates any water skis, aquaplane, or similar device while 459
the person has a concentration of a listed controlled substance or 460
a listed metabolite of a controlled substance in the person's 461
whole blood, blood serum or plasma, or urine that equals or 462
exceeds the amount specified in that division, if both of the 463
following apply: 464

(1) The person obtained the controlled substance pursuant to 465
a prescription issued by a licensed health professional authorized 466
to prescribe drugs. 467

(2) The person injected, ingested, or inhaled the controlled 468
substance in accordance with the health professional's directions. 469

(I) As used in this section and section 1547.111 of the 470
Revised Code: 471

(1) "Equivalent offense" has the same meaning as in section 472
4511.181 of the Revised Code. 473

(2) "National highway traffic safety administration" has the 474
same meaning as in section 4511.19 of the Revised Code. 475

(3) "Operate" means that a vessel is being used on the waters 476
in this state when the vessel is not securely affixed to a dock or 477
to shore or to any permanent structure to which the vessel has the 478
right to affix or that a vessel is not anchored in a designated 479
anchorage area or boat camping area that is established by the 480
United States coast guard, this state, or a political subdivision 481
and in which the vessel has the right to anchor. 482

(4) "Controlled substance" and "marihuana" have the same 483

meanings as in section 3719.01 of the Revised Code. 484

(5) "Cocaine" and "L.S.D." have the same meanings as in 485
section 2925.01 of the Revised Code. 486

(6) "Equivalent offense that is watercraft-related" means an 487
equivalent offense that is one of the following: 488

(a) A violation of division (A) or (B) of this section; 489

(b) A violation of a municipal ordinance prohibiting a person 490
from operating or being in physical control of any vessel underway 491
or from manipulating any water skis, aquaplane, or similar device 492
on the waters of this state while under the influence of alcohol, 493
a drug of abuse, or a combination of them or prohibiting a person 494
from operating or being in physical control of any vessel underway 495
or from manipulating any water skis, aquaplane, or similar device 496
on the waters of this state with a prohibited concentration of 497
alcohol, a controlled substance, or a metabolite of a controlled 498
substance in the whole blood, blood serum or plasma, breath, or 499
urine; 500

(c) A violation of an existing or former municipal ordinance, 501
law of another state, or law of the United States that is 502
substantially equivalent to division (A) or (B) of this section; 503

(d) A violation of a former law of this state that was 504
substantially equivalent to division (A) or (B) of this section. 505

Sec. 1547.111. (A)(1)(a) Any person who operates or is in 506
physical control of a vessel or manipulates any water skis, 507
aquaplane, or similar device upon any waters in this state shall 508
be deemed to have given consent to a chemical test or tests to 509
determine the alcohol, drug of abuse, controlled substance, 510
metabolite of a controlled substance, or combination content of 511
the person's whole blood, blood serum or plasma, breath, or urine 512
if arrested for operating or being in physical control of a vessel 513

or manipulating any water skis, aquaplane, or similar device in 514
violation of section 1547.11 of the Revised Code or a 515
substantially equivalent municipal ordinance. 516

(b) The test or tests under division (A)(1) of this section 517
shall be administered at the request of a law enforcement officer 518
having reasonable grounds to believe the person was operating or 519
in physical control of a vessel or manipulating any water skis, 520
aquaplane, or similar device in violation of section 1547.11 of 521
the Revised Code or a substantially equivalent municipal 522
ordinance. The law enforcement agency by which the officer is 523
employed shall designate which test or tests shall be 524
administered. 525

(2) Any person who is dead or unconscious or who otherwise is 526
in a condition rendering the person incapable of refusal shall be 527
deemed to have consented as provided in division (A)(1) of this 528
section, and the test or tests may be administered, subject to 529
sections 313.12 to 313.16 of the Revised Code. 530

(B)(1) If a law enforcement officer arrests a person for 531
operating or being in physical control of a vessel or manipulating 532
any water skis, aquaplane, or similar device in violation of 533
section 1547.11 of the Revised Code or a substantially equivalent 534
municipal ordinance and if the person previously has been 535
convicted of or pleaded guilty to two or more violations of 536
section 1547.11 of the Revised Code or other equivalent offenses, 537
the law enforcement officer shall request the person to submit, 538
and the person shall submit, to a chemical test or tests of the 539
person's whole blood, blood serum or plasma, breath, or urine for 540
the purpose of determining the alcohol, drug of abuse, controlled 541
substance, metabolite of a controlled substance, or combination 542
content of the person's whole blood, blood serum or plasma, 543
breath, or urine. A law enforcement officer who makes a request 544
pursuant to this division that a person submit to a chemical test 545

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

(2) If a person refuses to submit to a chemical test upon a 565
request made pursuant to division (B)(1) of this section, the law 566
enforcement officer who made the request may employ whatever 567
reasonable means are necessary to ensure that the person submits 568
to a chemical test of the person's whole blood or blood serum or 569
plasma. A law enforcement officer who acts pursuant to this 570
division to ensure that a person submits to a chemical test of the 571
person's whole blood or blood serum or plasma is immune from 572
criminal and civil liability based upon a claim for assault and 573
battery or any other claim for the acts, unless the officer so 574
acted with malicious purpose, in bad faith, or in a wanton or 575
reckless manner. 576

(C) ~~Any~~ Except as provided in division (B) of this section, 577

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

(D) ~~If~~ Except as provided in division (B) of this section, if 594
a law enforcement officer asks a person under arrest for violating 595
section 1547.11 of the Revised Code or a substantially equivalent 596
municipal ordinance to submit to a chemical test or tests as 597
provided in division (A) of this section, if the arresting officer 598
advises the person of the consequences of the person's refusal as 599
provided in division (C) of this section, and if the person 600
refuses to submit, no chemical test shall be given. Upon receipt 601
of a sworn statement of the officer that the arresting law 602
enforcement officer had reasonable grounds to believe the arrested 603
person violated section 1547.11 of the Revised Code or a 604
substantially equivalent municipal ordinance and that the person 605
refused to submit to the chemical test upon the request of the 606
officer, and upon receipt of the form as provided in division (C) 607
of this section certifying that the arrested person was advised of 608
the consequences of the refusal, the chief of the division of 609
watercraft shall inform the person by written notice that the 610

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

If the person under arrest is the owner of the vessel 619
involved in the alleged violation, the law enforcement officer who 620
arrested the person shall seize the watercraft registration 621
certificate and tags from the vessel involved in the violation and 622
forward them to the chief. The chief shall retain the impounded 623
registration certificate and tags and shall impound all other 624
registration certificates and tags issued to the person in 625
accordance with sections 1547.54 and 1547.57 of the Revised Code, 626
for a period of one year following the date of the alleged 627
violation, subject to review as provided in this section. 628

If the arrested person fails to surrender the registration 629
certificate because it is not on the person of the arrested person 630
or in the watercraft, the law enforcement officer who made the 631
arrest shall order the person to surrender it within twenty-four 632
hours to the law enforcement officer or the law enforcement agency 633
that employs the law enforcement officer. If the person fails to 634
do so, the law enforcement officer shall notify the chief of that 635
fact in the statement the officer submits to the chief under this 636
division. 637

(E) Upon suspending a person's operation, physical control, 638
manipulation, and registration privileges in accordance with 639
division (D) of this section, the chief shall notify the person in 640
writing, at the person's last known address, and inform the person 641
that the person may petition for a hearing in accordance with 642

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

(F) Any person who has been notified by the chief that the 649
person is prohibited from operating or being in physical control 650
of a vessel or manipulating any water skis, aquaplane, or similar 651
device and from registering any watercraft in accordance with 652
section 1547.54 of the Revised Code, or who has had the 653
registration certificate and tags of the person's watercraft 654
impounded pursuant to division (D) of this section, within twenty 655
days of the notification or impoundment, may file a petition in 656
the municipal court or the county court, or if the person is a 657
minor in juvenile court, with jurisdiction over the place at which 658
the arrest occurred, agreeing to pay the cost of the proceedings 659
and alleging error in the action taken by the chief under division 660
(D) of this section or alleging one or more of the matters within 661
the scope of the hearing as provided in this section, or both. The 662
petitioner shall notify the chief of the filing of the petition 663
and send the chief a copy of the petition. 664

The scope of the hearing is limited to the issues of whether 665
the law enforcement officer had reasonable grounds to believe the 666
petitioner was operating or in physical control of a vessel or 667
manipulating any water skis, aquaplane, or similar device in 668
violation of section 1547.11 of the Revised Code or a 669
substantially equivalent municipal ordinance, whether the 670
petitioner was placed under arrest, whether the petitioner refused 671
to submit to the chemical test upon request of the officer, and 672
whether the petitioner was advised of the consequences of the 673
petitioner's refusal. 674

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

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

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

(3) If the court finds from the evidence submitted that the person has failed to show error in the action taken by the chief under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the court shall assess the cost of the proceeding against the person and shall uphold the suspension of the operation, physical control, use, and registration privileges provided in division (D) of this section. If the court finds that the person has shown error in the action taken by the chief under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the cost of the proceedings shall be paid out of the county treasury of the county in which the

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

(4) The court shall give information in writing of any action 711
taken under this section to the chief. 712

(H) At the end of any period of suspension or impoundment 713
imposed under this section, and upon request of the person whose 714
operation, physical control, use, and registration privileges were 715
suspended or whose registration certificate and tags were 716
impounded, the chief shall reinstate the person's operation, 717
physical control, manipulation, and registration privileges by 718
written notice and return the certificate and tags. 719

(I) No person who has received written notice from the chief 720
that the person is prohibited from operating or being in physical 721
control of a vessel, from manipulating any water skis, aquaplane, 722
or similar device, and from registering a watercraft, or who has 723
had the registration certificate and tags of the person's 724
watercraft impounded, in accordance with division (D) of this 725
section, shall operate or be in physical control of a vessel or 726
manipulate any water skis, aquaplane, or similar device for a 727
period of one year following the date of the person's alleged 728
violation of section 1547.11 of the Revised Code or the 729
substantially equivalent municipal ordinance. 730

Sec. 2725.27. The forfeitures mentioned in sections 2725.21 731
to 2725.24, ~~inclusive~~, of the Revised Code, may be recovered by 732
the party aggrieved or ~~his~~ the executors or administrators of the 733
party aggrieved against the offender or ~~his~~ the offender's 734
executors or administrators by civil action in a court having 735
cognizance thereof. 736

Actions for violations of sections 2725.21 to ~~2725.25~~, 737

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

Sec. 2903.06. (A) No person, while operating or participating 744
in the operation of a motor vehicle, motorcycle, snowmobile, 745
locomotive, watercraft, or aircraft, shall cause the death of 746
another or the unlawful termination of another's pregnancy in any 747
of the following ways: 748

(1)(a) As the proximate result of committing a violation of 749
division (A) of section 4511.19 of the Revised Code or of a 750
substantially equivalent municipal ordinance; 751

(b) As the proximate result of committing a violation of 752
division (A) of section 1547.11 of the Revised Code or of a 753
substantially equivalent municipal ordinance; 754

(c) As the proximate result of committing a violation of 755
division (A)(3) of section 4561.15 of the Revised Code or of a 756
substantially equivalent municipal ordinance. 757

(2) In one of the following ways: 758

(a) Recklessly; 759

(b) As the proximate result of committing, while operating or 760
participating in the operation of a motor vehicle or motorcycle in 761
a construction zone, a reckless operation offense, provided that 762
this division applies only if the person whose death is caused or 763
whose pregnancy is unlawfully terminated is in the construction 764
zone at the time of the offender's commission of the reckless 765
operation offense in the construction zone and does not apply as 766
described in division (F) of this section. 767

(3) In one of the following ways:	768
(a) Negligently;	769
(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (F) of this section.	770 771 772 773 774 775 776 777
(4) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor.	778 779 780 781 782 783
(B)(1) Whoever violates division (A)(1) or (2) of this section is guilty of aggravated vehicular homicide and shall be punished as provided in divisions (B)(2) and (3) of this section.	784 785 786
(2)(a) Except as otherwise provided in division (B)(2)(b) or (c) of this section, aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the second degree and the court shall impose a mandatory prison term on the offender as described in division (E) of this section.	787 788 789 790 791
(b) Except as otherwise provided in division (B)(2)(c) of this section, aggravated vehicular homicide committed in violation of division (A)(1) of this section is a felony of the first degree, and the court shall impose a mandatory prison term on the offender as described in division (E) of this section, if any of the following apply:	792 793 794 795 796 797
(i) At the time of the offense, the offender was driving	798

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

(ii) The offender previously has been convicted of or pleaded 807
guilty to a violation of this section. 808

(iii) The offender previously has been convicted of or 809
pleaded guilty to any traffic-related homicide, manslaughter, or 810
assault offense. 811

(c) Aggravated vehicular homicide committed in violation of 812
division (A)(1) of this section is a felony of the first degree, 813
and the court shall sentence the offender to a mandatory prison 814
term as provided in section 2929.142 of the Revised Code and 815
described in division (E) of this section if any of the following 816
apply: 817

(i) The offender previously has been convicted of or pleaded 818
guilty to three or more prior violations of section 4511.19 of the 819
Revised Code or of a substantially equivalent municipal ordinance 820
within the previous six years. 821

(ii) The offender previously has been convicted of or pleaded 822
guilty to three or more prior violations of division (A) of 823
section 1547.11 of the Revised Code or of a substantially 824
equivalent municipal ordinance within the previous six years. 825

(iii) The offender previously has been convicted of or 826
pleaded guilty to three or more prior violations of division 827
(A)(3) of section 4561.15 of the Revised Code or of a 828
substantially equivalent municipal ordinance within the previous 829

six years. 830

(iv) The offender previously has been convicted of or pleaded 831
guilty to three or more prior violations of division (A)(1) of 832
this section within the previous six years. 833

(v) The offender previously has been convicted of or pleaded 834
guilty to three or more prior violations of division (A)(1) of 835
section 2903.08 of the Revised Code within the previous six years. 836

(vi) The offender previously has been convicted of or pleaded 837
guilty to three or more prior violations of section 2903.04 of the 838
Revised Code within the previous six years in circumstances in 839
which division (D) of that section applied regarding the 840
violations. 841

(vii) The offender previously has been convicted of or 842
pleaded guilty to three or more violations of any combination of 843
the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), 844
(v), or (vi) of this section within the previous six years. 845

(viii) The offender previously has been convicted of or 846
pleaded guilty to a second or subsequent felony violation of 847
division (A) of section 4511.19 of the Revised Code. 848

(d) In addition to any other sanctions imposed pursuant to 849
division (B)(2)(a), (b), or (c) of this section for aggravated 850
vehicular homicide committed in violation of division (A)(1) of 851
this section, the court shall impose upon the offender a class one 852
suspension of the offender's driver's license, commercial driver's 853
license, temporary instruction permit, probationary license, or 854
nonresident operating privilege as specified in division (A)(1) of 855
section 4510.02 of the Revised Code. 856

(3) Except as otherwise provided in this division, aggravated 857
vehicular homicide committed in violation of division (A)(2) of 858
this section is a felony of the third degree. Aggravated vehicular 859
homicide committed in violation of division (A)(2) of this section 860

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

In addition to any other sanctions imposed pursuant to this 875
division for a violation of division (A)(2) of this section, the 876
court shall impose upon the offender a class two suspension of the 877
offender's driver's license, commercial driver's license, 878
temporary instruction permit, probationary license, or nonresident 879
operating privilege from the range specified in division (A)(2) of 880
section 4510.02 of the Revised Code or, if the offender previously 881
has been convicted of or pleaded guilty to a traffic-related 882
murder, felonious assault, or attempted murder offense, a class 883
one suspension of the offender's driver's license, commercial 884
driver's license, temporary instruction permit, probationary 885
license, or nonresident operating privilege as specified in 886
division (A)(1) of that section. 887

(C) Whoever violates division (A)(3) of this section is 888
guilty of vehicular homicide. Except as otherwise provided in this 889
division, vehicular homicide is a misdemeanor of the first degree. 890
Vehicular homicide committed in violation of division (A)(3) of 891
this section is a felony of the fourth degree if, at the time of 892

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

In addition to any other sanctions imposed pursuant to this 907
division, the court shall impose upon the offender a class four 908
suspension of the offender's driver's license, commercial driver's 909
license, temporary instruction permit, probationary license, or 910
nonresident operating privilege from the range specified in 911
division (A)(4) of section 4510.02 of the Revised Code, or, if the 912
offender previously has been convicted of or pleaded guilty to a 913
violation of this section or any traffic-related homicide, 914
manslaughter, or assault offense, a class three suspension of the 915
offender's driver's license, commercial driver's license, 916
temporary instruction permit, probationary license, or nonresident 917
operating privilege from the range specified in division (A)(3) of 918
that section, or, if the offender previously has been convicted of 919
or pleaded guilty to a traffic-related murder, felonious assault, 920
or attempted murder offense, a class two suspension of the 921
offender's driver's license, commercial driver's license, 922
temporary instruction permit, probationary license, or nonresident 923
operating privilege as specified in division (A)(2) of that 924
section. 925

(D) Whoever violates division (A)(4) of this section is 926
guilty of vehicular manslaughter. Except as otherwise provided in 927
this division, vehicular manslaughter is a misdemeanor of the 928
second degree. Vehicular manslaughter is a misdemeanor of the 929
first degree if, at the time of the offense, the offender was 930
driving under a suspension or cancellation imposed under Chapter 931
4510. or any other provision of the Revised Code or was operating 932
a motor vehicle or motorcycle, did not have a valid driver's 933
license, commercial driver's license, temporary instruction 934
permit, probationary license, or nonresident operating privilege, 935
and was not eligible for renewal of the offender's driver's 936
license or commercial driver's license without examination under 937
section 4507.10 of the Revised Code or if the offender previously 938
has been convicted of or pleaded guilty to a violation of this 939
section or any traffic-related homicide, manslaughter, or assault 940
offense. 941

In addition to any other sanctions imposed pursuant to this 942
division, the court shall impose upon the offender a class six 943
suspension of the offender's driver's license, commercial driver's 944
license, temporary instruction permit, probationary license, or 945
nonresident operating privilege from the range specified in 946
division (A)(6) of section 4510.02 of the Revised Code or, if the 947
offender previously has been convicted of or pleaded guilty to a 948
violation of this section, any traffic-related homicide, 949
manslaughter, or assault offense, or a traffic-related murder, 950
felonious assault, or attempted murder offense, a class four 951
suspension of the offender's driver's license, commercial driver's 952
license, temporary instruction permit, probationary license, or 953
nonresident operating privilege from the range specified in 954
division (A)(4) of that section. 955

(E) The court shall impose a mandatory prison term on an 956
offender who is convicted of or pleads guilty to a violation of 957

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

(1) The offender previously has been convicted of or pleaded 972
guilty to a violation of this section or section 2903.08 of the 973
Revised Code. 974

(2) At the time of the offense, the offender was driving 975
under suspension or cancellation under Chapter 4510. or any other 976
provision of the Revised Code or was operating a motor vehicle or 977
motorcycle, did not have a valid driver's license, commercial 978
driver's license, temporary instruction permit, probationary 979
license, or nonresident operating privilege, and was not eligible 980
for renewal of the offender's driver's license or commercial 981
driver's license without examination under section 4507.10 of the 982
Revised Code. 983

(F) Divisions (A)(2)(b) and (3)(b) of this section do not 984
apply in a particular construction zone unless signs of the type 985
described in section 2903.081 of the Revised Code are erected in 986
that construction zone in accordance with the guidelines and 987
design specifications established by the director of 988
transportation under section 5501.27 of the Revised Code. The 989

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

(G)(1) As used in this section: 997

(a) "Mandatory prison term" and "mandatory jail term" have 998
the same meanings as in section 2929.01 of the Revised Code. 999

(b) "Traffic-related homicide, manslaughter, or assault 1000
offense" means a violation of section 2903.04 of the Revised Code 1001
in circumstances in which division (D) of that section applies, a 1002
violation of section 2903.06 or 2903.08 of the Revised Code, or a 1003
violation of section 2903.06, 2903.07, or 2903.08 of the Revised 1004
Code as they existed prior to March 23, 2000. 1005

(c) "Construction zone" has the same meaning as in section 1006
5501.27 of the Revised Code. 1007

(d) "Reckless operation offense" means a violation of section 1008
4511.20 of the Revised Code or a municipal ordinance substantially 1009
equivalent to section 4511.20 of the Revised Code. 1010

(e) "Speeding offense" means a violation of section 4511.21 1011
of the Revised Code or a municipal ordinance pertaining to speed. 1012

