

As Introduced

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H. B. No. 376

Representatives Uecker, Distel

**Cosponsors: Representatives Evans, Batchelder, Collier, Setzer, Chandler,
Wagner, Bulp, Stebelton, Foley, Okey, Williams, S., Stewart, J., Fessler,
Zehringer, McGregor, R., Carmichael, Peterson, Brown, Otterman, Boyd,
Latta, Adams, Hite, Daniels, Fende, Combs, Schindel, Bolon, Goodwin**

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A B I L L

To amend sections 2949.091, 2949.111, 4503.13, 1
4507.45, 4509.101, 4510.22, 4511.19, and 4511.191 2
and to enact section 120.08 of the Revised Code to 3
create the indigent defense support fund. 4

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

Section 1. That sections 2949.091, 2949.111, 4503.13, 5
4507.45, 4509.101, 4510.22, 4511.19, and 4511.191 be amended and 6
section 120.08 of the Revised Code be enacted to read as follows: 7

Sec. 120.08. There is hereby created in the state treasury 8
the indigent defense support fund, consisting of money paid into 9
the fund pursuant to sections 2949.091, 4503.13, 4507.45, 10
4509.101, 4510.22, 4511.19, and 4511.191 of the Revised Code. The 11
state public defender shall use two per cent of the money in the 12
fund for the purpose of appointing assistant state public 13
defenders and for providing other personnel, equipment, and 14
facilities necessary for the operation of the state public 15
defender office. The state public defender shall use ninety-eight 16

per cent of the money in the fund for the purpose of reimbursing 17
county governments for expenses incurred pursuant to sections 18
120.18, 120.28, and 120.33 of the Revised Code. The state public 19
defender shall make disbursements from the fund to county 20
governments in each state fiscal year and shall allocate the 21
disbursements proportionately so that each county receives an 22
equal percentage of its total cost for operating its county public 23
defender system, its joint county public defender system, and its 24
county appointed counsel system. 25

Sec. 2949.091. (A)(1)(a) The court, in which any person is 26
convicted of or pleads guilty to any offense ~~other than a traffic~~ 27
~~offense that is not a moving violation,~~ shall impose one of the 28
~~sum of fifteen dollars~~ following sums as costs in the case in 29
addition to any other court costs that the court is required by 30
law to impose upon the offender: 31

(i) Thirty dollars if the offense is a felony; 32

(ii) Twenty dollars if the offense is a misdemeanor other 33
than a traffic offense that is not a moving violation; 34

(iii) Ten dollars if the offense is a traffic offense that is 35
not a moving violation, excluding parking violations. All such 36

(b) All moneys collected pursuant to division (A)(1)(a) of 37
this section during a month shall be transmitted on or before the 38
twentieth day of the following month by the clerk of the court to 39
the treasurer of state and deposited by the treasurer of state 40
~~into~~ to the credit of the general revenue indigent defense support 41
fund established under section 120.08 of the Revised Code. The 42
court shall not waive the payment of the additional ~~fifteen~~ 43
~~dollars~~ thirty-, twenty-, or ten-dollar court costs, unless the 44
court determines that the offender is indigent and waives the 45
payment of all court costs imposed upon the indigent offender. 46

(2)(a) The juvenile court, in which a child is found to be a delinquent child or a juvenile traffic offender for an act which, if committed by an adult, would be an offense ~~other than a traffic offense that is not a moving violation~~, shall impose one of the sum of fifteen dollars following sums as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender:

(i) Thirty dollars if the offense is a felony;

(ii) Twenty dollars if the offense is a misdemeanor other than a traffic offense that is not a moving violation;

(iii) Ten dollars if the offense is a traffic offense that is not a moving violation, excluding parking violations. All such

(b) All moneys collected pursuant to division (A)(2)(a) of this section during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer of state ~~into to the credit of the general revenue indigent defense support fund established under section 120.08 of the Revised Code~~. The ~~fifteen dollars thirty-, twenty-, or ten-dollar~~ court costs shall be collected in all cases unless the court determines the juvenile is indigent and waives the payment of all court costs, or enters an order on its journal stating that it has determined that the juvenile is indigent, that no other court costs are to be taxed in the case, and that the payment of the ~~fifteen dollars thirty-, twenty-, or ten-dollar~~ court costs is waived.

(B) Whenever a person is charged with any offense ~~other than a traffic offense that is not a moving violation and posts bail~~, the court shall add to the amount of the bail the ~~fifteen~~ thirty, twenty, or ten dollars required to be paid by division (A)(1) of this section. The ~~fifteen~~ thirty, twenty, or ten dollars shall be

retained by the clerk of the court until the person is convicted, 78
pleads guilty, forfeits bail, is found not guilty, or has the 79
charges dismissed. If the person is convicted, pleads guilty, or 80
forfeits bail, the clerk shall transmit the ~~fifteen~~ thirty, 81
twenty, or ten dollars on or before the twentieth day of the month 82
following the month in which the person was convicted, pleaded 83
guilty, or forfeited bail to the treasurer of state, who shall 84
deposit it ~~into~~ to the credit of the general revenue indigent 85
defense support fund established under section 120.08 of the 86
Revised Code. If the person is found not guilty or the charges are 87
dismissed, the clerk shall return the ~~fifteen~~ thirty, twenty, or 88
ten dollars to the person. 89

(C) No person shall be placed or held in a detention facility 90
for failing to pay the additional ~~fifteen dollars~~ thirty-, 91
twenty-, or ten-dollar court costs or bail that are required to be 92
paid by this section. 93

(D) As used in this section: 94

(1) "Moving violation" and "bail" have the same meanings as 95
in section 2743.70 of the Revised Code. 96

(2) "Detention facility" has the same meaning as in section 97
2921.01 of the Revised Code. 98

Sec. 2949.111. (A) As used in this section: 99

(1) "Court costs" means any assessment that the court 100
requires an offender to pay to defray the costs of operating the 101
court. 102

(2) "State fines or costs" means any costs imposed or 103
forfeited bail collected by the court under section 2743.70 of the 104
Revised Code for deposit into the reparations fund or under 105
section 2949.091 of the Revised Code for deposit into the ~~general~~ 106
revenue indigent defense support fund established under section 107

120.08 of the Revised Code and all fines, penalties, and forfeited 108
bail collected by the court and paid to a law library association 109
under sections 3375.50 to 3375.53 of the Revised Code. 110

(3) "Reimbursement" means any reimbursement for the costs of 111
confinement that the court orders an offender to pay pursuant to 112
section 2929.28 of the Revised Code, any supervision fee, any fee 113
for the costs of house arrest with electronic monitoring that an 114
offender agrees to pay, any reimbursement for the costs of an 115
investigation or prosecution that the court orders an offender to 116
pay pursuant to section 2929.71 of the Revised Code, or any other 117
costs that the court orders an offender to pay. 118

(4) "Supervision fees" means any fees that a court, pursuant 119
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 120
requires an offender who is under a community control sanction to 121
pay for supervision services. 122

(5) "Community control sanction" has the same meaning as in 123
section 2929.01 of the Revised Code. 124

(B) Unless the court, in accordance with division (C) of this 125
section, enters in the record of the case a different method of 126
assigning payments, if a person who is charged with a misdemeanor 127
is convicted of or pleads guilty to the offense, if the court 128
orders the offender to pay any combination of court costs, state 129
fines or costs, restitution, a conventional fine, or any 130
reimbursement, and if the offender makes any payment of any of 131
them to a clerk of court, the clerk shall assign the offender's 132
payment in the following manner: 133

(1) If the court ordered the offender to pay any court costs, 134
the offender's payment shall be assigned toward the satisfaction 135
of those court costs until they have been entirely paid. 136

(2) If the court ordered the offender to pay any state fines 137
or costs and if all of the court costs that the court ordered the 138

offender to pay have been paid, the remainder of the offender's 139
payment shall be assigned on a pro rata basis toward the 140
satisfaction of the state fines or costs until they have been 141
entirely paid. 142

(3) If the court ordered the offender to pay any restitution 143
and if all of the court costs and state fines or costs that the 144
court ordered the offender to pay have been paid, the remainder of 145
the offender's payment shall be assigned toward the satisfaction 146
of the restitution until it has been entirely paid. 147

(4) If the court ordered the offender to pay any fine and if 148
all of the court costs, state fines or costs, and restitution that 149
the court ordered the offender to pay have been paid, the 150
remainder of the offender's payment shall be assigned toward the 151
satisfaction of the fine until it has been entirely paid. 152

(5) If the court ordered the offender to pay any 153
reimbursement and if all of the court costs, state fines or costs, 154
restitution, and fines that the court ordered the offender to pay 155
have been paid, the remainder of the offender's payment shall be 156
assigned toward the satisfaction of the reimbursements until they 157
have been entirely paid. 158

(C) If a person who is charged with a misdemeanor is 159
convicted of or pleads guilty to the offense and if the court 160
orders the offender to pay any combination of court costs, state 161
fines or costs, restitution, fines, or reimbursements, the court, 162
at the time it orders the offender to make those payments, may 163
prescribe an order of payments that differs from the order set 164
forth in division (B) of this section by entering in the record of 165
the case the order so prescribed. If a different order is entered 166
in the record, on receipt of any payment, the clerk of the court 167
shall assign the payment in the manner prescribed by the court. 168

Sec. 4503.13. (A) A municipal court, county court, or mayor's 169

court, at the court's discretion, may order the clerk of the court 170
to send to the registrar of motor vehicles a report containing the 171
name, address, and such other information as the registrar may 172
require by rule, of any person for whom an arrest warrant has been 173
issued by that court and is outstanding. 174

Upon receipt of such a report, the registrar shall enter the 175
information contained in the report into the records of the bureau 176
of motor vehicles. Neither the registrar nor any deputy registrar 177
shall issue a certificate of registration for a motor vehicle 178
owner or lessee, when a lessee is determinable under procedures 179
established by the registrar under division (E) of this section, 180
who is named in the report until the registrar receives 181
notification from the municipal court, county court, or mayor's 182
court that there are no outstanding arrest warrants in the name of 183
the person. The registrar also shall send a notice to the person 184
who is named in the report, via regular first class mail sent to 185
the person's last known address as shown in the records of the 186
bureau, informing the person that neither the registrar nor any 187
deputy registrar is permitted to issue a certificate of 188
registration for a motor vehicle in the name of the person until 189
the registrar receives notification that there are no outstanding 190
arrest warrants in the name of the person. 191

(B) A clerk who reports an outstanding arrest warrant in 192
accordance with division (A) of this section immediately shall 193
notify the registrar when the warrant has been executed and 194
returned to the issuing court or has been canceled. 195

Upon receipt of such notification, the registrar shall charge 196
and collect from the person named in the executed or canceled 197
arrest warrant a processing fee of ~~fifteen~~ twenty-five dollars ~~to~~ 198
~~cover the costs of the bureau in administering this section.~~ The 199
registrar shall deposit ~~all such processing fees~~ fifteen dollars 200
of the fee into the state bureau of motor vehicles fund created by 201

section 4501.25 of the Revised Code to cover the costs of the 202
bureau in administering this section and shall pay ten dollars of 203
the fee into the state treasury to the credit of the indigent 204
defense support fund established under section 120.08 of the 205
Revised Code. 206

Upon payment of the processing fee, the registrar shall cause 207
the report of that outstanding arrest warrant to be removed from 208
the records of the bureau and, if there are no other outstanding 209
arrest warrants issued by a municipal court, county court, or 210
mayor's court in the name of the person and the person otherwise 211
is eligible to be issued a certificate of registration for a motor 212
vehicle, the registrar or a deputy registrar may issue a 213
certificate of registration for a motor vehicle in the name of the 214
person named in the executed or canceled arrest warrant. 215

(C) Neither the registrar, any employee of the bureau, a 216
deputy registrar, nor any employee of a deputy registrar is 217
personally liable for damages or injuries resulting from any error 218
made by a clerk in entering information contained in a report 219
submitted to the registrar under this section. 220

(D) Any information submitted to the registrar by a clerk 221
under this section shall be transmitted by means of an electronic 222
data transfer system. 223

(E) The registrar shall determine the procedures and 224
information necessary to implement this section in regard to motor 225
vehicle lessees. Division (A) of this section shall not apply to 226
cases involving a motor vehicle lessee until such procedures are 227
established. 228

Sec. 4507.45. If a person's driver's license, commercial 229
driver's license, or nonresident operating privilege is suspended, 230
disqualified, or canceled for an indefinite period of time or for 231
a period of at least ninety days, and if at the end of the period 232

of suspension, disqualification, or cancellation the person is 233
eligible to have the license or privilege reinstated, the 234
registrar of motor vehicles shall collect a reinstatement fee of 235
~~thirty~~ forty dollars when the person requests reinstatement. The 236
registrar shall deposit thirty dollars of the fee into the state 237
bureau of motor vehicles fund created by section 4501.25 of the 238
Revised Code and shall pay ten dollars of the fee into the state 239
treasury to the credit of the indigent defense support fund 240
established under section 120.08 of the Revised Code. However, the 241
registrar shall not collect the fee prescribed by this section if 242
a different driver's license, commercial driver's license, or 243
nonresident operating privilege reinstatement fee is prescribed by 244
law. 245

