

As Passed by the Senate

127th General Assembly

Regular Session

2007-2008

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, Boccieri, Morano, Buehrer

—

A B I L L

To amend sections 1547.11, 1547.111, 1547.99,	1
4503.231, 4503.233, 4507.164, 4510.13, 4510.43,	2
4511.181, 4511.19, 4511.191, 4511.192, 4511.193,	3
and 4511.203 and to enact sections 1547.112,	4
4503.235, 4511.198, 4511.199, and 5502.10 of the	5
Revised Code to increase certain penalties for	6
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 is a strict liability offense,	11
remove the requirement that an offender charged	12
with the offense know or have reasonable cause to	13
believe that the person provided a vehicle did not	14
have a right to drive, and provide for that	15
offense an affirmative defense of lack of such	16
knowledge after reasonably diligent inquiry; to	17
require a person with two prior applicable	18
convictions to submit upon request to a chemical	19
test under the vehicle or watercraft Implied	20
Consent Law; to require the consideration of	21

certain prior convictions in determining the 22
length of a refusal suspension under the vehicle 23
Implied Consent Law; to expand the list of 24
offenses that are "equivalent offenses" for 25
certain vehicle or watercraft OVI purposes; to 26
clarify the application of a qualified immunity to 27
persons who withdraw blood at the request of law 28
enforcement personnel pursuant to the Implied 29
Consent Law; to expand the circumstances when 30
evidence on the concentration of alcohol or drugs 31
of abuse in a bodily substance may be admitted in 32
a watercraft OVI case; to require the Department 33
of Public Safety to establish a state registry of 34
Ohio's habitual OVI/OMWI arrestees and an Internet 35
database, both of which are public records, 36
containing information about persons with five or 37
more Ohio arrests within the preceding twenty 38
years for vehicle OVI or watercraft OMWI; to 39
require law enforcement officers who arrest a 40
person for vehicle OVI or watercraft OMWI to send 41
to the Department of Public Safety a sworn report 42
with specified information about the arrestee, the 43
arrest, and prior similar arrests within the 44
preceding 20 years; and to revise the criteria for 45
certification of ignition interlock devices. 46

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

Section 1. That sections 1547.11, 1547.111, 1547.99, 47
4503.231, 4503.233, 4507.164, 4510.13, 4510.43, 4511.181, 4511.19, 48
4511.191, 4511.192, 4511.193, and 4511.203 be amended and sections 49
1547.112, 4503.235, 4511.198, 4511.199, and 5502.10 of the Revised 50
Code be enacted to read as follows: 51

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

(b) The person has a concentration of cocaine in the person's 82
urine of at least one hundred fifty nanograms of cocaine per 83
milliliter of the person's urine or has a concentration of cocaine 84
in the person's whole blood or blood serum or plasma of at least 85
fifty nanograms of cocaine per milliliter of the person's whole 86
blood or blood serum or plasma. 87

(c) The person has a concentration of cocaine metabolite in 88
the person's urine of at least one hundred fifty nanograms of 89
cocaine metabolite per milliliter of the person's urine or has a 90
concentration of cocaine metabolite in the person's whole blood or 91
blood serum or plasma of at least fifty nanograms of cocaine 92
metabolite per milliliter of the person's whole blood or blood 93
serum or plasma. 94

(d) The person has a concentration of heroin in the person's 95
urine of at least two thousand nanograms of heroin per milliliter 96
of the person's urine or has a concentration of heroin in the 97
person's whole blood or blood serum or plasma of at least fifty 98
nanograms of heroin per milliliter of the person's whole blood or 99
blood serum or plasma. 100

(e) The person has a concentration of heroin metabolite 101
(6-monoacetyl morphine) in the person's urine of at least ten 102
nanograms of heroin metabolite (6-monoacetyl morphine) per 103
milliliter of the person's urine or has a concentration of heroin 104
metabolite (6-monoacetyl morphine) in the person's whole blood or 105
blood serum or plasma of at least ten nanograms of heroin 106
metabolite (6-monoacetyl morphine) per milliliter of the person's 107
whole blood or blood serum or plasma. 108

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

blood serum or plasma. 114

(g) The person has a concentration of marihuana in the 115
person's urine of at least ten nanograms of marihuana per 116
milliliter of the person's urine or has a concentration of 117
marihuana in the person's whole blood or blood serum or plasma of 118
at least two nanograms of marihuana per milliliter of the person's 119
whole blood or blood serum or plasma. 120

(h) Either of the following applies: 121

(i) The person is under the influence of alcohol, a drug of 122
abuse, or a combination of them, and, as measured by gas 123
chromatography mass spectrometry, the person has a concentration 124
of marihuana metabolite in the person's urine of at least fifteen 125
nanograms of marihuana metabolite per milliliter of the person's 126
urine or has a concentration of marihuana metabolite in the 127
person's whole blood or blood serum or plasma of at least five 128
nanograms of marihuana metabolite per milliliter of the person's 129
whole blood or blood serum or plasma. 130

(ii) As measured by gas chromatography mass spectrometry, the 131
person has a concentration of marihuana metabolite in the person's 132
urine of at least thirty-five nanograms of marihuana metabolite 133
per milliliter of the person's urine or has a concentration of 134
marihuana metabolite in the person's whole blood or blood serum or 135
plasma of at least fifty nanograms of marihuana metabolite per 136
milliliter of the person's whole blood or blood serum or plasma. 137

(i) The person has a concentration of methamphetamine in the 138
person's urine of at least five hundred nanograms of 139
methamphetamine per milliliter of the person's urine or has a 140
concentration of methamphetamine in the person's whole blood or 141
blood serum or plasma of at least one hundred nanograms of 142
methamphetamine per milliliter of the person's whole blood or 143
blood serum or plasma. 144

(j) The person has a concentration of phencyclidine in the 145
person's urine of at least twenty-five nanograms of phencyclidine 146
per milliliter of the person's urine or has a concentration of 147
phencyclidine in the person's whole blood or blood serum or plasma 148
of at least ten nanograms of phencyclidine per milliliter of the 149
person's whole blood or blood serum or plasma. 150

(B) No person under twenty-one years of age shall operate or 151
be in physical control of any vessel underway or shall manipulate 152
any water skis, aquaplane, or similar device on the waters in this 153
state if, at the time of the operation, control, or manipulation, 154
any of the following applies: 155

(1) The person has a concentration of at least two-hundredths 156
of one per cent, but less than eight-hundredths of one per cent by 157
weight per unit volume of alcohol in the person's whole blood. 158

(2) The person has a concentration of at least 159
three-hundredths of one per cent but less than 160
ninety-six-thousandths of one per cent by weight per unit volume 161
of alcohol in the person's blood serum or plasma. 162

(3) The person has a concentration of at least twenty-eight 163
one-thousandths of one gram, but less than eleven-hundredths of 164
one gram by weight of alcohol per one hundred milliliters of the 165
person's urine. 166

(4) The person has a concentration of at least two-hundredths 167
of one gram, but less than eight-hundredths of one gram by weight 168
of alcohol per two hundred ten liters of the person's breath. 169

(C) In any proceeding arising out of one incident, a person 170
may be charged with a violation of division (A)(1) and a violation 171
of division (B)(1), (2), (3), or (4) of this section, but the 172
person shall not be convicted of more than one violation of those 173
divisions. 174

(D)(1)(a) In any criminal prosecution or juvenile court 175

proceeding for a violation of division (A) or (B) of this section 176
or for an equivalent offense that is watercraft-related, the 177
result of any test of any blood or urine withdrawn and analyzed at 178
any health care provider, as defined in section 2317.02 of the 179
Revised Code, may be admitted with expert testimony to be 180
considered with any other relevant and competent evidence in 181
determining the guilt or innocence of the defendant. 182

(b) In any criminal prosecution or juvenile court proceeding 183
for a violation of division (A) or (B) of this section or for an 184
equivalent ~~violation~~ offense that is watercraft-related, the court 185
may admit evidence on the concentration of alcohol, drugs of 186
abuse, controlled substances, metabolites of a controlled 187
substance, or a combination of them in the defendant's or child's 188
whole blood, blood serum or plasma, urine, or breath at the time 189
of the alleged violation as shown by chemical analysis of the 190
substance withdrawn, or specimen taken within three hours of the 191
time of the alleged violation. The three-hour time limit specified 192
in this division regarding the admission of evidence does not 193
extend or affect the two-hour time limit specified in division (C) 194
of section 1547.111 of the Revised Code as the maximum period of 195
time during which a person may consent to a chemical test or tests 196
as described in that section. The court may submit evidence on the 197
concentration of alcohol, drugs of abuse, or a combination of them 198
as described in this division when 199

~~When~~ a person submits to a blood, breath, urine, or other 200
bodily substance test, ~~only~~ at the request of a law enforcement 201
officer under section 1547.111 of the Revised Code or a blood or 202
urine sample is obtained pursuant to a search warrant. Only a 203
physician, a registered nurse, or a qualified technician, chemist, 204
or phlebotomist shall withdraw blood for the purpose of 205
determining the alcohol, drug, controlled substance, metabolite of 206
a controlled substance, or combination content of the whole blood, 207

blood serum, or blood plasma. This limitation does not apply to 208
the taking of breath or urine specimens. A person authorized to 209
withdraw blood under this division may refuse to withdraw blood 210
under this division if, in that person's opinion, the physical 211
welfare of the defendant or child would be endangered by 212
withdrawing blood. 213

The whole blood, blood serum or plasma, urine, or breath 214
withdrawn under division (D)(1)(b) of this section shall be 215
analyzed in accordance with methods approved by the director of 216
health by an individual possessing a valid permit issued by the 217
director pursuant to section 3701.143 of the Revised Code. 218

(2) In a criminal prosecution or juvenile court proceeding 219
for a violation of division (A) of this section or for ~~a violation~~ 220
~~of a prohibition that is substantially~~ an equivalent to ~~division~~ 221
~~(A) of this section~~ offense that is watercraft-related, if there 222
was at the time the bodily substance was taken a concentration of 223
less than the applicable concentration of alcohol specified for a 224
violation of division (A)(2), (3), (4), or (5) of this section or 225
less than the applicable concentration of a listed controlled 226
substance or a listed metabolite of a controlled substance 227
specified for a violation of division (A)(6) of this section, that 228
fact may be considered with other competent evidence in 229
determining the guilt or innocence of the defendant or in making 230
an adjudication for the child. This division does not limit or 231
affect a criminal prosecution or juvenile court proceeding for a 232
violation of division (B) of this section or for a violation of a 233
prohibition that is substantially equivalent to that division. 234

(3) Upon the request of the person who was tested, the 235
results of the chemical test shall be made available to the person 236
or the person's attorney immediately upon completion of the test 237
analysis. 238

~~The~~ If the chemical test was administered pursuant to 239

division (D)(1)(b) of this section, the person tested may have a 240
physician, a registered nurse, or a qualified technician, chemist, 241
or phlebotomist of the person's own choosing administer a chemical 242
test or tests in addition to any administered at the direction of 243
a law enforcement officer, and shall be so advised. The failure or 244
inability to obtain an additional test by a person shall not 245
preclude the admission of evidence relating to the test or tests 246
taken at the direction of a law enforcement officer. 247

(E)(1) In any criminal prosecution or juvenile court 248
proceeding for a violation of division (A) or (B) of this section 249
~~or for an equivalent violation, of a municipal ordinance relating~~ 250
~~to operating or being in physical control of any vessel underway~~ 251
~~or to manipulating any water skis, aquaplane, or similar device on~~ 252
~~the waters of this state while under the influence of alcohol, a~~ 253
~~drug of abuse, or a combination of them, or of a municipal~~ 254
~~ordinance relating to operating or being in physical control of~~ 255
~~any vessel underway or to manipulating any water skis, aquaplane,~~ 256
~~or similar device on the waters of this state with a prohibited~~ 257
~~concentration of alcohol, a controlled substance, or a metabolite~~ 258
~~of a controlled substance in the whole blood, blood serum or~~ 259
~~plasma, breath, or urine,~~ if a law enforcement officer has 260
administered a field sobriety test to the operator or person found 261
to be in physical control of the vessel underway involved in the 262
violation or the person manipulating the water skis, aquaplane, or 263
similar device involved in the violation and if it is shown by 264
clear and convincing evidence that the officer administered the 265
test in substantial compliance with the testing standards for 266
reliable, credible, and generally accepted field sobriety tests 267
for vehicles that were in effect at the time the tests were 268
administered, including, but not limited to, any testing standards 269
then in effect that have been set by the national highway traffic 270
safety administration, that by their nature are not clearly 271
inapplicable regarding the operation or physical control of 272

vessels underway or the manipulation of water skis, aquaplanes, or 273
similar devices, all of the following apply: 274

(a) The officer may testify concerning the results of the 275
field sobriety test so administered. 276

(b) The prosecution may introduce the results of the field 277
sobriety test so administered as evidence in any proceedings in 278
the criminal prosecution or juvenile court proceeding. 279

(c) If testimony is presented or evidence is introduced under 280
division (E)(1)(a) or (b) of this section and if the testimony or 281
evidence is admissible under the Rules of Evidence, the court 282
shall admit the testimony or evidence, and the trier of fact shall 283
give it whatever weight the trier of fact considers to be 284
appropriate. 285

(2) Division (E)(1) of this section does not limit or 286
preclude a court, in its determination of whether the arrest of a 287
person was supported by probable cause or its determination of any 288
other matter in a criminal prosecution or juvenile court 289
proceeding of a type described in that division, from considering 290
evidence or testimony that is not otherwise disallowed by division 291
(E)(1) of this section. 292

(F)(1) Subject to division (F)(3) of this section, in any 293
criminal prosecution or juvenile court proceeding for a violation 294
of division (A) or (B) of this section or for an equivalent 295
violation offense that is substantially equivalent to either of 296
those divisions, the court shall admit as prima-facie evidence a 297
laboratory report from any laboratory personnel issued a permit by 298
the department of health authorizing an analysis as described in 299
this division that contains an analysis of the whole blood, blood 300
serum or plasma, breath, urine, or other bodily substance tested 301
and that contains all of the information specified in this 302
division. The laboratory report shall contain all of the 303

following: 304

(a) The signature, under oath, of any person who performed 305
the analysis; 306

(b) Any findings as to the identity and quantity of alcohol, 307
a drug of abuse, a controlled substance, a metabolite of a 308
controlled substance, or a combination of them that was found; 309

(c) A copy of a notarized statement by the laboratory 310
director or a designee of the director that contains the name of 311
each certified analyst or test performer involved with the report, 312
the analyst's or test performer's employment relationship with the 313
laboratory that issued the report, and a notation that performing 314
an analysis of the type involved is part of the analyst's or test 315
performer's regular duties; 316

(d) An outline of the analyst's or test performer's 317
education, training, and experience in performing the type of 318
analysis involved and a certification that the laboratory 319
satisfies appropriate quality control standards in general and, in 320
this particular analysis, under rules of the department of health. 321

(2) Notwithstanding any other provision of law regarding the 322
admission of evidence, a report of the type described in division 323
(F)(1) of this section is not admissible against the defendant or 324
child to whom it pertains in any proceeding, other than a 325
preliminary hearing or a grand jury proceeding, unless the 326
prosecutor has served a copy of the report on the defendant's or 327
child's attorney or, if the defendant or child has no attorney, on 328
the defendant or child. 329

(3) A report of the type described in division (F)(1) of this 330
section shall not be prima-facie evidence of the contents, 331
identity, or amount of any substance if, within seven days after 332
the defendant or child to whom the report pertains or the 333
defendant's or child's attorney receives a copy of the report, the 334

defendant or child or the defendant's or child's attorney demands 335
the testimony of the person who signed the report. The judge in 336
the case may extend the seven-day time limit in the interest of 337
justice. 338

(G) Except as otherwise provided in this division, any 339
physician, registered nurse, or qualified technician, chemist, or 340
phlebotomist who withdraws blood from a person pursuant to this 341
section or section 1547.111 of the Revised Code, and a hospital, 342
first-aid station, or clinic at which blood is withdrawn from a 343
person pursuant to this section or section 1547.111 of the Revised 344
Code, is immune from criminal and civil liability based upon a 345
claim of assault and battery or any other claim that is not a 346
claim of malpractice, for any act performed in withdrawing blood 347
from the person. The immunity provided in this division is not 348
available to a person who withdraws blood if the person engages in 349
willful or wanton misconduct. 350

(H) Division (A)(6) of this section does not apply to a 351
person who operates or is in physical control of a vessel underway 352
or manipulates any water skis, aquaplane, or similar device while 353
the person has a concentration of a listed controlled substance or 354
a listed metabolite of a controlled substance in the person's 355
whole blood, blood serum or plasma, or urine that equals or 356
exceeds the amount specified in that division, if both of the 357
following apply: 358

(1) The person obtained the controlled substance pursuant to 359
a prescription issued by a licensed health professional authorized 360
to prescribe drugs. 361

(2) The person injected, ingested, or inhaled the controlled 362
substance in accordance with the health professional's directions. 363

(I) As used in this section and section 1547.111 of the 364
Revised Code: 365

(1) ~~"Equivalent violation offense" means a violation of a~~ 366
~~municipal ordinance, law of another state, or law of the United~~ 367
~~States that is substantially equivalent to division (A) or (B) of~~ 368
~~this section~~ has the same meaning as in section 4511.181 of the 369
Revised Code. 370

(2) "National highway traffic safety administration" has the 371
same meaning as in section 4511.19 of the Revised Code. 372

(3) "Operate" means that a vessel is being used on the waters 373
in this state when the vessel is not securely affixed to a dock or 374
to shore or to any permanent structure to which the vessel has the 375
right to affix or that a vessel is not anchored in a designated 376
anchorage area or boat camping area that is established by the 377
United States coast guard, this state, or a political subdivision 378
and in which the vessel has the right to anchor. 379

(4) "Controlled substance" and "marihuana" have the same 380
meanings as in section 3719.01 of the Revised Code. 381

(5) "Cocaine" and "L.S.D." have the same meanings as in 382
section 2925.01 of the Revised Code. 383

(6) "Equivalent offense that is watercraft-related" means an 384
equivalent offense that is one of the following: 385

(a) A violation of division (A) or (B) of this section; 386

(b) A violation of a municipal ordinance prohibiting a person 387
from operating or being in physical control of any vessel underway 388
or from manipulating any water skis, aquaplane, or similar device 389
on the waters of this state while under the influence of alcohol, 390
a drug of abuse, or a combination of them or prohibiting a person 391
from operating or being in physical control of any vessel underway 392
or from manipulating any water skis, aquaplane, or similar device 393
on the waters of this state with a prohibited concentration of 394
alcohol, a controlled substance, or a metabolite of a controlled 395
substance in the whole blood, blood serum or plasma, breath, or 396

urine; 397

(c) A violation of an existing or former municipal ordinance, 398
law of another state, or law of the United States that is 399
substantially equivalent to division (A) or (B) of this section; 400

(d) A violation of a former law of this state that was 401
substantially equivalent to division (A) or (B) of this section. 402

Sec. 1547.111. (A)(1)(a) Any person who operates or is in 403
physical control of a vessel or manipulates any water skis, 404
aquaplane, or similar device upon any waters in this state shall 405
be deemed to have given consent to a chemical test or tests to 406
determine the alcohol, drug of abuse, controlled substance, 407
metabolite of a controlled substance, or combination content of 408
the person's whole blood, blood serum or plasma, breath, or urine 409
if arrested for operating or being in physical control of a vessel 410
or manipulating any water skis, aquaplane, or similar device in 411
violation of section 1547.11 of the Revised Code or a 412
substantially equivalent municipal ordinance. 413

~~(2)~~(b) The test or tests under division (A)(1) of this 414
section shall be administered at the ~~direction~~ request of a law 415
enforcement officer having reasonable grounds to believe the 416
person was operating or in physical control of a vessel or 417
manipulating any water skis, aquaplane, or similar device in 418
violation of section 1547.11 of the Revised Code or a 419
substantially equivalent municipal ordinance. The law enforcement 420
agency by which the officer is employed shall designate which test 421
or tests shall be administered. 422

~~(B)~~(2) Any person who is dead or unconscious or who otherwise 423
is in a condition rendering the person incapable of refusal shall 424
be deemed to have consented as provided in division (A)(1) of this 425
section, and the test or tests may be administered, subject to 426
sections 313.12 to 313.16 of the Revised Code. 427

(B)(1) If a law enforcement officer arrests a person for 428
operating or being in physical control of a vessel or manipulating 429
any water skis, aquaplane, or similar device in violation of 430
section 1547.11 of the Revised Code or a substantially equivalent 431
municipal ordinance and if the person previously has been 432
convicted of or pleaded guilty to two or more violations of 433
section 1547.11 of the Revised Code or other equivalent offenses, 434
the law enforcement officer shall request the person to submit, 435
and the person shall submit, to a chemical test or tests of the 436
person's whole blood, blood serum or plasma, breath, or urine for 437
the purpose of determining the alcohol, drug of abuse, controlled 438
substance, metabolite of a controlled substance, or combination 439
content of the person's whole blood, blood serum or plasma, 440
breath, or urine. A law enforcement officer who makes a request 441
pursuant to this division that a person submit to a chemical test 442
or tests is not required to advise the person of the consequences 443
of refusing to submit to the test or tests and is not required to 444
give the person the form described in division (C) of this 445
section, but the officer shall advise the person at the time of 446
the arrest that the person may have an independent chemical test 447
taken. Divisions (A)(1)(b) and (A)(2) of this section apply to the 448
administration of a chemical test or tests pursuant to this 449
division. 450

(2) If a person refuses to submit to a chemical test upon a 451
request made pursuant to division (B)(1) of this section, the law 452
enforcement officer who made the request may employ whatever 453
reasonable means are necessary to ensure that the person submits 454
to a chemical test of the person's whole blood or blood serum or 455
plasma. A law enforcement officer who acts pursuant to this 456
division to ensure that a person submits to a chemical test of the 457
person's whole blood or blood serum or plasma is immune from 458
criminal and civil liability based upon a claim for assault and 459
battery or any other claim for the acts, unless the officer so 460

acted with malicious purpose, in bad faith, or in a wanton or 461
reckless manner. 462

(C) ~~Any~~ Except as provided in division (B) of this section, 463
any person under arrest for violating section 1547.11 of the 464
Revised Code or a substantially equivalent municipal ordinance 465
shall be advised of the consequences of refusing to submit to a 466
chemical test or tests designated as provided in division (A) of 467
this section. The advice shall be in a written form prescribed by 468
the chief of the division of watercraft and shall be read to the 469
person. The form shall contain a statement that the form was shown 470
to the person under arrest and read to the person by the arresting 471
officer. The reading of the form shall be witnessed by one or more 472
persons, and the witnesses shall certify to this fact by signing 473
the form. The person must submit to the chemical test or tests, 474
subsequent to the request of the arresting officer, within two 475
hours of the time of the alleged violation, and if the person does 476
not submit to the test or tests within that two-hour time limit, 477
the failure to submit automatically constitutes a refusal to 478
submit to the test or tests. 479

(D) ~~If~~ Except as provided in division (B) of this section, if 480
a law enforcement officer asks a person under arrest for violating 481
section 1547.11 of the Revised Code or a substantially equivalent 482
municipal ordinance to submit to a chemical test or tests as 483
provided in division (A) of this section, if the arresting officer 484
advises the person of the consequences of the person's refusal as 485
provided in division (C) of this section, and if the person 486
refuses to submit, no chemical test shall be given. Upon receipt 487
of a sworn statement of the officer that the arresting law 488
enforcement officer had reasonable grounds to believe the arrested 489
person violated section 1547.11 of the Revised Code or a 490
substantially equivalent municipal ordinance and that the person 491
refused to submit to the chemical test upon the request of the 492

officer, and upon receipt of the form as provided in division (C) 493
of this section certifying that the arrested person was advised of 494
the consequences of the refusal, the chief of the division of 495
watercraft shall inform the person by written notice that the 496
person is prohibited from operating or being in physical control 497
of a vessel, from manipulating any water skis, aquaplane, or 498
similar device, and from registering any watercraft in accordance 499
with section 1547.54 of the Revised Code, for one year following 500
the date of the alleged violation. The suspension of these 501
operation, physical control, manipulation, and registration 502
privileges shall continue for the entire one-year period, subject 503
to review as provided in this section. 504

