

**As Passed by the Senate**

**127th General Assembly  
Regular Session  
2007-2008**

**Sub. S. B. No. 209**

**Senator Carey**

**Cosponsors: Senators Cates, Kearney, Gardner, Faber, Miller, D., Roberts,  
Goodman, Harris, Padgett, Stivers**

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**A B I L L**

To amend sections 4511.19, 4519.02, and 4519.09 and 1  
to enact section 120.08 of the Revised Code to 2  
direct that a specified amount of OVI fines be 3  
credited to the State Public Defender for county 4  
indigent criminal defense reimbursement, to 5  
establish registration reciprocity for all-purpose 6  
and other special vehicles, and to make an 7  
appropriation. 8

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

**Section 1.** That sections 4511.19, 4519.02, and 4519.09 be 9  
amended and section 120.08 of the Revised Code be enacted to read 10  
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 the 15  
purpose of reimbursing county governments for expenses incurred 16  
pursuant to sections 120.18, 120.28, and 120.33 of the Revised 17  
Code. Disbursements from the fund to county governments shall be 18

made in each state fiscal year and shall be allocated 19  
proportionately so that each county receives an equal percentage 20  
of its total cost for operating its county public defender system, 21  
its joint county public defender system, or its county appointed 22  
counsel system. 23

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 24  
streetcar, or trackless trolley within this state, if, at the time 25  
of the operation, any of the following apply: 26

(a) The person is under the influence of alcohol, a drug of 27  
abuse, or a combination of them. 28

(b) The person has a concentration of eight-hundredths of one 29  
per cent or more but less than seventeen-hundredths of one per 30  
cent by weight per unit volume of alcohol in the person's whole 31  
blood. 32

(c) The person has a concentration of ninety-six-thousandths 33  
of one per cent or more but less than two hundred four-thousandths 34  
of one per cent by weight per unit volume of alcohol in the 35  
person's blood serum or plasma. 36

(d) The person has a concentration of eight-hundredths of one 37  
gram or more but less than seventeen-hundredths of one gram by 38  
weight of alcohol per two hundred ten liters of the person's 39  
breath. 40

(e) The person has a concentration of eleven-hundredths of 41  
one gram or more but less than two hundred 42  
thirty-eight-thousandths of one gram by weight of alcohol per one 43  
hundred milliliters of the person's urine. 44

(f) The person has a concentration of seventeen-hundredths of 45  
one per cent or more by weight per unit volume of alcohol in the 46  
person's whole blood. 47

(g) The person has a concentration of two hundred 48  
four-thousandths of one per cent or more by weight per unit volume 49  
of alcohol in the person's blood serum or plasma. 50

(h) The person has a concentration of seventeen-hundredths of 51  
one gram or more by weight of alcohol per two hundred ten liters 52  
of the person's breath. 53

(i) The person has a concentration of two hundred 54  
thirty-eight-thousandths of one gram or more by weight of alcohol 55  
per one hundred milliliters of the person's urine. 56

(j) Except as provided in division (K) of this section, the 57  
person has a concentration of any of the following controlled 58  
substances or metabolites of a controlled substance in the 59  
person's whole blood, blood serum or plasma, or urine that equals 60  
or exceeds any of the following: 61

(i) The person has a concentration of amphetamine in the 62  
person's urine of at least five hundred nanograms of amphetamine 63  
per milliliter of the person's urine or has a concentration of 64  
amphetamine in the person's whole blood or blood serum or plasma 65  
of at least one hundred nanograms of amphetamine per milliliter of 66  
the person's whole blood or blood serum or plasma. 67

(ii) The person has a concentration of cocaine in the 68  
person's urine of at least one hundred fifty nanograms of cocaine 69  
per milliliter of the person's urine or has a concentration of 70  
cocaine in the person's whole blood or blood serum or plasma of at 71  
least fifty nanograms of cocaine per milliliter of the person's 72  
whole blood or blood serum or plasma. 73

(iii) The person has a concentration of cocaine metabolite in 74  
the person's urine of at least one hundred fifty nanograms of 75  
cocaine metabolite per milliliter of the person's urine or has a 76  
concentration of cocaine metabolite in the person's whole blood or 77  
blood serum or plasma of at least fifty nanograms of cocaine 78

metabolite per milliliter of the person's whole blood or blood 79  
serum or plasma. 80

(iv) The person has a concentration of heroin in the person's 81  
urine of at least two thousand nanograms of heroin per milliliter 82  
of the person's urine or has a concentration of heroin in the 83  
person's whole blood or blood serum or plasma of at least fifty 84  
nanograms of heroin per milliliter of the person's whole blood or 85  
blood serum or plasma. 86

(v) The person has a concentration of heroin metabolite 87  
(6-monoacetyl morphine) in the person's urine of at least ten 88  
nanograms of heroin metabolite (6-monoacetyl morphine) per 89  
milliliter of the person's urine or has a concentration of heroin 90  
metabolite (6-monoacetyl morphine) in the person's whole blood or 91  
blood serum or plasma of at least ten nanograms of heroin 92  
metabolite (6-monoacetyl morphine) per milliliter of the person's 93  
whole blood or blood serum or plasma. 94

(vi) The person has a concentration of L.S.D. in the person's 95  
urine of at least twenty-five nanograms of L.S.D. per milliliter 96  
of the person's urine or a concentration of L.S.D. in the person's 97  
whole blood or blood serum or plasma of at least ten nanograms of 98  
L.S.D. per milliliter of the person's whole blood or blood serum 99  
or plasma. 100

(vii) The person has a concentration of marihuana in the 101  
person's urine of at least ten nanograms of marihuana per 102  
milliliter of the person's urine or has a concentration of 103  
marihuana in the person's whole blood or blood serum or plasma of 104  
at least two nanograms of marihuana per milliliter of the person's 105  
whole blood or blood serum or plasma. 106

(viii) Either of the following applies: 107

(I) The person is under the influence of alcohol, a drug of 108  
abuse, or a combination of them, and, as measured by gas 109

chromatography mass spectrometry, the person has a concentration 110  
of marihuana metabolite in the person's urine of at least fifteen 111  
nanograms of marihuana metabolite per milliliter of the person's 112  
urine or has a concentration of marihuana metabolite in the 113  
person's whole blood or blood serum or plasma of at least five 114  
nanograms of marihuana metabolite per milliliter of the person's 115  
whole blood or blood serum or plasma. 116