(f) "Traffic-related murder, felonious assault, or attempted 1013
murder offense" means a violation of section 2903.01 or 2903.02 of 1014
the Revised Code in circumstances in which the offender used a 1015
motor vehicle as the means to commit the violation, a violation of 1016
division (A)(2) of section 2903.11 of the Revised Code in 1017
circumstances in which the deadly weapon used in the commission of 1018
the violation is a motor vehicle, or an attempt to commit 1019
aggravated murder or murder in violation of section 2923.02 of the 1020

Revised Code in circumstances in which the offender used a motor 1021
vehicle as the means to attempt to commit the aggravated murder or 1022
murder. 1023

(g) "Motor vehicle" has the same meaning as in section 1024
4501.01 of the Revised Code. 1025

(2) For the purposes of this section, when a penalty or 1026
suspension is enhanced because of a prior or current violation of 1027
a specified law or a prior or current specified offense, the 1028
reference to the violation of the specified law or the specified 1029
offense includes any violation of any substantially equivalent 1030
municipal ordinance, former law of this state, or current or 1031
former law of another state or the United States. 1032

Sec. 2949.094. (A) The court in which any person is convicted 1033
of or pleads guilty to any moving violation shall impose an 1034
additional court cost of ten dollars upon the offender. The court 1035
shall not waive the payment of the ten dollars unless the court 1036
determines that the offender is indigent and waives the payment of 1037
all court costs imposed upon the indigent offender. 1038

The clerk of the court shall transmit thirty-five per cent of 1039
all additional court costs collected pursuant to this division 1040
during a month on or before the twenty-third day of the following 1041
month to the division of criminal justice services, and the 1042
division of criminal justice services shall deposit the money so 1043
transmitted into the drug law enforcement fund created under 1044
section 5502.68 of the Revised Code. The clerk shall transmit 1045
fifteen per cent of all additional court costs so collected during 1046
a month on or before the twenty-third day of the following month 1047
to the ~~state treasury to be credited to the~~ county or municipal 1048
indigent drivers alcohol treatment fund under the control of that 1049
court, as created by the county or municipal corporation under 1050
division (H) of section 4511.191 of the Revised Code ~~and to be~~ 1051

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

(B) The juvenile court in which a child is found to be a 1059
juvenile traffic offender for an act that is a moving violation 1060
shall impose an additional court cost of ten dollars upon the 1061
juvenile traffic offender. The juvenile court shall not waive the 1062
payment of the ten dollars unless the court determines that the 1063
juvenile is indigent and waives the payment of all court costs 1064
imposed upon the indigent offender. 1065

The clerk of the court shall transmit thirty-five per cent of 1066
all additional court costs collected pursuant to this division 1067
during a month on or before the twenty-third day of the following 1068
month to the division of criminal justice services, and the 1069
division of criminal justice services shall deposit the money so 1070
transmitted into the drug law enforcement fund created under 1071
section 5502.68 of the Revised Code. The clerk shall transmit 1072
fifteen per cent of all additional court costs so collected during 1073
a month on or before the twenty-third day of the following month 1074
to the ~~state treasury to be credited to the~~ county juvenile 1075
indigent drivers alcohol treatment fund under the control of that 1076
court, as created by the county under that division (H) of section 1077
4511.191 of the Revised Code and to be distributed by the 1078
~~department of alcohol and drug addiction services as provided in~~ 1079
~~division (H) of that section.~~ The clerk shall transmit fifty per 1080
cent of all additional court costs so collected during a month on 1081
or before the twenty-third day of the following month to the state 1082
treasury to be credited to the indigent defense support fund 1083

created pursuant to section 120.08 of the Revised Code. 1084

1085

(C) Whenever a person is charged with any offense that is a 1086
moving violation and posts bail, the court shall add to the amount 1087
of the bail the ten dollars required to be paid by division (A) of 1088
this section. The clerk of the court shall retain the ten dollars 1089
until the person is convicted, pleads guilty, forfeits bail, is 1090
found not guilty, or has the charges dismissed. If the person is 1091
convicted, pleads guilty, or forfeits bail, the clerk shall 1092
transmit three dollars and fifty cents out of the ten dollars to 1093
the division of criminal justice services, and the division of 1094
criminal justice services shall deposit the money so transmitted 1095
into the drug law enforcement fund created under section 5502.68 1096
of the Revised Code, the clerk shall transmit one dollar and fifty 1097
cents out of the ten dollars to the ~~state treasury to be credited~~ 1098
~~to the~~ county, municipal, or county juvenile indigent drivers 1099
alcohol treatment fund under the control of that court, as created 1100
by the county or municipal corporation under division (H) of 1101
section 4511.191 of the Revised Code ~~and to be distributed by the~~ 1102
~~department of alcohol and drug addiction services as provided in~~ 1103
~~division (H) of that section~~, and the clerk shall transmit five 1104
dollars out of the ten dollars to the state treasury to be 1105
credited to the indigent defense support fund created under 1106
section 120.08 of the Revised Code. If the person is found not 1107
guilty or the charges are dismissed, the clerk shall return the 1108
ten dollars to the person. 1109

1110

(D) No person shall be placed or held in a detention facility 1111
for failing to pay the court cost or bail that is required to be 1112
paid by this section. 1113

(E) As used in this section: 1114

(1) "Bail" and "moving violation" have the same meanings as 1115

in section 2949.093 of the Revised Code. 1116

(2) "Detention facility" has the same meaning as in section 1117
2921.01 of the Revised Code. 1118

(3) "Division of criminal justice services" means the 1119
division of criminal justice services of the department of public 1120
safety, created by section 5502.62 of the Revised Code. 1121

Sec. 3719.41. Controlled substance schedules I, II, III, IV, 1122
and V are hereby established, which schedules include the 1123
following, subject to amendment pursuant to section 3719.43 or 1124
3719.44 of the Revised Code. 1125

SCHEDULE I 1126

(A) Narcotics-opiates 1127

Any of the following opiates, including their isomers, 1128
esters, ethers, salts, and salts of isomers, esters, and ethers, 1129
unless specifically excepted under federal drug abuse control 1130
laws, whenever the existence of these isomers, esters, ethers, and 1131
salts is possible within the specific chemical designation: 1132

(1) Acetyl-alpha-methylfentanyl 1133
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); 1134

(2) Acetylmethadol; 1135

(3) Allylprodine; 1136

(4) Alphacetylmethadol (except levo-alphacetylmethadol, also 1137
known as levo-alpha-acetylmethadol, levomethadyl acetate, or 1138
LAAM); 1139

(5) Alphameprodine; 1140

(6) Alphamethadol; 1141

(7) Alpha-methylfentanyl 1142
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1143
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 1144

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

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

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

(17) Morphine-n-oxide;	1226
(18) Myrophine;	1227
(19) Nicocodeine;	1228
(20) Nicomorphine;	1229
(21) Normorphine;	1230
(22) Pholcodine;	1231
(23) Thebacon.	1232
(C) Hallucinogens	1233
Any material, compound, mixture, or preparation that contains	1234
any quantity of the following hallucinogenic substances, including	1235
their salts, isomers, and salts of isomers, unless specifically	1236
excepted under federal drug abuse control laws, whenever the	1237
existence of these salts, isomers, and salts of isomers is	1238
possible within the specific chemical designation. For the	1239
purposes of this division only, "isomer" includes the optical	1240
isomers, position isomers, and geometric isomers.	1241
(1) Alpha-ethyltryptamine (some trade or other names:	1242
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine;	1243
3-(2-aminobutyl) indole; alpha-ET; and AET);	1244
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	1245
names: 4-bromo-2,5-dimethoxy-alpha-methyphenethylamine;	1246
4-bromo-2,5-DMA);	1247
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other	1248
names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	1249
alpha-desmethyl DOB; 2C-B, Nexus);	1250
(4) 2,5-dimethoxyamphetamine (some trade or other names:	1251
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	1252
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other	1253
names: DOET);	1254

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

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

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

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

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

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

(D) Depressants	1456
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 having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	1457 1458 1459 1460 1461 1462 1463
(1) Amobarbital;	1464
(2) Gamma-hydroxy-butyrate;	1465
(3) Glutethimide;	1466
(4) Pentobarbital;	1467
(5) Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)piperidine; PCP);	1468 1469
(6) Secobarbital;	1470
(7) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:	1471 1472 1473
(a) 1-phenylcyclohexylamine;	1474
(b) (1-phenylcyclohexyl) methylamine;	1475
(c) (1-phenylcyclohexyl) dimethylamine;	1476
(d) (1-phenylcyclohexyl) methylethylamine;	1477
(e) (1-phenylcyclohexyl) isopropylamine;	1478
(f) 1-(1-phenylcyclohexyl) morpholine.	1479
(E) Hallucinogenic substances	1480
(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	1481 1482 1483

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

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

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

(C) Narcotic antidotes 1546

(1) Nalorphine. 1547

(D) Narcotics-narcotic preparations 1548

Unless specifically excepted under federal drug abuse control 1549
laws or unless listed in another schedule, any material, compound, 1550
mixture, or preparation that contains any of the following 1551
narcotic drugs, or their salts calculated as the free anhydrous 1552
base or alkaloid, in limited quantities as set forth below: 1553

(1) Not more than 1.8 grams of codeine per 100 milliliters or 1554
not more than 90 milligrams per dosage unit, with an equal or 1555
greater quantity of an isoquinoline alkaloid of opium; 1556

(2) Not more than 1.8 grams of codeine per 100 milliliters or 1557
not more than 90 milligrams per dosage unit, with one or more 1558
active, nonnarcotic ingredients in recognized therapeutic amounts; 1559

(3) Not more than 300 milligrams of dihydrocodeinone per 100 1560
milliliters or not more than 15 milligrams per dosage unit, with a 1561
fourfold or greater quantity of an isoquinoline alkaloid of opium; 1562

(4) Not more than 300 milligrams of dihydrocodeinone per 100 1563
milliliters or not more than 15 milligrams per dosage unit, with 1564
one or more active, nonnarcotic ingredients in recognized 1565
therapeutic amounts; 1566

(5) Not more than 1.8 grams of dihydrocodeine per 100 1567
milliliters or not more than 90 milligrams per dosage unit, with 1568
one or more active, nonnarcotic ingredients in recognized 1569
therapeutic amounts; 1570

(6) Not more than 300 milligrams of ethylmorphine per 100 1571

milliliters or not more than 15 milligrams per dosage unit, with 1572
one or more active, nonnarcotic ingredients in recognized 1573
therapeutic amounts; 1574

(7) Not more than 500 milligrams of opium per 100 milliliters 1575
or per 100 grams or not more than 25 milligrams per dosage unit, 1576
with one or more active, nonnarcotic ingredients in recognized 1577
therapeutic amounts; 1578

(8) Not more than 50 milligrams of morphine per 100 1579
milliliters or per 100 grams, with one or more active, nonnarcotic 1580
ingredients in recognized therapeutic amounts. 1581

(E) Anabolic steroids 1582

Unless specifically excepted under federal drug abuse control 1583
laws or unless listed in another schedule, any material, compound, 1584
mixture, or preparation that contains any quantity of the 1585
following substances, including their salts, esters, isomers, and 1586
salts of esters and isomers, whenever the existence of these 1587
salts, esters, and isomers is possible within the specific 1588
chemical designation: 1589

(1) Anabolic steroids. Except as otherwise provided in 1590
division (E)(1) of schedule III, "anabolic steroids" means any 1591
drug or hormonal substance that is chemically and 1592
pharmacologically related to testosterone (other than estrogens, 1593
progestins, and corticosteroids) and that promotes muscle growth. 1594
"Anabolic steroids" does not include an anabolic steroid that is 1595
expressly intended for administration through implants to cattle 1596
or other nonhuman species and that has been approved by the United 1597
States secretary of health and human services for that 1598
administration, unless a person prescribes, dispenses, or 1599
distributes this type of anabolic steroid for human use. "Anabolic 1600
steroid" includes, but is not limited to, the following: 1601

(a) Boldenone; 1602

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

(aa) Trenbolone;	1628
(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.	1629 1630 1631 1632
(F) Hallucinogenic substances	1633
(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).	1634 1635 1636 1637 1638 1639
SCHEDULE IV	1640
(A) Narcotic drugs	1641
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:	1642 1643 1644 1645 1646
(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;	1647 1648
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane) in its final dosage forms .	1649 1650 1651
(B) Depressants	1652
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 isomers, whenever the existence of these salts, isomers, and salts	1653 1654 1655 1656 1657

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

(25) Loprazolam;	1683
(26) Lorazepam;	1684
(27) Lormetazepam;	1685
(28) Mebutamate;	1686
(29) Medazepam;	1687
(30) Meprobamate;	1688
(31) Methohexital;	1689
(32) Methylphenobarbital (mephobarbital);	1690
(33) Midazolam;	1691
(34) Nimetazepam;	1692
(35) Nitrazepam;	1693
(36) Nordiazepam;	1694
(37) Oxazepam;	1695
(38) Oxazolam;	1696
(39) Paraldehyde;	1697
(40) Petrichloral;	1698
(41) Phenobarbital;	1699
(42) Pinazepam;	1700
(43) Prazepam;	1701
(44) Quazepam;	1702
(45) Temazepam;	1703
(46) Tetrazepam;	1704
(47) Triazolam;	1705
(48) Zaleplon;	1706
(49) Zolpidem.	1707

(C) Fenfluramine	1708
Any material, compound, mixture, or preparation that contains	1709
any quantity of the following substances, including their salts,	1710
their optical isomers, position isomers, or geometric isomers, and	1711
salts of these isomers, whenever the existence of these salts,	1712
isomers, and salts of isomers is possible within the specific	1713
chemical designation:	1714
(1) Fenfluramine.	1715
(D) Stimulants	1716
Unless specifically excepted under federal drug abuse control	1717
laws or unless listed in another schedule, any material, compound,	1718
mixture, or preparation that contains any quantity of the	1719
following substances having a stimulant effect on the central	1720
nervous system, including their salts, their optical isomers,	1721
position isomers, or geometric isomers, and salts of these	1722
isomers, whenever the existence of these salts, isomers, and salts	1723
of isomers is possible within the specific chemical designation:	1724
(1) Cathine ((+)-norpseudoephedrine);	1725
(2) Diethylpropion;	1726
(3) Fencamfamin;	1727
(4) Fenproporex;	1728
(5) Mazindol;	1729
(6) Mefenorex;	1730
(7) Modafinil;	1731
(8) Pemoline (including organometallic complexes and chelates	1732
thereof);	1733
(9) Phentermine;	1734
(10) Pipradrol;	1735

(11) Sibutramine;	1736
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	1737
(E) Other substances	1738
Unless specifically excepted under federal drug abuse control	1739
laws or unless listed in another schedule, any material, compound,	1740
mixture, or preparation that contains any quantity of the	1741
following substances, including their salts:	1742
(1) Pentazocine;	1743
(2) Butorphanol (including its optical isomers).	1744
SCHEDULE V	1745
(A) Narcotic drugs	1746
Unless specifically excepted under federal drug abuse control	1747
laws or unless listed in another schedule, any material, compound,	1748
mixture, or preparation that contains any of the following	1749
narcotic drugs, and their salts, as set forth below:	1750
(1) Buprenorphine.	1751
(B) Narcotics-narcotic preparations	1752
Narcotic drugs containing non-narcotic active medicinal	1753
ingredients. Any compound, mixture, or preparation that contains	1754
any of the following narcotic drugs, or their salts calculated as	1755
the free anhydrous base or alkaloid, in limited quantities as set	1756
forth below, and that includes one or more nonnarcotic active	1757
medicinal ingredients in sufficient proportion to confer upon the	1758
compound, mixture, or preparation valuable medicinal qualities	1759
other than those possessed by narcotic drugs alone:	1760
(1) Not more than 200 milligrams of codeine per 100	1761
milliliters or per 100 grams;	1762
(2) Not more than 100 milligrams of dihydrocodeine per 100	1763
milliliters or per 100 grams;	1764

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;	1765 1766
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;	1767 1768
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	1769 1770
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	1771 1772
(C) Stimulants	1773
Unless specifically exempted or excluded 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 having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:	1774 1775 1776 1777 1778 1779
(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;	1780 1781
(2) Pyrovalerone.	1782
Sec. 4503.235. (A) If division (G) of section 4511.19 or division (B) of section 4511.193 of the Revised Code requires a court, as part of the sentence of an offender who is convicted of or pleads guilty to a violation of division (A) of section 4511.19 of the Revised Code or as a sanction for an offender who is convicted of or pleaded guilty to a violation of a municipal OVI ordinance, to order the immobilization of a vehicle for a specified period of time, notwithstanding the requirement, the court in its discretion may determine not to order the immobilization of the vehicle if both of the following apply:	1783 1784 1785 1786 1787 1788 1789 1790 1791 1792
(1) Prior to the issuance of the order of immobilization, a family or household member of the offender files a motion with the	1793 1794

court identifying the vehicle and requesting that the 1795
immobilization order not be issued on the ground that the family 1796
or household member is completely dependent on the vehicle for the 1797
necessities of life and that the immobilization of the vehicle 1798
would be an undue hardship to the family or household member. 1799
1800

(2) The court determines that the family or household member 1801
who files the motion is completely dependent on the vehicle for 1802
the necessities of life and that the immobilization of the vehicle 1803
would be an undue hardship to the family or household member. 1804
1805

(B) If a court pursuant to division (A) of this section 1806
determines not to order the immobilization of a vehicle that 1807
otherwise would be required pursuant to division (G) of section 1808
4511.19 or division (B) of section 4511.193 of the Revised Code, 1809
the court shall issue an order that waives the immobilization that 1810
otherwise would be required pursuant to either of those divisions. 1811
The immobilization waiver order shall be in effect for the period 1812
of time for which the immobilization of the vehicle otherwise 1813
would have been required under division (G) of section 4511.19 or 1814
division (B) of section 4511.193 of the Revised Code if the 1815
immobilization waiver order had not been issued, subject to 1816
division (D) of this section. The immobilization waiver order 1817
shall specify the period of time for which it is in effect. The 1818
court shall provide a copy of an immobilization waiver order to 1819
the offender and to the family or household member of the offender 1820
who filed the motion requesting that the immobilization order not 1821
be issued and shall place a copy of the immobilization waiver 1822
order in the record in the case. The court shall impose an 1823
immobilization waiver fee in the amount of fifty dollars. The 1824
court shall determine whether the fee is to be paid by the 1825
offender or by the family or household member. The clerk of the 1826

court shall ~~deposit~~ transmit all of the fee in fees collected 1827
during a month on or before the twenty-third day of the following 1828
month to the state treasury to ~~the credit of~~ be credited to the 1829
indigent drivers alcohol treatment fund, created under division 1830
(F) of section 4511.191 of the Revised Code. 1831

(C) If a court pursuant to division (B) of this section 1832
issues an immobilization waiver order, the order shall identify 1833
the family or household member who requested the order and the 1834
vehicle to which the order applies, shall identify the family or 1835
household members who are permitted to operate the vehicle, and 1836
shall identify the offender and specify that the offender is not 1837
permitted to operate the vehicle. The immobilization waiver order 1838
shall require that the family or household member display on the 1839
vehicle to which the order applies restricted license plates that 1840
are issued under section 4503.231 of the Revised Code for the 1841
entire period for which the immobilization of the vehicle 1842
otherwise would have been required under division (G) of section 1843
4511.19 or division (B) of section 4511.193 of the Revised Code if 1844
the immobilization waiver order had not been issued. 1845

(D) A family or household member who is permitted to operate 1846
a vehicle under an immobilization waiver order issued under this 1847
section shall not permit the offender to operate the vehicle. If a 1848
family or household member who is permitted to operate a vehicle 1849
under an immobilization waiver order issued under this section 1850
permits the offender to operate the vehicle, both of the following 1851
apply: 1852

(1) The court that issued the immobilization waiver order 1853
shall terminate that order and shall issue an immobilization order 1854
in accordance with section 4503.233 of the Revised Code that 1855
applies to the vehicle, and the immobilization order shall be in 1856
effect for the remaining period of time for which the 1857
immobilization of the vehicle otherwise would have been required 1858

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

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

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

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

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

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

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

until the person surrenders to the registrar of motor vehicles all 1889
valid licenses issued to the person by another jurisdiction 1890
recognized by this state. The registrar shall report the surrender 1891
of a license to the issuing authority, together with information 1892
that a license is now issued in this state. The registrar shall 1893
destroy any such license that is not returned to the issuing 1894
authority. 1895