If the person under arrest is the owner of the vessel 505
involved in the alleged violation, the law enforcement officer who 506
arrested the person shall seize the watercraft registration 507
certificate and tags from the vessel involved in the violation and 508
forward them to the chief. The chief shall retain the impounded 509
registration certificate and tags and shall impound all other 510
registration certificates and tags issued to the person in 511
accordance with sections 1547.54 and 1547.57 of the Revised Code, 512
for a period of one year following the date of the alleged 513
violation, subject to review as provided in this section. 514

If the arrested person fails to surrender the registration 515
certificate because it is not on the person of the arrested person 516
or in the watercraft, the law enforcement officer who made the 517
arrest shall order the person to surrender it within twenty-four 518
hours to the law enforcement officer or the law enforcement agency 519
that employs the law enforcement officer. If the person fails to 520
do so, the law enforcement officer shall notify the chief of that 521
fact in the statement the officer submits to the chief under this 522
division. 523

(E) Upon suspending a person's operation, physical control, 524

manipulation, and registration privileges in accordance with 525
division (D) of this section, the chief shall notify the person in 526
writing, at the person's last known address, and inform the person 527
that the person may petition for a hearing in accordance with 528
division (F) of this section. If a person whose operation, 529
physical control, manipulation, and registration privileges have 530
been suspended petitions for a hearing or appeals any adverse 531
decision, the suspension shall begin at the termination of any 532
hearing or appeal unless the hearing or appeal results in a 533
decision favorable to the person. 534

(F) Any person who has been notified by the chief that the 535
person is prohibited from operating or being in physical control 536
of a vessel or manipulating any water skis, aquaplane, or similar 537
device and from registering any watercraft in accordance with 538
section 1547.54 of the Revised Code, or who has had the 539
registration certificate and tags of the person's watercraft 540
impounded pursuant to division (D) of this section, within twenty 541
days of the notification or impoundment, may file a petition in 542
the municipal court or the county court, or if the person is a 543
minor in juvenile court, with jurisdiction over the place at which 544
the arrest occurred, agreeing to pay the cost of the proceedings 545
and alleging error in the action taken by the chief under division 546
(D) of this section or alleging one or more of the matters within 547
the scope of the hearing as provided in this section, or both. The 548
petitioner shall notify the chief of the filing of the petition 549
and send the chief a copy of the petition. 550

The scope of the hearing is limited to the issues of whether 551
the law enforcement officer had reasonable grounds to believe the 552
petitioner was operating or in physical control of a vessel or 553
manipulating any water skis, aquaplane, or similar device in 554
violation of section 1547.11 of the Revised Code or a 555
substantially equivalent municipal ordinance, whether the 556

petitioner was placed under arrest, whether the petitioner refused 557
to submit to the chemical test upon request of the officer, and 558
whether the petitioner was advised of the consequences of the 559
petitioner's refusal. 560

(G)(1) The chief shall furnish the court a copy of the 561
affidavit as provided in division (C) of this section and any 562
other relevant information requested by the court. 563

(2) In hearing the matter and in determining whether the 564
person has shown error in the decision taken by the chief as 565
provided in division (D) of this section, the court shall decide 566
the issue upon the relevant, competent, and material evidence 567
submitted by the chief or the person whose operation, physical 568
control, manipulation, and registration privileges have been 569
suspended. 570

In the proceedings, the chief shall be represented by the 571
prosecuting attorney of the county in which the petition is filed 572
if the petition is filed in a county court or juvenile court, 573
except that if the arrest occurred within a city or village within 574
the jurisdiction of the county court in which the petition is 575
filed, the city director of law or village solicitor of that city 576
or village shall represent the chief. If the petition is filed in 577
the municipal court, the chief shall be represented as provided in 578
section 1901.34 of the Revised Code. 579

(3) If the court finds from the evidence submitted that the 580
person has failed to show error in the action taken by the chief 581
under division (D) of this section or in one or more of the 582
matters within the scope of the hearing as provided in division 583
(F) of this section, or both, the court shall assess the cost of 584
the proceeding against the person and shall uphold the suspension 585
of the operation, physical control, use, and registration 586
privileges provided in division (D) of this section. If the court 587
finds that the person has shown error in the action taken by the 588

chief under division (D) of this section or in one or more of the 589
matters within the scope of the hearing as provided in division 590
(F) of this section, or both, the cost of the proceedings shall be 591
paid out of the county treasury of the county in which the 592
proceedings were held, the chief shall reinstate the operation, 593
physical control, manipulation, and registration privileges of the 594
person without charge, and the chief shall return the registration 595
certificate and tags, if impounded, without charge. 596

(4) The court shall give information in writing of any action 597
taken under this section to the chief. 598

(H) At the end of any period of suspension or impoundment 599
imposed under this section, and upon request of the person whose 600
operation, physical control, use, and registration privileges were 601
suspended or whose registration certificate and tags were 602
impounded, the chief shall reinstate the person's operation, 603
physical control, manipulation, and registration privileges by 604
written notice and return the certificate and tags. 605

(I) No person who has received written notice from the chief 606
that the person is prohibited from operating or being in physical 607
control of a vessel, from manipulating any water skis, aquaplane, 608
or similar device, and from registering a watercraft, or who has 609
had the registration certificate and tags of the person's 610
watercraft impounded, in accordance with division (D) of this 611
section, shall operate or be in physical control of a vessel or 612
manipulate any water skis, aquaplane, or similar device for a 613
period of one year following the date of the person's alleged 614
violation of section 1547.11 of the Revised Code or the 615
substantially equivalent municipal ordinance. 616

Sec. 1547.112. A law enforcement officer who arrests a person 617
for a violation of division (A) or (B) of section 1547.11 of the 618
Revised Code or a violation of a municipal ordinance, law of 619

another state, or law of the United States that is substantially 620
equivalent to division (A) or (B) of section 1547.11 of the 621
Revised Code shall send to the department of public safety, within 622
forty-eight hours after the arrest of the person, a sworn report 623
in accordance with section 5502.10 of the Revised Code. 624

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 625
Revised Code is guilty of a felony of the fourth degree. 626

(B) Whoever violates division (F) of section 1547.08, section 627
1547.10, division (I) of section 1547.111, section 1547.13, or 628
section 1547.66 of the Revised Code is guilty of a misdemeanor of 629
the first degree. 630

(C) Whoever violates a provision of this chapter or a rule 631
adopted thereunder, for which no penalty is otherwise provided, is 632
guilty of a minor misdemeanor. 633

(D) Whoever violates section 1547.07 or 1547.12 of the 634
Revised Code without causing injury to persons or damage to 635
property is guilty of a misdemeanor of the fourth degree. 636

(E) Whoever violates section 1547.07 or 1547.12 of the 637
Revised Code causing injury to persons or damage to property is 638
guilty of a misdemeanor of the third degree. 639

(F) Whoever violates division (M) of section 1547.54, 640
division (G) of section 1547.30, or section 1547.131, 1547.25, 641
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 642
of the Revised Code or a rule adopted under division (A)(2) of 643
section 1547.52 of the Revised Code is guilty of a misdemeanor of 644
the fourth degree. 645

(G) Whoever violates section 1547.11 of the Revised Code is 646
guilty of a misdemeanor of the first degree and shall be punished 647
as provided in division (G)(1), (2), or (3) of this section. 648

(1) Except as otherwise provided in division (G)(2) or (3) of 649

this section, the court shall sentence the offender to a jail term 650
of three consecutive days and may sentence the offender pursuant 651
to section 2929.24 of the Revised Code to a longer jail term. In 652
addition, the court shall impose upon the offender a fine of not 653
less than one hundred fifty nor more than one thousand dollars. 654

The court may suspend the execution of the mandatory jail 655
term of three consecutive days that it is required to impose by 656
division (G)(1) of this section if the court, in lieu of the 657
suspended jail term, places the offender under a community control 658
sanction pursuant to section 2929.25 of the Revised Code and 659
requires the offender to attend, for three consecutive days, a 660
drivers' intervention program that is certified pursuant to 661
section 3793.10 of the Revised Code. The court also may suspend 662
the execution of any part of the mandatory jail term of three 663
consecutive days that it is required to impose by division (G)(1) 664
of this section if the court places the offender under a community 665
control sanction pursuant to section 2929.25 of the Revised Code 666
for part of the three consecutive days; requires the offender to 667
attend, for that part of the three consecutive days, a drivers' 668
intervention program that is certified pursuant to section 3793.10 669
of the Revised Code; and sentences the offender to a jail term 670
equal to the remainder of the three consecutive days that the 671
offender does not spend attending the drivers' intervention 672
program. The court may require the offender, as a condition of 673
community control, to attend and satisfactorily complete any 674
treatment or education programs, in addition to the required 675
attendance at a drivers' intervention program, that the operators 676
of the drivers' intervention program determine that the offender 677
should attend and to report periodically to the court on the 678
offender's progress in the programs. The court also may impose any 679
other conditions of community control on the offender that it 680
considers necessary. 681

(2) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to one violation of section
1547.11 of the Revised Code, ~~of a municipal ordinance relating to~~
~~operating a watercraft or manipulating any water skis, aquaplane,~~
~~or similar device while under the influence of alcohol, a drug of~~
~~abuse, or a combination of them, of a municipal ordinance relating~~
~~to operating a watercraft or manipulating any water skis,~~
~~aquaplane, or similar device with a prohibited concentration of~~
~~alcohol, a controlled substance, or a metabolite of a controlled~~
~~substance in the whole blood, blood serum or plasma, breath, or~~
~~urine, of division (A)(1) of section 2903.06 of the Revised Code,~~
~~or of division (A)(2), (3), or (4) of section 2903.06 of the~~
~~Revised Code or section 2903.06 or 2903.07 of the Revised Code as~~
~~they existed prior to March 23, 2000, in a case in which the jury~~
~~or judge found that the offender was under the influence of~~
~~alcohol, a drug of abuse, or a combination of them~~ or one other
equivalent offense, the court shall sentence the offender to a
jail term of ten consecutive days and may sentence the offender
pursuant to section 2929.24 of the Revised Code to a longer jail
term. 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.

(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 714
one thousand dollars. 715

In addition to any other sentence that it imposes upon the 716
offender, the court may require the offender to attend a drivers' 717
intervention program that is certified pursuant to section 3793.10 718
of the Revised Code. 719

(4) Upon a showing that serving a jail term would seriously 720
affect the ability of an offender sentenced pursuant to division 721
(G)(1), (2), or (3) of this section to continue the offender's 722
employment, the court may authorize that the offender be granted 723
work release after the offender has served the mandatory jail term 724
of three, ten, or thirty consecutive days that the court is 725
required by division (G)(1), (2), or (3) of this section to 726
impose. No court shall authorize work release during the mandatory 727
jail term of three, ten, or thirty consecutive days that the court 728
is required by division (G)(1), (2), or (3) of this section to 729
impose. The duration of the work release shall not exceed the time 730
necessary each day for the offender to commute to and from the 731
place of employment and the place in which the jail term is served 732
and the time actually spent under employment. 733

(5) Notwithstanding any section of the Revised Code that 734
authorizes the suspension of the imposition or execution of a 735
sentence or the placement of an offender in any treatment program 736
in lieu of being imprisoned or serving a jail term, no court shall 737
suspend the mandatory jail term of ten or thirty consecutive days 738
required to be imposed by division (G)(2) or (3) of this section 739
or place an offender who is sentenced pursuant to division (G)(2) 740
or (3) of this section in any treatment program in lieu of being 741
imprisoned or serving a jail term until after the offender has 742
served the mandatory jail term of ten or thirty consecutive days 743
required to be imposed pursuant to division (G)(2) or (3) of this 744
section. Notwithstanding any section of the Revised Code that 745

authorizes the suspension of the imposition or execution of a 746
sentence or the placement of an offender in any treatment program 747
in lieu of being imprisoned or serving a jail term, no court, 748
except as specifically authorized by division (G)(1) of this 749
section, shall suspend the mandatory jail term of three 750
consecutive days required to be imposed by division (G)(1) of this 751
section or place an offender who is sentenced pursuant to division 752
(G)(1) of this section in any treatment program in lieu of 753
imprisonment until after the offender has served the mandatory 754
jail term of three consecutive days required to be imposed 755
pursuant to division (G)(1) of this section. 756

(6) As used in division (G) of this section, ~~"jail:~~ 757

(a) "Equivalent offense" has the same meaning as in section 758
4511.181 of the Revised Code. 759

(b) "Jail term" and "mandatory jail term" have the same 760
meanings as in section 2929.01 of the Revised Code. 761

(H) Whoever violates section 1547.304 of the Revised Code is 762
guilty of a misdemeanor of the fourth degree and also shall be 763
assessed any costs incurred by the state or a county, township, 764
municipal corporation, or other political subdivision in disposing 765
of an abandoned junk vessel or outboard motor, less any money 766
accruing to the state, county, township, municipal corporation, or 767
other political subdivision from that disposal. 768

(I) Whoever violates division (B) or (C) of section 1547.49 769
of the Revised Code is guilty of a minor misdemeanor. 770

(J) Whoever violates section 1547.31 of the Revised Code is 771
guilty of a misdemeanor of the fourth degree on a first offense. 772
On each subsequent offense, the person is guilty of a misdemeanor 773
of the third degree. 774

(K) Whoever violates section 1547.05 or 1547.051 of the 775
Revised Code is guilty of a misdemeanor of the fourth degree if 776

the violation is not related to a collision, injury to a person, 777
or damage to property and a misdemeanor of the third degree if the 778
violation is related to a collision, injury to a person, or damage 779
to property. 780

(L) The sentencing court, in addition to the penalty provided 781
under this section for a violation of this chapter or a rule 782
adopted under it that involves a powercraft powered by more than 783
ten horsepower and that, in the opinion of the court, involves a 784
threat to the safety of persons or property, shall order the 785
offender to complete successfully a boating course approved by the 786
national association of state boating law administrators before 787
the offender is allowed to operate a powercraft powered by more 788
than ten horsepower on the waters in this state. Violation of a 789
court order entered under this division is punishable as contempt 790
under Chapter 2705. of the Revised Code. 791

Sec. 4503.231. (A) No motor vehicle registered in the name of 792
a person whose certificate of registration and identification 793
license plates have been impounded as provided by division (B)(1) 794
of section 4507.02 of the Revised Code, and no vehicle that may be 795
operated pursuant to an immobilization waiver order issued 796
pursuant to section 4503.235 of the Revised Code, shall be 797
operated on any highway in this state unless it displays 798
restricted license plates that are a different color from those 799
regularly issued and carry a special serial number that may be 800
readily identified by law enforcement officers. The registrar of 801
motor vehicles shall designate the color and serial number to be 802
used on restricted license plates, which shall remain the same 803
from year to year and shall not be displayed on any other motor 804
vehicles. 805

The bureau of motor vehicles shall adopt rules providing for 806
the decentralization of the issuance of restricted license plates 807

under this section. The rules shall provide for the issuance of 808
the restricted license plates by at least one agency in each 809
county. 810

No person operating a motor vehicle displaying restricted 811
license plates as described in this division shall knowingly 812
disguise or obscure the color of the restricted plate. 813

(B) If a person has been granted limited driving privileges 814
with a condition of the privileges being that the person must 815
display on the vehicle that is driven under the privileges 816
restricted license plates that are described in this section, the 817
person may operate a motor vehicle that is owned by the person's 818
employer only if the person is required to operate that motor 819
vehicle in the course and scope of the person's employment. Such a 820
person may operate that vehicle without displaying on that vehicle 821
restricted license plates that are issued under this section if 822
the employer has been notified that the person has limited driving 823
privileges and of the nature of the restriction and if the person 824
has proof of the employer's notification in the person's 825
possession while operating the employer's vehicle for normal 826
business duties. A motor vehicle owned by a business that is 827
partly or entirely owned or controlled by the person with the 828
limited driving privileges is not a motor vehicle owned by an 829
employer, for purposes of this division. 830

(C) Whoever violates this section is guilty of a minor 831
misdemeanor. 832

Sec. 4503.233. (A)(1) If a court ~~orders~~ is required to order 833
the immobilization of a vehicle for a specified period of time 834
pursuant to section 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 835
4511.19, 4511.193, or 4511.203 of the Revised Code, the court, 836
subject to section 4503.235 of the Revised Code, shall issue the 837
immobilization order in accordance with this division and for the 838

period of time specified in the particular section, and the 839
immobilization under the order shall be in accordance with this 840
section. The court, at the time of sentencing the offender for the 841
offense relative to which the immobilization order is issued or as 842
soon thereafter as is practicable, shall give a copy of the order 843
to the offender or the offender's counsel. The court promptly 844
shall send a copy of the order to the registrar on a form 845
prescribed by the registrar and to the person or agency it 846
designates to execute the order. 847

The order shall indicate the date on which it is issued, 848
shall identify the vehicle that is subject to the order, and shall 849
specify all of the following: 850

(a) The period of the immobilization; 851

(b) The place at which the court determines that the 852
immobilization shall be carried out, provided that the court shall 853
not determine and shall not specify that the immobilization is to 854
be carried out at any place other than a commercially operated 855
private storage lot, a place owned by a law enforcement or other 856
government agency, or a place to which one of the following 857
applies: 858

(i) The place is leased by or otherwise under the control of 859
a law enforcement or other government agency. 860

(ii) The place is owned by the offender, the offender's 861
spouse, or a parent or child of the offender. 862

(iii) The place is owned by a private person or entity, and, 863
prior to the issuance of the order, the private entity or person 864
that owns the place, or the authorized agent of that private 865
entity or person, has given express written consent for the 866
immobilization to be carried out at that place. 867

(iv) The place is a public street or highway on which the 868
vehicle is parked in accordance with the law. 869

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

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

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

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

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

(5) The registrar shall deposit the immobilization fee into the law enforcement reimbursement fund created by section 4501.19 of the Revised Code. Money in the fund shall be expended only as provided in division (A)(5) of this section. If the court

designated in the order a court bailiff or another appropriate 901
person other than a law enforcement officer to immobilize the 902
vehicle, the amount of the fee deposited into the law enforcement 903
reimbursement fund shall be paid out to the county treasury if the 904
court that issued the order is a county court, to the treasury of 905
the municipal corporation served by the court if the court that 906
issued the order is a mayor's court, or to the city treasury of 907
the legislative authority of the court, both as defined in section 908
1901.03 of the Revised Code, if the court that issued the order is 909
a municipal court. If the court designated a law enforcement 910
agency to immobilize the vehicle and if the law enforcement agency 911
immobilizes the vehicle, the amount of the fee deposited into the 912
law enforcement reimbursement fund shall be paid out to the law 913
enforcement agency to reimburse the agency for the costs it incurs 914
in obtaining immobilization equipment and, if required, in sending 915
an officer or other person to search for and locate the vehicle 916
specified in the immobilization order and to immobilize the 917
vehicle. 918

In addition to the immobilization fee required to be paid 919
under division (A)(3) of this section, the offender may be charged 920
expenses or charges incurred in the removal and storage of the 921
immobilized vehicle. 922

(B) If a court issues an immobilization order under division 923
(A)(1) of this section, the person or agency designated by the 924
court to execute the immobilization order promptly shall 925
immobilize or continue the immobilization of the vehicle at the 926
place specified by the court in the order. The registrar shall not 927
authorize the release of the vehicle or authorize the issuance of 928
new identification license plates for the vehicle at the end of 929
the immobilization period until the immobilization fee has been 930
paid. 931

(C) Upon receipt of the license plates for a vehicle under 932

this section, the registrar shall destroy the license plates. At 933
the end of the immobilization period and upon the payment of the 934
immobilization fee that must be paid under this section, the 935
registrar shall authorize the release of the vehicle and authorize 936
the issuance, upon the payment of the same fee as is required for 937
the replacement of lost, mutilated, or destroyed license plates 938
and certificates of registration, of new license plates and, if 939
necessary, a new certificate of registration to the offender for 940
the vehicle in question. 941

(D)(1) If a court issues an immobilization order under 942
division (A) of this section, the immobilization period commences 943
on the day on which the vehicle in question is immobilized. If the 944
vehicle in question had been seized under section 4510.41 or 945
4511.195 of the Revised Code, the time between the seizure and the 946
beginning of the immobilization period shall be credited against 947
the immobilization period specified in the immobilization order 948
issued under division (A) of this section. No vehicle that is 949
immobilized under this section is eligible to have restricted 950
license plates under section 4503.231 of the Revised Code issued 951
for that vehicle. 952

(2) If a court issues an immobilization order under division 953
(A) of this section, if the vehicle subject to the order is 954
immobilized under the order, and if the vehicle is found being 955
operated upon any street or highway of this state during the 956
immobilization period, it shall be seized, removed from the street 957
or highway, and criminally forfeited, and disposed of pursuant to 958
section 4503.234 of the Revised Code. No vehicle that is forfeited 959
under this provision shall be considered contraband for purposes 960
of Chapter 2981. of the Revised Code, but shall be held by the law 961
enforcement agency that employs the officer who seized it for 962
disposal in accordance with section 4503.234 of the Revised Code. 963

(3) If a court issues an immobilization order under division 964

(A) of this section, and if the vehicle is not claimed within 965
seven days after the end of the period of immobilization or if the 966
offender has not paid the immobilization fee, the person or agency 967
that immobilized the vehicle shall send a written notice to the 968
offender at the offender's last known address informing the 969
offender of the date on which the period of immobilization ended, 970
that the offender has twenty days after the date of the notice to 971
pay the immobilization fee and obtain the release of the vehicle, 972
and that if the offender does not pay the fee and obtain the 973
release of the vehicle within that twenty-day period, the vehicle 974
will be forfeited under section 4503.234 of the Revised Code to 975
the entity that is entitled to the immobilization fee. 976

(4) An offender whose motor vehicle is subject to an 977
immobilization order issued under division (A) of this section 978
shall not sell the motor vehicle without approval of the court 979
that issued the order. If such an offender wishes to sell the 980
motor vehicle during the immobilization period, the offender shall 981
apply to the court that issued the immobilization order for 982
permission to assign the title to the vehicle. If the court is 983
satisfied that the sale will be in good faith and not for the 984
purpose of circumventing the provisions of division (A)(1) of this 985
section, it may certify its consent to the offender and to the 986
registrar. Upon receipt of the court's consent, the registrar 987
shall enter the court's notice in the offender's vehicle license 988
plate registration record. 989

If, during a period of immobilization under an immobilization 990
order issued under division (A) of this section, the title to the 991
immobilized motor vehicle is transferred by the foreclosure of a 992
chattel mortgage, a sale upon execution, the cancellation of a 993
conditional sales contract, or an order of a court, the involved 994
court shall notify the registrar of the action, and the registrar 995
shall enter the court's notice in the offender's vehicle license 996

plate registration record. 997

Nothing in this section shall be construed as requiring the 998
registrar or the clerk of the court of common pleas to note upon 999
the certificate of title records any prohibition regarding the 1000
sale of a motor vehicle. 1001

(5) If the title to a motor vehicle that is subject to an 1002
immobilization order under division (A) of this section is 1003
assigned or transferred without court approval between the time of 1004
arrest of the offender who committed the offense for which such an 1005
order is to be issued and the time of the actual immobilization of 1006
the vehicle, the court shall order that, for a period of two years 1007
from the date of the order, neither the registrar nor any deputy 1008
registrar shall accept an application for the registration of any 1009
motor vehicle in the name of the offender whose vehicle was 1010
assigned or transferred without court approval. The court shall 1011
notify the registrar of the order on a form prescribed by the 1012
registrar for that purpose. 1013

