

As Introduced

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S. B. No. 209

Senator Carey

Cosponsors: Senators Cates, Kearney, Gardner

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A B I L L

To amend sections 1548.10, 4505.09, 4511.19, and 1
4519.59 and to enact section 120.08 of the Revised 2
Code to direct that a specified amount of OVI 3
fines be credited to the State Public Defender for 4
indigent criminal defense, to permit clerks of 5
courts who serve as deputy registrars to impose an 6
additional cost for the processing of motor 7
vehicle titles, and to make an appropriation. 8

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

Section 1. That sections 1548.10, 4505.09, 4511.19, and 9
4519.59 be amended and section 120.08 of the Revised Code be 10
enacted to read as follows: 11

Sec. 120.08. There is hereby created in the state treasury 12
the indigent defense support fund, consisting of money paid into 13
the fund pursuant to section 4511.19 of the Revised Code. The 14
state public defender shall use the money in the fund for indigent 15
criminal defense. 16

Sec. 1548.10. The clerk of the court of common pleas shall 17
charge a fee of five dollars for each memorandum certificate of 18

title, each non-negotiable evidence of ownership, and each 19
duplicate copy of a certificate of title. In addition, if a clerk 20
who also serves as a deputy registrar under section 4503.03 or 21
4503.036 of the Revised Code determines that additional funds are 22
required to sustain the processing of titles by the clerk, the 23
clerk may impose and charge an additional fee of five dollars for 24
each certificate of title, memorandum certificate of title, 25
non-negotiable evidence of ownership, duplicate copy of a 26
certificate of title issued, and for each notation or indication 27
of any lien or security interest on a certificate of title. The 28
fees shall be retained by the clerk. 29

In addition to those fees, the clerk shall charge a fee of 30
five dollars for each certificate of title and for each notation 31
or indication of any lien or security interest on a certificate of 32
title. The clerk shall retain two dollars of the fee charged for 33
each certificate of title, and three dollars and fifty cents of 34
the fee charged for each notation or indication of any lien or 35
security interest. The remaining fees charged for a certificate of 36
title and the notation or indication of any lien or security 37
interest on a certificate of title shall be paid to the chief of 38
the division of watercraft by monthly returns, which shall be 39
forwarded to the chief not later than the fifth day of the month 40
next succeeding that in which the certificate is forwarded, or 41
that in which the chief is notified of a lien or security interest 42
or cancellation of a lien or security interest. 43

The chief shall deposit one dollar of the amount the chief 44
receives for each certificate of title in the automated title 45
processing fund created in section 4505.09 of the Revised Code. 46
Moneys deposited in that fund under this section shall be used for 47
the purpose specified in division (B)(3)(b) of that section. 48

Sec. 4505.09. (A) The clerk of a court of common pleas shall 49

charge a fee of five dollars for each certificate of title that is
not applied for within thirty days after the later of the
assignment or delivery of the motor vehicle described in it. In
addition, if a clerk who also serves as a deputy registrar under
section 4503.03 or 4503.036 of the Revised Code determines that
additional funds are required to sustain the processing of titles
by the clerk, the clerk may impose and charge an additional fee of
five dollars for each certificate of title, memorandum certificate
of title, non-negotiable evidence of ownership, duplicate copy of
a certificate of title issued, and for each notation or indication
of any lien or security interest on a certificate of title. The
fees shall be retained by the clerk.

In addition to those fees, the clerk shall charge a fee of
five dollars for each certificate of title, duplicate certificate
of title, memorandum certificate of title, authorization to print
a non-negotiable evidence of ownership described in division (G)
of section 4505.08 of the Revised Code, non-negotiable evidence of
ownership printed by the clerk under division (H) of that section,
and notation of any lien on a certificate of title. The clerk
shall retain two dollars and twenty-five cents of the fee charged
for each certificate of title, four dollars and seventy-five cents
of the fee charged for each duplicate certificate of title, all of
the fees charged for each memorandum certificate, authorization to
print a non-negotiable evidence of ownership, or non-negotiable
evidence of ownership printed by the clerk, and four dollars and
twenty-five cents of the fee charged for each notation of a lien.

The remaining two dollars and seventy-five cents charged for
the certificate of title, the remaining twenty-five cents charged
for the duplicate certificate of title, and the remaining
seventy-five cents charged for the notation of any lien on a
certificate of title shall be paid to the registrar of motor
vehicles by monthly returns, which shall be forwarded to the

registrar not later than the fifth day of the month next 82
succeeding that in which the certificate is issued or that in 83
which the registrar is notified of a lien or cancellation of a 84
lien. 85

(B)(1) The registrar shall pay twenty-five cents of the 86
amount received for each certificate of title and all of the 87
amounts received for each notation of any lien and each duplicate 88
certificate of title into the state bureau of motor vehicles fund 89
established in section 4501.25 of the Revised Code. 90

(2) Fifty cents of the amount received for each certificate 91
of title shall be paid by the registrar as follows: 92

(a) Four cents shall be paid into the state treasury to the 93
credit of the motor vehicle dealers board fund, which is hereby 94
created. All investment earnings of the fund shall be credited to 95
the fund. The moneys in the motor vehicle dealers board fund shall 96
be used by the motor vehicle dealers board created under section 97
4517.30 of the Revised Code, together with other moneys 98
appropriated to it, in the exercise of its powers and the 99
performance of its duties under Chapter 4517. of the Revised Code, 100
except that the director of budget and management may transfer 101
excess money from the motor vehicle dealers board fund to the 102
bureau of motor vehicles fund if the registrar determines that the 103
amount of money in the motor vehicle dealers board fund, together 104
with other moneys appropriated to the board, exceeds the amount 105
required for the exercise of its powers and the performance of its 106
duties under Chapter 4517. of the Revised Code and requests the 107
director to make the transfer. 108

(b) Twenty-one cents shall be paid into the highway operating 109
fund. 110

(c) Twenty-five cents shall be paid into the state treasury 111
to the credit of the motor vehicle sales audit fund, which is 112

hereby created. The moneys in the fund shall be used by the tax 113
commissioner together with other funds available to the 114
commissioner to conduct a continuing investigation of sales and 115
use tax returns filed for motor vehicles in order to determine if 116
sales and use tax liability has been satisfied. The commissioner 117
shall refer cases of apparent violations of section 2921.13 of the 118
Revised Code made in connection with the titling or sale of a 119
motor vehicle and cases of any other apparent violations of the 120
sales or use tax law to the appropriate county prosecutor whenever 121
the commissioner considers it advisable. 122

(3) Two dollars of the amount received by the registrar for 123
each certificate of title shall be paid into the state treasury to 124
the credit of the automated title processing fund, which is hereby 125
created and which shall consist of moneys collected under division 126
(B)(3) of this section and under sections 1548.10 and 4519.59 of 127
the Revised Code. All investment earnings of the fund shall be 128
credited to the fund. The moneys in the fund shall be used as 129
follows: 130

(a) Except for moneys collected under section 1548.10 of the 131
Revised Code and as provided in division (B)(3)(c) of this 132
section, moneys collected under division (B)(3) of this section 133
shall be used to implement and maintain an automated title 134
processing system for the issuance of motor vehicle, off-highway 135
motorcycle, and all-purpose vehicle certificates of title in the 136
offices of the clerks of the courts of common pleas. 137

(b) Moneys collected under section 1548.10 of the Revised 138
Code shall be used to issue marine certificates of title in the 139
offices of the clerks of the courts of common pleas as provided in 140
Chapter 1548. of the Revised Code. 141

