

As Passed by the House

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

Am. H. B. No. 312

Representative Bacon

**Cosponsors: Representatives Evans, Setzer, Goodwin, Lundy, Combs,
Flowers, Harwood, Batchelder, Domenick, Boyd, Latta, Fende, Schindel,
Okey, Williams, B., Carmichael, Ujvagi, Stebelton, Core, Collier, Dyer,
Gardner, Gibbs, Goyal, Hughes, Luckie, Oelslager, Patton, Schlichter, Sears,
Uecker, Wagner, White, Williams, S., Zehringer**

—

A B I L L

To amend section 4301.99 of the Revised Code to 1
permit the suspension for up to 180 days of the 2
driver's license of any person who buys for or 3
furnishes to an underage person beer or 4
intoxicating liquor. 5

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

Section 1. That section 4301.99 of the Revised Code be 6
amended to read as follows: 7

Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48, 8
4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or 9
division (B) of section 4301.691 of the Revised Code is guilty of 10
a minor misdemeanor. 11

(B) Whoever violates section 4301.15, division (A)(2) or (C) 12
of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 13
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 14
Code is guilty of a misdemeanor of the fourth degree. 15

If an offender who violates section 4301.64 of the Revised Code was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit, probationary driver's license, or driver's license for a period of not less than six months and not more than one year. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years.

(C) Whoever violates division (D) of section 4301.21, section 4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, or 4301.74, division (B), (C), (D), (E)(1), or (F) of section 4301.69, or division (C), (D), (E), (F), (G), or (I) of section 4301.691 of the Revised Code is guilty of a misdemeanor of the first degree.

If an offender who violates division (E)(1) of section 4301.69 of the Revised Code was under the age of eighteen years at the time of the offense and the offense occurred while the offender was the operator of or a passenger in a motor vehicle, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit or probationary driver's license for a period of not less than six months and not more than one year. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has

not attained the age of fifteen years and six months, the offender 48
shall not be eligible to be issued a temporary instruction permit 49
until the offender attains the age of sixteen years. 50

(D) Whoever violates division (B) of section 4301.14, or 51
division (A)(1) or (3) or (B) of section 4301.22 of the Revised 52
Code is guilty of a misdemeanor of the third degree. 53

(E) Whoever violates section 4301.63 or division (B) of 54
section 4301.631 of the Revised Code shall be fined not less than 55
twenty-five nor more than one hundred dollars. The court imposing 56
a fine for a violation of section 4301.63 or division (B) of 57
section 4301.631 of the Revised Code may order that the fine be 58
paid by the performance of public work at a reasonable hourly rate 59
established by the court. The court shall designate the time 60
within which the public work shall be completed. 61

(F)(1) Whoever violates section 4301.634 of the Revised Code 62
is guilty of a misdemeanor of the first degree. If, in committing 63
a first violation of that section, the offender presented to the 64
permit holder or the permit holder's employee or agent a false, 65
fictitious, or altered identification card, a false or fictitious 66
driver's license purportedly issued by any state, or a driver's 67
license issued by any state that has been altered, the offender is 68
guilty of a misdemeanor of the first degree and shall be fined not 69
less than two hundred fifty and not more than one thousand 70
dollars, and may be sentenced to a term of imprisonment of not 71
more than six months. 72

(2) On a second violation in which, for the second time, the 73
offender presented to the permit holder or the permit holder's 74
employee or agent a false, fictitious, or altered identification 75
card, a false or fictitious driver's license purportedly issued by 76
any state, or a driver's license issued by any state that has been 77
altered, the offender is guilty of a misdemeanor of the first 78
degree and shall be fined not less than five hundred nor more than 79

one thousand dollars, and may be sentenced to a term of 80
imprisonment of not more than six months. The court also may 81
impose a class seven suspension of the offender's driver's or 82
commercial driver's license or permit or nonresident operating 83
privilege from the range specified in division (A)(7) of section 84
4510.02 of the Revised Code. 85

(3) On a third or subsequent violation in which, for the 86
third or subsequent time, the offender presented to the permit 87
holder or the permit holder's employee or agent a false, 88
fictitious, or altered identification card, a false or fictitious 89
driver's license purportedly issued by any state, or a driver's 90
license issued by any state that has been altered, the offender is 91
guilty of a misdemeanor of the first degree and shall be fined not 92
less than five hundred nor more than one thousand dollars, and may 93
be sentenced to a term of imprisonment of not more than six 94
months. The court also shall impose a class six suspension of the 95
offender's driver's or commercial driver's license or permit or 96
nonresident operating privilege from the range specified in 97
division (A)(6) of section 4510.02 of the Revised Code, and the 98
court may order that the suspension or denial remain in effect 99
until the offender attains the age of twenty-one years. The court 100
also may order the offender to perform a determinate number of 101
hours of community service, with the court determining the actual 102
number of hours and the nature of the community service the 103
offender shall perform. 104

(G) Whoever violates section 4301.636 of the Revised Code is 105
guilty of a felony of the fifth degree. 106

(H) Whoever violates division (A)(1) of section 4301.22 of 107
the Revised Code is guilty of a misdemeanor, shall be fined not 108
less than five hundred and not more than one thousand dollars, 109
and, in addition to the fine, may be imprisoned for a definite 110
term of not more than sixty days. 111

(I) (1) Whoever violates division (A) of section 4301.69 or 112
division (H) of section 4301.691 of the Revised Code is guilty of 113
a misdemeanor, shall be fined not less than five hundred and not 114
more than one thousand dollars, and, in addition to the fine, may 115
be imprisoned for a definite term of not more than six months. 116

(2) Except as provided in division (I)(3) of this section, in 117
addition to the penalty described in division (I)(1) of this 118
section, the court may suspend for not more than one hundred 119
eighty days the driver's license, commercial driver's license, 120
temporary instruction permit, or nonresident operating privilege 121
of an offender who violates division (A) of section 4301.69 of the 122
Revised Code by buying beer or intoxicating liquor for an underage 123
person or furnishing beer or intoxicating liquor to an underage 124
person. 125

A court that imposes a suspension pursuant to this division 126
may grant the offender limited driving privileges as permitted by 127
section 4510.021 of the Revised Code. 128

(3) Division (I)(2) of this section does not apply to a 129
permit holder, an employee or agent of a permit holder, or a 130
volunteer serving a permit holder for charitable purposes if the 131
person violates division (A) of section 4301.69 of the Revised 132
Code by buying beer or intoxicating liquor for an underage person 133
or furnishing beer or intoxicating liquor for an underage person 134
in the course of employment or volunteer service for the permit 135
holder. 136

(J) Whoever violates division (H) of section 4301.691 of the 137
Revised Code is guilty of a misdemeanor, shall be fined not less 138
than five hundred and not more than one thousand dollars, and, in 139
addition to the fine, may be imprisoned for a definite term of not 140
more than six months. 141

(K) Whoever violates division (B) of section 4301.65 of the 142

Revised Code is guilty of a misdemeanor of the third degree. For a 143
second or subsequent violation occurring within a period of five 144
consecutive years after the first violation, a person is guilty of 145
a misdemeanor of the first degree. 146

Section 2. That existing section 4301.99 of the Revised Code 147
is hereby repealed. 148