

As Concurred by the Senate

127th General Assembly

Regular Session

2007-2008

Am. Sub. S. B. No. 17

Senator Grendell

Cosponsors: Senators Harris, Gardner, Schuring, Schaffer, Mason, Carey, Cates, Cafaro, Fedor, Goodman, Jacobson, Mumper, Niehaus, Padgett, Roberts, Sawyer, Faber, Spada, Stivers, Wilson, Bocchieri, Morano, Buehrer, Wagoner, Austria

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A B I L L

To amend sections 1547.11, 1547.111, 1547.99,	1
2929.18, 2929.28, 2945.75, 4503.231, 4503.233,	2
4510.13, 4510.43, 4511.181, 4511.19, 4511.191,	3
4511.192, and 4511.203 and to enact sections	4
4503.235, 4510.45, 4510.46, 4511.198, and 5502.10	5
of the Revised Code to increase certain penalties	6
for repeat OVI offenders; to authorize a court to	7
issue a vehicle immobilization waiver order in	8
favor of specified family members of an OVI	9
offender; to specify that wrongful entrustment of	10
a motor vehicle applies when a vehicle is subject	11
to a vehicle immobilization order and a subject	12
person is prohibited from operating the vehicle;	13
to require a person with two prior applicable	14
convictions to submit upon request to a chemical	15

test under the vehicle or watercraft Implied 16
Consent Law; to require the consideration of 17
certain prior convictions in determining the 18
length of a refusal suspension under the vehicle 19
Implied Consent Law; to expand the list of 20
offenses that are "equivalent offenses" for 21
certain vehicle or watercraft OVI purposes; to 22
clarify the application of a qualified immunity to 23
persons who withdraw blood at the request of law 24
enforcement personnel pursuant to the Implied 25
Consent Law; to expand the circumstances when 26
evidence on the concentration of alcohol or drugs 27
of abuse in a bodily substance may be admitted in 28
a watercraft OVI case; to require the Department 29
of Public Safety to establish a state registry of 30
Ohio's habitual OVI/OMWI offenders and an Internet 31
database, both of which are public records, 32
containing information about persons who on or 33
after the act's effective date receive their fifth 34
or subsequent Ohio conviction within the preceding 35
twenty years for vehicle OVI or watercraft OMWI; 36
to revise the criteria for certification of 37
ignition interlock devices; to authorize a court 38
to impose as a financial sanction reimbursement of 39
the cost of immobilizing and disabling devices 40
required for limited driving privileges; and to 41
create the indigent drivers interlock and alcohol 42
monitoring fund. 43
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1547.11, 1547.111, 1547.99, 2929.18, 2929.28, 2945.75, 4503.231, 4503.233, 4510.13, 4510.43, 4511.181, 4511.19, 4511.191, 4511.192, and 4511.203 be amended and sections 4503.235, 4510.45, 4510.46, 4511.198, and 5502.10 of the Revised Code be enacted to read as follows:

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

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

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

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

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

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

(6) Except as provided in division (H) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

(a) The person has a concentration of amphetamine in the 75
person's urine of at least five hundred nanograms of amphetamine 76
per milliliter of the person's urine or has a concentration of 77
amphetamine in the person's whole blood or blood serum or plasma 78
of at least one hundred nanograms of amphetamine per milliliter of 79
the person's whole blood or blood serum or plasma. 80

(b) The person has a concentration of cocaine in the person's 81
urine of at least one hundred fifty nanograms of cocaine per 82
milliliter of the person's urine or has a concentration of cocaine 83
in the person's whole blood or blood serum or plasma of at least 84
fifty nanograms of cocaine per milliliter of the person's whole 85
blood or blood serum or plasma. 86

(c) The person has a concentration of cocaine metabolite in 87
the person's urine of at least one hundred fifty nanograms of 88
cocaine metabolite per milliliter of the person's urine or has a 89
concentration of cocaine metabolite in the person's whole blood or 90
blood serum or plasma of at least fifty nanograms of cocaine 91
metabolite per milliliter of the person's whole blood or blood 92
serum or plasma. 93

(d) The person has a concentration of heroin in the person's 94
urine of at least two thousand nanograms of heroin per milliliter 95
of the person's urine or has a concentration of heroin in the 96
person's whole blood or blood serum or plasma of at least fifty 97
nanograms of heroin per milliliter of the person's whole blood or 98
blood serum or plasma. 99

(e) The person has a concentration of heroin metabolite 100
(6-monoacetyl morphine) in the person's urine of at least ten 101
nanograms of heroin metabolite (6-monoacetyl morphine) per 102
milliliter of the person's urine or has a concentration of heroin 103
metabolite (6-monoacetyl morphine) in the person's whole blood or 104
blood serum or plasma of at least ten nanograms of heroin 105
metabolite (6-monoacetyl morphine) per milliliter of the person's 106

whole blood or blood serum or plasma. 107

(f) The person has a concentration of L.S.D. in the person's 108
urine of at least twenty-five nanograms of L.S.D. per milliliter 109
of the person's urine or has a concentration of L.S.D. in the 110
person's whole blood or blood serum or plasma of at least ten 111
nanograms of L.S.D. per milliliter of the person's whole blood or 112
blood serum or plasma. 113

(g) The person has a concentration of marihuana in the 114
person's urine of at least ten nanograms of marihuana per 115
milliliter of the person's urine or has a concentration of 116
marihuana in the person's whole blood or blood serum or plasma of 117
at least two nanograms of marihuana per milliliter of the person's 118
whole blood or blood serum or plasma. 119

(h) Either of the following applies: 120

(i) The person is under the influence of alcohol, a drug of 121
abuse, or a combination of them, and, as measured by gas 122
chromatography mass spectrometry, the person has a concentration 123
of marihuana metabolite in the person's urine of at least fifteen 124
nanograms of marihuana metabolite per milliliter of the person's 125
urine or has a concentration of marihuana metabolite in the 126
person's whole blood or blood serum or plasma of at least five 127
nanograms of marihuana metabolite per milliliter of the person's 128
whole blood or blood serum or plasma. 129

(ii) As measured by gas chromatography mass spectrometry, the 130
person has a concentration of marihuana metabolite in the person's 131
urine of at least thirty-five nanograms of marihuana metabolite 132
per milliliter of the person's urine or has a concentration of 133
marihuana metabolite in the person's whole blood or blood serum or 134
plasma of at least fifty nanograms of marihuana metabolite per 135
milliliter of the person's whole blood or blood serum or plasma. 136

(i) The person has a concentration of methamphetamine in the 137

person's urine of at least five hundred nanograms of 138
methamphetamine per milliliter of the person's urine or has a 139
concentration of methamphetamine in the person's whole blood or 140
blood serum or plasma of at least one hundred nanograms of 141
methamphetamine per milliliter of the person's whole blood or 142
blood serum or plasma. 143

(j) The person has a concentration of phencyclidine in the 144
person's urine of at least twenty-five nanograms of phencyclidine 145
per milliliter of the person's urine or has a concentration of 146
phencyclidine in the person's whole blood or blood serum or plasma 147
of at least ten nanograms of phencyclidine per milliliter of the 148
person's whole blood or blood serum or plasma. 149

(B) No person under twenty-one years of age shall operate or 150
be in physical control of any vessel underway or shall manipulate 151
any water skis, aquaplane, or similar device on the waters in this 152
state if, at the time of the operation, control, or manipulation, 153
any of the following applies: 154

(1) The person has a concentration of at least two-hundredths 155
of one per cent, but less than eight-hundredths of one per cent by 156
weight per unit volume of alcohol in the person's whole blood. 157

(2) The person has a concentration of at least 158
three-hundredths of one per cent but less than 159
ninety-six-thousandths of one per cent by weight per unit volume 160
of alcohol in the person's blood serum or plasma. 161

(3) The person has a concentration of at least twenty-eight 162
one-thousandths of one gram, but less than eleven-hundredths of 163
one gram by weight of alcohol per one hundred milliliters of the 164
person's urine. 165

(4) The person has a concentration of at least two-hundredths 166
of one gram, but less than eight-hundredths of one gram by weight 167
of alcohol per two hundred ten liters of the person's breath. 168

(C) In any proceeding arising out of one incident, a person 169
may be charged with a violation of division (A)(1) and a violation 170
of division (B)(1), (2), (3), or (4) of this section, but the 171
person shall not be convicted of more than one violation of those 172
divisions. 173

(D)(1)(a) In any criminal prosecution or juvenile court 174
proceeding for a violation of division (A) or (B) of this section 175
or for an equivalent offense that is watercraft-related, the 176
result of any test of any blood or urine withdrawn and analyzed at 177
any health care provider, as defined in section 2317.02 of the 178
Revised Code, may be admitted with expert testimony to be 179
considered with any other relevant and competent evidence in 180
determining the guilt or innocence of the defendant. 181

(b) In any criminal prosecution or juvenile court proceeding 182
for a violation of division (A) or (B) of this section or for an 183
equivalent ~~violation~~ offense that is watercraft-related, the court 184
may admit evidence on the concentration of alcohol, drugs of 185
abuse, controlled substances, metabolites of a controlled 186
substance, or a combination of them in the defendant's or child's 187
whole blood, blood serum or plasma, urine, or breath at the time 188
of the alleged violation as shown by chemical analysis of the 189
substance withdrawn, or specimen taken within three hours of the 190
time of the alleged violation. The three-hour time limit specified 191
in this division regarding the admission of evidence does not 192
extend or affect the two-hour time limit specified in division (C) 193
of section 1547.111 of the Revised Code as the maximum period of 194
time during which a person may consent to a chemical test or tests 195
as described in that section. The court may admit evidence on the 196
concentration of alcohol, drugs of abuse, or a combination of them 197
as described in this division when 198

When a person submits to a blood, breath, urine, or other 199
bodily substance test, only at the request of a law enforcement 200

officer under section 1547.111 of the Revised Code or a blood or 201
urine sample is obtained pursuant to a search warrant. Only a 202
physician, a registered nurse, or a qualified technician, chemist, 203
or phlebotomist shall withdraw blood for the purpose of 204
determining the alcohol, drug, controlled substance, metabolite of 205
a controlled substance, or combination content of the whole blood, 206
blood serum, or blood plasma. This limitation does not apply to 207
the taking of breath or urine specimens. A person authorized to 208
withdraw blood under this division may refuse to withdraw blood 209
under this division if, in that person's opinion, the physical 210
welfare of the defendant or child would be endangered by 211
withdrawing blood. 212

The whole blood, blood serum or plasma, urine, or breath 213
withdrawn under division (D)(1)(b) of this section shall be 214
analyzed in accordance with methods approved by the director of 215
health by an individual possessing a valid permit issued by the 216
director pursuant to section 3701.143 of the Revised Code. 217

(2) In a criminal prosecution or juvenile court proceeding 218
for a violation of division (A) of this section or for ~~a violation~~ 219
~~of a prohibition that is substantially an equivalent to division~~ 220
~~(A) of this section~~ offense that is watercraft-related, if there 221
was at the time the bodily substance was taken a concentration of 222
less than the applicable concentration of alcohol specified for a 223
violation of division (A)(2), (3), (4), or (5) of this section or 224
less than the applicable concentration of a listed controlled 225
substance or a listed metabolite of a controlled substance 226
specified for a violation of division (A)(6) of this section, that 227
fact may be considered with other competent evidence in 228
determining the guilt or innocence of the defendant or in making 229
an adjudication for the child. This division does not limit or 230
affect a criminal prosecution or juvenile court proceeding for a 231
violation of division (B) of this section or for a violation of a 232

prohibition that is substantially equivalent to that division. 233

(3) Upon the request of the person who was tested, the 234
results of the chemical test shall be made available to the person 235
or the person's attorney immediately upon completion of the test 236
analysis. 237

~~The~~ If the chemical test was administered pursuant to 238
division (D)(1)(b) of this section, the person tested may have a 239
physician, a registered nurse, or a qualified technician, chemist, 240
or phlebotomist of the person's own choosing administer a chemical 241
test or tests in addition to any administered at the direction of 242
a law enforcement officer, and shall be so advised. The failure or 243
inability to obtain an additional test by a person shall not 244
preclude the admission of evidence relating to the test or tests 245
taken at the direction of a law enforcement officer. 246

(E)(1) In any criminal prosecution or juvenile court 247
proceeding for a violation of division (A) or (B) of this section 248
~~or for an equivalent violation, of a municipal ordinance relating~~ 249
~~to operating or being in physical control of any vessel underway~~ 250
~~or to manipulating any water skis, aquaplane, or similar device on~~ 251
~~the waters of this state while under the influence of alcohol, a~~ 252
~~drug of abuse, or a combination of them, or of a municipal~~ 253
~~ordinance relating to operating or being in physical control of~~ 254
~~any vessel underway or to manipulating any water skis, aquaplane,~~ 255
~~or similar device on the waters of this state with a prohibited~~ 256
~~concentration of alcohol, a controlled substance, or a metabolite~~ 257
~~of a controlled substance in the whole blood, blood serum or~~ 258
~~plasma, breath, or urine,~~ if a law enforcement officer has 259
administered a field sobriety test to the operator or person found 260
to be in physical control of the vessel underway involved in the 261
violation or the person manipulating the water skis, aquaplane, or 262
similar device involved in the violation and if it is shown by 263
clear and convincing evidence that the officer administered the 264

test in substantial compliance with the testing standards for 265
reliable, credible, and generally accepted field sobriety tests 266
for vehicles that were in effect at the time the tests were 267
administered, including, but not limited to, any testing standards 268
then in effect that have been set by the national highway traffic 269
safety administration, that by their nature are not clearly 270
inapplicable regarding the operation or physical control of 271
vessels underway or the manipulation of water skis, aquaplanes, or 272
similar devices, all of the following apply: 273

(a) The officer may testify concerning the results of the 274
field sobriety test so administered. 275

(b) The prosecution may introduce the results of the field 276
sobriety test so administered as evidence in any proceedings in 277
the criminal prosecution or juvenile court proceeding. 278

(c) If testimony is presented or evidence is introduced under 279
division (E)(1)(a) or (b) of this section and if the testimony or 280
evidence is admissible under the Rules of Evidence, the court 281
shall admit the testimony or evidence, and the trier of fact shall 282
give it whatever weight the trier of fact considers to be 283
appropriate. 284

(2) Division (E)(1) of this section does not limit or 285
preclude a court, in its determination of whether the arrest of a 286
person was supported by probable cause or its determination of any 287
other matter in a criminal prosecution or juvenile court 288
proceeding of a type described in that division, from considering 289
evidence or testimony that is not otherwise disallowed by division 290
(E)(1) of this section. 291

(F)(1) Subject to division (F)(3) of this section, in any 292
criminal prosecution or juvenile court proceeding for a violation 293
of division (A) or (B) of this section or for an equivalent 294
violation offense that is substantially equivalent to either of 295

those divisions, the court shall admit as prima-facie evidence a 296
laboratory report from any laboratory personnel issued a permit by 297
the department of health authorizing an analysis as described in 298
this division that contains an analysis of the whole blood, blood 299
serum or plasma, breath, urine, or other bodily substance tested 300
and that contains all of the information specified in this 301
division. The laboratory report shall contain all of the 302
following: 303

(a) The signature, under oath, of any person who performed 304
the analysis; 305

(b) Any findings as to the identity and quantity of alcohol, 306
a drug of abuse, a controlled substance, a metabolite of a 307
controlled substance, or a combination of them that was found; 308

(c) A copy of a notarized statement by the laboratory 309
director or a designee of the director that contains the name of 310
each certified analyst or test performer involved with the report, 311
the analyst's or test performer's employment relationship with the 312
laboratory that issued the report, and a notation that performing 313
an analysis of the type involved is part of the analyst's or test 314
performer's regular duties; 315

(d) An outline of the analyst's or test performer's 316
education, training, and experience in performing the type of 317
analysis involved and a certification that the laboratory 318
satisfies appropriate quality control standards in general and, in 319
this particular analysis, under rules of the department of health. 320

(2) Notwithstanding any other provision of law regarding the 321
admission of evidence, a report of the type described in division 322
(F)(1) of this section is not admissible against the defendant or 323
child to whom it pertains in any proceeding, other than a 324
preliminary hearing or a grand jury proceeding, unless the 325
prosecutor has served a copy of the report on the defendant's or 326

child's attorney or, if the defendant or child has no attorney, on 327
the defendant or child. 328

(3) A report of the type described in division (F)(1) of this 329
section shall not be prima-facie evidence of the contents, 330
identity, or amount of any substance if, within seven days after 331
the defendant or child to whom the report pertains or the 332
defendant's or child's attorney receives a copy of the report, the 333
defendant or child or the defendant's or child's attorney demands 334
the testimony of the person who signed the report. The judge in 335
the case may extend the seven-day time limit in the interest of 336
justice. 337

(G) Except as otherwise provided in this division, any 338
physician, registered nurse, or qualified technician, chemist, or 339
phlebotomist who withdraws blood from a person pursuant to this 340
section or section 1547.111 of the Revised Code, and a hospital, 341
first-aid station, or clinic at which blood is withdrawn from a 342
person pursuant to this section or section 1547.111 of the Revised 343
Code, is immune from criminal and civil liability based upon a 344
claim of assault and battery or any other claim that is not a 345
claim of malpractice, for any act performed in withdrawing blood 346
from the person. The immunity provided in this division is not 347
available to a person who withdraws blood if the person engages in 348
willful or wanton misconduct. 349

(H) Division (A)(6) of this section does not apply to a 350
person who operates or is in physical control of a vessel underway 351
or manipulates any water skis, aquaplane, or similar device while 352
the person has a concentration of a listed controlled substance or 353
a listed metabolite of a controlled substance in the person's 354
whole blood, blood serum or plasma, or urine that equals or 355
exceeds the amount specified in that division, if both of the 356
following apply: 357

(1) The person obtained the controlled substance pursuant to 358

a prescription issued by a licensed health professional authorized 359
to prescribe drugs. 360

(2) The person injected, ingested, or inhaled the controlled 361
substance in accordance with the health professional's directions. 362

(I) As used in this section and section 1547.111 of the 363
Revised Code: 364

(1) "Equivalent ~~violation offense~~" means a violation of a 365
municipal ordinance, law of another state, or law of the United 366
States that is substantially equivalent to division (A) or (B) of 367
this section has the same meaning as in section 4511.181 of the 368
Revised Code. 369

(2) "National highway traffic safety administration" has the 370
same meaning as in section 4511.19 of the Revised Code. 371

(3) "Operate" means that a vessel is being used on the waters 372
in this state when the vessel is not securely affixed to a dock or 373
to shore or to any permanent structure to which the vessel has the 374
right to affix or that a vessel is not anchored in a designated 375
anchorage area or boat camping area that is established by the 376
United States coast guard, this state, or a political subdivision 377
and in which the vessel has the right to anchor. 378

(4) "Controlled substance" and "marihuana" have the same 379
meanings as in section 3719.01 of the Revised Code. 380

(5) "Cocaine" and "L.S.D." have the same meanings as in 381
section 2925.01 of the Revised Code. 382

(6) "Equivalent offense that is watercraft-related" means an 383
equivalent offense that is one of the following: 384

(a) A violation of division (A) or (B) of this section; 385

(b) A violation of a municipal ordinance prohibiting a person 386
from operating or being in physical control of any vessel underway 387
or from manipulating any water skis, aquaplane, or similar device 388

on the waters of this state while under the influence of alcohol, 389
a drug of abuse, or a combination of them or prohibiting a person 390
from operating or being in physical control of any vessel underway 391
or from manipulating any water skis, aquaplane, or similar device 392
on the waters of this state with a prohibited concentration of 393
alcohol, a controlled substance, or a metabolite of a controlled 394
substance in the whole blood, blood serum or plasma, breath, or 395
urine; 396

(c) A violation of an existing or former municipal ordinance, 397
law of another state, or law of the United States that is 398
substantially equivalent to division (A) or (B) of this section; 399

(d) A violation of a former law of this state that was 400
substantially equivalent to division (A) or (B) of this section. 401

Sec. 1547.111. (A)(1)(a) Any person who operates or is in 402
physical control of a vessel or manipulates any water skis, 403
aquaplane, or similar device upon any waters in this state shall 404
be deemed to have given consent to a chemical test or tests to 405
determine the alcohol, drug of abuse, controlled substance, 406
metabolite of a controlled substance, or combination content of 407
the person's whole blood, blood serum or plasma, breath, or urine 408
if arrested for operating or being in physical control of a vessel 409
or manipulating any water skis, aquaplane, or similar device in 410
violation of section 1547.11 of the Revised Code or a 411
substantially equivalent municipal ordinance. 412

~~(2)~~(b) The test or tests under division (A)(1) of this 413
section shall be administered at the ~~direction~~ request of a law 414
enforcement officer having reasonable grounds to believe the 415
person was operating or in physical control of a vessel or 416
manipulating any water skis, aquaplane, or similar device in 417
violation of section 1547.11 of the Revised Code or a 418
substantially equivalent municipal ordinance. The law enforcement 419

agency by which the officer is employed shall designate which test 420
or tests shall be administered. 421

~~(B)~~(2) Any person who is dead or unconscious or who otherwise 422
is in a condition rendering the person incapable of refusal shall 423
be deemed to have consented as provided in division (A)(1) of this 424
section, and the test or tests may be administered, subject to 425
sections 313.12 to 313.16 of the Revised Code. 426

(B)(1) If a law enforcement officer arrests a person for 427
operating or being in physical control of a vessel or manipulating 428
any water skis, aquaplane, or similar device in violation of 429
section 1547.11 of the Revised Code or a substantially equivalent 430
municipal ordinance and if the person previously has been 431
convicted of or pleaded guilty to two or more violations of 432
section 1547.11 of the Revised Code or other equivalent offenses, 433
the law enforcement officer shall request the person to submit, 434
and the person shall submit, to a chemical test or tests of the 435
person's whole blood, blood serum or plasma, breath, or urine for 436
the purpose of determining the alcohol, drug of abuse, controlled 437
substance, metabolite of a controlled substance, or combination 438
content of the person's whole blood, blood serum or plasma, 439
breath, or urine. A law enforcement officer who makes a request 440
pursuant to this division that a person submit to a chemical test 441
or tests shall advise the person at the time of the arrest that if 442
the person refuses to take a chemical test the officer may employ 443
whatever reasonable means are necessary to ensure that the person 444
submits to a chemical test of the person's whole blood or blood 445
serum or plasma. The officer shall also advise the person at the 446
time of the arrest that the person may have an independent 447
chemical test taken at the person's own expense. The advice shall 448
be in written form prescribed by the chief of the division of 449
watercraft and shall be read to the person. The form shall contain 450
a statement that the form was shown to the person under arrest and 451

read to the person by the arresting officer. The reading of the 452
form shall be witnessed by one or more persons, and the witnesses 453
shall certify to this fact by signing the form. Divisions 454
(A)(1)(b) and (A)(2) of this section apply to the administration 455
of a chemical test or tests pursuant to this division. 456

(2) If a person refuses to submit to a chemical test upon a 457
request made pursuant to division (B)(1) of this section, the law 458
enforcement officer who made the request may employ whatever 459
reasonable means are necessary to ensure that the person submits 460
to a chemical test of the person's whole blood or blood serum or 461
plasma. A law enforcement officer who acts pursuant to this 462
division to ensure that a person submits to a chemical test of the 463
person's whole blood or blood serum or plasma is immune from 464
criminal and civil liability based upon a claim for assault and 465
battery or any other claim for the acts, unless the officer so 466
acted with malicious purpose, in bad faith, or in a wanton or 467
reckless manner. 468

(C) Any person under arrest for violating section 1547.11 of 469
the Revised Code or a substantially equivalent municipal ordinance 470
shall be advised of the consequences of refusing to submit to a 471
chemical test or tests designated as provided in division (A) of 472
this section. The advice shall be in a written form prescribed by 473
the chief of the division of watercraft and shall be read to the 474
person. The form shall contain a statement that the form was shown 475
to the person under arrest and read to the person by the arresting 476
officer. The reading of the form shall be witnessed by one or more 477
persons, and the witnesses shall certify to this fact by signing 478
the form. The person must submit to the chemical test or tests, 479
subsequent to the request of the arresting officer, within two 480
hours of the time of the alleged violation, and if the person does 481
not submit to the test or tests within that two-hour time limit, 482
the failure to submit automatically constitutes a refusal to 483

submit to the test or tests. 484
485

(D) If a law enforcement officer asks a person under arrest 486
for violating section 1547.11 of the Revised Code or a 487
substantially equivalent municipal ordinance to submit to a 488
chemical test or tests as provided in division (A) of this 489
section, if the arresting officer advises the person of the 490
consequences of the person's refusal as provided in division (C) 491
of this section, and if the person refuses to submit, no chemical 492
test shall be given. Upon receipt of a sworn statement of the 493
officer that the arresting law enforcement officer had reasonable 494
grounds to believe the arrested person violated section 1547.11 of 495
the Revised Code or a substantially equivalent municipal ordinance 496
and that the person refused to submit to the chemical test upon 497
the request of the officer, and upon receipt of the form as 498
provided in division (C) of this section certifying that the 499
arrested person was advised of the consequences of the refusal, 500
the chief of the division of watercraft shall inform the person by 501
written notice that the person is prohibited from operating or 502
being in physical control of a vessel, from manipulating any water 503
skis, aquaplane, or similar device, and from registering any 504
watercraft in accordance with section 1547.54 of the Revised Code, 505
for one year following the date of the alleged violation. The 506
suspension of these operation, physical control, manipulation, and 507
registration privileges shall continue for the entire one-year 508
period, subject to review as provided in this section. 509

510

If the person under arrest is the owner of the vessel 511
involved in the alleged violation, the law enforcement officer who 512
arrested the person shall seize the watercraft registration 513
certificate and tags from the vessel involved in the violation and 514
forward them to the chief. The chief shall retain the impounded 515

registration certificate and tags and shall impound all other 516
registration certificates and tags issued to the person in 517
accordance with sections 1547.54 and 1547.57 of the Revised Code, 518
for a period of one year following the date of the alleged 519
violation, subject to review as provided in this section. 520

If the arrested person fails to surrender the registration 521
certificate because it is not on the person of the arrested person 522
or in the watercraft, the law enforcement officer who made the 523
arrest shall order the person to surrender it within twenty-four 524
hours to the law enforcement officer or the law enforcement agency 525
that employs the law enforcement officer. If the person fails to 526
do so, the law enforcement officer shall notify the chief of that 527
fact in the statement the officer submits to the chief under this 528
division. 529

(E) Upon suspending a person's operation, physical control, 530
manipulation, and registration privileges in accordance with 531
division (D) of this section, the chief shall notify the person in 532
writing, at the person's last known address, and inform the person 533
that the person may petition for a hearing in accordance with 534
division (F) of this section. If a person whose operation, 535
physical control, manipulation, and registration privileges have 536
been suspended petitions for a hearing or appeals any adverse 537
decision, the suspension shall begin at the termination of any 538
hearing or appeal unless the hearing or appeal results in a 539
decision favorable to the person. 540

(F) Any person who has been notified by the chief that the 541
person is prohibited from operating or being in physical control 542
of a vessel or manipulating any water skis, aquaplane, or similar 543
device and from registering any watercraft in accordance with 544
section 1547.54 of the Revised Code, or who has had the 545
registration certificate and tags of the person's watercraft 546
impounded pursuant to division (D) of this section, within twenty 547

days of the notification or impoundment, may file a petition in 548
the municipal court or the county court, or if the person is a 549
minor in juvenile court, with jurisdiction over the place at which 550
the arrest occurred, agreeing to pay the cost of the proceedings 551
and alleging error in the action taken by the chief under division 552
(D) of this section or alleging one or more of the matters within 553
the scope of the hearing as provided in this section, or both. The 554
petitioner shall notify the chief of the filing of the petition 555
and send the chief a copy of the petition. 556

The scope of the hearing is limited to the issues of whether 557
the law enforcement officer had reasonable grounds to believe the 558
petitioner was operating or in physical control of a vessel or 559
manipulating any water skis, aquaplane, or similar device in 560
violation of section 1547.11 of the Revised Code or a 561
substantially equivalent municipal ordinance, whether the 562
petitioner was placed under arrest, whether the petitioner refused 563
to submit to the chemical test upon request of the officer, and 564
whether the petitioner was advised of the consequences of the 565
petitioner's refusal. 566