Sec. 4509.101. (A)(1) No person shall operate, or permit the 246
operation of, a motor vehicle in this state, unless proof of 247
financial responsibility is maintained continuously throughout the 248
registration period with respect to that vehicle, or, in the case 249
of a driver who is not the owner, with respect to that driver's 250
operation of that vehicle. 251

(2) Whoever violates division (A)(1) of this section shall be 252
subject to the following civil penalties: 253

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 254
class E suspension of the person's driver's license, commercial 255
driver's license, temporary instruction permit, probationary 256
license, or nonresident operating privilege for the period of time 257
specified in division (B)(5) of section 4510.02 of the Revised 258
Code and impoundment of the person's license. The court may grant 259
limited driving privileges to the person only if the person 260
presents proof of financial responsibility and has complied with 261
division (A)(5) of this section. 262

(b) If, within five years of the violation, the person's 263

operating privileges are again suspended and the person's license 264
again is impounded for a violation of division (A)(1) of this 265
section, a class C suspension of the person's driver's license, 266
commercial driver's license, temporary instruction permit, 267
probationary license, or nonresident operating privilege for the 268
period of time specified in division (B)(3) of section 4510.02 of 269
the Revised Code. The court may grant limited driving privileges 270
to the person only if the person presents proof of financial 271
responsibility and has complied with division (A)(5) of this 272
section, and no court may grant limited driving privileges for the 273
first fifteen days of the suspension. 274

(c) If, within five years of the violation, the person's 275
operating privileges are suspended and the person's license is 276
impounded two or more times for a violation of division (A)(1) of 277
this section, a class B suspension of the person's driver's 278
license, commercial driver's license, temporary instruction 279
permit, probationary license, or nonresident operating privilege 280
for the period of time specified in division (B)(2) of section 281
4510.02 of the Revised Code. No court may grant limited driving 282
privileges during the suspension. 283

(d) In addition to the suspension of an owner's license under 284
division (A)(2)(a), (b), or (c) of this section, the suspension of 285
the rights of the owner to register the motor vehicle and the 286
impoundment of the owner's certificate of registration and license 287
plates until the owner complies with division (A)(5) of this 288
section. 289

(3) A person to whom this state has issued a certificate of 290
registration for a motor vehicle or a license to operate a motor 291
vehicle or who is determined to have operated any motor vehicle or 292
permitted the operation in this state of a motor vehicle owned by 293
the person shall be required to verify the existence of proof of 294
financial responsibility covering the operation of the motor 295

vehicle or the person's operation of the motor vehicle under any 296
of the following circumstances: 297

(a) The person or a motor vehicle owned by the person is 298
involved in a traffic accident that requires the filing of an 299
accident report under section 4509.06 of the Revised Code. 300

(b) The person receives a traffic ticket indicating that 301
proof of the maintenance of financial responsibility was not 302
produced upon the request of a peace officer or state highway 303
patrol trooper made in accordance with division (D)(2) of this 304
section. 305

(c) Whenever, in accordance with rules adopted by the 306
registrar, the person is randomly selected by the registrar and 307
requested to provide such verification. 308

(4) An order of the registrar that suspends and impounds a 309
license or registration, or both, shall state the date on or 310
before which the person is required to surrender the person's 311
license or certificate of registration and license plates. The 312
person is deemed to have surrendered the license or certificate of 313
registration and license plates, in compliance with the order, if 314
the person does either of the following: 315

(a) On or before the date specified in the order, personally 316
delivers the license or certificate of registration and license 317
plates, or causes the delivery of the items, to the registrar; 318

(b) Mails the license or certificate of registration and 319
license plates to the registrar in an envelope or container 320
bearing a postmark showing a date no later than the date specified 321
in the order. 322

(5) Except as provided in division (A)(6) or (L) of this 323
section, the registrar shall not restore any operating privileges 324
or registration rights suspended under this section, return any 325
license, certificate of registration, or license plates impounded 326

under this section, or reissue license plates under section 327
4503.232 of the Revised Code, if the registrar destroyed the 328
impounded license plates under that section, or reissue a license 329
under section 4510.52 of the Revised Code, if the registrar 330
destroyed the suspended license under that section, unless the 331
rights are not subject to suspension or revocation under any other 332
law and unless the person, in addition to complying with all other 333
conditions required by law for reinstatement of the operating 334
privileges or registration rights, complies with all of the 335
following: 336

(a) Pays a financial responsibility reinstatement fee of 337
~~seventy-five~~ one hundred dollars for the first violation of 338
division (A)(1) of this section, ~~two~~ three hundred ~~fifty~~ dollars 339
for a second violation of that division, and ~~five~~ six hundred 340
dollars for a third or subsequent violation of that division; 341

(b) If the person has not voluntarily surrendered the 342
license, certificate, or license plates in compliance with the 343
order, pays a financial responsibility nonvoluntary compliance fee 344
in an amount, not to exceed fifty dollars, determined by the 345
registrar; 346

(c) Files and continuously maintains proof of financial 347
responsibility under sections 4509.44 to 4509.65 of the Revised 348
Code. 349

(6) If the registrar issues an order under division (A)(2) of 350
this section resulting from the failure of a person to respond to 351
a financial responsibility random verification request under 352
division (A)(3)(c) of this section and the person successfully 353
maintains an affirmative defense to a violation of section 4510.16 354
of the Revised Code or is determined by the registrar or a deputy 355
registrar to have been in compliance with division (A)(1) of this 356
section at the time of the initial financial responsibility random 357
verification request, the registrar shall do both of the 358

following:	359
(a) Terminate the order of suspension or impoundment;	360
(b) Restore the operating privileges and registration rights	361
of the person without payment of the fees established in divisions	362
(A)(5)(a) and (b) of this section and without a requirement to	363
file proof of financial responsibility.	364
(B)(1) Every party required to file an accident report under	365
section 4509.06 of the Revised Code also shall include with the	366
report a document described in division (G)(1) of this section.	367
If the registrar determines, within forty-five days after the	368
report is filed, that an operator or owner has violated division	369
(A)(1) of this section, the registrar shall do all of the	370
following:	371
(a) Order the impoundment, with respect to the motor vehicle	372
involved, required under division (A)(2)(d) of this section, of	373
the certificate of registration and license plates of any owner	374
who has violated division (A)(1) of this section;	375
(b) Order the suspension required under division (A)(2)(a),	376
(b), or (c) of this section of the license of any operator or	377
owner who has violated division (A)(1) of this section;	378
(c) Record the name and address of the person whose	379
certificate of registration and license plates have been impounded	380
or are under an order of impoundment, or whose license has been	381
suspended or is under an order of suspension; the serial number of	382
the person's license; the serial numbers of the person's	383
certificate of registration and license plates; and the person's	384
social security account number, if assigned, or, where the motor	385
vehicle is used for hire or principally in connection with any	386
established business, the person's federal taxpayer identification	387
number. The information shall be recorded in such a manner that it	388
becomes a part of the person's permanent record, and assists the	389

registrar in monitoring compliance with the orders of suspension 390
or impoundment. 391

(d) Send written notification to every person to whom the 392
order pertains, at the person's last known address as shown on the 393
records of the bureau. The person, within ten days after the date 394
of the mailing of the notification, shall surrender to the 395
registrar, in a manner set forth in division (A)(4) of this 396
section, any certificate of registration and registration plates 397
under an order of impoundment, or any license under an order of 398
suspension. 399

(2) The registrar shall issue any order under division (B)(1) 400
of this section without a hearing. Any person adversely affected 401
by the order, within ten days after the issuance of the order, may 402
request an administrative hearing before the registrar, who shall 403
provide the person with an opportunity for a hearing in accordance 404
with this paragraph. A request for a hearing does not operate as a 405
suspension of the order. The scope of the hearing shall be limited 406
to whether the person in fact demonstrated to the registrar proof 407
of financial responsibility in accordance with this section. The 408
registrar shall determine the date, time, and place of any 409
hearing, provided that the hearing shall be held, and an order 410
issued or findings made, within thirty days after the registrar 411
receives a request for a hearing. If requested by the person in 412
writing, the registrar may designate as the place of hearing the 413
county seat of the county in which the person resides or a place 414
within fifty miles of the person's residence. The person shall pay 415
the cost of the hearing before the registrar, if the registrar's 416
order of suspension or impoundment is upheld. 417

(C) Any order of suspension or impoundment issued under this 418
section or division (B) of section 4509.37 of the Revised Code may 419
be terminated at any time if the registrar determines upon a 420
showing of proof of financial responsibility that the operator or 421

owner of the motor vehicle was in compliance with division (A)(1) 422
of this section at the time of the traffic offense, motor vehicle 423
inspection, or accident that resulted in the order against the 424
person. A determination may be made without a hearing. This 425
division does not apply unless the person shows good cause for the 426
person's failure to present satisfactory proof of financial 427
responsibility to the registrar prior to the issuance of the 428
order. 429

(D)(1) For the purpose of enforcing this section, every peace 430
officer is deemed an agent of the registrar. 431

(a) Except as provided in division (D)(1)(b) of this section, 432
any peace officer who, in the performance of the peace officer's 433
duties as authorized by law, becomes aware of a person whose 434
license is under an order of suspension, or whose certificate of 435
registration and license plates are under an order of impoundment, 436
pursuant to this section, may confiscate the license, certificate 437
of registration, and license plates, and return them to the 438
registrar. 439

(b) Any peace officer who, in the performance of the peace 440
officer's duties as authorized by law, becomes aware of a person 441
whose license is under an order of suspension, or whose 442
certificate of registration and license plates are under an order 443
of impoundment resulting from failure to respond to a financial 444
responsibility random verification, shall not, for that reason, 445
arrest the owner or operator or seize the vehicle or license 446
plates. Instead, the peace officer shall issue a citation for a 447
violation of section 4510.16 of the Revised Code specifying the 448
circumstances as failure to respond to a financial responsibility 449
random verification. 450

(2) A peace officer shall request the owner or operator of a 451
motor vehicle to produce proof of financial responsibility in a 452
manner described in division (G) of this section at the time the 453

peace officer acts to enforce the traffic laws of this state and 454
during motor vehicle inspections conducted pursuant to section 455
4513.02 of the Revised Code. 456

(3) A peace officer shall indicate on every traffic ticket 457
whether the person receiving the traffic ticket produced proof of 458
the maintenance of financial responsibility in response to the 459
officer's request under division (D)(2) of this section. The peace 460
officer shall inform every person who receives a traffic ticket 461
and who has failed to produce proof of the maintenance of 462
financial responsibility that the person must submit proof to the 463
traffic violations bureau with any payment of a fine and costs for 464
the ticketed violation or, if the person is to appear in court for 465
the violation, the person must submit proof to the court. 466

(4)(a) If a person who has failed to produce proof of the 467
maintenance of financial responsibility appears in court for a 468
ticketed violation, the court may permit the defendant to present 469
evidence of proof of financial responsibility to the court at such 470
time and in such manner as the court determines to be necessary or 471
appropriate. In a manner prescribed by the registrar, the clerk of 472
courts shall provide the registrar with the identity of any person 473
who fails to submit proof of the maintenance of financial 474
responsibility pursuant to division (D)(3) of this section. 475

(b) If a person who has failed to produce proof of the 476
maintenance of financial responsibility also fails to submit that 477
proof to the traffic violations bureau with payment of a fine and 478
costs for the ticketed violation, the traffic violations bureau, 479
in a manner prescribed by the registrar, shall notify the 480
registrar of the identity of that person. 481

(5)(a) Upon receiving notice from a clerk of courts or 482
traffic violations bureau pursuant to division (D)(4) of this 483
section, the registrar shall order the suspension of the license 484
of the person required under division (A)(2)(a), (b), or (c) of 485

this section and the impoundment of the person's certificate of 486
registration and license plates required under division (A)(2)(d) 487
of this section, effective thirty days after the date of the 488
mailing of notification. The registrar also shall notify the 489
person that the person must present the registrar with proof of 490
financial responsibility in accordance with this section, 491
surrender to the registrar the person's certificate of 492
registration, license plates, and license, or submit a statement 493
subject to section 2921.13 of the Revised Code that the person did 494
not operate or permit the operation of the motor vehicle at the 495
time of the offense. Notification shall be in writing and shall be 496
sent to the person at the person's last known address as shown on 497
the records of the bureau of motor vehicles. The person, within 498
fifteen days after the date of the mailing of notification, shall 499
present proof of financial responsibility, surrender the 500
certificate of registration, license plates, and license to the 501
registrar in a manner set forth in division (A)(4) of this 502
section, or submit the statement required under this section 503
together with other information the person considers appropriate. 504

If the registrar does not receive proof or the person does 505
not surrender the certificate of registration, license plates, and 506
license, in accordance with this division, the registrar shall 507
permit the order for the suspension of the license of the person 508
and the impoundment of the person's certificate of registration 509
and license plates to take effect. 510

(b) In the case of a person who presents, within the 511
fifteen-day period, documents to show proof of financial 512
responsibility, the registrar shall terminate the order of 513
suspension and the impoundment of the registration and license 514
plates required under division (A)(2)(d) of this section and shall 515
send written notification to the person, at the person's last 516
known address as shown on the records of the bureau. 517

(c) Any person adversely affected by the order of the registrar under division (D)(5)(a) or (b) of this section, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether, at the time of the hearing, the person presents proof of financial responsibility covering the vehicle and whether the person is eligible for an exemption in accordance with this section or any rule adopted under it. The registrar shall determine the date, time, and place of any hearing; provided, that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. Such person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment under division (D)(5)(a) or (b) of this section is upheld.