(3) No person who has been a resident of this state for 1896
thirty days or longer shall drive a commercial motor vehicle under 1897
the authority of a commercial driver's license issued by another 1898
jurisdiction. 1899

(B) Nothing in division (A) of this section applies to any 1900
qualified person when engaged in the operation of any of the 1901
following: 1902

(1) A farm truck; 1903

(2) Fire equipment for a fire department, volunteer or 1904
nonvolunteer fire company, fire district, or joint fire district; 1905

(3) A public safety vehicle used to provide transportation or 1906
emergency medical service for ill or injured persons; 1907

(4) A recreational vehicle; 1908

(5) A commercial motor vehicle within the boundaries of an 1909
eligible unit of local government, if the person is employed by 1910
the eligible unit of local government and is operating the 1911
commercial motor vehicle for the purpose of removing snow or ice 1912
from a roadway by plowing, sanding, or salting, but only if either 1913
the employee who holds a commercial driver's license issued under 1914
this chapter and ordinarily operates a commercial motor vehicle 1915
for these purposes is unable to operate the vehicle, or the 1916
employing eligible unit of local government determines that a snow 1917
or ice emergency exists that requires additional assistance; 1918

(6) A vehicle operated for military purposes by any member or 1919
uniformed employee of the armed forces of the United States or 1920
their reserve components, including the Ohio national guard. This 1921
exception does not apply to United States reserve technicians. 1922

(7) A commercial motor vehicle that is operated for 1923
nonbusiness purposes. "Operated for nonbusiness purposes" means 1924
that the commercial motor vehicle is not used in commerce as 1925
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 1926
regulated by the public utilities commission pursuant to Chapter 1927
4919., 4921., or 4923. of the Revised Code. 1928

(8) A motor vehicle that is designed primarily for the 1929
transportation of goods and not persons, while that motor vehicle 1930
is being used for the occasional transportation of personal 1931
property by individuals not for compensation and not in the 1932
furtherance of a commercial enterprise; 1933

(9) A police SWAT team vehicle; 1934

(10) A police vehicle used to transport prisoners. 1935

(C) Nothing contained in division (B)(5) of this section 1936
shall be construed as preempting or superseding any law, rule, or 1937
regulation of this state concerning the safe operation of 1938
commercial motor vehicles. 1939

(D) Whoever violates this section is guilty of a misdemeanor 1940
of the first degree. 1941

Sec. 4510.13. (A)(1) Divisions (A)(2) to (9) of this section 1942
apply to a judge or mayor regarding the suspension of, or the 1943
grant of limited driving privileges during a suspension of, an 1944
offender's driver's or commercial driver's license or permit or 1945
nonresident operating privilege imposed under division (G) or (H) 1946
of section 4511.19 of the Revised Code, under division (B) or (C) 1947
of section 4511.191 of the Revised Code, or under section 4510.07 1948

of the Revised Code for a conviction of a violation of a municipal OVI ordinance. 1949
1950

(2) No judge or mayor shall suspend the following portions of 1951
the suspension of an offender's driver's or commercial driver's 1952
license or permit or nonresident operating privilege imposed under 1953
division (G) or (H) of section 4511.19 of the Revised Code or 1954
under section 4510.07 of the Revised Code for a conviction of a 1955
violation of a municipal OVI ordinance, provided that division 1956
(A)(2) of this section does not limit a court or mayor in 1957
crediting any period of suspension imposed pursuant to division 1958
(B) or (C) of section 4511.191 of the Revised Code against any 1959
time of judicial suspension imposed pursuant to section 4511.19 or 1960
4510.07 of the Revised Code, as described in divisions (B)(2) and 1961
(C)(2) of section 4511.191 of the Revised Code: 1962

(a) The first six months of a suspension imposed under 1963
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 1964
comparable length suspension imposed under section 4510.07 of the 1965
Revised Code; 1966

(b) The first year of a suspension imposed under division 1967
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 1968
comparable length suspension imposed under section 4510.07 of the 1969
Revised Code; 1970

(c) The first three years of a suspension imposed under 1971
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1972
or of a comparable length suspension imposed under section 4510.07 1973
of the Revised Code; 1974

(d) The first sixty days of a suspension imposed under 1975
division (H) of section 4511.19 of the Revised Code or of a 1976
comparable length suspension imposed under section 4510.07 of the 1977
Revised Code. 1978

(3) No judge or mayor shall grant limited driving privileges 1979

to an offender whose driver's or commercial driver's license or 1980
permit or nonresident operating privilege has been suspended under 1981
division (G) or (H) of section 4511.19 of the Revised Code, under 1982
division (C) of section 4511.191 of the Revised Code, or under 1983
section 4510.07 of the Revised Code for a municipal OVI conviction 1984
if the offender, within the preceding six years, has been 1985
convicted of or pleaded guilty to three or more violations of one 1986
or more of the Revised Code sections, municipal ordinances, 1987
statutes of the United States or another state, or municipal 1988
ordinances of a municipal corporation of another state that are 1989
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 1990
Revised Code. 1991

Additionally, no judge or mayor shall grant limited driving 1992
privileges to an offender whose driver's or commercial driver's 1993
license or permit or nonresident operating privilege has been 1994
suspended under division (B) of section 4511.191 of the Revised 1995
Code if the offender, within the preceding six years, has refused 1996
three previous requests to consent to a chemical test of the 1997
person's whole blood, blood serum or plasma, breath, or urine to 1998
determine its alcohol content. 1999

(4) No judge or mayor shall grant limited driving privileges 2000
for employment as a driver of commercial motor vehicles to an 2001
offender whose driver's or commercial driver's license or permit 2002
or nonresident operating privilege has been suspended under 2003
division (G) or (H) of section 4511.19 of the Revised Code, under 2004
division (B) or (C) of section 4511.191 of the Revised Code, or 2005
under section 4510.07 of the Revised Code for a municipal OVI 2006
conviction if the offender is disqualified from operating a 2007
commercial motor vehicle, or whose license or permit has been 2008
suspended, under section 3123.58 or 4506.16 of the Revised Code. 2009

(5) No judge or mayor shall grant limited driving privileges 2010
to an offender whose driver's or commercial driver's license or 2011

permit or nonresident operating privilege has been suspended under 2012
division (G) or (H) of section 4511.19 of the Revised Code, under 2013
division (C) of section 4511.191 of the Revised Code, or under 2014
section 4510.07 of the Revised Code for a conviction of a 2015
violation of a municipal OVI ordinance during any of the following 2016
periods of time: 2017

(a) The first fifteen days of a suspension imposed under 2018
division (G)(1)(a) of section 4511.19 of the Revised Code or a 2019
comparable length suspension imposed under section 4510.07 of the 2020
Revised Code, or of a suspension imposed under division (C)(1)(a) 2021
of section 4511.191 of the Revised Code. On or after the sixteenth 2022
day of the suspension, the court may grant limited driving 2023
privileges, but the court may require that the offender shall not 2024
exercise the privileges unless the vehicles the offender operates 2025
are equipped with immobilizing or disabling devices that monitor 2026
the offender's alcohol consumption or any other type of 2027
immobilizing or disabling devices, except as provided in division 2028
(C) of section 4510.43 of the Revised Code. 2029

(b) The first forty-five days of a suspension imposed under 2030
division (C)(1)(b) of section 4511.191 of the Revised Code. On or 2031
after the ~~thirty-first~~ forty-sixth day of suspension, the court 2032
may grant limited driving privileges, but the court may require 2033
that the offender shall not exercise the privileges unless the 2034
vehicles the offender operates are equipped with immobilizing or 2035
disabling devices that monitor the offender's alcohol consumption 2036
or any other type of immobilizing or disabling devices, except as 2037
provided in division (C) of section 4510.43 of the Revised Code. 2038

(c) The first sixty days of a suspension imposed under 2039
division (H) of section 4511.19 of the Revised Code or a 2040
comparable length suspension imposed under section 4510.07 of the 2041
Revised Code. 2042

(d) The first one hundred eighty days of a suspension imposed 2043

under division (C)(1)(c) of section 4511.191 of the Revised Code. 2044
On or after the ~~first~~ one hundred ~~eighty days~~ eighty-first day of 2045
suspension, the court may grant limited driving privileges, and 2046
either of the following applies: 2047

(i) If the underlying arrest is alcohol-related, the court 2048
shall issue an order that, except as provided in division (C) of 2049
section 4510.43 of the Revised Code, for the remainder of the 2050
period of suspension the offender shall not exercise the 2051
privileges unless the vehicles the offender operates are equipped 2052
with a certified ignition interlock device. 2053

(ii) If the underlying arrest is drug-related, the court in 2054
its discretion may issue an order that, except as provided in 2055
division (C) of section 4510.43 of the Revised Code, for the 2056
remainder of the period of suspension the offender shall not 2057
exercise the privileges unless the vehicles the offender operates 2058
are equipped with a certified ignition interlock device. 2059

(e) The first forty-five days of a suspension imposed under 2060
division (G)(1)(b) of section 4511.19 of the Revised Code or a 2061
comparable length suspension imposed under section 4510.07 of the 2062
Revised Code. On or after the forty-sixth day of the suspension, 2063
the court may grant limited driving privileges, and either of the 2064
following applies: 2065

(i) If the underlying conviction is alcohol-related, the 2066
court shall issue an order that, except as provided in division 2067
(C) of section 4510.43 of the Revised Code, for the remainder of 2068
the period of suspension the offender shall not exercise the 2069
privileges unless the vehicles the offender operates are equipped 2070
with a certified ignition interlock device. 2071

(ii) If the underlying conviction is drug-related, the court 2072
in its discretion may issue an order that, except as provided in 2073
division (C) of section 4510.43 of the Revised Code, for the 2074

remainder of the period of suspension the offender shall not 2075
exercise the privileges unless the vehicles the offender operates 2076
are equipped with a certified ignition interlock device. 2077

(f) The first one hundred eighty days of a suspension imposed 2078
under division (G)(1)(c) of section 4511.19 of the Revised Code or 2079
a comparable length suspension imposed under section 4510.07 of 2080
the Revised Code. On or after the one hundred eighty-first day of 2081
the suspension, the court may grant limited driving privileges, 2082
and either of the following applies: 2083

(i) If the underlying conviction is alcohol-related, the 2084
court shall issue an order that, except as provided in division 2085
(C) of section 4510.43 of the Revised Code, for the remainder of 2086
the period of suspension the offender shall not exercise the 2087
privileges unless the vehicles the offender operates are equipped 2088
with a certified ignition interlock device. 2089

(ii) If the underlying conviction is drug-related, the court 2090
in its discretion may issue an order that, except as provided in 2091
division (C) of section 4510.43 of the Revised Code, for the 2092
remainder of the period of suspension the offender shall not 2093
exercise the privileges unless the vehicles the offender operates 2094
are equipped with a certified ignition interlock device. 2095

(g) The first three years of a suspension imposed under 2096
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2097
or a comparable length suspension imposed under section 4510.07 of 2098
the Revised Code, or of a suspension imposed under division 2099
(C)(1)(d) of section 4511.191 of the Revised Code. On or after the 2100
first three years of suspension, the court may grant limited 2101
driving privileges, and either of the following applies: 2102

(i) If the underlying conviction is alcohol-related, the 2103
court shall issue an order that, except as provided in division 2104
(C) of section 4510.43 of the Revised Code, for the remainder of 2105

the period of suspension the offender shall not exercise the 2106
privileges unless the vehicles the offender operates are equipped 2107
with a certified ignition interlock device. 2108

(ii) If the underlying conviction is drug-related, the court 2109
in its discretion may issue an order that, except as provided in 2110
division (C) of section 4510.43 of the Revised Code, for the 2111
remainder of the period of suspension the offender shall not 2112
exercise the privileges unless the vehicles the offender operates 2113
are equipped with a certified ignition interlock device. 2114

(6) No judge or mayor shall grant limited driving privileges 2115
to an offender whose driver's or commercial driver's license or 2116
permit or nonresident operating privilege has been suspended under 2117
division (B) of section 4511.191 of the Revised Code during any of 2118
the following periods of time: 2119

(a) The first thirty days of suspension imposed under 2120
division (B)(1)(a) of section 4511.191 of the Revised Code; 2121

(b) The first ninety days of suspension imposed under 2122
division (B)(1)(b) of section 4511.191 of the Revised Code; 2123

(c) The first year of suspension imposed under division 2124
(B)(1)(c) of section 4511.191 of the Revised Code; 2125

(d) The first three years of suspension imposed under 2126
division (B)(1)(d) of section 4511.191 of the Revised Code. 2127

(7) In any case in which a judge or mayor grants limited 2128
driving privileges to an offender whose driver's or commercial 2129
driver's license or permit or nonresident operating privilege has 2130
been suspended under division (G)(1)(b), (c), (d), or (e) of 2131
section 4511.19 of the Revised Code, under division (G)(1)(a) of 2132
section 4511.19 of the Revised Code for a violation of division 2133
(A)(1)(f), (g), (h), or (i) of that section, or under section 2134
4510.07 of the Revised Code for a municipal OVI conviction for 2135
which sentence would have been imposed under division 2136

(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 2137
the Revised Code had the offender been charged with and convicted 2138
of a violation of section 4511.19 of the Revised Code instead of a 2139
violation of the municipal OVI ordinance, the judge or mayor shall 2140
impose as a condition of the privileges that the offender must 2141
display on the vehicle that is driven subject to the privileges 2142
restricted license plates that are issued under section 4503.231 2143
of the Revised Code, except as provided in division (B) of that 2144
section. 2145

(8) In any case in which the offender operates a motor 2146
vehicle that is not equipped with an ignition interlock device, 2147
circumvents the device, or tampers with the device or in any case 2148
in which the court receives notice pursuant to section 4510.46 of 2149
the Revised Code that a certified ignition interlock device 2150
required by an order issued under division (A)(5)(e), (f), or (g) 2151
of this section prevented an offender from starting a motor 2152
vehicle, the following applies: 2153

(a) If the offender was sentenced under division (G)(1)(b) of 2154
section 4511.19 of the Revised Code, on a first instance the court 2155
may require the offender to wear a monitor that provides 2156
continuous alcohol monitoring that is remote. On a second 2157
instance, the court shall require the offender to wear a monitor 2158
that provides continuous alcohol monitoring that is remote for a 2159
minimum of forty days. On a third instance or more, the court 2160
shall require the offender to wear a monitor that provides 2161
continuous alcohol monitoring that is remote for a minimum of 2162
sixty days. 2163

(b) If the offender was sentenced under division (G)(1)(c), 2164
(d), or (e) of section 4511.19 of the Revised Code, on a first 2165
instance the court shall require the offender to wear a monitor 2166
that provides continuous alcohol monitoring that is remote for a 2167
minimum of forty days. On a second instance or more, the court 2168

shall require the offender to wear a monitor that provides 2169
continuous alcohol monitoring that is remote for a minimum of 2170
sixty days. 2171

(9) In any case in which the court issues an order under this 2172
section prohibiting an offender from exercising limited driving 2173
privileges unless the vehicles the offender operates are equipped 2174
with an immobilizing or disabling device, including a certified 2175
ignition interlock device, or requires an offender to wear a 2176
monitor that provides continuous alcohol monitoring that is 2177
remote, the court shall impose an additional court cost of two 2178
dollars and fifty cents upon the offender. The court shall not 2179
waive the payment of the two dollars and fifty cents unless the 2180
court determines that the offender is indigent and waives the 2181
payment of all court costs imposed upon the indigent offender. ~~The~~ 2182
~~clerk of court shall retain one hundred per cent of this court~~ 2183
~~cost.~~ The clerk of court shall transmit one hundred per cent of 2184
this mandatory court cost collected during a month on ~~the first~~ 2185
business or before the twenty-third day of the following month to 2186
the state treasury to be credited to the state highway safety fund 2187
created under section 4501.06 of the Revised Code, to be used by 2188
the department of public safety to cover costs associated with 2189
maintaining the habitual OVI/OMWI offender registry created under 2190
section 5502.10 of the Revised Code. In its discretion the court 2191
may impose an additional court cost of two dollars and fifty cents 2192
upon the offender. The clerk of court shall retain this 2193
discretionary two dollar and fifty cent court cost, if imposed, 2194
and shall deposit it in the court's special projects fund that is 2195
established under division (E)(1) of section 2303.201 ~~or~~ division 2196
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 2197
of the Revised Code. 2198

(10) In any case in which the court issues an order under 2199
this section prohibiting an offender from exercising limited 2200

driving privileges unless the vehicles the offender operates are 2201
equipped with an immobilizing or disabling device, including a 2202
certified ignition interlock device, the court shall notify the 2203
offender at the time the offender is granted limited driving 2204
privileges that, in accordance with section 4510.46 of the Revised 2205
Code, if the court receives notice that the device prevented the 2206
offender from starting the motor vehicle because the device was 2207
tampered with or circumvented or because the analysis of the 2208
deep-lung breath sample or other method employed by the device to 2209
measure the concentration by weight of alcohol in the offender's 2210
breath indicated the presence of alcohol in the offender's breath 2211
in a concentration sufficient to prevent the device from 2212
permitting the motor vehicle to be started, the court may increase 2213
the period of suspension of the offender's driver's or commercial 2214
driver's license or permit or nonresident operating privilege from 2215
that originally imposed by the court by a factor of two and may 2216
increase the period of time during which the offender will be 2217
prohibited from exercising any limited driving privileges granted 2218
to the offender unless the vehicles the offender operates are 2219
equipped with a certified ignition interlock device by a factor of 2220
two. 2221

(B) Any person whose driver's or commercial driver's license 2222
or permit or nonresident operating privilege has been suspended 2223
pursuant to section 4511.19 or 4511.191 of the Revised Code or 2224
under section 4510.07 of the Revised Code for a violation of a 2225
municipal OVI ordinance may file a petition for limited driving 2226
privileges during the suspension. The person shall file the 2227
petition in the court that has jurisdiction over the place of 2228
arrest. Subject to division (A) of this section, the court may 2229
grant the person limited driving privileges during the period 2230
during which the suspension otherwise would be imposed. However, 2231
the court shall not grant the privileges for employment as a 2232
driver of a commercial motor vehicle to any person who is 2233

disqualified from operating a commercial motor vehicle under 2234
section 4506.16 of the Revised Code or during any of the periods 2235
prescribed by division (A) of this section. 2236

(C)(1) After a driver's or commercial driver's license or 2237
permit or nonresident operating privilege has been suspended 2238
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 2239
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 2240
of the Revised Code, any provision of Chapter 2925. of the Revised 2241
Code, or section 4510.07 of the Revised Code for a violation of a 2242
municipal OVI ordinance, the judge of the court or mayor of the 2243
mayor's court that suspended the license, permit, or privilege 2244
shall cause the offender to deliver to the court the license or 2245
permit. The judge, mayor, or clerk of the court or mayor's court 2246
shall forward to the registrar the license or permit together with 2247
notice of the action of the court. 2248

(2) A suspension of a commercial driver's license under any 2249
section or chapter identified in division (C)(1) of this section 2250
shall be concurrent with any period of suspension or 2251
disqualification under section 3123.58 or 4506.16 of the Revised 2252
Code. No person who is disqualified for life from holding a 2253
commercial driver's license under section 4506.16 of the Revised 2254
Code shall be issued a driver's license under this chapter during 2255
the period for which the commercial driver's license was suspended 2256
under this section, and no person whose commercial driver's 2257
license is suspended under any section or chapter identified in 2258
division (C)(1) of this section shall be issued a driver's license 2259
under Chapter 4507. of the Revised Code during the period of the 2260
suspension. 2261

(3) No judge or mayor shall suspend any class one suspension, 2262
or any portion of any class one suspension, imposed under section 2263
2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No 2264
judge or mayor shall suspend the first thirty days of any class 2265

two, class three, class four, class five, or class six suspension 2266
imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 2267
2929.02 of the Revised Code. 2268

(D) The judge of the court or mayor of the mayor's court 2269
shall credit any time during which an offender was subject to an 2270
administrative suspension of the offender's driver's or commercial 2271
driver's license or permit or nonresident operating privilege 2272
imposed pursuant to section 4511.191 or 4511.192 of the Revised 2273
Code or a suspension imposed by a judge, referee, or mayor 2274
pursuant to division (B)(1) or (2) of section 4511.196 of the 2275
Revised Code against the time to be served under a related 2276
suspension imposed pursuant to any section or chapter identified 2277
in division (C)(1) of this section. 2278