(6) If the title to a motor vehicle that is subject to an 1014
immobilization order under division (A) of this section is 1015
assigned or transferred without court approval in violation of 1016
division (D)(4) of this section, then, in addition to or 1017
independent of any other penalty established by law, the court may 1018
fine the offender the value of the vehicle as determined by 1019
publications of the national auto dealers association. The 1020
proceeds from any fine so imposed shall be distributed in the same 1021
manner as the proceeds of the sale of a forfeited vehicle are 1022
distributed pursuant to division (C)(2) of section 4503.234 of the 1023
Revised Code. 1024

(E)(1) The court with jurisdiction over the case, after 1025
notice to all interested parties including lienholders, and after 1026
an opportunity for them to be heard, if the offender fails to 1027
appear in person, without good cause, or if the court finds that 1028

the offender does not intend to seek release of the vehicle at the 1029
end of the period of immobilization or that the offender is not or 1030
will not be able to pay the expenses and charges incurred in its 1031
removal and storage, may order that title to the vehicle be 1032
transferred, in order of priority, first into the name of the 1033
entity entitled to the immobilization fee under division (A)(5) of 1034
this section, next into the name of a lienholder, or lastly, into 1035
the name of the owner of the place of storage. 1036

A lienholder that receives title under a court order shall do 1037
so on the condition that it pay any expenses or charges incurred 1038
in the vehicle's removal and storage. If the entity that receives 1039
title to the vehicle is the entity that is entitled to the 1040
immobilization fee under division (A)(5) of this section, it shall 1041
receive title on the condition that it pay any lien on the 1042
vehicle. The court shall not order that title be transferred to 1043
any person or entity other than the owner of the place of storage 1044
if the person or entity refuses to receive the title. Any person 1045
or entity that receives title may either keep title to the vehicle 1046
or may dispose of the vehicle in any legal manner that it 1047
considers appropriate, including assignment of the certificate of 1048
title to the motor vehicle to a salvage dealer or a scrap metal 1049
processing facility. The person or entity shall not transfer the 1050
vehicle to the person who is the vehicle's immediate previous 1051
owner. 1052

If the person or entity assigns the motor vehicle to a 1053
salvage dealer or scrap metal processing facility, the person or 1054
entity shall send the assigned certificate of title to the motor 1055
vehicle to the clerk of the court of common pleas of the county in 1056
which the salvage dealer or scrap metal processing facility is 1057
located. The person or entity shall mark the face of the 1058
certificate of title with the words "FOR DESTRUCTION" and shall 1059
deliver a photocopy of the certificate of title to the salvage 1060

dealer or scrap metal processing facility for its records. 1061

(2) Whenever a court issues an order under division (E)(1) of 1062
this section, the court also shall order removal of the license 1063
plates from the vehicle and cause them to be sent to the registrar 1064
if they have not already been sent to the registrar. Thereafter, 1065
no further proceedings shall take place under this section, but 1066
the offender remains liable for payment of the immobilization fee 1067
described in division (A)(3) of this section if an immobilization 1068
order previously had been issued by the court. 1069

(3) Prior to initiating a proceeding under division (E)(1) of 1070
this section, and upon payment of the fee under division (B) of 1071
section 4505.14 of the Revised Code, any interested party may 1072
cause a search to be made of the public records of the bureau of 1073
motor vehicles or the clerk of the court of common pleas, to 1074
ascertain the identity of any lienholder of the vehicle. The 1075
initiating party shall furnish this information to the clerk of 1076
the court with jurisdiction over the case, and the clerk shall 1077
provide notice to the vehicle owner, the defendant, any 1078
lienholder, and any other interested parties listed by the 1079
initiating party, at the last known address supplied by the 1080
initiating party, by certified mail or, at the option of the 1081
initiating party, by personal service or ordinary mail. 1082

As used in this section, "interested party" includes the 1083
offender, all lienholders, the owner of the place of storage, the 1084
person or entity that caused the vehicle to be removed, and the 1085
person or entity, if any, entitled to the immobilization fee under 1086
division (A)(5) of this section. 1087

Sec. 4503.235. (A) If division (G) of section 4511.19 or 1088
division (B) of section 4511.193 of the Revised Code requires a 1089
court, as part of the sentence of a person who is convicted of or 1090
pleads guilty to a violation of division (A) of section 4511.19 of 1091

the Revised Code or as a sanction for a person who is convicted of 1092
or pleaded guilty to a violation of a municipal OVI ordinance, to 1093
order the immobilization of a vehicle for a specified period of 1094
time, notwithstanding the requirement, the court in its discretion 1095
may determine not to order the immobilization of the vehicle if 1096
both of the following apply: 1097

(1) Prior to the issuance of the order of immobilization, a 1098
spouse or a driving-age child of the offender files a motion with 1099
the court identifying the vehicle and requesting that the 1100
immobilization order not be issued on the ground that the spouse 1101
who files the motion, the driving-age child who files the motion, 1102
or the spouse who files the motion and one or more driving-age 1103
children of the offender are completely dependent on the vehicle 1104
for the necessities of life and that the immobilization of the 1105
vehicle would be an undue hardship to the spouse, the driving-age 1106
child, or the spouse and the driving-age child or children. 1107

(2) The court determines that the spouse who files the 1108
motion, the driving-age child who files the motion, or the spouse 1109
who files the motion and one or more driving-age children of the 1110
offender are completely dependent on the vehicle for the 1111
necessities of life and that the immobilization of the vehicle 1112
would be an undue hardship to the spouse, the driving-age child, 1113
or the spouse and the driving-age child or children. 1114

(B) If a court pursuant to division (A) of this section 1115
determines not to order the immobilization of a vehicle that 1116
otherwise would be required pursuant to division (G) of section 1117
4511.19 or division (B) of section 4511.193 of the Revised Code, 1118
the court shall issue an order that waives the immobilization that 1119
otherwise would be required pursuant to either of those divisions. 1120
The immobilization waiver order shall be in effect for the period 1121
of time for which the immobilization of the vehicle otherwise 1122
would have been required under division (G) of section 4511.19 or 1123

division (B) of section 4511.193 of the Revised Code if the 1124
immobilization waiver order had not been issued, subject to 1125
division (E) of this section. The immobilization waiver order 1126
shall specify the period of time for which it is in effect. The 1127
court shall provide a copy of an immobilization waiver order to 1128
the offender and to the spouse or driving-age child of the 1129
offender who filed the motion requesting that the immobilization 1130
order not be issued and shall place a copy of the immobilization 1131
waiver order in the record in the case. 1132

(C) If a court pursuant to division (B) of this section 1133
issues an immobilization waiver order, the order shall identify 1134
the spouse or driving-age child who requested the order and the 1135
vehicle to which the order applies, shall identify the spouse, the 1136
driving-age child, or the spouse and the driving-age child or 1137
children who are permitted to operate the vehicle, and shall 1138
identify the offender and specify that the offender is not 1139
permitted to operate the vehicle. The immobilization waiver order 1140
shall require that the spouse, the driving-age child, or the 1141
spouse and the driving-age child or children who are permitted to 1142
operate the vehicle must display on the vehicle to which the order 1143
applies restricted license plates that are issued under section 1144
4503.231 of the Revised Code for the entire period for which the 1145
immobilization of the vehicle otherwise would have been required 1146
under division (G) of section 4511.19 or division (B) of section 1147
4511.193 of the Revised Code if the immobilization waiver order 1148
had not been issued. 1149

(D) If division (G) of section 4511.19 or division (B) of 1150
section 4511.193 of the Revised Code requires a court, as part of 1151
the sentence of a person who is convicted of or pleads guilty to a 1152
violation of division (A) of section 4511.19 of the Revised Code 1153
or as a sanction for a person who is convicted of or pleaded 1154
guilty to a violation of a municipal OVI ordinance, to order the 1155

immobilization of more than one vehicle for a specified period of 1156
time, the court shall not issue an immobilization waiver order 1157
under this section for more than one of those vehicles. 1158

(E) A spouse or a driving-age child who is permitted to 1159
operate a vehicle under an immobilization waiver order issued 1160
under this section shall not permit the offender to operate the 1161
vehicle. If a spouse or a driving-age child who is permitted to 1162
operate a vehicle under an immobilization waiver order issued 1163
under this section permits the offender to operate the vehicle, 1164
both of the following apply: 1165

(1) The court that issued the immobilization waiver order 1166
shall terminate that order and shall issue an immobilization order 1167
in accordance with section 4503.233 of the Revised Code that 1168
applies to the vehicle, and the immobilization order shall be in 1169
effect for the remaining period of time for which the 1170
immobilization of the vehicle otherwise would have been required 1171
under division (G) of section 4511.19 or division (B) of section 1172
4511.193 of the Revised Code if the immobilization waiver order 1173
had not been issued. 1174

(2) The conduct of the spouse or driving-age child in 1175
permitting the offender to operate the vehicle is a violation of 1176
section 4511.203 of the Revised Code. 1177

(F) As used in this section, "driving-age child" means a 1178
child who is sixteen years of age or older. 1179

Sec. 4507.164. (A) Except as provided in divisions (C) to (E) 1180
of this section, when the license of any person is suspended 1181
pursuant to any provision of the Revised Code other than division 1182
(G) of section 4511.19 of the Revised Code and other than section 1183
4510.07 of the Revised Code for a violation of a municipal OVI 1184
ordinance, the trial judge may impound the identification license 1185
plates of any motor vehicle registered in the name of the person. 1186

(B)(1) When the license of any person is suspended pursuant 1187
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 1188
pursuant to section 4510.07 of the Revised Code for a municipal 1189
OVI offense when the suspension is equivalent in length to the 1190
suspension under division (G) of section 4511.19 of the Revised 1191
Code that is specified in this division, the trial judge of the 1192
court of record or the mayor of the mayor's court that suspended 1193
the license may impound the identification license plates of any 1194
motor vehicle registered in the name of the person. 1195

(2) When the license of any person is suspended pursuant to 1196
division (G)(1)(b) of section 4511.19 of the Revised Code, or 1197
pursuant to section 4510.07 of the Revised Code for a municipal 1198
OVI offense when the suspension is equivalent in length to the 1199
suspension under division (G) of section 4511.19 of the Revised 1200
Code that is specified in this division, the trial judge of the 1201
court of record that suspended the license shall order the 1202
impoundment of the identification license plates of the motor 1203
vehicle the offender was operating at the time of the offense and 1204
the immobilization of that vehicle in accordance with section 1205
4503.233 and division (G)(1)(b) of section 4511.19 or division 1206
(B)(2)(a) of section 4511.193 of the Revised Code ~~and may impound.~~ 1207
In addition, the trial judge of the court of record that suspended 1208
the license shall order the immobilization for one year of all the 1209
motor vehicles that are owned by or are registered in the name of 1210
the offender and the impoundment for one year of the 1211
identification license plates of ~~any other motor vehicle~~ 1212
~~registered in the name of the person whose license is suspended~~ 1213
all such vehicles in accordance with section 4503.233 and division 1214
(G)(1)(b) of section 4511.19 or division (B)(2)(a) of section 1215
4511.193 of the Revised Code. 1216

(3) When the license of any person is suspended pursuant to 1217
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 1218

Code, or pursuant to section 4510.07 of the Revised Code for a 1219
municipal OVI offense when the suspension is equivalent in length 1220
to the suspension under division (G) of section 4511.19 of the 1221
Revised Code that is specified in this division, the trial judge 1222
of the court of record that suspended the license shall order the 1223
criminal forfeiture to the state of the motor vehicle the offender 1224
was operating at the time of the offense in accordance with 1225
section 4503.234 and division (G)(1)(c), (d), or (e) of section 1226
4511.19 or division (B)(2)(b) of section 4511.193 of the Revised 1227
Code ~~and may impound. In addition, the trial judge of the court of~~ 1228
record that suspended the license shall order the immobilization 1229
for one year of all the motor vehicles that are owned by or are 1230
registered in the name of the offender and the impoundment for one 1231
year of the identification license plates of any other motor 1232
vehicle registered in the name of the person whose license is 1233
suspended all such vehicles in accordance with section 4503.233 1234
and division (G)(1)(c), (d), or (e) of section 4511.19 or division 1235
(B)(2)(b) of section 4511.193 of the Revised Code except for any 1236
motor vehicle that is required to be forfeited to the state in 1237
accordance with section 4503.234 and division (G)(1)(c), (d), or 1238
(e) of section 4511.19 or division (B)(2)(b) of section 4511.193 1239
of the Revised Code. 1240

(C)(1) When a person is convicted of or pleads guilty to a 1241
violation of section 4510.14 of the Revised Code or a 1242
substantially equivalent municipal ordinance and division (B)(1) 1243
or (2) of section 4510.14 or division (C)(1) or (2) of section 1244
4510.161 of the Revised Code applies, the trial judge of the court 1245
of record or the mayor of the mayor's court that imposes sentence 1246
shall order the immobilization of the vehicle the person was 1247
operating at the time of the offense and the impoundment of its 1248
identification license plates in accordance with section 4503.233 1249
and division (B)(1) or (2) of section 4510.14 or division (C)(1) 1250
or (2) of section 4510.161 of the Revised Code and may impound the 1251

identification license plates of any other vehicle registered in 1252
the name of that person. 1253

(2) When a person is convicted of or pleads guilty to a 1254
violation of section 4510.14 of the Revised Code or a 1255
substantially equivalent municipal ordinance and division (B)(3) 1256
of section 4510.14 or division (C)(3) of section 4510.161 of the 1257
Revised Code applies, the trial judge of the court of record that 1258
imposes sentence shall order the criminal forfeiture to the state 1259
of the vehicle the person was operating at the time of the offense 1260
in accordance with section 4503.234 and division (B)(3) of section 1261
4510.14 or division (C)(3) of section 4510.161 of the Revised Code 1262
and may impound the identification license plates of any other 1263
vehicle registered in the name of that person. 1264

(D)~~(1)~~ When a person is convicted of or pleads guilty to a 1265
violation of division (A) of section 4510.16 of the Revised Code 1266
or a substantially equivalent municipal ordinance, division (B) of 1267
section 4510.16 or division (B) of section 4510.161 of the Revised 1268
Code applies in determining whether the immobilization of the 1269
vehicle the person was operating at the time of the offense and 1270
the impoundment of its identification license plates or the 1271
criminal forfeiture to the state of the vehicle the person was 1272
operating at the time of the offense is authorized or required. 1273
The trial judge of the court of record or the mayor of the mayor's 1274
court that imposes sentence may impound the identification license 1275
plates of any other vehicle registered in the name of that person. 1276

(E)(1) When a person is convicted of or pleads guilty to a 1277
violation of section 4511.203 of the Revised Code and the person 1278
is sentenced pursuant to division (C)(1) or (2) of section 1279
4511.203 of the Revised Code, the trial judge of the court of 1280
record or the mayor of the mayor's court that imposes sentence 1281
shall order the immobilization of the vehicle that was involved in 1282
the commission of the offense and the impoundment of its 1283

identification license plates in accordance with division (C)(1) 1284
or (2) of section 4511.203 and section 4503.233 of the Revised 1285
Code and may impound the identification license plates of any 1286
other vehicle registered in the name of that person. 1287

(2) When a person is convicted of or pleads guilty to a 1288
violation of section 4511.203 of the Revised Code and the person 1289
is sentenced pursuant to division (C)(3) of section 4511.203 of 1290
the Revised Code, the trial judge of the court of record or the 1291
mayor of the mayor's court that imposes sentence shall order the 1292
criminal forfeiture to the state of the vehicle that was involved 1293
in the commission of the offense in accordance with division 1294
(C)(3) of section 4511.203 and section 4503.234 of the Revised 1295
Code and may impound the identification license plates of any 1296
other vehicle registered in the name of that person. 1297

(F) Except as provided in section 4503.233 or 4503.234 of the 1298
Revised Code, when the certificate of registration, the 1299
identification license plates, or both have been impounded, 1300
division (B) of section 4507.02 of the Revised Code is applicable. 1301

(G) As used in this section, "municipal OVI offense" has the 1302
same meaning as in section 4511.181 of the Revised Code. 1303

Sec. 4510.13. (A)(1) Divisions (A)(2) to (7) of this section 1304
apply to a judge or mayor regarding the suspension of, or the 1305
grant of limited driving privileges during a suspension of, an 1306
offender's driver's or commercial driver's license or permit or 1307
nonresident operating privilege imposed under division (G) or (H) 1308
of section 4511.19 of the Revised Code, under division (B) or (C) 1309
of section 4511.191 of the Revised Code, or under section 4510.07 1310
of the Revised Code for a conviction of a violation of a municipal 1311
OVI ordinance. 1312

(2) No judge or mayor shall suspend the following portions of 1313
the suspension of an offender's driver's or commercial driver's 1314

license or permit or nonresident operating privilege imposed under 1315
division (G) or (H) of section 4511.19 of the Revised Code or 1316
under section 4510.07 of the Revised Code for a conviction of a 1317
violation of a municipal OVI ordinance, provided that division 1318
(A)(2) of this section does not limit a court or mayor in 1319
crediting any period of suspension imposed pursuant to division 1320
(B) or (C) of section 4511.191 of the Revised Code against any 1321
time of judicial suspension imposed pursuant to section 4511.19 or 1322
4510.07 of the Revised Code, as described in divisions (B)(2) and 1323
(C)(2) of section 4511.191 of the Revised Code: 1324

(a) The first six months of a suspension imposed under 1325
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 1326
comparable length suspension imposed under section 4510.07 of the 1327
Revised Code; 1328

(b) The first year of a suspension imposed under division 1329
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 1330
comparable length suspension imposed under section 4510.07 of the 1331
Revised Code; 1332

(c) The first three years of a suspension imposed under 1333
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1334
or of a comparable length suspension imposed under section 4510.07 1335
of the Revised Code; 1336

(d) The first sixty days of a suspension imposed under 1337
division (H) of section 4511.19 of the Revised Code or of a 1338
comparable length suspension imposed under section 4510.07 of the 1339
Revised Code. 1340

(3) No judge or mayor shall grant limited driving privileges 1341
to an offender whose driver's or commercial driver's license or 1342
permit or nonresident operating privilege has been suspended under 1343
division (G) or (H) of section 4511.19 of the Revised Code, under 1344
division (C) of section 4511.191 of the Revised Code, or under 1345

section 4510.07 of the Revised Code for a municipal OVI conviction 1346
if the offender, within the preceding six years, has been 1347
convicted of or pleaded guilty to three or more violations of one 1348
or more of the Revised Code sections, municipal ordinances, 1349
statutes of the United States or another state, or municipal 1350
ordinances of a municipal corporation of another state that are 1351
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 1352
Revised Code. 1353

Additionally, no judge or mayor shall grant limited driving 1354
privileges to an offender whose driver's or commercial driver's 1355
license or permit or nonresident operating privilege has been 1356
suspended under division (B) of section 4511.191 of the Revised 1357
Code if the offender, within the preceding six years, has refused 1358
three previous requests to consent to a chemical test of the 1359
person's whole blood, blood serum or plasma, breath, or urine to 1360
determine its alcohol content. 1361

(4) No judge or mayor shall grant limited driving privileges 1362
for employment as a driver of commercial motor vehicles to an 1363
offender whose driver's or commercial driver's license or permit 1364
or nonresident operating privilege has been suspended under 1365
division (G) or (H) of section 4511.19 of the Revised Code, under 1366
division (B) or (C) of section 4511.191 of the Revised Code, or 1367
under section 4510.07 of the Revised Code for a municipal OVI 1368
conviction if the offender is disqualified from operating a 1369
commercial motor vehicle, or whose license or permit has been 1370
suspended, under section 3123.58 or 4506.16 of the Revised Code. 1371

(5) No judge or mayor shall grant limited driving privileges 1372
to an offender whose driver's or commercial driver's license or 1373
permit or nonresident operating privilege has been suspended under 1374
division (G) or (H) of section 4511.19 of the Revised Code, under 1375
division (C) of section 4511.191 of the Revised Code, or under 1376
section 4510.07 of the Revised Code for a conviction of a 1377

violation of a municipal OVI ordinance during any of the following 1378
periods of time: 1379

(a) The first fifteen days of a suspension imposed under 1380
division (G)(1)(a) of section 4511.19 of the Revised Code or a 1381
comparable length suspension imposed under section 4510.07 of the 1382
Revised Code, or of a suspension imposed under division (C)(1)(a) 1383
of section 4511.191 of the Revised Code. On or after the sixteenth 1384
day of the suspension, the court may grant limited driving 1385
privileges, but the court may require that the offender shall not 1386
exercise the privileges unless the vehicles the offender operates 1387
are equipped with immobilizing or disabling devices that monitor 1388
the offender's alcohol consumption or any other type of 1389
immobilizing or disabling devices, except as provided in division 1390
(C) of section 4510.43 of the Revised Code. 1391

(b) The first thirty days of a suspension imposed under 1392
~~division (G)(1)(b) of section 4511.19 of the Revised Code or a~~ 1393
~~comparable length suspension imposed under section 4510.07 of the~~ 1394
~~Revised Code, or of a suspension imposed under~~ division (C)(1)(b) 1395
of section 4511.191 of the Revised Code. On or after the 1396
thirty-first day of suspension, the court may grant limited 1397
driving privileges, but the court may require that the offender 1398
shall not exercise the privileges unless the vehicles the offender 1399
operates are equipped with immobilizing or disabling devices that 1400
monitor the offender's alcohol consumption or any other type of 1401
immobilizing or disabling devices, except as provided in division 1402
(C) of section 4510.43 of the Revised Code. 1403

(c) The first sixty days of a suspension imposed under 1404
division (H) of section 4511.19 of the Revised Code or a 1405
comparable length suspension imposed under section 4510.07 of the 1406
Revised Code. 1407

(d) The first one hundred eighty days of a suspension imposed 1408
~~under division (G)(1)(c) of section 4511.19 of the Revised Code or~~ 1409

~~a comparable length suspension imposed under section 4510.07 of~~ 1410
~~the Revised Code, or of a suspension imposed~~ under division 1411
(C)(1)(c) of section 4511.191 of the Revised Code. The judge may 1412
grant limited driving privileges on or after the one hundred 1413
eighty-first day of the suspension only if the judge, at the time 1414
of granting the privileges, also issues an order prohibiting the 1415
offender, while exercising the privileges during the period 1416
commencing with the one hundred eighty-first day of suspension and 1417
ending with the first year of suspension, from operating any motor 1418
vehicle unless it is equipped with an immobilizing or disabling 1419
device that monitors the offender's alcohol consumption. After the 1420
first year of the suspension, the court may authorize the offender 1421
to continue exercising the privileges in vehicles that are not 1422
equipped with immobilizing or disabling devices that monitor the 1423
offender's alcohol consumption, except as provided in division (C) 1424
of section 4510.43 of the Revised Code. If the offender does not 1425
petition for limited driving privileges until after the first year 1426
of suspension, the judge may grant limited driving privileges 1427
without requiring the use of an immobilizing or disabling device 1428
that monitors the offender's alcohol consumption. 1429

(e) The first year of a suspension imposed under division 1430
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or a 1431
comparable length suspension imposed under section 4510.07 of the 1432
Revised Code. The judge may grant limited driving privileges after 1433
the first year of suspension and, at the time of granting the 1434
privileges, also may issue an order prohibiting the offender from 1435
operating any motor vehicle for the period of suspension following 1436
the first year of suspension unless the motor vehicle is equipped 1437
with an immobilizing or disabling device that monitors the 1438
offender's alcohol consumption, except as provided in division (C) 1439
of section 4510.43 of the Revised Code. 1440

(f) The first three years of a suspension imposed under 1441

division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1442
or a comparable length suspension imposed under section 4510.07 of 1443
the Revised Code, or of a suspension imposed under division 1444
(C)(1)(d) of section 4511.191 of the Revised Code. The judge may 1445
grant limited driving privileges after the first three years of 1446
suspension only if the judge, at the time of granting the 1447
privileges, also issues an order prohibiting the offender from 1448
operating any motor vehicle, for the period of suspension 1449
following the first three years of suspension, unless the motor 1450
vehicle is equipped with an immobilizing or disabling device that 1451
monitors the offender's alcohol consumption, except as provided in 1452
division (C) of section 4510.43 of the Revised Code. 1453