(6) A peace officer may charge an owner or operator of a motor vehicle with a violation of section 4510.16 of the Revised Code when the owner or operator fails to show proof of the maintenance of financial responsibility pursuant to a peace officer's request under division (D)(2) of this section, if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial responsibility under section 4509.45 of the Revised Code for a previous violation of this chapter.

(7) Any forms used by law enforcement agencies in

administering this section shall be prescribed, supplied, and paid 550
for by the registrar. 551

(8) No peace officer, law enforcement agency employing a 552
peace officer, or political subdivision or governmental agency 553
that employs a peace officer shall be liable in a civil action for 554
damages or loss to persons arising out of the performance of any 555
duty required or authorized by this section. 556

(9) As used in this division and divisions (E) and (G) of 557
this section, "peace officer" has the meaning set forth in section 558
2935.01 of the Revised Code. 559

(E) All fees, except court costs and the amounts of the 560
financial responsibility reinstatement fee paid as specified in 561
division (E)(1) of this section, collected under this section 562
shall be paid into the state treasury to the credit of the 563
financial responsibility compliance fund. The financial 564
responsibility compliance fund shall be used exclusively to cover 565
costs incurred by the bureau in the administration of this section 566
and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, 567
and by any law enforcement agency employing any peace officer who 568
returns any license, certificate of registration, and license 569
plates to the registrar pursuant to division (C) of this section, 570
except that the director of budget and management may transfer 571
excess money from the financial responsibility compliance fund to 572
the state bureau of motor vehicles fund if the registrar 573
determines that the amount of money in the financial 574
responsibility compliance fund exceeds the amount required to 575
cover such costs incurred by the bureau or a law enforcement 576
agency and requests the director to make the transfer. 577

(1) Twenty-five dollars of the financial responsibility 578
reinstatement fee paid under division (A)(5)(a) of this section 579
for a first violation of division (A)(1) of this section, fifty 580
dollars of the financial responsibility reinstatement fee paid 581

under division (A)(5)(a) of this section for a second violation of 582
division (A)(1) of this section, and one hundred dollars of the 583
financial responsibility reinstatement fee paid under division 584
(A)(5)(a) of this section for a third or subsequent violation of 585
division (A)(1) of this section shall be paid into the state 586
treasury to the credit of the indigent defense support fund 587
established under section 120.08 of the Revised Code. 588

(2) All investment earnings of the financial responsibility 589
compliance fund shall be credited to the fund. 590

(F) Chapter 119. of the Revised Code applies to this section 591
only to the extent that any provision in that chapter is not 592
clearly inconsistent with this section. 593

(G)(1) The registrar, court, traffic violations bureau, or 594
peace officer may require proof of financial responsibility to be 595
demonstrated by use of a standard form prescribed by the 596
registrar. If the use of a standard form is not required, a person 597
may demonstrate proof of financial responsibility under this 598
section by presenting to the traffic violations bureau, court, 599
registrar, or peace officer any of the following documents or a 600
copy of the documents: 601

(a) A financial responsibility identification card as 602
provided in section 4509.103 of the Revised Code; 603

(b) A certificate of proof of financial responsibility on a 604
form provided and approved by the registrar for the filing of an 605
accident report required to be filed under section 4509.06 of the 606
Revised Code; 607

(c) A policy of liability insurance, a declaration page of a 608
policy of liability insurance, or liability bond, if the policy or 609
bond complies with section 4509.20 or sections 4509.49 to 4509.61 610
of the Revised Code; 611

(d) A bond or certification of the issuance of a bond as 612

provided in section 4509.59 of the Revised Code; 613

(e) A certificate of deposit of money or securities as 614
provided in section 4509.62 of the Revised Code; 615

(f) A certificate of self-insurance as provided in section 616
4509.72 of the Revised Code. 617

(2) If a person fails to demonstrate proof of financial 618
responsibility in a manner described in division (G)(1) of this 619
section, the person may demonstrate proof of financial 620
responsibility under this section by any other method that the 621
court or the bureau, by reason of circumstances in a particular 622
case, may consider appropriate. 623

(3) A motor carrier certificated by the interstate commerce 624
commission or by the public utilities commission may demonstrate 625
proof of financial responsibility by providing a statement 626
designating the motor carrier's operating authority and averring 627
that the insurance coverage required by the certificating 628
authority is in full force and effect. 629

(4)(a) A finding by the registrar or court that a person is 630
covered by proof of financial responsibility in the form of an 631
insurance policy or surety bond is not binding upon the named 632
insurer or surety or any of its officers, employees, agents, or 633
representatives and has no legal effect except for the purpose of 634
administering this section. 635

(b) The preparation and delivery of a financial 636
responsibility identification card or any other document 637
authorized to be used as proof of financial responsibility under 638
this division does not do any of the following: 639

(i) Create any liability or estoppel against an insurer or 640
surety, or any of its officers, employees, agents, or 641
representatives; 642

(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond;

(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility.

(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document accepted by a court or the registrar as proof of financial responsibility covering the operation of a motor vehicle at the time of an accident or offense, is not liable to pay a judgment for injuries or damages resulting from such operation, the registrar, notwithstanding any previous contrary finding, shall forthwith suspend the operating privileges and registration rights of the person against whom the judgment was rendered as provided in division (A)(2) of this section.

(H) In order for any document described in division (G)(1)(b) of this section to be used for the demonstration of proof of financial responsibility under this section, the document shall state the name of the insured or obligor, the name of the insurer or surety company, and the effective and expiration dates of the financial responsibility, and designate by explicit description or by appropriate reference all motor vehicles covered which may include a reference to fleet insurance coverage.

(I) For purposes of this section, "owner" does not include a licensed motor vehicle leasing dealer as defined in section 4517.01 of the Revised Code, but does include a motor vehicle renting dealer as defined in section 4549.65 of the Revised Code. Nothing in this section or in section 4509.51 of the Revised Code shall be construed to prohibit a motor vehicle renting dealer from

entering into a contractual agreement with a person whereby the 675
person renting the motor vehicle agrees to be solely responsible 676
for maintaining proof of financial responsibility, in accordance 677
with this section, with respect to the operation, maintenance, or 678
use of the motor vehicle during the period of the motor vehicle's 679
rental. 680

(J) The purpose of this section is to require the maintenance 681
of proof of financial responsibility with respect to the operation 682
of motor vehicles on the highways of this state, so as to minimize 683
those situations in which persons are not compensated for injuries 684
and damages sustained in motor vehicle accidents. The general 685
assembly finds that this section contains reasonable civil 686
penalties and procedures for achieving this purpose. 687

(K) Nothing in this section shall be construed to be subject 688
to section 4509.78 of the Revised Code. 689

(L)(1) The registrar may terminate any suspension imposed 690
under this section and not require the owner to comply with 691
divisions (A)(5)(a), (b), and (c) of this section if the registrar 692
with or without a hearing determines that the owner of the vehicle 693
has established by clear and convincing evidence that all of the 694
following apply: 695

(a) The owner customarily maintains proof of financial 696
responsibility. 697

(b) Proof of financial responsibility was not in effect for 698
the vehicle on the date in question for one of the following 699
reasons: 700

(i) The vehicle was inoperable. 701

(ii) The vehicle is operated only seasonally, and the date in 702
question was outside the season of operation. 703

(iii) A person other than the vehicle owner or driver was at 704

fault for the lapse of proof of financial responsibility through 705
no fault of the owner or driver. 706

(iv) The lapse of proof of financial responsibility was 707
caused by excusable neglect under circumstances that are not 708
likely to recur and do not suggest a purpose to evade the 709
requirements of this chapter. 710

(2) The registrar may grant an owner or driver relief for a 711
reason specified in division (L)(1)(b)(i) or (ii) of this section 712
whenever the owner or driver is randomly selected to verify the 713
existence of proof of financial responsibility for such a vehicle. 714
However, the registrar may grant an owner or driver relief for a 715
reason specified in division (L)(1)(b)(iii) or (iv) of this 716
section only if the owner or driver has not previously been 717
granted relief under division (L)(1)(b)(iii) or (iv) of this 718
section. 719

(M) The registrar shall adopt rules in accordance with 720
Chapter 119. of the Revised Code that are necessary to administer 721
and enforce this section. The rules shall include procedures for 722
the surrender of license plates upon failure to maintain proof of 723
financial responsibility and provisions relating to reinstatement 724
of registration rights, acceptable forms of proof of financial 725
responsibility, and verification of the existence of financial 726
responsibility during the period of registration. 727

Sec. 4510.22. (A) If a person who has a current valid Ohio 728
driver's, commercial driver's license, or temporary instruction 729
permit is charged with a violation of any provision in sections 730
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 731
4549.65 of the Revised Code that is classified as a misdemeanor of 732
the first, second, third, or fourth degree or with a violation of 733
any substantially equivalent municipal ordinance and if the person 734
either fails to appear in court at the required time and place to 735

answer the charge or pleads guilty to or is found guilty of the 736
violation and fails within the time allowed by the court to pay 737
the fine imposed by the court, the court shall declare the 738
forfeiture of the person's license. Thirty days after the 739
declaration of forfeiture, the court shall inform the registrar of 740
motor vehicles of the forfeiture by entering information relative 741
to the of forfeiture on a form approved and furnished by the 742
registrar and sending the form to the registrar. The court also 743
shall forward the person's license, if it is in the possession of 744
the court, to the registrar. 745

The registrar shall impose a class F suspension of the 746
person's driver's or commercial driver's license, or temporary 747
instruction permit for the period of time specified in division 748
(B)(6) of section 4510.02 of the Revised Code on any person who is 749
named in a declaration received by the registrar under this 750
section. The registrar shall send written notification of the 751
suspension to the person at the person's last known address and, 752
if the person is in possession of the license, order the person to 753
surrender the person's license or permit to the registrar within 754
forty-eight hours. 755

No valid driver's or commercial driver's license shall be 756
granted to the person after the suspension, unless the court 757
having jurisdiction of the offense that led to the suspension 758
orders that the forfeiture be terminated. The court shall order 759
the termination of the forfeiture if the person thereafter appears 760
to answer the charge and pays any fine imposed by the court or 761
pays the fine originally imposed by the court. The court shall 762
inform the registrar of the termination of the forfeiture by 763
entering information relative to the termination on a form 764
approved and furnished by the registrar and sending the form to 765
the registrar. The person shall pay to the bureau of motor 766
vehicles a ~~fifteen-dollar~~ twenty-five-dollar reinstatement fee ~~to~~ 767

~~cover the costs of the bureau in administering this section. The registrar shall deposit fifteen dollars of the fee into the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code to cover the costs of the bureau in administering this section and shall pay ten dollars of the fee into the state treasury to the credit of the indigent defense support fund established under section 120.08 of the Revised Code.~~ 768
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(B) In addition to suspending the driver's or commercial driver's license or permit of the person named in a declaration of forfeiture, the registrar, upon receipt from the court of the copy of the declaration of forfeiture, shall take any measures that may be necessary to ensure that neither the registrar nor any deputy registrar accepts any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. However, for a motor vehicle leased by a person named in a declaration of forfeiture, the registrar shall not implement the preceding sentence until the registrar adopts procedures for that implementation under section 4503.39 of the Revised Code. The period of denial of registration or transfer shall continue until such time as the court having jurisdiction of the offense that led to the suspension orders the forfeiture be terminated. Upon receipt by the registrar of an order terminating the forfeiture, the registrar also shall take any measures that may be necessary to permit the person to register a motor vehicle owned or leased by the person or to transfer the registration of such a motor vehicle, if the person later makes application to take such action and otherwise is eligible to register the motor vehicle or to transfer its registration. 775
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The registrar shall not be required to give effect to any declaration of forfeiture or order terminating a forfeiture provided by a court under this section unless the information 797
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contained in the declaration or order is transmitted to the 800
registrar by means of an electronic transfer system. The registrar 801
shall not restore the person's driving or vehicle registration 802
privileges until the person pays the reinstatement fee as provided 803
in this section. 804

The period of denial relating to the issuance or transfer of 805
a certificate of registration for a motor vehicle imposed pursuant 806
to this division remains in effect until the person pays any fine 807
imposed by the court relative to the offense. 808

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 809
streetcar, or trackless trolley within this state, if, at the time 810
of the operation, any of the following apply: 811