(G)(1) The chief shall furnish the court a copy of the 567
affidavit as provided in division (C) of this section and any 568
other relevant information requested by the court. 569

(2) In hearing the matter and in determining whether the 570
person has shown error in the decision taken by the chief as 571
provided in division (D) of this section, the court shall decide 572
the issue upon the relevant, competent, and material evidence 573
submitted by the chief or the person whose operation, physical 574
control, manipulation, and registration privileges have been 575
suspended. 576

In the proceedings, the chief shall be represented by the 577
prosecuting attorney of the county in which the petition is filed 578
if the petition is filed in a county court or juvenile court, 579

except that if the arrest occurred within a city or village within 580
the jurisdiction of the county court in which the petition is 581
filed, the city director of law or village solicitor of that city 582
or village shall represent the chief. If the petition is filed in 583
the municipal court, the chief shall be represented as provided in 584
section 1901.34 of the Revised Code. 585

(3) If the court finds from the evidence submitted that the 586
person has failed to show error in the action taken by the chief 587
under division (D) of this section or in one or more of the 588
matters within the scope of the hearing as provided in division 589
(F) of this section, or both, the court shall assess the cost of 590
the proceeding against the person and shall uphold the suspension 591
of the operation, physical control, use, and registration 592
privileges provided in division (D) of this section. If the court 593
finds that the person has shown error in the action taken by the 594
chief under division (D) of this section or in one or more of the 595
matters within the scope of the hearing as provided in division 596
(F) of this section, or both, the cost of the proceedings shall be 597
paid out of the county treasury of the county in which the 598
proceedings were held, the chief shall reinstate the operation, 599
physical control, manipulation, and registration privileges of the 600
person without charge, and the chief shall return the registration 601
certificate and tags, if impounded, without charge. 602

(4) The court shall give information in writing of any action 603
taken under this section to the chief. 604

(H) At the end of any period of suspension or impoundment 605
imposed under this section, and upon request of the person whose 606
operation, physical control, use, and registration privileges were 607
suspended or whose registration certificate and tags were 608
impounded, the chief shall reinstate the person's operation, 609
physical control, manipulation, and registration privileges by 610
written notice and return the certificate and tags. 611

(I) No person who has received written notice from the chief 612
that the person is prohibited from operating or being in physical 613
control of a vessel, from manipulating any water skis, aquaplane, 614
or similar device, and from registering a watercraft, or who has 615
had the registration certificate and tags of the person's 616
watercraft impounded, in accordance with division (D) of this 617
section, shall operate or be in physical control of a vessel or 618
manipulate any water skis, aquaplane, or similar device for a 619
period of one year following the date of the person's alleged 620
violation of section 1547.11 of the Revised Code or the 621
substantially equivalent municipal ordinance. 622

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 623
Revised Code is guilty of a felony of the fourth degree. 624

(B) Whoever violates division (F) of section 1547.08, section 625
1547.10, division (I) of section 1547.111, section 1547.13, or 626
section 1547.66 of the Revised Code is guilty of a misdemeanor of 627
the first degree. 628

(C) Whoever violates a provision of this chapter or a rule 629
adopted thereunder, for which no penalty is otherwise provided, is 630
guilty of a minor misdemeanor. 631

(D) Whoever violates section 1547.07 or 1547.12 of the 632
Revised Code without causing injury to persons or damage to 633
property is guilty of a misdemeanor of the fourth degree. 634

(E) Whoever violates section 1547.07 or 1547.12 of the 635
Revised Code causing injury to persons or damage to property is 636
guilty of a misdemeanor of the third degree. 637

(F) Whoever violates division (M) of section 1547.54, 638
division (G) of section 1547.30, or section 1547.131, 1547.25, 639
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 640
of the Revised Code or a rule adopted under division (A)(2) of 641

section 1547.52 of the Revised Code is guilty of a misdemeanor of 642
the fourth degree. 643

(G) Whoever violates section 1547.11 of the Revised Code is 644
guilty of a misdemeanor of the first degree and shall be punished 645
as provided in division (G)(1), (2), or (3) of this section. 646

(1) Except as otherwise provided in division (G)(2) or (3) of 647
this section, the court shall sentence the offender to a jail term 648
of three consecutive days and may sentence the offender pursuant 649
to section 2929.24 of the Revised Code to a longer jail term. In 650
addition, the court shall impose upon the offender a fine of not 651
less than one hundred fifty nor more than one thousand dollars. 652

The court may suspend the execution of the mandatory jail 653
term of three consecutive days that it is required to impose by 654
division (G)(1) of this section if the court, in lieu of the 655
suspended jail term, places the offender under a community control 656
sanction pursuant to section 2929.25 of the Revised Code and 657
requires the offender to attend, for three consecutive days, a 658
drivers' intervention program that is certified pursuant to 659
section 3793.10 of the Revised Code. The court also may suspend 660
the execution of any part of the mandatory jail term of three 661
consecutive days that it is required to impose by division (G)(1) 662
of this section if the court places the offender under a community 663
control sanction pursuant to section 2929.25 of the Revised Code 664
for part of the three consecutive days; requires the offender to 665
attend, for that part of the three consecutive days, a drivers' 666
intervention program that is certified pursuant to section 3793.10 667
of the Revised Code; and sentences the offender to a jail term 668
equal to the remainder of the three consecutive days that the 669
offender does not spend attending the drivers' intervention 670
program. The court may require the offender, as a condition of 671
community control, to attend and satisfactorily complete any 672
treatment or education programs, in addition to the required 673

attendance at a drivers' intervention program, that the operators 674
of the drivers' intervention program determine that the offender 675
should attend and to report periodically to the court on the 676
offender's progress in the programs. The court also may impose any 677
other conditions of community control on the offender that it 678
considers necessary. 679

(2) If, within six years of the offense, the offender has 680
been convicted of or pleaded guilty to one violation of section 681
1547.11 of the Revised Code, ~~of a municipal ordinance relating to~~ 682
~~operating a watercraft or manipulating any water skis, aquaplane,~~ 683
~~or similar device while under the influence of alcohol, a drug of~~ 684
~~abuse, or a combination of them, of a municipal ordinance relating~~ 685
~~to operating a watercraft or manipulating any water skis,~~ 686
~~aquaplane, or similar device with a prohibited concentration of~~ 687
~~alcohol, a controlled substance, or a metabolite of a controlled~~ 688
~~substance in the whole blood, blood serum or plasma, breath, or~~ 689
~~urine, of division (A)(1) of section 2903.06 of the Revised Code,~~ 690
~~or of division (A)(2), (3), or (4) of section 2903.06 of the~~ 691
~~Revised Code or section 2903.06 or 2903.07 of the Revised Code as~~ 692
~~they existed prior to March 23, 2000, in a case in which the jury~~ 693
~~or judge found that the offender was under the influence of~~ 694
~~alcohol, a drug of abuse, or a combination of them~~ or one other 695
equivalent offense, the court shall sentence the offender to a 696
jail term of ten consecutive days and may sentence the offender 697
pursuant to section 2929.24 of the Revised Code to a longer jail 698
term. In addition, the court shall impose upon the offender a fine 699
of not less than one hundred fifty nor more than one thousand 700
dollars. 701

In addition to any other sentence that it imposes upon the 702
offender, the court may require the offender to attend a drivers' 703
intervention program that is certified pursuant to section 3793.10 704
of the Revised Code. 705

(3) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to more than one violation or
offense identified in division (G)(2) of this section, the court
shall sentence the offender to a jail term of thirty consecutive
days and may sentence the offender to a longer jail term of not
more than one year. In addition, the court shall impose upon the
offender a fine of not less than one hundred fifty nor more than
one thousand dollars.

In addition to any other sentence that it imposes upon the
offender, the court may require the offender to attend a drivers'
intervention program that is certified pursuant to section 3793.10
of the Revised Code.

(4) Upon a showing that serving a jail term would seriously
affect the ability of an offender sentenced pursuant to division
(G)(1), (2), or (3) of this section to continue the offender's
employment, the court may authorize that the offender be granted
work release after the offender has served the mandatory jail term
of three, ten, or thirty consecutive days that the court is
required by division (G)(1), (2), or (3) of this section to
impose. No court shall authorize work release during the mandatory
jail term of three, ten, or thirty consecutive days that the court
is required by division (G)(1), (2), or (3) of this section to
impose. The duration of the work release shall not exceed the time
necessary each day for the offender to commute to and from the
place of employment and the place in which the jail term is served
and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that
authorizes the suspension of the imposition or execution of a
sentence or the placement of an offender in any treatment program
in lieu of being imprisoned or serving a jail term, no court shall
suspend the mandatory jail term of ten or thirty consecutive days
required to be imposed by division (G)(2) or (3) of this section

or place an offender who is sentenced pursuant to division (G)(2) 738
or (3) of this section in any treatment program in lieu of being 739
imprisoned or serving a jail term until after the offender has 740
served the mandatory jail term of ten or thirty consecutive days 741
required to be imposed pursuant to division (G)(2) or (3) of this 742
section. Notwithstanding any section of the Revised Code that 743
authorizes the suspension of the imposition or execution of a 744
sentence or the placement of an offender in any treatment program 745
in lieu of being imprisoned or serving a jail term, no court, 746
except as specifically authorized by division (G)(1) of this 747
section, shall suspend the mandatory jail term of three 748
consecutive days required to be imposed by division (G)(1) of this 749
section or place an offender who is sentenced pursuant to division 750
(G)(1) of this section in any treatment program in lieu of 751
imprisonment until after the offender has served the mandatory 752
jail term of three consecutive days required to be imposed 753
pursuant to division (G)(1) of this section. 754

(6) As used in division (G) of this section, ~~"jail":~~ 755

(a) "Equivalent offense" has the same meaning as in section 756
4511.181 of the Revised Code. 757

(b) "Jail term" and "mandatory jail term" have the same 758
meanings as in section 2929.01 of the Revised Code. 759

(H) Whoever violates section 1547.304 of the Revised Code is 760
guilty of a misdemeanor of the fourth degree and also shall be 761
assessed any costs incurred by the state or a county, township, 762
municipal corporation, or other political subdivision in disposing 763
of an abandoned junk vessel or outboard motor, less any money 764
accruing to the state, county, township, municipal corporation, or 765
other political subdivision from that disposal. 766

(I) Whoever violates division (B) or (C) of section 1547.49 767
of the Revised Code is guilty of a minor misdemeanor. 768

(J) Whoever violates section 1547.31 of the Revised Code is 769
guilty of a misdemeanor of the fourth degree on a first offense. 770
On each subsequent offense, the person is guilty of a misdemeanor 771
of the third degree. 772

(K) Whoever violates section 1547.05 or 1547.051 of the 773
Revised Code is guilty of a misdemeanor of the fourth degree if 774
the violation is not related to a collision, injury to a person, 775
or damage to property and a misdemeanor of the third degree if the 776
violation is related to a collision, injury to a person, or damage 777
to property. 778

(L) The sentencing court, in addition to the penalty provided 779
under this section for a violation of this chapter or a rule 780
adopted under it that involves a powercraft powered by more than 781
ten horsepower and that, in the opinion of the court, involves a 782
threat to the safety of persons or property, shall order the 783
offender to complete successfully a boating course approved by the 784
national association of state boating law administrators before 785
the offender is allowed to operate a powercraft powered by more 786
than ten horsepower on the waters in this state. Violation of a 787
court order entered under this division is punishable as contempt 788
under Chapter 2705. of the Revised Code. 789

Sec. 2929.18. (A) Except as otherwise provided in this 790
division and in addition to imposing court costs pursuant to 791
section 2947.23 of the Revised Code, the court imposing a sentence 792
upon an offender for a felony may sentence the offender to any 793
financial sanction or combination of financial sanctions 794
authorized under this section or, in the circumstances specified 795
in section 2929.32 of the Revised Code, may impose upon the 796
offender a fine in accordance with that section. Financial 797
sanctions that may be imposed pursuant to this section include, 798
but are not limited to, the following: 799

(1) Restitution by the offender to the victim of the 800
offender's crime or any survivor of the victim, in an amount based 801
on the victim's economic loss. If the court imposes restitution, 802
the court shall order that the restitution be made to the victim 803
in open court, to the adult probation department that serves the 804
county on behalf of the victim, to the clerk of courts, or to 805
another agency designated by the court. If the court imposes 806
restitution, at sentencing, the court shall determine the amount 807
of restitution to be made by the offender. If the court imposes 808
restitution, the court may base the amount of restitution it 809
orders on an amount recommended by the victim, the offender, a 810
presentence investigation report, estimates or receipts indicating 811
the cost of repairing or replacing property, and other 812
information, provided that the amount the court orders as 813
restitution shall not exceed the amount of the economic loss 814
suffered by the victim as a direct and proximate result of the 815
commission of the offense. If the court decides to impose 816
restitution, the court shall hold a hearing on restitution if the 817
offender, victim, or survivor disputes the amount. All restitution 818
payments shall be credited against any recovery of economic loss 819
in a civil action brought by the victim or any survivor of the 820
victim against the offender. 821

If the court imposes restitution, the court may order that 822
the offender pay a surcharge of not more than five per cent of the 823
amount of the restitution otherwise ordered to the entity 824
responsible for collecting and processing restitution payments. 825

The victim or survivor may request that the prosecutor in the 826
case file a motion, or the offender may file a motion, for 827
modification of the payment terms of any restitution ordered. If 828
the court grants the motion, it may modify the payment terms as it 829
determines appropriate. 830

(2) Except as provided in division (B)(1), (3), or (4) of 831

this section, a fine payable by the offender to the state, to a political subdivision, or as described in division (B)(2) of this section to one or more law enforcement agencies, with the amount of the fine based on a standard percentage of the offender's daily income over a period of time determined by the court and based upon the seriousness of the offense. A fine ordered under this division shall not exceed the maximum conventional fine amount authorized for the level of the offense under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of the Revised Code.

(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:

(i) All or part of the costs of implementing any community

control sanction, including a supervision fee under section 862
2951.021 of the Revised Code; 863

(ii) All or part of the costs of confinement under a sanction 864
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 865
Revised Code, provided that the amount of reimbursement ordered 866
under this division shall not exceed the total amount of 867
reimbursement the offender is able to pay as determined at a 868
hearing and shall not exceed the actual cost of the confinement; 869

(iii) All or part of the cost of purchasing and using an 870
immobilizing or disabling device, including a certified ignition 871
interlock device, or a remote alcohol monitoring device that a 872
court orders an offender to use under section 4510.13 of the 873
Revised Code. 874

(b) If the offender is sentenced to a sanction of confinement 875
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 876
to be served in a facility operated by a board of county 877
commissioners, a legislative authority of a municipal corporation, 878
or another local governmental entity, if, pursuant to section 879
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 880
or 2947.19 of the Revised Code and section 2929.37 of the Revised 881
Code, the board, legislative authority, or other local 882
governmental entity requires prisoners to reimburse the county, 883
municipal corporation, or other entity for its expenses incurred 884
by reason of the prisoner's confinement, and if the court does not 885
impose a financial sanction under division (A)(5)(a)(ii) of this 886
section, confinement costs may be assessed pursuant to section 887
2929.37 of the Revised Code. In addition, the offender may be 888
required to pay the fees specified in section 2929.38 of the 889
Revised Code in accordance with that section. 890

(c) Reimbursement by the offender for costs pursuant to 891
section 2929.71 of the Revised Code. 892

(B)(1) For a first, second, or third degree felony violation 893
of any provision of Chapter 2925., 3719., or 4729. of the Revised 894
Code, the sentencing court shall impose upon the offender a 895
mandatory fine of at least one-half of, but not more than, the 896
maximum statutory fine amount authorized for the level of the 897
offense pursuant to division (A)(3) of this section. If an 898
offender alleges in an affidavit filed with the court prior to 899
sentencing that the offender is indigent and unable to pay the 900
mandatory fine and if the court determines the offender is an 901
indigent person and is unable to pay the mandatory fine described 902
in this division, the court shall not impose the mandatory fine 903
upon the offender. 904

(2) Any mandatory fine imposed upon an offender under 905
division (B)(1) of this section and any fine imposed upon an 906
offender under division (A)(2) or (3) of this section for any 907
fourth or fifth degree felony violation of any provision of 908
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 909
to law enforcement agencies pursuant to division (F) of section 910
2925.03 of the Revised Code. 911

(3) For a fourth degree felony OVI offense and for a third 912
degree felony OVI offense, the sentencing court shall impose upon 913
the offender a mandatory fine in the amount specified in division 914
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 915
is applicable. The mandatory fine so imposed shall be disbursed as 916
provided in the division pursuant to which it is imposed. 917

(4) Notwithstanding any fine otherwise authorized or required 918
to be imposed under division (A)(2) or (3) or (B)(1) of this 919
section or section 2929.31 of the Revised Code for a violation of 920
section 2925.03 of the Revised Code, in addition to any penalty or 921
sanction imposed for that offense under section 2925.03 or 922
sections 2929.11 to 2929.18 of the Revised Code and in addition to 923
the forfeiture of property in connection with the offense as 924

prescribed in Chapter 2981. of the Revised Code, the court that 925
sentences an offender for a violation of section 2925.03 of the 926
Revised Code may impose upon the offender a fine in addition to 927
any fine imposed under division (A)(2) or (3) of this section and 928
in addition to any mandatory fine imposed under division (B)(1) of 929
this section. The fine imposed under division (B)(4) of this 930
section shall be used as provided in division (H) of section 931
2925.03 of the Revised Code. A fine imposed under division (B)(4) 932
of this section shall not exceed whichever of the following is 933
applicable: 934

(a) The total value of any personal or real property in which 935
the offender has an interest and that was used in the course of, 936
intended for use in the course of, derived from, or realized 937
through conduct in violation of section 2925.03 of the Revised 938
Code, including any property that constitutes proceeds derived 939
from that offense; 940

(b) If the offender has no interest in any property of the 941
type described in division (B)(4)(a) of this section or if it is 942
not possible to ascertain whether the offender has an interest in 943
any property of that type in which the offender may have an 944
interest, the amount of the mandatory fine for the offense imposed 945
under division (B)(1) of this section or, if no mandatory fine is 946
imposed under division (B)(1) of this section, the amount of the 947
fine authorized for the level of the offense imposed under 948
division (A)(3) of this section. 949

(5) Prior to imposing a fine under division (B)(4) of this 950
section, the court shall determine whether the offender has an 951
interest in any property of the type described in division 952
(B)(4)(a) of this section. Except as provided in division (B)(6) 953
or (7) of this section, a fine that is authorized and imposed 954
under division (B)(4) of this section does not limit or affect the 955
imposition of the penalties and sanctions for a violation of 956

section 2925.03 of the Revised Code prescribed under those 957
sections or sections 2929.11 to 2929.18 of the Revised Code and 958
does not limit or affect a forfeiture of property in connection 959
with the offense as prescribed in Chapter 2981. of the Revised 960
Code. 961

(6) If the sum total of a mandatory fine amount imposed for a 962
first, second, or third degree felony violation of section 2925.03 963
of the Revised Code under division (B)(1) of this section plus the 964
amount of any fine imposed under division (B)(4) of this section 965
does not exceed the maximum statutory fine amount authorized for 966
the level of the offense under division (A)(3) of this section or 967
section 2929.31 of the Revised Code, the court may impose a fine 968
for the offense in addition to the mandatory fine and the fine 969
imposed under division (B)(4) of this section. The sum total of 970
the amounts of the mandatory fine, the fine imposed under division 971
(B)(4) of this section, and the additional fine imposed under 972
division (B)(6) of this section shall not exceed the maximum 973
statutory fine amount authorized for the level of the offense 974
under division (A)(3) of this section or section 2929.31 of the 975
Revised Code. The clerk of the court shall pay any fine that is 976
imposed under division (B)(6) of this section to the county, 977
township, municipal corporation, park district as created pursuant 978
to section 511.18 or 1545.04 of the Revised Code, or state law 979
enforcement agencies in this state that primarily were responsible 980
for or involved in making the arrest of, and in prosecuting, the 981
offender pursuant to division (F) of section 2925.03 of the 982
Revised Code. 983

(7) If the sum total of the amount of a mandatory fine 984
imposed for a first, second, or third degree felony violation of 985
section 2925.03 of the Revised Code plus the amount of any fine 986
imposed under division (B)(4) of this section exceeds the maximum 987
statutory fine amount authorized for the level of the offense 988

under division (A)(3) of this section or section 2929.31 of the Revised Code, the court shall not impose a fine under division (B)(6) of this section.

(C)(1) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by the department of rehabilitation and correction in operating a prison or other facility used to confine offenders pursuant to sanctions imposed under section 2929.14, 2929.142, or 2929.16 of the Revised Code to the treasurer of state. The treasurer of state shall deposit the reimbursements in the confinement cost reimbursement fund that is hereby created in the state treasury. The department of rehabilitation and correction shall use the amounts deposited in the fund to fund the operation of facilities used to confine offenders pursuant to sections 2929.14, 2929.142, and 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the

offender pursuant to division (A)(5)(a) of this section to pay the 1021
costs incurred by a municipal corporation pursuant to any sanction 1022
imposed under this section or section 2929.16 or 2929.17 of the 1023
Revised Code or in operating a facility used to confine offenders 1024
pursuant to a sanction imposed under section 2929.16 of the 1025
Revised Code to the treasurer of the municipal corporation. The 1026
treasurer shall deposit the reimbursements in a special fund that 1027
shall be established in the treasury of each municipal 1028
corporation. The municipal corporation shall use the amounts 1029
deposited in the fund to pay the costs incurred by the municipal 1030
corporation pursuant to any sanction imposed under this section or 1031
section 2929.16 or 2929.17 of the Revised Code or in operating a 1032
facility used to confine offenders pursuant to a sanction imposed 1033
under section 2929.16 of the Revised Code. 1034

(4) Except as provided in section 2951.021 of the Revised 1035
Code, the offender shall pay reimbursements imposed pursuant to 1036
division (A)(5)(a) of this section for the costs incurred by a 1037
private provider pursuant to a sanction imposed under this section 1038
or section 2929.16 or 2929.17 of the Revised Code to the provider. 1039

(D) Except as otherwise provided in this division, a 1040
financial sanction imposed pursuant to division (A) or (B) of this 1041
section is a judgment in favor of the state or a political 1042
subdivision in which the court that imposed the financial sanction 1043
is located, and the offender subject to the financial sanction is 1044
the judgment debtor. A financial sanction of reimbursement imposed 1045
pursuant to division (A)(5)(a)(ii) of this section upon an 1046
offender who is incarcerated in a state facility or a municipal 1047
jail is a judgment in favor of the state or the municipal 1048
corporation, and the offender subject to the financial sanction is 1049
the judgment debtor. A financial sanction of reimbursement imposed 1050
upon an offender pursuant to this section for costs incurred by a 1051
private provider of sanctions is a judgment in favor of the 1052

private provider, and the offender subject to the financial 1053
sanction is the judgment debtor. A financial sanction of 1054
restitution imposed pursuant to this section is an order in favor 1055
of the victim of the offender's criminal act that can be collected 1056
through execution as described in division (D)(1) of this section 1057
or through an order as described in division (D)(2) of this 1058
section, and the offender shall be considered for purposes of the 1059
collection as the judgment debtor. Imposition of a financial 1060
sanction and execution on the judgment does not preclude any other 1061
power of the court to impose or enforce sanctions on the offender. 1062
Once the financial sanction is imposed as a judgment or order 1063
under this division, the victim, private provider, state, or 1064
political subdivision may bring an action to do any of the 1065
following: 1066

(1) Obtain execution of the judgment or order through any 1067
available procedure, including: 1068

(a) An execution against the property of the judgment debtor 1069
under Chapter 2329. of the Revised Code; 1070

(b) An execution against the person of the judgment debtor 1071
under Chapter 2331. of the Revised Code; 1072

(c) A proceeding in aid of execution under Chapter 2333. of 1073
the Revised Code, including: 1074

(i) A proceeding for the examination of the judgment debtor 1075
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 1076
of the Revised Code; 1077

(ii) A proceeding for attachment of the person of the 1078
judgment debtor under section 2333.28 of the Revised Code; 1079

(iii) A creditor's suit under section 2333.01 of the Revised 1080
Code. 1081

(d) The attachment of the property of the judgment debtor 1082

under Chapter 2715. of the Revised Code; 1083

(e) The garnishment of the property of the judgment debtor 1084
under Chapter 2716. of the Revised Code. 1085

(2) Obtain an order for the assignment of wages of the 1086
judgment debtor under section 1321.33 of the Revised Code. 1087

(E) A court that imposes a financial sanction upon an 1088
offender may hold a hearing if necessary to determine whether the 1089
offender is able to pay the sanction or is likely in the future to 1090
be able to pay it. 1091

(F) Each court imposing a financial sanction upon an offender 1092
under this section or under section 2929.32 of the Revised Code 1093
may designate the clerk of the court or another person to collect 1094
the financial sanction. The clerk or other person authorized by 1095
law or the court to collect the financial sanction may enter into 1096
contracts with one or more public agencies or private vendors for 1097
the collection of, amounts due under the financial sanction 1098
imposed pursuant to this section or section 2929.32 of the Revised 1099
Code. Before entering into a contract for the collection of 1100
amounts due from an offender pursuant to any financial sanction 1101
imposed pursuant to this section or section 2929.32 of the Revised 1102
Code, a court shall comply with sections 307.86 to 307.92 of the 1103
Revised Code. 1104

(G) If a court that imposes a financial sanction under 1105
division (A) or (B) of this section finds that an offender 1106
satisfactorily has completed all other sanctions imposed upon the 1107
offender and that all restitution that has been ordered has been 1108
paid as ordered, the court may suspend any financial sanctions 1109
imposed pursuant to this section or section 2929.32 of the Revised 1110
Code that have not been paid. 1111

(H) No financial sanction imposed under this section or 1112
section 2929.32 of the Revised Code shall preclude a victim from 1113

bringing a civil action against the offender. 1114

Sec. 2929.28. (A) In addition to imposing court costs 1115
pursuant to section 2947.23 of the Revised Code, the court 1116
imposing a sentence upon an offender for a misdemeanor, including 1117
a minor misdemeanor, may sentence the offender to any financial 1118
sanction or combination of financial sanctions authorized under 1119
this section. If the court in its discretion imposes one or more 1120
financial sanctions, the financial sanctions that may be imposed 1121
pursuant to this section include, but are not limited to, the 1122
following: 1123

(1) Unless the misdemeanor offense is a minor misdemeanor or 1124
could be disposed of by the traffic violations bureau serving the 1125
court under Traffic Rule 13, restitution by the offender to the 1126
victim of the offender's crime or any survivor of the victim, in 1127
an amount based on the victim's economic loss. The court may not 1128
impose restitution as a sanction pursuant to this division if the 1129
offense is a minor misdemeanor or could be disposed of by the 1130
traffic violations bureau serving the court under Traffic Rule 13. 1131
If the court requires restitution, the court shall order that the 1132
restitution be made to the victim in open court or to the adult 1133
probation department that serves the jurisdiction or the clerk of 1134
the court on behalf of the victim. 1135

If the court imposes restitution, the court shall determine 1136
the amount of restitution to be paid by the offender. If the court 1137
imposes restitution, the court may base the amount of restitution 1138
it orders on an amount recommended by the victim, the offender, a 1139
presentence investigation report, estimates or receipts indicating 1140
the cost of repairing or replacing property, and other 1141
information, provided that the amount the court orders as 1142
restitution shall not exceed the amount of the economic loss 1143
suffered by the victim as a direct and proximate result of the 1144

commission of the offense. If the court decides to impose 1145
restitution, the court shall hold an evidentiary hearing on 1146
restitution if the offender, victim, or survivor disputes the 1147
amount of restitution. If the court holds an evidentiary hearing, 1148
at the hearing the victim or survivor has the burden to prove by a 1149
preponderance of the evidence the amount of restitution sought 1150
from the offender. 1151

All restitution payments shall be credited against any 1152
recovery of economic loss in a civil action brought by the victim 1153
or any survivor of the victim against the offender. 1154

If the court imposes restitution, the court may order that 1155
the offender pay a surcharge, of not more than five per cent of 1156
the amount of the restitution otherwise ordered, to the entity 1157
responsible for collecting and processing restitution payments. 1158

The victim or survivor may request that the prosecutor in the 1159
case file a motion, or the offender may file a motion, for 1160
modification of the payment terms of any restitution ordered. If 1161
the court grants the motion, it may modify the payment terms as it 1162
determines appropriate. 1163

(2) A fine of the type described in divisions (A)(2)(a) and 1164
(b) of this section payable to the appropriate entity as required 1165
by law: 1166

(a) A fine in the following amount: 1167

(i) For a misdemeanor of the first degree, not more than one 1168
thousand dollars; 1169

(ii) For a misdemeanor of the second degree, not more than 1170
seven hundred fifty dollars; 1171

(iii) For a misdemeanor of the third degree, not more than 1172
five hundred dollars; 1173

(iv) For a misdemeanor of the fourth degree, not more than 1174

two hundred fifty dollars; 1175

(v) For a minor misdemeanor, not more than one hundred fifty 1176
dollars. 1177

(b) A state fine or cost as defined in section 2949.111 of 1178
the Revised Code. 1179

(3)(a) Reimbursement by the offender of any or all of the 1180
costs of sanctions incurred by the government, including, but not 1181
limited to, the following: 1182

(i) All or part of the costs of implementing any community 1183
control sanction, including a supervision fee under section 1184
2951.021 of the Revised Code; 1185

(ii) All or part of the costs of confinement in a jail or 1186
other residential facility, including, but not limited to, a per 1187
diem fee for room and board, the costs of medical and dental 1188
treatment, and the costs of repairing property damaged by the 1189
offender while confined; 1190

(iii) All or part of the cost of purchasing and using an 1191
immobilizing or disabling device, including a certified ignition 1192
interlock device, or a remote alcohol monitoring device that a 1193
court orders an offender to use under section 4510.13 of the 1194
Revised Code. 1195

(b) The amount of reimbursement ordered under division 1196
(A)(3)(a) of this section shall not exceed the total amount of 1197
reimbursement the offender is able to pay and shall not exceed the 1198
actual cost of the sanctions. The court may collect any amount of 1199
reimbursement the offender is required to pay under that division. 1200
If the court does not order reimbursement under that division, 1201
confinement costs may be assessed pursuant to a repayment policy 1202
adopted under section 2929.37 of the Revised Code. In addition, 1203
the offender may be required to pay the fees specified in section 1204
2929.38 of the Revised Code in accordance with that section. 1205

(B) If the court determines a hearing is necessary, the court
may hold a hearing to determine whether the offender is able to
pay the financial sanction imposed pursuant to this section or
court costs or is likely in the future to be able to pay the
sanction or costs.