(E) The judge or mayor shall notify the bureau of motor 2279
vehicles of any determinations made pursuant to this section and 2280
of any suspension imposed pursuant to any section or chapter 2281
identified in division (C)(1) of this section. 2282

(F)(1) If a court issues an immobilizing or disabling device 2283
order under section 4510.43 of the Revised Code, the order shall 2284
authorize the offender during the specified period to operate a 2285
motor vehicle only if it is equipped with an immobilizing or 2286
disabling device, except as provided in division (C) of that 2287
section. The court shall provide the offender with a copy of an 2288
immobilizing or disabling device order issued under section 2289
4510.43 of the Revised Code, and the offender shall use the copy 2290
of the order in lieu of an Ohio driver's or commercial driver's 2291
license or permit until the registrar or a deputy registrar issues 2292
the offender a restricted license. 2293

An order issued under section 4510.43 of the Revised Code 2294
does not authorize or permit the offender to whom it has been 2295
issued to operate a vehicle during any time that the offender's 2296
driver's or commercial driver's license or permit is suspended 2297

under any other provision of law. 2298

(2) An offender may present an immobilizing or disabling 2299
device order to the registrar or to a deputy registrar. Upon 2300
presentation of the order to the registrar or a deputy registrar, 2301
the registrar or deputy registrar shall issue the offender a 2302
restricted license. A restricted license issued under this 2303
division shall be identical to an Ohio driver's license, except 2304
that it shall have printed on its face a statement that the 2305
offender is prohibited during the period specified in the court 2306
order from operating any motor vehicle that is not equipped with 2307
an immobilizing or disabling device. The date of commencement and 2308
the date of termination of the period of suspension shall be 2309
indicated conspicuously upon the face of the license. 2310

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 2311
streetcar, or trackless trolley within this state, if, at the time 2312
of the operation, any of the following apply: 2313

(a) The person is under the influence of alcohol, a drug of 2314
abuse, or a combination of them. 2315

(b) The person has a concentration of eight-hundredths of one 2316
per cent or more but less than seventeen-hundredths of one per 2317
cent by weight per unit volume of alcohol in the person's whole 2318
blood. 2319

(c) The person has a concentration of ninety-six-thousandths 2320
of one per cent or more but less than two hundred four-thousandths 2321
of one per cent by weight per unit volume of alcohol in the 2322
person's blood serum or plasma. 2323

(d) The person has a concentration of eight-hundredths of one 2324
gram or more but less than seventeen-hundredths of one gram by 2325
weight of alcohol per two hundred ten liters of the person's 2326
breath. 2327

(e) The person has a concentration of eleven-hundredths of 2328
one gram or more but less than two hundred 2329
thirty-eight-thousandths of one gram by weight of alcohol per one 2330
hundred milliliters of the person's urine. 2331

(f) The person has a concentration of seventeen-hundredths of 2332
one per cent or more by weight per unit volume of alcohol in the 2333
person's whole blood. 2334

(g) The person has a concentration of two hundred 2335
four-thousandths of one per cent or more by weight per unit volume 2336
of alcohol in the person's blood serum or plasma. 2337

(h) The person has a concentration of seventeen-hundredths of 2338
one gram or more by weight of alcohol per two hundred ten liters 2339
of the person's breath. 2340

(i) The person has a concentration of two hundred 2341
thirty-eight-thousandths of one gram or more by weight of alcohol 2342
per one hundred milliliters of the person's urine. 2343

(j) Except as provided in division (K) of this section, the 2344
person has a concentration of any of the following controlled 2345
substances or metabolites of a controlled substance in the 2346
person's whole blood, blood serum or plasma, or urine that equals 2347
or exceeds any of the following: 2348

(i) The person has a concentration of amphetamine in the 2349
person's urine of at least five hundred nanograms of amphetamine 2350
per milliliter of the person's urine or has a concentration of 2351
amphetamine in the person's whole blood or blood serum or plasma 2352
of at least one hundred nanograms of amphetamine per milliliter of 2353
the person's whole blood or blood serum or plasma. 2354

(ii) The person has a concentration of cocaine in the 2355
person's urine of at least one hundred fifty nanograms of cocaine 2356
per milliliter of the person's urine or has a concentration of 2357
cocaine in the person's whole blood or blood serum or plasma of at 2358

least fifty nanograms of cocaine per milliliter of the person's 2359
whole blood or blood serum or plasma. 2360

(iii) The person has a concentration of cocaine metabolite in 2361
the person's urine of at least one hundred fifty nanograms of 2362
cocaine metabolite per milliliter of the person's urine or has a 2363
concentration of cocaine metabolite in the person's whole blood or 2364
blood serum or plasma of at least fifty nanograms of cocaine 2365
metabolite per milliliter of the person's whole blood or blood 2366
serum or plasma. 2367

(iv) The person has a concentration of heroin in the person's 2368
urine of at least two thousand nanograms of heroin per milliliter 2369
of the person's urine or has a concentration of heroin in the 2370
person's whole blood or blood serum or plasma of at least fifty 2371
nanograms of heroin per milliliter of the person's whole blood or 2372
blood serum or plasma. 2373

(v) The person has a concentration of heroin metabolite 2374
(6-monoacetyl morphine) in the person's urine of at least ten 2375
nanograms of heroin metabolite (6-monoacetyl morphine) per 2376
milliliter of the person's urine or has a concentration of heroin 2377
metabolite (6-monoacetyl morphine) in the person's whole blood or 2378
blood serum or plasma of at least ten nanograms of heroin 2379
metabolite (6-monoacetyl morphine) per milliliter of the person's 2380
whole blood or blood serum or plasma. 2381

(vi) The person has a concentration of L.S.D. in the person's 2382
urine of at least twenty-five nanograms of L.S.D. per milliliter 2383
of the person's urine or a concentration of L.S.D. in the person's 2384
whole blood or blood serum or plasma of at least ten nanograms of 2385
L.S.D. per milliliter of the person's whole blood or blood serum 2386
or plasma. 2387

(vii) The person has a concentration of marihuana in the 2388
person's urine of at least ten nanograms of marihuana per 2389

milliliter of the person's urine or has a concentration of 2390
marihuana in the person's whole blood or blood serum or plasma of 2391
at least two nanograms of marihuana per milliliter of the person's 2392
whole blood or blood serum or plasma. 2393

(viii) Either of the following applies: 2394

(I) The person is under the influence of alcohol, a drug of 2395
abuse, or a combination of them, and, as measured by gas 2396
chromatography mass spectrometry, the person has a concentration 2397
of marihuana metabolite in the person's urine of at least fifteen 2398
nanograms of marihuana metabolite per milliliter of the person's 2399
urine or has a concentration of marihuana metabolite in the 2400
person's whole blood or blood serum or plasma of at least five 2401
nanograms of marihuana metabolite per milliliter of the person's 2402
whole blood or blood serum or plasma. 2403

(II) As measured by gas chromatography mass spectrometry, the 2404
person has a concentration of marihuana metabolite in the person's 2405
urine of at least thirty-five nanograms of marihuana metabolite 2406
per milliliter of the person's urine or has a concentration of 2407
marihuana metabolite in the person's whole blood or blood serum or 2408
plasma of at least fifty nanograms of marihuana metabolite per 2409
milliliter of the person's whole blood or blood serum or plasma. 2410

(ix) The person has a concentration of methamphetamine in the 2411
person's urine of at least five hundred nanograms of 2412
methamphetamine per milliliter of the person's urine or has a 2413
concentration of methamphetamine in the person's whole blood or 2414
blood serum or plasma of at least one hundred nanograms of 2415
methamphetamine per milliliter of the person's whole blood or 2416
blood serum or plasma. 2417

(x) The person has a concentration of phencyclidine in the 2418
person's urine of at least twenty-five nanograms of phencyclidine 2419
per milliliter of the person's urine or has a concentration of 2420

phencyclidine in the person's whole blood or blood serum or plasma 2421
of at least ten nanograms of phencyclidine per milliliter of the 2422
person's whole blood or blood serum or plasma. 2423

(xi) The state board of pharmacy has adopted a rule pursuant 2424
to section 4729.041 of the Revised Code that specifies the amount 2425
of salvia divinorum and the amount of salvinorin A that constitute 2426
concentrations of salvia divinorum and salvinorin A in a person's 2427
urine, in a person's whole blood, or in a person's blood serum or 2428
plasma at or above which the person is impaired for purposes of 2429
operating any vehicle, streetcar, or trackless trolley within this 2430
state, the rule is in effect, and the person has a concentration 2431
of salvia divinorum or salvinorin A of at least that amount so 2432
specified by rule in the person's urine, in the person's whole 2433
blood, or in the person's blood serum or plasma. 2434

(2) No person who, within twenty years of the conduct 2435
described in division (A)(2)(a) of this section, previously has 2436
been convicted of or pleaded guilty to a violation of this 2437
division, a violation of division (A)(1) or (B) of this section, 2438
or any other equivalent offense shall do both of the following: 2439

(a) Operate any vehicle, streetcar, or trackless trolley 2440
within this state while under the influence of alcohol, a drug of 2441
abuse, or a combination of them; 2442

(b) Subsequent to being arrested for operating the vehicle, 2443
streetcar, or trackless trolley as described in division (A)(2)(a) 2444
of this section, being asked by a law enforcement officer to 2445
submit to a chemical test or tests under section 4511.191 of the 2446
Revised Code, and being advised by the officer in accordance with 2447
section 4511.192 of the Revised Code of the consequences of the 2448
person's refusal or submission to the test or tests, refuse to 2449
submit to the test or tests. 2450

(B) No person under twenty-one years of age shall operate any 2451

vehicle, streetcar, or trackless trolley within this state, if, at 2452
the time of the operation, any of the following apply: 2453

(1) The person has a concentration of at least two-hundredths 2454
of one per cent but less than eight-hundredths of one per cent by 2455
weight per unit volume of alcohol in the person's whole blood. 2456

(2) The person has a concentration of at least 2457
three-hundredths of one per cent but less than 2458
ninety-six-thousandths of one per cent by weight per unit volume 2459
of alcohol in the person's blood serum or plasma. 2460

(3) The person has a concentration of at least two-hundredths 2461
of one gram but less than eight-hundredths of one gram by weight 2462
of alcohol per two hundred ten liters of the person's breath. 2463

(4) The person has a concentration of at least twenty-eight 2464
one-thousandths of one gram but less than eleven-hundredths of one 2465
gram by weight of alcohol per one hundred milliliters of the 2466
person's urine. 2467

(C) In any proceeding arising out of one incident, a person 2468
may be charged with a violation of division (A)(1)(a) or (A)(2) 2469
and a violation of division (B)(1), (2), or (3) of this section, 2470
but the person may not be convicted of more than one violation of 2471
these divisions. 2472

(D)(1)(a) In any criminal prosecution or juvenile court 2473
proceeding for a violation of division (A)(1)(a) of this section 2474
or for an equivalent offense that is vehicle-related, the result 2475
of any test of any blood or urine withdrawn and analyzed at any 2476
health care provider, as defined in section 2317.02 of the Revised 2477
Code, may be admitted with expert testimony to be considered with 2478
any other relevant and competent evidence in determining the guilt 2479
or innocence of the defendant. 2480

(b) In any criminal prosecution or juvenile court proceeding 2481
for a violation of division (A) or (B) of this section or for an 2482

equivalent offense that is vehicle-related, the court may admit 2483
evidence on the concentration of alcohol, drugs of abuse, 2484
controlled substances, metabolites of a controlled substance, or a 2485
combination of them in the defendant's whole blood, blood serum or 2486
plasma, breath, urine, or other bodily substance at the time of 2487
the alleged violation as shown by chemical analysis of the 2488
substance withdrawn within three hours of the time of the alleged 2489
violation. The three-hour time limit specified in this division 2490
regarding the admission of evidence does not extend or affect the 2491
two-hour time limit specified in division (A) of section 4511.192 2492
of the Revised Code as the maximum period of time during which a 2493
person may consent to a chemical test or tests as described in 2494
that section. The court may admit evidence on the concentration of 2495
alcohol, drugs of abuse, or a combination of them as described in 2496
this division when a person submits to a blood, breath, urine, or 2497
other bodily substance test at the request of a law enforcement 2498
officer under section 4511.191 of the Revised Code or a blood or 2499
urine sample is obtained pursuant to a search warrant. Only a 2500
physician, a registered nurse, or a qualified technician, chemist, 2501
or phlebotomist shall withdraw a blood sample for the purpose of 2502
determining the alcohol, drug, controlled substance, metabolite of 2503
a controlled substance, or combination content of the whole blood, 2504
blood serum, or blood plasma. This limitation does not apply to 2505
the taking of breath or urine specimens. A person authorized to 2506
withdraw blood under this division may refuse to withdraw blood 2507
under this division, if in that person's opinion, the physical 2508
welfare of the person would be endangered by the withdrawing of 2509
blood. 2510

The bodily substance withdrawn under division (D)(1)(b) of 2511
this section shall be analyzed in accordance with methods approved 2512
by the director of health by an individual possessing a valid 2513
permit issued by the director pursuant to section 3701.143 of the 2514
Revised Code. 2515

(2) In a criminal prosecution or juvenile court proceeding 2516
for a violation of division (A) of this section or for an 2517
equivalent offense that is vehicle-related, if there was at the 2518
time the bodily substance was withdrawn a concentration of less 2519
than the applicable concentration of alcohol specified in 2520
divisions (A)(1)(b), (c), (d), and (e) of this section or less 2521
than the applicable concentration of a listed controlled substance 2522
or a listed metabolite of a controlled substance specified for a 2523
violation of division (A)(1)(j) of this section, that fact may be 2524
considered with other competent evidence in determining the guilt 2525
or innocence of the defendant. This division does not limit or 2526
affect a criminal prosecution or juvenile court proceeding for a 2527
violation of division (B) of this section or for an equivalent 2528
offense that is substantially equivalent to that division. 2529

(3) Upon the request of the person who was tested, the 2531
results of the chemical test shall be made available to the person 2532
or the person's attorney, immediately upon the completion of the 2533
chemical test analysis. 2534

If the chemical test was obtained pursuant to division 2535
(D)(1)(b) of this section, the person tested may have a physician, 2536
a registered nurse, or a qualified technician, chemist, or 2537
phlebotomist of the person's own choosing administer a chemical 2538
test or tests, at the person's expense, in addition to any 2539
administered at the request of a law enforcement officer. ~~The~~ If 2540
the person was under arrest as described in division (A)(5) of 2541
section 4511.191 of the Revised Code, the arresting officer shall 2542
advise the person at the time of the arrest that the person may 2543
have an independent chemical test taken at the person's own 2544
expense. If the person was under arrest other than described in 2545
division (A)(5) of section 4511.191 of the Revised Code, the form 2546
to be read to the person to be tested, as required under section 2547

4511.192 of the Revised Code, shall state that the person may have 2548
an independent test performed at the person's expense. The failure 2549
or inability to obtain an additional chemical test by a person 2550
shall not preclude the admission of evidence relating to the 2551
chemical test or tests taken at the request of a law enforcement 2552
officer. 2553

(4)(a) As used in divisions (D)(4)(b) and (c) of this 2554
section, "national highway traffic safety administration" means 2555
the national highway traffic safety administration established as 2556
an administration of the United States department of 2557
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 2558

(b) In any criminal prosecution or juvenile court proceeding 2559
for a violation of division (A) or (B) of this section, of a 2560
municipal ordinance relating to operating a vehicle while under 2561
the influence of alcohol, a drug of abuse, or alcohol and a drug 2562
of abuse, or of a municipal ordinance relating to operating a 2563
vehicle with a prohibited concentration of alcohol, a controlled 2564
substance, or a metabolite of a controlled substance in the whole 2565
blood, blood serum or plasma, breath, or urine, if a law 2566
enforcement officer has administered a field sobriety test to the 2567
operator of the vehicle involved in the violation and if it is 2568
shown by clear and convincing evidence that the officer 2569
administered the test in substantial compliance with the testing 2570
standards for any reliable, credible, and generally accepted field 2571
sobriety tests that were in effect at the time the tests were 2572
administered, including, but not limited to, any testing standards 2573
then in effect that were set by the national highway traffic 2574
safety administration, all of the following apply: 2575

(i) The officer may testify concerning the results of the 2576
field sobriety test so administered. 2577

(ii) The prosecution may introduce the results of the field 2578
sobriety test so administered as evidence in any proceedings in 2579

the criminal prosecution or juvenile court proceeding. 2580

(iii) If testimony is presented or evidence is introduced 2581
under division (D)(4)(b)(i) or (ii) of this section and if the 2582
testimony or evidence is admissible under the Rules of Evidence, 2583
the court shall admit the testimony or evidence and the trier of 2584
fact shall give it whatever weight the trier of fact considers to 2585
be appropriate. 2586

(c) Division (D)(4)(b) of this section does not limit or 2587
preclude a court, in its determination of whether the arrest of a 2588
person was supported by probable cause or its determination of any 2589
other matter in a criminal prosecution or juvenile court 2590
proceeding of a type described in that division, from considering 2591
evidence or testimony that is not otherwise disallowed by division 2592
(D)(4)(b) of this section. 2593

(E)(1) Subject to division (E)(3) of this section, in any 2594
criminal prosecution or juvenile court proceeding for a violation 2595
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 2596
or (B)(1), (2), (3), or (4) of this section or for an equivalent 2597
offense that is substantially equivalent to any of those 2598
divisions, a laboratory report from any laboratory personnel 2599
issued a permit by the department of health authorizing an 2600
analysis as described in this division that contains an analysis 2601
of the whole blood, blood serum or plasma, breath, urine, or other 2602
bodily substance tested and that contains all of the information 2603
specified in this division shall be admitted as prima-facie 2604
evidence of the information and statements that the report 2605
contains. The laboratory report shall contain all of the 2606
following: 2607

(a) The signature, under oath, of any person who performed 2608
the analysis; 2609

(b) Any findings as to the identity and quantity of alcohol, 2610

a drug of abuse, a controlled substance, a metabolite of a 2611
controlled substance, or a combination of them that was found; 2612

(c) A copy of a notarized statement by the laboratory 2613
director or a designee of the director that contains the name of 2614
each certified analyst or test performer involved with the report, 2615
the analyst's or test performer's employment relationship with the 2616
laboratory that issued the report, and a notation that performing 2617
an analysis of the type involved is part of the analyst's or test 2618
performer's regular duties; 2619

(d) An outline of the analyst's or test performer's 2620
education, training, and experience in performing the type of 2621
analysis involved and a certification that the laboratory 2622
satisfies appropriate quality control standards in general and, in 2623
this particular analysis, under rules of the department of health. 2624

(2) Notwithstanding any other provision of law regarding the 2625
admission of evidence, a report of the type described in division 2626
(E)(1) of this section is not admissible against the defendant to 2627
whom it pertains in any proceeding, other than a preliminary 2628
hearing or a grand jury proceeding, unless the prosecutor has 2629
served a copy of the report on the defendant's attorney or, if the 2630
defendant has no attorney, on the defendant. 2631

(3) A report of the type described in division (E)(1) of this 2632
section shall not be prima-facie evidence of the contents, 2633
identity, or amount of any substance if, within seven days after 2634
the defendant to whom the report pertains or the defendant's 2635
attorney receives a copy of the report, the defendant or the 2636
defendant's attorney demands the testimony of the person who 2637
signed the report. The judge in the case may extend the seven-day 2638
time limit in the interest of justice. 2639

(F) Except as otherwise provided in this division, any 2640
physician, registered nurse, or qualified technician, chemist, or 2641

phlebotomist who withdraws blood from a person pursuant to this 2642
section or section 4511.191 or 4511.192 of the Revised Code, and 2643
any hospital, first-aid station, or clinic at which blood is 2644
withdrawn from a person pursuant to this section or section 2645
4511.191 or 4511.192 of the Revised Code, is immune from criminal 2646
liability and civil liability based upon a claim of assault and 2647
battery or any other claim that is not a claim of malpractice, for 2648
any act performed in withdrawing blood from the person. The 2649
immunity provided in this division is not available to a person 2650
who withdraws blood if the person engages in willful or wanton 2651
misconduct. 2652

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 2653
to (i) or (A)(2) of this section is guilty of operating a vehicle 2654
under the influence of alcohol, a drug of abuse, or a combination 2655
of them. Whoever violates division (A)(1)(j) of this section is 2656
guilty of operating a vehicle while under the influence of a 2657
listed controlled substance or a listed metabolite of a controlled 2658
substance. The court shall sentence the offender for either 2659
offense under Chapter 2929. of the Revised Code, except as 2660
otherwise authorized or required by divisions (G)(1)(a) to (e) of 2661
this section: 2662