(a) The person is under the influence of alcohol, a drug of 812
abuse, or a combination of them. 813

(b) The person has a concentration of eight-hundredths of one 814
per cent or more but less than seventeen-hundredths of one per 815
cent by weight per unit volume of alcohol in the person's whole 816
blood. 817

(c) The person has a concentration of ninety-six-thousandths 818
of one per cent or more but less than two hundred four-thousandths 819
of one per cent by weight per unit volume of alcohol in the 820
person's blood serum or plasma. 821

(d) The person has a concentration of eight-hundredths of one 822
gram or more but less than seventeen-hundredths of one gram by 823
weight of alcohol per two hundred ten liters of the person's 824
breath. 825

(e) The person has a concentration of eleven-hundredths of 826
one gram or more but less than two hundred 827
thirty-eight-thousandths of one gram by weight of alcohol per one 828
hundred milliliters of the person's urine. 829

(f) The person has a concentration of seventeen-hundredths of 830
one per cent or more by weight per unit volume of alcohol in the 831
person's whole blood. 832

(g) The person has a concentration of two hundred 833
four-thousandths of one per cent or more by weight per unit volume 834
of alcohol in the person's blood serum or plasma. 835

(h) The person has a concentration of seventeen-hundredths of 836
one gram or more by weight of alcohol per two hundred ten liters 837
of the person's breath. 838

(i) The person has a concentration of two hundred 839
thirty-eight-thousandths of one gram or more by weight of alcohol 840
per one hundred milliliters of the person's urine. 841

(j) Except as provided in division (K) of this section, the 842
person has a concentration of any of the following controlled 843
substances or metabolites of a controlled substance in the 844
person's whole blood, blood serum or plasma, or urine that equals 845
or exceeds any of the following: 846

(i) The person has a concentration of amphetamine in the 847
person's urine of at least five hundred nanograms of amphetamine 848
per milliliter of the person's urine or has a concentration of 849
amphetamine in the person's whole blood or blood serum or plasma 850
of at least one hundred nanograms of amphetamine per milliliter of 851
the person's whole blood or blood serum or plasma. 852

(ii) The person has a concentration of cocaine in the 853
person's urine of at least one hundred fifty nanograms of cocaine 854
per milliliter of the person's urine or has a concentration of 855
cocaine in the person's whole blood or blood serum or plasma of at 856
least fifty nanograms of cocaine per milliliter of the person's 857
whole blood or blood serum or plasma. 858

(iii) The person has a concentration of cocaine metabolite in 859
the person's urine of at least one hundred fifty nanograms of 860

cocaine metabolite per milliliter of the person's urine or has a 861
concentration of cocaine metabolite in the person's whole blood or 862
blood serum or plasma of at least fifty nanograms of cocaine 863
metabolite per milliliter of the person's whole blood or blood 864
serum or plasma. 865

(iv) The person has a concentration of heroin in the person's 866
urine of at least two thousand nanograms of heroin per milliliter 867
of the person's urine or has a concentration of heroin in the 868
person's whole blood or blood serum or plasma of at least fifty 869
nanograms of heroin per milliliter of the person's whole blood or 870
blood serum or plasma. 871

(v) The person has a concentration of heroin metabolite 872
(6-monoacetyl morphine) in the person's urine of at least ten 873
nanograms of heroin metabolite (6-monoacetyl morphine) per 874
milliliter of the person's urine or has a concentration of heroin 875
metabolite (6-monoacetyl morphine) in the person's whole blood or 876
blood serum or plasma of at least ten nanograms of heroin 877
metabolite (6-monoacetyl morphine) per milliliter of the person's 878
whole blood or blood serum or plasma. 879

(vi) The person has a concentration of L.S.D. in the person's 880
urine of at least twenty-five nanograms of L.S.D. per milliliter 881
of the person's urine or a concentration of L.S.D. in the person's 882
whole blood or blood serum or plasma of at least ten nanograms of 883
L.S.D. per milliliter of the person's whole blood or blood serum 884
or plasma. 885

(vii) The person has a concentration of marihuana in the 886
person's urine of at least ten nanograms of marihuana per 887
milliliter of the person's urine or has a concentration of 888
marihuana in the person's whole blood or blood serum or plasma of 889
at least two nanograms of marihuana per milliliter of the person's 890
whole blood or blood serum or plasma. 891

(viii) Either of the following applies: 892

(I) The person is under the influence of alcohol, a drug of 893
abuse, or a combination of them, and, as measured by gas 894
chromatography mass spectrometry, the person has a concentration 895
of marihuana metabolite in the person's urine of at least fifteen 896
nanograms of marihuana metabolite per milliliter of the person's 897
urine or has a concentration of marihuana metabolite in the 898
person's whole blood or blood serum or plasma of at least five 899
nanograms of marihuana metabolite per milliliter of the person's 900
whole blood or blood serum or plasma. 901

(II) As measured by gas chromatography mass spectrometry, the 902
person has a concentration of marihuana metabolite in the person's 903
urine of at least thirty-five nanograms of marihuana metabolite 904
per milliliter of the person's urine or has a concentration of 905
marihuana metabolite in the person's whole blood or blood serum or 906
plasma of at least fifty nanograms of marihuana metabolite per 907
milliliter of the person's whole blood or blood serum or plasma. 908

(ix) The person has a concentration of methamphetamine in the 909
person's urine of at least five hundred nanograms of 910
methamphetamine per milliliter of the person's urine or has a 911
concentration of methamphetamine in the person's whole blood or 912
blood serum or plasma of at least one hundred nanograms of 913
methamphetamine per milliliter of the person's whole blood or 914
blood serum or plasma. 915

(x) The person has a concentration of phencyclidine in the 916
person's urine of at least twenty-five nanograms of phencyclidine 917
per milliliter of the person's urine or has a concentration of 918
phencyclidine in the person's whole blood or blood serum or plasma 919
of at least ten nanograms of phencyclidine per milliliter of the 920
person's whole blood or blood serum or plasma. 921

(2) No person who, within twenty years of the conduct 922

described in division (A)(2)(a) of this section, previously has 923
been convicted of or pleaded guilty to a violation of this 924
division, division (A)(1) or (B) of this section, or a municipal 925
OVI offense shall do both of the following: 926

(a) Operate any vehicle, streetcar, or trackless trolley 927
within this state while under the influence of alcohol, a drug of 928
abuse, or a combination of them; 929

(b) Subsequent to being arrested for operating the vehicle, 930
streetcar, or trackless trolley as described in division (A)(2)(a) 931
of this section, being asked by a law enforcement officer to 932
submit to a chemical test or tests under section 4511.191 of the 933
Revised Code, and being advised by the officer in accordance with 934
section 4511.192 of the Revised Code of the consequences of the 935
person's refusal or submission to the test or tests, refuse to 936
submit to the test or tests. 937

(B) No person under twenty-one years of age shall operate any 938
vehicle, streetcar, or trackless trolley within this state, if, at 939
the time of the operation, any of the following apply: 940

(1) The person has a concentration of at least two-hundredths 941
of one per cent but less than eight-hundredths of one per cent by 942
weight per unit volume of alcohol in the person's whole blood. 943

(2) The person has a concentration of at least 944
three-hundredths of one per cent but less than 945
ninety-six-thousandths of one per cent by weight per unit volume 946
of alcohol in the person's blood serum or plasma. 947

(3) The person has a concentration of at least two-hundredths 948
of one gram but less than eight-hundredths of one gram by weight 949
of alcohol per two hundred ten liters of the person's breath. 950

(4) The person has a concentration of at least twenty-eight 951
one-thousandths of one gram but less than eleven-hundredths of one 952
gram by weight of alcohol per one hundred milliliters of the 953

person's urine. 954

(C) In any proceeding arising out of one incident, a person 955
may be charged with a violation of division (A)(1)(a) or (A)(2) 956
and a violation of division (B)(1), (2), or (3) of this section, 957
but the person may not be convicted of more than one violation of 958
these divisions. 959

(D)(1)(a) In any criminal prosecution or juvenile court 960
proceeding for a violation of division (A)(1)(a) of this section 961
or for an equivalent offense, the result of any test of any blood 962
or urine withdrawn and analyzed at any health care provider, as 963
defined in section 2317.02 of the Revised Code, may be admitted 964
with expert testimony to be considered with any other relevant and 965
competent evidence in determining the guilt or innocence of the 966
defendant. 967

(b) In any criminal prosecution or juvenile court proceeding 968
for a violation of division (A) or (B) of this section or for an 969
equivalent offense, the court may admit evidence on the 970
concentration of alcohol, drugs of abuse, controlled substances, 971
metabolites of a controlled substance, or a combination of them in 972
the defendant's whole blood, blood serum or plasma, breath, urine, 973
or other bodily substance at the time of the alleged violation as 974
shown by chemical analysis of the substance withdrawn within three 975
hours of the time of the alleged violation. The three-hour time 976
limit specified in this division regarding the admission of 977
evidence does not extend or affect the two-hour time limit 978
specified in division (A) of section 4511.192 of the Revised Code 979
as the maximum period of time during which a person may consent to 980
a chemical test or tests as described in that section. The court 981
may admit evidence on the concentration of alcohol, drugs of 982
abuse, or a combination of them as described in this division when 983
a person submits to a blood, breath, urine, or other bodily 984
substance test at the request of a law enforcement officer under 985

section 4511.191 of the Revised Code or a blood or urine sample is 986
obtained pursuant to a search warrant. Only a physician, a 987
registered nurse, or a qualified technician, chemist, or 988
phlebotomist shall withdraw a blood sample for the purpose of 989
determining the alcohol, drug, controlled substance, metabolite of 990
a controlled substance, or combination content of the whole blood, 991
blood serum, or blood plasma. This limitation does not apply to 992
the taking of breath or urine specimens. A person authorized to 993
withdraw blood under this division may refuse to withdraw blood 994
under this division, if in that person's opinion, the physical 995
welfare of the person would be endangered by the withdrawing of 996
blood. 997

The bodily substance withdrawn under division (D)(1)(b) of 998
this section shall be analyzed in accordance with methods approved 999
by the director of health by an individual possessing a valid 1000
permit issued by the director pursuant to section 3701.143 of the 1001
Revised Code. 1002

(2) In a criminal prosecution or juvenile court proceeding 1003
for a violation of division (A) of this section or for an 1004
equivalent offense, if there was at the time the bodily substance 1005
was withdrawn a concentration of less than the applicable 1006
concentration of alcohol specified in divisions (A)(1)(b), (c), 1007
(d), and (e) of this section or less than the applicable 1008
concentration of a listed controlled substance or a listed 1009
metabolite of a controlled substance specified for a violation of 1010
division (A)(1)(j) of this section, that fact may be considered 1011
with other competent evidence in determining the guilt or 1012
innocence of the defendant. This division does not limit or affect 1013
a criminal prosecution or juvenile court proceeding for a 1014
violation of division (B) of this section or for an equivalent 1015
offense that is substantially equivalent to that division. 1016

(3) Upon the request of the person who was tested, the 1017

results of the chemical test shall be made available to the person 1018
or the person's attorney, immediately upon the completion of the 1019
chemical test analysis. 1020

If the chemical test was obtained pursuant to division 1021
(D)(1)(b) of this section, the person tested may have a physician, 1022
a registered nurse, or a qualified technician, chemist, or 1023
phlebotomist of the person's own choosing administer a chemical 1024
test or tests, at the person's expense, in addition to any 1025
administered at the request of a law enforcement officer. The form 1026
to be read to the person to be tested, as required under section 1027
4511.192 of the Revised Code, shall state that the person may have 1028
an independent test performed at the person's expense. The failure 1029
or inability to obtain an additional chemical test by a person 1030
shall not preclude the admission of evidence relating to the 1031
chemical test or tests taken at the request of a law enforcement 1032
officer. 1033

(4)(a) As used in divisions (D)(4)(b) and (c) of this 1034
section, "national highway traffic safety administration" means 1035
the national highway traffic safety administration established as 1036
an administration of the United States department of 1037
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 1038

(b) In any criminal prosecution or juvenile court proceeding 1039
for a violation of division (A) or (B) of this section, of a 1040
municipal ordinance relating to operating a vehicle while under 1041
the influence of alcohol, a drug of abuse, or alcohol and a drug 1042
of abuse, or of a municipal ordinance relating to operating a 1043
vehicle with a prohibited concentration of alcohol, a controlled 1044
substance, or a metabolite of a controlled substance in the blood, 1045
breath, or urine, if a law enforcement officer has administered a 1046
field sobriety test to the operator of the vehicle involved in the 1047
violation and if it is shown by clear and convincing evidence that 1048
the officer administered the test in substantial compliance with 1049

the testing standards for any reliable, credible, and generally 1050
accepted field sobriety tests that were in effect at the time the 1051
tests were administered, including, but not limited to, any 1052
testing standards then in effect that were set by the national 1053
highway traffic safety administration, all of the following apply: 1054

(i) The officer may testify concerning the results of the 1055
field sobriety test so administered. 1056