If the court determines that the offender is indigent and
unable to pay the financial sanction or court costs, the court
shall consider imposing and may impose a term of community service
under division (A) of section 2929.27 of the Revised Code in lieu
of imposing a financial sanction or court costs. If the court does
not determine that the offender is indigent, the court may impose
a term of community service under division (A) of section 2929.27
of the Revised Code in lieu of or in addition to imposing a
financial sanction under this section and in addition to imposing
court costs. The court may order community service for a minor
misdemeanor pursuant to division (C) of section 2929.27 of the
Revised Code in lieu of or in addition to imposing a financial
sanction under this section and in addition to imposing court
costs. If a person fails to pay a financial sanction or court
costs, the court may order community service in lieu of the
financial sanction or court costs.

(C)(1) The offender shall pay reimbursements imposed upon the
offender pursuant to division (A)(3) of this section to pay the
costs incurred by a county pursuant to any sanction imposed under
this section or section 2929.26 or 2929.27 of the Revised Code or
in operating a facility used to confine offenders pursuant to a
sanction imposed under section 2929.26 of the Revised Code to the
county treasurer. The county treasurer shall deposit the
reimbursements in the county's general fund. The county shall use
the amounts deposited in the fund to pay the costs incurred by the
county pursuant to any sanction imposed under this section or
section 2929.26 or 2929.27 of the Revised Code or in operating a

facility used to confine offenders pursuant to a sanction imposed 1238
under section 2929.26 of the Revised Code. 1239

(2) The offender shall pay reimbursements imposed upon the 1240
offender pursuant to division (A)(3) of this section to pay the 1241
costs incurred by a municipal corporation pursuant to any sanction 1242
imposed under this section or section 2929.26 or 2929.27 of the 1243
Revised Code or in operating a facility used to confine offenders 1244
pursuant to a sanction imposed under section 2929.26 of the 1245
Revised Code to the treasurer of the municipal corporation. The 1246
treasurer shall deposit the reimbursements in the municipal 1247
corporation's general fund. The municipal corporation shall use 1248
the amounts deposited in the fund to pay the costs incurred by the 1249
municipal corporation pursuant to any sanction imposed under this 1250
section or section 2929.26 or 2929.27 of the Revised Code or in 1251
operating a facility used to confine offenders pursuant to a 1252
sanction imposed under section 2929.26 of the Revised Code. 1253

(3) The offender shall pay reimbursements imposed pursuant to 1254
division (A)(3) of this section for the costs incurred by a 1255
private provider pursuant to a sanction imposed under this section 1256
or section 2929.26 or 2929.27 of the Revised Code to the provider. 1257

(D) Except as otherwise provided in this division, a 1258
financial sanction imposed under division (A) of this section is a 1259
judgment in favor of the state or the political subdivision that 1260
operates the court that imposed the financial sanction, and the 1261
offender subject to the financial sanction is the judgment debtor. 1262
A financial sanction of reimbursement imposed pursuant to division 1263
(A)(3)(a)(i) of this section upon an offender is a judgment in 1264
favor of the entity administering the community control sanction, 1265
and the offender subject to the financial sanction is the judgment 1266
debtor. A financial sanction of reimbursement imposed pursuant to 1267
division (A)(3)(a)(ii) of this section upon an offender confined 1268
in a jail or other residential facility is a judgment in favor of 1269

the entity operating the jail or other residential facility, and 1270
the offender subject to the financial sanction is the judgment 1271
debtor. A financial sanction of restitution imposed pursuant to 1272
division (A)(1) of this section is an order in favor of the victim 1273
of the offender's criminal act that can be collected through 1274
execution as described in division (D)(1) of this section or 1275
through an order as described in division (D)(2) of this section 1276
and the offender shall be considered for purposes of the 1277
collection as the judgment debtor. 1278

Once the financial sanction is imposed as a judgment or order 1279
under this division, the victim, private provider, state, or 1280
political subdivision may bring an action to do any of the 1281
following: 1282

(1) Obtain execution of the judgment or order through any 1283
available procedure, including any of the procedures identified in 1284
divisions (D)(1)(a) to (e) of section 2929.18 of the Revised Code. 1285

(2) Obtain an order for the assignment of wages of the 1286
judgment debtor under section 1321.33 of the Revised Code. 1287

(E) The civil remedies authorized under division (D) of this 1288
section for the collection of the financial sanction supplement, 1289
but do not preclude, enforcement of the criminal sentence. 1290

(F) Each court imposing a financial sanction upon an offender 1291
under this section may designate the clerk of the court or another 1292
person to collect the financial sanction. The clerk, or another 1293
person authorized by law or the court to collect the financial 1294
sanction may do the following: 1295

(1) Enter into contracts with one or more public agencies or 1296
private vendors for the collection of amounts due under the 1297
sanction. Before entering into a contract for the collection of 1298
amounts due from an offender pursuant to any financial sanction 1299
imposed pursuant to this section, a court shall comply with 1300

sections 307.86 to 307.92 of the Revised Code. 1301

(2) Permit payment of all or any portion of the sanction in 1302
installments, by financial transaction device if the court is a 1303
county court or a municipal court operated by a county, by credit 1304
or debit card or by another electronic transfer if the court is a 1305
municipal court not operated by a county, or by any other 1306
reasonable method, in any time, and on any terms that court 1307
considers just, except that the maximum time permitted for payment 1308
shall not exceed five years. If the court is a county court or a 1309
municipal court operated by a county, the acceptance of payments 1310
by any financial transaction device shall be governed by the 1311
policy adopted by the board of county commissioners of the county 1312
pursuant to section 301.28 of the Revised Code. If the court is a 1313
municipal court not operated by a county, the clerk may pay any 1314
fee associated with processing an electronic transfer out of 1315
public money or may charge the fee to the offender. 1316

(3) To defray administrative costs, charge a reasonable fee 1317
to an offender who elects a payment plan rather than a lump sum 1318
payment of any financial sanction. 1319

(G) No financial sanction imposed under this section shall 1320
preclude a victim from bringing a civil action against the 1321
offender. 1322

Sec. 2945.75. (A) When the presence of one or more additional 1323
elements makes an offense one of more serious degree: 1324

(1) The affidavit, complaint, indictment, or information 1325
either shall state the degree of the offense which the accused is 1326
alleged to have committed, or shall allege such additional element 1327
or elements. Otherwise, such affidavit, complaint, indictment, or 1328
information is effective to charge only the least degree of the 1329
offense. 1330

(2) A guilty verdict shall state either the degree of the offense of which the offender is found guilty, or that such additional element or elements are present. Otherwise, a guilty verdict constitutes a finding of guilty of the least degree of the offense charged.

(B)(1) Whenever in any case it is necessary to prove a prior conviction, a certified copy of the entry of judgment in such prior conviction together with evidence sufficient to identify the defendant named in the entry as the offender in the case at bar, is sufficient to prove such prior conviction.

(2) Whenever in any case it is necessary to prove a prior conviction of an offense for which the registrar of motor vehicles maintains a record, a certified copy of the record that shows the name, date of birth, and social security number of the accused is prima-facie evidence of the identity of the accused and prima-facie evidence of all prior convictions shown on the record. The accused may offer evidence to rebut the prima-facie evidence of the accused's identity and the evidence of prior convictions. Proof of a prior conviction of an offense for which the registrar maintains a record may also be proved as provided in division (B)(1) of this section.

(3) If the defendant claims a constitutional defect in any prior conviction, the defendant has the burden of proving the defect by a preponderance of the evidence.

Sec. 4503.231. (A) No motor vehicle registered in the name of a person whose certificate of registration and identification license plates have been impounded as provided by division (B)(1) of section 4507.02 of the Revised Code, and no vehicle that may be operated pursuant to an immobilization waiver order issued pursuant to section 4503.235 of the Revised Code, shall be

operated on any highway in this state unless it displays 1362
restricted license plates that are a different color from those 1363
regularly issued and carry a special serial number that may be 1364
readily identified by law enforcement officers. The registrar of 1365
motor vehicles shall designate the color and serial number to be 1366
used on restricted license plates, which shall remain the same 1367
from year to year and shall not be displayed on any other motor 1368
vehicles. 1369

The bureau of motor vehicles shall adopt rules providing for 1370
the decentralization of the issuance of restricted license plates 1371
under this section. The rules shall provide for the issuance of 1372
the restricted license plates by at least one agency in each 1373
county. 1374

No person operating a motor vehicle displaying restricted 1375
license plates as described in this division shall knowingly 1376
disguise or obscure the color of the restricted plate. 1377

(B) If a person has been granted limited driving privileges 1378
with a condition of the privileges being that the person must 1379
display on the vehicle that is driven under the privileges 1380
restricted license plates that are described in this section, the 1381
person may operate a motor vehicle that is owned by the person's 1382
employer only if the person is required to operate that motor 1383
vehicle in the course and scope of the person's employment. Such a 1384
person may operate that vehicle without displaying on that vehicle 1385
restricted license plates that are issued under this section if 1386
the employer has been notified that the person has limited driving 1387
privileges and of the nature of the restriction and if the person 1388
has proof of the employer's notification in the person's 1389
possession while operating the employer's vehicle for normal 1390
business duties. A motor vehicle owned by a business that is 1391
partly or entirely owned or controlled by the person with the 1392
limited driving privileges is not a motor vehicle owned by an 1393

employer, for purposes of this division. 1394

(C) Whoever violates this section is guilty of a minor 1395
misdemeanor. 1396

Sec. 4503.233. (A)(1) If a court ~~orders~~ is required to order 1397
the immobilization of a vehicle for a specified period of time 1398
pursuant to section 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 1399
4511.19, 4511.193, or 4511.203 of the Revised Code, the court, 1400
subject to section 4503.235 of the Revised Code, shall issue the 1401
immobilization order in accordance with this division and for the 1402
period of time specified in the particular section, and the 1403
immobilization under the order shall be in accordance with this 1404
section. The court, at the time of sentencing the offender for the 1405
offense relative to which the immobilization order is issued or as 1406
soon thereafter as is practicable, shall give a copy of the order 1407
to the offender or the offender's counsel. The court promptly 1408
shall send a copy of the order to the registrar on a form 1409
prescribed by the registrar and to the person or agency it 1410
designates to execute the order. 1411

The order shall indicate the date on which it is issued, 1412
shall identify the vehicle that is subject to the order, and shall 1413
specify all of the following: 1414

(a) The period of the immobilization; 1415

(b) The place at which the court determines that the 1416
immobilization shall be carried out, provided that the court shall 1417
not determine and shall not specify that the immobilization is to 1418
be carried out at any place other than a commercially operated 1419
private storage lot, a place owned by a law enforcement or other 1420
government agency, or a place to which one of the following 1421
applies: 1422

(i) The place is leased by or otherwise under the control of 1423

a law enforcement or other government agency. 1424

(ii) The place is owned by the offender, the offender's 1425
spouse, or a parent or child of the offender. 1426

(iii) The place is owned by a private person or entity, and, 1427
prior to the issuance of the order, the private entity or person 1428
that owns the place, or the authorized agent of that private 1429
entity or person, has given express written consent for the 1430
immobilization to be carried out at that place. 1431

(iv) The place is a public street or highway on which the 1432
vehicle is parked in accordance with the law. 1433

(c) The person or agency designated by the court to execute 1434
the order, which shall be either the law enforcement agency that 1435
employs the law enforcement officer who seized the vehicle, a 1436
bailiff of the court, another person the court determines to be 1437
appropriate to execute the order, or the law enforcement agency 1438
with jurisdiction over the place of residence of the vehicle 1439
owner; 1440

(d) That neither the registrar nor a deputy registrar will be 1441
permitted to accept an application for the license plate 1442
registration of any motor vehicle in the name of the vehicle owner 1443
until the immobilization fee is paid. 1444

(2) The person or agency the court designates to immobilize 1445
the vehicle shall seize or retain that vehicle's license plates 1446
and forward them to the bureau of motor vehicles. 1447

(3) In all cases, the offender shall be assessed an 1448
immobilization fee of one hundred dollars, and the immobilization 1449
fee shall be paid to the registrar before the vehicle may be 1450
released to the offender. Neither the registrar nor a deputy 1451
registrar shall accept an application for the registration of any 1452
motor vehicle in the name of the offender until the immobilization 1453
fee is paid. 1454

(4) If the vehicle subject to the order is immobilized 1455
pursuant to the order and is found being operated upon any street 1456
or highway in this state during the immobilization period, it 1457
shall be seized, removed from the street or highway, and 1458
criminally forfeited and disposed of pursuant to section 4503.234 1459
of the Revised Code. 1460

(5) The registrar shall deposit the immobilization fee into 1461
the law enforcement reimbursement fund created by section 4501.19 1462
of the Revised Code. Money in the fund shall be expended only as 1463
provided in division (A)(5) of this section. If the court 1464
designated in the order a court bailiff or another appropriate 1465
person other than a law enforcement officer to immobilize the 1466
vehicle, the amount of the fee deposited into the law enforcement 1467
reimbursement fund shall be paid out to the county treasury if the 1468
court that issued the order is a county court, to the treasury of 1469
the municipal corporation served by the court if the court that 1470
issued the order is a mayor's court, or to the city treasury of 1471
the legislative authority of the court, both as defined in section 1472
1901.03 of the Revised Code, if the court that issued the order is 1473
a municipal court. If the court designated a law enforcement 1474
agency to immobilize the vehicle and if the law enforcement agency 1475
immobilizes the vehicle, the amount of the fee deposited into the 1476
law enforcement reimbursement fund shall be paid out to the law 1477
enforcement agency to reimburse the agency for the costs it incurs 1478
in obtaining immobilization equipment and, if required, in sending 1479
an officer or other person to search for and locate the vehicle 1480
specified in the immobilization order and to immobilize the 1481
vehicle. 1482

In addition to the immobilization fee required to be paid 1483
under division (A)(3) of this section, the offender may be charged 1484
expenses or charges incurred in the removal and storage of the 1485
immobilized vehicle. 1486

(B) If a court issues an immobilization order under division 1487
(A)(1) of this section, the person or agency designated by the 1488
court to execute the immobilization order promptly shall 1489
immobilize or continue the immobilization of the vehicle at the 1490
place specified by the court in the order. The registrar shall not 1491
authorize the release of the vehicle or authorize the issuance of 1492
new identification license plates for the vehicle at the end of 1493
the immobilization period until the immobilization fee has been 1494
paid. 1495

(C) Upon receipt of the license plates for a vehicle under 1496
this section, the registrar shall destroy the license plates. At 1497
the end of the immobilization period and upon the payment of the 1498
immobilization fee that must be paid under this section, the 1499
registrar shall authorize the release of the vehicle and authorize 1500
the issuance, upon the payment of the same fee as is required for 1501
the replacement of lost, mutilated, or destroyed license plates 1502
and certificates of registration, of new license plates and, if 1503
necessary, a new certificate of registration to the offender for 1504
the vehicle in question. 1505

(D)(1) If a court issues an immobilization order under 1506
division (A) of this section, the immobilization period commences 1507
on the day on which the vehicle in question is immobilized. If the 1508
vehicle in question had been seized under section 4510.41 or 1509
4511.195 of the Revised Code, the time between the seizure and the 1510
beginning of the immobilization period shall be credited against 1511
the immobilization period specified in the immobilization order 1512
issued under division (A) of this section. No vehicle that is 1513
immobilized under this section is eligible to have restricted 1514
license plates under section 4503.231 of the Revised Code issued 1515
for that vehicle. 1516

(2) If a court issues an immobilization order under division 1517
(A) of this section, if the vehicle subject to the order is 1518

immobilized under the order, and if the vehicle is found being 1519
operated upon any street or highway of this state during the 1520
immobilization period, it shall be seized, removed from the street 1521
or highway, and criminally forfeited, and disposed of pursuant to 1522
section 4503.234 of the Revised Code. No vehicle that is forfeited 1523
under this provision shall be considered contraband for purposes 1524
of Chapter 2981. of the Revised Code, but shall be held by the law 1525
enforcement agency that employs the officer who seized it for 1526
disposal in accordance with section 4503.234 of the Revised Code. 1527

(3) If a court issues an immobilization order under division 1528
(A) of this section, and if the vehicle is not claimed within 1529
seven days after the end of the period of immobilization or if the 1530
offender has not paid the immobilization fee, the person or agency 1531
that immobilized the vehicle shall send a written notice to the 1532
offender at the offender's last known address informing the 1533
offender of the date on which the period of immobilization ended, 1534
that the offender has twenty days after the date of the notice to 1535
pay the immobilization fee and obtain the release of the vehicle, 1536
and that if the offender does not pay the fee and obtain the 1537
release of the vehicle within that twenty-day period, the vehicle 1538
will be forfeited under section 4503.234 of the Revised Code to 1539
the entity that is entitled to the immobilization fee. 1540

(4) An offender whose motor vehicle is subject to an 1541
immobilization order issued under division (A) of this section 1542
shall not sell the motor vehicle without approval of the court 1543
that issued the order. If such an offender wishes to sell the 1544
motor vehicle during the immobilization period, the offender shall 1545
apply to the court that issued the immobilization order for 1546
permission to assign the title to the vehicle. If the court is 1547
satisfied that the sale will be in good faith and not for the 1548
purpose of circumventing the provisions of division (A)(1) of this 1549
section, it may certify its consent to the offender and to the 1550

registrar. Upon receipt of the court's consent, the registrar 1551
shall enter the court's notice in the offender's vehicle license 1552
plate registration record. 1553

If, during a period of immobilization under an immobilization 1554
order issued under division (A) of this section, the title to the 1555
immobilized motor vehicle is transferred by the foreclosure of a 1556
chattel mortgage, a sale upon execution, the cancellation of a 1557
conditional sales contract, or an order of a court, the involved 1558
court shall notify the registrar of the action, and the registrar 1559
shall enter the court's notice in the offender's vehicle license 1560
plate registration record. 1561

Nothing in this section shall be construed as requiring the 1562
registrar or the clerk of the court of common pleas to note upon 1563
the certificate of title records any prohibition regarding the 1564
sale of a motor vehicle. 1565

(5) If the title to a motor vehicle that is subject to an 1566
immobilization order under division (A) of this section is 1567
assigned or transferred without court approval between the time of 1568
arrest of the offender who committed the offense for which such an 1569
order is to be issued and the time of the actual immobilization of 1570
the vehicle, the court shall order that, for a period of two years 1571
from the date of the order, neither the registrar nor any deputy 1572
registrar shall accept an application for the registration of any 1573
motor vehicle in the name of the offender whose vehicle was 1574
assigned or transferred without court approval. The court shall 1575
notify the registrar of the order on a form prescribed by the 1576
registrar for that purpose. 1577

(6) If the title to a motor vehicle that is subject to an 1578
immobilization order under division (A) of this section is 1579
assigned or transferred without court approval in violation of 1580
division (D)(4) of this section, then, in addition to or 1581
independent of any other penalty established by law, the court may 1582

fine the offender the value of the vehicle as determined by 1583
publications of the national auto dealers association. The 1584
proceeds from any fine so imposed shall be distributed in the same 1585
manner as the proceeds of the sale of a forfeited vehicle are 1586
distributed pursuant to division (C)(2) of section 4503.234 of the 1587
Revised Code. 1588

(E)(1) The court with jurisdiction over the case, after 1589
notice to all interested parties including lienholders, and after 1590
an opportunity for them to be heard, if the offender fails to 1591
appear in person, without good cause, or if the court finds that 1592
the offender does not intend to seek release of the vehicle at the 1593
end of the period of immobilization or that the offender is not or 1594
will not be able to pay the expenses and charges incurred in its 1595
removal and storage, may order that title to the vehicle be 1596
transferred, in order of priority, first into the name of the 1597
entity entitled to the immobilization fee under division (A)(5) of 1598
this section, next into the name of a lienholder, or lastly, into 1599
the name of the owner of the place of storage. 1600

A lienholder that receives title under a court order shall do 1601
so on the condition that it pay any expenses or charges incurred 1602
in the vehicle's removal and storage. If the entity that receives 1603
title to the vehicle is the entity that is entitled to the 1604
immobilization fee under division (A)(5) of this section, it shall 1605
receive title on the condition that it pay any lien on the 1606
vehicle. The court shall not order that title be transferred to 1607
any person or entity other than the owner of the place of storage 1608
if the person or entity refuses to receive the title. Any person 1609
or entity that receives title may either keep title to the vehicle 1610
or may dispose of the vehicle in any legal manner that it 1611
considers appropriate, including assignment of the certificate of 1612
title to the motor vehicle to a salvage dealer or a scrap metal 1613
processing facility. The person or entity shall not transfer the 1614

vehicle to the person who is the vehicle's immediate previous 1615
owner. 1616

If the person or entity assigns the motor vehicle to a 1617
salvage dealer or scrap metal processing facility, the person or 1618
entity shall send the assigned certificate of title to the motor 1619
vehicle to the clerk of the court of common pleas of the county in 1620
which the salvage dealer or scrap metal processing facility is 1621
located. The person or entity shall mark the face of the 1622
certificate of title with the words "FOR DESTRUCTION" and shall 1623
deliver a photocopy of the certificate of title to the salvage 1624
dealer or scrap metal processing facility for its records. 1625

(2) Whenever a court issues an order under division (E)(1) of 1626
this section, the court also shall order removal of the license 1627
plates from the vehicle and cause them to be sent to the registrar 1628
if they have not already been sent to the registrar. Thereafter, 1629
no further proceedings shall take place under this section, but 1630
the offender remains liable for payment of the immobilization fee 1631
described in division (A)(3) of this section if an immobilization 1632
order previously had been issued by the court. 1633

(3) Prior to initiating a proceeding under division (E)(1) of 1634
this section, and upon payment of the fee under division (B) of 1635
section 4505.14 of the Revised Code, any interested party may 1636
cause a search to be made of the public records of the bureau of 1637
motor vehicles or the clerk of the court of common pleas, to 1638
ascertain the identity of any lienholder of the vehicle. The 1639
initiating party shall furnish this information to the clerk of 1640
the court with jurisdiction over the case, and the clerk shall 1641
provide notice to the vehicle owner, the defendant, any 1642
lienholder, and any other interested parties listed by the 1643
initiating party, at the last known address supplied by the 1644
initiating party, by certified mail or, at the option of the 1645
initiating party, by personal service or ordinary mail. 1646

As used in this section, "interested party" includes the
offender, all lienholders, the owner of the place of storage, the
person or entity that caused the vehicle to be removed, and the
person or entity, if any, entitled to the immobilization fee under
division (A)(5) of this section.

Sec. 4503.235. (A) If division (G) of section 4511.19 or
division (B) of section 4511.193 of the Revised Code requires a
court, as part of the sentence of an offender who is convicted of
or pleads guilty to a violation of division (A) of section 4511.19
of the Revised Code or as a sanction for an offender who is
convicted of or pleaded guilty to a violation of a municipal OVI
ordinance, to order the immobilization of a vehicle for a
specified period of time, notwithstanding the requirement, the
court in its discretion may determine not to order the
immobilization of the vehicle if both of the following apply:

(1) Prior to the issuance of the order of immobilization, a
family or household member of the offender files a motion with the
court identifying the vehicle and requesting that the
immobilization order not be issued on the ground that the family
or household member is completely dependent on the vehicle for the
necessities of life and that the immobilization of the vehicle
would be an undue hardship to the family or household member.

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

(B) If a court pursuant to division (A) of this section
determines not to order the immobilization of a vehicle that
otherwise would be required pursuant to division (G) of section

4511.19 or division (B) of section 4511.193 of the Revised Code, 1678
the court shall issue an order that waives the immobilization that 1679
otherwise would be required pursuant to either of those divisions. 1680
The immobilization waiver order shall be in effect for the period 1681
of time for which the immobilization of the vehicle otherwise 1682
would have been required under division (G) of section 4511.19 or 1683
division (B) of section 4511.193 of the Revised Code if the 1684
immobilization waiver order had not been issued, subject to 1685
division (D) of this section. The immobilization waiver order 1686
shall specify the period of time for which it is in effect. The 1687
court shall provide a copy of an immobilization waiver order to 1688
the offender and to the family or household member of the offender 1689
who filed the motion requesting that the immobilization order not 1690
be issued and shall place a copy of the immobilization waiver 1691
order in the record in the case. The court shall impose an 1692
immobilization waiver fee in the amount of fifty dollars. The 1693
court shall determine whether the fee is to be paid by the 1694
offender or by the family or household member. The clerk of the 1695
court shall deposit the fee in the state treasury to the credit of 1696
the indigent drivers alcohol treatment fund, created under 1697
division (F) of section 4511.191 of the Revised Code. 1698

(C) If a court pursuant to division (B) of this section 1699
issues an immobilization waiver order, the order shall identify 1700
the family or household member who requested the order and the 1701
vehicle to which the order applies, shall identify the family or 1702
household members who are permitted to operate the vehicle, and 1703
shall identify the offender and specify that the offender is not 1704
permitted to operate the vehicle. The immobilization waiver order 1705
shall require that the family or household member display on the 1706
vehicle to which the order applies restricted license plates that 1707
are issued under section 4503.231 of the Revised Code for the 1708
entire period for which the immobilization of the vehicle 1709
otherwise would have been required under division (G) of section 1710

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

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

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(1) The court that issued the immobilization waiver order
shall terminate that order and shall issue an immobilization order
in accordance with section 4503.233 of the Revised Code that
applies to the vehicle, and the immobilization order shall be in
effect for the remaining period of time for which the
immobilization of the vehicle otherwise would have been required
under division (G) of section 4511.19 or division (B) of section
4511.193 of the Revised Code if the immobilization waiver order
had not been issued.