(II) As measured by gas chromatography mass spectrometry, the 117  
person has a concentration of marihuana metabolite in the person's 118  
urine of at least thirty-five nanograms of marihuana metabolite 119  
per milliliter of the person's urine or has a concentration of 120  
marihuana metabolite in the person's whole blood or blood serum or 121  
plasma of at least fifty nanograms of marihuana metabolite per 122  
milliliter of the person's whole blood or blood serum or plasma. 123

(ix) The person has a concentration of methamphetamine in the 124  
person's urine of at least five hundred nanograms of 125  
methamphetamine per milliliter of the person's urine or has a 126  
concentration of methamphetamine in the person's whole blood or 127  
blood serum or plasma of at least one hundred nanograms of 128  
methamphetamine per milliliter of the person's whole blood or 129  
blood serum or plasma. 130

(x) The person has a concentration of phencyclidine in the 131  
person's urine of at least twenty-five nanograms of phencyclidine 132  
per milliliter of the person's urine or has a concentration of 133  
phencyclidine in the person's whole blood or blood serum or plasma 134  
of at least ten nanograms of phencyclidine per milliliter of the 135  
person's whole blood or blood serum or plasma. 136

(2) No person who, within twenty years of the conduct 137  
described in division (A)(2)(a) of this section, previously has 138  
been convicted of or pleaded guilty to a violation of this 139  
division, division (A)(1) or (B) of this section, or a municipal 140  
OVI offense shall do both of the following: 141

(a) Operate any vehicle, streetcar, or trackless trolley 142  
within this state while under the influence of alcohol, a drug of 143  
abuse, or a combination of them; 144

(b) Subsequent to being arrested for operating the vehicle, 145  
streetcar, or trackless trolley as described in division (A)(2)(a) 146  
of this section, being asked by a law enforcement officer to 147  
submit to a chemical test or tests under section 4511.191 of the 148  
Revised Code, and being advised by the officer in accordance with 149  
section 4511.192 of the Revised Code of the consequences of the 150  
person's refusal or submission to the test or tests, refuse to 151  
submit to the test or tests. 152

(B) No person under twenty-one years of age shall operate any 153  
vehicle, streetcar, or trackless trolley within this state, if, at 154  
the time of the operation, any of the following apply: 155

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

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

(3) The person has a concentration of at least two-hundredths 163  
of one gram but less than eight-hundredths of one gram by weight 164  
of alcohol per two hundred ten liters of the person's breath. 165

(4) The person has a concentration of at least twenty-eight 166  
one-thousandths of one gram but less than eleven-hundredths of one 167  
gram by weight of alcohol per one hundred milliliters of the 168  
person's urine. 169

(C) In any proceeding arising out of one incident, a person 170  
may be charged with a violation of division (A)(1)(a) or (A)(2) 171  
and a violation of division (B)(1), (2), or (3) of this section, 172

but the person may not be convicted of more than one violation of 173  
these divisions. 174

(D)(1)(a) In any criminal prosecution or juvenile court 175  
proceeding for a violation of division (A)(1)(a) of this section 176  
or for an equivalent offense, the result of any test of any blood 177  
or urine withdrawn and analyzed at any health care provider, as 178  
defined in section 2317.02 of the Revised Code, may be admitted 179  
with expert testimony to be considered with any other relevant and 180  
competent evidence in determining the guilt or innocence of the 181  
defendant. 182

(b) In any criminal prosecution or juvenile court proceeding 183  
for a violation of division (A) or (B) of this section or for an 184  
equivalent offense, the court may admit evidence on the 185  
concentration of alcohol, drugs of abuse, controlled substances, 186  
metabolites of a controlled substance, or a combination of them in 187  
the defendant's whole blood, blood serum or plasma, breath, urine, 188  
or other bodily substance at the time of the alleged violation as 189  
shown by chemical analysis of the substance withdrawn within three 190  
hours of the time of the alleged violation. The three-hour time 191  
limit specified in this division regarding the admission of 192  
evidence does not extend or affect the two-hour time limit 193  
specified in division (A) of section 4511.192 of the Revised Code 194  
as the maximum period of time during which a person may consent to 195  
a chemical test or tests as described in that section. The court 196  
may admit evidence on the concentration of alcohol, drugs of 197  
abuse, or a combination of them as described in this division when 198  
a person submits to a blood, breath, urine, or other bodily 199  
substance test at the request of a law enforcement officer under 200  
section 4511.191 of the Revised Code or a blood or urine sample is 201  
obtained pursuant to a search warrant. Only a physician, a 202  
registered nurse, or a qualified technician, chemist, or 203  
phlebotomist shall withdraw a blood sample for the purpose of 204

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, 237  
a registered nurse, or a qualified technician, chemist, or 238  
phlebotomist of the person's own choosing administer a chemical 239  
test or tests, at the person's expense, in addition to any 240  
administered at the request of a law enforcement officer. The form 241  
to be read to the person to be tested, as required under section 242  
4511.192 of the Revised Code, shall state that the person may have 243  
an independent test performed at the person's expense. The failure 244  
or inability to obtain an additional chemical test by a person 245  
shall not preclude the admission of evidence relating to the 246  
chemical test or tests taken at the request of a law enforcement 247  
officer. 248

(4)(a) As used in divisions (D)(4)(b) and (c) of this 249  
section, "national highway traffic safety administration" means 250  
the national highway traffic safety administration established as 251  
an administration of the United States department of 252  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 253

(b) In any criminal prosecution or juvenile court proceeding 254  
for a violation of division (A) or (B) of this section, of a 255  
municipal ordinance relating to operating a vehicle while under 256  
the influence of alcohol, a drug of abuse, or alcohol and a drug 257  
of abuse, or of a municipal ordinance relating to operating a 258  
vehicle with a prohibited concentration of alcohol, a controlled 259  
substance, or a metabolite of a controlled substance in the blood, 260  
breath, or urine, if a law enforcement officer has administered a 261  
field sobriety test to the operator of the vehicle involved in the 262  
violation and if it is shown by clear and convincing evidence that 263  
the officer administered the test in substantial compliance with 264  
the testing standards for any reliable, credible, and generally 265  
accepted field sobriety tests that were in effect at the time the 266  
tests were administered, including, but not limited to, any 267  
testing standards then in effect that were set by the national 268

highway traffic safety administration, all of the following apply: 269

(i) The officer may testify concerning the results of the 270  
field sobriety test so administered. 271