(c) Moneys collected under division (B)(3) of this section 142
shall be used in accordance with section 4505.25 of the Revised 143
Code to implement Sub. S.B. 59 of the 124th general assembly. 144

(C)(1) The automated title processing board is hereby created 145
consisting of the registrar or the registrar's representative, a 146
person selected by the registrar, the president of the Ohio clerks 147
of court association or the president's representative, and two 148
clerks of courts of common pleas appointed by the governor. The 149
director of budget and management or the director's designee, the 150
chief of the division of watercraft in the department of natural 151
resources or the chief's designee, and the tax commissioner or the 152
commissioner's designee shall be nonvoting members of the board. 153
The purpose of the board is to facilitate the operation and 154
maintenance of an automated title processing system and approve 155
the procurement of automated title processing system equipment. 156
Voting members of the board, excluding the registrar or the 157
registrar's representative, shall serve without compensation, but 158
shall be reimbursed for travel and other necessary expenses 159
incurred in the conduct of their official duties. The registrar or 160
the registrar's representative shall receive neither compensation 161
nor reimbursement as a board member. 162

(2) The automated title processing board shall determine each 163
of the following: 164

(a) The automated title processing equipment and certificates 165
of title requirements for each county; 166

(b) The payment of expenses that may be incurred by the 167
counties in implementing an automated title processing system; 168

(c) The repayment to the counties for existing title 169
processing equipment. 170

(3) The registrar shall purchase, lease, or otherwise acquire 171
any automated title processing equipment and certificates of title 172
that the board determines are necessary from moneys in the 173
automated title processing fund established by division (B)(3) of 174
this section. 175

(D) All counties shall conform to the requirements of the 176
registrar regarding the operation of their automated title 177
processing system for motor vehicle titles, certificates of title 178
for off-highway motorcycles and all-purpose vehicles, and 179
certificates of title for watercraft and outboard motors. 180

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 181
streetcar, or trackless trolley within this state, if, at the time 182
of the operation, any of the following apply: 183

(a) The person is under the influence of alcohol, a drug of 184
abuse, or a combination of them. 185

(b) The person has a concentration of eight-hundredths of one 186
per cent or more but less than seventeen-hundredths of one per 187
cent by weight per unit volume of alcohol in the person's whole 188
blood. 189

(c) The person has a concentration of ninety-six-thousandths 190
of one per cent or more but less than two hundred four-thousandths 191
of one per cent by weight per unit volume of alcohol in the 192
person's blood serum or plasma. 193

(d) The person has a concentration of eight-hundredths of one 194
gram or more but less than seventeen-hundredths of one gram by 195
weight of alcohol per two hundred ten liters of the person's 196
breath. 197

(e) The person has a concentration of eleven-hundredths of 198
one gram or more but less than two hundred 199
thirty-eight-thousandths of one gram by weight of alcohol per one 200
hundred milliliters of the person's urine. 201

(f) The person has a concentration of seventeen-hundredths of 202
one per cent or more by weight per unit volume of alcohol in the 203
person's whole blood. 204

(g) The person has a concentration of two hundred 205

four-thousandths of one per cent or more by weight per unit volume 206
of alcohol in the person's blood serum or plasma. 207

(h) The person has a concentration of seventeen-hundredths of 208
one gram or more by weight of alcohol per two hundred ten liters 209
of the person's breath. 210

(i) The person has a concentration of two hundred 211
thirty-eight-thousandths of one gram or more by weight of alcohol 212
per one hundred milliliters of the person's urine. 213

(j) Except as provided in division (K) of this section, the 214
person has a concentration of any of the following controlled 215
substances or metabolites of a controlled substance in the 216
person's whole blood, blood serum or plasma, or urine that equals 217
or exceeds any of the following: 218

(i) The person has a concentration of amphetamine in the 219
person's urine of at least five hundred nanograms of amphetamine 220
per milliliter of the person's urine or has a concentration of 221
amphetamine in the person's whole blood or blood serum or plasma 222
of at least one hundred nanograms of amphetamine per milliliter of 223
the person's whole blood or blood serum or plasma. 224

(ii) The person has a concentration of cocaine in the 225
person's urine of at least one hundred fifty nanograms of cocaine 226
per milliliter of the person's urine or has a concentration of 227
cocaine in the person's whole blood or blood serum or plasma of at 228
least fifty nanograms of cocaine per milliliter of the person's 229
whole blood or blood serum or plasma. 230

(iii) The person has a concentration of cocaine metabolite in 231
the person's urine of at least one hundred fifty nanograms of 232
cocaine metabolite per milliliter of the person's urine or has a 233
concentration of cocaine metabolite in the person's whole blood or 234
blood serum or plasma of at least fifty nanograms of cocaine 235
metabolite per milliliter of the person's whole blood or blood 236

serum or plasma. 237

(iv) The person has a concentration of heroin in the person's 238
urine of at least two thousand nanograms of heroin per milliliter 239
of the person's urine or has a concentration of heroin in the 240
person's whole blood or blood serum or plasma of at least fifty 241
nanograms of heroin per milliliter of the person's whole blood or 242
blood serum or plasma. 243

(v) The person has a concentration of heroin metabolite 244
(6-monoacetyl morphine) in the person's urine of at least ten 245
nanograms of heroin metabolite (6-monoacetyl morphine) per 246
milliliter of the person's urine or has a concentration of heroin 247
metabolite (6-monoacetyl morphine) in the person's whole blood or 248
blood serum or plasma of at least ten nanograms of heroin 249
metabolite (6-monoacetyl morphine) per milliliter of the person's 250
whole blood or blood serum or plasma. 251

(vi) The person has a concentration of L.S.D. in the person's 252
urine of at least twenty-five nanograms of L.S.D. per milliliter 253
of the person's urine or a concentration of L.S.D. in the person's 254
whole blood or blood serum or plasma of at least ten nanograms of 255
L.S.D. per milliliter of the person's whole blood or blood serum 256
or plasma. 257

(vii) The person has a concentration of marihuana in the 258
person's urine of at least ten nanograms of marihuana per 259
milliliter of the person's urine or has a concentration of 260
marihuana in the person's whole blood or blood serum or plasma of 261
at least two nanograms of marihuana per milliliter of the person's 262
whole blood or blood serum or plasma. 263

(viii) Either of the following applies: 264

(I) The person is under the influence of alcohol, a drug of 265
abuse, or a combination of them, and, as measured by gas 266
chromatography mass spectrometry, the person has a concentration 267

of marihuana metabolite in the person's urine of at least fifteen 268
nanograms of marihuana metabolite per milliliter of the person's 269
urine or has a concentration of marihuana metabolite in the 270
person's whole blood or blood serum or plasma of at least five 271
nanograms of marihuana metabolite per milliliter of the person's 272
whole blood or blood serum or plasma. 273

(II) As measured by gas chromatography mass spectrometry, the 274
person has a concentration of marihuana metabolite in the person's 275
urine of at least thirty-five nanograms of marihuana metabolite 276
per milliliter of the person's urine or has a concentration of 277
marihuana metabolite in the person's whole blood or blood serum or 278
plasma of at least fifty nanograms of marihuana metabolite per 279
milliliter of the person's whole blood or blood serum or plasma. 280