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

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

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

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Sec. 4510.13. (A)(1) Divisions (A)(2) to ~~(7)~~(9) of this
section apply to a judge or mayor regarding the suspension of, or

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the grant of limited driving privileges during a suspension of, an 1741
offender's driver's or commercial driver's license or permit or 1742
nonresident operating privilege imposed under division (G) or (H) 1743
of section 4511.19 of the Revised Code, under division (B) or (C) 1744
of section 4511.191 of the Revised Code, or under section 4510.07 1745
of the Revised Code for a conviction of a violation of a municipal 1746
OVI ordinance. 1747

(2) No judge or mayor shall suspend the following portions of 1748
the suspension of an offender's driver's or commercial driver's 1749
license or permit or nonresident operating privilege imposed under 1750
division (G) or (H) of section 4511.19 of the Revised Code or 1751
under section 4510.07 of the Revised Code for a conviction of a 1752
violation of a municipal OVI ordinance, provided that division 1753
(A)(2) of this section does not limit a court or mayor in 1754
crediting any period of suspension imposed pursuant to division 1755
(B) or (C) of section 4511.191 of the Revised Code against any 1756
time of judicial suspension imposed pursuant to section 4511.19 or 1757
4510.07 of the Revised Code, as described in divisions (B)(2) and 1758
(C)(2) of section 4511.191 of the Revised Code: 1759

(a) The first six months of a suspension imposed under 1760
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 1761
comparable length suspension imposed under section 4510.07 of the 1762
Revised Code; 1763

(b) The first year of a suspension imposed under division 1764
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 1765
comparable length suspension imposed under section 4510.07 of the 1766
Revised Code; 1767

(c) The first three years of a suspension imposed under 1768
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1769
or of a comparable length suspension imposed under section 4510.07 1770
of the Revised Code; 1771

(d) The first sixty days of a suspension imposed under 1772
division (H) of section 4511.19 of the Revised Code or of a 1773
comparable length suspension imposed under section 4510.07 of the 1774
Revised Code. 1775

(3) No judge or mayor shall grant limited driving privileges 1776
to an offender whose driver's or commercial driver's license or 1777
permit or nonresident operating privilege has been suspended under 1778
division (G) or (H) of section 4511.19 of the Revised Code, under 1779
division (C) of section 4511.191 of the Revised Code, or under 1780
section 4510.07 of the Revised Code for a municipal OVI conviction 1781
if the offender, within the preceding six years, has been 1782
convicted of or pleaded guilty to three or more violations of one 1783
or more of the Revised Code sections, municipal ordinances, 1784
statutes of the United States or another state, or municipal 1785
ordinances of a municipal corporation of another state that are 1786
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 1787
Revised Code. 1788

Additionally, no judge or mayor shall grant limited driving 1789
privileges to an offender whose driver's or commercial driver's 1790
license or permit or nonresident operating privilege has been 1791
suspended under division (B) of section 4511.191 of the Revised 1792
Code if the offender, within the preceding six years, has refused 1793
three previous requests to consent to a chemical test of the 1794
person's whole blood, blood serum or plasma, breath, or urine to 1795
determine its alcohol content. 1796

(4) No judge or mayor shall grant limited driving privileges 1797
for employment as a driver of commercial motor vehicles to an 1798
offender whose driver's or commercial driver's license or permit 1799
or nonresident operating privilege has been suspended under 1800
division (G) or (H) of section 4511.19 of the Revised Code, under 1801
division (B) or (C) of section 4511.191 of the Revised Code, or 1802
under section 4510.07 of the Revised Code for a municipal OVI 1803

conviction if the offender is disqualified from operating a 1804
commercial motor vehicle, or whose license or permit has been 1805
suspended, under section 3123.58 or 4506.16 of the Revised Code. 1806

(5) No judge or mayor shall grant limited driving privileges 1807
to an offender whose driver's or commercial driver's license or 1808
permit or nonresident operating privilege has been suspended under 1809
division (G) or (H) of section 4511.19 of the Revised Code, under 1810
division (C) of section 4511.191 of the Revised Code, or under 1811
section 4510.07 of the Revised Code for a conviction of a 1812
violation of a municipal OVI ordinance during any of the following 1813
periods of time: 1814

(a) The first fifteen days of a suspension imposed under 1815
division (G)(1)(a) of section 4511.19 of the Revised Code or a 1816
comparable length suspension imposed under section 4510.07 of the 1817
Revised Code, or of a suspension imposed under division (C)(1)(a) 1818
of section 4511.191 of the Revised Code. On or after the sixteenth 1819
day of the suspension, the court may grant limited driving 1820
privileges, but the court may require that the offender shall not 1821
exercise the privileges unless the vehicles the offender operates 1822
are equipped with immobilizing or disabling devices that monitor 1823
the offender's alcohol consumption or any other type of 1824
immobilizing or disabling devices, except as provided in division 1825
(C) of section 4510.43 of the Revised Code. 1826

(b) The first ~~thirty~~ forty-five days of a suspension imposed 1827
under ~~division (G)(1)(b) of section 4511.19 of the Revised Code or~~ 1828
~~a comparable length suspension imposed under section 4510.07 of~~ 1829
~~the Revised Code, or of a suspension imposed under~~ division 1830
(C)(1)(b) of section 4511.191 of the Revised Code. On or after the 1831
thirty-first day of suspension, the court may grant limited 1832
driving privileges, but the court may require that the offender 1833
shall not exercise the privileges unless the vehicles the offender 1834
operates are equipped with immobilizing or disabling devices that 1835

monitor the offender's alcohol consumption or any other type of 1836
immobilizing or disabling devices, except as provided in division 1837
(C) of section 4510.43 of the Revised Code. 1838

(c) The first sixty days of a suspension imposed under 1839
division (H) of section 4511.19 of the Revised Code or a 1840
comparable length suspension imposed under section 4510.07 of the 1841
Revised Code. 1842

(d) The first one hundred eighty days of a suspension imposed 1843
~~under division (G)(1)(c) of section 4511.19 of the Revised Code or~~ 1844
~~a comparable length suspension imposed under section 4510.07 of~~ 1845
~~the Revised Code, or of a suspension imposed~~ under division 1846
(C)(1)(c) of section 4511.191 of the Revised Code. The judge On or 1847
after the first one hundred eighty days of suspension, the court 1848
may grant limited driving privileges ~~on or after the one hundred~~ 1849
~~eighty first day of the suspension only if the judge, at the time~~ 1850
~~of granting the privileges, also issues, and either of the~~ 1851
following applies: 1852

(i) If the underlying arrest is alcohol-related, the court 1853
shall issue an order that, except as provided in division (C) of 1854
section 4510.43 of the Revised Code, prohibiting the offender, 1855
~~while exercising the privileges during the period commencing with~~ 1856
~~the one hundred eighty first day of suspension and ending with the~~ 1857
~~first year of suspension, from operating any motor vehicle unless~~ 1858
~~it is equipped with an immobilizing or disabling device that~~ 1859
~~monitors the offender's alcohol consumption. After the first year~~ 1860
~~of the suspension, the court may authorize the offender to~~ 1861
~~continue exercising the privileges in vehicles that are not~~ 1862
~~equipped with immobilizing or disabling devices that monitor the~~ 1863
~~offender's alcohol consumption, except as provided in division (C)~~ 1864
~~of section 4510.43 of the Revised Code. If the offender does not~~ 1865
~~petition for limited driving privileges until after the first year~~ 1866
~~of suspension, the judge may grant limited driving privileges~~ 1867

~~without requiring the use of an immobilizing or disabling device~~ 1868
~~that monitors the offender's alcohol consumption. for the~~ 1869
~~remainder of the period of suspension the offender shall not~~ 1870
~~exercise the privileges unless the vehicles the offender operates~~ 1871
~~are equipped with a certified ignition interlock device.~~ 1872

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(ii) If the underlying arrest is drug-related, the court in 1874
its discretion may issue an order that, except as provided in 1875
division (C) of section 4510.43 of the Revised Code, for the 1876
remainder of the period of suspension the offender shall not 1877
exercise the privileges unless the vehicles the offender operates 1878
are equipped with a certified ignition interlock device. 1879

(e) The first forty-five days of a suspension imposed under 1880
division (G)(1)(b) of section 4511.19 of the Revised Code or a 1881
comparable length suspension imposed under section 4510.07 of the 1882
Revised Code. On or after the forty-sixth day of the suspension, 1883
the court may grant limited driving privileges, and either of the 1884
following applies: 1885

(i) If the underlying conviction is alcohol-related, the 1886
court shall issue an order that, except as provided in division 1887
(C) of section 4510.43 of the Revised Code, for the remainder of 1888
the period of suspension the offender shall not exercise the 1889
privileges unless the vehicles the offender operates are equipped 1890
with a certified ignition interlock device. 1891

(ii) If the underlying conviction is drug-related, the court 1892
in its discretion may issue an order that, except as provided in 1893
division (C) of section 4510.43 of the Revised Code, for the 1894
remainder of the period of suspension the offender shall not 1895
exercise the privileges unless the vehicles the offender operates 1896
are equipped with a certified ignition interlock device. 1897

(f) The first one hundred eighty days of a suspension imposed 1898

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

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

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

(g) The first three years of a suspension imposed under
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code
or a comparable length suspension imposed under section 4510.07 of
the Revised Code, or of a suspension imposed under division
(C)(1)(d) of section 4511.191 of the Revised Code. ~~The judge~~ On or
after the first three years of suspension, the court may grant
limited driving privileges ~~after the first three years of~~
~~suspension only if the judge, at the time of granting the~~
~~privileges, also issues an order, and either of the following~~
applies:

(i) If the underlying conviction is alcohol-related, the
court shall issue an order that ~~prohibiting the offender from~~
~~operating any motor vehicle, for the period of suspension~~
~~following the first three years of suspension, unless the motor~~
~~vehicle is equipped with an immobilizing or disabling device that~~

~~monitors the offender's alcohol consumption, except as provided in~~ 1931
~~division (C) of section 4510.43 of the Revised Code, for the~~ 1932
~~remainder of the period of suspension the offender shall not~~ 1933
~~exercise the privileges unless the vehicles the offender operates~~ 1934
~~are equipped with a certified ignition interlock device.~~ 1935

(ii) If the underlying conviction is drug-related, the court 1936
in its discretion may issue an order that, except as provided in 1937
division (C) of section 4510.43 of the Revised Code, for the 1938
remainder of the period of suspension the offender shall not 1939
exercise the privileges unless the vehicles the offender operates 1940
are equipped with a certified ignition interlock device. 1941

(6) No judge or mayor shall grant limited driving privileges 1942
to an offender whose driver's or commercial driver's license or 1943
permit or nonresident operating privilege has been suspended under 1944
division (B) of section 4511.191 of the Revised Code during any of 1945
the following periods of time: 1946

(a) The first thirty days of suspension imposed under 1947
division (B)(1)(a) of section 4511.191 of the Revised Code; 1948

(b) The first ninety days of suspension imposed under 1949
division (B)(1)(b) of section 4511.191 of the Revised Code; 1950

(c) The first year of suspension imposed under division 1951
(B)(1)(c) of section 4511.191 of the Revised Code; 1952

(d) The first three years of suspension imposed under 1953
division (B)(1)(d) of section 4511.191 of the Revised Code. 1954

(7) In any case in which a judge or mayor grants limited 1955
driving privileges to an offender whose driver's or commercial 1956
driver's license or permit or nonresident operating privilege has 1957
been suspended under division (G)(1)(b), (c), (d), or (e) of 1958
section 4511.19 of the Revised Code, under division (G)(1)(a) of 1959
section 4511.19 of the Revised Code for a violation of division 1960
(A)(1)(f), (g), (h), or (i) of that section, or under section 1961

4510.07 of the Revised Code for a municipal OVI conviction for 1962
which sentence would have been imposed under division 1963
(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 1964
the Revised Code had the offender been charged with and convicted 1965
of a violation of section 4511.19 of the Revised Code instead of a 1966
violation of the municipal OVI ordinance, the judge or mayor shall 1967
impose as a condition of the privileges that the offender must 1968
display on the vehicle that is driven subject to the privileges 1969
restricted license plates that are issued under section 4503.231 1970
of the Revised Code, except as provided in division (B) of that 1971
section. 1972

(8) In any case in which the offender operates a motor 1973
vehicle that is not equipped with an ignition interlock device, 1974
circumvents the device, or tampers with the device or in any case 1975
in which the court receives notice pursuant to section 4510.46 of 1976
the Revised Code that a certified ignition interlock device 1977
required by an order issued under division (A)(5)(e), (f), or (g) 1978
of this section prevented an offender from starting a motor 1979
vehicle, the following applies: 1980

(a) If the offender was sentenced under division (G)(1)(b) of 1981
section 4511.19 of the Revised Code, on a first instance the court 1982
may require the offender to wear a monitor that provides 1983
continuous alcohol monitoring that is remote. On a second 1984
instance, the court shall require the offender to wear a monitor 1985
that provides continuous alcohol monitoring that is remote for a 1986
minimum of forty days. On a third instance or more, the court 1987
shall require the offender to wear a monitor that provides 1988
continuous alcohol monitoring that is remote for a minimum of 1989
sixty days. 1990

(b) If the offender was sentenced under division (G)(1)(c), 1991
(d), or (e) of section 4511.19 of the Revised Code, on a first 1992
instance the court shall require the offender to wear a monitor 1993

that provides continuous alcohol monitoring that is remote for a 1994
minimum of forty days. On a second instance or more, the court 1995
shall require the offender to wear a monitor that provides 1996
continuous alcohol monitoring that is remote for a minimum of 1997
sixty days. 1998

(9) In any case in which the court issues an order under this 1999
section prohibiting an offender from exercising limited driving 2000
privileges unless the vehicles the offender operates are equipped 2001
with an immobilizing or disabling device, including a certified 2002
ignition interlock device, or requires an offender to wear a 2003
monitor that provides continuous alcohol monitoring that is 2004
remote, the court shall impose an additional court cost of two 2005
dollars and fifty cents upon the offender. The court shall not 2006
waive the payment of the two dollars and fifty cents unless the 2007
court determines that the offender is indigent and waives the 2008
payment of all court costs imposed upon the indigent offender. The 2009
clerk of court shall retain one hundred per cent of this court 2010
cost. The clerk of court shall transmit one hundred per cent of 2011
this court cost collected during a month on the first business day 2012
of the following month to the state treasury to be credited to the 2013
state highway safety fund created under section 4501.06 of the 2014
Revised Code, to be used by the department of public safety to 2015
cover costs associated with maintaining the habitual OVI/OMWI 2016
offender registry created under section 5502.10 of the Revised 2017
Code. In its discretion the court may impose an additional court 2018
cost of two dollars and fifty cents upon the offender. The clerk 2019
of court shall retain this two dollar and fifty cent court cost, 2020
if imposed, and shall deposit it in the court's special projects 2021
fund that is established under division (E)(1) of section 2303.201 2022
or division (B)(1) of section 1901.26 of the Revised Code. 2023

(10) In any case in which the court issues an order under 2024
this section prohibiting an offender from exercising limited 2025

driving privileges unless the vehicles the offender operates are 2026
equipped with an immobilizing or disabling device, including a 2027
certified ignition interlock device, the court shall notify the 2028
offender at the time the offender is granted limited driving 2029
privileges that, in accordance with section 4510.46 of the Revised 2030
Code, if the court receives notice that the device prevented the 2031
offender from starting the motor vehicle because the device was 2032
tampered with or circumvented or because the analysis of the 2033
deep-lung breath sample or other method employed by the device to 2034
measure the concentration by weight of alcohol in the offender's 2035
breath indicated the presence of alcohol in the offender's breath 2036
in a concentration sufficient to prevent the device from 2037
permitting the motor vehicle to be started, the court may increase 2038
the period of suspension of the offender's driver's or commercial 2039
driver's license or permit or nonresident operating privilege from 2040
that originally imposed by the court by a factor of two and may 2041
increase the period of time during which the offender will be 2042
prohibited from exercising any limited driving privileges granted 2043
to the offender unless the vehicles the offender operates are 2044
equipped with a certified ignition interlock device by a factor of 2045
two. 2046

(B) Any person whose driver's or commercial driver's license 2047
or permit or nonresident operating privilege has been suspended 2048
pursuant to section 4511.19 or 4511.191 of the Revised Code or 2049
under section 4510.07 of the Revised Code for a violation of a 2050
municipal OVI ordinance may file a petition for limited driving 2051
privileges during the suspension. The person shall file the 2052
petition in the court that has jurisdiction over the place of 2053
arrest. Subject to division (A) of this section, the court may 2054
grant the person limited driving privileges during the period 2055
during which the suspension otherwise would be imposed. However, 2056
the court shall not grant the privileges for employment as a 2057
driver of a commercial motor vehicle to any person who is 2058

disqualified from operating a commercial motor vehicle under 2059
section 4506.16 of the Revised Code or during any of the periods 2060
prescribed by division (A) of this section. 2061

(C)(1) After a driver's or commercial driver's license or 2062
permit or nonresident operating privilege has been suspended 2063
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 2064
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 2065
of the Revised Code, any provision of Chapter 2925. of the Revised 2066
Code, or section 4510.07 of the Revised Code for a violation of a 2067
municipal OVI ordinance, the judge of the court or mayor of the 2068
mayor's court that suspended the license, permit, or privilege 2069
shall cause the offender to deliver to the court the license or 2070
permit. The judge, mayor, or clerk of the court or mayor's court 2071
shall forward to the registrar the license or permit together with 2072
notice of the action of the court. 2073

(2) A suspension of a commercial driver's license under any 2074
section or chapter identified in division (C)(1) of this section 2075
shall be concurrent with any period of suspension or 2076
disqualification under section 3123.58 or 4506.16 of the Revised 2077
Code. No person who is disqualified for life from holding a 2078
commercial driver's license under section 4506.16 of the Revised 2079
Code shall be issued a driver's license under this chapter during 2080
the period for which the commercial driver's license was suspended 2081
under this section, and no person whose commercial driver's 2082
license is suspended under any section or chapter identified in 2083
division (C)(1) of this section shall be issued a driver's license 2084
under Chapter 4507. of the Revised Code during the period of the 2085
suspension. 2086

(3) No judge or mayor shall suspend any class one suspension, 2087
or any portion of any class one suspension, imposed under section 2088
2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No 2089
judge or mayor shall suspend the first thirty days of any class 2090

two, class three, class four, class five, or class six suspension 2091
imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 2092
2929.02 of the Revised Code. 2093

(D) The judge of the court or mayor of the mayor's court 2094
shall credit any time during which an offender was subject to an 2095
administrative suspension of the offender's driver's or commercial 2096
driver's license or permit or nonresident operating privilege 2097
imposed pursuant to section 4511.191 or 4511.192 of the Revised 2098
Code or a suspension imposed by a judge, referee, or mayor 2099
pursuant to division (B)(1) or (2) of section 4511.196 of the 2100
Revised Code against the time to be served under a related 2101
suspension imposed pursuant to any section or chapter identified 2102
in division (C)(1) of this section. 2103

(E) The judge or mayor shall notify the bureau of motor 2104
vehicles of any determinations made pursuant to this section and 2105
of any suspension imposed pursuant to any section or chapter 2106
identified in division (C)(1) of this section. 2107

(F)(1) If a court issues an immobilizing or disabling device 2108
order under section 4510.43 of the Revised Code, the order shall 2109
authorize the offender during the specified period to operate a 2110
motor vehicle only if it is equipped with an immobilizing or 2111
disabling device, except as provided in division (C) of that 2112
section. The court shall provide the offender with a copy of an 2113
immobilizing or disabling device order issued under section 2114
4510.43 of the Revised Code, and the offender shall use the copy 2115
of the order in lieu of an Ohio driver's or commercial driver's 2116
license or permit until the registrar or a deputy registrar issues 2117
the offender a restricted license. 2118

An order issued under section 4510.43 of the Revised Code 2119
does not authorize or permit the offender to whom it has been 2120
issued to operate a vehicle during any time that the offender's 2121
driver's or commercial driver's license or permit is suspended 2122

under any other provision of law. 2123

(2) An offender may present an immobilizing or disabling 2124
device order to the registrar or to a deputy registrar. Upon 2125
presentation of the order to the registrar or a deputy registrar, 2126
the registrar or deputy registrar shall issue the offender a 2127
restricted license. A restricted license issued under this 2128
division shall be identical to an Ohio driver's license, except 2129
that it shall have printed on its face a statement that the 2130
offender is prohibited during the period specified in the court 2131
order from operating any motor vehicle that is not equipped with 2132
an immobilizing or disabling device. The date of commencement and 2133
the date of termination of the period of suspension shall be 2134
indicated conspicuously upon the face of the license. 2135

Sec. 4510.43. (A)(1) The director of public safety, upon 2136
consultation with the director of health and in accordance with 2137
Chapter 119. of the Revised Code, shall certify immobilizing and 2138
disabling devices and, subject to section 4510.45 of the Revised 2139
Code, shall publish and make available to the courts, without 2140
charge, a list of licensed manufacturers of ignition interlock 2141
devices and approved devices together with information about the 2142
manufacturers of the devices and where they may be obtained. The 2143
manufacturer of an immobilizing or disabling device shall pay the 2144
cost of obtaining the certification of the device to the director 2145
of public safety, and the director shall deposit the payment in 2146
the drivers' treatment and intervention fund established by 2147
sections 4511.19 and 4511.191 of the Revised Code. 2148

(2) The director of public safety, in accordance with Chapter 2149
119. of the Revised Code, shall adopt and publish rules setting 2150
forth the requirements for obtaining the certification of an 2151
immobilizing or disabling device. The director of public safety 2152
shall not certify an immobilizing or disabling device under this 2153

section unless it meets the requirements specified and published 2154
by the director in the rules adopted pursuant to this division. A 2155
certified device may consist of an ignition interlock device, an 2156
ignition blocking device initiated by time or magnetic or 2157
electronic encoding, an activity monitor, or any other device that 2158
reasonably assures compliance with an order granting limited 2159
driving privileges. Ignition interlock devices shall be certified 2160
annually. 2161

The requirements for an immobilizing or disabling device that 2162
is an ignition interlock device shall require that the 2163
manufacturer of the device submit to the department of public 2164
safety a certificate from an independent testing laboratory 2165
indicating that the device meets or exceeds the standards of the 2166
national highway traffic safety administration, as defined in 2167
section 4511.19 of the Revised Code, that are in effect at the 2168
time of the director's decision regarding certification of the 2169
device, shall include provisions for setting a minimum and maximum 2170
calibration range, and shall include, but shall not be limited to, 2171
specifications that the device complies with all of the following: 2172

(a) It does not impede the safe operation of the vehicle. 2173

(b) It has features that make circumvention difficult and 2174
that do not interfere with the normal use of the vehicle, and the 2175
features are operating and functioning. 2176

(c) It correlates well with established measures of alcohol 2177
impairment. 2178

(d) It works accurately and reliably in an unsupervised 2179
environment. 2180

(e) It is resistant to tampering and shows evidence of 2181
tampering if tampering is attempted. 2182

(f) It is difficult to circumvent and requires premeditation 2183
to do so. 2184

(g) It minimizes inconvenience to a sober user. 2185

(h) It requires a proper, deep-lung breath sample or other 2186
accurate measure of the concentration by weight of alcohol in the 2187
breath. 2188

(i) It operates reliably over the range of automobile 2189
environments. 2190

(j) It is made by a manufacturer who is covered by product 2191
liability insurance. 2192

(3) The director of public safety may adopt, in whole or in 2193
part, the guidelines, rules, regulations, studies, or independent 2194
laboratory tests performed and relied upon by other states, or 2195
their agencies or commissions, in the certification or approval of 2196
immobilizing or disabling devices. 2197

(4) The director of public safety shall adopt rules in 2198
accordance with Chapter 119. of the Revised Code for the design of 2199
a warning label that shall be affixed to each immobilizing or 2200
disabling device upon installation. The label shall contain a 2201
warning that any person tampering, circumventing, or otherwise 2202
misusing the device is subject to a fine, imprisonment, or both 2203
and may be subject to civil liability. 2204

(B) A court considering the use of a prototype device in a 2205
pilot program shall advise the director of public safety, thirty 2206
days before the use, of the prototype device and its protocol, 2207
methodology, manufacturer, and licensor, lessor, other agent, or 2208
owner, and the length of the court's pilot program. A prototype 2209
device shall not be used for a violation of section 4510.14 or 2210
4511.19 of the Revised Code, a violation of a municipal OVI 2211
ordinance, or in relation to a suspension imposed under section 2212
4511.191 of the Revised Code. A court that uses a prototype device 2213
in a pilot program, periodically during the existence of the 2214
program and within fourteen days after termination of the program, 2215

shall report in writing to the director of public safety regarding 2216
the effectiveness of the prototype device and the program. 2217

(C) If a person has been granted limited driving privileges 2218
with a condition of the privileges being that the motor vehicle 2219
that is operated under the privileges must be equipped with an 2220
immobilizing or disabling device, the person may operate a motor 2221
vehicle that is owned by the person's employer only if the person 2222
is required to operate that motor vehicle in the course and scope 2223
of the offender's employment. Such a person may operate that 2224
vehicle without the installation of an immobilizing or disabling 2225
device, provided that the employer has been notified that the 2226
person has limited driving privileges and of the nature of the 2227
restriction and further provided that the person has proof of the 2228
employer's notification in the person's possession while operating 2229
the employer's vehicle for normal business duties. A motor vehicle 2230
owned by a business that is partly or entirely owned or controlled 2231
by a person with limited driving privileges is not a motor vehicle 2232
owned by an employer, for purposes of this division. 2233

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock 2234
devices that desires for its devices to be certified under section 2235
4510.43 of the Revised Code and then to be included on the list of 2236
certified devices that the department of public safety compiles 2237
and makes available to courts pursuant to that section first shall 2238
obtain a license from the department under this section. The 2239
department, in accordance with Chapter 119. of the Revised Code, 2240
shall adopt any rules that are necessary to implement this 2241
licensing requirement. 2242

(2) A manufacturer shall apply to the department for the 2243
license and shall include all information the department may 2244
require by rule. Each application, including an application for 2245
license renewal, shall be accompanied by an application fee of one 2246

hundred dollars, which the department shall deposit into the state
treasury to the credit of the indigent drivers alcohol treatment
fund created by section 4511.191 of the Revised Code.

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

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

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

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

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(iii) The license application is a renewal application and
the manufacturer failed to file the annual report or failed to pay
the fee as required by division (B) of this section.

