

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 279**

**Representatives Seitz, Letson**

**Cosponsors: Representatives Flowers, Blessing, Hughes, Stebelton,  
Raussen, Dyer, Lundy, Evans, Latta, Schneider, Wagner, Setzer, Webster,  
Bubp, Koziura, Patton, Schindel, Brinkman, Otterman, McGregor, J.,  
DeGeeter, Mallory, Brown, Fende, Luckie**

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**A B I L L**

To amend sections 4510.13, 4510.43, 4511.19, and 1  
4511.191 and to enact sections 4510.45 and 4510.46 2  
of the Revised Code to require certain OVI 3  
offenders who are granted limited driving 4  
privileges to operate only motor vehicles that are 5  
equipped with ignition interlock devices and to 6  
make other changes relative to such devices. 7

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

**Section 1.** That sections 4510.13, 4510.43, 4511.19, and 8  
4511.191 be amended and sections 4510.45 and 4510.46 of the 9  
Revised Code be enacted to read as follows: 10

**Sec. 4510.13.** (A)(1) Divisions (A)(2) to (7) of this section 11  
apply to a judge or mayor regarding the suspension of, or the 12  
grant of limited driving privileges during a suspension of, an 13  
offender's driver's or commercial driver's license or permit or 14  
nonresident operating privilege imposed under division (G) or (H) 15  
of section 4511.19 of the Revised Code, under division (B) or (C) 16

of section 4511.191 of the Revised Code, or under section 4510.07 17  
of the Revised Code for a conviction of a violation of a municipal 18  
OVI ordinance. 19

(2) No judge or mayor shall suspend the following portions of 20  
the suspension of an offender's driver's or commercial driver's 21  
license or permit or nonresident operating privilege imposed under 22  
division (G) or (H) of section 4511.19 of the Revised Code or 23  
under section 4510.07 of the Revised Code for a conviction of a 24  
violation of a municipal OVI ordinance, provided that division 25  
(A)(2) of this section does not limit a court or mayor in 26  
crediting any period of suspension imposed pursuant to division 27  
(B) or (C) of section 4511.191 of the Revised Code against any 28  
time of judicial suspension imposed pursuant to section 4511.19 or 29  
4510.07 of the Revised Code, as described in divisions (B)(2) and 30  
(C)(2) of section 4511.191 of the Revised Code: 31

(a) The first six months of a suspension imposed under 32  
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 33  
comparable length suspension imposed under section 4510.07 of the 34  
Revised Code; 35

(b) The first year of a suspension imposed under division 36  
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 37  
comparable length suspension imposed under section 4510.07 of the 38  
Revised Code; 39

(c) The first three years of a suspension imposed under 40  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 41  
or of a comparable length suspension imposed under section 4510.07 42  
of the Revised Code; 43

(d) The first sixty days of a suspension imposed under 44  
division (H) of section 4511.19 of the Revised Code or of a 45  
comparable length suspension imposed under section 4510.07 of the 46  
Revised Code. 47

(3) No judge or mayor shall grant limited driving privileges 48  
to an offender whose driver's or commercial driver's license or 49  
permit or nonresident operating privilege has been suspended under 50  
division (G) or (H) of section 4511.19 of the Revised Code, under 51  
division (C) of section 4511.191 of the Revised Code, or under 52  
section 4510.07 of the Revised Code for a municipal OVI conviction 53  
if the offender, within the preceding six years, has been 54  
convicted of or pleaded guilty to three or more violations of one 55  
or more of the Revised Code sections, municipal ordinances, 56  
statutes of the United States or another state, or municipal 57  
ordinances of a municipal corporation of another state that are 58  
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 59  
Revised Code. 60

Additionally, no judge or mayor shall grant limited driving 61  
privileges to an offender whose driver's or commercial driver's 62  
license or permit or nonresident operating privilege has been 63  
suspended under division (B) of section 4511.191 of the Revised 64  
Code if the offender, within the preceding six years, has refused 65  
three previous requests to consent to a chemical test of the 66  
person's whole blood, blood serum or plasma, breath, or urine to 67  
determine its alcohol content. 68

(4) No judge or mayor shall grant limited driving privileges 69  
for employment as a driver of commercial motor vehicles to an 70  
offender whose driver's or commercial driver's license or permit 71  
or nonresident operating privilege has been suspended under 72  
division (G) or (H) of section 4511.19 of the Revised Code, under 73  
division (B) or (C) of section 4511.191 of the Revised Code, or 74  
under section 4510.07 of the Revised Code for a municipal OVI 75  
conviction if the offender is disqualified from operating a 76  
commercial motor vehicle, or whose license or permit has been 77  
suspended, under section 3123.58 or 4506.16 of the Revised Code. 78

(5) No judge or mayor shall grant limited driving privileges 79

to an offender whose driver's or commercial driver's license or 80  
permit or nonresident operating privilege has been suspended under 81  
division (G) or (H) of section 4511.19 of the Revised Code, under 82  
division (C) of section 4511.191 of the Revised Code, or under 83  
section 4510.07 of the Revised Code for a conviction of a 84  
violation of a municipal OVI ordinance during any of the following 85  
periods of time: 86

(a) The first fifteen days of a suspension imposed under 87  
~~division (G)(1)(a) of section 4511.19 of the Revised Code or a~~ 88  
~~comparable length suspension imposed under section 4510.07 of the~~ 89  
~~Revised Code, or of a suspension imposed under~~ division (C)(1)(a) 90  
of section 4511.191 of the Revised Code. On or after the sixteenth 91  
day of the suspension, the court may grant limited driving 92  
privileges, but the court may require that the offender shall not 93  
exercise the privileges unless the vehicles the offender operates 94  
are equipped with immobilizing or disabling devices that monitor 95  
the offender's alcohol consumption or any other type of 96  
immobilizing or disabling devices, except as provided in division 97  
(C) of section 4510.43 of the Revised Code. 98

(b) The first fifteen days of a suspension imposed under 99  
division (G)(1)(a) of section 4511.19 of the Revised Code or a 100  
comparable length suspension imposed under section 4510.07 of the 101  
Revised Code. On or after the sixteenth day of the suspension, the 102  
court may grant limited driving privileges, but the court shall 103  
require, for the remainder of the period of suspension, that the 104  
offender shall not exercise the privileges unless the vehicles the 105  
offender operates are equipped with a certified ignition interlock 106  
device, except as provided in division (C) of section 4510.43 of 107  
the Revised Code. 108

(c) The first thirty days of a suspension imposed under 109  
~~division (G)(1)(b) of section 4511.19 of the Revised Code or a~~ 110  
~~comparable length suspension imposed under section 4510.07 of the~~ 111

~~Revised Code, or of a suspension imposed under~~ division (C)(1)(b) 112  
~~of section 4511.191 of the Revised Code. On or after the~~ 113  
~~thirty-first day of suspension, the court may grant limited~~ 114  
~~driving privileges, but the court may require that the offender~~ 115  
~~shall not exercise the privileges unless the vehicles the offender~~ 116  
~~operates are equipped with immobilizing or disabling devices that~~ 117  
~~monitor the offender's alcohol consumption or any other type of~~ 118  
~~immobilizing or disabling devices, except as provided in division~~ 119  
~~(C) of section 4510.43 of the Revised Code.~~ 120

~~(e)(d) The first thirty days of a suspension imposed under~~ 121  
~~division (G)(1)(b) of section 4511.19 of the Revised Code or a~~ 122  
~~comparable length suspension imposed under section 4510.07 of the~~ 123  
~~Revised Code. On or after the thirty-first day of the suspension,~~ 124  
~~the court may grant limited driving privileges, but the court~~ 125  
~~shall require, for the remainder of the period of suspension, that~~ 126  
~~the offender shall not exercise the privileges unless the vehicles~~ 127  
~~the offender operates are equipped with a certified ignition~~ 128  
~~interlock device, except as provided in division (C) of section~~ 129  
~~4510.43 of the Revised Code.~~ 130

~~(e) The first sixty days of a suspension imposed under~~ 131  
~~division (H) of section 4511.19 of the Revised Code or a~~ 132  
~~comparable length suspension imposed under section 4510.07 of the~~ 133  
~~Revised Code.~~ 134

~~(d)(f) The first sixty days of a suspension imposed under~~ 135  
~~division (G)(1)(c) of section 4511.19 of the Revised Code or a~~ 136  
~~comparable length suspension imposed under section 4510.07 of the~~ 137  
~~Revised Code. On or after the sixty-first day of the suspension,~~ 138  
~~the court may grant limited driving privileges, but the court~~ 139  
~~shall require, for the remainder of the period of suspension, that~~ 140  
~~the offender shall not exercise the privileges unless the vehicles~~ 141  
~~the offender operates are equipped with a certified ignition~~ 142  
~~interlock device, except as provided in division (C) of section~~ 143

4510.43 of the Revised Code. 144

(g) The first one hundred eighty days of a suspension imposed 145  
under ~~division (G)(1)(c) of section 4511.19 of the Revised Code or~~ 146  
~~a comparable length suspension imposed under section 4510.07 of~~ 147  
~~the Revised Code, or of a suspension imposed under division~~ 148  
(C)(1)(c) of section 4511.191 of the Revised Code. The judge may 149  
grant limited driving privileges on or after the one hundred 150  
eighty-first day of the suspension only if the judge, at the time 151  
of granting the privileges, also issues an order prohibiting the 152  
offender, while exercising the privileges during the period 153  
commencing with the one hundred eighty-first day of suspension and 154  
ending with the first year of suspension, from operating any motor 155  
vehicle unless it is equipped with an immobilizing or disabling 156  
device that monitors the offender's alcohol consumption. After the 157  
first year of the suspension, the court may authorize the offender 158  
to continue exercising the privileges in vehicles that are not 159  
equipped with immobilizing or disabling devices that monitor the 160  
offender's alcohol consumption, except as provided in division (C) 161  
of section 4510.43 of the Revised Code. If the offender does not 162  
petition for limited driving privileges until after the first year 163  
of suspension, the judge may grant limited driving privileges 164  
without requiring the use of an immobilizing or disabling device 165  
that monitors the offender's alcohol consumption. 166

~~(e)~~(h) The first three years of a suspension imposed under 167  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 168  
or a comparable length suspension imposed under section 4510.07 of 169  
the Revised Code, or of a suspension imposed under division 170  
(C)(1)(d) of section 4511.191 of the Revised Code. The judge may 171  
grant limited driving privileges after the first three years of 172  
suspension only if the judge, at the time of granting the 173  
privileges, also issues an order prohibiting the offender from 174  
operating any motor vehicle, for the period of suspension 175

following the first three years of suspension, unless the motor 176  
vehicle is equipped with ~~an immobilizing or disabling~~ a certified 177  
ignition interlock device ~~that monitors the offender's alcohol~~ 178  
~~consumption~~, except as provided in division (C) of section 4510.43 179  
of the Revised Code. 180

(6) No judge or mayor shall grant limited driving privileges 181  
to an offender whose driver's or commercial driver's license or 182  
permit or nonresident operating privilege has been suspended under 183  
division (B) of section 4511.191 of the Revised Code during any of 184  
the following periods of time: 185

(a) The first thirty days of suspension imposed under 186  
division (B)(1)(a) of section 4511.191 of the Revised Code; 187

(b) The first ninety days of suspension imposed under 188  
division (B)(1)(b) of section 4511.191 of the Revised Code; 189

(c) The first year of suspension imposed under division 190  
(B)(1)(c) of section 4511.191 of the Revised Code; 191

(d) The first three years of suspension imposed under 192  
division (B)(1)(d) of section 4511.191 of the Revised Code. 193

(7) In any case in which a judge or mayor grants limited 194  
driving privileges to an offender whose driver's or commercial 195  
driver's license or permit or nonresident operating privilege has 196  
been suspended under division (G)(1)(b), (c), (d), or (e) of 197  
section 4511.19 of the Revised Code, under division (G)(1)(a) of 198  
section 4511.19 of the Revised Code for a violation of division 199  
(A)(1)(f), (g), (h), or (i) of that section, or under section 200  
4510.07 of the Revised Code for a municipal OVI conviction for 201  
which sentence would have been imposed under division 202  
(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 203  
the Revised Code had the offender been charged with and convicted 204  
of a violation of section 4511.19 of the Revised Code instead of a 205  
violation of the municipal OVI ordinance, the judge or mayor shall 206

impose as a condition of the privileges that the offender must 207  
display on the vehicle that is driven subject to the privileges 208  
restricted license plates that are issued under section 4503.231 209  
of the Revised Code, except as provided in division (B) of that 210  
section. 211