(ii) The prosecution may introduce the results of the field 1057
sobriety test so administered as evidence in any proceedings in 1058
the criminal prosecution or juvenile court proceeding. 1059

(iii) If testimony is presented or evidence is introduced 1060
under division (D)(4)(b)(i) or (ii) of this section and if the 1061
testimony or evidence is admissible under the Rules of Evidence, 1062
the court shall admit the testimony or evidence and the trier of 1063
fact shall give it whatever weight the trier of fact considers to 1064
be appropriate. 1065

(c) Division (D)(4)(b) of this section does not limit or 1066
preclude a court, in its determination of whether the arrest of a 1067
person was supported by probable cause or its determination of any 1068
other matter in a criminal prosecution or juvenile court 1069
proceeding of a type described in that division, from considering 1070
evidence or testimony that is not otherwise disallowed by division 1071
(D)(4)(b) of this section. 1072

(E)(1) Subject to division (E)(3) of this section, in any 1073
criminal prosecution or juvenile court proceeding for a violation 1074
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 1075
or (B)(1), (2), (3), or (4) of this section or for an equivalent 1076
offense that is substantially equivalent to any of those 1077
divisions, a laboratory report from any laboratory personnel 1078
issued a permit by the department of health authorizing an 1079
analysis as described in this division that contains an analysis 1080

of the whole blood, blood serum or plasma, breath, urine, or other 1081
bodily substance tested and that contains all of the information 1082
specified in this division shall be admitted as prima-facie 1083
evidence of the information and statements that the report 1084
contains. The laboratory report shall contain all of the 1085
following: 1086

(a) The signature, under oath, of any person who performed 1087
the analysis; 1088

(b) Any findings as to the identity and quantity of alcohol, 1089
a drug of abuse, a controlled substance, a metabolite of a 1090
controlled substance, or a combination of them that was found; 1091

(c) A copy of a notarized statement by the laboratory 1092
director or a designee of the director that contains the name of 1093
each certified analyst or test performer involved with the report, 1094
the analyst's or test performer's employment relationship with the 1095
laboratory that issued the report, and a notation that performing 1096
an analysis of the type involved is part of the analyst's or test 1097
performer's regular duties; 1098

(d) An outline of the analyst's or test performer's 1099
education, training, and experience in performing the type of 1100
analysis involved and a certification that the laboratory 1101
satisfies appropriate quality control standards in general and, in 1102
this particular analysis, under rules of the department of health. 1103

(2) Notwithstanding any other provision of law regarding the 1104
admission of evidence, a report of the type described in division 1105
(E)(1) of this section is not admissible against the defendant to 1106
whom it pertains in any proceeding, other than a preliminary 1107
hearing or a grand jury proceeding, unless the prosecutor has 1108
served a copy of the report on the defendant's attorney or, if the 1109
defendant has no attorney, on the defendant. 1110

(3) A report of the type described in division (E)(1) of this 1111

section shall not be prima-facie evidence of the contents, 1112
identity, or amount of any substance if, within seven days after 1113
the defendant to whom the report pertains or the defendant's 1114
attorney receives a copy of the report, the defendant or the 1115
defendant's attorney demands the testimony of the person who 1116
signed the report. The judge in the case may extend the seven-day 1117
time limit in the interest of justice. 1118

(F) Except as otherwise provided in this division, any 1119
physician, registered nurse, or qualified technician, chemist, or 1120
phlebotomist who withdraws blood from a person pursuant to this 1121
section, and any hospital, first-aid station, or clinic at which 1122
blood is withdrawn from a person pursuant to this section, is 1123
immune from criminal liability and civil liability based upon a 1124
claim of assault and battery or any other claim that is not a 1125
claim of malpractice, for any act performed in withdrawing blood 1126
from the person. The immunity provided in this division is not 1127
available to a person who withdraws blood if the person engages in 1128
willful or wanton misconduct. 1129

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 1130
to (i) or (A)(2) of this section is guilty of operating a vehicle 1131
under the influence of alcohol, a drug of abuse, or a combination 1132
of them. Whoever violates division (A)(1)(j) of this section is 1133
guilty of operating a vehicle while under the influence of a 1134
listed controlled substance or a listed metabolite of a controlled 1135
substance. The court shall sentence the offender for either 1136
offense under Chapter 2929. of the Revised Code, except as 1137
otherwise authorized or required by divisions (G)(1)(a) to (e) of 1138
this section: 1139

(a) Except as otherwise provided in division (G)(1)(b), (c), 1140
(d), or (e) of this section, the offender is guilty of a 1141
misdemeanor of the first degree, and the court shall sentence the 1142
offender to all of the following: 1143

(i) If the sentence is being imposed for a violation of 1144
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1145
mandatory jail term of three consecutive days. As used in this 1146
division, three consecutive days means seventy-two consecutive 1147
hours. The court may sentence an offender to both an intervention 1148
program and a jail term. The court may impose a jail term in 1149
addition to the three-day mandatory jail term or intervention 1150
program. However, in no case shall the cumulative jail term 1151
imposed for the offense exceed six months. 1152

The court may suspend the execution of the three-day jail 1153
term under this division if the court, in lieu of that suspended 1154
term, places the offender under a community control sanction 1155
pursuant to section 2929.25 of the Revised Code and requires the 1156
offender to attend, for three consecutive days, a drivers' 1157
intervention program certified under section 3793.10 of the 1158
Revised Code. The court also may suspend the execution of any part 1159
of the three-day jail term under this division if it places the 1160
offender under a community control sanction pursuant to section 1161
2929.25 of the Revised Code for part of the three days, requires 1162
the offender to attend for the suspended part of the term a 1163
drivers' intervention program so certified, and sentences the 1164
offender to a jail term equal to the remainder of the three 1165
consecutive days that the offender does not spend attending the 1166
program. The court may require the offender, as a condition of 1167
community control and in addition to the required attendance at a 1168
drivers' intervention program, to attend and satisfactorily 1169
complete any treatment or education programs that comply with the 1170
minimum standards adopted pursuant to Chapter 3793. of the Revised 1171
Code by the director of alcohol and drug addiction services that 1172
the operators of the drivers' intervention program determine that 1173
the offender should attend and to report periodically to the court 1174
on the offender's progress in the programs. The court also may 1175
impose on the offender any other conditions of community control 1176

that it considers necessary. 1177

(ii) If the sentence is being imposed for a violation of 1178
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1179
section, except as otherwise provided in this division, a 1180
mandatory jail term of at least three consecutive days and a 1181
requirement that the offender attend, for three consecutive days, 1182
a drivers' intervention program that is certified pursuant to 1183
section 3793.10 of the Revised Code. As used in this division, 1184
three consecutive days means seventy-two consecutive hours. If the 1185
court determines that the offender is not conducive to treatment 1186
in a drivers' intervention program, if the offender refuses to 1187
attend a drivers' intervention program, or if the jail at which 1188
the offender is to serve the jail term imposed can provide a 1189
driver's intervention program, the court shall sentence the 1190
offender to a mandatory jail term of at least six consecutive 1191
days. 1192

The court may require the offender, under a community control 1193
sanction imposed under section 2929.25 of the Revised Code, to 1194
attend and satisfactorily complete any treatment or education 1195
programs that comply with the minimum standards adopted pursuant 1196
to Chapter 3793. of the Revised Code by the director of alcohol 1197
and drug addiction services, in addition to the required 1198
attendance at drivers' intervention program, that the operators of 1199
the drivers' intervention program determine that the offender 1200
should attend and to report periodically to the court on the 1201
offender's progress in the programs. The court also may impose any 1202
other conditions of community control on the offender that it 1203
considers necessary. 1204

(iii) In all cases, a fine of not less than ~~two~~ three hundred 1205
~~fifty~~ twenty-five and not more than one thousand seventy-five 1206
dollars; 1207

(iv) In all cases, a class five license suspension of the 1208

offender's driver's or commercial driver's license or permit or 1209
nonresident operating privilege from the range specified in 1210
division (A)(5) of section 4510.02 of the Revised Code. The court 1211
may grant limited driving privileges relative to the suspension 1212
under sections 4510.021 and 4510.13 of the Revised Code. 1213

(b) Except as otherwise provided in division (G)(1)(e) of 1214
this section, an offender who, within six years of the offense, 1215
previously has been convicted of or pleaded guilty to one 1216
violation of division (A) or (B) of this section or one other 1217
equivalent offense is guilty of a misdemeanor of the first degree. 1218
The court shall sentence the offender to all of the following: 1219

(i) If the sentence is being imposed for a violation of 1220
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1221
mandatory jail term of ten consecutive days. The court shall 1222
impose the ten-day mandatory jail term under this division unless, 1223
subject to division (G)(3) of this section, it instead imposes a 1224
sentence under that division consisting of both a jail term and a 1225
term of house arrest with electronic monitoring, with continuous 1226
alcohol monitoring, or with both electronic monitoring and 1227
continuous alcohol monitoring. The court may impose a jail term in 1228
addition to the ten-day mandatory jail term. The cumulative jail 1229
term imposed for the offense shall not exceed six months. 1230

In addition to the jail term or the term of house arrest with 1231
electronic monitoring or continuous alcohol monitoring or both 1232
types of monitoring and jail term, the court may require the 1233
offender to attend a drivers' intervention program that is 1234
certified pursuant to section 3793.10 of the Revised Code. If the 1235
operator of the program determines that the offender is alcohol 1236
dependent, the program shall notify the court, and, subject to 1237
division (I) of this section, the court shall order the offender 1238
to obtain treatment through an alcohol and drug addiction program 1239
authorized by section 3793.02 of the Revised Code. 1240

(ii) If the sentence is being imposed for a violation of 1241
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1242
section, except as otherwise provided in this division, a 1243
mandatory jail term of twenty consecutive days. The court shall 1244
impose the twenty-day mandatory jail term under this division 1245
unless, subject to division (G)(3) of this section, it instead 1246
imposes a sentence under that division consisting of both a jail 1247
term and a term of house arrest with electronic monitoring, with 1248
continuous alcohol monitoring, or with both electronic monitoring 1249
and continuous alcohol monitoring. The court may impose a jail 1250
term in addition to the twenty-day mandatory jail term. The 1251
cumulative jail term imposed for the offense shall not exceed six 1252
months. 1253

In addition to the jail term or the term of house arrest with 1254
electronic monitoring or continuous alcohol monitoring or both 1255
types of monitoring and jail term, the court may require the 1256
offender to attend a driver's intervention program that is 1257
certified pursuant to section 3793.10 of the Revised Code. If the 1258
operator of the program determines that the offender is alcohol 1259
dependent, the program shall notify the court, and, subject to 1260
division (I) of this section, the court shall order the offender 1261
to obtain treatment through an alcohol and drug addiction program 1262
authorized by section 3793.02 of the Revised Code. 1263

(iii) In all cases, notwithstanding the fines set forth in 1264
Chapter 2929. of the Revised Code, a fine of not less than ~~three~~ 1265
four hundred fifty seventy-five and not more than one thousand 1266
five six hundred twenty-five dollars; 1267

(iv) In all cases, a class four license suspension of the 1268
offender's driver's license, commercial driver's license, 1269
temporary instruction permit, probationary license, or nonresident 1270
operating privilege from the range specified in division (A)(4) of 1271
section 4510.02 of the Revised Code. The court may grant limited 1272

driving privileges relative to the suspension under sections 1273
4510.021 and 4510.13 of the Revised Code. 1274

(v) In all cases, if the vehicle is registered in the 1275
offender's name, immobilization of the vehicle involved in the 1276
offense for ninety days in accordance with section 4503.233 of the 1277
Revised Code and impoundment of the license plates of that vehicle 1278
for ninety days. 1279

(c) Except as otherwise provided in division (G)(1)(e) of 1280
this section, an offender who, within six years of the offense, 1281
previously has been convicted of or pleaded guilty to two 1282
violations of division (A) or (B) of this section or other 1283
equivalent offenses is guilty of a misdemeanor. The court shall 1284
sentence the offender to all of the following: 1285

(i) If the sentence is being imposed for a violation of 1286
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1287
mandatory jail term of thirty consecutive days. The court shall 1288
impose the thirty-day mandatory jail term under this division 1289
unless, subject to division (G)(3) of this section, it instead 1290
imposes a sentence under that division consisting of both a jail 1291
term and a term of house arrest with electronic monitoring, with 1292
continuous alcohol monitoring, or with both electronic monitoring 1293
and continuous alcohol monitoring. The court may impose a jail 1294
term in addition to the thirty-day mandatory jail term. 1295
Notwithstanding the jail terms set forth in sections 2929.21 to 1296
2929.28 of the Revised Code, the additional jail term shall not 1297
exceed one year, and the cumulative jail term imposed for the 1298
offense shall not exceed one year. 1299