(ii) The prosecution may introduce the results of the field 272  
sobriety test so administered as evidence in any proceedings in 273  
the criminal prosecution or juvenile court proceeding. 274

(iii) If testimony is presented or evidence is introduced 275  
under division (D)(4)(b)(i) or (ii) of this section and if the 276  
testimony or evidence is admissible under the Rules of Evidence, 277  
the court shall admit the testimony or evidence and the trier of 278  
fact shall give it whatever weight the trier of fact considers to 279  
be appropriate. 280

(c) Division (D)(4)(b) of this section does not limit or 281  
preclude a court, in its determination of whether the arrest of a 282  
person was supported by probable cause or its determination of any 283  
other matter in a criminal prosecution or juvenile court 284  
proceeding of a type described in that division, from considering 285  
evidence or testimony that is not otherwise disallowed by division 286  
(D)(4)(b) of this section. 287

(E)(1) Subject to division (E)(3) of this section, in any 288  
criminal prosecution or juvenile court proceeding for a violation 289  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 290  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 291  
offense that is substantially equivalent to any of those 292  
divisions, a laboratory report from any laboratory personnel 293  
issued a permit by the department of health authorizing an 294  
analysis as described in this division that contains an analysis 295  
of the whole blood, blood serum or plasma, breath, urine, or other 296  
bodily substance tested and that contains all of the information 297  
specified in this division shall be admitted as prima-facie 298  
evidence of the information and statements that the report 299

contains. The laboratory report shall contain all of the 300  
following: 301

(a) The signature, under oath, of any person who performed 302  
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  
(E)(1) of this section is not admissible against the defendant to 321  
whom it pertains in any proceeding, other than a preliminary 322  
hearing or a grand jury proceeding, unless the prosecutor has 323  
served a copy of the report on the defendant's attorney or, if the 324  
defendant has no attorney, on the defendant. 325

(3) A report of the type described in division (E)(1) of this 326  
section shall not be prima-facie evidence of the contents, 327  
identity, or amount of any substance if, within seven days after 328  
the defendant to whom the report pertains or the defendant's 329  
attorney receives a copy of the report, the defendant or the 330

defendant's attorney demands the testimony of the person who 331  
signed the report. The judge in the case may extend the seven-day 332  
time limit in the interest of justice. 333

(F) Except as otherwise provided in this division, any 334  
physician, registered nurse, or qualified technician, chemist, or 335  
phlebotomist who withdraws blood from a person pursuant to this 336  
section, and any hospital, first-aid station, or clinic at which 337  
blood is withdrawn from a person pursuant to this section, is 338  
immune from criminal liability and civil liability based upon a 339  
claim of assault and battery or any other claim that is not a 340  
claim of malpractice, for any act performed in withdrawing blood 341  
from the person. The immunity provided in this division is not 342  
available to a person who withdraws blood if the person engages in 343  
willful or wanton misconduct. 344

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 345  
to (i) or (A)(2) of this section is guilty of operating a vehicle 346  
under the influence of alcohol, a drug of abuse, or a combination 347  
of them. Whoever violates division (A)(1)(j) of this section is 348  
guilty of operating a vehicle while under the influence of a 349  
listed controlled substance or a listed metabolite of a controlled 350  
substance. The court shall sentence the offender for either 351  
offense under Chapter 2929. of the Revised Code, except as 352  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 353  
this section: 354

(a) Except as otherwise provided in division (G)(1)(b), (c), 355  
(d), or (e) of this section, the offender is guilty of a 356  
misdemeanor of the first degree, and the court shall sentence the 357  
offender to all of the following: 358

(i) If the sentence is being imposed for a violation of 359  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 360  
mandatory jail term of three consecutive days. As used in this 361  
division, three consecutive days means seventy-two consecutive 362

hours. The court may sentence an offender to both an intervention 363  
program and a jail term. The court may impose a jail term in 364  
addition to the three-day mandatory jail term or intervention 365  
program. However, in no case shall the cumulative jail term 366  
imposed for the offense exceed six months. 367

The court may suspend the execution of the three-day jail 368  
term under this division if the court, in lieu of that suspended 369  
term, places the offender under a community control sanction 370  
pursuant to section 2929.25 of the Revised Code and requires the 371  
offender to attend, for three consecutive days, a drivers' 372  
intervention program certified under section 3793.10 of the 373  
Revised Code. The court also may suspend the execution of any part 374  
of the three-day jail term under this division if it places the 375  
offender under a community control sanction pursuant to section 376  
2929.25 of the Revised Code for part of the three days, requires 377  
the offender to attend for the suspended part of the term a 378  
drivers' intervention program so certified, and sentences the 379  
offender to a jail term equal to the remainder of the three 380  
consecutive days that the offender does not spend attending the 381  
program. The court may require the offender, as a condition of 382  
community control and in addition to the required attendance at a 383  
drivers' intervention program, to attend and satisfactorily 384  
complete any treatment or education programs that comply with the 385  
minimum standards adopted pursuant to Chapter 3793. of the Revised 386  
Code by the director of alcohol and drug addiction services that 387  
the operators of the drivers' intervention program determine that 388  
the offender should attend and to report periodically to the court 389  
on the offender's progress in the programs. The court also may 390  
impose on the offender any other conditions of community control 391  
that it considers necessary. 392

(ii) If the sentence is being imposed for a violation of 393  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 394

section, except as otherwise provided in this division, a 395  
mandatory jail term of at least three consecutive days and a 396  
requirement that the offender attend, for three consecutive days, 397  
a drivers' intervention program that is certified pursuant to 398  
section 3793.10 of the Revised Code. As used in this division, 399  
three consecutive days means seventy-two consecutive hours. If the 400  
court determines that the offender is not conducive to treatment 401  
in a drivers' intervention program, if the offender refuses to 402  
attend a drivers' intervention program, or if the jail at which 403  
the offender is to serve the jail term imposed can provide a 404  
driver's intervention program, the court shall sentence the 405  
offender to a mandatory jail term of at least six consecutive 406  
days. 407