(B) Any person whose driver's or commercial driver's license 212  
or permit or nonresident operating privilege has been suspended 213  
pursuant to section 4511.19 or 4511.191 of the Revised Code or 214  
under section 4510.07 of the Revised Code for a violation of a 215  
municipal OVI ordinance may file a petition for limited driving 216  
privileges during the suspension. The person shall file the 217  
petition in the court that has jurisdiction over the place of 218  
arrest. Subject to division (A) of this section, the court may 219  
grant the person limited driving privileges during the period 220  
during which the suspension otherwise would be imposed. However, 221  
the court shall not grant the privileges for employment as a 222  
driver of a commercial motor vehicle to any person who is 223  
disqualified from operating a commercial motor vehicle under 224  
section 4506.16 of the Revised Code or during any of the periods 225  
prescribed by division (A) of this section. 226

(C)(1) After a driver's or commercial driver's license or 227  
permit or nonresident operating privilege has been suspended 228  
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 229  
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 230  
of the Revised Code, any provision of Chapter 2925. of the Revised 231  
Code, or section 4510.07 of the Revised Code for a violation of a 232  
municipal OVI ordinance, the judge of the court or mayor of the 233  
mayor's court that suspended the license, permit, or privilege 234  
shall cause the offender to deliver to the court the license or 235  
permit. The judge, mayor, or clerk of the court or mayor's court 236  
shall forward to the registrar the license or permit together with 237  
notice of the action of the court. 238

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

(3) No judge or mayor shall suspend any class one suspension, or any portion of any class one suspension, imposed under section 2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No judge or mayor shall suspend the first thirty days of any class two, class three, class four, class five, or class six suspension imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 2929.02 of the Revised Code.

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

(E) The judge or mayor shall notify the bureau of motor vehicles of any determinations made pursuant to this section and

of any suspension imposed pursuant to any section or chapter 271  
identified in division (C)(1) of this section. 272

(F)(1) If a court issues an immobilizing or disabling device 273  
order under section 4510.43 of the Revised Code, the order shall 274  
authorize the offender during the specified period to operate a 275  
motor vehicle only if it is equipped with an immobilizing or 276  
disabling device, except as provided in division (C) of that 277  
section. The court shall provide the offender with a copy of an 278  
immobilizing or disabling device order issued under section 279  
4510.43 of the Revised Code, and the offender shall use the copy 280  
of the order in lieu of an Ohio driver's or commercial driver's 281  
license or permit until the registrar or a deputy registrar issues 282  
the offender a restricted license. 283

An order issued under section 4510.43 of the Revised Code 284  
does not authorize or permit the offender to whom it has been 285  
issued to operate a vehicle during any time that the offender's 286  
driver's or commercial driver's license or permit is suspended 287  
under any other provision of law. 288

(2) An offender may present an immobilizing or disabling 289  
device order to the registrar or to a deputy registrar. Upon 290  
presentation of the order to the registrar or a deputy registrar, 291  
the registrar or deputy registrar shall issue the offender a 292  
restricted license. A restricted license issued under this 293  
division shall be identical to an Ohio driver's license, except 294  
that it shall have printed on its face a statement that the 295  
offender is prohibited during the period specified in the court 296  
order from operating any motor vehicle that is not equipped with 297  
an immobilizing or disabling device. The date of commencement and 298  
the date of termination of the period of suspension shall be 299  
indicated conspicuously upon the face of the license. 300

**Sec. 4510.43.** (A)(1) The director of public safety, upon 301

consultation with the director of health and in accordance with 302  
Chapter 119. of the Revised Code, shall certify immobilizing and 303  
disabling devices and, subject to section 4510.45 of the Revised 304  
Code, shall publish and make available to the courts, without 305  
charge, a list of licensed manufacturers of ignition interlock 306  
devices and approved devices together with information about the 307  
manufacturers of the devices and where they may be obtained. The 308  
manufacturer of an immobilizing or disabling device shall pay the 309  
cost of obtaining the certification of the device to the director 310  
of public safety, and the director shall deposit the payment in 311  
the drivers' treatment and intervention fund established by 312  
sections 4511.19 and 4511.191 of the Revised Code. 313

(2) The director of public safety, in accordance with Chapter 314  
119. of the Revised Code, shall adopt and publish rules setting 315  
forth the requirements for obtaining the certification of an 316  
immobilizing or disabling device. The director of public safety 317  
shall not certify an immobilizing or disabling device under this 318  
section unless it meets the requirements specified and published 319  
by the director in the rules adopted pursuant to this division. A 320  
certified device may consist of an ignition interlock device, an 321  
ignition blocking device initiated by time or magnetic or 322  
electronic encoding, an activity monitor, or any other device that 323  
reasonably assures compliance with an order granting limited 324  
driving privileges. Ignition interlock devices shall be certified 325  
annually. 326

The requirements for an immobilizing or disabling device that 327  
is an ignition interlock device shall include provisions for 328  
setting a minimum and maximum calibration range and shall include, 329  
but shall not be limited to, specifications that the device 330  
complies with all of the following: 331

(a) It does not impede the safe operation of the vehicle. 332

(b) It has features that make circumvention difficult and 333

that do not interfere with the normal use of the vehicle.	334
(c) It correlates well with established measures of alcohol impairment.	335 336
(d) It works accurately and reliably in an unsupervised environment.	337 338
(e) It is resistant to tampering and shows evidence of tampering if tampering is attempted.	339 340
(f) It is difficult to circumvent and requires premeditation to do so.	341 342
(g) It minimizes inconvenience to a sober user.	343
(h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath.	344 345 346
(i) It operates reliably over the range of automobile environments.	347 348
(j) It is made by a manufacturer who is covered by product liability insurance.	349 350
(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of immobilizing or disabling devices.	351 352 353 354 355
(4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each immobilizing or disabling device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability.	356 357 358 359 360 361 362
(B) A court considering the use of a prototype device in a	363

pilot program shall advise the director of public safety, thirty 364  
days before the use, of the prototype device and its protocol, 365  
methodology, manufacturer, and licensor, lessor, other agent, or 366  
owner, and the length of the court's pilot program. A prototype 367  
device shall not be used for a violation of section 4510.14 or 368  
4511.19 of the Revised Code, a violation of a municipal OVI 369  
ordinance, or in relation to a suspension imposed under section 370  
4511.191 of the Revised Code. A court that uses a prototype device 371  
in a pilot program, periodically during the existence of the 372  
program and within fourteen days after termination of the program, 373  
shall report in writing to the director of public safety regarding 374  
the effectiveness of the prototype device and the program. 375

(C) If a person has been granted limited driving privileges 376  
with a condition of the privileges being that the motor vehicle 377  
that is operated under the privileges must be equipped with an 378  
immobilizing or disabling device, the person may operate a motor 379  
vehicle that is owned by the person's employer only if the person 380  
is required to operate that motor vehicle in the course and scope 381  
of the offender's employment. Such a person may operate that 382  
vehicle without the installation of an immobilizing or disabling 383  
device, provided that the employer has been notified that the 384  
person has limited driving privileges and of the nature of the 385  
restriction and further provided that the person has proof of the 386  
employer's notification in the person's possession while operating 387  
the employer's vehicle for normal business duties. A motor vehicle 388  
owned by a business that is partly or entirely owned or controlled 389  
by a person with limited driving privileges is not a motor vehicle 390  
owned by an employer, for purposes of this division. 391

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock 392  
devices that desires for its devices to be certified under section 393  
4510.43 of the Revised Code and then to be included on the list of 394  
certified devices that the department of public safety compiles 395

and makes available to courts pursuant to that section first shall 396  
obtain a license from the department under this section. The 397  
department, in accordance with Chapter 119. of the Revised Code, 398  
shall adopt any rules that are necessary to implement this 399  
licensing requirement. 400

(2) A manufacturer shall apply to the department for the 401  
license and shall include all information the department may 402  
require by rule. Each application, including an application for 403  
license renewal, shall be accompanied by an application fee of one 404  
hundred dollars, which the department shall deposit into the state 405  
treasury to the credit of the indigent drivers alcohol treatment 406  
fund created by section 4511.191 of the Revised Code. 407

(3) Upon receipt of a completed application, if the 408  
department finds that a manufacturer has complied with all 409  
application requirements, the department shall issue a license to 410  
the manufacturer. A manufacturer that has been issued a license 411  
under this section is eligible immediately to have the models of 412  
ignition interlock devices it produces certified under section 413  
4510.43 of the Revised Code and then included on the list of 414  
certified devices that the department compiles and makes available 415  
to courts pursuant to that section. 416

(4)(a) A license issued under this section shall expire 417  
annually on a date selected by the department. The department 418  
shall reject the license application of a manufacturer if any of 419  
the following apply: 420

(i) The application is not accompanied by the application 421  
fee. 422

(ii) The department finds that the manufacturer has not 423  
complied with all application requirements. 424

(iii) The license application is a renewal application and 425  
the manufacturer failed to file the annual report or to pay its 426

profit tax as required by division (B) of this section. 427

(b) A manufacturer whose license application is rejected by 428  
the department may appeal the decision to the director of public 429  
safety. The director or the director's designee shall hold a 430  
hearing on the matter not more than thirty days from the date of 431  
the manufacturer's appeal. If the director or the director's 432  
designee upholds the denial of the manufacturer's application for 433  
a license, the manufacturer may appeal the decision to the 434  
Franklin county court of common pleas. If the director or the 435  
director's designee reverses the denial of the manufacturer's 436  
application for a license, the director or the director's designee 437  
shall issue a written order directing that the department issue a 438  
license to the manufacturer. 439

(B) Every manufacturer of ignition interlock devices that is 440  
issued a license under this section shall file an annual report 441  
with the department on a form the department prescribes on or 442  
before a date the department prescribes. The annual report shall 443  
state the amount of net profit the manufacturer earned during a 444  
twelve-month period specified by the department that is 445  
attributable to the sales of that manufacturer's certified 446  
ignition interlock devices to purchasers in this state. Each 447  
manufacturer also shall include with its annual report a profit 448  
tax equal to five per cent of the amount of the net profit 449  
described in this division. 450

The department may permit annual reports to be filed via 451  
electronic means. 452

(C) The department shall deposit all profits tax money it 453  
receives from manufacturers under this section into the state 454  
treasury to the credit of the indigent drivers alcohol treatment 455  
fund created by section 4511.191 of the Revised Code. All money so 456  
deposited into that fund that is paid by the department of alcohol 457  
and drug addiction services to county indigent drivers alcohol 458

treatment funds, county juvenile indigent drivers alcohol 459  
treatment funds, and municipal indigent drivers alcohol treatment 460  
funds shall be used only as described in division (H)(3)(c) of 461  
section 4511.191 of the Revised Code. 462

(D) The profit tax imposed by this section is in addition to 463  
any other tax imposed by this state. 464

(E)(1) The director may make an assessment, based on any 465  
information in the director's possession, against any manufacturer 466  
that fails to file its annual report or to pay any or all of its 467  
profit tax as required by this section. The director, in 468  
accordance with Chapter 119. of the Revised Code, shall adopt 469  
rules governing assessments and assessment procedures and related 470  
provisions. In adopting these rules, the director shall 471  
incorporate the provisions of section 5751.09 of the Revised Code 472  
to the greatest extent possible, except that the director is not 473  
required to incorporate any provisions of that section that by 474  
their nature are not applicable, appropriate, or necessary to 475  
assessments made by the director under this section. 476

(2) A manufacturer may appeal the final determination of the 477  
director regarding an assessment made by the director under this 478  
section. The director, in accordance with Chapter 119. of the 479  
Revised Code, shall adopt rules governing such appeals. In 480  
adopting these rules, the director shall incorporate the 481  
provisions of section 5717.02 of the Revised Code to the greatest 482  
extent possible, except that the director is not required to 483  
incorporate any provisions of that section that by their nature 484  
are not applicable, appropriate, or necessary to appeals of 485  
assessments made by the director under this section. 486