(6) No judge or mayor shall grant limited driving privileges 1454
to an offender whose driver's or commercial driver's license or 1455
permit or nonresident operating privilege has been suspended under 1456
division (B) of section 4511.191 of the Revised Code during any of 1457
the following periods of time: 1458

(a) The first thirty days of suspension imposed under 1459
division (B)(1)(a) of section 4511.191 of the Revised Code; 1460

(b) The first ninety days of suspension imposed under 1461
division (B)(1)(b) of section 4511.191 of the Revised Code; 1462

(c) The first year of suspension imposed under division 1463
(B)(1)(c) of section 4511.191 of the Revised Code; 1464

(d) The first three years of suspension imposed under 1465
division (B)(1)(d) of section 4511.191 of the Revised Code. 1466

(7) In any case in which a judge or mayor grants limited 1467
driving privileges to an offender whose driver's or commercial 1468
driver's license or permit or nonresident operating privilege has 1469
been suspended under division (G)(1)(b), (c), (d), or (e) of 1470
section 4511.19 of the Revised Code, under division (G)(1)(a) of 1471
section 4511.19 of the Revised Code for a violation of division 1472

(A)(1)(f), (g), (h), or (i) of that section, or under section 1473
4510.07 of the Revised Code for a municipal OVI conviction for 1474
which sentence would have been imposed under division 1475
(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 1476
the Revised Code had the offender been charged with and convicted 1477
of a violation of section 4511.19 of the Revised Code instead of a 1478
violation of the municipal OVI ordinance, the judge or mayor shall 1479
impose as a condition of the privileges that the offender must 1480
display on the vehicle that is driven subject to the privileges 1481
restricted license plates that are issued under section 4503.231 1482
of the Revised Code, except as provided in division (B) of that 1483
section. 1484

(B) Any person whose driver's or commercial driver's license 1485
or permit or nonresident operating privilege has been suspended 1486
pursuant to section 4511.19 or 4511.191 of the Revised Code or 1487
under section 4510.07 of the Revised Code for a violation of a 1488
municipal OVI ordinance may file a petition for limited driving 1489
privileges during the suspension. The person shall file the 1490
petition in the court that has jurisdiction over the place of 1491
arrest. Subject to division (A) of this section, the court may 1492
grant the person limited driving privileges during the period 1493
during which the suspension otherwise would be imposed. However, 1494
the court shall not grant the privileges for employment as a 1495
driver of a commercial motor vehicle to any person who is 1496
disqualified from operating a commercial motor vehicle under 1497
section 4506.16 of the Revised Code or during any of the periods 1498
prescribed by division (A) of this section. 1499

(C)(1) After a driver's or commercial driver's license or 1500
permit or nonresident operating privilege has been suspended 1501
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 1502
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 1503
of the Revised Code, any provision of Chapter 2925. of the Revised 1504

Code, or section 4510.07 of the Revised Code for a violation of a 1505
municipal OVI ordinance, the judge of the court or mayor of the 1506
mayor's court that suspended the license, permit, or privilege 1507
shall cause the offender to deliver to the court the license or 1508
permit. The judge, mayor, or clerk of the court or mayor's court 1509
shall forward to the registrar the license or permit together with 1510
notice of the action of the court. 1511

(2) A suspension of a commercial driver's license under any 1512
section or chapter identified in division (C)(1) of this section 1513
shall be concurrent with any period of suspension or 1514
disqualification under section 3123.58 or 4506.16 of the Revised 1515
Code. No person who is disqualified for life from holding a 1516
commercial driver's license under section 4506.16 of the Revised 1517
Code shall be issued a driver's license under this chapter during 1518
the period for which the commercial driver's license was suspended 1519
under this section, and no person whose commercial driver's 1520
license is suspended under any section or chapter identified in 1521
division (C)(1) of this section shall be issued a driver's license 1522
under Chapter 4507. of the Revised Code during the period of the 1523
suspension. 1524

(3) No judge or mayor shall suspend any class one suspension, 1525
or any portion of any class one suspension, imposed under section 1526
2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No 1527
judge or mayor shall suspend the first thirty days of any class 1528
two, class three, class four, class five, or class six suspension 1529
imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 1530
2929.02 of the Revised Code. 1531

(D) The judge of the court or mayor of the mayor's court 1532
shall credit any time during which an offender was subject to an 1533
administrative suspension of the offender's driver's or commercial 1534
driver's license or permit or nonresident operating privilege 1535
imposed pursuant to section 4511.191 or 4511.192 of the Revised 1536

Code or a suspension imposed by a judge, referee, or mayor 1537
pursuant to division (B)(1) or (2) of section 4511.196 of the 1538
Revised Code against the time to be served under a related 1539
suspension imposed pursuant to any section or chapter identified 1540
in division (C)(1) of this section. 1541

(E) The judge or mayor shall notify the bureau of motor 1542
vehicles of any determinations made pursuant to this section and 1543
of any suspension imposed pursuant to any section or chapter 1544
identified in division (C)(1) of this section. 1545

(F)(1) If a court issues an immobilizing or disabling device 1546
order under section 4510.43 of the Revised Code, the order shall 1547
authorize the offender during the specified period to operate a 1548
motor vehicle only if it is equipped with an immobilizing or 1549
disabling device, except as provided in division (C) of that 1550
section. The court shall provide the offender with a copy of an 1551
immobilizing or disabling device order issued under section 1552
4510.43 of the Revised Code, and the offender shall use the copy 1553
of the order in lieu of an Ohio driver's or commercial driver's 1554
license or permit until the registrar or a deputy registrar issues 1555
the offender a restricted license. 1556

An order issued under section 4510.43 of the Revised Code 1557
does not authorize or permit the offender to whom it has been 1558
issued to operate a vehicle during any time that the offender's 1559
driver's or commercial driver's license or permit is suspended 1560
under any other provision of law. 1561

(2) An offender may present an immobilizing or disabling 1562
device order to the registrar or to a deputy registrar. Upon 1563
presentation of the order to the registrar or a deputy registrar, 1564
the registrar or deputy registrar shall issue the offender a 1565
restricted license. A restricted license issued under this 1566
division shall be identical to an Ohio driver's license, except 1567
that it shall have printed on its face a statement that the 1568

offender is prohibited during the period specified in the court 1569
order from operating any motor vehicle that is not equipped with 1570
an immobilizing or disabling device. The date of commencement and 1571
the date of termination of the period of suspension shall be 1572
indicated conspicuously upon the face of the license. 1573

Sec. 4510.43. (A)(1) The director of public safety, upon 1574
consultation with the director of health and in accordance with 1575
Chapter 119. of the Revised Code, shall certify immobilizing and 1576
disabling devices and shall publish and make available to the 1577
courts, without charge, a list of approved devices together with 1578
information about the manufacturers of the devices and where they 1579
may be obtained. The manufacturer of an immobilizing or disabling 1580
device shall pay the cost of obtaining the certification of the 1581
device to the director of public safety, and the director shall 1582
deposit the payment in the drivers' treatment and intervention 1583
fund established by sections 4511.19 and 4511.191 of the Revised 1584
Code. 1585

(2) The director of public safety, in accordance with Chapter 1586
119. of the Revised Code, shall adopt and publish rules setting 1587
forth the requirements for obtaining the certification of an 1588
immobilizing or disabling device. The director of public safety 1589
shall not certify an immobilizing or disabling device under this 1590
section unless it meets the requirements specified and published 1591
by the director in the rules adopted pursuant to this division. A 1592
certified device may consist of an ignition interlock device, an 1593
ignition blocking device initiated by time or magnetic or 1594
electronic encoding, an activity monitor, or any other device that 1595
reasonably assures compliance with an order granting limited 1596
driving privileges. 1597

The requirements for an immobilizing or disabling device that 1598
is an ignition interlock device shall require that the 1599

manufacturer of the device submit to the department of public 1600
safety a certificate from an independent testing laboratory 1601
indicating that the device meets or exceeds the standards of the 1602
national highway traffic safety administration, as defined in 1603
section 4511.19 of the Revised Code, that are in effect at the 1604
time of the director's decision regarding certification of the 1605
device, shall include provisions for setting a minimum and maximum 1606
calibration range, and shall include, but shall not be limited to, 1607
specifications that the device complies with all of the following: 1608

(a) It does not impede the safe operation of the vehicle. 1609

(b) It has features that make circumvention difficult and 1610
that do not interfere with the normal use of the vehicle, and the 1611
features are operating and functioning. 1612

(c) It correlates well with established measures of alcohol 1613
impairment. 1614

(d) It works accurately and reliably in an unsupervised 1615
environment. 1616

(e) It is resistant to tampering and shows evidence of 1617
tampering if tampering is attempted. 1618

(f) It is difficult to circumvent and requires premeditation 1619
to do so. 1620

(g) It minimizes inconvenience to a sober user. 1621

(h) It requires a proper, deep-lung breath sample or other 1622
accurate measure of the concentration by weight of alcohol in the 1623
breath. 1624

(i) It operates reliably over the range of automobile 1625
environments. 1626

(j) It is made by a manufacturer who is covered by product 1627
liability insurance. 1628

(3) The director of public safety may adopt, in whole or in 1629

part, the guidelines, rules, regulations, studies, or independent 1630
laboratory tests performed and relied upon by other states, or 1631
their agencies or commissions, in the certification or approval of 1632
immobilizing or disabling devices. 1633

(4) The director of public safety shall adopt rules in 1634
accordance with Chapter 119. of the Revised Code for the design of 1635
a warning label that shall be affixed to each immobilizing or 1636
disabling device upon installation. The label shall contain a 1637
warning that any person tampering, circumventing, or otherwise 1638
misusing the device is subject to a fine, imprisonment, or both 1639
and may be subject to civil liability. 1640

(B) A court considering the use of a prototype device in a 1641
pilot program shall advise the director of public safety, thirty 1642
days before the use, of the prototype device and its protocol, 1643
methodology, manufacturer, and licensor, lessor, other agent, or 1644
owner, and the length of the court's pilot program. A prototype 1645
device shall not be used for a violation of section 4510.14 or 1646
4511.19 of the Revised Code, a violation of a municipal OVI 1647
ordinance, or in relation to a suspension imposed under section 1648
4511.191 of the Revised Code. A court that uses a prototype device 1649
in a pilot program, periodically during the existence of the 1650
program and within fourteen days after termination of the program, 1651
shall report in writing to the director of public safety regarding 1652
the effectiveness of the prototype device and the program. 1653

(C) If a person has been granted limited driving privileges 1654
with a condition of the privileges being that the motor vehicle 1655
that is operated under the privileges must be equipped with an 1656
immobilizing or disabling device, the person may operate a motor 1657
vehicle that is owned by the person's employer only if the person 1658
is required to operate that motor vehicle in the course and scope 1659
of the offender's employment. Such a person may operate that 1660
vehicle without the installation of an immobilizing or disabling 1661

device, provided that the employer has been notified that the
person has limited driving privileges and of the nature of the
restriction and further provided that the person has proof of the
employer's notification in the person's possession while operating
the employer's vehicle for normal business duties. A motor vehicle
owned by a business that is partly or entirely owned or controlled
by a person with limited driving privileges is not a motor vehicle
owned by an employer, for purposes of this division.

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

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

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

(2) A violation of a municipal OVI ordinance;

(3) A violation of section 2903.04 of the Revised Code in a
case in which the offender was subject to the sanctions described
in division (D) of that section;

(4) A violation of division (A)(1) of section 2903.06 or
2903.08 of the Revised Code or a municipal ordinance that is
substantially equivalent to either of those divisions;

(5) A violation of division (A)(2), (3), or (4) of section
2903.06, division (A)(2) of section 2903.08, or former section
2903.07 of the Revised Code, or a municipal ordinance that is
substantially equivalent to any of those divisions or that former
section, in a case in which a judge or jury as the trier of fact
found that the offender was under the influence of alcohol, a drug
of abuse, or a combination of them;

(6) A violation of division (A) or (B) of section 1547.11 of
the Revised Code;

(7) A violation of a municipal ordinance prohibiting a person

from operating or being in physical control of any vessel underway 1692
or from manipulating any water skis, aquaplane, or similar device 1693
on the waters of this state while under the influence of alcohol, 1694
a drug of abuse, or a combination of them or prohibiting a person 1695
from operating or being in physical control of any vessel underway 1696
or from manipulating any water skis, aquaplane, or similar device 1697
on the waters of this state with a prohibited concentration of 1698
alcohol, a controlled substance, or a metabolite of a controlled 1699
substance in the whole blood, blood serum or plasma, breath, or 1700
urine; 1701

(8) A violation of an existing or former municipal ordinance, 1702
law of another state, or law of the United States that is 1703
substantially equivalent to division (A) or (B) of section 4511.19 1704
or division (A) or (B) of section 1547.11 of the Revised Code; 1705

~~(7)~~(9) A violation of a former law of this state that was 1706
substantially equivalent to division (A) or (B) of section 4511.19 1707
or division (A) or (B) of section 1547.11 of the Revised Code. 1708

(B) "Mandatory jail term" means the mandatory term in jail of 1709
three, six, ten, twenty, thirty, or sixty days that must be 1710
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 1711
of the Revised Code upon an offender convicted of a violation of 1712
division (A) of that section and in relation to which all of the 1713
following apply: 1714

(1) Except as specifically authorized under section 4511.19 1715
of the Revised Code, the term must be served in a jail. 1716

(2) Except as specifically authorized under section 4511.19 1717
of the Revised Code, the term cannot be suspended, reduced, or 1718
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 1719
other provision of the Revised Code. 1720

(C) "Municipal OVI ordinance" and "municipal OVI offense" 1721
mean any municipal ordinance prohibiting a person from operating a 1722

vehicle while under the influence of alcohol, a drug of abuse, or 1723
a combination of them or prohibiting a person from operating a 1724
vehicle with a prohibited concentration of alcohol, a controlled 1725
substance, or a metabolite of a controlled substance in the whole 1726
blood, blood serum or plasma, breath, or urine. 1727

(D) "Community residential sanction," "jail," "mandatory 1728
prison term," "mandatory term of local incarceration," "sanction," 1729
and "prison term" have the same meanings as in section 2929.01 of 1730
the Revised Code. 1731

(E) "Drug of abuse" has the same meaning as in section 1732
4506.01 of the Revised Code. 1733

(F) "Equivalent offense that is vehicle-related" means an 1734
equivalent offense that is any of the following: 1735

(1) A violation described in division (A)(1), (2), (3), (4), 1736
or (5) of this section; 1737

(2) A violation of an existing or former municipal ordinance, 1738
law of another state, or law of the United States that is 1739
substantially equivalent to division (A) or (B) of section 4511.19 1740
of the Revised Code; 1741

(3) A violation of a former law of this state that was 1742
substantially equivalent to division (A) or (B) of section 4511.19 1743
of the Revised Code. 1744

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 1745
streetcar, or trackless trolley within this state, if, at the time 1746
of the operation, any of the following apply: 1747

(a) The person is under the influence of alcohol, a drug of 1748
abuse, or a combination of them. 1749

(b) The person has a concentration of eight-hundredths of one 1750
per cent or more but less than seventeen-hundredths of one per 1751
cent by weight per unit volume of alcohol in the person's whole 1752

blood. 1753

(c) The person has a concentration of ninety-six-thousandths 1754
of one per cent or more but less than two hundred four-thousandths 1755
of one per cent by weight per unit volume of alcohol in the 1756
person's blood serum or plasma. 1757

(d) The person has a concentration of eight-hundredths of one 1758
gram or more but less than seventeen-hundredths of one gram by 1759
weight of alcohol per two hundred ten liters of the person's 1760
breath. 1761

(e) The person has a concentration of eleven-hundredths of 1762
one gram or more but less than two hundred 1763
thirty-eight-thousandths of one gram by weight of alcohol per one 1764
hundred milliliters of the person's urine. 1765

(f) The person has a concentration of seventeen-hundredths of 1766
one per cent or more by weight per unit volume of alcohol in the 1767
person's whole blood. 1768

(g) The person has a concentration of two hundred 1769
four-thousandths of one per cent or more by weight per unit volume 1770
of alcohol in the person's blood serum or plasma. 1771

(h) The person has a concentration of seventeen-hundredths of 1772
one gram or more by weight of alcohol per two hundred ten liters 1773
of the person's breath. 1774

(i) The person has a concentration of two hundred 1775
thirty-eight-thousandths of one gram or more by weight of alcohol 1776
per one hundred milliliters of the person's urine. 1777

(j) Except as provided in division (K) of this section, the 1778
person has a concentration of any of the following controlled 1779
substances or metabolites of a controlled substance in the 1780
person's whole blood, blood serum or plasma, or urine that equals 1781
or exceeds any of the following: 1782

(i) The person has a concentration of amphetamine in the 1783
person's urine of at least five hundred nanograms of amphetamine 1784
per milliliter of the person's urine or has a concentration of 1785
amphetamine in the person's whole blood or blood serum or plasma 1786
of at least one hundred nanograms of amphetamine per milliliter of 1787
the person's whole blood or blood serum or plasma. 1788

(ii) The person has a concentration of cocaine in the 1789
person's urine of at least one hundred fifty nanograms of cocaine 1790
per milliliter of the person's urine or has a concentration of 1791
cocaine in the person's whole blood or blood serum or plasma of at 1792
least fifty nanograms of cocaine per milliliter of the person's 1793
whole blood or blood serum or plasma. 1794

(iii) The person has a concentration of cocaine metabolite in 1795
the person's urine of at least one hundred fifty nanograms of 1796
cocaine metabolite per milliliter of the person's urine or has a 1797
concentration of cocaine metabolite in the person's whole blood or 1798
blood serum or plasma of at least fifty nanograms of cocaine 1799
metabolite per milliliter of the person's whole blood or blood 1800
serum or plasma. 1801

(iv) The person has a concentration of heroin in the person's 1802
urine of at least two thousand nanograms of heroin per milliliter 1803
of the person's urine or has a concentration of heroin in the 1804
person's whole blood or blood serum or plasma of at least fifty 1805
nanograms of heroin per milliliter of the person's whole blood or 1806
blood serum or plasma. 1807

(v) The person has a concentration of heroin metabolite 1808
(6-monoacetyl morphine) in the person's urine of at least ten 1809
nanograms of heroin metabolite (6-monoacetyl morphine) per 1810
milliliter of the person's urine or has a concentration of heroin 1811
metabolite (6-monoacetyl morphine) in the person's whole blood or 1812
blood serum or plasma of at least ten nanograms of heroin 1813
metabolite (6-monoacetyl morphine) per milliliter of the person's 1814

whole blood or blood serum or plasma. 1815

(vi) The person has a concentration of L.S.D. in the person's 1816
urine of at least twenty-five nanograms of L.S.D. per milliliter 1817
of the person's urine or a concentration of L.S.D. in the person's 1818
whole blood or blood serum or plasma of at least ten nanograms of 1819
L.S.D. per milliliter of the person's whole blood or blood serum 1820
or plasma. 1821

(vii) The person has a concentration of marihuana in the 1822
person's urine of at least ten nanograms of marihuana per 1823
milliliter of the person's urine or has a concentration of 1824
marihuana in the person's whole blood or blood serum or plasma of 1825
at least two nanograms of marihuana per milliliter of the person's 1826
whole blood or blood serum or plasma. 1827

(viii) Either of the following applies: 1828

(I) The person is under the influence of alcohol, a drug of 1829
abuse, or a combination of them, and, as measured by gas 1830
chromatography mass spectrometry, the person has a concentration 1831
of marihuana metabolite in the person's urine of at least fifteen 1832
nanograms of marihuana metabolite per milliliter of the person's 1833
urine or has a concentration of marihuana metabolite in the 1834
person's whole blood or blood serum or plasma of at least five 1835
nanograms of marihuana metabolite per milliliter of the person's 1836
whole blood or blood serum or plasma. 1837

(II) As measured by gas chromatography mass spectrometry, the 1838
person has a concentration of marihuana metabolite in the person's 1839
urine of at least thirty-five nanograms of marihuana metabolite 1840
per milliliter of the person's urine or has a concentration of 1841
marihuana metabolite in the person's whole blood or blood serum or 1842
plasma of at least fifty nanograms of marihuana metabolite per 1843
milliliter of the person's whole blood or blood serum or plasma. 1844

(ix) The person has a concentration of methamphetamine in the 1845

person's urine of at least five hundred nanograms of 1846
methamphetamine per milliliter of the person's urine or has a 1847
concentration of methamphetamine in the person's whole blood or 1848
blood serum or plasma of at least one hundred nanograms of 1849
methamphetamine per milliliter of the person's whole blood or 1850
blood serum or plasma. 1851

(x) The person has a concentration of phencyclidine in the 1852
person's urine of at least twenty-five nanograms of phencyclidine 1853
per milliliter of the person's urine or has a concentration of 1854
phencyclidine in the person's whole blood or blood serum or plasma 1855
of at least ten nanograms of phencyclidine per milliliter of the 1856
person's whole blood or blood serum or plasma. 1857

(2) No person who, within twenty years of the conduct 1858
described in division (A)(2)(a) of this section, previously has 1859
been convicted of or pleaded guilty to a violation of this 1860
division, a violation of division (A)(1) or (B) of this section, 1861
or ~~a municipal OVI~~ any other equivalent offense shall do both of 1862
the following: 1863

(a) Operate any vehicle, streetcar, or trackless trolley 1864
within this state while under the influence of alcohol, a drug of 1865
abuse, or a combination of them; 1866

(b) Subsequent to being arrested for operating the vehicle, 1867
streetcar, or trackless trolley as described in division (A)(2)(a) 1868
of this section, being asked by a law enforcement officer to 1869
submit to a chemical test or tests under section 4511.191 of the 1870
Revised Code, and being advised by the officer in accordance with 1871
section 4511.192 of the Revised Code of the consequences of the 1872
person's refusal or submission to the test or tests, refuse to 1873
submit to the test or tests. 1874

(B) No person under twenty-one years of age shall operate any 1875
vehicle, streetcar, or trackless trolley within this state, if, at 1876

the time of the operation, any of the following apply: 1877

(1) The person has a concentration of at least two-hundredths 1878
of one per cent but less than eight-hundredths of one per cent by 1879
weight per unit volume of alcohol in the person's whole blood. 1880

(2) The person has a concentration of at least 1881
three-hundredths of one per cent but less than 1882
ninety-six-thousandths of one per cent by weight per unit volume 1883
of alcohol in the person's blood serum or plasma. 1884

(3) The person has a concentration of at least two-hundredths 1885
of one gram but less than eight-hundredths of one gram by weight 1886
of alcohol per two hundred ten liters of the person's breath. 1887

(4) The person has a concentration of at least twenty-eight 1888
one-thousandths of one gram but less than eleven-hundredths of one 1889
gram by weight of alcohol per one hundred milliliters of the 1890
person's urine. 1891

(C) In any proceeding arising out of one incident, a person 1892
may be charged with a violation of division (A)(1)(a) or (A)(2) 1893
and a violation of division (B)(1), (2), or (3) of this section, 1894
but the person may not be convicted of more than one violation of 1895
these divisions. 1896

(D)(1)(a) In any criminal prosecution or juvenile court 1897
proceeding for a violation of division (A)(1)(a) of this section 1898
or for an equivalent offense that is vehicle-related, the result 1899
of any test of any blood or urine withdrawn and analyzed at any 1900
health care provider, as defined in section 2317.02 of the Revised 1901
Code, may be admitted with expert testimony to be considered with 1902
any other relevant and competent evidence in determining the guilt 1903
or innocence of the defendant. 1904