(ix) The person has a concentration of methamphetamine in the 281
person's urine of at least five hundred nanograms of 282
methamphetamine per milliliter of the person's urine or has a 283
concentration of methamphetamine in the person's whole blood or 284
blood serum or plasma of at least one hundred nanograms of 285
methamphetamine per milliliter of the person's whole blood or 286
blood serum or plasma. 287

(x) The person has a concentration of phencyclidine in the 288
person's urine of at least twenty-five nanograms of phencyclidine 289
per milliliter of the person's urine or has a concentration of 290
phencyclidine in the person's whole blood or blood serum or plasma 291
of at least ten nanograms of phencyclidine per milliliter of the 292
person's whole blood or blood serum or plasma. 293

(2) No person who, within twenty years of the conduct 294
described in division (A)(2)(a) of this section, previously has 295
been convicted of or pleaded guilty to a violation of this 296
division, division (A)(1) or (B) of this section, or a municipal 297
OVI offense shall do both of the following: 298

(a) Operate any vehicle, streetcar, or trackless trolley 299
within this state while under the influence of alcohol, a drug of 300
abuse, or a combination of them; 301

(b) Subsequent to being arrested for operating the vehicle, 302
streetcar, or trackless trolley as described in division (A)(2)(a) 303
of this section, being asked by a law enforcement officer to 304
submit to a chemical test or tests under section 4511.191 of the 305
Revised Code, and being advised by the officer in accordance with 306
section 4511.192 of the Revised Code of the consequences of the 307
person's refusal or submission to the test or tests, refuse to 308
submit to the test or tests. 309

(B) No person under twenty-one years of age shall operate any 310
vehicle, streetcar, or trackless trolley within this state, if, at 311
the time of the operation, any of the following apply: 312

(1) The person has a concentration of at least two-hundredths 313
of one per cent but less than eight-hundredths of one per cent by 314
weight per unit volume of alcohol in the person's whole blood. 315

(2) The person has a concentration of at least 316
three-hundredths of one per cent but less than 317
ninety-six-thousandths of one per cent by weight per unit volume 318
of alcohol in the person's blood serum or plasma. 319

(3) The person has a concentration of at least two-hundredths 320
of one gram but less than eight-hundredths of one gram by weight 321
of alcohol per two hundred ten liters of the person's breath. 322

(4) The person has a concentration of at least twenty-eight 323
one-thousandths of one gram but less than eleven-hundredths of one 324
gram by weight of alcohol per one hundred milliliters of the 325
person's urine. 326

(C) In any proceeding arising out of one incident, a person 327
may be charged with a violation of division (A)(1)(a) or (A)(2) 328
and a violation of division (B)(1), (2), or (3) of this section, 329

but the person may not be convicted of more than one violation of 330
these divisions. 331

(D)(1)(a) In any criminal prosecution or juvenile court 332
proceeding for a violation of division (A)(1)(a) of this section 333
or for an equivalent offense, the result of any test of any blood 334
or urine withdrawn and analyzed at any health care provider, as 335
defined in section 2317.02 of the Revised Code, may be admitted 336
with expert testimony to be considered with any other relevant and 337
competent evidence in determining the guilt or innocence of the 338
defendant. 339

(b) In any criminal prosecution or juvenile court proceeding 340
for a violation of division (A) or (B) of this section or for an 341
equivalent offense, the court may admit evidence on the 342
concentration of alcohol, drugs of abuse, controlled substances, 343
metabolites of a controlled substance, or a combination of them in 344
the defendant's whole blood, blood serum or plasma, breath, urine, 345
or other bodily substance at the time of the alleged violation as 346
shown by chemical analysis of the substance withdrawn within three 347
hours of the time of the alleged violation. The three-hour time 348
limit specified in this division regarding the admission of 349
evidence does not extend or affect the two-hour time limit 350
specified in division (A) of section 4511.192 of the Revised Code 351
as the maximum period of time during which a person may consent to 352
a chemical test or tests as described in that section. The court 353
may admit evidence on the concentration of alcohol, drugs of 354
abuse, or a combination of them as described in this division when 355
a person submits to a blood, breath, urine, or other bodily 356
substance test at the request of a law enforcement officer under 357
section 4511.191 of the Revised Code or a blood or urine sample is 358
obtained pursuant to a search warrant. Only a physician, a 359
registered nurse, or a qualified technician, chemist, or 360
phlebotomist shall withdraw a blood sample for the purpose of 361

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
under this division, if in that person's opinion, the physical
welfare of the person would be endangered by the withdrawing of
blood.

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

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

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

If the chemical test was obtained pursuant to division

(D)(1)(b) of this section, the person tested may have a physician, 394
a registered nurse, or a qualified technician, chemist, or 395
phlebotomist of the person's own choosing administer a chemical 396
test or tests, at the person's expense, in addition to any 397
administered at the request of a law enforcement officer. The form 398
to be read to the person to be tested, as required under section 399
4511.192 of the Revised Code, shall state that the person may have 400
an independent test performed at the person's expense. The failure 401
or inability to obtain an additional chemical test by a person 402
shall not preclude the admission of evidence relating to the 403
chemical test or tests taken at the request of a law enforcement 404
officer. 405

(4)(a) As used in divisions (D)(4)(b) and (c) of this 406
section, "national highway traffic safety administration" means 407
the national highway traffic safety administration established as 408
an administration of the United States department of 409
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 410

(b) In any criminal prosecution or juvenile court proceeding 411
for a violation of division (A) or (B) of this section, of a 412
municipal ordinance relating to operating a vehicle while under 413
the influence of alcohol, a drug of abuse, or alcohol and a drug 414
of abuse, or of a municipal ordinance relating to operating a 415
vehicle with a prohibited concentration of alcohol, a controlled 416
substance, or a metabolite of a controlled substance in the blood, 417
breath, or urine, if a law enforcement officer has administered a 418
field sobriety test to the operator of the vehicle involved in the 419
violation and if it is shown by clear and convincing evidence that 420
the officer administered the test in substantial compliance with 421
the testing standards for any reliable, credible, and generally 422
accepted field sobriety tests that were in effect at the time the 423
tests were administered, including, but not limited to, any 424
testing standards then in effect that were set by the national 425

highway traffic safety administration, all of the following apply: 426

(i) The officer may testify concerning the results of the 427
field sobriety test so administered. 428

(ii) The prosecution may introduce the results of the field 429
sobriety test so administered as evidence in any proceedings in 430
the criminal prosecution or juvenile court proceeding. 431

(iii) If testimony is presented or evidence is introduced 432
under division (D)(4)(b)(i) or (ii) of this section and if the 433
testimony or evidence is admissible under the Rules of Evidence, 434
the court shall admit the testimony or evidence and the trier of 435
fact shall give it whatever weight the trier of fact considers to 436
be appropriate. 437

(c) Division (D)(4)(b) of this section does not limit or 438
preclude a court, in its determination of whether the arrest of a 439
person was supported by probable cause or its determination of any 440
other matter in a criminal prosecution or juvenile court 441
proceeding of a type described in that division, from considering 442
evidence or testimony that is not otherwise disallowed by division 443
(D)(4)(b) of this section. 444