(F) The director, in accordance with Chapter 119. of the 487  
Revised Code, shall adopt a penalty schedule setting forth the 488  
monetary penalties to be imposed upon a manufacturer that is 489  
issued a license under this section and fails to file its annual 490

report or to pay its profit tax in a timely manner. The penalty 491  
amounts shall not exceed the maximum penalty amounts established 492  
in section 5751.06 of the Revised Code for similar or equivalent 493  
facts or circumstances. 494

(G)(1) No manufacturer of ignition interlock devices that is 495  
required by division (B) of this section to file an annual report 496  
with the department or to pay the profit tax shall fail to do so 497  
as required by that division. 498

(2) No manufacturer of ignition interlock devices that is 499  
required by division (B) of this section to file an annual report 500  
with the department shall file a report that contains incorrect or 501  
erroneous information. 502

(H) Whoever violates division (G)(2) of this section is 503  
guilty of a misdemeanor of the first degree. The department shall 504  
remove from the list of certified devices described in division 505  
(A)(1) of this section the ignition interlock devices manufactured 506  
by a manufacturer that violates division (G)(1) or (2) of this 507  
section. 508

**Sec. 4510.46.** (A) A governmental agency, bureau, department, 509  
or office, or a private corporation, or any other entity that 510  
monitors certified ignition interlock devices for or on behalf of 511  
a court shall inform the court whenever such a device that has 512  
been installed in a motor vehicle indicates that it has prevented 513  
an offender whose driver's or commercial driver's license or 514  
permit or nonresident operating privilege has been suspended by a 515  
court under division (G)(1)(a), (b), (c), (d), or (e) of section 516  
4511.19 of the Revised Code and who has been granted limited 517  
driving privileges under section 4510.13 of the Revised Code from 518  
starting the motor vehicle because the analysis of the deep-lung 519  
breath sample or other method employed by the ignition interlock 520  
device to measure the concentration by weight of alcohol in the 521

offender's breath indicated the presence of alcohol in the 522  
offender's breath in a concentration sufficient to prevent the 523  
ignition interlock device from permitting the motor vehicle to be 524  
started. 525

(B) Upon receipt of such information, the court shall send a 526  
notice to the offender stating that it has received evidence of an 527  
instance described in division (A) of this section. The notice 528  
shall further state that because of this instance, the court is 529  
required to increase the period of suspension of the offender's 530  
driver's or commercial driver's license or permit or nonresident 531  
operating privilege from that originally imposed by the court by a 532  
factor of two and to increase the period of time during which the 533  
offender will be prohibited from exercising any limited driving 534  
privileges granted to the offender unless the vehicles the 535  
offender operates are equipped with a certified ignition interlock 536  
device by a factor of two. 537

The notice shall state that these increases will take effect 538  
fourteen days from the date of the notice unless the offender 539  
files a timely motion with the court, appealing the increases in 540  
time described in this division and requesting a hearing on the 541  
matter. Any such motion that is filed within that fourteen day 542  
period shall be considered to be filed in a timely manner, and any 543  
such motion that is filed after that fourteen day period shall be 544  
considered not to be filed in a timely manner. If the offender 545  
files a timely motion, the court shall hold a hearing on the 546  
matter. The scope of the hearing is limited to determining whether 547  
the offender in fact was prevented from starting a motor vehicle 548  
that is equipped with a certified ignition interlock device 549  
because the analysis of the deep-lung breath sample or other 550  
method employed by the ignition interlock device to measure the 551  
concentration by weight of alcohol in the offender's breath 552  
indicated the presence of alcohol in the offender's breath in a 553

concentration sufficient to prevent the ignition interlock device 554  
from permitting the motor vehicle to be started. 555

If the court finds by a preponderance of the evidence that 556  
this instance as indicated by the ignition interlock device in 557  
fact did occur, it shall deny the offender's appeal and issue the 558  
order increasing the relevant periods of time described in this 559  
division. If the court finds by a preponderance of the evidence 560  
that this instance as indicated by the ignition interlock device 561  
in fact did not occur, it shall grant the offender's appeal and no 562  
such order shall be issued. 563

(C) In no case shall any period of suspension of an 564  
offender's driver's or commercial driver's license or permit or 565  
nonresident operating privilege that is increased by a factor of 566  
two or any period of time during which the offender is prohibited 567  
from exercising any limited driving privileges granted to the 568  
offender unless the vehicles the offender operates are equipped 569  
with a certified ignition interlock device that is increased by a 570  
factor of two exceed the maximum period of time for which the 571  
court originally was authorized to suspend the offender's driver's 572  
or commercial driver's license or permit or nonresident operating 573  
privilege under division (G)(1)(a), (b), (c), (d), or (e) of 574  
section 4511.19 of the Revised Code. 575

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 576  
streetcar, or trackless trolley within this state, if, at the time 577  
of the operation, any of the following apply: 578

(a) The person is under the influence of alcohol, a drug of 579  
abuse, or a combination of them. 580

(b) The person has a concentration of eight-hundredths of one 581  
per cent or more but less than seventeen-hundredths of one per 582  
cent by weight per unit volume of alcohol in the person's whole 583  
blood. 584

(c) The person has a concentration of ninety-six-thousandths 585  
of one per cent or more but less than two hundred four-thousandths 586  
of one per cent by weight per unit volume of alcohol in the 587  
person's blood serum or plasma. 588

(d) The person has a concentration of eight-hundredths of one 589  
gram or more but less than seventeen-hundredths of one gram by 590  
weight of alcohol per two hundred ten liters of the person's 591  
breath. 592

(e) The person has a concentration of eleven-hundredths of 593  
one gram or more but less than two hundred 594  
thirty-eight-thousandths of one gram by weight of alcohol per one 595  
hundred milliliters of the person's urine. 596

(f) The person has a concentration of seventeen-hundredths of 597  
one per cent or more by weight per unit volume of alcohol in the 598  
person's whole blood. 599

(g) The person has a concentration of two hundred 600  
four-thousandths of one per cent or more by weight per unit volume 601  
of alcohol in the person's blood serum or plasma. 602

(h) The person has a concentration of seventeen-hundredths of 603  
one gram or more by weight of alcohol per two hundred ten liters 604  
of the person's breath. 605

(i) The person has a concentration of two hundred 606  
thirty-eight-thousandths of one gram or more by weight of alcohol 607  
per one hundred milliliters of the person's urine. 608

(j) Except as provided in division (K) of this section, the 609  
person has a concentration of any of the following controlled 610  
substances or metabolites of a controlled substance in the 611  
person's whole blood, blood serum or plasma, or urine that equals 612  
or exceeds any of the following: 613

(i) The person has a concentration of amphetamine in the 614

person's urine of at least five hundred nanograms of amphetamine 615  
per milliliter of the person's urine or has a concentration of 616  
amphetamine in the person's whole blood or blood serum or plasma 617  
of at least one hundred nanograms of amphetamine per milliliter of 618  
the person's whole blood or blood serum or plasma. 619

(ii) The person has a concentration of cocaine in the 620  
person's urine of at least one hundred fifty nanograms of cocaine 621  
per milliliter of the person's urine or has a concentration of 622  
cocaine in the person's whole blood or blood serum or plasma of at 623  
least fifty nanograms of cocaine per milliliter of the person's 624  
whole blood or blood serum or plasma. 625

(iii) The person has a concentration of cocaine metabolite in 626  
the person's urine of at least one hundred fifty nanograms of 627  
cocaine metabolite per milliliter of the person's urine or has a 628  
concentration of cocaine metabolite in the person's whole blood or 629  
blood serum or plasma of at least fifty nanograms of cocaine 630  
metabolite per milliliter of the person's whole blood or blood 631  
serum or plasma. 632

(iv) The person has a concentration of heroin in the person's 633  
urine of at least two thousand nanograms of heroin per milliliter 634  
of the person's urine or has a concentration of heroin in the 635  
person's whole blood or blood serum or plasma of at least fifty 636  
nanograms of heroin per milliliter of the person's whole blood or 637  
blood serum or plasma. 638

(v) The person has a concentration of heroin metabolite 639  
(6-monoacetyl morphine) in the person's urine of at least ten 640  
nanograms of heroin metabolite (6-monoacetyl morphine) per 641  
milliliter of the person's urine or has a concentration of heroin 642  
metabolite (6-monoacetyl morphine) in the person's whole blood or 643  
blood serum or plasma of at least ten nanograms of heroin 644  
metabolite (6-monoacetyl morphine) per milliliter of the person's 645  
whole blood or blood serum or plasma. 646

(vi) The person has a concentration of L.S.D. in the person's 647  
urine of at least twenty-five nanograms of L.S.D. per milliliter 648  
of the person's urine or a concentration of L.S.D. in the person's 649  
whole blood or blood serum or plasma of at least ten nanograms of 650  
L.S.D. per milliliter of the person's whole blood or blood serum 651  
or plasma. 652

(vii) The person has a concentration of marihuana in the 653  
person's urine of at least ten nanograms of marihuana per 654  
milliliter of the person's urine or has a concentration of 655  
marihuana in the person's whole blood or blood serum or plasma of 656  
at least two nanograms of marihuana per milliliter of the person's 657  
whole blood or blood serum or plasma. 658

(viii) Either of the following applies: 659

(I) The person is under the influence of alcohol, a drug of 660  
abuse, or a combination of them, and, as measured by gas 661  
chromatography mass spectrometry, the person has a concentration 662  
of marihuana metabolite in the person's urine of at least fifteen 663  
nanograms of marihuana metabolite per milliliter of the person's 664  
urine or has a concentration of marihuana metabolite in the 665  
person's whole blood or blood serum or plasma of at least five 666  
nanograms of marihuana metabolite per milliliter of the person's 667  
whole blood or blood serum or plasma. 668

(II) As measured by gas chromatography mass spectrometry, the 669  
person has a concentration of marihuana metabolite in the person's 670  
urine of at least thirty-five nanograms of marihuana metabolite 671  
per milliliter of the person's urine or has a concentration of 672  
marihuana metabolite in the person's whole blood or blood serum or 673  
plasma of at least fifty nanograms of marihuana metabolite per 674  
milliliter of the person's whole blood or blood serum or plasma. 675

(ix) The person has a concentration of methamphetamine in the 676  
person's urine of at least five hundred nanograms of 677

methamphetamine per milliliter of the person's urine or has a 678  
concentration of methamphetamine in the person's whole blood or 679  
blood serum or plasma of at least one hundred nanograms of 680  
methamphetamine per milliliter of the person's whole blood or 681  
blood serum or plasma. 682

(x) The person has a concentration of phencyclidine in the 683  
person's urine of at least twenty-five nanograms of phencyclidine 684  
per milliliter of the person's urine or has a concentration of 685  
phencyclidine in the person's whole blood or blood serum or plasma 686  
of at least ten nanograms of phencyclidine per milliliter of the 687  
person's whole blood or blood serum or plasma. 688

(2) No person who, within twenty years of the conduct 689  
described in division (A)(2)(a) of this section, previously has 690  
been convicted of or pleaded guilty to a violation of this 691  
division, division (A)(1) or (B) of this section, or a municipal 692  
OVI offense shall do both of the following: 693

(a) Operate any vehicle, streetcar, or trackless trolley 694  
within this state while under the influence of alcohol, a drug of 695  
abuse, or a combination of them; 696

(b) Subsequent to being arrested for operating the vehicle, 697  
streetcar, or trackless trolley as described in division (A)(2)(a) 698  
of this section, being asked by a law enforcement officer to 699  
submit to a chemical test or tests under section 4511.191 of the 700  
Revised Code, and being advised by the officer in accordance with 701  
section 4511.192 of the Revised Code of the consequences of the 702  
person's refusal or submission to the test or tests, refuse to 703  
submit to the test or tests. 704

(B) No person under twenty-one years of age shall operate any 705  
vehicle, streetcar, or trackless trolley within this state, if, at 706  
the time of the operation, any of the following apply: 707