The court may require the offender, under a community control 408  
sanction imposed under section 2929.25 of the Revised Code, to 409  
attend and satisfactorily complete any treatment or education 410  
programs that comply with the minimum standards adopted pursuant 411  
to Chapter 3793. of the Revised Code by the director of alcohol 412  
and drug addiction services, in addition to the required 413  
attendance at drivers' intervention program, that the operators of 414  
the drivers' intervention program determine that the offender 415  
should attend and to report periodically to the court on the 416  
offender's progress in the programs. The court also may impose any 417  
other conditions of community control on the offender that it 418  
considers necessary. 419

(iii) In all cases, a fine of not less than ~~two~~ three hundred 420  
fifty twenty-five and not more than one thousand seventy-five 421  
dollars; 422

(iv) In all cases, a class five license suspension of the 423  
offender's driver's or commercial driver's license or permit or 424  
nonresident operating privilege from the range specified in 425  
division (A)(5) of section 4510.02 of the Revised Code. The court 426

may grant limited driving privileges relative to the suspension 427  
under sections 4510.021 and 4510.13 of the Revised Code. 428

(b) Except as otherwise provided in division (G)(1)(e) of 429  
this section, an offender who, within six years of the offense, 430  
previously has been convicted of or pleaded guilty to one 431  
violation of division (A) or (B) of this section or one other 432  
equivalent offense is guilty of a misdemeanor of the first degree. 433  
The court shall sentence the offender to all of the following: 434

(i) If the sentence is being imposed for a violation of 435  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 436  
mandatory jail term of ten consecutive days. The court shall 437  
impose the ten-day mandatory jail term under this division unless, 438  
subject to division (G)(3) of this section, it instead imposes a 439  
sentence under that division consisting of both a jail term and a 440  
term of house arrest with electronic monitoring, with continuous 441  
alcohol monitoring, or with both electronic monitoring and 442  
continuous alcohol monitoring. The court may impose a jail term in 443  
addition to the ten-day mandatory jail term. The cumulative jail 444  
term imposed for the offense shall not exceed six months. 445

In addition to the jail term or the term of house arrest with 446  
electronic monitoring or continuous alcohol monitoring or both 447  
types of monitoring and jail term, the court may require the 448  
offender to attend a drivers' intervention program that is 449  
certified pursuant to section 3793.10 of the Revised Code. If the 450  
operator of the program determines that the offender is alcohol 451  
dependent, the program shall notify the court, and, subject to 452  
division (I) of this section, the court shall order the offender 453  
to obtain treatment through an alcohol and drug addiction program 454  
authorized by section 3793.02 of the Revised Code. 455

(ii) If the sentence is being imposed for a violation of 456  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 457  
section, except as otherwise provided in this division, a 458

mandatory jail term of twenty consecutive days. The court shall 459  
impose the twenty-day mandatory jail term under this division 460  
unless, subject to division (G)(3) of this section, it instead 461  
imposes a sentence under that division consisting of both a jail 462  
term and a term of house arrest with electronic monitoring, with 463  
continuous alcohol monitoring, or with both electronic monitoring 464  
and continuous alcohol monitoring. The court may impose a jail 465  
term in addition to the twenty-day mandatory jail term. The 466  
cumulative jail term imposed for the offense shall not exceed six 467  
months. 468

In addition to the jail term or the term of house arrest with 469  
electronic monitoring or continuous alcohol monitoring or both 470  
types of monitoring and jail term, the court may require the 471  
offender to attend a driver's intervention program that is 472  
certified pursuant to section 3793.10 of the Revised Code. If the 473  
operator of the program determines that the offender is alcohol 474  
dependent, the program shall notify the court, and, subject to 475  
division (I) of this section, the court shall order the offender 476  
to obtain treatment through an alcohol and drug addiction program 477  
authorized by section 3793.02 of the Revised Code. 478

(iii) In all cases, notwithstanding the fines set forth in 479  
Chapter 2929. of the Revised Code, a fine of not less than ~~three~~ 480  
four hundred fifty seventy-five and not more than one thousand 481  
five six hundred twenty-five dollars; 482

(iv) In all cases, a class four license suspension of the 483  
offender's driver's license, commercial driver's license, 484  
temporary instruction permit, probationary license, or nonresident 485  
operating privilege from the range specified in division (A)(4) of 486  
section 4510.02 of the Revised Code. The court may grant limited 487  
driving privileges relative to the suspension under sections 488  
4510.021 and 4510.13 of the Revised Code. 489

(v) In all cases, if the vehicle is registered in the 490



offender's name, immobilization of the vehicle involved in the 491  
offense for ninety days in accordance with section 4503.233 of the 492  
Revised Code and impoundment of the license plates of that vehicle 493  
for ninety days. 494

(c) Except as otherwise provided in division (G)(1)(e) of 495  
this section, an offender who, within six years of the offense, 496  
previously has been convicted of or pleaded guilty to two 497  
violations of division (A) or (B) of this section or other 498  
equivalent offenses is guilty of a misdemeanor. The court shall 499  
sentence the offender to all of the following: 500

(i) If the sentence is being imposed for a violation of 501  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 502  
mandatory jail term of thirty consecutive days. The court shall 503  
impose the thirty-day mandatory jail term under this division 504  
unless, subject to division (G)(3) of this section, it instead 505  
imposes a sentence under that division consisting of both a jail 506  
term and a term of house arrest with electronic monitoring, with 507  
continuous alcohol monitoring, or with both electronic monitoring 508  
and continuous alcohol monitoring. The court may impose a jail 509  
term in addition to the thirty-day mandatory jail term. 510  
Notwithstanding the jail terms set forth in sections 2929.21 to 511  
2929.28 of the Revised Code, the additional jail term shall not 512  
exceed one year, and the cumulative jail term imposed for the 513  
offense shall not exceed one year. 514