(b) In any criminal prosecution or juvenile court proceeding 1905
for a violation of division (A) or (B) of this section or for an 1906
equivalent offense that is vehicle-related, the court may admit 1907

evidence on the concentration of alcohol, drugs of abuse, 1908
controlled substances, metabolites of a controlled substance, or a 1909
combination of them in the defendant's whole blood, blood serum or 1910
plasma, breath, urine, or other bodily substance at the time of 1911
the alleged violation as shown by chemical analysis of the 1912
substance withdrawn within three hours of the time of the alleged 1913
violation. The three-hour time limit specified in this division 1914
regarding the admission of evidence does not extend or affect the 1915
two-hour time limit specified in division (A) of section 4511.192 1916
of the Revised Code as the maximum period of time during which a 1917
person may consent to a chemical test or tests as described in 1918
that section. The court may admit evidence on the concentration of 1919
alcohol, drugs of abuse, or a combination of them as described in 1920
this division when a person submits to a blood, breath, urine, or 1921
other bodily substance test at the request of a law enforcement 1922
officer under section 4511.191 of the Revised Code or a blood or 1923
urine sample is obtained pursuant to a search warrant. Only a 1924
physician, a registered nurse, or a qualified technician, chemist, 1925
or phlebotomist shall withdraw a blood sample for the purpose of 1926
determining the alcohol, drug, controlled substance, metabolite of 1927
a controlled substance, or combination content of the whole blood, 1928
blood serum, or blood plasma. This limitation does not apply to 1929
the taking of breath or urine specimens. A person authorized to 1930
withdraw blood under this division may refuse to withdraw blood 1931
under this division, if in that person's opinion, the physical 1932
welfare of the person would be endangered by the withdrawing of 1933
blood. 1934

The bodily substance withdrawn under division (D)(1)(b) of 1935
this section shall be analyzed in accordance with methods approved 1936
by the director of health by an individual possessing a valid 1937
permit issued by the director pursuant to section 3701.143 of the 1938
Revised Code. 1939

(2) In a criminal prosecution or juvenile court proceeding 1940
for a violation of division (A) of this section or for an 1941
equivalent offense that is vehicle-related, if there was at the 1942
time the bodily substance was withdrawn a concentration of less 1943
than the applicable concentration of alcohol specified in 1944
divisions (A)(1)(b), (c), (d), and (e) of this section or less 1945
than the applicable concentration of a listed controlled substance 1946
or a listed metabolite of a controlled substance specified for a 1947
violation of division (A)(1)(j) of this section, that fact may be 1948
considered with other competent evidence in determining the guilt 1949
or innocence of the defendant. This division does not limit or 1950
affect a criminal prosecution or juvenile court proceeding for a 1951
violation of division (B) of this section or for an equivalent 1952
offense that is substantially equivalent to that division. 1953

(3) Upon the request of the person who was tested, the 1954
results of the chemical test shall be made available to the person 1955
or the person's attorney, immediately upon the completion of the 1956
chemical test analysis. 1957

If the chemical test was obtained pursuant to division 1958
(D)(1)(b) of this section, the person tested may have a physician, 1959
a registered nurse, or a qualified technician, chemist, or 1960
phlebotomist of the person's own choosing administer a chemical 1961
test or tests, at the person's expense, in addition to any 1962
administered at the request of a law enforcement officer. ~~The~~ If 1963
the person was under arrest as described in division (A)(5) of 1964
section 4511.191 of the Revised Code, the arresting officer shall 1965
advise the person at the time of the arrest that the person may 1966
have an independent chemical test taken at the person's own 1967
expense. If the person was not under arrest as described in 1968
division (A)(5) of section 4511.191 of the Revised Code, the form 1969
to be read to the person to be tested, as required under section 1970
4511.192 of the Revised Code, shall state that the person may have 1971

an independent test performed at the person's expense. The failure 1972
or inability to obtain an additional chemical test by a person 1973
shall not preclude the admission of evidence relating to the 1974
chemical test or tests taken at the request of a law enforcement 1975
officer. 1976

(4)(a) As used in divisions (D)(4)(b) and (c) of this 1977
section, "national highway traffic safety administration" means 1978
the national highway traffic safety administration established as 1979
an administration of the United States department of 1980
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 1981

(b) In any criminal prosecution or juvenile court proceeding 1982
for a violation of division (A) or (B) of this section, of a 1983
municipal ordinance relating to operating a vehicle while under 1984
the influence of alcohol, a drug of abuse, or alcohol and a drug 1985
of abuse, or of a municipal ordinance relating to operating a 1986
vehicle with a prohibited concentration of alcohol, a controlled 1987
substance, or a metabolite of a controlled substance in the whole 1988
blood, blood serum or plasma, breath, or urine, if a law 1989
enforcement officer has administered a field sobriety test to the 1990
operator of the vehicle involved in the violation and if it is 1991
shown by clear and convincing evidence that the officer 1992
administered the test in substantial compliance with the testing 1993
standards for any reliable, credible, and generally accepted field 1994
sobriety tests that were in effect at the time the tests were 1995
administered, including, but not limited to, any testing standards 1996
then in effect that were set by the national highway traffic 1997
safety administration, all of the following apply: 1998

(i) The officer may testify concerning the results of the 1999
field sobriety test so administered. 2000

(ii) The prosecution may introduce the results of the field 2001
sobriety test so administered as evidence in any proceedings in 2002
the criminal prosecution or juvenile court proceeding. 2003

(iii) If testimony is presented or evidence is introduced 2004
under division (D)(4)(b)(i) or (ii) of this section and if the 2005
testimony or evidence is admissible under the Rules of Evidence, 2006
the court shall admit the testimony or evidence and the trier of 2007
fact shall give it whatever weight the trier of fact considers to 2008
be appropriate. 2009

(c) Division (D)(4)(b) of this section does not limit or 2010
preclude a court, in its determination of whether the arrest of a 2011
person was supported by probable cause or its determination of any 2012
other matter in a criminal prosecution or juvenile court 2013
proceeding of a type described in that division, from considering 2014
evidence or testimony that is not otherwise disallowed by division 2015
(D)(4)(b) of this section. 2016

(E)(1) Subject to division (E)(3) of this section, in any 2017
criminal prosecution or juvenile court proceeding for a violation 2018
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 2019
or (B)(1), (2), (3), or (4) of this section or for an equivalent 2020
offense that is substantially equivalent to any of those 2021
divisions, a laboratory report from any laboratory personnel 2022
issued a permit by the department of health authorizing an 2023
analysis as described in this division that contains an analysis 2024
of the whole blood, blood serum or plasma, breath, urine, or other 2025
bodily substance tested and that contains all of the information 2026
specified in this division shall be admitted as prima-facie 2027
evidence of the information and statements that the report 2028
contains. The laboratory report shall contain all of the 2029
following: 2030

(a) The signature, under oath, of any person who performed 2031
the analysis; 2032

(b) Any findings as to the identity and quantity of alcohol, 2033
a drug of abuse, a controlled substance, a metabolite of a 2034
controlled substance, or a combination of them that was found; 2035

(c) A copy of a notarized statement by the laboratory 2036
director or a designee of the director that contains the name of 2037
each certified analyst or test performer involved with the report, 2038
the analyst's or test performer's employment relationship with the 2039
laboratory that issued the report, and a notation that performing 2040
an analysis of the type involved is part of the analyst's or test 2041
performer's regular duties; 2042

(d) An outline of the analyst's or test performer's 2043
education, training, and experience in performing the type of 2044
analysis involved and a certification that the laboratory 2045
satisfies appropriate quality control standards in general and, in 2046
this particular analysis, under rules of the department of health. 2047

(2) Notwithstanding any other provision of law regarding the 2048
admission of evidence, a report of the type described in division 2049
(E)(1) of this section is not admissible against the defendant to 2050
whom it pertains in any proceeding, other than a preliminary 2051
hearing or a grand jury proceeding, unless the prosecutor has 2052
served a copy of the report on the defendant's attorney or, if the 2053
defendant has no attorney, on the defendant. 2054

(3) A report of the type described in division (E)(1) of this 2055
section shall not be prima-facie evidence of the contents, 2056
identity, or amount of any substance if, within seven days after 2057
the defendant to whom the report pertains or the defendant's 2058
attorney receives a copy of the report, the defendant or the 2059
defendant's attorney demands the testimony of the person who 2060
signed the report. The judge in the case may extend the seven-day 2061
time limit in the interest of justice. 2062

(F) Except as otherwise provided in this division, any 2063
physician, registered nurse, or qualified technician, chemist, or 2064
phlebotomist who withdraws blood from a person pursuant to this 2065
section or section 4511.191 or 4511.192 of the Revised Code, and 2066
any hospital, first-aid station, or clinic at which blood is 2067

withdrawn from a person pursuant to this section or section 2068
4511.191 or 4511.192 of the Revised Code, is immune from criminal 2069
liability and civil liability based upon a claim of assault and 2070
battery or any other claim that is not a claim of malpractice, for 2071
any act performed in withdrawing blood from the person. The 2072
immunity provided in this division is not available to a person 2073
who withdraws blood if the person engages in willful or wanton 2074
misconduct. 2075

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 2076
to (i) or (A)(2) of this section is guilty of operating a vehicle 2077
under the influence of alcohol, a drug of abuse, or a combination 2078
of them. Whoever violates division (A)(1)(j) of this section is 2079
guilty of operating a vehicle while under the influence of a 2080
listed controlled substance or a listed metabolite of a controlled 2081
substance. The court shall sentence the offender for either 2082
offense under Chapter 2929. of the Revised Code, except as 2083
otherwise authorized or required by divisions (G)(1)(a) to (e) of 2084
this section: 2085

(a) Except as otherwise provided in division (G)(1)(b), (c), 2086
(d), or (e) of this section, the offender is guilty of a 2087
misdemeanor of the first degree, and the court shall sentence the 2088
offender to all of the following: 2089

(i) If the sentence is being imposed for a violation of 2090
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2091
mandatory jail term of three consecutive days. As used in this 2092
division, three consecutive days means seventy-two consecutive 2093
hours. The court may sentence an offender to both an intervention 2094
program and a jail term. The court may impose a jail term in 2095
addition to the three-day mandatory jail term or intervention 2096
program. However, in no case shall the cumulative jail term 2097
imposed for the offense exceed six months. 2098

The court may suspend the execution of the three-day jail 2099

term under this division if the court, in lieu of that suspended 2100
term, places the offender under a community control sanction 2101
pursuant to section 2929.25 of the Revised Code and requires the 2102
offender to attend, for three consecutive days, a drivers' 2103
intervention program certified under section 3793.10 of the 2104
Revised Code. The court also may suspend the execution of any part 2105
of the three-day jail term under this division if it places the 2106
offender under a community control sanction pursuant to section 2107
2929.25 of the Revised Code for part of the three days, requires 2108
the offender to attend for the suspended part of the term a 2109
drivers' intervention program so certified, and sentences the 2110
offender to a jail term equal to the remainder of the three 2111
consecutive days that the offender does not spend attending the 2112
program. The court may require the offender, as a condition of 2113
community control and in addition to the required attendance at a 2114
drivers' intervention program, to attend and satisfactorily 2115
complete any treatment or education programs that comply with the 2116
minimum standards adopted pursuant to Chapter 3793. of the Revised 2117
Code by the director of alcohol and drug addiction services that 2118
the operators of the drivers' intervention program determine that 2119
the offender should attend and to report periodically to the court 2120
on the offender's progress in the programs. The court also may 2121
impose on the offender any other conditions of community control 2122
that it considers necessary. 2123

(ii) If the sentence is being imposed for a violation of 2124
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2125
section, except as otherwise provided in this division, a 2126
mandatory jail term of at least three consecutive days and a 2127
requirement that the offender attend, for three consecutive days, 2128
a drivers' intervention program that is certified pursuant to 2129
section 3793.10 of the Revised Code. As used in this division, 2130
three consecutive days means seventy-two consecutive hours. If the 2131
court determines that the offender is not conducive to treatment 2132

in a drivers' intervention program, if the offender refuses to 2133
attend a drivers' intervention program, or if the jail at which 2134
the offender is to serve the jail term imposed can provide a 2135
driver's intervention program, the court shall sentence the 2136
offender to a mandatory jail term of at least six consecutive 2137
days. 2138

The court may require the offender, under a community control 2139
sanction imposed under section 2929.25 of the Revised Code, to 2140
attend and satisfactorily complete any treatment or education 2141
programs that comply with the minimum standards adopted pursuant 2142
to Chapter 3793. of the Revised Code by the director of alcohol 2143
and drug addiction services, in addition to the required 2144
attendance at drivers' intervention program, that the operators of 2145
the drivers' intervention program determine that the offender 2146
should attend and to report periodically to the court on the 2147
offender's progress in the programs. The court also may impose any 2148
other conditions of community control on the offender that it 2149
considers necessary. 2150

(iii) In all cases, a fine of not less than two hundred fifty 2151
and not more than one thousand dollars; 2152

(iv) In all cases, a class five license suspension of the 2153
offender's driver's or commercial driver's license or permit or 2154
nonresident operating privilege from the range specified in 2155
division (A)(5) of section 4510.02 of the Revised Code. The court 2156
may grant limited driving privileges relative to the suspension 2157
under sections 4510.021 and 4510.13 of the Revised Code. 2158

(b) Except as otherwise provided in division (G)(1)(e) of 2159
this section, an offender who, within six years of the offense, 2160
previously has been convicted of or pleaded guilty to one 2161
violation of division (A) or (B) of this section or one other 2162
equivalent offense is guilty of a misdemeanor of the first degree. 2163
The court shall sentence the offender to all of the following: 2164

(i) If the sentence is being imposed for a violation of 2165
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2166
mandatory jail term of ten consecutive days. The court shall 2167
impose the ten-day mandatory jail term under this division unless, 2168
subject to division (G)(3) of this section, it instead imposes a 2169
sentence under that division consisting of both a jail term and a 2170
term of house arrest with electronic monitoring, with continuous 2171
alcohol monitoring, or with both electronic monitoring and 2172
continuous alcohol monitoring. The court may impose a jail term in 2173
addition to the ten-day mandatory jail term. The cumulative jail 2174
term imposed for the offense shall not exceed six months. 2175

In addition to the jail term or the term of house arrest with 2176
electronic monitoring or continuous alcohol monitoring or both 2177
types of monitoring and jail term, the court ~~may~~ shall require the 2178
offender to attend a drivers' intervention program that is 2179
certified pursuant to section 3793.10 of the Revised Code. If the 2180
operator of the program determines that the offender is alcohol 2181
dependent, the program shall notify the court, and, subject to 2182
division (I) of this section, the court shall order the offender 2183
to obtain treatment through an alcohol and drug addiction program 2184
authorized by section 3793.02 of the Revised Code. 2185

(ii) If the sentence is being imposed for a violation of 2186
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2187
section, except as otherwise provided in this division, a 2188
mandatory jail term of twenty consecutive days. The court shall 2189
impose the twenty-day mandatory jail term under this division 2190
unless, subject to division (G)(3) of this section, it instead 2191
imposes a sentence under that division consisting of both a jail 2192
term and a term of house arrest with electronic monitoring, with 2193
continuous alcohol monitoring, or with both electronic monitoring 2194
and continuous alcohol monitoring. The court may impose a jail 2195
term in addition to the twenty-day mandatory jail term. The 2196

cumulative jail term imposed for the offense shall not exceed six 2197
months. 2198

In addition to the jail term or the term of house arrest with 2199
electronic monitoring or continuous alcohol monitoring or both 2200
types of monitoring and jail term, the court ~~may~~ shall require the 2201
offender to attend a driver's intervention program that is 2202
certified pursuant to section 3793.10 of the Revised Code. If the 2203
operator of the program determines that the offender is alcohol 2204
dependent, the program shall notify the court, and, subject to 2205
division (I) of this section, the court shall order the offender 2206
to obtain treatment through an alcohol and drug addiction program 2207
authorized by section 3793.02 of the Revised Code. 2208

(iii) In all cases, notwithstanding the fines set forth in 2209
Chapter 2929. of the Revised Code, a fine of not less than three 2210
hundred fifty and not more than one thousand five hundred dollars; 2211

(iv) In all cases, a class four license suspension of the 2212
offender's driver's license, commercial driver's license, 2213
temporary instruction permit, probationary license, or nonresident 2214
operating privilege from the range specified in division (A)(4) of 2215
section 4510.02 of the Revised Code. The court may grant limited 2216
driving privileges relative to the suspension under sections 2217
4510.021 and 4510.13 of the Revised Code. 2218

(v) In all cases, if the vehicle is registered in the 2219
offender's name, immobilization of the vehicle involved in the 2220
offense for ~~ninety days~~ one year in accordance with section 2221
4503.233 of the Revised Code and impoundment of the license plates 2222
of that vehicle for ~~ninety days~~ one year. In addition, 2223
irrespective of whether the vehicle involved in the offense is 2224
registered in the offender's name, the court shall order the 2225
immobilization for one year in accordance with section 4503.233 of 2226
the Revised Code of all motor vehicles owned by or registered in 2227
the name of the offender and the impoundment for one year of the 2228

license plates of all such vehicles. 2229

(vi) In all cases, a requirement that the offender wear a 2230
monitor that provides continuous alcohol monitoring that is 2231
remote. The court shall require the offender to wear the monitor 2232
until the conclusion of all community control sanctions imposed 2233
upon the offender. The offender shall pay all costs associated 2234
with the monitor, including the cost of remote monitoring. 2235

(c) Except as otherwise provided in division (G)(1)(e) of 2236
this section, an offender who, within six years of the offense, 2237
previously has been convicted of or pleaded guilty to two 2238
violations of division (A) or (B) of this section or other 2239
equivalent offenses is guilty of a misdemeanor. The court shall 2240
sentence the offender to all of the following: 2241

(i) If the sentence is being imposed for a violation of 2242
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2243
mandatory jail term of thirty consecutive days. The court shall 2244
impose the thirty-day mandatory jail term under this division 2245
unless, subject to division (G)(3) of this section, it instead 2246
imposes a sentence under that division consisting of both a jail 2247
term and a term of house arrest with electronic monitoring, with 2248
continuous alcohol monitoring, or with both electronic monitoring 2249
and continuous alcohol monitoring. The court may impose a jail 2250
term in addition to the thirty-day mandatory jail term. 2251
Notwithstanding the jail terms set forth in sections 2929.21 to 2252
2929.28 of the Revised Code, the additional jail term shall not 2253
exceed one year, and the cumulative jail term imposed for the 2254
offense shall not exceed one year. 2255

(ii) If the sentence is being imposed for a violation of 2256
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2257
section, a mandatory jail term of sixty consecutive days. The 2258
court shall impose the sixty-day mandatory jail term under this 2259
division unless, subject to division (G)(3) of this section, it 2260

instead imposes a sentence under that division consisting of both 2261
a jail term and a term of house arrest with electronic monitoring, 2262
with continuous alcohol monitoring, or with both electronic 2263
monitoring and continuous alcohol monitoring. The court may impose 2264
a jail term in addition to the sixty-day mandatory jail term. 2265
Notwithstanding the jail terms set forth in sections 2929.21 to 2266
2929.28 of the Revised Code, the additional jail term shall not 2267
exceed one year, and the cumulative jail term imposed for the 2268
offense shall not exceed one year. 2269

(iii) In all cases, notwithstanding the fines set forth in 2270
Chapter 2929. of the Revised Code, a fine of not less than five 2271
hundred fifty and not more than two thousand five hundred dollars; 2272

(iv) In all cases, a class three license suspension of the 2273
offender's driver's license, commercial driver's license, 2274
temporary instruction permit, probationary license, or nonresident 2275
operating privilege from the range specified in division (A)(3) of 2276
section 4510.02 of the Revised Code. The court may grant limited 2277
driving privileges relative to the suspension under sections 2278
4510.021 and 4510.13 of the Revised Code. 2279

(v) In all cases, if the vehicle is registered in the 2280
offender's name, criminal forfeiture of the vehicle involved in 2281
the offense in accordance with section 4503.234 of the Revised 2282
Code. Division (G)(6) of this section applies regarding any 2283
vehicle that is subject to an order of criminal forfeiture under 2284
this division. In addition, the court shall order the 2285
immobilization for one year in accordance with section 4503.233 of 2286
the Revised Code of all other motor vehicles owned by or 2287
registered in the name of the offender and the impoundment for one 2288
year of the license plates of all such vehicles. 2289

If the vehicle involved in the offense is not registered in 2290
the offender's name, the court shall order the immobilization for 2291
one year of all motor vehicles owned by or registered in the name 2292

of the offender and the impoundment for one year of the license 2293
plates of all such vehicles. 2294

(vi) In all cases, participation in an alcohol and drug 2295
addiction program authorized by section 3793.02 of the Revised 2296
Code, subject to division (I) of this section. The operator of the 2297
program shall determine and assess the degree of the offender's 2298
alcohol dependency and use and shall treat the offender 2299
accordingly. 2300

(vii) In all cases, a requirement that the offender wear a 2301
monitor that provides continuous alcohol monitoring that is 2302
remote. The court shall require the offender to wear the monitor 2303
until the conclusion of all community control sanctions imposed 2304
upon the offender. The offender shall pay all costs associated 2305
with the monitor, including the cost of remote monitoring. 2306

(d) Except as otherwise provided in division (G)(1)(e) of 2307
this section, an offender who, within six years of the offense, 2308
previously has been convicted of or pleaded guilty to three or 2309
four violations of division (A) or (B) of this section or other 2310
equivalent offenses or an offender who, within twenty years of the 2311
offense, previously has been convicted of or pleaded guilty to 2312
five or more violations of that nature is guilty of a felony of 2313
the fourth degree. The court shall sentence the offender to all of 2314
the following: 2315

(i) If the sentence is being imposed for a violation of 2316
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2317
mandatory prison term of one, two, three, four, or five years as 2318
required by and in accordance with division (G)(2) of section 2319
2929.13 of the Revised Code if the offender also is convicted of 2320
or also pleads guilty to a specification of the type described in 2321
section 2941.1413 of the Revised Code or, in the discretion of the 2322
court, either a mandatory term of local incarceration of sixty 2323
consecutive days in accordance with division (G)(1) of section 2324

2929.13 of the Revised Code or a mandatory prison term of sixty 2325
consecutive days in accordance with division (G)(2) of that 2326
section if the offender is not convicted of and does not plead 2327
guilty to a specification of that type. If the court imposes a 2328
mandatory term of local incarceration, it may impose a jail term 2329
in addition to the sixty-day mandatory term, the cumulative total 2330
of the mandatory term and the jail term for the offense shall not 2331
exceed one year, and, except as provided in division (A)(1) of 2332
section 2929.13 of the Revised Code, no prison term is authorized 2333
for the offense. If the court imposes a mandatory prison term, 2334
notwithstanding division (A)(4) of section 2929.14 of the Revised 2335
Code, it also may sentence the offender to a definite prison term 2336
that shall be not less than six months and not more than thirty 2337
months and the prison terms shall be imposed as described in 2338
division (G)(2) of section 2929.13 of the Revised Code. If the 2339
court imposes a mandatory prison term or mandatory prison term and 2340
additional prison term, in addition to the term or terms so 2341
imposed, the court also may sentence the offender to a community 2342
control sanction for the offense, but the offender shall serve all 2343
of the prison terms so imposed prior to serving the community 2344
control sanction. 2345

(ii) If the sentence is being imposed for a violation of 2346
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2347
section, a mandatory prison term of one, two, three, four, or five 2348
years as required by and in accordance with division (G)(2) of 2349
section 2929.13 of the Revised Code if the offender also is 2350
convicted of or also pleads guilty to a specification of the type 2351
described in section 2941.1413 of the Revised Code or, in the 2352
discretion of the court, either a mandatory term of local 2353
incarceration of one hundred twenty consecutive days in accordance 2354
with division (G)(1) of section 2929.13 of the Revised Code or a 2355
mandatory prison term of one hundred twenty consecutive days in 2356
accordance with division (G)(2) of that section if the offender is 2357

not convicted of and does not plead guilty to a specification of 2358
that type. If the court imposes a mandatory term of local 2359
incarceration, it may impose a jail term in addition to the one 2360
hundred twenty-day mandatory term, the cumulative total of the 2361
mandatory term and the jail term for the offense shall not exceed 2362
one year, and, except as provided in division (A)(1) of section 2363
2929.13 of the Revised Code, no prison term is authorized for the 2364
offense. If the court imposes a mandatory prison term, 2365
notwithstanding division (A)(4) of section 2929.14 of the Revised 2366
Code, it also may sentence the offender to a definite prison term 2367
that shall be not less than six months and not more than thirty 2368
months and the prison terms shall be imposed as described in 2369
division (G)(2) of section 2929.13 of the Revised Code. If the 2370
court imposes a mandatory prison term or mandatory prison term and 2371
additional prison term, in addition to the term or terms so 2372
imposed, the court also may sentence the offender to a community 2373
control sanction for the offense, but the offender shall serve all 2374
of the prison terms so imposed prior to serving the community 2375
control sanction. 2376

(iii) In all cases, notwithstanding section 2929.18 of the 2377
Revised Code, a fine of not less than eight hundred nor more than 2378
ten thousand dollars; 2379

(iv) In all cases, a class two license suspension of the 2380
offender's driver's license, commercial driver's license, 2381
temporary instruction permit, probationary license, or nonresident 2382
operating privilege from the range specified in division (A)(2) of 2383
section 4510.02 of the Revised Code. The court may grant limited 2384
driving privileges relative to the suspension under sections 2385
4510.021 and 4510.13 of the Revised Code. 2386

(v) In all cases, if the vehicle is registered in the 2387
offender's name, criminal forfeiture of the vehicle involved in 2388
the offense in accordance with section 4503.234 of the Revised 2389

Code. Division (G)(6) of this section applies regarding any 2390
vehicle that is subject to an order of criminal forfeiture under 2391
this division. In addition, the court shall order the 2392
immobilization for one year in accordance with section 4503.233 of 2393
the Revised Code of all other motor vehicles owned by or 2394
registered in the name of the offender and the impoundment for one 2395
year of the license plates of all such vehicles. 2396

If the vehicle involved in the offense is not registered in 2397
the offender's name, the court shall order the immobilization for 2398
one year of all motor vehicles owned by or registered in the name 2399
of the offender and the impoundment for one year of the license 2400
plates of all such vehicles. 2401

(vi) In all cases, participation in an alcohol and drug 2402
addiction program authorized by section 3793.02 of the Revised 2403
Code, subject to division (I) of this section. The operator of the 2404
program shall determine and assess the degree of the offender's 2405
alcohol dependency and use and shall treat the offender 2406
accordingly. 2407

(vii) In all cases, if the court sentences the offender to a 2408
mandatory term of local incarceration, in addition to the 2409
mandatory term, the court, pursuant to section 2929.17 of the 2410
Revised Code, may impose a term of house arrest with electronic 2411
monitoring. The term shall not commence until after the offender 2412
has served the mandatory term of local incarceration. 2413

(viii) In all cases, a requirement that the offender wear a 2414
monitor that provides continuous alcohol monitoring that is 2415
remote. The court shall require the offender to wear the monitor 2416
until the conclusion of all community control sanctions or 2417
post-release controls imposed upon the offender. The offender 2418
shall pay all costs associated with the monitor, including the 2419
cost of remote monitoring. 2420

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

(i) If the offender is being sentenced 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 a mandatory prison term
of sixty consecutive days in accordance with division (G)(2) of
section 2929.13 of the Revised Code if the offender is not
convicted of and does not plead guilty to a specification of that
type. The court may impose a prison term in addition to the
mandatory prison term. The cumulative total of a sixty-day
mandatory prison term and the additional prison term for the
offense shall not exceed five years. In addition to the mandatory
prison term or mandatory prison term and additional prison term
the court imposes, 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 control sanction.