(1) The person has a concentration of at least two-hundredths 708

of one per cent but less than eight-hundredths of one per cent by 709  
weight per unit volume of alcohol in the person's whole blood. 710

(2) The person has a concentration of at least 711  
three-hundredths of one per cent but less than 712  
ninety-six-thousandths of one per cent by weight per unit volume 713  
of alcohol in the person's blood serum or plasma. 714

(3) The person has a concentration of at least two-hundredths 715  
of one gram but less than eight-hundredths of one gram by weight 716  
of alcohol per two hundred ten liters of the person's breath. 717

(4) The person has a concentration of at least twenty-eight 718  
one-thousandths of one gram but less than eleven-hundredths of one 719  
gram by weight of alcohol per one hundred milliliters of the 720  
person's urine. 721

(C) In any proceeding arising out of one incident, a person 722  
may be charged with a violation of division (A)(1)(a) or (A)(2) 723  
and a violation of division (B)(1), (2), or (3) of this section, 724  
but the person may not be convicted of more than one violation of 725  
these divisions. 726

(D)(1)(a) In any criminal prosecution or juvenile court 727  
proceeding for a violation of division (A)(1)(a) of this section 728  
or for an equivalent offense, the result of any test of any blood 729  
or urine withdrawn and analyzed at any health care provider, as 730  
defined in section 2317.02 of the Revised Code, may be admitted 731  
with expert testimony to be considered with any other relevant and 732  
competent evidence in determining the guilt or innocence of the 733  
defendant. 734

(b) In any criminal prosecution or juvenile court proceeding 735  
for a violation of division (A) or (B) of this section or for an 736  
equivalent offense, the court may admit evidence on the 737  
concentration of alcohol, drugs of abuse, controlled substances, 738  
metabolites of a controlled substance, or a combination of them in 739

the defendant's whole blood, blood serum or plasma, breath, urine, 740  
or other bodily substance at the time of the alleged violation as 741  
shown by chemical analysis of the substance withdrawn within three 742  
hours of the time of the alleged violation. The three-hour time 743  
limit specified in this division regarding the admission of 744  
evidence does not extend or affect the two-hour time limit 745  
specified in division (A) of section 4511.192 of the Revised Code 746  
as the maximum period of time during which a person may consent to 747  
a chemical test or tests as described in that section. The court 748  
may admit evidence on the concentration of alcohol, drugs of 749  
abuse, or a combination of them as described in this division when 750  
a person submits to a blood, breath, urine, or other bodily 751  
substance test at the request of a law enforcement officer under 752  
section 4511.191 of the Revised Code or a blood or urine sample is 753  
obtained pursuant to a search warrant. Only a physician, a 754  
registered nurse, or a qualified technician, chemist, or 755  
phlebotomist shall withdraw a blood sample for the purpose of 756  
determining the alcohol, drug, controlled substance, metabolite of 757  
a controlled substance, or combination content of the whole blood, 758  
blood serum, or blood plasma. This limitation does not apply to 759  
the taking of breath or urine specimens. A person authorized to 760  
withdraw blood under this division may refuse to withdraw blood 761  
under this division, if in that person's opinion, the physical 762  
welfare of the person would be endangered by the withdrawing of 763  
blood. 764

The bodily substance withdrawn under division (D)(1)(b) of 765  
this section shall be analyzed in accordance with methods approved 766  
by the director of health by an individual possessing a valid 767  
permit issued by the director pursuant to section 3701.143 of the 768  
Revised Code. 769

(2) In a criminal prosecution or juvenile court proceeding 770  
for a violation of division (A) of this section or for an 771

equivalent offense, if there was at the time the bodily substance 772  
was withdrawn a concentration of less than the applicable 773  
concentration of alcohol specified in divisions (A)(1)(b), (c), 774  
(d), and (e) of this section or less than the applicable 775  
concentration of a listed controlled substance or a listed 776  
metabolite of a controlled substance specified for a violation of 777  
division (A)(1)(j) of this section, that fact may be considered 778  
with other competent evidence in determining the guilt or 779  
innocence of the defendant. This division does not limit or affect 780  
a criminal prosecution or juvenile court proceeding for a 781  
violation of division (B) of this section or for an equivalent 782  
offense that is substantially equivalent to that division. 783

(3) Upon the request of the person who was tested, the 784  
results of the chemical test shall be made available to the person 785  
or the person's attorney, immediately upon the completion of the 786  
chemical test analysis. 787

If the chemical test was obtained pursuant to division 788  
(D)(1)(b) of this section, the person tested may have a physician, 789  
a registered nurse, or a qualified technician, chemist, or 790  
phlebotomist of the person's own choosing administer a chemical 791  
test or tests, at the person's expense, in addition to any 792  
administered at the request of a law enforcement officer. The form 793  
to be read to the person to be tested, as required under section 794  
4511.192 of the Revised Code, shall state that the person may have 795  
an independent test performed at the person's expense. The failure 796  
or inability to obtain an additional chemical test by a person 797  
shall not preclude the admission of evidence relating to the 798  
chemical test or tests taken at the request of a law enforcement 799  
officer. 800

(4)(a) As used in divisions (D)(4)(b) and (c) of this 801  
section, "national highway traffic safety administration" means 802  
the national highway traffic safety administration established as 803

an administration of the United States department of 804  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 805

(b) In any criminal prosecution or juvenile court proceeding 806  
for a violation of division (A) or (B) of this section, of a 807  
municipal ordinance relating to operating a vehicle while under 808  
the influence of alcohol, a drug of abuse, or alcohol and a drug 809  
of abuse, or of a municipal ordinance relating to operating a 810  
vehicle with a prohibited concentration of alcohol, a controlled 811  
substance, or a metabolite of a controlled substance in the blood, 812  
breath, or urine, if a law enforcement officer has administered a 813  
field sobriety test to the operator of the vehicle involved in the 814  
violation and if it is shown by clear and convincing evidence that 815  
the officer administered the test in substantial compliance with 816  
the testing standards for any reliable, credible, and generally 817  
accepted field sobriety tests that were in effect at the time the 818  
tests were administered, including, but not limited to, any 819  
testing standards then in effect that were set by the national 820  
highway traffic safety administration, all of the following apply: 821

(i) The officer may testify concerning the results of the 822  
field sobriety test so administered. 823

(ii) The prosecution may introduce the results of the field 824  
sobriety test so administered as evidence in any proceedings in 825  
the criminal prosecution or juvenile court proceeding. 826

(iii) If testimony is presented or evidence is introduced 827  
under division (D)(4)(b)(i) or (ii) of this section and if the 828  
testimony or evidence is admissible under the Rules of Evidence, 829  
the court shall admit the testimony or evidence and the trier of 830  
fact shall give it whatever weight the trier of fact considers to 831  
be appropriate. 832

(c) Division (D)(4)(b) of this section does not limit or 833  
preclude a court, in its determination of whether the arrest of a 834

person was supported by probable cause or its determination of any 835  
other matter in a criminal prosecution or juvenile court 836  
proceeding of a type described in that division, from considering 837  
evidence or testimony that is not otherwise disallowed by division 838  
(D)(4)(b) of this section. 839

(E)(1) Subject to division (E)(3) of this section, in any 840  
criminal prosecution or juvenile court proceeding for a violation 841  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 842  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 843  
offense that is substantially equivalent to any of those 844  
divisions, a laboratory report from any laboratory personnel 845  
issued a permit by the department of health authorizing an 846  
analysis as described in this division that contains an analysis 847  
of the whole blood, blood serum or plasma, breath, urine, or other 848  
bodily substance tested and that contains all of the information 849  
specified in this division shall be admitted as prima-facie 850  
evidence of the information and statements that the report 851  
contains. The laboratory report shall contain all of the 852  
following: 853

(a) The signature, under oath, of any person who performed 854  
the analysis; 855

(b) Any findings as to the identity and quantity of alcohol, 856  
a drug of abuse, a controlled substance, a metabolite of a 857  
controlled substance, or a combination of them that was found; 858

(c) A copy of a notarized statement by the laboratory 859  
director or a designee of the director that contains the name of 860  
each certified analyst or test performer involved with the report, 861  
the analyst's or test performer's employment relationship with the 862  
laboratory that issued the report, and a notation that performing 863  
an analysis of the type involved is part of the analyst's or test 864  
performer's regular duties; 865

(d) An outline of the analyst's or test performer's 866  
education, training, and experience in performing the type of 867  
analysis involved and a certification that the laboratory 868  
satisfies appropriate quality control standards in general and, in 869  
this particular analysis, under rules of the department of health. 870

(2) Notwithstanding any other provision of law regarding the 871  
admission of evidence, a report of the type described in division 872  
(E)(1) of this section is not admissible against the defendant to 873  
whom it pertains in any proceeding, other than a preliminary 874  
hearing or a grand jury proceeding, unless the prosecutor has 875  
served a copy of the report on the defendant's attorney or, if the 876  
defendant has no attorney, on the defendant. 877

(3) A report of the type described in division (E)(1) of this 878  
section shall not be prima-facie evidence of the contents, 879  
identity, or amount of any substance if, within seven days after 880  
the defendant to whom the report pertains or the defendant's 881  
attorney receives a copy of the report, the defendant or the 882  
defendant's attorney demands the testimony of the person who 883  
signed the report. The judge in the case may extend the seven-day 884  
time limit in the interest of justice. 885

(F) Except as otherwise provided in this division, any 886  
physician, registered nurse, or qualified technician, chemist, or 887  
phlebotomist who withdraws blood from a person pursuant to this 888  
section, and any hospital, first-aid station, or clinic at which 889  
blood is withdrawn from a person pursuant to this section, is 890  
immune from criminal liability and civil liability based upon a 891  
claim of assault and battery or any other claim that is not a 892  
claim of malpractice, for any act performed in withdrawing blood 893  
from the person. The immunity provided in this division is not 894  
available to a person who withdraws blood if the person engages in 895  
willful or wanton misconduct. 896

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 897

to (i) or (A)(2) of this section is guilty of operating a vehicle 898  
under the influence of alcohol, a drug of abuse, or a combination 899  
of them. Whoever violates division (A)(1)(j) of this section is 900  
guilty of operating a vehicle while under the influence of a 901  
listed controlled substance or a listed metabolite of a controlled 902  
substance. The court shall sentence the offender for either 903  
offense under Chapter 2929. of the Revised Code, except as 904  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 905  
this section: 906

(a) Except as otherwise provided in division (G)(1)(b), (c), 907  
(d), or (e) of this section, the offender is guilty of a 908  
misdemeanor of the first degree, and the court shall sentence the 909  
offender to all of the following: 910

(i) If the sentence is being imposed for a violation of 911  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 912  
mandatory jail term of three consecutive days. As used in this 913  
division, three consecutive days means seventy-two consecutive 914  
hours. The court may sentence an offender to both an intervention 915  
program and a jail term. The court may impose a jail term in 916  
addition to the three-day mandatory jail term or intervention 917  
program. However, in no case shall the cumulative jail term 918  
imposed for the offense exceed six months. 919

The court may suspend the execution of the three-day jail 920  
term under this division if the court, in lieu of that suspended 921  
term, places the offender under a community control sanction 922  
pursuant to section 2929.25 of the Revised Code and requires the 923  
offender to attend, for three consecutive days, a drivers' 924  
intervention program certified under section 3793.10 of the 925  
Revised Code. The court also may suspend the execution of any part 926  
of the three-day jail term under this division if it places the 927  
offender under a community control sanction pursuant to section 928  
2929.25 of the Revised Code for part of the three days, requires 929

the offender to attend for the suspended part of the term a 930  
drivers' intervention program so certified, and sentences the 931  
offender to a jail term equal to the remainder of the three 932  
consecutive days that the offender does not spend attending the 933  
program. The court may require the offender, as a condition of 934  
community control and in addition to the required attendance at a 935  
drivers' intervention program, to attend and satisfactorily 936  
complete any treatment or education programs that comply with the 937  
minimum standards adopted pursuant to Chapter 3793. of the Revised 938  
Code by the director of alcohol and drug addiction services that 939  
the operators of the drivers' intervention program determine that 940  
the offender should attend and to report periodically to the court 941  
on the offender's progress in the programs. The court also may 942  
impose on the offender any other conditions of community control 943  
that it considers necessary. 944

