

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. S. B. No. 17**

**Senator Grendell**

**Cosponsors: Senators Harris, Gardner, Schuring, Schaffer, Mason**

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**A B I L L**

To amend sections 1547.11, 1547.111, 1547.99, 1  
4507.164, 4510.13, 4510.43, 4511.181, 4511.19, 2  
4511.191, 4511.192, 4511.193, and 4511.203 and to 3  
enact sections 1547.112, 4511.198, 4511.199, and 4  
5502.10 of the Revised Code to increase certain 5  
penalties for repeat OVI offenders; to specify 6  
that wrongful entrustment of a motor vehicle is a 7  
strict liability offense, remove the requirement 8  
that an offender charged with the offense know or 9  
have reasonable cause to believe that the person 10  
provided a vehicle did not have a right to drive, 11  
and provide for that offense an affirmative 12  
defense of lack of such knowledge after reasonably 13  
diligent inquiry; to require a person with two 14  
prior applicable convictions to submit upon 15  
request to a chemical test under the vehicle or 16  
watercraft Implied Consent Law; to require the 17  
consideration of certain prior convictions in 18  
determining the length of a refusal suspension 19  
under the vehicle Implied Consent Law; to expand 20  
the list of offenses that are "equivalent 21  
offenses" for certain vehicle or watercraft OVI 22  
purposes; to clarify the application of a 23

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

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

**Section 1.** That sections 1547.11, 1547.111, 1547.99, 44  
4507.164, 4510.13, 4510.43, 4511.181, 4511.19, 4511.191, 4511.192, 45  
4511.193, and 4511.203 be amended and sections 1547.112, 4511.198, 46  
4511.199, and 5502.10 of the Revised Code be enacted to read as 47  
follows: 48

**Sec. 1547.11.** (A) No person shall operate or be in physical 49  
control of any vessel underway or shall manipulate any water skis, 50  
aquaplane, or similar device on the waters in this state if, at 51  
the time of the operation, control, or manipulation, any of the 52

following applies:	53
(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.	54 55
(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.	56 57 58
(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.	59 60 61
(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.	62 63 64
(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.	65 66 67
(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:	68 69 70 71 72
(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.	73 74 75 76 77 78
(b) The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least	79 80 81 82

fifty nanograms of cocaine per milliliter of the person's whole 83  
blood or blood serum or plasma. 84

(c) The person has a concentration of cocaine metabolite in 85  
the person's urine of at least one hundred fifty nanograms of 86  
cocaine metabolite per milliliter of the person's urine or has a 87  
concentration of cocaine metabolite in the person's whole blood or 88  
blood serum or plasma of at least fifty nanograms of cocaine 89  
metabolite per milliliter of the person's whole blood or blood 90  
serum or plasma. 91

(d) The person has a concentration of heroin in the person's 92  
urine of at least two thousand nanograms of heroin per milliliter 93  
of the person's urine or has a concentration of heroin in the 94  
person's whole blood or blood serum or plasma of at least fifty 95  
nanograms of heroin per milliliter of the person's whole blood or 96  
blood serum or plasma. 97

(e) The person has a concentration of heroin metabolite 98  
(6-monoacetyl morphine) in the person's urine of at least ten 99  
nanograms of heroin metabolite (6-monoacetyl morphine) per 100  
milliliter of the person's urine or has a concentration of heroin 101  
metabolite (6-monoacetyl morphine) in the person's whole blood or 102  
blood serum or plasma of at least ten nanograms of heroin 103  
metabolite (6-monoacetyl morphine) per milliliter of the person's 104  
whole blood or blood serum or plasma. 105

(f) The person has a concentration of L.S.D. in the person's 106  
urine of at least twenty-five nanograms of L.S.D. per milliliter 107  
of the person's urine or has a concentration of L.S.D. in the 108  
person's whole blood or blood serum or plasma of at least ten 109  
nanograms of L.S.D. per milliliter of the person's whole blood or 110  
blood serum or plasma. 111

(g) The person has a concentration of marihuana in the 112  
person's urine of at least ten nanograms of marihuana per 113

milliliter of the person's urine or has a concentration of 114  
marihuana in the person's whole blood or blood serum or plasma of 115  
at least two nanograms of marihuana per milliliter of the person's 116  
whole blood or blood serum or plasma. 117

(h) Either of the following applies: 118

(i) The person is under the influence of alcohol, a drug of 119  
abuse, or a combination of them, and, as measured by gas 120  
chromatography mass spectrometry, the person has a concentration 121  
of marihuana metabolite in the person's urine of at least fifteen 122  
nanograms of marihuana metabolite per milliliter of the person's 123  
urine or has a concentration of marihuana metabolite in the 124  
person's whole blood or blood serum or plasma of at least five 125  
nanograms of marihuana metabolite per milliliter of the person's 126  
whole blood or blood serum or plasma. 127

(ii) As measured by gas chromatography mass spectrometry, the 128  
person has a concentration of marihuana metabolite in the person's 129  
urine of at least thirty-five nanograms of marihuana metabolite 130  
per milliliter of the person's urine or has a concentration of 131  
marihuana metabolite in the person's whole blood or blood serum or 132  
plasma of at least fifty nanograms of marihuana metabolite per 133  
milliliter of the person's whole blood or blood serum or plasma. 134

(i) The person has a concentration of methamphetamine in the 135  
person's urine of at least five hundred nanograms of 136  
methamphetamine per milliliter of the person's urine or has a 137  
concentration of methamphetamine in the person's whole blood or 138  
blood serum or plasma of at least one hundred nanograms of 139  
methamphetamine per milliliter of the person's whole blood or 140  
blood serum or plasma. 141

(j) The person has a concentration of phencyclidine in the 142  
person's urine of at least twenty-five nanograms of phencyclidine 143  
per milliliter of the person's urine or has a concentration of 144

phencyclidine in the person's whole blood or blood serum or plasma 145  
of at least ten nanograms of phencyclidine per milliliter of the 146  
person's whole blood or blood serum or plasma. 147

(B) No person under twenty-one years of age shall operate or 148  
be in physical control of any vessel underway or shall manipulate 149  
any water skis, aquaplane, or similar device on the waters in this 150  
state if, at the time of the operation, control, or manipulation, 151  
any of the following applies: 152

(1) The person has a concentration of at least two-hundredths 153  
of one per cent, but less than eight-hundredths of one per cent by 154  
weight per unit volume of alcohol in the person's whole blood. 155

(2) The person has a concentration of at least 156  
three-hundredths of one per cent but less than 157  
ninety-six-thousandths of one per cent by weight per unit volume 158  
of alcohol in the person's blood serum or plasma. 159

(3) The person has a concentration of at least twenty-eight 160  
one-thousandths of one gram, but less than eleven-hundredths of 161  
one gram by weight of alcohol per one hundred milliliters of the 162  
person's urine. 163

(4) The person has a concentration of at least two-hundredths 164  
of one gram, but less than eight-hundredths of one gram by weight 165  
of alcohol per two hundred ten liters of the person's breath. 166

(C) In any proceeding arising out of one incident, a person 167  
may be charged with a violation of division (A)(1) and a violation 168  
of division (B)(1), (2), (3), or (4) of this section, but the 169  
person shall not be convicted of more than one violation of those 170  
divisions. 171

(D)(1)(a) In any criminal prosecution or juvenile court 172  
proceeding for a violation of division (A) or (B) of this section 173  
or for an equivalent offense that is watercraft-related, the 174  
result of any test of any blood or urine withdrawn and analyzed at 175

any health care provider, as defined in section 2317.02 of the Revised Code, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant. 176  
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(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent ~~violation~~ offense that is watercraft-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's or child's whole blood, blood serum or plasma, urine, or breath at the time of the alleged violation as shown by chemical analysis of the substance withdrawn, or specimen taken within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (C) of section 1547.111 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may submit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when 180  
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~~When~~ a person submits to a blood, breath, urine, or other bodily substance test, ~~only~~ at the request of a law enforcement officer under section 1547.111 of the Revised Code or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood 197  
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under this division if, in that person's opinion, the physical 208  
welfare of the defendant or child would be endangered by 209  
withdrawing blood. 210

The whole blood, blood serum or plasma, urine, or breath 211  
withdrawn under division (D)(1)(b) of this section shall be 212  
analyzed in accordance with methods approved by the director of 213  
health by an individual possessing a valid permit issued by the 214  
director pursuant to section 3701.143 of the Revised Code. 215

(2) In a criminal prosecution or juvenile court proceeding 216  
for a violation of division (A) of this section or for a ~~violation~~ 217  
~~of a prohibition that is substantially an equivalent to division~~ 218  
~~(A) of this section~~ offense that is watercraft-related, if there 219  
was at the time the bodily substance was taken a concentration of 220  
less than the applicable concentration of alcohol specified for a 221  
violation of division (A)(2), (3), (4), or (5) of this section or 222  
less than the applicable concentration of a listed controlled 223  
substance or a listed metabolite of a controlled substance 224  
specified for a violation of division (A)(6) of this section, that 225  
fact may be considered with other competent evidence in 226  
determining the guilt or innocence of the defendant or in making 227  
an adjudication for the child. This division does not limit or 228  
affect a criminal prosecution or juvenile court proceeding for a 229  
violation of division (B) of this section or for a violation of a 230  
prohibition that is substantially equivalent to that division. 231

(3) Upon the request of the person who was tested, the 232  
results of the chemical test shall be made available to the person 233  
or the person's attorney immediately upon completion of the test 234  
analysis. 235

~~The~~ If the chemical test was administered pursuant to 236  
division (D)(1)(b) of this section, the person tested may have a 237  
physician, a registered nurse, or a qualified technician, chemist, 238  
or phlebotomist of the person's own choosing administer a chemical 239



test or tests in addition to any administered at the direction of 240  
a law enforcement officer, and shall be so advised. The failure or 241  
inability to obtain an additional test by a person shall not 242  
preclude the admission of evidence relating to the test or tests 243  
taken at the direction of a law enforcement officer. 244

(E)(1) In any criminal prosecution or juvenile court 245  
proceeding for a violation of division (A) or (B) of this section 246  
~~or for an equivalent violation, of a municipal ordinance relating~~ 247  
~~to operating or being in physical control of any vessel underway~~ 248  
~~or to manipulating any water skis, aquaplane, or similar device on~~ 249  
~~the waters of this state while under the influence of alcohol, a~~ 250  
~~drug of abuse, or a combination of them, or of a municipal~~ 251  
~~ordinance relating to operating or being in physical control of~~ 252  
~~any vessel underway or to manipulating any water skis, aquaplane,~~ 253  
~~or similar device on the waters of this state with a prohibited~~ 254  
~~concentration of alcohol, a controlled substance, or a metabolite~~ 255  
~~of a controlled substance in the whole blood, blood serum or~~ 256  
~~plasma, breath, or urine,~~ if a law enforcement officer has 257  
administered a field sobriety test to the operator or person found 258  
to be in physical control of the vessel underway involved in the 259  
violation or the person manipulating the water skis, aquaplane, or 260  
similar device involved in the violation and if it is shown by 261  
clear and convincing evidence that the officer administered the 262  
test in substantial compliance with the testing standards for 263  
reliable, credible, and generally accepted field sobriety tests 264  
for vehicles that were in effect at the time the tests were 265  
administered, including, but not limited to, any testing standards 266  
then in effect that have been set by the national highway traffic 267  
safety administration, that by their nature are not clearly 268  
inapplicable regarding the operation or physical control of 269  
vessels underway or the manipulation of water skis, aquaplanes, or 270  
similar devices, all of the following apply: 271

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

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

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

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

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

(a) The signature, under oath, of any person who performed

the analysis; 303

(b) Any findings as to the identity and quantity of alcohol, 304  
a drug of abuse, a controlled substance, a metabolite of a 305  
controlled substance, or a combination of them that was found; 306

(c) A copy of a notarized statement by the laboratory 307  
director or a designee of the director that contains the name of 308  
each certified analyst or test performer involved with the report, 309  
the analyst's or test performer's employment relationship with the 310  
laboratory that issued the report, and a notation that performing 311  
an analysis of the type involved is part of the analyst's or test 312  
performer's regular duties; 313

(d) An outline of the analyst's or test performer's 314  
education, training, and experience in performing the type of 315  
analysis involved and a certification that the laboratory 316  
satisfies appropriate quality control standards in general and, in 317  
this particular analysis, under rules of the department of health. 318

(2) Notwithstanding any other provision of law regarding the 319  
admission of evidence, a report of the type described in division 320  
(F)(1) of this section is not admissible against the defendant or 321  
child to whom it pertains in any proceeding, other than a 322  
preliminary hearing or a grand jury proceeding, unless the 323  
prosecutor has served a copy of the report on the defendant's or 324  
child's attorney or, if the defendant or child has no attorney, on 325  
the defendant or child. 326

(3) A report of the type described in division (F)(1) of this 327  
section shall not be prima-facie evidence of the contents, 328  
identity, or amount of any substance if, within seven days after 329  
the defendant or child to whom the report pertains or the 330  
defendant's or child's attorney receives a copy of the report, the 331  
defendant or child or the defendant's or child's attorney demands 332  
the testimony of the person who signed the report. The judge in 333

the case may extend the seven-day time limit in the interest of 334  
justice. 335

(G) Except as otherwise provided in this division, any 336  
physician, registered nurse, or qualified technician, chemist, or 337  
phlebotomist who withdraws blood from a person pursuant to this 338  
section or section 1547.111 of the Revised Code, and a hospital, 339  
first-aid station, or clinic at which blood is withdrawn from a 340  
person pursuant to this section or section 1547.111 of the Revised 341  
Code, is immune from criminal and civil liability based upon a 342  
claim of assault and battery or any other claim that is not a 343  
claim of malpractice, for any act performed in withdrawing blood 344  
from the person. The immunity provided in this division is not 345  
available to a person who withdraws blood if the person engages in 346  
willful or wanton misconduct. 347

(H) Division (A)(6) of this section does not apply to a 348  
person who operates or is in physical control of a vessel underway 349  
or manipulates any water skis, aquaplane, or similar device while 350  
the person has a concentration of a listed controlled substance or 351  
a listed metabolite of a controlled substance in the person's 352  
whole blood, blood serum or plasma, or urine that equals or 353  
exceeds the amount specified in that division, if both of the 354  
following apply: 355

(1) The person obtained the controlled substance pursuant to 356  
a prescription issued by a licensed health professional authorized 357  
to prescribe drugs. 358

(2) The person injected, ingested, or inhaled the controlled 359  
substance in accordance with the health professional's directions. 360

(I) As used in this section and section 1547.111 of the 361  
Revised Code: 362

(1) "Equivalent violation offense" ~~means a violation of a~~ 363  
~~municipal ordinance, law of another state, or law of the United~~ 364

~~States that is substantially equivalent to division (A) or (B) of~~ 365  
~~this section has the same meaning as in section 4511.181 of the~~ 366  
~~Revised Code.~~ 367

(2) "National highway traffic safety administration" has the 368  
same meaning as in section 4511.19 of the Revised Code. 369

(3) "Operate" means that a vessel is being used on the waters 370  
in this state when the vessel is not securely affixed to a dock or 371  
to shore or to any permanent structure to which the vessel has the 372  
right to affix or that a vessel is not anchored in a designated 373  
anchorage area or boat camping area that is established by the 374  
United States coast guard, this state, or a political subdivision 375  
and in which the vessel has the right to anchor. 376

(4) "Controlled substance" and "marihuana" have the same 377  
meanings as in section 3719.01 of the Revised Code. 378

(5) "Cocaine" and "L.S.D." have the same meanings as in 379  
section 2925.01 of the Revised Code. 380

(6) "Equivalent offense that is watercraft-related" means an 381  
equivalent offense that is one of the following: 382

(a) A violation of division (A) or (B) of this section; 383

(b) A violation of a municipal ordinance prohibiting a person 384  
from operating or being in physical control of any vessel underway 385  
or from manipulating any water skis, aquaplane, or similar device 386  
on the waters of this state while under the influence of alcohol, 387  
a drug of abuse, or a combination of them or prohibiting a person 388  
from operating or being in physical control of any vessel underway 389  
or from manipulating any water skis, aquaplane, or similar device 390  
on the waters of this state with a prohibited concentration of 391  
alcohol, a controlled substance, or a metabolite of a controlled 392  
substance in the whole blood, blood serum or plasma, breath, or 393  
urine; 394

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

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

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

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

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

(B)(1) If a law enforcement officer arrests a person for

operating or being in physical control of a vessel or manipulating 426  
any water skis, aquaplane, or similar device in violation of 427  
section 1547.11 of the Revised Code or a substantially equivalent 428  
municipal ordinance and if the person previously has been 429  
convicted of or pleaded guilty to two or more violations of 430  
section 1547.11 of the Revised Code or other equivalent offenses, 431  
the law enforcement officer shall request the person to submit, 432  
and the person shall submit, to a chemical test or tests of the 433  
person's whole blood, blood serum or plasma, breath, or urine for 434  
the purpose of determining the alcohol, drug of abuse, controlled 435  
substance, metabolite of a controlled substance, or combination 436  
content of the person's whole blood, blood serum or plasma, 437  
breath, or urine. A law enforcement officer who makes a request 438  
pursuant to this division that a person submit to a chemical test 439  
or tests is not required to advise the person of the consequences 440  
of refusing to submit to the test or tests and is not required to 441  
give the person the form described in division (C) of this 442  
section, but the officer shall advise the person at the time of 443  
the arrest that the person may have an independent chemical test 444  
taken. Divisions (A)(1)(b) and (A)(2) of this section apply to the 445  
administration of a chemical test or tests pursuant to this 446  
division. 447

(2) If a person refuses to submit to a chemical test upon a 448  
request made pursuant to division (B)(1) of this section, the law 449  
enforcement officer who made the request may employ whatever 450  
reasonable means are necessary to ensure that the person submits 451  
to a chemical test of the person's whole blood or blood serum or 452  
plasma. A law enforcement officer who acts pursuant to this 453  
division to ensure that a person submits to a chemical test of the 454  
person's whole blood or blood serum or plasma is immune from 455  
criminal and civil liability based upon a claim for assault and 456  
battery or any other claim for the acts, unless the officer so 457  
acted with malicious purpose, in bad faith, or in a wanton or 458

reckless manner. 459

(C) ~~Any~~ Except as provided in division (B) of this section, 460  
any person under arrest for violating section 1547.11 of the 461  
Revised Code or a substantially equivalent municipal ordinance 462  
shall be advised of the consequences of refusing to submit to a 463  
chemical test or tests designated as provided in division (A) of 464  
this section. The advice shall be in a written form prescribed by 465  
the chief of the division of watercraft and shall be read to the 466  
person. The form shall contain a statement that the form was shown 467  
to the person under arrest and read to the person by the arresting 468  
officer. The reading of the form shall be witnessed by one or more 469  
persons, and the witnesses shall certify to this fact by signing 470  
the form. The person must submit to the chemical test or tests, 471  
subsequent to the request of the arresting officer, within two 472  
hours of the time of the alleged violation, and if the person does 473  
not submit to the test or tests within that two-hour time limit, 474  
the failure to submit automatically constitutes a refusal to 475  
submit to the test or tests. 476

(D) ~~If~~ Except as provided in division (B) of this section, if 477  
a law enforcement officer asks a person under arrest for violating 478  
section 1547.11 of the Revised Code or a substantially equivalent 479  
municipal ordinance to submit to a chemical test or tests as 480  
provided in division (A) of this section, if the arresting officer 481  
advises the person of the consequences of the person's refusal as 482  
provided in division (C) of this section, and if the person 483  
refuses to submit, no chemical test shall be given. Upon receipt 484  
of a sworn statement of the officer that the arresting law 485  
enforcement officer had reasonable grounds to believe the arrested 486  
person violated section 1547.11 of the Revised Code or a 487  
substantially equivalent municipal ordinance and that the person 488  
refused to submit to the chemical test upon the request of the 489  
officer, and upon receipt of the form as provided in division (C) 490



of this section certifying that the arrested person was advised of 491  
the consequences of the refusal, the chief of the division of 492  
watercraft shall inform the person by written notice that the 493  
person is prohibited from operating or being in physical control 494  
of a vessel, from manipulating any water skis, aquaplane, or 495  
similar device, and from registering any watercraft in accordance 496  
with section 1547.54 of the Revised Code, for one year following 497  
the date of the alleged violation. The suspension of these 498  
operation, physical control, manipulation, and registration 499  
privileges shall continue for the entire one-year period, subject 500  
to review as provided in this section. 501