(ii) If the sentence is being imposed for a violation of 1300
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1301
section, a mandatory jail term of sixty consecutive days. The 1302
court shall impose the sixty-day mandatory jail term under this 1303
division unless, subject to division (G)(3) of this section, it 1304

instead imposes a sentence under that division consisting of both 1305
a jail term and a term of house arrest with electronic monitoring, 1306
with continuous alcohol monitoring, or with both electronic 1307
monitoring and continuous alcohol monitoring. The court may impose 1308
a jail term in addition to the sixty-day mandatory jail term. 1309
Notwithstanding the jail terms set forth in sections 2929.21 to 1310
2929.28 of the Revised Code, the additional jail term shall not 1311
exceed one year, and the cumulative jail term imposed for the 1312
offense shall not exceed one year. 1313

(iii) In all cases, notwithstanding the fines set forth in 1314
Chapter 2929. of the Revised Code, a fine of not less than ~~five~~ 1315
eight hundred ~~fifty~~ and not more than two thousand ~~five~~ seven 1316
hundred fifty dollars; 1317

(iv) In all cases, a class three license suspension of the 1318
offender's driver's license, commercial driver's license, 1319
temporary instruction permit, probationary license, or nonresident 1320
operating privilege from the range specified in division (A)(3) of 1321
section 4510.02 of the Revised Code. The court may grant limited 1322
driving privileges relative to the suspension under sections 1323
4510.021 and 4510.13 of the Revised Code. 1324

(v) In all cases, if the vehicle is registered in the 1325
offender's name, criminal forfeiture of the vehicle involved in 1326
the offense in accordance with section 4503.234 of the Revised 1327
Code. Division (G)(6) of this section applies regarding any 1328
vehicle that is subject to an order of criminal forfeiture under 1329
this division. 1330

(vi) In all cases, participation in an alcohol and drug 1331
addiction program authorized by section 3793.02 of the Revised 1332
Code, subject to division (I) of this section. 1333

(d) Except as otherwise provided in division (G)(1)(e) of 1334
this section, an offender who, within six years of the offense, 1335

previously has been convicted of or pleaded guilty to three or 1336
four violations of division (A) or (B) of this section or other 1337
equivalent offenses or an offender who, within twenty years of the 1338
offense, previously has been convicted of or pleaded guilty to 1339
five or more violations of that nature is guilty of a felony of 1340
the fourth degree. The court shall sentence the offender to all of 1341
the following: 1342

(i) If the sentence is being imposed for a violation of 1343
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1344
mandatory prison term of one, two, three, four, or five years as 1345
required by and in accordance with division (G)(2) of section 1346
2929.13 of the Revised Code if the offender also is convicted of 1347
or also pleads guilty to a specification of the type described in 1348
section 2941.1413 of the Revised Code or, in the discretion of the 1349
court, either a mandatory term of local incarceration of sixty 1350
consecutive days in accordance with division (G)(1) of section 1351
2929.13 of the Revised Code or a mandatory prison term of sixty 1352
consecutive days in accordance with division (G)(2) of that 1353
section if the offender is not convicted of and does not plead 1354
guilty to a specification of that type. If the court imposes a 1355
mandatory term of local incarceration, it may impose a jail term 1356
in addition to the sixty-day mandatory term, the cumulative total 1357
of the mandatory term and the jail term for the offense shall not 1358
exceed one year, and, except as provided in division (A)(1) of 1359
section 2929.13 of the Revised Code, no prison term is authorized 1360
for the offense. If the court imposes a mandatory prison term, 1361
notwithstanding division (A)(4) of section 2929.14 of the Revised 1362
Code, it also may sentence the offender to a definite prison term 1363
that shall be not less than six months and not more than thirty 1364
months and the prison terms shall be imposed as described in 1365
division (G)(2) of section 2929.13 of the Revised Code. If the 1366
court imposes a mandatory prison term or mandatory prison term and 1367
additional prison term, in addition to the term or terms so 1368

imposed, the court also may sentence the offender to a community 1369
control sanction for the offense, but the offender shall serve all 1370
of the prison terms so imposed prior to serving the community 1371
control sanction. 1372

(ii) If the sentence is being imposed for a violation of 1373
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1374
section, a mandatory prison term of one, two, three, four, or five 1375
years as required by and in accordance with division (G)(2) of 1376
section 2929.13 of the Revised Code if the offender also is 1377
convicted of or also pleads guilty to a specification of the type 1378
described in section 2941.1413 of the Revised Code or, in the 1379
discretion of the court, either a mandatory term of local 1380
incarceration of one hundred twenty consecutive days in accordance 1381
with division (G)(1) of section 2929.13 of the Revised Code or a 1382
mandatory prison term of one hundred twenty consecutive days in 1383
accordance with division (G)(2) of that section if the offender is 1384
not convicted of and does not plead guilty to a specification of 1385
that type. If the court imposes a mandatory term of local 1386
incarceration, it may impose a jail term in addition to the one 1387
hundred twenty-day mandatory term, the cumulative total of the 1388
mandatory term and the jail term for the offense shall not exceed 1389
one year, and, except as provided in division (A)(1) of section 1390
2929.13 of the Revised Code, no prison term is authorized for the 1391
offense. If the court imposes a mandatory prison term, 1392
notwithstanding division (A)(4) of section 2929.14 of the Revised 1393
Code, it also may sentence the offender to a definite prison term 1394
that shall be not less than six months and not more than thirty 1395
months and the prison terms shall be imposed as described in 1396
division (G)(2) of section 2929.13 of the Revised Code. If the 1397
court imposes a mandatory prison term or mandatory prison term and 1398
additional prison term, in addition to the term or terms so 1399
imposed, the court also may sentence the offender to a community 1400
control sanction for the offense, but the offender shall serve all 1401

of the prison terms so imposed prior to serving the community control sanction.

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

(iv) In all cases, a class two 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)(2) 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) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

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

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

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third

degree. The court shall sentence the offender to all of the 1433
following: 1434

(i) If the offender is being sentenced for a violation of 1435
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1436
mandatory prison term of one, two, three, four, or five years as 1437
required by and in accordance with division (G)(2) of section 1438
2929.13 of the Revised Code if the offender also is convicted of 1439
or also pleads guilty to a specification of the type described in 1440
section 2941.1413 of the Revised Code or a mandatory prison term 1441
of sixty consecutive days in accordance with division (G)(2) of 1442
section 2929.13 of the Revised Code if the offender is not 1443
convicted of and does not plead guilty to a specification of that 1444
type. The court may impose a prison term in addition to the 1445
mandatory prison term. The cumulative total of a sixty-day 1446
mandatory prison term and the additional prison term for the 1447
offense shall not exceed five years. In addition to the mandatory 1448
prison term or mandatory prison term and additional prison term 1449
the court imposes, the court also may sentence the offender to a 1450
community control sanction for the offense, but the offender shall 1451
serve all of the prison terms so imposed prior to serving the 1452
community control sanction. 1453

(ii) If the sentence is being imposed for a violation of 1454
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1455
section, a mandatory prison term of one, two, three, four, or five 1456
years as required by and in accordance with division (G)(2) of 1457
section 2929.13 of the Revised Code if the offender also is 1458
convicted of or also pleads guilty to a specification of the type 1459
described in section 2941.1413 of the Revised Code or a mandatory 1460
prison term of one hundred twenty consecutive days in accordance 1461
with division (G)(2) of section 2929.13 of the Revised Code if the 1462
offender is not convicted of and does not plead guilty to a 1463
specification of that type. The court may impose a prison term in 1464

addition to the mandatory prison term. The cumulative total of a 1465
one hundred twenty-day mandatory prison term and the additional 1466
prison term for the offense shall not exceed five years. In 1467
addition to the mandatory prison term or mandatory prison term and 1468
additional prison term the court imposes, the court also may 1469
sentence the offender to a community control sanction for the 1470
offense, but the offender shall serve all of the prison terms so 1471
imposed prior to serving the community control sanction. 1472

(iii) In all cases, notwithstanding section 2929.18 of the 1473
Revised Code, a fine of not less than ~~eight~~ one thousand three 1474
hundred nor more than ten thousand five hundred dollars; 1475

(iv) In all cases, a class two license suspension of the 1476
offender's driver's license, commercial driver's license, 1477
temporary instruction permit, probationary license, or nonresident 1478
operating privilege from the range specified in division (A)(2) of 1479
section 4510.02 of the Revised Code. The court may grant limited 1480
driving privileges relative to the suspension under sections 1481
4510.021 and 4510.13 of the Revised Code. 1482

(v) In all cases, if the vehicle is registered in the 1483
offender's name, criminal forfeiture of the vehicle involved in 1484
the offense in accordance with section 4503.234 of the Revised 1485
Code. Division (G)(6) of this section applies regarding any 1486
vehicle that is subject to an order of criminal forfeiture under 1487
this division. 1488

(vi) In all cases, participation in an alcohol and drug 1489
addiction program authorized by section 3793.02 of the Revised 1490
Code, subject to division (I) of this section. 1491

(2) An offender who is convicted of or pleads guilty to a 1492
violation of division (A) of this section and who subsequently 1493
seeks reinstatement of the driver's or occupational driver's 1494
license or permit or nonresident operating privilege suspended 1495

under this section as a result of the conviction or guilty plea 1496
shall pay a reinstatement fee as provided in division (F)(2) of 1497
section 4511.191 of the Revised Code. 1498

(3) If an offender is sentenced to a jail term under division 1499
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 1500
if, within sixty days of sentencing of the offender, the court 1501
issues a written finding on the record that, due to the 1502
unavailability of space at the jail where the offender is required 1503
to serve the term, the offender will not be able to begin serving 1504
that term within the sixty-day period following the date of 1505
sentencing, the court may impose an alternative sentence under 1506
this division that includes a term of house arrest with electronic 1507
monitoring, with continuous alcohol monitoring, or with both 1508
electronic monitoring and continuous alcohol monitoring. 1509

As an alternative to a mandatory jail term of ten consecutive 1510
days required by division (G)(1)(b)(i) of this section, the court, 1511
under this division, may sentence the offender to five consecutive 1512
days in jail and not less than eighteen consecutive days of house 1513
arrest with electronic monitoring, with continuous alcohol 1514
monitoring, or with both electronic monitoring and continuous 1515
alcohol monitoring. The cumulative total of the five consecutive 1516
days in jail and the period of house arrest with electronic 1517
monitoring, continuous alcohol monitoring, or both types of 1518
monitoring shall not exceed six months. The five consecutive days 1519
in jail do not have to be served prior to or consecutively to the 1520
period of house arrest. 1521

As an alternative to the mandatory jail term of twenty 1522
consecutive days required by division (G)(1)(b)(ii) of this 1523
section, the court, under this division, may sentence the offender 1524
to ten consecutive days in jail and not less than thirty-six 1525
consecutive days of house arrest with electronic monitoring, with 1526
continuous alcohol monitoring, or with both electronic monitoring 1527

and continuous alcohol monitoring. The cumulative total of the ten 1528
consecutive days in jail and the period of house arrest with 1529
electronic monitoring, continuous alcohol monitoring, or both 1530
types of monitoring shall not exceed six months. The ten 1531
consecutive days in jail do not have to be served prior to or 1532
consecutively to the period of house arrest. 1533

As an alternative to a mandatory jail term of thirty 1534
consecutive days required by division (G)(1)(c)(i) of this 1535
section, the court, under this division, may sentence the offender 1536
to fifteen consecutive days in jail and not less than fifty-five 1537
consecutive days of house arrest with electronic monitoring, with 1538
continuous alcohol monitoring, or with both electronic monitoring 1539
and continuous alcohol monitoring. The cumulative total of the 1540
fifteen consecutive days in jail and the period of house arrest 1541
with electronic monitoring, continuous alcohol monitoring, or both 1542
types of monitoring shall not exceed one year. The fifteen 1543
consecutive days in jail do not have to be served prior to or 1544
consecutively to the period of house arrest. 1545

As an alternative to the mandatory jail term of sixty 1546
consecutive days required by division (G)(1)(c)(ii) of this 1547
section, the court, under this division, may sentence the offender 1548
to thirty consecutive days in jail and not less than one hundred 1549
ten consecutive days of house arrest with electronic monitoring, 1550
with continuous alcohol monitoring, or with both electronic 1551
monitoring and continuous alcohol monitoring. The cumulative total 1552
of the thirty consecutive days in jail and the period of house 1553
arrest with electronic monitoring, continuous alcohol monitoring, 1554
or both types of monitoring shall not exceed one year. The thirty 1555
consecutive days in jail do not have to be served prior to or 1556
consecutively to the period of house arrest. 1557

(4) If an offender's driver's or occupational driver's 1558
license or permit or nonresident operating privilege is suspended 1559

under division (G) of this section and if section 4510.13 of the Revised Code permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of section 4503.231 of the Revised Code.