(ii) If the sentence is being imposed for a violation of
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this
section, 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 a mandatory

prison term of one hundred twenty consecutive days in accordance 2453
with division (G)(2) of section 2929.13 of the Revised Code if the 2454
offender is not convicted of and does not plead guilty to a 2455
specification of that type. The court may impose a prison term in 2456
addition to the mandatory prison term. The cumulative total of a 2457
one hundred twenty-day mandatory prison term and the additional 2458
prison term for the offense shall not exceed five years. In 2459
addition to the mandatory prison term or mandatory prison term and 2460
additional prison term the court imposes, the court also may 2461
sentence the offender to a community control sanction for the 2462
offense, but the offender shall serve all of the prison terms so 2463
imposed prior to serving the community control sanction. 2464

(iii) In all cases, notwithstanding section 2929.18 of the 2465
Revised Code, a fine of not less than eight hundred nor more than 2466
ten thousand dollars; 2467

(iv) In all cases, a class two license suspension of the 2468
offender's driver's license, commercial driver's license, 2469
temporary instruction permit, probationary license, or nonresident 2470
operating privilege from the range specified in division (A)(2) of 2471
section 4510.02 of the Revised Code. The court may grant limited 2472
driving privileges relative to the suspension under sections 2473
4510.021 and 4510.13 of the Revised Code. 2474

(v) In all cases, if the vehicle is registered in the 2475
offender's name, criminal forfeiture of the vehicle involved in 2476
the offense in accordance with section 4503.234 of the Revised 2477
Code. Division (G)(6) of this section applies regarding any 2478
vehicle that is subject to an order of criminal forfeiture under 2479
this division. In addition, the court shall order the 2480
immobilization for one year in accordance with section 4503.233 of 2481
the Revised Code of all other motor vehicles owned by or 2482
registered in the name of the offender and the impoundment for one 2483
year of the license plates of all such vehicles. 2484

If the vehicle involved in the offense is not registered in 2485
the offender's name, the court shall order the immobilization for 2486
one year of all motor vehicles owned by or registered in the name 2487
of the offender and the impoundment for one year of the license 2488
plates of all such vehicles. 2489

(vi) In all cases, participation in an alcohol and drug 2490
addiction program authorized by section 3793.02 of the Revised 2491
Code, subject to division (I) of this section. The operator of the 2492
program shall determine and assess the degree of the offender's 2493
alcohol dependency and use and shall treat the offender 2494
accordingly. 2495

(vii) In all cases, a requirement that the offender wear a 2496
monitor that provides continuous alcohol monitoring that is 2497
remote. The court shall require the offender to wear the monitor 2498
until the conclusion of all post-release controls imposed upon the 2499
offender. The offender shall pay all costs associated with the 2500
monitor, including the cost of remote monitoring. 2501

(2) An offender who is convicted of or pleads guilty to a 2502
violation of division (A) of this section and who subsequently 2503
seeks reinstatement of the driver's or occupational driver's 2504
license or permit or nonresident operating privilege suspended 2505
under this section as a result of the conviction or guilty plea 2506
shall pay a reinstatement fee as provided in division (F)(2) of 2507
section 4511.191 of the Revised Code. 2508

(3) If an offender is sentenced to a jail term under division 2509
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 2510
if, within sixty days of sentencing of the offender, the court 2511
issues a written finding on the record that, due to the 2512
unavailability of space at the jail where the offender is required 2513
to serve the term, the offender will not be able to begin serving 2514
that term within the sixty-day period following the date of 2515
sentencing, the court may impose an alternative sentence under 2516

this division that includes a term of house arrest with electronic 2517
monitoring, with continuous alcohol monitoring, or with both 2518
electronic monitoring and continuous alcohol monitoring. 2519

As an alternative to a mandatory jail term of ten consecutive 2520
days required by division (G)(1)(b)(i) of this section, the court, 2521
under this division, may sentence the offender to five consecutive 2522
days in jail and not less than eighteen consecutive days of house 2523
arrest with electronic monitoring, with continuous alcohol 2524
monitoring, or with both electronic monitoring and continuous 2525
alcohol monitoring. The cumulative total of the five consecutive 2526
days in jail and the period of house arrest with electronic 2527
monitoring, continuous alcohol monitoring, or both types of 2528
monitoring shall not exceed six months. The five consecutive days 2529
in jail do not have to be served prior to or consecutively to the 2530
period of house arrest. 2531

As an alternative to the mandatory jail term of twenty 2532
consecutive days required by division (G)(1)(b)(ii) of this 2533
section, the court, under this division, may sentence the offender 2534
to ten consecutive days in jail and not less than thirty-six 2535
consecutive days of house arrest with electronic monitoring, with 2536
continuous alcohol monitoring, or with both electronic monitoring 2537
and continuous alcohol monitoring. The cumulative total of the ten 2538
consecutive days in jail and the period of house arrest with 2539
electronic monitoring, continuous alcohol monitoring, or both 2540
types of monitoring shall not exceed six months. The ten 2541
consecutive days in jail do not have to be served prior to or 2542
consecutively to the period of house arrest. 2543

As an alternative to a mandatory jail term of thirty 2544
consecutive days required by division (G)(1)(c)(i) of this 2545
section, the court, under this division, may sentence the offender 2546
to fifteen consecutive days in jail and not less than fifty-five 2547
consecutive days of house arrest with electronic monitoring, with 2548

continuous alcohol monitoring, or with both electronic monitoring 2549
and continuous alcohol monitoring. The cumulative total of the 2550
fifteen consecutive days in jail and the period of house arrest 2551
with electronic monitoring, continuous alcohol monitoring, or both 2552
types of monitoring shall not exceed one year. The fifteen 2553
consecutive days in jail do not have to be served prior to or 2554
consecutively to the period of house arrest. 2555

As an alternative to the mandatory jail term of sixty 2556
consecutive days required by division (G)(1)(c)(ii) of this 2557
section, the court, under this division, may sentence the offender 2558
to thirty consecutive days in jail and not less than one hundred 2559
ten consecutive days of house arrest with electronic monitoring, 2560
with continuous alcohol monitoring, or with both electronic 2561
monitoring and continuous alcohol monitoring. The cumulative total 2562
of the thirty consecutive days in jail and the period of house 2563
arrest with electronic monitoring, continuous alcohol monitoring, 2564
or both types of monitoring shall not exceed one year. The thirty 2565
consecutive days in jail do not have to be served prior to or 2566
consecutively to the period of house arrest. 2567

(4) If an offender's driver's or occupational driver's 2568
license or permit or nonresident operating privilege is suspended 2569
under division (G) of this section and if section 4510.13 of the 2570
Revised Code permits the court to grant limited driving 2571
privileges, the court may grant the limited driving privileges in 2572
accordance with that section. If division (A)(7) of that section 2573
requires that the court impose as a condition of the privileges 2574
that the offender must display on the vehicle that is driven 2575
subject to the privileges restricted license plates that are 2576
issued under section 4503.231 of the Revised Code, except as 2577
provided in division (B) of that section, the court shall impose 2578
that condition as one of the conditions of the limited driving 2579
privileges granted to the offender, except as provided in division 2580

(B) of section 4503.231 of the Revised Code. 2581

(5) Fines imposed under this section for a violation of 2582
division (A) of this section shall be distributed as follows: 2583

(a) Twenty-five dollars of the fine imposed under division 2584
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 2585
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 2586
fine imposed under division (G)(1)(c)(iii), and two hundred ten 2587
dollars of the fine imposed under division (G)(1)(d)(iii) or 2588
(e)(iii) of this section shall be paid to an enforcement and 2589
education fund established by the legislative authority of the law 2590
enforcement agency in this state that primarily was responsible 2591
for the arrest of the offender, as determined by the court that 2592
imposes the fine. The agency shall use this share to pay only 2593
those costs it incurs in enforcing this section or a municipal OVI 2594
ordinance and in informing the public of the laws governing the 2595
operation of a vehicle while under the influence of alcohol, the 2596
dangers of the operation of a vehicle under the influence of 2597
alcohol, and other information relating to the operation of a 2598
vehicle under the influence of alcohol and the consumption of 2599
alcoholic beverages. 2600

(b) Fifty dollars of the fine imposed under division 2601
(G)(1)(a)(iii) of this section shall be paid to the political 2602
subdivision that pays the cost of housing the offender during the 2603
offender's term of incarceration. If the offender is being 2604
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 2605
(e), or (j) of this section and was confined as a result of the 2606
offense prior to being sentenced for the offense but is not 2607
sentenced to a term of incarceration, the fifty dollars shall be 2608
paid to the political subdivision that paid the cost of housing 2609
the offender during that period of confinement. The political 2610
subdivision shall use the share under this division to pay or 2611
reimburse incarceration or treatment costs it incurs in housing or 2612

providing drug and alcohol treatment to persons who violate this 2613
section or a municipal OVI ordinance, costs of any immobilizing or 2614
disabling device used on the offender's vehicle, and costs of 2615
electronic house arrest equipment needed for persons who violate 2616
this section. 2617

(c) Twenty-five dollars of the fine imposed under division 2618
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 2619
division (G)(1)(b)(iii) of this section shall be deposited into 2620
the county or municipal indigent drivers' alcohol treatment fund 2621
under the control of that court, as created by the county or 2622
municipal corporation under division (N) of section 4511.191 of 2623
the Revised Code. 2624

(d) One hundred fifteen dollars of the fine imposed under 2625
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 2626
fine imposed under division (G)(1)(c)(iii), and four hundred forty 2627
dollars of the fine imposed under division (G)(1)(d)(iii) or 2628
(e)(iii) of this section shall be paid to the political 2629
subdivision that pays the cost of housing the offender during the 2630
offender's term of incarceration. The political subdivision shall 2631
use this share to pay or reimburse incarceration or treatment 2632
costs it incurs in housing or providing drug and alcohol treatment 2633
to persons who violate this section or a municipal OVI ordinance, 2634
costs for any immobilizing or disabling device used on the 2635
offender's vehicle, and costs of electronic house arrest equipment 2636
needed for persons who violate this section. 2637

(e) The balance of the fine imposed under division 2638
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 2639
section shall be disbursed as otherwise provided by law. 2640

(6) If title to a motor vehicle that is subject to an order 2641
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 2642
this section is assigned or transferred and division (B)(2) or (3) 2643
of section 4503.234 of the Revised Code applies, in addition to or 2644

independent of any other penalty established by law, the court may
fine the offender the value of the vehicle as determined by
publications of the national auto dealers association. The
proceeds of any fine so imposed shall be distributed in accordance
with division (C)(2) of that section.

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

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

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

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

(3) If the offender also is convicted of or also pleads

guilty to a specification of the type described in section 2676
2941.1416 of the Revised Code and if the court imposes a jail term 2677
for the violation of division (B) of this section, the court shall 2678
impose upon the offender an additional definite jail term pursuant 2679
to division (E) of section 2929.24 of the Revised Code. 2680

(I)(1) No court shall sentence an offender to an alcohol 2681
treatment program under this section unless the treatment program 2682
complies with the minimum standards for alcohol treatment programs 2683
adopted under Chapter 3793. of the Revised Code by the director of 2684
alcohol and drug addiction services. 2685

(2) An offender who stays in a drivers' intervention program 2686
or in an alcohol treatment program under an order issued under 2687
this section shall pay the cost of the stay in the program. 2688
However, if the court determines that an offender who stays in an 2689
alcohol treatment program under an order issued under this section 2690
is unable to pay the cost of the stay in the program, the court 2691
may order that the cost be paid from the court's indigent drivers' 2692
alcohol treatment fund. 2693

(J) If a person whose driver's or commercial driver's license 2694
or permit or nonresident operating privilege is suspended under 2695
this section files an appeal regarding any aspect of the person's 2696
trial or sentence, the appeal itself does not stay the operation 2697
of the suspension. 2698

(K) Division (A)(1)(j) of this section does not apply to a 2699
person who operates a vehicle, streetcar, or trackless trolley 2700
while the person has a concentration of a listed controlled 2701
substance or a listed metabolite of a controlled substance in the 2702
person's whole blood, blood serum or plasma, or urine that equals 2703
or exceeds the amount specified in that division, if both of the 2704
following apply: 2705

(1) The person obtained the controlled substance pursuant to 2706

a prescription issued by a licensed health professional authorized 2707
to prescribe drugs. 2708

(2) The person injected, ingested, or inhaled the controlled 2709
substance in accordance with the health professional's directions. 2710

(L) The prohibited concentrations of a controlled substance 2711
or a metabolite of a controlled substance listed in division 2712
(A)(1)(j) of this section also apply in a prosecution of a 2713
violation of division (D) of section 2923.16 of the Revised Code 2714
in the same manner as if the offender is being prosecuted for a 2715
prohibited concentration of alcohol. 2716

(M) All terms defined in section 4510.01 of the Revised Code 2717
apply to this section. If the meaning of a term defined in section 2718
4510.01 of the Revised Code conflicts with the meaning of the same 2719
term as defined in section 4501.01 or 4511.01 of the Revised Code, 2720
the term as defined in section 4510.01 of the Revised Code applies 2721
to this section. 2722

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 2723
as adopted by the supreme court under authority of section 2937.46 2724
of the Revised Code, do not apply to felony violations of this 2725
section. Subject to division (N)(2) of this section, the Rules of 2726
Criminal Procedure apply to felony violations of this section. 2727

(2) If, on or after January 1, 2004, the supreme court 2728
modifies the Ohio Traffic Rules to provide procedures to govern 2729
felony violations of this section, the modified rules shall apply 2730
to felony violations of this section. 2731

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 2732
as in section 4511.194 of the Revised Code. 2733

(2) Any person who operates a vehicle, streetcar, or 2734
trackless trolley upon a highway or any public or private property 2735
used by the public for vehicular travel or parking within this 2736

state or who is in physical control of a vehicle, streetcar, or 2737
trackless trolley shall be deemed to have given consent to a 2738
chemical test or tests of the person's whole blood, blood serum or 2739
plasma, breath, or urine to determine the alcohol, drug of abuse, 2740
controlled substance, metabolite of a controlled substance, or 2741
combination content of the person's whole blood, blood serum or 2742
plasma, breath, or urine if arrested for a violation of division 2743
(A) or (B) of section 4511.19 of the Revised Code, section 2744
4511.194 of the Revised Code or a substantially equivalent 2745
municipal ordinance, or a municipal OVI ordinance. 2746

(3) The chemical test or tests under division (A)(2) of this 2747
section shall be administered at the request of a law enforcement 2748
officer having reasonable grounds to believe the person was 2749
operating or in physical control of a vehicle, streetcar, or 2750
trackless trolley in violation of a division, section, or 2751
ordinance identified in division (A)(2) of this section. The law 2752
enforcement agency by which the officer is employed shall 2753
designate which of the tests shall be administered. 2754

(4) Any person who is dead or unconscious, or who otherwise 2755
is in a condition rendering the person incapable of refusal, shall 2756
be deemed to have consented as provided in division (A)(2) of this 2757
section, and the test or tests may be administered, subject to 2758
sections 313.12 to 313.16 of the Revised Code. 2759

(5)(a) If a law enforcement officer arrests a person for a 2760
violation of division (A) or (B) of section 4511.19 of the Revised 2761
Code, section 4511.194 of the Revised Code or a substantially 2762
equivalent municipal ordinance, or a municipal OVI ordinance and 2763
if the person previously has been convicted of or pleaded guilty 2764
to two or more violations of division (A) or (B) of section 2765
4511.19 of the Revised Code or other equivalent offenses, the law 2766
enforcement officer shall request the person to submit, and the 2767
person shall submit, to a chemical test or tests of the person's 2768

whole blood, blood serum or plasma, breath, or urine for the 2769
purpose of determining the alcohol, drug of abuse, controlled 2770
substance, metabolite of a controlled substance, or combination 2771
content of the person's whole blood, blood serum or plasma, 2772
breath, or urine. A law enforcement officer who makes a request 2773
pursuant to this division that a person submit to a chemical test 2774
or tests is not required to advise the person of the consequences 2775
of submitting to, or refusing to submit to, the test or tests and 2776
is not required to give the person the form described in division 2777
(B) of section 4511.192 of the Revised Code, but the officer shall 2778
advise the person at the time of the arrest that the person may 2779
have an independent chemical test taken at the person's own 2780
expense. Divisions (A)(3) and (4) of this section apply to the 2781
administration of a chemical test or tests pursuant to this 2782
division. 2783

(b) If a person refuses to submit to a chemical test upon a 2784
request made pursuant to division (A)(5)(a) of this section, the 2785
law enforcement officer who made the request may employ whatever 2786
reasonable means are necessary to ensure that the person submits 2787
to a chemical test of the person's whole blood or blood serum or 2788
plasma. A law enforcement officer who acts pursuant to this 2789
division to ensure that a person submits to a chemical test of the 2790
person's whole blood or blood serum or plasma is immune from 2791
criminal and civil liability based upon a claim for assault and 2792
battery or any other claim for the acts, unless the officer so 2793
acted with malicious purpose, in bad faith, or in a wanton or 2794
reckless manner. 2795

(B)(1) Upon receipt of the sworn report of a law enforcement 2796
officer who arrested a person for a violation of division (A) or 2797
(B) of section 4511.19 of the Revised Code, section 4511.194 of 2798
the Revised Code or a substantially equivalent municipal 2799
ordinance, or a municipal OVI ordinance that was completed and 2800

sent to the registrar and a court pursuant to section 4511.192 of
the Revised Code in regard to a person who refused to take the
designated chemical test, the registrar shall enter into the
registrar's records the fact that the person's driver's or
commercial driver's license or permit or nonresident operating
privilege was suspended by the arresting officer under this
division and that section and the period of the suspension, as
determined under this section. The suspension shall be subject to
appeal as provided in section 4511.197 of the Revised Code. The
suspension shall be for whichever of the following periods
applies:

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

(b) If the arrested person, within six years of the date on
which the person refused the request to consent to the chemical
test, had refused one previous request to consent to a chemical
test or had been convicted of or pleaded guilty to one violation
of division (A) or (B) of section 4511.19 of the Revised Code or
one other equivalent offense, the suspension shall be a class B
suspension imposed for the period of time specified in division
(B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within six years of the date on
which the person refused the request to consent to the chemical
test, had refused two previous requests to consent to a chemical
test, had been convicted of or pleaded guilty to two violations of
division (A) or (B) of section 4511.19 of the Revised Code or
other equivalent offenses, or had refused one previous request to
consent to a chemical test and also had been convicted of or
pleaded guilty to one violation of division (A) or (B) of section

4511.19 of the Revised Code or other equivalent offenses, which 2833
violation or offense arose from an incident other than the 2834
incident that led to the refusal, the suspension shall be a class 2835
A suspension imposed for the period of time specified in division 2836
(B)(1) of section 4510.02 of the Revised Code. 2837

(d) If the arrested person, within six years of the date on 2838
which the person refused the request to consent to the chemical 2839
test, had refused three or more previous requests to consent to a 2840
chemical test, had been convicted of or pleaded guilty to three or 2841
more violations of division (A) or (B) of section 4511.19 of the 2842
Revised Code or other equivalent offenses, or had refused a number 2843
of previous requests to consent to a chemical test and also had 2844
been convicted of or pleaded guilty to a number of violations of 2845
division (A) or (B) of section 4511.19 of the Revised Code or 2846
other equivalent offenses that cumulatively total three or more 2847
such refusals, convictions, and guilty pleas, each of which 2848
violations or offenses arose from an incident other than the 2849
incident that led to any of the refusals, the suspension shall be 2850
for five years. 2851

(2) The registrar shall terminate a suspension of the 2852
driver's or commercial driver's license or permit of a resident or 2853
of the operating privilege of a nonresident, or a denial of a 2854
driver's or commercial driver's license or permit, imposed 2855
pursuant to division (B)(1) of this section upon receipt of notice 2856
that the person has entered a plea of guilty to, or that the 2857
person has been convicted after entering a plea of no contest to, 2858
operating a vehicle in violation of section 4511.19 of the Revised 2859
Code or in violation of a municipal OVI ordinance, if the offense 2860
for which the conviction is had or the plea is entered arose from 2861
the same incident that led to the suspension or denial. 2862

The registrar shall credit against any judicial suspension of 2863
a person's driver's or commercial driver's license or permit or 2864

nonresident operating privilege imposed pursuant to section 2865
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 2866
Revised Code for a violation of a municipal OVI ordinance, any 2867
time during which the person serves a related suspension imposed 2868
pursuant to division (B)(1) of this section. 2869