If the person under arrest is the owner of the vessel 502  
involved in the alleged violation, the law enforcement officer who 503  
arrested the person shall seize the watercraft registration 504  
certificate and tags from the vessel involved in the violation and 505  
forward them to the chief. The chief shall retain the impounded 506  
registration certificate and tags and shall impound all other 507  
registration certificates and tags issued to the person in 508  
accordance with sections 1547.54 and 1547.57 of the Revised Code, 509  
for a period of one year following the date of the alleged 510  
violation, subject to review as provided in this section. 511

If the arrested person fails to surrender the registration 512  
certificate because it is not on the person of the arrested person 513  
or in the watercraft, the law enforcement officer who made the 514  
arrest shall order the person to surrender it within twenty-four 515  
hours to the law enforcement officer or the law enforcement agency 516  
that employs the law enforcement officer. If the person fails to 517  
do so, the law enforcement officer shall notify the chief of that 518  
fact in the statement the officer submits to the chief under this 519  
division. 520

(E) Upon suspending a person's operation, physical control, 521  
manipulation, and registration privileges in accordance with 522

division (D) of this section, the chief shall notify the person in 523  
writing, at the person's last known address, and inform the person 524  
that the person may petition for a hearing in accordance with 525  
division (F) of this section. If a person whose operation, 526  
physical control, manipulation, and registration privileges have 527  
been suspended petitions for a hearing or appeals any adverse 528  
decision, the suspension shall begin at the termination of any 529  
hearing or appeal unless the hearing or appeal results in a 530  
decision favorable to the person. 531

(F) Any person who has been notified by the chief that the 532  
person is prohibited from operating or being in physical control 533  
of a vessel or manipulating any water skis, aquaplane, or similar 534  
device and from registering any watercraft in accordance with 535  
section 1547.54 of the Revised Code, or who has had the 536  
registration certificate and tags of the person's watercraft 537  
impounded pursuant to division (D) of this section, within twenty 538  
days of the notification or impoundment, may file a petition in 539  
the municipal court or the county court, or if the person is a 540  
minor in juvenile court, with jurisdiction over the place at which 541  
the arrest occurred, agreeing to pay the cost of the proceedings 542  
and alleging error in the action taken by the chief under division 543  
(D) of this section or alleging one or more of the matters within 544  
the scope of the hearing as provided in this section, or both. The 545  
petitioner shall notify the chief of the filing of the petition 546  
and send the chief a copy of the petition. 547

The scope of the hearing is limited to the issues of whether 548  
the law enforcement officer had reasonable grounds to believe the 549  
petitioner was operating or in physical control of a vessel or 550  
manipulating any water skis, aquaplane, or similar device in 551  
violation of section 1547.11 of the Revised Code or a 552  
substantially equivalent municipal ordinance, whether the 553  
petitioner was placed under arrest, whether the petitioner refused 554

to submit to the chemical test upon request of the officer, and 555  
whether the petitioner was advised of the consequences of the 556  
petitioner's refusal. 557

(G)(1) The chief shall furnish the court a copy of the 558  
affidavit as provided in division (C) of this section and any 559  
other relevant information requested by the court. 560

(2) In hearing the matter and in determining whether the 561  
person has shown error in the decision taken by the chief as 562  
provided in division (D) of this section, the court shall decide 563  
the issue upon the relevant, competent, and material evidence 564  
submitted by the chief or the person whose operation, physical 565  
control, manipulation, and registration privileges have been 566  
suspended. 567

In the proceedings, the chief shall be represented by the 568  
prosecuting attorney of the county in which the petition is filed 569  
if the petition is filed in a county court or juvenile court, 570  
except that if the arrest occurred within a city or village within 571  
the jurisdiction of the county court in which the petition is 572  
filed, the city director of law or village solicitor of that city 573  
or village shall represent the chief. If the petition is filed in 574  
the municipal court, the chief shall be represented as provided in 575  
section 1901.34 of the Revised Code. 576

(3) If the court finds from the evidence submitted that the 577  
person has failed to show error in the action taken by the chief 578  
under division (D) of this section or in one or more of the 579  
matters within the scope of the hearing as provided in division 580  
(F) of this section, or both, the court shall assess the cost of 581  
the proceeding against the person and shall uphold the suspension 582  
of the operation, physical control, use, and registration 583  
privileges provided in division (D) of this section. If the court 584  
finds that the person has shown error in the action taken by the 585  
chief under division (D) of this section or in one or more of the 586

matters within the scope of the hearing as provided in division 587  
(F) of this section, or both, the cost of the proceedings shall be 588  
paid out of the county treasury of the county in which the 589  
proceedings were held, the chief shall reinstate the operation, 590  
physical control, manipulation, and registration privileges of the 591  
person without charge, and the chief shall return the registration 592  
certificate and tags, if impounded, without charge. 593

(4) The court shall give information in writing of any action 594  
taken under this section to the chief. 595

(H) At the end of any period of suspension or impoundment 596  
imposed under this section, and upon request of the person whose 597  
operation, physical control, use, and registration privileges were 598  
suspended or whose registration certificate and tags were 599  
impounded, the chief shall reinstate the person's operation, 600  
physical control, manipulation, and registration privileges by 601  
written notice and return the certificate and tags. 602

(I) No person who has received written notice from the chief 603  
that the person is prohibited from operating or being in physical 604  
control of a vessel, from manipulating any water skis, aquaplane, 605  
or similar device, and from registering a watercraft, or who has 606  
had the registration certificate and tags of the person's 607  
watercraft impounded, in accordance with division (D) of this 608  
section, shall operate or be in physical control of a vessel or 609  
manipulate any water skis, aquaplane, or similar device for a 610  
period of one year following the date of the person's alleged 611  
violation of section 1547.11 of the Revised Code or the 612  
substantially equivalent municipal ordinance. 613

Sec. 1547.112. A law enforcement officer who arrests a person 614  
for a violation of division (A) or (B) of section 1547.11 of the 615  
Revised Code or a violation of a municipal ordinance, law of 616  
another state, or law of the United States that is substantially 617

equivalent to division (A) or (B) of section 1547.11 of the 618  
Revised Code shall send to the department of public safety, within 619  
forty-eight hours after the arrest of the person, a sworn report 620  
in accordance with section 5502.10 of the Revised Code. 621

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the 622  
Revised Code is guilty of a felony of the fourth degree. 623

(B) Whoever violates division (F) of section 1547.08, section 624  
1547.10, division (I) of section 1547.111, section 1547.13, or 625  
section 1547.66 of the Revised Code is guilty of a misdemeanor of 626  
the first degree. 627

(C) Whoever violates a provision of this chapter or a rule 628  
adopted thereunder, for which no penalty is otherwise provided, is 629  
guilty of a minor misdemeanor. 630

(D) Whoever violates section 1547.07 or 1547.12 of the 631  
Revised Code without causing injury to persons or damage to 632  
property is guilty of a misdemeanor of the fourth degree. 633

(E) Whoever violates section 1547.07 or 1547.12 of the 634  
Revised Code causing injury to persons or damage to property is 635  
guilty of a misdemeanor of the third degree. 636

(F) Whoever violates division (M) of section 1547.54, 637  
division (G) of section 1547.30, or section 1547.131, 1547.25, 638  
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 639  
of the Revised Code or a rule adopted under division (A)(2) of 640  
section 1547.52 of the Revised Code is guilty of a misdemeanor of 641  
the fourth degree. 642

(G) Whoever violates section 1547.11 of the Revised Code is 643  
guilty of a misdemeanor of the first degree and shall be punished 644  
as provided in division (G)(1), (2), or (3) of this section. 645

(1) Except as otherwise provided in division (G)(2) or (3) of 646  
this section, the court shall sentence the offender to a jail term 647

of three 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.

The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by division (G)(1) of this section if the court, in lieu of the suspended jail term, places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the mandatory jail term of three consecutive days that it is required to impose by division (G)(1) of this section if the court places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code; and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of community control, to attend and satisfactorily complete any treatment or education programs, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(2) If, within six years of the offense, the offender has

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

In addition to any other sentence that it imposes upon the 701  
offender, the court may require the offender to attend a drivers' 702  
intervention program that is certified pursuant to section 3793.10 703  
of the Revised Code. 704

(3) If, within six years of the offense, the offender has 705  
been convicted of or pleaded guilty to more than one violation or 706  
offense identified in division (G)(2) of this section, the court 707  
shall sentence the offender to a jail term of thirty consecutive 708  
days and may sentence the offender to a longer jail term of not 709  
more than one year. In addition, the court shall impose upon the 710  
offender a fine of not less than one hundred fifty nor more than 711

one thousand dollars. 712

In addition to any other sentence that it imposes upon the 713  
offender, the court may require the offender to attend a drivers' 714  
intervention program that is certified pursuant to section 3793.10 715  
of the Revised Code. 716

(4) Upon a showing that serving a jail term would seriously 717  
affect the ability of an offender sentenced pursuant to division 718  
(G)(1), (2), or (3) of this section to continue the offender's 719  
employment, the court may authorize that the offender be granted 720  
work release after the offender has served the mandatory jail term 721  
of three, ten, or thirty consecutive days that the court is 722  
required by division (G)(1), (2), or (3) of this section to 723  
impose. No court shall authorize work release during the mandatory 724  
jail term of three, ten, or thirty consecutive days that the court 725  
is required by division (G)(1), (2), or (3) of this section to 726  
impose. The duration of the work release shall not exceed the time 727  
necessary each day for the offender to commute to and from the 728  
place of employment and the place in which the jail term is served 729  
and the time actually spent under employment. 730

(5) Notwithstanding any section of the Revised Code that 731  
authorizes the suspension of the imposition or execution of a 732  
sentence or the placement of an offender in any treatment program 733  
in lieu of being imprisoned or serving a jail term, no court shall 734  
suspend the mandatory jail term of ten or thirty consecutive days 735  
required to be imposed by division (G)(2) or (3) of this section 736  
or place an offender who is sentenced pursuant to division (G)(2) 737  
or (3) of this section in any treatment program in lieu of being 738  
imprisoned or serving a jail term until after the offender has 739  
served the mandatory jail term of ten or thirty consecutive days 740  
required to be imposed pursuant to division (G)(2) or (3) of this 741  
section. Notwithstanding any section of the Revised Code that 742  
authorizes the suspension of the imposition or execution of a 743



sentence or the placement of an offender in any treatment program 744  
in lieu of being imprisoned or serving a jail term, no court, 745  
except as specifically authorized by division (G)(1) of this 746  
section, shall suspend the mandatory jail term of three 747  
consecutive days required to be imposed by division (G)(1) of this 748  
section or place an offender who is sentenced pursuant to division 749  
(G)(1) of this section in any treatment program in lieu of 750  
imprisonment until after the offender has served the mandatory 751  
jail term of three consecutive days required to be imposed 752  
pursuant to division (G)(1) of this section. 753

(6) As used in division (G) of this section, ~~"jail:~~ 754

(a) "Equivalent offense" has the same meaning as in section 755  
4511.181 of the Revised Code. 756

(b) "Jail term" and "mandatory jail term" have the same 757  
meanings as in section 2929.01 of the Revised Code. 758

(H) Whoever violates section 1547.304 of the Revised Code is 759  
guilty of a misdemeanor of the fourth degree and also shall be 760  
assessed any costs incurred by the state or a county, township, 761  
municipal corporation, or other political subdivision in disposing 762  
of an abandoned junk vessel or outboard motor, less any money 763  
accruing to the state, county, township, municipal corporation, or 764  
other political subdivision from that disposal. 765

(I) Whoever violates division (B) or (C) of section 1547.49 766  
of the Revised Code is guilty of a minor misdemeanor. 767

(J) Whoever violates section 1547.31 of the Revised Code is 768  
guilty of a misdemeanor of the fourth degree on a first offense. 769  
On each subsequent offense, the person is guilty of a misdemeanor 770  
of the third degree. 771

(K) Whoever violates section 1547.05 or 1547.051 of the 772  
Revised Code is guilty of a misdemeanor of the fourth degree if 773  
the violation is not related to a collision, injury to a person, 774

or damage to property and a misdemeanor of the third degree if the 775  
violation is related to a collision, injury to a person, or damage 776  
to property. 777

(L) The sentencing court, in addition to the penalty provided 778  
under this section for a violation of this chapter or a rule 779  
adopted under it that involves a powercraft powered by more than 780  
ten horsepower and that, in the opinion of the court, involves a 781  
threat to the safety of persons or property, shall order the 782  
offender to complete successfully a boating course approved by the 783  
national association of state boating law administrators before 784  
the offender is allowed to operate a powercraft powered by more 785  
than ten horsepower on the waters in this state. Violation of a 786  
court order entered under this division is punishable as contempt 787  
under Chapter 2705. of the Revised Code. 788

**Sec. 4507.164.** (A) Except as provided in divisions (C) to (E) 789  
of this section, when the license of any person is suspended 790  
pursuant to any provision of the Revised Code other than division 791  
(G) of section 4511.19 of the Revised Code and other than section 792  
4510.07 of the Revised Code for a violation of a municipal OVI 793  
ordinance, the trial judge may impound the identification license 794  
plates of any motor vehicle registered in the name of the person. 795

(B)(1) When the license of any person is suspended pursuant 796  
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 797  
pursuant to section 4510.07 of the Revised Code for a municipal 798  
OVI offense when the suspension is equivalent in length to the 799  
suspension under division (G) of section 4511.19 of the Revised 800  
Code that is specified in this division, the trial judge of the 801  
court of record or the mayor of the mayor's court that suspended 802  
the license may impound the identification license plates of any 803  
motor vehicle registered in the name of the person. 804

(2) When the license of any person is suspended pursuant to 805

division (G)(1)(b) of section 4511.19 of the Revised Code, or 806  
pursuant to section 4510.07 of the Revised Code for a municipal 807  
OVI offense when the suspension is equivalent in length to the 808  
suspension under division (G) of section 4511.19 of the Revised 809  
Code that is specified in this division, the trial judge of the 810  
court of record that suspended the license shall order the 811  
impoundment of the identification license plates of the motor 812  
vehicle the offender was operating at the time of the offense and 813  
the immobilization of that vehicle in accordance with section 814  
4503.233 and division (G)(1)(b) of section 4511.19 or division 815  
(B)(2)(a) of section 4511.193 of the Revised Code ~~and may impound.~~ 816  
In addition, the trial judge of the court of record that suspended 817  
the license shall order the immobilization for one year of all the 818  
motor vehicles that are owned by or are registered in the name of 819  
the offender and the impoundment for one year of the 820  
identification license plates of ~~any other motor vehicle~~ 821  
~~registered in the name of the person whose license is suspended~~ 822  
all such vehicles in accordance with section 4503.233 and division 823  
(G)(1)(b) of section 4511.19 or division (B)(2)(a) of section 824  
4511.193 of the Revised Code. 825

(3) When the license of any person is suspended pursuant to 826  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 827  
Code, or pursuant to section 4510.07 of the Revised Code for a 828  
municipal OVI offense when the suspension is equivalent in length 829  
to the suspension under division (G) of section 4511.19 of the 830  
Revised Code that is specified in this division, the trial judge 831  
of the court of record that suspended the license shall order the 832  
criminal forfeiture to the state of the motor vehicle the offender 833  
was operating at the time of the offense in accordance with 834  
section 4503.234 and division (G)(1)(c), (d), or (e) of section 835  
4511.19 or division (B)(2)(b) of section 4511.193 of the Revised 836  
Code ~~and may impound.~~ In addition, the trial judge of the court of 837  
record that suspended the license shall order the immobilization 838

for one year of all the motor vehicles that are owned by or are 839  
registered in the name of the offender and the impoundment for one 840  
year of the identification license plates of ~~any other motor~~ 841  
~~vehicle registered in the name of the person whose license is~~ 842  
suspended all such vehicles in accordance with section 4503.233 843  
and division (G)(1)(c), (d), or (e) of section 4511.19 or division 844  
(B)(2)(b) of section 4511.193 of the Revised Code except for any 845  
motor vehicle that is required to be forfeited to the state in 846  
accordance with section 4503.234 and division (G)(1)(c), (d), or 847  
(e) of section 4511.19 or division (B)(2)(b) of section 4511.193 848  
of the Revised Code. 849

(C)(1) When a person is convicted of or pleads guilty to a 850  
violation of section 4510.14 of the Revised Code or a 851  
substantially equivalent municipal ordinance and division (B)(1) 852  
or (2) of section 4510.14 or division (C)(1) or (2) of section 853  
4510.161 of the Revised Code applies, the trial judge of the court 854  
of record or the mayor of the mayor's court that imposes sentence 855  
shall order the immobilization of the vehicle the person was 856  
operating at the time of the offense and the impoundment of its 857  
identification license plates in accordance with section 4503.233 858  
and division (B)(1) or (2) of section 4510.14 or division (C)(1) 859  
or (2) of section 4510.161 of the Revised Code and may impound the 860  
identification license plates of any other vehicle registered in 861  
the name of that person. 862

(2) When a person is convicted of or pleads guilty to a 863  
violation of section 4510.14 of the Revised Code or a 864  
substantially equivalent municipal ordinance and division (B)(3) 865  
of section 4510.14 or division (C)(3) of section 4510.161 of the 866  
Revised Code applies, the trial judge of the court of record that 867  
imposes sentence shall order the criminal forfeiture to the state 868  
of the vehicle the person was operating at the time of the offense 869  
in accordance with section 4503.234 and division (B)(3) of section 870

4510.14 or division (C)(3) of section 4510.161 of the Revised Code 871  
and may impound the identification license plates of any other 872  
vehicle registered in the name of that person. 873

(D)~~(1)~~ When a person is convicted of or pleads guilty to a 874  
violation of division (A) of section 4510.16 of the Revised Code 875  
or a substantially equivalent municipal ordinance, division (B) of 876  
section 4510.16 or division (B) of section 4510.161 of the Revised 877  
Code applies in determining whether the immobilization of the 878  
vehicle the person was operating at the time of the offense and 879  
the impoundment of its identification license plates or the 880  
criminal forfeiture to the state of the vehicle the person was 881  
operating at the time of the offense is authorized or required. 882  
The trial judge of the court of record or the mayor of the mayor's 883  
court that imposes sentence may impound the identification license 884  
plates of any other vehicle registered in the name of that person. 885

(E)(1) When a person is convicted of or pleads guilty to a 886  
violation of section 4511.203 of the Revised Code and the person 887  
is sentenced pursuant to division (C)(1) or (2) of section 888  
4511.203 of the Revised Code, the trial judge of the court of 889  
record or the mayor of the mayor's court that imposes sentence 890  
shall order the immobilization of the vehicle that was involved in 891  
the commission of the offense and the impoundment of its 892  
identification license plates in accordance with division (C)(1) 893  
or (2) of section 4511.203 and section 4503.233 of the Revised 894  
Code and may impound the identification license plates of any 895  
other vehicle registered in the name of that person. 896

(2) When a person is convicted of or pleads guilty to a 897  
violation of section 4511.203 of the Revised Code and the person 898  
is sentenced pursuant to division (C)(3) of section 4511.203 of 899  
the Revised Code, the trial judge of the court of record or the 900  
mayor of the mayor's court that imposes sentence shall order the 901  
criminal forfeiture to the state of the vehicle that was involved 902

in the commission of the offense in accordance with division 903  
(C)(3) of section 4511.203 and section 4503.234 of the Revised 904  
Code and may impound the identification license plates of any 905  
other vehicle registered in the name of that person. 906

(F) Except as provided in section 4503.233 or 4503.234 of the 907  
Revised Code, when the certificate of registration, the 908  
identification license plates, or both have been impounded, 909  
division (B) of section 4507.02 of the Revised Code is applicable. 910

(G) As used in this section, "municipal OVI offense" has the 911  
same meaning as in section 4511.181 of the Revised Code. 912

**Sec. 4510.13.** (A)(1) Divisions (A)(2) to (7) of this section 913  
apply to a judge or mayor regarding the suspension of, or the 914  
grant of limited driving privileges during a suspension of, an 915  
offender's driver's or commercial driver's license or permit or 916  
nonresident operating privilege imposed under division (G) or (H) 917  
of section 4511.19 of the Revised Code, under division (B) or (C) 918  
of section 4511.191 of the Revised Code, or under section 4510.07 919  
of the Revised Code for a conviction of a violation of a municipal 920  
OVI ordinance. 921