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(b) A manufacturer whose license application is rejected by
the department may appeal the decision to the director of public
safety. The director or the director's designee shall hold a
hearing on the matter not more than thirty days from the date of
the manufacturer's appeal. If the director or the director's
designee upholds the denial of the manufacturer's application for
a license, the manufacturer may appeal the decision to the
Franklin county court of common pleas. If the director or the

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director's designee reverses the denial of the manufacturer's 2278
application for a license, the director or the director's designee 2279
shall issue a written order directing that the department issue a 2280
license to the manufacturer. 2281

(B) Every manufacturer of ignition interlock devices that is 2282
issued a license under this section shall file an annual report 2283
with the department on a form the department prescribes on or 2284
before a date the department prescribes. The annual report shall 2285
state the amount of net profit the manufacturer earned during a 2286
twelve-month period specified by the department that is 2287
attributable to the sales of that manufacturer's certified 2288
ignition interlock devices to purchasers in this state. Each 2289
manufacturer shall pay a fee equal to five per cent of the amount 2290
of the net profit described in this division. 2291

The department may permit annual reports to be filed via 2292
electronic means. 2293

(C) The department shall deposit all fees it receives from 2294
manufacturers under this section into the state treasury to the 2295
credit of the indigent drivers alcohol treatment fund created by 2296
section 4511.191 of the Revised Code. All money so deposited into 2297
that fund that is paid by the department of alcohol and drug 2298
addiction services to county indigent drivers alcohol treatment 2299
funds, county juvenile indigent drivers alcohol treatment funds, 2300
and municipal indigent drivers alcohol treatment funds shall be 2301
used only as described in division (H)(3) of section 4511.191 of 2302
the Revised Code. 2303

(D)(1) The director may make an assessment, based on any 2304
information in the director's possession, against any manufacturer 2305
that fails to file an annual report or pay the fee required by 2306
division (B) of this section. The director, in accordance with 2307
Chapter 119. of the Revised Code, shall adopt rules governing 2308
assessments and assessment procedures and related provisions. In 2309

adopting these rules, the director shall incorporate the 2310
provisions of section 5751.09 of the Revised Code to the greatest 2311
extent possible, except that the director is not required to 2312
incorporate any provisions of that section that by their nature 2313
are not applicable, appropriate, or necessary to assessments made 2314
by the director under this section. 2315

(2) A manufacturer may appeal the final determination of the 2316
director regarding an assessment made by the director under this 2317
section. The director, in accordance with Chapter 119. of the 2318
Revised Code, shall adopt rules governing such appeals. In 2319
adopting these rules, the director shall incorporate the 2320
provisions of section 5717.02 of the Revised Code to the greatest 2321
extent possible, except that the director is not required to 2322
incorporate any provisions of that section that by their nature 2323
are not applicable, appropriate, or necessary to appeals of 2324
assessments made by the director under this section. 2325

(E) The director, in accordance with Chapter 119. of the 2326
Revised Code, shall adopt a penalty schedule setting forth the 2327
monetary penalties to be imposed upon a manufacturer that is 2328
issued a license under this section and fails to file an annual 2329
report or pay the fee required by division (B) of this section in 2330
a timely manner. The penalty amounts shall not exceed the maximum 2331
penalty amounts established in section 5751.06 of the Revised Code 2332
for similar or equivalent facts or circumstances. 2333

(F)(1) No manufacturer of ignition interlock devices that is 2334
required by division (B) of this section to file an annual report 2335
with the department or to pay a fee shall fail to do so as 2336
required by that division. 2337

(2) No manufacturer of ignition interlock devices that is 2338
required by division (B) of this section to file an annual report 2339
with the department shall file a report that contains incorrect or 2340
erroneous information. 2341

(G) Whoever violates division (F)(2) of this section is 2342
guilty of a misdemeanor of the first degree. The department shall 2343
remove from the list of certified devices described in division 2344
(A)(1) of this section the ignition interlock devices manufactured 2345
by a manufacturer that violates division (F)(1) or (2) of this 2346
section. 2347

Sec. 4510.46. (A) A governmental agency, bureau, department, 2348
or office, or a private corporation, or any other entity that 2349
monitors certified ignition interlock devices for or on behalf of 2350
a court shall inform the court whenever such a device that has 2351
been installed in a motor vehicle indicates that it has prevented 2352
an offender whose driver's or commercial driver's license or 2353
permit or nonresident operating privilege has been suspended by a 2354
court under division (G)(1)(a), (b), (c), (d), or (e) of section 2355
4511.19 of the Revised Code and who has been granted limited 2356
driving privileges under section 4510.13 of the Revised Code from 2357
starting the motor vehicle because the device was tampered with or 2358
circumvented or because the analysis of the deep-lung breath 2359
sample or other method employed by the ignition interlock device 2360
to measure the concentration by weight of alcohol in the 2361
offender's breath indicated the presence of alcohol in the 2362
offender's breath in a concentration sufficient to prevent the 2363
ignition interlock device from permitting the motor vehicle to be 2364
started. 2365

(B) Upon receipt of such information pertaining to an 2366
offender whose driver's or commercial driver's license or permit 2367
or nonresident operating privilege has been suspended by a court 2368
under division (G)(1)(b), (c), (d), or (e) of section 4511.19 of 2369
the Revised Code and who has been granted limited driving 2370
privileges under section 4510.13 of the Revised Code, the court 2371
shall send a notice to the offender stating that it has received 2372
evidence of an instance described in division (A) of this section. 2373

If a court pursuant to division (A)(8) of section 4510.13 of the 2374
Revised Code requires the offender to wear an alcohol monitor, the 2375
notice shall state that because of this instance the offender is 2376
required to wear a monitor that provides for continuous alcohol 2377
monitoring in accordance with division (A)(8) of section 4510.13 2378
of the Revised Code. The notice shall further state that because 2379
of this instance the court may increase the period of suspension 2380
of the offender's driver's or commercial driver's license or 2381
permit or nonresident operating privilege from that originally 2382
imposed by the court by a factor of two and may increase the 2383
period of time during which the offender will be prohibited from 2384
exercising any limited driving privileges granted to the offender 2385
unless the vehicles the offender operates are equipped with a 2386
certified ignition interlock device by a factor of two. 2387

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The notice shall state whether the court will impose these 2389
increases and, if so, that these increases will take effect 2390
fourteen days from the date of the notice unless the offender 2391
files a timely motion with the court, appealing the increases in 2392
the time described in this division and requesting a hearing on 2393
the matter. Any such motion that is filed within that fourteen-day 2394
period shall be considered to be filed in a timely manner, and any 2395
such motion that is filed after that fourteen-day period shall be 2396
considered not to be filed in a timely manner. If the offender 2397
files a timely motion, the court may hold a hearing on the matter. 2398
The scope of the hearing is limited to determining whether the 2399
offender in fact was prevented from starting a motor vehicle that 2400
is equipped with a certified ignition interlock device because the 2401
device was tampered with or circumvented or because the analysis 2402
of the deep-lung breath sample or other method employed by the 2403
ignition interlock device to measure the concentration by weight 2404
of alcohol in the offender's breath indicated the presence of 2405
alcohol in the offender's breath in a concentration sufficient to 2406

prevent the ignition interlock device from permitting the motor 2407
vehicle to be started. 2408

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If the court finds by a preponderance of the evidence that 2410
this instance as indicated by the ignition interlock device in 2411
fact did occur, it may deny the offender's appeal and issue the 2412
order increasing the relevant periods of time described in this 2413
division. If the court finds by a preponderance of the evidence 2414
that this instance as indicated by the ignition interlock device 2415
in fact did not occur, it shall grant the offender's appeal and no 2416
such order shall be issued. 2417

(C) In no case shall any period of suspension of an 2418
offender's driver's or commercial driver's license or permit or 2419
nonresident operating privilege that is increased by a factor of 2420
two or any period of time during which the offender is prohibited 2421
from exercising any limited driving privileges granted to the 2422
offender unless the vehicles the offender operates are equipped 2423
with a certified ignition interlock device that is increased by a 2424
factor of two exceed the maximum period of time for which the 2425
court originally was authorized to suspend the offender's driver's 2426
or commercial driver's license or permit or nonresident operating 2427
privilege under division (G)(1)(a), (b), (c), (d), or (e) of 2428
section 4511.19 of the Revised Code. 2429

(D) Nothing in this section shall be construed as prohibiting 2430
the court from revoking an individual's driving privileges. 2431

Sec. 4511.181. As used in sections 4511.181 to ~~4511.197~~ 2432
4511.199 of the Revised Code: 2433

(A) "Equivalent offense" means any of the following: 2434

(1) A violation of division (A) or (B) of section 4511.19 of 2435
the Revised Code; 2436

(2) A violation of a municipal OVI ordinance;	2437
(3) A violation of section 2903.04 of the Revised Code in a	2438
case in which the offender was subject to the sanctions described	2439
in division (D) of that section;	2440
(4) A violation of division (A)(1) of section 2903.06 or	2441
2903.08 of the Revised Code or a municipal ordinance that is	2442
substantially equivalent to either of those divisions;	2443
(5) A violation of division (A)(2), (3), or (4) of section	2444
2903.06, division (A)(2) of section 2903.08, or former section	2445
2903.07 of the Revised Code, or a municipal ordinance that is	2446
substantially equivalent to any of those divisions or that former	2447
section, in a case in which a judge or jury as the trier of fact	2448
found that the offender was under the influence of alcohol, a drug	2449
of abuse, or a combination of them;	2450
(6) <u>A violation of division (A) or (B) of section 1547.11 of</u>	2451
<u>the Revised Code;</u>	2452
(7) <u>A violation of a municipal ordinance prohibiting a person</u>	2453
<u>from operating or being in physical control of any vessel underway</u>	2454
<u>or from manipulating any water skis, aquaplane, or similar device</u>	2455
<u>on the waters of this state while under the influence of alcohol,</u>	2456
<u>a drug of abuse, or a combination of them or prohibiting a person</u>	2457
<u>from operating or being in physical control of any vessel underway</u>	2458
<u>or from manipulating any water skis, aquaplane, or similar device</u>	2459
<u>on the waters of this state with a prohibited concentration of</u>	2460
<u>alcohol, a controlled substance, or a metabolite of a controlled</u>	2461
<u>substance in the whole blood, blood serum or plasma, breath, or</u>	2462
<u>urine;</u>	2463
(8) A violation of an existing or former municipal ordinance,	2464
law of another state, or law of the United States that is	2465
substantially equivalent to division (A) or (B) of section 4511.19	2466
<u>or division (A) or (B) of section 1547.11</u> of the Revised Code;	2467

~~(7)~~(9) A violation of a former law of this state that was 2468
substantially equivalent to division (A) or (B) of section 4511.19 2469
or division (A) or (B) of section 1547.11 of the Revised Code. 2470

(B) "Mandatory jail term" means the mandatory term in jail of 2471
three, six, ten, twenty, thirty, or sixty days that must be 2472
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 2473
of the Revised Code upon an offender convicted of a violation of 2474
division (A) of that section and in relation to which all of the 2475
following apply: 2476

(1) Except as specifically authorized under section 4511.19 2477
of the Revised Code, the term must be served in a jail. 2478

(2) Except as specifically authorized under section 4511.19 2479
of the Revised Code, the term cannot be suspended, reduced, or 2480
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 2481
other provision of the Revised Code. 2482

(C) "Municipal OVI ordinance" and "municipal OVI offense" 2483
mean any municipal ordinance prohibiting a person from operating a 2484
vehicle while under the influence of alcohol, a drug of abuse, or 2485
a combination of them or prohibiting a person from operating a 2486
vehicle with a prohibited concentration of alcohol, a controlled 2487
substance, or a metabolite of a controlled substance in the whole 2488
blood, blood serum or plasma, breath, or urine. 2489

(D) "Community residential sanction," "jail," "mandatory 2490
prison term," "mandatory term of local incarceration," "sanction," 2491
and "prison term" have the same meanings as in section 2929.01 of 2492
the Revised Code. 2493

(E) "Drug of abuse" has the same meaning as in section 2494
4506.01 of the Revised Code. 2495

(F) "Equivalent offense that is vehicle-related" means an 2496
equivalent offense that is any of the following: 2497

(1) A violation described in division (A)(1), (2), (3), (4), 2498
or (5) of this section; 2499

(2) A violation of an existing or former municipal ordinance, 2500
law of another state, or law of the United States that is 2501
substantially equivalent to division (A) or (B) of section 4511.19 2502
of the Revised Code; 2503

(3) A violation of a former law of this state that was 2504
substantially equivalent to division (A) or (B) of section 4511.19 2505
of the Revised Code. 2506

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 2507
streetcar, or trackless trolley within this state, if, at the time 2508
of the operation, any of the following apply: 2509

(a) The person is under the influence of alcohol, a drug of 2510
abuse, or a combination of them. 2511

(b) The person has a concentration of eight-hundredths of one 2512
per cent or more but less than seventeen-hundredths of one per 2513
cent by weight per unit volume of alcohol in the person's whole 2514
blood. 2515

(c) The person has a concentration of ninety-six-thousandths 2516
of one per cent or more but less than two hundred four-thousandths 2517
of one per cent by weight per unit volume of alcohol in the 2518
person's blood serum or plasma. 2519

(d) The person has a concentration of eight-hundredths of one 2520
gram or more but less than seventeen-hundredths of one gram by 2521
weight of alcohol per two hundred ten liters of the person's 2522
breath. 2523

(e) The person has a concentration of eleven-hundredths of 2524
one gram or more but less than two hundred 2525
thirty-eight-thousandths of one gram by weight of alcohol per one 2526
hundred milliliters of the person's urine. 2527

(f) The person has a concentration of seventeen-hundredths of 2528
one per cent or more by weight per unit volume of alcohol in the 2529
person's whole blood. 2530

(g) The person has a concentration of two hundred 2531
four-thousandths of one per cent or more by weight per unit volume 2532
of alcohol in the person's blood serum or plasma. 2533

(h) The person has a concentration of seventeen-hundredths of 2534
one gram or more by weight of alcohol per two hundred ten liters 2535
of the person's breath. 2536

(i) The person has a concentration of two hundred 2537
thirty-eight-thousandths of one gram or more by weight of alcohol 2538
per one hundred milliliters of the person's urine. 2539

(j) Except as provided in division (K) of this section, the 2540
person has a concentration of any of the following controlled 2541
substances or metabolites of a controlled substance in the 2542
person's whole blood, blood serum or plasma, or urine that equals 2543
or exceeds any of the following: 2544

(i) The person has a concentration of amphetamine in the 2545
person's urine of at least five hundred nanograms of amphetamine 2546
per milliliter of the person's urine or has a concentration of 2547
amphetamine in the person's whole blood or blood serum or plasma 2548
of at least one hundred nanograms of amphetamine per milliliter of 2549
the person's whole blood or blood serum or plasma. 2550

(ii) The person has a concentration of cocaine in the 2551
person's urine of at least one hundred fifty nanograms of cocaine 2552
per milliliter of the person's urine or has a concentration of 2553
cocaine in the person's whole blood or blood serum or plasma of at 2554
least fifty nanograms of cocaine per milliliter of the person's 2555
whole blood or blood serum or plasma. 2556

(iii) The person has a concentration of cocaine metabolite in 2557
the person's urine of at least one hundred fifty nanograms of 2558

cocaine metabolite per milliliter of the person's urine or has a 2559
concentration of cocaine metabolite in the person's whole blood or 2560
blood serum or plasma of at least fifty nanograms of cocaine 2561
metabolite per milliliter of the person's whole blood or blood 2562
serum or plasma. 2563

(iv) The person has a concentration of heroin in the person's 2564
urine of at least two thousand nanograms of heroin per milliliter 2565
of the person's urine or has a concentration of heroin in the 2566
person's whole blood or blood serum or plasma of at least fifty 2567
nanograms of heroin per milliliter of the person's whole blood or 2568
blood serum or plasma. 2569

(v) The person has a concentration of heroin metabolite 2570
(6-monoacetyl morphine) in the person's urine of at least ten 2571
nanograms of heroin metabolite (6-monoacetyl morphine) per 2572
milliliter of the person's urine or has a concentration of heroin 2573
metabolite (6-monoacetyl morphine) in the person's whole blood or 2574
blood serum or plasma of at least ten nanograms of heroin 2575
metabolite (6-monoacetyl morphine) per milliliter of the person's 2576
whole blood or blood serum or plasma. 2577

(vi) The person has a concentration of L.S.D. in the person's 2578
urine of at least twenty-five nanograms of L.S.D. per milliliter 2579
of the person's urine or a concentration of L.S.D. in the person's 2580
whole blood or blood serum or plasma of at least ten nanograms of 2581
L.S.D. per milliliter of the person's whole blood or blood serum 2582
or plasma. 2583

(vii) The person has a concentration of marihuana in the 2584
person's urine of at least ten nanograms of marihuana per 2585
milliliter of the person's urine or has a concentration of 2586
marihuana in the person's whole blood or blood serum or plasma of 2587
at least two nanograms of marihuana per milliliter of the person's 2588
whole blood or blood serum or plasma. 2589

(viii) Either of the following applies: 2590

(I) The person is under the influence of alcohol, a drug of 2591
abuse, or a combination of them, and, as measured by gas 2592
chromatography mass spectrometry, the person has a concentration 2593
of marihuana metabolite in the person's urine of at least fifteen 2594
nanograms of marihuana metabolite per milliliter of the person's 2595
urine or has a concentration of marihuana metabolite in the 2596
person's whole blood or blood serum or plasma of at least five 2597
nanograms of marihuana metabolite per milliliter of the person's 2598
whole blood or blood serum or plasma. 2599

(II) As measured by gas chromatography mass spectrometry, the 2600
person has a concentration of marihuana metabolite in the person's 2601
urine of at least thirty-five nanograms of marihuana metabolite 2602
per milliliter of the person's urine or has a concentration of 2603
marihuana metabolite in the person's whole blood or blood serum or 2604
plasma of at least fifty nanograms of marihuana metabolite per 2605
milliliter of the person's whole blood or blood serum or plasma. 2606

(ix) The person has a concentration of methamphetamine in the 2607
person's urine of at least five hundred nanograms of 2608
methamphetamine per milliliter of the person's urine or has a 2609
concentration of methamphetamine in the person's whole blood or 2610
blood serum or plasma of at least one hundred nanograms of 2611
methamphetamine per milliliter of the person's whole blood or 2612
blood serum or plasma. 2613

(x) The person has a concentration of phencyclidine in the 2614
person's urine of at least twenty-five nanograms of phencyclidine 2615
per milliliter of the person's urine or has a concentration of 2616
phencyclidine in the person's whole blood or blood serum or plasma 2617
of at least ten nanograms of phencyclidine per milliliter of the 2618
person's whole blood or blood serum or plasma. 2619

(2) No person who, within twenty years of the conduct 2620

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

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

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

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

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

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

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

(4) The person has a concentration of at least twenty-eight
one-thousandths of one gram but less than eleven-hundredths of one

gram by weight of alcohol per one hundred milliliters of the 2652
person's urine. 2653

(C) In any proceeding arising out of one incident, a person 2654
may be charged with a violation of division (A)(1)(a) or (A)(2) 2655
and a violation of division (B)(1), (2), or (3) of this section, 2656
but the person may not be convicted of more than one violation of 2657
these divisions. 2658

(D)(1)(a) In any criminal prosecution or juvenile court 2659
proceeding for a violation of division (A)(1)(a) of this section 2660
or for an equivalent offense that is vehicle-related, the result 2661
of any test of any blood or urine withdrawn and analyzed at any 2662
health care provider, as defined in section 2317.02 of the Revised 2663
Code, may be admitted with expert testimony to be considered with 2664
any other relevant and competent evidence in determining the guilt 2665
or innocence of the defendant. 2666

(b) In any criminal prosecution or juvenile court proceeding 2667
for a violation of division (A) or (B) of this section or for an 2668
equivalent offense that is vehicle-related, the court may admit 2669
evidence on the concentration of alcohol, drugs of abuse, 2670
controlled substances, metabolites of a controlled substance, or a 2671
combination of them in the defendant's whole blood, blood serum or 2672
plasma, breath, urine, or other bodily substance at the time of 2673
the alleged violation as shown by chemical analysis of the 2674
substance withdrawn within three hours of the time of the alleged 2675
violation. The three-hour time limit specified in this division 2676
regarding the admission of evidence does not extend or affect the 2677
two-hour time limit specified in division (A) of section 4511.192 2678
of the Revised Code as the maximum period of time during which a 2679
person may consent to a chemical test or tests as described in 2680
that section. The court may admit evidence on the concentration of 2681
alcohol, drugs of abuse, or a combination of them as described in 2682
this division when a person submits to a blood, breath, urine, or 2683

other bodily substance test at the request of a law enforcement 2684
officer under section 4511.191 of the Revised Code or a blood or 2685
urine sample is obtained pursuant to a search warrant. Only a 2686
physician, a registered nurse, or a qualified technician, chemist, 2687
or phlebotomist shall withdraw a blood sample for the purpose of 2688
determining the alcohol, drug, controlled substance, metabolite of 2689
a controlled substance, or combination content of the whole blood, 2690
blood serum, or blood plasma. This limitation does not apply to 2691
the taking of breath or urine specimens. A person authorized to 2692
withdraw blood under this division may refuse to withdraw blood 2693
under this division, if in that person's opinion, the physical 2694
welfare of the person would be endangered by the withdrawing of 2695
blood. 2696

The bodily substance withdrawn under division (D)(1)(b) of 2697
this section shall be analyzed in accordance with methods approved 2698
by the director of health by an individual possessing a valid 2699
permit issued by the director pursuant to section 3701.143 of the 2700
Revised Code. 2701

(2) In a criminal prosecution or juvenile court proceeding 2702
for a violation of division (A) of this section or for an 2703
equivalent offense that is vehicle-related, if there was at the 2704
time the bodily substance was withdrawn a concentration of less 2705
than the applicable concentration of alcohol specified in 2706
divisions (A)(1)(b), (c), (d), and (e) of this section or less 2707
than the applicable concentration of a listed controlled substance 2708
or a listed metabolite of a controlled substance specified for a 2709
violation of division (A)(1)(j) of this section, that fact may be 2710
considered with other competent evidence in determining the guilt 2711
or innocence of the defendant. This division does not limit or 2712
affect a criminal prosecution or juvenile court proceeding for a 2713
violation of division (B) of this section or for an equivalent 2714
offense that is substantially equivalent to that division. 2715

2716

(3) Upon the request of the person who was tested, the 2717
results of the chemical test shall be made available to the person 2718
or the person's attorney, immediately upon the completion of the 2719
chemical test analysis. 2720

If the chemical test was obtained pursuant to division 2721
(D)(1)(b) of this section, the person tested may have a physician, 2722
a registered nurse, or a qualified technician, chemist, or 2723
phlebotomist of the person's own choosing administer a chemical 2724
test or tests, at the person's expense, in addition to any 2725
administered at the request of a law enforcement officer. The form 2726
to be read to the person to be tested, as required under section 2727
4511.192 of the Revised Code, shall state that the person may have 2728
an independent test performed at the person's expense. The failure 2729
or inability to obtain an additional chemical test by a person 2730
shall not preclude the admission of evidence relating to the 2731
chemical test or tests taken at the request of a law enforcement 2732
officer. 2733

(4)(a) As used in divisions (D)(4)(b) and (c) of this 2734
section, "national highway traffic safety administration" means 2735
the national highway traffic safety administration established as 2736
an administration of the United States department of 2737
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 2738

(b) In any criminal prosecution or juvenile court proceeding 2739
for a violation of division (A) or (B) of this section, of a 2740
municipal ordinance relating to operating a vehicle while under 2741
the influence of alcohol, a drug of abuse, or alcohol and a drug 2742
of abuse, or of a municipal ordinance relating to operating a 2743
vehicle with a prohibited concentration of alcohol, a controlled 2744
substance, or a metabolite of a controlled substance in the whole 2745
blood, blood serum or plasma, breath, or urine, if a law 2746
enforcement officer has administered a field sobriety test to the 2747

operator of the vehicle involved in the violation and if it is 2748
shown by clear and convincing evidence that the officer 2749
administered the test in substantial compliance with the testing 2750
standards for any reliable, credible, and generally accepted field 2751
sobriety tests that were in effect at the time the tests were 2752
administered, including, but not limited to, any testing standards 2753
then in effect that were set by the national highway traffic 2754
safety administration, all of the following apply: 2755

(i) The officer may testify concerning the results of the 2756
field sobriety test so administered. 2757

(ii) The prosecution may introduce the results of the field 2758
sobriety test so administered as evidence in any proceedings in 2759
the criminal prosecution or juvenile court proceeding. 2760

(iii) If testimony is presented or evidence is introduced 2761
under division (D)(4)(b)(i) or (ii) of this section and if the 2762
testimony or evidence is admissible under the Rules of Evidence, 2763
the court shall admit the testimony or evidence and the trier of 2764
fact shall give it whatever weight the trier of fact considers to 2765
be appropriate. 2766

(c) Division (D)(4)(b) of this section does not limit or 2767
preclude a court, in its determination of whether the arrest of a 2768
person was supported by probable cause or its determination of any 2769
other matter in a criminal prosecution or juvenile court 2770
proceeding of a type described in that division, from considering 2771
evidence or testimony that is not otherwise disallowed by division 2772
(D)(4)(b) of this section. 2773

(E)(1) Subject to division (E)(3) of this section, in any 2774
criminal prosecution or juvenile court proceeding for a violation 2775
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 2776
or (B)(1), (2), (3), or (4) of this section or for an equivalent 2777
offense that is substantially equivalent to any of those 2778

divisions, a laboratory report from any laboratory personnel 2779
issued a permit by the department of health authorizing an 2780
analysis as described in this division that contains an analysis 2781
of the whole blood, blood serum or plasma, breath, urine, or other 2782
bodily substance tested and that contains all of the information 2783
specified in this division shall be admitted as prima-facie 2784
evidence of the information and statements that the report 2785
contains. The laboratory report shall contain all of the 2786
following: 2787

(a) The signature, under oath, of any person who performed 2788
the analysis; 2789

(b) Any findings as to the identity and quantity of alcohol, 2790
a drug of abuse, a controlled substance, a metabolite of a 2791
controlled substance, or a combination of them that was found; 2792

(c) A copy of a notarized statement by the laboratory 2793
director or a designee of the director that contains the name of 2794
each certified analyst or test performer involved with the report, 2795
the analyst's or test performer's employment relationship with the 2796
laboratory that issued the report, and a notation that performing 2797
an analysis of the type involved is part of the analyst's or test 2798
performer's regular duties; 2799

(d) An outline of the analyst's or test performer's 2800
education, training, and experience in performing the type of 2801
analysis involved and a certification that the laboratory 2802
satisfies appropriate quality control standards in general and, in 2803
this particular analysis, under rules of the department of health. 2804

(2) Notwithstanding any other provision of law regarding the 2805
admission of evidence, a report of the type described in division 2806
(E)(1) of this section is not admissible against the defendant to 2807
whom it pertains in any proceeding, other than a preliminary 2808
hearing or a grand jury proceeding, unless the prosecutor has 2809

served a copy of the report on the defendant's attorney or, if the
defendant has no attorney, on the defendant.

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

(F) Except as otherwise provided in this division, any
physician, registered nurse, or qualified technician, chemist, or
phlebotomist who withdraws blood from a person pursuant to this
section or section 4511.191 or 4511.192 of the Revised Code, and
any hospital, first-aid station, or clinic at which blood is
withdrawn from a person pursuant to this section or section
4511.191 or 4511.192 of the Revised Code, is immune from criminal
liability and civil liability based upon a claim of assault and
battery or any other claim that is not a claim of malpractice, for
any act performed in withdrawing blood from the person. The
immunity provided in this division is not available to a person
who withdraws blood if the person engages in willful or wanton
misconduct.