(C)(1) Upon receipt of the sworn report of the law 2870
enforcement officer who arrested a person for a violation of 2871
division (A) or (B) of section 4511.19 of the Revised Code or a 2872
municipal OVI ordinance that was completed and sent to the 2873
registrar and a court pursuant to section 4511.192 of the Revised 2874
Code in regard to a person whose test results indicate that the 2875
person's whole blood, blood serum or plasma, breath, or urine 2876
contained at least the concentration of alcohol specified in 2877
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 2878
Revised Code or at least the concentration of a listed controlled 2879
substance or a listed metabolite of a controlled substance 2880
specified in division (A)(1)(j) of section 4511.19 of the Revised 2881
Code, the registrar shall enter into the registrar's records the 2882
fact that the person's driver's or commercial driver's license or 2883
permit or nonresident operating privilege was suspended by the 2884
arresting officer under this division and section 4511.192 of the 2885
Revised Code and the period of the suspension, as determined under 2886
divisions ~~(F)~~(C)(1)(a) to ~~(4)~~(d) of this section. The suspension 2887
shall be subject to appeal as provided in section 4511.197 of the 2888
Revised Code. The suspension described in this division does not 2889
apply to, and shall not be imposed upon, a person arrested for a 2890
violation of section 4511.194 of the Revised Code or a 2891
substantially equivalent municipal ordinance who submits to a 2892
designated chemical test. The suspension shall be for whichever of 2893
the following periods applies: 2894

(a) Except when division (C)(1)(b), (c), or (d) of this 2895
section applies and specifies a different period, the suspension 2896

shall be a class E suspension imposed for the period of time 2897
specified in division (B)(5) of section 4510.02 of the Revised 2898
Code. 2899

(b) The suspension shall be a class C suspension for the 2900
period of time specified in division (B)(3) of section 4510.02 of 2901
the Revised Code if the person has been convicted of or pleaded 2902
guilty to, within six years of the date the test was conducted, 2903
one violation of division (A) or (B) of section 4511.19 of the 2904
Revised Code or one other equivalent offense. 2905

(c) If, within six years of the date the test was conducted, 2906
the person has been convicted of or pleaded guilty to two 2907
violations of a statute or ordinance described in division 2908
(C)(1)(b) of this section, the suspension shall be a class B 2909
suspension imposed for the period of time specified in division 2910
(B)(2) of section 4510.02 of the Revised Code. 2911

(d) If, within six years of the date the test was conducted, 2912
the person has been convicted of or pleaded guilty to more than 2913
two violations of a statute or ordinance described in division 2914
(C)(1)(b) of this section, the suspension shall be a class A 2915
suspension imposed for the period of time specified in division 2916
(B)(1) of section 4510.02 of the Revised Code. 2917

(2) The registrar shall terminate a suspension of the 2918
driver's or commercial driver's license or permit of a resident or 2919
of the operating privilege of a nonresident, or a denial of a 2920
driver's or commercial driver's license or permit, imposed 2921
pursuant to division (C)(1) of this section upon receipt of notice 2922
that the person has entered a plea of guilty to, or that the 2923
person has been convicted after entering a plea of no contest to, 2924
operating a vehicle in violation of section 4511.19 of the Revised 2925
Code or in violation of a municipal OVI ordinance, if the offense 2926
for which the conviction is had or the plea is entered arose from 2927
the same incident that led to the suspension or denial. 2928

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

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

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

(E) When it finally has been determined under the procedures

of this section and sections 4511.192 to 4511.197 of the Revised 2961
Code that a nonresident's privilege to operate a vehicle within 2962
this state has been suspended, the registrar shall give 2963
information in writing of the action taken to the motor vehicle 2964
administrator of the state of the person's residence and of any 2965
state in which the person has a license. 2966

(F) At the end of a suspension period under this section, 2967
under section 4511.194, section 4511.196, or division (G) of 2968
section 4511.19 of the Revised Code, or under section 4510.07 of 2969
the Revised Code for a violation of a municipal OVI ordinance and 2970
upon the request of the person whose driver's or commercial 2971
driver's license or permit was suspended and who is not otherwise 2972
subject to suspension, cancellation, or disqualification, the 2973
registrar shall return the driver's or commercial driver's license 2974
or permit to the person upon the occurrence of all of the 2975
conditions specified in divisions (F)(1) and (2) of this section: 2976

(1) A showing that the person has proof of financial 2977
responsibility, a policy of liability insurance in effect that 2978
meets the minimum standards set forth in section 4509.51 of the 2979
Revised Code, or proof, to the satisfaction of the registrar, that 2980
the person is able to respond in damages in an amount at least 2981
equal to the minimum amounts specified in section 4509.51 of the 2982
Revised Code. 2983

(2) Subject to the limitation contained in division (F)(3) of 2984
this section, payment by the person to the bureau of motor 2985
vehicles of a license reinstatement fee of four hundred 2986
twenty-five dollars, which fee shall be deposited in the state 2987
treasury and credited as follows: 2988

(a) One hundred twelve dollars and fifty cents shall be 2989
credited to the statewide treatment and prevention fund created by 2990
section 4301.30 of the Revised Code. The fund shall be used to pay 2991
the costs of driver treatment and intervention programs operated 2992

pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 2993
director of alcohol and drug addiction services shall determine 2994
the share of the fund that is to be allocated to alcohol and drug 2995
addiction programs authorized by section 3793.02 of the Revised 2996
Code, and the share of the fund that is to be allocated to 2997
drivers' intervention programs authorized by section 3793.10 of 2998
the Revised Code. 2999

(b) Seventy-five dollars shall be credited to the reparations 3000
fund created by section 2743.191 of the Revised Code. 3001

(c) Thirty-seven dollars and fifty cents shall be credited to 3002
the indigent drivers alcohol treatment fund, which is hereby 3003
established. Except as otherwise provided in division (F)(2)(c) of 3004
this section, moneys in the fund shall be distributed by the 3005
department of alcohol and drug addiction services to the county 3006
indigent drivers alcohol treatment funds, the county juvenile 3007
indigent drivers alcohol treatment funds, and the municipal 3008
indigent drivers alcohol treatment funds that are required to be 3009
established by counties and municipal corporations pursuant to 3010
this section, and shall be used only to pay the cost of an alcohol 3011
and drug addiction treatment program attended by an offender or 3012
juvenile traffic offender who is ordered to attend an alcohol and 3013
drug addiction treatment program by a county, juvenile, or 3014
municipal court judge and who is determined by the county, 3015
juvenile, or municipal court judge not to have the means to pay 3016
for the person's attendance at the program or to pay the costs 3017
specified in division (H)(4) of this section in accordance with 3018
that division. In addition, a county, juvenile, or municipal court 3019
judge may use moneys in the county indigent drivers alcohol 3020
treatment fund, county juvenile indigent drivers alcohol treatment 3021
fund, or municipal indigent drivers alcohol treatment fund to pay 3022
for the cost of the continued use of an electronic continuous 3023
alcohol monitoring device as described in divisions (H)(3) and (4) 3024

of this section. Moneys in the fund that are not distributed to a 3025
county indigent drivers alcohol treatment fund, a county juvenile 3026
indigent drivers alcohol treatment fund, or a municipal indigent 3027
drivers alcohol treatment fund under division (H) of this section 3028
because the director of alcohol and drug addiction services does 3029
not have the information necessary to identify the county or 3030
municipal corporation where the offender or juvenile offender was 3031
arrested may be transferred by the director of budget and 3032
management to the statewide treatment and prevention fund created 3033
by section 4301.30 of the Revised Code, upon certification of the 3034
amount by the director of alcohol and drug addiction services. 3035

(d) Seventy-five dollars shall be credited to the Ohio 3036
rehabilitation services commission established by section 3304.12 3037
of the Revised Code, to the services for rehabilitation fund, 3038
which is hereby established. The fund shall be used to match 3039
available federal matching funds where appropriate, and for any 3040
other purpose or program of the commission to rehabilitate people 3041
with disabilities to help them become employed and independent. 3042

(e) Seventy-five dollars shall be deposited into the state 3043
treasury and credited to the drug abuse resistance education 3044
programs fund, which is hereby established, to be used by the 3045
attorney general for the purposes specified in division (F)(4) of 3046
this section. 3047

(f) Thirty dollars shall be credited to the state bureau of 3048
motor vehicles fund created by section 4501.25 of the Revised 3049
Code. 3050

(g) Twenty dollars shall be credited to the trauma and 3051
emergency medical services grants fund created by section 4513.263 3052
of the Revised Code. 3053

(3) If a person's driver's or commercial driver's license or 3054
permit is suspended under this section, under section 4511.196 or 3055

division (G) of section 4511.19 of the Revised Code, under section 3056
4510.07 of the Revised Code for a violation of a municipal OVI 3057
ordinance or under any combination of the suspensions described in 3058
division (F)(3) of this section, and if the suspensions arise from 3059
a single incident or a single set of facts and circumstances, the 3060
person is liable for payment of, and shall be required to pay to 3061
the bureau, only one reinstatement fee of four hundred twenty-five 3062
dollars. The reinstatement fee shall be distributed by the bureau 3063
in accordance with division (F)(2) of this section. 3064

(4) The attorney general shall use amounts in the drug abuse 3065
resistance education programs fund to award grants to law 3066
enforcement agencies to establish and implement drug abuse 3067
resistance education programs in public schools. Grants awarded to 3068
a law enforcement agency under this section shall be used by the 3069
agency to pay for not more than fifty per cent of the amount of 3070
the salaries of law enforcement officers who conduct drug abuse 3071
resistance education programs in public schools. The attorney 3072
general shall not use more than six per cent of the amounts the 3073
attorney general's office receives under division (F)(2)(e) of 3074
this section to pay the costs it incurs in administering the grant 3075
program established by division (F)(2)(e) of this section and in 3076
providing training and materials relating to drug abuse resistance 3077
education programs. 3078

The attorney general shall report to the governor and the 3079
general assembly each fiscal year on the progress made in 3080
establishing and implementing drug abuse resistance education 3081
programs. These reports shall include an evaluation of the 3082
effectiveness of these programs. 3083

(G) Suspension of a commercial driver's license under 3084
division (B) or (C) of this section shall be concurrent with any 3085
period of disqualification under section 3123.611 or 4506.16 of 3086
the Revised Code or any period of suspension under section 3123.58 3087

of the Revised Code. No person who is disqualified for life from 3088
holding a commercial driver's license under section 4506.16 of the 3089
Revised Code shall be issued a driver's license under Chapter 3090
4507. of the Revised Code during the period for which the 3091
commercial driver's license was suspended under division (B) or 3092
(C) of this section. No person whose commercial driver's license 3093
is suspended under division (B) or (C) of this section shall be 3094
issued a driver's license under Chapter 4507. of the Revised Code 3095
during the period of the suspension. 3096

(H)(1) Each county shall establish an indigent drivers 3097
alcohol treatment fund, each county shall establish a juvenile 3098
indigent drivers alcohol treatment fund, and each municipal 3099
corporation in which there is a municipal court shall establish an 3100
indigent drivers alcohol treatment fund. All revenue that the 3101
general assembly appropriates to the indigent drivers alcohol 3102
treatment fund for transfer to a county indigent drivers alcohol 3103
treatment fund, a county juvenile indigent drivers alcohol 3104
treatment fund, or a municipal indigent drivers alcohol treatment 3105
fund, all portions of fees that are paid under division (F) of 3106
this section and that are credited under that division to the 3107
indigent drivers alcohol treatment fund in the state treasury for 3108
a county indigent drivers alcohol treatment fund, a county 3109
juvenile indigent drivers alcohol treatment fund, or a municipal 3110
indigent drivers alcohol treatment fund, and all portions of fines 3111
that are specified for deposit into a county or municipal indigent 3112
drivers alcohol treatment fund by section 4511.193 of the Revised 3113
Code shall be deposited into that county indigent drivers alcohol 3114
treatment fund, county juvenile indigent drivers alcohol treatment 3115
fund, or municipal indigent drivers alcohol treatment fund in 3116
accordance with division (H)(2) of this section. Additionally, all 3117
portions of fines that are paid for a violation of section 4511.19 3118
of the Revised Code or of any prohibition contained in Chapter 3119
4510. of the Revised Code, and that are required under section 3120

4511.19 or any provision of Chapter 4510. of the Revised Code to 3121
be deposited into a county indigent drivers alcohol treatment fund 3122
or municipal indigent drivers alcohol treatment fund shall be 3123
deposited into the appropriate fund in accordance with the 3124
applicable division. 3125

(2) That portion of the license reinstatement fee that is 3126
paid under division (F) of this section and that is credited under 3127
that division to the indigent drivers alcohol treatment fund shall 3128
be deposited into a county indigent drivers alcohol treatment 3129
fund, a county juvenile indigent drivers alcohol treatment fund, 3130
or a municipal indigent drivers alcohol treatment fund as follows: 3131

(a) If the suspension in question was imposed under this 3132
section, that portion of the fee shall be deposited as follows: 3133

(i) If the fee is paid by a person who was charged in a 3134
county court with the violation that resulted in the suspension, 3135
the portion shall be deposited into the county indigent drivers 3136
alcohol treatment fund under the control of that court; 3137

(ii) If the fee is paid by a person who was charged in a 3138
juvenile court with the violation that resulted in the suspension, 3139
the portion shall be deposited into the county juvenile indigent 3140
drivers alcohol treatment fund established in the county served by 3141
the court; 3142

(iii) If the fee is paid by a person who was charged in a 3143
municipal court with the violation that resulted in the 3144
suspension, the portion shall be deposited into the municipal 3145
indigent drivers alcohol treatment fund under the control of that 3146
court. 3147

(b) If the suspension in question was imposed under section 3148
4511.19 of the Revised Code or under section 4510.07 of the 3149
Revised Code for a violation of a municipal OVI ordinance, that 3150
portion of the fee shall be deposited as follows: 3151

(i) If the fee is paid by a person whose license or permit 3152
was suspended by a county court, the portion shall be deposited 3153
into the county indigent drivers alcohol treatment fund under the 3154
control of that court; 3155

(ii) If the fee is paid by a person whose license or permit 3156
was suspended by a municipal court, the portion shall be deposited 3157
into the municipal indigent drivers alcohol treatment fund under 3158
the control of that court. 3159

(3) Expenditures from a county indigent drivers alcohol 3160
treatment fund, a county juvenile indigent drivers alcohol 3161
treatment fund, or a municipal indigent drivers alcohol treatment 3162
fund shall be made only upon the order of a county, juvenile, or 3163
municipal court judge and only for payment of the cost of the 3164
attendance at an alcohol and drug addiction treatment program of a 3165
person who is convicted of, or found to be a juvenile traffic 3166
offender by reason of, a violation of division (A) of section 3167
4511.19 of the Revised Code or a substantially similar municipal 3168
ordinance, who is ordered by the court to attend the alcohol and 3169
drug addiction treatment program, and who is determined by the 3170
court to be unable to pay the cost of attendance at the treatment 3171
program or for payment of the costs specified in division (H)(4) 3172
of this section in accordance with that division. The alcohol and 3173
drug addiction services board or the board of alcohol, drug 3174
addiction, and mental health services established pursuant to 3175
section 340.02 or 340.021 of the Revised Code and serving the 3176
alcohol, drug addiction, and mental health service district in 3177
which the court is located shall administer the indigent drivers 3178
alcohol treatment program of the court. When a court orders an 3179
offender or juvenile traffic offender to attend an alcohol and 3180
drug addiction treatment program, the board shall determine which 3181
program is suitable to meet the needs of the offender or juvenile 3182
traffic offender, and when a suitable program is located and space 3183

is available at the program, the offender or juvenile traffic 3184
offender shall attend the program designated by the board. A 3185
reasonable amount not to exceed five per cent of the amounts 3186
credited to and deposited into the county indigent drivers alcohol 3187
treatment fund, the county juvenile indigent drivers alcohol 3188
treatment fund, or the municipal indigent drivers alcohol 3189
treatment fund serving every court whose program is administered 3190
by that board shall be paid to the board to cover the costs it 3191
incurs in administering those indigent drivers alcohol treatment 3192
programs. 3193

In addition, a county, juvenile, or municipal court judge may 3194
use moneys in the county indigent drivers alcohol treatment fund, 3195
county juvenile indigent drivers alcohol treatment fund, or 3196
municipal indigent drivers alcohol treatment fund to pay for the 3197
continued use of an electronic continuous alcohol monitoring 3198
device by an offender or juvenile traffic offender, in conjunction 3199
with a treatment program approved by the department of alcohol and 3200
drug addiction services, when such use is determined clinically 3201
necessary by the treatment program and when the court determines 3202
that the offender or juvenile traffic offender is unable to pay 3203
all or part of the daily monitoring of the device. 3204

(4) If a county, juvenile, or municipal court determines, in 3205
consultation with the alcohol and drug addiction services board or 3206
the board of alcohol, drug addiction, and mental health services 3207
established pursuant to section 340.02 or 340.021 of the Revised 3208
Code and serving the alcohol, drug addiction, and mental health 3209
district in which the court is located, that the funds in the 3210
county indigent drivers alcohol treatment fund, the county 3211
juvenile indigent drivers alcohol treatment fund, or the municipal 3212
indigent drivers alcohol treatment fund under the control of the 3213
court are more than sufficient to satisfy the purpose for which 3214
the fund was established, as specified in divisions (H)(1) to (3) 3215

of this section, the court may declare a surplus in the fund. If 3216
the court declares a surplus in the fund, the court may expend the 3217
amount of the surplus in the fund for: 3218

(a) Alcohol and drug abuse assessment and treatment of 3219
persons who are charged in the court with committing a criminal 3220
offense or with being a delinquent child or juvenile traffic 3221
offender and in relation to whom both of the following apply: 3222

(i) The court determines that substance abuse was a 3223
contributing factor leading to the criminal or delinquent activity 3224
or the juvenile traffic offense with which the person is charged. 3225

(ii) The court determines that the person is unable to pay 3226
the cost of the alcohol and drug abuse assessment and treatment 3227
for which the surplus money will be used. 3228

(b) All or part of the cost of purchasing electronic 3229
continuous alcohol monitoring devices to be used in conjunction 3230
with division (H)(3) of this section. 3231

Sec. 4511.192. (A) The Except as provided in division (A)(5) 3232
of section 4511.191 of the Revised Code, the arresting law 3233
enforcement officer shall give advice in accordance with this 3234
section to any person under arrest for a violation of division (A) 3235
or (B) of section 4511.19 of the Revised Code, section 4511.194 of 3236
the Revised Code or a substantially equivalent municipal 3237
ordinance, or a municipal OVI ordinance. The officer shall give 3238
that advice in a written form that contains the information 3239
described in division (B) of this section and shall read the 3240
advice to the person. The form shall contain a statement that the 3241
form was shown to the person under arrest and read to the person 3242
by the arresting officer. One or more persons shall witness the 3243
arresting officer's reading of the form, and the witnesses shall 3244
certify to this fact by signing the form. The person must submit 3245
to the chemical test or tests, subsequent to the request of the 3246

arresting officer, within two hours of the time of the alleged 3247
violation and, if the person does not submit to the test or tests 3248
within that two-hour time limit, the failure to submit 3249
automatically constitutes a refusal to submit to the test or 3250
tests. 3251

(B) If Except as provided in division (A)(5) of section 3252
4511.191 of the Revised Code, if a person is under arrest as 3253
described in division (A) of this section, before the person may 3254
be requested to submit to a chemical test or tests to determine 3255
the alcohol, drug of abuse, controlled substance, metabolite of a 3256
controlled substance, or combination content of the person's whole 3257
blood, blood serum or plasma, breath, or urine, the arresting 3258
officer shall read the following form to the person: 3259

"You now are under arrest for (specifically state the offense 3260
under state law or a substantially equivalent municipal ordinance 3261
for which the person was arrested - operating a vehicle under the 3262
influence of alcohol, a drug, or a combination of them; operating 3263
a vehicle while under the influence of a listed controlled 3264
substance or a listed metabolite of a controlled substance; 3265
operating a vehicle after underage alcohol consumption; or having 3266
physical control of a vehicle while under the influence). 3267

If you refuse to take any chemical test required by law, your 3268
Ohio driving privileges will be suspended immediately, and you 3269
will have to pay a fee to have the privileges reinstated. If you 3270
have a prior conviction of OVI, OVUAC, or operating a vehicle 3271
while under the influence of a listed controlled substance or a 3272
listed metabolite of a controlled substance under state or 3273
municipal law within the preceding twenty years, you now are under 3274
arrest for state OVI, and, if you refuse to take a chemical test, 3275
you will face increased penalties if you subsequently are 3276
convicted of the state OVI. 3277

(Read this part unless the person is under arrest for solely 3278

having physical control of a vehicle while under the influence.) 3279
If you take any chemical test required by law and are found to be 3280
at or over the prohibited amount of alcohol, a controlled 3281
substance, or a metabolite of a controlled substance in your whole 3282
blood, blood serum or plasma, breath, or urine as set by law, your 3283
Ohio driving privileges will be suspended immediately, and you 3284
will have to pay a fee to have the privileges reinstated. 3285

If you take a chemical test, you may have an independent 3286
chemical test taken at your own expense." 3287

(C) If the arresting law enforcement officer does not ask a 3288
person under arrest as described in division (A) of this section 3289
or division (A)(5) of section 4511.191 of the Revised Code to 3290
submit to a chemical test or tests under section 4511.191 of the 3291
Revised Code, the arresting officer shall seize the Ohio or 3292
out-of-state driver's or commercial driver's license or permit of 3293
the person and immediately forward it to the court in which the 3294
arrested person is to appear on the charge. If the arrested person 3295
is not in possession of the person's license or permit or it is 3296
not in the person's vehicle, the officer shall order the person to 3297
surrender it to the law enforcement agency that employs the 3298
officer within twenty-four hours after the arrest, and, upon the 3299
surrender, the agency immediately shall forward the license or 3300
permit to the court in which the person is to appear on the 3301
charge. Upon receipt of the license or permit, the court shall 3302
retain it pending the arrested person's initial appearance and any 3303
action taken under section 4511.196 of the Revised Code. 3304

(D)(1) If a law enforcement officer asks a person under 3305
arrest as described in division (A)(5) of section 4511.191 of the 3306
Revised Code to submit to a chemical test or tests under that 3307
section and the test results indicate a prohibited concentration 3308
of alcohol, a controlled substance, or a metabolite of a 3309
controlled substance in the person's whole blood, blood serum or 3310

plasma, breath, or urine at the time of the alleged offense, or if 3311
a law enforcement officer asks a person under arrest as described 3312
in division (A) of this section to submit to a chemical test or 3313
tests under section 4511.191 of the Revised Code, ~~if~~ the officer 3314
advises the person in accordance with this section of the 3315
consequences of the person's refusal or submission, and ~~if~~ either 3316
the person refuses to submit to the test or tests or, unless the 3317
arrest was for a violation of section 4511.194 of the Revised Code 3318
or a substantially equivalent municipal ordinance, the person 3319
submits to the test or tests and the test results indicate a 3320
prohibited concentration of alcohol, a controlled substance, or a 3321
metabolite of a controlled substance in the person's whole blood, 3322
blood serum or plasma, breath, or urine at the time of the alleged 3323
offense, the arresting officer shall do all of the following: 3324

(a) On behalf of the registrar of motor vehicles, notify the 3325
person that, independent of any penalties or sanctions imposed 3326
upon the person, the person's Ohio driver's or commercial driver's 3327
license or permit or nonresident operating privilege is suspended 3328
immediately, that the suspension will last at least until the 3329
person's initial appearance on the charge, which will be held 3330
within five days after the date of the person's arrest or the 3331
issuance of a citation to the person, and that the person may 3332
appeal the suspension at the initial appearance or during the 3333
period of time ending thirty days after that initial appearance; 3334