(2) No judge or mayor shall suspend the following portions of 922  
the suspension of an offender's driver's or commercial driver's 923  
license or permit or nonresident operating privilege imposed under 924  
division (G) or (H) of section 4511.19 of the Revised Code or 925  
under section 4510.07 of the Revised Code for a conviction of a 926  
violation of a municipal OVI ordinance, provided that division 927  
(A)(2) of this section does not limit a court or mayor in 928  
crediting any period of suspension imposed pursuant to division 929  
(B) or (C) of section 4511.191 of the Revised Code against any 930  
time of judicial suspension imposed pursuant to section 4511.19 or 931  
4510.07 of the Revised Code, as described in divisions (B)(2) and 932  
(C)(2) of section 4511.191 of the Revised Code: 933

(a) The first six months of a suspension imposed under 934  
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 935  
comparable length suspension imposed under section 4510.07 of the 936  
Revised Code; 937

(b) The first year of a suspension imposed under division 938  
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 939  
comparable length suspension imposed under section 4510.07 of the 940  
Revised Code; 941

(c) The first three years of a suspension imposed under 942  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 943  
or of a comparable length suspension imposed under section 4510.07 944  
of the Revised Code; 945

(d) The first sixty days of a suspension imposed under 946  
division (H) of section 4511.19 of the Revised Code or of a 947  
comparable length suspension imposed under section 4510.07 of the 948  
Revised Code. 949

(3) No judge or mayor shall grant limited driving privileges 950  
to an offender whose driver's or commercial driver's license or 951  
permit or nonresident operating privilege has been suspended under 952  
division (G) or (H) of section 4511.19 of the Revised Code, under 953  
division (C) of section 4511.191 of the Revised Code, or under 954  
section 4510.07 of the Revised Code for a municipal OVI conviction 955  
if the offender, within the preceding six years, has been 956  
convicted of or pleaded guilty to three or more violations of one 957  
or more of the Revised Code sections, municipal ordinances, 958  
statutes of the United States or another state, or municipal 959  
ordinances of a municipal corporation of another state that are 960  
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 961  
Revised Code. 962

Additionally, no judge or mayor shall grant limited driving 963  
privileges to an offender whose driver's or commercial driver's 964

license or permit or nonresident operating privilege has been 965  
suspended under division (B) of section 4511.191 of the Revised 966  
Code if the offender, within the preceding six years, has refused 967  
three previous requests to consent to a chemical test of the 968  
person's whole blood, blood serum or plasma, breath, or urine to 969  
determine its alcohol content. 970

(4) No judge or mayor shall grant limited driving privileges 971  
for employment as a driver of commercial motor vehicles to an 972  
offender whose driver's or commercial driver's license or permit 973  
or nonresident operating privilege has been suspended under 974  
division (G) or (H) of section 4511.19 of the Revised Code, under 975  
division (B) or (C) of section 4511.191 of the Revised Code, or 976  
under section 4510.07 of the Revised Code for a municipal OVI 977  
conviction if the offender is disqualified from operating a 978  
commercial motor vehicle, or whose license or permit has been 979  
suspended, under section 3123.58 or 4506.16 of the Revised Code. 980

(5) No judge or mayor shall grant limited driving privileges 981  
to an offender whose driver's or commercial driver's license or 982  
permit or nonresident operating privilege has been suspended under 983  
division (G) or (H) of section 4511.19 of the Revised Code, under 984  
division (C) of section 4511.191 of the Revised Code, or under 985  
section 4510.07 of the Revised Code for a conviction of a 986  
violation of a municipal OVI ordinance during any of the following 987  
periods of time: 988

(a) The first fifteen days of a suspension imposed under 989  
division (G)(1)(a) of section 4511.19 of the Revised Code or a 990  
comparable length suspension imposed under section 4510.07 of the 991  
Revised Code, or of a suspension imposed under division (C)(1)(a) 992  
of section 4511.191 of the Revised Code. On or after the sixteenth 993  
day of the suspension, the court may grant limited driving 994  
privileges, but the court may require that the offender shall not 995  
exercise the privileges unless the vehicles the offender operates 996



are equipped with immobilizing or disabling devices that monitor 997  
the offender's alcohol consumption or any other type of 998  
immobilizing or disabling devices, except as provided in division 999  
(C) of section 4510.43 of the Revised Code. 1000

(b) The first thirty days of a suspension imposed under 1001  
~~division (G)(1)(b) of section 4511.19 of the Revised Code or a~~ 1002  
~~comparable length suspension imposed under section 4510.07 of the~~ 1003  
~~Revised Code, or of a suspension imposed under~~ division (C)(1)(b) 1004  
of section 4511.191 of the Revised Code. On or after the 1005  
thirty-first day of suspension, the court may grant limited 1006  
driving privileges, but the court may require that the offender 1007  
shall not exercise the privileges unless the vehicles the offender 1008  
operates are equipped with immobilizing or disabling devices that 1009  
monitor the offender's alcohol consumption or any other type of 1010  
immobilizing or disabling devices, except as provided in division 1011  
(C) of section 4510.43 of the Revised Code. 1012

(c) The first sixty days of a suspension imposed under 1013  
division (H) of section 4511.19 of the Revised Code or a 1014  
comparable length suspension imposed under section 4510.07 of the 1015  
Revised Code. 1016

(d) The first one hundred eighty days of a suspension imposed 1017  
~~under division (G)(1)(c) of section 4511.19 of the Revised Code or~~ 1018  
~~a comparable length suspension imposed under section 4510.07 of~~ 1019  
~~the Revised Code, or of a suspension imposed~~ under division 1020  
(C)(1)(c) of section 4511.191 of the Revised Code. The judge may 1021  
grant limited driving privileges on or after the one hundred 1022  
eighty-first day of the suspension only if the judge, at the time 1023  
of granting the privileges, also issues an order prohibiting the 1024  
offender, while exercising the privileges during the period 1025  
commencing with the one hundred eighty-first day of suspension and 1026  
ending with the first year of suspension, from operating any motor 1027  
vehicle unless it is equipped with an immobilizing or disabling 1028

device that monitors the offender's alcohol consumption. After the 1029  
first year of the suspension, the court may authorize the offender 1030  
to continue exercising the privileges in vehicles that are not 1031  
equipped with immobilizing or disabling devices that monitor the 1032  
offender's alcohol consumption, except as provided in division (C) 1033  
of section 4510.43 of the Revised Code. If the offender does not 1034  
petition for limited driving privileges until after the first year 1035  
of suspension, the judge may grant limited driving privileges 1036  
without requiring the use of an immobilizing or disabling device 1037  
that monitors the offender's alcohol consumption. 1038

(e) The first year of a suspension imposed under division 1039  
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or a 1040  
comparable length suspension imposed under section 4510.07 of the 1041  
Revised Code. The judge may grant limited driving privileges after 1042  
the first year of suspension and, at the time of granting the 1043  
privileges, also may issue an order prohibiting the offender from 1044  
operating any motor vehicle for the period of suspension following 1045  
the first year of suspension unless the motor vehicle is equipped 1046  
with an immobilizing or disabling device that monitors the 1047  
offender's alcohol consumption, except as provided in division (C) 1048  
of section 4510.43 of the Revised Code. 1049

(f) The first three years of a suspension imposed under 1050  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1051  
or a comparable length suspension imposed under section 4510.07 of 1052  
the Revised Code, or of a suspension imposed under division 1053  
(C)(1)(d) of section 4511.191 of the Revised Code. The judge may 1054  
grant limited driving privileges after the first three years of 1055  
suspension only if the judge, at the time of granting the 1056  
privileges, also issues an order prohibiting the offender from 1057  
operating any motor vehicle, for the period of suspension 1058  
following the first three years of suspension, unless the motor 1059  
vehicle is equipped with an immobilizing or disabling device that 1060

monitors the offender's alcohol consumption, except as provided in 1061  
division (C) of section 4510.43 of the Revised Code. 1062

(6) No judge or mayor shall grant limited driving privileges 1063  
to an offender whose driver's or commercial driver's license or 1064  
permit or nonresident operating privilege has been suspended under 1065  
division (B) of section 4511.191 of the Revised Code during any of 1066  
the following periods of time: 1067

(a) The first thirty days of suspension imposed under 1068  
division (B)(1)(a) of section 4511.191 of the Revised Code; 1069

(b) The first ninety days of suspension imposed under 1070  
division (B)(1)(b) of section 4511.191 of the Revised Code; 1071

(c) The first year of suspension imposed under division 1072  
(B)(1)(c) of section 4511.191 of the Revised Code; 1073

(d) The first three years of suspension imposed under 1074  
division (B)(1)(d) of section 4511.191 of the Revised Code. 1075

(7) In any case in which a judge or mayor grants limited 1076  
driving privileges to an offender whose driver's or commercial 1077  
driver's license or permit or nonresident operating privilege has 1078  
been suspended under division (G)(1)(b), (c), (d), or (e) of 1079  
section 4511.19 of the Revised Code, under division (G)(1)(a) of 1080  
section 4511.19 of the Revised Code for a violation of division 1081  
(A)(1)(f), (g), (h), or (i) of that section, or under section 1082  
4510.07 of the Revised Code for a municipal OVI conviction for 1083  
which sentence would have been imposed under division 1084  
(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 1085  
the Revised Code had the offender been charged with and convicted 1086  
of a violation of section 4511.19 of the Revised Code instead of a 1087  
violation of the municipal OVI ordinance, the judge or mayor shall 1088  
impose as a condition of the privileges that the offender must 1089  
display on the vehicle that is driven subject to the privileges 1090  
restricted license plates that are issued under section 4503.231 1091

of the Revised Code, except as provided in division (B) of that section. 1092  
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(B) Any person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to section 4511.19 or 4511.191 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance may file a petition for limited driving privileges during the suspension. The person shall file the petition in the court that has jurisdiction over the place of arrest. Subject to division (A) of this section, the court may grant the person limited driving privileges during the period during which the suspension otherwise would be imposed. However, the court shall not grant the privileges for employment as a driver of a commercial motor vehicle to any person who is disqualified from operating a commercial motor vehicle under section 4506.16 of the Revised Code or during any of the periods prescribed by division (A) of this section. 1094  
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(C)(1) After a driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 of the Revised Code, any provision of Chapter 2925. of the Revised Code, or section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, the judge of the court or mayor of the mayor's court that suspended the license, permit, or privilege shall cause the offender to deliver to the court the license or permit. The judge, mayor, or clerk of the court or mayor's court shall forward to the registrar the license or permit together with notice of the action of the court. 1109  
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(2) A suspension of a commercial driver's license under any section or chapter identified in division (C)(1) of this section shall be concurrent with any period of suspension or 1121  
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disqualification under section 3123.58 or 4506.16 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under this chapter during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under any section or chapter identified in division (C)(1) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

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

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

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

(F)(1) If a court issues an immobilizing or disabling device

order under section 4510.43 of the Revised Code, the order shall 1156  
authorize the offender during the specified period to operate a 1157  
motor vehicle only if it is equipped with an immobilizing or 1158  
disabling device, except as provided in division (C) of that 1159  
section. The court shall provide the offender with a copy of an 1160  
immobilizing or disabling device order issued under section 1161  
4510.43 of the Revised Code, and the offender shall use the copy 1162  
of the order in lieu of an Ohio driver's or commercial driver's 1163  
license or permit until the registrar or a deputy registrar issues 1164  
the offender a restricted license. 1165

An order issued under section 4510.43 of the Revised Code 1166  
does not authorize or permit the offender to whom it has been 1167  
issued to operate a vehicle during any time that the offender's 1168  
driver's or commercial driver's license or permit is suspended 1169  
under any other provision of law. 1170

(2) An offender may present an immobilizing or disabling 1171  
device order to the registrar or to a deputy registrar. Upon 1172  
presentation of the order to the registrar or a deputy registrar, 1173  
the registrar or deputy registrar shall issue the offender a 1174  
restricted license. A restricted license issued under this 1175  
division shall be identical to an Ohio driver's license, except 1176  
that it shall have printed on its face a statement that the 1177  
offender is prohibited during the period specified in the court 1178  
order from operating any motor vehicle that is not equipped with 1179  
an immobilizing or disabling device. The date of commencement and 1180  
the date of termination of the period of suspension shall be 1181  
indicated conspicuously upon the face of the license. 1182

**Sec. 4510.43.** (A)(1) The director of public safety, upon 1183  
consultation with the director of health and in accordance with 1184  
Chapter 119. of the Revised Code, shall certify immobilizing and 1185  
disabling devices and shall publish and make available to the 1186

courts, without charge, a list of approved devices together with 1187  
information about the manufacturers of the devices and where they 1188  
may be obtained. The manufacturer of an immobilizing or disabling 1189  
device shall pay the cost of obtaining the certification of the 1190  
device to the director of public safety, and the director shall 1191  
deposit the payment in the drivers' treatment and intervention 1192  
fund established by sections 4511.19 and 4511.191 of the Revised 1193  
Code. 1194

(2) The director of public safety, in accordance with Chapter 1195  
119. of the Revised Code, shall adopt and publish rules setting 1196  
forth the requirements for obtaining the certification of an 1197  
immobilizing or disabling device. The director of public safety 1198  
shall not certify an immobilizing or disabling device under this 1199  
section unless it meets the requirements specified and published 1200  
by the director in the rules adopted pursuant to this division. A 1201  
certified device may consist of an ignition interlock device, an 1202  
ignition blocking device initiated by time or magnetic or 1203  
electronic encoding, an activity monitor, or any other device that 1204  
reasonably assures compliance with an order granting limited 1205  
driving privileges. 1206

The requirements for an immobilizing or disabling device that 1207  
is an ignition interlock device shall require that the 1208  
manufacturer of the device submit to the department of public 1209  
safety a certificate from an independent testing laboratory 1210  
indicating that the device meets or exceeds the standards of the 1211  
national highway traffic safety administration, as defined in 1212  
section 4511.19 of the Revised Code, that are in effect at the 1213  
time of the director's decision regarding certification of the 1214  
device, shall include provisions for setting a minimum and maximum 1215  
calibration range, and shall include, but shall not be limited to, 1216  
specifications that the device complies with all of the following: 1217

(a) It does not impede the safe operation of the vehicle. 1218

(b) It has features that make circumvention difficult and	1219
that do not interfere with the normal use of the vehicle, <u>and the</u>	1220
<u>features are operating and functioning.</u>	1221
(c) It correlates well with established measures of alcohol	1222
impairment.	1223
(d) It works accurately and reliably in an unsupervised	1224
environment.	1225
(e) It is resistant to tampering and shows evidence of	1226
tampering if tampering is attempted.	1227
(f) It is difficult to circumvent and requires premeditation	1228
to do so.	1229
(g) It minimizes inconvenience to a sober user.	1230
(h) It requires a proper, deep-lung breath sample or other	1231
accurate measure of the concentration by weight of alcohol in the	1232
breath.	1233
(i) It operates reliably over the range of automobile	1234
environments.	1235
(j) It is made by a manufacturer who is covered by product	1236
liability insurance.	1237
(3) The director of public safety may adopt, in whole or in	1238
part, the guidelines, rules, regulations, studies, or independent	1239
laboratory tests performed and relied upon by other states, or	1240
their agencies or commissions, in the certification or approval of	1241
immobilizing or disabling devices.	1242
(4) The director of public safety shall adopt rules in	1243
accordance with Chapter 119. of the Revised Code for the design of	1244
a warning label that shall be affixed to each immobilizing or	1245
disabling device upon installation. The label shall contain a	1246
warning that any person tampering, circumventing, or otherwise	1247
misusing the device is subject to a fine, imprisonment, or both	1248



and may be subject to civil liability. 1249

(B) A court considering the use of a prototype device in a 1250  
pilot program shall advise the director of public safety, thirty 1251  
days before the use, of the prototype device and its protocol, 1252  
methodology, manufacturer, and licensor, lessor, other agent, or 1253  
owner, and the length of the court's pilot program. A prototype 1254  
device shall not be used for a violation of section 4510.14 or 1255  
4511.19 of the Revised Code, a violation of a municipal OVI 1256  
ordinance, or in relation to a suspension imposed under section 1257  
4511.191 of the Revised Code. A court that uses a prototype device 1258  
in a pilot program, periodically during the existence of the 1259  
program and within fourteen days after termination of the program, 1260  
shall report in writing to the director of public safety regarding 1261  
the effectiveness of the prototype device and the program. 1262

(C) If a person has been granted limited driving privileges 1263  
with a condition of the privileges being that the motor vehicle 1264  
that is operated under the privileges must be equipped with an 1265  
immobilizing or disabling device, the person may operate a motor 1266  
vehicle that is owned by the person's employer only if the person 1267  
is required to operate that motor vehicle in the course and scope 1268  
of the offender's employment. Such a person may operate that 1269  
vehicle without the installation of an immobilizing or disabling 1270  
device, provided that the employer has been notified that the 1271  
person has limited driving privileges and of the nature of the 1272  
restriction and further provided that the person has proof of the 1273  
employer's notification in the person's possession while operating 1274  
the employer's vehicle for normal business duties. A motor vehicle 1275  
owned by a business that is partly or entirely owned or controlled 1276  
by a person with limited driving privileges is not a motor vehicle 1277  
owned by an employer, for purposes of this division. 1278

**Sec. 4511.181.** As used in sections 4511.181 to ~~4511.197~~ 1279

<u>4511.199</u> of the Revised Code:	1280
(A) "Equivalent offense" means any of the following:	1281
(1) A violation of division (A) or (B) of section 4511.19 of the Revised Code;	1282 1283
(2) A violation of a municipal OVI ordinance;	1284
(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;	1285 1286 1287
(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;	1288 1289 1290
(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;	1291 1292 1293 1294 1295 1296 1297
(6) <u>A violation of division (A) or (B) of section 1547.11 of the Revised Code;</u>	1298 1299
(7) <u>A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state 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</u>	1300 1301 1302 1303 1304 1305 1306 1307 1308 1309

urine; 1310

(8) A violation of an existing or former municipal ordinance, 1311  
law of another state, or law of the United States that is 1312  
substantially equivalent to division (A) or (B) of section 4511.19 1313  
or division (A) or (B) of section 1547.11 of the Revised Code; 1314

~~(7)~~(9) A violation of a former law of this state that was 1315  
substantially equivalent to division (A) or (B) of section 4511.19 1316  
or division (A) or (B) of section 1547.11 of the Revised Code. 1317

(B) "Mandatory jail term" means the mandatory term in jail of 1318  
three, six, ten, twenty, thirty, or sixty days that must be 1319  
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 1320  
of the Revised Code upon an offender convicted of a violation of 1321  
division (A) of that section and in relation to which all of the 1322  
following apply: 1323

(1) Except as specifically authorized under section 4511.19 1324  
of the Revised Code, the term must be served in a jail. 1325

(2) Except as specifically authorized under section 4511.19 1326  
of the Revised Code, the term cannot be suspended, reduced, or 1327  
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 1328  
other provision of the Revised Code. 1329

(C) "Municipal OVI ordinance" and "municipal OVI offense" 1330  
mean any municipal ordinance prohibiting a person from operating a 1331  
vehicle while under the influence of alcohol, a drug of abuse, or 1332  
a combination of them or prohibiting a person from operating a 1333  
vehicle with a prohibited concentration of alcohol, a controlled 1334  
substance, or a metabolite of a controlled substance in the whole 1335  
blood, blood serum or plasma, breath, or urine. 1336

(D) "Community residential sanction," "jail," "mandatory 1337  
prison term," "mandatory term of local incarceration," "sanction," 1338  
and "prison term" have the same meanings as in section 2929.01 of 1339  
the Revised Code. 1340

(E) "Drug of abuse" has the same meaning as in section 1341  
4506.01 of the Revised Code. 1342

(F) "Equivalent offense that is vehicle-related" means an 1343  
equivalent offense that is any of the following: 1344

(1) A violation described in division (A)(1), (2), (3), (4), 1345  
or (5) of this section; 1346

(2) A violation of an existing or former municipal ordinance, 1347  
law of another state, or law of the United States that is 1348  
substantially equivalent to division (A) or (B) of section 4511.19 1349  
of the Revised Code; 1350

(3) A violation of a former law of this state that was 1351  
substantially equivalent to division (A) or (B) of section 4511.19 1352  
of the Revised Code. 1353

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 1354  
streetcar, or trackless trolley within this state, if, at the time 1355  
of the operation, any of the following apply: 1356

(a) The person is under the influence of alcohol, a drug of 1357  
abuse, or a combination of them. 1358

(b) The person has a concentration of eight-hundredths of one 1359  
per cent or more but less than seventeen-hundredths of one per 1360  
cent by weight per unit volume of alcohol in the person's whole 1361  
blood. 1362