(ii) ~~If~~ Except as provided in division (G)(1)(a)(ii) of this 945  
section, if the sentence is being imposed for a violation of 946  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 947  
section, except as otherwise provided in this division, a 948  
mandatory jail term of at least three consecutive days and a 949  
requirement that the offender attend, for three consecutive days, 950  
a drivers' intervention program that is certified pursuant to 951  
section 3793.10 of the Revised Code. As used in this division, 952  
three consecutive days means seventy-two consecutive hours. If the 953  
court determines that the offender is not conducive to treatment 954  
in a drivers' intervention program, if the offender refuses to 955  
attend a drivers' intervention program, or if the jail at which 956  
the offender is to serve the jail term imposed can provide a 957  
driver's intervention program, the court shall sentence the 958  
offender to a mandatory jail term of at least six consecutive 959  
days. 960

The court may require the offender, under a community control 961

sanction imposed under section 2929.25 of the Revised Code, to 962  
attend and satisfactorily complete any treatment or education 963  
programs that comply with the minimum standards adopted pursuant 964  
to Chapter 3793. of the Revised Code by the director of alcohol 965  
and drug addiction services, in addition to the required 966  
attendance at drivers' intervention program, that the operators of 967  
the drivers' intervention program determine that the offender 968  
should attend and to report periodically to the court on the 969  
offender's progress in the programs. The court also may impose any 970  
other conditions of community control on the offender that it 971  
considers necessary. 972

As an alternative to being sentenced by the court to a 973  
mandatory jail term of at least three consecutive days and a 974  
requirement that the offender attend a certified driver's 975  
intervention program under division (G)(1)(a)(ii) of this section, 976  
the court shall permit the offender to elect to serve no jail term 977  
and to attend a certified driver's intervention program. If the 978  
offender makes such a choice, the court, in addition to any other 979  
penalty provided or permitted by law, shall suspend the offender's 980  
driver's or commercial driver's license or permit or nonresident 981  
operating privilege for a period of not less than two hundred 982  
seventy days as prescribed in division (G)(1)(a)(iv) of this 983  
section. 984

(iii) In all cases, a fine of not less than two hundred fifty 985  
and not more than one thousand dollars; 986

(iv) In ~~all~~ cases involving an offender who is sentenced to a 987  
jail term under division (G)(1)(a)(i) or elects to serve a jail 988  
term under division (G)(1)(a)(ii) of this section, a class five 989  
license suspension of the offender's driver's or commercial 990  
driver's license or permit or nonresident operating privilege from 991  
the range specified in division (A)(5) of section 4510.02 of the 992  
Revised Code. The court may grant limited driving privileges 993

relative to the suspension under sections 4510.021 and 4510.13 of 994  
the Revised Code. 995

In cases involving an offender who elects not to serve a jail 996  
term under division (G)(1)(a)(ii) of this section, a class five 997  
license suspension of the offender's driver's or commercial 998  
driver's license or permit or nonresident operating privilege from 999  
the range specified in division (A)(5) of section 4510.02 of the 1000  
Revised Code, except that the court shall suspend the offender's 1001  
driver's or commercial driver's license or permit or nonresident 1002  
operating privilege for a period of not less than two hundred 1003  
seventy days. The court may grant limited driving privileges 1004  
relative to the suspension under sections 4510.021 and 4510.13 of 1005  
the Revised Code. 1006

(v) In all cases, a requirement that the offender wear a 1007  
monitor that provides continuous alcohol monitoring that is 1008  
remote. The court shall require the offender to wear the monitor 1009  
until the conclusion of the period of suspension of the offender's 1010  
driver's or commercial driver's license or permit or nonresident 1011  
operating privilege the court imposes upon the offender. The 1012  
offender shall pay all costs associated with the monitor, 1013  
including the cost of remote monitoring. 1014

(b) Except as otherwise provided in division (G)(1)(e) of 1015  
this section, an offender who, within six years of the offense, 1016  
previously has been convicted of or pleaded guilty to one 1017  
violation of division (A) or (B) of this section or one other 1018  
equivalent offense is guilty of a misdemeanor of the first degree. 1019  
The court shall sentence the offender to all of the following: 1020

~~(i) If the sentence is being imposed for a violation of 1021~~  
~~division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1022~~  
A mandatory jail term of ten consecutive days. The court shall 1023  
impose the ten-day mandatory jail term under this division unless, 1024  
subject to division (G)(3) of this section, it instead imposes a 1025

sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

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

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

~~In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court may require the~~

~~offender to attend a driver's intervention program that is certified pursuant to section 3793.10 of the Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (I) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code.~~

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

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

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

(v) In all cases, a requirement that the offender wear a monitor that provides continuous alcohol monitoring that is remote. The court shall require the offender to wear the monitor until the conclusion of the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege the court imposes upon the offender. The offender shall pay all costs associated with the monitor, including the cost of remote monitoring.

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

this section, an offender who, within six years of the offense, 1089  
previously has been convicted of or pleaded guilty to two 1090  
violations of division (A) or (B) of this section or other 1091  
equivalent offenses is guilty of a misdemeanor. The court shall 1092  
sentence the offender to all of the following: 1093

~~(i) If the sentence is being imposed for a violation of 1094  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1095  
A mandatory jail term of thirty consecutive days. The court shall 1096  
impose the thirty-day mandatory jail term under this division 1097  
unless, subject to division (G)(3) of this section, it instead 1098  
imposes a sentence under that division consisting of both a jail 1099  
term and a term of house arrest with electronic monitoring, with 1100  
continuous alcohol monitoring, or with both electronic monitoring 1101  
and continuous alcohol monitoring. The court may impose a jail 1102  
term in addition to the thirty-day mandatory jail term. 1103  
Notwithstanding the jail terms set forth in sections 2929.21 to 1104  
2929.28 of the Revised Code, the additional jail term shall not 1105  
exceed one year, and the cumulative jail term imposed for the 1106  
offense shall not exceed one year. 1107~~

~~(ii) If the sentence is being imposed for a violation of 1108  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1109  
section, a mandatory jail term of sixty consecutive days. The 1110  
court shall impose the sixty day mandatory jail term under this 1111  
division unless, subject to division (G)(3) of this section, it 1112  
instead imposes a sentence under that division consisting of both 1113  
a jail term and a term of house arrest with electronic monitoring, 1114  
with continuous alcohol monitoring, or with both electronic 1115  
monitoring and continuous alcohol monitoring. The court may impose 1116  
a jail term in addition to the sixty day mandatory jail term. 1117  
Notwithstanding the jail terms set forth in sections 2929.21 to 1118  
2929.28 of the Revised Code, the additional jail term shall not 1119  
exceed one year, and the cumulative jail term imposed for the 1120~~

~~offense shall not exceed one year.~~ 1121

~~(iii)~~ In all cases, notwithstanding the fines set forth in 1122  
Chapter 2929. of the Revised Code, a fine of not less than five 1123  
hundred fifty and not more than two thousand five hundred dollars; 1124

~~(iv)~~(iii) In all cases, a class three license suspension of 1125  
the offender's driver's license, commercial driver's license, 1126  
temporary instruction permit, probationary license, or nonresident 1127  
operating privilege from the range specified in division (A)(3) of 1128  
section 4510.02 of the Revised Code. The court may grant limited 1129  
driving privileges relative to the suspension under sections 1130  
4510.021 and 4510.13 of the Revised Code. 1131

~~(v)~~(iv) In all cases, if the vehicle is registered in the 1132  
offender's name, criminal forfeiture of the vehicle involved in 1133  
the offense in accordance with section 4503.234 of the Revised 1134  
Code. Division (G)(6) of this section applies regarding any 1135  
vehicle that is subject to an order of criminal forfeiture under 1136  
this division. 1137

~~(vi)~~(v) In all cases, participation in an alcohol and drug 1138  
addiction program authorized by section 3793.02 of the Revised 1139  
Code, subject to division (I) of this section. 1140

(vi) In all cases, a requirement that the offender wear a 1141  
monitor that provides continuous alcohol monitoring that is 1142  
remote. The court shall require the offender to wear the monitor 1143  
until the conclusion of the period of suspension of the offender's 1144  
driver's or commercial driver's license or permit or nonresident 1145  
operating privilege the court imposes upon the offender. The 1146  
offender shall pay all costs associated with the monitor, 1147  
including the cost of remote monitoring. 1148

(d) Except as otherwise provided in division (G)(1)(e) of 1149  
this section, an offender who, within six years of the offense, 1150  
previously has been convicted of or pleaded guilty to three or 1151

four violations of division (A) or (B) of this section or other 1152  
equivalent offenses or an offender who, within twenty years of the 1153  
offense, previously has been convicted of or pleaded guilty to 1154  
five or more violations of that nature is guilty of a felony of 1155  
the fourth degree. The court shall sentence the offender to all of 1156  
the following: 1157

(i) If the sentence is being imposed for a violation of 1158  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1159  
mandatory prison term of one, two, three, four, or five years as 1160  
required by and in accordance with division (G)(2) of section 1161  
2929.13 of the Revised Code if the offender also is convicted of 1162  
or also pleads guilty to a specification of the type described in 1163  
section 2941.1413 of the Revised Code or, in the discretion of the 1164  
court, either a mandatory term of local incarceration of sixty 1165  
consecutive days in accordance with division (G)(1) of section 1166  
2929.13 of the Revised Code or a mandatory prison term of sixty 1167  
consecutive days in accordance with division (G)(2) of that 1168  
section if the offender is not convicted of and does not plead 1169  
guilty to a specification of that type. If the court imposes a 1170  
mandatory term of local incarceration, it may impose a jail term 1171  
in addition to the sixty-day mandatory term, the cumulative total 1172  
of the mandatory term and the jail term for the offense shall not 1173  
exceed one year, and, except as provided in division (A)(1) of 1174  
section 2929.13 of the Revised Code, no prison term is authorized 1175  
for the offense. If the court imposes a mandatory prison term, 1176  
notwithstanding division (A)(4) of section 2929.14 of the Revised 1177  
Code, it also may sentence the offender to a definite prison term 1178  
that shall be not less than six months and not more than thirty 1179  
months and the prison terms shall be imposed as described in 1180  
division (G)(2) of section 2929.13 of the Revised Code. If the 1181  
court imposes a mandatory prison term or mandatory prison term and 1182  
additional prison term, in addition to the term or terms so 1183  
imposed, the court also may sentence the offender to a community 1184

control sanction for the offense, but the offender shall serve all 1185  
of the prison terms so imposed prior to serving the community 1186  
control sanction. 1187

(ii) If the sentence is being imposed for a violation of 1188  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1189  
section, a mandatory prison term of one, two, three, four, or five 1190  
years as required by and in accordance with division (G)(2) of 1191  
section 2929.13 of the Revised Code if the offender also is 1192  
convicted of or also pleads guilty to a specification of the type 1193  
described in section 2941.1413 of the Revised Code or, in the 1194  
discretion of the court, either a mandatory term of local 1195  
incarceration of one hundred twenty consecutive days in accordance 1196  
with division (G)(1) of section 2929.13 of the Revised Code or a 1197  
mandatory prison term of one hundred twenty consecutive days in 1198  
accordance with division (G)(2) of that section if the offender is 1199  
not convicted of and does not plead guilty to a specification of 1200  
that type. If the court imposes a mandatory term of local 1201  
incarceration, it may impose a jail term in addition to the one 1202  
hundred twenty-day mandatory term, the cumulative total of the 1203  
mandatory term and the jail term for the offense shall not exceed 1204  
one year, and, except as provided in division (A)(1) of section 1205  
2929.13 of the Revised Code, no prison term is authorized for the 1206  
offense. If the court imposes a mandatory prison term, 1207  
notwithstanding division (A)(4) of section 2929.14 of the Revised 1208  
Code, it also may sentence the offender to a definite prison term 1209  
that shall be not less than six months and not more than thirty 1210  
months and the prison terms shall be imposed as described in 1211  
division (G)(2) of section 2929.13 of the Revised Code. If the 1212  
court imposes a mandatory prison term or mandatory prison term and 1213  
additional prison term, in addition to the term or terms so 1214  
imposed, the court also may sentence the offender to a community 1215  
control sanction for the offense, but the offender shall serve all 1216  
of the prison terms so imposed prior to serving the community 1217

control sanction. 1218

(iii) In all cases, notwithstanding section 2929.18 of the 1219  
Revised Code, a fine of not less than eight hundred nor more than 1220  
ten thousand dollars; 1221