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

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

(b) Fifty dollars of the fine imposed under division

(G)(1)(a)(iii) of this section shall be paid to the political 1592
subdivision that pays the cost of housing the offender during the 1593
offender's term of incarceration. If the offender is being 1594
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 1595
(e), or (j) of this section and was confined as a result of the 1596
offense prior to being sentenced for the offense but is not 1597
sentenced to a term of incarceration, the fifty dollars shall be 1598
paid to the political subdivision that paid the cost of housing 1599
the offender during that period of confinement. The political 1600
subdivision shall use the share under this division to pay or 1601
reimburse incarceration or treatment costs it incurs in housing or 1602
providing drug and alcohol treatment to persons who violate this 1603
section or a municipal OVI ordinance, costs of any immobilizing or 1604
disabling device used on the offender's vehicle, and costs of 1605
electronic house arrest equipment needed for persons who violate 1606
this section. 1607

(c) Twenty-five dollars of the fine imposed under division 1608
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 1609
division (G)(1)(b)(iii) of this section shall be deposited into 1610
the county or municipal indigent drivers' alcohol treatment fund 1611
under the control of that court, as created by the county or 1612
municipal corporation under division (N) of section 4511.191 of 1613
the Revised Code. 1614

(d) One hundred fifteen dollars of the fine imposed under 1615
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 1616
fine imposed under division (G)(1)(c)(iii), and four hundred forty 1617
dollars of the fine imposed under division (G)(1)(d)(iii) or 1618
(e)(iii) of this section shall be paid to the political 1619
subdivision that pays the cost of housing the offender during the 1620
offender's term of incarceration. The political subdivision shall 1621
use this share to pay or reimburse incarceration or treatment 1622
costs it incurs in housing or providing drug and alcohol treatment 1623

to persons who violate this section or a municipal OVI ordinance, 1624
costs for any immobilizing or disabling device used on the 1625
offender's vehicle, and costs of electronic house arrest equipment 1626
needed for persons who violate this section. 1627

(e) Seventy-five dollars of the fine imposed under division 1628
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 1629
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 1630
of the fine imposed under division (G)(1)(c)(iii), and five 1631
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 1632
or (G)(1)(e)(iii) of this section shall be transmitted to the 1633
treasurer of state for deposit into the indigent defense support 1634
fund established under section 102.08 of the Revised Code. 1635

(f) The balance of the fine imposed under division 1636
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 1637
section shall be disbursed as otherwise provided by law. 1638

(6) If title to a motor vehicle that is subject to an order 1639
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 1640
this section is assigned or transferred and division (B)(2) or (3) 1641
of section 4503.234 of the Revised Code applies, in addition to or 1642
independent of any other penalty established by law, the court may 1643
fine the offender the value of the vehicle as determined by 1644
publications of the national auto dealers association. The 1645
proceeds of any fine so imposed shall be distributed in accordance 1646
with division (C)(2) of that section. 1647

(7) As used in division (G) of this section, "electronic 1648
monitoring," "mandatory prison term," and "mandatory term of local 1649
incarceration" have the same meanings as in section 2929.01 of the 1650
Revised Code. 1651

(H) Whoever violates division (B) of this section is guilty 1652
of operating a vehicle after underage alcohol consumption and 1653
shall be punished as follows: 1654

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

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program.

However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

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

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

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

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

(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same

term as defined in section 4501.01 or 4511.01 of the Revised Code, 1718
the term as defined in section 4510.01 of the Revised Code applies 1719
to this section. 1720

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 1721
as adopted by the supreme court under authority of section 2937.46 1722
of the Revised Code, do not apply to felony violations of this 1723
section. Subject to division (N)(2) of this section, the Rules of 1724
Criminal Procedure apply to felony violations of this section. 1725

(2) If, on or after January 1, 2004, the supreme court 1726
modifies the Ohio Traffic Rules to provide procedures to govern 1727
felony violations of this section, the modified rules shall apply 1728
to felony violations of this section. 1729

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 1730
as in section 4511.194 of the Revised Code. 1731

(2) Any person who operates a vehicle, streetcar, or 1732
trackless trolley upon a highway or any public or private property 1733
used by the public for vehicular travel or parking within this 1734
state or who is in physical control of a vehicle, streetcar, or 1735
trackless trolley shall be deemed to have given consent to a 1736
chemical test or tests of the person's whole blood, blood serum or 1737
plasma, breath, or urine to determine the alcohol, drug of abuse, 1738
controlled substance, metabolite of a controlled substance, or 1739
combination content of the person's whole blood, blood serum or 1740
plasma, breath, or urine if arrested for a violation of division 1741
(A) or (B) of section 4511.19 of the Revised Code, section 1742
4511.194 of the Revised Code or a substantially equivalent 1743
municipal ordinance, or a municipal OVI ordinance. 1744

(3) The chemical test or tests under division (A)(2) of this 1745
section shall be administered at the request of a law enforcement 1746
officer having reasonable grounds to believe the person was 1747
operating or in physical control of a vehicle, streetcar, or 1748

trackless trolley in violation of a division, section, or 1749
ordinance identified in division (A)(2) of this section. The law 1750
enforcement agency by which the officer is employed shall 1751
designate which of the tests shall be administered. 1752

(4) Any person who is dead or unconscious, or who otherwise 1753
is in a condition rendering the person incapable of refusal, shall 1754
be deemed to have consented as provided in division (A)(2) of this 1755
section, and the test or tests may be administered, subject to 1756
sections 313.12 to 313.16 of the Revised Code. 1757

(B)(1) Upon receipt of the sworn report of a law enforcement 1758
officer who arrested a person for a violation of division (A) or 1759
(B) of section 4511.19 of the Revised Code, section 4511.194 of 1760
the Revised Code or a substantially equivalent municipal 1761
ordinance, or a municipal OVI ordinance that was completed and 1762
sent to the registrar and a court pursuant to section 4511.192 of 1763
the Revised Code in regard to a person who refused to take the 1764
designated chemical test, the registrar shall enter into the 1765
registrar's records the fact that the person's driver's or 1766
commercial driver's license or permit or nonresident operating 1767
privilege was suspended by the arresting officer under this 1768
division and that section and the period of the suspension, as 1769
determined under this section. The suspension shall be subject to 1770
appeal as provided in section 4511.197 of the Revised Code. The 1771
suspension shall be for whichever of the following periods 1772
applies: 1773

(a) Except when division (B)(1)(b), (c), or (d) of this 1774
section applies and specifies a different class or length of 1775
suspension, the suspension shall be a class C suspension for the 1776
period of time specified in division (B)(3) of section 4510.02 of 1777
the Revised Code. 1778

(b) If the arrested person, within six years of the date on 1779
which the person refused the request to consent to the chemical 1780

test, had refused one previous request to consent to a chemical 1781
test, the suspension shall be a class B suspension imposed for the 1782
period of time specified in division (B)(2) of section 4510.02 of 1783
the Revised Code. 1784

(c) If the arrested person, within six years of the date on 1785
which the person refused the request to consent to the chemical 1786
test, had refused two previous requests to consent to a chemical 1787
test, the suspension shall be a class A suspension imposed for the 1788
period of time specified in division (B)(1) of section 4510.02 of 1789
the Revised Code. 1790

(d) If the arrested person, within six years of the date on 1791
which the person refused the request to consent to the chemical 1792
test, had refused three or more previous requests to consent to a 1793
chemical test, the suspension shall be for five years. 1794

(2) The registrar shall terminate a suspension of the 1795
driver's or commercial driver's license or permit of a resident or 1796
of the operating privilege of a nonresident, or a denial of a 1797
driver's or commercial driver's license or permit, imposed 1798
pursuant to division (B)(1) of this section upon receipt of notice 1799
that the person has entered a plea of guilty to, or that the 1800
person has been convicted after entering a plea of no contest to, 1801
operating a vehicle in violation of section 4511.19 of the Revised 1802
Code or in violation of a municipal OVI ordinance, if the offense 1803
for which the conviction is had or the plea is entered arose from 1804
the same incident that led to the suspension or denial. 1805

The registrar shall credit against any judicial suspension of 1806
a person's driver's or commercial driver's license or permit or 1807
nonresident operating privilege imposed pursuant to section 1808
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 1809
Revised Code for a violation of a municipal OVI ordinance, any 1810
time during which the person serves a related suspension imposed 1811
pursuant to division (B)(1) of this section. 1812

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

The registrar shall credit against any judicial suspension of
a person's driver's or commercial driver's license or permit or
nonresident operating privilege imposed pursuant to section
4511.19 of the Revised Code, or pursuant to section 4510.07 of the
Revised Code for a violation of a municipal OVI ordinance, any

time during which the person serves a related suspension imposed 1877
pursuant to division (C)(1) of this section. 1878

(D)(1) A suspension of a person's driver's or commercial 1879
driver's license or permit or nonresident operating privilege 1880
under this section for the time described in division (B) or (C) 1881
of this section is effective immediately from the time at which 1882
the arresting officer serves the notice of suspension upon the 1883
arrested person. Any subsequent finding that the person is not 1884
guilty of the charge that resulted in the person being requested 1885
to take the chemical test or tests under division (A) of this 1886
section does not affect the suspension. 1887

(2) If a person is arrested for operating a vehicle, 1888
streetcar, or trackless trolley in violation of division (A) or 1889
(B) of section 4511.19 of the Revised Code or a municipal OVI 1890
ordinance, or for being in physical control of a vehicle, 1891
streetcar, or trackless trolley in violation of section 4511.194 1892
of the Revised Code or a substantially equivalent municipal 1893
ordinance, regardless of whether the person's driver's or 1894
commercial driver's license or permit or nonresident operating 1895
privilege is or is not suspended under division (B) or (C) of this 1896
section or Chapter 4510. of the Revised Code, the person's initial 1897
appearance on the charge resulting from the arrest shall be held 1898
within five days of the person's arrest or the issuance of the 1899
citation to the person, subject to any continuance granted by the 1900
court pursuant to section 4511.197 of the Revised Code regarding 1901
the issues specified in that division. 1902

(E) When it finally has been determined under the procedures 1903
of this section and sections 4511.192 to 4511.197 of the Revised 1904
Code that a nonresident's privilege to operate a vehicle within 1905
this state has been suspended, the registrar shall give 1906
information in writing of the action taken to the motor vehicle 1907
administrator of the state of the person's residence and of any 1908

state in which the person has a license. 1909

(F) At the end of a suspension period under this section, 1910
under section 4511.194, section 4511.196, or division (G) of 1911
section 4511.19 of the Revised Code, or under section 4510.07 of 1912
the Revised Code for a violation of a municipal OVI ordinance and 1913
upon the request of the person whose driver's or commercial 1914
driver's license or permit was suspended and who is not otherwise 1915
subject to suspension, cancellation, or disqualification, the 1916
registrar shall return the driver's or commercial driver's license 1917
or permit to the person upon the occurrence of all of the 1918
conditions specified in divisions (F)(1) and (2) of this section: 1919

(1) A showing that the person has proof of financial 1920
responsibility, a policy of liability insurance in effect that 1921
meets the minimum standards set forth in section 4509.51 of the 1922
Revised Code, or proof, to the satisfaction of the registrar, that 1923
the person is able to respond in damages in an amount at least 1924
equal to the minimum amounts specified in section 4509.51 of the 1925
Revised Code. 1926

(2) Subject to the limitation contained in division (F)(3) of 1927
this section, payment by the person to the bureau of motor 1928
vehicles of a license reinstatement fee of four hundred 1929
twenty-five dollars, which fee shall be deposited in the state 1930
treasury and credited as follows: 1931

(a) One hundred ~~twelve~~ ten dollars and ~~fifty cents~~ shall be 1932
credited to the statewide treatment and prevention fund created by 1933
section 4301.30 of the Revised Code. The fund shall be used to pay 1934
the costs of driver treatment and intervention programs operated 1935
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 1936
director of alcohol and drug addiction services shall determine 1937
the share of the fund that is to be allocated to alcohol and drug 1938
addiction programs authorized by section 3793.02 of the Revised 1939
Code, and the share of the fund that is to be allocated to 1940

drivers' intervention programs authorized by section 3793.10 of 1941
the Revised Code. 1942

(b) ~~Seventy-five~~ Seventy dollars shall be credited to the 1943
reparations fund created by section 2743.191 of the Revised Code. 1944

(c) ~~Thirty-seven~~ Thirty-five dollars ~~and fifty cents~~ shall be 1945
credited to the indigent drivers alcohol treatment fund, which is 1946
hereby established. Except as otherwise provided in division 1947
(F)(2)(c) of this section, moneys in the fund shall be distributed 1948
by the department of alcohol and drug addiction services to the 1949
county indigent drivers alcohol treatment funds, the county 1950
juvenile indigent drivers alcohol treatment funds, and the 1951
municipal indigent drivers alcohol treatment funds that are 1952
required to be established by counties and municipal corporations 1953
pursuant to this section, and shall be used only to pay the cost 1954
of an alcohol and drug addiction treatment program attended by an 1955
offender or juvenile traffic offender who is ordered to attend an 1956
alcohol and drug addiction treatment program by a county, 1957
juvenile, or municipal court judge and who is determined by the 1958
county, juvenile, or municipal court judge not to have the means 1959
to pay for the person's attendance at the program or to pay the 1960
costs specified in division (H)(4) of this section in accordance 1961
with that division. In addition, a county, juvenile, or municipal 1962
court judge may use moneys in the county indigent drivers alcohol 1963
treatment fund, county juvenile indigent drivers alcohol treatment 1964
fund, or municipal indigent drivers alcohol treatment fund to pay 1965
for the cost of the continued use of an electronic continuous 1966
alcohol monitoring device as described in divisions (H)(3) and (4) 1967
of this section. Moneys in the fund that are not distributed to a 1968
county indigent drivers alcohol treatment fund, a county juvenile 1969
indigent drivers alcohol treatment fund, or a municipal indigent 1970
drivers alcohol treatment fund under division (H) of this section 1971
because the director of alcohol and drug addiction services does 1972

not have the information necessary to identify the county or 1973
municipal corporation where the offender or juvenile offender was 1974
arrested may be transferred by the director of budget and 1975
management to the statewide treatment and prevention fund created 1976
by section 4301.30 of the Revised Code, upon certification of the 1977
amount by the director of alcohol and drug addiction services. 1978