(c) The person has a concentration of ninety-six-thousandths 1363  
of one per cent or more but less than two hundred four-thousandths 1364  
of one per cent by weight per unit volume of alcohol in the 1365  
person's blood serum or plasma. 1366

(d) The person has a concentration of eight-hundredths of one 1367  
gram or more but less than seventeen-hundredths of one gram by 1368  
weight of alcohol per two hundred ten liters of the person's 1369  
breath. 1370

(e) The person has a concentration of eleven-hundredths of 1371  
one gram or more but less than two hundred 1372  
thirty-eight-thousandths of one gram by weight of alcohol per one 1373  
hundred milliliters of the person's urine. 1374

(f) The person has a concentration of seventeen-hundredths of 1375  
one per cent or more by weight per unit volume of alcohol in the 1376  
person's whole blood. 1377

(g) The person has a concentration of two hundred 1378  
four-thousandths of one per cent or more by weight per unit volume 1379  
of alcohol in the person's blood serum or plasma. 1380

(h) The person has a concentration of seventeen-hundredths of 1381  
one gram or more by weight of alcohol per two hundred ten liters 1382  
of the person's breath. 1383

(i) The person has a concentration of two hundred 1384  
thirty-eight-thousandths of one gram or more by weight of alcohol 1385  
per one hundred milliliters of the person's urine. 1386

(j) Except as provided in division (K) of this section, the 1387  
person has a concentration of any of the following controlled 1388  
substances or metabolites of a controlled substance in the 1389  
person's whole blood, blood serum or plasma, or urine that equals 1390  
or exceeds any of the following: 1391

(i) The person has a concentration of amphetamine in the 1392  
person's urine of at least five hundred nanograms of amphetamine 1393  
per milliliter of the person's urine or has a concentration of 1394  
amphetamine in the person's whole blood or blood serum or plasma 1395  
of at least one hundred nanograms of amphetamine per milliliter of 1396  
the person's whole blood or blood serum or plasma. 1397

(ii) The person has a concentration of cocaine in the 1398  
person's urine of at least one hundred fifty nanograms of cocaine 1399  
per milliliter of the person's urine or has a concentration of 1400  
cocaine in the person's whole blood or blood serum or plasma of at 1401

least fifty nanograms of cocaine per milliliter of the person's 1402  
whole blood or blood serum or plasma. 1403

(iii) The person has a concentration of cocaine metabolite in 1404  
the person's urine of at least one hundred fifty nanograms of 1405  
cocaine metabolite per milliliter of the person's urine or has a 1406  
concentration of cocaine metabolite in the person's whole blood or 1407  
blood serum or plasma of at least fifty nanograms of cocaine 1408  
metabolite per milliliter of the person's whole blood or blood 1409  
serum or plasma. 1410

(iv) The person has a concentration of heroin in the person's 1411  
urine of at least two thousand nanograms of heroin per milliliter 1412  
of the person's urine or has a concentration of heroin in the 1413  
person's whole blood or blood serum or plasma of at least fifty 1414  
nanograms of heroin per milliliter of the person's whole blood or 1415  
blood serum or plasma. 1416

(v) The person has a concentration of heroin metabolite 1417  
(6-monoacetyl morphine) in the person's urine of at least ten 1418  
nanograms of heroin metabolite (6-monoacetyl morphine) per 1419  
milliliter of the person's urine or has a concentration of heroin 1420  
metabolite (6-monoacetyl morphine) in the person's whole blood or 1421  
blood serum or plasma of at least ten nanograms of heroin 1422  
metabolite (6-monoacetyl morphine) per milliliter of the person's 1423  
whole blood or blood serum or plasma. 1424

(vi) The person has a concentration of L.S.D. in the person's 1425  
urine of at least twenty-five nanograms of L.S.D. per milliliter 1426  
of the person's urine or a concentration of L.S.D. in the person's 1427  
whole blood or blood serum or plasma of at least ten nanograms of 1428  
L.S.D. per milliliter of the person's whole blood or blood serum 1429  
or plasma. 1430

(vii) The person has a concentration of marihuana in the 1431  
person's urine of at least ten nanograms of marihuana per 1432

milliliter of the person's urine or has a concentration of 1433  
marihuana in the person's whole blood or blood serum or plasma of 1434  
at least two nanograms of marihuana per milliliter of the person's 1435  
whole blood or blood serum or plasma. 1436

(viii) Either of the following applies: 1437

(I) The person is under the influence of alcohol, a drug of 1438  
abuse, or a combination of them, and, as measured by gas 1439  
chromatography mass spectrometry, the person has a concentration 1440  
of marihuana metabolite in the person's urine of at least fifteen 1441  
nanograms of marihuana metabolite per milliliter of the person's 1442  
urine or has a concentration of marihuana metabolite in the 1443  
person's whole blood or blood serum or plasma of at least five 1444  
nanograms of marihuana metabolite per milliliter of the person's 1445  
whole blood or blood serum or plasma. 1446

(II) As measured by gas chromatography mass spectrometry, the 1447  
person has a concentration of marihuana metabolite in the person's 1448  
urine of at least thirty-five nanograms of marihuana metabolite 1449  
per milliliter of the person's urine or has a concentration of 1450  
marihuana metabolite in the person's whole blood or blood serum or 1451  
plasma of at least fifty nanograms of marihuana metabolite per 1452  
milliliter of the person's whole blood or blood serum or plasma. 1453

(ix) The person has a concentration of methamphetamine in the 1454  
person's urine of at least five hundred nanograms of 1455  
methamphetamine per milliliter of the person's urine or has a 1456  
concentration of methamphetamine in the person's whole blood or 1457  
blood serum or plasma of at least one hundred nanograms of 1458  
methamphetamine per milliliter of the person's whole blood or 1459  
blood serum or plasma. 1460

(x) The person has a concentration of phencyclidine in the 1461  
person's urine of at least twenty-five nanograms of phencyclidine 1462  
per milliliter of the person's urine or has a concentration of 1463

phencyclidine in the person's whole blood or blood serum or plasma 1464  
of at least ten nanograms of phencyclidine per milliliter of the 1465  
person's whole blood or blood serum or plasma. 1466

(2) No person who, within twenty years of the conduct 1467  
described in division (A)(2)(a) of this section, previously has 1468  
been convicted of or pleaded guilty to a violation of this 1469  
division, a violation of division (A)(1) or (B) of this section, 1470  
or ~~a municipal OVI~~ any other equivalent offense shall do both of 1471  
the following: 1472

(a) Operate any vehicle, streetcar, or trackless trolley 1473  
within this state while under the influence of alcohol, a drug of 1474  
abuse, or a combination of them; 1475

(b) Subsequent to being arrested for operating the vehicle, 1476  
streetcar, or trackless trolley as described in division (A)(2)(a) 1477  
of this section, being asked by a law enforcement officer to 1478  
submit to a chemical test or tests under section 4511.191 of the 1479  
Revised Code, and being advised by the officer in accordance with 1480  
section 4511.192 of the Revised Code of the consequences of the 1481  
person's refusal or submission to the test or tests, refuse to 1482  
submit to the test or tests. 1483

(B) No person under twenty-one years of age shall operate any 1484  
vehicle, streetcar, or trackless trolley within this state, if, at 1485  
the time of the operation, any of the following apply: 1486

(1) The person has a concentration of at least two-hundredths 1487  
of one per cent but less than eight-hundredths of one per cent by 1488  
weight per unit volume of alcohol in the person's whole blood. 1489

(2) The person has a concentration of at least 1490  
three-hundredths of one per cent but less than 1491  
ninety-six-thousandths of one per cent by weight per unit volume 1492  
of alcohol in the person's blood serum or plasma. 1493

(3) The person has a concentration of at least two-hundredths 1494



of one gram but less than eight-hundredths of one gram by weight 1495  
of alcohol per two hundred ten liters of the person's breath. 1496

(4) The person has a concentration of at least twenty-eight 1497  
one-thousandths of one gram but less than eleven-hundredths of one 1498  
gram by weight of alcohol per one hundred milliliters of the 1499  
person's urine. 1500

(C) In any proceeding arising out of one incident, a person 1501  
may be charged with a violation of division (A)(1)(a) or (A)(2) 1502  
and a violation of division (B)(1), (2), or (3) of this section, 1503  
but the person may not be convicted of more than one violation of 1504  
these divisions. 1505

(D)(1)(a) In any criminal prosecution or juvenile court 1506  
proceeding for a violation of division (A)(1)(a) of this section 1507  
or for an equivalent offense that is vehicle-related, the result 1508  
of any test of any blood or urine withdrawn and analyzed at any 1509  
health care provider, as defined in section 2317.02 of the Revised 1510  
Code, may be admitted with expert testimony to be considered with 1511  
any other relevant and competent evidence in determining the guilt 1512  
or innocence of the defendant. 1513

(b) In any criminal prosecution or juvenile court proceeding 1514  
for a violation of division (A) or (B) of this section or for an 1515  
equivalent offense that is vehicle-related, the court may admit 1516  
evidence on the concentration of alcohol, drugs of abuse, 1517  
controlled substances, metabolites of a controlled substance, or a 1518  
combination of them in the defendant's whole blood, blood serum or 1519  
plasma, breath, urine, or other bodily substance at the time of 1520  
the alleged violation as shown by chemical analysis of the 1521  
substance withdrawn within three hours of the time of the alleged 1522  
violation. The three-hour time limit specified in this division 1523  
regarding the admission of evidence does not extend or affect the 1524  
two-hour time limit specified in division (A) of section 4511.192 1525  
of the Revised Code as the maximum period of time during which a 1526

person may consent to a chemical test or tests as described in 1527  
that section. The court may admit evidence on the concentration of 1528  
alcohol, drugs of abuse, or a combination of them as described in 1529  
this division when a person submits to a blood, breath, urine, or 1530  
other bodily substance test at the request of a law enforcement 1531  
officer under section 4511.191 of the Revised Code or a blood or 1532  
urine sample is obtained pursuant to a search warrant. Only a 1533  
physician, a registered nurse, or a qualified technician, chemist, 1534  
or phlebotomist shall withdraw a blood sample for the purpose of 1535  
determining the alcohol, drug, controlled substance, metabolite of 1536  
a controlled substance, or combination content of the whole blood, 1537  
blood serum, or blood plasma. This limitation does not apply to 1538  
the taking of breath or urine specimens. A person authorized to 1539  
withdraw blood under this division may refuse to withdraw blood 1540  
under this division, if in that person's opinion, the physical 1541  
welfare of the person would be endangered by the withdrawing of 1542  
blood. 1543

The bodily substance withdrawn under division (D)(1)(b) of 1544  
this section shall be analyzed in accordance with methods approved 1545  
by the director of health by an individual possessing a valid 1546  
permit issued by the director pursuant to section 3701.143 of the 1547  
Revised Code. 1548

(2) In a criminal prosecution or juvenile court proceeding 1549  
for a violation of division (A) of this section or for an 1550  
equivalent offense that is vehicle-related, if there was at the 1551  
time the bodily substance was withdrawn a concentration of less 1552  
than the applicable concentration of alcohol specified in 1553  
divisions (A)(1)(b), (c), (d), and (e) of this section or less 1554  
than the applicable concentration of a listed controlled substance 1555  
or a listed metabolite of a controlled substance specified for a 1556  
violation of division (A)(1)(j) of this section, that fact may be 1557  
considered with other competent evidence in determining the guilt 1558

or innocence of the defendant. This division does not limit or 1559  
affect a criminal prosecution or juvenile court proceeding for a 1560  
violation of division (B) of this section or for an equivalent 1561  
offense that is substantially equivalent to that division. 1562

(3) Upon the request of the person who was tested, the 1563  
results of the chemical test shall be made available to the person 1564  
or the person's attorney, immediately upon the completion of the 1565  
chemical test analysis. 1566

If the chemical test was obtained pursuant to division 1567  
(D)(1)(b) of this section, the person tested may have a physician, 1568  
a registered nurse, or a qualified technician, chemist, or 1569  
phlebotomist of the person's own choosing administer a chemical 1570  
test or tests, at the person's expense, in addition to any 1571  
administered at the request of a law enforcement officer. ~~The~~ If 1572  
the person was under arrest as described in division (A)(5) of 1573  
section 4511.191 of the Revised Code, the arresting officer shall 1574  
advise the person at the time of the arrest that the person may 1575  
have an independent chemical test taken at the person's own 1576  
expense. If the person was not under arrest as described in 1577  
division (A)(5) of section 4511.191 of the Revised Code, the form 1578  
to be read to the person to be tested, as required under section 1579  
4511.192 of the Revised Code, shall state that the person may have 1580  
an independent test performed at the person's expense. The failure 1581  
or inability to obtain an additional chemical test by a person 1582  
shall not preclude the admission of evidence relating to the 1583  
chemical test or tests taken at the request of a law enforcement 1584  
officer. 1585

(4)(a) As used in divisions (D)(4)(b) and (c) of this 1586  
section, "national highway traffic safety administration" means 1587  
the national highway traffic safety administration established as 1588  
an administration of the United States department of 1589  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 1590

(b) In any criminal prosecution or juvenile court proceeding 1591  
for a violation of division (A) or (B) of this section, of a 1592  
municipal ordinance relating to operating a vehicle while under 1593  
the influence of alcohol, a drug of abuse, or alcohol and a drug 1594  
of abuse, or of a municipal ordinance relating to operating a 1595  
vehicle with a prohibited concentration of alcohol, a controlled 1596  
substance, or a metabolite of a controlled substance in the whole 1597  
blood, blood serum or plasma, breath, or urine, if a law 1598  
enforcement officer has administered a field sobriety test to the 1599  
operator of the vehicle involved in the violation and if it is 1600  
shown by clear and convincing evidence that the officer 1601  
administered the test in substantial compliance with the testing 1602  
standards for any reliable, credible, and generally accepted field 1603  
sobriety tests that were in effect at the time the tests were 1604  
administered, including, but not limited to, any testing standards 1605  
then in effect that were set by the national highway traffic 1606  
safety administration, all of the following apply: 1607

(i) The officer may testify concerning the results of the 1608  
field sobriety test so administered. 1609

(ii) The prosecution may introduce the results of the field 1610  
sobriety test so administered as evidence in any proceedings in 1611  
the criminal prosecution or juvenile court proceeding. 1612

(iii) If testimony is presented or evidence is introduced 1613  
under division (D)(4)(b)(i) or (ii) of this section and if the 1614  
testimony or evidence is admissible under the Rules of Evidence, 1615  
the court shall admit the testimony or evidence and the trier of 1616  
fact shall give it whatever weight the trier of fact considers to 1617  
be appropriate. 1618

(c) Division (D)(4)(b) of this section does not limit or 1619  
preclude a court, in its determination of whether the arrest of a 1620  
person was supported by probable cause or its determination of any 1621  
other matter in a criminal prosecution or juvenile court 1622

proceeding of a type described in that division, from considering 1623  
evidence or testimony that is not otherwise disallowed by division 1624  
(D)(4)(b) of this section. 1625

(E)(1) Subject to division (E)(3) of this section, in any 1626  
criminal prosecution or juvenile court proceeding for a violation 1627  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 1628  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 1629  
offense that is substantially equivalent to any of those 1630  
divisions, a laboratory report from any laboratory personnel 1631  
issued a permit by the department of health authorizing an 1632  
analysis as described in this division that contains an analysis 1633  
of the whole blood, blood serum or plasma, breath, urine, or other 1634  
bodily substance tested and that contains all of the information 1635  
specified in this division shall be admitted as prima-facie 1636  
evidence of the information and statements that the report 1637  
contains. The laboratory report shall contain all of the 1638  
following: 1639

(a) The signature, under oath, of any person who performed 1640  
the analysis; 1641

(b) Any findings as to the identity and quantity of alcohol, 1642  
a drug of abuse, a controlled substance, a metabolite of a 1643  
controlled substance, or a combination of them that was found; 1644

(c) A copy of a notarized statement by the laboratory 1645  
director or a designee of the director that contains the name of 1646  
each certified analyst or test performer involved with the report, 1647  
the analyst's or test performer's employment relationship with the 1648  
laboratory that issued the report, and a notation that performing 1649  
an analysis of the type involved is part of the analyst's or test 1650  
performer's regular duties; 1651

(d) An outline of the analyst's or test performer's 1652  
education, training, and experience in performing the type of 1653

analysis involved and a certification that the laboratory 1654  
satisfies appropriate quality control standards in general and, in 1655  
this particular analysis, under rules of the department of health. 1656

(2) Notwithstanding any other provision of law regarding the 1657  
admission of evidence, a report of the type described in division 1658  
(E)(1) of this section is not admissible against the defendant to 1659  
whom it pertains in any proceeding, other than a preliminary 1660  
hearing or a grand jury proceeding, unless the prosecutor has 1661  
served a copy of the report on the defendant's attorney or, if the 1662  
defendant has no attorney, on the defendant. 1663

(3) A report of the type described in division (E)(1) of this 1664  
section shall not be prima-facie evidence of the contents, 1665  
identity, or amount of any substance if, within seven days after 1666  
the defendant to whom the report pertains or the defendant's 1667  
attorney receives a copy of the report, the defendant or the 1668  
defendant's attorney demands the testimony of the person who 1669  
signed the report. The judge in the case may extend the seven-day 1670  
time limit in the interest of justice. 1671

(F) Except as otherwise provided in this division, any 1672  
physician, registered nurse, or qualified technician, chemist, or 1673  
phlebotomist who withdraws blood from a person pursuant to this 1674  
section or section 4511.191 or 4511.192 of the Revised Code, and 1675  
any hospital, first-aid station, or clinic at which blood is 1676  
withdrawn from a person pursuant to this section or section 1677  
4511.191 or 4511.192 of the Revised Code, is immune from criminal 1678  
liability and civil liability based upon a claim of assault and 1679  
battery or any other claim that is not a claim of malpractice, for 1680  
any act performed in withdrawing blood from the person. The 1681  
immunity provided in this division is not available to a person 1682  
who withdraws blood if the person engages in willful or wanton 1683  
misconduct. 1684

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 1685

to (i) or (A)(2) of this section is guilty of operating a vehicle 1686  
under the influence of alcohol, a drug of abuse, or a combination 1687  
of them. Whoever violates division (A)(1)(j) of this section is 1688  
guilty of operating a vehicle while under the influence of a 1689  
listed controlled substance or a listed metabolite of a controlled 1690  
substance. The court shall sentence the offender for either 1691  
offense under Chapter 2929. of the Revised Code, except as 1692  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 1693  
this section: 1694

(a) Except as otherwise provided in division (G)(1)(b), (c), 1695  
(d), or (e) of this section, the offender is guilty of a 1696  
misdemeanor of the first degree, and the court shall sentence the 1697  
offender to all of the following: 1698

(i) If the sentence is being imposed for a violation of 1699  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1700  
mandatory jail term of three consecutive days. As used in this 1701  
division, three consecutive days means seventy-two consecutive 1702  
hours. The court may sentence an offender to both an intervention 1703  
program and a jail term. The court may impose a jail term in 1704  
addition to the three-day mandatory jail term or intervention 1705  
program. However, in no case shall the cumulative jail term 1706  
imposed for the offense exceed six months. 1707

The court may suspend the execution of the three-day jail 1708  
term under this division if the court, in lieu of that suspended 1709  
term, places the offender under a community control sanction 1710  
pursuant to section 2929.25 of the Revised Code and requires the 1711  
offender to attend, for three consecutive days, a drivers' 1712  
intervention program certified under section 3793.10 of the 1713  
Revised Code. The court also may suspend the execution of any part 1714  
of the three-day jail term under this division if it places the 1715  
offender under a community control sanction pursuant to section 1716  
2929.25 of the Revised Code for part of the three days, requires 1717

the offender to attend for the suspended part of the term a 1718  
drivers' intervention program so certified, and sentences the 1719  
offender to a jail term equal to the remainder of the three 1720  
consecutive days that the offender does not spend attending the 1721  
program. The court may require the offender, as a condition of 1722  
community control and in addition to the required attendance at a 1723  
drivers' intervention program, to attend and satisfactorily 1724  
complete any treatment or education programs that comply with the 1725  
minimum standards adopted pursuant to Chapter 3793. of the Revised 1726  
Code by the director of alcohol and drug addiction services that 1727  
the operators of the drivers' intervention program determine that 1728  
the offender should attend and to report periodically to the court 1729  
on the offender's progress in the programs. The court also may 1730  
impose on the offender any other conditions of community control 1731  
that it considers necessary. 1732