(E)(1) Subject to division (E)(3) of this section, in any 445
criminal prosecution or juvenile court proceeding for a violation 446
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 447
or (B)(1), (2), (3), or (4) of this section or for an equivalent 448
offense that is substantially equivalent to any of those 449
divisions, a laboratory report from any laboratory personnel 450
issued a permit by the department of health authorizing an 451
analysis as described in this division that contains an analysis 452
of the whole blood, blood serum or plasma, breath, urine, or other 453
bodily substance tested and that contains all of the information 454
specified in this division shall be admitted as prima-facie 455
evidence of the information and statements that the report 456

contains. The laboratory report shall contain all of the 457
following: 458

(a) The signature, under oath, of any person who performed 459
the analysis; 460

(b) Any findings as to the identity and quantity of alcohol, 461
a drug of abuse, a controlled substance, a metabolite of a 462
controlled substance, or a combination of them that was found; 463

(c) A copy of a notarized statement by the laboratory 464
director or a designee of the director that contains the name of 465
each certified analyst or test performer involved with the report, 466
the analyst's or test performer's employment relationship with the 467
laboratory that issued the report, and a notation that performing 468
an analysis of the type involved is part of the analyst's or test 469
performer's regular duties; 470

(d) An outline of the analyst's or test performer's 471
education, training, and experience in performing the type of 472
analysis involved and a certification that the laboratory 473
satisfies appropriate quality control standards in general and, in 474
this particular analysis, under rules of the department of health. 475

(2) Notwithstanding any other provision of law regarding the 476
admission of evidence, a report of the type described in division 477
(E)(1) of this section is not admissible against the defendant to 478
whom it pertains in any proceeding, other than a preliminary 479
hearing or a grand jury proceeding, unless the prosecutor has 480
served a copy of the report on the defendant's attorney or, if the 481
defendant has no attorney, on the defendant. 482

(3) A report of the type described in division (E)(1) of this 483
section shall not be prima-facie evidence of the contents, 484
identity, or amount of any substance if, within seven days after 485
the defendant to whom the report pertains or the defendant's 486
attorney receives a copy of the report, the defendant or the 487

defendant's attorney demands the testimony of the person who 488
signed the report. The judge in the case may extend the seven-day 489
time limit in the interest of justice. 490

(F) Except as otherwise provided in this division, any 491
physician, registered nurse, or qualified technician, chemist, or 492
phlebotomist who withdraws blood from a person pursuant to this 493
section, and any hospital, first-aid station, or clinic at which 494
blood is withdrawn from a person pursuant to this section, is 495
immune from criminal liability and civil liability based upon a 496
claim of assault and battery or any other claim that is not a 497
claim of malpractice, for any act performed in withdrawing blood 498
from the person. The immunity provided in this division is not 499
available to a person who withdraws blood if the person engages in 500
willful or wanton misconduct. 501

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 502
to (i) or (A)(2) of this section is guilty of operating a vehicle 503
under the influence of alcohol, a drug of abuse, or a combination 504
of them. Whoever violates division (A)(1)(j) of this section is 505
guilty of operating a vehicle while under the influence of a 506
listed controlled substance or a listed metabolite of a controlled 507
substance. The court shall sentence the offender for either 508
offense under Chapter 2929. of the Revised Code, except as 509
otherwise authorized or required by divisions (G)(1)(a) to (e) of 510
this section: 511

(a) Except as otherwise provided in division (G)(1)(b), (c), 512
(d), or (e) of this section, the offender is guilty of a 513
misdemeanor of the first degree, and the court shall sentence the 514
offender to all of the following: 515

(i) If the sentence is being imposed for a violation of 516
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 517
mandatory jail term of three consecutive days. As used in this 518
division, three consecutive days means seventy-two consecutive 519

hours. The court may sentence an offender to both an intervention 520
program and a jail term. The court may impose a jail term in 521
addition to the three-day mandatory jail term or intervention 522
program. However, in no case shall the cumulative jail term 523
imposed for the offense exceed six months. 524

The court may suspend the execution of the three-day jail 525
term under this division if the court, in lieu of that suspended 526
term, places the offender under a community control sanction 527
pursuant to section 2929.25 of the Revised Code and requires the 528
offender to attend, for three consecutive days, a drivers' 529
intervention program certified under section 3793.10 of the 530
Revised Code. The court also may suspend the execution of any part 531
of the three-day jail term under this division if it places the 532
offender under a community control sanction pursuant to section 533
2929.25 of the Revised Code for part of the three days, requires 534
the offender to attend for the suspended part of the term a 535
drivers' intervention program so certified, and sentences the 536
offender to a jail term equal to the remainder of the three 537
consecutive days that the offender does not spend attending the 538
program. The court may require the offender, as a condition of 539
community control and in addition to the required attendance at a 540
drivers' intervention program, to attend and satisfactorily 541
complete any treatment or education programs that comply with the 542
minimum standards adopted pursuant to Chapter 3793. of the Revised 543
Code by the director of alcohol and drug addiction services that 544
the operators of the drivers' intervention program determine that 545
the offender should attend and to report periodically to the court 546
on the offender's progress in the programs. The court also may 547
impose on the offender any other conditions of community control 548
that it considers necessary. 549

(ii) If the sentence is being imposed for a violation of 550
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 551

section, except as otherwise provided in this division, a 552
mandatory jail term of at least three consecutive days and a 553
requirement that the offender attend, for three consecutive days, 554
a drivers' intervention program that is certified pursuant to 555
section 3793.10 of the Revised Code. As used in this division, 556
three consecutive days means seventy-two consecutive hours. If the 557
court determines that the offender is not conducive to treatment 558
in a drivers' intervention program, if the offender refuses to 559
attend a drivers' intervention program, or if the jail at which 560
the offender is to serve the jail term imposed can provide a 561
driver's intervention program, the court shall sentence the 562
offender to a mandatory jail term of at least six consecutive 563
days. 564

The court may require the offender, under a community control 565
sanction imposed under section 2929.25 of the Revised Code, to 566
attend and satisfactorily complete any treatment or education 567
programs that comply with the minimum standards adopted pursuant 568
to Chapter 3793. of the Revised Code by the director of alcohol 569
and drug addiction services, in addition to the required 570
attendance at drivers' intervention program, that the operators of 571
the drivers' intervention program determine that the offender 572
should attend and to report periodically to the court on the 573
offender's progress in the programs. The court also may impose any 574
other conditions of community control on the offender that it 575
considers necessary. 576

(iii) In all cases, a fine of not less than ~~two~~ three hundred 577
~~fifty~~ twenty-five and not more than one thousand seventy-five 578
dollars; 579

(iv) In all cases, a class five license suspension of the 580
offender's driver's or commercial driver's license or permit or 581
nonresident operating privilege from the range specified in 582
division (A)(5) of section 4510.02 of the Revised Code. The court 583

may grant limited driving privileges relative to the suspension 584
under sections 4510.021 and 4510.13 of the Revised Code. 585

(b) Except as otherwise provided in division (G)(1)(e) of 586
this section, an offender who, within six years of the offense, 587
previously has been convicted of or pleaded guilty to one 588
violation of division (A) or (B) of this section or one other 589
equivalent offense is guilty of a misdemeanor of the first degree. 590
The court shall sentence the offender to all of the following: 591

(i) If the sentence is being imposed for a violation of 592
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 593
mandatory jail term of ten consecutive days. The court shall 594
impose the ten-day mandatory jail term under this division unless, 595
subject to division (G)(3) of this section, it instead imposes a 596
sentence under that division consisting of both a jail term and a 597
term of house arrest with electronic monitoring, with continuous 598
alcohol monitoring, or with both electronic monitoring and 599
continuous alcohol monitoring. The court may impose a jail term in 600
addition to the ten-day mandatory jail term. The cumulative jail 601
term imposed for the offense shall not exceed six months. 602