(a) Except as otherwise provided in division (G)(1)(b), (c), 2663
(d), or (e) of this section, the offender is guilty of a 2664
misdemeanor of the first degree, and the court shall sentence the 2665
offender to all of the following: 2666

(i) If the sentence is being imposed for a violation of 2667
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2668
mandatory jail term of three consecutive days. As used in this 2669
division, three consecutive days means seventy-two consecutive 2670
hours. The court may sentence an offender to both an intervention 2671
program and a jail term. The court may impose a jail term in 2672
addition to the three-day mandatory jail term or intervention 2673

program. However, in no case shall the cumulative jail term 2674
imposed for the offense exceed six months. 2675

The court may suspend the execution of the three-day jail 2676
term under this division if the court, in lieu of that suspended 2677
term, places the offender under a community control sanction 2678
pursuant to section 2929.25 of the Revised Code and requires the 2679
offender to attend, for three consecutive days, a drivers' 2680
intervention program certified under section 3793.10 of the 2681
Revised Code. The court also may suspend the execution of any part 2682
of the three-day jail term under this division if it places the 2683
offender under a community control sanction pursuant to section 2684
2929.25 of the Revised Code for part of the three days, requires 2685
the offender to attend for the suspended part of the term a 2686
drivers' intervention program so certified, and sentences the 2687
offender to a jail term equal to the remainder of the three 2688
consecutive days that the offender does not spend attending the 2689
program. The court may require the offender, as a condition of 2690
community control and in addition to the required attendance at a 2691
drivers' intervention program, to attend and satisfactorily 2692
complete any treatment or education programs that comply with the 2693
minimum standards adopted pursuant to Chapter 3793. of the Revised 2694
Code by the director of alcohol and drug addiction services that 2695
the operators of the drivers' intervention program determine that 2696
the offender should attend and to report periodically to the court 2697
on the offender's progress in the programs. The court also may 2698
impose on the offender any other conditions of community control 2699
that it considers necessary. 2700

(ii) If the sentence is being imposed for a violation of 2701
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2702
section, except as otherwise provided in this division, a 2703
mandatory jail term of at least three consecutive days and a 2704
requirement that the offender attend, for three consecutive days, 2705

a drivers' intervention program that is certified pursuant to 2706
section 3793.10 of the Revised Code. As used in this division, 2707
three consecutive days means seventy-two consecutive hours. If the 2708
court determines that the offender is not conducive to treatment 2709
in a drivers' intervention program, if the offender refuses to 2710
attend a drivers' intervention program, or if the jail at which 2711
the offender is to serve the jail term imposed can provide a 2712
driver's intervention program, the court shall sentence the 2713
offender to a mandatory jail term of at least six consecutive 2714
days. 2715

The court may require the offender, under a community control 2716
sanction imposed under section 2929.25 of the Revised Code, to 2717
attend and satisfactorily complete any treatment or education 2718
programs that comply with the minimum standards adopted pursuant 2719
to Chapter 3793. of the Revised Code by the director of alcohol 2720
and drug addiction services, in addition to the required 2721
attendance at drivers' intervention program, that the operators of 2722
the drivers' intervention program determine that the offender 2723
should attend and to report periodically to the court on the 2724
offender's progress in the programs. The court also may impose any 2725
other conditions of community control on the offender that it 2726
considers necessary. 2727

(iii) In all cases, a fine of not less than three hundred 2728
seventy-five and not more than one thousand seventy-five dollars; 2729
2730

(iv) In all cases, a class five license suspension of the 2731
offender's driver's or commercial driver's license or permit or 2732
nonresident operating privilege from the range specified in 2733
division (A)(5) of section 4510.02 of the Revised Code. The court 2734
may grant limited driving privileges relative to the suspension 2735
under sections 4510.021 and 4510.13 of the Revised Code. 2736

(b) Except as otherwise provided in division (G)(1)(e) of 2737

this section, an offender who, within six years of the offense, 2738
previously has been convicted of or pleaded guilty to one 2739
violation of division (A) or (B) of this section or one other 2740
equivalent offense is guilty of a misdemeanor of the first degree. 2741
The court shall sentence the offender to all of the following: 2742

(i) If the sentence is being imposed for a violation of 2743
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2744
mandatory jail term of ten consecutive days. The court shall 2745
impose the ten-day mandatory jail term under this division unless, 2746
subject to division (G)(3) of this section, it instead imposes a 2747
sentence under that division consisting of both a jail term and a 2748
term of house arrest with electronic monitoring, with continuous 2749
alcohol monitoring, or with both electronic monitoring and 2750
continuous alcohol monitoring. The court may impose a jail term in 2751
addition to the ten-day mandatory jail term. The cumulative jail 2752
term imposed for the offense shall not exceed six months. 2753

In addition to the jail term or the term of house arrest with 2754
electronic monitoring or continuous alcohol monitoring or both 2755
types of monitoring and jail term, the court shall require the 2756
offender to be assessed by an alcohol and drug treatment program 2757
that is authorized by section 3793.02 of the Revised Code, subject 2758
to division (I) of this section, and shall order the offender to 2759
follow the treatment recommendations of the program. The purpose 2760
of the assessment is to determine the degree of the offender's 2761
alcohol usage and to determine whether or not treatment is 2762
warranted. Upon the request of the court, the program shall submit 2763
the results of the assessment to the court, including all 2764
treatment recommendations and clinical diagnoses related to 2765
alcohol use. 2766

(ii) If the sentence is being imposed for a violation of 2767
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2768
section, except as otherwise provided in this division, a 2769

mandatory jail term of twenty consecutive days. The court shall 2770
impose the twenty-day mandatory jail term under this division 2771
unless, subject to division (G)(3) of this section, it instead 2772
imposes a sentence under that division consisting of both a jail 2773
term and a term of house arrest with electronic monitoring, with 2774
continuous alcohol monitoring, or with both electronic monitoring 2775
and continuous alcohol monitoring. The court may impose a jail 2776
term in addition to the twenty-day mandatory jail term. The 2777
cumulative jail term imposed for the offense shall not exceed six 2778
months. 2779

In addition to the jail term or the term of house arrest with 2780
electronic monitoring or continuous alcohol monitoring or both 2781
types of monitoring and jail term, the court shall require the 2782
offender to be assessed by an alcohol and drug treatment program 2783
that is authorized by section 3793.02 of the Revised Code, subject 2784
to division (I) of this section, and shall order the offender to 2785
follow the treatment recommendations of the program. The purpose 2786
of the assessment is to determine the degree of the offender's 2787
alcohol usage and to determine whether or not treatment is 2788
warranted. Upon the request of the court, the program shall submit 2789
the results of the assessment to the court, including all 2790
treatment recommendations and clinical diagnoses related to 2791
alcohol use. 2792

(iii) In all cases, notwithstanding the fines set forth in 2793
Chapter 2929. of the Revised Code, a fine of not less than five 2794
hundred twenty-five and not more than one thousand six hundred 2795
twenty-five dollars; 2796

(iv) In all cases, a class four license suspension of the 2797
offender's driver's license, commercial driver's license, 2798
temporary instruction permit, probationary license, or nonresident 2799
operating privilege from the range specified in division (A)(4) of 2800
section 4510.02 of the Revised Code. The court may grant limited 2801

driving privileges relative to the suspension under sections 2802
4510.021 and 4510.13 of the Revised Code. 2803

(v) In all cases, if the vehicle is registered in the 2804
offender's name, immobilization of the vehicle involved in the 2805
offense for ninety days in accordance with section 4503.233 of the 2806
Revised Code and impoundment of the license plates of that vehicle 2807
for ninety days. 2808

(c) Except as otherwise provided in division (G)(1)(e) of 2809
this section, an offender who, within six years of the offense, 2810
previously has been convicted of or pleaded guilty to two 2811
violations of division (A) or (B) of this section or other 2812
equivalent offenses is guilty of a misdemeanor. The court shall 2813
sentence the offender to all of the following: 2814

(i) If the sentence is being imposed for a violation of 2815
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2816
mandatory jail term of thirty consecutive days. The court shall 2817
impose the thirty-day mandatory jail term under this division 2818
unless, subject to division (G)(3) of this section, it instead 2819
imposes a sentence under that division consisting of both a jail 2820
term and a term of house arrest with electronic monitoring, with 2821
continuous alcohol monitoring, or with both electronic monitoring 2822
and continuous alcohol monitoring. The court may impose a jail 2823
term in addition to the thirty-day mandatory jail term. 2824
Notwithstanding the jail terms set forth in sections 2929.21 to 2825
2929.28 of the Revised Code, the additional jail term shall not 2826
exceed one year, and the cumulative jail term imposed for the 2827
offense shall not exceed one year. 2828

(ii) If the sentence is being imposed for a violation of 2829
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2830
section, a mandatory jail term of sixty consecutive days. The 2831
court shall impose the sixty-day mandatory jail term under this 2832
division unless, subject to division (G)(3) of this section, it 2833

instead imposes a sentence under that division consisting of both 2834
a jail term and a term of house arrest with electronic monitoring, 2835
with continuous alcohol monitoring, or with both electronic 2836
monitoring and continuous alcohol monitoring. The court may impose 2837
a jail term in addition to the sixty-day mandatory jail term. 2838
Notwithstanding the jail terms set forth in sections 2929.21 to 2839
2929.28 of the Revised Code, the additional jail term shall not 2840
exceed one year, and the cumulative jail term imposed for the 2841
offense shall not exceed one year. 2842

(iii) In all cases, notwithstanding the fines set forth in 2843
Chapter 2929. of the Revised Code, a fine of not less than eight 2844
hundred fifty and not more than two thousand seven hundred fifty 2845
dollars; 2846

(iv) In all cases, a class three license suspension of the 2847
offender's driver's license, commercial driver's license, 2848
temporary instruction permit, probationary license, or nonresident 2849
operating privilege from the range specified in division (A)(3) of 2850
section 4510.02 of the Revised Code. The court may grant limited 2851
driving privileges relative to the suspension under sections 2852
4510.021 and 4510.13 of the Revised Code. 2853

(v) In all cases, if the vehicle is registered in the 2854
offender's name, criminal forfeiture of the vehicle involved in 2855
the offense in accordance with section 4503.234 of the Revised 2856
Code. Division (G)(6) of this section applies regarding any 2857
vehicle that is subject to an order of criminal forfeiture under 2858
this division. 2859

(vi) In all cases, the court shall order the offender to 2860
participate in an alcohol and drug addiction program authorized by 2861
section 3793.02 of the Revised Code, subject to division (I) of 2862
this section, and shall order the offender to follow the treatment 2863
recommendations of the program. The operator of the program shall 2864
determine and assess the degree of the offender's alcohol 2865

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

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of one hundred twenty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of one hundred twenty 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 one hundred twenty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of section 2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term

that shall be not less than six months and not more than thirty 2931
months and the prison terms shall be imposed as described in 2932
division (G)(2) of section 2929.13 of the Revised Code. If the 2933
court imposes a mandatory prison term or mandatory prison term and 2934
additional prison term, in addition to the term or terms so 2935
imposed, the court also may sentence the offender to a community 2936
control sanction for the offense, but the offender shall serve all 2937
of the prison terms so imposed prior to serving the community 2938
control sanction. 2939

(iii) In all cases, notwithstanding section 2929.18 of the 2940
Revised Code, a fine of not less than one thousand three hundred 2941
fifty nor more than ten thousand five hundred dollars; 2942

(iv) In all cases, a class two license suspension of the 2943
offender's driver's license, commercial driver's license, 2944
temporary instruction permit, probationary license, or nonresident 2945
operating privilege from the range specified in division (A)(2) of 2946
section 4510.02 of the Revised Code. The court may grant limited 2947
driving privileges relative to the suspension under sections 2948
4510.021 and 4510.13 of the Revised Code. 2949

(v) In all cases, if the vehicle is registered in the 2950
offender's name, criminal forfeiture of the vehicle involved in 2951
the offense in accordance with section 4503.234 of the Revised 2952
Code. Division (G)(6) of this section applies regarding any 2953
vehicle that is subject to an order of criminal forfeiture under 2954
this division. 2955

(vi) In all cases, the court shall order the offender to 2956
participate in an alcohol and drug addiction program authorized by 2957
section 3793.02 of the Revised Code, subject to division (I) of 2958
this section, and shall order the offender to follow the treatment 2959
recommendations of the program. The operator of the program shall 2960
determine and assess the degree of the offender's alcohol 2961
dependency and shall make recommendations for treatment. Upon the 2962

request of the court, the program shall submit the results of the 2963
assessment to the court, including all treatment recommendations 2964
and clinical diagnoses related to alcohol use. 2965

(vii) In all cases, if the court sentences the offender to a 2966
mandatory term of local incarceration, in addition to the 2967
mandatory term, the court, pursuant to section 2929.17 of the 2968
Revised Code, may impose a term of house arrest with electronic 2969
monitoring. The term shall not commence until after the offender 2970
has served the mandatory term of local incarceration. 2971

(e) An offender who previously has been convicted of or 2972
pleaded guilty to a violation of division (A) of this section that 2973
was a felony, regardless of when the violation and the conviction 2974
or guilty plea occurred, is guilty of a felony of the third 2975
degree. The court shall sentence the offender to all of the 2976
following: 2977

(i) If the offender is being sentenced for a violation of 2978
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2979
mandatory prison term of one, two, three, four, or five years as 2980
required by and in accordance with division (G)(2) of section 2981
2929.13 of the Revised Code if the offender also is convicted of 2982
or also pleads guilty to a specification of the type described in 2983
section 2941.1413 of the Revised Code or a mandatory prison term 2984
of sixty consecutive days in accordance with division (G)(2) of 2985
section 2929.13 of the Revised Code if the offender is not 2986
convicted of and does not plead guilty to a specification of that 2987
type. The court may impose a prison term in addition to the 2988
mandatory prison term. The cumulative total of a sixty-day 2989
mandatory prison term and the additional prison term for the 2990
offense shall not exceed five years. In addition to the mandatory 2991
prison term or mandatory prison term and additional prison term 2992
the court imposes, the court also may sentence the offender to a 2993
community control sanction for the offense, but the offender shall 2994

serve all of the prison terms so imposed prior to serving the 2995
community control sanction. 2996

(ii) If the sentence is being imposed for a violation of 2997
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2998
section, a mandatory prison term of one, two, three, four, or five 2999
years as required by and in accordance with division (G)(2) of 3000
section 2929.13 of the Revised Code if the offender also is 3001
convicted of or also pleads guilty to a specification of the type 3002
described in section 2941.1413 of the Revised Code or a mandatory 3003
prison term of one hundred twenty consecutive days in accordance 3004
with division (G)(2) of section 2929.13 of the Revised Code if the 3005
offender is not convicted of and does not plead guilty to a 3006
specification of that type. The court may impose a prison term in 3007
addition to the mandatory prison term. The cumulative total of a 3008
one hundred twenty-day mandatory prison term and the additional 3009
prison term for the offense shall not exceed five years. In 3010
addition to the mandatory prison term or mandatory prison term and 3011
additional prison term the court imposes, the court also may 3012
sentence the offender to a community control sanction for the 3013
offense, but the offender shall serve all of the prison terms so 3014
imposed prior to serving the community control sanction. 3015

(iii) In all cases, notwithstanding section 2929.18 of the 3016
Revised Code, a fine of not less than one thousand three hundred 3017
fifty nor more than ten thousand five hundred dollars; 3018

(iv) In all cases, a class two license suspension of the 3019
offender's driver's license, commercial driver's license, 3020
temporary instruction permit, probationary license, or nonresident 3021
operating privilege from the range specified in division (A)(2) of 3022
section 4510.02 of the Revised Code. The court may grant limited 3023
driving privileges relative to the suspension under sections 3024
4510.021 and 4510.13 of the Revised Code. 3025

(v) In all cases, if the vehicle is registered in the 3026

offender's name, criminal forfeiture of the vehicle involved in 3027
the offense in accordance with section 4503.234 of the Revised 3028
Code. Division (G)(6) of this section applies regarding any 3029
vehicle that is subject to an order of criminal forfeiture under 3030
this division. 3031

(vi) In all cases, the court shall order the offender to 3032
participate in an alcohol and drug addiction program authorized by 3033
section 3793.02 of the Revised Code, subject to division (I) of 3034
this section, and shall order the offender to follow the treatment 3035
recommendations of the program. The operator of the program shall 3036
determine and assess the degree of the offender's alcohol 3037
dependency and shall make recommendations for treatment. Upon the 3038
request of the court, the program shall submit the results of the 3039
assessment to the court, including all treatment recommendations 3040
and clinical diagnoses related to alcohol use. 3041

(2) An offender who is convicted of or pleads guilty to a 3042
violation of division (A) of this section and who subsequently 3043
seeks reinstatement of the driver's or occupational driver's 3044
license or permit or nonresident operating privilege suspended 3045
under this section as a result of the conviction or guilty plea 3046
shall pay a reinstatement fee as provided in division (F)(2) of 3047
section 4511.191 of the Revised Code. 3048

(3) If an offender is sentenced to a jail term under division 3049
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 3050
if, within sixty days of sentencing of the offender, the court 3051
issues a written finding on the record that, due to the 3052
unavailability of space at the jail where the offender is required 3053
to serve the term, the offender will not be able to begin serving 3054
that term within the sixty-day period following the date of 3055
sentencing, the court may impose an alternative sentence under 3056
this division that includes a term of house arrest with electronic 3057
monitoring, with continuous alcohol monitoring, or with both 3058

electronic monitoring and continuous alcohol monitoring. 3059

As an alternative to a mandatory jail term of ten consecutive 3060
days required by division (G)(1)(b)(i) of this section, the court, 3061
under this division, may sentence the offender to five consecutive 3062
days in jail and not less than eighteen consecutive days of house 3063
arrest with electronic monitoring, with continuous alcohol 3064
monitoring, or with both electronic monitoring and continuous 3065
alcohol monitoring. The cumulative total of the five consecutive 3066
days in jail and the period of house arrest with electronic 3067
monitoring, continuous alcohol monitoring, or both types of 3068
monitoring shall not exceed six months. The five consecutive days 3069
in jail do not have to be served prior to or consecutively to the 3070
period of house arrest. 3071

As an alternative to the mandatory jail term of twenty 3072
consecutive days required by division (G)(1)(b)(ii) of this 3073
section, the court, under this division, may sentence the offender 3074
to ten consecutive days in jail and not less than thirty-six 3075
consecutive days of house arrest with electronic monitoring, with 3076
continuous alcohol monitoring, or with both electronic monitoring 3077
and continuous alcohol monitoring. The cumulative total of the ten 3078
consecutive days in jail and the period of house arrest with 3079
electronic monitoring, continuous alcohol monitoring, or both 3080
types of monitoring shall not exceed six months. The ten 3081
consecutive days in jail do not have to be served prior to or 3082
consecutively to the period of house arrest. 3083

As an alternative to a mandatory jail term of thirty 3084
consecutive days required by division (G)(1)(c)(i) of this 3085
section, the court, under this division, may sentence the offender 3086
to fifteen consecutive days in jail and not less than fifty-five 3087
consecutive days of house arrest with electronic monitoring, with 3088
continuous alcohol monitoring, or with both electronic monitoring 3089
and continuous alcohol monitoring. The cumulative total of the 3090

fifteen consecutive days in jail and the period of house arrest 3091
with electronic monitoring, continuous alcohol monitoring, or both 3092
types of monitoring shall not exceed one year. The fifteen 3093
consecutive days in jail do not have to be served prior to or 3094
consecutively to the period of house arrest. 3095

As an alternative to the mandatory jail term of sixty 3096
consecutive days required by division (G)(1)(c)(ii) of this 3097
section, the court, under this division, may sentence the offender 3098
to thirty consecutive days in jail and not less than one hundred 3099
ten consecutive days of house arrest with electronic monitoring, 3100
with continuous alcohol monitoring, or with both electronic 3101
monitoring and continuous alcohol monitoring. The cumulative total 3102
of the thirty consecutive days in jail and the period of house 3103
arrest with electronic monitoring, continuous alcohol monitoring, 3104
or both types of monitoring shall not exceed one year. The thirty 3105
consecutive days in jail do not have to be served prior to or 3106
consecutively to the period of house arrest. 3107