(iv) In all cases, a class two license suspension of the 1222  
offender's driver's license, commercial driver's license, 1223  
temporary instruction permit, probationary license, or nonresident 1224  
operating privilege from the range specified in division (A)(2) of 1225  
section 4510.02 of the Revised Code. The court may grant limited 1226  
driving privileges relative to the suspension under sections 1227  
4510.021 and 4510.13 of the Revised Code. 1228

(v) In all cases, if the vehicle is registered in the 1229  
offender's name, criminal forfeiture of the vehicle involved in 1230  
the offense in accordance with section 4503.234 of the Revised 1231  
Code. Division (G)(6) of this section applies regarding any 1232  
vehicle that is subject to an order of criminal forfeiture under 1233  
this division. 1234

(vi) In all cases, participation in an alcohol and drug 1235  
addiction program authorized by section 3793.02 of the Revised 1236  
Code, subject to division (I) of this section. 1237

(vii) In all cases, if the court sentences the offender to a 1238  
mandatory term of local incarceration, in addition to the 1239  
mandatory term, the court, pursuant to section 2929.17 of the 1240  
Revised Code, may impose a term of house arrest with electronic 1241  
monitoring. The term shall not commence until after the offender 1242  
has served the mandatory term of local incarceration. 1243

(viii) In all cases, a requirement that the offender wear a 1244  
monitor that provides continuous alcohol monitoring that is 1245  
remote. The court shall require the offender to wear the monitor 1246  
until the conclusion of the period of suspension of the offender's 1247  
driver's or commercial driver's license or permit or nonresident 1248

operating privilege the court imposes upon the offender. The 1249  
offender shall pay all costs associated with the monitor, 1250  
including the cost of remote monitoring. 1251

(e) An offender who previously has been convicted of or 1252  
pleaded guilty to a violation of division (A) of this section that 1253  
was a felony, regardless of when the violation and the conviction 1254  
or guilty plea occurred, is guilty of a felony of the third 1255  
degree. The court shall sentence the offender to all of the 1256  
following: 1257

(i) If the offender is being sentenced for a violation of 1258  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1259  
mandatory prison term of one, two, three, four, or five years as 1260  
required by and in accordance with division (G)(2) of section 1261  
2929.13 of the Revised Code if the offender also is convicted of 1262  
or also pleads guilty to a specification of the type described in 1263  
section 2941.1413 of the Revised Code or a mandatory prison term 1264  
of sixty consecutive days in accordance with division (G)(2) of 1265  
section 2929.13 of the Revised Code if the offender is not 1266  
convicted of and does not plead guilty to a specification of that 1267  
type. The court may impose a prison term in addition to the 1268  
mandatory prison term. The cumulative total of a sixty-day 1269  
mandatory prison term and the additional prison term for the 1270  
offense shall not exceed five years. In addition to the mandatory 1271  
prison term or mandatory prison term and additional prison term 1272  
the court imposes, the court also may sentence the offender to a 1273  
community control sanction for the offense, but the offender shall 1274  
serve all of the prison terms so imposed prior to serving the 1275  
community control sanction. 1276

(ii) If the sentence is being imposed for a violation of 1277  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1278  
section, a mandatory prison term of one, two, three, four, or five 1279  
years as required by and in accordance with division (G)(2) of 1280

section 2929.13 of the Revised Code if the offender also is 1281  
convicted of or also pleads guilty to a specification of the type 1282  
described in section 2941.1413 of the Revised Code or a mandatory 1283  
prison term of one hundred twenty consecutive days in accordance 1284  
with division (G)(2) of section 2929.13 of the Revised Code if the 1285  
offender is not convicted of and does not plead guilty to a 1286  
specification of that type. The court may impose a prison term in 1287  
addition to the mandatory prison term. The cumulative total of a 1288  
one hundred twenty-day mandatory prison term and the additional 1289  
prison term for the offense shall not exceed five years. In 1290  
addition to the mandatory prison term or mandatory prison term and 1291  
additional prison term the court imposes, the court also may 1292  
sentence the offender to a community control sanction for the 1293  
offense, but the offender shall serve all of the prison terms so 1294  
imposed prior to serving the community control sanction. 1295

(iii) In all cases, notwithstanding section 2929.18 of the 1296  
Revised Code, a fine of not less than eight hundred nor more than 1297  
ten thousand dollars; 1298

(iv) In all cases, a class two license suspension of the 1299  
offender's driver's license, commercial driver's license, 1300  
temporary instruction permit, probationary license, or nonresident 1301  
operating privilege from the range specified in division (A)(2) of 1302  
section 4510.02 of the Revised Code. The court may grant limited 1303  
driving privileges relative to the suspension under sections 1304  
4510.021 and 4510.13 of the Revised Code. 1305

(v) In all cases, if the vehicle is registered in the 1306  
offender's name, criminal forfeiture of the vehicle involved in 1307  
the offense in accordance with section 4503.234 of the Revised 1308  
Code. Division (G)(6) of this section applies regarding any 1309  
vehicle that is subject to an order of criminal forfeiture under 1310  
this division. 1311

(vi) In all cases, participation in an alcohol and drug 1312

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

(vii) In all cases, a requirement that the offender wear a monitor that provides continuous alcohol monitoring that is remote. The court shall require the offender to wear the monitor until the conclusion of the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege the court imposes upon the offender. The offender shall pay all costs associated with the monitor, including the cost of remote monitoring.

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

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

As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house

arrest with electronic monitoring, with continuous alcohol 1345  
monitoring, or with both electronic monitoring and continuous 1346  
alcohol monitoring. The cumulative total of the five consecutive 1347  
days in jail and the period of house arrest with electronic 1348  
monitoring, continuous alcohol monitoring, or both types of 1349  
monitoring shall not exceed six months. The five consecutive days 1350  
in jail do not have to be served prior to or consecutively to the 1351  
period of house arrest. 1352

As an alternative to the mandatory jail term of twenty 1353  
consecutive days required by division (G)(1)(b)(ii) of this 1354  
section, the court, under this division, may sentence the offender 1355  
to ten consecutive days in jail and not less than thirty-six 1356  
consecutive days of house arrest with electronic monitoring, with 1357  
continuous alcohol monitoring, or with both electronic monitoring 1358  
and continuous alcohol monitoring. The cumulative total of the ten 1359  
consecutive days in jail and the period of house arrest with 1360  
electronic monitoring, continuous alcohol monitoring, or both 1361  
types of monitoring shall not exceed six months. The ten 1362  
consecutive days in jail do not have to be served prior to or 1363  
consecutively to the period of house arrest. 1364

As an alternative to a mandatory jail term of thirty 1365  
consecutive days required by division (G)(1)(c)(i) of this 1366  
section, the court, under this division, may sentence the offender 1367  
to fifteen consecutive days in jail and not less than fifty-five 1368  
consecutive days of house arrest with electronic monitoring, with 1369  
continuous alcohol monitoring, or with both electronic monitoring 1370  
and continuous alcohol monitoring. The cumulative total of the 1371  
fifteen consecutive days in jail and the period of house arrest 1372  
with electronic monitoring, continuous alcohol monitoring, or both 1373  
types of monitoring shall not exceed one year. The fifteen 1374  
consecutive days in jail do not have to be served prior to or 1375  
consecutively to the period of house arrest. 1376

As an alternative to the mandatory jail term of sixty 1377  
consecutive days required by division (G)(1)(c)(ii) of this 1378  
section, the court, under this division, may sentence the offender 1379  
to thirty consecutive days in jail and not less than one hundred 1380  
ten consecutive days of house arrest with electronic monitoring, 1381  
with continuous alcohol monitoring, or with both electronic 1382  
monitoring and continuous alcohol monitoring. The cumulative total 1383  
of the thirty consecutive days in jail and the period of house 1384  
arrest with electronic monitoring, continuous alcohol monitoring, 1385  
or both types of monitoring shall not exceed one year. The thirty 1386  
consecutive days in jail do not have to be served prior to or 1387  
consecutively to the period of house arrest. 1388

(4) If an offender's driver's or occupational driver's 1389  
license or permit or nonresident operating privilege is suspended 1390  
under division (G) of this section and if section 4510.13 of the 1391  
Revised Code permits the court to grant limited driving 1392  
privileges, the court may grant the limited driving privileges in 1393  
accordance with that section. If division (A)(7) of that section 1394  
requires that the court impose as a condition of the privileges 1395  
that the offender must display on the vehicle that is driven 1396  
subject to the privileges restricted license plates that are 1397  
issued under section 4503.231 of the Revised Code, except as 1398  
provided in division (B) of that section, the court shall impose 1399  
that condition as one of the conditions of the limited driving 1400  
privileges granted to the offender, except as provided in division 1401  
(B) of section 4503.231 of the Revised Code. 1402

(5) Fines imposed under this section for a violation of 1403  
division (A) of this section shall be distributed as follows: 1404

(a) Twenty-five dollars of the fine imposed under division 1405  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 1406  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 1407  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 1408

dollars of the fine imposed under division (G)(1)(d)(iii) or 1409  
(e)(iii) of this section shall be paid to an enforcement and 1410  
education fund established by the legislative authority of the law 1411  
enforcement agency in this state that primarily was responsible 1412  
for the arrest of the offender, as determined by the court that 1413  
imposes the fine. The agency shall use this share to pay only 1414  
those costs it incurs in enforcing this section or a municipal OVI 1415  
ordinance and in informing the public of the laws governing the 1416  
operation of a vehicle while under the influence of alcohol, the 1417  
dangers of the operation of a vehicle under the influence of 1418  
alcohol, and other information relating to the operation of a 1419  
vehicle under the influence of alcohol and the consumption of 1420  
alcoholic beverages. 1421

(b) Fifty dollars of the fine imposed under division 1422  
(G)(1)(a)(iii) of this section shall be paid to the political 1423  
subdivision that pays the cost of housing the offender during the 1424  
offender's term of incarceration. If the offender is being 1425  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 1426  
(e), or (j) of this section and was confined as a result of the 1427  
offense prior to being sentenced for the offense but is not 1428  
sentenced to a term of incarceration, the fifty dollars shall be 1429  
paid to the political subdivision that paid the cost of housing 1430  
the offender during that period of confinement. The political 1431  
subdivision shall use the share under this division to pay or 1432  
reimburse incarceration or treatment costs it incurs in housing or 1433  
providing drug and alcohol treatment to persons who violate this 1434  
section or a municipal OVI ordinance, costs of any immobilizing or 1435  
disabling device used on the offender's vehicle, and costs of 1436  
electronic house arrest equipment needed for persons who violate 1437  
this section. 1438

(c) Twenty-five dollars of the fine imposed under division 1439  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 1440

division (G)(1)(b)(iii) of this section shall be deposited into 1441  
the county or municipal indigent drivers' alcohol treatment fund 1442  
under the control of that court, as created by the county or 1443  
municipal corporation under division (N) of section 4511.191 of 1444  
the Revised Code. 1445

(d) One hundred fifteen dollars of the fine imposed under 1446  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 1447  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 1448  
dollars of the fine imposed under division (G)(1)(d)(iii) or 1449  
(e)(iii) of this section shall be paid to the political 1450  
subdivision that pays the cost of housing the offender during the 1451  
offender's term of incarceration. The political subdivision shall 1452  
use this share to pay or reimburse incarceration or treatment 1453  
costs it incurs in housing or providing drug and alcohol treatment 1454  
to persons who violate this section or a municipal OVI ordinance, 1455  
costs for any immobilizing or disabling device used on the 1456  
offender's vehicle, and costs of electronic house arrest equipment 1457  
needed for persons who violate this section. 1458

(e) The balance of the fine imposed under division 1459  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 1460  
section shall be disbursed as otherwise provided by law. 1461

(6) If title to a motor vehicle that is subject to an order 1462  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 1463  
this section is assigned or transferred and division (B)(2) or (3) 1464  
of section 4503.234 of the Revised Code applies, in addition to or 1465  
independent of any other penalty established by law, the court may 1466  
fine the offender the value of the vehicle as determined by 1467  
publications of the national auto dealers association. The 1468  
proceeds of any fine so imposed shall be distributed in accordance 1469  
with division (C)(2) of that section. 1470

(7) As used in division (G) of this section, "electronic 1471  
monitoring," "mandatory prison term," and "mandatory term of local 1472

incarceration" have the same meanings as in section 2929.01 of the Revised Code.