(ii) If the sentence is being imposed for a violation of 1733  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1734  
section, except as otherwise provided in this division, a 1735  
mandatory jail term of at least three consecutive days and a 1736  
requirement that the offender attend, for three consecutive days, 1737  
a drivers' intervention program that is certified pursuant to 1738  
section 3793.10 of the Revised Code. As used in this division, 1739  
three consecutive days means seventy-two consecutive hours. If the 1740  
court determines that the offender is not conducive to treatment 1741  
in a drivers' intervention program, if the offender refuses to 1742  
attend a drivers' intervention program, or if the jail at which 1743  
the offender is to serve the jail term imposed can provide a 1744  
driver's intervention program, the court shall sentence the 1745  
offender to a mandatory jail term of at least six consecutive 1746  
days. 1747

The court may require the offender, under a community control 1748  
sanction imposed under section 2929.25 of the Revised Code, to 1749



attend and satisfactorily complete any treatment or education 1750  
programs that comply with the minimum standards adopted pursuant 1751  
to Chapter 3793. of the Revised Code by the director of alcohol 1752  
and drug addiction services, in addition to the required 1753  
attendance at drivers' intervention program, that the operators of 1754  
the drivers' intervention program determine that the offender 1755  
should attend and to report periodically to the court on the 1756  
offender's progress in the programs. The court also may impose any 1757  
other conditions of community control on the offender that it 1758  
considers necessary. 1759

(iii) In all cases, a fine of not less than two hundred fifty 1760  
and not more than one thousand dollars; 1761

(iv) In all cases, a class five license suspension of the 1762  
offender's driver's or commercial driver's license or permit or 1763  
nonresident operating privilege from the range specified in 1764  
division (A)(5) of section 4510.02 of the Revised Code. The court 1765  
may grant limited driving privileges relative to the suspension 1766  
under sections 4510.021 and 4510.13 of the Revised Code. 1767

(b) Except as otherwise provided in division (G)(1)(e) of 1768  
this section, an offender who, within six years of the offense, 1769  
previously has been convicted of or pleaded guilty to one 1770  
violation of division (A) or (B) of this section or one other 1771  
equivalent offense is guilty of a misdemeanor of the first degree. 1772  
The court shall sentence the offender to all of the following: 1773

(i) If the sentence is being imposed for a violation of 1774  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1775  
mandatory jail term of ten consecutive days. The court shall 1776  
impose the ten-day mandatory jail term under this division unless, 1777  
subject to division (G)(3) of this section, it instead imposes a 1778  
sentence under that division consisting of both a jail term and a 1779  
term of house arrest with electronic monitoring, with continuous 1780  
alcohol monitoring, or with both electronic monitoring and 1781

continuous alcohol monitoring. The court may impose a jail term in 1782  
addition to the ten-day mandatory jail term. The cumulative jail 1783  
term imposed for the offense shall not exceed six months. 1784

In addition to the jail term or the term of house arrest with 1785  
electronic monitoring or continuous alcohol monitoring or both 1786  
types of monitoring and jail term, the court ~~may~~ shall require the 1787  
offender to attend a drivers' intervention program that is 1788  
certified pursuant to section 3793.10 of the Revised Code. If the 1789  
operator of the program determines that the offender is alcohol 1790  
dependent, the program shall notify the court, and, subject to 1791  
division (I) of this section, the court shall order the offender 1792  
to obtain treatment through an alcohol and drug addiction program 1793  
authorized by section 3793.02 of the Revised Code. 1794

(ii) If the sentence is being imposed for a violation of 1795  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1796  
section, except as otherwise provided in this division, a 1797  
mandatory jail term of twenty consecutive days. The court shall 1798  
impose the twenty-day mandatory jail term under this division 1799  
unless, subject to division (G)(3) of this section, it instead 1800  
imposes a sentence under that division consisting of both a jail 1801  
term and a term of house arrest with electronic monitoring, with 1802  
continuous alcohol monitoring, or with both electronic monitoring 1803  
and continuous alcohol monitoring. The court may impose a jail 1804  
term in addition to the twenty-day mandatory jail term. The 1805  
cumulative jail term imposed for the offense shall not exceed six 1806  
months. 1807

In addition to the jail term or the term of house arrest with 1808  
electronic monitoring or continuous alcohol monitoring or both 1809  
types of monitoring and jail term, the court ~~may~~ shall require the 1810  
offender to attend a driver's intervention program that is 1811  
certified pursuant to section 3793.10 of the Revised Code. If the 1812  
operator of the program determines that the offender is alcohol 1813

dependent, the program shall notify the court, and, subject to 1814  
division (I) of this section, the court shall order the offender 1815  
to obtain treatment through an alcohol and drug addiction program 1816  
authorized by section 3793.02 of the Revised Code. 1817

(iii) In all cases, notwithstanding the fines set forth in 1818  
Chapter 2929. of the Revised Code, a fine of not less than three 1819  
hundred fifty and not more than one thousand five hundred dollars; 1820

(iv) In all cases, a class four license suspension of the 1821  
offender's driver's license, commercial driver's license, 1822  
temporary instruction permit, probationary license, or nonresident 1823  
operating privilege from the range specified in division (A)(4) of 1824  
section 4510.02 of the Revised Code. The court may grant limited 1825  
driving privileges relative to the suspension under sections 1826  
4510.021 and 4510.13 of the Revised Code. 1827

(v) In all cases, if the vehicle is registered in the 1828  
offender's name, immobilization of the vehicle involved in the 1829  
offense for ~~ninety days~~ one year in accordance with section 1830  
4503.233 of the Revised Code and impoundment of the license plates 1831  
of that vehicle for ~~ninety days~~ one year. In addition, 1832  
irrespective of whether the vehicle involved in the offense is 1833  
registered in the offender's name, the court shall order the 1834  
immobilization for one year of all motor vehicles owned by or 1835  
registered in the name of the offender and the impoundment for one 1836  
year of the license plates of all such vehicles. 1837

(vi) In all cases, a requirement that the offender wear a 1838  
monitor that provides continuous alcohol monitoring that is 1839  
remote. The court shall require the offender to wear the monitor 1840  
until the conclusion of all community control sanctions imposed 1841  
upon the offender. The offender shall pay all costs associated 1842  
with the monitor, including the cost of remote monitoring. 1843

(c) Except as otherwise provided in division (G)(1)(e) of 1844

this section, an offender who, within six years of the offense, 1845  
previously has been convicted of or pleaded guilty to two 1846  
violations of division (A) or (B) of this section or other 1847  
equivalent offenses is guilty of a misdemeanor. The court shall 1848  
sentence the offender to all of the following: 1849

(i) If the sentence is being imposed for a violation of 1850  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1851  
mandatory jail term of thirty consecutive days. The court shall 1852  
impose the thirty-day mandatory jail term under this division 1853  
unless, subject to division (G)(3) of this section, it instead 1854  
imposes a sentence under that division consisting of both a jail 1855  
term and a term of house arrest with electronic monitoring, with 1856  
continuous alcohol monitoring, or with both electronic monitoring 1857  
and continuous alcohol monitoring. The court may impose a jail 1858  
term in addition to the thirty-day mandatory jail term. 1859  
Notwithstanding the jail terms set forth in sections 2929.21 to 1860  
2929.28 of the Revised Code, the additional jail term shall not 1861  
exceed one year, and the cumulative jail term imposed for the 1862  
offense shall not exceed one year. 1863

(ii) If the sentence is being imposed for a violation of 1864  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1865  
section, a mandatory jail term of sixty consecutive days. The 1866  
court shall impose the sixty-day mandatory jail term under this 1867  
division unless, subject to division (G)(3) of this section, it 1868  
instead imposes a sentence under that division consisting of both 1869  
a jail term and a term of house arrest with electronic monitoring, 1870  
with continuous alcohol monitoring, or with both electronic 1871  
monitoring and continuous alcohol monitoring. The court may impose 1872  
a jail term in addition to the sixty-day mandatory jail term. 1873  
Notwithstanding the jail terms set forth in sections 2929.21 to 1874  
2929.28 of the Revised Code, the additional jail term shall not 1875  
exceed one year, and the cumulative jail term imposed for the 1876

offense shall not exceed one year. 1877

(iii) In all cases, notwithstanding the fines set forth in 1878  
Chapter 2929. of the Revised Code, a fine of not less than five 1879  
hundred fifty and not more than two thousand five hundred dollars; 1880

(iv) In all cases, a class three license suspension of the 1881  
offender's driver's license, commercial driver's license, 1882  
temporary instruction permit, probationary license, or nonresident 1883  
operating privilege from the range specified in division (A)(3) of 1884  
section 4510.02 of the Revised Code. The court may grant limited 1885  
driving privileges relative to the suspension under sections 1886  
4510.021 and 4510.13 of the Revised Code. 1887

(v) In all cases, if the vehicle is registered in the 1888  
offender's name, criminal forfeiture of the vehicle involved in 1889  
the offense in accordance with section 4503.234 of the Revised 1890  
Code. Division (G)(6) of this section applies regarding any 1891  
vehicle that is subject to an order of criminal forfeiture under 1892  
this division. In addition, the court shall order the 1893  
immobilization for one year of all other motor vehicles owned by 1894  
or registered in the name of the offender and the impoundment for 1895  
one year of the license plates of all such vehicles. 1896

If the vehicle involved in the offense is not registered in 1897  
the offender's name, the court shall order the immobilization for 1898  
one year of all motor vehicles owned by or registered in the name 1899  
of the offender and the impoundment for one year of the license 1900  
plates of all such vehicles. 1901

(vi) In all cases, participation in an alcohol and drug 1902  
addiction program authorized by section 3793.02 of the Revised 1903  
Code, subject to division (I) of this section. The operator of the 1904  
program shall determine and assess the degree of the offender's 1905  
alcohol dependency and use and shall treat the offender 1906  
accordingly. 1907

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

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

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of sixty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of that section if the offender is not convicted of and does not plead guilty to a specification of that type. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the sixty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of

section 2929.13 of the Revised Code, no prison term is authorized 1940  
for the offense. If the court imposes a mandatory prison term, 1941  
notwithstanding division (A)(4) of section 2929.14 of the Revised 1942  
Code, it also may sentence the offender to a definite prison term 1943  
that shall be not less than six months and not more than thirty 1944  
months and the prison terms shall be imposed as described in 1945  
division (G)(2) of section 2929.13 of the Revised Code. If the 1946  
court imposes a mandatory prison term or mandatory prison term and 1947  
additional prison term, in addition to the term or terms so 1948  
imposed, the court also may sentence the offender to a community 1949  
control sanction for the offense, but the offender shall serve all 1950  
of the prison terms so imposed prior to serving the community 1951  
control sanction. 1952

(ii) If the sentence is being imposed for a violation of 1953  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1954  
section, a mandatory prison term of one, two, three, four, or five 1955  
years as required by and in accordance with division (G)(2) of 1956  
section 2929.13 of the Revised Code if the offender also is 1957  
convicted of or also pleads guilty to a specification of the type 1958  
described in section 2941.1413 of the Revised Code or, in the 1959  
discretion of the court, either a mandatory term of local 1960  
incarceration of one hundred twenty consecutive days in accordance 1961  
with division (G)(1) of section 2929.13 of the Revised Code or a 1962  
mandatory prison term of one hundred twenty consecutive days in 1963  
accordance with division (G)(2) of that section if the offender is 1964  
not convicted of and does not plead guilty to a specification of 1965  
that type. If the court imposes a mandatory term of local 1966  
incarceration, it may impose a jail term in addition to the one 1967  
hundred twenty-day mandatory term, the cumulative total of the 1968  
mandatory term and the jail term for the offense shall not exceed 1969  
one year, and, except as provided in division (A)(1) of section 1970  
2929.13 of the Revised Code, no prison term is authorized for the 1971  
offense. If the court imposes a mandatory prison term, 1972

notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

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

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

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

If the vehicle involved in the offense is not registered in the offender's name, the court shall order the immobilization for



one year of all motor vehicles owned by or registered in the name 2005  
of the offender and the impoundment for one year of the license 2006  
plates of all such vehicles. 2007

(vi) In all cases, participation in an alcohol and drug 2008  
addiction program authorized by section 3793.02 of the Revised 2009  
Code, subject to division (I) of this section. The operator of the 2010  
program shall determine and assess the degree of the offender's 2011  
alcohol dependency and use and shall treat the offender 2012  
accordingly. 2013

(vii) In all cases, if the court sentences the offender to a 2014  
mandatory term of local incarceration, in addition to the 2015  
mandatory term, the court, pursuant to section 2929.17 of the 2016  
Revised Code, may impose a term of house arrest with electronic 2017  
monitoring. The term shall not commence until after the offender 2018  
has served the mandatory term of local incarceration. 2019

(viii) In all cases, a requirement that the offender wear a 2020  
monitor that provides continuous alcohol monitoring that is 2021  
remote. The court shall require the offender to wear the monitor 2022  
until the conclusion of all community control sanctions or 2023  
post-release controls imposed upon the offender. The offender 2024  
shall pay all costs associated with the monitor, including the 2025  
cost of remote monitoring. 2026

(e) An offender who previously has been convicted of or 2027  
pleaded guilty to a violation of division (A) of this section that 2028  
was a felony, regardless of when the violation and the conviction 2029  
or guilty plea occurred, is guilty of a felony of the third 2030  
degree. The court shall sentence the offender to all of the 2031  
following: 2032

(i) If the offender is being sentenced for a violation of 2033  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2034  
mandatory prison term of one, two, three, four, or five years as 2035

required by and in accordance with division (G)(2) of section 2036  
2929.13 of the Revised Code if the offender also is convicted of 2037  
or also pleads guilty to a specification of the type described in 2038  
section 2941.1413 of the Revised Code or a mandatory prison term 2039  
of sixty consecutive days in accordance with division (G)(2) of 2040  
section 2929.13 of the Revised Code if the offender is not 2041  
convicted of and does not plead guilty to a specification of that 2042  
type. The court may impose a prison term in addition to the 2043  
mandatory prison term. The cumulative total of a sixty-day 2044  
mandatory prison term and the additional prison term for the 2045  
offense shall not exceed five years. In addition to the mandatory 2046  
prison term or mandatory prison term and additional prison term 2047  
the court imposes, the court also may sentence the offender to a 2048  
community control sanction for the offense, but the offender shall 2049  
serve all of the prison terms so imposed prior to serving the 2050  
community control sanction. 2051

(ii) If the sentence is being imposed for a violation of 2052  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2053  
section, a mandatory prison term of one, two, three, four, or five 2054  
years as required by and in accordance with division (G)(2) of 2055  
section 2929.13 of the Revised Code if the offender also is 2056  
convicted of or also pleads guilty to a specification of the type 2057  
described in section 2941.1413 of the Revised Code or a mandatory 2058  
prison term of one hundred twenty consecutive days in accordance 2059  
with division (G)(2) of section 2929.13 of the Revised Code if the 2060  
offender is not convicted of and does not plead guilty to a 2061  
specification of that type. The court may impose a prison term in 2062  
addition to the mandatory prison term. The cumulative total of a 2063  
one hundred twenty-day mandatory prison term and the additional 2064  
prison term for the offense shall not exceed five years. In 2065  
addition to the mandatory prison term or mandatory prison term and 2066  
additional prison term the court imposes, the court also may 2067  
sentence the offender to a community control sanction for the 2068

offense, but the offender shall serve all of the prison terms so 2069  
imposed prior to serving the community control sanction. 2070

(iii) In all cases, notwithstanding section 2929.18 of the 2071  
Revised Code, a fine of not less than eight hundred nor more than 2072  
ten thousand dollars; 2073

(iv) In all cases, a class two license suspension of the 2074  
offender's driver's license, commercial driver's license, 2075  
temporary instruction permit, probationary license, or nonresident 2076  
operating privilege from the range specified in division (A)(2) of 2077  
section 4510.02 of the Revised Code. The court may grant limited 2078  
driving privileges relative to the suspension under sections 2079  
4510.021 and 4510.13 of the Revised Code. 2080

(v) In all cases, if the vehicle is registered in the 2081  
offender's name, criminal forfeiture of the vehicle involved in 2082  
the offense in accordance with section 4503.234 of the Revised 2083  
Code. Division (G)(6) of this section applies regarding any 2084  
vehicle that is subject to an order of criminal forfeiture under 2085  
this division. In addition, the court shall order the 2086  
immobilization for one year of all other motor vehicles owned by 2087  
or registered in the name of the offender and the impoundment for 2088  
one year of the license plates of all such vehicles. 2089

If the vehicle involved in the offense is not registered in 2090  
the offender's name, the court shall order the immobilization for 2091  
one year of all motor vehicles owned by or registered in the name 2092  
of the offender and the impoundment for one year of the license 2093  
plates of all such vehicles. 2094

(vi) In all cases, participation in an alcohol and drug 2095  
addiction program authorized by section 3793.02 of the Revised 2096  
Code, subject to division (I) of this section. The operator of the 2097  
program shall determine and assess the degree of the offender's 2098  
alcohol dependency and use and shall treat the offender 2099

accordingly. 2100

(vii) In all cases, a requirement that the offender wear a 2101  
monitor that provides continuous alcohol monitoring that is 2102  
remote. The court shall require the offender to wear the monitor 2103  
until the conclusion of all post-release controls imposed upon the 2104  
offender. The offender shall pay all costs associated with the 2105  
monitor, including the cost of remote monitoring. 2106

(2) An offender who is convicted of or pleads guilty to a 2107  
violation of division (A) of this section and who subsequently 2108  
seeks reinstatement of the driver's or occupational driver's 2109  
license or permit or nonresident operating privilege suspended 2110  
under this section as a result of the conviction or guilty plea 2111  
shall pay a reinstatement fee as provided in division (F)(2) of 2112  
section 4511.191 of the Revised Code. 2113

(3) If an offender is sentenced to a jail term under division 2114  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 2115  
if, within sixty days of sentencing of the offender, the court 2116  
issues a written finding on the record that, due to the 2117  
unavailability of space at the jail where the offender is required 2118  
to serve the term, the offender will not be able to begin serving 2119  
that term within the sixty-day period following the date of 2120  
sentencing, the court may impose an alternative sentence under 2121  
this division that includes a term of house arrest with electronic 2122  
monitoring, with continuous alcohol monitoring, or with both 2123  
electronic monitoring and continuous alcohol monitoring. 2124

As an alternative to a mandatory jail term of ten consecutive 2125  
days required by division (G)(1)(b)(i) of this section, the court, 2126  
under this division, may sentence the offender to five consecutive 2127  
days in jail and not less than eighteen consecutive days of house 2128  
arrest with electronic monitoring, with continuous alcohol 2129  
monitoring, or with both electronic monitoring and continuous 2130  
alcohol monitoring. The cumulative total of the five consecutive 2131

days in jail and the period of house arrest with electronic 2132  
monitoring, continuous alcohol monitoring, or both types of 2133  
monitoring shall not exceed six months. The five consecutive days 2134  
in jail do not have to be served prior to or consecutively to the 2135  
period of house arrest. 2136

As an alternative to the mandatory jail term of twenty 2137  
consecutive days required by division (G)(1)(b)(ii) of this 2138  
section, the court, under this division, may sentence the offender 2139  
to ten consecutive days in jail and not less than thirty-six 2140  
consecutive days of house arrest with electronic monitoring, with 2141  
continuous alcohol monitoring, or with both electronic monitoring 2142  
and continuous alcohol monitoring. The cumulative total of the ten 2143  
consecutive days in jail and the period of house arrest with 2144  
electronic monitoring, continuous alcohol monitoring, or both 2145  
types of monitoring shall not exceed six months. The ten 2146  
consecutive days in jail do not have to be served prior to or 2147  
consecutively to the period of house arrest. 2148

As an alternative to a mandatory jail term of thirty 2149  
consecutive days required by division (G)(1)(c)(i) of this 2150  
section, the court, under this division, may sentence the offender 2151  
to fifteen consecutive days in jail and not less than fifty-five 2152  
consecutive days of house arrest with electronic monitoring, with 2153  
continuous alcohol monitoring, or with both electronic monitoring 2154  
and continuous alcohol monitoring. The cumulative total of the 2155  
fifteen consecutive days in jail and the period of house arrest 2156  
with electronic monitoring, continuous alcohol monitoring, or both 2157  
types of monitoring shall not exceed one year. The fifteen 2158  
consecutive days in jail do not have to be served prior to or 2159  
consecutively to the period of house arrest. 2160