(4) If an offender's driver's or occupational driver's 3108
license or permit or nonresident operating privilege is suspended 3109
under division (G) of this section and if section 4510.13 of the 3110
Revised Code permits the court to grant limited driving 3111
privileges, the court may grant the limited driving privileges in 3112
accordance with that section. If division (A)(7) of that section 3113
requires that the court impose as a condition of the privileges 3114
that the offender must display on the vehicle that is driven 3115
subject to the privileges restricted license plates that are 3116
issued under section 4503.231 of the Revised Code, except as 3117
provided in division (B) of that section, the court shall impose 3118
that condition as one of the conditions of the limited driving 3119
privileges granted to the offender, except as provided in division 3120
(B) of section 4503.231 of the Revised Code. 3121

(5) Fines imposed under this section for a violation of 3122

division (A) of this section shall be distributed as follows: 3123

(a) Twenty-five dollars of the fine imposed under division 3124
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 3125
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 3126
fine imposed under division (G)(1)(c)(iii), and two hundred ten 3127
dollars of the fine imposed under division (G)(1)(d)(iii) or 3128
(e)(iii) of this section shall be paid to an enforcement and 3129
education fund established by the legislative authority of the law 3130
enforcement agency in this state that primarily was responsible 3131
for the arrest of the offender, as determined by the court that 3132
imposes the fine. The agency shall use this share to pay only 3133
those costs it incurs in enforcing this section or a municipal OVI 3134
ordinance and in informing the public of the laws governing the 3135
operation of a vehicle while under the influence of alcohol, the 3136
dangers of the operation of a vehicle under the influence of 3137
alcohol, and other information relating to the operation of a 3138
vehicle under the influence of alcohol and the consumption of 3139
alcoholic beverages. 3140

(b) Fifty dollars of the fine imposed under division 3141
(G)(1)(a)(iii) of this section shall be paid to the political 3142
subdivision that pays the cost of housing the offender during the 3143
offender's term of incarceration. If the offender is being 3144
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 3145
(e), or (j) of this section and was confined as a result of the 3146
offense prior to being sentenced for the offense but is not 3147
sentenced to a term of incarceration, the fifty dollars shall be 3148
paid to the political subdivision that paid the cost of housing 3149
the offender during that period of confinement. The political 3150
subdivision shall use the share under this division to pay or 3151
reimburse incarceration or treatment costs it incurs in housing or 3152
providing drug and alcohol treatment to persons who violate this 3153
section or a municipal OVI ordinance, costs of any immobilizing or 3154

disabling device used on the offender's vehicle, and costs of 3155
electronic house arrest equipment needed for persons who violate 3156
this section. 3157

(c) Twenty-five dollars of the fine imposed under division 3158
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 3159
division (G)(1)(b)(iii) of this section shall be deposited into 3160
the county or municipal indigent drivers' alcohol treatment fund 3161
under the control of that court, as created by the county or 3162
municipal corporation under division (F) of section 4511.191 of 3163
the Revised Code. 3164

(d) One hundred fifteen dollars of the fine imposed under 3165
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 3166
fine imposed under division (G)(1)(c)(iii), and four hundred forty 3167
dollars of the fine imposed under division (G)(1)(d)(iii) or 3168
(e)(iii) of this section shall be paid to the political 3169
subdivision that pays the cost of housing the offender during the 3170
offender's term of incarceration. The political subdivision shall 3171
use this share to pay or reimburse incarceration or treatment 3172
costs it incurs in housing or providing drug and alcohol treatment 3173
to persons who violate this section or a municipal OVI ordinance, 3174
costs for any immobilizing or disabling device used on the 3175
offender's vehicle, and costs of electronic house arrest equipment 3176
needed for persons who violate this section. 3177

(e) Fifty dollars of the fine imposed under divisions 3178
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 3179
and (G)(1)(e)(iii) of this section shall be deposited into the 3180
special projects fund of the court in which the offender was 3181
convicted and that is established under division (E)(1) of section 3182
2303.201 ~~or~~ division (B)(1) of section 1901.26, or division 3183
(B)(1) of section 1907.24 of the Revised Code, to be used 3184
exclusively to cover the cost of immobilizing or disabling 3185
devices, including certified ignition interlock devices, and 3186

remote alcohol monitoring devices for indigent offenders who are 3187
required by a judge to use either of these devices. If the ~~county~~ 3188
~~or municipal corporation~~ court in which the offender was convicted 3189
does not have a special projects fund that is established under 3190
division (E)(1) of section 2303.201 ~~or~~, division (B)(1) of section 3191
1901.26, or division (B)(1) of section 1907.24 of the Revised 3192
Code, the fifty dollars shall be deposited into the indigent 3193
drivers interlock and alcohol monitoring fund under division (I) 3194
of section 4511.191 of the Revised Code. 3195

(f) Seventy-five dollars of the fine imposed under division 3196
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 3197
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 3198
of the fine imposed under division (G)(1)(c)(iii), and five 3199
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 3200
or (e)(iii) of this section shall be transmitted to the treasurer 3201
of state for deposit into the indigent defense support fund 3202
established under section 120.08 of the Revised Code. 3203

(g) The balance of the fine imposed under division 3204
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 3205
section shall be disbursed as otherwise provided by law. 3206

(6) If title to a motor vehicle that is subject to an order 3207
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 3208
this section is assigned or transferred and division (B)(2) or (3) 3209
of section 4503.234 of the Revised Code applies, in addition to or 3210
independent of any other penalty established by law, the court may 3211
fine the offender the value of the vehicle as determined by 3212
publications of the national auto dealers association. The 3213
proceeds of any fine so imposed shall be distributed in accordance 3214
with division (C)(2) of that section. 3215

(7) As used in division (G) of this section, "electronic 3216
monitoring," "mandatory prison term," and "mandatory term of local 3217
incarceration" have the same meanings as in section 2929.01 of the 3218

Revised Code. 3219

(H) Whoever violates division (B) of this section is guilty 3220
of operating a vehicle after underage alcohol consumption and 3221
shall be punished as follows: 3222

(1) Except as otherwise provided in division (H)(2) of this 3223
section, the offender is guilty of a misdemeanor of the fourth 3224
degree. In addition to any other sanction imposed for the offense, 3225
the court shall impose a class six suspension of the offender's 3226
driver's license, commercial driver's license, temporary 3227
instruction permit, probationary license, or nonresident operating 3228
privilege from the range specified in division (A)(6) of section 3229
4510.02 of the Revised Code. 3230

(2) If, within one year of the offense, the offender 3231
previously has been convicted of or pleaded guilty to one or more 3232
violations of division (A) or (B) of this section or other 3233
equivalent offenses, the offender is guilty of a misdemeanor of 3234
the third degree. In addition to any other sanction imposed for 3235
the offense, the court shall impose a class four suspension of the 3236
offender's driver's license, commercial driver's license, 3237
temporary instruction permit, probationary license, or nonresident 3238
operating privilege from the range specified in division (A)(4) of 3239
section 4510.02 of the Revised Code. 3240

(3) If the offender also is convicted of or also pleads 3241
guilty to a specification of the type described in section 3242
2941.1416 of the Revised Code and if the court imposes a jail term 3243
for the violation of division (B) of this section, the court shall 3244
impose upon the offender an additional definite jail term pursuant 3245
to division (E) of section 2929.24 of the Revised Code. 3246

(I)(1) No court shall sentence an offender to an alcohol 3247
treatment program under this section unless the treatment program 3248
complies with the minimum standards for alcohol treatment programs 3249

adopted under Chapter 3793. of the Revised Code by the director of 3250
alcohol and drug addiction services. 3251

(2) An offender who stays in a drivers' intervention program 3252
or in an alcohol treatment program under an order issued under 3253
this section shall pay the cost of the stay in the program. 3254
However, if the court determines that an offender who stays in an 3255
alcohol treatment program under an order issued under this section 3256
is unable to pay the cost of the stay in the program, the court 3257
may order that the cost be paid from the court's indigent drivers' 3258
alcohol treatment fund. 3259

(J) If a person whose driver's or commercial driver's license 3260
or permit or nonresident operating privilege is suspended under 3261
this section files an appeal regarding any aspect of the person's 3262
trial or sentence, the appeal itself does not stay the operation 3263
of the suspension. 3264

(K) Division (A)(1)(j) of this section does not apply to a 3265
person who operates a vehicle, streetcar, or trackless trolley 3266
while the person has a concentration of a listed controlled 3267
substance or a listed metabolite of a controlled substance in the 3268
person's whole blood, blood serum or plasma, or urine that equals 3269
or exceeds the amount specified in that division, if both of the 3270
following apply: 3271

(1) The person obtained the controlled substance pursuant to 3272
a prescription issued by a licensed health professional authorized 3273
to prescribe drugs. 3274

(2) The person injected, ingested, or inhaled the controlled 3275
substance in accordance with the health professional's directions. 3276

(L) The prohibited concentrations of a controlled substance 3277
or a metabolite of a controlled substance listed in division 3278
(A)(1)(j) of this section also apply in a prosecution of a 3279
violation of division (D) of section 2923.16 of the Revised Code 3280

in the same manner as if the offender is being prosecuted for a 3281
prohibited concentration of alcohol. 3282

(M) All terms defined in section 4510.01 of the Revised Code 3283
apply to this section. If the meaning of a term defined in section 3284
4510.01 of the Revised Code conflicts with the meaning of the same 3285
term as defined in section 4501.01 or 4511.01 of the Revised Code, 3286
the term as defined in section 4510.01 of the Revised Code applies 3287
to this section. 3288

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 3289
as adopted by the supreme court under authority of section 2937.46 3290
of the Revised Code, do not apply to felony violations of this 3291
section. Subject to division (N)(2) of this section, the Rules of 3292
Criminal Procedure apply to felony violations of this section. 3293

(2) If, on or after January 1, 2004, the supreme court 3294
modifies the Ohio Traffic Rules to provide procedures to govern 3295
felony violations of this section, the modified rules shall apply 3296
to felony violations of this section. 3297

Sec. 4511.191. (A)(1) As used in this section: 3298

(a) "Physical control" has the same meaning as in section 3299
4511.194 of the Revised Code. 3300

(b) "Alcohol monitoring device" means any device that 3301
provides for continuous alcohol monitoring, any ignition interlock 3302
device, any immobilizing or disabling device other than an 3303
ignition interlock device that is constantly available to monitor 3304
the concentration of alcohol in a person's system, or any other 3305
device that provides for the automatic testing and periodic 3306
reporting of alcohol consumption by a person and that a court 3307
orders a person to use as a sanction imposed as a result of the 3308
person's conviction of or plea of guilty to an offense. 3309

(2) Any person who operates a vehicle, streetcar, or 3310

trackless trolley upon a highway or any public or private property 3311
used by the public for vehicular travel or parking within this 3312
state or who is in physical control of a vehicle, streetcar, or 3313
trackless trolley shall be deemed to have given consent to a 3314
chemical test or tests of the person's whole blood, blood serum or 3315
plasma, breath, or urine to determine the alcohol, drug of abuse, 3316
controlled substance, metabolite of a controlled substance, or 3317
combination content of the person's whole blood, blood serum or 3318
plasma, breath, or urine if arrested for a violation of division 3319
(A) or (B) of section 4511.19 of the Revised Code, section 3320
4511.194 of the Revised Code or a substantially equivalent 3321
municipal ordinance, or a municipal OVI ordinance. 3322

(3) The chemical test or tests under division (A)(2) of this 3323
section shall be administered at the request of a law enforcement 3324
officer having reasonable grounds to believe the person was 3325
operating or in physical control of a vehicle, streetcar, or 3326
trackless trolley in violation of a division, section, or 3327
ordinance identified in division (A)(2) of this section. The law 3328
enforcement agency by which the officer is employed shall 3329
designate which of the tests shall be administered. 3330

(4) Any person who is dead or unconscious, or who otherwise 3331
is in a condition rendering the person incapable of refusal, shall 3332
be deemed to have consented as provided in division (A)(2) of this 3333
section, and the test or tests may be administered, subject to 3334
sections 313.12 to 313.16 of the Revised Code. 3335

(5)(a) If a law enforcement officer arrests a person for a 3336
violation of division (A) or (B) of section 4511.19 of the Revised 3337
Code, section 4511.194 of the Revised Code or a substantially 3338
equivalent municipal ordinance, or a municipal OVI ordinance and 3339
if the person if convicted would be required to be sentenced under 3340
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 3341
Code, the law enforcement officer shall request the person to 3342

submit, and the person shall submit, to a chemical test or tests 3343
of the person's whole blood, blood serum or plasma, breath, or 3344
urine for the purpose of determining the alcohol, drug of abuse, 3345
controlled substance, metabolite of a controlled substance, or 3346
combination content of the person's whole blood, blood serum or 3347
plasma, breath, or urine. A law enforcement officer who makes a 3348
request pursuant to this division that a person submit to a 3349
chemical test or tests is not required to advise the person of the 3350
consequences of submitting to, or refusing to submit to, the test 3351
or tests and is not required to give the person the form described 3352
in division (B) of section 4511.192 of the Revised Code, but the 3353
officer shall advise the person at the time of the arrest that if 3354
the person refuses to take a chemical test the officer may employ 3355
whatever reasonable means are necessary to ensure that the person 3356
submits to a chemical test of the person's whole blood or blood 3357
serum or plasma. The officer shall also advise the person at the 3358
time of the arrest that the person may have an independent 3359
chemical test taken at the person's own expense. Divisions (A)(3) 3360
and (4) of this section apply to the administration of a chemical 3361
test or tests pursuant to this division. 3362

(b) If a person refuses to submit to a chemical test upon a 3364
request made pursuant to division (A)(5)(a) of this section, the 3365
law enforcement officer who made the request may employ whatever 3366
reasonable means are necessary to ensure that the person submits 3367
to a chemical test of the person's whole blood or blood serum or 3368
plasma. A law enforcement officer who acts pursuant to this 3369
division to ensure that a person submits to a chemical test of the 3370
person's whole blood or blood serum or plasma is immune from 3371
criminal and civil liability based upon a claim for assault and 3372
battery or any other claim for the acts, unless the officer so 3373
acted with malicious purpose, in bad faith, or in a wanton or 3374
reckless manner. 3375

(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 3408
division (A) or (B) of section 4511.19 of the Revised Code or 3409
other equivalent offenses, or had refused one previous request to 3410
consent to a chemical test and also had been convicted of or 3411
pleaded guilty to one violation of division (A) or (B) of section 3412
4511.19 of the Revised Code or other equivalent offenses, which 3413
violation or offense arose from an incident other than the 3414
incident that led to the refusal, the suspension shall be a class 3415
A suspension imposed for the period of time specified in division 3416
(B)(1) of section 4510.02 of the Revised Code. 3417

(d) If the arrested person, within six years of the date on 3418
which the person refused the request to consent to the chemical 3419
test, had refused three or more previous requests to consent to a 3420
chemical test, had been convicted of or pleaded guilty to three or 3421
more violations of division (A) or (B) of section 4511.19 of the 3422
Revised Code or other equivalent offenses, or had refused a number 3423
of previous requests to consent to a chemical test and also had 3424
been convicted of or pleaded guilty to a number of violations of 3425
division (A) or (B) of section 4511.19 of the Revised Code or 3426
other equivalent offenses that cumulatively total three or more 3427
such refusals, convictions, and guilty pleas, the suspension shall 3428
be for five years. 3429

(2) The registrar shall terminate a suspension of the 3430
driver's or commercial driver's license or permit of a resident or 3431
of the operating privilege of a nonresident, or a denial of a 3432
driver's or commercial driver's license or permit, imposed 3433
pursuant to division (B)(1) of this section upon receipt of notice 3434
that the person has entered a plea of guilty to, or that the 3435
person has been convicted after entering a plea of no contest to, 3436
operating a vehicle in violation of section 4511.19 of the Revised 3437
Code or in violation of a municipal OVI ordinance, if the offense 3438
for which the conviction is had or the plea is entered arose from 3439

the same incident that led to the suspension or denial. 3440

The registrar shall credit against any judicial suspension of 3441
a person's driver's or commercial driver's license or permit or 3442
nonresident operating privilege imposed pursuant to section 3443
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3444
Revised Code for a violation of a municipal OVI ordinance, any 3445
time during which the person serves a related suspension imposed 3446
pursuant to division (B)(1) of this section. 3447

(C)(1) Upon receipt of the sworn report of the law 3448
enforcement officer who arrested a person for a violation of 3449
division (A) or (B) of section 4511.19 of the Revised Code or a 3450
municipal OVI ordinance that was completed and sent to the 3451
registrar and a court pursuant to section 4511.192 of the Revised 3452
Code in regard to a person whose test results indicate that the 3453
person's whole blood, blood serum or plasma, breath, or urine 3454
contained at least the concentration of alcohol specified in 3455
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 3456
Revised Code or at least the concentration of a listed controlled 3457
substance or a listed metabolite of a controlled substance 3458
specified in division (A)(1)(j) of section 4511.19 of the Revised 3459
Code, the registrar shall enter into the registrar's records the 3460
fact that the person's driver's or commercial driver's license or 3461
permit or nonresident operating privilege was suspended by the 3462
arresting officer under this division and section 4511.192 of the 3463
Revised Code and the period of the suspension, as determined under 3464
divisions (C)(1)(a) to (d) of this section. The suspension shall 3465
be subject to appeal as provided in section 4511.197 of the 3466
Revised Code. The suspension described in this division does not 3467
apply to, and shall not be imposed upon, a person arrested for a 3468
violation of section 4511.194 of the Revised Code or a 3469
substantially equivalent municipal ordinance who submits to a 3470
designated chemical test. The suspension shall be for whichever of 3471

the following periods applies: 3472

(a) Except when division (C)(1)(b), (c), or (d) of this 3473
section applies and specifies a different period, the suspension 3474
shall be a class E suspension imposed for the period of time 3475
specified in division (B)(5) of section 4510.02 of the Revised 3476
Code. 3477

(b) The suspension shall be a class C suspension for the 3478
period of time specified in division (B)(3) of section 4510.02 of 3479
the Revised Code if the person has been convicted of or pleaded 3480
guilty to, within six years of the date the test was conducted, 3481
one violation of division (A) or (B) of section 4511.19 of the 3482
Revised Code or one other equivalent offense. 3483

(c) If, within six years of the date the test was conducted, 3484
the person has been convicted of or pleaded guilty to two 3485
violations of a statute or ordinance described in division 3486
(C)(1)(b) of this section, the suspension shall be a class B 3487
suspension imposed for the period of time specified in division 3488
(B)(2) of section 4510.02 of the Revised Code. 3489

(d) If, within six years of the date the test was conducted, 3490
the person has been convicted of or pleaded guilty to more than 3491
two violations of a statute or ordinance described in division 3492
(C)(1)(b) of this section, the suspension shall be a class A 3493
suspension imposed for the period of time specified in division 3494
(B)(1) of section 4510.02 of the Revised Code. 3495

(2) The registrar shall terminate a suspension of the 3496
driver's or commercial driver's license or permit of a resident or 3497
of the operating privilege of a nonresident, or a denial of a 3498
driver's or commercial driver's license or permit, imposed 3499
pursuant to division (C)(1) of this section upon receipt of notice 3500
that the person has entered a plea of guilty to, or that the 3501
person has been convicted after entering a plea of no contest to, 3502

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

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

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

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

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

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

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

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

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

(a) One hundred twelve dollars and fifty cents shall be 3567
credited to the statewide treatment and prevention fund created by 3568
section 4301.30 of the Revised Code. The fund shall be used to pay 3569
the costs of driver treatment and intervention programs operated 3570
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 3571
director of alcohol and drug addiction services shall determine 3572
the share of the fund that is to be allocated to alcohol and drug 3573
addiction programs authorized by section 3793.02 of the Revised 3574
Code, and the share of the fund that is to be allocated to 3575
drivers' intervention programs authorized by section 3793.10 of 3576
the Revised Code. 3577

(b) Seventy-five dollars shall be credited to the reparations 3578
fund created by section 2743.191 of the Revised Code. 3579