(ii) If the sentence is being imposed for a violation of 515  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 516  
section, a mandatory jail term of sixty consecutive days. The 517  
court shall impose the sixty-day mandatory jail term under this 518  
division unless, subject to division (G)(3) of this section, it 519  
instead imposes a sentence under that division consisting of both 520  
a jail term and a term of house arrest with electronic monitoring, 521  
with continuous alcohol monitoring, or with both electronic 522

monitoring and continuous alcohol monitoring. The court may impose 523  
a jail term in addition to the sixty-day mandatory jail term. 524  
Notwithstanding the jail terms set forth in sections 2929.21 to 525  
2929.28 of the Revised Code, the additional jail term shall not 526  
exceed one year, and the cumulative jail term imposed for the 527  
offense shall not exceed one year. 528

(iii) In all cases, notwithstanding the fines set forth in 529  
Chapter 2929. of the Revised Code, a fine of not less than ~~five~~ 530  
eight hundred ~~fifty~~ and not more than two thousand ~~five~~ seven 531  
hundred fifty dollars; 532

(iv) In all cases, a class three license suspension of the 533  
offender's driver's license, commercial driver's license, 534  
temporary instruction permit, probationary license, or nonresident 535  
operating privilege from the range specified in division (A)(3) of 536  
section 4510.02 of the Revised Code. The court may grant limited 537  
driving privileges relative to the suspension under sections 538  
4510.021 and 4510.13 of the Revised Code. 539

(v) In all cases, if the vehicle is registered in the 540  
offender's name, criminal forfeiture of the vehicle involved in 541  
the offense in accordance with section 4503.234 of the Revised 542  
Code. Division (G)(6) of this section applies regarding any 543  
vehicle that is subject to an order of criminal forfeiture under 544  
this division. 545

(vi) In all cases, participation in an alcohol and drug 546  
addiction program authorized by section 3793.02 of the Revised 547  
Code, subject to division (I) of this section. 548

(d) Except as otherwise provided in division (G)(1)(e) of 549  
this section, an offender who, within six years of the offense, 550  
previously has been convicted of or pleaded guilty to three or 551  
four violations of division (A) or (B) of this section or other 552  
equivalent offenses or an offender who, within twenty years of the 553

offense, previously has been convicted of or pleaded guilty to 554  
five or more violations of that nature is guilty of a felony of 555  
the fourth degree. The court shall sentence the offender to all of 556  
the following: 557

(i) If the sentence is being imposed for a violation of 558  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 559  
mandatory prison term of one, two, three, four, or five years as 560  
required by and in accordance with division (G)(2) of section 561  
2929.13 of the Revised Code if the offender also is convicted of 562  
or also pleads guilty to a specification of the type described in 563  
section 2941.1413 of the Revised Code or, in the discretion of the 564  
court, either a mandatory term of local incarceration of sixty 565  
consecutive days in accordance with division (G)(1) of section 566  
2929.13 of the Revised Code or a mandatory prison term of sixty 567  
consecutive days in accordance with division (G)(2) of that 568  
section if the offender is not convicted of and does not plead 569  
guilty to a specification of that type. If the court imposes a 570  
mandatory term of local incarceration, it may impose a jail term 571  
in addition to the sixty-day mandatory term, the cumulative total 572  
of the mandatory term and the jail term for the offense shall not 573  
exceed one year, and, except as provided in division (A)(1) of 574  
section 2929.13 of the Revised Code, no prison term is authorized 575  
for the offense. If the court imposes a mandatory prison term, 576  
notwithstanding division (A)(4) of section 2929.14 of the Revised 577  
Code, it also may sentence the offender to a definite prison term 578  
that shall be not less than six months and not more than thirty 579  
months and the prison terms shall be imposed as described in 580  
division (G)(2) of section 2929.13 of the Revised Code. If the 581  
court imposes a mandatory prison term or mandatory prison term and 582  
additional prison term, in addition to the term or terms so 583  
imposed, the court also may sentence the offender to a community 584  
control sanction for the offense, but the offender shall serve all 585  
of the prison terms so imposed prior to serving the community 586

control sanction. 587

(ii) If the sentence is being imposed for a violation of 588  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 589  
section, a mandatory prison term of one, two, three, four, or five 590  
years as required by and in accordance with division (G)(2) of 591  
section 2929.13 of the Revised Code if the offender also is 592  
convicted of or also pleads guilty to a specification of the type 593  
described in section 2941.1413 of the Revised Code or, in the 594  
discretion of the court, either a mandatory term of local 595  
incarceration of one hundred twenty consecutive days in accordance 596  
with division (G)(1) of section 2929.13 of the Revised Code or a 597  
mandatory prison term of one hundred twenty consecutive days in 598  
accordance with division (G)(2) of that section if the offender is 599  
not convicted of and does not plead guilty to a specification of 600  
that type. If the court imposes a mandatory term of local 601  
incarceration, it may impose a jail term in addition to the one 602  
hundred twenty-day mandatory term, the cumulative total of the 603  
mandatory term and the jail term for the offense shall not exceed 604  
one year, and, except as provided in division (A)(1) of section 605  
2929.13 of the Revised Code, no prison term is authorized for the 606  
offense. If the court imposes a mandatory prison term, 607  
notwithstanding division (A)(4) of section 2929.14 of the Revised 608  
Code, it also may sentence the offender to a definite prison term 609  
that shall be not less than six months and not more than thirty 610  
months and the prison terms shall be imposed as described in 611  
division (G)(2) of section 2929.13 of the Revised Code. If the 612  
court imposes a mandatory prison term or mandatory prison term and 613  
additional prison term, in addition to the term or terms so 614  
imposed, the court also may sentence the offender to a community 615  
control sanction for the offense, but the offender shall serve all 616  
of the prison terms so imposed prior to serving the community 617  
control sanction. 618

(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 650  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 651  
mandatory prison term of one, two, three, four, or five years as 652  
required by and in accordance with division (G)(2) of section 653  
2929.13 of the Revised Code if the offender also is convicted of 654  
or also pleads guilty to a specification of the type described in 655  
section 2941.1413 of the Revised Code or a mandatory prison term 656  
of sixty consecutive days in accordance with division (G)(2) of 657  
section 2929.13 of the Revised Code if the offender is not 658  
convicted of and does not plead guilty to a specification of that 659  
type. The court may impose a prison term in addition to the 660  
mandatory prison term. The cumulative total of a sixty-day 661  
mandatory prison term and the additional prison term for the 662  
offense shall not exceed five years. In addition to the mandatory 663  
prison term or mandatory prison term and additional prison term 664  
the court imposes, the court also may sentence the offender to a 665  
community control sanction for the offense, but the offender shall 666  
serve all of the prison terms so imposed prior to serving the 667  
community control sanction. 668