In addition to the jail term or the term of house arrest with 603
electronic monitoring or continuous alcohol monitoring or both 604
types of monitoring and jail term, the court may require the 605
offender to attend a drivers' intervention program that is 606
certified pursuant to section 3793.10 of the Revised Code. If the 607
operator of the program determines that the offender is alcohol 608
dependent, the program shall notify the court, and, subject to 609
division (I) of this section, the court shall order the offender 610
to obtain treatment through an alcohol and drug addiction program 611
authorized by section 3793.02 of the Revised Code. 612

(ii) If the sentence is being imposed for a violation of 613
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 614
section, except as otherwise provided in this division, a 615

mandatory jail term of twenty consecutive days. The court shall 616
impose the twenty-day mandatory jail term under this division 617
unless, subject to division (G)(3) of this section, it instead 618
imposes a sentence under that division consisting of both a jail 619
term and a term of house arrest with electronic monitoring, with 620
continuous alcohol monitoring, or with both electronic monitoring 621
and continuous alcohol monitoring. The court may impose a jail 622
term in addition to the twenty-day mandatory jail term. The 623
cumulative jail term imposed for the offense shall not exceed six 624
months. 625

In addition to the jail term or the term of house arrest with 626
electronic monitoring or continuous alcohol monitoring or both 627
types of monitoring and jail term, the court may require the 628
offender to attend a driver's intervention program that is 629
certified pursuant to section 3793.10 of the Revised Code. If the 630
operator of the program determines that the offender is alcohol 631
dependent, the program shall notify the court, and, subject to 632
division (I) of this section, the court shall order the offender 633
to obtain treatment through an alcohol and drug addiction program 634
authorized by section 3793.02 of the Revised Code. 635

(iii) In all cases, notwithstanding the fines set forth in 636
Chapter 2929. of the Revised Code, a fine of not less than ~~three~~ 637
four hundred fifty seventy-five and not more than one thousand 638
~~five~~ six hundred twenty-five dollars; 639

(iv) In all cases, a class four license suspension of the 640
offender's driver's license, commercial driver's license, 641
temporary instruction permit, probationary license, or nonresident 642
operating privilege from the range specified in division (A)(4) of 643
section 4510.02 of the Revised Code. The court may grant limited 644
driving privileges relative to the suspension under sections 645
4510.021 and 4510.13 of the Revised Code. 646

(v) In all cases, if the vehicle is registered in the 647

offender's name, immobilization of the vehicle involved in the 648
offense for ninety days in accordance with section 4503.233 of the 649
Revised Code and impoundment of the license plates of that vehicle 650
for ninety days. 651

(c) Except as otherwise provided in division (G)(1)(e) of 652
this section, an offender who, within six years of the offense, 653
previously has been convicted of or pleaded guilty to two 654
violations of division (A) or (B) of this section or other 655
equivalent offenses is guilty of a misdemeanor. The court shall 656
sentence the offender to all of the following: 657

(i) If the sentence is being imposed for a violation of 658
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 659
mandatory jail term of thirty consecutive days. The court shall 660
impose the thirty-day mandatory jail term under this division 661
unless, subject to division (G)(3) of this section, it instead 662
imposes a sentence under that division consisting of both a jail 663
term and a term of house arrest with electronic monitoring, with 664
continuous alcohol monitoring, or with both electronic monitoring 665
and continuous alcohol monitoring. The court may impose a jail 666
term in addition to the thirty-day mandatory jail term. 667
Notwithstanding the jail terms set forth in sections 2929.21 to 668
2929.28 of the Revised Code, the additional jail term shall not 669
exceed one year, and the cumulative jail term imposed for the 670
offense shall not exceed one year. 671

(ii) If the sentence is being imposed for a violation of 672
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 673
section, a mandatory jail term of sixty consecutive days. The 674
court shall impose the sixty-day mandatory jail term under this 675
division unless, subject to division (G)(3) of this section, it 676
instead imposes a sentence under that division consisting of both 677
a jail term and a term of house arrest with electronic monitoring, 678
with continuous alcohol monitoring, or with both electronic 679

monitoring and continuous alcohol monitoring. The court may impose 680
a jail term in addition to the sixty-day mandatory jail term. 681
Notwithstanding the jail terms set forth in sections 2929.21 to 682
2929.28 of the Revised Code, the additional jail term shall not 683
exceed one year, and the cumulative jail term imposed for the 684
offense shall not exceed one year. 685

(iii) In all cases, notwithstanding the fines set forth in 686
Chapter 2929. of the Revised Code, a fine of not less than ~~five~~ 687
eight hundred ~~fifty~~ and not more than two thousand ~~five~~ seven 688
hundred fifty dollars; 689

(iv) In all cases, a class three license suspension of the 690
offender's driver's license, commercial driver's license, 691
temporary instruction permit, probationary license, or nonresident 692
operating privilege from the range specified in division (A)(3) of 693
section 4510.02 of the Revised Code. The court may grant limited 694
driving privileges relative to the suspension under sections 695
4510.021 and 4510.13 of the Revised Code. 696

(v) In all cases, if the vehicle is registered in the 697
offender's name, criminal forfeiture of the vehicle involved in 698
the offense in accordance with section 4503.234 of the Revised 699
Code. Division (G)(6) of this section applies regarding any 700
vehicle that is subject to an order of criminal forfeiture under 701
this division. 702

(vi) In all cases, participation in an alcohol and drug 703
addiction program authorized by section 3793.02 of the Revised 704
Code, subject to division (I) of this section. 705

(d) Except as otherwise provided in division (G)(1)(e) of 706
this section, an offender who, within six years of the offense, 707
previously has been convicted of or pleaded guilty to three or 708
four violations of division (A) or (B) of this section or other 709
equivalent offenses or an offender who, within twenty years of the 710

offense, previously has been convicted of or pleaded guilty to 711
five or more violations of that nature is guilty of a felony of 712
the fourth degree. The court shall sentence the offender to all of 713
the following: 714

(i) If the sentence is being imposed for a violation of 715
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 716
mandatory prison term of one, two, three, four, or five years as 717
required by and in accordance with division (G)(2) of section 718
2929.13 of the Revised Code if the offender also is convicted of 719
or also pleads guilty to a specification of the type described in 720
section 2941.1413 of the Revised Code or, in the discretion of the 721
court, either a mandatory term of local incarceration of sixty 722
consecutive days in accordance with division (G)(1) of section 723
2929.13 of the Revised Code or a mandatory prison term of sixty 724
consecutive days in accordance with division (G)(2) of that 725
section if the offender is not convicted of and does not plead 726
guilty to a specification of that type. If the court imposes a 727
mandatory term of local incarceration, it may impose a jail term 728
in addition to the sixty-day mandatory term, the cumulative total 729
of the mandatory term and the jail term for the offense shall not 730
exceed one year, and, except as provided in division (A)(1) of 731
section 2929.13 of the Revised Code, no prison term is authorized 732
for the offense. If the court imposes a mandatory prison term, 733
notwithstanding division (A)(4) of section 2929.14 of the Revised 734
Code, it also may sentence the offender to a definite prison term 735
that shall be not less than six months and not more than thirty 736
months and the prison terms shall be imposed as described in 737
division (G)(2) of section 2929.13 of the Revised Code. If the 738
court imposes a mandatory prison term or mandatory prison term and 739
additional prison term, in addition to the term or terms so 740
imposed, the court also may sentence the offender to a community 741
control sanction for the offense, but the offender shall serve all 742
of the prison terms so imposed prior to serving the community 743

