

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

**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**

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**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 16

Code was under the age of eighteen years at the time of the 17  
offense, the court, in addition to any other penalties it imposes 18  
upon the offender, shall suspend the offender's temporary 19  
instruction permit, probationary driver's license, or driver's 20  
license for a period of not less than six months and not more than 21  
one year. If the offender is fifteen years and six months of age 22  
or older and has not been issued a temporary instruction permit or 23  
probationary driver's license, the offender shall not be eligible 24  
to be issued such a license or permit for a period of six months. 25  
If the offender has not attained the age of fifteen years and six 26  
months, the offender shall not be eligible to be issued a 27  
temporary instruction permit until the offender attains the age of 28  
sixteen years. 29

(C) Whoever violates division (D) of section 4301.21, section 30  
4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, 31  
or 4301.74, division (B), (C), (D), (E)(1), or (F) of section 32  
4301.69, or division (C), (D), (E), (F), (G), or (I) of section 33  
4301.691 of the Revised Code is guilty of a misdemeanor of the 34  
first degree. 35

If an offender who violates division (E)(1) of section 36  
4301.69 of the Revised Code was under the age of eighteen years at 37  
the time of the offense and the offense occurred while the 38  
offender was the operator of or a passenger in a motor vehicle, 39  
the court, in addition to any other penalties it imposes upon the 40  
offender, shall suspend the offender's temporary instruction 41  
permit or probationary driver's license for a period of not less 42  
than six months and not more than one year. If the offender is 43  
fifteen years and six months of age or older and has not been 44  
issued a temporary instruction permit or probationary driver's 45  
license, the offender shall not be eligible to be issued such a 46  
license or permit for a period of six months. If the offender has 47  
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