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

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

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

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

(I)(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program

complies with the minimum standards for alcohol treatment programs 1504  
adopted under Chapter 3793. of the Revised Code by the director of 1505  
alcohol and drug addiction services. 1506

(2) An offender who stays in a drivers' intervention program 1507  
or in an alcohol treatment program under an order issued under 1508  
this section shall pay the cost of the stay in the program. 1509  
However, if the court determines that an offender who stays in an 1510  
alcohol treatment program under an order issued under this section 1511  
is unable to pay the cost of the stay in the program, the court 1512  
may order that the cost be paid from the court's indigent drivers' 1513  
alcohol treatment fund. 1514

(J) If a person whose driver's or commercial driver's license 1515  
or permit or nonresident operating privilege is suspended under 1516  
this section files an appeal regarding any aspect of the person's 1517  
trial or sentence, the appeal itself does not stay the operation 1518  
of the suspension. 1519

(K) Division (A)(1)(j) of this section does not apply to a 1520  
person who operates a vehicle, streetcar, or trackless trolley 1521  
while the person has a concentration of a listed controlled 1522  
substance or a listed metabolite of a controlled substance in the 1523  
person's whole blood, blood serum or plasma, or urine that equals 1524  
or exceeds the amount specified in that division, if both of the 1525  
following apply: 1526

(1) The person obtained the controlled substance pursuant to 1527  
a prescription issued by a licensed health professional authorized 1528  
to prescribe drugs. 1529

(2) The person injected, ingested, or inhaled the controlled 1530  
substance in accordance with the health professional's directions. 1531

(L) The prohibited concentrations of a controlled substance 1532  
or a metabolite of a controlled substance listed in division 1533  
(A)(1)(j) of this section also apply in a prosecution of a 1534

violation of division (D) of section 2923.16 of the Revised Code 1535  
in the same manner as if the offender is being prosecuted for a 1536  
prohibited concentration of alcohol. 1537

(M) All terms defined in section 4510.01 of the Revised Code 1538  
apply to this section. If the meaning of a term defined in section 1539  
4510.01 of the Revised Code conflicts with the meaning of the same 1540  
term as defined in section 4501.01 or 4511.01 of the Revised Code, 1541  
the term as defined in section 4510.01 of the Revised Code applies 1542  
to this section. 1543

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 1544  
as adopted by the supreme court under authority of section 2937.46 1545  
of the Revised Code, do not apply to felony violations of this 1546  
section. Subject to division (N)(2) of this section, the Rules of 1547  
Criminal Procedure apply to felony violations of this section. 1548

(2) If, on or after January 1, 2004, the supreme court 1549  
modifies the Ohio Traffic Rules to provide procedures to govern 1550  
felony violations of this section, the modified rules shall apply 1551  
to felony violations of this section. 1552

**Sec. 4511.191.** (A)(1) "Physical control" has the same meaning 1553  
as in section 4511.194 of the Revised Code. 1554

(2) Any person who operates a vehicle, streetcar, or 1555  
trackless trolley upon a highway or any public or private property 1556  
used by the public for vehicular travel or parking within this 1557  
state or who is in physical control of a vehicle, streetcar, or 1558  
trackless trolley shall be deemed to have given consent to a 1559  
chemical test or tests of the person's whole blood, blood serum or 1560  
plasma, breath, or urine to determine the alcohol, drug of abuse, 1561  
controlled substance, metabolite of a controlled substance, or 1562  
combination content of the person's whole blood, blood serum or 1563  
plasma, breath, or urine if arrested for a violation of division 1564  
(A) or (B) of section 4511.19 of the Revised Code, section 1565

4511.194 of the Revised Code or a substantially equivalent 1566  
municipal ordinance, or a municipal OVI ordinance. 1567

(3) The chemical test or tests under division (A)(2) of this 1568  
section shall be administered at the request of a law enforcement 1569  
officer having reasonable grounds to believe the person was 1570  
operating or in physical control of a vehicle, streetcar, or 1571  
trackless trolley in violation of a division, section, or 1572  
ordinance identified in division (A)(2) of this section. The law 1573  
enforcement agency by which the officer is employed shall 1574  
designate which of the tests shall be administered. 1575

(4) Any person who is dead or unconscious, or who otherwise 1576  
is in a condition rendering the person incapable of refusal, shall 1577  
be deemed to have consented as provided in division (A)(2) of this 1578  
section, and the test or tests may be administered, subject to 1579  
sections 313.12 to 313.16 of the Revised Code. 1580

(B)(1) Upon receipt of the sworn report of a law enforcement 1581  
officer who arrested a person for a violation of division (A) or 1582  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 1583  
the Revised Code or a substantially equivalent municipal 1584  
ordinance, or a municipal OVI ordinance that was completed and 1585  
sent to the registrar and a court pursuant to section 4511.192 of 1586  
the Revised Code in regard to a person who refused to take the 1587  
designated chemical test, the registrar shall enter into the 1588  
registrar's records the fact that the person's driver's or 1589  
commercial driver's license or permit or nonresident operating 1590  
privilege was suspended by the arresting officer under this 1591  
division and that section and the period of the suspension, as 1592  
determined under this section. The suspension shall be subject to 1593  
appeal as provided in section 4511.197 of the Revised Code. The 1594  
suspension shall be for whichever of the following periods 1595  
applies: 1596

(a) Except when division (B)(1)(b), (c), or (d) of this 1597

section applies and specifies a different class or length of 1598  
suspension, the suspension shall be a class C suspension for the 1599  
period of time specified in division (B)(3) of section 4510.02 of 1600  
the Revised Code. 1601

(b) If the arrested person, within six years of the date on 1602  
which the person refused the request to consent to the chemical 1603  
test, had refused one previous request to consent to a chemical 1604  
test, the suspension shall be a class B suspension imposed for the 1605  
period of time specified in division (B)(2) of section 4510.02 of 1606  
the Revised Code. 1607

(c) If the arrested person, within six years of the date on 1608  
which the person refused the request to consent to the chemical 1609  
test, had refused two previous requests to consent to a chemical 1610  
test, the suspension shall be a class A suspension imposed for the 1611  
period of time specified in division (B)(1) of section 4510.02 of 1612  
the Revised Code. 1613

(d) If the arrested person, within six years of the date on 1614  
which the person refused the request to consent to the chemical 1615  
test, had refused three or more previous requests to consent to a 1616  
chemical test, the suspension shall be for five years. 1617

(2) The registrar shall terminate a suspension of the 1618  
driver's or commercial driver's license or permit of a resident or 1619  
of the operating privilege of a nonresident, or a denial of a 1620  
driver's or commercial driver's license or permit, imposed 1621  
pursuant to division (B)(1) of this section upon receipt of notice 1622  
that the person has entered a plea of guilty to, or that the 1623  
person has been convicted after entering a plea of no contest to, 1624  
operating a vehicle in violation of section 4511.19 of the Revised 1625  
Code or in violation of a municipal OVI ordinance, if the offense 1626  
for which the conviction is had or the plea is entered arose from 1627  
the same incident that led to the suspension or denial. 1628

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

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

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

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

(c) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, 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.

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

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

for which the conviction is had or the plea is entered arose from 1693  
the same incident that led to the suspension or denial. 1694

The registrar shall credit against any judicial suspension of 1695  
a person's driver's or commercial driver's license or permit or 1696  
nonresident operating privilege imposed pursuant to section 1697  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 1698  
Revised Code for a violation of a municipal OVI ordinance, any 1699  
time during which the person serves a related suspension imposed 1700  
pursuant to division (C)(1) of this section. 1701

(D)(1) A suspension of a person's driver's or commercial 1702  
driver's license or permit or nonresident operating privilege 1703  
under this section for the time described in division (B) or (C) 1704  
of this section is effective immediately from the time at which 1705  
the arresting officer serves the notice of suspension upon the 1706  
arrested person. Any subsequent finding that the person is not 1707  
guilty of the charge that resulted in the person being requested 1708  
to take the chemical test or tests under division (A) of this 1709  
section does not affect the suspension. 1710

(2) If a person is arrested for operating a vehicle, 1711  
streetcar, or trackless trolley in violation of division (A) or 1712  
(B) of section 4511.19 of the Revised Code or a municipal OVI 1713  
ordinance, or for being in physical control of a vehicle, 1714  
streetcar, or trackless trolley in violation of section 4511.194 1715  
of the Revised Code or a substantially equivalent municipal 1716  
ordinance, regardless of whether the person's driver's or 1717  
commercial driver's license or permit or nonresident operating 1718  
privilege is or is not suspended under division (B) or (C) of this 1719  
section or Chapter 4510. of the Revised Code, the person's initial 1720  
appearance on the charge resulting from the arrest shall be held 1721  
within five days of the person's arrest or the issuance of the 1722  
citation to the person, subject to any continuance granted by the 1723  
court pursuant to section 4511.197 of the Revised Code regarding 1724

the issues specified in that division. 1725

(E) When it finally has been determined under the procedures 1726  
of this section and sections 4511.192 to 4511.197 of the Revised 1727  
Code that a nonresident's privilege to operate a vehicle within 1728  
this state has been suspended, the registrar shall give 1729  
information in writing of the action taken to the motor vehicle 1730  
administrator of the state of the person's residence and of any 1731  
state in which the person has a license. 1732

(F) At the end of a suspension period under this section, 1733  
under section 4511.194, section 4511.196, or division (G) of 1734  
section 4511.19 of the Revised Code, or under section 4510.07 of 1735  
the Revised Code for a violation of a municipal OVI ordinance and 1736  
upon the request of the person whose driver's or commercial 1737  
driver's license or permit was suspended and who is not otherwise 1738  
subject to suspension, cancellation, or disqualification, the 1739  
registrar shall return the driver's or commercial driver's license 1740  
or permit to the person upon the occurrence of all of the 1741  
conditions specified in divisions (F)(1) and (2) of this section: 1742

(1) A showing that the person has proof of financial 1743  
responsibility, a policy of liability insurance in effect that 1744  
meets the minimum standards set forth in section 4509.51 of the 1745  
Revised Code, or proof, to the satisfaction of the registrar, that 1746  
the person is able to respond in damages in an amount at least 1747  
equal to the minimum amounts specified in section 4509.51 of the 1748  
Revised Code. 1749

(2) Subject to the limitation contained in division (F)(3) of 1750  
this section, payment by the person to the bureau of motor 1751  
vehicles of a license reinstatement fee of four hundred 1752  
twenty-five dollars, which fee shall be deposited in the state 1753  
treasury and credited as follows: 1754

(a) One hundred twelve dollars and fifty cents shall be 1755

credited to the statewide treatment and prevention fund created by 1756  
section 4301.30 of the Revised Code. The fund shall be used to pay 1757  
the costs of driver treatment and intervention programs operated 1758  
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 1759  
director of alcohol and drug addiction services shall determine 1760  
the share of the fund that is to be allocated to alcohol and drug 1761  
addiction programs authorized by section 3793.02 of the Revised 1762  
Code, and the share of the fund that is to be allocated to 1763  
drivers' intervention programs authorized by section 3793.10 of 1764  
the Revised Code. 1765

(b) Seventy-five dollars shall be credited to the reparations 1766  
fund created by section 2743.191 of the Revised Code. 1767