(b) Seize the driver's or commercial driver's license or 3335
permit of the person and immediately forward it to the registrar. 3336
If the arrested person is not in possession of the person's 3337
license or permit or it is not in the person's vehicle, the 3338
officer shall order the person to surrender it to the law 3339
enforcement agency that employs the officer within twenty-four 3340
hours after the person is given notice of the suspension, and, 3341
upon the surrender, the officer's employing agency immediately 3342

shall forward the license or permit to the registrar. 3343

(c) Verify the person's current residence and, if it differs 3344
from that on the person's driver's or commercial driver's license 3345
or permit, notify the registrar of the change; 3346

(d) Send to the registrar, within forty-eight hours after the 3347
arrest of the person, a sworn report that includes all of the 3348
following statements: 3349

(i) That the officer had reasonable grounds to believe that, 3350
at the time of the arrest, the arrested person was operating a 3351
vehicle, streetcar, or trackless trolley in violation of division 3352
(A) or (B) of section 4511.19 of the Revised Code or a municipal 3353
OVI ordinance or for being in physical control of a stationary 3354
vehicle, streetcar, or trackless trolley in violation of section 3355
4511.194 of the Revised Code or a substantially equivalent 3356
municipal ordinance; 3357

(ii) That the person was arrested and charged with a 3358
violation of division (A) or (B) of section 4511.19 of the Revised 3359
Code, section 4511.194 of the Revised Code or a substantially 3360
equivalent municipal ordinance, or a municipal OVI ordinance; 3361

(iii) ~~That~~ Unless division (D)(1)(d)(v) of this section 3362
applies, that the officer asked the person to take the designated 3363
chemical test or tests, advised the person in accordance with this 3364
section of the consequences of submitting to, or refusing to take, 3365
the test or tests, and gave the person the form described in 3366
division (B) of this section; 3367

(iv) ~~That~~ Unless division (D)(1)(d)(v) of this section 3368
applies, that either the person refused to submit to the chemical 3369
test or tests or, unless the arrest was for a violation of section 3370
4511.194 of the Revised Code or a substantially equivalent 3371
municipal ordinance, the person submitted to the chemical test or 3372
tests and the test results indicate a prohibited concentration of 3373

alcohol, a controlled substance, or a metabolite of a controlled 3374
substance in the person's whole blood, blood serum or plasma, 3375
breath, or urine at the time of the alleged offense; 3376

(v) If the person was under arrest as described in division 3377
(A)(5) of section 4511.191 of the Revised Code and the chemical 3378
test or tests were performed in accordance with that division, 3379
that the person was under arrest as described in that division, 3380
that the chemical test or tests were performed in accordance with 3381
that division, and that test results indicated a prohibited 3382
concentration of alcohol, a controlled substance, or a metabolite 3383
of a controlled substance in the person's whole blood, blood serum 3384
or plasma, breath, or urine at the time of the alleged offense. 3385

(2) Division (D)(1) of this section does not apply to a 3386
person who is arrested for a violation of section 4511.194 of the 3387
Revised Code or a substantially equivalent municipal ordinance, 3388
who is asked by a law enforcement officer to submit to a chemical 3389
test or tests under section 4511.191 of the Revised Code, and who 3390
submits to the test or tests, regardless of the amount of alcohol, 3391
a controlled substance, or a metabolite of a controlled substance 3392
that the test results indicate is present in the person's whole 3393
blood, blood serum or plasma, breath, or urine. 3394

(E) The arresting officer shall give the officer's sworn 3395
report that is completed under this section to the arrested person 3396
at the time of the arrest, or the registrar of motor vehicles 3397
shall send the report to the person by regular first class mail as 3398
soon as possible after receipt of the report, but not later than 3399
fourteen days after receipt of it. An arresting officer may give 3400
an unsworn report to the arrested person at the time of the arrest 3401
provided the report is complete when given to the arrested person 3402
and subsequently is sworn to by the arresting officer. As soon as 3403
possible, but not later than forty-eight hours after the arrest of 3404
the person, the arresting officer shall send a copy of the sworn 3405

report to the court in which the arrested person is to appear on 3406
the charge for which the person was arrested. 3407

(F) The sworn report of an arresting officer completed under 3408
this section is prima-facie proof of the information and 3409
statements that it contains. It shall be admitted and considered 3410
as prima-facie proof of the information and statements that it 3411
contains in any appeal under section 4511.197 of the Revised Code 3412
relative to any suspension of a person's driver's or commercial 3413
driver's license or permit or nonresident operating privilege that 3414
results from the arrest covered by the report. 3415

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed 3416
for a violation of a municipal OVI ordinance shall be deposited 3417
into the municipal or county indigent drivers alcohol treatment 3418
fund created pursuant to division (H) of section 4511.191 of the 3419
Revised Code in accordance with this section and section 733.40, 3420
divisions (A) and (B) of section 1901.024, division (F) of section 3421
1901.31, or division (C) of section 1907.20 of the Revised Code. 3422
Regardless of whether the fine is imposed by a municipal court, a 3423
mayor's court, or a juvenile court, if the fine was imposed for a 3424
violation of an ordinance of a municipal corporation that is 3425
within the jurisdiction of a municipal court, the twenty-five 3426
dollars that is subject to this section shall be deposited into 3427
the indigent drivers alcohol treatment fund of the municipal 3428
corporation in which is located the municipal court that has 3429
jurisdiction over that municipal corporation. Regardless of 3430
whether the fine is imposed by a county court, a mayor's court, or 3431
a juvenile court, if the fine was imposed for a violation of an 3432
ordinance of a municipal corporation that is within the 3433
jurisdiction of a county court, the twenty-five dollars that is 3434
subject to this section shall be deposited into the indigent 3435
drivers alcohol treatment fund of the county in which is located 3436
the county court that has jurisdiction over that municipal 3437

corporation. The deposit shall be made in accordance with section 3438
733.40, divisions (A) and (B) of section 1901.024, division (F) of 3439
section 1901.31, or division (C) of section 1907.20 of the Revised 3440
Code. 3441

(B)(1) The requirements and sanctions imposed by divisions 3442
(B)(1) and (2) of this section are an adjunct to and derive from 3443
the state's exclusive authority over the registration and titling 3444
of motor vehicles and do not comprise a part of the criminal 3445
sentence to be imposed upon a person who violates a municipal OVI 3446
ordinance. 3447

(2) If a person is convicted of or pleads guilty to a 3448
violation of a municipal OVI ordinance, if the vehicle the 3449
offender was operating at the time of the offense is registered in 3450
the offender's name, and if, within six years of the current 3451
offense, the offender has been convicted of or pleaded guilty to 3452
one or more violations of division (A) or (B) of section 4511.19 3453
of the Revised Code or one or more other equivalent offenses, the 3454
court, in addition to and independent of any sentence that it 3455
imposes upon the offender for the offense, shall do whichever of 3456
the following is applicable: 3457

(a) Except as otherwise provided in division (B)(2)(b) of 3458
this section, if, within six years of the current offense, the 3459
offender has been convicted of or pleaded guilty to one violation 3460
described in division (B)(2) of this section, the court shall 3461
order the immobilization for ~~ninety days~~ one year of that vehicle 3462
and the impoundment for ~~ninety days~~ one year of the license plates 3463
of that vehicle. In addition, the court shall order the 3464
immobilization for one year of all other motor vehicles owned by 3465
or registered in the name of the offender and the impoundment for 3466
one year of the license plates of all such vehicles. If the 3467
vehicle the offender was operating at the time of the offense is 3468
not registered in the offender's name, the court shall order the 3469

immobilization for one year of all motor vehicles owned by or 3470
registered in the name of the offender and the impoundment for one 3471
year of the license plates of all such vehicles. The order for the 3472
immobilization and impoundment shall be issued and enforced in 3473
accordance with section 4503.233 of the Revised Code. 3474

(b) If, within six years of the current offense, the offender 3475
has been convicted of or pleaded guilty to two or more violations 3476
described in division (B)(2) of this section, or if the offender 3477
previously has been convicted of or pleaded guilty to a violation 3478
of division (A) of section 4511.19 of the Revised Code under 3479
circumstances in which the violation was a felony and regardless 3480
of when the violation and the conviction or guilty plea occurred, 3481
the court shall order the criminal forfeiture to the state of that 3482
vehicle. The order of criminal forfeiture shall be issued and 3483
enforced in accordance with section 4503.234 of the Revised Code. 3484

If the vehicle the offender was operating at the time of the 3485
offense is not registered in the offender's name, the court shall 3486
order the immobilization for one year in accordance with section 3487
4503.233 of the Revised Code of all motor vehicles owned by or 3488
registered in the name of the offender and the impoundment for one 3489
year of the license plates of all such vehicles. 3490

Sec. 4511.198. (A) If a court grants bail to a person who is 3491
described in division (B) of this section and who is alleged to 3492
have committed a violation of division (A) of section 4511.19 of 3493
the Revised Code or of a substantially equivalent municipal 3494
ordinance, the court as a condition of bail shall prohibit the 3495
person from consuming any beer or intoxicating liquor and shall 3496
require the person to wear a monitor that provides continuous 3497
alcohol monitoring that is remote. The court shall require the 3498
person to wear the monitor until the person is convicted of, 3499
pleads guilty to, or is found not guilty of the alleged violation 3500

or the charges in the case are dismissed. Any consumption by the 3501
person of beer or intoxicating liquor prior to that time is 3502
grounds for revocation by the court of the person's bail. The 3503
person shall pay all costs associated with the monitor, including 3504
the cost of remote monitoring. 3505

(B) This section applies to the following persons: 3506

(1) A person who is alleged to have committed a violation of 3507
division (A) of section 4511.19 of the Revised Code and who, if 3508
convicted of the alleged violation, is required to be sentenced 3509
under division (G)(1)(b), (c), (d), or (e) of section 4511.19 of 3510
the Revised Code; 3511

(2) A person who is alleged to have committed a violation of 3512
a municipal ordinance that is substantially equivalent to division 3513
(A) of section 4511.19 of the Revised Code and who, if the law 3514
enforcement officer who arrested and charged the person with the 3515
violation of the municipal ordinance instead had charged the 3516
person with a violation of division (A) of section 4511.19 of the 3517
Revised Code, would be required to be sentenced under division 3518
(G)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised 3519
Code. 3520

Sec. 4511.199. A law enforcement officer who arrests a person 3521
for a violation of division (A) or (B) of section 4511.19 of the 3522
Revised Code, section 4511.194 of the Revised Code or a 3523
substantially equivalent municipal ordinance, a municipal OVI 3524
violation, or an equivalent offense shall send to the department 3525
of public safety, within forty-eight hours after the arrest of the 3526
person, a sworn report in accordance with section 5502.10 of the 3527
Revised Code. 3528

Sec. 4511.203. (A) No person shall permit a motor vehicle 3529
owned by the person or under the person's control to be driven by 3530

another if any of the following apply: 3531

(1) ~~The offender knows or has reasonable cause to believe~~ 3532
~~that the~~ other person does not have a valid driver's or commercial 3533
driver's license or permit or valid nonresident driving 3534
privileges. 3535

(2) ~~The offender knows or has reasonable cause to believe~~ 3536
~~that the~~ other person's driver's or commercial driver's license or 3537
permit or nonresident operating privileges have been suspended or 3538
canceled under Chapter 4510. or any other provision of the Revised 3539
Code. 3540

(3) ~~The offender knows or has reasonable cause to believe~~ 3541
~~that the~~ other person's act of driving the motor vehicle would 3542
violate any prohibition contained in Chapter 4509. of the Revised 3543
Code. 3544

(4) ~~The offender knows or has reasonable cause to believe~~ 3545
~~that the~~ other person's act of driving would violate section 3546
4511.19 of the Revised Code or any substantially equivalent 3547
municipal ordinance. 3548

(5) The vehicle is the subject of an immobilization waiver 3549
order issued under section 4503.235 of the Revised Code and the 3550
other person is prohibited from operating the vehicle under that 3551
order. 3552

~~(B) Without limiting or precluding the consideration of any~~ 3553
~~other evidence in determining whether a violation of division~~ 3554
~~(A)(1), (2), (3), or (4) of this section has occurred, it shall be~~ 3555
~~prima facie evidence that the offender knows or has reasonable~~ 3556
~~cause to believe that the operator of the motor vehicle owned by~~ 3557
~~the offender or under the offender's control is in a category~~ 3558
~~described in division (A)(1), (2), (3), or (4) of this section if~~ 3559
~~any of the following applies:~~ 3560

~~(1) Regarding an operator allegedly in the category described~~ 3561

~~in division (A)(1) or (3) of this section, the offender and the~~ 3562
~~operator of the motor vehicle reside in the same household and are~~ 3563
~~related by consanguinity or affinity.~~ 3564

~~(2) Regarding an operator allegedly in the category described~~ 3565
~~in division (A)(2) of this section, the offender and the operator~~ 3566
~~of the motor vehicle reside in the same household, and the~~ 3567
~~offender knows or has reasonable cause to believe that the~~ 3568
~~operator has been charged with or convicted of any violation of~~ 3569
~~law or ordinance, or has committed any other act or omission, that~~ 3570
~~would or could result in the suspension or cancellation of the~~ 3571
~~operator's license, permit, or privilege.~~ 3572

~~(3) Regarding an operator allegedly in the category described~~ 3573
~~in division (A)(4) of this section, the offender and the operator~~ 3574
~~of the motor vehicle occupied the motor vehicle together at the~~ 3575
~~time of the offense~~ (1) It is an affirmative defense to a charge 3576
under this section that, at the time that the person charged 3577
permitted the motor vehicle to be driven by the other person, the 3578
person charged did not have knowledge, after reasonably diligent 3579
inquiry or in reasonable reliance on his or her observation of the 3580
other person's condition or on his or her knowledge of the other 3581
person's status or qualifications, of any of the facts specified 3582
in division (A)(1), (2), (3), (4), or (5) of this section 3583
regarding the other person that, if known, would have made 3584
entrustment of the motor vehicle to the other person an offense 3585
under this section. 3586

(2) It is the intent of the general assembly that wrongful 3587
entrustment of a motor vehicle is a strict liability offense. 3588

(C) Whoever violates this section is guilty of wrongful 3589
entrustment of a motor vehicle, a misdemeanor of the first degree. 3590
In addition to the penalties imposed under Chapter 2929. of the 3591
Revised Code, the court shall impose a class seven suspension of 3592
the offender's driver's license, commercial driver's license, 3593

temporary instruction permit, probationary license, or nonresident 3594
operating privilege from the range specified in division (A)(7) of 3595
section 4510.02 of the Revised Code, and, if the vehicle involved 3596
in the offense is registered in the name of the offender, the 3597
court shall order one of the following: 3598

(1) Except as otherwise provided in division (C)(2) or (3) of 3599
this section, the court shall order, for thirty days, the 3600
immobilization of the vehicle involved in the offense and the 3601
impoundment of that vehicle's license plates. The order shall be 3602
issued and enforced under section 4503.233 of the Revised Code. 3603

(2) If the offender previously has been convicted of or 3604
pleaded guilty to one violation of this section or a substantially 3605
equivalent municipal ordinance, the court shall order, for sixty 3606
days, the immobilization of the vehicle involved in the offense 3607
and the impoundment of that vehicle's license plates. The order 3608
shall be issued and enforced under section 4503.233 of the Revised 3609
Code. 3610

(3) If the offender previously has been convicted of or 3611
pleaded guilty to two or more violations of this section or a 3612
substantially equivalent municipal ordinance, the court shall 3613
order the criminal forfeiture to the state of the vehicle involved 3614
in the offense. The order shall be issued and enforced under 3615
section 4503.234 of the Revised Code. 3616

If title to a motor vehicle that is subject to an order for 3617
criminal forfeiture under this division is assigned or transferred 3618
and division (B)(2) or (3) of section 4503.234 of the Revised Code 3619
applies, in addition to or independent of any other penalty 3620
established by law, the court may fine the offender the value of 3621
the vehicle as determined by publications of the national auto 3622
dealer's association. The proceeds from any fine imposed under 3623
this division shall be distributed in accordance with division 3624
(C)(2) of section 4503.234 of the Revised Code. 3625

(D) If a court orders the immobilization of a vehicle under 3626
division (C) of this section, the court shall not release the 3627
vehicle from the immobilization before the termination of the 3628
period of immobilization ordered unless the court is presented 3629
with current proof of financial responsibility with respect to 3630
that vehicle. 3631

(E) If a court orders the criminal forfeiture of a vehicle 3632
under division (C) of this section, upon receipt of the order from 3633
the court, neither the registrar of motor vehicles nor any deputy 3634
registrar shall accept any application for the registration or 3635
transfer of registration of any motor vehicle owned or leased by 3636
the person named in the order. The period of denial shall be five 3637
years after the date the order is issued, unless, during that 3638
five-year period, the court with jurisdiction of the offense that 3639
resulted in the order terminates the forfeiture and notifies the 3640
registrar of the termination. If the court terminates the 3641
forfeiture and notifies the registrar, the registrar shall take 3642
all necessary measures to permit the person to register a vehicle 3643
owned or leased by the person or to transfer the registration of 3644
the vehicle. 3645

(F) This section does not apply to motor vehicle rental 3646
dealers or motor vehicle leasing dealers, as defined in section 3647
4549.65 of the Revised Code. 3648

(G) Evidence of a conviction of, plea of guilty to, or 3649
adjudication as a delinquent child for a violation of this section 3650
or a substantially similar municipal ordinance shall not be 3651
admissible as evidence in any civil action that involves the 3652
offender or delinquent child who is the subject of the conviction, 3653
plea, or adjudication and that arises from the wrongful 3654
entrustment of a motor vehicle. 3655

~~(H) As used in~~ For purposes of this section, a vehicle is 3656
owned by a person if, at the time of a violation of this section, 3657

the vehicle is registered in the person's name.

3658

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

3659

3660

3661

(1) Establish and maintain a state registry, named "Ohio's
habitual OVI/OMWI arrestees," that contains all of the information
specified in divisions (A)(1)(a) and (b) of this section regarding
each person who within the preceding twenty years has been
arrested in this state five or more times for an OVI/OMWI
violation. The state registry is a public record open for
inspection under section 149.43 of the Revised Code. The
department shall obtain the information to be included in the
state registry from the reports provided by law enforcement
officers pursuant to division (B) of this section. The state
registry of Ohio's habitual OVI/OMWI arrestees shall include at
least the following information regarding each person who, within
the preceding twenty years has been arrested in this state five or
more times for an OVI/OMWI violation:

3662

3663

3664

3665

3666

3667

3668

3669

3670

3671

3672

3673

3674

3675

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

3676

3677

3678

3679

(b) The number of times within the preceding twenty years
that the person has been arrested in this state for an OVI/OMWI
violation and for each of those arrests the date and location of
the arrest, the law enforcement agency served by the law
enforcement officer who made the arrest, the reason the law
enforcement officer who made the arrest initially stopped the
person, whether the person was asked to take a chemical test or
tests of the person's whole blood, blood serum or plasma, breath,
or urine, whether the person, if asked to take a test or tests,

3680

3681

3682

3683

3684

3685

3686

3687

3688

submitted to the test or tests or refused to submit to the test or 3689
tests, and the results of the test or tests if the person 3690
submitted to a test or tests. 3691

(2) Establish and operate on the internet a database that 3692
contains for each person who within the preceding twenty years has 3693
been arrested in this state five or more times for an OVI/OMWI 3694
violation all of the information regarding the person that is 3695
included in the state registry of Ohio's habitual OVI/OMWI 3696
arrestees that is established and maintained under division (A)(1) 3697
of this section. The database is a public record open for 3698
inspection under section 149.43 of the Revised Code, and it shall 3699
be searchable by a person's name, by county, and by zip code. 3700

(B) A law enforcement officer who arrests a person for an 3701
OVI/OMWI violation shall send to the department of public safety, 3702
within forty-eight hours after the arrest of the person, a sworn 3703
report that includes all of the following statements and 3704
information regarding the arrested person and the arrest: 3705

(1) The arrested person's name, date of birth, and residence 3706
address, including, but not limited to, the street address, 3707
municipal corporation or township, county, and zip code of the 3708
person's place of residence; 3709

(2) The date and location of the arrest the officer made, the 3710
offense for which the person was arrested, the law enforcement 3711
agency served by the officer, and the reason the officer initially 3712
stopped the person; 3713

(3) A statement that the officer had reasonable grounds to 3714
believe that at the time of the arrest the arrested person was 3715
committing an OVI/OMWI violation; 3716

(4) A statement that the arrested person was arrested and 3717
charged with an OVI/OMWI violation; 3718

(5) Statements as to whether the officer asked the arrested 3719

person to take a designated chemical test or tests of the person's 3720
whole blood, blood serum or plasma, breath, or urine in accordance 3721
with sections 1547.11 and 1547.111, or sections 4511.19 and 3722
4511.191, of the Revised Code, whether the arrested person, if 3723
asked to take a test or tests, submitted to the test or tests or 3724
refused to submit to the test or tests, and the results of the 3725
test or tests if the arrested person was asked to take a test or 3726
tests and submitted to the test or tests; 3727

(6) For each previous arrest of the person for an OVI/OMWI 3728
violation that the officer is able to determine was made and that 3729
was made within the preceding twenty years, information of the 3730
type described in divisions (B)(1), (2), and (4) of this section 3731
and, if the officer submitting the report is able to determine the 3732
information, information as to whether the law enforcement officer 3733
who made the arrest in each of those cases asked the arrested 3734
person to take a designated chemical test or tests of the person's 3735
whole blood, blood serum or plasma, breath, or urine in accordance 3736
with sections 1547.11 and 1547.111, or sections 4511.19 and 3737
4511.191, of the Revised Code, whether the arrested person, if 3738
asked to take a test or tests, submitted to the test or tests or 3739
refused to submit to the test or tests, and the results of the 3740
test or tests if the arrested person was asked to take a test or 3741
tests and submitted to the test or tests. 3742

(C) The department of public safety shall update the state 3743
registry of Ohio's habitual OVI/OMWI arrestees required under 3744
division (A)(1) of this section and the database required under 3745
division (A)(2) of this section every month to ensure that the 3746
information they contain is accurate and current. At the time of 3747
each update, the department shall review all records it has 3748
received under division (B) of this section for the preceding 3749
twenty years regarding each person who has been arrested for 3750
committing OVI/OMWI violations and for whom the department has 3751

records to determine whether the person should, or should not, be 3752
subject to inclusion in the state registry and database. 3753

(D) As used in this section: 3754

(1) "Equivalent offense" and "municipal OVI ordinance" have 3755
the same meanings as in section 4511.181 of the Revised Code. 3756

(2) "OVI/OMWI violation" means any of the following: 3757

(a) A violation of division (A) or (B) of section 4511.19 of 3758
the Revised Code or a violation of a municipal OVI ordinance; 3759

(b) A violation of section 4511.194 of the Revised Code or a 3760
substantially equivalent municipal ordinance; 3761

(c) A violation of division (A) or (B) of section 1547.11 of 3762
the Revised Code or a violation of a municipal ordinance, law of 3763
another state, or law of the United States that is substantially 3764
equivalent to division (A) or (B) of section 1547.11 of the 3765
Revised Code; 3766

(d) Any equivalent offense not listed in divisions (D)(2)(a) 3767
to (c) of this section. 3768

Section 2. That existing sections 1547.11, 1547.111, 1547.99, 3769
4503.231, 4503.233, 4507.164, 4510.13, 4510.43, 4511.181, 4511.19, 3770
4511.191, 4511.192, 4511.193, and 4511.203 of the Revised Code are 3771
hereby repealed. 3772

Section 3. Section 4503.233 of the Revised Code is presented 3773
in this act as a composite of the section as amended by both Sub. 3774
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. The 3775
General Assembly, applying the principle stated in division (B) of 3776
section 1.52 of the Revised Code that amendments are to be 3777
harmonized if reasonably capable of simultaneous operation, finds 3778
that the composite is the resulting version of the section in 3779
effect prior to the effective date of the section as presented in 3780

this act. 3781

Section 4. Sections 1 and 2 of this act shall take effect on 3782
July 1, 2007, or at the earliest time permitted by law, whichever 3783
is later. 3784