As an alternative to the mandatory jail term of sixty 2161  
consecutive days required by division (G)(1)(c)(ii) of this 2162  
section, the court, under this division, may sentence the offender 2163

to thirty consecutive days in jail and not less than one hundred 2164  
ten consecutive days of house arrest with electronic monitoring, 2165  
with continuous alcohol monitoring, or with both electronic 2166  
monitoring and continuous alcohol monitoring. The cumulative total 2167  
of the thirty consecutive days in jail and the period of house 2168  
arrest with electronic monitoring, continuous alcohol monitoring, 2169  
or both types of monitoring shall not exceed one year. The thirty 2170  
consecutive days in jail do not have to be served prior to or 2171  
consecutively to the period of house arrest. 2172

(4) If an offender's driver's or occupational driver's 2173  
license or permit or nonresident operating privilege is suspended 2174  
under division (G) of this section and if section 4510.13 of the 2175  
Revised Code permits the court to grant limited driving 2176  
privileges, the court may grant the limited driving privileges in 2177  
accordance with that section. If division (A)(7) of that section 2178  
requires that the court impose as a condition of the privileges 2179  
that the offender must display on the vehicle that is driven 2180  
subject to the privileges restricted license plates that are 2181  
issued under section 4503.231 of the Revised Code, except as 2182  
provided in division (B) of that section, the court shall impose 2183  
that condition as one of the conditions of the limited driving 2184  
privileges granted to the offender, except as provided in division 2185  
(B) of section 4503.231 of the Revised Code. 2186

(5) Fines imposed under this section for a violation of 2187  
division (A) of this section shall be distributed as follows: 2188

(a) Twenty-five dollars of the fine imposed under division 2189  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 2190  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 2191  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 2192  
dollars of the fine imposed under division (G)(1)(d)(iii) or 2193  
(e)(iii) of this section shall be paid to an enforcement and 2194  
education fund established by the legislative authority of the law 2195

enforcement agency in this state that primarily was responsible 2196  
for the arrest of the offender, as determined by the court that 2197  
imposes the fine. The agency shall use this share to pay only 2198  
those costs it incurs in enforcing this section or a municipal OVI 2199  
ordinance and in informing the public of the laws governing the 2200  
operation of a vehicle while under the influence of alcohol, the 2201  
dangers of the operation of a vehicle under the influence of 2202  
alcohol, and other information relating to the operation of a 2203  
vehicle under the influence of alcohol and the consumption of 2204  
alcoholic beverages. 2205

(b) Fifty dollars of the fine imposed under division 2206  
(G)(1)(a)(iii) of this section shall be paid to the political 2207  
subdivision that pays the cost of housing the offender during the 2208  
offender's term of incarceration. If the offender is being 2209  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 2210  
(e), or (j) of this section and was confined as a result of the 2211  
offense prior to being sentenced for the offense but is not 2212  
sentenced to a term of incarceration, the fifty dollars shall be 2213  
paid to the political subdivision that paid the cost of housing 2214  
the offender during that period of confinement. The political 2215  
subdivision shall use the share under this division to pay or 2216  
reimburse incarceration or treatment costs it incurs in housing or 2217  
providing drug and alcohol treatment to persons who violate this 2218  
section or a municipal OVI ordinance, costs of any immobilizing or 2219  
disabling device used on the offender's vehicle, and costs of 2220  
electronic house arrest equipment needed for persons who violate 2221  
this section. 2222

(c) Twenty-five dollars of the fine imposed under division 2223  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 2224  
division (G)(1)(b)(iii) of this section shall be deposited into 2225  
the county or municipal indigent drivers' alcohol treatment fund 2226  
under the control of that court, as created by the county or 2227

municipal corporation under division (N) of section 4511.191 of 2228  
the Revised Code. 2229

(d) One hundred fifteen dollars of the fine imposed under 2230  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 2231  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 2232  
dollars of the fine imposed under division (G)(1)(d)(iii) or 2233  
(e)(iii) of this section shall be paid to the political 2234  
subdivision that pays the cost of housing the offender during the 2235  
offender's term of incarceration. The political subdivision shall 2236  
use this share to pay or reimburse incarceration or treatment 2237  
costs it incurs in housing or providing drug and alcohol treatment 2238  
to persons who violate this section or a municipal OVI ordinance, 2239  
costs for any immobilizing or disabling device used on the 2240  
offender's vehicle, and costs of electronic house arrest equipment 2241  
needed for persons who violate this section. 2242

(e) The balance of the fine imposed under division 2243  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 2244  
section shall be disbursed as otherwise provided by law. 2245

(6) If title to a motor vehicle that is subject to an order 2246  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 2247  
this section is assigned or transferred and division (B)(2) or (3) 2248  
of section 4503.234 of the Revised Code applies, in addition to or 2249  
independent of any other penalty established by law, the court may 2250  
fine the offender the value of the vehicle as determined by 2251  
publications of the national auto dealers association. The 2252  
proceeds of any fine so imposed shall be distributed in accordance 2253  
with division (C)(2) of that section. 2254

(7) As used in division (G) of this section, "electronic 2255  
monitoring," "mandatory prison term," and "mandatory term of local 2256  
incarceration" have the same meanings as in section 2929.01 of the 2257  
Revised Code. 2258



(H) Whoever violates division (B) of this section is guilty 2259  
of operating a vehicle after underage alcohol consumption and 2260  
shall be punished as follows: 2261

(1) Except as otherwise provided in division (H)(2) of this 2262  
section, the offender is guilty of a misdemeanor of the fourth 2263  
degree. In addition to any other sanction imposed for the offense, 2264  
the court shall impose a class six suspension of the offender's 2265  
driver's license, commercial driver's license, temporary 2266  
instruction permit, probationary license, or nonresident operating 2267  
privilege from the range specified in division (A)(6) of section 2268  
4510.02 of the Revised Code. 2269

(2) If, within one year of the offense, the offender 2270  
previously has been convicted of or pleaded guilty to one or more 2271  
violations of division (A) or (B) of this section or other 2272  
equivalent offenses, the offender is guilty of a misdemeanor of 2273  
the third degree. In addition to any other sanction imposed for 2274  
the offense, the court shall impose a class four suspension of the 2275  
offender's driver's license, commercial driver's license, 2276  
temporary instruction permit, probationary license, or nonresident 2277  
operating privilege from the range specified in division (A)(4) of 2278  
section 4510.02 of the Revised Code. 2279

(3) If the offender also is convicted of or also pleads 2280  
guilty to a specification of the type described in section 2281  
2941.1416 of the Revised Code and if the court imposes a jail term 2282  
for the violation of division (B) of this section, the court shall 2283  
impose upon the offender an additional definite jail term pursuant 2284  
to division (E) of section 2929.24 of the Revised Code. 2285

(I)(1) No court shall sentence an offender to an alcohol 2286  
treatment program under this section unless the treatment program 2287  
complies with the minimum standards for alcohol treatment programs 2288  
adopted under Chapter 3793. of the Revised Code by the director of 2289  
alcohol and drug addiction services. 2290

(2) An offender who stays in a drivers' intervention program 2291  
or in an alcohol treatment program under an order issued under 2292  
this section shall pay the cost of the stay in the program. 2293  
However, if the court determines that an offender who stays in an 2294  
alcohol treatment program under an order issued under this section 2295  
is unable to pay the cost of the stay in the program, the court 2296  
may order that the cost be paid from the court's indigent drivers' 2297  
alcohol treatment fund. 2298

(J) If a person whose driver's or commercial driver's license 2299  
or permit or nonresident operating privilege is suspended under 2300  
this section files an appeal regarding any aspect of the person's 2301  
trial or sentence, the appeal itself does not stay the operation 2302  
of the suspension. 2303

(K) Division (A)(1)(j) of this section does not apply to a 2304  
person who operates a vehicle, streetcar, or trackless trolley 2305  
while the person has a concentration of a listed controlled 2306  
substance or a listed metabolite of a controlled substance in the 2307  
person's whole blood, blood serum or plasma, or urine that equals 2308  
or exceeds the amount specified in that division, if both of the 2309  
following apply: 2310

(1) The person obtained the controlled substance pursuant to 2311  
a prescription issued by a licensed health professional authorized 2312  
to prescribe drugs. 2313

(2) The person injected, ingested, or inhaled the controlled 2314  
substance in accordance with the health professional's directions. 2315

(L) The prohibited concentrations of a controlled substance 2316  
or a metabolite of a controlled substance listed in division 2317  
(A)(1)(j) of this section also apply in a prosecution of a 2318  
violation of division (D) of section 2923.16 of the Revised Code 2319  
in the same manner as if the offender is being prosecuted for a 2320  
prohibited concentration of alcohol. 2321

(M) All terms defined in section 4510.01 of the Revised Code 2322  
apply to this section. If the meaning of a term defined in section 2323  
4510.01 of the Revised Code conflicts with the meaning of the same 2324  
term as defined in section 4501.01 or 4511.01 of the Revised Code, 2325  
the term as defined in section 4510.01 of the Revised Code applies 2326  
to this section. 2327

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 2328  
as adopted by the supreme court under authority of section 2937.46 2329  
of the Revised Code, do not apply to felony violations of this 2330  
section. Subject to division (N)(2) of this section, the Rules of 2331  
Criminal Procedure apply to felony violations of this section. 2332

(2) If, on or after January 1, 2004, the supreme court 2333  
modifies the Ohio Traffic Rules to provide procedures to govern 2334  
felony violations of this section, the modified rules shall apply 2335  
to felony violations of this section. 2336

**Sec. 4511.191.** (A)(1) "Physical control" has the same meaning 2337  
as in section 4511.194 of the Revised Code. 2338

(2) Any person who operates a vehicle, streetcar, or 2339  
trackless trolley upon a highway or any public or private property 2340  
used by the public for vehicular travel or parking within this 2341  
state or who is in physical control of a vehicle, streetcar, or 2342  
trackless trolley shall be deemed to have given consent to a 2343  
chemical test or tests of the person's whole blood, blood serum or 2344  
plasma, breath, or urine to determine the alcohol, drug of abuse, 2345  
controlled substance, metabolite of a controlled substance, or 2346  
combination content of the person's whole blood, blood serum or 2347  
plasma, breath, or urine if arrested for a violation of division 2348  
(A) or (B) of section 4511.19 of the Revised Code, section 2349  
4511.194 of the Revised Code or a substantially equivalent 2350  
municipal ordinance, or a municipal OVI ordinance. 2351

(3) The chemical test or tests under division (A)(2) of this 2352

section shall be administered at the request of a law enforcement 2353  
officer having reasonable grounds to believe the person was 2354  
operating or in physical control of a vehicle, streetcar, or 2355  
trackless trolley in violation of a division, section, or 2356  
ordinance identified in division (A)(2) of this section. The law 2357  
enforcement agency by which the officer is employed shall 2358  
designate which of the tests shall be administered. 2359

(4) Any person who is dead or unconscious, or who otherwise 2360  
is in a condition rendering the person incapable of refusal, shall 2361  
be deemed to have consented as provided in division (A)(2) of this 2362  
section, and the test or tests may be administered, subject to 2363  
sections 313.12 to 313.16 of the Revised Code. 2364

(5)(a) If a law enforcement officer arrests a person for a 2365  
violation of division (A) or (B) of section 4511.19 of the Revised 2366  
Code, section 4511.194 of the Revised Code or a substantially 2367  
equivalent municipal ordinance, or a municipal OVI ordinance and 2368  
if the person previously has been convicted of or pleaded guilty 2369  
to two or more violations of division (A) or (B) of section 2370  
4511.19 of the Revised Code or other equivalent offenses, the law 2371  
enforcement officer shall request the person to submit, and the 2372  
person shall submit, to a chemical test or tests of the person's 2373  
whole blood, blood serum or plasma, breath, or urine for the 2374  
purpose of determining the alcohol, drug of abuse, controlled 2375  
substance, metabolite of a controlled substance, or combination 2376  
content of the person's whole blood, blood serum or plasma, 2377  
breath, or urine. A law enforcement officer who makes a request 2378  
pursuant to this division that a person submit to a chemical test 2379  
or tests is not required to advise the person of the consequences 2380  
of submitting to, or refusing to submit to, the test or tests and 2381  
is not required to give the person the form described in division 2382  
(B) of section 4511.192 of the Revised Code, but the officer shall 2383  
advise the person at the time of the arrest that the person may 2384

have an independent chemical test taken at the person's own 2385  
expense. Divisions (A)(3) and (4) of this section apply to the 2386  
administration of a chemical test or tests pursuant to this 2387  
division. 2388

(b) If a person refuses to submit to a chemical test upon a 2389  
request made pursuant to division (A)(5)(a) of this section, the 2390  
law enforcement officer who made the request may employ whatever 2391  
reasonable means are necessary to ensure that the person submits 2392  
to a chemical test of the person's whole blood or blood serum or 2393  
plasma. A law enforcement officer who acts pursuant to this 2394  
division to ensure that a person submits to a chemical test of the 2395  
person's whole blood or blood serum or plasma is immune from 2396  
criminal and civil liability based upon a claim for assault and 2397  
battery or any other claim for the acts, unless the officer so 2398  
acted with malicious purpose, in bad faith, or in a wanton or 2399  
reckless manner. 2400

(B)(1) Upon receipt of the sworn report of a law enforcement 2401  
officer who arrested a person for a violation of division (A) or 2402  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 2403  
the Revised Code or a substantially equivalent municipal 2404  
ordinance, or a municipal OVI ordinance that was completed and 2405  
sent to the registrar and a court pursuant to section 4511.192 of 2406  
the Revised Code in regard to a person who refused to take the 2407  
designated chemical test, the registrar shall enter into the 2408  
registrar's records the fact that the person's driver's or 2409  
commercial driver's license or permit or nonresident operating 2410  
privilege was suspended by the arresting officer under this 2411  
division and that section and the period of the suspension, as 2412  
determined under this section. The suspension shall be subject to 2413  
appeal as provided in section 4511.197 of the Revised Code. The 2414  
suspension shall be for whichever of the following periods 2415  
applies: 2416

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

(d) 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 three or more previous requests to consent to a chemical test, had been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number

of previous requests to consent to a chemical test and also had 2449  
been convicted of or pleaded guilty to a number of violations of 2450  
division (A) or (B) of section 4511.19 of the Revised Code or 2451  
other equivalent offenses that cumulatively total three or more 2452  
such refusals, convictions, and guilty pleas, each of which 2453  
violations or offenses arose from an incident other than the 2454  
incident that led to any of the refusals, the suspension shall be 2455  
for five years. 2456

(2) The registrar shall terminate a suspension of the 2457  
driver's or commercial driver's license or permit of a resident or 2458  
of the operating privilege of a nonresident, or a denial of a 2459  
driver's or commercial driver's license or permit, imposed 2460  
pursuant to division (B)(1) of this section upon receipt of notice 2461  
that the person has entered a plea of guilty to, or that the 2462  
person has been convicted after entering a plea of no contest to, 2463  
operating a vehicle in violation of section 4511.19 of the Revised 2464  
Code or in violation of a municipal OVI ordinance, if the offense 2465  
for which the conviction is had or the plea is entered arose from 2466  
the same incident that led to the suspension or denial. 2467

The registrar shall credit against any judicial suspension of 2468  
a person's driver's or commercial driver's license or permit or 2469  
nonresident operating privilege imposed pursuant to section 2470  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 2471  
Revised Code for a violation of a municipal OVI ordinance, any 2472  
time during which the person serves a related suspension imposed 2473  
pursuant to division (B)(1) of this section. 2474

(C)(1) Upon receipt of the sworn report of the law 2475  
enforcement officer who arrested a person for a violation of 2476  
division (A) or (B) of section 4511.19 of the Revised Code or a 2477  
municipal OVI ordinance that was completed and sent to the 2478  
registrar and a court pursuant to section 4511.192 of the Revised 2479  
Code in regard to a person whose test results indicate that the 2480

person's whole blood, blood serum or plasma, breath, or urine 2481  
contained at least the concentration of alcohol specified in 2482  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 2483  
Revised Code or at least the concentration of a listed controlled 2484  
substance or a listed metabolite of a controlled substance 2485  
specified in division (A)(1)(j) of section 4511.19 of the Revised 2486  
Code, the registrar shall enter into the registrar's records the 2487  
fact that the person's driver's or commercial driver's license or 2488  
permit or nonresident operating privilege was suspended by the 2489  
arresting officer under this division and section 4511.192 of the 2490  
Revised Code and the period of the suspension, as determined under 2491  
divisions ~~(F)~~(C)(1)(a) to ~~(4)~~(d) of this section. The suspension 2492  
shall be subject to appeal as provided in section 4511.197 of the 2493  
Revised Code. The suspension described in this division does not 2494  
apply to, and shall not be imposed upon, a person arrested for a 2495  
violation of section 4511.194 of the Revised Code or a 2496  
substantially equivalent municipal ordinance who submits to a 2497  
designated chemical test. The suspension shall be for whichever of 2498  
the following periods applies: 2499

(a) Except when division (C)(1)(b), (c), or (d) of this 2500  
section applies and specifies a different period, the suspension 2501  
shall be a class E suspension imposed for the period of time 2502  
specified in division (B)(5) of section 4510.02 of the Revised 2503  
Code. 2504

(b) The suspension shall be a class C suspension for the 2505  
period of time specified in division (B)(3) of section 4510.02 of 2506  
the Revised Code if the person has been convicted of or pleaded 2507  
guilty to, within six years of the date the test was conducted, 2508  
one violation of division (A) or (B) of section 4511.19 of the 2509  
Revised Code or one other equivalent offense. 2510

(c) If, within six years of the date the test was conducted, 2511  
the person has been convicted of or pleaded guilty to two 2512



violations of a statute or ordinance described in division 2513  
(C)(1)(b) of this section, the suspension shall be a class B 2514  
suspension imposed for the period of time specified in division 2515  
(B)(2) of section 4510.02 of the Revised Code. 2516

(d) If, within six years of the date the test was conducted, 2517  
the person has been convicted of or pleaded guilty to more than 2518  
two violations of a statute or ordinance described in division 2519  
(C)(1)(b) of this section, the suspension shall be a class A 2520  
suspension imposed for the period of time specified in division 2521  
(B)(1) of section 4510.02 of the Revised Code. 2522

(2) The registrar shall terminate a suspension of the 2523  
driver's or commercial driver's license or permit of a resident or 2524  
of the operating privilege of a nonresident, or a denial of a 2525  
driver's or commercial driver's license or permit, imposed 2526  
pursuant to division (C)(1) of this section upon receipt of notice 2527  
that the person has entered a plea of guilty to, or that the 2528  
person has been convicted after entering a plea of no contest to, 2529  
operating a vehicle in violation of section 4511.19 of the Revised 2530  
Code or in violation of a municipal OVI ordinance, if the offense 2531  
for which the conviction is had or the plea is entered arose from 2532  
the same incident that led to the suspension or denial. 2533

The registrar shall credit against any judicial suspension of 2534  
a person's driver's or commercial driver's license or permit or 2535  
nonresident operating privilege imposed pursuant to section 2536  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 2537  
Revised Code for a violation of a municipal OVI ordinance, any 2538  
time during which the person serves a related suspension imposed 2539  
pursuant to division (C)(1) of this section. 2540

(D)(1) A suspension of a person's driver's or commercial 2541  
driver's license or permit or nonresident operating privilege 2542  
under this section for the time described in division (B) or (C) 2543  
of this section is effective immediately from the time at which 2544

the arresting officer serves the notice of suspension upon the 2545  
arrested person. Any subsequent finding that the person is not 2546  
guilty of the charge that resulted in the person being requested 2547  
to take the chemical test or tests under division (A) of this 2548  
section does not affect the suspension. 2549

(2) If a person is arrested for operating a vehicle, 2550  
streetcar, or trackless trolley in violation of division (A) or 2551  
(B) of section 4511.19 of the Revised Code or a municipal OVI 2552  
ordinance, or for being in physical control of a vehicle, 2553  
streetcar, or trackless trolley in violation of section 4511.194 2554  
of the Revised Code or a substantially equivalent municipal 2555  
ordinance, regardless of whether the person's driver's or 2556  
commercial driver's license or permit or nonresident operating 2557  
privilege is or is not suspended under division (B) or (C) of this 2558  
section or Chapter 4510. of the Revised Code, the person's initial 2559  
appearance on the charge resulting from the arrest shall be held 2560  
within five days of the person's arrest or the issuance of the 2561  
citation to the person, subject to any continuance granted by the 2562  
court pursuant to section 4511.197 of the Revised Code regarding 2563  
the issues specified in that division. 2564