(ii) If the sentence is being imposed for a violation of 669  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 670  
section, a mandatory prison term of one, two, three, four, or five 671  
years as required by and in accordance with division (G)(2) of 672  
section 2929.13 of the Revised Code if the offender also is 673  
convicted of or also pleads guilty to a specification of the type 674  
described in section 2941.1413 of the Revised Code or a mandatory 675  
prison term of one hundred twenty consecutive days in accordance 676  
with division (G)(2) of section 2929.13 of the Revised Code if the 677  
offender is not convicted of and does not plead guilty to a 678  
specification of that type. The court may impose a prison term in 679  
addition to the mandatory prison term. The cumulative total of a 680  
one hundred twenty-day mandatory prison term and the additional 681  
prison term for the offense shall not exceed five years. In 682

addition to the mandatory prison term or mandatory prison term and 683  
additional prison term the court imposes, the court also may 684  
sentence the offender to a community control sanction for the 685  
offense, but the offender shall serve all of the prison terms so 686  
imposed prior to serving the community control sanction. 687

(iii) In all cases, notwithstanding section 2929.18 of the 688  
Revised Code, a fine of not less than ~~eight~~ one thousand three 689  
hundred nor more than ten thousand five hundred dollars; 690

(iv) In all cases, a class two license suspension of the 691  
offender's driver's license, commercial driver's license, 692  
temporary instruction permit, probationary license, or nonresident 693  
operating privilege from the range specified in division (A)(2) of 694  
section 4510.02 of the Revised Code. The court may grant limited 695  
driving privileges relative to the suspension under sections 696  
4510.021 and 4510.13 of the Revised Code. 697

(v) In all cases, if the vehicle is registered in the 698  
offender's name, criminal forfeiture of the vehicle involved in 699  
the offense in accordance with section 4503.234 of the Revised 700  
Code. Division (G)(6) of this section applies regarding any 701  
vehicle that is subject to an order of criminal forfeiture under 702  
this division. 703

(vi) In all cases, participation in an alcohol and drug 704  
addiction program authorized by section 3793.02 of the Revised 705  
Code, subject to division (I) of this section. 706

(2) An offender who is convicted of or pleads guilty to a 707  
violation of division (A) of this section and who subsequently 708  
seeks reinstatement of the driver's or occupational driver's 709  
license or permit or nonresident operating privilege suspended 710  
under this section as a result of the conviction or guilty plea 711  
shall pay a reinstatement fee as provided in division (F)(2) of 712  
section 4511.191 of the Revised Code. 713

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

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

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



types of monitoring shall not exceed six months. The ten 746  
consecutive days in jail do not have to be served prior to or 747  
consecutively to the period of house arrest. 748

As an alternative to a mandatory jail term of thirty 749  
consecutive days required by division (G)(1)(c)(i) of this 750  
section, the court, under this division, may sentence the offender 751  
to fifteen consecutive days in jail and not less than fifty-five 752  
consecutive days of house arrest with electronic monitoring, with 753  
continuous alcohol monitoring, or with both electronic monitoring 754  
and continuous alcohol monitoring. The cumulative total of the 755  
fifteen consecutive days in jail and the period of house arrest 756  
with electronic monitoring, continuous alcohol monitoring, or both 757  
types of monitoring shall not exceed one year. The fifteen 758  
consecutive days in jail do not have to be served prior to or 759  
consecutively to the period of house arrest. 760

As an alternative to the mandatory jail term of sixty 761  
consecutive days required by division (G)(1)(c)(ii) of this 762  
section, the court, under this division, may sentence the offender 763  
to thirty consecutive days in jail and not less than one hundred 764  
ten consecutive days of house arrest with electronic monitoring, 765  
with continuous alcohol monitoring, or with both electronic 766  
monitoring and continuous alcohol monitoring. The cumulative total 767  
of the thirty consecutive days in jail and the period of house 768  
arrest with electronic monitoring, continuous alcohol monitoring, 769  
or both types of monitoring shall not exceed one year. The thirty 770  
consecutive days in jail do not have to be served prior to or 771  
consecutively to the period of house arrest. 772

(4) If an offender's driver's or occupational driver's 773  
license or permit or nonresident operating privilege is suspended 774  
under division (G) of this section and if section 4510.13 of the 775  
Revised Code permits the court to grant limited driving 776  
privileges, the court may grant the limited driving privileges in 777

accordance with that section. If division (A)(7) of that section 778  
requires that the court impose as a condition of the privileges 779  
that the offender must display on the vehicle that is driven 780  
subject to the privileges restricted license plates that are 781  
issued under section 4503.231 of the Revised Code, except as 782  
provided in division (B) of that section, the court shall impose 783  
that condition as one of the conditions of the limited driving 784  
privileges granted to the offender, except as provided in division 785  
(B) of section 4503.231 of the Revised Code. 786

(5) Fines imposed under this section for a violation of 787  
division (A) of this section shall be distributed as follows: 788

(a) Twenty-five dollars of the fine imposed under division 789  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 790  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 791  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 792  
dollars of the fine imposed under division (G)(1)(d)(iii) or 793  
(e)(iii) of this section shall be paid to an enforcement and 794  
education fund established by the legislative authority of the law 795  
enforcement agency in this state that primarily was responsible 796  
for the arrest of the offender, as determined by the court that 797  
imposes the fine. The agency shall use this share to pay only 798  
those costs it incurs in enforcing this section or a municipal OVI 799  
ordinance and in informing the public of the laws governing the 800  
operation of a vehicle while under the influence of alcohol, the 801  
dangers of the operation of a vehicle under the influence of 802  
alcohol, and other information relating to the operation of a 803  
vehicle under the influence of alcohol and the consumption of 804  
alcoholic beverages. 805