(c) Thirty-seven dollars and fifty cents shall be credited to 3580
the indigent drivers alcohol treatment fund, which is hereby 3581
established. Except as otherwise provided in division (F)(2)(c) of 3582
this section, moneys in the fund shall be distributed by the 3583
department of alcohol and drug addiction services to the county 3584
indigent drivers alcohol treatment funds, the county juvenile 3585
indigent drivers alcohol treatment funds, and the municipal 3586
indigent drivers alcohol treatment funds that are required to be 3587
established by counties and municipal corporations pursuant to 3588
this section, and shall be used only to pay the cost of an alcohol 3589
and drug addiction treatment program attended by an offender or 3590
juvenile traffic offender who is ordered to attend an alcohol and 3591
drug addiction treatment program by a county, juvenile, or 3592
municipal court judge and who is determined by the county, 3593
juvenile, or municipal court judge not to have the means to pay 3594
for the person's attendance at the program or to pay the costs 3595
specified in division (H)(4) of this section in accordance with 3596
that division. In addition, a county, juvenile, or municipal court 3597
judge may use moneys in the county indigent drivers alcohol 3598

treatment fund, county juvenile indigent drivers alcohol treatment 3599
fund, or municipal indigent drivers alcohol treatment fund to pay 3600
for the cost of the continued use of an alcohol monitoring device 3601
as described in divisions (H)(3) and (4) of this section. Moneys 3602
in the fund that are not distributed to a county indigent drivers 3603
alcohol treatment fund, a county juvenile indigent drivers alcohol 3604
treatment fund, or a municipal indigent drivers alcohol treatment 3605
fund under division (H) of this section because the director of 3606
alcohol and drug addiction services does not have the information 3607
necessary to identify the county or municipal corporation where 3608
the offender or juvenile offender was arrested may be transferred 3609
by the director of budget and management to the statewide 3610
treatment and prevention fund created by section 4301.30 of the 3611
Revised Code, upon certification of the amount by the director of 3612
alcohol and drug addiction services. 3613

(d) Seventy-five dollars shall be credited to the Ohio 3614
rehabilitation services commission established by section 3304.12 3615
of the Revised Code, to the services for rehabilitation fund, 3616
which is hereby established. The fund shall be used to match 3617
available federal matching funds where appropriate, and for any 3618
other purpose or program of the commission to rehabilitate people 3619
with disabilities to help them become employed and independent. 3620

(e) Seventy-five dollars shall be deposited into the state 3621
treasury and credited to the drug abuse resistance education 3622
programs fund, which is hereby established, to be used by the 3623
attorney general for the purposes specified in division (F)(4) of 3624
this section. 3625

(f) Thirty dollars shall be credited to the state bureau of 3626
motor vehicles fund created by section 4501.25 of the Revised 3627
Code. 3628

(g) Twenty dollars shall be credited to the trauma and 3629
emergency medical services grants fund created by section 4513.263 3630

of the Revised Code. 3631

(h) Fifty dollars shall be credited to the indigent drivers 3632
interlock and alcohol monitoring fund, which is hereby established 3633
in the state treasury. Monies in the fund shall be distributed by 3634
the department of public safety to the county indigent drivers 3635
interlock and alcohol monitoring funds, the county juvenile 3636
indigent drivers interlock and alcohol monitoring funds, and the 3637
municipal indigent drivers interlock and alcohol monitoring funds 3638
that are required to be established by counties and municipal 3639
corporations pursuant to this section, and shall be used only to 3640
pay the cost of an immobilizing or disabling device, including a 3641
certified ignition interlock device, or an alcohol monitoring 3642
device used by an offender or juvenile offender who is ordered to 3643
use the device by a county, juvenile, or municipal court judge and 3644
who is determined by the county, juvenile, or municipal court 3645
judge not to have the means to pay for the person's use of the 3646
device. 3647

(3) If a person's driver's or commercial driver's license or 3648
permit is suspended under this section, under section 4511.196 or 3649
division (G) of section 4511.19 of the Revised Code, under section 3650
4510.07 of the Revised Code for a violation of a municipal OVI 3651
ordinance or under any combination of the suspensions described in 3652
division (F)(3) of this section, and if the suspensions arise from 3653
a single incident or a single set of facts and circumstances, the 3654
person is liable for payment of, and shall be required to pay to 3655
the bureau, only one reinstatement fee of four hundred twenty-five 3656
dollars. The reinstatement fee shall be distributed by the bureau 3657
in accordance with division (F)(2) of this section. 3658

(4) The attorney general shall use amounts in the drug abuse 3659
resistance education programs fund to award grants to law 3660
enforcement agencies to establish and implement drug abuse 3661
resistance education programs in public schools. Grants awarded to 3662

a law enforcement agency under this section shall be used by the 3663
agency to pay for not more than fifty per cent of the amount of 3664
the salaries of law enforcement officers who conduct drug abuse 3665
resistance education programs in public schools. The attorney 3666
general shall not use more than six per cent of the amounts the 3667
attorney general's office receives under division (F)(2)(e) of 3668
this section to pay the costs it incurs in administering the grant 3669
program established by division (F)(2)(e) of this section and in 3670
providing training and materials relating to drug abuse resistance 3671
education programs. 3672

The attorney general shall report to the governor and the 3673
general assembly each fiscal year on the progress made in 3674
establishing and implementing drug abuse resistance education 3675
programs. These reports shall include an evaluation of the 3676
effectiveness of these programs. 3677

(G) Suspension of a commercial driver's license under 3678
division (B) or (C) of this section shall be concurrent with any 3679
period of disqualification under section 3123.611 or 4506.16 of 3680
the Revised Code or any period of suspension under section 3123.58 3681
of the Revised Code. No person who is disqualified for life from 3682
holding a commercial driver's license under section 4506.16 of the 3683
Revised Code shall be issued a driver's license under Chapter 3684
4507. of the Revised Code during the period for which the 3685
commercial driver's license was suspended under division (B) or 3686
(C) of this section. No person whose commercial driver's license 3687
is suspended under division (B) or (C) of this section shall be 3688
issued a driver's license under Chapter 4507. of the Revised Code 3689
during the period of the suspension. 3690

(H)(1) Each county shall establish an indigent drivers 3691
alcohol treatment fund, each county shall establish a juvenile 3692
indigent drivers alcohol treatment fund, and each municipal 3693
corporation in which there is a municipal court shall establish an 3694

indigent drivers alcohol treatment fund. All revenue that the 3695
general assembly appropriates to the indigent drivers alcohol 3696
treatment fund for transfer to a county indigent drivers alcohol 3697
treatment fund, a county juvenile indigent drivers alcohol 3698
treatment fund, or a municipal indigent drivers alcohol treatment 3699
fund, all portions of fees that are paid under division (F) of 3700
this section and that are credited under that division to the 3701
indigent drivers alcohol treatment fund in the state treasury for 3702
a county indigent drivers alcohol treatment fund, a county 3703
juvenile indigent drivers alcohol treatment fund, or a municipal 3704
indigent drivers alcohol treatment fund, all portions of 3705
additional costs imposed under section 2949.094 of the Revised 3706
Code that are specified for deposit into a county, county 3707
juvenile, or municipal indigent drivers alcohol treatment fund by 3708
that section, and all portions of fines that are specified for 3709
deposit into a county or municipal indigent drivers alcohol 3710
treatment fund by section 4511.193 of the Revised Code shall be 3711
deposited into that county indigent drivers alcohol treatment 3712
fund, county juvenile indigent drivers alcohol treatment fund, or 3713
municipal indigent drivers alcohol treatment fund. The portions of 3714
the fees paid under division (F) of this section that are to be so 3715
deposited shall be determined in accordance with division (H)(2) 3716
of this section. Additionally, all portions of fines that are paid 3717
for a violation of section 4511.19 of the Revised Code or of any 3718
prohibition contained in Chapter 4510. of the Revised Code, and 3719
that are required under section 4511.19 or any provision of 3720
Chapter 4510. of the Revised Code to be deposited into a county 3721
indigent drivers alcohol treatment fund or municipal indigent 3722
drivers alcohol treatment fund shall be deposited into the 3723
appropriate fund in accordance with the applicable division of the 3724
section or provision. 3725

(2) That portion of the license reinstatement fee that is 3726
paid under division (F) of this section and that is credited under 3727

that division to the indigent drivers alcohol treatment fund and 3728
~~that portion of the additional court cost that is imposed under~~ 3729
~~section 2949.094 of the Revised Code and that is specified by that~~ 3730
~~section for deposit into the indigent drivers alcohol treatment~~ 3731
fund shall be deposited into a county indigent drivers alcohol 3732
treatment fund, a county juvenile indigent drivers alcohol 3733
treatment fund, or a municipal indigent drivers alcohol treatment 3734
fund as follows: 3735

(a) Regarding a suspension imposed under this section ~~or~~ 3736
~~additional court costs~~, that portion of the fee shall be deposited 3737
as follows: 3738

(i) If the fee ~~or court cost~~ is paid by a person who was 3739
charged in a county court with the violation that resulted in the 3740
suspension or in the imposition of the court costs, the portion 3741
shall be deposited into the county indigent drivers alcohol 3742
treatment fund under the control of that court; 3743

(ii) If the fee ~~or court cost~~ is paid by a person who was 3744
charged in a juvenile court with the violation that resulted in 3745
the suspension or in the imposition of the court costs, the 3746
portion shall be deposited into the county juvenile indigent 3747
drivers alcohol treatment fund established in the county served by 3748
the court; 3749

(iii) If the fee ~~or court cost~~ is paid by a person who was 3750
charged in a municipal court with the violation that resulted in 3751
the suspension or in the imposition of the court costs, the 3752
portion shall be deposited into the municipal indigent drivers 3753
alcohol treatment fund under the control of that court. 3754

(b) Regarding a suspension imposed under section 4511.19 of 3755
the Revised Code or under section 4510.07 of the Revised Code for 3756
a violation of a municipal OVI ordinance, that portion of the fee 3757
shall be deposited as follows: 3758

(i) If the fee is paid by a person whose license or permit 3759
was suspended by a county court, the portion shall be deposited 3760
into the county indigent drivers alcohol treatment fund under the 3761
control of that court; 3762

(ii) If the fee is paid by a person whose license or permit 3763
was suspended by a municipal court, the portion shall be deposited 3764
into the municipal indigent drivers alcohol treatment fund under 3765
the control of that court. 3766

(3) Expenditures from a county indigent drivers alcohol 3767
treatment fund, a county juvenile indigent drivers alcohol 3768
treatment fund, or a municipal indigent drivers alcohol treatment 3769
fund shall be made only upon the order of a county, juvenile, or 3770
municipal court judge and only for payment of the cost of an 3771
assessment or the cost of the attendance at an alcohol and drug 3772
addiction treatment program of a person who is convicted of, or 3773
found to be a juvenile traffic offender by reason of, a violation 3774
of division (A) of section 4511.19 of the Revised Code or a 3775
substantially similar municipal ordinance, who is ordered by the 3776
court to attend the alcohol and drug addiction treatment program, 3777
and who is determined by the court to be unable to pay the cost of 3778
the assessment or the cost of attendance at the treatment program 3779
or for payment of the costs specified in division (H)(4) of this 3780
section in accordance with that division. The alcohol and drug 3781
addiction services board or the board of alcohol, drug addiction, 3782
and mental health services established pursuant to section 340.02 3783
or 340.021 of the Revised Code and serving the alcohol, drug 3784
addiction, and mental health service district in which the court 3785
is located shall administer the indigent drivers alcohol treatment 3786
program of the court. When a court orders an offender or juvenile 3787
traffic offender to obtain an assessment or attend an alcohol and 3788
drug addiction treatment program, the board shall determine which 3789
program is suitable to meet the needs of the offender or juvenile 3790

traffic offender, and when a suitable program is located and space 3791
is available at the program, the offender or juvenile traffic 3792
offender shall attend the program designated by the board. A 3793
reasonable amount not to exceed five per cent of the amounts 3794
credited to and deposited into the county indigent drivers alcohol 3795
treatment fund, the county juvenile indigent drivers alcohol 3796
treatment fund, or the municipal indigent drivers alcohol 3797
treatment fund serving every court whose program is administered 3798
by that board shall be paid to the board to cover the costs it 3799
incurs in administering those indigent drivers alcohol treatment 3800
programs. 3801

In addition, upon exhaustion of moneys in the indigent 3802
drivers interlock and alcohol monitoring fund for the use of an 3803
alcohol monitoring device, a county, juvenile, or municipal court 3804
judge may use moneys in the county indigent drivers alcohol 3805
treatment fund, county juvenile indigent drivers alcohol treatment 3806
fund, or municipal indigent drivers alcohol treatment fund in the 3807
following manners: 3808

(a) If the source of the moneys was an appropriation of the 3809
general assembly, a portion of a fee that was paid under division 3810
(F) of this section, a portion of a fine that was specified for 3811
deposit into the fund by section 4511.193 of the Revised Code, or 3812
a portion of a fine that was paid for a violation of section 3813
4511.19 of the Revised Code or of a provision contained in Chapter 3814
4510. of the Revised Code that was required to be deposited into 3815
the fund, to pay for the continued use of an alcohol monitoring 3816
device by an offender or juvenile traffic offender, in conjunction 3817
with a treatment program approved by the department of alcohol and 3818
drug addiction services, when such use is determined clinically 3819
necessary by the treatment program and when the court determines 3820
that the offender or juvenile traffic offender is unable to pay 3821
all or part of the daily monitoring or cost of the device; 3822

3823

(b) If the source of the moneys was a portion of an 3824
additional court cost imposed under section 2949.094 of the 3825
Revised Code, to pay for the continued use of an alcohol 3826
monitoring device by an offender or juvenile traffic offender when 3827
the court determines that the offender or juvenile traffic 3828
offender is unable to pay all or part of the daily monitoring or 3829
cost of the device. The moneys may be used for a device as 3830
described in this division if the use of the device is in 3831
conjunction with a treatment program approved by the department of 3832
alcohol and drug addiction services, when the use of the device is 3833
determined clinically necessary by the treatment program, but the 3834
use of a device is not required to be in conjunction with a 3835
treatment program approved by the department in order for the 3836
moneys to be used for the device as described in this division. 3837

(4) If a county, juvenile, or municipal court determines, in 3838
consultation with the alcohol and drug addiction services board or 3839
the board of alcohol, drug addiction, and mental health services 3840
established pursuant to section 340.02 or 340.021 of the Revised 3841
Code and serving the alcohol, drug addiction, and mental health 3842
district in which the court is located, that the funds in the 3843
county indigent drivers alcohol treatment fund, the county 3844
juvenile indigent drivers alcohol treatment fund, or the municipal 3845
indigent drivers alcohol treatment fund under the control of the 3846
court are more than sufficient to satisfy the purpose for which 3847
the fund was established, as specified in divisions (H)(1) to (3) 3848
of this section, the court may declare a surplus in the fund. If 3849
the court declares a surplus in the fund, the court may expend the 3850
amount of the surplus in the fund for: 3851

(a) Alcohol and drug abuse assessment and treatment of 3852
persons who are charged in the court with committing a criminal 3853
offense or with being a delinquent child or juvenile traffic 3854

offender and in relation to whom both of the following apply: 3855

(i) The court determines that substance abuse was a 3856
contributing factor leading to the criminal or delinquent activity 3857
or the juvenile traffic offense with which the person is charged. 3858

(ii) The court determines that the person is unable to pay 3859
the cost of the alcohol and drug abuse assessment and treatment 3860
for which the surplus money will be used. 3861

(b) All or part of the cost of purchasing alcohol monitoring 3862
devices to be used in conjunction with division (H)(3) of this 3863
section, upon exhaustion of moneys in the indigent drivers 3864
interlock and alcohol monitoring fund for the use of an alcohol 3865
monitoring device. 3866

(5) For the purpose of determining as described in division 3867
(F)(2)(c) of this section whether an offender does not have the 3868
means to pay for the offender's attendance at an alcohol and drug 3869
addiction treatment program or whether an alleged offender or 3870
delinquent child is unable to pay the costs specified in division 3871
(H)(4) of this section, the court shall use the indigent client 3872
eligibility guidelines and the standards of indigency established 3873
by the state public defender to make the determination. 3874

(6) The court shall identify and refer any alcohol and drug 3875
addiction program that is not certified under section 3793.06 of 3876
the Revised Code and that is interested in receiving amounts from 3877
the surplus in the fund declared under division (H)(4) of this 3878
section to the department of alcohol and drug addiction services 3879
in order for the program to become a certified alcohol and drug 3880
~~treatment~~ addiction program. The department shall keep a record of 3881
applicant referrals received pursuant to this division and shall 3882
submit a report on the referrals each year to the general 3883
assembly. If a program interested in becoming certified makes an 3884
application to become certified pursuant to section 3793.06 of the 3885

Revised Code, the program is eligible to receive surplus funds as 3886
long as the application is pending with the department. The 3887
department of alcohol and drug addiction services must offer 3888
technical assistance to the applicant. If the interested program 3889
withdraws the certification application, the department must 3890
notify the court, and the court shall not provide the interested 3891
program with any further surplus funds. 3892

(I)(1) Each county shall establish an indigent drivers 3893
interlock and alcohol monitoring fund and a juvenile indigent 3894
drivers interlock and alcohol treatment fund, and each municipal 3895
corporation in which there is a municipal court shall establish an 3896
indigent drivers interlock and alcohol monitoring fund. All 3897
revenue that the general assembly appropriates to the indigent 3898
drivers interlock and alcohol monitoring fund for transfer to a 3899
county indigent drivers interlock and alcohol monitoring fund, a 3900
county juvenile indigent drivers interlock and alcohol monitoring 3901
fund, or a municipal indigent drivers interlock and alcohol 3902
monitoring fund, all portions of license reinstatement fees that 3903
are paid under division (F)(2) of this section and that are 3904
credited under that division to the indigent drivers interlock and 3905
alcohol monitoring fund in the state treasury, and all portions of 3906
fines that are paid under division (G) of section 4511.19 of the 3907
Revised Code and that are credited by division (G)(5)(e) of that 3908
section to the indigent drivers interlock and alcohol monitoring 3909
fund in the state treasury shall be deposited in the appropriate 3910
fund in accordance with division (I)(2) of this section. 3911

(2) That portion of the license reinstatement fee that is 3912
paid under division (F) of this section and that portion of the 3913
fine paid under division (G) of section 4511.19 of the Revised 3914
Code and that is credited under either division to the indigent 3915
drivers interlock and alcohol monitoring fund shall be deposited 3916
into a county indigent drivers interlock and alcohol monitoring 3917

fund, a county juvenile indigent drivers interlock and alcohol 3918
monitoring fund, or a municipal indigent drivers interlock and 3919
alcohol monitoring fund as follows: 3920

(a) If the fee or fine is paid by a person who was charged in 3921
a county court with the violation that resulted in the suspension 3922
or fine, the portion shall be deposited into the county indigent 3923
drivers interlock and alcohol monitoring fund under the control of 3924
that court. 3925

(b) If the fee or fine is paid by a person who was charged in 3926
a juvenile court with the violation that resulted in the 3927
suspension or fine, the portion shall be deposited into the county 3928
juvenile indigent drivers interlock and alcohol monitoring fund 3929
established in the county served by the court. 3930

(c) If the fee or fine is paid by a person who was charged in 3931
a municipal court with the violation that resulted in the 3932
suspension, the portion shall be deposited into the municipal 3933
indigent drivers interlock and alcohol monitoring fund under the 3934
control of that court. 3935

Sec. 4511.192. (A) The Except as provided in division (A)(5) 3936
of section 4511.191 of the Revised Code, the arresting law 3937
enforcement officer shall give advice in accordance with this 3938
section to any person under arrest for a violation of division (A) 3939
or (B) of section 4511.19 of the Revised Code, section 4511.194 of 3940
the Revised Code or a substantially equivalent municipal 3941
ordinance, or a municipal OVI ordinance. The officer shall give 3942
that advice in a written form that contains the information 3943
described in division (B) of this section and shall read the 3944
advice to the person. The form shall contain a statement that the 3945
form was shown to the person under arrest and read to the person 3946
by the arresting officer. One or more persons shall witness the 3947
arresting officer's reading of the form, and the witnesses shall 3948

certify to this fact by signing the form. The person must submit 3949
to the chemical test or tests, subsequent to the request of the 3950
arresting officer, within two hours of the time of the alleged 3951
violation and, if the person does not submit to the test or tests 3952
within that two-hour time limit, the failure to submit 3953
automatically constitutes a refusal to submit to the test or 3954
tests. 3955

(B) ~~If~~ Except as provided in division (A)(5) of section 3956
4511.191 of the Revised Code, if a person is under arrest as 3957
described in division (A) of this section, before the person may 3958
be requested to submit to a chemical test or tests to determine 3959
the alcohol, drug of abuse, controlled substance, metabolite of a 3960
controlled substance, or combination content of the person's whole 3961
blood, blood serum or plasma, breath, or urine, the arresting 3962
officer shall read the following form to the person: 3963