(c) Thirty-seven dollars and fifty cents shall be credited to 1768  
the indigent drivers alcohol treatment fund, which is hereby 1769  
established. Except as otherwise provided in division (F)(2)(c) of 1770  
this section, moneys in the fund shall be distributed by the 1771  
department of alcohol and drug addiction services to the county 1772  
indigent drivers alcohol treatment funds, the county juvenile 1773  
indigent drivers alcohol treatment funds, and the municipal 1774  
indigent drivers alcohol treatment funds that are required to be 1775  
established by counties and municipal corporations pursuant to 1776  
this section, and shall be used only to pay the cost of an alcohol 1777  
and drug addiction treatment program attended by an offender or 1778  
juvenile traffic offender who is ordered to attend an alcohol and 1779  
drug addiction treatment program by a county, juvenile, or 1780  
municipal court judge and who is determined by the county, 1781  
juvenile, or municipal court judge not to have the means to pay 1782  
for the person's attendance at the program or to pay the costs 1783  
specified in division (H)(4) of this section in accordance with 1784  
that division. In addition, a county, juvenile, or municipal court 1785  
judge may use moneys in the county indigent drivers alcohol 1786  
treatment fund, county juvenile indigent drivers alcohol treatment 1787

fund, or municipal indigent drivers alcohol treatment fund to pay 1788  
for the cost of the continued use of an electronic continuous 1789  
alcohol monitoring device as described in divisions (H)(3) and (4) 1790  
of this section. Moneys in the fund that are not distributed to a 1791  
county indigent drivers alcohol treatment fund, a county juvenile 1792  
indigent drivers alcohol treatment fund, or a municipal indigent 1793  
drivers alcohol treatment fund under division (H) of this section 1794  
because the director of alcohol and drug addiction services does 1795  
not have the information necessary to identify the county or 1796  
municipal corporation where the offender or juvenile offender was 1797  
arrested may be transferred by the director of budget and 1798  
management to the statewide treatment and prevention fund created 1799  
by section 4301.30 of the Revised Code, upon certification of the 1800  
amount by the director of alcohol and drug addiction services. 1801

(d) Seventy-five dollars shall be credited to the Ohio 1802  
rehabilitation services commission established by section 3304.12 1803  
of the Revised Code, to the services for rehabilitation fund, 1804  
which is hereby established. The fund shall be used to match 1805  
available federal matching funds where appropriate, and for any 1806  
other purpose or program of the commission to rehabilitate people 1807  
with disabilities to help them become employed and independent. 1808

(e) Seventy-five dollars shall be deposited into the state 1809  
treasury and credited to the drug abuse resistance education 1810  
programs fund, which is hereby established, to be used by the 1811  
attorney general for the purposes specified in division (F)(4) of 1812  
this section. 1813

(f) Thirty dollars shall be credited to the state bureau of 1814  
motor vehicles fund created by section 4501.25 of the Revised 1815  
Code. 1816

(g) Twenty dollars shall be credited to the trauma and 1817  
emergency medical services grants fund created by section 4513.263 1818  
of the Revised Code. 1819

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

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

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

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any

period of disqualification under section 3123.611 or 4506.16 of 1852  
the Revised Code or any period of suspension under section 3123.58 1853  
of the Revised Code. No person who is disqualified for life from 1854  
holding a commercial driver's license under section 4506.16 of the 1855  
Revised Code shall be issued a driver's license under Chapter 1856  
4507. of the Revised Code during the period for which the 1857  
commercial driver's license was suspended under division (B) or 1858  
(C) of this section. No person whose commercial driver's license 1859  
is suspended under division (B) or (C) of this section shall be 1860  
issued a driver's license under Chapter 4507. of the Revised Code 1861  
during the period of the suspension. 1862

(H)(1) Each county shall establish an indigent drivers 1863  
alcohol treatment fund, each county shall establish a juvenile 1864  
indigent drivers alcohol treatment fund, and each municipal 1865  
corporation in which there is a municipal court shall establish an 1866  
indigent drivers alcohol treatment fund. All revenue that the 1867  
general assembly appropriates to the indigent drivers alcohol 1868  
treatment fund for transfer to a county indigent drivers alcohol 1869  
treatment fund, a county juvenile indigent drivers alcohol 1870  
treatment fund, or a municipal indigent drivers alcohol treatment 1871  
fund, all portions of fees that are paid under division (F) of 1872  
this section and that are credited under that division to the 1873  
indigent drivers alcohol treatment fund in the state treasury for 1874  
a county indigent drivers alcohol treatment fund, a county 1875  
juvenile indigent drivers alcohol treatment fund, or a municipal 1876  
indigent drivers alcohol treatment fund, and all portions of fines 1877  
that are specified for deposit into a county or municipal indigent 1878  
drivers alcohol treatment fund by section 4511.193 of the Revised 1879  
Code shall be deposited into that county indigent drivers alcohol 1880  
treatment fund, county juvenile indigent drivers alcohol treatment 1881  
fund, or municipal indigent drivers alcohol treatment fund in 1882  
accordance with division (H)(2) of this section. Additionally, all 1883  
portions of fines that are paid for a violation of section 4511.19 1884

of the Revised Code or of any prohibition contained in Chapter 1885  
4510. of the Revised Code, and that are required under section 1886  
4511.19 or any provision of Chapter 4510. of the Revised Code to 1887  
be deposited into a county indigent drivers alcohol treatment fund 1888  
or municipal indigent drivers alcohol treatment fund shall be 1889  
deposited into the appropriate fund in accordance with the 1890  
applicable division. 1891

(2) That portion of the license reinstatement fee that is 1892  
paid under division (F) of this section and that is credited under 1893  
that division to the indigent drivers alcohol treatment fund shall 1894  
be deposited into a county indigent drivers alcohol treatment 1895  
fund, a county juvenile indigent drivers alcohol treatment fund, 1896  
or a municipal indigent drivers alcohol treatment fund as follows: 1897

(a) If the suspension in question was imposed under this 1898  
section, that portion of the fee shall be deposited as follows: 1899

(i) If the fee is paid by a person who was charged in a 1900  
county court with the violation that resulted in the suspension, 1901  
the portion shall be deposited into the county indigent drivers 1902  
alcohol treatment fund under the control of that court; 1903

(ii) If the fee is paid by a person who was charged in a 1904  
juvenile court with the violation that resulted in the suspension, 1905  
the portion shall be deposited into the county juvenile indigent 1906  
drivers alcohol treatment fund established in the county served by 1907  
the court; 1908

(iii) If the fee is paid by a person who was charged in a 1909  
municipal court with the violation that resulted in the 1910  
suspension, the portion shall be deposited into the municipal 1911  
indigent drivers alcohol treatment fund under the control of that 1912  
court. 1913

(b) If the suspension in question was imposed under section 1914  
4511.19 of the Revised Code or under section 4510.07 of the 1915

Revised Code for a violation of a municipal OVI ordinance, that 1916  
portion of the fee shall be deposited as follows: 1917

(i) If the fee is paid by a person whose license or permit 1918  
was suspended by a county court, the portion shall be deposited 1919  
into the county indigent drivers alcohol treatment fund under the 1920  
control of that court; 1921

(ii) If the fee is paid by a person whose license or permit 1922  
was suspended by a municipal court, the portion shall be deposited 1923  
into the municipal indigent drivers alcohol treatment fund under 1924  
the control of that court. 1925

(3)(a) Expenditures from a county indigent drivers alcohol 1926  
treatment fund, a county juvenile indigent drivers alcohol 1927  
treatment fund, or a municipal indigent drivers alcohol treatment 1928  
fund shall be made only upon the order of a county, juvenile, or 1929  
municipal court judge and only for payment of the cost of the 1930  
attendance at an alcohol and drug addiction treatment program of a 1931  
person who is convicted of, or found to be a juvenile traffic 1932  
offender by reason of, a violation of division (A) of section 1933  
4511.19 of the Revised Code or a substantially similar municipal 1934  
ordinance, who is ordered by the court to attend the alcohol and 1935  
drug addiction treatment program, and who is determined by the 1936  
court to be unable to pay the cost of attendance at the treatment 1937  
program or for payment of the costs specified in division (H)(4) 1938  
of this section in accordance with that division. The alcohol and 1939  
drug addiction services board or the board of alcohol, drug 1940  
addiction, and mental health services established pursuant to 1941  
section 340.02 or 340.021 of the Revised Code and serving the 1942  
alcohol, drug addiction, and mental health service district in 1943  
which the court is located shall administer the indigent drivers 1944  
alcohol treatment program of the court. When a court orders an 1945  
offender or juvenile traffic offender to attend an alcohol and 1946  
drug addiction treatment program, the board shall determine which 1947

program is suitable to meet the needs of the offender or juvenile 1948  
traffic offender, and when a suitable program is located and space 1949  
is available at the program, the offender or juvenile traffic 1950  
offender shall attend the program designated by the board. A 1951  
reasonable amount not to exceed five per cent of the amounts 1952  
credited to and deposited into the county indigent drivers alcohol 1953  
treatment fund, the county juvenile indigent drivers alcohol 1954  
treatment fund, or the municipal indigent drivers alcohol 1955  
treatment fund serving every court whose program is administered 1956  
by that board shall be paid to the board to cover the costs it 1957  
incurs in administering those indigent drivers alcohol treatment 1958  
programs. 1959

~~In addition, a (b)~~ A county, juvenile, or municipal court 1960  
judge also may use moneys in the county indigent drivers alcohol 1961  
treatment fund, county juvenile indigent drivers alcohol treatment 1962  
fund, or municipal indigent drivers alcohol treatment fund to pay 1963  
for the continued use of an electronic continuous alcohol 1964  
monitoring device by an offender or juvenile traffic offender, in 1965  
conjunction with a treatment program approved by the department of 1966  
alcohol and drug addiction services, when such use is determined 1967  
clinically necessary by the treatment program and when the court 1968  
determines that the offender or juvenile traffic offender is 1969  
unable to pay all or part of the daily monitoring of the device. 1970

(c) In addition, a county or municipal court judge shall use 1971  
moneys in the county indigent drivers alcohol treatment fund or 1972  
municipal indigent drivers alcohol treatment fund to pay all or 1973  
part of the costs associated with the acquisition, installation, 1974  
and maintenance of an ignition interlock device by an offender who 1975  
pleads guilty to or is convicted of a violation of division (A) of 1976  
section 4511.19 of the Revised Code or a substantially similar 1977  
municipal ordinance, is granted limited driving privileges, and is 1978  
required by the court or the Revised Code to operate only a motor 1979

vehicle that is equipped with an approved ignition interlock 1980  
device while exercising the limited driving privileges. The judge 1981  
shall approve such an expenditure from the county indigent drivers 1982  
alcohol treatment fund or municipal indigent drivers alcohol 1983  
treatment fund, as the case may be, to pay the costs described in 1984  
division (H)(3)(c) of this section only if the court determines 1985  
that the offender is unable to pay all or part of such costs. 1986

(4) If a county, juvenile, or municipal court determines, in 1987  
consultation with the alcohol and drug addiction services board or 1988  
the board of alcohol, drug addiction, and mental health services 1989  
established pursuant to section 340.02 or 340.021 of the Revised 1990  
Code and serving the alcohol, drug addiction, and mental health 1991  
district in which the court is located, that the funds in the 1992  
county indigent drivers alcohol treatment fund, the county 1993  
juvenile indigent drivers alcohol treatment fund, or the municipal 1994  
indigent drivers alcohol treatment fund under the control of the 1995  
court are more than sufficient to satisfy the purpose for which 1996  
the fund was established, as specified in divisions (H)(1) to (3) 1997  
of this section, the court may declare a surplus in the fund. If 1998  
the court declares a surplus in the fund, the court may expend the 1999  
amount of the surplus in the fund for: 2000

(a) Alcohol and drug abuse assessment and treatment of 2001  
persons who are charged in the court with committing a criminal 2002  
offense or with being a delinquent child or juvenile traffic 2003  
offender and in relation to whom both of the following apply: 2004

(i) The court determines that substance abuse was a 2005  
contributing factor leading to the criminal or delinquent activity 2006  
or the juvenile traffic offense with which the person is charged. 2007

(ii) The court determines that the person is unable to pay 2008  
the cost of the alcohol and drug abuse assessment and treatment 2009  
for which the surplus money will be used. 2010

(b) All or part of the cost of purchasing electronic 2011  
continuous alcohol monitoring devices to be used in conjunction 2012  
with division (H)(3) of this section. 2013

**Section 2.** That existing sections 4510.13, 4510.43, 4511.19, 2014  
and 4511.191 of the Revised Code are hereby repealed. 2015