control sanction. 744

(ii) If the sentence is being imposed for a violation of 745
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 746
section, a mandatory prison term of one, two, three, four, or five 747
years as required by and in accordance with division (G)(2) of 748
section 2929.13 of the Revised Code if the offender also is 749
convicted of or also pleads guilty to a specification of the type 750
described in section 2941.1413 of the Revised Code or, in the 751
discretion of the court, either a mandatory term of local 752
incarceration of one hundred twenty consecutive days in accordance 753
with division (G)(1) of section 2929.13 of the Revised Code or a 754
mandatory prison term of one hundred twenty consecutive days in 755
accordance with division (G)(2) of that section if the offender is 756
not convicted of and does not plead guilty to a specification of 757
that type. If the court imposes a mandatory term of local 758
incarceration, it may impose a jail term in addition to the one 759
hundred twenty-day mandatory term, the cumulative total of the 760
mandatory term and the jail term for the offense shall not exceed 761
one year, and, except as provided in division (A)(1) of section 762
2929.13 of the Revised Code, no prison term is authorized for the 763
offense. If the court imposes a mandatory prison term, 764
notwithstanding division (A)(4) of section 2929.14 of the Revised 765
Code, it also may sentence the offender to a definite prison term 766
that shall be not less than six months and not more than thirty 767
months and the prison terms shall be imposed as described in 768
division (G)(2) of section 2929.13 of the Revised Code. If the 769
court imposes a mandatory prison term or mandatory prison term and 770
additional prison term, in addition to the term or terms so 771
imposed, the court also may sentence the offender to a community 772
control sanction for the offense, but the offender shall serve all 773
of the prison terms so imposed prior to serving the community 774
control sanction. 775

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

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

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

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

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

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

(i) If the offender is being sentenced for a violation of 807
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 808
mandatory prison term of one, two, three, four, or five years as 809
required by and in accordance with division (G)(2) of section 810
2929.13 of the Revised Code if the offender also is convicted of 811
or also pleads guilty to a specification of the type described in 812
section 2941.1413 of the Revised Code or a mandatory prison term 813
of sixty consecutive days in accordance with division (G)(2) of 814
section 2929.13 of the Revised Code if the offender is not 815
convicted of and does not plead guilty to a specification of that 816
type. The court may impose a prison term in addition to the 817
mandatory prison term. The cumulative total of a sixty-day 818
mandatory prison term and the additional prison term for the 819
offense shall not exceed five years. In addition to the mandatory 820
prison term or mandatory prison term and additional prison term 821
the court imposes, the court also may sentence the offender to a 822
community control sanction for the offense, but the offender shall 823
serve all of the prison terms so imposed prior to serving the 824
community control sanction. 825

(ii) If the sentence is being imposed for a violation of 826
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 827
section, a mandatory prison term of one, two, three, four, or five 828
years as required by and in accordance with division (G)(2) of 829
section 2929.13 of the Revised Code if the offender also is 830
convicted of or also pleads guilty to a specification of the type 831
described in section 2941.1413 of the Revised Code or a mandatory 832
prison term of one hundred twenty consecutive days in accordance 833
with division (G)(2) of section 2929.13 of the Revised Code if the 834
offender is not convicted of and does not plead guilty to a 835
specification of that type. The court may impose a prison term in 836
addition to the mandatory prison term. The cumulative total of a 837
one hundred twenty-day mandatory prison term and the additional 838
prison term for the offense shall not exceed five years. In 839

addition to the mandatory prison term or mandatory prison term and 840
additional prison term the court imposes, the court also may 841
sentence the offender to a community control sanction for the 842
offense, but the offender shall serve all of the prison terms so 843
imposed prior to serving the community control sanction. 844

(iii) In all cases, notwithstanding section 2929.18 of the 845
Revised Code, a fine of not less than ~~eight~~ one thousand three 846
hundred nor more than ten thousand five hundred dollars; 847

(iv) In all cases, a class two license suspension of the 848
offender's driver's license, commercial driver's license, 849
temporary instruction permit, probationary license, or nonresident 850
operating privilege from the range specified in division (A)(2) of 851
section 4510.02 of the Revised Code. The court may grant limited 852
driving privileges relative to the suspension under sections 853
4510.021 and 4510.13 of the Revised Code. 854

(v) In all cases, if the vehicle is registered in the 855
offender's name, criminal forfeiture of the vehicle involved in 856
the offense in accordance with section 4503.234 of the Revised 857
Code. Division (G)(6) of this section applies regarding any 858
vehicle that is subject to an order of criminal forfeiture under 859
this division. 860

(vi) In all cases, participation in an alcohol and drug 861
addiction program authorized by section 3793.02 of the Revised 862
Code, subject to division (I) of this section. 863

(2) An offender who is convicted of or pleads guilty to a 864
violation of division (A) of this section and who subsequently 865
seeks reinstatement of the driver's or occupational driver's 866
license or permit or nonresident operating privilege suspended 867
under this section as a result of the conviction or guilty plea 868
shall pay a reinstatement fee as provided in division (F)(2) of 869
section 4511.191 of the Revised Code. 870

(3) If an offender is sentenced to a jail term under division 871
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 872
if, within sixty days of sentencing of the offender, the court 873
issues a written finding on the record that, due to the 874
unavailability of space at the jail where the offender is required 875
to serve the term, the offender will not be able to begin serving 876
that term within the sixty-day period following the date of 877
sentencing, the court may impose an alternative sentence under 878
this division that includes a term of house arrest with electronic 879
monitoring, with continuous alcohol monitoring, or with both 880
electronic monitoring and continuous alcohol monitoring. 881

As an alternative to a mandatory jail term of ten consecutive 882
days required by division (G)(1)(b)(i) of this section, the court, 883
under this division, may sentence the offender to five consecutive 884
days in jail and not less than eighteen consecutive days of house 885
arrest with electronic monitoring, with continuous alcohol 886
monitoring, or with both electronic monitoring and continuous 887
alcohol monitoring. The cumulative total of the five consecutive 888
days in jail and the period of house arrest with electronic 889
monitoring, continuous alcohol monitoring, or both types of 890
monitoring shall not exceed six months. The five consecutive days 891
in jail do not have to be served prior to or consecutively to the 892
period of house arrest. 893

As an alternative to the mandatory jail term of twenty 894
consecutive days required by division (G)(1)(b)(ii) of this 895
section, the court, under this division, may sentence the offender 896
to ten consecutive days in jail and not less than thirty-six 897
consecutive days of house arrest with electronic monitoring, with 898
continuous alcohol monitoring, or with both electronic monitoring 899
and continuous alcohol monitoring. The cumulative total of the ten 900
consecutive days in jail and the period of house arrest with 901
electronic monitoring, continuous alcohol monitoring, or both 902

types of monitoring shall not exceed six months. The ten 903
consecutive days in jail do not have to be served prior to or 904
consecutively to the period of house arrest. 905

As an alternative to a mandatory jail term of thirty 906
consecutive days required by division (G)(1)(c)(i) of this 907
section, the court, under this division, may sentence the offender 908
to fifteen consecutive days in jail and not less than fifty-five 909
consecutive days of house arrest with electronic monitoring, with 910
continuous alcohol monitoring, or with both electronic monitoring 911
and continuous alcohol monitoring. The cumulative total of the 912
fifteen consecutive days in jail and the period of house arrest 913
with electronic monitoring, continuous alcohol monitoring, or both 914
types of monitoring shall not exceed one year. The fifteen 915
consecutive days in jail do not have to be served prior to or 916
consecutively to the period of house arrest. 917