(E) When it finally has been determined under the procedures 2565  
of this section and sections 4511.192 to 4511.197 of the Revised 2566  
Code that a nonresident's privilege to operate a vehicle within 2567  
this state has been suspended, the registrar shall give 2568  
information in writing of the action taken to the motor vehicle 2569  
administrator of the state of the person's residence and of any 2570  
state in which the person has a license. 2571

(F) At the end of a suspension period under this section, 2572  
under section 4511.194, section 4511.196, or division (G) of 2573  
section 4511.19 of the Revised Code, or under section 4510.07 of 2574  
the Revised Code for a violation of a municipal OVI ordinance and 2575  
upon the request of the person whose driver's or commercial 2576

driver's license or permit was suspended and who is not otherwise 2577  
subject to suspension, cancellation, or disqualification, the 2578  
registrar shall return the driver's or commercial driver's license 2579  
or permit to the person upon the occurrence of all of the 2580  
conditions specified in divisions (F)(1) and (2) of this section: 2581

(1) A showing that the person has proof of financial 2582  
responsibility, a policy of liability insurance in effect that 2583  
meets the minimum standards set forth in section 4509.51 of the 2584  
Revised Code, or proof, to the satisfaction of the registrar, that 2585  
the person is able to respond in damages in an amount at least 2586  
equal to the minimum amounts specified in section 4509.51 of the 2587  
Revised Code. 2588

(2) Subject to the limitation contained in division (F)(3) of 2589  
this section, payment by the person to the bureau of motor 2590  
vehicles of a license reinstatement fee of four hundred 2591  
twenty-five dollars, which fee shall be deposited in the state 2592  
treasury and credited as follows: 2593

(a) One hundred twelve dollars and fifty cents shall be 2594  
credited to the statewide treatment and prevention fund created by 2595  
section 4301.30 of the Revised Code. The fund shall be used to pay 2596  
the costs of driver treatment and intervention programs operated 2597  
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 2598  
director of alcohol and drug addiction services shall determine 2599  
the share of the fund that is to be allocated to alcohol and drug 2600  
addiction programs authorized by section 3793.02 of the Revised 2601  
Code, and the share of the fund that is to be allocated to 2602  
drivers' intervention programs authorized by section 3793.10 of 2603  
the Revised Code. 2604

(b) Seventy-five dollars shall be credited to the reparations 2605  
fund created by section 2743.191 of the Revised Code. 2606

(c) Thirty-seven dollars and fifty cents shall be credited to 2607

the indigent drivers alcohol treatment fund, which is hereby 2608  
established. Except as otherwise provided in division (F)(2)(c) of 2609  
this section, moneys in the fund shall be distributed by the 2610  
department of alcohol and drug addiction services to the county 2611  
indigent drivers alcohol treatment funds, the county juvenile 2612  
indigent drivers alcohol treatment funds, and the municipal 2613  
indigent drivers alcohol treatment funds that are required to be 2614  
established by counties and municipal corporations pursuant to 2615  
this section, and shall be used only to pay the cost of an alcohol 2616  
and drug addiction treatment program attended by an offender or 2617  
juvenile traffic offender who is ordered to attend an alcohol and 2618  
drug addiction treatment program by a county, juvenile, or 2619  
municipal court judge and who is determined by the county, 2620  
juvenile, or municipal court judge not to have the means to pay 2621  
for the person's attendance at the program or to pay the costs 2622  
specified in division (H)(4) of this section in accordance with 2623  
that division. In addition, a county, juvenile, or municipal court 2624  
judge may use moneys in the county indigent drivers alcohol 2625  
treatment fund, county juvenile indigent drivers alcohol treatment 2626  
fund, or municipal indigent drivers alcohol treatment fund to pay 2627  
for the cost of the continued use of an electronic continuous 2628  
alcohol monitoring device as described in divisions (H)(3) and (4) 2629  
of this section. Moneys in the fund that are not distributed to a 2630  
county indigent drivers alcohol treatment fund, a county juvenile 2631  
indigent drivers alcohol treatment fund, or a municipal indigent 2632  
drivers alcohol treatment fund under division (H) of this section 2633  
because the director of alcohol and drug addiction services does 2634  
not have the information necessary to identify the county or 2635  
municipal corporation where the offender or juvenile offender was 2636  
arrested may be transferred by the director of budget and 2637  
management to the statewide treatment and prevention fund created 2638  
by section 4301.30 of the Revised Code, upon certification of the 2639  
amount by the director of alcohol and drug addiction services. 2640

(d) Seventy-five dollars shall be credited to the Ohio 2641  
rehabilitation services commission established by section 3304.12 2642  
of the Revised Code, to the services for rehabilitation fund, 2643  
which is hereby established. The fund shall be used to match 2644  
available federal matching funds where appropriate, and for any 2645  
other purpose or program of the commission to rehabilitate people 2646  
with disabilities to help them become employed and independent. 2647

(e) Seventy-five dollars shall be deposited into the state 2648  
treasury and credited to the drug abuse resistance education 2649  
programs fund, which is hereby established, to be used by the 2650  
attorney general for the purposes specified in division (F)(4) of 2651  
this section. 2652

(f) Thirty dollars shall be credited to the state bureau of 2653  
motor vehicles fund created by section 4501.25 of the Revised 2654  
Code. 2655

(g) Twenty dollars shall be credited to the trauma and 2656  
emergency medical services grants fund created by section 4513.263 2657  
of the Revised Code. 2658

(3) If a person's driver's or commercial driver's license or 2659  
permit is suspended under this section, under section 4511.196 or 2660  
division (G) of section 4511.19 of the Revised Code, under section 2661  
4510.07 of the Revised Code for a violation of a municipal OVI 2662  
ordinance or under any combination of the suspensions described in 2663  
division (F)(3) of this section, and if the suspensions arise from 2664  
a single incident or a single set of facts and circumstances, the 2665  
person is liable for payment of, and shall be required to pay to 2666  
the bureau, only one reinstatement fee of four hundred twenty-five 2667  
dollars. The reinstatement fee shall be distributed by the bureau 2668  
in accordance with division (F)(2) of this section. 2669

(4) The attorney general shall use amounts in the drug abuse 2670  
resistance education programs fund to award grants to law 2671

enforcement agencies to establish and implement drug abuse 2672  
resistance education programs in public schools. Grants awarded to 2673  
a law enforcement agency under this section shall be used by the 2674  
agency to pay for not more than fifty per cent of the amount of 2675  
the salaries of law enforcement officers who conduct drug abuse 2676  
resistance education programs in public schools. The attorney 2677  
general shall not use more than six per cent of the amounts the 2678  
attorney general's office receives under division (F)(2)(e) of 2679  
this section to pay the costs it incurs in administering the grant 2680  
program established by division (F)(2)(e) of this section and in 2681  
providing training and materials relating to drug abuse resistance 2682  
education programs. 2683

The attorney general shall report to the governor and the 2684  
general assembly each fiscal year on the progress made in 2685  
establishing and implementing drug abuse resistance education 2686  
programs. These reports shall include an evaluation of the 2687  
effectiveness of these programs. 2688

(G) Suspension of a commercial driver's license under 2689  
division (B) or (C) of this section shall be concurrent with any 2690  
period of disqualification under section 3123.611 or 4506.16 of 2691  
the Revised Code or any period of suspension under section 3123.58 2692  
of the Revised Code. No person who is disqualified for life from 2693  
holding a commercial driver's license under section 4506.16 of the 2694  
Revised Code shall be issued a driver's license under Chapter 2695  
4507. of the Revised Code during the period for which the 2696  
commercial driver's license was suspended under division (B) or 2697  
(C) of this section. No person whose commercial driver's license 2698  
is suspended under division (B) or (C) of this section shall be 2699  
issued a driver's license under Chapter 4507. of the Revised Code 2700  
during the period of the suspension. 2701

(H)(1) Each county shall establish an indigent drivers 2702  
alcohol treatment fund, each county shall establish a juvenile 2703

indigent drivers alcohol treatment fund, and each municipal 2704  
corporation in which there is a municipal court shall establish an 2705  
indigent drivers alcohol treatment fund. All revenue that the 2706  
general assembly appropriates to the indigent drivers alcohol 2707  
treatment fund for transfer to a county indigent drivers alcohol 2708  
treatment fund, a county juvenile indigent drivers alcohol 2709  
treatment fund, or a municipal indigent drivers alcohol treatment 2710  
fund, all portions of fees that are paid under division (F) of 2711  
this section and that are credited under that division to the 2712  
indigent drivers alcohol treatment fund in the state treasury for 2713  
a county indigent drivers alcohol treatment fund, a county 2714  
juvenile indigent drivers alcohol treatment fund, or a municipal 2715  
indigent drivers alcohol treatment fund, and all portions of fines 2716  
that are specified for deposit into a county or municipal indigent 2717  
drivers alcohol treatment fund by section 4511.193 of the Revised 2718  
Code shall be deposited into that county indigent drivers alcohol 2719  
treatment fund, county juvenile indigent drivers alcohol treatment 2720  
fund, or municipal indigent drivers alcohol treatment fund in 2721  
accordance with division (H)(2) of this section. Additionally, all 2722  
portions of fines that are paid for a violation of section 4511.19 2723  
of the Revised Code or of any prohibition contained in Chapter 2724  
4510. of the Revised Code, and that are required under section 2725  
4511.19 or any provision of Chapter 4510. of the Revised Code to 2726  
be deposited into a county indigent drivers alcohol treatment fund 2727  
or municipal indigent drivers alcohol treatment fund shall be 2728  
deposited into the appropriate fund in accordance with the 2729  
applicable division. 2730

(2) That portion of the license reinstatement fee that is 2731  
paid under division (F) of this section and that is credited under 2732  
that division to the indigent drivers alcohol treatment fund shall 2733  
be deposited into a county indigent drivers alcohol treatment 2734  
fund, a county juvenile indigent drivers alcohol treatment fund, 2735  
or a municipal indigent drivers alcohol treatment fund as follows: 2736

(a) If the suspension in question was imposed under this section, that portion of the fee shall be deposited as follows:	2737 2738
(i) If the fee is paid by a person who was charged in a county court with the violation that resulted in the suspension, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;	2739 2740 2741 2742
(ii) If the fee is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension, the portion shall be deposited into the county juvenile indigent drivers alcohol treatment fund established in the county served by the court;	2743 2744 2745 2746 2747
(iii) If the fee is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.	2748 2749 2750 2751 2752
(b) If the suspension in question was imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, that portion of the fee shall be deposited as follows:	2753 2754 2755 2756
(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;	2757 2758 2759 2760
(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.	2761 2762 2763 2764
(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment	2765 2766 2767



fund shall be made only upon the order of a county, juvenile, or 2768  
municipal court judge and only for payment of the cost of the 2769  
attendance at an alcohol and drug addiction treatment program of a 2770  
person who is convicted of, or found to be a juvenile traffic 2771  
offender by reason of, a violation of division (A) of section 2772  
4511.19 of the Revised Code or a substantially similar municipal 2773  
ordinance, who is ordered by the court to attend the alcohol and 2774  
drug addiction treatment program, and who is determined by the 2775  
court to be unable to pay the cost of attendance at the treatment 2776  
program or for payment of the costs specified in division (H)(4) 2777  
of this section in accordance with that division. The alcohol and 2778  
drug addiction services board or the board of alcohol, drug 2779  
addiction, and mental health services established pursuant to 2780  
section 340.02 or 340.021 of the Revised Code and serving the 2781  
alcohol, drug addiction, and mental health service district in 2782  
which the court is located shall administer the indigent drivers 2783  
alcohol treatment program of the court. When a court orders an 2784  
offender or juvenile traffic offender to attend an alcohol and 2785  
drug addiction treatment program, the board shall determine which 2786  
program is suitable to meet the needs of the offender or juvenile 2787  
traffic offender, and when a suitable program is located and space 2788  
is available at the program, the offender or juvenile traffic 2789  
offender shall attend the program designated by the board. A 2790  
reasonable amount not to exceed five per cent of the amounts 2791  
credited to and deposited into the county indigent drivers alcohol 2792  
treatment fund, the county juvenile indigent drivers alcohol 2793  
treatment fund, or the municipal indigent drivers alcohol 2794  
treatment fund serving every court whose program is administered 2795  
by that board shall be paid to the board to cover the costs it 2796  
incurs in administering those indigent drivers alcohol treatment 2797  
programs. 2798

In addition, a county, juvenile, or municipal court judge may 2799  
use moneys in the county indigent drivers alcohol treatment fund, 2800

county juvenile indigent drivers alcohol treatment fund, or 2801  
municipal indigent drivers alcohol treatment fund to pay for the 2802  
continued use of an electronic continuous alcohol monitoring 2803  
device by an offender or juvenile traffic offender, in conjunction 2804  
with a treatment program approved by the department of alcohol and 2805  
drug addiction services, when such use is determined clinically 2806  
necessary by the treatment program and when the court determines 2807  
that the offender or juvenile traffic offender is unable to pay 2808  
all or part of the daily monitoring of the device. 2809

(4) If a county, juvenile, or municipal court determines, in 2810  
consultation with the alcohol and drug addiction services board or 2811  
the board of alcohol, drug addiction, and mental health services 2812  
established pursuant to section 340.02 or 340.021 of the Revised 2813  
Code and serving the alcohol, drug addiction, and mental health 2814  
district in which the court is located, that the funds in the 2815  
county indigent drivers alcohol treatment fund, the county 2816  
juvenile indigent drivers alcohol treatment fund, or the municipal 2817  
indigent drivers alcohol treatment fund under the control of the 2818  
court are more than sufficient to satisfy the purpose for which 2819  
the fund was established, as specified in divisions (H)(1) to (3) 2820  
of this section, the court may declare a surplus in the fund. If 2821  
the court declares a surplus in the fund, the court may expend the 2822  
amount of the surplus in the fund for: 2823

(a) Alcohol and drug abuse assessment and treatment of 2824  
persons who are charged in the court with committing a criminal 2825  
offense or with being a delinquent child or juvenile traffic 2826  
offender and in relation to whom both of the following apply: 2827

(i) The court determines that substance abuse was a 2828  
contributing factor leading to the criminal or delinquent activity 2829  
or the juvenile traffic offense with which the person is charged. 2830

(ii) The court determines that the person is unable to pay 2831  
the cost of the alcohol and drug abuse assessment and treatment 2832

for which the surplus money will be used. 2833

(b) All or part of the cost of purchasing electronic 2834  
continuous alcohol monitoring devices to be used in conjunction 2835  
with division (H)(3) of this section. 2836

**Sec. 4511.192.** (A) ~~The~~ Except as provided in division (A)(5) 2837  
of section 4511.191 of the Revised Code, the arresting law 2838  
enforcement officer shall give advice in accordance with this 2839  
section to any person under arrest for a violation of division (A) 2840  
or (B) of section 4511.19 of the Revised Code, section 4511.194 of 2841  
the Revised Code or a substantially equivalent municipal 2842  
ordinance, or a municipal OVI ordinance. The officer shall give 2843  
that advice in a written form that contains the information 2844  
described in division (B) of this section and shall read the 2845  
advice to the person. The form shall contain a statement that the 2846  
form was shown to the person under arrest and read to the person 2847  
by the arresting officer. One or more persons shall witness the 2848  
arresting officer's reading of the form, and the witnesses shall 2849  
certify to this fact by signing the form. The person must submit 2850  
to the chemical test or tests, subsequent to the request of the 2851  
arresting officer, within two hours of the time of the alleged 2852  
violation and, if the person does not submit to the test or tests 2853  
within that two-hour time limit, the failure to submit 2854  
automatically constitutes a refusal to submit to the test or 2855  
tests. 2856

(B) ~~If~~ Except as provided in division (A)(5) of section 2857  
4511.191 of the Revised Code, if a person is under arrest as 2858  
described in division (A) of this section, before the person may 2859  
be requested to submit to a chemical test or tests to determine 2860  
the alcohol, drug of abuse, controlled substance, metabolite of a 2861  
controlled substance, or combination content of the person's whole 2862  
blood, blood serum or plasma, breath, or urine, the arresting 2863

officer shall read the following form to the person: 2864

"You now are under arrest for (specifically state the offense 2865  
under state law or a substantially equivalent municipal ordinance 2866  
for which the person was arrested - operating a vehicle under the 2867  
influence of alcohol, a drug, or a combination of them; operating 2868  
a vehicle while under the influence of a listed controlled 2869  
substance or a listed metabolite of a controlled substance; 2870  
operating a vehicle after underage alcohol consumption; or having 2871  
physical control of a vehicle while under the influence). 2872

If you refuse to take any chemical test required by law, your 2873  
Ohio driving privileges will be suspended immediately, and you 2874  
will have to pay a fee to have the privileges reinstated. If you 2875  
have a prior conviction of OVI, OVUAC, or operating a vehicle 2876  
while under the influence of a listed controlled substance or a 2877  
listed metabolite of a controlled substance under state or 2878  
municipal law within the preceding twenty years, you now are under 2879  
arrest for state OVI, and, if you refuse to take a chemical test, 2880  
you will face increased penalties if you subsequently are 2881  
convicted of the state OVI. 2882

(Read this part unless the person is under arrest for solely 2883  
having physical control of a vehicle while under the influence.) 2884  
If you take any chemical test required by law and are found to be 2885  
at or over the prohibited amount of alcohol, a controlled 2886  
substance, or a metabolite of a controlled substance in your whole 2887  
blood, blood serum or plasma, breath, or urine as set by law, your 2888  
Ohio driving privileges will be suspended immediately, and you 2889  
will have to pay a fee to have the privileges reinstated. 2890

If you take a chemical test, you may have an independent 2891  
chemical test taken at your own expense." 2892

(C) If the arresting law enforcement officer does not ask a 2893  
person under arrest as described in division (A) of this section 2894

or division (A)(5) of section 4511.191 of the Revised Code to 2895  
submit to a chemical test or tests under section 4511.191 of the 2896  
Revised Code, the arresting officer shall seize the Ohio or 2897  
out-of-state driver's or commercial driver's license or permit of 2898  
the person and immediately forward it to the court in which the 2899  
arrested person is to appear on the charge. If the arrested person 2900  
is not in possession of the person's license or permit or it is 2901  
not in the person's vehicle, the officer shall order the person to 2902  
surrender it to the law enforcement agency that employs the 2903  
officer within twenty-four hours after the arrest, and, upon the 2904  
surrender, the agency immediately shall forward the license or 2905  
permit to the court in which the person is to appear on the 2906  
charge. Upon receipt of the license or permit, the court shall 2907  
retain it pending the arrested person's initial appearance and any 2908  
action taken under section 4511.196 of the Revised Code. 2909

(D)(1) If a law enforcement officer asks a person under 2910  
arrest as described in division (A)(5) of section 4511.191 of the 2911  
Revised Code to submit to a chemical test or tests under that 2912  
section and the test results indicate a prohibited concentration 2913  
of alcohol, a controlled substance, or a metabolite of a 2914  
controlled substance in the person's whole blood, blood serum or 2915  
plasma, breath, or urine at the time of the alleged offense, or if 2916  
a law enforcement officer asks a person under arrest as described 2917  
in division (A) of this section to submit to a chemical test or 2918  
tests under section 4511.191 of the Revised Code, ~~if~~ the officer 2919  
advises the person in accordance with this section of the 2920  
consequences of the person's refusal or submission, and ~~if~~ either 2921  
the person refuses to submit to the test or tests or, unless the 2922  
arrest was for a violation of section 4511.194 of the Revised Code 2923  
or a substantially equivalent municipal ordinance, the person 2924  
submits to the test or tests and the test results indicate a 2925  
prohibited concentration of alcohol, a controlled substance, or a 2926  
metabolite of a controlled substance in the person's whole blood, 2927

blood serum or plasma, breath, or urine at the time of the alleged offense, the arresting officer shall do all of the following:

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

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

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

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

(i) That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was 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 stationary 2959  
vehicle, streetcar, or trackless trolley in violation of section 2960  
4511.194 of the Revised Code or a substantially equivalent 2961  
municipal ordinance; 2962

(ii) That the person was arrested and charged with a 2963  
violation of division (A) or (B) of section 4511.19 of the Revised 2964  
Code, section 4511.194 of the Revised Code or a substantially 2965  
equivalent municipal ordinance, or a municipal OVI ordinance; 2966

(iii) ~~That~~ Unless division (D)(1)(d)(v) of this section 2967  
applies, that the officer asked the person to take the designated 2968  
chemical test or tests, advised the person in accordance with this 2969  
section of the consequences of submitting to, or refusing to take, 2970  
the test or tests, and gave the person the form described in 2971  
division (B) of this section; 2972