(d) ~~Seventy-five~~ Seventy dollars shall be credited to the 1979
Ohio rehabilitation services commission established by section 1980
3304.12 of the Revised Code, to the services for rehabilitation 1981
fund, which is hereby established. The fund shall be used to match 1982
available federal matching funds where appropriate, and for any 1983
other purpose or program of the commission to rehabilitate people 1984
with disabilities to help them become employed and independent. 1985

(e) ~~Seventy-five~~ Seventy dollars shall be deposited into the 1986
state treasury and credited to the drug abuse resistance education 1987
programs fund, which is hereby established, to be used by the 1988
attorney general for the purposes specified in division (F)(4) of 1989
this section. 1990

(f) Thirty dollars shall be credited to the state bureau of 1991
motor vehicles fund created by section 4501.25 of the Revised 1992
Code. 1993

(g) Twenty dollars shall be credited to the trauma and 1994
emergency medical services grants fund created by section 4513.263 1995
of the Revised Code. 1996

(h) Twenty dollars shall be credited to the indigent defense 1997
support fund created by section 120.08 of the Revised Code. 1998

(3) If a person's driver's or commercial driver's license or 1999
permit is suspended under this section, under section 4511.196 or 2000
division (G) of section 4511.19 of the Revised Code, under section 2001
4510.07 of the Revised Code for a violation of a municipal OVI 2002
ordinance or under any combination of the suspensions described in 2003

division (F)(3) of this section, and if the suspensions arise from 2004
a single incident or a single set of facts and circumstances, the 2005
person is liable for payment of, and shall be required to pay to 2006
the bureau, only one reinstatement fee of four hundred twenty-five 2007
dollars. The reinstatement fee shall be distributed by the bureau 2008
in accordance with division (F)(2) of this section. 2009

(4) The attorney general shall use amounts in the drug abuse 2010
resistance education programs fund to award grants to law 2011
enforcement agencies to establish and implement drug abuse 2012
resistance education programs in public schools. Grants awarded to 2013
a law enforcement agency under this section shall be used by the 2014
agency to pay for not more than fifty per cent of the amount of 2015
the salaries of law enforcement officers who conduct drug abuse 2016
resistance education programs in public schools. The attorney 2017
general shall not use more than six per cent of the amounts the 2018
attorney general's office receives under division (F)(2)(e) of 2019
this section to pay the costs it incurs in administering the grant 2020
program established by division (F)(2)(e) of this section and in 2021
providing training and materials relating to drug abuse resistance 2022
education programs. 2023

The attorney general shall report to the governor and the 2024
general assembly each fiscal year on the progress made in 2025
establishing and implementing drug abuse resistance education 2026
programs. These reports shall include an evaluation of the 2027
effectiveness of these programs. 2028

(G) Suspension of a commercial driver's license under 2029
division (B) or (C) of this section shall be concurrent with any 2030
period of disqualification under section 3123.611 or 4506.16 of 2031
the Revised Code or any period of suspension under section 3123.58 2032
of the Revised Code. No person who is disqualified for life from 2033
holding a commercial driver's license under section 4506.16 of the 2034
Revised Code shall be issued a driver's license under Chapter 2035

4507. of the Revised Code during the period for which the 2036
commercial driver's license was suspended under division (B) or 2037
(C) of this section. No person whose commercial driver's license 2038
is suspended under division (B) or (C) of this section shall be 2039
issued a driver's license under Chapter 4507. of the Revised Code 2040
during the period of the suspension. 2041

(H)(1) Each county shall establish an indigent drivers 2042
alcohol treatment fund, each county shall establish a juvenile 2043
indigent drivers alcohol treatment fund, and each municipal 2044
corporation in which there is a municipal court shall establish an 2045
indigent drivers alcohol treatment fund. All revenue that the 2046
general assembly appropriates to the indigent drivers alcohol 2047
treatment fund for transfer to a county indigent drivers alcohol 2048
treatment fund, a county juvenile indigent drivers alcohol 2049
treatment fund, or a municipal indigent drivers alcohol treatment 2050
fund, all portions of fees that are paid under division (F) of 2051
this section and that are credited under that division to the 2052
indigent drivers alcohol treatment fund in the state treasury for 2053
a county indigent drivers alcohol treatment fund, a county 2054
juvenile indigent drivers alcohol treatment fund, or a municipal 2055
indigent drivers alcohol treatment fund, and all portions of fines 2056
that are specified for deposit into a county or municipal indigent 2057
drivers alcohol treatment fund by section 4511.193 of the Revised 2058
Code shall be deposited into that county indigent drivers alcohol 2059
treatment fund, county juvenile indigent drivers alcohol treatment 2060
fund, or municipal indigent drivers alcohol treatment fund in 2061
accordance with division (H)(2) of this section. Additionally, all 2062
portions of fines that are paid for a violation of section 4511.19 2063
of the Revised Code or of any prohibition contained in Chapter 2064
4510. of the Revised Code, and that are required under section 2065
4511.19 or any provision of Chapter 4510. of the Revised Code to 2066
be deposited into a county indigent drivers alcohol treatment fund 2067
or municipal indigent drivers alcohol treatment fund shall be 2068

deposited into the appropriate fund in accordance with the 2069
applicable division. 2070

(2) That portion of the license reinstatement fee that is 2071
paid under division (F) of this section and that is credited under 2072
that division to the indigent drivers alcohol treatment fund shall 2073
be deposited into a county indigent drivers alcohol treatment 2074
fund, a county juvenile indigent drivers alcohol treatment fund, 2075
or a municipal indigent drivers alcohol treatment fund as follows: 2076

(a) If the suspension in question was imposed under this 2077
section, that portion of the fee shall be deposited as follows: 2078

(i) If the fee is paid by a person who was charged in a 2079
county court with the violation that resulted in the suspension, 2080
the portion shall be deposited into the county indigent drivers 2081
alcohol treatment fund under the control of that court; 2082

(ii) If the fee is paid by a person who was charged in a 2083
juvenile court with the violation that resulted in the suspension, 2084
the portion shall be deposited into the county juvenile indigent 2085
drivers alcohol treatment fund established in the county served by 2086
the court; 2087

(iii) If the fee is paid by a person who was charged in a 2088
municipal court with the violation that resulted in the 2089
suspension, the portion shall be deposited into the municipal 2090
indigent drivers alcohol treatment fund under the control of that 2091
court. 2092

(b) If the suspension in question was imposed under section 2093
4511.19 of the Revised Code or under section 4510.07 of the 2094
Revised Code for a violation of a municipal OVI ordinance, that 2095
portion of the fee shall be deposited as follows: 2096

(i) If the fee is paid by a person whose license or permit 2097
was suspended by a county court, the portion shall be deposited 2098
into the county indigent drivers alcohol treatment fund under the 2099

control of that court; 2100

(ii) If the fee is paid by a person whose license or permit 2101
was suspended by a municipal court, the portion shall be deposited 2102
into the municipal indigent drivers alcohol treatment fund under 2103
the control of that court. 2104

(3) Expenditures from a county indigent drivers alcohol 2105
treatment fund, a county juvenile indigent drivers alcohol 2106
treatment fund, or a municipal indigent drivers alcohol treatment 2107
fund shall be made only upon the order of a county, juvenile, or 2108
municipal court judge and only for payment of the cost of the 2109
attendance at an alcohol and drug addiction treatment program of a 2110
person who is convicted of, or found to be a juvenile traffic 2111
offender by reason of, a violation of division (A) of section 2112
4511.19 of the Revised Code or a substantially similar municipal 2113
ordinance, who is ordered by the court to attend the alcohol and 2114
drug addiction treatment program, and who is determined by the 2115
court to be unable to pay the cost of attendance at the treatment 2116
program or for payment of the costs specified in division (H)(4) 2117
of this section in accordance with that division. The alcohol and 2118
drug addiction services board or the board of alcohol, drug 2119
addiction, and mental health services established pursuant to 2120
section 340.02 or 340.021 of the Revised Code and serving the 2121
alcohol, drug addiction, and mental health service district in 2122
which the court is located shall administer the indigent drivers 2123
alcohol treatment program of the court. When a court orders an 2124
offender or juvenile traffic offender to attend an alcohol and 2125
drug addiction treatment program, the board shall determine which 2126
program is suitable to meet the needs of the offender or juvenile 2127
traffic offender, and when a suitable program is located and space 2128
is available at the program, the offender or juvenile traffic 2129
offender shall attend the program designated by the board. A 2130
reasonable amount not to exceed five per cent of the amounts 2131

credited to and deposited into the county indigent drivers alcohol 2132
treatment fund, the county juvenile indigent drivers alcohol 2133
treatment fund, or the municipal indigent drivers alcohol 2134
treatment fund serving every court whose program is administered 2135
by that board shall be paid to the board to cover the costs it 2136
incurs in administering those indigent drivers alcohol treatment 2137
programs. 2138

In addition, a county, juvenile, or municipal court judge may 2139
use moneys in the county indigent drivers alcohol treatment fund, 2140
county juvenile indigent drivers alcohol treatment fund, or 2141
municipal indigent drivers alcohol treatment fund to pay for the 2142
continued use of an electronic continuous alcohol monitoring 2143
device by an offender or juvenile traffic offender, in conjunction 2144
with a treatment program approved by the department of alcohol and 2145
drug addiction services, when such use is determined clinically 2146
necessary by the treatment program and when the court determines 2147
that the offender or juvenile traffic offender is unable to pay 2148
all or part of the daily monitoring of the device. 2149

(4) ~~If a~~ A county, juvenile, or municipal court ~~determines,~~ 2150
~~in consultation with the alcohol and drug addiction services board~~ 2151
~~or the board of alcohol, drug addiction, and mental health~~ 2152
~~services established pursuant to section 340.02 or 340.021 of the~~ 2153
~~Revised Code and serving the alcohol, drug addiction, and mental~~ 2154
~~health district in which the court is located, that shall transmit~~ 2155
to the treasurer of state on or before the twentieth day of 2156
January each year, eighty per cent of the unencumbered balance of 2157
the funds in the county indigent drivers alcohol treatment fund, 2158
the county juvenile indigent drivers alcohol treatment fund, or 2159
the municipal indigent drivers alcohol treatment fund under the 2160
control of the court ~~are more than sufficient to satisfy the~~ 2161
~~purpose for which the fund was established, as specified in~~ 2162
~~divisions (H)(1) to (3) of this section, the court may declare a~~ 2163

~~surplus in the fund. If the court declares a surplus in the fund, 2164
the court may expend the amount of the surplus in the fund for: 2165~~

~~(a) Alcohol and drug abuse assessment and treatment of 2166
persons who are charged in the court with committing a criminal 2167
offense or with being a delinquent child or juvenile traffic 2168
offender and in relation to whom both of the following apply: 2169~~

~~(i) The court determines that substance abuse was a 2170
contributing factor leading to the criminal or delinquent activity 2171
or the juvenile traffic offense with which the person is charged. 2172~~

~~(ii) The court determines that the person is unable to pay 2173
the cost of the alcohol and drug abuse assessment and treatment 2174
for which the surplus money will be used. 2175~~

~~(b) All or part of the cost of purchasing electronic 2176
continuous alcohol monitoring devices to be used in conjunction 2177
with division (H)(3) of this section as of the thirty-first of 2178
December the preceding year. The treasurer of state shall deposit 2179
these funds to the credit of the indigent defense support fund 2180
established under section 120.08 of the Revised Code. 2181~~

Section 2. That existing sections 2949.091, 2949.111, 2182
4503.13, 4507.45, 4509.101, 4510.22, 4511.19, and 4511.191 of the 2183
Revised Code are hereby repealed. 2184

Section 3. Section 4503.13 of the Revised Code is presented 2185
in this act as a composite of the section as amended by Am. Sub. 2186
H.B. 490 of the 124th General Assembly and Am. Sub. H.B. 230 of 2187
the 125th General Assembly. The General Assembly, applying the 2188
principle stated in division (B) of section 1.52 of the Revised 2189
Code that amendments are to be harmonized if reasonably capable of 2190
simultaneous operation, finds that the composite is the resulting 2191
version of the section in effect prior to the effective date of 2192
the section as presented in this act. 2193