As an alternative to the mandatory jail term of sixty 918
consecutive days required by division (G)(1)(c)(ii) of this 919
section, the court, under this division, may sentence the offender 920
to thirty consecutive days in jail and not less than one hundred 921
ten consecutive days of house arrest with electronic monitoring, 922
with continuous alcohol monitoring, or with both electronic 923
monitoring and continuous alcohol monitoring. The cumulative total 924
of the thirty consecutive days in jail and the period of house 925
arrest with electronic monitoring, continuous alcohol monitoring, 926
or both types of monitoring shall not exceed one year. The thirty 927
consecutive days in jail do not have to be served prior to or 928
consecutively to the period of house arrest. 929

(4) If an offender's driver's or occupational driver's 930
license or permit or nonresident operating privilege is suspended 931
under division (G) of this section and if section 4510.13 of the 932
Revised Code permits the court to grant limited driving 933
privileges, the court may grant the limited driving privileges in 934

accordance with that section. If division (A)(7) of that section 935
requires that the court impose as a condition of the privileges 936
that the offender must display on the vehicle that is driven 937
subject to the privileges restricted license plates that are 938
issued under section 4503.231 of the Revised Code, except as 939
provided in division (B) of that section, the court shall impose 940
that condition as one of the conditions of the limited driving 941
privileges granted to the offender, except as provided in division 942
(B) of section 4503.231 of the Revised Code. 943

(5) Fines imposed under this section for a violation of 944
division (A) of this section shall be distributed as follows: 945

(a) Twenty-five dollars of the fine imposed under division 946
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 947
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 948
fine imposed under division (G)(1)(c)(iii), and two hundred ten 949
dollars of the fine imposed under division (G)(1)(d)(iii) or 950
(e)(iii) of this section shall be paid to an enforcement and 951
education fund established by the legislative authority of the law 952
enforcement agency in this state that primarily was responsible 953
for the arrest of the offender, as determined by the court that 954
imposes the fine. The agency shall use this share to pay only 955
those costs it incurs in enforcing this section or a municipal OVI 956
ordinance and in informing the public of the laws governing the 957
operation of a vehicle while under the influence of alcohol, the 958
dangers of the operation of a vehicle under the influence of 959
alcohol, and other information relating to the operation of a 960
vehicle under the influence of alcohol and the consumption of 961
alcoholic beverages. 962

(b) Fifty dollars of the fine imposed under division 963
(G)(1)(a)(iii) of this section shall be paid to the political 964
subdivision that pays the cost of housing the offender during the 965
offender's term of incarceration. If the offender is being 966

sentenced for a violation of division (A)(1)(a), (b), (c), (d), 967
(e), or (j) of this section and was confined as a result of the 968
offense prior to being sentenced for the offense but is not 969
sentenced to a term of incarceration, the fifty dollars shall be 970
paid to the political subdivision that paid the cost of housing 971
the offender during that period of confinement. The political 972
subdivision shall use the share under this division to pay or 973
reimburse incarceration or treatment costs it incurs in housing or 974
providing drug and alcohol treatment to persons who violate this 975
section or a municipal OVI ordinance, costs of any immobilizing or 976
disabling device used on the offender's vehicle, and costs of 977
electronic house arrest equipment needed for persons who violate 978
this section. 979

(c) Twenty-five dollars of the fine imposed under division 980
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 981
division (G)(1)(b)(iii) of this section shall be deposited into 982
the county or municipal indigent drivers' alcohol treatment fund 983
under the control of that court, as created by the county or 984
municipal corporation under division (N) of section 4511.191 of 985
the Revised Code. 986

(d) One hundred fifteen dollars of the fine imposed under 987
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 988
fine imposed under division (G)(1)(c)(iii), and four hundred forty 989
dollars of the fine imposed under division (G)(1)(d)(iii) or 990
(e)(iii) of this section shall be paid to the political 991
subdivision that pays the cost of housing the offender during the 992
offender's term of incarceration. The political subdivision shall 993
use this share to pay or reimburse incarceration or treatment 994
costs it incurs in housing or providing drug and alcohol treatment 995
to persons who violate this section or a municipal OVI ordinance, 996
costs for any immobilizing or disabling device used on the 997
offender's vehicle, and costs of electronic house arrest equipment 998

needed for persons who violate this section. 999

(e) Seventy-five dollars of the fine imposed under division 1000
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 1001
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 1002
of the fine imposed under division (G)(1)(c)(iii), and five 1003
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 1004
or (e)(iii) of this section shall be transmitted to the treasurer 1005
of state for deposit into the indigent defense support fund 1006
established under section 120.08 of the Revised Code. 1007

(f) The balance of the fine imposed under division 1008
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 1009
section shall be disbursed as otherwise provided by law. 1010

(6) If title to a motor vehicle that is subject to an order 1011
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 1012
this section is assigned or transferred and division (B)(2) or (3) 1013
of section 4503.234 of the Revised Code applies, in addition to or 1014
independent of any other penalty established by law, the court may 1015
fine the offender the value of the vehicle as determined by 1016
publications of the national auto dealers association. The 1017
proceeds of any fine so imposed shall be distributed in accordance 1018
with division (C)(2) of that section. 1019

(7) As used in division (G) of this section, "electronic 1020
monitoring," "mandatory prison term," and "mandatory term of local 1021
incarceration" have the same meanings as in section 2929.01 of the 1022
Revised Code. 1023

(H) Whoever violates division (B) of this section is guilty 1024
of operating a vehicle after underage alcohol consumption and 1025
shall be punished as follows: 1026

(1) Except as otherwise provided in division (H)(2) of this 1027
section, the offender is guilty of a misdemeanor of the fourth 1028
degree. In addition to any other sanction imposed for the offense, 1029

the court shall impose a class six suspension of the offender's 1030
driver's license, commercial driver's license, temporary 1031
instruction permit, probationary license, or nonresident operating 1032
privilege from the range specified in division (A)(6) of section 1033
4510.02 of the Revised Code. 1034

(2) If, within one year of the offense, the offender 1035
previously has been convicted of or pleaded guilty to one or more 1036
violations of division (A) or (B) of this section or other 1037
equivalent offenses, the offender is guilty of a misdemeanor of 1038
the third degree. In addition to any other sanction imposed for 1039
the offense, the court shall impose a class four suspension of the 1040
offender's driver's license, commercial driver's license, 1041
temporary instruction permit, probationary license, or nonresident 1042
operating privilege from the range specified in division (A)(4) of 1043
section 4510.02 of the Revised Code. 1044

(3) If the offender also is convicted of or also pleads 1045
guilty to a specification of the type described in section 1046
2941.1416 of the Revised Code and if the court imposes a jail term 1047
for the violation of division (B) of this section, the court shall 1048
impose upon the offender an additional definite jail term pursuant 1049
to division (E) of section 2929.24 of the Revised Code. 1050

(I)(1) No court shall sentence an offender to an alcohol 1051
treatment program under this section unless the treatment program 1052
complies with the minimum standards for alcohol treatment programs 1053
adopted under Chapter 3793. of the Revised Code by the director of 1054
alcohol and drug addiction services. 1055