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

this section: 2842

(a) Except as otherwise provided in division (G)(1)(b), (c), 2843
(d), or (e) of this section, the offender is guilty of a 2844
misdemeanor of the first degree, and the court shall sentence the 2845
offender to all of the following: 2846

(i) If the sentence is being imposed for a violation of 2847
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2848
mandatory jail term of three consecutive days. As used in this 2849
division, three consecutive days means seventy-two consecutive 2850
hours. The court may sentence an offender to both an intervention 2851
program and a jail term. The court may impose a jail term in 2852
addition to the three-day mandatory jail term or intervention 2853
program. However, in no case shall the cumulative jail term 2854
imposed for the offense exceed six months. 2855

The court may suspend the execution of the three-day jail 2856
term under this division if the court, in lieu of that suspended 2857
term, places the offender under a community control sanction 2858
pursuant to section 2929.25 of the Revised Code and requires the 2859
offender to attend, for three consecutive days, a drivers' 2860
intervention program certified under section 3793.10 of the 2861
Revised Code. The court also may suspend the execution of any part 2862
of the three-day jail term under this division if it places the 2863
offender under a community control sanction pursuant to section 2864
2929.25 of the Revised Code for part of the three days, requires 2865
the offender to attend for the suspended part of the term a 2866
drivers' intervention program so certified, and sentences the 2867
offender to a jail term equal to the remainder of the three 2868
consecutive days that the offender does not spend attending the 2869
program. The court may require the offender, as a condition of 2870
community control and in addition to the required attendance at a 2871
drivers' intervention program, to attend and satisfactorily 2872
complete any treatment or education programs that comply with the 2873

minimum standards adopted pursuant to Chapter 3793. of the Revised 2874
Code by the director of alcohol and drug addiction services that 2875
the operators of the drivers' intervention program determine that 2876
the offender should attend and to report periodically to the court 2877
on the offender's progress in the programs. The court also may 2878
impose on the offender any other conditions of community control 2879
that it considers necessary. 2880

(ii) If the sentence is being imposed for a violation of 2881
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2882
section, except as otherwise provided in this division, a 2883
mandatory jail term of at least three consecutive days and a 2884
requirement that the offender attend, for three consecutive days, 2885
a drivers' intervention program that is certified pursuant to 2886
section 3793.10 of the Revised Code. As used in this division, 2887
three consecutive days means seventy-two consecutive hours. If the 2888
court determines that the offender is not conducive to treatment 2889
in a drivers' intervention program, if the offender refuses to 2890
attend a drivers' intervention program, or if the jail at which 2891
the offender is to serve the jail term imposed can provide a 2892
driver's intervention program, the court shall sentence the 2893
offender to a mandatory jail term of at least six consecutive 2894
days. 2895

The court may require the offender, under a community control 2896
sanction imposed under section 2929.25 of the Revised Code, to 2897
attend and satisfactorily complete any treatment or education 2898
programs that comply with the minimum standards adopted pursuant 2899
to Chapter 3793. of the Revised Code by the director of alcohol 2900
and drug addiction services, in addition to the required 2901
attendance at drivers' intervention program, that the operators of 2902
the drivers' intervention program determine that the offender 2903
should attend and to report periodically to the court on the 2904
offender's progress in the programs. The court also may impose any 2905

other conditions of community control on the offender that it 2906
considers necessary. 2907

(iii) In all cases, a fine of not less than three hundred 2908
~~twenty-five~~ seventy-five and not more than one thousand 2909
seventy-five dollars; 2910

(iv) In all cases, a class five license suspension of the 2911
offender's driver's or commercial driver's license or permit or 2912
nonresident operating privilege from the range specified in 2913
division (A)(5) of section 4510.02 of the Revised Code. The court 2914
may grant limited driving privileges relative to the suspension 2915
under sections 4510.021 and 4510.13 of the Revised Code. 2916

(b) Except as otherwise provided in division (G)(1)(e) of 2917
this section, an offender who, within six years of the offense, 2918
previously has been convicted of or pleaded guilty to one 2919
violation of division (A) or (B) of this section or one other 2920
equivalent offense is guilty of a misdemeanor of the first degree. 2921
The court shall sentence the offender to all of the following: 2922

(i) If the sentence is being imposed for a violation of 2923
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2924
mandatory jail term of ten consecutive days. The court shall 2925
impose the ten-day mandatory jail term under this division unless, 2926
subject to division (G)(3) of this section, it instead imposes a 2927
sentence under that division consisting of both a jail term and a 2928
term of house arrest with electronic monitoring, with continuous 2929
alcohol monitoring, or with both electronic monitoring and 2930
continuous alcohol monitoring. The court may impose a jail term in 2931
addition to the ten-day mandatory jail term. The cumulative jail 2932
term imposed for the offense shall not exceed six months. 2933

In addition to the jail term or the term of house arrest with 2934
electronic monitoring or continuous alcohol monitoring or both 2935
types of monitoring and jail term, the court ~~may~~ shall require the 2936

offender to ~~attend a drivers' intervention~~ be assessed by an 2937
alcohol and drug treatment program that is ~~certified pursuant to~~ 2938
authorized by section 3793.10 3793.02 of the Revised Code, subject 2939
to division (I) of this section, and shall order the offender to 2940
follow the treatment recommendations of the program. ~~If the~~ 2941
~~operator of the program determines that the offender is alcohol~~ 2942
~~dependent, the~~ The purpose of the assessment is to determine the 2943
degree of the offender's alcohol usage and to determine whether or 2944
not treatment is warranted. Upon the request of the court, the 2945
~~program shall notify the court, and, subject to division (I) of~~ 2946
~~this section, the court shall order the offender to obtain~~ 2947
~~treatment through an alcohol and drug addiction program authorized~~ 2948
~~by section 3793.02 of the Revised Code~~ submit the results of the 2949
assessment to the court, including all treatment recommendations 2950
and clinical diagnoses related to alcohol use. 2951

(ii) If the sentence is being imposed for a violation of 2952
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2953
section, except as otherwise provided in this division, a 2954
mandatory jail term of twenty consecutive days. The court shall 2955
impose the twenty-day mandatory jail term under this division 2956
unless, subject to division (G)(3) of this section, it instead 2957
imposes a sentence under that division consisting of both a jail 2958
term and a term of house arrest with electronic monitoring, with 2959
continuous alcohol monitoring, or with both electronic monitoring 2960
and continuous alcohol monitoring. The court may impose a jail 2961
term in addition to the twenty-day mandatory jail term. The 2962
cumulative jail term imposed for the offense shall not exceed six 2963
months. 2964

In addition to the jail term or the term of house arrest with 2965
electronic monitoring or continuous alcohol monitoring or both 2966
types of monitoring and jail term, the court ~~may~~ shall require the 2967
offender to ~~attend a driver's intervention~~ be assessed by an 2968

~~alcohol and drug treatment program that is certified pursuant to~~ 2969
~~authorized by section 3793.10~~ 3793.02 of the Revised Code, ~~subject~~ 2970
~~to division (I) of this section, and shall order the offender to~~ 2971
~~follow the treatment recommendations of the program. If the~~ 2972
~~operator of the program determines that the offender is alcohol~~ 2973
~~dependent, the~~ The purpose of the assessment is to determine the 2974
degree of the offender's alcohol usage and to determine whether or 2975
not treatment is warranted. Upon the request of the court, the 2976
~~program shall notify the court, and, subject to division (I) of~~ 2977
~~this section, the court shall order the offender to obtain~~ 2978
~~treatment through an alcohol and drug addiction program authorized~~ 2979
~~by section 3793.02 of the Revised Code~~ submit the results of the 2980
assessment to the court, including all treatment recommendations 2981
and clinical diagnoses related to alcohol use. 2982

(iii) In all cases, notwithstanding the fines set forth in 2983
Chapter 2929. of the Revised Code, a fine of not less than ~~four~~ 2984
five hundred ~~seventy-five~~ twenty-five and not more than one 2985
thousand six hundred twenty-five dollars; 2986

(iv) In all cases, a class four license suspension of the 2987
offender's driver's license, commercial driver's license, 2988
temporary instruction permit, probationary license, or nonresident 2989
operating privilege from the range specified in division (A)(4) of 2990
section 4510.02 of the Revised Code. The court may grant limited 2991
driving privileges relative to the suspension under sections 2992
4510.021 and 4510.13 of the Revised Code. 2993

(v) In all cases, if the vehicle is registered in the 2994
offender's name, immobilization of the vehicle involved in the 2995
offense for ninety days in accordance with section 4503.233 of the 2996
Revised Code and impoundment of the license plates of that vehicle 2997
for ninety days. 2998

(c) Except as otherwise provided in division (G)(1)(e) of 2999
this section, an offender who, within six years of the offense, 3000

previously has been convicted of or pleaded guilty to two 3001
violations of division (A) or (B) of this section or other 3002
equivalent offenses is guilty of a misdemeanor. The court shall 3003
sentence the offender to all of the following: 3004

(i) If the sentence is being imposed for a violation of 3005
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 3006
mandatory jail term of thirty consecutive days. The court shall 3007
impose the thirty-day mandatory jail term under this division 3008
unless, subject to division (G)(3) of this section, it instead 3009
imposes a sentence under that division consisting of both a jail 3010
term and a term of house arrest with electronic monitoring, with 3011
continuous alcohol monitoring, or with both electronic monitoring 3012
and continuous alcohol monitoring. The court may impose a jail 3013
term in addition to the thirty-day mandatory jail term. 3014
Notwithstanding the jail terms set forth in sections 2929.21 to 3015
2929.28 of the Revised Code, the additional jail term shall not 3016
exceed one year, and the cumulative jail term imposed for the 3017
offense shall not exceed one year. 3018

(ii) If the sentence is being imposed for a violation of 3019
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3020
section, a mandatory jail term of sixty consecutive days. The 3021
court shall impose the sixty-day mandatory jail term under this 3022
division unless, subject to division (G)(3) of this section, it 3023
instead imposes a sentence under that division consisting of both 3024
a jail term and a term of house arrest with electronic monitoring, 3025
with continuous alcohol monitoring, or with both electronic 3026
monitoring and continuous alcohol monitoring. The court may impose 3027
a jail term in addition to the sixty-day mandatory jail term. 3028
Notwithstanding the jail terms set forth in sections 2929.21 to 3029
2929.28 of the Revised Code, the additional jail term shall not 3030
exceed one year, and the cumulative jail term imposed for the 3031
offense shall not exceed one year. 3032

(iii) In all cases, notwithstanding the fines set forth in 3033
Chapter 2929. of the Revised Code, a fine of not less than eight 3034
hundred fifty and not more than two thousand seven hundred fifty 3035
dollars; 3036

(iv) In all cases, a class three license suspension of the 3037
offender's driver's license, commercial driver's license, 3038
temporary instruction permit, probationary license, or nonresident 3039
operating privilege from the range specified in division (A)(3) of 3040
section 4510.02 of the Revised Code. The court may grant limited 3041
driving privileges relative to the suspension under sections 3042
4510.021 and 4510.13 of the Revised Code. 3043

(v) In all cases, if the vehicle is registered in the 3044
offender's name, criminal forfeiture of the vehicle involved in 3045
the offense in accordance with section 4503.234 of the Revised 3046
Code. Division (G)(6) of this section applies regarding any 3047
vehicle that is subject to an order of criminal forfeiture under 3048
this division. 3049

(vi) In all cases, ~~participation~~ the court shall order the 3050
offender to participate in an alcohol and drug addiction program 3051
authorized by section 3793.02 of the Revised Code, subject to 3052
division (I) of this section, and shall order the offender to 3053
follow the treatment recommendations of the program. The operator 3054
of the program shall determine and assess the degree of the 3055
offender's alcohol dependency and shall make recommendations for 3056
treatment. Upon the request of the court, the program shall submit 3057
the results of the assessment to the court, including all 3058
treatment recommendations and clinical diagnoses related to 3059
alcohol use. 3060

(d) Except as otherwise provided in division (G)(1)(e) of 3061
this section, an offender who, within six years of the offense, 3062
previously has been convicted of or pleaded guilty to three or 3063
four violations of division (A) or (B) of this section or other 3064

equivalent offenses or an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony of the fourth degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of sixty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of that section if the offender is not convicted of and does not plead guilty to a specification of that type. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the sixty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of section 2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all

of the prison terms so imposed prior to serving the community 3098
control sanction. 3099

(ii) If the sentence is being imposed for a violation of 3100
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3101
section, a mandatory prison term of one, two, three, four, or five 3102
years as required by and in accordance with division (G)(2) of 3103
section 2929.13 of the Revised Code if the offender also is 3104
convicted of or also pleads guilty to a specification of the type 3105
described in section 2941.1413 of the Revised Code or, in the 3106
discretion of the court, either a mandatory term of local 3107
incarceration of one hundred twenty consecutive days in accordance 3108
with division (G)(1) of section 2929.13 of the Revised Code or a 3109
mandatory prison term of one hundred twenty consecutive days in 3110
accordance with division (G)(2) of that section if the offender is 3111
not convicted of and does not plead guilty to a specification of 3112
that type. If the court imposes a mandatory term of local 3113
incarceration, it may impose a jail term in addition to the one 3114
hundred twenty-day mandatory term, the cumulative total of the 3115
mandatory term and the jail term for the offense shall not exceed 3116
one year, and, except as provided in division (A)(1) of section 3117
2929.13 of the Revised Code, no prison term is authorized for the 3118
offense. If the court imposes a mandatory prison term, 3119
notwithstanding division (A)(4) of section 2929.14 of the Revised 3120
Code, it also may sentence the offender to a definite prison term 3121
that shall be not less than six months and not more than thirty 3122
months and the prison terms shall be imposed as described in 3123
division (G)(2) of section 2929.13 of the Revised Code. If the 3124
court imposes a mandatory prison term or mandatory prison term and 3125
additional prison term, in addition to the term or terms so 3126
imposed, the court also may sentence the offender to a community 3127
control sanction for the offense, but the offender shall serve all 3128
of the prison terms so imposed prior to serving the community 3129
control sanction. 3130

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty 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 the court shall order the offender to participate in an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the program. The operator of the program shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the program shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(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. 3163

(e) An offender who previously has been convicted of or 3164
pleaded guilty to a violation of division (A) of this section that 3165
was a felony, regardless of when the violation and the conviction 3166
or guilty plea occurred, is guilty of a felony of the third 3167
degree. The court shall sentence the offender to all of the 3168
following: 3169

(i) If the offender is being sentenced for a violation of 3170
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 3171
mandatory prison term of one, two, three, four, or five years as 3172
required by and in accordance with division (G)(2) of section 3173
2929.13 of the Revised Code if the offender also is convicted of 3174
or also pleads guilty to a specification of the type described in 3175
section 2941.1413 of the Revised Code or a mandatory prison term 3176
of sixty consecutive days in accordance with division (G)(2) of 3177
section 2929.13 of the Revised Code if the offender is not 3178
convicted of and does not plead guilty to a specification of that 3179
type. The court may impose a prison term in addition to the 3180
mandatory prison term. The cumulative total of a sixty-day 3181
mandatory prison term and the additional prison term for the 3182
offense shall not exceed five years. In addition to the mandatory 3183
prison term or mandatory prison term and additional prison term 3184
the court imposes, the court also may sentence the offender to a 3185
community control sanction for the offense, but the offender shall 3186
serve all of the prison terms so imposed prior to serving the 3187
community control sanction. 3188

(ii) If the sentence is being imposed for a violation of 3189
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3190
section, a mandatory prison term of one, two, three, four, or five 3191
years as required by and in accordance with division (G)(2) of 3192
section 2929.13 of the Revised Code if the offender also is 3193
convicted of or also pleads guilty to a specification of the type 3194

described in section 2941.1413 of the Revised Code or a mandatory 3195
prison term of one hundred twenty consecutive days in accordance 3196
with division (G)(2) of section 2929.13 of the Revised Code if the 3197
offender is not convicted of and does not plead guilty to a 3198
specification of that type. The court may impose a prison term in 3199
addition to the mandatory prison term. The cumulative total of a 3200
one hundred twenty-day mandatory prison term and the additional 3201
prison term for the offense shall not exceed five years. In 3202
addition to the mandatory prison term or mandatory prison term and 3203
additional prison term the court imposes, the court also may 3204
sentence the offender to a community control sanction for the 3205
offense, but the offender shall serve all of the prison terms so 3206
imposed prior to serving the community control sanction. 3207

(iii) In all cases, notwithstanding section 2929.18 of the 3208
Revised Code, a fine of not less than one thousand three hundred 3209
fifty nor more than ten thousand five hundred dollars; 3210

(iv) In all cases, a class two license suspension of the 3211
offender's driver's license, commercial driver's license, 3212
temporary instruction permit, probationary license, or nonresident 3213
operating privilege from the range specified in division (A)(2) of 3214
section 4510.02 of the Revised Code. The court may grant limited 3215
driving privileges relative to the suspension under sections 3216
4510.021 and 4510.13 of the Revised Code. 3217

(v) In all cases, if the vehicle is registered in the 3218
offender's name, criminal forfeiture of the vehicle involved in 3219
the offense in accordance with section 4503.234 of the Revised 3220
Code. Division (G)(6) of this section applies regarding any 3221
vehicle that is subject to an order of criminal forfeiture under 3222
this division. 3223

(vi) In all cases, ~~participation~~ the court shall order the 3224
offender to participate in an alcohol and drug addiction program 3225
authorized by section 3793.02 of the Revised Code, subject to 3226

division (I) of this section, and shall order the offender to 3227
follow the treatment recommendations of the program. The operator 3228
of the program shall determine and assess the degree of the 3229
offender's alcohol dependency and shall make recommendations for 3230
treatment. Upon the request of the court, the program shall submit 3231
the results of the assessment to the court, including all 3232
treatment recommendations and clinical diagnoses related to 3233
alcohol use. 3234

(2) An offender who is convicted of or pleads guilty to a 3235
violation of division (A) of this section and who subsequently 3236
seeks reinstatement of the driver's or occupational driver's 3237
license or permit or nonresident operating privilege suspended 3238
under this section as a result of the conviction or guilty plea 3239
shall pay a reinstatement fee as provided in division (F)(2) of 3240
section 4511.191 of the Revised Code. 3241

(3) If an offender is sentenced to a jail term under division 3242
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 3243
if, within sixty days of sentencing of the offender, the court 3244
issues a written finding on the record that, due to the 3245
unavailability of space at the jail where the offender is required 3246
to serve the term, the offender will not be able to begin serving 3247
that term within the sixty-day period following the date of 3248
sentencing, the court may impose an alternative sentence under 3249
this division that includes a term of house arrest with electronic 3250
monitoring, with continuous alcohol monitoring, or with both 3251
electronic monitoring and continuous alcohol monitoring. 3252

As an alternative to a mandatory jail term of ten consecutive 3253
days required by division (G)(1)(b)(i) of this section, the court, 3254
under this division, may sentence the offender to five consecutive 3255
days in jail and not less than eighteen consecutive days of house 3256
arrest with electronic monitoring, with continuous alcohol 3257
monitoring, or with both electronic monitoring and continuous 3258

alcohol monitoring. The cumulative total of the five consecutive 3259
days in jail and the period of house arrest with electronic 3260
monitoring, continuous alcohol monitoring, or both types of 3261
monitoring shall not exceed six months. The five consecutive days 3262
in jail do not have to be served prior to or consecutively to the 3263
period of house arrest. 3264

As an alternative to the mandatory jail term of twenty 3265
consecutive days required by division (G)(1)(b)(ii) of this 3266
section, the court, under this division, may sentence the offender 3267
to ten consecutive days in jail and not less than thirty-six 3268
consecutive days of house arrest with electronic monitoring, with 3269
continuous alcohol monitoring, or with both electronic monitoring 3270
and continuous alcohol monitoring. The cumulative total of the ten 3271
consecutive days in jail and the period of house arrest with 3272
electronic monitoring, continuous alcohol monitoring, or both 3273
types of monitoring shall not exceed six months. The ten 3274
consecutive days in jail do not have to be served prior to or 3275
consecutively to the period of house arrest. 3276

As an alternative to a mandatory jail term of thirty 3277
consecutive days required by division (G)(1)(c)(i) of this 3278
section, the court, under this division, may sentence the offender 3279
to fifteen consecutive days in jail and not less than fifty-five 3280
consecutive days of house arrest with electronic monitoring, with 3281
continuous alcohol monitoring, or with both electronic monitoring 3282
and continuous alcohol monitoring. The cumulative total of the 3283
fifteen consecutive days in jail and the period of house arrest 3284
with electronic monitoring, continuous alcohol monitoring, or both 3285
types of monitoring shall not exceed one year. The fifteen 3286
consecutive days in jail do not have to be served prior to or 3287
consecutively to the period of house arrest. 3288

As an alternative to the mandatory jail term of sixty 3289
consecutive days required by division (G)(1)(c)(ii) of this 3290

section, the court, under this division, may sentence the offender 3291
to thirty consecutive days in jail and not less than one hundred 3292
ten consecutive days of house arrest with electronic monitoring, 3293
with continuous alcohol monitoring, or with both electronic 3294
monitoring and continuous alcohol monitoring. The cumulative total 3295
of the thirty consecutive days in jail and the period of house 3296
arrest with electronic monitoring, continuous alcohol monitoring, 3297
or both types of monitoring shall not exceed one year. The thirty 3298
consecutive days in jail do not have to be served prior to or 3299
consecutively to the period of house arrest. 3300

(4) If an offender's driver's or occupational driver's 3301
license or permit or nonresident operating privilege is suspended 3302
under division (G) of this section and if section 4510.13 of the 3303
Revised Code permits the court to grant limited driving 3304
privileges, the court may grant the limited driving privileges in 3305
accordance with that section. If division (A)(7) of that section 3306
requires that the court impose as a condition of the privileges 3307
that the offender must display on the vehicle that is driven 3308
subject to the privileges restricted license plates that are 3309
issued under section 4503.231 of the Revised Code, except as 3310
provided in division (B) of that section, the court shall impose 3311
that condition as one of the conditions of the limited driving 3312
privileges granted to the offender, except as provided in division 3313
(B) of section 4503.231 of the Revised Code. 3314

(5) Fines imposed under this section for a violation of 3315
division (A) of this section shall be distributed as follows: 3316

(a) Twenty-five dollars of the fine imposed under division 3317
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 3318
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 3319
fine imposed under division (G)(1)(c)(iii), and two hundred ten 3320
dollars of the fine imposed under division (G)(1)(d)(iii) or 3321
(e)(iii) of this section shall be paid to an enforcement and 3322

education fund established by the legislative authority of the law 3323
enforcement agency in this state that primarily was responsible 3324
for the arrest of the offender, as determined by the court that 3325
imposes the fine. The agency shall use this share to pay only 3326
those costs it incurs in enforcing this section or a municipal OVI 3327
ordinance and in informing the public of the laws governing the 3328
operation of a vehicle while under the influence of alcohol, the 3329
dangers of the operation of a vehicle under the influence of 3330
alcohol, and other information relating to the operation of a 3331
vehicle under the influence of alcohol and the consumption of 3332
alcoholic beverages. 3333

(b) Fifty dollars of the fine imposed under division 3334
(G)(1)(a)(iii) of this section shall be paid to the political 3335
subdivision that pays the cost of housing the offender during the 3336
offender's term of incarceration. If the offender is being 3337
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 3338
(e), or (j) of this section and was confined as a result of the 3339
offense prior to being sentenced for the offense but is not 3340
sentenced to a term of incarceration, the fifty dollars shall be 3341
paid to the political subdivision that paid the cost of housing 3342
the offender during that period of confinement. The political 3343
subdivision shall use the share under this division to pay or 3344
reimburse incarceration or treatment costs it incurs in housing or 3345
providing drug and alcohol treatment to persons who violate this 3346
section or a municipal OVI ordinance, costs of any immobilizing or 3347
disabling device used on the offender's vehicle, and costs of 3348
electronic house arrest equipment needed for persons who violate 3349
this section. 3350

(c) Twenty-five dollars of the fine imposed under division 3351
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 3352
division (G)(1)(b)(iii) of this section shall be deposited into 3353
the county or municipal indigent drivers' alcohol treatment fund 3354

under the control of that court, as created by the county or 3355
municipal corporation under division ~~(N)~~(F) of section 4511.191 of 3356
the Revised Code. 3357

(d) One hundred fifteen dollars of the fine imposed under 3358
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 3359
fine imposed under division (G)(1)(c)(iii), and four hundred forty 3360
dollars of the fine imposed under division (G)(1)(d)(iii) or 3361
(e)(iii) of this section shall be paid to the political 3362
subdivision that pays the cost of housing the offender during the 3363
offender's term of incarceration. The political subdivision shall 3364
use this share to pay or reimburse incarceration or treatment 3365
costs it incurs in housing or providing drug and alcohol treatment 3366
to persons who violate this section or a municipal OVI ordinance, 3367
costs for any immobilizing or disabling device used on the 3368
offender's vehicle, and costs of electronic house arrest equipment 3369
needed for persons who violate this section. 3370

(e) Fifty dollars of the fine imposed under (G)(1)(a)(iii), 3371
(G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), and (G)(1)(e)(iii) 3372
of this section shall be deposited into the special projects fund 3373
of the court in which the offender was convicted and that is 3374
established under division (E)(1) of section 2303.201 or division 3375
(B)(1) of section 1901.26 of the Revised Code, to be used 3376
exclusively to cover the cost of immobilizing or disabling 3377
devices, including certified ignition interlock devices, and 3378
remote alcohol monitoring devices for indigent offenders who are 3379
required by a judge to use either of these devices. If the county 3380
or municipal corporation in which the offender was convicted does 3381
not have a special projects fund that is established under 3382
division (E)(1) of section 2303.201 or division (B)(1) of section 3383
1901.26 of the Revised Code, the fifty dollars shall be deposited 3384
into the indigent drivers interlock and alcohol monitoring fund 3385
under division (I) of section 4511.191 of the Revised Code. 3386

~~(e)~~(f) Seventy-five dollars of the fine imposed under 3387
division (G)(1)(a)(iii), one hundred twenty-five dollars of the 3388
fine imposed under division (G)(1)(b)(iii), two hundred fifty 3389
dollars of the fine imposed under division (G)(1)(c)(iii), and 3390
five hundred dollars of the fine imposed under division 3391
(G)(1)(d)(iii) or (e)(iii) of this section shall be transmitted to 3392
the treasurer of state for deposit into the indigent defense 3393
support fund established under section 120.08 of the Revised Code. 3394
3395

~~(f)~~(g) The balance of the fine imposed under division 3396
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 3397
section shall be disbursed as otherwise provided by law. 3398

(6) If title to a motor vehicle that is subject to an order 3399
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 3400
this section is assigned or transferred and division (B)(2) or (3) 3401
of section 4503.234 of the Revised Code applies, in addition to or 3402
independent of any other penalty established by law, the court may 3403
fine the offender the value of the vehicle as determined by 3404
publications of the national auto dealers association. The 3405
proceeds of any fine so imposed shall be distributed in accordance 3406
with division (C)(2) of that section. 3407

(7) As used in division (G) of this section, "electronic 3408
monitoring," "mandatory prison term," and "mandatory term of local 3409
incarceration" have the same meanings as in section 2929.01 of the 3410
Revised Code. 3411

(H) Whoever violates division (B) of this section is guilty 3412
of operating a vehicle after underage alcohol consumption and 3413
shall be punished as follows: 3414

(1) Except as otherwise provided in division (H)(2) of this 3415
section, the offender is guilty of a misdemeanor of the fourth 3416
degree. In addition to any other sanction imposed for the offense, 3417

the court shall impose a class six suspension of the offender's 3418
driver's license, commercial driver's license, temporary 3419
instruction permit, probationary license, or nonresident operating 3420
privilege from the range specified in division (A)(6) of section 3421
4510.02 of the Revised Code. 3422

(2) If, within one year of the offense, the offender 3423
previously has been convicted of or pleaded guilty to one or more 3424
violations of division (A) or (B) of this section or other 3425
equivalent offenses, the offender is guilty of a misdemeanor of 3426
the third degree. In addition to any other sanction imposed for 3427
the offense, the court shall impose a class four suspension of the 3428
offender's driver's license, commercial driver's license, 3429
temporary instruction permit, probationary license, or nonresident 3430
operating privilege from the range specified in division (A)(4) of 3431
section 4510.02 of the Revised Code. 3432

(3) If the offender also is convicted of or also pleads 3433
guilty to a specification of the type described in section 3434
2941.1416 of the Revised Code and if the court imposes a jail term 3435
for the violation of division (B) of this section, the court shall 3436
impose upon the offender an additional definite jail term pursuant 3437
to division (E) of section 2929.24 of the Revised Code. 3438

(I)(1) No court shall sentence an offender to an alcohol 3439
treatment program under this section unless the treatment program 3440
complies with the minimum standards for alcohol treatment programs 3441
adopted under Chapter 3793. of the Revised Code by the director of 3442
alcohol and drug addiction services. 3443

(2) An offender who stays in a drivers' intervention program 3444
or in an alcohol treatment program under an order issued under 3445
this section shall pay the cost of the stay in the program. 3446
However, if the court determines that an offender who stays in an 3447
alcohol treatment program under an order issued under this section 3448
is unable to pay the cost of the stay in the program, the court 3449

may order that the cost be paid from the court's indigent drivers' 3450
alcohol treatment fund. 3451

(J) If a person whose driver's or commercial driver's license 3452
or permit or nonresident operating privilege is suspended under 3453
this section files an appeal regarding any aspect of the person's 3454
trial or sentence, the appeal itself does not stay the operation 3455
of the suspension. 3456

(K) Division (A)(1)(j) of this section does not apply to a 3457
person who operates a vehicle, streetcar, or trackless trolley 3458
while the person has a concentration of a listed controlled 3459
substance or a listed metabolite of a controlled substance in the 3460
person's whole blood, blood serum or plasma, or urine that equals 3461
or exceeds the amount specified in that division, if both of the 3462
following apply: 3463

(1) The person obtained the controlled substance pursuant to 3464
a prescription issued by a licensed health professional authorized 3465
to prescribe drugs. 3466

(2) The person injected, ingested, or inhaled the controlled 3467
substance in accordance with the health professional's directions. 3468

(L) The prohibited concentrations of a controlled substance 3469
or a metabolite of a controlled substance listed in division 3470
(A)(1)(j) of this section also apply in a prosecution of a 3471
violation of division (D) of section 2923.16 of the Revised Code 3472
in the same manner as if the offender is being prosecuted for a 3473
prohibited concentration of alcohol. 3474