(iv) ~~That~~ Unless division (D)(1)(d)(v) of this section 2973  
applies, that either the person refused to submit to the chemical 2974  
test or tests or, unless the arrest was for a violation of section 2975  
4511.194 of the Revised Code or a substantially equivalent 2976  
municipal ordinance, the person submitted to the chemical test or 2977  
tests and the test results indicate a prohibited concentration of 2978  
alcohol, a controlled substance, or a metabolite of a controlled 2979  
substance in the person's whole blood, blood serum or plasma, 2980  
breath, or urine at the time of the alleged offense; 2981

(v) If the person was under arrest as described in division 2982  
(A)(5) of section 4511.191 of the Revised Code and the chemical 2983  
test or tests were performed in accordance with that division, 2984  
that the person was under arrest as described in that division, 2985  
that the chemical test or tests were performed in accordance with 2986  
that division, and that test results indicated a prohibited 2987  
concentration of alcohol, a controlled substance, or a metabolite 2988  
of a controlled substance in the person's whole blood, blood serum 2989  
or plasma, breath, or urine at the time of the alleged offense. 2990

(2) Division (D)(1) of this section does not apply to a 2991  
person who is arrested for a violation of section 4511.194 of the 2992  
Revised Code or a substantially equivalent municipal ordinance, 2993  
who is asked by a law enforcement officer to submit to a chemical 2994  
test or tests under section 4511.191 of the Revised Code, and who 2995  
submits to the test or tests, regardless of the amount of alcohol, 2996  
a controlled substance, or a metabolite of a controlled substance 2997  
that the test results indicate is present in the person's whole 2998  
blood, blood serum or plasma, breath, or urine. 2999

(E) The arresting officer shall give the officer's sworn 3000  
report that is completed under this section to the arrested person 3001  
at the time of the arrest, or the registrar of motor vehicles 3002  
shall send the report to the person by regular first class mail as 3003  
soon as possible after receipt of the report, but not later than 3004  
fourteen days after receipt of it. An arresting officer may give 3005  
an unsworn report to the arrested person at the time of the arrest 3006  
provided the report is complete when given to the arrested person 3007  
and subsequently is sworn to by the arresting officer. As soon as 3008  
possible, but not later than forty-eight hours after the arrest of 3009  
the person, the arresting officer shall send a copy of the sworn 3010  
report to the court in which the arrested person is to appear on 3011  
the charge for which the person was arrested. 3012

(F) The sworn report of an arresting officer completed under 3013  
this section is prima-facie proof of the information and 3014  
statements that it contains. It shall be admitted and considered 3015  
as prima-facie proof of the information and statements that it 3016  
contains in any appeal under section 4511.197 of the Revised Code 3017  
relative to any suspension of a person's driver's or commercial 3018  
driver's license or permit or nonresident operating privilege that 3019  
results from the arrest covered by the report. 3020

**Sec. 4511.193.** (A) Twenty-five dollars of any fine imposed 3021



for a violation of a municipal OVI ordinance shall be deposited 3022  
into the municipal or county indigent drivers alcohol treatment 3023  
fund created pursuant to division (H) of section 4511.191 of the 3024  
Revised Code in accordance with this section and section 733.40, 3025  
divisions (A) and (B) of section 1901.024, division (F) of section 3026  
1901.31, or division (C) of section 1907.20 of the Revised Code. 3027  
Regardless of whether the fine is imposed by a municipal court, a 3028  
mayor's court, or a juvenile court, if the fine was imposed for a 3029  
violation of an ordinance of a municipal corporation that is 3030  
within the jurisdiction of a municipal court, the twenty-five 3031  
dollars that is subject to this section shall be deposited into 3032  
the indigent drivers alcohol treatment fund of the municipal 3033  
corporation in which is located the municipal court that has 3034  
jurisdiction over that municipal corporation. Regardless of 3035  
whether the fine is imposed by a county court, a mayor's court, or 3036  
a juvenile court, if the fine was imposed for a violation of an 3037  
ordinance of a municipal corporation that is within the 3038  
jurisdiction of a county court, the twenty-five dollars that is 3039  
subject to this section shall be deposited into the indigent 3040  
drivers alcohol treatment fund of the county in which is located 3041  
the county court that has jurisdiction over that municipal 3042  
corporation. The deposit shall be made in accordance with section 3043  
733.40, divisions (A) and (B) of section 1901.024, division (F) of 3044  
section 1901.31, or division (C) of section 1907.20 of the Revised 3045  
Code. 3046

(B)(1) The requirements and sanctions imposed by divisions 3047  
(B)(1) and (2) of this section are an adjunct to and derive from 3048  
the state's exclusive authority over the registration and titling 3049  
of motor vehicles and do not comprise a part of the criminal 3050  
sentence to be imposed upon a person who violates a municipal OVI 3051  
ordinance. 3052

(2) If a person is convicted of or pleads guilty to a 3053

violation of a municipal OVI ordinance, if the vehicle the 3054  
offender was operating at the time of the offense is registered in 3055  
the offender's name, and if, within six years of the current 3056  
offense, the offender has been convicted of or pleaded guilty to 3057  
one or more violations of division (A) or (B) of section 4511.19 3058  
of the Revised Code or one or more other equivalent offenses, the 3059  
court, in addition to and independent of any sentence that it 3060  
imposes upon the offender for the offense, shall do whichever of 3061  
the following is applicable: 3062

(a) Except as otherwise provided in division (B)(2)(b) of 3063  
this section, if, within six years of the current offense, the 3064  
offender has been convicted of or pleaded guilty to one violation 3065  
described in division (B)(2) of this section, the court shall 3066  
order the immobilization for ~~ninety days~~ one year of that vehicle 3067  
and the impoundment for ~~ninety days~~ one year of the license plates 3068  
of that vehicle. In addition, the court shall order the 3069  
immobilization for one year of all other motor vehicles owned by 3070  
or registered in the name of the offender and the impoundment for 3071  
one year of the license plates of all such vehicles. If the 3072  
vehicle the offender was operating at the time of the offense is 3073  
not registered in the offender's name, the court shall order the 3074  
immobilization for one year of all motor vehicles owned by or 3075  
registered in the name of the offender and the impoundment for one 3076  
year of the license plates of all such vehicles. The order for the 3077  
immobilization and impoundment shall be issued and enforced in 3078  
accordance with section 4503.233 of the Revised Code. 3079

(b) If, within six years of the current offense, the offender 3080  
has been convicted of or pleaded guilty to two or more violations 3081  
described in division (B)(2) of this section, or if the offender 3082  
previously has been convicted of or pleaded guilty to a violation 3083  
of division (A) of section 4511.19 of the Revised Code under 3084  
circumstances in which the violation was a felony and regardless 3085

of when the violation and the conviction or guilty plea occurred, 3086  
the court shall order the criminal forfeiture to the state of that 3087  
vehicle. The order of criminal forfeiture shall be issued and 3088  
enforced in accordance with section 4503.234 of the Revised Code. 3089

If the vehicle the offender was operating at the time of the 3090  
offense is not registered in the offender's name, the court shall 3091  
order the immobilization for one year of all motor vehicles owned 3092  
by or registered in the name of the offender and the impoundment 3093  
for one year of the license plates of all such vehicles. 3094

Sec. 4511.198. (A) If a court grants bail to a person who is 3095  
described in division (B) of this section and who is alleged to 3096  
have committed a violation of division (A) of section 4511.19 of 3097  
the Revised Code or of a substantially equivalent municipal 3098  
ordinance, the court as a condition of bail shall prohibit the 3099  
person from consuming any beer or intoxicating liquor and shall 3100  
require the person to wear a monitor that provides continuous 3101  
alcohol monitoring that is remote. The court shall require the 3102  
person to wear the monitor until the person is convicted of, 3103  
pleads guilty to, or is found not guilty of the alleged violation 3104  
or the charges in the case are dismissed. Any consumption by the 3105  
person of beer or intoxicating liquor prior to that time is 3106  
grounds for revocation by the court of the person's bail. The 3107  
person shall pay all costs associated with the monitor, including 3108  
the cost of remote monitoring. 3109

(B) This section applies to the following persons: 3110

(1) A person who is alleged to have committed a violation of 3111  
division (A) of section 4511.19 of the Revised Code and who, if 3112  
convicted of the alleged violation, is required to be sentenced 3113  
under division (G)(1)(b), (c), (d), or (e) of section 4511.19 of 3114  
the Revised Code; 3115

(2) A person who is alleged to have committed a violation of 3116

a municipal ordinance that is substantially equivalent to division (A) of section 4511.19 of the Revised Code and who, if the law enforcement officer who arrested and charged the person with the violation of the municipal ordinance instead had charged the person with a violation of division (A) of section 4511.19 of the Revised Code, would be required to be sentenced under division (G)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code. 3117  
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**Sec. 4511.199.** A law enforcement officer who arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, a municipal OVI violation, or an equivalent offense shall send to the department of public safety, within forty-eight hours after the arrest of the person, a sworn report in accordance with section 5502.10 of the Revised Code. 3125  
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**Sec. 4511.203.** (A) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply: 3133  
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(1) ~~The offender knows or has reasonable cause to believe that the~~ other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges. 3136  
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(2) ~~The offender knows or has reasonable cause to believe that the~~ other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Chapter 4510. or any other provision of the Revised Code. 3140  
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(3) ~~The offender knows or has reasonable cause to believe that the~~ other person's act of driving the motor vehicle would 3145  
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violate any prohibition contained in Chapter 4509. of the Revised Code. 3147  
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~~(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate section 4511.19 of the Revised Code or any substantially equivalent municipal ordinance.~~ 3149  
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~~(B) Without limiting or precluding the consideration of any other evidence in determining whether a violation of division (A)(1), (2), (3), or (4) of this section has occurred, it shall be prima facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in division (A)(1), (2), (3), or (4) of this section if any of the following applies:~~ 3153  
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~~(1) Regarding an operator allegedly in the category described in division (A)(1) or (3) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.~~ 3161  
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~~(2) Regarding an operator allegedly in the category described in division (A)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit, or privilege.~~ 3165  
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~~(3) Regarding an operator allegedly in the category described in division (A)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense~~ 3173  
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(1) It is an affirmative defense to a charge under this section that, at the time that the person charged 3176  
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permitted the motor vehicle to be driven by the other person, the 3178  
person charged did not have knowledge, after reasonably diligent 3179  
inquiry, of any of the facts specified in division (A)(1), (2), 3180  
(3), or (4) of this section regarding the other person that, if 3181  
known, would have made entrustment of the motor vehicle to the 3182  
other person an offense under this section. 3183

(2) It is the intent of the general assembly that wrongful 3184  
entrustment of a motor vehicle is a strict liability offense. 3185

(C) Whoever violates this section is guilty of wrongful 3186  
entrustment of a motor vehicle, a misdemeanor of the first degree. 3187  
In addition to the penalties imposed under Chapter 2929. of the 3188  
Revised Code, the court shall impose a class seven suspension of 3189  
the offender's driver's license, commercial driver's license, 3190  
temporary instruction permit, probationary license, or nonresident 3191  
operating privilege from the range specified in division (A)(7) of 3192  
section 4510.02 of the Revised Code, and, if the vehicle involved 3193  
in the offense is registered in the name of the offender, the 3194  
court shall order one of the following: 3195

(1) Except as otherwise provided in division (C)(2) or (3) of 3196  
this section, the court shall order, for thirty days, the 3197  
immobilization of the vehicle involved in the offense and the 3198  
impoundment of that vehicle's license plates. The order shall be 3199  
issued and enforced under section 4503.233 of the Revised Code. 3200

(2) If the offender previously has been convicted of or 3201  
pleaded guilty to one violation of this section or a substantially 3202  
equivalent municipal ordinance, the court shall order, for sixty 3203  
days, the immobilization of the vehicle involved in the offense 3204  
and the impoundment of that vehicle's license plates. The order 3205  
shall be issued and enforced under section 4503.233 of the Revised 3206  
Code. 3207

(3) If the offender previously has been convicted of or 3208

pleaded guilty to two or more violations of this section or a 3209  
substantially equivalent municipal ordinance, the court shall 3210  
order the criminal forfeiture to the state of the vehicle involved 3211  
in the offense. The order shall be issued and enforced under 3212  
section 4503.234 of the Revised Code. 3213

If title to a motor vehicle that is subject to an order for 3214  
criminal forfeiture under this division is assigned or transferred 3215  
and division (B)(2) or (3) of section 4503.234 of the Revised Code 3216  
applies, in addition to or independent of any other penalty 3217  
established by law, the court may fine the offender the value of 3218  
the vehicle as determined by publications of the national auto 3219  
dealer's association. The proceeds from any fine imposed under 3220  
this division shall be distributed in accordance with division 3221  
(C)(2) of section 4503.234 of the Revised Code. 3222

(D) If a court orders the immobilization of a vehicle under 3223  
division (C) of this section, the court shall not release the 3224  
vehicle from the immobilization before the termination of the 3225  
period of immobilization ordered unless the court is presented 3226  
with current proof of financial responsibility with respect to 3227  
that vehicle. 3228

(E) If a court orders the criminal forfeiture of a vehicle 3229  
under division (C) of this section, upon receipt of the order from 3230  
the court, neither the registrar of motor vehicles nor any deputy 3231  
registrar shall accept any application for the registration or 3232  
transfer of registration of any motor vehicle owned or leased by 3233  
the person named in the order. The period of denial shall be five 3234  
years after the date the order is issued, unless, during that 3235  
five-year period, the court with jurisdiction of the offense that 3236  
resulted in the order terminates the forfeiture and notifies the 3237  
registrar of the termination. If the court terminates the 3238  
forfeiture and notifies the registrar, the registrar shall take 3239  
all necessary measures to permit the person to register a vehicle 3240

owned or leased by the person or to transfer the registration of 3241  
the vehicle. 3242

(F) This section does not apply to motor vehicle rental 3243  
dealers or motor vehicle leasing dealers, as defined in section 3244  
4549.65 of the Revised Code. 3245

(G) Evidence of a conviction of, plea of guilty to, or 3246  
adjudication as a delinquent child for a violation of this section 3247  
or a substantially similar municipal ordinance shall not be 3248  
admissible as evidence in any civil action that involves the 3249  
offender or delinquent child who is the subject of the conviction, 3250  
plea, or adjudication and that arises from the wrongful 3251  
entrustment of a motor vehicle. 3252

~~(H) As used in~~ For purposes of this section, a vehicle is 3253  
owned by a person if, at the time of a violation of this section, 3254  
the vehicle is registered in the person's name. 3255

**Sec. 5502.10.** (A) The department of public safety, not later 3256  
than ninety days after the effective date of this section, shall 3257  
do all of the following: 3258

(1) Establish and maintain a state registry, named "Ohio's 3259  
habitual OVI/OMWI arrestees," that contains all of the information 3260  
specified in divisions (A)(1)(a) and (b) of this section regarding 3261  
each person who within the preceding twenty years has been 3262  
arrested in this state five or more times for an OVI/OMWI 3263  
violation. The state registry is a public record open for 3264  
inspection under section 149.43 of the Revised Code. The 3265  
department shall obtain the information to be included in the 3266  
state registry from the reports provided by law enforcement 3267  
officers pursuant to division (B) of this section. The state 3268  
registry of Ohio's habitual OVI/OMWI arrestees shall include at 3269  
least the following information regarding each person who, within 3270  
the preceding twenty years has been arrested in this state five or 3271



more times for an OVI/OMWI violation: 3272

(a) The person's name, date of birth, and residence address, 3273  
including, but not limited to, the street address, municipal 3274  
corporation or township, county, and zip code of the person's 3275  
place of residence; 3276

(b) The number of times within the preceding twenty years 3277  
that the person has been arrested in this state for an OVI/OMWI 3278  
violation and for each of those arrests the date and location of 3279  
the arrest, the law enforcement agency served by the law 3280  
enforcement officer who made the arrest, the reason the law 3281  
enforcement officer who made the arrest initially stopped the 3282  
person, whether the person was asked to take a chemical test or 3283  
tests of the person's whole blood, blood serum or plasma, breath, 3284  
or urine, whether the person, if asked to take a test or tests, 3285  
submitted to the test or tests or refused to submit to the test or 3286  
tests, and the results of the test or tests if the person 3287  
submitted to a test or tests. 3288

(2) Establish and operate on the internet a database that 3289  
contains for each person who within the preceding twenty years has 3290  
been arrested in this state five or more times for an OVI/OMWI 3291  
violation all of the information regarding the person that is 3292  
included in the state registry of Ohio's habitual OVI/OMWI 3293  
arrestees that is established and maintained under division (A)(1) 3294  
of this section. The database is a public record open for 3295  
inspection under section 149.43 of the Revised Code, and it shall 3296  
be searchable by a person's name, by county, and by zip code. 3297

(B) A law enforcement officer who arrests a person for an 3298  
OVI/OMWI violation shall send to the department of public safety, 3299  
within forty-eight hours after the arrest of the person, a sworn 3300  
report that includes all of the following statements and 3301  
information regarding the arrested person and the arrest: 3302

(1) The arrested 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; 3303  
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(2) The date and location of the arrest the officer made, the offense for which the person was arrested, the law enforcement agency served by the officer, and the reason the officer initially stopped the person; 3307  
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(3) A statement that the officer had reasonable grounds to believe that at the time of the arrest the arrested person was committing an OVI/OMWI violation; 3311  
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(4) A statement that the arrested person was arrested and charged with an OVI/OMWI violation; 3314  
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(5) Statements as to whether the officer asked the arrested person to take a designated chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine in accordance with sections 1547.11 and 1547.111, or sections 4511.19 and 4511.191, of the Revised Code, whether the arrested person, if asked to take a test or tests, submitted to the test or tests or refused to submit to the test or tests, and the results of the test or tests if the arrested person was asked to take a test or tests and submitted to the test or tests; 3316  
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(6) For each previous arrest of the person for an OVI/OMWI violation that the officer is able to determine was made and that was made within the preceding twenty years, information of the type described in divisions (B)(1), (2), and (4) of this section and, if the officer submitting the report is able to determine the information, information as to whether the law enforcement officer who made the arrest in each of those cases asked the arrested person to take a designated chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine in accordance 3325  
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with sections 1547.11 and 1547.111, or sections 4511.19 and 3334  
4511.191, of the Revised Code, whether the arrested person, if 3335  
asked to take a test or tests, submitted to the test or tests or 3336  
refused to submit to the test or tests, and the results of the 3337  
test or tests if the arrested person was asked to take a test or 3338  
tests and submitted to the test or tests. 3339

(C) The department of public safety shall update the state 3340  
registry of Ohio's habitual OVI/OMWI arrestees required under 3341  
division (A)(1) of this section and the database required under 3342  
division (A)(2) of this section every month to ensure that the 3343  
information they contain is accurate and current. At the time of 3344  
each update, the department shall review all records it has 3345  
received under division (B) of this section for the preceding 3346  
twenty years regarding each person who has been arrested for 3347  
committing OVI/OMWI violations and for whom the department has 3348  
records to determine whether the person should, or should not, be 3349  
subject to inclusion in the state registry and database. 3350

(D) As used in this section: 3351

(1) "Equivalent offense" and "municipal OVI ordinance" have 3352  
the same meanings as in section 4511.181 of the Revised Code. 3353

(2) "OVI/OMWI violation" means any of the following: 3354

(a) A violation of division (A) or (B) of section 4511.19 of 3355  
the Revised Code or a violation of a municipal OVI ordinance; 3356

(b) A violation of section 4511.194 of the Revised Code or a 3357  
substantially equivalent municipal ordinance; 3358

(c) A violation of division (A) or (B) of section 1547.11 of 3359  
the Revised Code or a violation of a municipal ordinance, law of 3360  
another state, or law of the United States that is substantially 3361  
equivalent to division (A) or (B) of section 1547.11 of the 3362  
Revised Code; 3363

(d) Any equivalent offense not listed in divisions (D)(2)(a) 3364  
to (c) of this section. 3365

**Section 2.** That existing sections 1547.11, 1547.111, 1547.99, 3366  
4507.164, 4510.13, 4510.43, 4511.181, 4511.19, 4511.191, 4511.192, 3367  
4511.193, and 4511.203 of the Revised Code are hereby repealed. 3368

**Section 3.** Sections 1 and 2 of this act shall take effect on 3369  
July 1, 2007, or at the earliest time permitted by law, whichever 3370  
is later. 3371