(b) Fifty dollars of the fine imposed under division 806  
(G)(1)(a)(iii) of this section shall be paid to the political 807  
subdivision that pays the cost of housing the offender during the 808  
offender's term of incarceration. If the offender is being 809

sentenced for a violation of division (A)(1)(a), (b), (c), (d), 810  
(e), or (j) of this section and was confined as a result of the 811  
offense prior to being sentenced for the offense but is not 812  
sentenced to a term of incarceration, the fifty dollars shall be 813  
paid to the political subdivision that paid the cost of housing 814  
the offender during that period of confinement. The political 815  
subdivision shall use the share under this division to pay or 816  
reimburse incarceration or treatment costs it incurs in housing or 817  
providing drug and alcohol treatment to persons who violate this 818  
section or a municipal OVI ordinance, costs of any immobilizing or 819  
disabling device used on the offender's vehicle, and costs of 820  
electronic house arrest equipment needed for persons who violate 821  
this section. 822

(c) Twenty-five dollars of the fine imposed under division 823  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 824  
division (G)(1)(b)(iii) of this section shall be deposited into 825  
the county or municipal indigent drivers' alcohol treatment fund 826  
under the control of that court, as created by the county or 827  
municipal corporation under division (N) of section 4511.191 of 828  
the Revised Code. 829

(d) One hundred fifteen dollars of the fine imposed under 830  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 831  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 832  
dollars of the fine imposed under division (G)(1)(d)(iii) or 833  
(e)(iii) of this section shall be paid to the political 834  
subdivision that pays the cost of housing the offender during the 835  
offender's term of incarceration. The political subdivision shall 836  
use this share to pay or reimburse incarceration or treatment 837  
costs it incurs in housing or providing drug and alcohol treatment 838  
to persons who violate this section or a municipal OVI ordinance, 839  
costs for any immobilizing or disabling device used on the 840  
offender's vehicle, and costs of electronic house arrest equipment 841

needed for persons who violate this section. 842

(e) Seventy-five dollars of the fine imposed under division 843  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 844  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 845  
of the fine imposed under division (G)(1)(c)(iii), and five 846  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 847  
or (e)(iii) of this section shall be transmitted to the treasurer 848  
of state for deposit into the indigent defense support fund 849  
established under section 120.08 of the Revised Code. 850

(f) The balance of the fine imposed under division 851  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 852  
section shall be disbursed as otherwise provided by law. 853

(6) If title to a motor vehicle that is subject to an order 854  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 855  
this section is assigned or transferred and division (B)(2) or (3) 856  
of section 4503.234 of the Revised Code applies, in addition to or 857  
independent of any other penalty established by law, the court may 858  
fine the offender the value of the vehicle as determined by 859  
publications of the national auto dealers association. The 860  
proceeds of any fine so imposed shall be distributed in accordance 861  
with division (C)(2) of that section. 862

(7) As used in division (G) of this section, "electronic 863  
monitoring," "mandatory prison term," and "mandatory term of local 864  
incarceration" have the same meanings as in section 2929.01 of the 865  
Revised Code. 866

(H) Whoever violates division (B) of this section is guilty 867  
of operating a vehicle after underage alcohol consumption and 868  
shall be punished as follows: 869

(1) Except as otherwise provided in division (H)(2) of this 870  
section, the offender is guilty of a misdemeanor of the fourth 871  
degree. In addition to any other sanction imposed for the offense, 872

the court shall impose a class six suspension of the offender's 873  
driver's license, commercial driver's license, temporary 874  
instruction permit, probationary license, or nonresident operating 875  
privilege from the range specified in division (A)(6) of section 876  
4510.02 of the Revised Code. 877

(2) If, within one year of the offense, the offender 878  
previously has been convicted of or pleaded guilty to one or more 879  
violations of division (A) or (B) of this section or other 880  
equivalent offenses, the offender is guilty of a misdemeanor of 881  
the third degree. In addition to any other sanction imposed for 882  
the offense, the court shall impose a class four suspension of the 883  
offender's driver's license, commercial driver's license, 884  
temporary instruction permit, probationary license, or nonresident 885  
operating privilege from the range specified in division (A)(4) of 886  
section 4510.02 of the Revised Code. 887

(3) If the offender also is convicted of or also pleads 888  
guilty to a specification of the type described in section 889  
2941.1416 of the Revised Code and if the court imposes a jail term 890  
for the violation of division (B) of this section, the court shall 891  
impose upon the offender an additional definite jail term pursuant 892  
to division (E) of section 2929.24 of the Revised Code. 893

(I)(1) No court shall sentence an offender to an alcohol 894  
treatment program under this section unless the treatment program 895  
complies with the minimum standards for alcohol treatment programs 896  
adopted under Chapter 3793. of the Revised Code by the director of 897  
alcohol and drug addiction services. 898

(2) An offender who stays in a drivers' intervention program 899  
or in an alcohol treatment program under an order issued under 900  
this section shall pay the cost of the stay in the program. 901  
However, if the court determines that an offender who stays in an 902  
alcohol treatment program under an order issued under this section 903  
is unable to pay the cost of the stay in the program, the court 904

may order that the cost be paid from the court's indigent drivers' alcohol treatment fund. 905  
906

(J) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension. 907  
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(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply: 912  
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(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs. 919  
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(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions. 922  
923

(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol. 924  
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(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section. 930  
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(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 936  
as adopted by the supreme court under authority of section 2937.46 937  
of the Revised Code, do not apply to felony violations of this 938  
section. Subject to division (N)(2) of this section, the Rules of 939  
Criminal Procedure apply to felony violations of this section. 940

(2) If, on or after January 1, 2004, the supreme court 941  
modifies the Ohio Traffic Rules to provide procedures to govern 942  
felony violations of this section, the modified rules shall apply 943  
to felony violations of this section. 944

**Sec. 4519.02.** (A) Except as provided in divisions (B), (C), 945  
and (D) of this section, no person shall operate any snowmobile, 946  
off-highway motorcycle, or all-purpose vehicle within this state 947  
unless the snowmobile, off-highway motorcycle, or all-purpose 948  
vehicle is registered and numbered in accordance with sections 949  
4519.03 and 4519.04 of the Revised Code. 950