(M) All terms defined in section 4510.01 of the Revised Code 3475
apply to this section. If the meaning of a term defined in section 3476
4510.01 of the Revised Code conflicts with the meaning of the same 3477
term as defined in section 4501.01 or 4511.01 of the Revised Code, 3478
the term as defined in section 4510.01 of the Revised Code applies 3479
to this section. 3480

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 3481
as adopted by the supreme court under authority of section 2937.46 3482
of the Revised Code, do not apply to felony violations of this 3483
section. Subject to division (N)(2) of this section, the Rules of 3484
Criminal Procedure apply to felony violations of this section. 3485

(2) If, on or after January 1, 2004, the supreme court 3486
modifies the Ohio Traffic Rules to provide procedures to govern 3487
felony violations of this section, the modified rules shall apply 3488
to felony violations of this section. 3489

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 3490
as in section 4511.194 of the Revised Code. 3491

(2) Any person who operates a vehicle, streetcar, or 3492
trackless trolley upon a highway or any public or private property 3493
used by the public for vehicular travel or parking within this 3494
state or who is in physical control of a vehicle, streetcar, or 3495
trackless trolley shall be deemed to have given consent to a 3496
chemical test or tests of the person's whole blood, blood serum or 3497
plasma, breath, or urine to determine the alcohol, drug of abuse, 3498
controlled substance, metabolite of a controlled substance, or 3499
combination content of the person's whole blood, blood serum or 3500
plasma, breath, or urine if arrested for a violation of division 3501
(A) or (B) of section 4511.19 of the Revised Code, section 3502
4511.194 of the Revised Code or a substantially equivalent 3503
municipal ordinance, or a municipal OVI ordinance. 3504

(3) The chemical test or tests under division (A)(2) of this 3505
section shall be administered at the request of a law enforcement 3506
officer having reasonable grounds to believe the person was 3507
operating or in physical control of a vehicle, streetcar, or 3508
trackless trolley in violation of a division, section, or 3509
ordinance identified in division (A)(2) of this section. The law 3510
enforcement agency by which the officer is employed shall 3511

designate which of the tests shall be administered. 3512

(4) Any person who is dead or unconscious, or who otherwise 3513
is in a condition rendering the person incapable of refusal, shall 3514
be deemed to have consented as provided in division (A)(2) of this 3515
section, and the test or tests may be administered, subject to 3516
sections 313.12 to 313.16 of the Revised Code. 3517

(5)(a) If a law enforcement officer arrests a person for a 3518
violation of division (A) or (B) of section 4511.19 of the Revised 3519
Code, section 4511.194 of the Revised Code or a substantially 3520
equivalent municipal ordinance, or a municipal OVI ordinance and 3521
if the person if convicted would be required to be sentenced under 3522
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 3523
Code, the law enforcement officer shall request the person to 3524
submit, and the person shall submit, to a chemical test or tests 3525
of the person's whole blood, blood serum or plasma, breath, or 3526
urine for the purpose of determining the alcohol, drug of abuse, 3527
controlled substance, metabolite of a controlled substance, or 3528
combination content of the person's whole blood, blood serum or 3529
plasma, breath, or urine. A law enforcement officer who makes a 3530
request pursuant to this division that a person submit to a 3531
chemical test or tests shall advise the person at the time of the 3532
arrest that if the person refuses to take a chemical test the 3533
officer may employ whatever reasonable means are necessary to 3534
ensure that the person submits to a chemical test of the person's 3535
whole blood or blood serum or plasma. The officer shall also 3536
advise the person at the time of the arrest that the person may 3537
have an independent chemical test taken at the person's own 3538
expense. Divisions (A)(3) and (4) of this section apply to the 3539
administration of a chemical test or tests pursuant to this 3540
division. 3541

(b) If a person refuses to submit to a chemical test upon a 3542
request made pursuant to division (A)(5)(a) of this section, the 3543

law enforcement officer who made the request may employ whatever 3544
reasonable means are necessary to ensure that the person submits 3545
to a chemical test of the person's whole blood or blood serum or 3546
plasma. A law enforcement officer who acts pursuant to this 3547
division to ensure that a person submits to a chemical test of the 3548
person's whole blood or blood serum or plasma is immune from 3549
criminal and civil liability based upon a claim for assault and 3550
battery or any other claim for the acts, unless the officer so 3551
acted with malicious purpose, in bad faith, or in a wanton or 3552
reckless manner. 3553

(B)(1) Upon receipt of the sworn report of a law enforcement 3554
officer who arrested a person for a violation of division (A) or 3555
(B) of section 4511.19 of the Revised Code, section 4511.194 of 3556
the Revised Code or a substantially equivalent municipal 3557
ordinance, or a municipal OVI ordinance that was completed and 3558
sent to the registrar and a court pursuant to section 4511.192 of 3559
the Revised Code in regard to a person who refused to take the 3560
designated chemical test, the registrar shall enter into the 3561
registrar's records the fact that the person's driver's or 3562
commercial driver's license or permit or nonresident operating 3563
privilege was suspended by the arresting officer under this 3564
division and that section and the period of the suspension, as 3565
determined under this section. The suspension shall be subject to 3566
appeal as provided in section 4511.197 of the Revised Code. The 3567
suspension shall be for whichever of the following periods 3568
applies: 3569

(a) Except when division (B)(1)(b), (c), or (d) of this 3570
section applies and specifies a different class or length of 3571
suspension, the suspension shall be a class C suspension for the 3572
period of time specified in division (B)(3) of section 4510.02 of 3573
the Revised Code. 3574

(b) If the arrested person, within six years of the date on 3575

which the person refused the request to consent to the chemical 3576
test, had refused one previous request to consent to a chemical 3577
test or had been convicted of or pleaded guilty to one violation 3578
of division (A) or (B) of section 4511.19 of the Revised Code or 3579
one other equivalent offense, the suspension shall be a class B 3580
suspension imposed for the period of time specified in division 3581
(B)(2) of section 4510.02 of the Revised Code. 3582

(c) If the arrested person, within six years of the date on 3583
which the person refused the request to consent to the chemical 3584
test, had refused two previous requests to consent to a chemical 3585
test, had been convicted of or pleaded guilty to two violations of 3586
division (A) or (B) of section 4511.19 of the Revised Code or 3587
other equivalent offenses, or had refused one previous request to 3588
consent to a chemical test and also had been convicted of or 3589
pleaded guilty to one violation of division (A) or (B) of section 3590
4511.19 of the Revised Code or other equivalent offenses, which 3591
violation or offense arose from an incident other than the 3592
incident that led to the refusal, the suspension shall be a class 3593
A suspension imposed for the period of time specified in division 3594
(B)(1) of section 4510.02 of the Revised Code. 3595

(d) If the arrested person, within six years of the date on 3596
which the person refused the request to consent to the chemical 3597
test, had refused three or more previous requests to consent to a 3598
chemical test, had been convicted of or pleaded guilty to three or 3599
more violations of division (A) or (B) of section 4511.19 of the 3600
Revised Code or other equivalent offenses, or had refused a number 3601
of previous requests to consent to a chemical test and also had 3602
been convicted of or pleaded guilty to a number of violations of 3603
division (A) or (B) of section 4511.19 of the Revised Code or 3604
other equivalent offenses that cumulatively total three or more 3605
such refusals, convictions, and guilty pleas, the suspension shall 3606
be for five years. 3607

(2) The registrar shall terminate a suspension of the 3608
driver's or commercial driver's license or permit of a resident or 3609
of the operating privilege of a nonresident, or a denial of a 3610
driver's or commercial driver's license or permit, imposed 3611
pursuant to division (B)(1) of this section upon receipt of notice 3612
that the person has entered a plea of guilty to, or that the 3613
person has been convicted after entering a plea of no contest to, 3614
operating a vehicle in violation of section 4511.19 of the Revised 3615
Code or in violation of a municipal OVI ordinance, if the offense 3616
for which the conviction is had or the plea is entered arose from 3617
the same incident that led to the suspension or denial. 3618

The registrar shall credit against any judicial suspension of 3619
a person's driver's or commercial driver's license or permit or 3620
nonresident operating privilege imposed pursuant to section 3621
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3622
Revised Code for a violation of a municipal OVI ordinance, any 3623
time during which the person serves a related suspension imposed 3624
pursuant to division (B)(1) of this section. 3625

(C)(1) Upon receipt of the sworn report of the law 3626
enforcement officer who arrested a person for a violation of 3627
division (A) or (B) of section 4511.19 of the Revised Code or a 3628
municipal OVI ordinance that was completed and sent to the 3629
registrar and a court pursuant to section 4511.192 of the Revised 3630
Code in regard to a person whose test results indicate that the 3631
person's whole blood, blood serum or plasma, breath, or urine 3632
contained at least the concentration of alcohol specified in 3633
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 3634
Revised Code or at least the concentration of a listed controlled 3635
substance or a listed metabolite of a controlled substance 3636
specified in division (A)(1)(j) of section 4511.19 of the Revised 3637
Code, the registrar shall enter into the registrar's records the 3638
fact that the person's driver's or commercial driver's license or 3639

permit or nonresident operating privilege was suspended by the 3640
arresting officer under this division and section 4511.192 of the 3641
Revised Code and the period of the suspension, as determined under 3642
divisions ~~(F)~~(C)(1)(a) to ~~(4)~~(d) of this section. The suspension 3643
shall be subject to appeal as provided in section 4511.197 of the 3644
Revised Code. The suspension described in this division does not 3645
apply to, and shall not be imposed upon, a person arrested for a 3646
violation of section 4511.194 of the Revised Code or a 3647
substantially equivalent municipal ordinance who submits to a 3648
designated chemical test. The suspension shall be for whichever of 3649
the following periods applies: 3650

(a) Except when division (C)(1)(b), (c), or (d) of this 3651
section applies and specifies a different period, the suspension 3652
shall be a class E suspension imposed for the period of time 3653
specified in division (B)(5) of section 4510.02 of the Revised 3654
Code. 3655

(b) The suspension shall be a class C suspension for the 3656
period of time specified in division (B)(3) of section 4510.02 of 3657
the Revised Code if the person has been convicted of or pleaded 3658
guilty to, within six years of the date the test was conducted, 3659
one violation of division (A) or (B) of section 4511.19 of the 3660
Revised Code or one other equivalent offense. 3661

(c) If, within six years of the date the test was conducted, 3662
the person has been convicted of or pleaded guilty to two 3663
violations of a statute or ordinance described in division 3664
(C)(1)(b) of this section, the suspension shall be a class B 3665
suspension imposed for the period of time specified in division 3666
(B)(2) of section 4510.02 of the Revised Code. 3667

(d) If, within six years of the date the test was conducted, 3668
the person has been convicted of or pleaded guilty to more than 3669
two violations of a statute or ordinance described in division 3670
(C)(1)(b) of this section, the suspension shall be a class A 3671

suspension imposed for the period of time specified in division 3672
(B)(1) of section 4510.02 of the Revised Code. 3673

(2) The registrar shall terminate a suspension of the 3674
driver's or commercial driver's license or permit of a resident or 3675
of the operating privilege of a nonresident, or a denial of a 3676
driver's or commercial driver's license or permit, imposed 3677
pursuant to division (C)(1) of this section upon receipt of notice 3678
that the person has entered a plea of guilty to, or that the 3679
person has been convicted after entering a plea of no contest to, 3680
operating a vehicle in violation of section 4511.19 of the Revised 3681
Code or in violation of a municipal OVI ordinance, if the offense 3682
for which the conviction is had or the plea is entered arose from 3683
the same incident that led to the suspension or denial. 3684

The registrar shall credit against any judicial suspension of 3685
a person's driver's or commercial driver's license or permit or 3686
nonresident operating privilege imposed pursuant to section 3687
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3688
Revised Code for a violation of a municipal OVI ordinance, any 3689
time during which the person serves a related suspension imposed 3690
pursuant to division (C)(1) of this section. 3691

(D)(1) A suspension of a person's driver's or commercial 3692
driver's license or permit or nonresident operating privilege 3693
under this section for the time described in division (B) or (C) 3694
of this section is effective immediately from the time at which 3695
the arresting officer serves the notice of suspension upon the 3696
arrested person. Any subsequent finding that the person is not 3697
guilty of the charge that resulted in the person being requested 3698
to take the chemical test or tests under division (A) of this 3699
section does not affect the suspension. 3700

(2) If a person is arrested for operating a vehicle, 3701
streetcar, or trackless trolley in violation of division (A) or 3702
(B) of section 4511.19 of the Revised Code or a municipal OVI 3703

ordinance, or for being in physical control of a vehicle, 3704
streetcar, or trackless trolley in violation of section 4511.194 3705
of the Revised Code or a substantially equivalent municipal 3706
ordinance, regardless of whether the person's driver's or 3707
commercial driver's license or permit or nonresident operating 3708
privilege is or is not suspended under division (B) or (C) of this 3709
section or Chapter 4510. of the Revised Code, the person's initial 3710
appearance on the charge resulting from the arrest shall be held 3711
within five days of the person's arrest or the issuance of the 3712
citation to the person, subject to any continuance granted by the 3713
court pursuant to section 4511.197 of the Revised Code regarding 3714
the issues specified in that division. 3715

(E) When it finally has been determined under the procedures 3716
of this section and sections 4511.192 to 4511.197 of the Revised 3717
Code that a nonresident's privilege to operate a vehicle within 3718
this state has been suspended, the registrar shall give 3719
information in writing of the action taken to the motor vehicle 3720
administrator of the state of the person's residence and of any 3721
state in which the person has a license. 3722

(F) At the end of a suspension period under this section, 3723
under section 4511.194, section 4511.196, or division (G) of 3724
section 4511.19 of the Revised Code, or under section 4510.07 of 3725
the Revised Code for a violation of a municipal OVI ordinance and 3726
upon the request of the person whose driver's or commercial 3727
driver's license or permit was suspended and who is not otherwise 3728
subject to suspension, cancellation, or disqualification, the 3729
registrar shall return the driver's or commercial driver's license 3730
or permit to the person upon the occurrence of all of the 3731
conditions specified in divisions (F)(1) and (2) of this section: 3732

(1) A showing that the person has proof of financial 3733
responsibility, a policy of liability insurance in effect that 3734
meets the minimum standards set forth in section 4509.51 of the 3735

Revised Code, or proof, to the satisfaction of the registrar, that 3736
the person is able to respond in damages in an amount at least 3737
equal to the minimum amounts specified in section 4509.51 of the 3738
Revised Code. 3739

(2) Subject to the limitation contained in division (F)(3) of 3740
this section, payment by the person to the bureau of motor 3741
vehicles of a license reinstatement fee of four hundred 3742
~~twenty-five~~ seventy-five dollars, which fee shall be deposited in 3743
the state treasury and credited as follows: 3744

(a) One hundred twelve dollars and fifty cents shall be 3745
credited to the statewide treatment and prevention fund created by 3746
section 4301.30 of the Revised Code. The fund shall be used to pay 3747
the costs of driver treatment and intervention programs operated 3748
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 3749
director of alcohol and drug addiction services shall determine 3750
the share of the fund that is to be allocated to alcohol and drug 3751
addiction programs authorized by section 3793.02 of the Revised 3752
Code, and the share of the fund that is to be allocated to 3753
drivers' intervention programs authorized by section 3793.10 of 3754
the Revised Code. 3755

(b) Seventy-five dollars shall be credited to the reparations 3756
fund created by section 2743.191 of the Revised Code. 3757

(c) Thirty-seven dollars and fifty cents shall be credited to 3758
the indigent drivers alcohol treatment fund, which is hereby 3759
established. Except as otherwise provided in division (F)(2)(c) of 3760
this section, moneys in the fund shall be distributed by the 3761
department of alcohol and drug addiction services to the county 3762
indigent drivers alcohol treatment funds, the county juvenile 3763
indigent drivers alcohol treatment funds, and the municipal 3764
indigent drivers alcohol treatment funds that are required to be 3765
established by counties and municipal corporations pursuant to 3766
this section, and shall be used only to pay the cost of an alcohol 3767

and drug addiction treatment program attended by an offender or 3768
juvenile traffic offender who is ordered to attend an alcohol and 3769
drug addiction treatment program by a county, juvenile, or 3770
municipal court judge and who is determined by the county, 3771
juvenile, or municipal court judge not to have the means to pay 3772
for the person's attendance at the program or to pay the costs 3773
specified in division (H)(4) of this section in accordance with 3774
that division. In addition, a county, juvenile, or municipal court 3775
judge may use moneys in the county indigent drivers alcohol 3776
treatment fund, county juvenile indigent drivers alcohol treatment 3777
fund, or municipal indigent drivers alcohol treatment fund to pay 3778
for the cost of the continued use of an electronic continuous 3779
alcohol monitoring device as described in divisions (H)(3) and (4) 3780
of this section. Moneys in the fund that are not distributed to a 3781
county indigent drivers alcohol treatment fund, a county juvenile 3782
indigent drivers alcohol treatment fund, or a municipal indigent 3783
drivers alcohol treatment fund under division (H) of this section 3784
because the director of alcohol and drug addiction services does 3785
not have the information necessary to identify the county or 3786
municipal corporation where the offender or juvenile offender was 3787
arrested may be transferred by the director of budget and 3788
management to the statewide treatment and prevention fund created 3789
by section 4301.30 of the Revised Code, upon certification of the 3790
amount by the director of alcohol and drug addiction services. 3791

(d) Seventy-five dollars shall be credited to the Ohio 3792
rehabilitation services commission established by section 3304.12 3793
of the Revised Code, to the services for rehabilitation fund, 3794
which is hereby established. The fund shall be used to match 3795
available federal matching funds where appropriate, and for any 3796
other purpose or program of the commission to rehabilitate people 3797
with disabilities to help them become employed and independent. 3798

(e) Seventy-five dollars shall be deposited into the state 3799

treasury and credited to the drug abuse resistance education 3800
programs fund, which is hereby established, to be used by the 3801
attorney general for the purposes specified in division (F)(4) of 3802
this section. 3803

(f) Thirty dollars shall be credited to the state bureau of 3804
motor vehicles fund created by section 4501.25 of the Revised 3805
Code. 3806

(g) Twenty dollars shall be credited to the trauma and 3807
emergency medical services grants fund created by section 4513.263 3808
of the Revised Code. 3809

(h) Fifty dollars shall be credited to the indigent drivers 3810
interlock and alcohol monitoring fund, which is hereby established 3811
in the state treasury. Monies in the fund shall be distributed by 3812
the department of public safety to the county indigent drivers 3813
interlock and alcohol monitoring funds, the county juvenile 3814
indigent drivers interlock and alcohol monitoring funds, and the 3815
municipal indigent drivers interlock and alcohol monitoring funds 3816
that are required to be established by counties and municipal 3817
corporations pursuant to this section, and shall be used only to 3818
pay the cost of an immobilizing or disabling device, including a 3819
certified ignition interlock device, or an alcohol monitoring 3820
device used by an offender or juvenile offender who is ordered to 3821
use the device by a county, juvenile, or municipal court judge and 3822
who is determined by the county, juvenile, or municipal court 3823
judge not to have the means to pay for the person's use of the 3824
device. 3825

(3) If a person's driver's or commercial driver's license or 3826
permit is suspended under this section, under section 4511.196 or 3827
division (G) of section 4511.19 of the Revised Code, under section 3828
4510.07 of the Revised Code for a violation of a municipal OVI 3829
ordinance or under any combination of the suspensions described in 3830
division (F)(3) of this section, and if the suspensions arise from 3831

a single incident or a single set of facts and circumstances, the 3832
person is liable for payment of, and shall be required to pay to 3833
the bureau, only one reinstatement fee of four hundred twenty-five 3834
dollars. The reinstatement fee shall be distributed by the bureau 3835
in accordance with division (F)(2) of this section. 3836

(4) The attorney general shall use amounts in the drug abuse 3837
resistance education programs fund to award grants to law 3838
enforcement agencies to establish and implement drug abuse 3839
resistance education programs in public schools. Grants awarded to 3840
a law enforcement agency under this section shall be used by the 3841
agency to pay for not more than fifty per cent of the amount of 3842
the salaries of law enforcement officers who conduct drug abuse 3843
resistance education programs in public schools. The attorney 3844
general shall not use more than six per cent of the amounts the 3845
attorney general's office receives under division (F)(2)(e) of 3846
this section to pay the costs it incurs in administering the grant 3847
program established by division (F)(2)(e) of this section and in 3848
providing training and materials relating to drug abuse resistance 3849
education programs. 3850

The attorney general shall report to the governor and the 3851
general assembly each fiscal year on the progress made in 3852
establishing and implementing drug abuse resistance education 3853
programs. These reports shall include an evaluation of the 3854
effectiveness of these programs. 3855

(G) Suspension of a commercial driver's license under 3856
division (B) or (C) of this section shall be concurrent with any 3857
period of disqualification under section 3123.611 or 4506.16 of 3858
the Revised Code or any period of suspension under section 3123.58 3859
of the Revised Code. No person who is disqualified for life from 3860
holding a commercial driver's license under section 4506.16 of the 3861
Revised Code shall be issued a driver's license under Chapter 3862
4507. of the Revised Code during the period for which the 3863

commercial driver's license was suspended under division (B) or 3864
(C) of this section. No person whose commercial driver's license 3865
is suspended under division (B) or (C) of this section shall be 3866
issued a driver's license under Chapter 4507. of the Revised Code 3867
during the period of the suspension. 3868

(H)(1) Each county shall establish an indigent drivers 3869
alcohol treatment fund, each county shall establish a juvenile 3870
indigent drivers alcohol treatment fund, and each municipal 3871
corporation in which there is a municipal court shall establish an 3872
indigent drivers alcohol treatment fund. All revenue that the 3873
general assembly appropriates to the indigent drivers alcohol 3874
treatment fund for transfer to a county indigent drivers alcohol 3875
treatment fund, a county juvenile indigent drivers alcohol 3876
treatment fund, or a municipal indigent drivers alcohol treatment 3877
fund, all portions of fees that are paid under division (F) of 3878
this section and that are credited under that division to the 3879
indigent drivers alcohol treatment fund in the state treasury for 3880
a county indigent drivers alcohol treatment fund, a county 3881
juvenile indigent drivers alcohol treatment fund, or a municipal 3882
indigent drivers alcohol treatment fund, and all portions of fines 3883
that are specified for deposit into a county or municipal indigent 3884
drivers alcohol treatment fund by section 4511.193 of the Revised 3885
Code shall be deposited into that county indigent drivers alcohol 3886
treatment fund, county juvenile indigent drivers alcohol treatment 3887
fund, or municipal indigent drivers alcohol treatment fund in 3888
accordance with division (H)(2) of this section. Additionally, all 3889
portions of fines that are paid for a violation of section 4511.19 3890
of the Revised Code or of any prohibition contained in Chapter 3891
4510. of the Revised Code, and that are required under section 3892
4511.19 or any provision of Chapter 4510. of the Revised Code to 3893
be deposited into a county indigent drivers alcohol treatment fund 3894
or municipal indigent drivers alcohol treatment fund shall be 3895
deposited into the appropriate fund in accordance with the 3896

applicable division. 3897

(2) That portion of the license reinstatement fee that is 3898
paid under division (F) of this section and that is credited under 3899
that division to the indigent drivers alcohol treatment fund shall 3900
be deposited into a county indigent drivers alcohol treatment 3901
fund, a county juvenile indigent drivers alcohol treatment fund, 3902
or a municipal indigent drivers alcohol treatment fund as follows: 3903

(a) If the suspension in question was imposed under this 3904
section, that portion of the fee shall be deposited as follows: 3905

(i) If the fee is paid by a person who was charged in a 3906
county court with the violation that resulted in the suspension, 3907
the portion shall be deposited into the county indigent drivers 3908
alcohol treatment fund under the control of that court; 3909

(ii) If the fee is paid by a person who was charged in a 3910
juvenile court with the violation that resulted in the suspension, 3911
the portion shall be deposited into the county juvenile indigent 3912
drivers alcohol treatment fund established in the county served by 3913
the court; 3914

(iii) If the fee is paid by a person who was charged in a 3915
municipal court with the violation that resulted in the 3916
suspension, the portion shall be deposited into the municipal 3917
indigent drivers alcohol treatment fund under the control of that 3918
court. 3919

(b) If the suspension in question was imposed under section 3920
4511.19 of the Revised Code or under section 4510.07 of the 3921
Revised Code for a violation of a municipal OVI ordinance, that 3922
portion of the fee shall be deposited as follows: 3923

(i) If the fee is paid by a person whose license or permit 3924
was suspended by a county court, the portion shall be deposited 3925
into the county indigent drivers alcohol treatment fund under the 3926
control of that court; 3927

(ii) If the fee is paid by a person whose license or permit 3928
was suspended by a municipal court, the portion shall be deposited 3929
into the municipal indigent drivers alcohol treatment fund under 3930
the control of that court. 3931

(3) Expenditures from a county indigent drivers alcohol 3932
treatment fund, a county juvenile indigent drivers alcohol 3933
treatment fund, or a municipal indigent drivers alcohol treatment 3934
fund shall be made only upon the order of a county, juvenile, or 3935
municipal court judge and only for payment of the cost of an 3936
assessment or the cost of the attendance at an alcohol and drug 3937
addiction treatment program of a person who is convicted of, or 3938
found to be a juvenile traffic offender by reason of, a violation 3939
of division (A) of section 4511.19 of the Revised Code or a 3940
substantially similar municipal ordinance, who is ordered by the 3941
court to attend the alcohol and drug addiction treatment program, 3942
and who is determined by the court to be unable to pay the cost of 3943
the assessment or the cost of attendance at the treatment program 3944
or for payment of the costs specified in division (H)(4) of this 3945
section in accordance with that division. The alcohol and drug 3946
addiction services board or the board of alcohol, drug addiction, 3947
and mental health services established pursuant to section 340.02 3948
or 340.021 of the Revised Code and serving the alcohol, drug 3949
addiction, and mental health service district in which the court 3950
is located shall administer the indigent drivers alcohol treatment 3951
program of the court. When a court orders an offender or juvenile 3952
traffic offender to obtain an assessment or attend an alcohol and 3953
drug addiction treatment program, the board shall determine which 3954
program is suitable to meet the needs of the offender or juvenile 3955
traffic offender, and when a suitable program is located and space 3956
is available at the program, the offender or juvenile traffic 3957
offender shall attend the program designated by the board. A 3958
reasonable amount not to exceed five per cent of the amounts 3959
credited to and deposited into the county indigent drivers alcohol 3960

treatment fund, the county juvenile indigent drivers alcohol 3961
treatment fund, or the municipal indigent drivers alcohol 3962
treatment fund serving every court whose program is administered 3963
by that board shall be paid to the board to cover the costs it 3964
incurs in administering those indigent drivers alcohol treatment 3965
programs. 3966

In addition, upon exhaustion of moneys in the indigent 3967
drivers interlock and alcohol monitoring fund for the use of an 3968
alcohol monitoring device, a county, juvenile, or municipal court 3969
judge may use moneys in the county indigent drivers alcohol 3970
treatment fund, county juvenile indigent drivers alcohol treatment 3971
fund, or municipal indigent drivers alcohol treatment fund to pay 3972
for the continued use of an electronic continuous alcohol 3973
monitoring device by an offender or juvenile traffic offender, in 3974
conjunction with a treatment program approved by the department of 3975
alcohol and drug addiction services, when such use is determined 3976
clinically necessary by the treatment program and when the court 3977
determines that the offender or juvenile traffic offender is 3978
unable to pay all or part of the daily monitoring of the device. 3979
3980

(4) If a county, juvenile, or municipal court determines, in 3981
consultation with the alcohol and drug addiction services board or 3982
the board of alcohol, drug addiction, and mental health services 3983
established pursuant to section 340.02 or 340.021 of the Revised 3984
Code and serving the alcohol, drug addiction, and mental health 3985
district in which the court is located, that the funds in the 3986
county indigent drivers alcohol treatment fund, the county 3987
juvenile indigent drivers alcohol treatment fund, or the municipal 3988
indigent drivers alcohol treatment fund under the control of the 3989
court are more than sufficient to satisfy the purpose for which 3990
the fund was established, as specified in divisions (H)(1) to (3) 3991
of this section, the court may declare a surplus in the fund. If 3992

the court declares a surplus in the fund, the court may expend the 3993
amount of the surplus in the fund for: 3994