(2) An offender who stays in a drivers' intervention program 1056
or in an alcohol treatment program under an order issued under 1057
this section shall pay the cost of the stay in the program. 1058
However, if the court determines that an offender who stays in an 1059
alcohol treatment program under an order issued under this section 1060
is unable to pay the cost of the stay in the program, the court 1061

may order that the cost be paid from the court's indigent drivers' 1062
alcohol treatment fund. 1063

(J) If a person whose driver's or commercial driver's license 1064
or permit or nonresident operating privilege is suspended under 1065
this section files an appeal regarding any aspect of the person's 1066
trial or sentence, the appeal itself does not stay the operation 1067
of the suspension. 1068

(K) Division (A)(1)(j) of this section does not apply to a 1069
person who operates a vehicle, streetcar, or trackless trolley 1070
while the person has a concentration of a listed controlled 1071
substance or a listed metabolite of a controlled substance in the 1072
person's whole blood, blood serum or plasma, or urine that equals 1073
or exceeds the amount specified in that division, if both of the 1074
following apply: 1075

(1) The person obtained the controlled substance pursuant to 1076
a prescription issued by a licensed health professional authorized 1077
to prescribe drugs. 1078

(2) The person injected, ingested, or inhaled the controlled 1079
substance in accordance with the health professional's directions. 1080

(L) The prohibited concentrations of a controlled substance 1081
or a metabolite of a controlled substance listed in division 1082
(A)(1)(j) of this section also apply in a prosecution of a 1083
violation of division (D) of section 2923.16 of the Revised Code 1084
in the same manner as if the offender is being prosecuted for a 1085
prohibited concentration of alcohol. 1086

(M) All terms defined in section 4510.01 of the Revised Code 1087
apply to this section. If the meaning of a term defined in section 1088
4510.01 of the Revised Code conflicts with the meaning of the same 1089
term as defined in section 4501.01 or 4511.01 of the Revised Code, 1090
the term as defined in section 4510.01 of the Revised Code applies 1091
to this section. 1092

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 1093
as adopted by the supreme court under authority of section 2937.46 1094
of the Revised Code, do not apply to felony violations of this 1095
section. Subject to division (N)(2) of this section, the Rules of 1096
Criminal Procedure apply to felony violations of this section. 1097

(2) If, on or after January 1, 2004, the supreme court 1098
modifies the Ohio Traffic Rules to provide procedures to govern 1099
felony violations of this section, the modified rules shall apply 1100
to felony violations of this section. 1101

Sec. 4519.59. (A) The (1) If a clerk of a court of common 1102
pleas who also serves as a deputy registrar under section 4503.03 1103
or 4503.036 of the Revised Code determines that additional funds 1104
are required to sustain the processing of titles by the clerk, the 1105
clerk may impose and charge an additional fee of five dollars for 1106
each certificate of title, memorandum certificate of title, 1107
non-negotiable evidence of ownership, and duplicate copy of a 1108
certificate of title issued and for each notation or indication of 1109
any lien or security interest on a certificate of title. The clerk 1110
shall retain these fees. 1111

(2) In addition to those fees, if applicable, a clerk shall 1112
charge a fee of five dollars for each certificate of title, 1113
duplicate certificate of title, memorandum certificate of title, 1114
authorization to print a non-negotiable evidence of ownership 1115
described in division (D) of section 4519.58 of the Revised Code, 1116
non-negotiable evidence of ownership printed by the clerk under 1117
division (E) of that section, and notation of any lien on a 1118
certificate of title. The clerk shall retain two dollars and 1119
twenty-five cents of the fee charged for each certificate of 1120
title, four dollars and seventy-five cents of the fee charged for 1121
each duplicate certificate of title, all of the fees charged for 1122
each memorandum certificate, authorization to print a 1123

non-negotiable evidence of ownership, or non-negotiable evidence 1124
of ownership printed by the clerk, and four dollars and 1125
twenty-five cents of the fee charged for each notation of a lien. 1126

The remaining two dollars and seventy-five cents charged for 1127
the certificate of title, the remaining twenty-five cents charged 1128
for the duplicate certificate of title, and the remaining 1129
seventy-five cents charged for the notation of any lien on a 1130
certificate of title shall be paid to the registrar of motor 1131
vehicles by monthly returns, which shall be forwarded to the 1132
registrar not later than the fifth day of the month next 1133
succeeding that in which the certificate is forwarded or that in 1134
which the registrar is notified of a lien or cancellation of a 1135
lien. 1136

(B)(1) The registrar shall pay twenty-five cents of the 1137
amount received for each certificate of title and all of the 1138
amounts received for each notation of any lien and each duplicate 1139
certificate of title into the state bureau of motor vehicles fund 1140
established in section 4501.25 of the Revised Code. 1141

(2) Fifty cents of the amount received for each certificate 1142
of title shall be paid by the registrar as follows: 1143

(a) Four cents shall be paid into the state treasury to the 1144
credit of the motor vehicle dealers board fund created in section 1145
4505.09 of the Revised Code, for use as described in division 1146
(B)(2)(a) of that section. 1147

(b) Twenty-one cents shall be paid into the highway operating 1148
fund. 1149

(c) Twenty-five cents shall be paid into the state treasury 1150
to the credit of the motor vehicle sales audit fund created in 1151
section 4505.09 of the Revised Code, for use as described in 1152
division (B)(2)(c) of that section. 1153

(3) Two dollars of the amount received by the registrar for 1154

each certificate of title shall be paid into the state treasury to 1155
the credit of the automated title processing fund created in 1156
section 4505.09 of the Revised Code, for use as described in 1157
divisions (B)(3)(a) and (c) of that section. 1158

Section 2. That existing sections 1548.10, 4505.09, 4511.19, 1159
and 4519.59 of the Revised Code are hereby repealed. 1160

Section 3. All appropriation items in this section are hereby 1161
appropriated as designated out of moneys in the state treasury to 1162
the credit of the Indigent Defense Support Fund. For all 1163
appropriations made in this act, the amounts in the first column 1164
are for fiscal year 2008, and the amounts in the second column are 1165
for fiscal year 2009. The appropriations made in this act are in 1166
addition to any other appropriations made for the FY 2008-2009 1167
biennium. 1168

Appropriations

PUB PUBLIC DEFENDER COMMISSION APPROPRIATION				1169
State Special Revenue Fund				1170
ALI 019-618 Indigent Defense	\$	\$3,700,000	\$	\$3,700,000 1171
Support Fund				
TOTAL SSR State Special Revenue	\$	\$3,700,000	\$	\$3,700,000 1172
Fund				
TOTAL ALL BUDGET FUND GROUPS	\$	\$3,700,000	\$	\$3,700,000 1173

Section 4. Within the limits set forth in this act, the 1175
Director of Budget and Management shall establish accounts 1176
indicating the source and amount of money for each appropriation 1177
made in this act and shall determine the form and manner in which 1178
appropriation accounts shall be maintained. Expenditures from 1179
appropriations contained in this act shall be accounted for as 1180
though made in Am. Sub. H.B. 119 of the 127th General Assembly. 1181

The appropriations made in this act are subject to all 1182

provisions of Am. Sub. H.B. 119 of the 127th General Assembly that 1183
are generally applicable to such appropriations. 1184

Section 5. The sections of law contained in this act and the 1185
items of which they are composed are not subject to the 1186
referendum. Therefore, under Ohio Constitution, Article II, 1187
Section 1d and section 1.471 of the Revised Code, the sections of 1188
law contained in this act and the items of which they are composed 1189
go into immediate effect when this act becomes law. 1190