"You now are under arrest for (specifically state the offense 3964
under state law or a substantially equivalent municipal ordinance 3965
for which the person was arrested - operating a vehicle under the 3966
influence of alcohol, a drug, or a combination of them; operating 3967
a vehicle while under the influence of a listed controlled 3968
substance or a listed metabolite of a controlled substance; 3969
operating a vehicle after underage alcohol consumption; or having 3970
physical control of a vehicle while under the influence). 3971

If you refuse to take any chemical test required by law, your 3972
Ohio driving privileges will be suspended immediately, and you 3973
will have to pay a fee to have the privileges reinstated. If you 3974
have a prior conviction of OVI, OVUAC, or operating a vehicle 3975
while under the influence of a listed controlled substance or a 3976
listed metabolite of a controlled substance under state or 3977
municipal law within the preceding twenty years, you now are under 3978
arrest for state OVI, and, if you refuse to take a chemical test, 3979
you will face increased penalties if you subsequently are 3980

convicted of the state OVI. 3981

(Read this part unless the person is under arrest for solely 3982
having physical control of a vehicle while under the influence.) 3983
If you take any chemical test required by law and are found to be 3984
at or over the prohibited amount of alcohol, a controlled 3985
substance, or a metabolite of a controlled substance in your whole 3986
blood, blood serum or plasma, breath, or urine as set by law, your 3987
Ohio driving privileges will be suspended immediately, and you 3988
will have to pay a fee to have the privileges reinstated. 3989

If you take a chemical test, you may have an independent 3990
chemical test taken at your own expense." 3991

(C) If the arresting law enforcement officer does not ask a 3992
person under arrest as described in division (A) of this section 3993
or division (A)(5) of section 4511.191 of the Revised Code to 3994
submit to a chemical test or tests under section 4511.191 of the 3995
Revised Code, the arresting officer shall seize the Ohio or 3996
out-of-state driver's or commercial driver's license or permit of 3997
the person and immediately forward it to the court in which the 3998
arrested person is to appear on the charge. If the arrested person 3999
is not in possession of the person's license or permit or it is 4000
not in the person's vehicle, the officer shall order the person to 4001
surrender it to the law enforcement agency that employs the 4002
officer within twenty-four hours after the arrest, and, upon the 4003
surrender, the agency immediately shall forward the license or 4004
permit to the court in which the person is to appear on the 4005
charge. Upon receipt of the license or permit, the court shall 4006
retain it pending the arrested person's initial appearance and any 4007
action taken under section 4511.196 of the Revised Code. 4008

(D)(1) If a law enforcement officer asks a person under 4009
arrest as described in division (A)(5) of section 4511.191 of the 4010
Revised Code to submit to a chemical test or tests under that 4011
section and the test results indicate a prohibited concentration 4012

of alcohol, a controlled substance, or a metabolite of a 4013
controlled substance in the person's whole blood, blood serum or 4014
plasma, breath, or urine at the time of the alleged offense, or if 4015
a law enforcement officer asks a person under arrest as described 4016
in division (A) of this section to submit to a chemical test or 4017
tests under section 4511.191 of the Revised Code, the officer 4018
advises the person in accordance with this section of the 4019
consequences of the person's refusal or submission, and either the 4020
person refuses to submit to the test or tests or, unless the 4021
arrest was for a violation of section 4511.194 of the Revised Code 4022
or a substantially equivalent municipal ordinance, the person 4023
submits to the test or tests and the test results indicate a 4024
prohibited concentration of alcohol, a controlled substance, or a 4025
metabolite of a controlled substance in the person's whole blood, 4026
blood serum or plasma, breath, or urine at the time of the alleged 4027
offense, the arresting officer shall do all of the following: 4028

(a) On behalf of the registrar of motor vehicles, notify the 4029
person that, independent of any penalties or sanctions imposed 4030
upon the person, the person's Ohio driver's or commercial driver's 4031
license or permit or nonresident operating privilege is suspended 4032
immediately, that the suspension will last at least until the 4033
person's initial appearance on the charge, which will be held 4034
within five days after the date of the person's arrest or the 4035
issuance of a citation to the person, and that the person may 4036
appeal the suspension at the initial appearance or during the 4037
period of time ending thirty days after that initial appearance; 4038

(b) Seize the driver's or commercial driver's license or 4039
permit of the person and immediately forward it to the registrar. 4040
If the arrested person is not in possession of the person's 4041
license or permit or it is not in the person's vehicle, the 4042
officer shall order the person to surrender it to the law 4043
enforcement agency that employs the officer within twenty-four 4044

hours after the person is given notice of the suspension, and, 4045
upon the surrender, the officer's employing agency immediately 4046
shall forward the license or permit to the registrar. 4047

(c) Verify the person's current residence and, if it differs 4048
from that on the person's driver's or commercial driver's license 4049
or permit, notify the registrar of the change; 4050

(d) Send to the registrar, within forty-eight hours after the 4051
arrest of the person, a sworn report that includes all of the 4052
following statements: 4053

(i) That the officer had reasonable grounds to believe that, 4054
at the time of the arrest, the arrested person was operating a 4055
vehicle, streetcar, or trackless trolley in violation of division 4056
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4057
OVI ordinance or for being in physical control of a stationary 4058
vehicle, streetcar, or trackless trolley in violation of section 4059
4511.194 of the Revised Code or a substantially equivalent 4060
municipal ordinance; 4061

(ii) That the person was arrested and charged with a 4062
violation of division (A) or (B) of section 4511.19 of the Revised 4063
Code, section 4511.194 of the Revised Code or a substantially 4064
equivalent municipal ordinance, or a municipal OVI ordinance; 4065

(iii) Unless division (D)(1)(d)(v) of this section applies, 4066
that the officer asked the person to take the designated chemical 4067
test or tests, advised the person in accordance with this section 4068
of the consequences of submitting to, or refusing to take, the 4069
test or tests, and gave the person the form described in division 4070
(B) of this section; 4071

(iv) Unless division (D)(1)(d)(v) of this section applies, 4072
that either the person refused to submit to the chemical test or 4073
tests or, unless the arrest was for a violation of section 4074
4511.194 of the Revised Code or a substantially equivalent 4075

municipal ordinance, the person submitted to the chemical test or 4076
tests and the test results indicate a prohibited concentration of 4077
alcohol, a controlled substance, or a metabolite of a controlled 4078
substance in the person's whole blood, blood serum or plasma, 4079
breath, or urine at the time of the alleged offense; 4080

(v) If the person was under arrest as described in division 4081
(A)(5) of section 4511.191 of the Revised Code and the chemical 4082
test or tests were performed in accordance with that division, 4083
that the person was under arrest as described in that division, 4084
that the chemical test or tests were performed in accordance with 4085
that division, and that test results indicated a prohibited 4086
concentration of alcohol, a controlled substance, or a metabolite 4087
of a controlled substance in the person's whole blood, blood serum 4088
or plasma, breath, or urine at the time of the alleged offense. 4089

(2) Division (D)(1) of this section does not apply to a 4090
person who is arrested for a violation of section 4511.194 of the 4091
Revised Code or a substantially equivalent municipal ordinance, 4092
who is asked by a law enforcement officer to submit to a chemical 4093
test or tests under section 4511.191 of the Revised Code, and who 4094
submits to the test or tests, regardless of the amount of alcohol, 4095
a controlled substance, or a metabolite of a controlled substance 4096
that the test results indicate is present in the person's whole 4097
blood, blood serum or plasma, breath, or urine. 4098

(E) The arresting officer shall give the officer's sworn 4099
report that is completed under this section to the arrested person 4100
at the time of the arrest, or the registrar of motor vehicles 4101
shall send the report to the person by regular first class mail as 4102
soon as possible after receipt of the report, but not later than 4103
fourteen days after receipt of it. An arresting officer may give 4104
an unsworn report to the arrested person at the time of the arrest 4105
provided the report is complete when given to the arrested person 4106
and subsequently is sworn to by the arresting officer. As soon as 4107

possible, but not later than forty-eight hours after the arrest of 4108
the person, the arresting officer shall send a copy of the sworn 4109
report to the court in which the arrested person is to appear on 4110
the charge for which the person was arrested. 4111

(F) The sworn report of an arresting officer completed under 4112
this section is prima-facie proof of the information and 4113
statements that it contains. It shall be admitted and considered 4114
as prima-facie proof of the information and statements that it 4115
contains in any appeal under section 4511.197 of the Revised Code 4116
relative to any suspension of a person's driver's or commercial 4117
driver's license or permit or nonresident operating privilege that 4118
results from the arrest covered by the report. 4119

Sec. 4511.197. (A) If a person is arrested for operating a 4120
vehicle, streetcar, or trackless trolley in violation of division 4121
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4122
OVI ordinance or for being in physical control of a vehicle, 4123
streetcar, or trackless trolley in violation of section 4511.194 4124
of the Revised Code or a substantially equivalent municipal 4125
ordinance and if the person's driver's or commercial driver's 4126
license or permit or nonresident operating privilege is suspended 4127
under ~~section~~ sections 4511.191 and 4511.192 of the Revised Code, 4128
the person may appeal the suspension at the person's initial 4129
appearance on the charge resulting from the arrest or within the 4130
period ending thirty days after the person's initial appearance on 4131
that charge, in the court in which the person will appear on that 4132
charge. If the person appeals the suspension, the appeal itself 4133
does not stay the operation of the suspension. If the person 4134
appeals the suspension, either the person or the registrar of 4135
motor vehicles may request a continuance of the appeal, and the 4136
court may grant the continuance. The court also may continue the 4137
appeal on its own motion. Neither the request for, nor the 4138
granting of, a continuance stays the suspension that is the 4139

subject of the appeal, unless the court specifically grants a stay. 4140
4141

(B) A person shall file an appeal under division (A) of this section in the municipal court, county court, juvenile court, mayor's court, or court of common pleas that has jurisdiction over the charge in relation to which the person was arrested. 4142
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(C) If a person appeals a suspension under division (A) of this section, the scope of the appeal is limited to determining whether one or more of the following conditions have not been met: 4146
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(1) Whether the arresting law enforcement officer had reasonable ground to believe the arrested person was operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance or was in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance and whether the arrested person was in fact placed under arrest; 4149
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(2) Whether the law enforcement officer requested the arrested person to submit to the chemical test or tests designated pursuant to division (A) of section 4511.191 of the Revised Code; 4157
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(3) ~~Whether~~ If the person was under arrest as described in division (A)(5) of section 4511.191 of the Revised Code, whether the arresting officer advised the person at the time of the arrest that if the person refused to take a chemical test, the officer could employ whatever reasonable means were necessary to ensure that the person submitted to a chemical test of the person's whole blood or blood serum or plasma; or if the person was under arrest other than as described in division (A)(5) of section 4511.191 of the Revised Code, whether the arresting officer informed the arrested person of the consequences of refusing to be tested or of submitting to the test or tests; 4160
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(4) Whichever of the following is applicable: 4171

(a) ~~Whether~~ If the suspension was imposed under division (B) 4172
of section 4511.191 and section 4511.192 of the Revised Code, 4173
whether the arrested person refused to submit to the chemical test 4174
or tests requested by the officer; 4175

(b) ~~Whether~~ If the suspension was imposed under division (C) 4176
of section 4511.191 and section 4511.192 of the Revised Code, 4177
whether the arrest was for a violation of division (A) or (B) of 4178
section 4511.19 of the Revised Code or a municipal OVI ordinance 4179
and, if it was, whether the chemical test results indicate that at 4180
the time of the alleged offense the arrested person's whole blood 4181
~~contained a concentration of eight hundredths of one per cent or~~ 4182
~~more by weight of alcohol, the person's blood serum or plasma~~ 4183
~~contained a concentration of ninety six thousandths of one per~~ 4184
~~cent or more by weight of alcohol, the person's breath contained a~~ 4185
~~concentration of eight hundredths of one gram or more by weight of~~ 4186
~~alcohol per two hundred ten liters of the person's breath, or the~~ 4187
~~person's urine contained a~~ at least the concentration of 4188
~~eleven hundredths of one gram or more by weight of alcohol per one~~ 4189
~~hundred milliliters of the person's urine at the time of the~~ 4190
~~alleged offense~~ specified in division (A)(1)(b), (c), (d), or (e) 4191
of section 4511.19 of the Revised Code or at least the 4192
concentration of a listed controlled substance or a listed 4193
metabolite of a controlled substance specified in division 4194
(A)(1)(j) of section 4511.19 of the Revised Code. 4195

(D) A person who appeals a suspension under division (A) of 4196
this section has the burden of proving, by a preponderance of the 4197
evidence, that one or more of the conditions specified in division 4198
(C) of this section has not been met. If, during the appeal, the 4199
judge or magistrate of the court or the mayor of the mayor's court 4200
determines that all of those conditions have been met, the judge, 4201
magistrate, or mayor shall uphold the suspension, continue the 4202

suspension, and notify the registrar of motor vehicles of the 4203
decision on a form approved by the registrar. 4204

Except as otherwise provided in this section, if a suspension 4205
imposed under section 4511.191 of the Revised Code is upheld on 4206
appeal or if the subject person does not appeal the suspension 4207
under division (A) of this section, the suspension shall continue 4208
until the complaint alleging the violation for which the person 4209
was arrested and in relation to which the suspension was imposed 4210
is adjudicated on the merits or terminated pursuant to law. If the 4211
suspension was imposed under division (B)(1) of section 4511.191 4212
of the Revised Code and it is continued under this section, any 4213
subsequent finding that the person is not guilty of the charge 4214
that resulted in the person being requested to take the chemical 4215
test or tests under division (A) of section 4511.191 of the 4216
Revised Code does not terminate or otherwise affect the 4217
suspension. If the suspension was imposed under division (C) of 4218
section 4511.191 of the Revised Code in relation to an alleged 4219
misdemeanor violation of division (A) or (B) of section 4511.19 of 4220
the Revised Code or of a municipal OVI ordinance and it is 4221
continued under this section, the suspension shall terminate if, 4222
for any reason, the person subsequently is found not guilty of the 4223
charge that resulted in the person taking the chemical test or 4224
tests. 4225

If, during the appeal, the judge or magistrate of the trial 4226
court or the mayor of the mayor's court determines that one or 4227
more of the conditions specified in division (C) of this section 4228
have not been met, the judge, magistrate, or mayor shall terminate 4229
the suspension, subject to the imposition of a new suspension 4230
under division (B) of section 4511.196 of the Revised Code; shall 4231
notify the registrar of motor vehicles of the decision on a form 4232
approved by the registrar; and, except as provided in division (B) 4233
of section 4511.196 of the Revised Code, shall order the registrar 4234

to return the driver's or commercial driver's license or permit to 4235
the person or to take any other measures that may be necessary, if 4236
the license or permit was destroyed under section 4510.53 of the 4237
Revised Code, to permit the person to obtain a replacement 4238
driver's or commercial driver's license or permit from the 4239
registrar or a deputy registrar in accordance with that section. 4240
The court also shall issue to the person a court order, valid for 4241
not more than ten days from the date of issuance, granting the 4242
person operating privileges for that period. 4243

(E) Any person whose driver's or commercial driver's license 4244
or permit or nonresident operating privilege has been suspended 4245
pursuant to section 4511.191 of the Revised Code may file a 4246
petition requesting limited driving privileges in the common pleas 4247
court, municipal court, county court, mayor's court, or juvenile 4248
court with jurisdiction over the related criminal or delinquency 4249
case. The petition may be filed at any time subsequent to the date 4250
on which the arresting law enforcement officer serves the notice 4251
of suspension upon the arrested person but no later than thirty 4252
days after the arrested person's initial appearance or 4253
arraignment. Upon the making of the request, limited driving 4254
privileges may be granted under sections 4510.021 and 4510.13 of 4255
the Revised Code, regardless of whether the person appeals the 4256
suspension under this section or appeals the decision of the court 4257
on the appeal, and, if the person has so appealed the suspension 4258
or decision, regardless of whether the matter has been heard or 4259
decided by the court. The person shall pay the costs of the 4260
proceeding, notify the registrar of the filing of the petition, 4261
and send the registrar a copy of the petition. 4262

The court may not grant the person limited driving privileges 4263
when prohibited by section 4510.13 or 4511.191 of the Revised 4264
Code. 4265

(F) Any person whose driver's or commercial driver's license 4266

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

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

(H) The court shall give information in writing of any action 4299
taken under this section to the registrar of motor vehicles. 4300

(I) When it finally has been determined under the procedures 4301
of this section that a nonresident's privilege to operate a 4302
vehicle within this state has been suspended, the registrar of 4303
motor vehicles shall give information in writing of the action 4304
taken to the motor vehicle administrator of the state of the 4305
nonresident's residence and of any state in which the nonresident 4306
has a license. 4307

Sec. 4729.041. The executive director of the state board of 4308
pharmacy, as soon as possible after the necessary and appropriate 4309
scientific evidence is available and with the board's approval, 4310
shall adopt rules that do the following: 4311

(A) Specify the amount of salvia divinorum and the amount of 4312
salvinorin A that constitute concentrations of salvia divinorum 4313
and salvinorin A in a person's urine, in a person's whole blood, 4314
or in a person's blood serum or plasma at or above which the 4315
person is impaired for purposes of operating or being in physical 4316
control of any vessel underway or manipulating any water skis, 4317
aquaplane, or similar device on the waters of this state; 4318

(B) Specify the amount of salvia divinorum and the amount of 4319
salvinorin A that constitute concentrations of salvia divinorum 4320
and salvinorin A in a person's urine, in a person's whole blood, 4321
or in a person's blood serum or plasma at or above which the 4322
person is impaired for purposes of operating any vehicle, 4323
streetcar, or trackless trolley within this state. 4324

Sec. 5111.0119. (A)(1) As used in this section, subject to 4325
division (A)(2) of this section, "state or local correctional 4326
facility" means any of the following: 4327

(a) A "state correctional institution," as defined in section 4328

<u>2967.01 of the Revised Code;</u>	4329
<u>(b) A "local correctional facility," as defined in section</u>	4330
<u>2903.13 of the Revised Code;</u>	4331
<u>(c) A correctional facility that is privately operated and</u>	4332
<u>managed pursuant to section 9.06 of the Revised Code.</u>	4333
<u>(2) "State or local correctional facility" does not include</u>	4334
<u>any facility operated directly by or at the direction of the</u>	4335
<u>department of youth services.</u>	4336
<u>(B) If a person who is confined in a state or local</u>	4337
<u>correctional facility was a medicaid recipient immediately prior</u>	4338
<u>to being confined in the facility, all of the following apply:</u>	4339
<u>(1) The person's eligibility for medicaid while so confined</u>	4340
<u>shall be suspended due to the confinement.</u>	4341
<u>(2) Except as provided in division (C) of this section, no</u>	4342
<u>medicaid payment shall be made for any care, services, or supplies</u>	4343
<u>provided to the person during the suspension described in division</u>	4344
<u>(B)(1) of this section.</u>	4345
<u>(3) The suspension described in division (B)(1) of this</u>	4346
<u>section shall end upon the release of the person from the</u>	4347
<u>confinement.</u>	4348
<u>(4) Except in instances in which the person has been</u>	4349
<u>disenrolled from medicaid after the person's release from</u>	4350
<u>confinement, the person shall not be required to reapply for</u>	4351
<u>medicaid when the suspension described in division (B)(1) of this</u>	4352
<u>section ends. Nothing in this section shall limit the authority of</u>	4353
<u>the department of job and family services or the county</u>	4354
<u>departments of job and family services from redetermining the</u>	4355
<u>eligibility of a person described in this section upon the</u>	4356
<u>person's release from confinement.</u>	4357
<u>(C) The department shall take the steps necessary to begin</u>	4358

implementation of this section commencing on September 1, 2009. 4359

Section 2. That existing sections 341.12, 341.13, 341.14, 4360
341.15, 1547.11, 1547.111, 2725.27, 2903.06, 2949.094, 3719.41, 4361
4503.235, 4506.03, 4510.13, 4511.19, 4511.191, 4511.192, and 4362
4511.197 and section 2725.25 of the Revised Code are hereby 4363
repealed. 4364

Section 3. Section 4511.191 of the Revised Code is presented 4365
in this act as a composite of the section as amended by both Am. 4366
Sub. H.B. 562 and Am. Sub. S.B. 17 of the 127th General Assembly. 4367
The General Assembly, applying the principle stated in division 4368
(B) of section 1.52 of the Revised Code that amendments are to be 4369
harmonized if reasonably capable of simultaneous operation, finds 4370
that the composite is the resulting version of the section in 4371
effect prior to the effective date of the section as presented in 4372
this act. 4373