(B) No registration is required for a snowmobile, off-highway 951  
motorcycle, or all-purpose vehicle that is operated exclusively 952  
upon lands owned by the owner of the snowmobile, off-highway 953  
motorcycle, or all-purpose vehicle, or on lands to which the owner 954  
has a contractual right. 955

(C) No registration is required for a snowmobile, off-highway 956  
motorcycle, or all-purpose vehicle owned and used in this state by 957  
a resident of another state whenever that state has in effect a 958  
registration law similar to this chapter and the snowmobile, 959  
off-highway motorcycle, or all-purpose vehicle is properly 960  
registered under that state's law. Any snowmobile, off-highway 961  
motorcycle, or all-purpose vehicle owned and used in this state by 962  
a ~~person who is not~~ a resident of ~~this a~~ state not having a 963  
registration law similar to this chapter shall comply with section 964  
4519.09 of the Revised Code. 965

(D) No registration is required for a snowmobile, off-highway 966

motorcycle, or all-purpose vehicle owned and used in this state by 967  
the United States, another state, or a political subdivision 968  
thereof, but the snowmobile, off-highway motorcycle, or 969  
all-purpose vehicle shall display the name of the owner thereon. 970

(E) The owner or operator of any all-purpose vehicle operated 971  
or used upon the waters in this state shall comply with Chapters 972  
1547. and 1548. of the Revised Code relative to the operation of 973  
watercraft. 974

(F) Except as otherwise provided in this division, whoever 975  
violates division (A) of this section shall be fined not more than 976  
twenty-five dollars. If the offender previously has been convicted 977  
of or pleaded guilty to a violation of division (A) of this 978  
section, whoever violates division (A) of this section shall be 979  
fined not less than twenty-five nor more than fifty dollars. 980

**Sec. 4519.09.** Every owner or operator of a snowmobile, 981  
off-highway motorcycle, or all-purpose vehicle who is ~~not~~ a 982  
resident of ~~this~~ a state not having a registration law similar to 983  
this chapter, and who expects to use the snowmobile, off-highway 984  
motorcycle, or all-purpose vehicle in Ohio, shall apply to the 985  
registrar of motor vehicles or a deputy registrar for a temporary 986  
operating permit. The temporary operating permit shall be issued 987  
for a period not to exceed fifteen days from the date of issuance, 988  
shall be in such form as the registrar determines, shall include 989  
the name and address of the owner and operator of the snowmobile, 990  
off-highway motorcycle, or all-purpose vehicle, and any other 991  
information as the registrar considers necessary, and shall be 992  
issued upon payment of a fee of five dollars. Every owner or 993  
operator receiving a temporary operating permit shall display it 994  
upon the reasonable request of any law enforcement officer or 995  
other person as authorized by sections 4519.42 and 4519.43 of the 996  
Revised Code. 997



**Section 2.** That existing sections 4511.19, 4519.02, and 998  
4519.09 of the Revised Code are hereby repealed. 999

**Section 3.** All appropriation items in this section are hereby 1000  
appropriated as designated out of moneys in the state treasury to 1001  
the credit of the Indigent Defense Support Fund. For all 1002  
appropriations made in this act, the amounts in the first column 1003  
are for fiscal year 2008, and the amounts in the second column are 1004  
for fiscal year 2009. The appropriations made in this act are in 1005  
addition to any other appropriations made for the FY 2008-2009 1006  
biennium. 1007

PUB OHIO PUBLIC DEFENDER COMMISSION 1008

State Special Revenue Fund 1009

5DY 019-618 Indigent Defense	\$	3,700,000	\$	3,700,000	1010
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Support Fund

TOTAL SSR State Special Revenue	\$	3,700,000	\$	3,700,000	1011
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Fund

TOTAL ALL BUDGET FUND GROUPS	\$	3,700,000	\$	3,700,000	1012
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**Section 4.** All items in this section are hereby appropriated 1014  
as designated out of any moneys in the state treasury to the 1015  
credit of the Operating Expenses Fund (Fund 5M8). For all 1016  
appropriations made in this act, those in the first column are for 1017  
fiscal year 2008 and those in the second column are for fiscal 1018  
year 2009. The appropriations made in this act are in addition to 1019  
any other appropriations made for the FY 2008-2009 biennium. 1020

Appropriations

TUP Tobacco Use Prevention Foundation 1021

Tobacco Master Settlement Agreement Fund Group 1022

5M8 970-601 Operating Expenses	\$	0	\$	1,990,790	1023
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TOTAL TSF Tobacco Master Settlement	\$	0	\$	1,990,790	1024
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Agreement Fund Group

TOTAL ALL BUDGET FUND GROUPS                   \$                   0 \$           1,990,790           1025

**Section 5.** Within the limits set forth in this act, the                   1027  
Director of Budget and Management shall establish accounts                   1028  
indicating the source and amount of money for each appropriation           1029  
made in this act and shall determine the form and manner in which           1030  
appropriation accounts shall be maintained. Expenditures from           1031  
appropriations contained in this act shall be accounted for as           1032  
though made in Am. Sub. H.B. 119 of the 127th General Assembly.           1033

The appropriations made in this act are subject to all                   1034  
provisions of Am. Sub. H.B. 119 of the 127th General Assembly that           1035  
are generally applicable to such appropriations.                           1036

**Section 6.** Except as otherwise specifically provided in this           1037  
act, the sections of law contained in this act and the items of           1038  
which they are composed are not subject to the referendum.           1039  
Therefore, under Ohio Constitution, Article II, Section 1d and           1040  
section 1.471 of the Revised Code, the sections of law contained           1041  
in this act and the items of which they are composed go into           1042  
immediate effect when this act becomes law.                           1043

**Section 7.** Sections 4519.02 and 4519.09 of the Revised Code,           1044  
as amended by this act, are subject to the referendum. Therefore,           1045  
under Ohio Constitution, Article II, Section 1c and section 1.471           1046  
of the Revised Code, the sections as amended by this act take           1047  
effect on the ninety-first day after this act is filed with the           1048  
Secretary of State. If, however, a referendum petition is filed           1049  
against either section as amended by this act, the section as           1050  
amended, unless rejected at the referendum, takes effect at the           1051  
earliest time permitted by law.   1052