(a) Alcohol and drug abuse assessment and treatment of 3995
persons who are charged in the court with committing a criminal 3996
offense or with being a delinquent child or juvenile traffic 3997
offender and in relation to whom both of the following apply: 3998

(i) The court determines that substance abuse was a 3999
contributing factor leading to the criminal or delinquent activity 4000
or the juvenile traffic offense with which the person is charged. 4001

(ii) The court determines that the person is unable to pay 4002
the cost of the alcohol and drug abuse assessment and treatment 4003
for which the surplus money will be used. 4004

(b) All or part of the cost of purchasing electronic 4005
continuous alcohol monitoring devices to be used in conjunction 4006
with division (H)(3) of this section, upon exhaustion of moneys in 4007
the indigent drivers interlock and alcohol monitoring fund for the 4008
use of an alcohol monitoring device. 4009

(5) For the purpose of determining as described in division 4010
(F)(2)(c) of this section whether an offender does not have the 4011
means to pay for the offender's attendance at an alcohol and drug 4012
addiction treatment program or whether an alleged offender or 4013
delinquent child is unable to pay the costs specified in division 4014
(H)(4) of this section, the court shall use the indigent client 4015
eligibility guidelines and the standards of indigency established 4016
by the state public defender to make the determination. 4017

(6) The court shall identify and refer any alcohol and drug 4018
addiction program that is not certified under section 3793.06 of 4019
the Revised Code and that is interested in receiving amounts from 4020
the surplus in the fund declared under division (H)(4) of this 4021
section to the department of alcohol and drug addiction services 4022
in order for the program to become a certified alcohol and drug 4023

treatment program. The department shall keep a record of applicant 4024
referrals received pursuant to this division and shall submit a 4025
report on the referrals each year to the general assembly. If a 4026
program interested in becoming certified makes an application to 4027
become certified pursuant to section 3793.06 of the Revised Code, 4028
the program is eligible to receive surplus funds as long as the 4029
application is pending with the department. The department of 4030
alcohol and drug addiction services must offer technical 4031
assistance to the applicant. If the interested program withdraws 4032
the certification application, the department must notify the 4033
court, and the court shall not provide the interested program with 4034
any further surplus funds. 4035

(I)(1) Each county shall establish an indigent drivers 4036
interlock and alcohol monitoring fund and a juvenile indigent 4037
drivers interlock and alcohol treatment fund, and each municipal 4038
corporation in which there is a municipal court shall establish an 4039
indigent drivers interlock and alcohol monitoring fund. All 4040
revenue that the general assembly appropriates to the indigent 4041
drivers interlock and alcohol monitoring fund for transfer to a 4042
county indigent drivers interlock and alcohol monitoring fund, a 4043
county juvenile indigent drivers interlock and alcohol monitoring 4044
fund, or a municipal indigent drivers interlock and alcohol 4045
monitoring fund, all portions of license reinstatement fees that 4046
are paid under division (F)(2) of this section and that are 4047
credited under that division to the indigent drivers interlock and 4048
alcohol monitoring fund in the state treasury, and all portions of 4049
finest that are paid under division (G) of section 4511.19 of the 4050
Revised Code and that are credited by division (G)(5)(e) of that 4051
section to the indigent drivers interlock and alcohol monitoring 4052
fund in the state treasury shall be deposited in the appropriate 4053
fund in accordance with division (I)(2) of this section. 4054

(2) That portion of the license reinstatement fee that is 4055

paid under division (F) of this section and that portion of the 4056
fine paid under division (G) of section 4511.19 of the Revised 4057
Code and that is credited under either division to the indigent 4058
drivers interlock and alcohol monitoring fund shall be deposited 4059
into a county indigent drivers interlock and alcohol monitoring 4060
fund, a county juvenile indigent drivers interlock and alcohol 4061
monitoring fund, or a municipal indigent drivers interlock and 4062
alcohol monitoring fund as follows: 4063

(a) If the fee or fine is paid by a person who was charged in 4064
a county court with the violation that resulted in the suspension 4065
or fine, the portion shall be deposited into the county indigent 4066
drivers interlock and alcohol monitoring fund under the control of 4067
that court. 4068

(b) If the fee or fine is paid by a person who was charged in 4069
a juvenile court with the violation that resulted in the 4070
suspension or fine, the portion shall be deposited into the county 4071
juvenile indigent drivers interlock and alcohol monitoring fund 4072
established in the county served by the court. 4073

(c) If the fee or fine is paid by a person who was charged in 4074
a municipal court with the violation that resulted in the 4075
suspension, the portion shall be deposited into the municipal 4076
indigent drivers interlock and alcohol monitoring fund under the 4077
control of that court. 4078

Sec. 4511.192. (A) The arresting law enforcement officer 4079
shall give advice in accordance with this section to any person 4080
under arrest for a violation of division (A) or (B) of section 4081
4511.19 of the Revised Code, section 4511.194 of the Revised Code 4082
or a substantially equivalent municipal ordinance, or a municipal 4083
OVI ordinance. The officer shall give that advice in a written 4084
form that contains the information described in division (B) of 4085
this section and shall read the advice to the person. The form 4086

shall contain a statement that the form was shown to the person 4087
under arrest and read to the person by the arresting officer. One 4088
or more persons shall witness the arresting officer's reading of 4089
the form, and the witnesses shall certify to this fact by signing 4090
the form. The person must submit to the chemical test or tests, 4091
subsequent to the request of the arresting officer, within two 4092
hours of the time of the alleged violation and, if the person does 4093
not submit to the test or tests within that two-hour time limit, 4094
the failure to submit automatically constitutes a refusal to 4095
submit to the test or tests. 4096

(B) If a person is under arrest as described in division (A) 4097
of this section, before the person may be requested to submit to a 4098
chemical test or tests to determine the alcohol, drug of abuse, 4099
controlled substance, metabolite of a controlled substance, or 4100
combination content of the person's whole blood, blood serum or 4101
plasma, breath, or urine, the arresting officer shall read the 4102
following form to the person: 4103

"You now are under arrest for (specifically state the offense 4104
under state law or a substantially equivalent municipal ordinance 4105
for which the person was arrested - operating a vehicle under the 4106
influence of alcohol, a drug, or a combination of them; operating 4107
a vehicle while under the influence of a listed controlled 4108
substance or a listed metabolite of a controlled substance; 4109
operating a vehicle after underage alcohol consumption; or having 4110
physical control of a vehicle while under the influence). 4111

If you refuse to take any chemical test required by law, your 4112
Ohio driving privileges will be suspended immediately, and you 4113
will have to pay a fee to have the privileges reinstated. If you 4114
have a prior conviction of OVI, OVUAC, or operating a vehicle 4115
while under the influence of a listed controlled substance or a 4116
listed metabolite of a controlled substance under state or 4117
municipal law within the preceding twenty years, you now are under 4118

arrest for state OVI, and, if you refuse to take a chemical test, 4119
you will face increased penalties if you subsequently are 4120
convicted of the state OVI. 4121

(Read this part unless the person is under arrest for solely 4122
having physical control of a vehicle while under the influence.) 4123
If you take any chemical test required by law and are found to be 4124
at or over the prohibited amount of alcohol, a controlled 4125
substance, or a metabolite of a controlled substance in your whole 4126
blood, blood serum or plasma, breath, or urine as set by law, your 4127
Ohio driving privileges will be suspended immediately, and you 4128
will have to pay a fee to have the privileges reinstated. 4129

If you take a chemical test, you may have an independent 4130
chemical test taken at your own expense." 4131

(C) If the arresting law enforcement officer does not ask a 4132
person under arrest as described in division (A) of this section 4133
or division (A)(5) of section 4511.191 of the Revised Code to 4134
submit to a chemical test or tests under section 4511.191 of the 4135
Revised Code, the arresting officer shall seize the Ohio or 4136
out-of-state driver's or commercial driver's license or permit of 4137
the person and immediately forward it to the court in which the 4138
arrested person is to appear on the charge. If the arrested person 4139
is not in possession of the person's license or permit or it is 4140
not in the person's vehicle, the officer shall order the person to 4141
surrender it to the law enforcement agency that employs the 4142
officer within twenty-four hours after the arrest, and, upon the 4143
surrender, the agency immediately shall forward the license or 4144
permit to the court in which the person is to appear on the 4145
charge. Upon receipt of the license or permit, the court shall 4146
retain it pending the arrested person's initial appearance and any 4147
action taken under section 4511.196 of the Revised Code. 4148

(D)(1) If a law enforcement officer asks a person under 4149
arrest as described in division (A)(5) of section 4511.191 of the 4150

Revised Code to submit to a chemical test or tests under that 4151
section and the test results indicate a prohibited concentration 4152
of alcohol, a controlled substance, or a metabolite of a 4153
controlled substance in the person's whole blood, blood serum or 4154
plasma, breath, or urine at the time of the alleged offense, or if 4155
a law enforcement officer asks a person under arrest as described 4156
in division (A) of this section to submit to a chemical test or 4157
tests under section 4511.191 of the Revised Code, ~~if~~ the officer 4158
advises the person in accordance with this section of the 4159
consequences of the person's refusal or submission, and ~~if~~ either 4160
the person refuses to submit to the test or tests or, unless the 4161
arrest was for a violation of section 4511.194 of the Revised Code 4162
or a substantially equivalent municipal ordinance, the person 4163
submits to the test or tests and the test results indicate a 4164
prohibited concentration of alcohol, a controlled substance, or a 4165
metabolite of a controlled substance in the person's whole blood, 4166
blood serum or plasma, breath, or urine at the time of the alleged 4167
offense, the arresting officer shall do all of the following: 4168

(a) On behalf of the registrar of motor vehicles, notify the 4169
person that, independent of any penalties or sanctions imposed 4170
upon the person, the person's Ohio driver's or commercial driver's 4171
license or permit or nonresident operating privilege is suspended 4172
immediately, that the suspension will last at least until the 4173
person's initial appearance on the charge, which will be held 4174
within five days after the date of the person's arrest or the 4175
issuance of a citation to the person, and that the person may 4176
appeal the suspension at the initial appearance or during the 4177
period of time ending thirty days after that initial appearance; 4178

(b) Seize the driver's or commercial driver's license or 4179
permit of the person and immediately forward it to the registrar. 4180
If the arrested person is not in possession of the person's 4181
license or permit or it is not in the person's vehicle, the 4182

officer shall order the person to surrender it to the law 4183
enforcement agency that employs the officer within twenty-four 4184
hours after the person is given notice of the suspension, and, 4185
upon the surrender, the officer's employing agency immediately 4186
shall forward the license or permit to the registrar. 4187

(c) Verify the person's current residence and, if it differs 4188
from that on the person's driver's or commercial driver's license 4189
or permit, notify the registrar of the change; 4190

(d) Send to the registrar, within forty-eight hours after the 4191
arrest of the person, a sworn report that includes all of the 4192
following statements: 4193

(i) That the officer had reasonable grounds to believe that, 4194
at the time of the arrest, the arrested person was operating a 4195
vehicle, streetcar, or trackless trolley in violation of division 4196
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4197
OVI ordinance or for being in physical control of a stationary 4198
vehicle, streetcar, or trackless trolley in violation of section 4199
4511.194 of the Revised Code or a substantially equivalent 4200
municipal ordinance; 4201

(ii) That the person was arrested and charged with a 4202
violation of division (A) or (B) of section 4511.19 of the Revised 4203
Code, section 4511.194 of the Revised Code or a substantially 4204
equivalent municipal ordinance, or a municipal OVI ordinance; 4205

(iii) ~~That~~ Unless division (D)(1)(d)(v) of this section 4206
applies, that the officer asked the person to take the designated 4207
chemical test or tests, advised the person in accordance with this 4208
section of the consequences of submitting to, or refusing to take, 4209
the test or tests, and gave the person the form described in 4210
division (B) of this section; 4211

(iv) ~~That~~ Unless division (D)(1)(d)(v) of this section 4212
applies, that either the person refused to submit to the chemical 4213

test or tests or, unless the arrest was for a violation of section 4214
4511.194 of the Revised Code or a substantially equivalent 4215
municipal ordinance, the person submitted to the chemical test or 4216
tests and the test results indicate a prohibited concentration of 4217
alcohol, a controlled substance, or a metabolite of a controlled 4218
substance in the person's whole blood, blood serum or plasma, 4219
breath, or urine at the time of the alleged offense; 4220

(v) If the person was under arrest as described in division 4221
(A)(5) of section 4511.191 of the Revised Code and the chemical 4222
test or tests were performed in accordance with that division, 4223
that the person was under arrest as described in that division, 4224
that the chemical test or tests were performed in accordance with 4225
that division, and that test results indicated a prohibited 4226
concentration of alcohol, a controlled substance, or a metabolite 4227
of a controlled substance in the person's whole blood, blood serum 4228
or plasma, breath, or urine at the time of the alleged offense. 4229

(2) Division (D)(1) of this section does not apply to a 4230
person who is arrested for a violation of section 4511.194 of the 4231
Revised Code or a substantially equivalent municipal ordinance, 4232
who is asked by a law enforcement officer to submit to a chemical 4233
test or tests under section 4511.191 of the Revised Code, and who 4234
submits to the test or tests, regardless of the amount of alcohol, 4235
a controlled substance, or a metabolite of a controlled substance 4236
that the test results indicate is present in the person's whole 4237
blood, blood serum or plasma, breath, or urine. 4238

(E) The arresting officer shall give the officer's sworn 4239
report that is completed under this section to the arrested person 4240
at the time of the arrest, or the registrar of motor vehicles 4241
shall send the report to the person by regular first class mail as 4242
soon as possible after receipt of the report, but not later than 4243
fourteen days after receipt of it. An arresting officer may give 4244
an unsworn report to the arrested person at the time of the arrest 4245

provided the report is complete when given to the arrested person 4246
and subsequently is sworn to by the arresting officer. As soon as 4247
possible, but not later than forty-eight hours after the arrest of 4248
the person, the arresting officer shall send a copy of the sworn 4249
report to the court in which the arrested person is to appear on 4250
the charge for which the person was arrested. 4251

(F) The sworn report of an arresting officer completed under 4252
this section is prima-facie proof of the information and 4253
statements that it contains. It shall be admitted and considered 4254
as prima-facie proof of the information and statements that it 4255
contains in any appeal under section 4511.197 of the Revised Code 4256
relative to any suspension of a person's driver's or commercial 4257
driver's license or permit or nonresident operating privilege that 4258
results from the arrest covered by the report. 4259

Sec. 4511.198. (A)(1) If a court grants limited driving 4260
privilege to a person who is described in division (B) of this 4261
section and who is alleged to have committed a violation of 4262
division (A) of section 4511.19 of the Revised Code or of a 4263
substantially equivalent municipal ordinance, the court as a 4264
condition of granting limited driving privileges may prohibit the 4265
person from consuming any beer or intoxicating liquor and may 4266
require the person to wear a monitor that provides continuous 4267
alcohol monitoring that is remote. If the court imposes the 4268
requirement, the court shall require the person to wear the 4269
monitor until the person is convicted of, pleads guilty to, or is 4270
found not guilty of the alleged violation or the charges in the 4271
case are dismissed. Any consumption by the person of beer or 4272
intoxicating liquor prior to that time is grounds for revocation 4273
by the court of the person's limited driving privilege. The person 4274
shall pay all costs associated with the monitor, including the 4275
cost of remote monitoring. 4276

(2) If a court grants limited driving privilege to a person 4277
who is described in division (C) of this section and who is 4278
alleged to have committed a violation of division (A) of section 4279
4511.19 of the Revised Code or of a substantially equivalent 4280
municipal ordinance, the court as a condition of granting limited 4281
driving privileges, unless the court determines otherwise, shall 4282
prohibit the person from consuming any beer or intoxicating liquor 4283
and shall require the person to wear a monitor that provides 4284
continuous alcohol monitoring that is remote. The court shall 4285
require the person to wear the monitor until the person is 4286
convicted of, pleads guilty to, or is found not guilty of the 4287
alleged violation or the charges in the case are dismissed. Any 4288
consumption by the person of beer or intoxicating liquor prior to 4289
that time is grounds for revocation by the court of the person's 4290
limited driving privilege. The person shall pay all costs 4291
associated with the monitor, including the cost of remote 4292
monitoring. 4293

(B) Division (A)(1) of this section applies to the following 4294
persons: 4295

(1) A person who is alleged to have committed a violation of 4296
division (A) of section 4511.19 of the Revised Code and who, if 4297
convicted of the alleged violation, is required to be sentenced 4298
under division (G)(1)(c) or (d) of section 4511.19 of the Revised 4299
Code; 4300

(2) A person who is alleged to have committed a violation of 4301
a municipal ordinance that is substantially equivalent to division 4302
(A) of section 4511.19 of the Revised Code and who, if the law 4303
enforcement officer who arrested and charged the person with the 4304
violation of the municipal ordinance instead had charged the 4305
person with a violation of division (A) of section 4511.19 of the 4306
Revised Code, would be required to be sentenced under division 4307
(G)(1)(c) or (d) of section 4511.19 of the Revised Code. 4308

(C) Division (A)(2) of this section applies to the following 4309
persons: 4310

(1) A person who is alleged to have committed a violation of 4311
division (A) of section 4511.19 of the Revised Code and who, if 4312
convicted of the alleged violation, is required to be sentenced 4313
under division (G)(1)(e) of section 4511.19 of the Revised Code; 4314

(2) A person who is alleged to have committed a violation of 4315
a municipal ordinance that is substantially equivalent to division 4316
(A) of section 4511.19 of the Revised Code and who, if the law 4317
enforcement officer who arrested and charged the person with the 4318
violation of the municipal ordinance instead had charged the 4319
person with a violation of division (A) of section 4511.19 of the 4320
Revised Code, would be required to be sentenced under division 4321
(G)(1)(e) of section 4511.19 of the Revised Code. 4322

Sec. 4511.203. (A) No person shall permit a motor vehicle 4323
owned by the person or under the person's control to be driven by 4324
another if any of the following apply: 4325

(1) The offender knows or has reasonable cause to believe 4326
that the other person does not have a valid driver's or commercial 4327
driver's license or permit or valid nonresident driving 4328
privileges. 4329

(2) The offender knows or has reasonable cause to believe 4330
that the other person's driver's or commercial driver's license or 4331
permit or nonresident operating privileges have been suspended or 4332
canceled under Chapter 4510. or any other provision of the Revised 4333
Code. 4334

(3) The offender knows or has reasonable cause to believe 4335
that the other person's act of driving the motor vehicle would 4336
violate any prohibition contained in Chapter 4509. of the Revised 4337
Code. 4338

(4) The offender knows or has reasonable cause to believe 4339
that the other person's act of driving would violate section 4340
4511.19 of the Revised Code or any substantially equivalent 4341
municipal ordinance. 4342

(5) The offender knows or has reasonable cause to believe 4343
that the vehicle is the subject of an immobilization waiver order 4344
issued under section 4503.235 of the Revised Code and the other 4345
person is prohibited from operating the vehicle under that order. 4346

(B) Without limiting or precluding the consideration of any 4347
other evidence in determining whether a violation of division 4348
(A)(1), (2), (3), ~~or~~ (4), or (5) of this section has occurred, it 4349
shall be prima-facie evidence that the offender knows or has 4350
reasonable cause to believe that the operator of the motor vehicle 4351
owned by the offender or under the offender's control is in a 4352
category described in division (A)(1), (2), (3), ~~or~~ (4), or (5) of 4353
this section if any of the following applies: 4354

(1) Regarding an operator allegedly in the category described 4355
in division (A)(1) ~~or~~, (3), or (5) of this section, the offender 4356
and the operator of the motor vehicle reside in the same household 4357
and are related by consanguinity or affinity. 4358

(2) Regarding an operator allegedly in the category described 4359
in division (A)(2) of this section, the offender and the operator 4360
of the motor vehicle reside in the same household, and the 4361
offender knows or has reasonable cause to believe that the 4362
operator has been charged with or convicted of any violation of 4363
law or ordinance, or has committed any other act or omission, that 4364
would or could result in the suspension or cancellation of the 4365
operator's license, permit, or privilege. 4366

(3) Regarding an operator allegedly in the category described 4367
in division (A)(4) of this section, the offender and the operator 4368
of the motor vehicle occupied the motor vehicle together at the 4369

time of the offense. 4370

(C) Whoever violates this section is guilty of wrongful 4371
entrustment of a motor vehicle, a misdemeanor of the first degree. 4372
In addition to the penalties imposed under Chapter 2929. of the 4373
Revised Code, the court shall impose a class seven suspension of 4374
the offender's driver's license, commercial driver's license, 4375
temporary instruction permit, probationary license, or nonresident 4376
operating privilege from the range specified in division (A)(7) of 4377
section 4510.02 of the Revised Code, and, if the vehicle involved 4378
in the offense is registered in the name of the offender, the 4379
court shall order one of the following: 4380

(1) Except as otherwise provided in division (C)(2) or (3) of 4381
this section, the court shall order, for thirty days, the 4382
immobilization of the vehicle involved in the offense and the 4383
impoundment of that vehicle's license plates. The order shall be 4384
issued and enforced under section 4503.233 of the Revised Code. 4385

(2) If the offender previously has been convicted of or 4386
pleaded guilty to one violation of this section or a substantially 4387
equivalent municipal ordinance, the court shall order, for sixty 4388
days, the immobilization of the vehicle involved in the offense 4389
and the impoundment of that vehicle's license plates. The order 4390
shall be issued and enforced under section 4503.233 of the Revised 4391
Code. 4392

(3) If the offender previously has been convicted of or 4393
pleaded guilty to two or more violations of this section or a 4394
substantially equivalent municipal ordinance, the court shall 4395
order the criminal forfeiture to the state of the vehicle involved 4396
in the offense. The order shall be issued and enforced under 4397
section 4503.234 of the Revised Code. 4398

If title to a motor vehicle that is subject to an order for 4399
criminal forfeiture under this division is assigned or transferred 4400

and division (B)(2) or (3) of section 4503.234 of the Revised Code 4401
applies, in addition to or independent of any other penalty 4402
established by law, the court may fine the offender the value of 4403
the vehicle as determined by publications of the national auto 4404
dealer's association. The proceeds from any fine imposed under 4405
this division shall be distributed in accordance with division 4406
(C)(2) of section 4503.234 of the Revised Code. 4407

(D) If a court orders the immobilization of a vehicle under 4408
division (C) of this section, the court shall not release the 4409
vehicle from the immobilization before the termination of the 4410
period of immobilization ordered unless the court is presented 4411
with current proof of financial responsibility with respect to 4412
that vehicle. 4413

(E) If a court orders the criminal forfeiture of a vehicle 4414
under division (C) of this section, upon receipt of the order from 4415
the court, neither the registrar of motor vehicles nor any deputy 4416
registrar shall accept any application for the registration or 4417
transfer of registration of any motor vehicle owned or leased by 4418
the person named in the order. The period of denial shall be five 4419
years after the date the order is issued, unless, during that 4420
five-year period, the court with jurisdiction of the offense that 4421
resulted in the order terminates the forfeiture and notifies the 4422
registrar of the termination. If the court terminates the 4423
forfeiture and notifies the registrar, the registrar shall take 4424
all necessary measures to permit the person to register a vehicle 4425
owned or leased by the person or to transfer the registration of 4426
the vehicle. 4427

(F) This section does not apply to motor vehicle rental 4428
dealers or motor vehicle leasing dealers, as defined in section 4429
4549.65 of the Revised Code. 4430

(G) Evidence of a conviction of, plea of guilty to, or 4431
adjudication as a delinquent child for a violation of this section 4432

or a substantially similar municipal ordinance shall not be 4433
admissible as evidence in any civil action that involves the 4434
offender or delinquent child who is the subject of the conviction, 4435
plea, or adjudication and that arises from the wrongful 4436
entrustment of a motor vehicle. 4437

~~(H) As used in~~ For purposes of this section, a vehicle is 4438
owned by a person if, at the time of a violation of this section, 4439
the vehicle is registered in the person's name. 4440

Sec. 5502.10. (A) The department of public safety, not later 4441
than ninety days after the effective date of this section, shall 4442
do all of the following: 4443

(1) Establish and maintain a state registry, named "Ohio's 4444
habitual OVI/OMWI offenders," that contains all of the information 4445
specified in divisions (A)(1)(a) and (b) of this section regarding 4446
any person who on or after the effective date of this section is 4447
convicted in this state for the fifth or subsequent time in the 4448
preceding twenty years of an OVI/OMWI violation. The state 4449
registry is a public record open for inspection under section 4450
149.43 of the Revised Code. The department shall obtain the 4451
information to be included in the state registry from the reports 4452
provided by the court pursuant to division (B) of this section. 4453
The state registry of Ohio's habitual OVI/OMWI offenders shall 4454
include at least the following information regarding each offender 4455
who on or after the effective date of this section is convicted in 4456
this state for the fifth or subsequent time in the preceding 4457
twenty years of an OVI/OMWI violation: 4458

(a) The offender's name, date of birth, and residence 4459
address, including, but not limited to, the street address, 4460
municipal corporation or township, county, and zip code of the 4461
person's place of residence; 4462

(b) The number of times within the preceding twenty years 4463

that the offender has been convicted in this state for an OVI/OMWI 4464
violation and the date of each of those convictions. 4465

(2) Establish and operate on the internet a database that 4466
contains for each person who on or after the effective date of 4467
this section is convicted in this state for the fifth or 4468
subsequent time in the preceding twenty years of an OVI/OMWI 4469
violation all of the information regarding the offender that is 4470
included in the state registry of Ohio's habitual OVI/OMWI 4471
offenders that is established and maintained under division (A)(1) 4472
of this section. The database is a public record open for 4473
inspection under section 149.43 of the Revised Code, and it shall 4474
be searchable by an offender's name, by county, and by zip code. 4475

(B) A court that convicts a person for an OVI/OMWI violation 4476
shall send to the department of public safety, within thirty days 4477
after the conviction of the offender the information specified in 4478
divisions (A)(1)(a) and (b) of this section. 4479

(C) The department of public safety shall update the state 4480
registry of Ohio's habitual OVI/OMWI offenders required under 4481
division (A)(1) of this section and the database required under 4482
division (A)(2) of this section every month to ensure that the 4483
information they contain is accurate and current. 4484

(D) As used in this section: 4485

(1) "Equivalent offense" and "municipal OVI ordinance" have 4486
the same meanings as in section 4511.181 of the Revised Code. 4487

(2) "OVI/OMWI violation" means any of the following: 4488

(a) A violation of division (A) or (B) of section 4511.19 of 4489
the Revised Code or a violation of a municipal OVI ordinance; 4490

(b) A violation of section 4511.194 of the Revised Code or a 4491
substantially equivalent municipal ordinance; 4492

(c) A violation of division (A) or (B) of section 1547.11 of 4493

the Revised Code or a violation of a municipal ordinance, law of 4494
another state, or law of the United States that is substantially 4495
equivalent to division (A) or (B) of section 1547.11 of the 4496
Revised Code; 4497

(d) Any equivalent offense not listed in divisions (D)(2)(a) 4498
to (c) of this section. 4499

Section 2. That existing sections 1547.11, 1547.111, 1547.99, 4500
2929.18, 2929.28, 2945.75, 4503.231, 4503.233, 4510.13, 4510.43, 4501
4511.181, 4511.19, 4511.191, 4511.192, and 4511.203 of the Revised 4502
Code are hereby repealed. 4503

Section 3. Section 2929.18 of the Revised Code is presented 4504
in this act as a composite of the section as amended by both Sub. 4505
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. 4506
Section 4503.233 of the Revised Code is presented in this act as a 4507
composite of the section as amended by both Sub. H.B. 241 and Am. 4508
Sub. H.B. 461 of the 126th General Assembly. The General Assembly, 4509
applying the principle stated in division (B) of section 1.52 of 4510
the Revised Code that amendments are to be harmonized if 4511
reasonably capable of simultaneous operation, finds that the 4512
composite is the resulting version of the section in effect prior 4513
to the effective date of the section as presented in this act. 4514
4515